



Notice of a meeting of Planning Committee

**Thursday, 20 January 2022
6.00 pm**

Council Chamber - Municipal Offices

Membership	
Councillors:	Garth Barnes (Chair), Paul Baker (Vice-Chair), Barbara Clark, Bernard Fisher, Stephan Fifield, Paul McCloskey, Tony Oliver, John Payne, Richard Pineger, Diggory Seacome and Simon Wheeler

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

Important Notice

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At the start of the meeting the Chair will confirm this.

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Agenda

- 1. APOLOGIES**
- 2. DECLARATIONS OF INTEREST**
- 3. DECLARATIONS OF INDEPENDENT SITE VISITS**
- 4. MINUTES OF LAST MEETING** (Pages 3 - 8)
Minutes of meeting held on 16th December 2021.
- 5. PLANNING/LISTED BUILDING/CONSERVATION AREA
CONSENT/ADVERTISEMENT APPLICATIONS,
APPLICATIONS FOR LAWFUL DEVELOPMENT
CERTIFICATE AND TREE RELATED APPLICATIONS –
SEE MAIN SCHEDULE**

- | | | |
|----|--|-------------------|
| 5a | 21/00847/REM Land at Kidnappers Lane,
Cheltenham
Planning application documents | (Pages 9 - 28) |
| 5b | 21/01265/FUL & LBC 12 Royal Crescent,
Cheltenham GL50 3DA
Planning application documents | (Pages 29 - 52) |
| 5c | 21/02409/FUL Avenue Lodge, Chargrove Lane, Up
Hatherley, Cheltenham GL51 3LD
Planning application documents. | (Pages 53 - 84) |
| 5d | 21/02675/FUL Burrows Field, Moorend Grove,
Cheltenham
Planning application documents | (Pages 85 - 102) |
| 5e | 21/02729/FUL 90 All Saints Road, Cheltenham
GL52 2HQ
Planning application documents | (Pages 103 - 108) |
| 6. | APPEAL UPDATES | (Pages 109 - 110) |
| 7. | ANY OTHER ITEMS THE CHAIRMAN DETERMINES
URGENT AND REQUIRES A DECISION | |

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

Planning Committee

Thursday, 16th December, 2021

6.00 - 7.27 pm

Attendees	
Councillors:	Councillor Paul Baker (Vice-Chair), Councillor Bernard Fisher, Councillor Paul McCloskey, Councillor Tony Oliver, Councillor John Payne, Councillor Richard Pinegar, Councillor Diggory Seacome and Councillor Simon Wheeler
Officers in Attendance:	Ben Warren (Planning Officer), Nick Jonathan (Solicitor), Michelle Payne (Senior Planning Officer) and Andrew Robbins (Interim Head of Planning)

1. Apologies

Apologies were received from Cllrs Barnes, Clark and Fifield. In Cllr Barnes absence the Vice Chair Cllr Baker chaired the meeting.

2. Declarations of Interest

There were none.

3. Declarations of independent site visits

Cllr Oliver visited the Andover Road site and Lypiatt Road

Cllr Baker visited Andover Road and the Minster

Cllrs Pinegar, McCloskey, Payne and Seacome had visited all sites.

4. Minutes of last meeting

The minutes of the last meeting held on 18 November were agreed 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. 20/01788/FUL Land at Shurdington Road

The Chair explained that this item had been deferred to a future meeting, as since being published it had raised a huge amount of interest locally, generating much correspondence and various questions. The Interim Head of Planning felt it better to answer those questions and amend the report, making it more comprehensive and leading to better decision making. The report would potentially be heard at February's committee.

7. 21/01447/FUL Lypiatt House, Lypiatt Road

The Senior Planning Officer introduced the report relating to a single storey car port building at Lypiatt House, stating that this item was deferred from the last meeting in order for the applicant to make additional design changes. The concerns mainly related to the timber doors which had now been removed in their entirety and the timber posts would be painted white to match the render finish on the rest of the building.

In response to a member question on the definition of a car port, the Officer stated that a door would not be expected on a car port and that this revised application related better to the conservation area with the doors removed, giving it a less rural feel. The Officer was satisfied that the proposed changes met the requirements.

A member commented that it was not ideal or perfect but that the applicant had gone a long way to meet the requirements, so would support it.

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

FOR : 8

AGAINST : 0

ABSTAIN : 0

GRANTED unanimously

8. 21/02019/FUL St Marys Church, Well Walk

The Senior Planning Officer introduced the report relating to various external works within the grounds of Cheltenham Minster in connection with the Minster Exchange regeneration project. The application was at Committee as Cheltenham Borough Council was the applicant.

Mark Sheldon, Director of Corporate Projects Cheltenham Borough Council, spoke in favour of the application stating that the grounds around the Grade I listed Minster were subject to anti-social behaviour and vandalism and were not a place where people wished to spend time. The application proposed significant repair and improvement to the public realm in the churchyard respecting the sensitive space around the church. Seating would be provided, CCTV installed and tree maintenance would provide a lighter space. New planting would enhance the biodiversity of the area and pathways would be upgraded making it accessible for all with improved vehicular access. It would have a positive impact on The Wilson, the library and businesses in the area and would reconnect the space with the High Street and Clarence Street. The regeneration would provide a positive, economic and social impact transforming the area into a more welcoming environmentally friendly space where people would want to spend more time.

In answer to member questions, the Officer confirmed that:

- Bollards would be installed to regulate vehicular access and prevent tyre damage to the area.
- The comments about enhancing the historic lamps would be passed on to the relevant people.
- The brass markers in the pavement would be retained.

The Chair moved to debate and the following comments were made by Members:

- The ambition of the Council to enhance the Minster has to be supported. It is an isolated intimidating space that needs to be enhanced, the designs are good and innovative.
- Concerned that the area currently suffers from much anti-social behaviour and graffiti and not sure these plans will totally alleviate that.
- Needs to be a good maintenance programme for the perennial planting.
- All about ownership – always felt it a threatening space. Need to encourage families to visit the space, take ownership of it and this would change the balance of the feel of the area and highlight the architectural importance of the Minster.
- Anti-social behaviour was down to enforcement, other areas of the town had overcome this problem. If families use the area the anti-social people will move on. The plans will enhance the Minster.
- Need to ensure suitable vehicular access for people with mobility problems attending the church as well as for support services delivering, for example flowers, to the church and area needs to be well maintained once completed.

The Chair concluded by saying this was an area of Cheltenham not to be proud of and that had been let go over the years and that this scheme was a very positive enhancement to the town and would become a great place to spend time. He congratulated the Officers involved in this and gave it his full support.

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

FOR : 8

AGAINST : 0

ABSTAIN : 0

GRANTED unanimously

9. 21/02385/FUL & LBC 76 Andover Road

The Planning Officer introduced the report relating to changes in the revised plans of two previously granted applications for a new garage annexe building to the rear of 76 Andover Road. The changes in plans related to the partial demolition and re-building of two sections of existing garden wall located between properties at 74 and 76, and 76 and 78 Andover Road. The application was at committee at the request of three councillors who were mainly concerned about the heritage asset of the wall.

The Chair invited Objector, Cathy Presland, to address the Committee. She stated she did not oppose the development, but wished to point out that this change was not a proposal for a rebuild or a repair, but for a full demolition and loss of part of a listed wall, which was purely for the convenience of the developer to enable foundations for a two storey building. She said this was not allowed under the law and due process had not been followed. The report did not describe the harm to the listed asset and did not provide any evidence for a lawful decision. Mrs Presland continued that they did want a decision and had consulted with a heritage expert to provide the evidence and he had concluded it would be contrary to published guidance to approve this application. There was no justification for demolition and no public benefit. She concluded she wanted the development to go ahead but wanted the proposed change refused.

In reply to Member questions, the Planning Officer gave the following replies pointing out that in the absence of the Conservation Officer who was unwell, he would not be able to comment as fully on the heritage aspects.

- The information on whether the wall was at risk of collapsing or not, had been supplied by the neighbour.
- Regarding whether proceeding would be unlawful – this had been discussed and the correct process had been followed. The Legal Officer confirmed that he did not have any concerns.
- There were two walls in question in this application, one between 74 and 76 and a smaller section between 76 and 78.
- The matter of ownership of the wall was not a planning matter. It was a shared party wall and the applicant had to adhere to regulations around that.
- The 2 previous applications were not for building inside the historic walls but for over the top and clearly that would not support an additional annexe, hence this application to demolish and rebuild.
- The Conservation Officer would have looked at all documentation including the NPPF and description of heritage assets and made his decision based on those.

The Chair confirmed that if members had conservation questions that could not be answered at the meeting, then in the absence of the Conservation Officer, members could move to defer.

The Interim Head of Planning further explained to members the complicated history to this application. In summary, he stated it related to the heritage value of the wall to be demolished. The original approval was to retain the wall and build up on top of it. The applicant had said this was not structurally possible and whether that was the case or not, the matter was the rebuilding of the wall with the existing stones in traditional format with the

modern part being built off it. The question for members to consider was the historical significance of the wall.

In reply to questions about the historic bricks and if they still had them, the Officer confirmed that the condition stated it should be rebuilt with the salvage bricks but if they did not have the bricks, then agreement from the planning authority would be needed.

Photos showed that some of the historic wall had already gone and the Officer clarified that the wall between 76 and 78 would be integral to the two permitted annexe buildings whereas the wall between 74 and 76 would have an exposed side.

The Chair moved to debate and the following points were made:

- It was a heritage asset, thus the wall should be preserved and be there to be seen. Two applications on the annexes and garage had been granted but should be built without touching the heritage wall. Not happy that now want to knock the wall down and not incorporate it into a new build, thus the heritage asset will have gone. The applicant can build what they want without knocking the wall down and build slightly smaller but the maintenance of the wall was subject for both parties. Would move for refusal.
- Having been advised that the wall was sound and could remain as it was, would support refusal.
- Wall still in place at 30 Tivoli Walk, where there were 5 listed villas.
- Innovative architecture but heritage aspect would be lost as well as any benefit from it, so would support refusal.
- Difficult application, also would not support but need to look at reasons for refusal, possibly NPPF para 194 harm to or loss of significant heritage asset and also SD8 para 3.

Before going to the vote the Officer gave some final comments, stating that some of these points had come up in discussion with the Conservation Officer and he read out the Conservation Officer's comments which included that no harm had been identified and as no harm was perceived, there was no requirement to consider against public benefit.

The Interim Head of Planning clarified that it was part demolition of part of the wall and hoped he had not misled members earlier and reiterated the Conservation Officers view that this was not harmful development. The scheme proposed was to dismantle and rebuild a section of the wall. The wall had lost its uniformity due to past repairs and was leaning and could not be incorporated into the side annexe of the building. Rebuilding using current brick would be legible as part of the boundary wall.

The Chair concluded by saying that harm was subjective and that section 194 of the NPPF stated harm or loss should be exceptional and he could see no justification for the loss of the boundary wall. Benefits should outweigh harm and there were no benefits and development could go ahead without the wall being touched.

The Chair moved to the vote on the Officer recommendations.
Firstly, on the Officer's recommendation to permit the planning application.

FOR : 1
AGAINST : 7
ABSTAIN : 0 **NOT CARRIED**

Secondly, on the Officer's recommendation to grant the listed building consent application.

FOR : 1
AGAINST : 7

ABSTAIN : 0 NOT CARRIED

The Chair then moved to the vote on the motion for refusal on both the planning application and the listed building consent application on the grounds of heritage harm contrary to the NPPF and policy SD8, with the exact refusal reason wording in consultation with the Chair and Vice Chair.

Motion to refuse the planning application:

FOR : 7

AGAINST : 0

ABSTAIN : 1

CARRIED – APPLICATION REFUSED

Motion to refuse the listed building consent application:

FOR : 7

AGAINST : 0

ABSTAIN : 1

CARRIED – APPLICATION REFUSED

10. Appeal Updates

Noted.

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

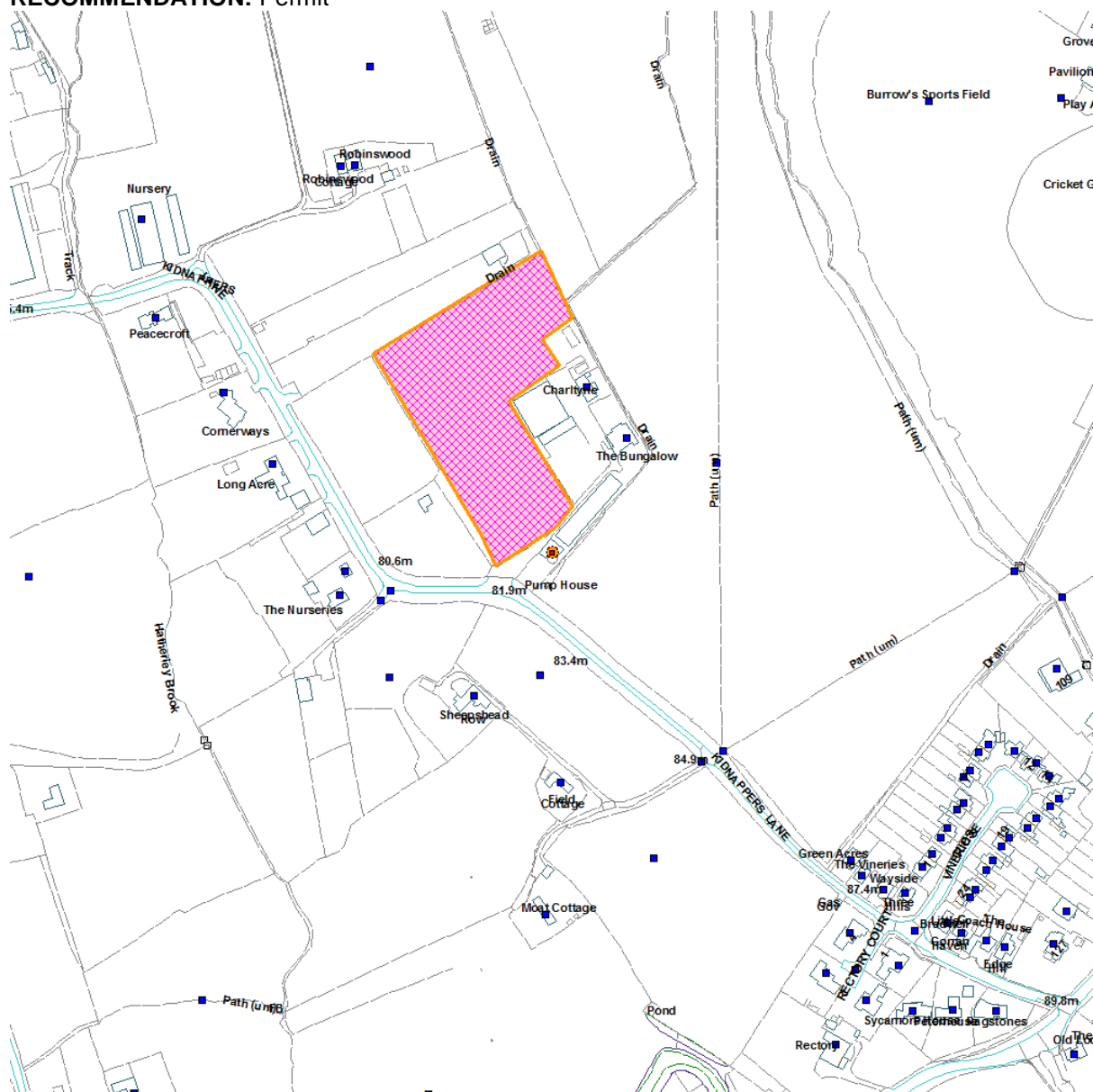
There were none.

Chairman

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APPLICATION NO: 21/00847/REM	OFFICER: Mrs Emma Pickernell
DATE REGISTERED: 14th April 2021	DATE OF EXPIRY: 14th July 2021
DATE VALIDATED: 14th April 2021	DATE OF SITE VISIT:
WARD: Leckhampton	PARISH: Leckhampton With Warden Hill
APPLICANT:	Newland Homes Ltd
AGENT:	
LOCATION:	Land Off Kidnappers Lane Cheltenham
PROPOSAL:	Application for approval of Reserved Matters (conditions; 1, 5, 7 & 13) following Outline Planning Application approval for 25 Dwellings & Associated Works (with all matters reserved) 19/00334/OUT

RECOMMENDATION: Permit



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 Outline planning permission was granted at this site for residential development by way of a Planning Appeal of planning application 19/00334/OUT. The appeal was considered by way of a Public Inquiry held in January 2020, the appeal decision was issued in March 2021. The appeal allowed for the residential development of up to 25 dwellings including 40% affordable housing which was secured via a S106 agreement as part of the appeal process. The principle of residential development on this site has therefore been established.
- 1.2 The development site is located on the edge of Cheltenham and is described by the Planning Inspector in the outline appeal decision as 'it has a pleasant semi-rural character which reflects its proximity to the edge of the town and nearby hills, and together with the adjacent fields its openness makes a positive contribution to the surrounding area.'
- 1.3 The current application proposes to reduce the number of dwellings from 25 to 22, which provides for a looser grain of development than shown on illustrative plan included in the outline permission.
- 1.4 Of note, the application proposes the scheme to be 100% zero carbon. The submission originally suggested that the affordable homes may not be able to meet this target (Although they would have still been low carbon). However confirmation has been received that this will be possible across the scheme.
- 1.5 In response to the initial comments provided by the Parish Council the applicant has had a number of meetings with the Parish. Following these discussion revised and amended details have been submitted with the collective changes including:

Improve the visual aesthetics of the affordable homes and reduce the ridge heights by between 900mm and 1125mm.

Removal of pitched roofs to garages where habitable living is not located above in lieu of extensive green roofs.

Subtle layout amends to omit the pinch points of housing in close proximity to the site boundary.

Provide a greater volume of planting to both the site perimeter and interior layout.

Soften the site entrance (removal of southern footpath, replaced with green verge).

Provide sectional elevations to illustrate the visual presence of our development on Lotts Meadow.

Simplify the material palette for the homes (render omitted).

Increase the size of the 3 bed 5 person to 3 bed 6 person affordable home to meet 95m² gross internal area whilst also complying with the remaining standards set out within the S106 for affordable homes. This increase in property size exceeds the requirements set out in the s106 and as been done to meet local demand.

Include further information relating to the Zero and Low Carbon homes we are proposing

- 1.6 The application is at Planning Committee given the objection from the Parish Council and as requested by Cllr Horwood given the level of development proposed in the area.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Relevant Planning History:

06/01119/FUL 12th October 2006 PER

Relocation of existing polytunnels

07/01651/COU 28th February 2008 PER

Provide a small cafeteria serving snacks and coffee and a small shop selling gifts and garden accessories

16/00202/OUT 21st April 2017 REF

Residential development of up to 45 dwellings, associated infrastructure, open space and landscaping, with creation of new vehicular access from Kidnappers Lane, demolition of existing buildings

19/00334/OUT 23rd March 2020 REF

Residential development of up to 25 dwellings, associated infrastructure, open space and landscaping, with creation of new vehicular access from Kidnappers Lane, Demolition of existing buildings

3. POLICIES AND GUIDANCE

National Planning Policy Framework

Section 2 Achieving sustainable development

Section 4 Decision-making

Section 5 Delivering a sufficient supply of homes

Section 8 Promoting healthy and safe communities

Section 9 Promoting sustainable transport

Section 11 Making effective use of land

Section 12 Achieving well-designed places

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

Section 15 Conserving and enhancing the natural environment

Section 16 Conserving and enhancing the historic environment

Adopted Cheltenham Plan Policies

D1 Design

D3 Private Green Space

L1 Landscape and Setting

HE2 National and Local Archaeological Remains of Importance

BG1 Cotswold Beechwoods Special Area Of Conservation Recreation Pressure

SL1 Safe and Sustainable Living

GI2 Protection and replacement of trees

GI3 Trees and Development

Adopted Joint Core Strategy Policies

SP1 The Need for New Development

SP2 Distribution of New Development

SD3 Sustainable Design and Construction

SD4 Design Requirements

SD6 Landscape

SD7 The Cotswolds Area of Outstanding Natural Beauty

SD8 Historic Environment

SD9 Biodiversity and Geodiversity

SD10 Residential Development

SD11 Housing Mix and Standards

SD12 Affordable Housing

SD14 Health and Environmental Quality

INF1 Transport Network

INF2 Flood Risk Management

INF3 Green Infrastructure
INF4 Social and Community Infrastructure
INF5 Renewable Energy/Low Carbon Energy Development

4. CONSULTATIONS

Architects Panel

18th June 2021 - Design Concept

The panel had no objection to the principle of this development acknowledging that this was established at appeal under application 19/00334/OUT.

The reduced density of the development is positive in that it provides opportunities for some open green spaces which broadly reflect the semi-rural character of the site and allow a suitable transition to the open fields beyond.

The scale and character of the proposed new houses is relatively modest and the layout and mix of house types provides avoids the 'suburban' character of more dense schemes.

Design Detail

The selection of materials, the mix of architectural features, and the tree and hedge planting proposals result in an overall pleasing composition.

Recommendation

Supported.

Cheltenham Civic Society

1st June 2021

Many of the items that have been previously raised have been adopted by the developer and this is pleasing. However, the offer of a meeting with the Society has not been taken up, dialogue is still welcomed. This is an opportunity to provide an exemplar development in sustainable practice which appears to be being missed. The development is suburban in its layout and styling. A more rural design would be appropriate for its location and this coupled with a careful selection of sustainable measures in respect of material selection and energy efficiency and micro generation could make a positive contribution to the strategic objectives of the town in this regard. The design of the attenuation pond should be enhanced to provide better amenity for residents and wild life.

Reference to timber effect cladding is made. The use of real timber for this location is considered appropriate. The specification for cladding is also lacking in detail and this should be developed to ensure matters of flammability and fire spread are addressed.

Parish Council (On revised plans)

30th September 2021 - Comments by Leckhampton with Warden Hill Parish Council on the Revised Application of 7 September 2021

The Parish Council has had several meetings with Newland Homes and would like to thank Newland's staff for their time and helpful comments. Some improvements have been made to the application from the point of view of both the Parish Council and Newland. But unfortunately it has not proved possible to resolve the key issue of the height of the proposed houses and of their visibility and impact on the surrounding valued landscape.

On the positive side, Newland Homes have been able to reduce the roof height of the affordable housing as part of a redesign to enlarge the accommodation. The revised application also reinstates the hedges and trees along the north and west boundary of the site, although on the west side the larger size of the houses compared with those in the

outline application does mean the hedge is very close to the housing and will be more limited. Trees have also been added that can help to improve the screening of the housing in due course. However, according to Newland Homes, the hedges and trees will take 15 years or more to reach a sufficient height and those that are within the gardens of the individual properties could also be liable to being cut back by future owners of the properties.

At our request Newland Homes kindly produced revised indicative sections showing how well they would expect the roofs to be screened in 15 years time. We did also ask them to provide sections based on the current screening as we felt this would be of greater value to the CBC Planning Committee. But they declined to do this and the analysis given in the Table 1 of the Parish Council's comments of 8 June 2021 is the best indication we have of how visible the roofs will be from the public footpath on the east side of Lotts Meadow. As the upper part of the screening is mainly provided by trees rather than thick hedge the visibility of the roofs will also be greater in winter when the trees are bare.

The Parish Council would like to commend Newland Homes for making the development almost carbon neutral. The Council did briefly discuss with them the possibility of increasing the solar power generation by reducing the roof angles to be more optimal and possibly making the roofs asymmetric to increase the area of solar panels. Reducing the roof angle would have had the added benefit of reducing the overall roof height. But Newland Homes said they had already looked at this option and felt it would be too radical for this location.

The Council would have liked to have been able to withdraw its objections. But regrettably this is impossible because even with the reduction in the roof height of the affordable housing, the overall impact of the roof heights on the valued landscape remains too severe. The additional tree screening will take at least 15 years to mature and in the meantime the housing will be very visible. Even in 15 years time it would still be much more visible than the housing as proposed in the outline application.

Lotts Meadow is valued landscape and local green space. It is very heavily used by residents from a wide area and it currently has a rural character. The housing in Leckhampton Village is visible from the meadow but that is part of the village. The new estate as proposed will certainly diminish the rural character substantially. The NPPF is quite clear that valued landscape must be protected. This was one of the two grounds on which the Secretary of State refused the Bovis-Miller application to build on the Leckhampton Fields in this area in 2016. It was also the main ground on which CBC twice refused the applications 16/00202/OUT and 19/00344/OUT from Robert Hitchins to build on the site.

The fact that the new secondary school in Farm Lane has damaged the valued landscape, which was the reason that CBC decided to withdraw from the appeal on application 19/00344/OUT, may be relevant to the valued landscape along Kidnappers Lane on the west side of the site (although the impact does not appear to be as much as was perhaps anticipated by CBC). But the new school has not affected the valued landscape of Lotts Meadow or the land to the north. So the issue of the impact on that valued landscape is no less cogent now than it was previously.

The Parish Council appreciates that it is very unattractive commercially for Newland Homes to have to redesign the housing to reduce its impact to a level similar to that of the housing proposed in the outline application 19/00344/OUT. But commercial profit is not a valid reason to override the NPPF requirement to protect the valued landscape. This is not a question of balance between providing more housing and protecting the valued landscape, but between commercial profit and the valued landscape. In that balance commercial profit cannot carry significant weight.

Regrettably therefore, whilst noting the improvements outlined above, the Parish Council has to retain its objection to the application. But the Council is still very keen to find a way forward with Newland Homes over this application that could make it acceptable. The Parish Council has always taken a very positive position on permitting suitably sympathetic development on this site, noting particularly that the site is substantially shielded from view from the observation point on Leckhampton Hill by the line of very tall black poplars along Kidnappers Lane south of the site. It was the Parish Council that in 2014 first proposed development on the site as part of its neighbourhood planning and then worked with Robert Hitchins in 2015 on a possible concept. Nevertheless it is essential to achieve the right balance between local concerns, valued landscape and development. That is the purpose of neighbourhood planning. The Council's draft neighbourhood plan that is currently at the Reg 14 consultation stage and is emerging evidence in the planning system has a section of policies on protecting the valued landscape that bear directly on the application.

The site is not included in allocation MD4 in the current Cheltenham Plan and would constitute additional development. But the policy on MD4 certainly applies equally to it, namely that "development at this location will need to take into account landscape impacts, highways issues and green space'. Also relevant is the Cheltenham Plan Policy L1: Landscape and setting - "Development will only be permitted where it would not harm the setting of Cheltenham including views into or out of areas of acknowledged importance."

The Parish Council several times in the course of the JCS Examination in Public proposed to Inspector Ord both verbally and in writing that sympathetic development might be possible on the site. Inspector Ord declined to include the site in the area where she recommended that development could be permitted. In relation to the Leckhampton Fields generally she said in her Note of Recommendations from 21 July 2016: 'Development at this location will need to ensure that the JCS examination's consideration and findings related to this site are fully taken into account'. That does place an obligation to ensure that in permitting development on the site the valued landscape is properly protected.

These comments should be read in conjunction with the Council's previous comments of 8 June 2021.

Parish Council (Original Plans)

8th June 2021

The Parish Council had a Zoom meeting with Newland Homes at the time that they were acquiring the development rights from Robert Hitchins Ltd following the approval of Hitchins outline application 19/00344/OUT on 4 April 2020. In this Zoom discussion the Parish Council emphasised to Newland Homes that it was critically important to keep the roof heights of the houses low so that they were sufficiently well screened by the boundary hedgerows and trees to comply with the NPPF requirement to protect the surrounding valued landscape. Newland Homes also asked what sort of housing style the Parish Council felt would be best and the Parish Council emphasised the importance of the development being of a rural character and suggested a fairly simple rural style of housing and layout with colours and materials that would blend in well and make the development look like a rural hamlet rather than a suburban estate. In the discussion Newland Homes said they were thinking of reducing the number of houses from the figure of up to 25 in the outline application 19/00344/OUT to as low as 18. The Parish Council supported this lower number on the basis that it could allow more public open space within the site and more planting of larger trees to enhance the rural character and improve the screening within the site.

Given this quite constructive discussion, the Council is surprised and disappointed with what has now emerged in the application 21/00847/REM. The application proposes housing of a more suburban character with high roofs that will be very visible and it has abandoned many of the beneficial mitigations that Robert Hitchins had introduced in

19/00344/OUT to protect the valued landscape and in response to the findings of the appeal on their earlier application 16/00202/OUT.

The Parish Council therefore objects strongly to application 21/00847/REM whilst remaining positive about the potential for suitable development on the site if this adheres more closely to the requirements and proposals in 19/00344/OUT. Specifically the Council objects to application 21/00847/REM on the grounds that:

The site is entirely surrounded by valued landscape. NPPF paragraph 170 requires that valued landscape must be protected. ('170. Planning policies and decisions should contribute to and enhance the natural and local environment by: a) protecting and enhancing valued landscapes...') The application fails to mention the issue of the valued landscape and there is no evidence that the applicant has properly considered this.

The proposed roof heights are substantially higher than proposed in the outline application 19/00344/OUT. This would make the housing very conspicuous as viewed from the valued landscape and would seriously harm the visual amenity, character and appearance of the area. This undermines the approval of the outline application.

The high roofs would also be conspicuous as viewed from the AONB and significantly harm the view from Leckhampton Hill which is a nationally significant viewpoint.

The application removes screening hedges and trees that were a crucial feature in the outline application in reducing the impact on the valued landscape. This again undermines the approval of the outline application.

The proposed reduction in screening on the northern boundary of the site would reduce the quality of views to Leckhampton Hill and the Cotswold Areas of Outstanding Natural Beauty from the public footpath in Robinswood Field to the north of the site.

The application removes features that were introduced in application 19/00344/OUT to give the housing a more rural character in keeping with the character of the area. It has reverted towards the suburban character of the original outline application 16/00202/OUT dated 4 February 2016 that was rejected by CBC on 20 April 2017 and at appeal on 4 April 2018.

further key concern is that the application relies on the screening provided by the existing boundary hedgerows and trees in Lotts Meadow to the southeast and northeast. This screening is not under the control of the applicant. It is essential to ensure that the effectiveness of the screening is maintained and improved and that it is not degraded by future changes including possible cutting back, removal or tree loss. It is also important to ensure that the screening is not undermined by changes to any of the houses including extensions, roof modifications and other changes that would make a house more visible or conspicuous as viewed from the valued landscape and AONB.

Parish Council suggests a possible mechanism might be to designate area ON shown on Map 1 including the boundary hedges and trees on all sides as a conservation area with the same planning constraints as other conservation areas in Cheltenham that have been designated because of their 'special character or appearance worth protecting'. This would ensure that any changes would at least require explicit planning consent. The use of tree preservation orders could also be considered but it is not clear that this could be applied to hedgerows.

County Archaeology

22nd May 2021 -

Thank you for consulting the archaeology department on this application.

I can confirm that all archaeological matters were dealt with during the outline application 19/00334/OUT and I have no further comments to make on the reserved matters application.

GCC Local Flood Authority (LLFA)

21st May 2021 - I have no comments to make with regard to reserved matters (conditions; 1,5,7 & 13) however the Drainage Strategy and the 10 Year Landscape And Maintenance Plan submitted with this application would be suitable to discharge condition 11 of 19/00224/OUT.

Cotswold Conservation Board

24th May 2021 - Thank you for consulting the Cotswolds Conservation Board ('the Board') on this proposed development, which would be located in the setting of 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 the Development in the Setting of the Cotswolds AONB Position Statement (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.
www.legislation.gov.uk/ukpga/2000/37/section/85

3) The documents referred to in our response can be located on the Cotswolds National Landscape website under the following sections

- a. Cotswolds Area of Outstanding Natural Beauty (AONB) Management Plan 2018-2023
www.cotswoldsaonb.org.uk/management-plan
- b. Cotswolds AONB Landscape Character Assessment www.cotswoldsaonb.org.uk/lca
- c. Cotswolds AONB Landscape Strategy and Guidelines www.cotswoldsaonb.org.uk/lsg

d. Cotswolds AONB Local Distinctiveness and Landscape Change

www.cotswoldsaonb.org.uk/ldlc

e. Cotswolds Conservation Board Position Statements

www.cotswoldsaonb.org.uk/ps1

www.cotswoldsaonb.org.uk/ps2

Tree Officer

17th May 2021 - The CBC Tree Section considers that with 2 amendments to the proposed tree landscaping/planting plan, the tree element of the submitted landscape plan (drwg no 20266.101 Rev C of 28.3.21) would be acceptable.

Please could the following be amended/agreed:

1) It is still not clear who is the owner of the cypress Hedge H3 of the tree survey (described as being 'possibly off site') within the tree report within the original application. It is shown as retained on the above landscape plan even though it is described as having 'considerable scope to dominate nearby residential development'. In that this potential very large and fast growing hedge is to the south and immediately adjacent to private gardens, it will cast dense shade and become a serious nuisance to new occupiers of these properties. Provision/agreement must be made with the owner to either remove and replace the hedge or if possible reduce it in height to no more than 2.5-3.5 metres.

2) Whilst a Turkish hazel and 2 birch are recommended for planting at the entrance to the development, it is recommended that this species should be altered to Scots pine as such a species will give year-round colour and interest and reinforce the existence of significant nearby pine trees into the future. Alternatively, other more exotic species of pine (or similar) may also create a year-round landmark at this gateway into the estate (and mitigate for the removal of the previous Bhutan pine removed at the start of this development).

3) The tree element of the (Rev 4 of the Mgmt plan of 31.3.21) vegetation management plan is acceptable.

4) It is noted that para 78 of the appeal decision ('details of tree/hedge protection are also required to ensure the protection of important existing vegetation on and around the site') has not yet been addressed. Therefore a BS5837 (2012) tree protection plan must be formally submitted and agreed to the commencement of any works on site.

17th May 2021 - The *Corylus colurna* suggested to be planted in the northern corner it not recommended. This tree will detract from and could suppress the adjacent existing of site oak. It is recommended that small *Euonymus europaeus* (spindle) are planted here instead.

Tree Officer

8th October 2021 - The MHP Landscape Design Drawing no 26-03-21 Rev G and The Newland Homes Tree Protective Fencing plan (Drawing no 232-14) is sufficient to discharge the tree element. The Newland Homes Tree Protective Fencing plan (Drawing no 232-14) are acceptable.

County Archaeologist

21st May 2021 - Thank you for consulting the archaeology department on this application.

I can confirm that all archaeological matters were dealt with during the outline application 19/00334/OUT and I have no further comments on make on the reserved matters application.

Natural England

18th May 2021 -

SUMMARY OF NATURAL ENGLAND'S ADVICE

NO OBJECTION

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites.

Natural England's generic advice on other natural environment issues is set out at Annex A.

GCC Highways Planning Liaison Officer

15th December 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 recommends that this application be **deferred**.

The justification for this decision is provided below.

This application is a reserved matters application relating to access, appearance, landscaping, layout and scale, in relation to outline application reference 19/00334/OUT which was granted consent at Appeal on 23 March 2020. Further comments are provided below.

Proposed Site Access

Access to the site from the public highway is shown on plan reference 859-SK01 dated 06.09.21. Whilst this junction plan makes reference to the new footway link being provided as part of the School application on Kidnappers Road, the plans do not adequately demonstrate how the proposed access will align with the proposed improvements. Given the improvements on Kidnappers lane form part of an approved improvement scheme, further details should be provided by the applicant. The proposed improvements included dedicated cycleway, and as such the access for this site should conform with the standards within LTN 1/20.

The access drawings show that a new priority junction would be formed serving this development, with the 'through road' from the public highway continuing to serve the existing development to the north. Currently, this development comprises of 2 residential dwellings. Whilst we have no fundamental objection to this layout, the dominate flows of vehicles to the site would be to turn left into this priority junction, and as such it would make more sense for the give way to be amended so that the flows from the existing two dwellings would give way to the new development.

Layout

The main road through the estate is shown to be a shared surface arrangement with no specific pedestrian facilities provided. Several of the plans show a dotted line on the southern side of the carriageway but it is not clear from the plans whether this will be a physical segregation for pedestrians or finished in a different material, and further clarification is sought here.

Manual for Gloucestershire streets (mfgs) does allow for the use of shared spaces, however the applicant must provide additional information and justification for the use of this. Page 35 of mfgs provides further clarification in the use of level surfaces for new estate roads, and a need to provide justification in line with the standards of an 'Innovative Street Design' which are included on pages 34 and 35 of mfgs. In order to consider a shared spaces such as this, then a maximum design speed of

10mph should be used, and features will need to be provided to ensure these design speeds are met. Currently the proposal is too wide and too straight to control vehicular speeds.

Priority should be given to pedestrians/cyclists in these areas and the current design does not encourage this. There are several examples of acceptable features which can be included, including the use of street trees and carriageway narrowing to manage down design speeds.

The tracking assessment shows that a large waste refuse vehicle can safely navigate the site, and we have no objections to the layout in this regard. Several of the drawings show each individual plot will have gates across their driveways. Gates need to be set back by a distance of at least 6 metres from the edge of carriageway, and as such these gates are not considered acceptable.

Car Parking

Car parking standards are provided within manual for Gloucestershire streets and the addendum dated October 2021. The Highway Authority is content with the proposed level of car parking for the dwellings.

It is expected that each dwelling should be provided with an EV charging space, however this can be secured via a planning condition which requires the implementation of this charging infrastructure prior to occupation of the development.

Cycle Parking

Mfgs requires that new dwellings are provided with sheltered secured and easily accessible cycle parking. Where dwellings benefit from a garage this is considered acceptable for cycle storage. The plans indicate plots 9 – 17 do not have any specific cycle storage and this will need to be provided. This could be secured via an appropriately worded planning condition, which should require details of this storage to be provided prior to first occupation.

Whilst the Highway Authority is recommending that the application is deferred to allow the applicant time to amend the plans, the layout as is currently presented is not acceptable and if it were not to be amended we would be recommending that the applicant is refused.

The Highway Authority therefore submits a response of deferral until the required information has been provided and considered.

Affordable Housing Enabling Officer

7th January 2022

Comments available to view in comments tab

5. PUBLICITY AND REPRESENTATIONS

Total comments received	1
Number of objections	1
Number of supporting	0
General comment	0

- 5.1 The letter of objection refers to concerns in respect of the level of development being proposed in the area at and near MD4, referring to traffic and highway concerns. Objection sets out that the development of the South of Cheltenham should be a matter

for the JCS. Given that the Transport Plan needs funding all the developments within the A46 "Corridor" should fund that programme.

6. OFFICER COMMENTS

6.1 Determining Issues

- 6.1.1** The principle of developing this site to provide up to 25 dwellings has been established by the Inspectors decision to allow appeal APP/B1605/W/19/3238462 (19/00334/OUT). The outline application and appeal decision dealt with Principle of Development, Location and Accessibility, Character and Appearance, Impact on the Beechwoods Special Area of Conservation, Traffic and Highway Safety, Biodiversity, Flooding and Drainage, Air Quality and Noise. This reserved matters application therefore considers the specific details in relation to appearance, layout, scale and landscape.

6.2 Appearance, Layout and Scale

- 6.2.1** Section 12 of the NPPF relates to 'Achieving well-designed places'. It emphasises the importance of good design in creating sustainable development and better places in which to live and work. Planning decisions should ensure that developments will function well and add to the overall quality of the area, are visually attractive, sympathetic to local character establish a strong sense of place, optimise the potential of the site and create safe and inclusive places.
- 6.2.2** Policy SD4 of the JCS sets out the key principles of good design including context & character, legibility & identity, amenity & space, public realm & landscaping, Safety & security, inclusiveness & adaptability, movement & connectivity.
- 6.2.3** Policy D1 of the Cheltenham Plan states that development will only be permitted where it adequately reflects principles of urban and architectural design and complements and respects neighbouring development and the character of the locality and/or landscape.

6.2.4 Appearance:

The immediate locality contains a range of building styles, sizes and characters. The design approach for the new dwellings takes it lead from some parameters set out at the outline stage. It is considered that the proposed dwellings have been designed so as to respond to the sites location and character. A mixture of traditional two storey buildings are being proposed incorporating finishes and details which reflect the local area with a modern twist. The appearance of the two house types seem to follow traditional farmstead/agricultural approach with a modern twist in the use of fenestration. The heights of the dwellings are a mix of two storey, one and a half storey and single storey. The combination of the house types and heights provide for a range of interest in the individual dwellings while providing a common, semi-rural character. The materials proposed include stretcher coursed brick work, vertical and horizontal cladding which are all considered to be actable in the semi-rural context.

- 6.2.5** The houses have been designed specifically for the site and are considered to respond positively to the local context. This avoids an overly suburban appearance and the design approach results in a sense of place distinctive to this scheme. Officers consider that the proposal is of a high quality and will result in an attractive place with a 'village feel' which the Parish Council wished to see.

6.2.6 Layout:

It is noted that the plans submitted reduce the numbers of dwellings proposed from the 25 allowed at appeal to 22 which provides for a less formal and much looser grain of development than shown on the illustrative plan submitted with the outline application. It is considered that this reduction in numbers further helps to achieve a semi-rural character and more reflects the character of the surrounding area while taking note of the comments provided by the Planning Inspector.

The reduction in numbers has allowed for a deeper frontage to plot 1 has created a greener entrance to the site than on the outline illustrated layout. Plots 1 and 22 frame the entrance of the site and include landscaped frontages. Greater separation between the dwellings has also allowed views through the site to the north. The series of eaves and gable buildings positioned within the site give variation and interest with the individual design approach as set out above. The layout is considered to create an opportunity for a more free flowing arrangement of homes. Centrally the green open space is framed by houses to provide natural surveillance to this focal point within the site.

6.2.7 Scale:

The reduction in number from 25 to 22 also improves the scale of the development which improves the response to the locality. The outline permission establishes that development across the site would be predominantly two storey in height. The current proposes takes the two storey approach as the maximum providing for a mix of house types which includes several homes having dormer windows in the roof which is achieved by lowering the height of some roofs which further helps to provide variety and also a reduction in scale of some properties. The opportunity for some dwellings to have two storeys at the entrance with part of the building at rear or side to have lower scale would create variation and interest. Proportions of buildings are traditional with a more modern take on fenestration with advantage of solar gain as well of views out of the site.

6.2.8 It is noted that the Architect Panel and Civic Society have provided comments in support of the application.

6.3 Landscaping

6.3.1 Section 15 of the NPPF relates to conserving and enhancing the natural environment. This includes a requirement that development contribute to the natural environment by (amongst other things) recognising the intrinsic character and beauty of the countryside. Section 12 of the NPPF acknowledges the importance of trees and landscaping in new development.

6.3.2 Policy SD6 of the JCS requires that landscape character is protected and that developments demonstrate how they avoid detrimental effects on features which make a contribution to the area.

6.3.3 Policies GI2 and 3 of the Cheltenham Plan relate to the protection and replacement of trees.

6.3.4 The site is well contained with existing trees and hedging with much of the site surrounded by undeveloped land that also contains vegetation and screening. Within the site a number of low grade trees will be removed and replaced with more suitable specimens that will respond better to the proposed development. The approach for the site has evolved to create a robust and characteristic landscape design to enhance the sites position. Native hedging and trees are proposed to the boundaries to enhance the existing screening. To ensure the establishment of landscaping and a long term management of the landscaping a 10 year maintenance is proposed which cycles in perpetuity. This will reinforce and improve the existing boundary landscaping features and will ensure continued screening of the site moving forward.

6.3.5 Public open space is positioned at the entrance of the site along the southern boundary. The space is enclosed by existing native hedgerows along the boundary forming a strong

green edge to the most visible part of the site. Further open space is located centrally within the site which will include child play opportunities. The proposed houses are set back from the road with front gardens and landscaping providing a green rural feel within the site.

6.3.6 The revised comments received by the Parish Council acknowledge that in the main their concerns have been resolved however an outstanding objection remain on the heights of some of the houses and if the landscaping proposed which is suggested to take 15 years will fully screen the roofs of all of the houses. It is noted in the submitted landscape plan that the proposed planting will reach maturity in 10 years, not 15. It also noted from the details submitted including the landscape sections and view lines identified from key points that the vast majority of the houses will be screened by the existing landscaping and the additional planting is to further enhance this visual screening. Given the outline permission granted for the site and its associated details submitted it is not reasonable nor possible to provide a development that is 100% screened and therefore there will be views and glimpses of the development that will be visible outside the site area from certain vantage points. This was acknowledged by the Planning Inspector at the outline appeal.

6.3.7 Additional details have been provided in response to the comments provided by the Tree Officer, in reviewing these details the Tree Officer confirmed the details are satisfactory.

6.4 Highways

6.4.1 Section 9 (promoting sustainable transport) of the NPPF and policy INF1 of the JCS require development to provide safe and suitable access and to avoid significant adverse impacts on the highway network.

6.4.2 The Highway Authority have considered the proposed layout and made comments which are provided above but briefly relate to the access and how it aligns with other planned improvements for the area, queries over the shared space, and suggested conditions relating to EV charging and cycle storage.

6.4.3 The applicant has provided a response to these issues. Firstly on the access point they explain that the planned improvement scheme along Kidnapper's Lane show an unsegregated 3.5m wide footway/cycleway passing along the site frontage and extending from the school towards Vineries Close. To align with the new foot/cycle way they have provided a traditional bellmouth junction with tactile crossing point and cyclist dismount facilities. Signage is proposed to alert all users to the presence of a crossing.

6.4.4 Suggestions made in relation to priorities at the junction have been taken on board and the plans amended.

6.4.5 In response to the comments regarding the shared space a 600mm upstand to the pedestrian zone has been incorporated and further alterations to the carriageway to help lower vehicle speeds and improve safety. Gates have been removed from driveways and confirmation has been provided that EV charging points will be provided.

6.4.6 The Highway Authority have been consulted on this response and the associated revisions to the highways plans. No response had been received at the time of writing and this matter will be updated.

6.5 Sustainability

6.5.1 The NPPF seeks to ensure that sustainable development is achieved by applying three overarching principles; economic, social and environmental sustainability. Policy SD3 of the JCS states that development proposals should demonstrate how they contribute to the aims of sustainability by increasing energy efficiency. Minimising waste and avoid unnecessary pollution. Proposals will be expected to meet national standards. Development should be adaptable to climate change.

- 6.5.2** In addition to the above policy context, the Authority has declared a climate emergency and an ambition to the carbon neutral by 2030.
- 6.5.3** The proposed dwellings will be constructed in line with up to date construction techniques with the application setting out materials will be sustainably sourced. Water butts will be provided within each private garden.
- 6.5.4** The original application submission explained that the size and design of the affordable homes which are to be provided through this proposal, meant that it would not be possible to meet a zero carbon rating for these. However they would still have been low carbon. However the applicant has recently advised that this has been under review and that it will now be possible to provide the affordable homes as zero carbon as well as the market dwellings. This would mean that the whole scheme is 100% zero carbon.
- 6.5.5** As mentioned above there is no requirement within policy to do any more with regards to energy efficiency, than to meet the national requirements. As such the application goes over and above the requirements in relation to sustainability which is to be applauded.
- 6.5.6** The applicant has provided the detail, reproduced below to explain how this will be achieved:

The current Building Requirements are due to change in July 2022 to provide an uplift to achieve a 31% reduction in CO2 emissions over and above the Part L 2013 requirements. In 2025 the Future Home Standard is proposed to come into force this will require all new dwellings to be Zero Carbon Ready. In 2050 the current aim is for all dwellings to be Zero Carbon and this is foreseen as being made achievable through decarbonising the grid.

Having taken onboard the climate emergency we are proposing to provide our dwellings to surpass both the new Building Regulations 2021 coming into force July 2022 and the Future Homes Standard which will come into force in 2025. This enables us to provide a Net Zero Carbon (EPC rating figure of over 100) level to all homes on site and is achieved by the following:

- 1. Enhancing the insulation levels of the fabric of the properties, this improves the fabric U-Values and accounts for 7% of the reduction in Carbon emissions and results in;
 - Improved floor, wall and roof insulation.
 - Improved window and door products.
 - Enhanced airtightness to reduce drafts and unwanted heat loss.
 - Reducing cold bridges by careful and considered detailing.*
- 2. Providing Air Sourced Heat Pump (ASHP) to generate heating and hot water at a 400% efficiency rating. This highly efficient energy heating accounts for 36% of the reduction in Carbon emissions and results in;
 - Air Source Heat Pump (ASHP) coupled with Under Floor Heating to provide a Seasonal Coefficient of Performance of more than SCOP4 which means that throughout the year for every kW of energy put in 4kW of energy is generated.*
- 3. To offset any carbon by using photovoltaic cell panels to create electricity that can be used or sold back to the grid, this on site renewable energy system accounts for 57% of the reduction in Carbon emissions and results in;
 - Photovoltaic Collectors creating electricity directly from the sun with latest high grade 335W monocrystalline panels. The quantity of panels required to achieve this depends on the size of property, and therefore varies from between 8-20 panels.*

6.6. Affordable housing

- 6.6.1** As required by Policy and the details of the S106 the development will provide for the 40% affordable requirement. This matter was resolved at the outline stage.
- 6.6.2** The Affordable Housing Enabling Officer has provided comments in relation to the layout, design etc.
- 6.6.3** Firstly in relation to layout, it is acknowledged that the affordable homes are located within the north eastern corner rather than distributed through the site however due to the layout and constraints of the site this location was considered to result in the most suitable layout of the scheme as a whole and as such the Enabling Officer acknowledges that the requirements of JCS policy SD12 have been met.
- 6.6.4** With regards to sustainability and materials, the Enabling Officer did express some concern that it was not possible to meet a zero carbon rating for the affordable element of the scheme. As mentioned above the applicant has reviewed this and has committed to providing the affordable homes as zero carbon thus addressing this concern.
- 6.6.5** Finally the Enabling Officer has observed that there is a visual disparity between the affordable homes and open market homes. Policy SD12 required that the design of affordable homes should be equal to that of market housing in terms of appearance, build quality and materials.
- 6.6.6** Officers acknowledge that the design and materials of the affordable element of the scheme does differ from the market element but do not agree that it is inferior. The affordable element comprises a combination of flats and houses, whereas the market element are wholly detached. As such there will inevitably be some differences in design, although the architectural language is consistent with the scheme as a whole. The majority of the materials and features used are common to all elements of the scheme such as brick, windows & doors, roofing materials. The cladding used to break up the mass of the larger units would not translate as well into the design of these smaller units. As such it is considered that the requirements of policy SD12 are met.
- 6.6.7** Public Sector Equalities Duty (PSED)
- 6.6.8** As set out in the Equalities Act 2010, all public bodies, in discharging their functions must have “due regard” to this duty. There are three main aims:
- ☐ Removing or minimising disadvantages suffered by people due to their protected characteristics;
 - ☐ Taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people; and
 - ☐ Encouraging people with certain protected characteristics to participate in public life or in other activities where participation is disproportionately low.
- 6.6.9** 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.
- 6.6.10** In the context of the above PSED duties, this proposal is considered to be acceptable.

7 CONCLUSION AND RECOMMENDATION

- 7.6** The principle of redeveloping this site for up to 25 dwellings has already been established by the grant of outline planning permission and appeal decision in 2020.

- 7.7** Overall the reduction in homes from 25 to 22 will ensure a positive response and contribution of this site the semi-rural character of the site and the surrounding area. The bespoke design of homes respond to the local character of Leckhampton. The informal arrangement of homes set within large landscape gardens with improved landscaping to the site boundaries will ensure the landscape impacts are minimised and views of the site limited. Homes incorporate solar and air source heat pumps to achieve carbon zero energy usage, affordable housing provision is at the levels required by the agreed S106 and policy. While the Parish Council have maintained an objection to the this reserved matters application, statutory consultee comments and the views of the Architect Panel and Civic Society are in support of the application.
- 7.8** The details submitted as part of this reserved matters application in respect of layout, scale, appearance and landscaping are considered acceptable. The recommendation is therefore to permit the application, subject to the conditions below.

8 CONDITIONS / INFORMATIVES

- 1 The development shall be begun not later than the expiration of two years from the date of this decision.

Reason: To accord with the provisions of Section 92 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 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).
- 4 Prior to first occupation of the development, refuse and recycling storage facilities shall be provided in accordance with the approved plans and shall be retained as such thereafter.

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

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: 21/00847/REM	OFFICER: Mrs Emma Pickernell
DATE REGISTERED: 14th April 2021	DATE OF EXPIRY : 14th July 2021
WARD: Leckhampton	PARISH: LECKH
APPLICANT:	Newland Homes Ltd
LOCATION:	Land Off Kidnappers Lane Cheltenham
PROPOSAL:	Application for approval of Reserved Matters (conditions; 1, 5, 7 & 13) following Outline Planning Application approval for 25 Dwellings & Associated Works (with all matters reserved) 19/00334/OUT

REPRESENTATIONS

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

98 Shurdington Road
Cheltenham
Gloucestershire
GL53 0JH

Reason(s)
NONE GIVEN

Comments:

On the 24 Jan 2021 I wrote in relation to Planning application 20/01788/FUL Miller Homes 350 Houses between A46 and Kidnapper's lane and on 1 Feb 2021 about concerns relating to 19/02303/OUT 12 Homes Bovis Homes Ltd Planning Application 21/00045/REM and now 21/00847/REM 25 Homes Kidnappers lane. See application comments added below.

The CBC plan has now been approved and JCS is about to be subject to review this year. Thus, some of the responses supplied in the outline stage need to be reviewed to reflect the current plans. As such, I now wish to raise further comments on the overall planning process and request a formal review of the JCS and the Cheltenham plan.

The Leckhampton and Warden Hill, Shurdington and Brockworth (A46 Corridor) is an arterial route into Cheltenham. Any development along that Road or traffic feeding into that Road and worsening the already significant congestion at peak times could have a severely detrimental impact on the economy of Cheltenham. The development risk is also compounded by the split in planning authorities.

There has been increased development in Brockworth and along the A46 toward Painswick and Stroud. The construction of the A417 "missing link" will further compound the road transport pressures with the addition of the Leckhampton developments. The likelihood now is that if these developments were approved, they would be happening simultaneously!

The Cheltenham Plan requires a transport solution before MD4 is developed that solution needs to be at a strategic level. Tinkering with traffic management systems will, in my

view, exacerbate an already severe road traffic problem. This was evidenced by the temporary traffic lights introduced on Shurdington Road in May 2021 which caused chaos at the peak times before any of the developments on the list and again on the 25 May 2021.

It appears the last 6 applications have been considered without detailed high-level plans for transport being in place as required by the NPPF. The Transport Plan seems to be the key high-level plan and thus cannot be ignored. The lack of social assets also needs to be addressed but again the "boundaries" are complex. The needs of some 1100 new residents in Leckhampton alone need to be considered. The development of Shurdington and, Brockworth will also significantly add to the requirement for infrastructure in South Cheltenham. It is imperative that Transport, Flooding, and infrastructure support the developments and increase in population before the approval of more houses.

I therefore strongly take the view that the development of the South of Cheltenham should be a matter for the JCS. Given that the Transport Plan needs funding all the developments within the A46 "Corridor" should fund that programme.

I therefore object to this planning application because the infrastructure is not in place in South Cheltenham as required by the NPPF and any development will could have a severely detrimental impact on the economy of Cheltenham.

Footnote: In 2016 the Secretary of State enquiry conclude that the Traffic levels were severe it seems to be concluded that 400 houses will make it less severe. The only action that will make it less severe is to implement the strategic transport plan and reduce road use and pollution. Thus, if any of these developments are approved the implementation of the Transport Plan should be a prior condition.

Comments:

Please note the comments Appeal PP/B1605/W/19/3238462 the judge concluded that there were "no sustainable" links to local centres from MD4 (Then JCS MD5). But in conclusion the Judge had no reason to believe these would not be in place before the development took place. However, nearly 3 years on from the original application there are no high quality sustainable routes from the area MD4 and no plans with funds to support them.

The delivery of Sustainable routes must precede any development of MD4.

APPLICATION NO: 21/01265/FUL & 21/01265/LBC	OFFICER: Miss Claire Donnelly
DATE REGISTERED: 27th May 2021	DATE OF EXPIRY: 22nd July 2021
DATE VALIDATED: 27th May 2021	DATE OF SITE VISIT:
WARD: Lansdown	PARISH: n/a
APPLICANT:	Phil Vickery (No3 Restaurant)/Douro
AGENT:	Evans Jones Ltd
LOCATION:	12 Royal Crescent Cheltenham Gloucestershire
PROPOSAL:	FUL & LBC: Internal alterations, and the erection of a single storey rear extension at nos. 12 and 13 Royal Crescent.

RECOMMENDATION: Permit



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application relates to 12 and 13 Royal Crescent, specifically the basement and ground floors. The application site is a grade II* listed building located within the Montpellier Character Area of Cheltenham's Central Conservation Area.
- 1.2 The applicant is seeking planning permission and listed building consent for internal alterations and the erection of a single storey rear extension.
- 1.3 The scheme has been revised throughout the course of the application process to address concerns received from the conservation officer in regards to impact on the listed building and the loss of historic fabric. Revised plans have been submitted that have scaled down the alterations to the building.
- 1.4 The application is at planning committee at the request of Councillor Fisher due to the harm to the listed building.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Airport Safeguarding over 45m
Conservation Area
Core Commercial Area
Flood Zone 2
Flood Zone 3
Listed Buildings Grade 2star
Principal Urban Area
Smoke Control Order

Relevant Planning History:

89/00796/LA 24th August 1989 PER

Reduce Height And Repairs To Existing Garden Wall At Rear

91/00752/PF 26th September 1991 PER

New Lecture Rooms, Training Areas And Offices

09/00193/COU 9th April 2009 PER

Change of use of basement from Use Class A2 (financial and professional services) to Use Class A3 (coffee bar/bistro)

09/00245/LBC 9th April 2009 GRANT

Internal alterations to basement

09/00760/LBC 10th July 2009 GRANT

Proposed fascia sign

14/02219/LBC 27th January 2015 GRANT

Provision of replacement fascia sign to front elevation

3. POLICIES AND GUIDANCE

National Planning Policy Framework

Section 2 Achieving sustainable development

Section 4 Decision-making

Section 7 Ensuring the vitality of town centres

Section 8 Promoting healthy and safe communities

Section 12 Achieving well-designed places

Section 16 Conserving and enhancing the historic environment

Adopted Joint Core Strategy Policies

SD4 Design Requirements

SD8 Historic Environment

SD14 Health and Environmental Quality

Cheltenham Plan Policies

D1 Design

SL1 Safe and Sustainable Living

Supplementary Planning Guidance/Documents

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

4. CONSULTATIONS

Environmental Health

8th December 2021 –

Internal alterations, and the erection of a single storey rear extension at nos. 12 and 13 Royal Crescent.

I can advise:-

Noise and Odour

No detail of the kitchen extract system (and other necessary mechanical plant) has been provided with the application. Given the listed status of the building, and the potential for design conflicts thereby arising, this information needs to be provided as part of the application, in order that the control of adverse noise and odour impacts from the proposed development are adequately considered.

It is strongly advised that the scheme for the extract system is informed by good practice found within 'The Control of Odour and Noise from Commercial Kitchen Exhaust Systems Update to the 2004 report prepared by NETCEN for the Department for Environment, Food and Rural Affairs' (2018).

The submitted scheme shall include details of the following:

- the stack height and position (for good dispersion);
- the velocity of effluent at the point of discharge (for good dispersion);
- details of the odour control system to be employed, including details of the filter residence time, if applicable;
- a schedule for maintenance of the odour control system, including the minimum frequency of change of filters (where applicable), and cleaning;
- noise emissions and times of operation of the kitchen extraction system.

Outdoor Dining Area

Noise impact from this activity in the evening or at night has a significant likelihood of disturbing occupiers of residential property nearby. An assessment of noise impact from the outdoor area should be presented with the application, along with proposals necessary to suitably limit adverse noise impacts. This report would be informed by information, such as background noise levels at noise sensitive properties, contained in the acoustic reporting required for the kitchen extract system.

Building Control

18th June 2021 –

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

Historic England

17th June 2021 –

Thank you for your letter of 27 May 2021 regarding the above application for listed building consent. On the basis of the information available to date, we offer the following advice to assist your authority in determining the application.

Historic England Advice

Numbers 12 and 13 Royal Crescent Cheltenham are designated as Grade II*, and as such is in the top 8% of listed buildings. Therefore, greater weight should be given to their conservation. The National Planning Policy Framework (NPPF) defines 'conservation' as 'the process of maintaining and managing change to a heritage asset in a way that sustains and, where appropriate, enhances its significance'.

Nos. 12 and 13 form part of a symmetrical, concave terrace of 18 townhouses designated under one list entry in the Montpellier Character Area of the Central Cheltenham Conservation Area, characterised by its Georgian and Regency buildings. The terrace is an early and important example within the Conservation Area which retains much of its original fabric and character with original plasterwork and joinery remaining in many interiors. Painted stucco finish with rusticated ground floor, 3 storeys and basement, each with 3 windows per floor, service ranges to rear, some (including 12 and 13) with railings and balconies to front.

The list entry (1387817) highlights no. 12 as having, at the time of listing, retained most of its original interior details: dogleg staircase has stick balusters and wreathed handrail, fireplaces, cornices with acanthus motifs, reeded doorcases with corner rosettes, some marble fireplaces - making this interior a particularly important example within the terrace. The Heritage Statement provided with the application notes the significance of no. 13 for its plan form, with its intact layout and many original details.

Due to the current Covid19 restrictions, we have been unable to undertake a site visit and therefore we cannot be definitive in our advice and have based our assessment on the submitted documents.

The proposed work to no. 12 and 13 involves internal alterations to basement and ground floor levels, changing the internal layout of the buildings and involving the removal of a large sections of historic internal wall and the loss of both sides of the corridor wall on the basement of no.13. Designed to create an additional open plan dining area this would cause the loss of legibly to the main corridor and the original planform on this floor, an important survival.

The proposal includes the creation of two access openings to the party and boundary walls with a loss of some historic fabric, the erection of bin/plant enclosure to rear of no. 13, and the removal of stud walls to enlarge rooms. Also included is the addition of low impact extensions to the rear; including a single story 'hot kitchen', glazed extension, and linking corridor.

We consider the addition of the single-story extensions to the back for the 'hot kitchen' and dining area to be low impact. The creation of openings in the historic boundary wall and between the properties constitutes some loss of historic fabric and some harm, the location of or access to this could be changed, reducing the number of new openings and reducing harm.

The removal of large sections of historic internal wall on the lower basement floor will lead to complete loss of the legibility of the original planform on this level. This harmful loss is considered unjustified as lighter-touch alternative options have not been considered and the proposed changes without this element would provide a considerable increase in dining space whilst retaining the special character and significance of the building.

The application material does not include an assessment of the significance of the heritage affected to the level of detail appropriate to a building of this significance as required by NPPF paragraph 189. A floor plan with phasing and a detailed assessment of original fabric on the effected floors and areas would allow for a clearer understanding of the potential impact of the proposals.

The application does not justify the removal of the corridor walls in no.13, the loss of legible historic planform and significance this signifies, as is required by para. 194 and 195 of the NPPF. We support the single-story extensions to the rear service ranges.

Retention of historic fabric should be sought, and the current level of loss reconsidered. Recent alterations may have covered rather than removed fabric and future work may create the opportunity to uncover historic fixtures, fittings and detailing and these should be retained to enhance the buildings character and appearance.

Central to our consultation advice is the requirement of the Planning (Listed Buildings and Conservation Areas) Act 1990 in Section 66(1) for the local authority to "have special regard to the desirability of preserving the building or its setting or any features of architectural or historic interest which it possesses". Section 72 of the act refers to the council's need to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area in the exercise of their duties. When considering the current proposals, in line with Para 189 of the NPPF, the significance of the asset's setting requires consideration.

Para 193 states that in considering the impact of proposed development on significance great weight should be given to the asset's conservation and that the more important the asset the greater the weight should be. Para 194 goes on to say that clear and convincing justification is needed if there is loss or harm.

Recommendation

Historic England has concerns regarding the application on heritage grounds. We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 189, 194 and 195 of the NPPF.

In determining this application you should bear in mind the statutory duty of section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess and section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice. If there are any material changes to the proposals, or you would like further advice, please contact us.

7th September 2021 –

Thank you for your letter of 11 August 2021 regarding further information on the above application for listed building consent. On the basis of this information, we offer the following advice to assist your authority in determining the application.

Historic England Advice

Summary of proposals

The revised proposal relates to the lower ground floor of No.13.

In the initial proposal included substantial removal of internal walls to both sides of the central corridor here, opening this area entirely and losing legibility of the original planform. The amended application shows the wall opening between the corridor and the treatment room to its south has been reduced, forming a large opening into the hall space. Also, in this area,

the north wall of the corridor is no longer proposed for demolition and instead this treatment room would form a guest WC.

The back area initially suggested for a guest WC would then be opened up into the hall to create further dining space. This would involve the removal of the current partitions between the kitchen and the WC, the kitchen and rear corridor, and the creation of a doorway between no 12 and 13 to allow access between the kitchen and all dining areas on this floor.

Impact of the Proposed Development

The revised proposals retain more of the historic wall fabric within the central corridor and the original plan form is more legible. The harm to this important element of the building has been reduced.

Although the proposal still involves the loss of material and a notable change to the floor plan it is in areas which are of lesser significance and in an area of less architectural and historic merit (on what are believed to be modern partitions and fixtures).

Planning Legislation & Policy Context

Central to our consultation advice is the requirement of the Planning (Listed Buildings and Conservation Areas) Act 1990 in Section 66(1) for the local authority to "have special regard to the desirability of preserving the building or its setting or any features of architectural or historic interest which it possesses, the significance of the asset's setting requires consideration. Para 199 of the NPPF states that in considering the impact of proposed development on significance great weight should be given to the asset's conservation and that the more important the asset the greater the weight should be. Para 200 goes on to say that clear and convincing justification is needed if there is loss or harm.

Historic England's Position

This proposal is an improvement on the first, with less loss of historic fabric and the retention of more of the hallway. We feel the opening to the south of the corridor could be reduced further and would be better retained as is, as a doorway or door sized opening. This would reduce the harm further and still function in the same way as access to this dining space.

The change to the position of the WC and the associated relocation of the dining space is an improvement to the proposal, and we accept the reasonable opening of the less significant part of the building to accommodate the necessary covers.

Recommendation

We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 199 and 200 of the NPPF. After this we would have no objections to the proposal on heritage grounds.

In determining this application you should bear in mind the statutory duty of section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess and section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

Your authority should take these representations into account in determining the application. If there are any material changes to the proposals, or you would like further advice, please contact us. Please advise us of the decision in due course.

14th December 2021 –

Thank you for your letter of 1 December 2021 regarding further information on the above application for listed building consent.

Following our letters of 16 June and 6 September the proposal has been amended. Our previous concerns have been addressed and we are happy for the application to proceed in agreement with the Conservation Officer.

If there are any material changes to the proposals, or you would like further advice, please contact us. Please advise us of the decision in due course.

Heritage And Conservation

7th June 2021 –

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

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

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

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

Paragraph 192 of the NPPF states that 'In determining applications, local planning authorities should take account of' the desirability of sustaining and enhancing the significance of heritage assets'.

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

The consideration of the scheme is undertaken as a desk based assessment.

The scheme comprises internal alterations and the construction of a single storey rear extension.

The buildings (Nos. 12 and 13) form part of a terrace of 18 houses, which currently have various uses, that was constructed c.1806-1810. Listed on 12 March 1955 (Grade II*). List entry number: 1387817.

The Royal Crescent is considered to be 'the earliest important terrace in the town' (D. Verey and A. Brooks, *The Buildings of England, Gloucestershire 2: The Vale and the Forest of Dean*: Yale University Press, 2002, p. 260).

Grade II* buildings are particularly important buildings of more than special interest; 5.8% of listed buildings are Grade II* (2.5% of listed buildings are at Grade I and 91.7% at Grade II) (<https://historicengland.org.uk/listing/what-is-designation/listed-buildings> - accessed 7 June 2021).

The proposal site is located in the Central Conservation Area (Montpellier Character Area), a designated heritage asset (Cheltenham's central conservation area was designated by

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Gloucestershire County Council on 28 May 1973 and its boundary extended by Cheltenham Borough Council on 14 August 1987) [The Old Town Character Area abuts the subject site(s) to the west].

The Montpellier Character Area Appraisal and Management Plan was adopted by Cheltenham Borough Council on 23 February 2007 as a Supplementary Planning Document (the SPD) and is a material consideration in the determination of planning applications.

The SPD states that the 'Royal Crescent' may be regarded as the town's first major piece of Regency architecture' (para.1.12 (a), p.3).

The polite architecture of the subject buildings and the terrace reflect the aspirations of the residents, particularly in the front elevation. Buildings of this type and period have a hierarchy which is evident through aspects of design. Typically those areas for the residents and their guests have more decorative features whereas the functional areas are often devoid of such elements. This hierarchy is fundamental to the architectural and evidential value of the subject buildings.

Service areas such as basements and rear ranges are often under appreciated in their contribution to the significance of the building as they typically lack polite decorative features that may be found in other areas of the building; however, they provide important evidence of how the household functioned and are an aspect of the hierarchy.

H.S Merrett's 1834 plan of Cheltenham depicts attached ranges to the rear of the subject buildings. Maps/plans from the later nineteenth century show the ranges as being of a greater extent than the existing.

The following relates to proposed work to No. 13.

The scheme proposes the loss of walls which currently form the 'treatment' rooms and central corridor/hallway. This work, even with 'Downstand beams at ceiling level' (Heritage Statement, item 3, p.36), would result in the loss of the legibility and compartmental nature of the historic service rooms. The larger of the existing 'treatment' rooms appears to be one of the historic principal rooms at this level. The Historic Statement contends that 'The lower ground floor of No.13 retains a good proportion of its historic layout' (para.9.2, p.33). This aspect of the proposal will detract from the architectural and evidential value of the building to the detriment of its significance. The Heritage Statement recognises that the effect will be negative (item 3, p. 36).

The significance, if any, of the door leading to the existing 'reception' is unclear. Information, perhaps in the form of an image and supporting comment should be sought. The door does not appear to be covered by item 2, p. 36 of the Heritage Statement.

The following relates to proposed work to No. 12.

It appears that at lower ground floor level the principal section of the building has, regrettably, lost much of its historic layout, particularly the plan form of what was likely to have been two rooms to the left hand side in plan; Appendix 2 (conjectural original layout plans) of the Heritage Statement (p.44) is helpful for comparisons. No.12 was subject to alterations c.2009; however, the historic plan, to the left hand side in plan, appears not to have existed at the time (application 09/00245/LBC ' internal alterations to basement). A brief consideration of the planning history does not seem to show when the plan form was altered.

It appears, given the feature depicted on drawing 2111-P003-P4 (existing and proposed lower ground floor plans) as if an existing opening between the principal section of the building and the service range is to be infilled in some way (from the 'dining area'). Clarity is required as to what the feature is.

With reference to the stair, it seems that it is proposed that it be enclosed. Confirmation should be sought as to whether or not this is the case and images and comment on the significance of the stair and any existing associated joinery if this work is indeed part of the scheme is required.

With reference to the window subject to proposed loss at the rear of the 'dining area', it appears to be a later replacement. The Heritage Statement considers that it is non-original (item 7, pp. 38 & 39). Though it appears not to be original better images of it are likely to inform a full consideration of this aspect of the scheme; particularly images of the glazing bars.

In principle the proposed extensions to No.12 are acceptable as they will be subservient in scale and the glazed aspects will read as a later addition.

Views of the rear of the subject buildings particularly that of No.12, are limited. The character and appearance of the conservation area in the immediate vicinity is dominated by the varying designs of the service ranges to the rear of the Royal Crescent. Views of the rear of the subject properties are limited, and given the design of the extensions, the work will not detract from the character and appearance of the conservation area and therefore its significance will be maintained.

The NPPF defines the setting of a heritage asset as 'The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral' (Annex 2: Glossary, p. 71).

The setting of No.12 is dominated by the 'mews building' (St Johns House/Royal Mews) of the late twentieth century. The proposals will not be detrimental to how the rear of the building is experienced and therefore the proposed development does not detract from the setting of the listed buildings.

In the context of benefits of the scheme, the Heritage Statement refers to 'the sensitive programme of repair' would enhance the external appearance of the buildings, the improvements to the external landscaping to enhance the buildings' setting and appearance and the removal of the unsightly fire escape from the rear elevations' (para. 9.6, p.33).

The NPPF as above (para 192 of the NPPF) refers to the 'desirability of sustaining and enhancing the significance of heritage assets', and the JCS (policy SD8), also as above, states that "Designated heritage assets will be conserved and enhanced as appropriate to their significance'. The decision maker(s) should be mindful that both the NPPF and JCS are clear that enhancement and conservation/sustaining are both aims and not one at the exclusion of the other.

The Planning Statement concludes that the scheme will result in 'less than substantial harm' (para. 7.2, p. 20) and the Heritage Statement finds that the proposals 'would result [in] 'less than substantial harm' to the significance of the listed buildings under the terms of the NPPF' (para. 9.4, p.33).

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

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

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

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

It is not possible to conclude on all aspects of the proposals based on the submission to date; however, additional information is likely to enable the provision of full comments.

Regardless of the above, the scheme contains elements that would detract from the architectural and evidential value of the building (No.13) leading to less than substantial harm to its significance.

8th July 2021 –

Initial comments were supplied on 7 June 2021. The following comments are in light of additional material supplied by the planning agent (8 July 2021 ' Local Planning Authority reference date).

The initial comments included the following,

'The significance, if any, of the door leading to the existing 'reception' is unclear. Information, perhaps in the form of an image and supporting comment should be sought. The door does not appear to be covered by item 2, p. 36 of the Heritage Statement.'

Based on the information as submitted the proposed loss of the door is acceptable.

The initial comments contained the following, relating to No.12;

'It appears that at lower ground floor level the principal section of the building has, regrettably, lost much of its historic layout, particularly the plan form of what was likely to have been two rooms to the left hand side in plan; Appendix 2 (conjectural original layout plans) of the Heritage Statement (p.44) is helpful for comparisons. No.12 was subject to alterations c.2009; however, the historic plan, to the left hand side in plan, appears not to have existed at the time (application 09/00245/LBC ' internal alterations to basement). A brief consideration of the planning history does not seem to show when the plan form was altered.'

Appendix B (8 July 2021) appears to be implying that the Local Planning Authority has accepted the aforementioned layout of No.12 (lower ground floor); however, the appendix states that 'It is not known when the layout was altered' (un-numbered 3rd page). Of course the layout could have been formed prior to the listing of the building or has been carried out without consent.

The initial comments contained the following,

'It appears, given the feature depicted on drawing 2111-P003-P4 (existing and proposed lower ground floor plans) as if an existing opening between the principal section of the building and the service range is to be infilled in some way (from the 'dining area'). Clarity is required as to what the feature is.'

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Appendix B (8 July 2021) states that 'There is currently a modern solid timber door in this position. A door could be retained (even fixed shut) for legibility of the historic layout if desirable' (un-numbered 3rd page). With reference to Appendix C (8 July 2021) and 'collection B' it is not evident that there is a door in this location. The drawing 2111-P003-P4 (existing and proposed lower ground floor plans) does seem to depict the infilling of this opening, so clarity with what is required. A door, even one fixed shut, would be acceptable over the blocking up of the opening in order to maintain some legibility; however, it is considered that how the opening is to be blocked is not evident via the aforementioned drawing.

With reference to the stair (No.12) and the information submitted (8 July 2021, it is agreed that it has no significance.

With regard to the window subject to proposed loss (No.12, lower ground floor, rear of 'dining area', it appears to be a much later replacement and therefore its loss and the formation of an opening is acceptable.

In conclusion, aspects of the scheme remain unacceptable and the degree of harm is less than substantial. The Planning Officer/decision maker(s) should be mindful of the requirements of the NPPF balancing exercise as outlined in the initial comments and that 'When balancing the harm against the public benefits of the proposal the NPPF requires great weight to be given to the conservation of the heritage assets (paragraph 193).'

29th July 2021 –

Comments have been previously supplied on 7 June and 8 July 2021 respectively. The following is in light of 1no. revised drawing (existing and proposed lower ground floor) (28 July 2021).

(The Planning Officer should note that previous comments made reference to paragraphs of the National Planning Policy Framework (NPPF) and that the numbering quoted may no longer be correct in light of the latest version of the NPPF (20 July 2021).

The covering email (28 July 2021) from the planning agent states with reference to the revised drawing 'that the change relates to the retention of a greater part of the corridor walls within No.13 to provide clearer legibility of the historic planform of the building. This compromise will result in less harm to the listed building than the previous proposal via a) the loss of historic fabric; and b) enabling the coherent retention of the historic planform.'

The proposed layout will detract from the historic compartmentalisation and plan form of the basement of No.13, and entail the loss of historic fabric, to the detriment of the evidential and architectural value of the building, detracting from its significance.

The following is an extract from the initial (conservation officer) comments of 7 June 2021.

'The Planning Statement concludes that the scheme will result in 'less than substantial harm' (para. 7.2, p. 20) and the Heritage Statement finds that the proposals 'would result [in] 'less than substantial harm' to the significance of the listed buildings under the terms of the NPPF' (para. 9.4, p.33).'

No revised Planning or Heritage Statement, or contrary statement has been submitted; therefore, it appears that these conclusions remain.

For clarity, the following references to the NPPF relate to the current version (20 July 2021).

The NPPF at paragraph 199 requires Local Planning Authorities when considering the impact of a proposed development on the significance of a designated heritage asset, to give great

weight to the conservation of the asset; and the more important the asset, the greater the weight should be. This is irrespective of whether any potential harm equates to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 202 of the NPPF states that where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, that this harm should be weighed against the public benefits of the proposal.

Due to unacceptable aspects of the scheme, it is considered that the proposal will be detrimental to the importance of the listed building; the degree of harm is considered to be less than substantial. When balancing the harm against the public benefits of the proposal the NPPF requires great weight to be given to the conservation of the heritage assets (paragraph 199).

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

With further reference to paragraph 199 as above and the importance of the asset in the balancing exercise, note that the building is listed at Grade II*. Grade II* buildings are particularly important buildings of more than special interest; 5.8% of listed buildings are Grade II* (2.5% of listed buildings are at Grade I and 91.7% at Grade II) (<https://historicengland.org.uk/listing/what-is-designation/listed-buildings> - accessed 29 July 2021).

In conclusion, the scheme will lead to less than substantial harm to the Grade II* listed building.

18th August 2021 –

Comments have been previously supplied on 7 June, 8 July and 29 July 2021 respectively. The following is in light of revised and additional information (11 August 2021).

It is noted that the supporting statement (public benefit) dated 9 August 2021 states that 'The tenant' has a vision to occupy the building and carry out treatment works to resolve the damp/mould issue'. For clarity, this work does not appear to form part of the subject submission and it should be noted that some forms of treatment/intervention require listed building consent.

The revised scheme includes the loss of a doorway and a section of the wall that forms one of the principal historic rooms and central corridor at basement level in No.13.

A fundamental principle in the planning of a nineteenth century house was the distinction of functions, the allotment of a separate room for each and every purpose. This allowed for the segregation of much of the work carried out by servants from the rest of the house and the containment of associated noises and odours.

The loss of the doorway and section of wall will detract from the evident existing historic compartmentalisation and plan form.

The supporting statement from the Heritage Consultant (dated 6 August 2021) states 'in my opinion, the harm to significance would be reduced to a low level of 'less than substantial harm'.'

The NPPF at paragraph 199 requires Local Planning Authorities when considering the impact of a proposed development on the significance of a designated heritage asset, to give great weight to the conservation of the asset; and the more important the asset, the greater the

weight should be. This is irrespective of whether any potential harm equates to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 202 of the NPPF states that where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, that this harm should be weighed against the public benefits of the proposal.

Due to unacceptable aspects of the scheme, it is considered that the proposal will be detrimental to the importance of the listed building; the degree of harm is considered to be less than substantial. When balancing the harm against the public benefits of the proposal the NPPF requires great weight to be given to the conservation of the heritage assets (paragraph 199).

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

In conclusion, the scheme will lead to less than substantial harm to the Grade II* listed building.

13th December 2021 –

Comments have been previously supplied on 7 June, 8 July, 29 July and 18 August 2021 respectively. The following is in light of 3no. items (1 December and 2 December 2021) respectively and additional information supplied by the agent via an email of 13 December 2021.

The email from the agent (1 December 2021), appears to contend that the door (No. 13, lower ground floor, serving the current 'treatment room') is not historic and that the legibility of the planform lies with doorway and not the door, and that without a door in situ the historic planform will be re-instated. Whilst the door is not historic, it is very likely that a door was located in this position originally, for purposes of compartmentalisation or segregation (see the comments of 18 August 2021).

The scheme proposes the loss of the door and a slight widening of the subject doorway. This will not detract from the significance of the listed building, as sufficient legibility of the historic plan form will remain.

With regard to the proposed work to form a wider opening between the two principal rooms at (upper) ground floor level in No. 13. The current arrangement seems to be the result of later work that has formed an archway, which cuts through moulding of the picture rail above, and a doorway that does not match the design or proportions of the flanking cupboard doors. The agent contends that the studwork was inserted in an open archway c. 2007; however, there does not appear to be a corresponding application for this work from a brief consideration of the planning history. It is not evident if originally (when constructed) the archway was present, though the archway (without infill) is likely to be an historic alteration (latter half of the nineteenth century). Therefore re-opening it by the removal of the modern infill will not detract from significance of the building.

In conclusion, the scheme will not detract from the significance of the designated heritage assets and is acceptable in terms of conservation.

Suggested conditions may include (where applicable to the subject application types planning permission and listed building consent):

Design details

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Architrave(s): to include but not limited to ' elevation drawing(s) at a scale of 1:10 or a similar standard scale, section drawing(s) at a scale of 1:5 or a similar standard scale, indication of material(s) and details of location(s).

Coping: to include but not limited to ' specific details of material(s).

Door(s): to include but not limited to - elevation drawing(s) at a scale of 1:10 or a similar standard scale, section drawing(s) at a scale of 1:2 or a similar standard scale, an indication of material(s), location(s), and specific details of any external finishes/colour(s) (product name/reference, physical samples/swatches may be required).

External finishes: to include but not limited to ' specific products details (including composition of render(s) and colour(s)) and an indication of location(s).

External paving: to include but not limited to ' specific product details including images.

Fascia: to include but not limited to ' specific details of material(s) including finish/colour(s).

Gate(s): to include but not limited to - elevation drawing(s) at a scale of 1:10 or a similar standard scale, section drawing(s) at a scale of 1:2 or a similar standard scale, an indication of material(s), location(s), and specific details of finishes/colour(s) (product name/reference, physical samples/swatches may be required).

Glazed link (typical glazed units/screens): to include but not limited to ' elevation drawing(s) at a scale of 1:10 or a similar standard scale, section drawing(s) at a scale of 1:2 or a similar standard scale, an indication of material(s) and specific details of external finish/colour(s).

Rainwater goods: to include but not limited to ' specific product details (including material(s), finish/colour(s) and dimensions), and details of any new location(s).

Roof-lights: to include but not limited to ' section drawing(s) at a scale of 1:5 or a similar standard scale (including relationship with roof), an indication of material(s) and specific details of external finishes/colour(s).

Roofing material(s): to include but not limited to ' specific product details and images (physical sample(s) may be required dependant on the above).

Screening (bins/plant enclosure): to include but not limited to ' elevation drawing(s) at a scale of 1:50 or a similar standard scale and specific details of material(s) and finishes/colour(s).

Skirting: to include but not limited to ' section drawing(s) at a scale of 1:5 or a similar and an indication of location(s).

Stair(s): to include but not limited to - section drawing(s) at a scale of 1:5 or a similar standard scale, details of material(s) and finishes.

Vents/flues/air conditioning units: to include but not limited to ' specific product details (including dimensions and external colour(s)), and an indication of location(s).

Other

Disturbed surfaces made good.

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	18
Total comments received	1

Number of objections	1
Number of supporting	0
General comment	0

- 5.1 Letters have been sent to eighteen neighbouring properties, a site notice has been displayed and an advert placed in the Gloucestershire Echo; one response has been received.
- 5.2 The main concerns raised by the objecting neighbour include, but are not limited to, the following summarised points:
- Increase in noise from restaurant use, from both internal and external diners,
 - Noise from kitchen extraction,
 - Odour,
 - Increase in traffic due to take-away availability.

6. OFFICER COMMENTS

6.1 Determining Issues

- 6.2 The application proposes a single storey lower ground floor extension at no. 12 Royal Crescent and internal alterations to no's. 12 and 13 Royal Crescent; the key considerations for this application are the impact on the designated heritage asset, the design and any impacts on neighbouring amenity.

6.3 Design and impact on the heritage asset

- 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 130 of the NPPF which seeks development to be visually attractive and sympathetic to local character.
- 6.5 Policy SD8 of the Joint Core Strategy requires development to make a positive contribution to local character and distinctiveness, having regard to the valued elements of the historic environment. Section 16 of the NPPF seeks development to consider the impact of a proposed development on the significance of a designated heritage asset; great weight should be given to the asset's conservation.
- 6.6 The Conservation Officer and Historic England have been consulted on this application. Full comments can be read above. Initial concerns were raised with the internal works due to the unacceptable loss of historic fabric. Revised plans have been submitted throughout the course of the application which have overcome officers concerns.

6.7 Internal alterations

- 6.7.1 The application proposes to extend the existing restaurant at no. 12 Royal Crescent into the basement and ground floor of no. 13 Royal Crescent. In order to facilitate this, the applicant is seeking internal changes to the buildings.
- 6.7.2 At lower ground floor, the layout of no. 12 remains largely unchanged; the main changes include removal of a window to provide full height opening and reconfiguration of existing toilet provision and provision of a new toilet in an existing storage cupboard. However, more changes are proposed to alter the layout of no. 13. Changes have been made at no. 13 to reduce the amount of historic fabric and plan form which would have been lost to address comments made by Historic England and the council's Conservation Officer. New and larger openings are proposed to allow the restaurant business to operate, the openings have been significantly reduced since the initial scheme and the historic plan

form would still be read. Other minor alterations are proposed providing dining areas, an additional small kitchen area, and toilet provision.

- 6.7.3 At ground floor, the layout of no. 12 would remain largely unchanged, however the use of the rooms would become offices spaces rather than dining areas. At ground floor, no. 13 would remain largely unchanged, however would see a new opening created to allow for access to a new dining area. This element has been introduced as part of the revised scheme which was an agreed compromise as a result of the changes made at lower ground floor. The new opening is considered to be acceptable and would not result in harm to the heritage asset.
- 6.7.4 The scheme has been through a number of revisions to reach a scheme that would work for the applicants future vision for their business whilst protecting the historical importance of the grade II* listed building. As per the comments received from the Conservation Officer and Historic England, it is considered that the revised scheme will not detract from the significance of the designated heritage assets and is acceptable in terms of conservation. The proposed internal alterations as shown on the revised scheme are considered to be acceptable in terms of policy SD8, section 16 of the NPPF and other relevant policies and guidance.

6.8 Rear extension

- 6.8.1 The application proposes a single storey rear extension at lower ground floor. Both the Conservation Officer and Historic England support the principle of the rear extension. The Conservation Officer states in their comments:

“Views of the rear of the subject buildings particularly that of No.12, are limited. The character and appearance of the conservation area in the immediate vicinity is dominated by the varying designs of the service ranges to the rear of the Royal Crescent. Views of the rear of the subject properties are limited, and given the design of the extensions, the work will not detract from the character and appearance of the conservation area and therefore its significance will be maintained.”

- 6.8.2 Historic England state the following:

“We consider the addition of the single-story extensions to the back to be low impact; we support the single-story extensions to the rear service ranges.”

- 6.8.3 As such, the proposed extension is considered to be of an appropriate design due to its predominantly glazed design, the scale and form and would achieve a subservient addition to the listed building that would result in low impact on the character and setting of the designated heritage assets.

- 6.9 Taking the above and the relevant consultee comments into consideration, the proposed internal alterations and rear extension is considered to be acceptable in terms of design and protecting the significance of the grade II* listed building. The proposal therefore complies with policy SD4 and SD8 of the JCS, policy D1 of the Cheltenham Plan, and paragraphs 130, 195, 197 and 199 of the NPPF.

6.10 **Impact on neighbouring amenity**

- 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 As a result of the public consultation, one neighbouring resident has raised concerns to the proposed application; full comments can be read above. The neighbouring resident occupies a residential dwelling at no. 11 Royal Crescent. The main concerns raised by the applicant relate to an increase in noise due to the expansion of the restaurant and odour impacts as a result of a larger kitchen area. The Environmental Health Officer (EHO) has been consulted on this application however the comments request information that is not necessary due to no change of use and no new extraction equipment proposed. As such, whilst the EHO's comments have been noted, the information requested is not considered to be necessary in this instance.
- 6.13 The applicant has confirmed that sufficient plant is currently in place and therefore there would be no additional plant proposed. The applicant has confirmed however that there will be a like for like replacement system that will not be visible, and new vents would be included within the flat roof of the extension.
- 6.14 Whilst the application shows that parts of the buildings are to change use, officers must be mindful of the permitted change of use from office to restaurant. As such, the changes proposed do not require planning approval. Therefore the comments made by the EHO in terms of assessing noise levels seems unnecessary given the change of use does not require planning permission. The neighbouring resident raises concern over the proposal of a take-away service to be run from the existing restaurant; this is considered to be an ancillary use to the restaurant given the in-dining restaurant will be the main use at the premises. In terms of the comments regarding increased traffic due to the take-away provision, the site is located within a sustainable location in the town centre.
- 6.15 As such, whilst neighbour comments and the EHO's comments have been duly noted and taken into consideration, the proposal; single storey extension and internal alterations is unlikely to result in harm to the existing amenity of adjoining land users and therefore would comply with relevant planning policies and guidance.

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.

7. CONCLUSION AND RECOMMENDATION

- 7.1 The applicant has addressed concerns raised by officers through engagement with the council and the submission of revised plans in order to protect the significance of the listed building. As per the reasons in this report, the scheme in its revised form is considered to

sustain the significance of the designated heritage assets. The proposal is therefore considered to be in accordance with the relevant planning policies and guidance.

- 7.2 The recommendation is to therefore permit planning permission and grant listed building consent subject to the conditions set out below.

8. SUGGESTED CONDITIONS / INFORMATIVES

21/01265/FUL

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

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

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

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

- 3 Details of the ventilation system serving the 'hot kitchen' shall be submitted to and approved by the Local Planning Authority prior to first beneficial use. The ventilation system shall be installed in accordance with the approved details and shall be retained as such at all times.

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

21/01265/LBC

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

Reason: To accord with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

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

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

- i) Architrave(s): to include elevation drawing(s) at a scale of 1:10 or a similar standard scale, section drawing(s) at a scale of 1:5 or a similar standard scale, indication of material(s) and details of location(s).
- ii) Coping: to include specific details of material(s).
- iii) Door(s): to include elevation drawing(s) at a scale of 1:10 or a similar standard scale, section drawing(s) at a scale of 1:2 or a similar standard scale, an indication of material(s), location(s), and specific details of any external finishes/colour(s) (product name/reference, physical samples/swatches may be required).
- iv) External finishes: to include specific products details (including composition of render(s) and colour(s)) and an indication of location(s).
- v) External paving: to include specific product details including images.
- vi) Fascia: to include specific details of material(s) including finish/colour(s).

- vii) Gate(s): to include elevation drawing(s) at a scale of 1:10 or a similar standard scale, section drawing(s) at a scale of 1:2 or a similar standard scale, an indication of material(s), location(s), and specific details of finishes/colour(s) (product name/reference, physical samples/swatches may be required).
- viii) Glazed link (typical glazed units/screens): to include elevation drawing(s) at a scale of 1:10 or a similar standard scale, section drawing(s) at a scale of 1:2 or a similar standard scale, an indication of material(s) and specific details of external finish/colour(s).
- ix) Rainwater goods: to include specific product details (including material(s), finish/colour(s) and dimensions), and details of any new location(s).
- x) Roof-lights: to include section drawing(s) at a scale of 1:5 or a similar standard scale (including relationship with roof), an indication of material(s) and specific details of external finishes/colour(s).
- xi) Roofing material(s): to include specific product details and images (physical sample(s) may be required dependant on the above).
- xii) Screening (bins/plant enclosure): to include elevation drawing(s) at a scale of 1:50 or a similar standard scale and specific details of material(s) and finishes/colour(s).
- xiii) Skirting: to include section drawing(s) at a scale of 1:5 or a similar and an indication of location(s).
- xiv) Stair(s): to include section drawing(s) at a scale of 1:5 or a similar standard scale, details of material(s) and finishes.
- xv) Vents/flues/air conditioning units: to include specific product details (including dimensions and external colour(s)), and an indication of location(s).

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

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

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

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

INFORMATIVES

21/01265/FUL

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

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

In this instance, the authority sought revisions to the scheme to overcome concerns relating to impact on the listed building and historic fabric.

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

APPLICATION NO: 21/01265/FUL		OFFICER: Miss Claire Donnelly
DATE REGISTERED: 27th May 2021		DATE OF EXPIRY : 22nd July 2021
WARD: Lansdown		PARISH:
APPLICANT:	Phil Vickery (No3 Restaurant)/Douro	
LOCATION:	12 Royal Crescent Cheltenham Gloucestershire	
PROPOSAL:	Internal alterations, and the erection of a single storey rear extension at nos. 12 and 13 Royal Crescent.	

REPRESENTATIONS

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

Basement And Ground Floor
11 Royal Crescent
Cheltenham
Gloucestershire
GL50 3DA

Comments:

We write in response to your current consultation upon the above planning application and associated application for listed building consent. We own the adjacent and attached property, 11 Royal Crescent, and so have a particular interest in the applications. We were unaware of the proposals before your publication of these applications; we are therefore taking this opportunity to comment.

We do not wish to raise a fundamental objection to the proposed development; as owners of a listed building, we appreciate the best way to look after the historic building is to put it to use. However, we would like the following matters to be given attention in your consideration.

As you are no doubt aware, our property is currently in use as a Doctors' Surgery, a use which requires a quiet and calm environment for patients who are visiting at a stressful time. Current COVID protocols mean the Surgery also has to have windows open for ventilation, meaning it is more sensitive than ever to noise and odours in the surrounding area. As the Planning Statement accompanying the current applications states, while one hopes the current situation is temporary, it is prudent to plan for it as a long-term issue.

The Surgery is particularly vulnerable to the current proposals as adjacent to the rear of the proposed new kitchen are a GP consulting room and the main patients' waiting room on the lower ground floor, and the main admin office above them on the ground floor. All of these have windows/ventilation onto the rear car park.

We have two main concerns: potential noise from the restaurant and outside dining, and odour from the larger kitchen area (and potentially other facilities) to serve the extended restaurant.

Firstly, on the issue of noise an obvious concern is the noise from any increased extraction equipment which is needed to serve larger kitchens which will be close to our property. We trust that the Council will ensure this is not intrusively noisy, ideally before granting any planning permission, or if not, through a planning condition as suggested by the applicant.

The second potential noise source is from diners on outdoor terraces. On a practical note, diners are most likely to be outdoors during warm weather when neighbours will also have their windows open. COVID requirements mean the neighbouring Surgery at Number 11 must have ventilation; open windows are therefore a necessity, not a choice.

We are concerned the proposal will allow greater numbers of outdoor diners close to our property. We believe any permission should clearly define those areas allowed for outdoor dining and a maximum number of covers. It is essential that any permission avoids 'creep' of dining into the yards to the rear of the property which would result in a considerable expansion of activity.

While a level of gentle background noise is to be expected in a town location, we trust care will also be taken to ensure any terraces are not overly noisy or intrusive to their neighbours. This should include avoiding tables close to windows of neighbours and, perhaps with residential neighbours in the terrace in mind, a limitation on hours in which outdoor areas can be used.

Our second concern is regarding odour from the increased kitchen and dining areas. We understand that odours coming from the kitchen's mechanical extraction can be directed and filtered, and so controlled to some extent. We trust suitable scrutiny will be applied either in the application or through a condition applied to a planning permission, particularly in view of the extension to the kitchen being so close to our property's boundary.

Looking to the future, we are also concerned that there is potential for outdoor cooking linked to the additional outside dining. The applicant's restaurant specialises in steaks cooked over coals (ie barbeque). Of course, any permission would benefit the land and so any future occupant of the building. While technology can manage odour from kitchens indoors, this would be far harder for an outdoor kitchen. As this application includes outdoor expansion of the restaurant, we think it essential that a condition is imposed on any planning permission to ensure no cooking is undertaken outdoors to safeguard the amenity of all neighbours.

Our final concern is with regard to traffic. We note the Planning Statement refers to the restaurant providing a takeaway service to local workers. While ancillary carry-outs (ie restaurant diners taking leftovers or a dessert) would be in line with the restaurant use, this is very limited. A takeaway would not fall within the lawful use of the building and the current application does not seek to change that use. The Council need to be absolutely clear on the limited takeaway use allowed for the building. We believe any notable level of takeaway from this property would be intrusive, particularly in terms of traffic and other visitors collecting meals from the property.

On a final point, we would like to highlight that there are several homes in Royal Crescent close to the restaurant. The applicant's Planning Statement rightly notes that the upper floors of buildings in the terrace are dwellings, although it is incorrect to state that homes

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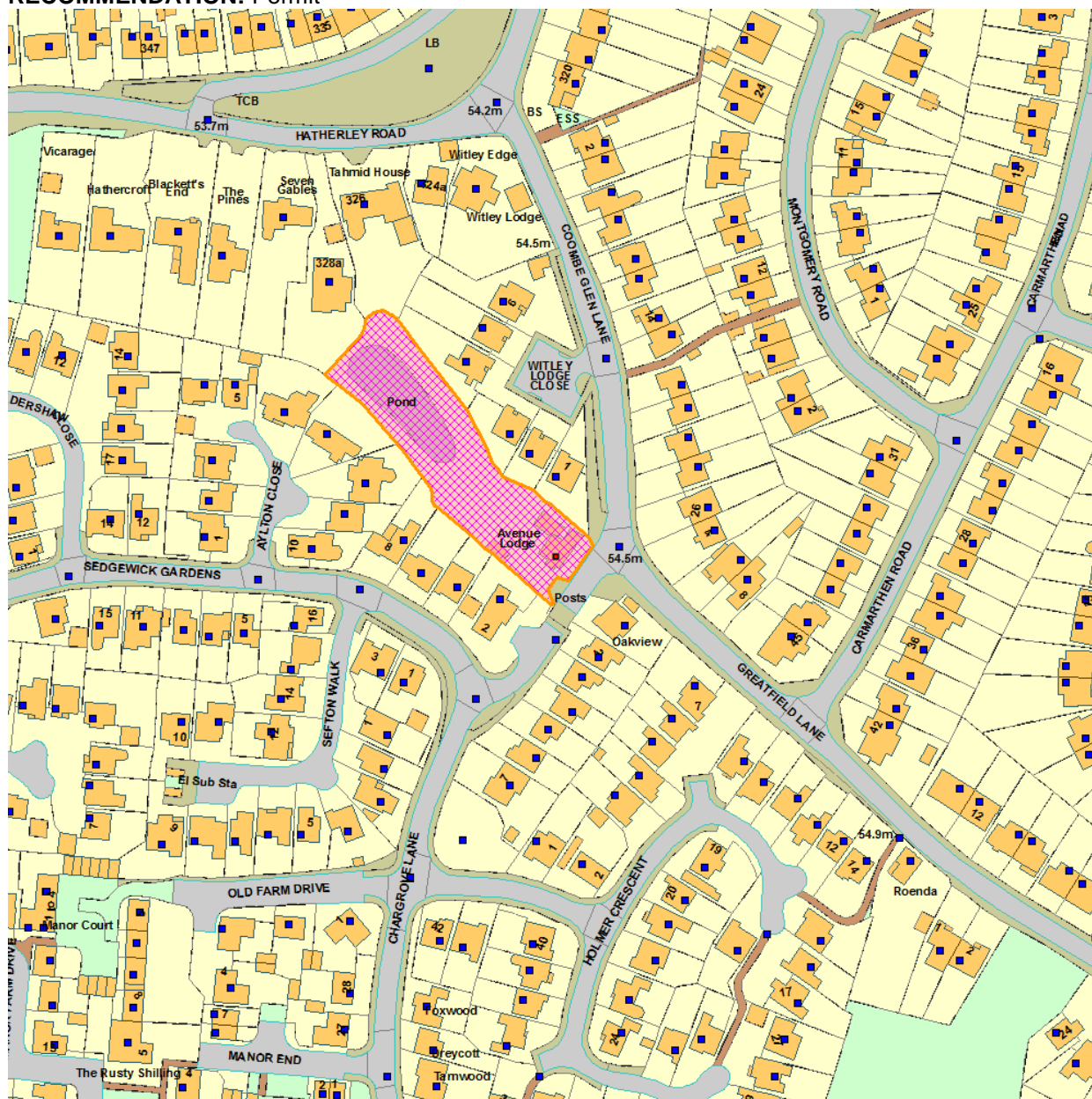
are only located in upper floors. There are several dwellings at ground floor and basement level including Numbers 6 and 18. We ask that you pay particular attention to the uses of neighbouring buildings during your site visit in order that your decision is based on correct information.

We trust you will take these observations and concerns into account in your consideration of the applications and would be pleased to elaborate on any of the issues raised. We would also welcome the chance to comment on any further information or amended plans submitted by the applicants.

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APPLICATION NO: 21/02409/FUL		OFFICER: Mrs Emma Pickernell
DATE REGISTERED: 30th October 2021		DATE OF EXPIRY: 25th December 2021
DATE VALIDATED: 30th October 2021		DATE OF SITE VISIT:
WARD: Up Hatherley		PARISH: Up Hatherley
APPLICANT:	Mr & Mrs Limbrick	
AGENT:		
LOCATION:	Avenue Lodge Chargrove Lane Up Hatherley	
PROPOSAL:	Construction of 1 no. new self-build dwelling in rear garden (Revised scheme of planning application ref. 21/00540/FUL)	

RECOMMENDATION: Permit



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site comprises a detached dwelling, Avenue Lodge, and its curtilage. It is located at the northern end of Chargrove Lane, at the junction with Greatfield Lane.
- 1.2 Avenue Lodge is an attractive detached dwelling with white painted brick walls and tiled roof. It is not listed however it is included on the index of buildings of local interest and therefore constitutes a non-designated heritage asset. It is understood that the building dates from 1858. The property benefits from two parking spaces to the front and also an existing access and driveway to the side of the house.
- 1.3 The application site is a large plot which is roughly rectangular. There is a pond within the rear garden which has been reduced significantly in size in recent years.
- 1.4 Planning permission is sought for a detached dwelling located approximately mid-way into the plot. Access would be provided via the existing drive which would become the access for the proposed dwelling with Avenue Lodge utilising the existing parking spaces at the front. This would lead to a parking and turning area between the retained garden of Avenue Lodge and the proposed garden of the new dwelling.
- 1.5 There is a significant amount of planning history at this site with applications for new dwellings at the site being made in 2005, 2006, 2008, 2009 and 2021, all of which were refused. An appeal was submitted against the 2009 application and subsequently dismissed. There have also been several applications to reduce the size of the pond. In 2014 an application was refused for landscaping works which included the reduction in size of the pond. This appeal was subsequently allowed.
- 1.6 The most recent application for a detached dwelling on the plot was refused in July 2021 for the following reasons:
 - (1) The proposed dwelling by reason of its size, height, scale, form and massing fails to respond positively to the context or character of the site. Furthermore the building would be harmful to the setting of the host building, Avenue Lodge, which is a locally indexed building and a non-designated heritage asset, by reason of its size and scale and through the loss of the existing garden setting. Therefore the proposal is considered to be harmful to the character and appearance of both the site itself and the surrounding area, and also the setting of Avenue Lodge. As such the proposal fails to comply with Advice contained in chapter 12 of the NPPF, policy SD4 of the JCS, policy D1 of the Cheltenham Plan and the Development on garden land and infill sites in Cheltenham SPD.
 - (2) The site is the subject of a Tree Preservation Order and contains a number of trees. The proposed dwelling by reason of its siting and detailed design would result in the loss of a TPO'd tree and the potential future loss or harm to other trees, including two TPO'd trees due to pressure to fell/prune due to the proximity of the dwelling to the trees and the provision of underground services. This would result in the unacceptable loss of trees on the site and an unacceptable impact upon the character of the site and the surrounding area. As such the proposal is considered to be contrary to section 15 of the NPPF and policies GI2 and GI3 of the Cheltenham Plan.
 - (3) The proposal involves the further reduction of the pond and the dwelling would be located in the position of a swale which forms part of compensatory surface water storage associated with an earlier application to reduce the size of the pond. The proposal does not include a viable solution for providing alternative compensatory surface water storage and as such would result in an increased risk of flooding in the vicinity of the site. As such the proposal is contrary to section 14 of the NPPF and policy INF12 of the JCS.
- 1.7 The proposal is before committee due to an objection from the Parish Council.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Airport safeguarding over 10m
Local Listing
Parish Boundary
Principal Urban Area

Relevant Planning History:

05/00725/FUL 24th October 2005 WDN

Erection of 2 no. dwellings

06/01291/FUL 18th October 2006 WDN

Erection of 2 no. dwellings

07/00040/CLPUD 30th March 2007 REF

Filling in of pond within domestic curtilage

08/00037/FUL 6th May 2009 REF

Erection of single storey flat roof, 4 bedroom detached dwelling in rear garden of Avenue Lodge

08/01167/FUL 9th October 2008 PER

Single storey extension with lean-to roof (retrospective)

09/01740/FUL 2nd February 2010 REF

Erection of single storey dwelling in rear garden of Avenue Lodge, Chargrove Lane

10/01941/FUL 5th May 2011 PER

Erection of a single storey rear extension to replace conservatory

12/01486/FUL 4th February 2013 WDN

Safety works around pond incorporating limited infilling along one side and re-landscaping

14/00505/FUL 19th September 2014 REF

Garden landscaping

15/00684/DISCON 10th June 2015 DISCHA

Discharge of conditions 3,4,6,7 _ 8 on planning permission 14/00505/FUL (granted at appeal)

21/00540/FUL 2nd July 2021 REF

Construction of 1 no. self-build dwelling and garage/workshop in rear garden

3. POLICIES AND GUIDANCE

National Planning Policy Framework

Section 2 Achieving sustainable development

Section 4 Decision-making

Section 5 Delivering a sufficient supply of homes

Section 8 Promoting healthy and safe communities

Section 9 Promoting sustainable transport

Section 11 Making effective use of land

Section 12 Achieving well-designed places

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

Section 15 Conserving and enhancing the natural environment

Section 16 Conserving and enhancing the historic environment

Adopted Cheltenham Plan Policies

D1 Design

HE1 Buildings of Local Importance and Non-Designated Heritage Assets

SL1 Safe and Sustainable Living
GI2 Protection and replacement of trees
GI3 Trees and Development

Adopted Joint Core Strategy Policies

SD3 Sustainable Design and Construction
SD4 Design Requirements
SD8 Historic Environment
SD9 Biodiversity and Geodiversity
SD10 Residential Development
SD11 Housing Mix and Standards
SD14 Health and Environmental Quality
INF1 Transport Network
INF2 Flood Risk Management

Supplementary Planning Guidance/Documents

Development on garden land and infill sites in Cheltenham (2009)
Index of buildings of Local Interest SPD (2007)

4. CONSULTATIONS

Gloucestershire Centre For Environmental Records

8th November 2021

Report in documents tab

Building Control

16th November 2021

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

Parish Council

23rd November 2021

I am submitting this as the lead for planning on Up Hatherley Parish Council and would be grateful if it could be considered accordingly.

Avenue Lodge is an important feature of Up Hatherley's Heritage.

It was one of only six buildings and grounds to feature on the principal list of Buildings of Local Interest drawn up in the 1990s.

It was built in 1857, is an example of mid-Victorian Architecture, and the Avenue Lodge Lake had been there as far back as any records go and almost certainly for hundreds of years.

After a number of rejected applications for various ways of reducing the size of the lake in their back garden and carrying out back land development of various types, the applicant in 2015 was finally successful (on appeal) in obtaining permission to roughly halve the size of the lake whilst carrying out extensive landscaping work to the newly created area. What has in fact happened is that the lake has been reduced to a pond no more than one tenth the size by surface area and a tiny fraction by water volume of the original. Additionally, very few if any of the proposed landscaping work appear to have been enacted.

UHPC understood that additionally a large tank was required to be sunk to help reduce the flooding issues that would inevitably impact on their near neighbours following the lake infilling. Has this actually happened? If not, what is the status of the alternative referred to in the applicant's documentation?

Unsurprisingly since the infilling many of the applicant's neighbours have experienced flooding problems and 328a Hatherley Lane has been forced to carry out expensive works to raise the height of much of their patio area to stop the flooding coming right up to their back door (and potentially beyond).

It is unclear to us what if any enforcement action has been attempted in this matter.

Surely, we cannot now ignore the unapproved erosion of this important environmental and ecological asset and reward the applicant by giving them permission to do what they have sought to do for many years and profit substantially from a back land development, whilst their near neighbours instead of having an attractive lake to look out on, which also prevented their land from flooding in winter, will now find a large dwelling squeezed right up against their fences.

UHPC notes that modifications to the application made earlier this year have been made in an attempt to lessen the impact on neighbours in Witley Lodge Close, Aylton Close and Sedgewick Gardens and to some extent this has been achieved. However, UHPC has been in receipt of adverse comments from almost all the original complainants and most of their original concerns are equally valid even with these modifications.

The proposed dwelling would in our view still have an unacceptable impact on the living conditions of neighbouring residents in the three roads mentioned above, in terms of noise, disturbance and outlook. The creation of a new drive would generate vehicle movements potentially at all hours. This would produce noise from engines and doors shutting and light from headlights at night which would diminish the quiet character of the rear rooms and gardens of those properties.

The lake provided a valuable oasis in this suburban area. It was evidently an historical feature which was left alone when the area was developed to provide a natural, relatively undisturbed environment for a variety of wildlife. Although it was not accessible or visible to the general public, it was clearly valued by the local residents for its tranquillity and wildlife and made an important contribution to their quality of life. The planning Inspector when considering a previous application for a second house on this site in 2010 gave significant weight to the importance of the lake and its setting in terms of its environmental benefits both for the surrounding neighbourhood and for the wildlife.

The Hydrology report commissioned by CBC for the application in 2014 indicated the need to actively manage any reduction in lake size. Surely this need still exists and it should be incumbent on the occupant of Avenue Lodge to carry out such works before any further applications to potentially further worsen the position are granted.

UHPC would also like the Council to note that the current proposal before you to develop this site, is an example of tandem or back land development.

In the Council's SPD it states that, "On a rear garden site, single 'tandem' development will not normally be accepted". It lists exceptions that would satisfy being 'not normal'. None of these apply to Avenue Lodge.

We clearly therefore wish to object to this application and would urge the committee not just to consider the adverse implications of the proposal for an additional dwelling but also to consider the history of this site, the hydrological implications of the failure to meet condition of the 2014 application and the precedent that would be set should the applicant be successful in the slow erosion of such a significant community asset for their own personal gain.

Architects Panel

14th December 2021

Design Concept This is a revised design for a new dwelling in the garden of Avenue Lodge. The panel had reviewed an earlier design for this site and concluded that the site was big enough to accommodate a new dwelling of some kind but felt the design would "lend itself to a more contemporary design approach, a more low-key built form that relates more to the garden setting".

This proposal locates the new house further away from the protected trees in the middle of the plot which is probably the best location for the dwelling. However, despite its reduced height, the revised design appears incongruous and out of scale and character with buildings of the area. The panel felt a more comprehensive analysis of the site, levels and neighbouring properties is required to inform the proposals and demonstrate they respond to the rear garden setting and have addressed and mitigated any adverse impact of a new dwelling in this location

Design Detail The form of the proposed building, its proportions and details look wrong for this site.

Recommendation Not supported.

Tree Officer

15th November 2021

In that the proposed build is overwhelmingly outside the Root Protection Area of trees, there appears to be a minimal impact on existing trees and as such, subject to the following being submitted and agreed, the CBC Tree Section does not object to this proposal:

- 1) Tree protection (in the form of ground protection-eg 1" thick steel boards) must extend to the full extent of the root protection of T12. Whilst the track may have been previously strengthened, this is a TPO'd tree and in theory no development should take place within the RPA unless there is suitable ground protection during the course of such development (even if this is only a temporary roadway).
- 2) A phase 2 tree protection plan should be submitted so as to take account of the proposed driveway design. The current Tree Protection Plan also covers a part of the proposed driveway. Obviously the proposed fencing will need to be moved during the construction of the drive and a Phase II Tree Protection Plan should be submitted.
- 3) A decision should be made as to the future of T17. If it is intended to be removed, this should be made clear and mitigating tree planting should reflect this.
- 4) The proposed landscape plan appears to extend/change the existing pond area as well as introduce a hard landscape design element. Full details of existing tree protection need to be submitted to reflect this (taking account TPO protected trees). There are significant concerns regarding the practical feasibility of proposed extension of the pond within the RPA of TPO protected trees. A full method statement should be submitted and agreed demonstrating how the pond is to be extended (to include excavation and extraction methods of soil) and how adjacent hard landscaping is to be created without damaging existing TPO protected trees.

All procedures described within the Arb Method Statement of the tree report must be complied with.

Please use the "gutter cover informative" in any permission to be issued.

Severn Trent Water

9th November 2021

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

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

As the proposal has minimal impact on the public sewerage system I can advise we have no objections to the proposals and do not require a drainage condition to be applied.

Severn Trent Water advise that there may be a public sewer located within the application site. Although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under the Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and contact must be made with Severn Trent Water to discuss the proposals. Severn Trent will seek to assist in obtaining a solution which protects both the public sewer and the building.

Please note that there is no guarantee that you will be able to build over or close to any Severn Trent sewers, and where diversion is required there is no guarantee that you will be able to undertake those works on a self-lay basis. Every approach to build near to or divert our assets has to be assessed on its own merit and the decision of what is or isn't permissible is taken based on the risk to the asset and the wider catchment it serves. It is vital therefore that you contact us at the earliest opportunity to discuss the implications of our assets crossing your site. Failure to do so could significantly affect the costs and timescales of your project if it transpires diversionary works need to be carried out by Severn Trent.

Please note if you wish to respond to this email please send it to Planning.apwest@severntrent.co.uk where we will look to respond within 10 working days.

GCC Highways Planning Liaison Officer

18th November 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 subject to conditions.

The justification for this decision is provided below.

The proposal is not perceived to arise a detrimental impact on the operation and safety of the adjacent network. On this basis, the Highway Authority would not wish to object to the application subject to a condition for electric vehicle charging point and bicycle storage in order to promote sustainable modes of transport.

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

Conditions

The development hereby permitted shall not be first occupied until the

proposed dwelling has been fitted with an electric vehicle charging point. The charging point shall comply with BS EN 62196 Mode 3 or 4 charging and BS EN 61851 and Manual for Gloucestershire Streets. The electric vehicle charging point shall be retained for the lifetime of the development unless they need to be replaced in which case the replacement charging point shall be of the same specification or a higher specification in terms of charging performance.

Reason: To promote sustainable travel and healthy communities.

The Development hereby approved shall not be occupied until sheltered, secure and accessible bicycle parking has been provided in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority and thereafter the approved cycle parking shall be kept available for the parking of bicycles only.

Reason: To promote sustainable travel and healthy communities

Publica Drainage Engineer

17th November 2021

Surface Water Drainage

The geology of the area indicates that soakaways are unlikely to be viable on site so infiltration tests must be undertaken in the location of the proposed soakaway and in accordance with BRE365.

If there is good infiltration and acceptable groundwater levels, soakaways must be designed in accordance with the guidance notes shown below.

Please note, soakaways are not recommended on steep slopes (>1 in 10) as they might reduce slope stability and pose an increased risk of flooding to buildings at a lower elevation, in an exceedance event. Caution is advised.

Notes regarding soakaway location and design

- Soakaways should be designed with a minimum clearance of 1m from base to water table at all times of year.
- Soakaways must be >5m from any structure and >2m from the boundary.
- If soakaways are viable, it is important that they are positioned at a lower elevation to the property or neighbouring property, in case of exceedance. If it is not possible due to site restrictions, it is vital that they are located at a depth whereby the invert level of the inlet pipe is lower than the threshold level of the property. Landscaping must then be considered to route water away from any vulnerable property in an exceedance event.
- Individual geocellular soakaways are recommended for ease of maintenance and reduced footprint, and are particularly effective if the groundwater level is found to be within 1m of the soakaway inlet pipe.
- Silt traps are also recommended for ease of maintenance.
- If soakaways are located beneath a car parking/turning area, they will need to have adequate clearance and the design will need to be suitable for the additional loading.
- During the construction phase it is important not to compact ground where soakaways are proposed.

If infiltration is not viable, there is a public surface water sewer in Chargrove Lane or Coombe Glen Lane. Attenuation will be required prior to controlled discharge in line with the Qbar Greenfield Runoff Rate. Evidence of permission from Severn Trent Water will be required.

The onsite surface water drainage system must be designed to accommodate up to and including, either:

- 1 in 100 year storm event plus 40% climate change (CC); or
- 1 in 30 year event plus 40% CC but any volume above this must be kept on site for all return periods up to and including the 1 in 100 year event plus 40% CC and must not cause a risk to any existing property or land beyond the site.

General Comments

It is important to note that the development must not increase flood risk to any existing property or land beyond the site boundary and the landscaping of the site should route water away from any vulnerable property and avoid creating hazards to access and egress routes. As such, an exceedance flow route plan for flows above the 1 in 100 year plus 40% CC must be submitted with the proposal, identifying the surface water flow routes through the site should the capacity of the drainage system be exceeded.

We highly recommend the use of permeable or granular construction on access routes and hardstandings.

We would like to see waterbutts/rainwater harvesting being incorporated into the proposed surface water drainage system if possible.

Publica Drainage Engineer (additional comments)

19th November 2021

This application doesn't mention the pond being reduced in size and the existing/proposed site layouts show it staying the same size. Also, the dwelling in this application has been repositioned and the proposed layout plan shows it is now outside of the swale. Further surface water compensation will therefore not be required. Based on the information provided, and subject to a detailed surface water management strategy that can be obtained through a condition, the application shouldn't increase the risk of flooding to the area.

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	20
Total comments received	10
Number of objections	9
Number of supporting	0
General comment	1

5.1 The application was publicised by way of letters to 20 neighbouring properties. 10 representations were received which to briefly summarise, raise the following issues:

- Loss of area for wildlife
- Impact on trees and impact on proposed dwelling by trees.
- Proposed dwelling and grounds not accessible/practical for elderly or disabled

- Insufficient parking spaces
- Loss of garage/storage
- Provision of one house negligible compared to proposed developments in and near to Cheltenham
- Lack of local workforce
- Close relationship between Avenue Lodge and proposed dwelling
- Impact on setting of Avenue Lodge
- Impact on sewerage infrastructure
- Disruption from building work
- Previous reduction in size of pond resulting in flooding. Query whether conditions have been complied with.
- Queries on accuracy of information
- Design of dwelling out of keeping with surrounding properties.
- Impact on privacy

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 layout including heritage impact, (iii) impact on neighbour amenity, (iv) access and highways, (v) trees and landscaping, (vi) Flooding and Drainage, (vii) ecology.

6.3 Principle

6.4 The site is within the Principle Urban Area (PUA) of Cheltenham. Policy SD10 of the Joint Core Strategy (JCS) relates to residential development. The site is not allocated for housing, neither is it previously-developed. SD10 (4) allows for infilling within the PUA, except where restricted by policies within District Plans. As a backland site it is debateable whether it would fall within the definition of infill. However it is considered that the principle could be supported, provide the scheme is considered to be in accordance with other relevant policies.

6.5 Design, layout and heritage impacts

6.6 Policy SD4 of the JCS and policy D1 of the Cheltenham Plan set out design requirements of new development which reflect the general principles set out in Chapter 12 of the NPPF. Also if relevance is the Council's SPD relating to building on infill sites and on garden land.

6.7 These documents and policies require that schemes demonstrate a clear understanding of, and respond positively to; the urban structure and grain of an area in terms of street pattern, layout, mass and form.

6.8 The parent building – Avenue Lodge, is a locally indexed building. The National Planning Policy Framework (NPPF) states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, as balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. Policy HE1 of the Cheltenham Plan also states that “Development proposals that would affect a locally important or non-designated heritage asset including its setting, will be required to have regard to the scale of any harm or loss to the significance of the heritage asset.”

6.9 As mentioned above an application for a dwelling on this site was refused for the following reason:

The proposed dwelling by reason of its size, height, scale, form and massing fails to respond positively to the context or character of the site. Furthermore the building would be harmful to the setting of the host building, Avenue Lodge, which is a locally indexed building and a non-designated heritage asset, by reason of its size and scale and through the loss of the existing garden setting. Therefore the proposal is considered to be harmful to the character and appearance of both the site itself and the surrounding area, and also the setting of Avenue Lodge. As such the proposal fails to comply with Advice contained in chapter 12 of the NPPF, policy SD4 of the JCS, policy D1 of the Cheltenham Plan and the Development on garden land and infill sites in Cheltenham SPD.

As such a key consideration is whether the current proposal overcomes the concerns raised by the previous proposal.

6.10 The current proposal differs from the refused scheme in the following key ways:

- The footprint of the building has been significantly reduced
- The siting of the building has changed with the building being moved approximately 18m to the south east
- The height of the building has been reduced by 1.3m (from 7.8 to 6.3m)
- The upper storey is now accommodated partially within the roof space to create a 1.5 storey dwelling
- A change in design approach - The design comprises zinc standing seam roofs, off-white brick walls and slimline powdercoated aluminium windows and doors. The previous scheme entailed large two storey sections of glazing, tiled roofs and a mixture of oak cladding and Cotswold stone with a clay tiled roof.
- The removal of a 3 bay garage with attic space above.

6.11 Below is an extract from the previous officer report for the refused scheme (21/00540/FUL):

- 6.10** The proposed design in isolation is not considered to be poor, however it is not considered that it adequately responds to the context and character of the site. This is a back garden site which is well treed and surrounded by other properties. The advice given at pre-app stage was that any dwelling should seek to respond to this setting and a suggestion of a single or 1.5 storey dwelling was made. The submitted drawings conversely increase the height of the building over and above that which was discussed at pre-app stage.
- 6.11** Whilst the building may be commensurate in size to some of the adjacent dwellings in Witley Lodge Close and Aylton Close, it is significantly larger than Avenue Lodge.
- 6.12** The Development of Garden Land SPD states that *"development in rear gardens which is greater in height, scale and massing than development on the frontage will not normally be acceptable"*. It goes on to explain that within the normal development hierarchy rear gardens are secondary spaces. It would be inappropriate for a building in such a location to be so dominant in comparison with the host dwelling. In this instance the building in question is also a locally indexed building and is considered that the proposed dwelling would be harmful to the setting of this building.
- 6.13** Whilst it is of some age the 2008 appeal is a material consideration. The appeal related to a long low flat roofed dwelling in an approximate 'W' shape, built partially over the pond. The reason for refusal stated that the pond and the garden space made a significant contribution to the character of the area. The Inspector supported this view. The site has changed significantly in recent years with the pond being much reduced in size. Whilst it is not disputed that a dwelling could be provided on the site, it is considered that a much more nuanced approach is required which truly responds to the site and its context. The comments of the Civic Society and Architects Panel echo this view.
- 6.14** Overall it is considered that the design is unacceptable due to its size and mass and would have an unacceptable impact upon the character of the area and on the setting of Avenue Lodge.

6.12 It is considered that the revised scheme has gone to greater efforts to be subservient and respectful of its relationship with Avenue Lodge and has followed the Officer suggestion of a 1.5 storey dwelling. The building is now modest in scale and would not dominate the plot in the way the refused scheme would have. The removal of the garage also ensures that more of the garden setting is retained. The proposed design is considered to be an appropriate and interesting response to the challenge this sites represents. The white brick echoes the materials of Avenue Lodge, whilst the zinc roof will complement the brick and will mellow over time.

6.13 For these reasons the proposal is now considered to be acceptable in terms of design, layout and the impact on the locally indexed building.

6.14 Impact on neighbouring property

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

6.16 The refused scheme was not refused on grounds of neighbour amenity, however the location of the dwelling now proposed is different and as such this need to be looked at afresh. The dwellings nearest to the proposed dwelling are 8 Sedgewick Gardens and 8 Aylton Close.

6.17 8 Sedgewick Gardens is located approx. 15m from the proposed dwelling and has a rear conservatory. The proposed dwelling is at an oblique angle to the proposed dwelling and as such there would be no significant loss of privacy to this property. The distance from the

rear elevation coupled with the relatively low height of the property mean that there would be no significant loss of light to this property.

6.18 8 Aylton Close is located 13m from the proposed dwelling and also has a rear conservatory. There are no side facing upper floor windows within the proposed dwelling which would face this property. There are roof lights on the side elevation and through negotiation with the applicant these have been reduced in size to avoid potential overlooking. IT is also recommended that a condition is attached ensuring the height of these will avoid overlooking.

6.19 The nature of the site is that it is surrounded by houses and therefore will be visible from a number of vantage points, however it is not considered that the proposed dwelling would have an unacceptable impact upon any neighbour.

6.20 Access and highway issues

6.21 Section 9 (promoting sustainable transport) of the NPPF and policy INF1 of the JCS require development to provide safe and suitable access and to avoid significant adverse impacts on the highway network.

6.22 The Highway Authority have assessed the proposals and have confirmed that they have no objection to the application, subject to conditions.

6.23 As such the proposal is considered to be acceptable in terms of access and highways issues.

6.24 Trees and Landscaping

6.25 Section 15 of the NPPF and policies GI2 and GI3 of the Cheltenham Plan seek to resist any unnecessary felling of trees and the retention, replacement or protection of trees as necessary.

6.26 The site is the subject of a Tree Preservation Order.

6.27 As mentioned above the previous application was refused for the following reason:

The site is the subject of a Tree Preservation Order and contains a number of trees. The proposed dwelling by reason of its siting and detailed design would result in the loss of a TPO'd tree and the potential future loss or harm to other trees, including two TPO'd trees due to pressure to fell/prune due to the proximity of the dwelling to the trees and the provision of underground services. This would result in the unacceptable loss of trees on the site and an unacceptable impact upon the character of the site and the surrounding area. As such the proposal is considered to be contrary to section 15 of the NPPF and policies GI2 and GI3 of the Cheltenham Plan.

6.28 The Tree Officer has confirmed that the new siting of the building has moved it largely outside of the Root Protection areas of the trees on the site and therefore there would be minimal impact upon the existing trees. There is a requirement for a more detailed tree protection plan to be submitted and this can be required by condition. The Tree Officer's comments refer to an enlargement of the pond, however this is not part of the proposals.

6.29 The applicant has confirmed that T17, referred to in the tree officer comments is not planned to be removed.

6.30 As such it is now considered that the proposal has an acceptable impact upon the trees on the site.

6.31 Flooding and Drainage

6.32 Section 14 (meeting the challenge of climate change, flooding and coastal change) of the NPPF and policy INF2 (flood risk management) of the JCS require new development to demonstrate that it will not increase the risk of flooding and include measures such as sustainable urban drainage systems (SUDS) where appropriate.

6.33 As mentioned above the previous application was refused for the following reason:

The proposal involves the further reduction of the pond and the dwelling would be located in the position of a swale which forms part of compensatory surface water storage associated with an earlier application to reduce the size of the pond. The proposal does not include a viable solution for providing alternative compensatory surface water storage and as such would result in an increased risk of flooding in the vicinity of the site. As such the proposal is contrary to section 14 of the NPPF and policy INF12 of the JCS.

6.34 The location of the previously proposed dwelling was within a swale which formed part of the approved compensatory water storage scheme which was part of the scheme submitted to discharge conditions attached to the allowed appeal for works to reduce the size of the pond (14/00505/FUL).

6.35 The dwelling now proposed is located outside of this area as indicated on the plan and as such the Drainage Engineer has confirmed that the proposal is now acceptable subject to the submission of a drainage strategy which can be required by condition.

6.36 As such it is considered that the proposal is now acceptable in terms of drainage and flooding.

6.37 A number of comments which have been submitted refer to non-compliance with the previous approval (granted on appeal). The appeal decision had a number of conditions including a requirement for a scheme for compensatory water storage and for cross sections to be provided. A site visit has recently been carried out, along with discussions with the enforcement officer. The pond, at the time of the site visit did appear to be smaller than approved, however it was clearly far from full. Given the shallow banked sides of the pond, it would appear considerably larger if full. The inspectors decision makes it clear that the exact level of the pond will be dependant on rainfall. The compensatory water storage scheme which was approved comprised the formation of a swale which is designed to flood in times of high water. This has clearly been provided and is evident on site. There was never a requirement for a below ground storage tank as suggested in the objections. The applicant has explained in his submission that the landscaping programme is still being implemented as ground levels settle and plants establish.

6.38 Given that the current proposal does not interfere with the pond or swale it is not strictly relevant to the current application, however having discussed the issue with the Enforcement Officer what has been implemented is considered to be within acceptable tolerance from the approval and it is not expedient to pursue enforcement action.

6.39 Ecology

6.40 Section 15 of the NPPF (conserving and enhancing the natural environment) and policy SD9 (biodiversity and geodiversity) of the JCS require that any harm to biodiversity should be avoided where possible and any risk of harm should be mitigated.

6.41 The previous application was accompanied by an Ecological Appraisal. This concluded that the habitats on the site are generally common, of low ecological value and easy to replace. The report concluded that the pond is an ecological resource and it is important to protect it from pollution. Advice is provided as to appropriate planting for ecological enhancement of the site and a recommendation regarding the provision of bird boxes.

6.42 As such subject to the imposition of conditions to this effect the impact on biodiversity is considered to be acceptable.

6.43 Other Considerations

6.44 Public Sector Equalities Duty (PSED)

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

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

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

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

6.45 Climate Emergency

6.46 Cheltenham Borough Council, in common with a number of Local Planning Authorities, has declared a climate emergency, with an aim to be a carbon zero authority by 2030.

6.47 The proposal does not include any specific green technologies and is not required to do so by any policy. However it is in a sustainable location, would maintain the trees, flood storage function and ecological value of the site. In this sense the proposal represents a sustainable form of development.

7. CONCLUSION AND RECOMMENDATION

7.1 Planning Balance

7.2 Cheltenham Borough Council cannot currently demonstrate a 5 year housing land supply. As such the ‘tilted balance’ is engaged in considering proposals for housing. This means granting planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the framework taken as a whole.

7.3 The proposal makes a small provision of 1 dwelling which would count against the shortfall which adds a small amount of weight to the conclusion that the proposal is acceptable. The proposal is also proposed as a self build which would help with the provision of self-build units in the Borough.

7.4 The proposal has sought to overcome and address all of the concerns which have previously been raised in relation to schemes to achieve a dwelling on this site and is now considered to be acceptable. Therefore 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.

- 3 The development hereby permitted shall not be first occupied until the proposed dwelling has been fitted with an electric vehicle charging point. The charging point shall comply with BS EN 62196 Mode 3 or 4 charging and BS EN 61851 and Manual for Gloucestershire Streets. The electric vehicle charging point shall be retained for the lifetime of the development unless they need to be replaced in which case the replacement charging point shall be of the same specification or a higher specification in terms of charging performance.

Reason: To promote sustainable travel and healthy communities.

- 4 The Development hereby approved shall not be occupied until sheltered, secure and accessible bicycle parking has been provided in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority and thereafter the approved cycle parking shall be kept available for the parking of bicycles only.

Reason: To promote sustainable travel and healthy communities

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

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

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

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

- 7 The rooflights which form part of the development hereby approved shall have their lower edge positioned no lower than 1.7 metres above floor level of the room that the window serves.

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

- 8 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.

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/developer is strongly encouraged to install leaf guards for the guttering and down pipes so as to reduce levels of tree-related inconvenience experienced by future residents during the occupancy of the development.

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APPLICATION NO: 21/02409/FUL		OFFICER: Mrs Emma Pickernell
DATE REGISTERED: 30th October 2021		DATE OF EXPIRY : 25th December 2021
WARD: Up Hatherley		PARISH: UPHATH
APPLICANT:	Mr & Mrs Limbrick	
LOCATION:	Avenue Lodge Chargrove Lane Up Hatherley	
PROPOSAL:	Construction of 1 no. new self-build dwelling in rear garden (Revised scheme of planning application ref. 21/00540/FUL)	

REPRESENTATIONS

Number of contributors	10
Number of objections	9
Number of representations	1
Number of supporting	0

2 Witley Lodge Close
Up Hatherley
Cheltenham
Gloucestershire
GL51 3LW

Comments:

This is submitted on behalf of 2 Witley Lodge close.

With reference to the newly proposed and revised PLANNING APPLICATION 21/02409/FUL we wish to make the following comments:

Having lived at No2 Witley Lodge Close since 1975 we would like to point out that the builders who constructed the estate on the old Manor Farm Site approached the then owner of Avenue Lodge to buy the land comprising the back half of the garden. The lady refused as she appreciated the wildlife and oasis of pond and trees to the extent that she insisted that they construct the red-brick wall all along the side of her property to separate it from the new build and protect the area of the garden. What has changed to allow building to now take place there?

The current owners obviously have no regard for the rurality of this area in their constant pursuit of building on it.

The language used in the application is definitely designed to appeal to modern constructs of disabled access, however to describe a two-storey property as designed for the elderly or disabled is an oxymoron. People who are elderly or disabled mostly seek accommodation on a single level for ease of access.

Similarly, a property with a fairly large garden containing several trees could not be described as manageable for these groups of people, and as for woodland path walks, again - Sensible? Practical? In a wheelchair? With walking aids?

If the new property is to be aimed at a young family or as someone's first step on the property ladder, we ask again, where are the facts that back up this emotive language?

At No 2 we have been subjected to Thuja/Cypress Leylandii trees which are so far beyond the permitted height as to be beyond a joke. There have been many requests from the Council for these to be topped and trimmed but nothing has been done and they severely limit the light to our property. The trunks of these trees are flush with our fence and only 23' from the exterior wall of our house. Their roots have lifted the paving stones rendering our garden unsafe, particularly for my now severely disabled husband. We are told that they need these trees to maintain their privacy, we have no choice about ours, we are "hemmed-in" and kept in the dark.

As regards car spaces - two will not suffice as Avenue Lodge already have four cars and the family has two boys of driving age, one who may already own an additional car. Where are these cars to be parked? Will their parking be detrimental to their neighbours?

If the applicant moves his garage and shed to provide a driveway to the proposed property, then where will he store his many tools and garden equipment?

We very much doubt that one self-build property will be of much assistance to the Council when you consider the existing and proposed developments in Longlevens, Leckhampton, Bishops Cleeve and Elmstone Hardwicke.

We find the proposal that this build will provide jobs in the construction industry laughable. Anyone who has tried to employ a company in the various trades involved will tell you that it is impossible. They are all overwhelmed with work and also struggling to get supplies because of the current shortage of delivery drivers.

We endorse all the comments made by others about incorrect labelling, out-of-date photographs, noise, wildlife, flooding and amenities and would like to conclude with an issue about privacy.

For years the occupants of Avenue Lodge have shut themselves away in a 'shell' where they cannot see or be seen and we fail to understand how they reconcile their attitude with the undeniable fact that they would, if their plans succeed, be faced with a new house in their back garden and with people driving and walking along the side of their house and past their garden room and their new 'entertainments' room. The residents of the proposed property will also park their cars in full view of Avenue Lodge. We appreciate that the plans show a hedge all along the drive but this will have to be quite high to completely obscure the traffic on the new driveway. Perhaps they plan for this hedge to grow as high as the trees at the back of number 2!

We are too quick sometimes to raze historical properties to the ground. Cheltenham has already lost several lovely old buildings: The Old Grammar School in High Street, the lovely black and white house on the corner of Arle Road and Gloucester Road. Avenue Lodge (built in 1857), despite the many new attachments, is still a very old cottage within a beautiful natural area. Council, please think before you allow any further razing or spoiling.

Cheltenham
Gloucestershire
GL51 3LW

Comments:

We wish to object to the proposed construction of a new three bedroomed dwelling in the garden of Avenue Lodge

This garden has long been a haven for wildlife and we are concerned that the proposed development would have a significant impact on the numbers and variety of wildlife that reside in this area.

Despite the loss of a large part of the pond, the garden is still a home for lots of birds, including great spotted woodpeckers, goldfinches, wrens and myriads of other smaller species. These birds nest in the surrounding trees and would be disturbed during any proposed building work and it is very likely that they would not return.

The house itself looks well designed but will, without doubt, cause major arboricultural impact due to the proximity of self-seeded and over tall trees in the area.

Additionally, over the years there has been an ongoing problem with sewerage blockages in the drainage shared between Avenue Lodge and Witley Lodge Close - surely another sizeable property linking in to the existing and inadequate infrastructure will only exacerbate the problem.

We are also concerned that as the new dwelling is stated as 'self-build', it may be outside of the builders permitted working hours - causing further ongoing disruption and disturbance to surrounding properties.

This proposal will detract from the local heritage as this is one of the oldest properties in the area. Avenue Lodge was built in 1857 - the site is an oasis of calm in the middle of Up Hatherley.

Once gone, it is lost forever!

4 Witley Lodge Close
Up Hatherley
Cheltenham
Gloucestershire
GL51 3LW

Comments:

I strongly object to this proposal as follows:

Yet another attempt to desecrate this historical piece of land. As if he has not done enough damage when he ignored conditions set by you regarding the size of the reduction of the pond. This once lovely habitat for wildlife has been reduced far beyond that which was allowed , to a mere pond completely covered with debris. In fact the pond cannot even be seen now.

Page 74

We still have the constant problem with flooding on neighbouring properties as he did not adhere to the siting of a tank to address this problem. The whole area has been neglected, trees just left to tower above surrounding properties with no management care.

If he is allowed this application, what further developments has he in mind as he has left enough space to further develop this land. Who will be responsible if we have a disaster waiting to happen regarding flooding. Is the Council responsible if they allow this to happen, or the landowner who, no doubt, would have disappeared by then?

This is a very small cul de sac which additional traffic would have a severe impact, notwithstanding the disruption to properties very close to the proposal.

I vehemently object to this.

Brambles
328A Hatherley Road
Cheltenham
Gloucestershire
GL51 6HX

Comments:

Since 2003 the applicant has made numerous applications to build a property or properties at the rear of Avenue Lodge.

I reiterate all the comments I have made for the last 18 years.....but will set out below once again.

This is an area with mature trees and there was once a lake which the applicant has drained. As my property shares a boundary with Avenue Lodge when it rains my garden is floodedI am given to understand that the applicant was instructed to install a "drainage tank" to allow excess rainwater to drain into the tank. To my knowledge this tank has not been installed...hence my concern re the flooding into my property.

Also, the number of mature trees has been sadly reduced over the years.....does this new application involve more destruction regarding the remaining trees.

Maybe you could refer to the previous application to view my comments made then....will save me going over them again,

If you would like access to my garden at any time I am quite happy for you to do so and you will be able to see where the flooding extends to my patio.

1 Witley Lodge Close
Up Hatherley
Cheltenham

Gloucestershire
GL51 3LW

Comments:

We object to this proposal for the following reasons:

To say terrain is low lying, flat and level so the trees are not exposed to wind is surprising given the strength of the wind in adjoining gardens.

Not knowing the exact nature of the materials used when the huge reduction of the lake to a small pond took place makes it difficult to establish how much affect this has made on the stability of surrounding trees.

Picture: 4.4.3 view north on the Tree Report; must have been taken many years ago since trees shown in this picture are now well over the permitted height for boundaries which affect other properties. We would question why new photographs were not taken. In fact even the Google Earth photographs are well out-of-date and all the boundary trees are now well over the permitted height.

None of the photographs or drawings reflect the two substantial new outbuildings between Avenue Lodge and Witley Lodge Close.

Cheltenham CBC Consultee comment states garage has been removed.

See page 2 of The Full Design and Access Statement -submitted:

Trees: The new application has moved the proposed building away from protected trees in order to be less hemmed in by canopy shading and to negate removal of any protected trees. Also the building of a garage has been removed to reduce overall imposition on the character of the site. No construction will take place within root protection area(RPA) which forms a protective circle around the trees. (British Standard 5837..2005-Trees in relation to construction).

Page 22 -7.0 of the Tree Forestry Report: Conclusion states; proposed garage (plans not up-to-date). This clearly conflicts with both CBC and The Design and Access Statement - which are we to believe?

The tree report (BJ Unwin Forestry Consultancy) P7 - G6 Thuja x 3 Overgrown hedge, losing low level screening. From the report on the 4th January 2020 - it says to top and trim. This has not been done.

From Mr Limbrick's side the height of these trees has no effect, but for the residents on the NNE side of his property (Witley Lodge Close) these trees have been blocking the majority of the light for many years. In fact when some of the trees were removed so that Mr Limbrick could build his 'entertainment room' even the properties on the SSW commented on how much more light was now evident across their properties.

We believe that the plans submitted of the garden layout are not up-to-date and that the applicant should resubmit with new photographs and new, more up-to-date and correctly scaled drawings.

As previously stated, this is a self-build and will probably, therefore, be constructed outside of normal working hours, therefore causing further noise and disruption to surrounding properties.

How it can provide employment is also rather speculative, as is the assumption that it will relieve the housing shortage since it is more likely to be used for extended family. We believe that the new build would seriously impinge on the privacy of all surrounding houses, including Avenue Lodge.

As stated in the comment from Brambles, 328a Hatherley Road, (Wednesday 10th November, 2021): "I am given to understand that the applicant was instructed to install a drainage tank to allow excess rain water to drain into the tank, to my knowledge, this tank has not been installed."

Neighbouring residents were assured that CBC would ensure that this work was carried out. No such assurance has been received.

FOUL DRAINAGE:

Full Design and Access Statement P4

Drainage Strategy Existing Parameters

External finished ground level along the north east elevation of the proposed dwelling = average 54.40m

Cover level of mains sewer manhole in Chargrove Lane = 54.48m

Invert level of mains sewer in Chargrove Lane = 50.00m

Diameter of mains sewer = 9"Ø

Direction of flow = from south west to north east.

PROPOSED SCHEME

Finished floor level = 54.60m

New foul drain diameter = 100mmØ laid at minimum gradient = 1:80 Length of new foul drain from property to Chargrove Lane = 115m run

Total fall required at 1:80 (0.0125) = $115\text{m} \times 0.0125 = 1.4375\text{m}$ plus initial 600mm drop into ground = 2.0375m

Total drop from invert level at head of drain into invert of existing manhole in Chargrove Lane = 4.10m

There is sufficient drop from external finished ground level along the north east elevation of the property into the existing mains sewer in Chargrove Lane, to discharge the proposed foul drainage through intermediate manholes and access chambers under gravity.

Is it safe to assume from this that a brand new foul water sewerage pipe will be constructed and that none of the waste from the proposed new property will be directed to the existing, already overburdened, sewage pipe which goes through Witley Lodge Close?

Severn Trent have been called out innumerable times to clear this pipe causing untold disruption to adjoining properties. The applicant has been told by Severn Trent to carry out remedial works to his portion of this sewerage pipe on the site of Avenue Lodge and it would be useful to know if this remedial work has been carried out.

We have already experienced massive reductions in wildlife since the lake was reduced to a pond and the two new outbuildings created. The number of bees, garden birds and bats has dramatically reduced and further building can only exacerbate this problem, rendering our once peaceful haven into an urban sprawl.

With two new outbuildings, Avenue Lodge has vastly increased its carbon footprint. Another build will not help in this respect and neither will the addition of more vehicles.

Comments:

This is submitted on behalf of 2 Witley Lodge close.

With reference to Mr. Limbrick's newly proposed and revised PLANNING APPLICATION 21/02409/FUL we wish to make the following comments:

Having lived at No2 Witley Lodge Close since 1975 we would like to point out that the builders who constructed the estate on the old Manor Farm Site approached the then owner of Avenue Lodge to buy the land comprising the back half of the garden. The lady refused as she appreciated the wildlife and oasis of pond and trees to the extent that she insisted that they construct the red-brick wall all along the side of her property to separate it from the new build and protect the area of the garden. What has changed to allow building to now take place there?

The current owners obviously have no regard for the rurality of this area in their constant pursuit of building on it.

The language used in the application is definitely designed to appeal to modern constructs of disabled access, however to describe a two-storey property as designed for the elderly or disabled is an oxymoron. People who are elderly or disabled mostly seek accommodation on a single level for ease of access.

Similarly, a property with a fairly large garden containing several trees could not be described as manageable for these groups of people, and as for woodland path walks, again - Sensible? Practical? In a wheelchair? With walking aids?

If the new property is to be aimed at a young family or as someone's first step on the property ladder, we ask again, where are the facts that back up this emotive language?

At No 2 we have been subjected to Thuja/Cypress Leylandii trees which are so far beyond the permitted height as to be beyond a joke. There have been many requests from the Council for these to be topped and trimmed but nothing has been done and they severely limit the light to our property. The trunks of these trees are flush with our fence and only 23' from the exterior wall of our house. Their roots have lifted the paving stones rendering our garden unsafe, particularly for my now severely disabled husband. We are told that they need these trees to maintain their privacy, we have no choice about ours, we are "hemmed-in" and kept in the dark.

As regards car spaces - two will not suffice as Avenue Lodge already have four cars and the family has two boys of driving age, one who may already own an additional car.

Where are these cars to be parked? Will their parking be detrimental to their neighbours?

If Mr. Limbrick removes his garage and shed to provide a driveway to the proposed property, then where will he store his many tools and garden equipment?

We very much doubt that one self-build property will be of much assistance to the Council when you consider the existing and proposed developments in Longlevens, Leckhampton, Bishops Cleeve and Elmstone Hardwicke.

We find the proposal that this build will provide jobs in the construction industry laughable. Anyone who has tried to employ a company in the various trades involved will

tell you that it is impossible. They are all overwhelmed with work and also struggling to get supplies because of the current shortage of delivery drivers.

We endorse all the comments made by others about incorrect labelling, out-of-date photographs, noise, wildlife, flooding and amenities and would like to conclude with an issue about privacy.

For years the occupants of Avenue Lodge have shut themselves away in a 'shell' where they cannot see or be seen and we fail to understand how they reconcile their attitude with the undeniable fact that they would, if their plans succeed, be faced with a new house in their back garden and with people driving and walking along the side of their house and past their garden room and their new 'entertainments' room. The residents of the proposed property will also park their cars in full view of Avenue Lodge. We appreciate that the plans show a hedge all along the drive but this will have to be quite high to completely obscure the traffic on the new driveway. Perhaps they plan for this hedge to grow as high as the trees at the back of number 2!

We are too quick sometimes to raze historical properties to the ground. Cheltenham has already lost several lovely old buildings: The Old Grammar School in High Street, the lovely black and white house on the corner of Arle Road and Gloucester Road. Avenue Lodge (built in 1857), despite the many new attachments, is still a very old cottage within a beautiful natural area. Council, please think before you allow any further razing or spoiling.

4 Sedgewick Gardens
Up Hatherley
Cheltenham
Gloucestershire
GL51 3QD

Comments:

Letter attached.

8 Sedgewick Gardens
Up Hatherley
Cheltenham
Gloucestershire
GL51 3QD

Comments:

Since the pond at Avenue Lodge was filled in, I have noticed that my garden is waterlogged in winter. This means that water pools around your foot when you step on the grass in the half of the garden nearest the boundary wall. I am concerned that building on the Avenue Lodge garden will increase the waterlogging.

I am also worried about increased noise from cars driving to the new house, because the drive will be directly behind my garden wall.

However, I welcome the recommended felling of the Sycamore Tree, which has grown right next to the boundary wall, as it is damaging the wall.

I would just like to point out that the elevations are incorrectly labelled on the drawing JL/006A; the elevation labelled 'proposed south-west elevation' should say 'proposed south-east elevation' I think, and all other labels need to be changed correspondingly.

8 Aylton Close
Up Hatherley
Cheltenham
Gloucestershire
GL51 3QE

Comments:

We are horrified to see that the proposed dwelling is directly opposite our house. When we moved here in 2004, we could watch the ducks on the lake from our bedrooms, and this was one reason why we had bought the property. Since then, the owner of Avenue Lodge has submitted a succession of applications to build properties in the garden, around and over the lake. We objected to all of these and they were rejected.

In 2014 he submitted an application for Garden Landscaping, which involved in-filling much of the attractive lake. In our objection to this at the time, we expressed concern that this was simply a ploy to fill in the lake so that he could build over where it had been. However approval was given. Most of the lake was immediately filled in, probably more than in the approved plan. However, no work on the proposed landscaping was carried out. Subsequently some of the mature trees, which had preservation orders, have disappeared.

Our suspicion that in-filling the lake was simply a ploy is now confirmed.

The proposed design of dwelling is totally out of character from surrounding houses. It looks more like an industrial building, with white brick walls and an aluminium roof. The only positive about it is the fact that it is 75% the height of a normal house and it has no windows in the bedroom walls.

The dwelling is still close to large mature trees and will almost certainly damage their roots. There are many birds, squirrels and small creatures living in the trees and we are concerned that their habitats will be disturbed, especially during construction. Despite the loss of the lake, this is still the "green lung" of Up Hatherley and it should not be further destroyed. This is especially important now that we are all concerned about climate change and the need to protect green spaces.

If the dwelling were to be built there would inevitably be an increase in noise.

We are also very concerned about the increased risk of flooding. Our garden already gets very wet when there is a heavy downpour.

It is not clear from the drawings where the boundary will be between the garden of Avenue Lodge and the proposed new dwelling. It is important to be clear about who would be responsible for maintaining the mature trees and the swale.

7 Aylton Close
Up Hatherley
Cheltenham
Gloucestershire
GL51 3QE

Comments:

We live at 7 Aylton Close, Up Hatherley, Cheltenham, with our 3 children. We consider the proposed dwelling would have an unacceptable and detrimental impact on our living conditions and more worryingly increase the risk of flooding to our property.

I am writing to you to formally object to the above planning application, on the following grounds -

1. Surface Water / Flood Risk

Throughout the winter months, our back garden is water logged and mostly unusable. The lawn fills with water and is several inches deep in some places throughout most of the winter and water sits on top of the patio area. I am extremely concerned that the impact of the proposed development will increase surface water in the area and risk of flooding to our property and neighbouring properties will significantly rise. As well as the risk of flooding, the negative impact this will have on the usability of our garden, will be significant. I am aware that other properties that border onto Avenue Lodge have previously experienced flooding. Local residents, who have lived in the area longer than us, have commented that the surface water problem, has already increased significantly since a large portion of the pond was filled in.

2. Wildlife and Environment

As a family we spend so much time enjoying our garden and the wildlife that is attracted to the area. I hugely believe this is due to the pond and the established trees at the bottom of the garden of Avenue Lodge. We see squirrels and a large variety of birds daily. Yearly we have 100's of frogs and frog spawn from the pond enter our garden. Herons, bats and woodpeckers are also frequently sighted. It is such a peaceful area that I am concerned the wildlife will be displaced and not return. The trees are significant in height and are visible from some distance, so not only enjoyed by the multiple properties which immediately border the property, the benefits are shared by many local residents. The garden and pond area at Avenue Lodge provide an oasis of ambience and tranquillity. It is highly valued within the residential area, due to the wildlife it brings. I have no doubts, that should the planning application be approved, the noise and disturbance created by the construction and living at the site will displace the majority of the wildlife. I am concerned that should the application be approved, that due to the sheer size of the trees, that the future occupier will seek to remove some of the trees, due to the reduced light they would cause and the significant leaf fall onto the property and garden. The proposed development is a large 3 bedroomed house. In the likelihood that the future occupiers have children, the pond presents a health and safety risk. I think it must not be overlooked that they may want to fill the pond in completely.

3. Privacy

This development is on the land behind our house. The impact on this cannot be underestimated. Their garden will be directly behind ours and the noise in this area will significantly increase. This is currently such a quiet and peaceful area, which we look out onto everyday enjoying the wildlife and peaceful environment. The rear of our house has

Page 81

many doors and windows, which will cause a massive reduction in our privacy. The outlook from the 1st floor of our house will be affected. Instead of looking out onto a natural and peaceful environment, we will be looking directly into the garden and rear of the new property. Considering the design of the property has large glassed doors in the kitchen / diner, we will likely be able to see directly into the house from our 1st floor.

The rear of our property is currently very peaceful and undisturbed. The proposed development will create significant light and noise disturbances. The light pollution from all of the first floor roof lights will potentially disturb the surrounding properties and wildlife. The long driveway proposed to access the property, will create light from cars and sound from engines and doors opening and closing. This could potentially be at all times of the day or night. This driveway also increases access to the boundary wall at the rear of our property. This brings with it the increase risk of crime and reduces our home security.

6 Aylton Close
Up Hatherley
Cheltenham
Gloucestershire
GL51 3QE

Comments:

We object to the latest application to build a house on the land behind Avenue Lodge.

Any development will affect the wellbeing of the residents of the surrounding properties as it looks like the property is going to be close to the existing boundary. All surrounding properties would suffer from increased noise and pollution.

As stated in previous objections the building of any property on this land can only increase the waterlogged gardens of the surrounding houses, which has been a problem since the pond has been substantially filled.

As others have said we believe this land is an oasis of calm for a variety of wildlife at a time when we have all been encouraged to make our gardens more wildlife friendly and to develop it would be bad for the environment.

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4 Sedgewick Gardens
Up Hatherley
Cheltenham
Gloucestershire
GL51 3QD

18th November 2021

Dear Mrs Pickernell,

Ref Planning Application 21/02409/FUL (Avenue Lodge, Chargrove Lane, Up Hatherley, Cheltenham)

I should point out that part of my garden boundary is the Avenue Lodge garage wall.

‘Section 3 Access’ in the Design and Access statement on the previous planning application 21/00540/FUL, specified:

"The existing garage will be removed to provide more direct access. The existing garage wall provides the boundary between Avenue Lodge and No.s 2 & 4 Sedgewick Gardens. It is the intention for the existing section of wall to remain once the garage is removed to mitigate any disruption to the gardens of No.s 2 & 4 Sedgewick Gardens.

This is omitted on the latest application but the sentence “Consultation – This application should be viewed in response to application No. 21/00540/FUL” may also refer to the above intent, and previous comments. To avoid any doubt, I’ll repeat the comments made against that application:

Whilst that's the intention, and very good news if it still applies, what happens if that wall cannot be used either due to damage during garage demolition, or structural rigidity of a tall (thin skin?) wall. Should the application proceed, can conditions be applied to the approval stating that a new boundary wall must be built on the same footprint of the garage wall, in the same brickwork & style as the rest of the boundary wall between Sedgewick houses & Avenue Lodge.

I have no further comments on the application.

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APPLICATION NO: 21/02675/FUL	OFFICER: Mrs Emma Pickernell
DATE REGISTERED: 2nd December 2021	DATE OF EXPIRY: 27th January 2022
DATE VALIDATED: 2nd December 2021	DATE OF SITE VISIT:
WARD: Leckhampton	PARISH: Leckhampton With Warden Hill
APPLICANT:	Cheltenham Borough Council
AGENT:	Leckhampton Rovers Football Club
LOCATION:	Burrows Field Moorend Grove Cheltenham
PROPOSAL:	Proposed storage unit

RECOMMENDATION: Permit



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site is a playing field accessed from Moorend Grove. The field and pavilion are undergoing a programme of improvements.
- 1.2 Planning permission is sought for the positioning of a storage building to house mowers and other equipment associated with the maintenance of the playing fields. This comprises a metal framed building with composite cladding panels with a pitched roof which is a maximum of 3.7m high. This would be surrounded by 2.3m high security fencing.
- 1.3 The application is before committee as the applicant is Cheltenham Borough Council.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Airport Safeguarding over 45m
Parish Boundary
Public Green Space (GE36)
Smoke Control Order

Relevant Planning History:

90/00933/PF 27th September 1990 PER

Erection Of New Sports Pavilion And Associated External Works

91/00022/PF 21st February 1991 PER

Erection Of Temporary Buildings To Provide Changing And Shower Facilities For A 26 Week Period

15/02065/FUL 19th February 2016 PER

Construction of BMX pump track

17/01737/AMEND 13th September 2017 PAMEND

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 February 2021 PER

Engineering works to improve and level playing surfaces

21/00935/FUL 17th June 2021 PER

Fitting of an air source heat pump on wall of Pavilion

20/02182/AMEND 17th December 2021 PAMEND

Non- material amendment to planning permission 20/00332/FUL, seeking to construct a path off the consented perimeter path to run along side the childrens nursery

21/01081/DISCON 1st July 2021 DISCHA

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 4 Decision-making

Section 8 Promoting healthy and safe communities

Section 12 Achieving well-designed places

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

Section 15 Conserving and enhancing the natural environment

Adopted Cheltenham Plan Policies

D1 Design
SL1 Safe and Sustainable Living
GI2 Protection and replacement of trees
GI3 Trees and Development

Adopted Joint Core Strategy Policies

SD4 Design Requirements
SD9 Biodiversity and Geodiversity
SD14 Health and Environmental Quality
INF3 Green Infrastructure
INF4 Social and Community Infrastructure

Gloucestershire Centre For Environmental Records

15th December 2021

Biodiversity report available to view in documents tab.

Tree Officer

9th December 2021

It seems very likely that the storage unit would be outside of the sphere of influence of the two trees to either side. However, to make certain that these trees are not damaged during construction, a tree protection plan should be submitted.

Publica Drainage And Flooding

3rd December 2021

I do not have an objection to this proposal but I would recommend that the roof is drained into a large covered water butt with a tap and a piped link to a new soakaway at least 5mtrs away from the base (with dimensions of 1mtr cubed).

Sport England

7th December 2021

It is understood that the proposal prejudices the use, or leads to the loss of use, of land being used as a playing field or has been used as a playing field in the last five years, as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No. 595). The consultation with Sport England is therefore a statutory requirement.

Sport England has considered the application in light of the National Planning Policy Framework (in particular Para. 97), and against its own playing fields policy, which states:

'Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of:

- o all or any part of a playing field, or
 - o land which has been used as a playing field and remains undeveloped, or
 - o land allocated for use as a playing field
- unless, in the judgement of Sport England, the development as a whole meets with one or more of five specific exceptions.'

Sport England's Playing Fields Policy and Guidance document can be viewed via the below link:

https://www.sportengland.org/how-we-can-help/facilities-and-planning/planning-for-sport#playing_fields_policy

The Proposal

The proposal is for the siting of storage building of the edge of the playing field. The building is to be used the storage of equipment to maintain the playing pitches.

Assessment

The building is located between some trees and outside the playing pitch run-off area behind a footpath. The new building will not impact on the existing playing pitch layout.

Having assessed the application, Sport England is satisfied that the proposed development meets exception 2 of our playing fields policy, in that:

'The proposed development is for ancillary facilities supporting the principal use of the site as a playing field, and does not affect the quantity or quality of playing pitches or otherwise adversely affect their use.'

This being the case, Sport England does not wish to raise an objection to this application.

The absence of an objection to this application, in the context of the Town and Country Planning Act, cannot be taken as formal support or consent from Sport England or any National Governing Body of Sport to any related funding application, or as may be required by virtue of any pre-existing funding agreement.

Building Control

3rd December 2021

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

Parish Council

22nd December 2021

Leckhampton with Warden Hill Parish Council (LwWHPC) accepts the need for a storage facility for ground maintenance and sports equipment to service the needs of the recently upgraded sports pitches at Burrows Field, a project undertaken in conjunction with Cheltenham Borough Council (CBC) and Leckhampton Rovers Football Club (LRFC). This venture was supported financially by the Parish Council (PC) to the tune of £20,000.

It is noted with regret that the Parish Council was not informed at the time of the upgrade of the pavilion and sports pitch (and earlier funding request) that this additional proposal was being planned. However the PC has now been assured that no additional works beyond this are currently proposed.

The Parish Council notes the proposed location of the storage facility and its considerable size. This is of concern because of potential adverse impact on neighbouring properties.

However the PC understands that the choices are limited for locating the shed and that the proposed site may be the least bad option of those available because of flood risk and the desire to avoid tree removal.

Regarding size, the PC is told the proposed 3.74m height of the building is to accommodate a tractor with a cab in order to facilitate all-weather use. The surrounding compound will be used to securely store moveable goal posts and other equipment at risk of vandalism or theft. The PC understands that the equipment stored will be solely for use on Burrows Field.

Adjacent to the storage unit there is pre-existing hedging which will to some extent reduce the impact on neighbours. At around 4.8m the apex of the existing nearby sports pavilion is

thought to be higher than the proposed structure. The intended site currently contains a dilapidated seating bench. The existing crushed stone footpath will require re-routing in line with the join of the two parts of the existing pavilion building. Any fuel storage, presumably diesel unless the tractors are to be battery electric, will need to comply with current safety regulations.

The PC understands that if only a smaller storage shed were permitted it would then not be possible to utilise the most efficient size of equipment to maintain the pitches. This is a significant issue as it would markedly increase ongoing annual maintenance costs as more man hours would otherwise be required to complete essential tasks using smaller mowers etc. This would make maintaining the newly upgraded pitches, a valuable community asset, more difficult and expensive.

In summary, Leckhampton with Warden Hill Parish Council accepts the proposal but would ideally have preferred the storage unit to be smaller and preferably sited away from existing dwellings. However the PC understands the reasons for the proposed location and accepts the need for the storage unit.

Nevertheless given the impact on neighbours, LwWHPC respectfully requests that if minded to approve, before sign-off officers explore again with LRFC and other parties to ascertain if other alternatives of siting and/or building size might yet be found to allow a less impactful solution.

If Cheltenham Borough Council is minded to approve the application LwWHPC also respectfully requests the approval be conditioned that:

1. suitable shrub and vegetation screening be deployed to mitigate the visual impact of the building and wire enclosure
2. that the replacement footpath in front of the storage facility (over which the tractor will drive) is constructed to allow use by mechanised equipment without degradation which would otherwise disadvantage Burrows footpath users.
3. any fuel stored in the facility must be fully compliant with relevant statutory regulations to ensure safety
4. the equipment and materials stored in the unit is mandated for use exclusively at Burrows Field.

4. PUBLICITY AND REPRESENTATIONS

Number of letters sent	14
Total comments received	10
Number of objections	10
Number of supporting	0
General comment	0

- 4.1 The application was publicised by way of letters to 14 neighbouring properties. 10 representations were received which, to briefly summarise, raise the following issues:

- Size of building
- Industrial design is inappropriate
- Impact on enjoyment of the area
- Should have been included in original application

- New trees should be planted in this area
- Concerns about pollution from waste water and fuel
- Impact on Ecology
- Impact on neighbour amenity
- Safety concerns around fuel being stored onsite

5. OFFICER COMMENTS

5.1 Determining Issues

5.2 The key issues in determining this application are considered to be (i) siting and design, (ii) neighbour amenity, (iii) trees and landscaping, (iv) drainage and flooding, (v) ecology.

5.3 Site and context

5.4 The proposed storage building and compound is located adjacent to the north eastern boundary of the site, to the rear of the existing pavilion. To the south is the remainder of the playing fields and to the northeast are residential properties.

5.5 The application is made by Leckhampton Rovers Football Club (LRFC). The submitted information explains that LRFC will shortly be taking on a 21 year lease on the pavilion and a licence on the playing area of the field. It explains that the storage unit is required to allow the club to purchase equipment including a tractor and mowers to enable them to maintain the pitches to a high standard. The intention is that the club and a 'Friends of Burrow's Park' group will carry out some of the maintenance work currently undertaken by UBICO.

5.6 The authority supports the aims of the club with regards to sports and recreation opportunities. Members will recall that a scheme for the improvement of the surfaces was approved in February 2021. The need for a storage building appears to be justified and in keeping with the uses and activity taking place in the area. As such the principle of the building is considered to be acceptable.

5.7 Design and layout

5.8 Policy SD4 of the JCS and Policy D1 of the Cheltenham Plan set out design requirements of new development which reflect the general principles set out in Chapter 12 of the NPPF.

5.9 These documents require that schemes respond positively to their context, character and sense of place; that proposals are designed to contribute to safe communities, facilitate connections to sustainable transport modes and are inclusive and adaptable.

5.10 The building is relatively utilitarian in appearance. It is a metal framed building with green cladding, with a green metal fence surrounding. However it is not unattractive in appearance and reflects its functional purpose. Whilst the green colour will not disguise the building it is the appropriate colour for the location.

5.11 The siting of the building is considered to be appropriate. It is near enough to pavilion for security and to access electricity and water connections, whilst not being so close to interfere with fire exits etc. In this area it would appear in the context of other buildings as

opposed to being in an isolated location where it would appear more prominent. As such the siting of the building is considered to be acceptable.

5.12 Impact on neighbouring property

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

5.14 The proposed building is to the rear of properties on Peregrine Road however it is approximately 18m away from the nearest building, is single storey and is set off the boundary with a mature hedge adjacent.

5.15 The roof of the building would likely be visible from the nearest properties however it is not considered that it would have a significant impact upon neighbour amenity with respect of light or privacy.

5.16 The building would only be used during daylight hours in connection with the maintenance of the playing field and as such it is not considered that it would result in an unacceptable level of disturbance, over and above that which would be experienced by any other maintenance arrangements.

5.17 Concerns have been expressed over the safety of storing fuel on the site. The scheme has been designed with a specific caged area for this purpose. There will be regulations around fuel storage which will need to be adhered to, however these are dealt with by separate legislation and are not a material planning consideration.

5.18 Whilst the concerns the neighbours are understood it is considered, for the reasons outlined above, that the impact on neighbouring properties is acceptable.

5.19 Trees and Landscaping

5.20 Section 15 of the NPPF and policies GI2 and GI3 of the Cheltenham Plan seek to resist any unnecessary felling of trees and the retention, replacement or protection of trees as necessary.

5.21 The proposal does not involve the removal of any trees or hedges. The Council's tree officer has assessed the proposals and has no objection subject to the imposition of a tree protection condition.

5.22 With this condition in place it is not considered that the proposal would have any adverse impact upon trees and landscaping.

5.23 Drainage and Flooding

5.24 Section 14 (meeting the challenge of climate change, flooding and coastal change) of the NPPF and policy INF2 (flood risk management) of the JCS require new development to demonstrate that it will not increase the risk of flooding and include measures such as sustainable urban drainage systems (SUDS) where appropriate.

5.25 The drainage engineer was consulted on the proposal and raises no objection subject to the provision of a water butt and soakaway. As such a condition to this effect is recommended.

5.26 With this condition in place it is considered that there would be no adverse impact in terms of drainage and flooding.

5.27 Ecology

5.28 Section 15 of the NPPF (conserving and enhancing the natural environment) and policy SD9 (biodiversity and geodiversity) of the JCS require that any harm to biodiversity should be avoided where possible and any risk of harm should be mitigated.

5.29 The proposal is not of a scale which would warrant an ecological appraisal. A report from the Gloucestershire Centre of Environmental Records has been received which explains that there have been several bird and bat sightings within a 250m radius, however the nearest reported sighting was in 2014 and almost 100m from the site.

5.30 It is not considered that the proposal would result in unacceptable harm to any protected species.

5.31 Other considerations

5.32 Public Sector Equalities Duty (PSED)

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

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

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

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

5.33 Climate Emergency

5.34 Cheltenham Borough Council, in common with a number of Local Planning Authorities, has declared a climate emergency, with an aim to be a carbon zero authority by 2030.

5.35 The proposal does not include any specific green technologies and is not required to do so by any policy. However it will allow the site to be maintained to an acceptable standard without the need for contractors vehicles visiting the site.

6. CONCLUSION AND RECOMMENDATION

6.1 For the reasons outlined above the proposal is considered to be acceptable and is therefore recommended for approval.

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

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

- 4 Prior to the first use of the development a water butt shall be provided into which the roof is drained. This shall have a tap and a piped link to a new soakaway at least 5m away from the base with dimensions of 1 cubic metre.

Reason: To ensure sustainable drainage of the development, having regard to adopted policy INF2 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.

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APPLICATION NO: 21/02675/FUL		OFFICER: Mrs Emma Pickernell
DATE REGISTERED: 2nd December 2021		DATE OF EXPIRY : 27th January 2022
WARD: Leckhampton		PARISH: LECKH
APPLICANT:	Cheltenham Borough Council	
LOCATION:	Burrows Field Moorend Grove Cheltenham	
PROPOSAL:	Proposed storage unit	

REPRESENTATIONS

Number of contributors	10
Number of objections	10
Number of representations	0
Number of supporting	0

5 Arden Road
Cheltenham
Gloucestershire
GL53 0HG

Comments:

I would like to object to the plan for a storage unit under the reference above.

The proposed building is unnecessarily large, ugly, obtrusive and industrial in nature. A building such as this did not feature in the original plans for Burrow's field. The fact that it would be green is entirely irrelevant - literally greenwash. It certainly does not need to be so tall, simply to house tractors.

Any building should be planned to blend with the size and height of the existing pavilion, which is reasonably attractive. There is also the wider issue of the unique nature of Burrow's field. This is not some neglected urban patch, which needs "improvement" - it is a local beauty spot, much enjoyed and used by many, accessible to old and young. The football team are behaving as if they own the field - they do not. It "belongs" to all of us who live locally and use it regularly. Our enjoyment of it has already been seriously marred by the work over the past eighteen months. The reassuring words and use of greenspeak do little to convince me that the wider community's wishes are being considered.

23 Peregrine Road
Cheltenham
Gloucestershire
GL53 0LN

Comments:

I would like to object to this planning application for the following reasons:

The structure is too big. A structure of this size would have a substantial visual impact on the natural look and feel of Burrow's field. At a height of 3.7m it will tower over the 2m native hedging surrounding the field. The original redevelopment plan for Burrow's field

reassured us that "the look and feel of Burrow's field will remain unchanged once the work is completed.." I think this promise should be upheld as this application is part of this redevelopment plan. I am unsure why this storage unit was not included with the original plan if the storage of maintenance vehicles is an essential part of the plan.

The application states that "no trees need to be felled" for the building to take place. Whilst this is true, the only reason that it is true is because the chestnut tree that stood at the site of the building became diseased and was felled by the council a couple of years ago. Our next step as a Council and community should be to replant and nature a replacement tree for our future generations to enjoy and not to lay 123 square metres of concrete which will never be lifted.

The native hedgerow surrounding Burrow's field homes nesting birds and hedgehogs. Roosting bats live in the trees adjacent to the buildings and can be seen circling the area on summer's evenings. Any building put within metres of this hedge and trees would disrupt this ecosystem. There is no explanation of where waste water that has been used to clean the tractors would go (there are no drains nearby) and my fear is that this waste water with associated fuel and oil from the vehicles will go into the ground around the building. The native hedgerow has been beautifully maintained by the Cheltenham Parks and Gardens team for the 15 years that I have lived nearby. It is cut back to a height of 2m once a year in winter. This allows natural regrowth. A tractor with cutting attachment needs a clearance of 3m to be able to do this (the cutting has just taken place and so I was able to measure.) The plans (allowing 1.7m) do not allow for this maintenance to continue to happen.

I can see no reason that tractors, cutting equipment and fuel should be stored on Burrow's field. The council have had no problems in bringing in this equipment in the past. Industrial storage units are available less than a mile from Burrow's field which could be used. I understand that Leckhampton Rovers FC need more storage for sports equipment but I feel this could be accomplished by a small extension to the NorthWest wall of the changing room which would have a small visual and environmental impact or a storage unit put onto a car parking space.

15 Peregrine Road
Cheltenham
Gloucestershire
GL53 0LN

Comments:

Having seen the proposed plan for the Storage Unit ,we feel this is a much larger building than would be needed for storage . This was not mentioned in the original planning for the alterations to Burrows Playing Field. There is a covenant on the field stating it is to be used for games & sport so this application should be refused . It has been mentioned there will be tractors & machinery stored in the building including fuel for the same ? this would definitely not be acceptable and against all safety regulations , considering its proximity to houses and Day Nursery.

21 Peregrine Road
Cheltenham
Gloucestershire
GL53 0LN

Comments:

I would like to object to this application for a number of reasons.

1. There will be a loss of light and over shadowing in my neighbors garden from the structure which is only 0.75m from the boundary hedge.
2. The structure is to house 140litre of fuel which is 4/5 times what is in a car. To fill this must require a tanker to drive around the park past the playground on a regular basis. This does not seem acceptable or wise.
3. The council currently trims all the hedges around the parameter of the field. It is not clear who will be doing this in future. If its the football club then the tractor will need to be one that can cut hedges 2m high which a normal grass cutting machine cannot do. If it is the council as I think it will be then they will require at least 3m from the back of the structure to the hedge to get their tractor down behind.
4. Personally I am concerned that volunteers will be driving around the park every week and filling fuel. If you lived adjacent to this application I am sure you would not be pleased.
5. If the above is required then it would make sense to be closer to the entrance.

Grove End
Moorend Grove
Cheltenham
Gloucestershire
GL53 0EY

Comments:

I object to the building of this unit which will be next to my property boundary. We have already had to put up with much nuisance with the building and refurbishment of the pavilion and pitches. There is already increased noise created by the gravel footpath and increased footfall around our property spoiling our enjoyment of our property and garden. The pavilion refurbishment has led to lighting around the building that shines directly into my property and house. Often this light goes on well into the night and beyond. I am concerned that the erection of this unit will be an eyesore despite plans to tone it down and will also cause extra noise to that already caused by building on an ongoing basis so far. If you insist on building this unit it should be well away from existing properties that are already putting up with increased noise and light pollution.

23 Peregrine Road
Cheltenham
Gloucestershire
GL53 0LN

Comments:

In addition to comments made previously, I object to this application on the grounds that it would overshadow and lead to loss of light reaching our garden. We use and value this area for growing vegetables and as a habitat for wildlife.

Comments:

I am strongly opposed to the proposed development for the following reasons:

The proposed outbuilding is unnecessarily large for its intended use. A smaller building would have less impact on the environment and still allow storage of sporting and pitch maintenance equipment for Leckhampton Rovers Football Club.

If proximity to the existing pavilion is important, the proposed site is an unreasonable distance from existing buildings. It would be more appropriate to place any new storage within or close to the pavillion, thereby maintaining as much open green space as possible. The impact on Burrow's field and local residents of extending building development over such a large area has not been adequately considered or consulted upon.

The proposal for a new building contradicts information on the Cheltenham Borough Council website about the Burrow's field development, which explicitly states that "We would like to assure local residents that this work is to enhance the quality of the current playing fields and does not include any expansion of the overall site" and "The only change to the look of Burrow's will be that the playing fields will be level."
(https://www.cheltenham.gov.uk/info/33/parks_and_open_spaces/1630/the_burrows_playing_field/3)

Furthermore, the website states that LRFC will work with team members on a strategy to ensure that parking is better managed on match days. LRFC are also encouraging walking, cycling and car sharing to Burrow's Field whenever possible and bike racks will be installed on site to support this. A more considerate approach to the need for storage might be to consider a smaller building on the existing car park. This would marginally reduce the number of parking spaces, encouraging people travelling from a distance to use more sustainable modes of transport. The majority of local residents already access the fields on foot or by bicycle, making the car park less relevant to them.

We should be doing all we can to reduce our impact on the climate, including reducing the use of fossil fuels. Cheltenham Borough Council has declared a Climate Emergency and committed to becoming a net zero carbon council and borough by 2030. The environmental impact of storing two agricultural machines for exclusive, intermittent use on Burrow's fields is completely inappropriate. Furthermore, storing fuel on site is unnecessary and potentially dangerous. Machinery using sustainable energy sources should be actively encouraged. The application includes a water supply but no clear plan for disposal of foul water. As it stands, the proposed development risks water used to clean agricultural machinery contaminating the local area.

Finally, it is not clear from the information on the planning website whether the letters of support relate specifically to this outbuilding or more generally to improvement of the playing fields on Burrow's field. I do not see any evidence of support for this building from the community who value Burrow's field as a public open space. More sustainable and less damaging alternatives to the proposed development have not been given due

consideration. Rather than building storage for machinery on an important local green area, it would ultimately be preferable to convert a nearby brownfield or industrial site for this purpose.

I am grateful to the planning committee for carefully considering these concerns and suggestions when reviewing the application.

5 Arden Road
Cheltenham
Gloucestershire
GL53 0HG

Comments:

I object to the plan for a storage unit under the reference above

First of all, I would like to say that pushing out this proposal with a closure date for public comment of 24th December is wrong, as this coincides with the busy run up to Christmas for many people. I wonder if this is deliberate in order to reduce possible adverse public comment on the proposal. I only became aware of this on 17th December. Also, I have seen nothing from the supposed liaison group of the LRFC.

The proposed building did not feature in the original plans for Burrow's field and it is wrong to include any evidence in support of the original proposal (as in the letters of support index document) as supporting the proposed shed, especially as it would be located next to residential housing. The size and height appear out of proportion in relation to the pavilion, especially as they are not shown side by side.

The building appears oversized for its intended purpose, especially its height. The height would appear to exceed the height of the hedge to the rear. The outer, security fence further increases the visual impact of the proposed shed and its 'footprint' on the ground. Interestingly if it is supposed to be a security fence why is it only on 3 sides and not also to the rear of the shed; this somewhat negates the need for it. A 4th side would push the shed further out into the field and further increase its visual impact. The proposed fencing seems unnecessary.

Because the proposed shed and fencing would be green in colour does not make it more acceptable. Green colour equals greenspeak.

Increasingly Burrow's Field is becoming a football dominated location and non-football users and local residents considered secondary, despite LRFC public protestations. LRFC does not have sole rights to the field as this was a green space that was used by a wide variety of people. Increasingly non football use is reducing, and the proposed shed is symptomatic of this.

10 Hobby Close
Cheltenham
Gloucestershire
GL53 0LP

Comments:

We object to this proposal on the following grounds:

1. This storage should be sited on the opposite side of the pavilion, where the contractors equipment was stored during site developments, thereby allowing necessary vehicular access at a more appropriate point
2. The proposed site will impede the visual and environmental impact of the pre-school playgroup
3. The proposed building will have an overbearing impact on neighbouring properties
4. Whereas previously CBC has had responsibility for field maintenance, this responsibility is to be shared with volunteers from the LRC. Such an arrangement should be detailed and monitored accordingly
5. This whole development has taken place with minimal public consultation and the opinions of local residents by-passed or ignored. There has been an assumption that all residents approve

55 Moorend Park Road
Cheltenham
Gloucestershire
GL53 0LA

Comments:

I want to support this venture but the location of this building is totally inappropriate.

Firstly I cannot see dimensions of the proposed building length nor the dimensions of the compound. Secondly as this is an addendum to the original application it is arguably very wrong to attach the original letters of support for the project as none of them actually agreed with this proposed building being built.

With regard to the siting of the proposed building placing it in front of homes with SW facing gardens is extremely unfair on the residents. It will detract from their views and darken their gardens and affect the resale value of the properties.

As this will be a industrial building, unattended most of the time it will attract wild life and vermin that will quickly enter adjacent gardens. I would support this application should the proposed building be moved to the SE edge of the field adjacent to the allotments and close to the current workers temporary compound. Here it will offend no one and is environmentally safer for local residents. The tree preservation issues is the same at this location as it is on the proposal and cannot, in my opinion, be used as a counter argument.

10 Hobby Close
Cheltenham
Gloucestershire
GL53 0LP

Comments:

The council tax we pay should include enough to mow this field which is used for recreational walks and play by local people. The proposed storage would then be

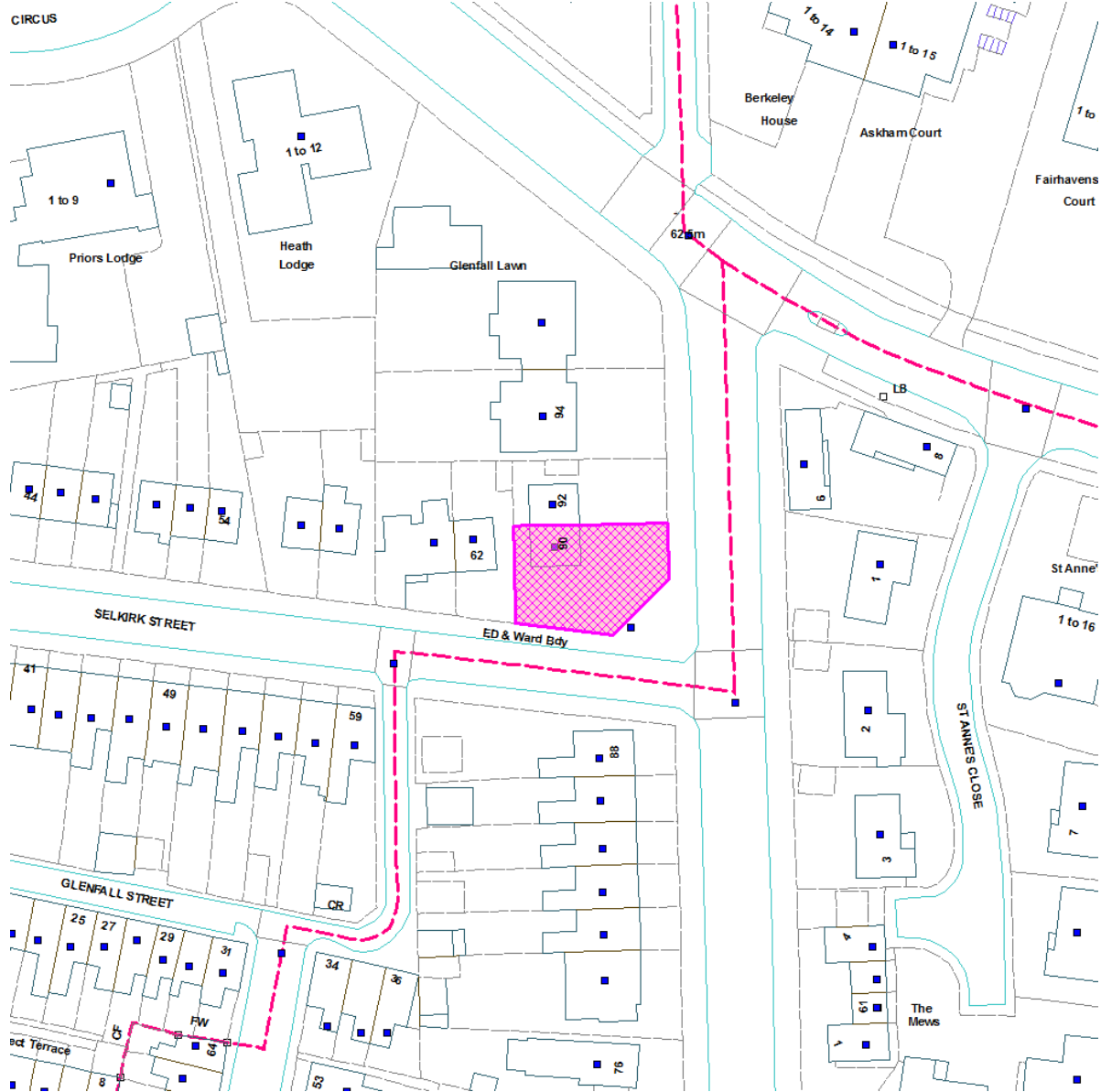
unnecessary. The position allows no vehicle access and if any building was needed it would be better by the car park on the left as one enters the field.

The football club seems to have taken over this shared green space and even wants volunteers to maintain it.

I prefer the maintenance to remain with the council.

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APPLICATION NO: 21/02729/FUL		OFFICER: Mrs Emma Pickernell
DATE REGISTERED: 9th December 2021		DATE OF EXPIRY: 3rd February 2022
DATE VALIDATED: 9th December 2021		DATE OF SITE VISIT:
WARD: Pittville		PARISH:
APPLICANT:	Mr & Mrs Savage	
AGENT:	VJM Design House Ltd	
LOCATION:	90 All Saints Road Cheltenham Gloucestershire	
PROPOSAL:	Rear Dormer to facilitate loft conversion	

RECOMMENDATION: Permit

This site map is for reference purposes only. OS Crown Copyright. All rights reserved Cheltenham Borough Council 100024384 2007

1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site is a semi-detached dwelling with an existing two storey side extension located at the junction of All Saints Road and Selkirk Street. The location is within the Fairview Character Area of the Central Conservation Area.
- 1.2 Planning permission is sought for a dormer window on the rear roof slope of the original part of the house. This would have a flat roof and would be clad in zinc.
- 1.3 The application is before committee as the applicant is a Borough Councillor.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

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

Relevant Planning History:

16/01215/FUL 25th August 2016 REF

Two storey side extension

16/02265/FUL 14th February 2017 REF (allowed on appeal)

Two storey side extension (revised scheme following 16/01215/FUL)

3. POLICIES AND GUIDANCE

National Planning Policy Framework

Section 8 Promoting healthy and safe communities

Section 12 Achieving well-designed places

Adopted Cheltenham Plan Policies

D1 Design

SL1 Safe and Sustainable Living

Adopted Joint Core Strategy Policies

SD4 Design Requirements

SD8 Historic Environment

SD14 Health and Environmental Quality

Residential Alterations and Extensions (2008)

Central conservation area: Fairview and All Saints Character Area and Management Plan (July 2008)

4. CONSULTATIONS

Building Control

15th December 2021 - The application will require Building Regulations approval. Please contact Cheltenham and Tewkesbury Building Control on 01242 264321 for further information.

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	6
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 6 neighbouring properties, a site notice and a notice in the Echo. No representations have been received.

6. OFFICER COMMENTS

6.1 Determining Issues

- 6.2 The key issues in determining this application are considered to be (i) design and impact on conservation area, (ii) neighbour amenity.

6.3 The site and its context

- 6.4 The immediate context of the site is mixed with a combination of detached villas, traditional regency terraced properties with artisan terraced properties and more modern semi-detached properties on the application site and Selkirk Street.

6.5 Design and layout

- 6.6 Policy SD4 of the JCS and policy D1 of the Cheltenham Plan set out design requirements of new development which reflect the general principles set out in Chapter 12 of the NPPF. With specific reference to extensions policy D1 states that they should avoid causing harm to the architectural integrity of the building or group of buildings.

- 6.7 Policy SD8 of the JCS relates to the Historic Environment and states that development should make a positive contribution to local character and distinctiveness.

- 6.8 Dormers are not a common feature within the immediate area, although roof forms do vary considerably amongst the different house types mentioned a 6.4. It is also noted that a dormer was approved on the attached property. At the time when that dormer was proposed (2005) it was negotiated from a flat roof dormer to a pitched roof.

- 6.9 In recent years the design of flat roof dormers has generally improved and the high quality zinc-clad design proposed here is considered to be appropriate. The scale of the dormer is appropriate; it is set in from the edges of the roof slope and does not dominate it.

- 6.10 As such the proposal is considered to be of an acceptable design and to have an acceptable impact upon the conservation area.

6.11 Impact on neighbouring property

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

- 6.13 The application dwelling is relatively close to the rear boundary, which forms the side boundary of 62 Selkirk Street, however there are a number of existing windows on the existing rear elevation. The dormer would face the side elevation of this property which has a number of secondary windows within it. It is noted that the dormer is intended to

serve a bathroom and as such it is recommended that the window is obscurely glazed to avoid any adverse impact on the privacy of the neighbouring property.

- 6.14** Subject to this condition the proposal is considered to have an acceptable impact on neighbour amenity.

6.15 Other considerations

6.16 Public Sector Equalities Duty (PSED)

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

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

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

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

6.17 Climate Emergency

- 6.18** Cheltenham Borough Council, in common with a number of Local Planning Authorities, has declared a climate emergency, with an aim to be a carbon zero authority by 2030.
- 6.19** Given the scale and nature of the proposal it is considered that there is limited scope to include green technologies or building practices over and above that required by building regulations.

7. CONCLUSION AND RECOMMENDATION

- 7.1** The proposal is considered to be acceptable and therefore is recommended for approval.

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 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and/or re-enacting that order), the window within the dormer hereby permitted shall at all times be glazed with obscure glass to at least Pilkington Level 3 (or equivalent).

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

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 DEC 2021/JAN 2022/

Address	Proposal	Delegated or Committee Decision	Appeal Type	Anticipated Appeal Determination Date	Reference
35 Hicks Beach Road Cheltenham Gloucestershire GL51 0JL	Erection of a new dwelling within existing curtilage	Delegated Decision	Written representation	February 2022	Appeal ref: 21/00020/PP1 Planning ref: 21/00184/FUL
Clarence Court Hotel Clarence Square Cheltenham Gloucestershire GL50 4JR	Construction of a pergola (retrospective)	Committee Decision	Written representation	February 2022	Appeal ref: 21/00021/PP1 Planning ref: 21/00583/FUL

Appeals Determined

Address	Proposal	Delegated/Committee Decision	Appeal Type	Outcome	Reference
1 Loweswater Road Cheltenham Gloucestershire GL51 3AZ	Change of Use to land at the rear to extend garden land	Committee Decision	Written representation	Allowed	Appeal ref: 21/00013/PP1 planning ref: 21/00505/COU

Authorised By: Andy Robbins 10.01.2022

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