



Notice of a meeting of Planning Committee

**Thursday, 19 May 2022
6.00 pm
Council Chamber - Municipal Offices**

Membership

Councillors:	Paul Baker (Chair), Garth Barnes (Vice-Chair), Glenn Andrews, Adrian Bamford, Barbara Clark, Bernard Fisher, Emma Nelson, Tony Oliver, John Payne, Diggory Seacome and Simon Wheeler
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The Council has a substitution process and any substitutions will be announced at the meeting.

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Agenda

- 1. APOLOGIES**
- 2. DECLARATIONS OF INTEREST**
- 3. DECLARATIONS OF INDEPENDENT SITE VISITS**
- 4. MINUTES OF THE LAST MEETING** (Pages 3 - 10)
To approve the minutes of the meeting held on 21/04/22.
- 5. PLANNING APPLICATIONS**
- 5a 21/025267/CONDIT Car Park Chester Walk** (Pages 11 - 68)
[Planning application documents](#)

- 5b **21/02755/FUL Brecon House, Charlton Hill, GL53 9NE** (Pages 69 - 116)
 [Planning application documents](#)
- 5c **22/00501/FUL 113 Church Road, Leckhampton, GL53 0NY** (Pages 117 - 126)
 [Planning application documents](#)
- 5d **22/00530/FUL 60 St Georges Place, Cheltenham GL50 3PN** (Pages 127 - 140)
 [Planning application documents](#)
6. **APPEAL UPDATE** (Pages 141 - 142)
 Appeal update for information.
7. **ANY OTHER ITEMS THE CHAIRMAN DETERMINES URGENT AND REQUIRES A DECISION**

Contact Officer: Claire Morris, 01242 264130
Email: democraticservices@cheltenham.gov.uk

Planning Committee

Thursday, 21st April, 2022

6.00 - 8.30 pm

Attendees

Councillors:

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

Officers in Attendance:

Ben Warren (Planning Officer), Nick Jonathan (Solicitor), Michelle Payne (Senior Planning Officer), Lucy White (Senior Planning Officer), Nikita Hooper (Conservation Officer) and Liam Jones (Head of Planning)

1. Apologies

Apologies were received from Cllr. Fifield.

Cllr. Pineger was not present for the whole of item 5a and did not vote on it.

Cllr. Clark left the meeting prior to the vote on item 5a and did not return to the meeting.

2. Declarations of Interest

Cllr. Baker declared an interest in 5b as ward Member and his intention to withdraw from the item after speaking on it. Cllr. Barnes indicated his intention to do the same. He noted that as both the Chair and Vice-Chair would be leaving the room, a temporary Chair would need to be elected at the start of the item.

Cllr. Clark declared that she was on the board of trustees for the Cheltenham Trust. She had also received an email about the Church Street application (5e) from a resident who was a member of her bridge club, though she did not have a close personal relationship with them. The Legal Officer confirmed that she could still participate in the item.

Cllr. McCloskey noted that with regard to 2 Church Street, he had known the newsagents in the village for a long time, but they did not have a close personal relationship and he had not discussed the application with them.

3. Declarations of independent site visits

Cllr. Baker and Cllr. Pineger had visited all the sites.

The Chair noted that Planning View had started up again for the first time since the start of the pandemic.

4. Minutes of the last meeting

The minutes of the 24th March meeting were approved and signed as a correct record.

5. Planning Applications

6. 20/01788/FUL Land at Shurdington Road

The Planning Officer, Michelle Payne, presented the report, which related to an application for residential development comprising 350 dwellings, open space, cycleways, footpaths, landscaping, access roads and other associated infrastructure. The application had been deferred from the 24th March meeting to ensure that the scheme made the fullest contribution possible to the mitigation of climate change, to allow for the lack of a

contribution towards off-site communality facilities and services to be revisited, and to secure a condition in relation to the Moorend Park Road junction improvements. The applicant had submitted an updated statement, and officers were satisfied that the application was in accordance with all local and national planning policies, so the recommendation was to permit.

Speaking in support of the application on behalf of Miller Homes, Paul Hill emphasised the 31% reduction in carbon emissions that he was happy to attach as a condition. It was critical that the proposals remained both viable and deliverable, and he aimed to do this while addressing climate change issues. He stressed that members' concerns from the previous meeting had been fully taken into account.

Speaking in objection to the application as a parish councillor, Adrian Mears suggested that the statement from Miller Homes did nothing to solve the traffic problem. The A46/Moorend Park Road scheme needed to work in order to satisfy the MD4 allocation target, but it could not be delivered because the road width was too narrow. Extra land could be acquired but that could require compulsory purchase. He suggested that GCC Highways were favouring a 'suck-it-and-see' approach of going forward without mitigation and hoping things would turn out OK. The congestion would deter people from commuting into Cheltenham, and the longer driving times on the A46 would cause rat running via Leckhampton Lane. The committee was being asked to override the findings of Inspector Burden on MD4 and to take a gamble that could easily go wrong.

He suggested that Miller Homes were choosing not to provide zero net carbon housing, when they could use high performance heat pumps and high performance solar panels like those at the Newlands development nearby. By building on the valued landscape of areas R2 and R3, they would also compromise the landscape along the smallholding public footpath in the Local Green Space. The Leckhampton Fields were a memorable and feature-full landscape, offering one of the finest views in the country. Building on R2 and R3 would break through what was otherwise a good and sustainable urban edge with high trees and hedges. It was not necessary to allow development on R2 and R3 in order to meet the MD4 allocation target, which was for 350 new dwellings on the land north of Kidnappers Lane. The two smaller developments already had planning permission would provide 34, and the remaining 316 could with a very minimal adjustment fit on the Northern Fields.

Councillor Emma Nelson spoke in objection to the application as ward Member, noting that she had voiced concerns about severe traffic congestion on the A46 at the last meeting, as it was one of the key commuter routes into Cheltenham. There were still no approved plans in place for major works to the Moorend Park Road junction, which would be key to improving traffic flow. A condition in relation to the junction improvements had been one of the reasons for deferral, and yet it had not been addressed at all, and there were no technically agreed plans for the junction in place. The original plans for the junction did not take into account the cumulative impact of additional traffic from the school or the 350 new homes, and were no longer compliant with new cyclist-priority legislation.

She continued by noting that while Miller Homes had agreed to contribute £86k 'towards potential further improvements' over and above the consented Redrow plan, it was not clear exactly what this would cover and whether such works would solve the congestion issue. The town needed more homes, but this area could not support 350 of them. The JCS recommended around 250, mainly in recognition of the severe limitations of the existing traffic network. The fundamental problem of severe congestion on the A46 remained, and this application did not provide adequate mitigation for the impact the development would have on local traffic. She urged the committee to defer the application until such time that GCC Highways, Redrow and Miller Homes could agree a combined revised layout for the junction, incorporating the £86k contribution offered by Miller. This would enable a credible highways assessment to be approved for a critical commuter route into Cheltenham.

Councillor Martin Horwood also spoke in objection to the application as ward Member, emphasising that Miller Homes had made no real changes to any of the issues raised by the committee at the last meeting. Underneath the condition of reducing carbon emissions by

31.9%, they said ‘the proposed specification may change but will achieve a minimum of 19% reduction in carbon emissions’, meaning that the 31.9% was not guaranteed and would not even meet the regulations being enacted in June, let alone the Future Homes Standard that would ban such houses from 2025. The houses were still not zero carbon, still relied on gas and were still mostly without solar panels. The excuse for the lack of solar panels was that the houses faced the wrong way, but as the developer they could change this. There were also no air source heat pumps like at Newlands next door. He highlighted the Future Homes Standard advice that low carbon housing should anticipate UK electricity decarbonising. Fitted with electric air source heat pumps, the homes would become zero carbon, even without solar panels, once the UK grid had decarbonised. Fitted with gas, they would need to be retrofitted, at the expense of residents and taxpayers rather than Miller Homes.

He continued by highlighting that the JCS required ‘the fullest contribution possible to the mitigation of... climate change’. Considering the latest science, the Future Homes Standard on track and viable private sector zero carbon homes with 40% affordable housing right next door, in this location the ‘fullest contribution possible’ had to mean zero carbon. He did not believe that Miller Homes would stop building houses in profitable locations like this when the Future Homes Standard came in. He noted that the lack of mixed use development would pose issues for residents, and suggested that the argument that they were supporting local ministry by paying the church for the land would apply no matter who bought it. Finally, he emphasised that the impact on landscape as the strongest reason to reject or defer the application until fields R2 and E3 were excluded from it. They were green fields in the amber zone, which the JCS inspector had explicitly ruled out for development due to their higher landscape value, and the site was within a locally valued landscape protected by the NPPF. With that in mind, he urged the committee to reject or defer the application.

The Chair moved to Member questions:

- One Member queried the £86k offered by Miller Homes for the Moorland Park Road junction. Stephen Hawley (GCC Highways) responded that this money would be used to improve the junction, and that while he hoped they would end up in a position where it would not be necessary, in any case the public would be protected from having to pay for it. He was conscious that all road works caused some level of destruction, but they would implement a mitigation scheme which the modelling work told them would not result in a severe impact.
- One Member asked when the proposed improvements would be implemented after they were approved. The Highways Officer responded that while he did not have a specific date yet, productive discussions were taking place on this, and there was a mechanism in place to protect the public’s interests.
- One Member asked whether fields R2 and R3 were in protected landscape or not. The Planning Officer responded that while they were was not statutorily protected or included in the local green space allocation, they had been identified as having a higher level of landscape value. She noted that the landscape had been significantly altered since the assessment due to the construction of the school. The harm caused would need to be weighed up in the overall planning balance, since to exclude this area would result in the loss of a large number of dwellings.
- One Member asked whether the 31% carbon reduction figure would actually apply or whether the minimum figure of 19% would be permitted. The Planning Officer responded that in their update, the applicant had confirmed the 31% figure.
- One Member asked whether the general rule still applied that traffic congestion issues were seen as pre-existing conditions and thus not for the applicant to solve. The Head of Planning confirmed that this was seen as a pre-existing condition, and it would not be reasonable to expect the applicant to deal with it.

There being no more questions, the Chair moved to debate, where Members made the following points:

- The electric car charging points should be 32 kilowatts rather than 16, and they were concerned that neither revision to the energy and sustainability statement had

addressed this. If the committee was minded to approve the application, they should attach a condition encouraging the developer to implement 32 kW charging points.

- It was a difficult situation, since Cheltenham needed both homes and carbon neutrality. Miller Homes was clearly not concerned with carbon neutrality, with the solar panels being an afterthought. If they had been, the houses would have been orientated very differently. The use of gas was also contrary to CBC's environmental policies. The lack of facilities was a major concern, since it would generate a huge amount of traffic going towards the shops, dentist, schools and so on, causing a significant danger to cyclists and pedestrians on Shurdington Road.
- Miller Homes had responded in a very disappointing way to the discussions at the last meeting. Members had been very critical of the failure to adopt a zero carbon approach, and the applicant had failed to address this in any significant way. The JCS required the fullest contribution possible to tackling climate change, and there was no sense that they had done this. Retrofitting would be incredibly expensive, so they needed to be electric now. The development would not even come close to achieving their strategic objectives or sustainable development. The highways authority needed to step up and work with Miller Homes to present a proper application that addresses these things.
- Housing needed infrastructure to support it, and nothing in this scheme bar the minor contribution to the junction did that. The NPPF social objectives required developments to support the community's health, and there was no evidence of this either. CBC's own Local Plan also referred to community wellbeing, which was not addressed. Affordable housing was sorely needed, but this delivered nothing else.

The Chair asked on what grounds the committee could refuse the application, taking into account the likelihood of appeal.

One Member cited sustainable development as a reason for refusal, considering the council's declaration of a climate emergency and the failure of both local and national planning policies to catch up with this. The development next door at Newlands demonstrated that housing could be built in a sustainable and carbon zero way.

One Member asked about the possibility of adding a condition regarding the enhancement of local facilities. The Head of Planning clarified that this was not possible in this particular case.

One Member noted their uncertainty about policy MP4 with reference to areas R2 and R3, since officers had advised that the value of the two sites had been diminished by the construction of the school, but there were no images to illustrate this.

One Member suggested that they refuse the application on the grounds of NPPF sections 2, 8, 12 and 14. It was important to send a message that while new homes were needed, they still needed to be the right homes.

Another Member suggested that JCS Strategic Objective 6 and NPPF 4, paragraph 8c (achieving sustainable development), were more appropriate reasons. They suggested avoiding reasons regarding design and focusing on climate issues. The previous Member was happy with this and withdrew their proposed reasons for refusal.

There being no further comments, the Chair moved to the vote on the officer recommendation to permit (with the condition of charging points scheme ensuring consistency with national standards):

FOR: 1

AGAINST: 7

ABSTAIN: 0

The Chair moved to the vote on refusing the application on the grounds of JCS Strategic Objective 6 and NPP4, paragraph 8c (achieving sustainable development):

FOR: 8

AGAINST: 0

ABSTAIN: 0

REFUSED

7. 22/00225/FUL Naunton Park, Asquith Road, Cheltenham GL53 7EL

Cllr. Barnes left the Chamber and as Cllr Baker was speaking as a Ward Councillor Cllr McCloskey was then nominated as the chair.

The Planning Officer introduced the report with the recommendation to permit.

Cllr Baker was then asked to speak he made the following points:

- It would be a wonderful facility for the local community and would mean that disabled people could use the facility all year round.
- There would be no loss of football pitches
- The park would continue to provide a wide range of facilities to all age groups.
- Will also be a biodiverse landscape.

He then left the Chamber.

The matter then went to Member questions – there were none.

The matter then went to Member debate and the following points were made:

- Happy to support as had these facilities installed in Prestbury and been very successful. Noticed on the site visit that the elderly were struggling to walk in the park.
- During the first lockdown was a chosen walk as the ground was fairly boggy at the time – can only support.
- Another Member is looking at these adjustments for the park near him – also as there are Almshouses in the area making it more accessible can only be a good thing
- Similar scheme has been installed in Hatherley park and it was very successful.
- Charlton Kings parish Council refused a similar scheme which is a shame.

Matter went to the vote:

For – 9

Against – 0

Permit.

8. 22/00340/LBC Pittville Pump Rooms, East Approach Drive, Cheltenham GL52 3JE

The Conservation Officer introduced the report as published with regard to the maintenance required at Pittville Pump Rooms.

In response to Member questions the planning officer confirmed the following:

- wasn't wholly aware of a definitive plan of ongoing works; however, that there had been various recent works perhaps timed/scheduled with regard to necessity and finances.
-

During the Member debate the following point was discussed:

- That it is a real asset that the Pump Rooms exist as at one time it was in such a bad state of repair that there were plans to demolish it.
- There is no choice but to let this work to be done as the property is such an asset to the town.

The matter then went to the vote to grant.

For - Unanimous

9. 22/00257/FUL Oakfield House Stables, Oakfield House, Greenway Lane, Cheltenham

The Planning Officer introduced the report. The recommendation was to permit.

The responses to Member Questions were as follows:

- The Planning Officer confirmed that Cotswold Conservation Board were consulted previously on this application but not on the revised application. When they were consulted they were referred to the Cotswold Management Plan.
- The roof on the application is matt rather than shiny – there was no option for a different kind of roof.
- The permission is not for accommodation but for stables. To apply for the change of use to make the property into accommodation it would require planning permission and therefore a new application would be required.
- The use of an electric fence instead of laurel hedge was questioned with regards to the safety of horses, the Planning Officer confirmed that the agent would be happy with a condition regarding this, but we would consider if this is reasonable. The Head of Planning stated that animal welfare is not a planning issue.

The matter then went to Member debate where Members made the following points:

- The building does not enhance the area at all. Believes that the applicant is trying to prove that the area is developable.
- The suggested refusal reason was harm to the AONB.

The matter went to the vote to permit:

For – 5

Against – 4

Permit.

10. 22/00312/FUL 2 Church Street, Charlton Kings, Cheltenham GL53 8AR

The Planning Officer presented the report with the recommendation to refuse.

There was one speaker on behalf of the applicant who made the following points: -

- He was glad that the planning view had taken place as the Members could see the proper view of the building.
- There is an wide variety of property styles in the area.
- He acknowledged that the Councils traditional style of extension would not be suitable for this property. The proposed development provide an opportunity to mitigate against the impact of any more negative elements that may have resulted from past decisions.
- There is a higher ridge on the extension but neither will be visible from the front of the property.
- The proposed first floor extension results in a more symmetrical arrangement to the property.

The matter then went to Member questions of which there were none.

During the Member debate the following points were raised:

- There was clarification from the Member that asked the application to come to committee, the site was a retail outlet that wants to be changed into a home. The site is sufficiently interesting to be seen.
- Although not a lover of subservience the proposal will tidy the building and improve the street view.

- The property has evolved rather than been built but what is proposed definitely improves the street view.
- The Parish Council has made no comment on the application therefore they obviously have no objection as they consider all applications.
- The scheme is definitely an improvement to what they have now.
- The extension looks rather large and possibly didn't enhance the property and believed that the scheme does impact on the area due to size.

The matter went to the vote to refuse:

For – 2

Against – 7

The matter then went to the vote to approve with conditions:

For – 6

Against – 2

Abstentions – 1

Approved.

11. Appeal Update

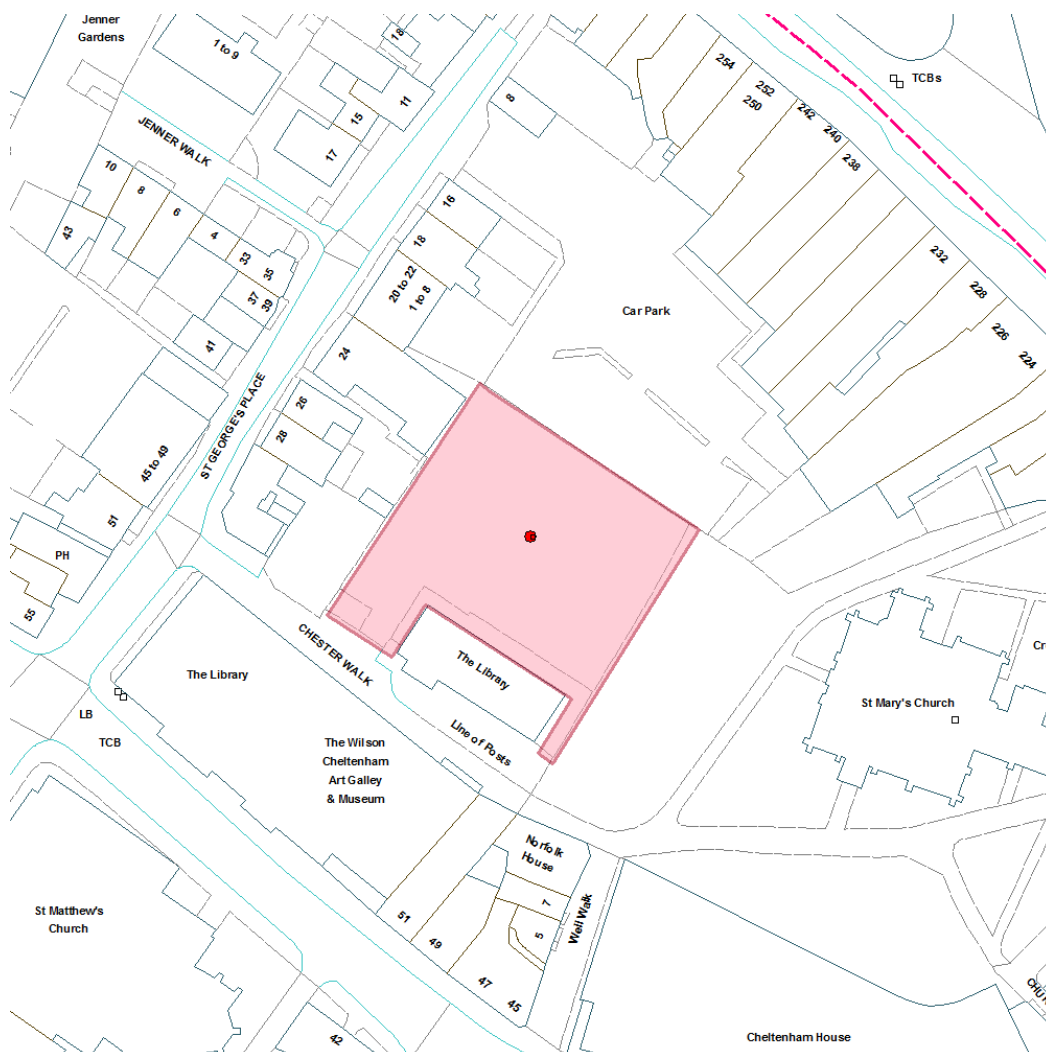
12. Any other items the Chairman determines urgent and requires a decision

Chair

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APPLICATION NO: 21/02567/CONDIT	OFFICER: Michelle Payne
DATE REGISTERED: 18th November 2021	DATE OF EXPIRY: 17th February 2022 (extension of time agreed until 20th May 2022)
DATE VALIDATED: 18th November 2021	DATE OF SITE VISIT:
WARD: Lansdown	PARISH:
APPLICANT:	Workshop Group
AGENT:	Edge design Workshop
LOCATION:	Car Park Chester Walk Cheltenham
PROPOSAL:	Variation of condition 2 (approved plans) on planning permission ref. 20/00552/FUL, under Section 73 of the Town and Country Planning Act 1990, to update the block plan and ground floor plan to accommodate a new substation in the north west corner of the site; and to allow for a number of internal and external alterations to the building, including additional/altered windows and doors

RECOMMENDATION: Permit



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site is relatively tucked away, located to the rear (north) of Cheltenham's Children's Library, with flatted residential properties to west, and a car park to the north with commercial properties on the High Street beyond. Vehicular access to the site is provided via Chester Walk, with pedestrian access more widely available via a number of footpaths.
- 1.2 To the east, the site adjoins the churchyard of Cheltenham Minster (St. Mary's). The Minster is a grade I listed building of mid-C12 origins, with later alterations and additions; it is Cheltenham's only surviving medieval building and is set approximately 30m from the application site. Other prominent listed buildings within the immediate vicinity include the grade II listed Library, Art Gallery and Museum, and Norfolk House; additionally there are some grade II listed lamp posts and tombs within the churchyard, whilst the standing cross is a scheduled monument. The site falls wholly within the Old Town Character Area of the Central Conservation Area.
- 1.3 Some members will recall that planning permission was granted in August 2020 for the construction of a 'Mixed Use Innovation Hub for the town centre' comprising flexible workspaces including a GFirst LEP 'Growth Hub' centre, a 300-person capacity performance arena, and community and education spaces. This approved scheme proposed a low carbon modular construction.
- 1.4 It was a revised scheme following the earlier grant of planning permission in June 2019 for a similar scheme that was to be largely created using recycled shipping containers.
- 1.5 This application is now seeking to vary condition 2 (approved plans) on planning permission ref. 20/00552/FUL, under Section 73 of the Town and Country Planning Act 1990, to update the block plan and ground floor plan to accommodate a new substation in the north west corner of the site (as required by Western Power Distribution); and to allow for a number of internal and external alterations to the building, including additional/altered windows and doors. The application also seeks to provide additional design detail to address conditions of the original permission.
- 1.6 The Planning Statement that accompanies the application sets out that:

the minor amendments to the revised layout provides a more efficient design for access as well as overcoming the unforeseen requirement for the substation. We believe the revised still retains much of the approved scheme but has created a better building that is more refined in design aesthetically as well as thoroughly thought through in its principles of access and delivery.
- 1.7 The additional Supporting Statement submitted during the course of the application provides further explanation for the changes, stating:

The alterations to the fenestration were made following an assessment of the sustainability credentials of the project. Additional windows have been added to the north elevation however there is no detrimental impact on the neighbouring properties. All other windows were enlarged to increase daylight and reduce the need for artificial lighting.
- 1.8 The application is at committee for reasons of transparency given the Council's interest in the land/development.
- 1.9 Works are now well underway on site and therefore this application is, in part, retrospective.
- 1.10 Members will visit the site on planning view.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Airport Safeguarding over 45m
Business Improvement District
Conservation Area
Core Commercial Area
Principal Urban Area
Residents Association
Smoke Control Order

Relevant Planning History:

19/00204/FUL

PERMIT

21st June 2019

Proposed Mixed Use Innovation Hub for the town centre

20/00552/FUL

PERMIT

21st August 2020

Proposed Mixed Use Innovation Hub for the town centre (revised scheme following grant of planning permission ref. 19/00204/FUL)

21/01609/DISCON

DISCHARGED

27th October 2021

Discharge of conditions 3 (Construction Method Statement) and 4 (Operational Management Plan) of planning permission ref. 20/00552/FUL

3. POLICIES AND GUIDANCE

National Planning Policy Framework 2021 (NPPF)

Section 2 Achieving sustainable development
Section 4 Decision-making
Section 6 Building a strong, competitive economy
Section 11 Making effective use of land
Section 12 Achieving well-designed places
Section 16 Conserving and enhancing the historic environment

Adopted Cheltenham Plan (CP) Policies

D1 Design
HE2 National and Local Archaeological Remains of Importance
SL1 Safe and Sustainable Living
GI3 Trees and Development

Adopted Joint Core Strategy (JCS) Policies

SD1 Employment - Except Retail Development
SD3 Sustainable Design and Construction
SD4 Design Requirements
SD8 Historic Environment
SD14 Health and Environmental Quality
INF1 Transport Network

Supplementary Planning Guidance/Documents

Old Town Character Area Appraisal and Management Plan (2007)

4. CONSULTATION RESPONSES

GCC Highways Development Management

3rd February 2022

Gloucestershire County Council, the Highway Authority acting in its role as Statutory Consultee has undertaken a full assessment of this planning application. Based on the appraisal of the development proposals the Highways Development Management Manager

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on behalf of the County Council, under Article 18 of the Town and Country Planning (Development Management Procedure)(England) Order, 2015 has no objection.

The justification for this decision is provided below.

This application seeks to vary condition 2 of planning permission reference 20/00552/FUL, to update the plans to accommodate a new substation in the north west corner of the application site.

The original plans showed this area of the site would be used as a waste and recycling collection area, and the revision would replace this with a substation, with gates which would be adjacent to the highway. This would necessitate the gates to open out onto Chester Walk. Ordinarily, the Highway Authority requires any gates to be set back from the edge of the highway, however in this instance given that Chester Walk is not a through route for vehicles the operation of any gates is unlikely to result in any harm to highway safety by way of blocking the through flow of traffic. Furthermore, it would be expected that the substation would not require the regular opening of these gates on a daily basis. As such the Highway Authority would not wish to object to the application.

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

The Highway Authority therefore submits a response of no objection.

Historic England

8th February 2022

Thank you for your letter of 4 February 2022 regarding the above application for planning permission. On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

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

County Archaeology

9th December 2021

Thank you for consulting the archaeology department on this application. Our previous comment on application 20/00552/FUL advised on the archaeological potential within the proposed development site and recommended that an assessment of the archaeological implications should be provided. I cannot see that this information was provided and the scheme was subsequently permitted. I am therefore unclear whether some aspects of the proposed design changes have the potential to impact on belowground archaeological remains such as the proposed foul drainage (significant remains considered to lie at approx. 0.95m in depth).

I recommend that an archaeological Watching Brief is maintained on any new design details that have the potential to impact archaeological remains. To facilitate the archaeological work I recommend that a condition based on model condition 55 from Appendix A of Circular 11/95 is attached to any planning permission which may be given for this development, ie;

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

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

I have no further observations to make on this application.

Environmental Health

31st January 2022

No adverse comments.

Heritage and Conservation

17th January 2022

No observations.

5. PUBLICITY AND REPRESENTATIONS

- 5.1 Letters of notification were sent out to 25 neighbouring properties on receipt of the application. In addition, site notices were posted adjacent to the site, and an advert published in the Gloucestershire Echo. Additional consultation was carried out following an amendment to the description of development, and on receipt of revised/additional information.
- 5.2 Two representations have been received in response to the publicity, raising concerns over height of the building; the windows that have been installed in the west elevation; and the proposed cladding. The comments have been circulated in full to members.

6. OFFICER COMMENTS

- 6.1 Planning Practice Guidance (Paragraph: 001 Reference ID: 17a-001-20140306) acknowledges that *"New issues may arise after planning permission has been granted, which require modification of the approved proposals"* and that where less substantial changes are proposed, an application seeking a minor material amendment may be submitted under Section 73 of the Town and Country Planning Act 1990. If granted, a section 73 application results in a new, independent planning permission which sits alongside the original permission.
- 6.2 As such, the only consideration when determining this application is the acceptability of the proposed changes as an amendment to the approved scheme in terms of design, impact on the historic environment, and neighbouring amenity. The general principle of development has been firmly established through the previous granting of planning permission. This report should therefore be read in conjunction with the officer reports which accompany those applications (appended to this report).

Design

- 6.3 Overall, from a design perspective, officers are satisfied that the building now proposed is not substantially different from that originally approved. It is acknowledged that the appearance of the building will be altered somewhat as a result of the proposed external revisions but the general scale and massing of the building, and its footprint within the site is very similar to that previously approved.
- 6.4 Additionally, the external facing and roofing materials now proposed are not too dissimilar from those originally proposed. The building was always intended to be clad in metal trapezoidal cladding; with the event space clad in insulated polycarbonate cladding to give

it its own distinct identity. Similarly, a uniform colour finish (off white) was proposed for the external cladding; albeit the subtle pops of colour (green) in the framing for the glazing, external stair etc. have now been omitted. As such, officers are confident that the building will continue to represent an interesting and contemporary piece of architecture in this sensitive location.

- 6.5 The need to incorporate the new substation has resulted in the need to relocate refuse and cycle storage facilities within the site; but sufficient capacity can still be achieved. In addition, some parking spaces have been lost but provision will still be made for two disabled parking spaces with electric car charging points. The changes have been reviewed by the County Highways Development Management Team who raise no objection.

Impact on the historic environment

- 6.6 Historic England and the Conservation Officer have not offered any comments on the revised proposals; Historic England advising that any additional impact on the setting of the Minster is not sufficient for them to comment on, whilst acknowledging the marginal reduction in height, which they support.
- 6.7 Officers are therefore satisfied that the revised proposals will not result in any significant harm to the setting of the Minster, or wider conservation area, but will continue to make a positive contribution; particularly in conjunction with the recently approved enhancements to the Minster grounds.

Amenity

- 6.8 Concerns have been raised by a neighbouring resident in relation to the windows on the west elevation and these have been duly noted; however, the glazing in this elevation was not identified as being obscurely glazed in the previously approved scheme. That said, some of the upper floor windows in this elevation were annotated to be fixed. It is therefore considered reasonable and necessary to impose a condition to require the upper floor windows in this elevation to be non-opening.
- 6.9 The additional windows to the north elevation will overlook the adjacent car park and do not pose any significant amenity concerns.
- 6.10 The Environmental Health Team have reviewed the amended proposals and, having sought additional clarification in relation to the sound insulation for the performance space, raise no objection.

Other considerations

- 6.11 As set out in the Equalities Act 2010, all public bodies, in discharging their functions must have “due regard” to the Public Sector Equalities Duty (PSED). There are three main aims:
- Removing or minimising disadvantages suffered by people due to their protected characteristics;
 - Taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people; and
 - Encouraging people with certain protected characteristics to participate in public life or in other activities where participation is disproportionately low.
- 6.12 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.
- 6.13 In the context of the above PSED duties, this proposal is considered to be acceptable.

7. CONCLUSION AND RECOMMENDATION

- 7.1 Overall, officers are satisfied that the revised scheme is not substantially different from that originally approved; and the proposed changes will not result in any significant additional harm to the historic environment, or neighbouring amenity.
- 7.2 The recommendation therefore is to grant planning permission subject to the following schedule of conditions which reflects those previously imposed but has been updated where necessary.

8. CONDITIONS

- 1 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.

- 2 The Operational Management Plan previously approved under application ref. 21/01609/DISCON shall be strictly adhered to at all times.

Reason: To safeguard the amenities of adjacent residential and/or other noise sensitive properties, having regard to policy SL1 of the Cheltenham Plan (2020) and policy SD14 of the Joint Core Strategy (2017).

- 3 Notwithstanding the approved plans, and 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 upper floor windows to the west elevation shall at all times be non-opening.

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

- 4 Prior to their installation, technical details of all flues, ducting, extract system, filters etc. and their continuing operation shall be submitted to and approved in writing by the Local Planning Authority.

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

- 5 Prior to first beneficial use of the development, refuse and recycling storage facilities shall be provided in accordance with the approved plans. Such areas shall not be used for any purpose other than the storage of refuse and recycling and shall remain free of obstruction for such use at all times. All refuse and recycling shall be stored in appropriate containers in the refuse and recycling storage facility unless awaiting collection.

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

- 6 Prior to first beneficial use of the development, vehicular parking and turning facilities shall be provided in accordance with the approved plans. Such areas shall not be used for any purpose other than the parking and turning of vehicles and shall remain free of obstruction for such use at all times. The car parking spaces shall be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

Reason: To ensure the adequate provision of car parking within the site and to promote sustainable travel, having regard to policy INF1 of the Joint Core Strategy (2017), and paragraphs 110 and 112 of the National Planning Policy Framework (2021).

- 7 Prior to first beneficial use of the development, secure and covered cycle storage facilities shall be provided in accordance with the approved plans. The cycle storage shall thereafter be retained available for such use in accordance with the approved plans at all times.

Reason: To give priority to cycle movements by ensuring the adequate provision and availability of cycle parking, to promote cycle use and to ensure that appropriate opportunities for sustainable transport modes have been taken up, having regard adopted policy INF1 of the Joint Core Strategy (2017) and paragraphs 110 and 112 of the National Planning Policy Framework (2021).

- 8 Prior to first beneficial use of the development, a detailed Lighting Scheme, including predicted light levels at neighbouring residential properties, shall be submitted to and approved in writing by the Local Planning Authority.

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

- 9 Prior to first beneficial use of the non-Class E floorspace, the proposed opening hours for the non-Class E floorspace shall be submitted to and approved in writing by the Local Planning Authority. The non-Class E floorspace shall thereafter only be open to customers between the agreed hours.

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

- 10 Prior to the installation of any advertisements on the development hereby approved, a detailed Advertisement Strategy shall be submitted to and approved in writing by the Local Planning Authority. All advertisements shall thereafter be implemented in accordance with the agreed strategy.

Reason: To ensure that the development is sensitive to its surroundings, having regard to policies D2 and HE3 of the Cheltenham Plan (2020) and policies SD4 and SD8 of the Joint Core Strategy (2017).

INFORMATIVES

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

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

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

- 2 The upgrade works to the access on Chester Walk require alteration to the existing highway network and must be undertaken by the Highway Authority or its appointed agents. An Agreement under Section 278 of the Highways Act 1980 will be required. The Local Highway Area office will need to be contacted prior to commencement of work on the access.
- 3 It is strongly recommended that leaf guards for the guttering and down pipes be installed, so as to reduce levels of tree-related inconvenience experienced by future occupiers of the building.

APPLICATION NO: 20/00552/FUL	OFFICER: Michelle Payne
DATE REGISTERED: 27th March 2020	DATE OF EXPIRY: 26th June 2020 (extension of time agreed until 21st August 2020)
DATE VALIDATED: 27th March 2020	DATE OF SITE VISIT:
WARD: Lansdown	PARISH:
APPLICANT:	Workshop Cheltenham Limited
AGENT:	EdgeDesignWorkshop
LOCATION:	Car Park, Chester Walk, Cheltenham
PROPOSAL:	Proposed Mixed Use Innovation Hub for the town centre (revised scheme following grant of planning permission ref. 19/00204/FUL)

RECOMMENDATION: Permit



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site is a Gloucestershire County Council (GCC) owned parcel of land, some 0.15 hectares, and is currently in use as a private car park for GCC staff. Vehicular access to the site is provided via Chester Walk, with pedestrian access more widely available via a number of footpaths. The site is relatively tucked away, located to the rear (north) of Cheltenham's Children's Library, with flatted residential properties to west, and a car park to the north with commercial properties on the High Street beyond.
- 1.2 To the east, the site adjoins the churchyard of Cheltenham Minster (St. Mary's). The Minster itself is a grade I listed building of mid-C12 origins, with later alterations and additions; it is Cheltenham's only surviving medieval building and is set approximately 30m from the application site. Other prominent listed buildings within the immediate vicinity include the grade II listed Library, Art Gallery and Museum, and Norfolk House; additionally there are some grade II listed lamp posts and tombs within the churchyard, whilst the standing cross is a scheduled monument. The site falls wholly within the Old Town Character Area of the Central Conservation Area.
- 1.3 Many of the buildings surrounding the Minster are 3-4 storeys in height, and the proposed development is consistent with this. The vast majority of the buildings surrounding the Minster grounds turn their backs on the Minster, with the exception of GL50 restaurant located on the corner of Well walk. The Cheltenham Central Conservation Area: Old Town Character Area Appraisal notes *"a combination of al-fresco drinking in the churchyard; evidence of graffiti and unattractive rear facades of buildings backing onto the churchyard contribute to providing the church with a poor setting"*. Whilst this assessment was made in 2007 it is still true today. The proposal before you seeks to address this problem, by creating a clear frontage onto the Minster grounds and will be the first step in reinvigorating the grounds, seeking to enhance the space and encourage appropriate use.
- 1.4 The proposal before you is key to a wider Minster Innovation Exchange project, which has recently secured £3.114 million via GFirst LEP from Central Government's 'Getting Building Fund' in response to the impact of Covid-19. The wider scheme will provide for improvements to the adjacent church grounds, seek opportunities for buildings surrounding the Minster to better engage with the Minster and its grounds, and help to improve connectivity and increase footfall to The Wilson art gallery and museum, the Library and the Lower High Street.
- 1.5 The application proposes the construction of a 2,000 sqft mixed-use 'innovation centre' comprising flexible workspaces including a GFirst LEP 'Growth Hub' centre, a 300-person capacity performance arena, and community and education spaces.
- 1.6 The ground floor will now principally accommodate a reception area, the Growth Hub, a new Headquarters for Cheltenham Festivals, and a café. At first floor, a number of open plan co-working areas for small and start-up businesses are proposed, together with larger offices for more mature companies; a training room for small educational events and a number of meeting zones are also proposed. Additional open plan offices are proposed at second floor level which can be subdivided in response to demand.
- 1.7 The purpose-built performance arena is similarly located in the eastern corner of the site.
- 1.8 Bin storage facilities, secure and covered cycle parking spaces, and 4no. car parking spaces, two of which will be disabled bays, will also be provided within the site.
- 1.9 The application is at committee for reasons of transparency given this Council's interest in the land; and also because the application is the subject of an objection from Historic England, and the Architects' Panel.

1.10 Members will be aware that planning permission was previously granted for a similar scheme in June 2019; however, that scheme was to be largely created using recycled shipping containers, and modular components such as a staircase and lift core, steel structural wall and roof frames, and bespoke modular roof lights.

1.11 This application now proposes a low carbon modular construction; the Design, Access and Heritage Statement (DAS) that accompanies this application sets out that:

It soon became apparent, after reviewing the construction methodology of the previously approved project, that it would be more appropriate to use bespoke modular units instead of recycled shipping containers for two distinct reasons. Firstly, the demands of modern working require more flexible, open plan spaces that containers are simply unable to provide due to their 2.4m standardised widths and 12m elongated profiles. By utilising two modular unit configurations of 3m x 6m x 3.5m and 3m x 9m x 3.5m this can substantially improve the internal configuration and rationalisation of space. Secondly, we have been advised that less single trip containers are entering the country meaning, if we were to pursue the use of shipping containers we would essentially be fabricating them in the UK only to dismantle them on site at a later date.

1.12 The applicants in their DAS advise that they have remained in close contact with representatives of the Minster and continue to have their support for the project.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Airport Safeguarding over 45m
Business Improvement District
Conservation Area
Core Commercial Area
Principal Urban Area
Residents Association
Central Shopping Area
Smoke Control Order

Relevant Planning History:

05/01170/DEEM4	REFUSED	2nd November 2005
Erection of 24 residential flats, apartments and mews cottages and internet café		

07/01126/FUL	REFUSED	28th July 2008
New build mixed use complex comprising 14 apartments, 8 office units and 1 cafe and underground parking (revised plans)		

08/00158/DEEM4	REFUSED	29th May 2008
Erection of 13 apartments, 1 mews cottage, internet cafe and associated works		

09/00044/FUL	REFUSED	1st May 2009
New build mixed use complex comprising 12 office units - total 1103m ² , 10 residential apartments, 1 cafe and 40 parking spaces (revised application following refusal of 07/01126/FUL)		

19/00204/FUL	PERMITTED	20th June 2020
Proposed Mixed Use Innovation Hub for the town centre		

3. POLICIES AND GUIDANCE

National Planning Policy Framework (NPPF)

Section 2 Achieving sustainable development

Section 4 Decision-making

Section 6 Building a strong, competitive economy

Section 11 Making effective use of land

Section 12 Achieving well-designed places

Section 16 Conserving and enhancing the historic environment

Adopted Cheltenham Plan (CP) Policies

D1 Design

HE2 National and Local Archaeological Remains of Importance

SL1 Safe and Sustainable Living

GI3 Trees and Development

Adopted Joint Core Strategy (JCS) Policies

SD1 Employment - Except Retail Development

SD3 Sustainable Design and Construction

SD4 Design Requirements

SD8 Historic Environment

SD14 Health and Environmental Quality

INF1 Transport Network

Supplementary Planning Guidance/Documents

Old Town Character Area Appraisal and Management Plan (2007)

4. CONSULTATION RESPONSES

Historic England

7th April 2020

Thank you for your letter of 23rd March 2020 regarding the above application for planning permission. 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

The application site is within the setting of Cheltenham Minster and within the Central Cheltenham Conservation Area (Old Town Character Area). St Mary's, more commonly referred to as Cheltenham Minster, is the town's only surviving medieval building. It likely dates from the mid-12th century, and as the list description asserts, the architectural design-interest arrives largely from the high quality Decorated tracery which, in some cases, fills an exceptionally high proportion of the windows. The spire is a notable Gothic feature which contrasts strikingly with the predominance of the surrounding Regency architecture. The churchyard, defined tightly by the encircling (predominantly) four-storey terraced blocks, is a somewhat unexpected space of tranquillity within the busy town centre, and associated (individually designated) assets create a distinctly characterful enclave. It is important to note that, whilst not necessarily under Historic England's jurisdiction, the churchyard contains several 'dragon and onion' lamp posts, tombstones and headstones, the churchyard wall piers and railings to the east, and a churchyard cross, all listed at Grade II (the latter being simultaneously scheduled). There are further Grade II buildings surrounding the site, in particular, the library, museum and art gallery, and Norfolk House. Your Conservation Officer will need to assess any impact to the setting of these Grade II assets.

The Minster is designated as Grade I, and as such is in the top 2.5% of listed buildings. Therefore, greater weight should be given to its 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'.

The Cheltenham Borough Council Conservation Area Appraisal and Management Plan 2007, identifies 'St Mary's churchyard as an important space within the town centre...with a sense of enclosure and is a potentially tranquil space.' It also acknowledges that 'a combination of al-fresco drinking in the churchyard; evidence of graffiti and unattractive rear facades of buildings backing onto the churchyard contribute to providing the church with a poor setting.' Indeed, Action OT13 of the Management Plan 'aims to enhance the area through proposals including maintaining existing through routes and desire lines and enhancing points of entry; encouraging interaction with the surrounding properties; encouraging increased public use; improving and enhancing the setting of the Church and strengthening the current identities of the Church and Churchyard.'

The principle of the proposed development is established through the recent Planning Permission (ref: 19/00204/FUL). This utilised re-used shipping containers as the principal form of construction. While we did not object to approve development, we expressed concerns over the eastern elevation of the site which addresses the Minster. We were not convinced that the relationship of this elevation was as positive as it had the potential to be. Also, we recognised the opportunity for an avenue through the site, connecting through to the western door of the church. Visual connectivity is an important attribute within any urban and historic context, and we were disappointed that the arrangement of the shipping containers was not adjusted to provide a more meaningful link.

The revised proposals have been developed on the basis of a new modular construction system, replacing the approved shipping containers. These modular units are larger in plan and height, and while the Design and Access Statement confirms that the footprint of the development would be reduced from that of the approved scheme, the height increase will be 1.8m. Furthermore, the ground floor arrangement on the line of the visual link through to the Minster is revised so that there unlikely to be any connectivity. While we have previously encouraged a development that could better reveal the significance heritage assets through improved access and use of the enclosed site and setting of the Grade I Minster, the revised scheme would fail to achieve this. We therefore advocate an amended arrangement that utilises the revised modular units, but makes a more positive impact upon its immediate setting and Conservation Area.

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 193,194 and 200 of the NPPF. In determining this application you should bear in mind the statutory duty of section 66(1) 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, 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 and section 38(6) of the Planning and Compulsory Purchase Act 2004 to determine planning applications in accordance with the development plan unless material considerations indicate otherwise.

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.

Historic England – revised comments

28th July 2020

Thank you for your letter of 8 July 2020 regarding further information on the above application for planning permission. On the basis of this information, we offer the following advice to assist your authority in determining the application.

Historic England Advice

The amended proposals have modified some aspects of the massing of the modular units, albeit quite modestly. We would have considered it useful if the agent had explained these changes and how they have attempted to allay our previous concerns. Our principal issues associated with the increased height and loss of visual connectivity through the site to the Minster do not appear to have been addressed. We therefore refer you back to our previous advice of 7th April 2020.

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 193, 194 and 200 of the NPPF. In determining this application you should bear in mind the statutory duty of section 66(1) 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, 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 and section 38(6) of the Planning and Compulsory Purchase Act 2004 to determine planning applications in accordance with the development plan unless material considerations indicate otherwise.

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.

Heritage and Conservation

15th June 2020

There are a number of heritage assets affected by the proposal. To the east the site abuts the churchyard of Cheltenham Minster, a grade I listed building with mid-C12 origins, one Cheltenham's few surviving medieval buildings. Within the churchyard itself there are a number of grade II listed 'dragon and onion' lampposts, grade II listed tombs and a standing cross, which is a scheduled monument. There are also a number of other listed buildings within the immediate context of the site, these include, the rear of grade II listed Library, Art Gallery and Museum to the south-west, a late Victorian building in mixed Renaissance styles, Norfolk House to the south, a Regency house attached to its neighbours and to the west the rears of grade II listed 16 & 18 St. Georges Place a pair of Regency houses within a terrace back onto the site. The site is also within the Central Conservation Area: Old Town Character Area.

Given the sensitivity of the site and its context it is important to consider the policy context in relation to heritage assets which the proposed development needs to be considered against.

The relevant heritage legislation is the Planning (Listed buildings and Conservation Area) Act 1990. This requires local planning authorities to have special regard to the desirability of preserving listed buildings and their settings or any features of special architectural or historic interest which they possess.

Relevant also is the National Planning Policy Framework 2019 (NPPF) which states heritage assets be conserved in a manner appropriate to their significance. Chapter 16, paragraphs 193-196 set out the framework for decision making with applications relating to heritage assets. This assessment takes account of the relevant considerations in these paragraphs.

Local planning authorities are required by Paragraph 192 of the NPPF to identify and assess the particular significance of any heritage asset... taking into account the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.

Paragraph 193 of the NPPF states, "When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance."

The application site is currently used as a car park. It does not contribute to the character of the conservation area. Its character is principally defined as an enclosed back land site with partial views over a boundary fence of the Minster to the east. Notably the churchyard itself is in a state of neglect and in need of enhancement. The context of the site is sensitive in heritage terms, particularly the setting of the Minster.

The principle of development on the application site was established under planning application 19/00204/FUL, which granted consent for a similar proposal. However there are notable differences between the approved scheme and the current application which are considered to result in the proposal causing harm to the setting of heritage assets.

The submitted Design and Access Statement discusses the proposal within the site and the context but it is considered it does not demonstrate how the proposed development has been informed by its setting, particularly the heritage assets. A flaw within the submitted proposal is as it is not informed by its context it does not take full advantage of the enhancements that could be brought to both the development site and, more importantly, to

the heritage assets themselves. A robust contextual analysis of the site should have been used to inform the proposal. It appears instead the proposal has been imposed on the site with little meaningful reference to its context. A proposal that fully responds to a contextual analysis is required to demonstrate its impact on the affected heritage assets have been properly considered and positively responded to.

There are concerns over the scale and massing of the proposed development. Specifically, concern is raised over the eastern elevation facing the Minster. The three storey section creates too hard a frontage and is bulky to the extent it crowds and negatively encroaches onto the sense of space around the Minster and its churchyard. It is considered this scale and massing has a harmful impact on the setting of the affected heritage assets, practically the Minster, its associated structures and the 'dragon and onion' lamps.

Further details of the proposed lift overrun are required. As shown this structure appears very low on the roof. However, concerns are raised these are typically larger than depicted in the plans. Details of the lift overrun will need to be submitted to show the size depicted can be achieved. Concern is raised the lift overrun could add to concerns over the scale and massing of the proposed development.

It is considered the proposal is a backward step in design terms to the scheme approved under application 19/00204/FUL. It is considered the issue with the scale and massing in relation to the affected heritage assets will need to be addressed before the proposal can be supported in heritage terms.

Significant discussion took place previously within application 19/00204/FUL regarding the linkages between the site and the Minster. The amended current application raises these concerns again as these issues have not been fully resolved. The submitted proposal shows no progression in terms of this relationship. It is disappointing this has not been developed further within the current proposal. It is considered insufficient consideration has been to the linkages in terms of views, legibility and permeability, within the submitted application.

The views between the development site and the Minster, as well as the other heritage assets, have not been explored within the proposed development. There is an opportunity within this application to better reveal the heritage significance of these heritage assets but little indication is given within the application this has been a significant consideration.

There is considered to be inadequate legibility and permeability within the development proposal, specifically in relation to the eastern elevation. Concern is raised the appearance of the entrance and the access to this entrance is not sufficiently resolved. The entrance to the building on the eastern elevation is defined by a gap within the elevation, over sailed by a first floor, forming the access from the churchyard. The appearance of the entrance itself is unassuming. It is considered it does not sufficiently signify itself as the entrance to the building. This is considered to result in a weak and unwelcoming entrance. It is not considered successful in terms of its legibility and permeability.

It is also unclear from the submitted details how users of the site are to arrive at this eastern entrance. The entrance relies on access over the grassed area of the churchyard but does not provide landscaping, through the introduction of a path or paths, to facilitate it. The proposal might encourage 'shortcuts' over this area, resulting in the grass becoming worn and untidy with no way of mitigating this impact. The result of this would be harmful to the appearance of the churchyard and the Minster. It is noted the Minster and its churchyard are outside the proposal site but better connectivity through a more careful consideration of legibility and permeability created by landscaping interventions is required. The proposal needs to allow for a strong entrance and clear connectivity to the Minster, its churchyard and its wider context.

As a result of the above concerns the proposed works are therefore considered to neither sustain or enhance the designated heritage assets and do not comply with Section 16 of the Planning (Listed Building and Conservation Area) Act 1990, Chapter 16 of the National Planning Policy Framework and Policy SD8 of the Joint Core Strategy 2017.

Heritage and Conservation – revised comments

31st July 2020

The following comments need to be read in conjunction with the previous conservation comments made on the proposal. Much of the advice within these comments is repeated as it is considered the amended proposed has not fully addressed the concerns previously raised.

It is noted the proposal has been amended to address the previous concerns, including the issue of its massing. However, it is considered the amendments made to the proposal are tokenistic. It was stated within the previous conservation comments, and is reiterated again here, concerns over a proposal for this site have not been adequately addressed and that the submitted supporting information does not take account of the impact the proposed works will have on the heritage assets.

It is not demonstrated within the application that the proposal has been informed by its context. It was previously stated and is stated again here, a contextual analysis of the site needs to be used to inform the proposal. A proposal that meaningfully responds to a contextual analysis is required to demonstrate the impact on the affected heritage assets has been properly considered and positively responded to. Disappointingly the amended proposal does not demonstrate a contextual analysis has been undertaken and used to justify the approach taken to development on the site.

Concerns have been raised in previous comments over the scale and massing of the proposed development. Specifically, the eastern elevation facing the Minster where the three storey section was considered too bulky, to the extent it crowded and negatively encroached upon the sense of space around the Minster and its churchyard. It was considered this scale and massing has a harmful impact on the setting of the affected heritage assets, practically the Minster, its associated structures and the 'dragon and onion' lamps.

The amended proposal is not considered to have adequately addressed this concern. A three storey element is still shown facing the Minster. It is noted this three storey element is now set back from the frontage but this amendment does not sufficiently address the concern over scale and massing. The proposal is still considered to result in a bulky and intrusive building and therefore the concerns raised previously are reiterated. It is considered further meaningful amendment to the development proposal is required.

It was previously stated further details of the proposed lift overrun on the roof were required. The amended proposal now shows a 'mesh screen' located above the second floor, presumably to screen the lift and other services, although this is not clear from the submitted details. The additional height the mesh screen creates is considered to exacerbate the concerns over the scale and massing of the proposal raised previously.

As previously stated, there is considered to be inadequate legibility and permeability within the development proposal, specifically in relation to the eastern elevation. Concern is raised the appearance of the entrance and the access to this entrance is not sufficiently resolved. The entrance to the building on the eastern elevation is defined by a set back within the elevation. Concern is raised this recessed entrance could appear overly discreet, it not sufficiently signifying itself as the entrance to the building. This is considered to result in a weak and unwelcoming entrance.

It is also still unclear from the submitted details how users of the site are to arrive at this eastern entrance. The entrance currently relies on access over the grassed area of the churchyard but does not provide landscaping, through the introduction of a path or paths, to facilitate it. The proposal might encourage 'shortcuts' over this area, resulting in the grass becoming worn and untidy with no way of mitigating this impact. This would be harmful to the appearance of the churchyard and the Minster. It is noted the Minster and its churchyard are outside the proposal site but better connectivity through careful consideration of legibility and permeability, created by landscaping interventions is required. The proposal needs to allow for a strong entrance and clear connectivity to the Minster, its churchyard and its wider context.

The issue of linkages has still not been addressed. It has been stated previously significant discussion took place previously within application 19/00204/FUL regarding the linkages between the site and the Minster. The amended proposal again raises these concerns as these issues have not been fully resolved. The submitted proposal again shows no progression in terms of this relationship. It is disappointing this has not been developed further within the current proposal. It is considered insufficient consideration has been given to the linkages in terms of views, legibility and permeability, within the submitted application.

As a result of the above concerns the proposed works are still considered to neither sustain or enhance, and would therefore harm, the designated heritage assets and their settings. It is considered the proposal does not comply with Section 16 of the Planning (Listed Building and Conservation Area) Act 1990, Chapter 16 of the National Planning Policy Framework and Policy SD8 of the Joint Core Strategy 2017.

In instances where proposals harm heritage assets and their settings a balancing exercise between the public benefits of the proposal weighed against the great weight that should be given to the conservation of heritage assets needs to be made. The great weight to be given to heritage asset's conservation is required by section 193 of the NPPF, the weighing exercise is required by section 196 of the NPPF. To properly undertake the weighing exercise it should not be conflated with the general planning balance as there are different considerations for each.

In this instance the harm to the setting of the heritage assets has not been acknowledged by the applicant/agent and this weighting exercise has not been carried out by them. From a heritage perspective while it is noted there undoubtedly are public benefits to the proposal it is not considered these are so great that they would outweigh the great weight that needs to be given to heritage assets, particularly in this instance where the setting of a grade I listed building is harmed.

Architects Panel

15th May 2020

Design Concept

The panel had no objection to the principle of building new mixed use office space and community facilities on this site but had major concerns over the design approach of this new scheme which relies too heavily on the previous permission based on the use of recycled shipping containers. The applicants state that the previous scheme was not viable primarily because of the inflexibility of the modular design. The new scheme wastes an opportunity to look afresh at the special characteristics of the site and to design a more appropriate building not limited by the modular design constraints.

On balance the panel felt this scheme is an adaptation of random elements taken from the previous scheme but with incongruous additions and layout changes that create

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unattractive external spaces and an inappropriate architecture that does not relate to its context or the special character of the area.

Design Detail

The panel was particularly concerned how the new building relates to St Mary's Church (Cheltenham Minister) and the churchyard. The open site boundary treatment shown on the perspective views is not shown on plan which demonstrates lack of coherent design thinking. The East elevation and relationship the new building has to the churchyard is of prime importance and needs to positively enhance the setting.

The geometry of the building plan is a hangover from the previous scheme resulting in badly planned uninviting spaces around the building.

The long list of building materials proposed is also a concern - a more restrained and considered palette would help the building sit more comfortably in its setting and might result in a more coherent design.

Recommendation

Not supported.

Cheltenham Civic Society

7th May 2020

NEUTRAL

While the Civic Society Planning Forum still approve of the principle of a mixed use Innovation Hub on this site, this design lacks the excitement of the original proposal. The elevation facing the Minster churchyard is unresolved. The submitted design is too fussy with too many balconies, which would perhaps be more appropriate to a residential development. The bottom halves of the full-length windows are likely to be filled with office detritus which will further detract from this frontage onto a significant heritage site. The large letters on top of the building on the church yard elevation are inappropriate. There needs to be a landscaping plan for the Minster churchyard, with possible provision of a path to the Hub's main entrance. The Forum is concerned about the apparent difference in representation of cladding materials between the artist's impression and elevations.

Cheltenham Civic Society – revised comments

29th July 2020

NEUTRAL

The Civic Society Planning Forum continues to strongly support the principle of this development. It provides something that is much needed for the town and has the potential to transform this area.

We welcome that this building will be facing the Minster, unlike most of its neighbours. This latest design helps to make sense of the space around the Minster. We really welcome the plans for the Minster grounds, and these must be carried through for the scheme to be a success for this area. We appreciate that this is not fully in the applicant's hands.

The Hub will sit between the Minster, one of the oldest and most important buildings in Cheltenham, and the Children's Library, a building which really has not passed the test of time. In such an important location, it is crucial that we have a building that makes a positive contribution to its environment and that can still look as good in 30 years' time as it did when it was built. The details and materials are essential to its longevity. We are concerned that the proposed mint green colour scheme will age badly.

The Forum feels strongly that the detailing and materials should be addressed in the application itself rather than by planning conditions.

This most recent version is an improvement on the previous scheme and has the potential to be a very successful scheme. We appreciate that the applicant has taken on board our comments about the second iteration and has addressed many of our concerns.

We still have some reservations. The massing of this building is much greater than the already approved repurposed containers design. The detailing of the horizontal bands is not consistent. An alley way will be created behind the Children's Library which could present problems. While there is provision for disabled access, greater thought could be given to the experience of wheelchair users, e.g. in the height of the cut-outs.

Some problems, such as the lack of parking, can be mediated by good signage, and signage should be part of the overall design.

GCC Highways Development Management

15th April 2020

No objection (subject to conditions)

Planning History & analysis

The recent Planning History of the site, in reverse chronological order, is as follows:

20th June 2019. Ref. No 19/00204/FUL. Proposed Mixed Use Innovation Hub for the town centre. Received and Validated 18 February 2019

16th January 2009. Ref. No: 09/00044/FUL. New build mixed use complex comprising 12 office units total 1103m², 10 residential apartments, 1 cafe and 40 parking spaces. Received Fri 16 Jan 2009 - Validated Fri 30 Jan 2009 - Status Refused.

25th January 2008. Ref. No 08/00158/DEEM4. Erection of 13 apartments, 1 mews cottage, internet cafe and associated works. Received Fri 25 Jan 2008 - Validated: Thu 28 Feb 2008 - Status Refused.

10th August 2007. Ref. No 07/01126/FUL. New build mixed use complex comprising 14 apartments, 8 office units and 1 cafe and underground parking (Revised plans). Received Fri 10 Aug 2007 - Validated Thu 15 May 2008 - Status Refused.

26th July 2005. Ref. No 05/01170/DEEM4. Erection of 24 residential flats, apartments and mews cottages and internet cafe. Received Tue 26 Jul 2005 - Validated Thu 04 Aug 2005 - Status Refused.

14 Jun 1996. Ref. No 96/00550/PF. Erection Of 3 Storey Office Building Land At Chester Walk Cheltenham Gloucestershire. Received Fri 14 Jun 1996 - Validated Fri 14 Jun 1996 - Status: Permit.

18th September 1986. Ref. No 86/01018/LD. Old Bakery Site Cheltenham Gloucestershire Demolition Of Existing Buildings and Erection Of Library Phase 1. Received Thu 18 Sep 1986 - Validated Thu 18 Sep 1986 - Status Permit.

A review of the planning history has established that the loss of parking on this site has been previously established.

Proposed Development

1643sqm mixed use innovation centre comprising 1388sqm workspace (B1), 51sqm - A3 restaurant/cafe and 204 sqm D2 Assembly and Leisure based on the submitted details in the Application Form.

Site appraisal

The site is sustainably located in the town centre of Cheltenham accessible by frequent nearby bus services which also connect the site to Cheltenham station with regular rail services, with good pedestrian access and within a wide catchment for cycle trips reducing reliance on private vehicle use to and from the site. Travel distance to bus stops approx. 100m / 2 minutes walking time, Cheltenham Spa Railway - 11 □ 13 minute journey time (walk& bus) □ 21 minute walk time.

The site is considered to be a sustainable location

The site is considered to be sustainable and as such development in this area can respond and offer alternative transport solutions that are not reliant on the private car. The proposed development will not offer parking to the majority of users and as such alternative travel / parking arrangements will need to be made in areas that are underutilised including the local multi storey parking facilities.

Four parking spaces will be provided with 2 disabled bays and two electric pool car parking bays. GCC would note that it would encourage the applicant to offer charging to disabled users also. As such only essential / sustainable parking will be provided and is a considerable reduction from the existing use which does not make full use of the sustainability of the site.

Whilst arriving by private car by other users will be discouraged there are opportunities for parking that can be taken up in private parking areas. As such due to the controlled parking within Cheltenham there is not a concern about impact on the highway from any potential parking. The applicant has identified these in the parking strategy submitted.

It is understood that the existing parking has been considered and that suitable alternative arrangements are in place.

Overall the reduction in 58 parking spaces is welcomed in highways terms given the sustainability of the location.

The cycle parking provision is considered suitable along with disabled and electric vehicle parking for the site.

GCC recommend the following conditions be applied:

The building(s) hereby permitted shall not be occupied until the vehicular parking and turning facilities have been provided in accordance with the submitted plans, and those facilities shall be maintained available for those purposes thereafter.

Reason: To ensure that a safe, suitable and secure means of access for all people that minimises the scope for conflict between traffic and cyclists and pedestrians is provided in accordance with the paragraphs 108 and 110 of the National Planning Policy Framework.

The development hereby permitted shall not be occupied until the cycle storage facilities have been made available for use in accordance with the submitted plans and those facilities shall be maintained for the duration of the development.

Reason: To give priority to cycle movements by ensuring that adequate cycle parking is provided, to promote cycle use and to ensure that the appropriate opportunities for sustainable transport modes have been taken up in accordance with paragraph 108 of the National Planning Policy Framework.

Note: The development will require construction and delivery access by large vehicles which will be expected to required streetworks approval which should be sought by contacting the County Council at 0800 514 514 or emailing streetworks@gloucestershire.gov.uk

NOTE: The upgrade works to the access on Chester Walk and new access require alteration to the existing highway network and must be undertaken by the Highway Authority or its appointed agents. An Agreement under Section 278 of the Highways Act 1980 will be required. The Local Highway Area office will need to be contacted prior to commencement of work on the access.

The applicant is also advised that it is an offence under section 161 of the Highway Act 1980 to deposit anything on a highway the consequence of which a user of the highway is injured or endangered. It is strongly recommended that during any form of earthworks and/or excavations that are carried out as part of the development, suitable vehicle wheel washing equipment should be provided and used within the site, to prevent contamination and damage to the adjacent roads.

Tree Officer

14th April 2020

The CBC Tree Section does not object to this application.

However it should be noted that whilst construction of the site should not have a significant impact on existing young trees within The Minster, the trees will have a significant bearing on the development upon completion in terms of:

- 1) morning shade,
- 2) year-round tree litter (flowers, twigs, leaves, fruit) as well as honey dew onto surfaces beneath from aphids during summer months. There will likely be a requirement for increased cleaning/maintenance of glass frontages and decking under/near to these trees as a result of such honey dew.

From a trees perspective, the proposed balcony view into the Minster will be partially obscured by the existing trees when in leaf. These trees (lime) are far from fully grown and could live for a further century. The artist impression of the trees shows them having had their lower canopies lifted above the balconies. This is unlikely. CBC currently manages these trees, and whilst some minor crown pruning may be facilitated, it would not be to the extent portrayed within the artist's impression. As such, whilst the trees are in leaf, the views from the balconies would be partially into the crown of these trees. Many would welcome such a view with it's interesting textures, branch patterns and changing leaf colour throughout the year.

Being deciduous, the trees would be leafless for approx. 6 months of the year.

Being lime, trees, they have a naturally fairly 'fastigate' form and as such should not develop a broad canopy over this development, though there will be some overhang as branch/limb work matures.

Should this application be permitted, please condition a soft landscaping scheme detailing trees to be planted. The artist's impression shows what appears to be paper-barked birch to be planted within the site. Perhaps small evergreen trees (eg *Arbutus unedo* (strawberry tree) or *Arbutus menziesii* (Pacific strawberry tree) could be incorporated such a scheme so as to increase year-round amenity.

Please use the 'gutter cover' informative into any such scheme so as to help reduce perceived nuisance from any such tree litter.

Environmental Health

9th April 2020

Reviewed amended application and documents provided, previous recommendations from planning permission, ref. 19/00204/FUL, remain.

I would recommend approval subject to the following conditions being attached to any approved permission:

Condition 1

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

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

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

Condition 2

Noise:

The proposed development has the potential to cause noise disturbance to existing residential or other noise sensitive properties, in particular residential properties directly west of the site on St George's Place. This noise is likely to arise from use of the 'event space' within the development.

It is required that a full Operational Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Operational Management Plan must include a full noise assessment and sound insulation measures for the proposed development and an assessment of the effect of the event space on the residential properties directly west of the site on St George's Place. This must be carried out by a suitably qualified and experienced acoustic consultant.

NB: The current plans show a lightweight roof construction carrying a significant load from photovoltaic panels, which may be an impractical combination.

The following information MUST be included in all acoustic reports:

- A statement of the reason for and scope of the report.
- Details of the proposed development to which the report relates.
- A location and development plan.
- A description of the area and environment surrounding the development site
- The methodology used to carry out the noise survey including the location of any noise monitoring locations, the equipment used and details of its last accredited calibration, and the weather conditions at the time the survey was carried out
- Full table of results.
- Assessment of the results in accordance to the relevant standards and policies.
- Recommendations for noise control measures if needed.
- Full calculations of the noise reductions expected to support any suggested noise control measures.

Reason: To prevent a loss of amenity affecting surrounding occupiers and the details are needed prior to the start of work so that measures can be incorporated into the build.

Condition 3

Artificial Lighting (external):

No building or use hereby permitted shall be occupied or use commenced until a report detailing the lighting scheme and predicted light levels at neighbouring residential properties has been submitted to and been approved in writing by the Local Planning Authority.

Reason: To prevent a loss of amenity affecting surrounding occupiers.

Condition 4

Flues, Ducts and Extract Systems:

The technical details of the flues, ducting, extract system, filters etc. and their continuing operation shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To prevent a loss of amenity affecting surrounding occupiers.

Condition 5

Contaminated Land:

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

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

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

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

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

unacceptable risks to workers, neighbours and other offsite receptors in accordance with adopted policy SD14 of the Joint Core Strategy (2017).

County Archaeology

7th April 2020

In connection with the above planning application I wish to make the following observations regarding the archaeological implications of this scheme.

The application site is archaeologically sensitive, since it is located in close proximity to Cheltenham's medieval parish church, and it is therefore in an area where medieval settlement associated with the church is likely to have been present. In addition, archaeological investigation of the nearby library building in Chester Walk revealed archaeological remains dating to the later prehistoric period. Ground works required for development in this locality may therefore have an adverse impact on archaeological remains.

An archaeological field evaluation which was undertaken within the application site in 2005 indicated that any significant archaeology is likely to be preserved at depths of c. 0.95m - 1.12m below ground level.

The design and access statement (Edge Design Workshop, March 2020) that accompanies the current application usefully details the archaeological background but omits to assess the impact of the revised scheme on the archaeology it describes. Details of the design of any foundations and other groundworks required for the revised scheme are absent from the application, and the archaeological implications are therefore uncertain.

In accordance with the NPPF, para 189, I recommend that the applicant should provide an assessment of the archaeological implications of the proposed development before this planning application is determined.

Cheltenham Trust

11th May 2020

The Trust is supportive, in principle, of this revised application and the redevelopment of this area to create an Innovation Business Park and to upgrade this town centre area and increase footfall.

Observations and comments that we wish to convey:

1. That the innovation park has changed from being a park for creative industry start ups (as per the application July 2019) to a commercial business centre, including a Growth Hub for the GFirst LEP
2. The vision to create a cultural quarter/hub for Cheltenham in this area as a result no longer applies which is disappointing as it was thought that this could attract more visitors and footfall based on its cultural offer
3. The kitchen originally shown (July 2019) for in-house provision is now shown as a café open to the public, with a terrace area opening into the Minster grounds. This will impact on neighbouring businesses including The Wilson café, which has seen income increase by more than 300% since August 2019, when the café was brought back in-house. This is reinforced by the TCT's 5 year plan, agreed with CBC, which contained a provisional capital funding to expand and create an Arts Cafe on the ground floor of The

Wilson, including the removal of the rear lobby, the impact of which stated, 'Enable improved access in line with the new innovation box park'.

4. The events venue (included in the development plans) that will be attended by public, will use the newly added café which will impact on neighbouring businesses (including The Wilson) - originally it was stated there would be no on site catering provision/café facility.
5. The access routes to the new park are unclear and the original concept to create a cultural quarter/hub that would encourage footfall to flow around this area to the benefit of neighbouring businesses (including The Wilson) is not set out and does not appear to incorporate any access/footfall to the rear of The Wilson Art Gallery and Museum. The original proposals had its entrance from the west side of the development, which could have established a strong physical, pedestrian and visual link from both the High St. via St. George's Place and the former car park, or via Chester Walk, through The Minster to and from Boots Corner. This was welcomed by TCT as it felt that its plans to open up the rear of The Wilson would have become an integral part of this new central focus of a cultural quarter. The current access to the new business park is via what appears to be a narrow path alongside The Minster grounds, with its established tree line and level challenges. We understand that new access arrangements from The Minster are being considered, but we have not seen these. The west side of the proposed building is now only the entrance to the new events venue, accessible car parking and servicing. The Wilson now, rather than becoming an integral part of these proposals, seem somewhat bypassed.

Building Control

31st March 2020

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

5. PUBLICITY AND REPRESENTATIONS

- 5.1 88 letters of notification were sent out on receipt of the application to surrounding properties and interested members of the public. In addition, a site notice was posted adjacent to the site, and an advert published in the Gloucestershire Echo. A revised site notice was posted on receipt of the revised plans. Two representations have been received in response to the publicity; the comments have been circulated in full to Members in full but, in brief, the concerns raised relate to:
 - the deadline for comments in light of the Covid-19 situation;
 - the suitability of the site;
 - the increase in height and floorspace;
 - the loss of existing parking and lack of parking for the proposed development;
 - highway safety;
 - the impact on the Children's library; and
 - noise from bell ringing.
- 5.2 The concerns raised have been duly noted and, where applicable, addressed in the report below.
- 5.3 The opportunity to comment on the proposals has been available throughout the application process.

6. OFFICER COMMENTS

6.1 Determining Issues

6.1.1 The key planning issues when determining this revised application are the principle of development; massing and design; impact on the historic environment; amenity; and parking and highway safety. Members will need to balance all of the planning issues and relevant planning policies when making their decision.

6.2 Policy background / principle

6.2.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. This is reiterated in paragraph 47 of the National Planning Policy Framework (NPPF) which also highlights that decisions on applications should be made as quickly as possible.

6.2.2 Paragraph 11 of the NPPF sets out a “*presumption in favour of sustainable development*” which in decision making means:

- approving development proposals that accord with an up-to-date development plan without delay; or
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

6.2.3 The development plan comprises policies of the newly adopted Cheltenham Plan 2020 (CP); and adopted policies of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (JCS).

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

6.2.5 Adopted JCS policy SD1 advises that the development of new employment land, “*where it would encourage and support the development of small and medium sized enterprises*”, will be supported within the Principal Urban Area of Cheltenham, subject to all other policies of the plan. Paragraph 4.1.14 of the JCS states that the aim of the policy is “*to support employment development and economic prosperity by taking an economic-led, urban-focused development approach, with the primary aim of attracting investment and development to the main urban areas*”. Paragraph 4.2.19 goes on to state that “*Providing start-up space...is also vital to stimulate innovation and entrepreneurship... developments are especially encouraged which provide a range of types and sizes of units including start-up and flexible workspaces*”.

6.2.6 Additionally, paragraph 80 of the NPPF states that planning decisions should place significant weight “*on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development*”.

6.2.7 Notwithstanding the above, the principle of developing this site for employment purposes has been firmly established by the previous grant of planning permission.

6.2.8 The principle of development must therefore continue to be acceptable subject to the additional policy considerations below.

6.3 Massing and design

6.3.1 JCS policies SD3 and SD4 set out the design requirements for new development proposals. These policies seek to ensure that development proposals are designed and constructed so as to maximise the principles of sustainability, and to ensure that all new development responds positively to, and respects the character of, the site and its surroundings; the policies are supported by CP policy D1. The policies are consistent with the general design advice set out within Section 12 of the NPPF.

6.3.2 The revised scheme has a slightly reduced footprint from that originally approved, but an increased height of 1.8m in places due to the revised construction method. Additionally, a greater extent of accommodation is now proposed at second floor level towards the north-eastern part of the site. Planning officers still consider the general massing of the development to be acceptable within its context given the nature of the surrounding built form (i.e. most buildings in the immediate locality are 3-4 storeys in height and occupy most if not all of the plot in which they sit).

6.3.3 Although the Architects Panel and others may have adopted a different design approach, planning officers do not agree that *“this scheme is an adaptation of random elements taken from the previous scheme but with incongruous additions and layout changes that create unattractive external spaces and an inappropriate architecture that does not relate to its context or the special character of the area”* nor that it results *“in badly planned uninviting spaces around the building”*. The footprint of the building within the site, and the space around it, is very similar to that previously approved.

6.3.4 Whilst the proposed development will now be of modular construction it would retain its industrial aesthetic through the use of metal trapezoidal cladding which is similar to a standard shipping container; and officers are confident that it would continue to represent an interesting and contemporary piece of architecture in this sensitive location. A uniform colour finish (off white) is proposed for the external cladding; with subtle pops of colour (peppermint green and dark green), for example in the framing for the glazing, the external stair to the south-western elevation, and the branding at ground floor. Elsewhere, the event space will be clad in insulated polycarbonate cladding to give it its own distinct identity. Conditions are proposed to control the quality of the final materials used in the development.

6.3.5 The increased level of accommodation at second floor, which is set back from the principal elevation will also provide for a more effective and efficient use of the site.

6.4 Historic environment

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

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and

- the desirability of new development making a positive contribution to local character and distinctiveness.

6.4.2 Additionally, Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Local Planning Authority, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting; in this case, it is the setting of adjacent listed buildings that must be considered. Section 72(1) of the same Act also requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area wherein development is proposed.

6.4.3 As previously noted, there are a number of listed buildings in proximity to the application site, most notably the grade I listed Minster, and the proposed development will undoubtedly impact on the setting of these buildings.

6.4.4 Both Historic England (HE) and the conservation officer raise concerns in response to this revised scheme. The concerns mainly relate to the increase in height and the visual connectivity through the site to the Minster, but not to the use of a modular construction system; in part, officers shared these concerns.

6.4.5 In response to the initial concerns raised, the following amendments have been made:

- the second floor has been set back from the elevation facing the Minster to reduce the mass of the building; with a roof garden introduced to allow uninterrupted views of the Minster grounds
- the bolt-on terraces to the Minster elevation have been replaced by cantilevered units to help define the entrance and break up the mass of the elevation
- the first floor accommodation above the main entrance has also been removed to create a double height space which frames the spire of the Minster

6.4.6 Whilst officers acknowledge that the height of the building has increased, albeit only by 1.8 metres overall, its height including rooftop plant and lift overrun still remains lower than the ridge of the adjacent Children's library; with the eaves of the second floor picking up on the eaves of this adjacent building. The increase in height is dictated by the standard size of the modular buildings; and planning officers do not agree that such a limited increase in overall height would be so detrimental to the setting of the Minster, or other nearby listed buildings, that a refusal of planning permission is now warranted.

6.4.7 In terms of the visual connection, the main entrance to the development will be centred on the western door of the Minster, in a very similar way to the previously approved scheme. Again, the entrance is now double height with glazing framing the spire of the Minster. As the Civic Society note, most, if not all, of the surrounding buildings turn their back on the Minster; and they welcome that this building will again be facing the Minster. Given the similarities between the previous scheme and that now proposed, planning officers are satisfied with the connectivity to the Minster grounds.

6.4.8 The conservation officer comments that it is unclear how users of the site are to arrive at the eastern entrance; and that entrance relies on access over the grassed area of the churchyard but does not provide landscaping, through the introduction of a path or paths, to facilitate it. However this was also the case with the previous scheme which did not provide for a new footpath link to the development through the churchyard as the land falls outside of the application site. Should this permission be granted for the development, it is anticipated that a subsequent application will follow for improvements to the adjacent church grounds to improve connectivity and increase footfall to The Wilson art gallery and museum, the Library and the Lower High Street as part of the wider

Minster Innovation Exchange scheme. This anticipation is now firmed up through the aforementioned 'Getting Building Fund' grant of £3.1m awarded to Cheltenham Borough Council to fund this proposed development and enhance the surrounding Minster grounds.

6.4.9 Overall it is considered that the proposed development will make a positive contribution to the setting of the Minster, and the wider conservation area in which it is located. This positive contribution will be further advanced through the enhancement of the Minster grounds.

6.4.10 From an archaeological perspective, paragraph 189 of the NPPF advises that where a development site has the potential to include heritage assets with archaeological interest, developers should be required to submit an appropriate desk-based assessment and, where necessary, a field evaluation. Additionally, CP policy HE2 seeks to ensure that important archaeological remains are preserved in situ, where possible.

6.4.11 An archaeological field evaluation was undertaken within the application site in 2005; this report indicated that any significant archaeology is likely to be preserved at depths of c. 0.95m - 1.12m below ground level.

6.4.12 The County Archaeologist previously accepted that the use of recycled shipping containers would be unlikely to require foundations to intrude to the depths at which archaeological remains are potentially present; and no further archaeological investigation or recording was required.

6.4.13 In response to this application, the County Archaeologist advised that details of the design of any foundations and other groundworks required for this revised scheme were absent from the application, and that the archaeological implications were therefore uncertain.

6.4.14 Subsequently, the agent has advised that the revised scheme has been designed with the same principles in mind as the previously consented scheme, i.e. the modular units and timber framed event space will sit on Jack Pads (<https://jackpad.co.uk/>) which will disperse the loadings of the superstructure evenly over the existing car park surface, without the need for excavation. As such, only localised excavations for the electrical, data and drainage connections will be required and these will be positioned as close to the existing network of services as possible to minimise any disruption.

6.5 Amenity

6.5.1 CP policy SL1 and JCS policy SD14 seek to ensure that new development does not result in unacceptable harm to the amenity of adjoining land users and the locality. In addition, one of the core planning principles set out within paragraph 17 of the NPPF is to *"always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings"*.

6.5.2 This revised scheme has again been reviewed by the Council's Environmental Health Team (EH) who recommend approval subject to a number of conditions; the same as those imposed on the previous permission.

6.5.3 The conditions require the submission of a full Operational Management Plan to include a full noise assessment and sound insulation measures for the proposed development, and an assessment of the effect of the event space on the residential properties directly west of the site on St George's Place. Additionally, technical details of the flues, ducting, extract system, filters etc. and their continuing operation will be secured by condition. A detailed lighting scheme will also be required.

6.5.4 It is acknowledged that this revised scheme is 1.8 metres taller overall than that previously approved, and that a greater extent of accommodation is proposed at second floor level; however, officers are satisfied that the proposed massing of the development will not result in any additional overbearing effect, nor significant loss of privacy or outlook. That said, it is recognised that outlook from neighbouring residential properties will undoubtedly be altered by the development.

6.5.5 In addition, the 1.2m increase in height of the two storey element adjacent to the rear of the Children's library is unlikely to result any significant additional impact. Additionally, the three storey part of the building is set some distance away, and to the northeast.

6.6 Parking and highway safety

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

6.6.2 This revised scheme has been reviewed by the GCC Highways Development Management Team (HDM) who again raise no Highway objection subject to conditions to reflect those previously imposed.

6.6.3 The suitability of the site for a development of this nature has been previously established and, given the highly sustainable location of the site, officers are satisfied that that the additional floorspace would not result in any significant additional impact on the highway network or town centre parking facilities.

6.7 Other considerations

Contaminated land

6.7.1 The Environmental Health team has again suggested that a condition be imposed in relation to contaminated land; however, officers consider the suggested condition to be particularly onerous given the nature of the development which will require only localised excavations for electrical, data and drainage connections. As per the previous planning permission, an alternative condition is suggested whereby should any contamination be found during construction works it must be reported immediately to the Local Planning Authority.

Trees

6.7.2 There is a row of Lime trees within the churchyard adjacent to the eastern site boundary which will be in close proximity to the development. The Tree Officer raises no objection but advises that any future pruning of these trees, other than some minor crown pruning, would be resisted.

6.7.3 The Tree Officer has also requested that a condition be imposed requiring the submission of a soft landscaping scheme to be submitted; however, no such condition was imposed on the previous permission and as such, it is not considered necessary or reasonable to impose such a condition now.

Advertisement strategy

6.7.4 Due to the sensitive location of the site, and the nature of the proposal, a condition is recommended that requires the submission of an Advertisement Strategy to be agreed and adhered to.

Public Sector Equalities Duty

6.7.5 As set out in the Equalities Act 2010, all public bodies, in discharging their functions must have “due regard” to this duty. There are 3 main aims:

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

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

In the context of the above PSED duties this proposal complies with the 3 main aims set out. Two car parking spaces are provided for disabled drivers, the building is fully accessible, lifts and toilets are convenient from the main entrance providing access to each floor.

6.8 Conclusion and recommendation

6.8.1 The principle of developing this site for employment purposes has been established by the recent grant of planning permission for a similar scheme on this site which remains extant. Planning officers are satisfied that the proposed development will represent an interesting and contemporary piece of architecture, and will make a positive contribution to the setting of the adjacent grade I listed Minster, and the wider conservation area in which it is located. There are no amenity or highway concerns arising from the proposals that cannot be adequately dealt with by condition.

6.8.2 With all of the above in mind, the officer recommendation is to grant planning permission subject to the following schedule of conditions which reflects the conditions imposed on the previous permission:

7. CONDITIONS

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

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

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

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

- 3 Prior to the commencement of development, including any works of demolition or site clearance, a Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The approved method statement shall be adhered to throughout the development process and shall, where necessary:
- i) allocate space for the parking of vehicles for site operatives and visitors;
 - ii) allocate space for the loading and unloading of plant and materials;
 - iii) allocate space for the storage of plant and materials used in constructing the development;
 - iv) specify the intended hours of construction;
 - v) specify measures for controlling the use of site lighting whether required for safe working or for security purposes;
 - vi) specify measures to control the emission of noise, dust and dirt during construction;
 - vii) provide for wheel washing facilities; and
 - viii) specify the access points to be used and maintained during the construction phase.

Reason: To minimise disruption on the public highway and to adjacent land users, to accommodate the efficient delivery of goods and supplies during the course of the construction works, and to safeguard the amenities of adjacent residential properties, having regard to policy SL1 of the Cheltenham Plan (2020) and policy INF1 of the Joint Core Strategy (2017). Approval is required upfront because without proper mitigation the works could have an unacceptable highway impact during construction.

- 4 Prior to the commencement of development, a full Operational Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Operational Management Plan shall include sound insulation measures for the proposed development, and a noise assessment of the effect of the non-B1 floorspace on the residential properties directly west of the site on St George's Place; this must be carried out by a suitably qualified and experienced acoustic consultant.

Reason: To safeguard the amenities of adjacent residential and/or other noise sensitive properties, having regard to policy SL1 of the Cheltenham Plan (2020) and policy SD14 of the Joint Core Strategy (2017). Approval is required upfront so that appropriate mitigation measures can be incorporated into the development.

- 5 In the event that contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority and development shall be halted on that part of the site affected by the unexpected contamination. An investigation and risk assessment must then be undertaken in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR11 and a remediation scheme, where necessary, also submitted. Following completion of measures identified in the approved remediation scheme, a verification report shall be submitted to and approved in writing by the Local Planning Authority before development can recommence on the part of the site identified as having unexpected contamination.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, having regard to policy SL1 of the Cheltenham Plan (2020) and policy SD14 of the Joint Core Strategy (2017).

- 6 Prior to their installation, samples and/or details (including finishes) of the following elements of the scheme shall first be submitted to and approved in writing by the Local Planning Authority:

- a) trapezoidal cladding;
- b) fascia panels;
- c) all external doors;
- d) polycarbonate panels;
- e) mesh screens;
- f) external staircase; and
- g) Solar pv panels (including location and number).

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).

- 7 Prior to their installation, technical details of all flues, ducting, extract system, filters etc. and their continuing operation shall be submitted to and approved in writing by the Local Planning Authority.

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

- 8 Prior to first beneficial use of the development, refuse and recycling storage facilities, to include a bin collection point, shall be provided in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority. The approved refuse and recycling facilities 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.

- 9 Refuse and recycling shall only be stored in the approved bin collection area on the day(s) of collection. At all other times, all refuse and recycling shall be stored in appropriate containers in the refuse and recycling storage facility approved under condition 8.

Reason: In the interests of visual amenity, having regard to having regard to policy D1 of the Cheltenham Plan (2020), and policies SD4 and SD8 of the Joint Core Strategy (2017).

- 10 Prior to first beneficial use of the development, vehicular parking and turning facilities shall be provided in accordance with the approved plans. Such areas shall not be used for any purpose other than the parking and turning of vehicles and shall remain free of obstruction for such use at all times.

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

- 11 Notwithstanding the submitted details, the car parking spaces identified on the approved plans, including the disabled spaces, shall be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

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

- 12 Prior to first beneficial use of the development, secure and covered cycle storage facilities shall be provided in accordance with the approved plans. The cycle storage shall thereafter be retained available for such use in accordance with the approved plans at all times.

Reason: To give priority to cycle movements by ensuring the adequate provision and availability of cycle parking, to promote cycle use and to ensure that appropriate opportunities for sustainable transport modes have been taken up, having regard adopted policy INF1 of the Joint Core Strategy (2017) and paragraph 108 and 110 of the National Planning Policy Framework.

- 13 Prior to first beneficial use of the development, a detailed Lighting Scheme, including predicted light levels at neighbouring residential properties, shall be submitted to and approved in writing by the Local Planning Authority.

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

- 14 Prior to first beneficial use of the non-B1 floorspace, the proposed opening hours for the non-B1 floorspace shall be submitted to and approved in writing by the Local Planning Authority. The non-B1 floorspace shall thereafter only be open to customers between the agreed hours.

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

- 15 Prior to the installation of any advertisements on the development hereby approved, a detailed Advertisement Strategy shall be submitted to and approved in writing by the Local Planning Authority. All advertisements shall thereafter be implemented in accordance with the agreed strategy.

Reason: To ensure that the development is sensitive to its surroundings, having regard to policies D2 and HE3 of the Cheltenham Plan (2020) and policies SD4 and SD8 of the Joint Core Strategy (2017).

INFORMATIVES

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

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

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

- 2 The development will require construction and delivery access by large vehicles which will be expected to require Streetworks approval which should be sought by contacting the County Council on 0800 514 514 or emailing streetworks@gloucestershire.gov.uk
- 3 The upgrade works to the access on Chester Walk require alteration to the existing highway network and must be undertaken by the Highway Authority or its appointed agents. An Agreement under Section 278 of the Highways Act 1980 will be required. The Local Highway Area office will need to be contacted prior to commencement of work on the access.
- 4 The applicant is advised that it is an offence under Section 161 of the Highway Act 1980 to deposit anything on a highway in consequence of which a user of the highway is injured or endangered. It is strongly recommended that during any form of earthworks and/or excavations that are carried out as part of the development, suitable vehicle wheel washing equipment should be provided and used within the site, to prevent contamination and damage to the adjacent roads.
- 5 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.

APPLICATION NO: 19/00204/FUL		OFFICER: Michelle Payne
DATE REGISTERED: 18th February 2019		DATE OF EXPIRY: 20th May 2019 (extended until 28th June 2019 in agreement with the applicant)
DATE VALIDATED: 18th February 2019		DATE OF SITE VISIT: 11th March 2019
WARD: Lansdown		PARISH: n/a
APPLICANT:	WorkShop Cheltenham	
AGENT:	EdgeDesignWorkshop Ltd	
LOCATION:	Car Park Chester Walk Cheltenham	
PROPOSAL:	Proposed Mixed Use Innovation Hub for the town centre	

RECOMMENDATION: Permit



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site is a Gloucestershire County Council (GCC) owned parcel of land, some 0.15 hectares, and is currently in use as a 62 space private car park operated by Euro Car Parks and occupied solely by GGC staff. Vehicular access to the site is provided via Chester Walk, with pedestrian access more widely available via a number of footpaths. The site is relatively tucked away, located to the rear (north) of Cheltenham's Children's Library, with flatted residential properties to west, and a car park to the north with commercial properties on the High Street beyond.
- 1.2 To the east, the site adjoins the churchyard of Cheltenham Minster (St. Mary's), a grade I listed building of mid-C12 origins, with later alterations and additions; it is Cheltenham's only surviving medieval building. Other prominent listed buildings within the immediate vicinity include the grade II listed Library, Art Gallery and Museum, and Norfolk House; additionally there are some grade II listed lamp posts and tombs within the churchyard, whilst the standing cross is a scheduled monument. The site falls wholly within the Old Town Character Area of the Central Conservation Area.
- 1.3 The proposal is for the construction of a 1,858sqm mixed-use 'Innovation Hub' comprising flexible workspaces including a 'Growth Hub' centre, a performance arena, and community and education space. A I
- 1.4 The workspace will span the ground and first floors of the development, with flexible co-working spaces, an ancillary cafeteria, back office and lockers, a reception area and central atrium provided at ground floor. At first floor, a mix of dedicated desks, private offices, meeting rooms and additional co-working areas. The focal point will be a uniquely-designed Growth Hub business support centre delivered in partnership with Gloucestershire Local Enterprise Partnership (GFirst LEP) and Creative England. The Design and Access Statement (DAS) submitted with the application sets out that the Growth Hub will help *"businesses realise their potential and grow"* and that its key aim is *"to grow the Gloucestershire economy above the national rate of growth"*.
- 1.5 The purpose-built ground floor performance arena with ancillary bar will provide a state-of-the-art facility for the town centre that will be run in partnership with Cheltenham Festivals and Music Works. It is also anticipated that the space *"will provide a platform for conferences, exhibitions and other events throughout the year that will drive foot traffic to and spend in the town centre"* (DAS).
- 1.6 The community and education space will be located on the ground floor, facing the Minster and the DAS sets out that these spaces *"are proposed to be available for the entire local community and will be supported by Cheltenham Festivals, Music Works, Marketing Cheltenham and Cheltenham BID amongst others. The performance and education spaces will also support the Talent Development and the newly formed Educational Partnership initiatives led by Cheltenham Festivals"*.
- 1.7 A small second floor extension will include a 'laboratory' for prototyping and 3D printing, and further meeting spaces.
- 1.8 Bin storage facilities, 28no. secure and covered cycle parking spaces, and 4no. car parking spaces, two of which will be disabled bays, will also be provided within the site.
- 1.9 The development will be created using recycled shipping containers, and modular components such as a staircase and lift core, steel structural wall and roof frames, and bespoke modular roof lights. The proposed shipping containers would be single trip containers which are typically manufactured in the Far East and used to carry goods on one trip to the UK.

- 1.10 The application is at committee for reasons of transparency given this Council's interest in the land.

2. CONSTRAINTS AND SITE PLANNING HISTORY

Constraints:

Airport Safeguarding over 45m
Conservation Area
Core Commercial Area
Residents Association
Smoke Control Order

Planning History:

05/01170/DEEM4	REFUSED	2nd November 2005
Erection of 24 residential flats, apartments and mews cottages and internet café		

07/01126/FUL	REFUSED	28th July 2008
New build mixed use complex comprising 14 apartments, 8 office units and 1 cafe and underground parking (revised plans)		

08/00158/DEEM4	REFUSED	29th May 2008
Erection of 13 apartments, 1 mews cottage, internet cafe and associated works		

09/00044/FUL	REFUSED	1st May 2009
New build mixed use complex comprising 12 office units - total 1103m ² , 10 residential apartments, 1 cafe and 40 parking spaces (revised application following refusal of 07/01126/FUL)		

3. POLICIES AND GUIDANCE

National Planning Policy Framework (NPPF)

Section 2 Achieving sustainable development
Section 4 Decision-making
Section 11 Making effective use of land
Section 12 Achieving well-designed places
Section 16 Conserving and enhancing the historic environment

Saved Local Plan (LP) Policies

CP 3 Sustainable environment
CP 4 Safe and sustainable living
CP 7 Design
GE 6 Trees and development

Adopted Joint Core Strategy (JCS) Policies

SD1 Employment - Except Retail Development
SD3 Sustainable Design and Construction
SD4 Design Requirements
SD8 Historic Environment
SD14 Health and Environmental Quality
INF1 Transport Network

Supplementary Planning Guidance/Documents

Old Town Character Area Appraisal and Management Plan (2007)

4. CONSULTATION RESPONSES

Building Control

5th February 2019

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

Cheltenham Civic Society

27th February 2019

This is the type of innovative development we welcome in the town centre, and we hope this will be the catalyst for further improvements to the Minster curtilage. We particularly favour the entrance to the church yard.

The forum particularly welcome the proposed use of solar power and battery storage, and hope this will be an exemplar for future planning applications

We would like to see more information on the service access including bin storage and access, considering the likely potential use.

Historic England

1st March 2019

Thank you for your letter of 5 February 2019 regarding the above application for planning permission. 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

We note that our pre-application comments have been submitted and are available on the application's online webpage. Those comments set out our general view of the proposal, and we repeat certain pertinent passages below for ease. We do, however, raise one serious concern over the eastern elevation.

St Mary's - more commonly referred to as Cheltenham Minster - is Grade I listed and is the town's only surviving medieval building. It likely dates from the mid-12th century, and as the list description asserts, the architectural design-interest arrives largely from the high quality Decorated tracery which, in some cases, fills an exceptionally high proportion of the windows. The spire is a notable Gothic feature which contrasts strikingly with the predominance of the surrounding Regency architecture. The churchyard - defined tightly by the encircling (predominantly) four-storey terraced blocks - is a somewhat unexpected space of tranquillity within the busy town centre, and associated (individually designated) assets create a distinctly characterful enclave. It is important to note that, whilst not necessarily under Historic England's jurisdiction, the churchyard contains several 'dragon and onion' lamp posts, tombstones and headstones, the churchyard wall piers and railings to the east, and a churchyard cross, all listed at Grade II (the latter being simultaneously scheduled). There are further Grade II buildings surrounding the site, in particular, the library, museum and art gallery, and Norfolk House. The local authority will assess any impact to the setting of these Grade II assets.

The Cheltenham Borough Council Conservation Area Appraisal and Management Plan 2007, identifies 'St Mary's churchyard as an important space within the town centre...with a sense of enclosure and is a potentially tranquil space.' It also acknowledges that 'a combination of al-fresco drinking in the churchyard; evidence of graffiti and unattractive rear facades of buildings backing onto the churchyard contribute to providing the church with a poor setting.' Indeed, Action OT13 of the Management Plan 'aims to enhance the area through proposals including maintaining existing through routes and desire lines and enhancing points of entry; encouraging interaction with the surrounding properties; encouraging increased public use; improving and enhancing the setting of the Church and strengthening the current identities of the Church and Churchyard.'

Broadly speaking, Historic England supports this proposal. Whilst the identified tranquillity of the site is an attribute that we would like to see maintained to a degree, we believe that the churchyard is a wholly under-appreciated, under-utilised space with huge potential to be a real historic asset to the town. Currently the site is not a space in which public wish to dwell, enjoy, and appreciate, and the Minster (and its setting) suffers as a result. We consider that the resulting environment is caused by the encircling buildings having turned their back on the churchyard. The solution appears to be to reverse this situation by encouraging interaction between the surrounding buildings and spaces, increasing activity and a sense of surveillance.

The principle of introducing the proposed use to the adjoining car-park is therefore welcomed. The scale, when considering the height of the buildings forming a back-drop to the site, is not considered inappropriate.

At pre-application stage we raised some concern over the eastern elevation of the site which addresses the Minster. Whilst we did not object to the use of the shipping containers, we were not convinced that the relationship of this elevation was as positive as it had the potential to be. We recognised the intention to create an avenue through the site which connects to the western door of the church, however, we questioned whether in reality this would deliver a strong enough physical link between the two, or whether it may appear more as an unwelcoming tunnel. We encouraged some exploration of this eastern connection and whether a greater expression of space and openness could be achieved to assure interaction between the two sites. We do not consider this to have been achieved; in fact, despite our initial advice that this vital link between the two sites should be emphasised and enlarged, the current proposal has, if anything, made this element narrower and less inviting.

There remains one narrow gap forming the access corridor from the Minster side, which is over-sailed by two first-floor containers. This, we fear, will result in a weak and unwelcoming connection which does not take full advantage of the potential relationship between the two sites; this elevation strikes us as a barrier as opposed to positive permeability. We accept that the use of the containers prohibits more flexible adaptability, but question whether a more generous gap (perhaps twice the width with the first-floor 'bridge' set well back and without the continuous length of containers (this break in containers at first-floor level was proposed at pre-app)), would help to achieve this.

We remind the authority that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be) (NPPF, para. 193). Further, an authority should look for opportunities for new development within Conservation Areas and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably (para. 200).

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 paragraph 200 of the NPPF.

In determining this application you should bear in mind the statutory duty of section 66(1) 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.

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.

Heritage and Conservation

13th March 2019

I am generally supportive of principle of the proposal. However, there are a number of initial points that need to be raised at this stage prior to further conservation comments being made.

The contextual analysis of the site and its context and how this contextual analysis has been used to inform the proposal is not considered to have been convincingly demonstrated within the submitted information. If this analysis has been undertaken, which the supporting information indicates has, it would be useful to submit this to give a greater understanding of the approach taken, helping to justify the proposed works.

Historic England have made some pertinent comments concerning the proposal that are agreed with. Their specific point concerning the entrance facing onto the Minster (shown in proposed elevation BB (facing the Minster)) needs to be carefully addressed. As proposed there is too hard a frontage facing the minster, not enough is made of this as an entrance and of potential vistas from the site to the minster. As proposed, there is considered to be a detrimental impact on the special interest of the Minster. Further consideration needs to be given to how a 'lighter', more open entrance can be created here.

It is also not clear from the submitted details how users of the site are to arrive at this entrance. The access via a ramp between the side of the Children's Library and the Minister is shown. However, the proposal takes no account of the desire lines from the High Street that would be created as a result of locating an entrance here. Concern is raised access to this entrance is unresolved, it is not considered successful in term of its legibility. The entrance relies on access over the grassed area of the churchyard but does not provide landscaping, through the introduction of a path or paths, to facilitate it. The proposal would encourage 'shortcuts' over this area, likely resulting in it becoming worn and untidy with no way of mitigating this impact. The result of this would be harmful to the churchyard and therefore the setting of the affected heritage assets. It is noted the Minster is outside the proposal site but better connectivity through a more careful consideration of legibility and permeability created by landscaping interventions is required. The site needs to allow for a clearer connectivity with the Minster, its churchyard and its wider context. It would be useful to understand whether representative from the Minster, Diocese of Gloucester or other relevant body have been contacted to discuss this issue.

The proposed location of the bin store at the main entrance of the site off Chester Walk is considered to result in an unattractive feature that detracts from the character and appearance of the public realm, harming the special interest of the affected heritage assets. It is noted there is a bin store in this location as existing but this is not considered justification to continue using the area for this use. There is an opportunity within the current proposal to address this issue to enhance the site and this part of the Central Conservation Area. Ideally the bin store should be located away from the front entrance and screened from the public realm. It is not considered this issue can be dealt with by condition given its significance.

Secure cycle parking is proposed to the northern corner of the site, which is welcome. However, it is desirable that an element of cycle parking be provided nearer the entrance of the site for the convenience of visitors and to encourage them to visit by bike. There appears to be space for this to the immediate north of the proposed parking area.

Reference is made within the Design and Access Statement to the layout of the proposal being informed by a site analysis and meetings including with Cheltenham Borough Council's Conservation Department. For clarity it should be noted that the Conservation Officers at CBC did not attend any pre-application meetings nor did they comment on a pre-application proposal. It would be appreciated if this misleading statement could be removed from the Design and Access Statement.

As proposed there are concerns over the proposal which need to be addressed before it can be considered for approval. Please note further comments on the proposal will be forthcoming after and additional information or negotiation takes place.

Environmental Health

18th February 2019

I would recommend approval subject to the following conditions being attached to any approved permission:

Condition 1

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

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

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

Condition 2

The proposed development has the potential to cause noise disturbance to existing residential or other noise sensitive properties, in particular residential properties directly west of the site on St George's Place. This noise is likely to arise from use of the 'event space' within the development.

It is required that a full Operational Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Operational Management Plan must include a full noise assessment and sound insulation measures for the proposed development and an assessment of the effect of the event space on the residential properties directly west of the site on St George's Place. This must be carried out by a suitably qualified and experienced acoustic consultant.

NB: The current plans show a lightweight roof construction carrying a significant load from photovoltaic panels, which may be an impractical combination.

The following information **MUST** be included in all acoustic reports:

- A statement of the reason for and scope of the report.
- Details of the proposed development to which the report relates.
- A location and development plan.
- A description of the area and environment surrounding the development site
- The methodology used to carry out the noise survey including the location of any noise monitoring locations, the equipment used and details of its last accredited calibration, and the weather conditions at the time the survey was carried out
- Full table of results.
- Assessment of the results in accordance to the relevant standards and policies.
- Recommendations for noise control measures if needed.
- Full calculations of the noise reductions expected to support any suggested noise control measures.

Reason: To prevent a loss of amenity affecting surrounding occupiers and the details are needed prior to the start of work so that measures can be incorporated into the build.

Condition 3

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No building or use hereby permitted shall be occupied or use commenced until a report detailing the lighting scheme and predicted light levels at neighbouring residential properties has been submitted to and been approved in writing by the Local Planning Authority.

Reason: To prevent a loss of amenity affecting surrounding occupiers.

Condition 4

The technical details of the flues, ducting, extract system, filters etc. and their continuing operation shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To prevent a loss of amenity affecting surrounding occupiers.

Condition 5

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

a) a survey of the extent, scale and nature of contamination

b) an assessment of the potential risks to:

- human health

- property (including buildings, crops, livestock, pets, woodland and service lines and pipes)

- adjoining land

- ecological systems

- groundwaters and surface water

- archaeological sites and ancient monuments

c) an appraisal of remedial options to mitigate against any potentially significant risks identified from the risk assessment.

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

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

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

County Archaeology

4th February 2019

Thank you for consulting me concerning the above planning application. I wish to make the following observations concerning the archaeological implications of this scheme.

I advise that the application site is archaeologically sensitive, since it is located in close proximity to Cheltenham's medieval parish church, and it is therefore in an area where medieval settlement associated with the church is likely to have been present. In addition, archaeological investigation of the nearby library building in Chester Walk revealed archaeological remains dating to the later prehistoric period. Ground works required for development in this locality may therefore have an adverse impact on archaeological remains.

I note that this planning application is supported by a report on an archaeological field evaluation which was undertaken within the application site in 2005. This indicates that any significant archaeology is likely to be preserved at depths of c. 0.95m - 1.12m below ground level.

Since this development will be undertaken using re-used shipping containers it is unlikely that the development will intrude to the depths at which archaeological remains are potentially present.

Therefore I recommend that no archaeological investigation or recording should be required in connection with this planning application, and I have no further observations regarding this scheme.

GCC Highways Development Management

10th June 2019

Recommendation

No objection (Subject to conditions)

GCC Highways will be in attendance at committee in relation to this application.

Planning History & analysis

The recent Planning History of the site, in reverse chronological order, is as follows:

16th January 2009. Ref. No: 09/00044/FUL. New build mixed use complex comprising 12 office units - total 1103m², 10 residential apartments, 1 cafe and 40 parking spaces.

Received: Fri 16 Jan 2009 | Validated: Fri 30 Jan 2009 | Status: Refused

25th January 2008. Ref. No: 08/00158/DEEM4. Erection of 13 apartments, 1 mews cottage, internet cafe and associated works. Received: Fri 25 Jan 2008 | Validated: Thu 28 Feb 2008 | Status: Refused

10th August 2007. Ref. No: 07/01126/FUL. New build mixed use complex comprising 14 apartments, 8 office units and 1 cafe and underground parking (Revised plans). Received: Fri 10 Aug 2007 | Validated: Thu 15 May 2008 | Status: Refused

26th July 2005. Ref. No: 05/01170/DEEM4. Erection of 24 residential flats, apartments and mews cottages and internet cafe. Received: Tue 26 Jul 2005 | Validated: Thu 04 Aug 2005 | Status: Refused

14 Jun 1996. Ref. No: 96/00550/PF. Erection Of 3 Storey Office Building Land At Chester Walk Cheltenham Gloucestershire. Received: Fri 14 Jun 1996 | Validated: Fri 14 Jun 1996 | Status: Permit

18th September 1986. Ref. No: 86/01018/LD. Old Bakery Site Cheltenham Gloucestershire - Demolition Of Existing Buildings and Erection Of Library Phase 1. Received: Thu 18 Sep 1986 | Validated: Thu 18 Sep 1986 | Status: Permit

A review of the planning history has established that the loss of parking on this site has been previously established.

Proposed Development

1703sqm mixed use 'innovation centre' comprising 1003sqm workspace (B1), 293sqm performance arena, 157sqm community and education spaces, 147sqm back-of-house and a 103 sqm roof garden based on the submitted details in the Design and Access Statement.

Site appraisal

Page 58

The site is sustainably located in the town centre of Cheltenham accessible by frequent nearby bus services which also connect the site to Cheltenham station with regular rail services, with good pedestrian access and within a wide catchment for cycle trips reducing reliance on private vehicle use to and from the site.

Travel distance to bus stops approx. 100m / 2 minutes walking time

Cheltenham Spa Railway – 11 - 13 minute journey time (walk& bus) - 21 minute walk time

The site is considered to be a sustainable location.

The site is considered to be sustainable and as such development in this area can respond and offer alternative transport solutions that are not reliant on the private car. The proposed development will not offer parking to the majority of users and as such alternative travel / parking arrangements will need to be made in areas that are underutilised including the local multi storey parking facilities.

Four parking spaces will be provided with 2 disabled bays and two electric pool car parking bays. GCC would note that it would encourage the applicant to offer charging to disabled users also. As such only essential / sustainable parking will be provided and is a considerable reduction from the existing use which does not make full use of the sustainability of the site.

Whilst arriving by private car by other users will be discouraged there are opportunities for parking that can be taken up in private parking areas. As such due to the controlled parking within Cheltenham there is not a concern about impact on the highway from any potential parking. The applicant has identified these in the parking strategy submitted.

It is understood that the existing parking has been considered and that suitable alternative arrangements are in place and that the Head of Planning at CBC can provide clarity on this matter at the committee.

Overall the reduction in 58 parking spaces is welcomed in highways terms given the sustainability of the location.

The cycle parking provision is considered suitable along with disabled and electric vehicle parking for the site.

GCC recommend the following conditions be applied:

The building(s) hereby permitted shall not be occupied until the vehicular parking and turning facilities have been provided in accordance with the submitted plans, and those facilities shall be maintained available for those purposes thereafter.

Reason:- To ensure that a safe, suitable and secure means of access for all people that minimises the scope for conflict between traffic and cyclists and pedestrians is provided in accordance with the paragraphs 108 and 110 of the National Planning Policy Framework.

The development hereby permitted shall not be occupied until the cycle storage facilities have been made available for use in accordance with the submitted plans and those facilities shall be maintained for the duration of the development.

Reason:- To give priority to cycle movements by ensuring that adequate cycle parking is provided, to promote cycle use and to ensure that the appropriate opportunities for sustainable transport modes have been taken up in accordance with paragraph 108 of the National Planning Policy Framework.

NOTE: The development will require construction and delivery access by large vehicles which will be expected to require streetworks approval which should be sought by contacting the County Council at 0800 514 514 or emailing streetworks@gloucestershire.gov.uk

NOTE: The upgrade works to the access on Chester Walk and new access to ##### require alteration to the existing highway network and must be undertaken by the Highway Authority or its appointed agents. An Agreement under Section 278 of the Highways Act 1980 will be required. The Local Highway Area office will need to be contacted prior to commencement of work on the access.

The applicant is also advised that it is an offence under section 161 of the Highway Act 1980 to deposit anything on a highway the consequence of which a user of the highway is injured or endangered. It is strongly recommended that during any form of earthworks and/or excavations that are carried out as part of the development, suitable vehicle wheel washing equipment should be provided and used within the site, to prevent contamination and damage to the adjacent roads.

Statement of due regard

Consideration has been given as to whether any inequality and community impact will be created by the transport and highway impacts of the proposed development. It is considered that no equality is caused to those people who had previously utilised those sections of the existing transport network that are likely to be impacted on by the proposed development.

It is considered that the following protected groups will not be affected by the transport impacts of the proposed development: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation, other groups (such as long term unemployed), social-economically deprived groups, community cohesion, and human rights.

5. PUBLICITY AND REPRESENTATIONS

5.1 Letters of notification were sent to 72 neighbouring properties. In addition, site notices were posted in proximity to the site, and an advert published in the Gloucestershire Echo. 16 representations have been received in response to the publicity; 8 in support of the proposal, 7 in objection, and 1 general comment. The comments have been circulated in full to Members in full but, in brief, some of the concerns raised by the objectors relate to:

- the location of the development – the site does not have any street frontage and would be better sited elsewhere;
- the impact on the Minster – the design is out of keeping and will be an eyesore;
- the loss of existing parking spaces and inadequate parking for the proposed development;
- the impact on the Children's library and its users.

6. OFFICER COMMENTS

6.1 Determining Issues

6.1.1 The key planning issues when determining this application are the principle of development; massing and design; impact on the historic environment; amenity; and parking and highway safety. Members will need to balance all of the planning issues and relevant planning policies when making their decision.

6.2 Policy background / principle

6.2.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. This is reiterated in paragraph 47 of the National Planning Policy Framework (NPPF) which also highlights that decisions on applications should be made as quickly as possible.

6.2.2 Paragraph 11 of the NPPF sets out a “*presumption in favour of sustainable development*” which in decision making means:

- *approving development proposals that accord with an up-to-date development plan without delay; or*
- *where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*
 - *the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
 - *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.*

6.2.3 The development plan comprises saved policies of the Cheltenham Borough Local Plan Second Review 2006 (LP) wherein those policies are consistent with the NPPF; and adopted policies of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (JCS).

6.2.4 Material considerations include the National Planning Policy Framework (NPPF), Planning Practice Guidance (PPG), and the emerging Cheltenham Plan (eCP) which was submitted to the Secretary of State for examination in October 2018.

6.2.5 Adopted JCS policy SD1 advises that the development of new employment land, “*where it would encourage and support the development of small and medium sized enterprises*”, will be supported within the Principal Urban Area of Cheltenham, subject to all other policies of the plan. Paragraph 4.1.14 of the JCS states that the aim of the policy is “*to support employment development and economic prosperity by taking an economic-led, urban-focused development approach, with the primary aim of attracting investment and development to the main urban areas*”. Paragraph 4.2.19 goes on to state that “*Providing start-up space...is also vital to stimulate innovation and entrepreneurship... developments are especially encouraged which provide a range of types and sizes of units including start-up and flexible workspaces*”.

6.2.6 Additionally, paragraph 80 of the NPPF (2019) states that planning decisions should place significant weight “*on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development*”.

6.2.7 The principle of developing this site for employment purposes must therefore be acceptable subject to the additional policy considerations below.

6.3 Massing and design

6.3.1 JCS policies SD3 and SD4 set out the design requirements for new development proposals. These policies seek to ensure that development proposals are designed and constructed so as to maximise the principles of sustainability, and to ensure that all new

development responds positively to, and respects the character of, the site and its surroundings. The policies are consistent with the general design advice set out within Section 12 of the NPPF.

6.3.2 The proposed development is largely two storeys in height, but does step up in height in the northern corner of the site with a modest second floor addition; the massing of the development within its context is considered to be acceptable given the nature of the surrounding built form.

6.3.3 By its very nature, the proposed development will have an industrial aesthetic but it is considered that it will represent an interesting and contemporary piece of architecture in this sensitive location. A contemporary approach to the detailing of the shipping containers is proposed, with a subtle uniform colour finish to the units fronting the Minster; and more vibrant graphics proposed to the units surrounding the event space. Elsewhere, the entrance lobby and lift core will be clad in glass planks consistent with the industrial aesthetic of the scheme, with powder coated aluminium windows and doors.

6.3.4 The proposed development will be a low energy project with minimal impact on the environment, and the Design and Access Statement (DAS) sets out the sustainability credentials of the development. Photovoltaic panels will be located on the roof structure which will capture energy to be stored in next generation battery technology.

6.4 Historic environment

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

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

6.4.2 Additionally, Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Local Planning Authority (LPA), in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting; in this case, it is the setting of adjacent listed buildings that must be considered. Section 72(1) of the same Act also requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area wherein development is proposed.

6.4.3 As previously noted, there are a number of listed buildings in proximity to the application site, most notably the grade I listed Minster, and the proposed development will undoubtedly impact on the setting of these buildings.

6.4.4 Historic England (HE) when commenting on the original proposals welcomed the principle of the proposed use in this location; did not object to the use of shipping containers; and did not consider the scale of the development to be inappropriate given the heights of surrounding buildings. However, whilst *“Broadly speaking, Historic England supports this proposal”* they did raise a serious concern over the eastern elevation. The concern related to the narrow gap forming the access corridor from the

Minster side, which was over-sailed by two first-floor containers, and would *“result in a weak and unwelcoming connection which does not take full advantage of the potential relationship between the two sites; this elevation strikes us as a barrier as opposed to positive permeability”*. HE therefore questioned *“whether a more generous gap (perhaps twice the width with the first-floor ‘bridge’ set well back and without the continuous length of containers...would help to achieve this”*.

6.4.5 Revisions have therefore been negotiated, in conjunction with the Council’s Conservation Officer, to improve this elevation and provide better connectivity to the Minster grounds. Namely, the width of the entrance at ground floor has been increased from 2.5m to 3m, and the width of the gap at first floor has been increased from 5.5m to 6m; additionally, the first floor in this location has been set back approximately 9m and is now fully glazed. Officers consider that the revisions sufficiently overcome the concern raised by HE.

6.4.6 Overall it is considered that the proposed development has the potential to make a positive contribution to the setting of the Minster, and the wider conservation area in which it is located.

6.4.7 From an archaeological perspective, paragraph 189 of the NPPF advises that where a development site has the potential to include heritage assets with archaeological interest, developers should be required to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

6.4.8 In this respect, the County Archaeologist has noted that the application is supported by a report on an archaeological field evaluation which was undertaken within the application site in 2005; this report indicated that any significant archaeology is likely to be preserved at depths of c. 0.95m - 1.12m below ground level.

6.4.9 As such, whilst acknowledging that this site is archaeologically sensitive, and that ground works required for development in this locality could have an adverse impact on archaeological remains, the County Archaeologist considers that, since this development will be undertaken using re-used shipping containers, it is unlikely that the development will intrude to the depths at which archaeological remains are potentially present. Therefore no further archaeological investigation or recording is required in connection with this planning application.

6.5 Amenity

6.5.1 Saved LP policy CP4 and adopted JCS policy SD14 seek to ensure that new development does not result in unacceptable harm to the amenity of adjoining land users and the locality. In addition, one of the core planning principles set out within paragraph 17 of the NPPF is to *“always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings”*.

6.5.2 The proposed development has been reviewed by the Council’s Environmental Health Team (EH) who recommend approval subject to a number of conditions.

6.5.3 With respect to noise, EH highlight that the ‘event space’ within the development has the potential to cause noise disturbance to existing residential, or other noise sensitive, properties, in particular residential properties directly west of the site on St George’s Place. As such, a full Operational Management Plan will need to be secured by condition; the plan shall include a full noise assessment and sound insulation measures for the proposed development, and an assessment of the effect of the event space on the residential properties directly west of the site on St George’s Place. Additionally, technical details of the flues, ducting, extract system, filters etc. and their continuing operation will be secured by condition.

6.5.4 Future lighting proposals also have the potential to negatively impact on the amenity of neighbouring residential properties and a further condition is therefore suggested by EH that requires the submission of a detailed lighting scheme.

6.5.5 Whilst it is acknowledged that outlook from neighbouring residential properties will undoubtedly be altered by the development, officers are satisfied that the proposed massing of the development will not result in any overbearing effect, nor significant loss of privacy or outlook.

6.6 Parking and highway safety

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

6.6.2 The development proposals have been reviewed by the GCC Highways Development Management Team (HDM) who raise no Highway objection subject to conditions.

6.6.3 The site is sustainably located within the town centre with excellent links to public transport services. There are frequent nearby bus services, which serve Cheltenham Spa station with regular rail services, with good pedestrian access, and links to the cycle network. The nearest bus stops are 100m away.

6.6.4 Given the highly sustainable nature of the site, HDM consider that development in this area can offer alternative transport solutions that are not reliant on the private motor vehicle. As such, whilst the proposed development will not offer car parking to the majority of users, there are a number of nearby town centre car parks which are underutilised; the applicant has identified these in the submitted parking strategy. Additionally, due to the controlled parking within Cheltenham, HDM do not raise concerns in terms of highway safety.

6.6.5 Of the four car parking spaces that will be provided on site, two are disabled bays and two are electric pool car parking bays. HDM suggest the applicant also offer charging facilities to disabled users, and this could reasonably be secured by condition.

6.6.6 Suitable alternative parking arrangements for the current users of the site have been negotiated.

6.6.7 The level of cycle parking provision proposed is considered appropriate for the development.

6.6.8 Given the constrained nature of, and limited access to, the site it is considered necessary to impose a condition requiring the submission of a detailed Construction Method Statement prior to the commencement of development, to ensure that the construction phase does not cause harm to neighbouring residential users or highway users.

6.7 Other considerations

Trees

6.7.2 There are a row of Lime trees within the churchyard adjacent to the eastern site boundary which will be in close proximity to the development. The Tree Officer has visited the site and given the difference in land levels either side of the boundary, and the limited groundworks that will be required to carry out the development, the Tree Officer raises no objection. Any future pruning of these trees as a result of the development would be resisted.

Contaminated land

6.7.3 Environmental Health has suggested that a condition be imposed in relation to contaminated land; however, officers consider the suggested condition to be particularly onerous given the nature of the development which will require little foundations. An alternative condition is therefore suggested whereby should any contamination be found during construction works it must be reported immediately to the Local Planning Authority.

Footpath

6.7.4 Although the application proposes the removal of existing boundary fencing which sits atop the low level boundary wall between the site and churchyard, it does not currently provide for a new footpath link to the development through the churchyard as the land falls outside of the application site. Should permission be granted for the development, it is anticipated that an application for a footpath will follow. Works to the churchyard boundary and the footpath would require diocesan approval; however, the principle of such works is supported by the Rector of Cheltenham.

Advertisement strategy

6.7.5 Due to the sensitive location of the site, and the nature of the proposal, a condition is suggested that requires the submission of an Advertisement Strategy to be agreed and adhered to.

6.8 Conclusion and recommendation

6.8.1 The principle of developing this site for employment purposes is considered to be acceptable. The proposed development will represent an interesting and contemporary piece of architecture, and following revisions to the eastern elevation, to address a concern raised by Historic England, has the potential to make a positive contribution to the setting of the adjacent grade I listed Minster, and the wider conservation area in which it is located. There are no amenity or highway concerns arising from the proposals that cannot be adequately dealt with by condition.

6.8.2 The proposal is therefore considered to be in accordance with all relevant local and national planning policy and the recommendation therefore is to grant planning permission subject to conditions:

7. CONDITIONS / INFORMATIVES

Suggested conditions / informatives to follow in an update

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APPLICATION NO: 21/02567/CONDIT		OFFICER: Miss Michelle Payne
DATE REGISTERED: 18th November 2021		DATE OF EXPIRY : 17th February 2022
WARD: Lansdown		PARISH:
APPLICANT:	Workshop Group	
LOCATION:	Car Park Chester Walk Cheltenham	
PROPOSAL:	Variation of condition 2 (approved plans) on planning permission ref. 20/00552/FUL, under Section 73 of the Town and Country Planning Act 1990, to update the block plan and ground floor plan to accommodate a new substation in the north west corner of the site; and to allow for a number of internal and external alterations to the building, including additional/alterd windows and doors.	

REPRESENTATIONS

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

26 St Georges Place
Cheltenham
Gloucestershire
GL50 3JZ

Comments: 17th March 2022

We were assured the windows on the west elevation would be obscure glazing and fixed units,this is not the case.

The building is 1-6mts higher than original premission this makes the building overbearing even without the event space being constructed .We feel the concerns of resident's are ignored.

8 St Georges Place
Cheltenham
Gloucestershire
GL50 3JZ

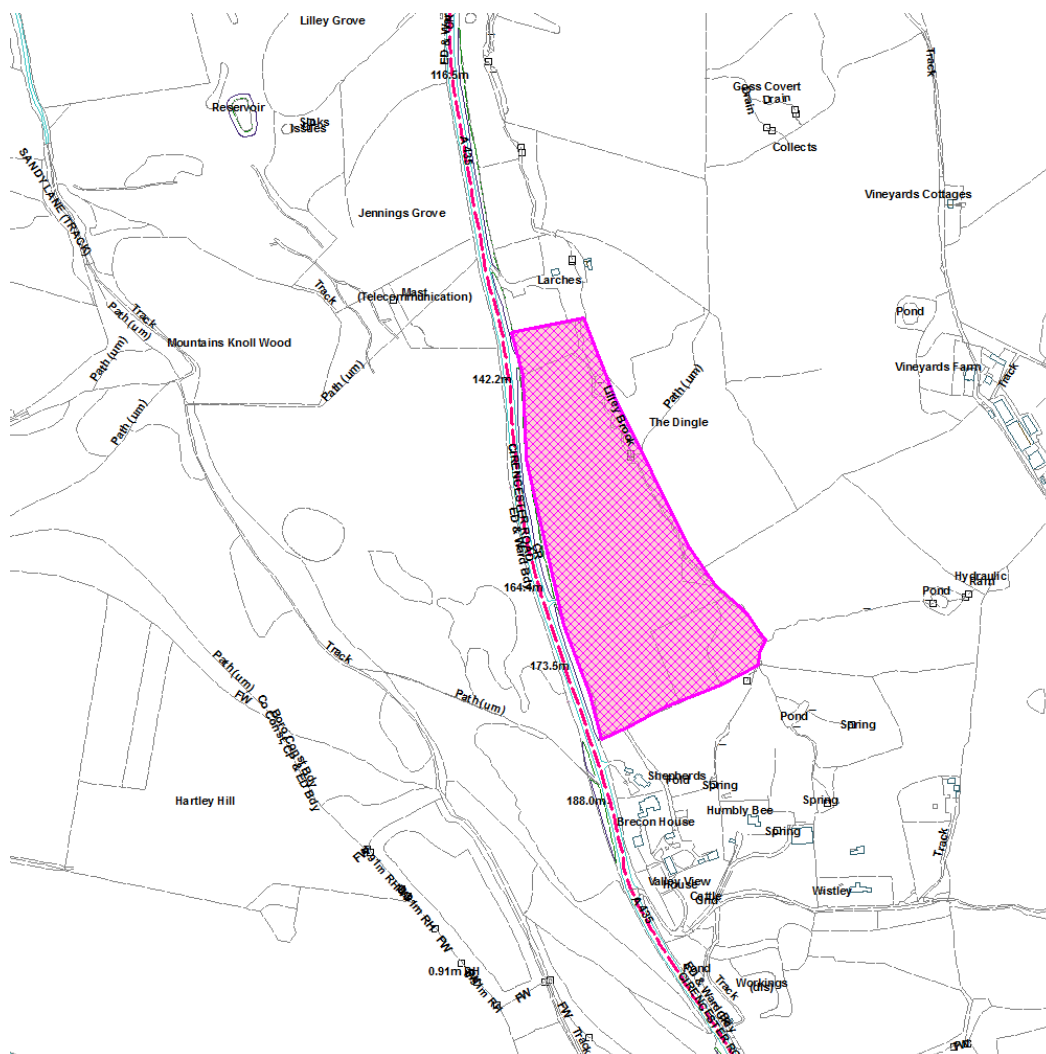
Comments: 16th January 2022

We believe the cladding to exterior elevation is a plastics similar to roofing sheets used on conservatory .this type of cladding will make the building look like a giant plastic box,making the building uglier than it's present state .

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APPLICATION NO: 21/02755/FUL	OFFICER: Michelle Payne
DATE REGISTERED: 29th December 2021	DATE OF EXPIRY: 30th March 2022 (extension of time agreed until 23rd May 2022)
DATE VALIDATED: 29th December 2021	DATE OF SITE VISIT:
WARD: Charlton Kings	PARISH: Charlton Kings
APPLICANT:	Mr & Mrs Evans
AGENT:	Evans Jones Ltd
LOCATION:	Brecon House Charlton Hill Cheltenham
PROPOSAL:	Construction of a paragraph 80 dwelling, estate management building, and associated landscaping, ecology enhancements, access, parking and garaging on land adjacent to Brecon House

RECOMMENDATION: Permit



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site comprises a large parcel of land, some 7.5 hectares, on the eastern side of the A435 Cirencester Road; the land opposite the site to the west forms part of the extensive Lilley Brook Golf Course. A residential property, The Larches is located to the north of the site whilst, to the south, the site is bound by the residential curtilage and associated paddocks and enclosures of Brecon House. To the east, the site is bound by the Lilley Brook, and a copse known as 'The Dingle'.
- 1.2 The site is enclosed on all sides by trees and woodland; with 'The Dingle' to the east and established boundary trees and hedges to the north, south and western boundaries.
- 1.3 Access to the site exists directly from the Cirencester Road via a gated entrance, which is used to allow farm machinery to access the site when required.
- 1.4 The site is located outside of the Principal Urban Area (PUA) within the open countryside, and within the Cotswolds Area of Outstanding Natural Beauty (AONB).
- 1.5 The applicants are proposing the construction of a dwelling, estate management building, and associated landscaping, ecology enhancements, access, parking and garaging on land adjacent to Brecon House.
- 1.6 Extensive pre-application discussions have taken place over a number of years prior to the submission of the application.
- 1.7 In addition to the usual plans and elevations, a number of detailed reports have been submitted in support of the application, to include:
 - Planning Statement
 - Design Document
 - Access Statement
 - Landscape and Visual Appraisal
 - Ecological Appraisal
 - Bat Activity Survey
 - Biodiversity Impact Assessment
 - Landscape and Ecology Management Plan Strategy
 - Energy Strategy
 - Lighting Strategy
 - Flood Risk Statement
- 1.8 In accordance with the scheme of delegation, the application is before the planning committee as the application, if granted, *"would be a departure from or would conflict with the development plan/local development framework or other planning policies adopted by the Council."*

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Area of Outstanding Natural Beauty
Parish Boundary
Smoke Control Order

Relevant Planning History:

18/02036/FUL

WITHDRAWN

11th March 2019

Erection of dwelling, associated access and landscaping

3. POLICIES AND GUIDANCE

National Planning Policy Framework 2021 (NPPF)

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 12 Achieving well-designed places
Section 14 Meeting the challenge of climate change, flooding and coastal change
Section 15 Conserving and enhancing the natural environment
Section 16 Conserving and enhancing the historic environment

Adopted Cheltenham Plan 2020 (CP) Policies

D1 Design
L1 Landscape and Setting
SL1 Safe and Sustainable Living
GI2 Protection and replacement of trees
GI3 Trees and Development

Adopted Joint Core Strategy 2017 (JCS) Policies

SD3 Sustainable Design and Construction
SD4 Design Requirements
SD6 Landscape
SD7 The Cotswolds Area of Outstanding Natural Beauty
SD9 Biodiversity and Geodiversity
SD10 Residential Development
SD14 Health and Environmental Quality
INF1 Transport Network
INF2 Flood Risk Management
INF3 Green Infrastructure

4. CONSULTATION RESPONSES

GCC Local Flood Authority (LLFA)

1st February 2022

All developments over 1 Ha require a flood risk assessment (FRA), this proposal is on a 7.5 Ha site and should therefore be accompanied with an FRA.

Given that the building occupies a very small part of the 7.5 Ha site I would suspect that this could be delivered however there are properties downstream of the development that are at risk of flooding downstream on the Lilley Brook and it is therefore important that these risks are identified and understood such that this development does not increase the risk to properties downstream.

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

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

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

21st February 2022 – revised comments

The Flood Risk Statement dated February 2022 now posted on the planning website addresses the issue previously raised, I have no further objection to the proposal. Details of

how drainage will be managed are complete enough that there will be no need for further drainage conditions to be attached to any permission granted against this application.

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

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

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

GCC Highways Development Management

23rd February 2022

Gloucestershire County Council, the Highway Authority acting in its role as Statutory Consultee has undertaken a full assessment of this planning application. Based on the appraisal of the development proposals the Highways Development Management Manager on behalf of the County Council, under Article 18 of the Town and Country Planning (Development Management Procedure) (England) Order, 2015 recommends that this application is refused.

The justification for this decision is provided below.

The proposal seeks the construction of a paragraph 80 dwelling, estate management building, and associated landscaping, ecology enhancements, access, parking and garaging on land adjacent to Brecon House at Brecon House Charlton Hill Cheltenham Gloucestershire GL53 9NE. A Transport Technical Note has been prepared by Cotswold Transport Planning in support of the application.

The site access is proposed to be made via the A435 Cirencester Road subject to a design speed of 60mph at the vicinity of the site. The A435 is a route of significant importance carrying circa 12000 vehicles (AADT, 5 day average). There is no highway lighting scheme covering these roads, and no personal injury accidents have been recorded in the most recent 5 years.

Sustainability

It is clear that the site is located in a rural community and there would be limitations to the choice of transport modes available for future occupiers. Manual for streets (mfs) states that walkable neighbourhoods are characterised by having a range of facilities within 10 minutes walk, which is approximately 800 metres. However, this is not an upper limit and industry practice considers that 2km is a maximum walking distance door to door. The nearest bus stops are located circa 900m and 670m north and south, respectively. These stops are serviced by no. 51 service to Cheltenham, Cirencester and Swindon. Additional facilities include a supermarket some 1.6km north from the site and the nearest school is located circa 2.2km.

Whilst there is a footway along the western side of the A435, it is limited to 0.8m width. Whilst historical, the limited width invariably excludes wheelchair users which Manual for Streets recommends a minimum footway width of 0.9m for. Furthermore, there are no formal crossings points along the eastern side of the A435 which ultimately will lead to a significant risk of conflict.

When combined the lack of suitable infrastructure with the distances involved, it is clear future users will be heavily, if not entirely, dependent on private vehicles to access every day services and facilities. Furthermore, cycling would also not be seen as an alternative option due to the volume of vehicles along the A435 and its design speed, however more

experienced cyclists would not see this as a barrier. In terms of safe and suitable vehicular access to this site, the proposed arrangements are deemed acceptable and the impact on highway network is also accepted and considered negligible.

Overall, this proposal would be car dominated and fails to address sustainable transport, these matters cannot be mitigated. Tools such as a travel plan cannot address the harm due to the lack of transport choices available to support it.

Therefore, the proposal conflicts with policy INF1 of the Joint Core Strategy 2011 to 2031, policies PD 0.1, and PD 0.4 of the Local Transport Plan 4 and would conflict with the sustainable transport aims of the National Planning Policy Framework contained in paragraphs 110 and 112.

Tree Officer

1st February 2022

It is noted that the plans refer to additional planting but the current proposal lacks detail. Therefore a landscape plan conforming to BS5837 (2012) should be submitted to describe where trees will be planted, species and size of trees.

Environmental Health

21st February 2022

I have no comments or objections to this application.

Gloucestershire Centre for Environmental Records

25th January 2022

Biodiversity report available to view in documents tab.

Building Control

18th January 2022

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

Parish Council

25th January 2022

No Objection.

Cotswolds Conservation Board

9th February 2022

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

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. 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;
- Cotswolds AONB Landscape Character Assessment 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, including Section 2.2;
- Cotswolds AONB Local Distinctiveness and Landscape Change;

- Cotswolds Conservation Board Position Statements particularly, in this instance, with regards to the Tranquillity Position Statement and with regards to the Dark Skies and Artificial Light Position Statement and its appendices.

Policy SD6 of the Cheltenham, Gloucester and Tewkesbury Joint Core Strategy (JCS) requires development to seek to protect landscape character for its own intrinsic beauty and for its benefit to economic, environmental, and social well-being. This reflects advice in the National Planning Policy Framework that requires policies and decisions to recognise the intrinsic character and beauty of the countryside. Policy SD7 of the JCS follows and states that all development proposals within the setting of the Cotswolds National Landscape will be required to conserve and, where appropriate, enhance its landscape, scenic beauty, wildlife, cultural heritage, and other special qualities. Proposals will be required to be consistent with the policies set out in the Cotswolds AONB Management Plan.

Whilst the applicant's Design & Access Statement and Lighting Assessment states that the proposed lighting will be kept to an absolute minimum so as to ensure no harmful impact to the unlit character of the local landscape, this lighting would introduce a 'lit element' into what would otherwise be a relatively dark night-time landscape.

The Cotswolds AONB Landscape Strategy & Guidelines for LCT 2 (Section 2.2) identifies 'the introduction of lit elements to characteristically dark landscapes' as a potential (adverse) implication for isolated development such as this. The guidelines seek to 'conserve areas of dark skies', with these dark skies being one of the 'special qualities' of the Cotswolds National Landscape. This is particularly important in an area with relatively low levels of light pollution such as this, as indicated in Appendix 1 of the Board's Tranquillity Position Statement, referred to above.

As such, the introduction of any lit elements should be designed to adhere to this guidance and, by extension, with the policies of the Cotswolds AONB Management Plan in particular Policy CE5 (Dark Skies).

Whilst the Board does not wish to raise an objection to the proposal, we would request that, without prejudice, if the local authority is minded to grant planning permission, planning conditions should be imposed which seek to mitigate any adverse impact and ensure that all lighting will be limited to low-level, down-facing lights.

Campaign To Protect Rural England 25th February 2022

My predecessor wrote to you on 30 October 2018 objecting to planning application 18/02036/FUL seeking permission for a dwelling on this site, an application that was later withdrawn before determination. CPRE now objects to this latest application for broadly similar reasons as set out below:

1. This is a greenfield site in the Cotswolds AONB. As you will be aware, great weight should be given to conserving and enhancing landscape in AONBs which are given the highest status of protection by the NPPF (see paragraph 176). Such protection is confirmed by Policy SD7 of the Joint Core Strategy.
2. The site forms part of what is at present an unspoilt vista across a largely undeveloped valley. It is highly visible from the surrounding area: in particular, it can readily be seen from the Cotswold Way as it passes through the southern end of Charlton Kings Common. Development of the site in the way proposed would damage this highly attractive landscape.
3. The applicant argues that the above considerations should be set aside on the basis of NPPF paragraph 80e. Paragraph 80 starts "Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:". It then goes on to list a set of circumstance which include, at 80e:

- “- the design is of exceptional quality, in that it:
- is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and
 - would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.”

This argument is misplaced. Paragraph 80 is in the Section 5 of the NPPF which is concerned with housing supply and specifically with rural housing. It is not in Section 15 concerned with Protecting the Natural Environment, including the need to conserve and enhance the AONB (paragraph 176). Paragraph 80 is concerned with development in isolated rural locations and is not intended to override environmental protection designations.

4. We note and accept that, compared with the earlier proposals, considerable improvements have been made to the design, siting and access to the proposed dwelling, reducing its intrusion into the landscape. Nevertheless, notwithstanding the views of The Design Review Panel (which notes that their report “does not constitute professional advice”), the dwelling proposed remains on an extremely grand scale and would be out of keeping with the locality both in terms of size and design. We remain concerned about the visual damage that a building of such an alien and complex design and with such a large footprint would have in this otherwise unspoilt area.

5. We are likewise concerned at the increased level of light pollution that a development on this scale would inevitably generate in what is at present an unlit valley. The Cotswolds AONB is at present one of the least light-polluted areas of the UK.

6. Great store is placed in application on the accompanying environmental and ecological enhancements proposed at the site. Should the will to do so be as strong as the project documents maintain, there is no reason why these enhancements could not be carried out on their own merit as they are in no way dependent on the construction of a new residence at the site.

Cheltenham Borough Council has a history of robustly resisting speculative proposals for development in the Cotswolds AONB. CPRE strongly urges the Borough Council to refuse this planning application.

Natural England
2nd February 2022
See Appendix A

Architects Panel
18th March 2022
See Appendix B

Wild Service (acting as Council’s Specialist Ecological Advisor)
24th February 2022
See Appendix C

13th April 2022 – additional comment

We are satisfied with the response from the applicant's agent regarding ecology. They have clarified that there are no ponds within 250m of the development site. We therefore agree that no further assessment of ponds for great crested newts is required. Their comments regarding securing the CEMP, LEMP and BNG by planning condition are agreeable.

Ryder Landscape (acting as Council’s Specialist Landscape Advisor)
21st March 2022
See Appendix D

5. PUBLICITY AND REPRESENTATIONS

- 5.1 A letter of notification was sent to the residential property to the north of the site. In addition, a site notice was posted and an advert published in the Gloucestershire Echo. No representations have been received in response to the publicity.

6. OFFICER COMMENTS

6.1 Determining issues

6.1.1 The main considerations in determining this application are the principle of development; design and layout; landscape impact/AONB; access and highway matters; drainage and flood risk; ecological impacts; sustainability and climate change; and amenity.

6.2 Principle

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

6.2.2 The development plan comprises saved policies of the Cheltenham Borough Local Plan Second Review 2006 (CBLP); adopted policies of the Cheltenham Plan 2020 (CP); and adopted policies of the Tewkesbury, Gloucester and Cheltenham Joint Core Strategy 2017 (JCS).

6.2.3 Paragraph 11 of the National Planning Policy Framework 2021 (NPPF) sets out a presumption in favour of sustainable development which in decision making means:

- c) *approving development proposals that accord with an up-to-date development plan without delay; or*
- d) *where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*
 - i) *the application of policies in this Framework that protect areas or assets of particular importance [in this instance the AONB] provides a clear reason for refusing the development proposed; or*
 - ii) *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

6.2.4 NPPF paragraph 12 goes on to state that

The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan...permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

6.2.5 As it currently stands, the Council is unable to demonstrate a five year supply of deliverable housing sites, the latest figure being 2.9 years, and therefore the housing policies are out-of-date. As such, whilst the proposed development would be contrary to JCS policy SD10 as the site is located outside of the PUA, within the AONB, the policy is out of date and can only be given weight according to its consistency with the NPPF.

6.2.6 This application recognises that the development plan policies generally restrict the erection of new dwellings in the open countryside, but argues that the proposed dwelling would meet the requirements of paragraph 80(e) of the NPPF which states that decisions on planning applications should avoid the development of isolated homes in the countryside unless:

e) the design is of exceptional quality, in that it:

- is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and*
- would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.*

6.2.7 It is this aspect of the proposal, together with other material considerations, that will be discussed in the report below.

6.3 Design and layout

6.3.1 Section 12 of the NPPF places great emphasis on the need to secure high quality, beautiful and sustainable buildings and that good design is a key aspect of sustainable development. In determining planning applications, paragraph 134 states that significant weight should be given to:

- a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or*
- b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.*

6.3.2 JCS policy SD4 and CP policy D1 set out the local design requirements for new development; policy SD4 requiring all proposals to “*respond positively to, and respect the character of, the site and its surroundings, enhancing local distinctiveness, and...be of a scale, type, density and materials appropriate to the site and its setting*”.

6.3.3 With reference to the abovementioned NPPF paragraph 80 (see para 6.2.6) the application has been accompanied by an Architectural Design Document (DD) and the conclusions of The Design Review Panel undertaken prior to submission of the application (Appendix E). The Design Review Panel (DRP) is an organisation that provides impartial expert advice to applicants and local authorities on design issues in relation to important new development schemes; and comprises a wide range of independent, multi-disciplinary, built environment professionals, including architects, urban designers, landscape architects, conservation specialists, ecology and sustainability experts, and arboriculturalists. The DRP visited the site as part of the review process at pre-application stage.

6.3.4 Paragraph 133 of the NPPF advises that when assessing applications for development, local planning authorities should have regard to the recommendations made by design review panels.

6.3.5 The DD sets out that the applicant's brief was “*to design a house set within the meadow that would meet the tests of NPPF Paragraph 80 and crucially which would also significantly enhance the immediate setting, bringing them closer to the landscape and nature that they love*” in a more sustainable and contemporary house without having to move away.

6.3.6 The proposed development comprises two separate buildings; the dwelling itself and an Estate Management building.

6.3.7 The proposed dwelling has been designed to respond to the shape of the hollow on the site, with accommodation arranged over three floors; the floors are identified as 'Prospect', 'Arrival', and 'Refuge' in the supporting documentation.

6.3.8 The Planning Statement at paragraphs 3.3 – 3.5 explains that 'Prospect' will be located higher up in the hollow and will contain the main living areas and the master bedroom, addressing the Lilley Brook and The Dingle. 'Refuge' will be located *"in the quietest and deepest part of the hollow, to provide an area of peaceful shelter"* and will include the snug, library and additional bedrooms. These two areas, which both offer distinct architectural experiences, will be linked via the circular, centrally located, 'Arrival' core.

6.3.9 The Planning Statement goes on to recognise the need to limit and delineate areas to be utilised for domestic purposes. In this case, the formal areas of outdoor space will be restricted to the grassed roof area above Refuge and the more formal area created on top of the circular (Arrival) core, allowing outdoor space directly accessible from the main living accommodation located on the upper level.

6.3.10 The palette of external materials proposed includes Sweet Chestnut cladding, Cotswold stone, Brown copper, Bronze metal window frames, frameless glass balustrading, and Meadow green roof. The DD stating that *"The proposed muted and earthy palette will settle the building into its wooded setting whilst the green roof of 'refuge' will seamlessly blend into the wider meadow."*

6.3.11 The Estate Management Building would be located to the north of the site and would be finished in a similar palette of external materials with a brown roof. This estate building will accommodate the solar kiln and log store, a tractor and machinery store, a working yard, an office, and guest parking. The building will have a dual function in providing a home office for the applicants and accommodating the machinery and apparatus required to maintain the site.

6.3.12 The DRP in their assessment of the proposed development, stated that:

the landscape led multidisciplinary approach has resulted in a sustainable and robust proposal. Therefore overall, it is considered that the scheme is a well-developed proposal of the highest architectural standards, representing a truly outstanding design, which also promotes high levels of sustainability. It is also considered that the proposals have demonstrated that they would significantly enhance the immediate setting and are sensitive to the defining characteristics of the local area. Furthermore, it is considered that, subject to a commitment to disseminate learning outcomes, the proposal will help to raise the standards of design more generally in rural areas. Therefore, it is considered the proposals have met the criteria set out in paragraph 80 (e) of the NPPF.

6.3.13 The DRP were also supportive of the proposed siting of the building, having visited the site, noting the intricacies of the site typography and the uniqueness of the hollow in which the dwelling would be sited. The panel also felt the ecological/biodiversity enhancements, were extremely thorough and well considered, and would further contribute towards the significant enhancement of the immediate setting. In addition, the panel commended the Energy Strategy that includes consideration of embodied carbon, and contributes to demonstrating the highest standards of architecture.

6.3.14 The helpful suggestions/recommendations made by the DRP in their response have been addressed in the current submission.

6.3.15 Notwithstanding the support from the DRP, the Cheltenham Architects Panel (CAP), do not support the proposed development, as they do not feel the scheme meets the high bar set by paragraph 80(e); albeit they acknowledge that whether the scheme meets the high standards required is a subjective matter. At the very least,:

CAP found the ideas behind the scheme and some of the architectural spaces proposed to be visually exciting and agreed the proposal was a unique design solution that would set it apart from other buildings in the county. Had the dwelling not been located in the AONB the panel could have warmly supported such a radical design approach.

6.3.16 These comments suggest that from a purely architectural point of view, the scheme is of a high quality. CAP go on to state that they “*believe that such a design approach may be suitable for other rural areas but not on this site in the AONB*” because of its large scale and impact on the landscape. However, as this report goes on to discuss, the Council’s specialist Landscape Advisor supports the proposal. In addition, it is understood that CAP have not had the benefit of a site visit.

6.3.17 CAP later go on to suggest that the architectural detailing and layout of the house is unresolved, (and that of the Estate Management Building) but this would appear to be at odds with the earlier comments whereby they support the radical design approach, in itself.

6.3.18 The full response received from CAP is appended in full and, whilst the comments have been duly noted, officers do not share their views.

6.3.19 The dwelling has been designed by Hawkes Architecture, who have secured planning permission for more than 20 dwellings across the country, promoted as paragraph 80 dwellings (and formerly paragraph 79, 55 and PPS7). Moreover, the design has evolved over the past few years in response to initial reviews by the Southwest Design Review Panel, and more recently The Design Review Panel.

6.4 Landscape impact/AONB

6.4.1 JCS policy SD6 requires all new development to seek to protect landscape character; have regard to the local distinctiveness and historic character of the landscape; and to consider the landscape and visual sensitivity of the area in which they are located or may affect. Proposal should also provide for appropriate mitigation and enhancement measures. This requirement is reiterated in CP policy L1.

6.4.2 JCS policy SD7 specifically relates to development within the AONB and requires proposals “*to conserve and, where appropriate, enhance its landscape, scenic beauty, wildlife, cultural heritage and other special qualities*” and be consistent with policies set out in the Cotswolds AONB Management Plan (CMP). Paragraph 176 of the NPPF requires ‘great weight’ to be given to conserving and enhancing landscape and scenic beauty within the AONB.

6.4.3 Relevant CMP policies include CE1 and CE3. These policies requires development proposals be compatible with and reinforce local distinctiveness, and have regard to the scenic quality of the location and its setting; and to ensure that views – including those into and out of the AONB – and visual amenity are conserved and enhanced. In addition, policy CE5 seeks to minimise and avoid light pollution in order to conserve the dark skies of the AONB.

6.4.4 The application has been accompanied by a Landscape and Visual Appraisal (LVA) and a Landscape and Ecology Management Plan Strategy (LEMP) both of which have been reviewed, in conjunction with the other documents that support the application, by Ryder Landscape Consultants (RL) acting as the Council’s specialist Landscape Advisor; their full response can be found at Appendix D.

6.4.5 In terms of landscape effect, RL considers the proposals to be *“sufficiently in keeping with the surrounding landscape to not significantly alter the existing rural character, settlement form and in particular this deeply incised part of the Cotswolds National Landscape”* and that the building will not appear incongruous in this location as there are buildings of a similar size in the local landscape. They are also satisfied that the illustrative landscape mitigation appears to be appropriate and in keeping with the local landscape. They go on to say that, as a result of the quantum of new tree and hedge planting and the simplicity of the external realm proposals, they *“consider that the landscape character of this part of the AONB escarpment would be conserved and on establishment of the mitigation planting would receive a Minor, Positive and Permanent change.”*

6.4.6 With regard to views, RL have considered views from Cirencester Road, the Cotswold Way, and views from the wider Cotswold Way. From the Cirencester Road, only a fleeting view down the site access to the Estate Management building will be available; the existing roadside planting screens open views of the site even in winter. In addition, there are no notable views from the Cotswolds Way despite the suggestion otherwise by the Campaign to Protect Rural England (CPRE); where long views to the site may be available on clear days from somewhere along the route, RL consider any visual impact *“to be in keeping with other dispersed, bespoke properties that are in view from time to time from this path.”* From the west around Leckhampton Hill and Charlton Kings Common, views would also be limited, RL commenting that *“The low density of housing proposed and the simple treatment of the associated external realm means the unique and nationally important escarpment landscape will be conserved. The heavily folded and incised nature of the local topography assists in restricting visibility to the Site.”* Overall, RL consider the proposals to be fully compliant with relevant landscape policies; and that any residual concerns can be adequately dealt with by condition.

6.4.7 The Cotswolds Conservation Board (CCB) have also commented on the proposal, and raise no objection subject to conditions *“to mitigate any adverse impact and ensure that all lighting will be limited to low-level, down-facing lights”*.

6.4.8 As such, whilst it is acknowledged that the CPRE raise objection to the proposed development (see Section 4), officers are satisfied that the proposal will not result in any harmful landscape impact given the support from both the CCB and RL.

6.5 Access and highway matters

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

6.4.2 The proposed development has been assessed by the Highways Development Management Team (HDM) at the County Council, as the Highway Authority acting in its role as Statutory Consultee, and their full comments can be read in Section 4 above.

Accessibility

6.4.3 The site is located some distance from the village of Charlton Kings, which lies at the foot of the hill, and would not actively encourage walking or cycling. In addition, the nearest bus stops are located some distance away. As such, it is likely that future occupiers of the dwelling would be largely dependent on the use of a car to access day to day facilities and services; and HDM recommend that the application be refused for this reason.

6.4.4 However, given that this is a dwelling promoted under paragraph 80(e) of the NPPF, i.e. an isolated home within the countryside, the HDM recommendation is to be expected, and must be weighed against the scheme as a whole.

Highway safety

6.4.5 From a highway safety perspective, HDM consider the proposed access arrangements and resultant impact on the highway network to be acceptable; with any impact being deemed negligible. The application proposes a new vehicular access point, to the north of the existing field access gate. The new access has been designed to allow to vehicles to pass at the site simultaneously, and adequate visibility can be achieved.

6.6 Drainage and flooding

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

6.6.2 The site is located within Flood Zone 1 which is at the lowest risk of flooding; however, a Flood Risk Assessment (FRA) has been submitted during the course of the application, at the request of the Lead Local Flood Authority (LLFA), to ensure that the development could be delivered without risk to properties downstream of the site.

6.6.3 Having reviewed the submitted FRA, the LLFA are satisfied that it provides adequate information and they do not object to the proposal. They also confirm that the level of detail provided is sufficient to avoid the need for any additional drainage conditions.

6.7 Ecological impacts

Protected species

6.7.1 JCS policy SD9 seeks to ensure that all development, wherever possible, makes a positive contribution to biodiversity and geodiversity, and that important habitats and species are protected. Where developers are unable to avoid harm to biodiversity, mitigation measures should be incorporated into the design of the development. The policy reflects the advice set out within the NPPF at paragraph 180.

6.7.2 The application is accompanied by an Ecological Appraisal, a Biodiversity Impact Assessment, and Bat Activity Survey which have been reviewed by Wild Service (the Ecological Consultancy for the Gloucestershire Wildlife Trust) acting as the Council's specialist Ecological Advisor (WS). They have also reviewed the Illustrative Masterplan and LEMP, and their detailed response is attached at Appendix C.

6.7.3 Some five trees were identified as having features potentially suitable for roosting bats, and the bat activity surveys recorded at least nine bat species foraging or commuting across the site; however no important commuting routes were identified. Additionally no evidence of badgers was found, although they are likely to be forage on the site. The site does however have the potential to provide suitable habitat for dormice, and may support brown hares. Birds are also likely to nest in the hedgerows, trees and woodland.

6.7.4 WS suggest that there is potential to impact on foraging/commuting bats due to the construction and operational phase lighting schemes; and that the proposals for lighting that minimises light spill are important and should be implemented. There would be minimal to no impacts on any other species but the precautionary mitigation proposed for badgers and other species during construction is appropriate. WS welcome the proposals for bird boxes, including owl boxes, and other wildlife features.

6.7.5 Following clarification from the applicant's agent, confirming that there are no ponds within 250m of the development site, WS are satisfied that no further assessment for great crested newts is required.

Biodiversity Net Gain (BNG)

6.7.6 A number of habitat creation and mitigation measures are proposed which include new woodland, hedgerow, shrub and tree planting; new ponds and swales; enhanced management of retained habitats; and enhancement works to the stream and streamside habitats. WS advise that these measures would not only compensate the habitat losses but would significantly improve the site for ecology. This is demonstrated in the submitted Biodiversity Impact Assessment, which indicates a net percentage change of 70% for habitats, 79% for hedgerows, and 29% for the stream.

Cotswolds Beechwoods Special Area of Conservation (SAC) and Cotswold Commons & Beechwoods Site of Special Scientific Interest (SSSI)

6.7.7 Natural England (NE) have also been consulted on the application. In their response, they suggest that the new dwelling, in combination with other new residential developments in the area, could result in increased recreational disturbance on The Cotswolds Beechwoods Special Area of Conservation (SAC) and that appropriate mitigation should be secured; however, officers do not consider that any mitigation is required in this instance given the scale of the development. This view is shared by WS who consider that any additional recreational disturbance on the SAC would be negligible.

6.8 Sustainability and climate change

6.8.1 NPPF paragraph 154(b) states that new development should be planned for in ways that *"can help to reduce greenhouse gas emissions, such as through its location, orientation and design. Any local requirements for the sustainability of buildings should reflect the Government's policy for national technical standards"*.

6.8.2 JCS policy SD3 also requires development proposals to be designed and constructed in such a way as to maximise the principles of sustainability, and to:

- demonstrate how they contribute to the aims of sustainability by increasing energy efficiency, minimising waste and avoiding the unnecessary pollution of air, harm to the water environment, and contamination of land or interference in other natural systems. In doing so, proposals...will be expected to meet national standards;
- be adaptable to climate change in respect of the design, layout, siting, orientation and function of both buildings and associated external spaces; and
- incorporate principles of waste minimisation and re-use.

6.8.3 The policy seeks to address Strategic Objective 6 of the JCS which requires new developments to *"Make the fullest contribution possible to the mitigation of, and adaption to, climate change and the transition to a low-carbon economy"*; and NPPF paragraph 8(c) which sets out that, from an environmental objective, opportunities should be taken to mitigate and adapt to climate change, including moving to a low carbon economy.

6.8.4 In this regard, the application has been accompanied by a Renewable Energy Strategy Report. The report sets out that the original proposal saw heat demands met by an onsite supply of biomass, with the biomass boiler housed in the Estate Management building; but that further discussions prompted by queries raised by the Design Review Panel led to some challenges and concerns being highlighted. The Solar Kiln innovation is currently untested, and the speed at which it will dry logs to acceptable levels, particularly in the winter months, is not known. It was therefore recognised that it was not possible to fully rely on this technology at this scale without full testing. The project will however provide

a valuable opportunity to test Solar Kiln technology and monitor its effectiveness and capacity through the seasons.

6.8.5 A revised strategy has therefore been developed that includes the following range of technologies, that have been deemed most suitable for this site:

- Mechanical Ventilation and Heat Recovery
- Ground Source Heat Pump with Borehole Collectors
- Infrared Radiant Heating
- Solar PV Array
- Battery Storage
- Use of A+++ rated appliances and socket controllers
- Smart Electric Vehicle Charging

6.9 Amenity

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

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

6.9.2 Adopted JCS policy SD14 reiterates this advice and also seeks to ensure high quality developments that “*protect and seek to improve environmental quality*”. In addition, paragraph 130 of the NPPF highlights the need to ensure that developments achieve a high standard of amenity for both existing and future users.

6.9.3 In this instance, given the nature of the site and the proposal, there are no amenity concerns arising from the proposed development.

6.10 Other considerations

Public Sector Equalities Duty (PSED)

6.10.1 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.

6.10.2 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.

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

7. CONCLUSION AND RECOMMENDATION

- 7.1 Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise.
- 7.2 As noted in the above report, the proposed development would be in conflict with JCS policy SD10 as it would be located outside of the Principal Urban Area within the Cotswolds AONB; albeit, the policy is out of date due to the lack of a five year supply of housing land. The proposed development would also conflict with JCS policy INF1 in that the site is not considered to be sustainably located.
- 7.3 However, notwithstanding the concerns raised by the Architects Panel, it is considered that the proposed development complies with the criteria set out in paragraph 80(e) of the NPPF, in that the design would be truly outstanding; would help to raise standards of design more generally in rural areas; and would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area. The proposal has been subject to a positive review by the Design Review Panel, whose recommendations, as per paragraph 133 of the NPPF, must be taken into account in the assessment of the application.
- 7.4 The landscape impacts of the development have also been assessed by Ryder Landscape (the Council's specialist Landscape Advisor) who consider the proposals to be fully compliant with relevant landscape policies. In addition, the Cotswolds Conservation Board raise no objection to the principle of the development.
- 7.5 The application has also been reviewed by Wild Service (the Council's specialist Ecology Advisor) and the ecological impacts of the proposed development have been found to be acceptable. The application proposes a number of measures that would significantly improve the site for ecology, as demonstrated in the submitted Biodiversity Impact Assessment, which indicates a net percentage change of 70% for habitats, 79% for hedgerows, and 29% for the stream.
- 7.6 Officers are also satisfied that the proposed development would not cause harm to highway safety or the amenities of neighbours. In addition, the LLFA raise no objection.
- 7.7 With all of the above in mind, taking into account the economic, social, and environmental aspects of the application, officers are satisfied that, on balance, the application is one that should be supported.
- 7.8 The officer recommendation therefore is to grant planning permission subject to the following schedule of conditions:

8. CONDITIONS

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

Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The planning permission hereby granted shall be carried out in accordance with the approved plans listed in Schedule 1 of this decision notice.

Reason: For the avoidance of doubt and in the interests of proper planning.
- 3 Prior to the commencement of development, a Construction Method Statement or Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority.

The approved plan/statement shall be adhered to throughout the construction process and shall include, but not be restricted to:

- i) Provision of parking for vehicles of site operatives and visitors;
- ii) Any temporary access to the phase;
- iii) Locations for the loading/unloading and storage of plant, waste and construction materials;
- iv) Measures to control the emission of noise, dust and dirt during construction;
- v) Method of preventing mud and dust being carried onto the highway;
- vi) Arrangements for turning vehicles; and
- vii) Arrangements to receive abnormal loads or unusually large vehicles.

Reason: In the interests of the safe operation of the adopted highway during the construction phase of the development, having regard to adopted policy INF1 of the Joint Core Strategy (2017), and paragraphs 110 and 112 of the National Planning Policy Framework (2021). Approval is required upfront because without proper mitigation the works could have an unacceptable impact during construction.

- 4 Prior to the commencement of development, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall include mitigation measures that apply to the site clearance and construction phase of the development, with detailed Method Statements. This should include precautionary mitigation measures for amphibians and reptiles, in the form of Reasonable Avoidance Measures (RAMs). The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

Reason: To ensure the protection of biodiversity on the site during construction, in accordance with adopted policy SD9 of the Joint Core Strategy (2017), ODPM Circular 06/2005, and paragraphs 8, 174 and 180 of the National Planning Policy Framework (2021). This is also in accordance with Section 40 of the Natural Environment and Rural Communities Act 2006, which confers a general biodiversity duty upon Local Authorities. Approval is required up front because without proper mitigation the construction works could have an unacceptable impact on protected species at the beginning of construction.

- 5 Prior to the commencement of development, a Lighting Scheme covering both the construction and operational phases of the development shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following details:

- (a) the position, height and type of all lighting;
- (b) the intensity of lighting and spread of light as a lux contour plan;
- (c) the measures proposed must demonstrate no significant effect of the lighting on the environment including preventing disturbance to bats
- (d) the periods of day and night (throughout the year) when such lighting will be used and controlled for construction and operational needs.

The approved scheme shall thereafter be implemented and maintained in accordance with the manufacturer's recommendations and approved details.

Reason: To provide adequate safeguards for protected species on the site, ensure that foraging and commuting of bats is not discouraged at this location, and to conserve the dark skies of the AONB, having regard to adopted policy SD9 of the Joint Core Strategy (2017), ODPM Circular 06/2005, paragraphs 109, 118 and 125 of the National Planning Policy Framework 2021, Section 40 of the Natural Environment and Rural Communities Act 2006, and policy CE5 of the Cotswolds AONB Management Plan 2018-2023.

Approval is required up front because without proper mitigation the construction works could have an unacceptable impact on protected species at the beginning of construction.

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

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

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

Reason: In the interests of the landscape character of the area, having regard to adopted policies D1, GI2 and GI3 of the Cheltenham Plan (2020), and adopted policies SD4 and INF3 of the Joint Core Strategy (2017). Approval is required upfront because the landscaping is an integral part of the development and its acceptability.

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

Reason: To ensure that the external appearance of the development is appropriate to its surroundings in accordance with adopted policy D1 of the Cheltenham Plan (2020), and adopted policy SD4 of the Joint Core Strategy (2017).

- 8 Prior to first occupation of the development, the proposed means of vehicular access from the adopted highway shall be constructed in accordance with approved Drawing No. CTP-16-478-SK01-E and thereafter retained as such at all times.

Reason: To ensure a safe and suitable access to the development is provided and maintained in the interests of highway safety, having regard to adopted policy INF1 of the Joint Core Strategy (2017) and paragraphs 110 and 112 of the National Planning Policy Framework 2021.

- 9 Prior to first occupation of the development, an updated Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The updated LEMP shall expand on the mitigation and enhancement measures, including long-term management and monitoring activities (covering a period of 30 years, as proposed) and shall include:

- a) plans showing locations and extent of all habitats and wildlife features;
- b) a timetable of activities;
- c) details of a person and/or organisation responsible for the implementation of the plan; and the method by which the protection of retained, enhanced and created habitats will be secured.

The extent and location of removed, retained and newly created habitats presented in the updated LEMP should match that set out in the Biodiversity Impact Assessment (BIA). The LEMP should also demonstrate that the Biodiversity Net Gain proposed in the BIA has been achieved.

The approved plan shall therefore be implemented in accordance with the approved details.

Reason: To ensure the protection and enhancement of the landscape and biodiversity value of the site, having regard to adopted policies SD6, SD7 and SD9 of the Joint Core Strategy (2017), ODPM Circular 06/2005, paragraphs 8, 174 and 180 of the National Planning Policy Framework (2021) and Section 40 of the Natural Environment and Rural Communities Act.

- 10 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and/or re-enacting that order with or without modification), no extensions, garages, sheds, outbuildings, walls, fences or other built structures of any kind (other than those forming part of the development hereby permitted) shall be erected without express planning permission.

Reason: Any further extension or alteration requires further consideration to preserve the landscape character of the area, having regard to adopted policies D1 and L1 of the Cheltenham Plan (2020) and adopted policies SD4, SD6 and SD7 of the Joint Core Strategy (2017).

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Date: 01 February 2022
Our ref: 381103
Your ref: 21/02755/FUL

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Cheltenham Borough Council

BY EMAIL ONLY

Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

T 0300 060 3900

Dear Sir/Madam

Planning consultation: 21/02755/F Construction of a paragraph 80 dwelling, estate management building, and associated landscaping, ecology enhancements, access, parking and garaging on land adjacent to Brecon House

Location: Brecon House Charlton Hill Cheltenham Gloucestershire GL53 9NE

Thank you for your consultation on the above dated 17 January 2022 which was received by Natural England on 17 January 2022.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

SUMMARY OF NATURAL ENGLAND'S ADVICE

DESIGNATED SITES [EUROPEAN] – FURTHER INFORMATION REQUIRED

Since this application will result in a net increase in residential accommodation, impacts to the Cotswold Beechwoods Special Area of Conservation (SAC) may result from increased recreational disturbance.

Your authority has measures in place to manage these potential impacts through the agreed strategic solution which we consider to be ecologically sound. Subject to the appropriate financial contribution being secured, Natural England is satisfied that the proposal will mitigate against the potential recreational impacts of the development on the site(s).

Notwithstanding this, Natural England's advice is that this proposed development, and the application of these measures to avoid or reduce the likely harmful effects from it, may need to be formally checked and confirmed by your Authority, as the competent authority, via an appropriate assessment in view of the [European Site's conservation objectives](#) and in accordance with the Conservation of Habitats & Species Regulations 2017 (as amended).

This is because Natural England notes that the recent [People Over Wind Ruling](#) by the Court of Justice of the European Union concluded that, when interpreting article 6(3) of the Habitats Directive, it is not appropriate when determining whether or not a plan or project is likely to have a significant effect on a site and requires an appropriate assessment, to take account of measures intended to avoid or reduce the harmful effects of the plan or project on that site. The ruling also concluded that such measures can, however, be considered during an appropriate assessment to determine whether a plan or project will have an adverse effect on the integrity of the European

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site. Your Authority should have regard to the wish to seek its own legal advice to fully understand the implications of this ruling in this context.

Natural England advises that it is a matter for your Authority to decide whether an appropriate assessment of this proposal is necessary in light of this ruling. In accordance with the Conservation of Habitats & Species Regulations 2017 (as amended), Natural England must be consulted on any appropriate assessment your Authority may decide to make.

Protected Landscapes – Cotswolds National Landscapes

The proposed development is for a site within or close to a nationally designated landscape namely Cotswolds National Landscapes AONB. Natural England advises that the planning authority uses national and local policies, together with local landscape expertise and information to determine the proposal. The policy and statutory framework to guide your decision and the role of local advice are explained below.

Your decision should be guided by paragraphs 176 and 177 of the National Planning Policy Framework which gives the highest status of protection for the 'landscape and scenic beauty' of AONBs and National Parks. For major development proposals paragraph 177 sets out criteria to determine whether the development should exceptionally be permitted within the designated landscape.

Alongside national policy you should also apply landscape policies set out in your development plan, or appropriate saved policies.

We also advise that you consult the relevant AONB Partnership or Conservation Board. Their knowledge of the site and its wider landscape setting, together with the aims and objectives of the AONB's statutory management plan, will be a valuable contribution to the planning decision. Where available, a local Landscape Character Assessment can also be a helpful guide to the landscape's sensitivity to this type of development and its capacity to accommodate the proposed development.

The statutory purpose of the AONB is to conserve and enhance the area's natural beauty. You should assess the application carefully as to whether the proposed development would have a significant impact on or harm that statutory purpose. Relevant to this is the duty on public bodies to 'have regard' for that statutory purpose in carrying out their functions (S85 of the Countryside and Rights of Way Act, 2000). The Planning Practice Guidance confirms that this duty also applies to proposals outside the designated area but impacting on its natural beauty.

Sites of Special Scientific Interest Impact Risk Zones

The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires local planning authorities to consult Natural England on "Development in or likely to affect a Site of Special Scientific Interest" (Schedule 4, w). Our SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI. The dataset and user guidance can be accessed from the data.gov.uk website

Further general advice on the consideration of protected species and other natural environment issues is provided at Annex A.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

For any queries regarding this letter, for new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

Yours faithfully

Jenni Tibbetts
West Midlands Planning Team

Sites of Special Scientific Interest (SSSIs)

Local authorities have responsibilities for the conservation of SSSIs under s28G of the Wildlife & Countryside Act 1981 (as amended). The National Planning Policy Framework (paragraph 175c) states that development likely to have an adverse effect on SSSIs should not normally be permitted. Natural England's SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI. The dataset and user guidance can be accessed from the Natural England Open Data Geoportal.

Biodiversity duty

Your authority has a duty to have regard to conserving biodiversity as part of your decision making. Conserving biodiversity can also include restoration or enhancement to a population or habitat. Further information is available here.

Protected Species

Natural England has produced standing advice¹ to help planning authorities understand the impact of particular developments on protected species. We advise you to refer to this advice. Natural England will only provide bespoke advice on protected species where they form part of a SSSI or in exceptional circumstances.

Local sites and priority habitats and species

You should consider the impacts of the proposed development on any local wildlife or geodiversity sites, in line with paragraphs 171 and 174 of the NPPF and any relevant development plan policy. There may also be opportunities to enhance local sites and improve their connectivity. Natural England does not hold locally specific information on local sites and recommends further information is obtained from appropriate bodies such as the local records centre, wildlife trust, geoconservation groups or recording societies.

Priority habitats and Species are of particular importance for nature conservation and included in the England Biodiversity List published under section 41 of the Natural Environment and Rural Communities Act 2006. Most priority habitats will be mapped either as Sites of Special Scientific Interest, on the Magic website or as Local Wildlife Sites. The list of priority habitats and species can be found here². Natural England does not routinely hold species data, such data should be collected when impacts on priority habitats or species are considered likely. Consideration should also be given to the potential environmental value of brownfield sites, often found in urban areas and former industrial land, further information including links to the open mosaic habitats inventory can be found here.

Ancient woodland, ancient and veteran trees

You should consider any impacts on ancient woodland and ancient and veteran trees in line with paragraph 175 of the NPPF. Natural England maintains the Ancient Woodland Inventory which can help identify ancient woodland. Natural England and the Forestry Commission have produced standing advice for planning authorities in relation to ancient woodland and ancient and veteran trees. It should be taken into account by planning authorities when determining relevant planning applications. Natural England will only provide bespoke advice on ancient woodland, ancient and veteran trees where they form part of a SSSI or in exceptional circumstances.

Protected landscapes

For developments within or within the setting of a National Park or Area of Outstanding Natural Beauty (AONB), we advise you to apply national and local policies, together with local landscape expertise and

¹ <https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals>

² <http://webarchive.nationalarchives.gov.uk/20140711133551/http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/habsandspeciesimportance.aspx>

information to determine the proposal. The National Policy Framework (NPPF) (paragraph 172) provides the highest status of protection for the landscape and scenic beauty of National Parks and AONBs. It also sets out a 'major developments test' to determine whether major developments should be exceptionally be permitted within the designated landscape. We advise you to consult the relevant AONB Partnership or Conservation Board or relevant National Park landscape or other advisor who will have local knowledge and information to assist in the determination of the proposal. The statutory management plan and any local landscape character assessments may also provide valuable information.

Public bodies have a duty to have regard to the statutory purposes of designation in carrying out their functions (under (section 11 A(2) of the National Parks and Access to the Countryside Act 1949 (as amended) for National Parks and S85 of the Countryside and Rights of Way Act, 2000 for AONBs). The Planning Practice Guidance confirms that this duty also applies to proposals outside the designated area but impacting on its natural beauty.

Heritage Coasts are protected under paragraph 173 of the NPPF. Development should be consistent the special character of Heritage Coasts and the importance of its conservation.

Landscape

Paragraph 170 of the NPPF highlights the need to protect and enhance valued landscapes through the planning system. This application may present opportunities to protect and enhance locally valued landscapes, including any local landscape designations. You may want to consider whether any local landscape features or characteristics (such as ponds, woodland or dry stone walls) could be incorporated into the development in order to respect and enhance local landscape character and distinctiveness, in line with any local landscape character assessments. Where the impacts of development are likely to be significant, a Landscape & Visual Impact Assessment should be provided with the proposal to inform decision making. We refer you to the [Landscape Institute](#) Guidelines for Landscape and Visual Impact Assessment for further guidance.

Best and most versatile agricultural land and soils

Local planning authorities are responsible for ensuring that they have sufficient detailed agricultural land classification (ALC) information to apply NPPF policies (Paragraphs 170 and 171). This is the case regardless of whether the proposed development is sufficiently large to consult Natural England. Further information is contained in [GOV.UK guidance](#). Agricultural Land Classification information is available on the [Magic](#) website on the [Data.Gov.uk](#) website. If you consider the proposal has significant implications for further loss of 'best and most versatile' agricultural land, we would be pleased to discuss the matter further.

Guidance on soil protection is available in the Defra [*Construction Code of Practice for the Sustainable Use of Soils on Construction Sites*](#), and we recommend its use in the design and construction of development, including any planning conditions. Should the development proceed, we advise that the developer uses an appropriately experienced soil specialist to advise on, and supervise soil handling, including identifying when soils are dry enough to be handled and how to make the best use of soils on site.

Access and Recreation

Natural England encourages any proposal to incorporate measures to help improve people's access to the natural environment. Measures such as reinstating existing footpaths together with the creation of new footpaths and bridleways should be considered. Links to other green networks and, where appropriate, urban fringe areas should also be explored to help promote the creation of wider green infrastructure. Relevant aspects of local authority green infrastructure strategies should be delivered where appropriate.

Rights of Way, Access land, Coastal access and National Trails

Paragraphs 98 and 170 of the NPPF highlights the importance of public rights of way and access. Development should consider potential impacts on access land, common land, rights of way, coastal access routes and coastal margin in the vicinity of the development and the scope to mitigate any adverse impacts. Consideration should also be given to the potential impacts on any nearby National Trails, including the England Coast Path. The National Trails website www.nationaltrail.co.uk provides information including contact details for the National Trail Officer.

Environmental enhancement

Development provides opportunities to secure net gains for biodiversity and wider environmental gains, as outlined in the NPPF (paragraphs 8, 72, 102, 118, 170, 171, 174 and 175). We advise you to follow the mitigation hierarchy as set out in paragraph 175 of the NPPF and firstly consider what existing environmental features on and around the site can be retained or enhanced or what new features could be incorporated into the development proposal. Where onsite measures are not possible, you should consider off site measures. Opportunities for enhancement might include:

- Providing a new footpath through the new development to link into existing rights of way.
- Restoring a neglected hedgerow.
- Creating a new pond as an attractive feature on the site.
- Planting trees characteristic to the local area to make a positive contribution to the local landscape.
- Using native plants in landscaping schemes for better nectar and seed sources for bees and birds.
- Incorporating swift boxes or bat boxes into the design of new buildings.
- Designing lighting to encourage wildlife.
- Adding a green roof to new buildings.

You could also consider how the proposed development can contribute to the wider environment and help implement elements of any Landscape, Green Infrastructure or Biodiversity Strategy in place in your area. For example:

- Links to existing greenspace and/or opportunities to enhance and improve access.
 - Identifying opportunities for new greenspace and managing existing (and new) public spaces to be more wildlife friendly (e.g. by sowing wild flower strips)
 - Planting additional street trees.
 - Identifying any improvements to the existing public right of way network or using the opportunity of new development to extend the network to create missing links.
- Restoring neglected environmental features (e.g. coppicing a prominent hedge that is in poor condition or clearing away an eyesore).

Wednesday 2nd March 2022

Reviewed by:

Architects

Bastin Bloomfield, Lucia Milone, Phillip Thomas, Mark Powles, Anthony Lewis.

Application No:	21/02755/FUL
Planning Officer:	Miss Michelle Payne
Location:	Brecon House Charlton Hill Cheltenham
Grid references:	Easting: 396704 Northing: 218157
Parish:	Charlton Kings
Proposal:	Construction of a paragraph 80 dwelling, estate management building, and associated landscaping, ecology enhancements, access, parking and garaging on land adjacent to Brecon House.
Applicant:	Mr & Mrs Evans
Agent:	Mr David Jones
Expected Decision Level:	Delegated Decision

Website URL: <https://publicaccess.cheltenham.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=R3YA2IELJ0900>

Design Review History

The applicants have been in discussion with Cheltenham planning officers for some time in an attempt to obtain planning permission for a new dwelling on this site. Various schemes have been presented at Pre-app stage and design proposals have been reviewed by different design panels over the years including the Gloucestershire Design Panel (GDP), the South West Design Review Panel (SWDRP), the Design Review Panel (DRP) and the Cheltenham Architects Panel (CAP). A full planning application was submitted in 2018 but withdrawn as the proposal was not supported by GDP, CAP, and other consultees.

This application is for a different scheme designed by different architects, Hawkes Architecture, who have in turn presented several Pre-app proposals to SWDRP and DRP. The GDP have not been consulted for this scheme.

The DRP review of 12th October 2021, which is included in the appendix of the Evans Jones Planning Statement, supports the application but at the same time includes recommendations for further design refinements.

Having finally obtained support from a recognised design review panel, the applicants contacted CAP to argue that further consultation with another design panel was not required. After consultation with planning officers, and given that CAP had reviewed and had concerns about the previous planning applications for this site, it was decided that the application deserved a further review by CAP.

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In summary, CAP acknowledge that the design proposal has been carefully considered and has many qualities as acknowledged in the DRP review, but, contrary to DRP, are of the opinion that the scheme does not meet the demanding requirements of Paragraph 80(e) of the NPPF for the reasons set out below.

Design Concept

The reason why the applicants have struggled to get support for a new house on this site is because of its rural location in the Cotswold Area of Outstanding Natural Beauty (AONB). Establishing whether a scheme meets the high standards set out in Para 80 (e) is a subjective matter and it is not surprising that opinion may vary from one design panel to another.

CAP found the ideas behind the scheme and some of the architectural spaces proposed to be visually exciting and agreed the proposal was a unique design solution that would set it apart from other buildings in the county. Had the dwelling not been located in the AONB the panel could have warmly supported such a radical design approach. However, given the special conditions of this site, the panel questioned the whole design approach which relies entirely on the presumption that the architecture is of such high quality that its beauty trumps the natural beauty of the site.

The application documents do not provide adequate justification for the dwelling as designed. The planning statement suggests the scheme has a social benefit in that “the development will enable long-term residents to continue to live and work in the area” which cannot be the case as the applicants already live at Brecon House further up the hill. The statement also says that the applicants “appreciate more than anyone else, the beauty of the site nestled in the lower foothills of the Cotswold AONB”. So why the need for such a large and imposing new dwelling?

The design process illustrated and described in the submitted documents presumes that the buildings can be the size and scale demanded by the brief but does not question the brief itself. The resultant design is therefore for a very large house, and equally large outbuilding, that have substantial footprints and will involve significant engineering works to build. Hardly the “light touch” implied by the supporting text.

This radical design approach is acknowledged in the planning statement which claims “*the proposal clearly represents an opportunity to break from the historic palette of what may typically be considered ‘good design’ in a rural area*”. The panel believe that such a design approach may be suitable for other rural areas but not on this site in the AONB.

Regardless of the value placed on the architectural design, the panel concluded that the proposal was conceptually flawed as it cannot be said to *significantly enhance its immediate setting* because of its large scale and impact on the landscape.

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Design Detail

Notwithstanding the perceived flaws in the design brief, the panel had concerns regarding aspects of the building design and site layout. This was generally because it was felt that the scheme remained unresolved as far as the design detail is concerned. For a scheme to be exceptional and “*truly outstanding, reflecting the highest standards in architecture*” we would expect the submitted design to be fully resolved. (Note: the DRP recommendation of support also recognised that improvements could be made to the scheme design reviewed). CAP have the following concerns:

Landscape Design

The landscape design and supporting visual impact statement is thorough and well presented. There is no doubt that the landscape proposals incorporating environmental and ecological enhancements will be of benefit, but, as stated in the CPRE consultation statement, *there is no reason why these enhancements could not be carried out on their own merit as they are in no way dependent on the construction of a new residence at the site.*

Reference is made to this being a “landscape led” design which the panel believe is the correct approach for any such development in the AONB. The proposed architecture does not appear to conform to this design philosophy: why is the building located in such a dominating position in the middle of the site? Why is the building footprint so big when a more compact plan could result in less impact? Why is it necessary to have a separate estate management building and of the size shown?

The LVIA submitted does demonstrate that on the whole the site is well screened from public vantage points. However, as recommended in the DRP report, further studies are needed to establish views of the site during winter months. CAP was particularly concerned about views along the A435 Cirencester Road and the impact of the wide new site access: larger scale plans and sections are required to show the access and visibility splay requirements and site levels in more detail. The panel had concerns that the steep sloping site would make the new junction onto the A435 a prominent and urban looking intrusion into what is currently a continuous and attractive row of trees and hedges. This access and the gravel drives (which are not practical on such sloping sites) are likely to appear like a scar on the landscape and have a detrimental impact irrespective of additional tree planting proposed.

Architecture

The panel found the architectural details and layout of the house unresolved. To some extent this was due to the limitations of the CAD model images which appear schematic; the graphics, though attractive images, do not address the tricky details. For example, the way the upper floor “prospect” curved block emerges out of the landscape doesn’t really work with the south end outdoor lounge cut into the bank by 2m and the vertical timber crashing into a substantial concrete retaining wall. The

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panel also found the circular arrival pod was a weak element in the overall composition of curved forms, introduced to create a terrace at the upper level but arguably in the wrong location on plan; how it collides into the side of the “prospect” wing appears as an afterthought. Furthermore, the Access Statement included in the submission states that the terrace levels need to be modified to provide level wheelchair access at this principal floor, a further unresolved design detail.

The lower floor circulation corridors are dark and unattractive spaces and fight with the internal architecture of the vaulted ceilings, as evident from the interior model views. The wide building footprint also makes introducing a single lift (recommended by the DRP) impossible as is evident when studying Section B. The access statement suggests this might be resolved by introducing stair-lifts which one would have thought should be avoided for a house of this status.

The cantilevered “prospect” upper floor is the most prominent feature of the building but what a shame not to celebrate this feature and find a structural design solution without props. Indeed the panel was surprised the design approach did not include a structural design appraisal which might have informed the design and resulted in a clearer architectural solution.

The choice of materials and construction details are somewhat random and do not reflect or reinforce the initial design concept. The glass balustrade around the curved arrival pod clashes with the “prospect” form and arguably is more appropriate in urban settings. The metal balustrade projecting out of the curved dry-stone walling is also an odd combination.

The model views are all in black and white so an appraisal of the colour palette and selected materials is limited. The panel felt that the design was not fully resolved in this respect; the use of copper cladding, for example, is not really justified. A simpler material palette and the use of robust and durable materials would be recommended.

Where more traditional rural materials are proposed, such as the introduction of dry-stone walling, the details of openings, (eg reveals, lintels, sills and copings) are crude.

Including PV solar panels in the scheme is an integral part of the Renewable Energy Strategy and is to be encouraged but what a shame these are located on the most visible EPDM flat roof of the “prospect” block. Shouldn’t this have been a “green” roof too?

Some of the model views are enticing but there is little construction detail to prove the design intent can be achieved. The “light touch approach” implied by the images, in reality will not be the case, as illustrated in the one technical drawing, Section B, where it shows significant excavation

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and concrete retaining walls are required, including piled foundations. The amount of excavated material that will need to be removed from the site and disposed of will be considerable and it is suggested this be looked at in some detail by structural/civil engineers to appraise the impact this will have on the site and highways during construction.

Estate Management Building

This is a substantial building in its own right and the most unresolved in design terms. The steep access drive down to the building will be very prominent when viewed from the A435. Again major engineering works are required to form the yard area and building enclosure. The drystone retaining walls are particularly unresolved: randomly located and isolated from one another resulting in an incongruous mix of building elements. The choice of materials and the colour palette (eg copper cladding) is again not really justified.

The panel questioned the need for the "home office" on the upper floor as it simply adds further substantial built form in a sensitive location. Could this not be accommodated in the main house?

Energy Strategy

The panel was not convinced by the energy strategy for the site. The Renewable Energy Strategy Report (RESR) states that a biomass heating system was originally proposed for the whole site with the aim of harvesting an on-site supply of biomass. After criticism from the DRP questioning the feasibility of such a scheme on the grounds that this would be a labour intensive operation and use untried and tested solar kiln technology, the heating system design was changed to Ground Source Heat Pumps. Notwithstanding this, the proposed Estate Management Building design remains part of the design proposals. The argument that the building is still justified because it provides an opportunity to test the solar kiln technology is not sufficient reason for constructing another substantial building in the AONB; there are many other remote, less sensitive sites in the county where biomass heating and kiln dried technology research can be carried out. As the heating design has been modified to exclude biomass heating, it is recommended the Estate Management Building be replaced with a much more modest rural barn, possibly earth sheltered as well.

The RESR states that *"the initial focus of any low energy project should be on the building envelope efficiency"*. Although no precise figures are provided, the building envelope in this very linear design is significant. Statements are made about the building's energy efficiency without being backed up by construction details. Sections through the building would assist to demonstrate the integral design of service routes, extensive whole house ventilation ducts, thermal insulation and structural zones. The

Wednesday 2nd March 2022

build up of components is likely to result in increased envelope thicknesses which will have an impact on the building aesthetic.

The model images, though seductive, are schematic and do not provide realistic construction details. How is the curved floor to ceiling glazing designed, for example; is the envelope completely sealed as required by the RESR whole house ventilation model, or are faceted glass doors and windows provided for natural ventilation? Triple glazing is proposed to minimise heat loss but how are these glass screens cleaned behind the permanently fixed vertical timber louvres? If the windows are openable will additional balustrades be required?

The RESR states that *“the building fabric and construction methods have been selected to be low embodied carbon, with natural materials making up the structure and insulation”*. This appears to ignore the substantial reinforced concrete retaining walls and slab construction proposed. When calculating Embodied Carbon for some reason the report states *“For all designs the emissions associated with foundations have been excluded at this stage as full details of these are unknown.”*

Recommendation

Not supported.

23rd February 2022

Application Number: 21_02755_FUL

Construction of a paragraph 80 dwelling, estate management building, and associated landscaping, ecology enhancements, access, parking and garaging on land adjacent to Brecon House

Brecon House Charlton Hill Cheltenham Gloucestershire GL53 9NE

Dear Michelle,

We have reviewed the Ecological Assessment and our response with regards to Ecology is provided below. The reports we reviewed were prepared by All Ecology and were as follows: Ecological Appraisal (July 2019); Biodiversity Impact Assessment (July 2021); and Bat Activity Survey (November 2021). We also reviewed the illustrative masterplan (1st December 2021) and the Landscape and Ecology Management Plan (LEMP) Strategy (December 2021) prepared by Davies Landscape Architects.

Baseline information and assessment

There is one statutory and 10 non-statutory designated sites within 1km.

The habitats on site are two species-poor semi-improved grassland fields separated by a line of trees, with small areas of scattered scrub, tall ruderals and scattered trees. There are species-poor hedgerows along the boundaries, apart from the western edge which is woodland with a stream.

There were at least five trees with features potentially suitable for roosting bats. The bat activity surveys recorded at least nine bat species foraging or commuting across the site. The hedgerows, trees and in particular the woodland edge are the most important habitats for foraging bats. No important commuting routes were identified.

No evidence of badgers was identified, but they are likely to forage on site. The woodland and hedgerows provide suitable habitat for dormice. The grassland may support brown hares.

Birds are likely to nest in the hedgerows, trees and woodland. These habitats provide foraging opportunities, and the grassland is also likely to provide small mammal prey for birds of prey, such as barn owls.

The hedgerows, woodland, tall ruderal and scrub provide suitable foraging habitat and places of shelter/hibernation for amphibians and reptiles. The grassland is sub-optimal for reptiles due to its history of management but it may provide some foraging opportunities for both reptiles and amphibians, including potentially great crested newt (GCN) (the desk study identified a GCN record).

There are five ponds within 500m of the site. Since there is potential for GCN to be present in terrestrial habitat on site, we would expect further assessment of nearby ponds in case any are breeding sites. Due to the small scale of the proposed development and the fact that the habitat in the footprint of the development is not particularly favourable, we consider that a search area of 250m from the site is sufficient. Habitat Suitability Index (HSI) assessments and further surveys of these ponds should be undertaken as necessary.

The site will support an assemblage of common invertebrates.

Impacts, mitigation and enhancements

We agree that there would be no impacts on any designated sites. In their response of 1st February 2022, Natural England state that impacts on Cotswold Beechwoods Special Area of Conservation (SAC) (located approximately 6km away) may need to be checked via a Habitats Regulations Assessment (HRA) Appropriate Assessment. We consider this to be unnecessary since the development is of a single dwelling so additional recreational disturbance on the SAC would be negligible.

A small area of the species-poor grassland would be lost to the new dwelling. All other habitats would be retained. It is important that pollution control measures and drainage systems are put in place to ensure no pollution or alterations to the hydrology of the stream both during construction and operation.

A suite of habitat creation and enhancement measures are proposed in the All Ecology reports and shown in the illustrative masterplan (Davies Landscape Architects). These include new woodland, hedgerow, shrub and tree planting, new ponds and swales, management to enhance retained habitats in particular the grassland and woodland, and enhancement works on the stream and streamside habitats. These measures would not only compensate the habitat losses but would significantly improve the site for ecology. This is demonstrated in the All Ecology Biodiversity Impact Assessment, which indicates Biodiversity Net Gain (BNG) of 70% for habitats, 79% for hedgerows and 29% for the stream.

We welcome the proposals for ecological enhancement of the site but would ask that the applicant and their ecologists consider less woodland planting in favour of more grassland. The site has considerable potential for species-rich calcareous grassland if managed correctly over the long term. Instead of the proposed surrounding woodland planting, these areas could be left as unmanaged, tussocky grassland with scattered tall ruderal and scrub, to provide habitat for amphibians and reptiles, and also small mammals, thus providing good foraging for barn owls and other birds of prey. The combination of species-rich calcareous grassland surrounded by rough tussocky grassland would be of considerable benefit.

In terms of protected/notable species, all of the trees with potential for roosting bats would be retained. We welcome the proposals for bat boxes on the buildings and trees. It is unclear whether the All Ecology recommendation for integral bat roosting spaces have been included in the building designs, but these would also be of value.

There is potential to impact on foraging/commuting bats due to the construction and operational phase lighting schemes. The proposals for lighting that minimises light spill are important and should be implemented.

The loss of grassland may affect reptiles and amphibians if present (including potentially GCN). Precautionary mitigation measures and specific enhancement measures for reptiles and amphibians are required. These may need to be adapted depending on the results of further assessment of GCN.

There would be minimal to no impacts on any other species. The precautionary mitigation given for badgers and other species during construction is appropriate. We welcome the proposals for bird boxes, including owl boxes, and other wildlife features.

Requirements prior to determination:

1. Due to the nearby GCN record and the number of ponds in close proximity to the proposed development site, assessment is required to provide further information as to the likelihood of GCN being present on site and subsequent mitigation. Therefore, HSI assessments of ponds within 250m of the site that are not beyond major dispersal barriers should be undertaken. Should the HSI assessment find any of the ponds within 250m of the site to be suitable for GCN, it will be necessary for the applicant's ecologist to undertake presence/absence surveys for GCN. If GCN are subsequently detected, a GCN Mitigation Method Statement would need to be prepared as part of a Natural England European Protected Species (EPS) Mitigation Licence application. This Method Statement should be submitted to the Local Planning Authority (LPA) for review prior to determination.
2. An alternative to the above is for the applicant to apply to NatureSpace for a District GCN Licence. The LPA would require receipt of the District Licence certificate from NatureSpace prior to determination.

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

1. The mitigation measures that apply to the site clearance and construction phase of the development should be included in a Construction Environmental Management Plan (CEMP), with detailed Method Statements. This should include precautionary mitigation measures for amphibians and reptiles, in the form of Reasonable Avoidance Measures (RAMs). It should also include the measures detailed in the GCN Mitigation Method Statement, if this is required. The CEMP should be submitted and approved by the LPA.
2. All other mitigation and enhancement measures should be expanded on in a finalised version of the LEMP, including long-term management and monitoring activities (covering a period of 30 years, as proposed). This should include plans showing locations and extent of all habitats and wildlife features, and a timetable of activities. A Responsible Person / organisation needs to be stated and the method by which the protection of retained, enhanced and created habitats will be secured. The extent and

location of removed, retained and newly created habitats presented in the LEMP should match that set out in the BNG assessment. The LEMP should demonstrate that the BNG proposed in the BNG assessment has been achieved. It should be submitted to the LPA for review.

3. A lighting strategy scheme covering both construction and operational phases should be submitted to the local authority detailing location and specification of the lighting supported by contouring plans demonstrating any light spill into adjacent habitats. This plan should be completed in conjunction with advice from the project ecologist.
4. If a EPS Mitigation Licence for GCN is required, then a copy of this licence should be submitted to the LPA prior to commencement.

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

- *NPPF Para 170 – 182 (Conserving and Enhancing the Natural Environment), National Planning Policy Framework:*
- *SD9 Biodiversity and Geobiodiversity*
- *INF3 Green Infrastructure*

Wildlife legislation context:

- *Wildlife and Countryside Act 1981 (as amended)*
- *Conservation of Habitats and Species Regulations 2017*
- *Natural Environment and Rural Communities (NERC) Act 2006*
- *Protection of Badgers Act 1992*

We trust this information is helpful.

Kind regards

Benjamin Goodger

Benjamin Goodger MA (Oxon) MSc CEnv MCIEEM

Planning Ecological Adviser

CBC Planning Reference –	21/02755/FUL		
Site Name –	Brecon House (Lilley Brook House), Charlton Hill		
Summary of proposals -	Para 80 Residential Property, gatehouse and outbuildings		
Consultation Note Subject –	Landscape and Visual Matters		
Planning Case Officer –	Michelle Payne – Senior Planning Officer (Planning Applications)		
Landscape Comments Prepared By –	Stuart Ryder of Ryder Landscape Consultants		
Date of site visit —	3/3/22	Date of response	21/3/22
Recommendation –	Allow – subject to landscape conditions and removal of certain permitted development rights		

Dear Madam

Brecon House, Charlton Hill – Landscape and Visual Consultation Response

Thank you for appointing us to review the landscape and visual aspects of the submitted planning application and I pass a series of comments under the following nine headings;

1. Methodology
2. Site and surrounding's landscape character
3. Proposals for the site
4. Landscape effects
5. Views from A435 – Cirencester Road
6. Views from local PRow network
7. Views from wider AONB
8. Landscape Policy Compliance
9. Suggested Planning Conditions if consented

1. Methodology

Cheltenham Borough Council (CBC) appointed Ryder Landscape Consultants to consider the submitted scheme and supporting documents in February 2022. My name is Stuart Ryder and I am an experienced Chartered Landscape Architect. I attended site on 3rd March, 2022, walked local Public Rights of Way and drove nearby highway corridors. I was unable to take site photography as the weather conditions were poor. However there was sufficient visibility to be able to judge the Site and the effect the proposals would have on landscape character and visual matters.

The site visit was unaccompanied but I had the following plans and report to inform me about the proposals;

- Davies Landscape Architects – Illustrative Masterplan DLA.1951.L.27.S13 dated 1 December 2021 and associated LVA Conclusions
- A collection of elevations and sections of the house and gate house
- Gloucestershire CC – Definitive Map for the area.

I have also looked at aerial photographs of the area and OS Mapping.

2. Site and surrounding's landscape character

The site is set within a steep sided valley which is part of the Cotswolds National Landscape¹ Escarpment landscape. It is wooded in part but predominately put to what appears to be improved grazing pasture although no stock was visible at the time of the visit.

The Site is accessed off the A435 Cirencester Road which reduces the sense of tranquillity in the immediate area but also provides the main potential public vantage point back to the proposed Site.

The Lilley Brook Golf Course is set to the west of the proposals on the opposite side of the A435 with the club house further north, down the hill. There is a large block of mature woodland immediately to the east of the Site that is called 'The Dingle' on some-OS Maps.

The Site is made up of a single elongated field parcel aligned north to south parallel to the A435. It is generally bounded by a mix of native trees and hedgerows and fences with a ribbon of existing trees on the steep bank down from the A435 to the presumed course of Lilley Brook.

There is an existing farmhouse type building set in similar fields to the north of the proposed Site and this is accessed off the A435 with its highway entrance marked by high visibility markers and highway modifications presumably to make access and egress easier for its residents and visitors.

3. Proposals for the Site

Two buildings with a 'gatehouse' of more traditional style design set at the end of a new road access off the A435 and the principal \$80 house set as a crescent within an open field location approximately 100m south of the road access. It is unclear from the Landscape Masterplan how the principal dwelling will be accessed by vehicles and where they would be parked if not internally garaged.

A collection of curvilinear paths (presumed mown grass surface) run across the Site with the single elongated field split into two at what from aerial photographs appears to be a former field boundary. The splitting of the field would be by native hedgerow.

Further planting is proposed predominately to the east and west sides of the Site with the central parts of the two fields left as open grass.

4. Landscape effects

The wider proposals are considered sufficiently in keeping with the surrounding landscape to not significantly alter the existing rural character, settlement form and in particular this deeply incised part of the Cotswolds National Landscape. There are similar buildings in the local landscape and their size, height and form will not appear incongruous within this location. The buildings' settings are relatively discrete and their overall landscape effect would appear more as farmsteads albeit the curved primary building will not look like a traditional farm building if viewed from close range.

The illustrative landscape mitigation appears to be in keeping with this side of the A435 landscape with the new tree planting augmenting the existing ribbon of trees along the east side of the Cirencester Hill corridor. The fringe of planting to the east appears appropriate and when established will be seen as an extension to the Dingle woodland block.

The Applicant's landscape advisors Davies Landscape have considered the effects of the proposals in their Landscape and Visual Appraisal (LVA) – again dated December 2021. The overall conclusions of

¹ Preferred name for Cotswolds Area of Outstanding Natural Beauty (AONB) thus called to reflect its national importance.

the LVA are not succinctly summarised but I consider that the landscape character of this part of the AONB escarpment would be conserved and on establishment of the mitigation planting would receive a **Minor, Positive and Permanent** change. This is largely from the quantum of new tree and hedge planting and the simplicity of the external realm proposals matching the rural landscape rather than trying to impose a 'grand new design' to emphasise the importance and scale of the house.

The retention of the simple, agricultural style fields needs to be ensured into the future through careful draughting of any planning conditions and supporting landscape maintenance and management plans (LMMP).

5. Views from the A435 Cirencester Road

It is difficult to see the proposed Site clearly from the A435 but a snatched view down the proposed site access to the Gatehouse will be achieved. This however is fleeting given that it will be taken from motor vehicles and there is little evidence of pedestrians walking up this busy road corridor when more attractive routes up the escarpment (including The Cotswolds Way) are available. The existing roadside planting screens open views to the Site field even in winter conditions and the additional planting belt will add to the screen further.

The one note of concern I have with regard to views from the A435 is what the actual road entrance will look like. The existing farm house property's access to the north of the proposed Site has been modified with marker poles and coincides with painted highway markings presumably to assist in road safety for vehicles leaving the existing property. Will the new access be as obvious as the existing one to its north? and has the possibility of a shared access been explored to limit the amount of access points onto the A435 for both highway safety and landscape benefit grounds?

6. Views from the Cotswolds Way

There are no notable views to the Site from the Cotswolds Way and higher escarpment. I walked path routes on the west side of the A435 as accessed off Hartley Lane and found most long views truncated by existing woodland or planting on Lilley Brook Golf Course. This does not mean that there may not be long views to Site on a clearer day from somewhere on this national path but any visual impact is considered to be in keeping with other dispersed, bespoke properties that are in view from time to time from this path.

7. Views from the wider Cotswolds National Landscape

These have been considered from the west around Leckhampton Hill and Charlton Kings Common and found that the proposals would not influence local views from elevated parts of the escarpment from the west. From the east views are not anticipated given the presence of Wistley Grove and Long Covert mature woods that combine to block direct views from the PRoW network.

The low density of housing proposed and the simple treatment of the associated external realm means the unique and nationally important escarpment landscape will be conserved. The heavily folded and incised nature of the local topography assists in restricting visibility to the Site. However if illuminated too excessively it may actually be more notable at night.

8. Landscape Policy Compliance

The landscape planning policies that need to be considered are;

JCS SD6 – Landscape

Part 1 – The proposals can be considered in keeping with the character of the local landscape which protects its character so there is **compliance** with this part of the policy.

Part 2 – The proposals keep the broad landscape character of pasture fields and woodland and there is no apparent effects on historic landscape features or other features of local distinctiveness. There is considered to be **compliance** with this part of SD6.

Part 3 – An LVA has been submitted by the Applicant and landscape mitigation measures have been submitted. There is therefore **compliance** with this part of the policy with the caveat that the landscape mitigation measures are conditioned and are supported with a Landscape Management and Maintenance Plan (LMMP) that not only ensures the establishment of the proposed woodland and hedgerow planting but its long-term aftercare irrespective of who owns the property.

Overall there is **compliance** with the various parts of SD6 than conflict.

JCS SD7 – Cotswolds AONB

The proposals conserve and lead to a minor enhancement of the landscape character of this part of the AONB so there is **compliance** with this policy.

Cheltenham Plan L1 – Landscape and Setting

The proposals do not harm the setting of Leckhampton Hill or wider Cheltenham or significantly affect views into or out of acknowledged areas of importance such as the Cotswold escarpment or the crescents or race course in town. For these reasons they can be considered in **compliance** with this policy.

NPPF 174 a) – Valued Landscape and NPPF 176

The site is a valued landscape in its own right given it is part of the Cotswold National Landscape. Given the previous conclusion that the proposals lead to a minor enhancement of this part of the AONB there is **no conflict** with these particular NPPF policies. It is helped that the scale of development is minor compared to the overall extent of the Ste that will be falling into the long term LMMP.

9. Suggested planning conditions if consented

Should you be minded to grant planning consent for these proposals and notwithstanding the already submitted landscape proposals the following planning conditions are suggested;

- A. That a detailed hard and soft landscape mitigation scheme is submitted for consideration.
Reason – to ensure that the proposals maintain the landscape character and respect the valued landscape of the Cotswolds National Landscape.
- B. The hard landscape proposals should pay particular attention to the detail and character of the final proposed access off the A435. *Reason – to ensure that the proposals maintain the character of this particularly stretch of the A435 Cirencester Road whilst at the same time comply fully with Highway Safety.*
- C. The hard landscape proposals or Engineer's drawings should demonstrate the retention of the dominant ground profile on Site which is the steeply sloping valley sides without excessive and uncharacteristic cut platforms or raised additions such as mounds to deposit excess material – *In the interest of retaining landscape topography in this incised section of Cotswold Escarpment as part of the designated landscape.*

- D. The soft landscape proposals should seek to recreate a strong vegetative edge for both the east and west sides of the Site allowing room for future growth and maintenance of landscape and fields alike. *Reason – to ensure that the landscape proposals restrict sight to the proposals from the A435.*
- E. The soft landscape proposals should be implemented in the first growing season after the commencement of construction and replacement of dead, diseased or dying stock should be undertaken in accordance with an approved Landscape Maintenance and Management Plan for a minimum period of 10 years. *Reason – to ensure the establishment and subsequent aftercare quality of the landscape mitigation measures.*
- F. That no further tree felling is undertaken on site without the express written agreement of CBC's Arboricultural Officer and after consideration of tree sensitive construction processes – *Reason to protect the remaining mature tree stock that contributes to the A435 tree line.*
- G. That a Landscape Maintenance and Management Plan (LMMP) is prepared for implementation by the new homeowner(s) and that an arrangement for continuation of the LMMP by future homeowners is entered into – *Reason – to reflect the importance of the soft landscape mitigation proposals for both the Cotswolds National Landscape and visual receptors on the adjacent A435 – Cirencester Road.*
- H. That a finalised, minimal impact, external lighting scheme is presented to the Local Planning Authority for approval and subsequent implementation - *Reason – to preserve the dark skies of the Cotswolds National Landscape.*
- I. That the current and future owners of the properties accept restrictions on typical General Permitted Development rights to reduce the risk of associated landscape and visual harm accruing through the development of peripheral features within the external space associated with the dwellings - *Reason – to preserve the landscape character of the Cotswolds National Landscape.*

I recognise that the suggested conditions could possibly be combined and may require re-wording to be enforceable but wished to explain the importance and reasoning behind them in this consultation response.

I trust you find these notes useful as you consider the determination of this application but should you have any queries please do not hesitate to contact me.

Stuart Ryder

21/3/22

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Site	Lilley Brook House, Charlton Hill, Cheltenham, Gloucestershire, GL53 9NE
Proposal	New isolated Paragraph 80 dwelling and associated estate management building set within a 23-acre site
Local Authority	Cheltenham Borough Council
Applicant	Huw & Susan Evans
Agent	Evans Jones
Architect	Hawkes Architecture
Landscape Architect	Davies Landscape Architect
Review Date	12 th October 2021

This design review panel session was booked by Hawkes Architecture. The session included an in-person site visit, which it is considered has been essential in understanding the site and its setting.

The information submitted for review is considered to be extremely clear, comprehensive, and professional; this is welcomed by the Panel. It is felt that this presentation material is of benefit to the design review process. The multidisciplinary approach is also supported, as is the client's engagement with the Panel.

The Panel has been asked to comment on the proposals against the requirements of paragraph 80 (e) (previously 79 (e)) of the National Planning Policy Framework, (NPPF), which states: -

Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

(e) the design is of exceptional quality, in that it:

- is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and***
- would significantly enhance its immediate setting and be sensitive to the defining characteristics of the local area.***

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Paragraph 133 of the National Planning Policy Framework (NPPF) states: -

“Local planning authorities should ensure that they have access to, and make appropriate use of, tools and processes for assessing and improving the design of development. These include workshops to engage the local community, design advice and review arrangements, ... In assessing applications, local planning authorities should have regard to the outcome from these processes, including any recommendations made by design review panels.”

Therefore, the Panel provides the following feedback: -

It is felt that the applicant and design team have exhibited a considered and sensitive approach to produce a high-quality design proposal. Furthermore, ongoing active engagement with the design review panel process is welcomed and felt to represent best practice.

It is felt that the landscape led multidisciplinary approach has resulted in a sustainable and robust proposal. Therefore overall, it is considered that the scheme is a well-developed proposal of the highest architectural standards, representing a truly outstanding design, which also promotes high levels of sustainability. It is also considered that the proposals have demonstrated that they would significantly enhance the immediate setting and are sensitive to the defining characteristics of the local area. Furthermore, it is considered that, subject to a commitment to disseminate learning outcomes, the proposals will help to raise standards of design more generally in rural areas. Therefore, it is considered the proposals have met the criteria set out in paragraph 80 (e) of the NPPF.

Notwithstanding this, the below comments are made in an effort of helpfulness to the design team and applicants: -

It is considered there is a very clear, logical and coherent narrative, that has resulted from the multidisciplinary team working well together. The information provided in advance of the session was considered to have thoroughly and coherently explained the site and its setting.

Whilst the landscape design proposals are supported and the stated strategic objectives for landscape are welcomed, it is suggested it may be helpful for the landscape proposals to be clearer throughout the presentation/application information at explaining how they are meeting the specific Para 80 (e) policy requirements.

In terms of landscape character, it is noted that a lot of the historic landscape character locally is compromised, particularly as a result of the golf course. Furthermore, whilst The Dingle is considered to be a distinctive space, it is noted to host many alien plant species, and is therefore not the best example of the landscape character that is to be reinforced. It is therefore suggested it may be helpful to carry out a wider scan of the landscape character across the escarpment through the Cotswold's AONB to demonstrate what best practice would be in terms of landscape reinstatement. It is noted that there is a combination of wood and pasture, however it is still not clear what the most appropriate interface between

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the two may be. It is felt that the space created as a result of the pasture is important in terms of landscape character and it would not be appropriate to fill this with planting.

The proposed reinstatement of hedgerows and resultant redefining as well as the screening from the road is welcomed, and these aspects are considered to contribute towards demonstrating an enhancement to the immediate setting.

The visuals exploring visibility back towards the site are welcomed. However, it is suggested it would be beneficial to also provide winter views, so as to demonstrate the visuals without the foliage. The view into the site from the southwest looking down into the site entrance is considered to be particularly important. It is noted that the view towards the site access and the secondary building will be fairly visible from the top of the adjacent hill. It is considered important that the approach to the house should not feel suburban in character; to avoid any suburbanization, careful consideration should be given to the design of the entrance, security features, lighting, surfacing and the management of parked vehicles.

In terms of landscape management, it is noted that there is a very committed client, and the client's management of the site and ongoing stewardship is an important driver for the project that has strongly informed the brief and design approach undertaken. It would be beneficial for this background, and the client's aspirations in terms of ongoing landscape enhancement and management, to form a predominant part of the narrative within any future presentation or planning application documentation. The provision of a Landscape Management Plan within any planning application documentation, that commits the site owners to specific measures and enhancements to be undertaken over a 15-year period, would be a useful mechanism to demonstrate that the proposals will result in a significant enhancement to the existing landscape setting.

In terms of historical and landscape analysis, it is suggested that additional historical landscape maps that demonstrate how the landscape has changed over the last 500 years would help to give a greater historical context to the proposed landscape enhancements and show the proposals as an appropriate next step in the site's ongoing historical narrative.

The provision of the SUDS pond is welcomed; however, it is felt this element would benefit from further design development. The extensive area of site available represents an opportunity for this to be approached in a more sophisticated manner, perhaps that relates better to the form and setting of the proposed house. It is suggested that the sub spawned should not be fish stocked as, in terms of ecology, this may negatively affect the local environment and what course.

The proposed siting of the building is supported by the Panel and considered to be appropriate; the presentation is considered to have clearly and logically explained the rationale for the siting. It is noted that historically a house may have been placed at the southern end of the valley, with views across the wider site ownership. However, having carried out a site visit, the Panel notes the intricacies of the site topography and the uniqueness of the hollow (within which it is proposed to site the building), and as a result of this the proposed siting is felt to be appropriate and is supported.

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As stated above, architecturally the design proposals are supported and are considered to meet the very high bar set by paragraph 80(e) of the NPPF by reflecting the highest standards of architecture. The concept of providing 'refuge' and 'prospect', connected by the 'drum' element results in a very clear and elegant conceptual diagram, that also clearly relates to the specific site topography and landscape setting. The amount of work design evolution work and complex layering of considerations is noted by the Panel, notwithstanding this, it may be beneficial to distill the conceptual ideas into an easily presentable analogous drawing to easily demonstrate to third parties what the primary conceptual drivers are.

It may be helpful to more clearly demonstrate the detailed design regarding the boundary treatment between the parking ('turning circle') and 'level garden' located atop the 'Refuge Level'. It would also be helpful to provide additional detail in terms of the edge treatment/ balustrading along the edge of the 'Refuge Level' (to provide protection from falling) would also be beneficial, as this will have a significant impact upon the appearance of the building and its relationship with the surrounding landscape.

Whilst the Panel is supportive of the proposed concept and the differences of the internal characters of the internal spaces, it is suggested it may be beneficial to provide additional fenestration to the 'Prospect' floor level along the western elevation, particularly at the top of the stair. It is felt that this would provide additional natural daylight from above into the drum, and also reinforce the narrative of end users rising up into the light. Providing views out of the building along the western elevation would enable occupants to have a sense of the building being nestled within the protective landform and provide a powerful contrast between the wonderful view to the east and the sense of being bedded in on the west. There may also be a practical benefit in providing high level fenestration along the western elevation adjacent to the kitchen area so as to provide natural daylight onto work surfaces.

The explanation of how the proposed house could be adapted to accommodate a lift to enable whole life accessibility is welcomed by the Panel. It is however suggested that it may be beneficial for this to be made more explicit within the proposed narrative and for the design team to audit the plans to ensure that appropriate accessibility widths and space standards are incorporated. It is felt that ensuring the proposed house could be adapted to provide disabled accessibility throughout is an important factor in demonstrating the highest standards of architecture.

The extremely thorough and well considered ecological/biodiversity enhancements are supported by the Panel, and these will contribute towards significantly enhancing the immediate setting. In particular, the Panel welcomes the proposal to create new and diverse grassland, however it is suggested that a seed mix should be selected based on the soil composition and chemical particulate. It may be beneficial to consider habitat creation being carried out prior to construction taking place, perhaps starting with fields and hedges to the South.

In regard to the Lilly Brook, it is suggested crayfish may be present beneficial to explore whether these are a native or invasive species. The new pool creation is welcomed; however, this should be informed by the type of crayfish present. Furthermore, the suggestion of creating wetland mosaic habitat near to the brook is welcomed and it would be beneficial to include this new habitat within the biodiversity matrix.

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It is noted that dormice are recorded within the area, however it appears there will be negligible dormouse habitat loss; the proposed new hedgerow and woodland will provide excellent enhancement in this regard, assuming an appropriate species selection.

In terms of wastewater, it is noted this may be via a package treatment plant and discharged to the ground. The additional nutrient load should be considered in terms of its impact upon the brook. If it is proposed that additional nutrients should be removed by engineered wetland, careful consideration should be given to the use of suitable planting species to match the environment. It is considered that phragmites and bullrush reeds should not be used, as if they escape the engineered area they may damage the local environment, despite being native species.

The proposed energy strategy, that includes consideration of embodied carbon, is commended, and contributes to demonstrating the highest standards of architecture. The Panel welcomes the clear comparison of the proposal against both Part L1a and the RIBA 2030 Target. Linked to this, the Panel welcomes the verbally stated aims in terms of outreach and dissemination of information on the project which will be of clear educational and public benefit. It suggested it may be beneficial to provide firm commitments as part of any planning application of how information/learning outcomes will be disseminated so as to demonstrate how the proposals will contribute towards helping to raise standards of design more generally in rural areas.

SUMMARY OF RECOMMENDATIONS, (to be read in conjunction with the above)

In summary, the main conclusions of the Panel are: -

- The session included an in-person site visit, which it is considered has been essential in understanding the site & its setting
- The information submitted for review is considered to be extremely clear, comprehensive, & professional
- The very high bar set out within paragraph 80 (e) of the NPPF is noted
- It is considered the proposals have met the criteria set out in paragraph 80 (e) of the NPPF
- The multidisciplinary, landscape led approach is welcomed & has resulted in a clear & coherent narrative
- Whilst the landscape proposals are supported, a wider scan of the landscape character across the escarpment through the Cotswold's AONB may be beneficial in demonstrating best practice
- proposed reinstatement of hedgerows as well as the screening from the road is welcomed
- It would be beneficial to provide winter views, to demonstrate the visuals without the foliage
- It is considered important that the approach to the house should not feel suburban in character
- The client's aspirations in terms of ongoing landscape enhancement & management are welcomed, & clearer articulation of these within the project narrative may be beneficial
- The provision of a Landscape Management Plan would be beneficial
- Additional historical landscape maps may be beneficial

The Design Review Panel

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- The SUDS Pond is welcomed; however, this would benefit from further design development
- The proposed siting of the building is supported by the Panel
- The proposed building is considered to reflect the highest standards of architecture
- Show the design of the boundary between the parking & 'level garden' atop the 'Refuge Level'
- Additional detail of the balustrading along the edge of the 'Refuge Level' would be beneficial
- Additional fenestration to the Prospect floor level along the western elevation may be beneficial
- Consideration of the potential for future provision of a lift is welcomed
- The well-considered ecological/biodiversity enhancements are supported by the Panel
- The suggestion of creating wetland mosaic habitat near to the brook is welcomed
- New hedgerow & woodland will provide excellent enhancement for dormice habitats
- Phragmites & bullrush reeds should not be used within any engineered wetland
- The proposed energy strategy, that includes consideration of embodied carbon, is commended,
- Provide firm commitments as part of any planning application of how information/learning outcomes will be disseminated so as to demonstrate how the proposals will contribute towards helping to raise standards of design more generally in rural areas

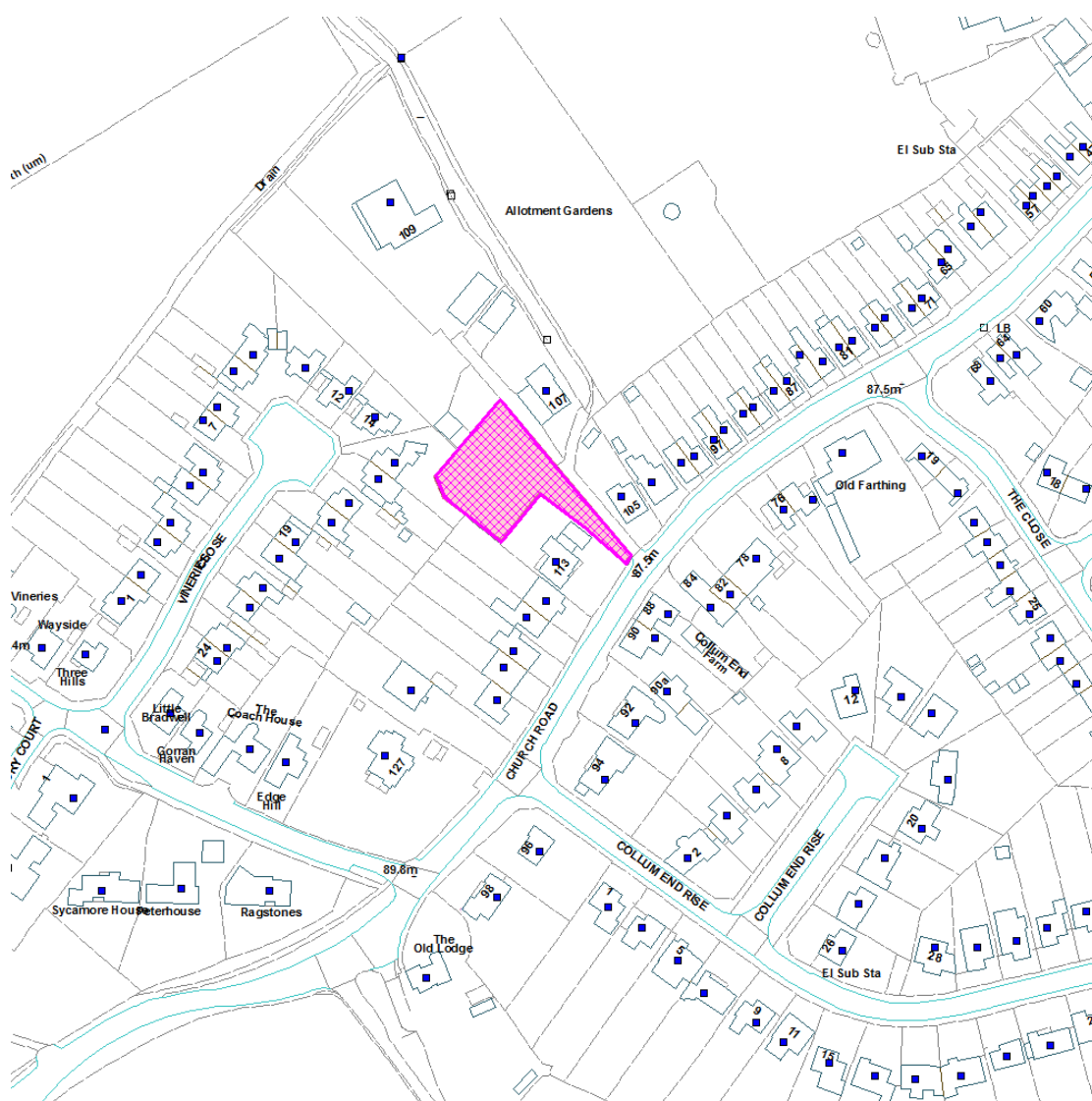
The Design Review Panel

NOTES:

Please note that the content of this document is opinion and suggestion only, given by a Panel of volunteers, and this document does not constitute professional advice. Although the applicant, design team and Local Authority may be advised by the suggestions of The Design Review Panel there is no obligation to be bound by its suggestions. It is strongly recommended that all promoters use the relevant Local Authorities pre-application advice service prior to making a planning application. Further details are available on the Council's website. Neither The Design Review Panel nor any member of the Panel accept any liability from the Local Authority, applicant or any third party in regard to the design review panel process or the content of this document, directly or indirectly, or any advice or opinions given within that process. The feedback and comments given by the Panel and its members constitutes the members individual opinions, given as suggestions, in an effort of helpfulness and do not constitute professional advice. The local planning authority and the applicants are free to respond to those opinions, or not, as they choose. The Panel members are not qualified to advise on pollution or contamination of land and will not be liable for any losses incurred by the Local Authority or any third party in respect of pollution or contamination arising out of or in connection with pollution or contamination.

APPLICATION NO: 22/00501/FUL		OFFICER: Miss Claire Donnelly
DATE REGISTERED: 15th March 2022		DATE OF EXPIRY: 10th May 2022
DATE VALIDATED: 15th March 2022		DATE OF SITE VISIT:
WARD: Leckhampton		PARISH: Leckhampton With Warden Hill
APPLICANT:	Mr And Mrs Sheldon	
AGENT:	SF Planning Limited	
LOCATION:	113 Church Road Leckhampton Cheltenham	
PROPOSAL:	Proposed new dwelling (amendment to previously approved planning permission ref. 11/00735/FUL)	

RECOMMENDATION: Permit



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application relates to 113 Church Road, specifically the land to the rear of the main dwelling known as 113 Church Road. The site comprises a detached chalet style bungalow which fronts Church Road, which sits in a generously sized plot. The dwelling is locally listed and has been identified as an 'unusual building type' therefore is considered to be a building which contributes to Cheltenham. The site is within the parish of ... and is not located within a conservation area.
- 1.2 The application proposes the erection of a new dwelling located on the land to the rear of 113 Church Road.
- 1.3 This application is a resubmission of a previously approved application in 2011 (ref. 11/00735/FUL).
- 1.4 The application is at planning committee due to the applicant being a member of staff of the council, as well as a Parish Council objection and Architects Panel objection.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Airport Safeguarding over 45m
Principal Urban Area

Relevant Planning History:

99/50410/OUT **27th January 2000** **REF**
Outline planning permission for a single dwelling

00/00438/OUT **31st May 2000** **REF**
Construction of 3 no. detached houses with garages following demolition of existing dwelling.
Construction of new vehicular access

01/00897/FUL **30th July 2001** **PER**
Extension to dining room and kitchen on ground floor, the addition of a first floor bedroom with en-suite plus family bathroom and the creation of a dormer window to the rear in existing bedroom

09/01517/FUL **4th December 2009** **PER**
New vehicular access, boundary wall and entrance gate

11/00735/FUL **22nd July 2013** **PER**
Erection of a dwelling to the rear (Revised drawings to those previously consulted upon)

12/01803/TIME **9th January 2013** **PER**
Application to extend the time limit for implementation of planning permission 09/01517/FUL for new vehicular access, boundary wall and entrance gate

12/01963/AMEND **20th February 2013** **PAMEND**
Non-material amendment to planning approval 12/01803/TIME - Revision to location of dropped kerb and part retention of existing hedging.

14/02152/FUL **24th April 2015** **PER**
Proposed construction of new integral garage with bedroom above and single storey link (Following demolition of existing conservatory and detached single garage)

15/02044/DISCON **23rd November 2015** **DISCHA**
Discharge of condition 4 (tree protection fencing) on planning permission ref: 14/02152/FUL

15/02072/AMEND

2nd December 2015

PAMEND

Non material amendment to planning permission ref: 14/02152/FUL -to allow the removal of the tree closest to the property (the application and discharge of conditions information specified it would be retained).

16/00115/AMEND

29th January 2016

PAMEND

Non material amendment to planning permission ref: 14/02152/FUL - addition of white 'cape cod' timber to upper floor of extension

18/01118/DISCON

22nd June 2018

DISCHA

Discharge of conditions 3 (Materials), 4 (Landscaping), 5 (Levels), 6 (Tree Protection Plan), 7 (Evidence), 8 (Recreational facilities), 10 (Temporary car park) and 11 (Wheel washing facilities) on planning permission 11/00735/FUL

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

Adopted Joint Core Strategy Policies

SP1 The Need for New Development
SD3 Sustainable Design and Construction
SD4 Design Requirements
SD10 Residential Development
SD14 Health and Environmental Quality
INF1 Transport Network

Cheltenham Plan Policies

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

Supplementary Planning Guidance/Documents

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

4. CONSULTATIONS

Gloucestershire Centre For Environmental Records

4th April 2022 –

Report available in documents tab.

Building Control

18th March 2022 –

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

Parish Council

6th April 2022 –

The Parish Council does not object to this application but wishes to draw attention to the following key issues:

The Parish Council objected to the previous application in 2011 on several grounds, one being that the first floor windows of the dwelling as then proposed overlooked the back gardens of many houses to the south-west in Vineries Close and in Church Road. The design as now proposed overcomes this problem by having no first floor windows looking out on its south-west side. But any planning approval must include a condition that the dwelling shall not be modified in the future in any way that would cause overlooking, such as the incorporation of windows in the sloping roof.

As the Parish Council said in its comments in 2011, it is very important to avoid on-road parking outside 113 Church Road because of the congestion in Church Road in the peak traffic periods and the risk of a jam between the vehicle flows in both directions in Church Road and cars entering the flow from Collum End Rise. The new application does provide sufficient off-road parking space. It would add marginally to the traffic in Church Road but this is insignificant compared with the impact of other approved and proposed developments in the area and of the additional traffic to the new secondary school in Kidnappers Lane / Farm Lane.

13th April 2022 –

Updated response

The Parish Council objects to this application on grounds of garden grabbing. The architecture and character of 113 Church Road is very attractive and quite special and makes it a much loved feature in Church Road, particularly as viewed from the front and also from the public footpath along the east side of the property. The current size of the garden is important to the beauty and character of the dwelling and the application by building on much of this garden would damage this. The Council is uncertain of the current status of CBC's policy against garden grabbing but if this application were permitted it would be a particularly bad case of very detrimental garden grabbing.

The Parish Council objected to the previous application in 2011 on several grounds, one being that the first floor windows of the dwelling as then proposed overlooked the back gardens of many houses to the south-west in Vineries Close and in Church Road. The design as now proposed overcomes this problem by having no first floor windows looking out on its south-west side. But any planning approval must include a condition that the dwelling shall not be modified in the future in any way that would cause overlooking, such as the incorporation of windows in the sloping roof.

As the Parish Council also said in its comments in 2011, it is very important to avoid on-road parking outside 113 Church Road because of the congestion in Church Road in the peak traffic periods and the risk of a jam between the vehicle flows in both directions in Church Road and cars entering the flow from Collum End Rise. The new application does now provide sufficient off-road parking space.

Tree Officer

30th March 2022 –

The CBC tree Section does not object to this application.

Please could a tree protection plan to take account of the mature Robinia tree be submitted and agreed prior to the commencement of any construction.

Architects Panel

14th April 2022 –

Design Concept

The panel acknowledged that there was an extant planning permission for a new dwelling in the garden of property. However, concerns were raised over the proposed design changes

which have resulted in a more bulky building and a more industrial look which the panel felt was out of character with the main house and surrounding buildings.

Design Detail

Whilst it is acknowledged that the previous scheme included a high central mono-pitched living room, using this as the basis for providing additional first floor accommodation seemed to the panel as the wrong design approach, not least because the quality of first floor accommodation would be poor due to the limited headroom provided. Extending the mono-pitch idea to all other single storey wings and the garage changes the character of the design for the worse.

Recommendation

Not supported.

Gloucestershire Highways

10th May 2022 –

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

The justification for this decision is provided below.

The proposed dwelling will utilise an existing access which benefits from reasonable visibility splays. There are no recorded PIC's near the vicinity of the site, and based on the scale of the proposal, it is not perceived likely to arise a detrimental impact on the operation and safety of the adjacent network.

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

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

Reason: To promote sustainable travel and healthy communities.

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	16
Total comments received	0
Number of objections	0
Number of supporting	0
General comment	0

- 5.1 Letters have been sent to sixteen neighbouring properties; no responses have been received.

6. OFFICER COMMENTS

6.1 Determining Issues

- 6.2 The key considerations for this application are the principle of a new dwelling, the design and layout, impact on neighbouring amenity and any highway safety implications.
- 6.3 Officers will also take into consideration the previous permission on the site from 2011; mindful of the policy changes since the previous permission. However that said, the previous permission is still a relevant consideration when determining this application.

6.4 The site and its context

- 6.5 As mentioned above, a previous application was granted planning permission for a dwelling in this location. The previous application was revised throughout the course of the application process in order to reach an appropriate scheme. The proposed dwelling proposed as part of this application is similar in terms of scale and form as the previously approved application, however proposes minor alterations to the design.

6.6 Principle of development

- 6.7 Paragraph 11 of the National Planning Policy Framework (NPPF) sets out a presumption in favour of sustainable development which for decision-taking means approving development proposals that accord with an up-to-date development plan without delay.
- 6.8 Paragraph 11 of the NPPF goes on to set out that where housing policies are out-of-date (including situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites), the NPPF is clear that development proposals should be approved without delay unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the NPPF policies as a whole, or specific NPPF policies provide clear reason for refusal. As it stands, currently Cheltenham cannot demonstrate a five year housing land supply.
- 6.9 Notwithstanding the above, the application site is sustainably located within the Principal Urban Area (PUA), where adopted JCS policy SD10 supports new housing development. Policy SD10 also requires new residential development proposals to *“seek to achieve the maximum density compatible with good design, the protection of heritage assets, local amenity, the character and quality of the local environment, and the safety and convenience of the local and strategic road network.”*
- 6.10 With the above in mind, and as required by the NPPF, the principle of the development of the proposed site is considered to be acceptable and the development should therefore be approved unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits. In this case, the relevant considerations are:
- i) The design and layout of the proposed dwelling,
 - ii) The impact on neighbouring amenity, and
 - iii) The impact on highway safety.

6.11 Design and layout

- 6.12 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.
- 6.13 The Development on Garden Land and Infill Sites in Cheltenham Supplementary Planning Document (SPD) sets out guidance for the erection of new dwellings. The document specifically sets out guidance on layout and development patterns stating that the layout of

development plays an important role in defining the character of an area including the grain, building lines and type of building.

- 6.14 The application site is considered to comfortably accommodate the proposed dwelling. The proposed dwelling as part of this application would have a smaller footprint than that approved as part of the previously approved application (ref. 11/00735/FUL). It is noted that there is a relatively strong and obvious building line fronting Church Road. The application is sited adjacent to a small lane accessed off Church Road serving 2no. dwellings located to the rear of the Church Road fronting dwellings. As such, the pattern of development to the rear of the Church Road fronting dwellings has already been established and therefore the addition of the proposed dwelling would not result in undue harm to the character of the area in terms of pattern and layout of development. As such, the location of the dwelling and layout in the site is considered to be acceptable.
- 6.15 The proposed dwelling would be a 1.5 storey building which would take on a modern form with pitched roofs and a modern use of materials. The external materials would be Cotswold Stone and horizontal timber elevations with a standing seam zinc clad roof; a condition for materials details has been added given the lack of specific details submitted with the application.
- 6.16 Officers note the Architects Panel comments and that they do not support the scheme as proposed. Officers appreciate that the alteration from flat roofs to pitched roofs results in the dwelling reading as a larger form of development, however the dwelling would not dominate the site and is considered to be an appropriate footprint and form for the site. Officers consider the design approach to be acceptable and would not result in harm to the character of the area.
- 6.17 With the above in mind, it is considered that the siting, design and form of the proposed dwelling is appropriate and would therefore be compliant with the relevant planning policies and guidance.
- 6.18 Impact on neighbouring property**
- 6.19 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.
- 6.20 As a result of the public consultation period, there have been no responses received. Given the dwelling would be 1.5 storey's the rear of the dwelling would be single storey, with the majority of the openings to the rear at ground floor. The two storey element of the dwelling would be to the front with the only first floor windows on the front elevation overlooking the lane. As such, there are no concerns that there would be an overlooking or loss of privacy as a result of the proposed dwelling. Furthermore, as the dwelling is modest in scale, and given the relationship with adjoining properties, the building is not considered to be overbearing to adjoining land users, nor will it result in an unacceptable loss of light to neighbouring properties.
- 6.21 It is therefore considered that as a result of the proposed dwelling there would be no unacceptable impact to the existing amenity of adjoining land users.
- 6.22 Access and highway issues**
- 6.23 The Highways Officer has commented on the scheme; full comments can be read above, no objection has been raised. The Highways Officer identifies that the new dwelling will use an existing access (see planning application ref. 09/01517/FUL), and it is considered that this access is suitable to serve the proposed dwelling and would not result in an unacceptable impact on highway safety. On its highway safety impacts the scheme will

therefore comply with the requirements of policy INF1 of the JCS and section 9 of the NPPF, specifically paragraph 111.

6.24 Other considerations

6.25 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 For the reasons set out above, taking into consideration the previous permission and the comments received from relevant consultees, the proposed dwelling is considered to be acceptable in terms of principle, design and layout, protecting neighbouring amenity and highways safety and therefore is in accordance with the relevant planning policies and guidance.
- 7.2 The recommendation is to therefore permit this application subject to the conditions set out below.

8. CONDITIONS / INFORMATIVES

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

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

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

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

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

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

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

Reason: To promote sustainable travel and healthy communities in accordance with adopted JCS policies SD3 and INF1.

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: 22/00530/FUL	OFFICER: Mrs Emma Pickernell
DATE REGISTERED: 19th March 2022	DATE OF EXPIRY: 14th May 2022
DATE VALIDATED: 19th March 2022	DATE OF SITE VISIT:
WARD: Lansdown	PARISH:
APPLICANT:	Pearlbury Properties Ltd
AGENT:	SF Planning Limited
LOCATION:	Thai Emerald Restaurant 60 St Georges Place Cheltenham
PROPOSAL:	Relocation of extraction equipment (Retrospective) and proposed alterations to the extraction equipment

RECOMMENDATION: Permit



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site is a Thai restaurant known as Thai Emerald. It is located within a single storey building which is part of Formal House which is on the east side of St Georges Place. The application site is within the Old Town Character Area of the Central Conservation Area. The application site is locally indexed and the adjacent building, St Matthews Church is Grade II* listed.
- 1.2 Planning permission is sought for the relocation of the extraction system associated with the restaurant. The previous location for the extraction system was the rear of Formal House. The application documents explain that for legal reasons there was a requirement to move this. Subsequently a new extraction system was installed, without the benefit of planning permission upon the flat roof the Thai Emerald building. Planning permission for its retention is now sought and as such this element of the scheme is retrospective. However additional elements are proposed in order to improve the impact of the equipment upon neighbouring properties, these have been proposed in consultation with the Council's Environmental Health department.
- 1.3 The additional elements include:
- A cowl upstand at the end of the ducting
 - An additional silencer
 - A new fan in the acoustic enclosure

These elements have not been installed yet. As such the application is part-retrospective and part-proposed.

- 1.4 The application has been referred to planning committee by Councillor Seacombe due to the distress to local residents.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

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

Relevant Planning History:

01/00340/FUL 1st May 2001 PER

Erection of further ducting on rear elevation

02/00758/COU 28th June 2002 PER

Change of use of lower ground floor from vacant former retail storage to Class D1 (gymnasium) use

02/01116/FUL 6th September 2002 PER

Change of use of part of basement to A3 use as extension to existing restaurant use on site

3. POLICIES AND GUIDANCE

National Planning Policy Framework

Section 6 Building a strong, competitive economy
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 Cheltenham Plan Policies

D1 Design
SL1 Safe and Sustainable Living

Adopted Joint Core Strategy Policies

SD2 Retail and City / Town Centres
SD4 Design Requirements
SD8 Historic Environment
SD14 Health and Environmental Quality

Supplementary Planning Guidance/Documents

Central conservation area: Old Town Character Area and Management Plan (Feb 2007)
Index of buildings of Local Interest SPD (2007)

4. CONSULTATIONS

Building Control

24th March 2022

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

Environmental Health

25th March 2022

I have just had a look through the planning submission and I will be not raising an objection from an EH perspective. There is an active Abatement Notice in place and so I am hopeful these proposals will resolve the noise issues I have been investigating for some time now. I would like to point out that this is the second attempt at mitigation to resolve the noise issue and so regardless of planning permission being granted, if the noise issue is not resolved on completion of the works I will be requesting further works be undertaken to achieve compliance with the Abatement Notice.

Although I have not specifically been investigating odour, the addition of U/V - ozone filtration is also a welcome addition to the extraction.

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	92
Total comments received	6
Number of objections	5
Number of supporting	0
General comment	0

- 5.1 The application was publicised by way of letters to 92 neighbouring properties, a site notice and a notice in the Gloucestershire Echo. 6 representations were received which relate to the following issues:

- Noise levels are unacceptable
- Poor appearance

- Impact of odours

6. OFFICER COMMENTS

6.1 Determining Issues

- 6.2** The key issues in determining this application are considered to be the (i) appearance of the equipment and its impact upon locally indexed and listed buildings and upon the conservation area, and, (ii) impact upon neighbouring properties.

6.3 The site and its context

- 6.4** The application site is in the core commercial area and is an established restaurant. The immediate context is very mixed in terms of building type and use. Nearby uses include residential, offices, church, other Food and Beverage uses and retail. In principle officers would look to support equipment which facilitates commercial uses within such areas, especially when required by an established business in the town, provided that they are acceptable in terms of appearance and neighbour amenity.

6.5 Design and impact upon heritage assets

- 6.6** Section 12 of the NPPF relates to achieving well-designed places. It highlights that the creation of high quality beautiful and sustainable buildings is fundamental to what the planning and development process should achieve. At para 130 the NPPF explains that decisions should ensure that developments (amongst other things) are; (i) visually attractive as a result of good architecture, layout and landscaping, (ii) are sympathetic to local character and history while not preventing or discouraging appropriate innovation or change, (iii) establish a strong sense of place, (iv) optimise the potential of a site to accommodate an appropriate amount and mix of development (v) create places that are safe, inclusive and accessible. Para 134 states that development that is not well designed should be refused.
- 6.7** Policy SD4 of the JCS sets out design requirements within the following areas; (i) context, character and sense of place, (ii) legibility and identity, (iii) amenity and space, (iv) public realm and landscape, (v) safety and security, (vi) inclusiveness and adaptability, (vii) movement and connectivity.
- 6.8** Policy D1 of the Cheltenham Plan states that development will only be permitted if it adequately reflects principles of urban and architectural design and complements and respects neighbouring development and the character of the locality.
- 6.9** The Planning (Listed buildings and Conservation Area) Act 1990, Section 72 (1) requires special attention be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.
- 6.10** Chapter 16 of National Planning Policy Framework (NPPF) relates to heritage assets. Importantly, it is a requirement of Paragraph 197 of the NPPF to identify and assess the particular significance of any heritage asset... taking into account the desirability of sustaining and enhancing the significance of heritage assets. Paragraph 199 of the NPPF requires great weight be given to a heritage asset's conservation and the more important the asset, the greater the weight should be, irrespective of whether any potential harm amounts to substantial harm or less than substantial harm to its significance.
- 6.11** Paragraph 207 of the NPPF clarifies the loss of a building which makes a positive contribution to the significance of the Conservation Area should be treated either as

substantial harm under paragraph 200 or less than substantial harm under paragraph 201, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area.

- 6.12** Paragraphs 200 and 202 of the NPPF address harm to heritage assets. Paragraph 200 of the NPPF requires any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Paragraph 202 of the NPPF states, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset this be weighed against the public benefits of the proposal.
- 6.13** Policy SD 8 of the JCS requires that development within the Historic Environment should aim to sustain and enhance the significance of heritage assets.
- 6.14** As mentioned above the application site is locally indexed and adjacent to a grade II* listed building. It is also located within the conservation area.
- 6.15** The restaurant was previously served by an extraction system which included ducting with a cowl fitted, at the rear of Formal House. This is visible from St Georges Place, although it is well set back from public vantage points. The equipment which is the subject of this application is located on the rear section of the building, which is at a higher level than the section which fronts St Georges Place. Drawings have been submitted which demonstrate that the equipment, even with the upstand and cowl fitted will not be visible from the street. In this regard the proposed equipment will be less visible than that which it replaces.
- 6.16** The equipment is attached to the roof of the locally indexed building, however it does not result in significant harm to its fabric or its setting and as such the impact on the Thai Emerald building is considered to be acceptable. It is also considered to have an acceptable impact upon the setting of the adjacent grade II* listed church.
- 6.17** Therefore in terms of design and impact upon the conservation area, and both designated and non-designated heritage assets, the proposal is considered to be acceptable.
- 6.18** A condition is recommended requiring the removal of the existing extraction at the rear of Formal House.
- 6.19 Impact on neighbouring property**
- 6.20** Section 12 of the NPPF highlights that development should promote a high standard of amenity for existing and future users. This is further emphasised in policy SD14 of the JCS and Cheltenham Plan SL1 which set out the requirement for development not to cause unacceptable harm to the amenity of adjoining land users and the locality.
- 6.21** The application has been prompted by the involvement of an Environmental Health Officer (EHO) who has been investigating noise complaints.
- 6.22** The additional equipment proposed i.e. upstand, cowl, silencer and works within the acoustic chamber are welcomed by the EHO who is confident that they will bring noise down to acceptable levels.
- 6.23** He also notes that the scheme should improve odours, although this does not form part of his investigations.
- 6.24** Officers are therefore satisfied that the proposed alterations to the equipment will result in a scheme which has an acceptable impact upon neighbouring properties. It is accepted that there may be some residual impact and that the equipment will be visible from some of the residential units nearby, however it is considered that this will bring any impact to

within tolerable levels, bearing in mind that some disturbance is inevitable when living in the town centre. Nevertheless a condition is attached requiring the submission of a noise survey once the equipment is installed in order to ensure that it is performing correctly and achieving the anticipated improvements upon noise emissions. A condition is also attached requiring the installation of these measures within 2 months of the decision.

- 6.25** Subject to the above the proposal is considered to have an acceptable impact upon neighbouring properties.

6.26 Other considerations

6.27 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.

7. CONCLUSION AND RECOMMENDATION

- 7.1** For the reasons outlined above the proposal is considered to comply with the relevant policies and as such is recommended for approval subject to the conditions listed below.

8. CONDITIONS / INFORMATIVES

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

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

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

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

- 3 The ventilation and extraction systems and noise suppression systems shown on the approved drawings and documentation shall be installed within 2 months of the date of this decision and shall be retained in accordance with these details at all times.

Reason: To safeguard the amenity of adjoining 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).

- 4 A noise survey shall be submitted to, and approved in writing by the Local Planning Authority within 2 months of the installation of the noise suppression measures shown on the approved plans, along with a programme for the installation of any further suppression measures required. Any such measures shall be installed in full in accordance with the programme and shall be retained as such thereafter.

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).

- 5 Within 6 months of the date of this decision the extraction system which previously served the restaurant known as the Thai Emerald shall be removed in its entirety and any disturbed surfaces made good, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To preserve or enhance the character or appearance of the Conservation Area, having regard to adopted policy D1 of the Cheltenham Plan (2020), adopted policies SD4 and SD8 of the Joint Core Strategy (2017), Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and Historic Environment Good Practice Advice Note 2.

INFORMATIVES

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

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

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

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APPLICATION NO: 22/00530/FUL		OFFICER: Mrs Emma Pickernell
DATE REGISTERED: 19th March 2022		DATE OF EXPIRY : 14th May 2022
WARD: Lansdown		PARISH:
APPLICANT:	Pearlbury Properties Ltd	
LOCATION:	Thai Emerald Restaurant 60 St Georges Place Cheltenham	
PROPOSAL:	Relocation of extraction equipment (Retrospective)	

REPRESENTATIONS

Number of contributors	6
Number of objections	5
Number of representations	0
Number of supporting	0

Flat 28
Latheram House
Clarence Street
Cheltenham
Gloucestershire
GL50 3PL

Comments: 3rd April 2022

I object to the granting of retrospective permission for the extraction equipment until the noise problem is solved. The covering letter for the application says that EH has said there is no longer a problem. It does not appear that local residents were consulted. The noise level remains unacceptable.

It is audible even through closed double glazed windows and continues all day until 11pm. It is a constant nuisance if windows are open and spoils the experience of using balconies. Some of the affected apartments in Latheram House only have north facing windows/balconies and therefore have no other recourse to fresh air not subject to the noise nuisance.

In addition most of the paperwork supplied (plans and photos) does not show the position of Latheram House which is misleading and minimises the problem on the east side of St Georges Place.

Flat 20
Latheram House
Clarence Street
Cheltenham
Gloucestershire
GL50 3PL

Comments: 31st March 2022

Refence Number: 22/00530/FUL

Relocation of Extraction Equipment (Retrospective) at Thai Emerald Restaurant, 60 St Georges Place, Cheltenham.

I refer to the above application and write on behalf of my wife and myself who are residents

at Latheram House and have been affected on a daily basis by the noise nuisance.

The planning application arises from the need to address this noise nuisance that has emitted

from Thai Emerald Restaurant of 60 St Georges Place, Cheltenham since May 2021.

This noise

nuisance has affected the following properties at Latheram House, Clarence Street, Cheltenham:

Clarence Street Facing Apartments:

First Floor - Flats 5, 6, and 7;

Second Floor - Flats 12, 13, and 14;

Third Floor - Flats 19, 20 and 21;

Fourth Floor - Flats 27, 28 and 29;

Fifth Floor - Flat 26 and 28

We note that the covering letter from SFPlanning asserts that your colleague - Mr Alex Mason

is happy to confirm that the proposed solution resolves the noise issue. No evidence is provided within the application to support this assertion. Additionally, the application itself makes no reference to the level of noise which will be produced from the proposed solution.

Therefore as an interested party, who has had to live with the noise nuisance since May 2021,

no evidence is made available to us through an Environment Impact Assessment to assess the

application in this respect and make an informed observation - this is regrettable.

Therefore we would suggest that the application can only be agreed subject to a condition

placed on the level of noise that emanates from the extraction equipment which meets the

restrictions within the legislation relating to noise nuisance.

Flat 20
Latheram House
Clarence Street
Cheltenham
Gloucestershire
GL50 3PL

Comments:
NONE GIVEN

Unit 3 Royal Court
Church Green Lane
Kings Worthy
Hampshire
S023 7TW

Comments: 11th April 2022

Letter attached.

Flat 20
Latheram House
Clarence Street
Cheltenham
Gloucestershire
GL50 3PL

Comments: 11th April 2022

Relocation of Extraction Equipment (Retrospective) at Thai Emerald Restaurant, 60 St Georges Place, Cheltenham.

Further to my letter of 31 March 2022, I wish to add that it should be noted that the nearest properties to the extraction equipment at Latheram House e.g. Flats 5. 12. 19, 26 and 28 are only seven metres away from the extraction equipment. The planning application is opaque on this fact and on the level of noise that will be produced by the extraction equipment to those specific properties.

The application should be referred back to the applicants to address the specific issue as to how the proposal addresses the noise nuisance issue. Without this information both Officers and the Planning Committee do not have the necessary information to reach an informed decision on the proposal.

9 St Georges Tower
St Georges Place
Cheltenham
Gloucestershire
GL50 3PW

Comments: 30th March 2022

Dear Emma, your name has been given to me ***** as being the planning officer dealing with the above case.

I have the misfortune to own the flat directly opposite the pipe as I am on the first floor of St Georges Tower at eye-level with the rooftop pipe.

The relentless drone has been going on since Nov 13th 2020 and is on every day during working hours - which means until 11pm at night, every night.

From that date on I could not open the balcony windows or use my balcony at all and my flat has gone from a serene haven from which I could hear birds twittering and the wind in the linden trees outside my window to almost a place of dread. The huge and ugly pipe is clearly visible from my sitting room and the noise is relentless, hour after hour.

It has affected me so much that I have had to move out to stay with relatives.

I completely oppose the request for planning permission as although the owners have attempted to modify the noise they were unsuccessful

and still it contravenes the environmental health legislation. This has now been going on for nearly 18 months and they seem no nearer a solution.

Chelsea Square, the residential complex where I live, is in a conservation area and this noise is affecting everyone living round the main lawn

as well as anyone passing up and down St Georges Place (although if you stand directly outside the restaurant you cannot hear it unless

you move away from it). In addition anyone enjoying the main garden is subjected to constant curry-smelling fumes from the pipe which I think amounts to a health hazard.

***** has become involved on our behalf if you would like to speak to him? I am including an attachment of a video of the pipe at its worst.

Please turn the sound on.

Unit 3 Royal Court, Church Green Close, Kings
Worthy, Winchester, Hampshire, SO23 7TW

Mrs Emma Pickernell
Principal Planning Officer
Cheltenham Borough Council
Municipal Offices
Promenade
Cheltenham
GL50 1PP

4th April 2022

Dear Mrs Pickernell

Reference Number: 22/00530/FUL - Thai Emerald Kitchen Duct

We are writing as the freeholder of the later living retirement apartments at Latherham House. We wish to make the following points in response to the planning consultation for the above:

1. We are not seeking to impair the operation of another business(es) but we would wish the following to be considered by you as the LPA:
 1. The noise and smells generated by the current extract system is affecting our residents and our ability to sell apartments. It is a statutory nuisance.
 2. The current extract system was installed without planning permission and is in current use despite not having planning permission.
 3. The planning application suggests that the environmental officer (Mr Mason) considers that the proposed application will address the concerns. But no detail is provided and Mr Mason would not be expected to have the technical skills to be able to confirm this position. This assertion is therefore not correct.
2. We consider that the proper way forward on this matter would be as follows:
 1. The Thai Emerald kitchen has been served with an abatement notice and they should not be allowed use the kitchen until planning permission is granted and any conditions discharged. This would temporarily address the statutory nuisance and the failure to attain planning permission in the correct manner.. This is essential for the wellbeing of our residents and our ability to sell/rent our apartments.
 2. There is a need for clear technical performance standards to be set to ensure there is a clear benchmark regarding performance of the **installation** in terms of noise and smells. This should be a planning condition.
 3. There is a need for clear technical performance standards to be set to ensure there is a clear benchmark regarding performance of the **maintenance** in terms of noise and smells. This should be a planning condition. It must be stressed that if the landlord or tenant does not instigate and rigorously follow proper installation and maintenance that the system performance will reduce over time and the issues will continue. The previous failure to do this noted in item 1 resulted in smells within a few weeks of installation.

3. Please can the LPA confirm how they intend to review or set the standards for the technical proposals for installation and maintenance given the specialist nature of these works. We again stress that Formal Investments have tried repeatedly and unsuccessfully to address this issue over a number of years and are concerned that the matter will continue without meaningful intervention by yourselves.

Your sincerely,

A large black rectangular redaction box covering the signature area.A black rectangular redaction box covering the signature area, with a small handwritten mark above it.

Appeals Lodged APR/MAY 2022

Address	Proposal	Delegated or Committee Decision	Appeal Type	Anticipated Appeal Determination Date	Reference
The Paddocks Swindon Lane Cheltenham Gloucestershire	Demolition of the existing property and the construction of two 2 storey dwellings.	Delegated Decision	Written representation	July 2022	Appeal ref: 22/00006/PP1 Planning ref: 21/02505/FUL
The Bungalow 9 All Saints Villas Road Cheltenham Gloucestershire GL52 2HB	Proposed demolition of existing bungalow and replacement with a pair of semi-detached properties and associated works and infrastructure	Delegated Decision	Written representation	July 2022	Appeal ref: 22/00007/PP1 Planning ref: 21/01891/FUL

Appeals Determined

Address	Proposal	Delegated/Committee Decision	Appeal Type	Outcome	Reference
Clarence Court Hotel Clarence Square Cheltenham Gloucestershire GL50 4JR	Construction of a pergola (retrospective)	Committee Decision	Written representation	Appeal Dismissed	Appeal ref: 21/00021/PP1 Planning ref: 21/00583/FUL

Authorised By: Liam Jones 10.05.22

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