



CHELTENHAM BOROUGH COUNCIL

Notice of a meeting of Planning Committee

**Thursday, 14 July 2022
2.30 pm
Council Chamber - Municipal Offices**

Membership

Councillors:	Paul Baker (Chair), Garth Barnes (Vice-Chair), Glenn Andrews, Adrian Bamford, Bernard Fisher, Paul McCloskey, 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**
Apologies have been received from Cllrs Bamford and Andrews.
- 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 16th June 2022.
- 5. PLANNING APPLICATIONS**

Planning Committee

Thursday, 16th June, 2022

6.00 - 7.35 pm

Attendees

Councillors: Councillor Paul Baker (Chair), Councillor Garth Barnes (Vice-Chair), Councillor Glenn Andrews, Councillor Adrian Bamford, Councillor Barbara Clark, Councillor Emma Nelson, Councillor John Payne, Councillor Diggory Seacome, Councillor Simon Wheeler and Councillor Paul McCloskey (Reserve)

Officers in Attendance: Claire Donnelly (Planning Officer), Michelle Payne (Senior Planning Officer), Liam Jones (Head of Planning) and Gary Spencer (Legal Officer)

1. Apologies

Apologies were received from Councillor Fisher and Councillor Oliver.

2. Declarations of Interest

There were none.

3. Declarations of independent site visits

Councillor McCloskey had previously visited Brecon House and 37 Market Street.

Cllr Baker advised that he had not been able to visit Brecon House on Planning View and had therefore arranged a separate visit. He was met on site by the agent of whom he asked a number of questions. He was able to view the lay-out of the scheme as Members had seen on view. With hindsight he accepted that he should have discussed viewing the application site with the Head of Planning first for which he apologised.

4. Minutes of the last meeting

The minutes of the meeting held on 19th May were approved as a true record.

5. Planning Applications

6. 21/02755/FUL Brecon House, Charlton Hill

The case officer gave a detailed introduction to the application for the construction of a single dwelling, in the AONB but meeting the requirements of Paragraph 80 of the NPPF. She highlighted the landscaping, design, and reduction in size of the management building, and drew Members' attention to the lack of objection from neighbours, highways and the LLFA. Other consultees considered the proposal to be acceptable, a number of measures were included to improve the ecology of the site, as well as a range of sustainable technology, including solar panels and ground source heat pumps. Taking all economic, social and environmental aspects into consideration, officers were satisfied that the scheme should be supported on balance, for the reasons set out in the report.

She invited Members to take a close look at a scale model on display in the Council Chamber.

Public Speaking

The agent, speaking in support, apologised for the deferral of this application, which had been requested to ensure the best possible scheme was presented. Following consideration of questions raised, the decision had been taken to omit the home office element of the

estate management building. He said the applicants bought the site 20 years ago, appreciated its beauty and were keen to continue their passionate stewardship of the land with a 'forever house', designed collaboratively by a design team specialist expertise and experience in the design and delivery of Paragraph 80 houses. The scheme delivered a truly exceptional design, providing the opportunity for significant biodiversity gains, including landscaping, forestry and ecology improvements of the site. The architect is highly respected and renowned, and the scheme proposes an energy strategy which significantly exceeds not only current buildings regulation standards but also RIBA energy targets for 2030. The Design Review Panel fully supports the proposal, which meets in full the policy requirements set out in Paragraph 80 of the NPPF. He hoped that Members would permit the proposal, in line with the officer recommendation.

Member questions

In response to Members' questions, the officers confirmed that:

- the applicant had made no revisions to the woodland planting proposal, in response to the ecologist report suggestion that the scheme could include less woodland planting in favour of more grassland, but this could be secured as part of the detailed landscaping plan should Members wish;
- regarding the impact of the foundation design, the agent has carried out a full site investigation, and confirmed that no special foundations need to be incorporated – the scheme was designed to meet the highest standards regarding carbon;
- when designing Paragraph 80 houses, the architect always seeks to use a high percentage of cement-replacement concrete to further reduce unwanted carbon;
- foundation design and detail is usually considered as part of building regulations at construction stage, but a condition regarding foundation detail could be included if the applicant was agreeable;
- the climate emergency SPD to be considered at Council on Monday would serve as guidance rather than policy if agreed, and could only be taken into account once it had been adopted;
- the management building had to be considered as part of the application as submitted, and Members needed to consider the combined impact of the house and management building;
- the number of EV points could be secured through a condition;
- Paragraph 80 houses can be permitted in special circumstances and if they are of exceptional quality and likely to raise design standards in rural areas which would potentially translate to other local buildings. Building in the AONB wouldn't normally be permitted.

Member debate

In debate, Members made the following comments:

- flooding was an ongoing issue for Charlton Kings residents, with the culvert fitted 10 years ago now inadequate, and this proposal, covering 7.5h of the escarpment, not likely to improve the current situation, despite the drainage strategy. Flood risk is highlighted in the new climate change SPD, which states that any new development should not increase flood risk on a site, but should work with the natural landscape to reduce the risk of flooding. Natural flood management on the escarpment is the only way to reduce the flood risk in Cheltenham;
- could a condition regarding flood risk be included?
- this application causes a great number of challenges and confusion. There is no doubt that the applicant has put huge resource into the application. The key requirement for a Paragraph 80 dwelling is that it is of exemplary architectural merit, but there don't appear to be any criteria by which to judge this. The building is designed to fit into a space in a valley, and as a consequence, there is compromise. As the Architects Panel points out, there are quite a few unresolved issues in the design. The grainy black and

- white images don't help, but it doesn't appear to be an exemplar building – it looks very utilitarian, on three unconnected levels which don't flow together;
- hundreds of tons of concrete will be used in this building – this will have a negative environmental impact;
 - a Paragraph 80 dwelling is supposed to be a building of exemplar quality, but for this, it would need to be seen. This is hidden – no-one will see it – which makes it contrary to the NPPF;
 - the key to this application is balance – this is one dwelling on a huge site, with several EV points to mitigate the lack of sustainability. Highway safety is always a concern, but is not an issue here. Neither the parish council or local residents have objected. The design is subjective, but it is important to remember that the dwelling is both sustainable, designed with climate change in mind;
 - the building looks alright and will be hidden from view, but will involve a lot of concrete and bricks which will harm the environment. Measures proposed to mitigate this – such as tree-planting – and the inclusion of solar panels and ground source heat pumps is welcomed, but the physical harm the building does to the AONB is not outweighed by the minimal improvements it makes to the environment;
 - this is very much an on-balance recommendation from the officer – there are a lot of positives with this proposal, but also lots of negatives on this biodiverse site which has not changed for hundreds of years. AONB is the highest designation for countryside – nature is under massive threat, and the council can be proud of its good record protecting the AONB. The question is whether this proposal ticks all the boxes for a Paragraph 80 dwelling, and it doesn't appear to: other schemes won't be able to afford similar design and materials to allow it to be called exemplar, and this dwelling will not enhance the beauty and peace of the setting. There are strong policy reasons not to support it, starting with SP6 and SP7;
 - no architecture can beat the beautiful sights, sounds and smells of nature in terms of well-being for hikers, for example, and although the applicants have clearly done their homework and proposed some sensible mitigation, this proposal falls into the carbuncle arena, and cannot be described as outstanding design quality;
 - the field is not actually open to the public, and the dwelling is designed at a low level in the hollow, with landscaping all around. The architect has done a good job of making this 'forever home' as sympathetic to the existing landscape as possible.

The Head of Planning reminded Members that building in the AONB is sometimes permitted, taking into account its impact and the quality of the landscaping – this scheme has been thoroughly appraised, and designed to take account of the site and reduce the building's impact through increased planting. He understood the concerns about the amount of concrete being introduced to the site, but pointed out that this could be a proposal for an agricultural building of the same scale. Officers looked at the proposal carefully, considered the policy position, and concluded that it is acceptable.

In response to a further question, whether a condition could be included to look at natural flood management to limit the risk of flooding to Cheltenham, he said the local flood authority had no objection to the scheme, and it would be difficult to justify the condition.

After further discussion, and in view of several Members' concerns about the additional concrete on site and the proposed landscaping scheme, the case officer confirmed that additional conditions could be added:

- the scope of the landscaping condition could be amended to allow a stronger landscaping scheme, requiring details of all planting and being quite specific about what Members wanted to see;
- a condition requiring whole foundation detail, including the use of materials, to be submitted and agreed.

It was agreed that the Chair and Vice-Chair could liaise with officers and bring back to Committee if necessary.

Vote on officer recommendation to permit with two additional conditions as outlined, regarding landscaping and foundation details:

2 in support

7 in objection

1 abstention

NOT CARRIED

The Head of Planning asked Members to specify their reasons for refusal. The Chair proposed refusal reasons based on the impact on the AONB, failure to enhance the landscape or setting, not meeting the conditions of NPPF paragraph 80 or 176, and conflicted with JCS policies SD6 and SD7, and possibly policies SD10 and INF1. After further discussion, and in view of no highways objection, INF1 was not taken forward.

Vote on move to refuse on NPPF 80 and 176, and JCS SD6, SD7 and SD10

8 in support

2 in objection

CARRIED - REFUSE

7. 22/00708/FUL 37 Market Street

The case officer introduced the proposal for first-floor side and single-storey rear extensions to a terraced property in Market Street. A previous similar scheme was refused for lack of sanitary facilities only; it was not refused on design grounds or for the impact on neighbouring amenity. The current proposal is exactly the same at ground floor, but includes an additional shower room between Bedrooms 3 and 4 on the first floor, thus overcoming the previous refusal reason. The recommendation is to grant planning permission.

Public Speaking

The planning agent, speaking in support, thanked the officer for her clear report, and referred back to the previous scheme which was refused due to concern about lack of sanitary facilities. He acknowledged that the internal layout of the house was unusual, and had empathy with that opinion, but the solution was straightforward and the bedrooms had been slightly reduced in size to accommodate an upstairs bathroom. This fully addressed the only refusal reason; in all other aspects the scheme was exactly the same as the previous proposal, which complied with Policy SD14 and was considered acceptable. He asked Members to support the officer recommendation and grant planning permission.

Speaking on behalf of local residents, a neighbour said that discussion of the previous application had focussed largely on lack of facilities, but also noted that 37 Market Street was described as a residential dwelling whereas all neighbours are aware of the reality that this property is owned and let as a house of multiple occupancy (HMO). The plans are misleading in showing the ground floor rooms as living rooms where these are in fact rented as bedrooms. The revised plans have done the bare minimum to address the Committee's concerns, but to increase the rental opportunity of the dwelling to six bedrooms. She urged Members to consider a site visit before making a final decision, to see the impact of this on neighbours. The extensions will result in over-development of the property, which is already extended, resulting in a disproportionately large dwelling. It will mean loss of light to neighbouring properties, in particular the side extension will reduce the gap and therefore the natural light to the kitchen and bathroom of No. 39; it will also result in a loss of privacy to No. 35. She asked that Members consider the council's responsibility under the Human Rights Act which grants people the right to peaceful enjoyment of their homes.

On behalf of his constituents, Councillor Willingham, suggested there were clear planning grounds to refuse this scheme, but if Members were minded to permit, he asked that several conditions should be added. He said the proposal represented over-development, making the dwelling excessively large for the site, contrary to NPPF Paragraph 124c, d and e, and potentially resulting in an 8-person dwelling with only two parking permits. He suggested that the extended property would change the character of the area, was not well designed, and would not be attractive or healthy. It was not a high-quality building, compliant with NPPF Paragraph 126, and the plans show that as much of the floor space as possible is taken up by bedrooms, with no consideration for the living space of future residents and bedrooms too small to be considered liveable, in conflict with JCS Policy SD14 and resulting in health inequality – the number of people and bedrooms being crammed in, with limited bathroom and kitchen space failed to meet requirements. The plan shows eight bedrooms – this would result in low-quality living conditions, with residents having to cook and eat in shifts, and no storage space in the bedrooms, in effect creating a modern-day slum. This was not acceptable to him, his constituents, or anybody who cares about the least well-off in the town.

If Members were still minded to permit, he asked that two conditions be attached – one for detailed refuse and recycling arrangements to be agreed before the start – green boxes and bins on terraced streets need to be managed - and cycle parking provision, in view of the limited number of parking permits per dwelling. Both these conditions would be necessary, reasonable and proportionate to protect the amenity of the local area, but having heard his own and his constituent's objection, he hoped Members would agree that there were clear planning reasons in the NPPF and JCS to refuse the proposal.

Member questions

In response to Members' questions, officers confirmed that:

- the new facility would comprise a shower, toilet and basin;
- if people are living at the property, it is classed as a residential property, regardless of whether it is a family home or an HMO; as an HMO, it should be registered and is subject to different rules and regulations, mostly related to environmental health, and residents with concerns should contact the environmental health team who will take relevant action;
- the application must be determined on the basis of the plans presented – as an extension to a residential dwelling;
- as the application was only refused on one ground last time – lack of sanitation – if Members are looking to add additional grounds, they will need good reasons to how the situation has changed since the last time it was considered – an appeal inspector would require such evidence, and there would be a risk of costs against the council without it;

The Head of Planning confirmed that up to six unrelated people could occupy the house without the need for planning permission, and an application to use it as an HMO would only be needed for seven or more residents. A licence would also be required for this through a separate process, which would control matters regarding the adequacy of facilities, sanitary facilities, bedroom size etc. All Members were being asked to consider was whether the previous refusal reason – lack of sanitation – had been overcome. They clearly had concerns about amenity, impact on local residents etc, but if there were no clear planning grounds for refusal, a subsequent appeal would probably succeed.

Member debate

Councillor Barnes noted the concern about this proposal, but also that the Committee was limited in what it could approve or reject. The house wasn't visited on Planning View for various reasons, and viewing it in context would have been helpful. He suggested deferring a decision until Members had the opportunity to visit the site and understand the context of

the building. The Chair pointed out that this revised application only made internal changes, and arguments about over-development couldn't be resurrected.

In the absence of any further comment, the Chair moved to the vote.

Vote on officer recommendation to permit

2 in support

7 in objection

1 abstention

REFUSE

A Member said by voting to refuse, Members had put themselves in a difficult position, and denied themselves the opportunity to visit the site. He was uncomfortable with this, as he could not see that there were any reasons to refuse the application at present. The Chair noted that all Members seemed to have concerns about the proposal, and many of them were new to Planning Committee, not present when the previous application was decided. He suggested revoking the refusal, and proposed deferral to allow Members to visit the site.

Vote on Cllr Baker's move to defer, pending site visit

9 in support

1 abstention

DEFER

The Chair confirmed that a site visit would be organised, and a request to view the site from the neighbouring property was noted.

8. 22/00634/FUL 52 Queens Road

The case officer introduced the application for a rear dormer in a mid-terraced property in the Central Conservation Area. This had been reduced in size to address officer concerns, and the key considerations were design, impact on the conservation area, and impact in neighbouring amenity. The recommendation was to permit, with standard conditions, and the application was at Committee because the applicant works for the council.

There were no public speakers for this item.

Member questions

In response to Members' questions, the case officer confirmed that:

- the dormer window looked straight down the applicant's garden, and would not result in direct overlooking of the neighbour's garden;
- dormer windows in a conservation area are not allowed without planning permission – they are not classed as permitted development; the new SPD does not override this.

There was no Member debate.

Vote on officer recommendation to permit

9 in support – unanimous

PERMIT

9. Appeal Update

Appeals information had been circulated, including recent decision notices, which the Chair said were well worth reading.

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

There were none.

Chair

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APPLICATION NO: 22/00708/FUL	OFFICER: Michelle Payne
DATE REGISTERED: 15th April 2022	DATE OF EXPIRY: 10th June 2022 (extension of time agreed until 17th June 2022)
DATE VALIDATED: 15th April 2022	DATE OF SITE VISIT:
WARD: St Peters	PARISH:
APPLICANT: Mr Z Kwinter	
AGENT: SF Planning Limited	
LOCATION: 37 Market Street Cheltenham Gloucestershire	
PROPOSAL: Proposed side and rear extensions (revised scheme following refusal of application ref. 21/02361/FUL)	

RECOMMENDATION: Permit



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site is located on the north-eastern side of Market Street, within St Peters ward, and comprises a terraced, two storey dwelling. To the rear, the site backs onto the rear of properties in Bloomsbury Street.
- 1.2 The property is red brick beneath a pitched, slate roof, with white uPVC windows and doors. The property has been previously extended to the side at ground floor by way of a flat roofed addition which is finished in render.
- 1.3 The applicant is seeking planning permission for the erection of a first floor side extension and a single storey rear extension. It is a revised scheme following a recent refusal of planning permission at the February committee meeting.
- 1.4 The previous application was refused by members, contrary to the officer recommendation, due to the lack of adequate sanitary facilities to serve the dwelling. The refusal reason reading:

The proposed development would be inadequately served by sanitary facilities with only a single shower room and toilet to serve a four double bedroomed property. As such, the proposed development would be contrary to the aims and objectives of policy SD14 of the Joint Core Strategy (2017) which requires development to "protect and seek to improve environmental quality. Development should not create or exacerbate conditions that could impact on human health or cause health inequality." Additionally, the development would fail to meet the provisions of paragraph 126 of the National Planning Policy Framework (2021) which highlights the need to ensure that design proposals are of a high quality, and create better places in which to live and work.

- 1.5 In order to address the above reason for refusal, the scheme has been revised to include an additional shower room at first floor. In all other respects, the proposals are unchanged.
- 1.6 The application is again before planning committee at the request of Cllr Willingham whose comments can be read in full at section 4 below.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

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

Relevant Planning History:

21/02361/FUL

REFUSED

18th February 2022

Proposed side and rear extensions

3. POLICIES AND GUIDANCE

National Planning Policy Framework 2021 (NPPF)

Section 2 Achieving sustainable development
Section 4 Decision-making
Section 12 Achieving well-designed places

Adopted Cheltenham Plan 2020 (CP) Policies

D1 Design

SL1 Safe and Sustainable Living

Adopted Joint Core Strategy 2017 (JCS) Policies

SD4 Design Requirements

SD9 Biodiversity and Geodiversity

SD14 Health and Environmental Quality

Supplementary Planning Guidance/Documents

Residential Alterations and Extensions (2008)

4. CONSULTATION RESPONSES

Building Control - 19th April 2022

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

Ward Councillor - 27th April 2022

This is just a brief note to say that I would like to call-in 22/00708/FUL (37 Market Street). I will provide some more details in due course, but the neighbours have raised concerns about the over-development of the site, and I have concerns about the quality of living space based upon the sizes of the two new double bedrooms, which are very cramped, the noise implications of having a bathroom between them, the size of the kitchen for 8 people, and the general quality of the development.

I appreciate that you may need this with more detailed planning reasons, but I wanted to let you know about this with as much notice as possible.

Just as an addition, if possible at least one of the objecting neighbours has said they would welcome the opportunity of a site visit via Planning View so that the committee can see the impact on their dwelling.

I'm not sure if this is possible, but I thought I should pass on the request.

Ward Councillor - 23rd May 2022

In terms of planning policy considerations, I believe that the proposal represents "overdevelopment", e.g. it is excessive for the site that it is proposed to occupy. This seems contrary to NPPF ¶124, bullets c, d & e, insofar as the proposal does not fit with the capacity of local infrastructure and services, for example an eight-person dwelling without off-street parking only having two parking permits. The proposal changes the character and setting of the area, and as a primary objection, the proposal is not a well-designed, attractive and healthy place. The "healthy places" being a significant objection.

I also remain unconvinced that the proposal is compliant with NPPF ¶126 as this does not strike me as a "high-quality" building, the plans seem to be to try to cram as much bedroom space as possible into the space. If this was an application by a residential householder with a large family, then the council might look upon this more sympathetically, however, that is not the case.

Translating this down to local policies, the proposals still do not seem to be compliant with JCS policy SD14. This says, "High-quality development should protect and seek to improve environmental quality. Development should not create or exacerbate conditions that could impact on human health or cause health inequality." I do not believe that this has been achieved by this proposal.

Finally, the proposals do not seem to be compliant with the SPD on “Residential Alterations and Extensions”. At 2.1 (3), this policy notes “The Council will maintain such spaces between buildings to prevent a terracing effect between existing houses.” Given the current proposal seeks to completely remove this space, it clearly violates the council’s own SPD policy on this matter.

Following a further site visit, should the planning application be approved, then I believe that the following planning conditions (or slightly better worded equivalents) need to be put in place:

1. The dropped kerb outside the two-storey extension needs to be removed, and the kerb line restored. Reasons – space is too small for a car, but the dropped kerb affects parking provision, and also for public safety outside the development.
2. Refuse and recycling storage to be provided. Reasons – residential amenity of neighbouring dwellings
3. Cycle parking to be provided. Reasons – dwelling is limited to two parking permits, so this is to encourage / provide sustainable transport opportunities.

I realise that some of these issues are subjective, but I have tried to frame them in specific planning policies. Having the Planning Committee consider these will also ensure that my constituents and the applicant get to see this proposal determined in public. I hope this fulfils the requirements of giving material planning reasons for a call-in, but if you need further information, please let me know.

5. PUBLICITY AND REPRESENTATIONS

5.1 Letters of notification were sent to 10 neighbouring properties. In response to the publicity, objections have been received from four local residents. The representations have been circulated in full to Members but, in brief, they largely repeat the concerns made in response to the previous application, namely:

- Highway impact/parking
- Noise and disruption during construction
- Overdevelopment/overbearing
- Loss of light/overshadowing
- Overlooking/loss of privacy

6. OFFICER COMMENTS

6.1 Determining issues

6.1.1 The main consideration when determining this application is whether the revisions put forward by the applicant adequately address the previous reason for refusal.

6.2 Design

6.2.1 Adopted CP policy D1 requires all new development to complement and respect neighbouring development and the character of the locality; whilst extensions or alterations to existing buildings should avoid causing harm to the architectural integrity of the building or the unacceptable erosion of open space around the existing building. The policy is generally consistent with adopted JCS policy SD4 and advice set out within Section 12 of the NPPF.

6.2.2 Further design advice in relation to domestic properties is set out within the Council’s adopted ‘Residential alterations and extensions’ SPD.

6.2.3 In terms of scale, form and external appearance, the proposed development is the same as that previously proposed; the officer report which accompanied that application stating:

6.2.3 Officers are satisfied that the proposed extensions are acceptable from a design perspective. Whilst in this case, the side extension is not set back from the principal elevation, the extension will serve as a continuation of the terrace and is considered to be the most appropriate way of extending the property. Indeed, officers are of the opinion that the extension would result in an improvement to the streetscene; the existing flat roofed extension appearing as an obtrusive feature. Moreover, given the local context, which is largely characterised by terraced properties, the loss of the existing gap is not considered harmful in this instance.

6.2.4 To the rear of the property, as revised, the existing single extension would be subject to a fairly modest increase in footprint. The chamfered roof design, whilst perhaps not ideal, is an appropriate design solution to mitigate the impact on the neighbouring property, and will limit the height of the extension adjacent to the boundary. The extension will not be visible from the public realm.

6.2.5 The use of materials to match those used in the existing building and wider street scene will ensure that the general character and appearance of the property will be maintained.

6.2.6 Overall, officers are therefore satisfied that the proposals accord with the provisions of CP policy D1, JCS policy SD4, and the general design advice set out within the 'Residential alterations and extensions' SPD.

6.2.4 Members will be aware that the previous scheme was not refused on design grounds; and it would be unreasonable to now reach a different conclusion given that the design of the development is unchanged.

6.3 Amenity

6.3.1 Adopted CP policy SL1 advises that development will only be permitted where it will not cause unacceptable harm to the amenity of adjoining land owners or the locality; these requirements are reiterated in adopted JCS policy SD14. CP paragraph 14.4 advises 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...".

6.3.2 The impact of the development on all neighbouring properties was taken into account when considering the proposals previously; the officer report stating:

6.3.2 As previously noted, revised plans have been submitted during the course of the application to mitigate the impact of the rear extension on the adjacent property, no.39 Market Street. The two storey addition originally proposed, particularly the first floor bedroom addition, would have had a significant impact on the kitchen window in the rear of this neighbouring property. Following the omission of the first floor element and the introduction of the chamfered roof, the extension now passes the 45° daylight test used to assess the impact of an extension on an adjacent window, and is acceptable. The height adjacent to the boundary will be 2.4 metres and the extension projects 3.5 metres.

6.3.3 In considering the first floor side extension, officers are satisfied that whilst the extension will undoubtedly have some impact on the neighbouring property, no.35 Market Street, it is not considered that any such impact will be so great as to warrant a refusal of planning permission on amenity grounds.

6.3.4 *With regard to overlooking and loss of privacy, the angled garden to this neighbouring property has been duly noted but the single window proposed in the rear of the extension is unlikely to significantly compromise existing levels of privacy and overlooking, over and above that which already exists. The relationship between the window and the neighbouring garden will not be dissimilar to that elsewhere*

6.3.5 *Light to windows serving habitable rooms in this neighbouring property will not be affected; the extension does not project beyond the rear elevation of this property.*

6.3.6 *Moreover, any loss of sunlight and overshadowing of the rear garden will be limited, given the orientation of the existing properties, and the width of the existing gap between the properties which narrows to the rear.*

6.3.7 *Furthermore, with regard to noise transfer between properties, this is a matter for Building Regulations; however, a new cavity wall is shown on the floor plans. Also, the works will require agreement under the Party Wall etc. Act 1996; the granting of planning permission does not negate the need to also comply with the act where it is applicable.*

6.3.8 *The comments from local residents in relation to noise and disturbance have been noted but some noise and disturbance during construction work is to be reasonably expected. Individual circumstances cannot be taken into account. However, for the avoidance of doubt, an informative has been attached advising the applicant/developer of the accepted construction hours for works which are audible beyond the boundary, which are Monday to Friday 8am to 6pm, and Saturdays 8am to 1pm.*

6.3.3 Officers remain satisfied that the proposals would not result in any unacceptable amenity impacts on neighbouring residents. The provision of an additional shower room would not have any detrimental impact on neighbouring residents.

6.3.4 In addition, the impact of the development on neighbouring properties was not a reason for refusal of the previous application.

6.4 Other considerations

Householder application

6.4.1 It is important to remember that this is a householder planning application. The property is not on the Public Register of Licensed HMO's. The speculative future use of the property as a HMO is not a material consideration in the determination of the application. This was addressed in the previous offer report at paragraph 6.4.1 which sets out that *"The occupation of a domestic property by up to six unrelated individuals does not require planning permission unless permitted development rights have been removed. This site does not fall within the area covered by the Article 4 Direction which removes permitted development rights for developments involving a change of use of a dwelling to a HMO"*.

6.4.2 The sizes of the individual rooms such as the kitchen etc. are not relevant in the consideration of this application. If, in the future, the property was to be occupied by five or more people, forming two or more households, a HMO licence would be required from the Council. This is entirely separate to any need for planning permission, albeit planning permission would also be required if the property were to be occupied by six or more unrelated individuals.

Parking

6.4.3 Whilst parking has again been raised as a concern by local residents, the proposals will not result in the loss of any existing on-site parking space. Moreover, the scale of

development proposed is unlikely to result in any tangible impact on parking. There are no parking standards for the development to adhere to. As such, the condition suggested by Cllr Willingham, requiring the removal of the existing drop kerb, would fail to the necessary tests in that planning conditions, as per NPPF paragraph 56, should “*only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.*”

6.4.4 Similarly, given that this is an application to extend a single domestic property, it is not reasonable or necessary to secure refuse and recycling storage, or cycle parking, by way of conditions; the proposal will not result in an increase in residents above and beyond that reasonably expected of a residential property. The property benefits from adequate, secure, outdoor amenity space to the rear.

Protected species

6.4.4 Whilst records show that important species or habitats have been sighted on or near the application site in the past, given the scale and nature of the proposals, it is not considered that the proposed development will have any harmful impact on these species.

Public Sector Equalities Duty (PSED)

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

6.4.6 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.

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

7. CONCLUSION AND RECOMMENDATION

- 7.1 With all of the above in mind, the proposals are considered to be in accordance with relevant national and local planning policies, and the recommendation is to grant planning permission subject to the conditions below.
- 7.2 Members are reminded that the previous application was only refused on one ground, namely, the lack of adequate sanitary facilities; and officers are satisfied that the additional shower room now proposed at first floor is sufficient to address the previous concern.

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.

INFORMATIVES

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

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

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

- 2 The applicant/developer is advised that the works will likely require agreement under the Party Wall etc. Act 1996; the granting of planning permission does not negate the need to also comply with the act where it is applicable.

APPLICATION NO: 22/00708/FUL	OFFICER: Miss Michelle Payne
DATE REGISTERED: 15th April 2022	DATE OF EXPIRY : 10th June 2022
WARD: St Peters	PARISH:
APPLICANT:	Mr Z Kwinter
LOCATION:	37 Market Street Cheltenham Gloucestershire
PROPOSAL:	Proposed side and rear extensions (revised scheme following refusal of application ref. 21/02361/FUL)

REPRESENTATIONS

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

31 Market Street
Cheltenham
Gloucestershire
GL50 3NJ

Comments: 6th May 2022

Further to the recent revised proposal, please accept my comments as follows. I'm sorry I didn't meet the deadline of 5th May, however I would be grateful if my comments could be taken into consideration.

I reiterate my concerns previously raised. In my opinion, this planning proposal is purely for financial gain.

I am extremely concerned about the planning proposal, reference above, which will have an immediate impact on the surrounding environment and the residential amenity for me and my neighbours.

This property is already rented out, with the downstairs rooms being used as bedrooms. Additions to the house would mean that there could potentially be a total of 6 bedrooms. The proposal makes it sound as though it is a family house that will be extended, not a multi-let property.

This is a residential neighbourhood, primarily occupied by families and people who have lived here for a considerable period of time, owner occupiers such as myself. If this property is extended further, I am concerned that this will continue to be let, but to more occupants. Bearing in mind this is not necessary for the occupants of the house to enhance their living circumstances and it is purely for financial gain, I am angry about the potential impact on the rest of the neighbourhood.

In addition, building works would be incredibly intrusive for us all and would have a major impact on the already difficult situation with parking.

I look forward to hearing from you.

30 Market Street
Cheltenham
Gloucestershire
GL50 3NH

Comments: 1st May 2022

As I haven't seen any tangible changes outside of adding a proposed toilet, I reiterate my objection on the planning permission for this property.

As a resident of the street who works from home throughout the week I have noted the following observations and challenges. I have noted the objections below as this will not have been considered by the property owners with the proposed development.

Parking

Parking is limited on the streets for the residents. There is no note within the plans whether this will block parking spaces but looking at the plans it would seem to require this - This will cause disruption to residents obtaining parking. Secondly, it would seem the intention of the development is to increase the number of people renting within the building - I do not believe the additional strain in parking has been considered by additional residents on the street.

Street

The street is a single lane dead end road and connects to 2 other streets at the bottom of the road. It is in heavy use by residents as well as deliveries etc. The plans for development will likely require partial closure of the street which is unacceptable to residents as they will be unable to leave or arrive in the area. The significant disruption on the streets alone would have a significant effect on residents.

Pavement

I also register concern that the pavement will be unsafe during the works on the side of the road of the property. This will cause significant disruption not only the residents but they many people who go through it each day. I have observed a significant number of children (including my own) using this pavement throughout the day as well as pram users and disabled people. As there are a number of schools and a park 50 metres down the road, I'm concerned that the safety of the public has not been taken into account with the proposed development.

Length of Time

No length of time has been included within the plans - how long will the residents and the public have to deal with the disruption.

Noise Pollution

To follow on from length of time - what would the level of noise pollution be? It would seem the levels would reach unreasonable due to the nature of the work. As I work from home (as do others on the street) and I also have a young child who has naps within the day and due to the noise created will severely impact the quality of life we have. This will interfere in peaceful enjoyment living within our properties.

Overdevelopment

It would seem this property is already occupied as a HMO - I'm concerned at this proposed development as it seems out of ordinary for the street as well causing parking

Page 21

strain due increased people living within the property. It would seem that the intention for the proposed development is to get in as many people into the property as possible to maximise the rent obtained from the property. The development could also cause damage and issues for neighbouring properties due to the overdevelopment.

I implore you to consider the above points in consideration on the permission of this proposed development and how the proposal should be rejected.

35 Market Street
Cheltenham
Gloucestershire
GL50 3NJ

Comments: 3rd May 2022

I strongly oppose the revised plans for 37 Market Street on the grounds that this is a gross overdevelopment of a terraced HMO which currently houses 5 unrelated tenants and is neighboured by modest owner occupied 2 bedroom residential properties.

Unsurprisingly the revised planning proposal recently submitted has done the bare minimum to address the Head of Plannings grounds for refusal of the previous application, following Planning Committee Review, which stated "The proposed development would be inadequately served by sanitary facilities with only a single shower room and toilet to serve a four double bedroomed property. As such, the proposed development would be contrary to the aims and objectives of policy SD14 of the Joint Core Strategy (2017) which requires development to "protect and seek to improve environmental quality. Development should not create or exacerbate conditions that could impact on human health or cause health inequality." Additionally, the development would fail to meet the provisions of paragraph 126 of the National Planning Policy Framework (2021) which highlights the need to ensure that design proposals are of a high quality, and create better places in which to live and work".

On plan the smallest shower room possible has been squeezed in between the 2 additional double bedrooms in the side extension which if approved will have the potential to increase occupancy from the current 5 tenants housed in the 2 existing bedrooms, living room and dining room to 11 tenants housed in 4 upstairs double bedrooms, living room and dining room. This begs the question aside from the sanitary facilities will the planned kitchen facilities be sufficient?

Lastly but most importantly from a personal prospective the revised proposal has done nothing to address my concerns regarding loss of privacy and loss of light to the rear garden and courtyard of my property 35 Market Street which I have detailed in my previous objection correspondence. I would again like to invite representatives of the planning dept to visit my property to gain a perspective of the scale of the plans for 37 Market Street and the detrimental effect the development will have on the neighbouring properties should approval be given.

39 Market Street
Cheltenham
Gloucestershire
GL50 3NJ

Comments: 3rd May 2022

I would like to make clear my strong objection to the revised plans for 37 Market Street on the grounds that this is a gross overdevelopment of a terraced HMO which currently houses 5 unrelated tenants and is neighboured by modest owner occupied 2 bedroom residential properties. Already extended twice 37 Market Street is currently run as a 4 bed roomed HMO in which the existing ground floor rooms named in the proposal as sitting room and dining room (front) are let as bedrooms and the property is currently housing 5 tenants.

The revised planning proposal has done the bare minimum to address the Head of Plannings grounds for refusal of the previous application, following Planning Committee Review, which stated "The proposed development would be inadequately served by sanitary facilities with only a single shower room and toilet to serve a four double bed roomed property. As such, the proposed development would be contrary to the aims and objectives of policy SD14 of the Joint Core Strategy (2017) which requires development to "protect and seek to improve environmental quality. Development should not create or exacerbate conditions that could impact on human health or cause health inequality." Additionally, the development would fail to meet the provisions of paragraph 126 of the National Planning Policy Framework (2021) which highlights the need to ensure that design proposals are of a high quality, and create better places in which to live and work".

On plan the smallest shower room possible has been squeezed in between the 2 additional double bedrooms in the side extension which if approved will have the potential to increase occupancy from the current 5 tenants housed in the 2 existing bedrooms, living room and dining room to 11 tenants housed in 4 upstairs double bedrooms, living room and dining room. This leads me to wonder if the kitchen facilities will be adequate.

I still have concerns about the amount of light which will be able to get through to my downstairs kitchen and bathroom windows if the rear ground floor extension is to take place. The view from my kitchen window will be of a concrete alleyway. Equally my upstairs back window will be affected by the proposed first floor smaller extension. I would urge you to consider the responsibility of the council under the Human rights act in particular protocol 1, Article 1 which states that a person has the right to peaceful enjoyment of all their possessions which include the home and other land.

Even with previously provided photographs It is difficult for us to articulate the very real impact this development will have on our homes. And I'm sure it is difficult for you to picture it. We would therefore welcome the opportunity to meet with a representative of the planning department at our homes to illustrate our objections first hand before a final decision is made.

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Officer Report

APPLICATION NO: 22/00816/FUL		OFFICER: Mr Daniel O Neill
DATE REGISTERED: 4th May 2022		DATE OF EXPIRY: 29th June 2022 (EOT: 15th July 2022)
DATE VALIDATED: 4th May 2022		DATE OF SITE VISIT: 26 th May 2022
WARD: Benhall/The Reddings		PARISH:
APPLICANT:	Mr Jason Bertman	
AGENT:	AJ Architects Ltd	
LOCATION:	3 The Grange The Reddings Cheltenham	
PROPOSAL:	Single storey rear extension with raised patio and rear dormer to form loft conversion (part-retrospective)	

RECOMMENDATION: Permit



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 3 The Grange is a detached two storey dwelling located on the north side of the road known as the Redding's. The properties does not lie within an article 2(3) land but does sit wholly within the Greenbelt.
- 1.2 The applicant is seeking planning permission for a single storey rear extension and rear dormer to form a loft conversion, with a raised garden patio. Planning permission was initially given for these works in July 2021, ref. 21/01199/FUL, but did not include the raised garden patio.
- 1.3 This application therefore is a revised scheme to seek planning permission for the raised patio. Works have already begun and the raised patio has been partially built, thus this application has been considered in a part-retrospective manner.
- 1.4 No changes are proposed to the approved single storey rear extension and rear dormer to facilitate a loft conversion, therefore this report should be read in conjunction with the officer's report attached to planning permission ref. 21/01199/FUL.
- 1.5 This application has been called to Planning Committee at the request of Cllr Britter due to the concerns with the raised patio and its impact on the amenity of the surrounding neighbours.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Airport safeguarding over 15m
Greenbelt
Principal Urban Area
Residents Associations

Relevant Planning History:

84/01110/PF 4th September 1984 REF

Outline application for residential development on 0.32 ha. Of land, including the construction of a new estate road access.

84/01111/PF 26th October 1984 WDN

Outline application for sheltered group flatlet scheme for the elderly with communal facilities. Construction of a new vehicular and pedestrian access.

85/01394/PF 19th February 1985 REF

Outline application for the erection of 16 flats and garages. Construction of a new vehicular and pedestrian access.

85/01484/PF 20th December 1985 PER

Erection of 7 dwellings with private car garages. Construction of new vehicular and pedestrian access

85/01485/PF 11th June 1985 PER

Outline application for the erection of 4 semi detached houses with private car garages. Construction of a new vehicular and pedestrian access

21/01199/FUL 14th July 2021 PER

Single storey rear extension with external wood stove flue and rear dormer to form loft conversion

22/00171/AMEND 27th January 2022 PAMEND

Non-material amendment to planning permission ref. 21/01199/FUL to lantern lights

22/00755/AMEND 29th April 2022 NOT

Non material amendment to planning permission 21/01199/FUL, seeking rather than have the steps lead off from the bi-fold doors onto the patio, we would like to raise the patio and have the steps lead off from the end of the patio direct onto the garden

3. POLICIES AND GUIDANCE

National Planning Policy Framework

Section 2 Achieving sustainable development
 Section 4 Decision-making
 Section 8 Promoting healthy and safe communities
 Section 12 Achieving well-designed places
 Section 13 Protecting Green Belt

Adopted Cheltenham Plan Policies

D1 Design
 SL1 Safe and Sustainable Living

Adopted Joint Core Strategy Policies

SD4 Design Requirements
 SD5 Green Belt
 SD14 Health and Environmental Quality

Supplementary Planning Guidance/Documents

Residential Alterations and Extensions (2008)
 Cheltenham Climate Change SPD (2022)

4. CONSULTATIONS

Building Control

6th May 2022 - The application will require Building Regulations approval. Please contact Cheltenham and Tewkesbury Building Control on 01242 264321 for further information.

Gloucestershire Centre For Environmental Records

16th May 2022 - Report available to view in documents tab.

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	6
Total comments received	1
Number of objections	1
Number of supporting	0
General comment	0

5.1 Following notification letters sent to the surrounding neighbours, one comment in objection has been received and officers have spoken to another neighbour who has raised concerns. This comments have been summarised but not limited to the following points;

- Loss of privacy
- Overlooking

6. OFFICER COMMENTS

6.1 Determining Issues

- 6.2** The main considerations when determining this application are impact on the amenity of the surrounding neighbours in respect to a loss of privacy.
- 6.3 The site and its context**
- 6.4** The application site is a detached two storey dwelling located on a predominant residential street within The Reddings. No 3 forms part of 4 similar detached dwellings that are collectively known as The Grange. Each property is noted for their long sloping gardens used as their principal outdoor amenity space.
- 6.5** As previously mentioned, planning permission was given in July 2021 for a single storey rear extension and a loft conversion with a rear dormer. The extension proposed incorporated rear steps descending to the sites garden due to the sloping land levels. Following this permission, the extension has now been built however the descending rear steps have been replaced with a raised patio platform partially built without formal consent.
- 6.6 Design and Impact on Amenity**
- 6.7** This application therefore seeks part-retrospective planning permission for the raised patio projecting approximately 3.1m from the rear extension. It will be raised off the ground level at its highest point by 0.6m and at its lowest 0.4m high. Rear steps are also proposed descending from the end of the raised patio.
- 6.8** The design of raised patio will be fairly typical for a structure of this kind found in the garden and outdoor amenity areas of a dwelling house. The platform will be built up with red bricks to match the extension and covered atop with patio floor tiles.
- 6.9** Policy SL1 of the adopted Cheltenham Plan (2022) and policy SD14 of the JCS requires development not to cause any unacceptable loss of amenity. Development should protect neighbouring amenity in respect to privacy, light and outlook.
- 6.10** Officers acknowledge that the raised patio could create the perception of overlooking towards the private amenity spaces to the surrounding neighbours. This could lead to an unacceptable loss of amenity in respect to privacy. Careful consideration is therefore required to ensure that the adjoining land users and surrounding neighbouring dwellings are not adversely affected by the proposed development.
- 6.11** It is noted that the proposal will incorporate a high timber fence, either side of the raised patio, to act as a privacy screen. This fence will sit atop of the raised patio and screen any direct views towards no. 2 and no. 3 The Grange. This timber fence will facilitate a soft landscape approach and reads as a typical feature found in a private residential garden.
- 6.12** A site visit has been conducted and officers were able to view the partially-built raised patio. This visit had not included the timber fencing used as the proposed privacy screens, but officers were therefore able to assess the impact on the amenity of the surrounding neighbours without this feature. It is acknowledged that there will be an overlooking impact towards the rear conservatory at no. 2 The Grange without any privacy screen. The outlook towards the rear garden of no. 3 The Grange is not as detrimental given the level of vegetation along the shared boundary, however it is recognised that views of occupiers using the patio would be possible from this neighbours garden.
- 6.13** Officers therefore consider it important that the proposal includes privacy screens on each side elevation of the raised patio, measured 1.8m in height from top. These will mitigate the impact of any overlooking and screen any direct views into these neighbouring rear gardens. A condition has been attached to ensure that privacy screens will be 1.8m high, to ensure that a sufficient level of privacy is maintained and how the screens will be

retained thereafter unless otherwise agreed without express approval by the Local Planning Authority.

- 6.14** Additionally, any views towards the rear of these neighbouring gardens will be at oblique angle and screened by vegetation with boundary fencing. For this reason, it is considered that the proposed development would not cause any unacceptable loss of amenity in respect to privacy for occupiers at no. 2 and no. 3 The Grange.
- 6.15** Consideration has also been given to the impact on the amenity of the neighbouring property, adjoining the rear boundary, known as Little Beeches on Branch Road. The raised patio will be in excess of 22m to the rear boundary, screened by an additional outbuilding and significant level of vegetation. Given the distance and outlook; it is considered that no unacceptable loss of amenity will be caused.
- 6.16** Finally, it is considered that there will be no unacceptable loss of light or outlook caused to adjoining neighbouring properties. The cumulative height of the patio with privacy screen would not fail the 45 degree light at elevation. Whilst the proposal will be set within the each side boundary and not result in a particularly long/high wall running the length of the existing gardens.
- 6.17** As mentioned in section 1.4 of this report, no amendments or changes are proposed to the previously approved single storey extension itself or to the rear dormer to facilitate a loft conversion. Officers consider that the general design of these additions remain acceptable and that no unacceptable loss of amenity to the surrounding neighbours will be caused.
- 6.18** In light of the above, the proposed raised patio is considered to fully accord with policies SL1 of the Cheltenham Plan (2020) and SD14 of the Joint Core Strategy (2017). The development will not result in an unacceptable loss of amenity to the surrounding neighbours.
- 6.19 Green Belt**
- 6.20** The application site is wholly located within the Green Belt and therefore policy SD5 of the Joint Core Strategy (2017) is relevant in this instance. This policy states that *'development will be restricted to those limited types of development which are deemed appropriate by the NPPF'*. Section 13, paragraph 149 of the NPPF states that exceptions for development include *'extension or alterations of a building provided that it does not result in disproportionate additions over and above'* the original building.
- 6.21** Officers consider that the proposed raised patio would not be of a disproportionate addition and it is felt that the scheme would sit comfortably within the existing plot. The majority of the rear garden will be retained, whilst the proposal will read a typical alteration and addition to a residential dwelling.
- 6.22** As such, officers are satisfied that the development will accord with policy SD5 of the Joint Core Strategy (2017) and the provisions of the NPPF. No harm to the Green Belt will be caused as a result of the proposed works.
- 6.23 Other considerations**
- 6.24 Climate Change**
- 6.25** The Cheltenham Climate Change SPD (Adopted June 2022), sets out a strategy for decarbonising homes over the next decade. For residential alterations and extensions there is an opportunity to improve the environmental performance of a home through the inclusion of technologies and features such as photovoltaics, replacement windows, heat

recovering, permeable (or minimal) hard surfaces, works to chimneys, insulation, replacement heating systems (heat pump) and thoughtful kitchen design.

6.26 In this instance the application includes double glazed fenestrations, insulation in line with the building regulations and permeable hard surfaces. Given the scale of development proposed within this application this is considered to be acceptable.

6.27 Biodiversity

6.28 Records indicate that important species have been sighted near the application site in the past, particularly Bats, with a sighting recorded at 206m in 2019. Given the modest scale and nature of the development; it is considered that no unacceptable impact will be caused to these species.

6.29 Public Sector Equalities Duty

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

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

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

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

7. CONCLUSION AND RECOMMENDATION

7.1 In light of the above, the proposed raised patio as part of this revised application is considered to comply with the relevant policies of the adopted Cheltenham Plan (2020), polices of the Joint Core Strategy (2017) and the NPPF.

7.2 Officer recommendation is therefore to permit this application subject to the conditions set out below;

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 A privacy screen to a minimum height of 1.8m shall be erected from the floor level and to the sides of the raised patio within 3 months of the date of this decision and shall remain in situ thereafter unless otherwise agreed in writing by the Local Planning Authority.

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

INFORMATIVES

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

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

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

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APPLICATION NO: 22/00816/FUL	OFFICER: Mr Daniel O Neill
DATE REGISTERED: 4th May 2022	DATE OF EXPIRY : 29th June 2022
WARD: Benhall/The Reddings	PARISH:
APPLICANT:	Mr Jason Bertman
LOCATION:	3 The Grange The Reddings Cheltenham
PROPOSAL:	Single storey rear extension and rear dormer to form loft conversion (part-retrospective)

REPRESENTATIONS

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

4 The Grange
The Reddings
Cheltenham
Gloucestershire
GL51 6RL

Comments: 25th May 2022

It is deeply regrettable that the builders did not advise the applicants of the well-known planning requirements for raising a patio beyond 30cm above ground level that has resulted in a negative impact to neighbouring properties and a great deal of upset on all sides.

The height of the new patio does cause us concerns as it has resulted in loss of privacy on our patio and in the garden.

The mitigating proposal of a 700cm high screen on our side, though appreciated, will still not be high enough for us to maintain ours and their privacy or for the people in the bungalows opposite.

Following on from discussions with our neighbours they have said to help mitigate our concerns they will not cut our hedging back on their side of the fence. Our concerns are that this will restrict passage between our properties which they will soon want to remove and therefore is temporary and does not guarantee any future mitigation towards our privacy concerns. The plants may also die back naturally and cannot therefore be seen as a future-proof privacy screen. Any future residents at 3 The Grange have the right to remove this greenery as it originates from our side of the fence.

We have also noticed an increase in the noise levels since the construction and consequent use of the patio because of the lack of intervening baffles (fencing and foliage) over 1.7 m in height.

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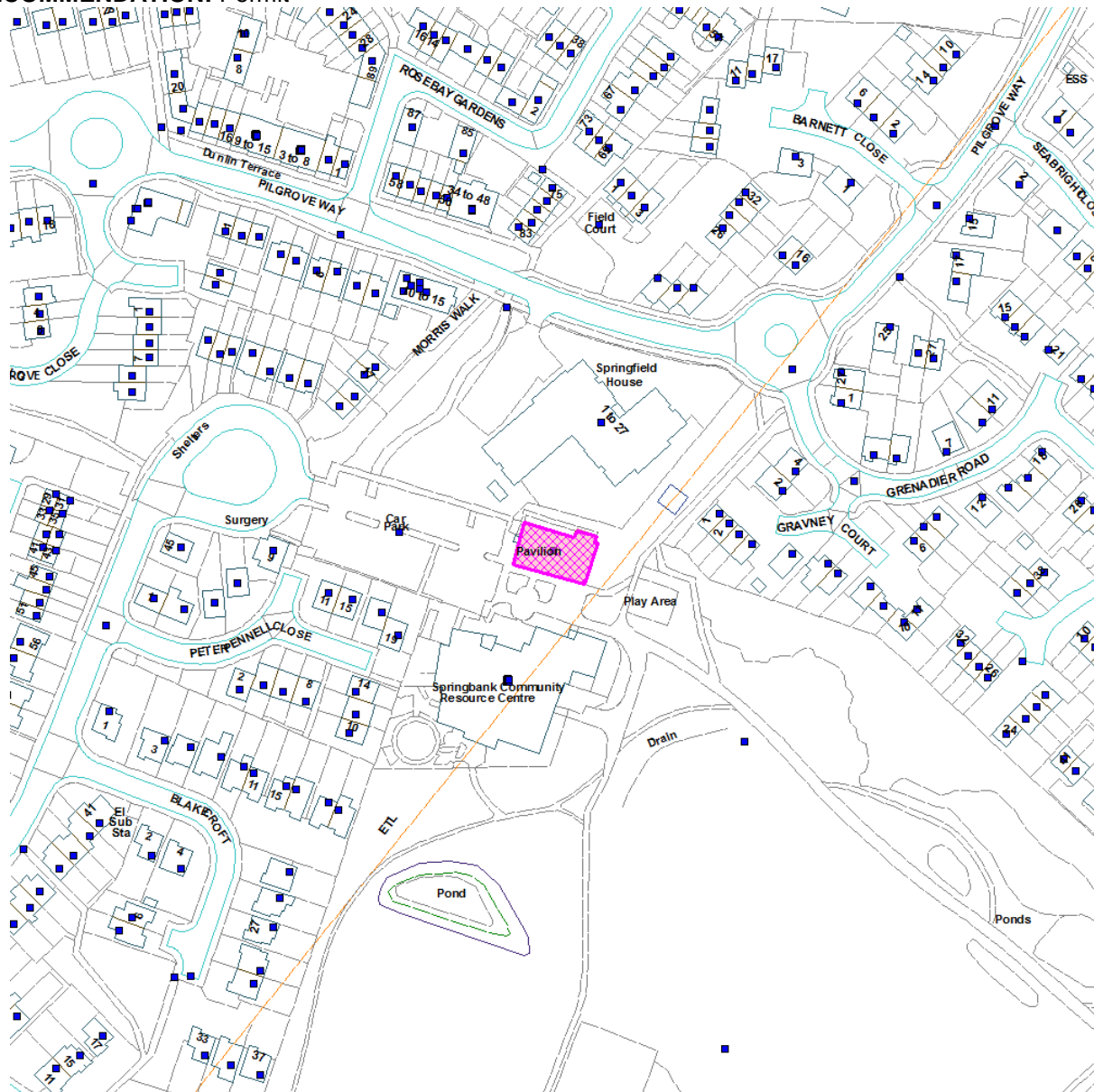
In addition, the applicants have stated that they now have views into adjoining properties in Branch Road which they previously didn't have.

The above points will negatively affect the amenity of our property at point of sale.

Regrettably, for these reasons we would request that the plans are rejected and the patio be reinstalled at the height passed at the original planning stage.

APPLICATION NO: 22/00879/FUL	OFFICER: Mrs Emma Pickernell
DATE REGISTERED: 14th May 2022	DATE OF EXPIRY: 9th July 2022
DATE VALIDATED: 14th May 2022	DATE OF SITE VISIT:
WARD: Springbank	PARISH:
APPLICANT:	Springbank Community Group C.I.C
AGENT:	Springbank Community Group C.I.C
LOCATION:	Cafe Ron Smith Pavillion Springbank Way
PROPOSAL:	Change of use from class E (cafe) and pavilion to mixed Class E and F2 uses (cafe and community uses)

RECOMMENDATION: Permit



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site is an existing building located adjacent to the Springbank Community Resource Centre and Springfields Park recreation Ground, accessed via Springbank Way.
- 1.2 The application site is within the Principal Urban Area of Cheltenham and the adjacent park is designated as public green space.
- 1.3 Planning permission was granted by planning committee in 2016 for the change of use of the function room part of the sports pavilion to a café. This was granted subject to conditions including a restriction on the opening hours to 08:00 – 17:00 Monday to Saturday and 08:00 – 12:00 on Sundays. A 'non-material amendment' application was subsequently submitted and approved for the use of the building as a function room (its original use) outside of the opening hours of the café.
- 1.4 Planning permission is now sought, by the Springbank community group, for the change of use of the whole building to a mixed use comprising community café, community food pantry and for the running of community projects such as the Cheltenham Household Essentials Project and youth work provision. These elements fall within classes E (commercial, business and service) and F2 (local community uses) of the use classes order.
- 1.5 The application is to be determined by planning committee as it is owned by Cheltenham Borough Council.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Airport safeguarding over 15m
Principal Urban Area
Public Green Space (GE36)
Residents Associations

Relevant Planning History:

86/00747/PF 28th August 1986 PER

Welch Road Playing Fields Cheltenham Gloucestershire - Erection Of Community Room And Sports Changing Rooms With Vehicular Access And Car Park

86/01280/PF 18th December 1986 PER

Arle Farm Welch Road Playing Fields Cheltenham Gloucestershire - Proposed Community Room And Sports Changing Rooms Vehicular Access And Car Park
As Amended By Revised Plan Received On 16 Dec 86

15/02143/COU 22nd February 2016 PER

Conversion of part of sports pavilion (function room) to A3 (cafe)

16/00548/AMEND 13th April 2016 PER

Non material amendment to Planning Permission 15/02143/COU - use of the building as a function room (as per its original use) outside the opening hours of the proposed cafe

3. POLICIES AND GUIDANCE

National Planning Policy Framework

Section 2 Achieving sustainable development
Section 4 Decision-making
Section 8 Promoting healthy and safe communities
Section 9 Promoting sustainable transport

Adopted Cheltenham Plan Policies

SL1 Safe and Sustainable Living

Adopted Joint Core Strategy Policies

SD3 Sustainable Design and Construction

SD14 Health and Environmental Quality

INF1 Transport Network

INF4 Social and Community Infrastructure

Supplementary Planning Documents

Cheltenham Climate Change SPD 2022

4. CONSULTATIONS

GCC Highways Planning Liaison Officer

24th June 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.

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.

Building Control

26th May 2022

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

5. PUBLICITY AND REPRESENTATIONS

The application was publicised by way of 51 letters to neighbouring properties and a site notice. No representations have been received.

6. OFFICER COMMENTS

6.1 Determining Issues

6.2 The key issues in determining this application are considered to be the principle of the use and any impact upon neighbour amenity. There are no external changes to the building.

6.3 The site and its context

6.4 The site is located adjacent to the park and playing fields and also adjacent to the Springbank Community Resource Centre which hosts community hall, doctors surgery, pharmacy, dentist, and nursery. The buildings are served by a large car park adjacent.

6.5 Directly to the north is Springfield House, a care home, and to the east are the residential properties of Gravney Court.

6.6 The principle of the use

- 6.7** Policy INF4 of the JCS relates to Social and Community Infrastructure. It seeks to avoid the loss of community facilities and enhance the provision of facilities. The NPPF at para 93 states that planning decision should plan positively for community facilities.
- 6.8** The same policies also seek to retain local sports facilities. The information submitted with the application explains that presently the pavilion is not used for changing or showering. The nearest changing room to the door to the playing fields is in use for storage by local youth football teams and this will be retained.
- 6.9** The remainder of the changing rooms will be used as storage associated with the community projects including the community food pantry, household essentials project and youth work.
- 6.10** The proposal keeps the building in use for community purposes and supports a number of projects which provide important services to the local community. The café element already has approval and will be retained and run alongside the community uses.
- 6.11** Officers consider that the use of the building in the manner described is wholly appropriate for the building. The uses proposed are compatible with the existing café use of the building, provide vital community support and represent the good use of an existing building. As such the principle is considered to be acceptable and is in accordance with the policy objectives outlined above.
- 6.12 Impact on neighbouring property**
- 6.13** Section 8 of the NPPF (Promoting Healthy and safe communities), policy SL1 of the Cheltenham Plan and policy SD14 of the JCS all refer to the impact of development on neighbouring properties and communities.
- 6.14** The proposal results in the provision of important local community facilities and projects which are of benefit to the area, however it must also be considered whether the use has an acceptable impact upon nearby properties.
- 6.15** As mentioned above the approved opening hours of the café are 08:00 – 17:00 Monday – Sunday and 08:00 – 12:00 on Sundays.
- 6.16** The current proposal for mixed class E and F2 uses for the whole building proposes the following opening hours:
- Café – 08:00 – 16:00 Monday – Sunday
 - Community uses 08:00 – 22:00 Monday – Friday, 08:00 – 16:00 Saturday-Sunday and Bank Holidays
- 6.17** The nearest residential properties are those within Gravney Court and those in Peter Pennell Close, although none directly adjoin the building. There is also a care home to the north. These properties were all consulted on the proposal and raised no objection, however in any event the Environmental Health Officer has been consulted on the application and confirms that there is no objection to the proposed use and opening hours. The Environmental Health Officer has requested that they be secured by condition so that any future changes to the opening hours can be assessed.
- 6.18** As such subject to these controls the impact upon neighbouring property is considered to be acceptable and therefore the proposal accords with the above mentioned policies of the development plan.
- 6.19 Access and highway issues**

6.20 Policy INF1 of the JCS seeks to ensure that development is provided with safe and efficient access and does not have a severe impact on the highway network.

6.21 The application site benefits from an established car park and access arrangements. It is close to the network of footpaths and within walkable distance from the surrounding residential area.

6.22 The Highway Authority have confirmed that they have no objection to the proposals.

6.23 Sustainability

6.24 The proposal does not include any external changes to the building and the plans indicate that there are no significant internal alterations proposed.

6.25 The Cheltenham Climate Change SPD highlights that there is scope within non-domestic refurbishments to include features which would work towards the decarbonisation of the building. This can include insulation, replacement heating systems, replacement windows and the fitting of photovoltaic panels.

6.26 The proposal does not include any specific low carbon technologies, however the Springbank Community Group have advised that they do have aspirations to improve the efficiency of the building as funding becomes available. This may include replacement lighting, insulation and replacement windows to reduce heat loss. Given the nature of the proposal it is not considered appropriate to require these formally at this stage, although the community group have been provided with the SPD to assist in informing any future interventions.

6.27 Other considerations

6.28 Public Sector Equalities Duty (PSED)

6.29 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 The proposed use will support a number of community projects and will be an important facility for the local community. Its use is compatible with the building and the area and does not give rise to any concerns regarding highway impact or neighbour amenity. As such the proposal is considered to be acceptable and is recommended for approval subject to the following conditions.

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 uses hereby permitted shall not be open to customers and clients outside the following hours:

Café: 08:00 to 16:00 Monday to Sunday.

Community uses: 08:00 to 22:00 Monday to Friday and 08:00 – 16:00 on Saturday, Sunday and Bank Holidays.

Reason: To safeguard the amenities of adjoining properties and the locality in accordance with Local Plan Policy CP4 relating to safe and sustainable living.

INFORMATIVES

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

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

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

APPLICATION NO: 22/00898/CONDIT	OFFICER: Mr Ben Warren
DATE REGISTERED: 18th May 2022	DATE OF EXPIRY: 13th July 2022
DATE VALIDATED: 18th May 2022	DATE OF SITE VISIT:
WARD: Prestbury	PARISH: Prestbury
APPLICANT:	Mr Tom Hunting
AGENT:	VJM Design House Ltd
LOCATION:	3 Finchcroft Lane Cheltenham Gloucestershire
PROPOSAL:	Variation of condition 2 (approved plans) on planning permission 21/00256/FUL - amendments to front dormers, changes to front elevation fenestration arrangement, and other minor changes (retrospective)

RECOMMENDATION: Refuse



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site relates to a detached property located within a residential area on Finchcroft Lane.
- 1.2 The applicant is seeking consent to vary condition 2 (approved plans) of planning permission 21/00256/FUL, which granted consent for the erection of a two storey front extension with dormer windows, two storey rear extension, and a single storey side extension.
- 1.3 The changes to the approved plans being sought within this application include amendments to the front dormers, changes to the front elevation fenestration arrangement, and other minor alterations which include the repositioning of a roof lantern, addition of a new sky light, and minor reduction in height of the single storey side extension and minor changes to the first floor side elevation windows.
- 1.4 It is noted that the works on site have been completed and therefore this application is seeking retrospective consent.
- 1.5 The application is at planning committee at the request of Councillor Payne, who wishes the applicant to have the opportunity to explain why the changes have been necessary.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Principal Urban Area

Relevant Planning History:

21/00256/FUL 15th April 2021 PER

Two storey front and rear extension together with single storey side extension

3. POLICIES AND GUIDANCE

National Planning Policy Framework

Section 2 Achieving sustainable development

Section 4 Decision-making

Section 8 Promoting healthy and safe communities

Section 11 Making effective use of land

Section 12 Achieving well-designed places

Adopted Cheltenham Plan Policies

D1 Design

SL1 Safe and sustainable living

Adopted Joint Core Strategy Policies

SD4 Design Requirements

SD14 Health and Environmental Quality

Supplementary Planning Guidance/Documents

Residential Alterations and Extensions (2008)

4. CONSULTATIONS

Parish Council - 13th June 2022

No objection

Gloucestershire Centre For Environmental Records - 14th June 2022

Report available to view in documents tab.

5. PUBLICITY AND REPRESENTATIONS

5.1 Letters were sent to 7 neighbouring properties, in response to this neighbour notification process one letter of objection from the neighbouring land user at number 1 Finchcroft Lane has been received. The concerns raised have been summarised, but are not limited to the following:

- Loss of privacy
- Overbearing
- Poor design

6. OFFICER COMMENTS

6.1 Determining Issues

6.2 The main considerations of this application are design and impact on neighbouring amenity.

6.3 Design

6.4 As noted in the introduction, planning permission was recently granted under planning reference 21/00256/FUL, for various extensions and alterations to the existing property. However, the completed works have not been built in accordance with the approved plans, therefore the applicant has submitted an application to vary condition 2 (approved plans) of the consented application to regularise these changes.

6.5 A number of minor changes are shown on the proposed plans, these include:

- A change in position of the ground floor windows and doors on the front elevation
- The relocation of a roof lantern within the new flat roof extension to the rear
- A reduction in height of the single storey flat roof extension to the side of the property
- The insertion of a skylight in the flat roof of the single storey side extension
- The repositioning of a new first floor side elevation window
- The retention of an existing first floor side elevation window (previously shown to be blocked up)

6.6 The changes set out above would be considered as non-material amendments to the original consent, and therefore are considered to be acceptable amendments to the approved application.

- 6.7 Whilst the minor changes above are considered to be acceptable and could be supported, the application also includes changes to the scale, form and design of the dormers located on the front elevation. Dormers to the front elevation were approved in the last application, therefore the principle remains acceptable. However, the approved dormers were of a modest size, were designed so as to have a limited amount of framing around the windows, and the windows were positioned so as to line up and reflect the design of the ground floor windows and doors. The approved dormers would therefore have read as modest, subservient and appropriately designed additions to the front elevation.
- 6.8 The dormers that have been built and are the subject of this application, are larger than those approved, with an increase in their height and width, which results in much larger additions to the front elevation roof slope. In terms of design and form, the as-built dormers appear as boxy additions, with an increased amount of framing around the windows which results in more dominant additions to the property. Furthermore, the windows within the dormers are considered to have a poor relationship with the design of openings at ground floor level.
- 6.9 Overall, the dormers represent a poor form and design and read as dominant, incongruous additions to the property. Additions of this form and design are also at odds with the character of the street scene. The development therefore fails to comply with policy D1 of the Cheltenham Plan, which requires development to complement and respect neighbouring development, the character of the locality, and to avoid causing harm to the architectural integrity of the building. It also fails to comply with policy SD4 of the JCS which requires development to respond positively to, and respect the character of the site and its surroundings.
- 6.10 The application is supported by a covering letter which identifies that changes to the approved dormers were necessary in order to comply with building regulations. However, this is not considered to be sufficient justification for officers to accept development that doesn't accord with local planning policy.

6.11 In design terms, officers do not consider the front elevation dormers to be acceptable.

6.12 **Impact on neighbouring property**

- 6.13 The concerns of the adjacent land user have been duly noted. However, officers do not consider that the as-built front dormers result in any significantly greater impact on amenity in terms of a loss of light or overbearing impact than those already granted consent.

Further concerns relate to a loss of privacy as a result of the changes to the first floor side elevation windows, however, the new smaller window has simply been repositioned so as to enable a high level opening window and it remains obscurely glazed as required by condition 4 of the original planning permission. It is noted that the other first floor window is now proposed to be retained, where previously it was proposed to be blocked up, whilst officers understand the concerns of the neighbour, this is an existing clearly glazed window and therefore cannot be controlled.

- 6.14 The further changes to the scheme as set out in paragraph 6.3 of this report are not considered to result in any unacceptable loss of light, loss of privacy or overbearing impact. The scheme is therefore considered to be compliant with Cheltenham Plan policy SL1 and adopted JCS policy SD14.

6.15 **Climate change**

- 6.16 The Cheltenham Climate Change SPD (adopted June 2022), sets out a strategy for decarbonising homes over the next decade. For residential alterations and extensions there is an opportunity to improve the environmental performance of a home through the

inclusion of technologies and features such as photovoltaics, replacement windows, heat recovery, permeable (or minimal) hard surfaces, works to chimneys, insulation, replacement heating systems (heat pump) and thoughtful kitchen design.

6.17 In this instance, the application is for amendments to a previously approved application which granted consent for various extensions and alterations to the existing building, most of which has now been constructed/implemented. This included the replacement of the existing windows and doors with new. Given what is being considered within this application, the proposal is considered to be acceptable in terms of the Climate Change SPD.

6.18 Other considerations

Public Sector Equalities Duty (PSED)

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

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

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

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

7. CONCLUSION AND RECOMMENDATION

7.1 Having considered all of the above, whilst some of the changes detailed within this application are considered to be acceptable, the form and design of the as-built front elevation dormers are not considered to be acceptable.

7.2 Given the works are complete and therefore the application is retrospective, officers are not able to suggest revisions to the plans to address the concerns regarding the scale, form and design of the front dormers. Therefore, officer recommendation is to refuse the application.

8. INFORMATIVES / REFUSAL REASONS

- 1 The proposed front elevation dormers by virtue of their scale, form and design are unacceptable. The proposed dormers are considered to represent a poor overall quality and design and will read as incongruous additions to the property and within the street scene.

As such the proposal is contrary to Adopted Cheltenham Plan (2020) policy D1 adopted JCS policy SD4, the guidance set out with the Adopted Supplementary Planning Document Residential Alterations and Extensions (2008), and advice contained within Section 12 of the NPPF.

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 authority cannot provide a solution that will overcome the design issues;

As a consequence, the proposal cannot be considered to be sustainable development and therefore the authority had no option but to refuse planning permission.

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APPLICATION NO: 22/00898/CONDIT	OFFICER: Mr Ben Warren
DATE REGISTERED: 18th May 2022	DATE OF EXPIRY : 13th July 2022
WARD: Prestbury	PARISH: PREST
APPLICANT:	Mr Tom Hunting
LOCATION:	3 Finchcroft Lane Cheltenham Gloucestershire
PROPOSAL:	Variation of condition 2 (approved plans) on planning permission 21/00256/FUL - amendments to front dormers and changes to front elevation fenestration arrangement (retrospective)

REPRESENTATIONS

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

1 Finchcroft Lane
Cheltenham
Gloucestershire
GL52 5BD

Comments: 14th June 2022

Letter attached.

1 Finchcroft Lane

Prestbury

Cheltenham

GL52 5BD

13th June 2022

Dear Sir,

Ref: 21/00256/FUL Amendment to Planning Application for 3 Finchcroft Lane, Prestbury.

We are writing in relation to the proposed amendments to the above planning application which is to the property immediately next door to us – we live at 1 Finchcroft Lane.

We wish to raise an objection to keep the “existing” left elevation window in addition to that of the “approved” new left elevation window for the following reasons:

- Direct impact on the privacy in our garden being compromised. This additional view point directly overlooks our private garden and is overbearing. The existing and new windows are not as per the scale on the “approved” plans. The new window is extending beyond the height in the “approved” plans. Please see Photo A – Appendix.
- Obscured glazing is required to the appropriate grade, and fixed shut to limit intrusion of our privacy.
- Furthermore, the internal floor plans for the first floor do not reflect the proposed amendment layout. The internal wall on the “approved” plans appears to be part way through the existing window wish to be retained.

We wish to raise an objection to the extension of the larger size & larger scale of the front elevation dormers, on the basis that this extension is overbearing and of poor design which is contrary to chapter 12 of the national planning policy framework, which requires development to be of good design and explains how good design is a key aspect of sustainable development. Poor design is not sustainable development and should not be approved.

We also wish to make the following observations with regards to inaccuracy of the plans and work completed:

- The left elevation flat roofs are built to the two different heights, not as per the “approved” plans. Please see Photo B – Appendix.
- The roof lantern is currently built in a different position to that on the “approved” plans. Please see Photo C – Appendix.
- There is a window built currently within one of the flat roof areas. This is not visible on the “approved” plans. Please see Photo D – Appendix.

Inaccuracy within detailed plans, given the context of this being a request for proposed variations to planning permission is concerning on multiple levels.

Yours faithfully



APPENDIX

Photo A

Windows are not as to “approved” drawings. Height of new window is higher.



Photo B

Flat roof – two height levels are different to that of “approved” plans



Photo C

Roof lantern– position different to that of “approved” plans



Photo D

Roof window – not visible on
“approved” plans

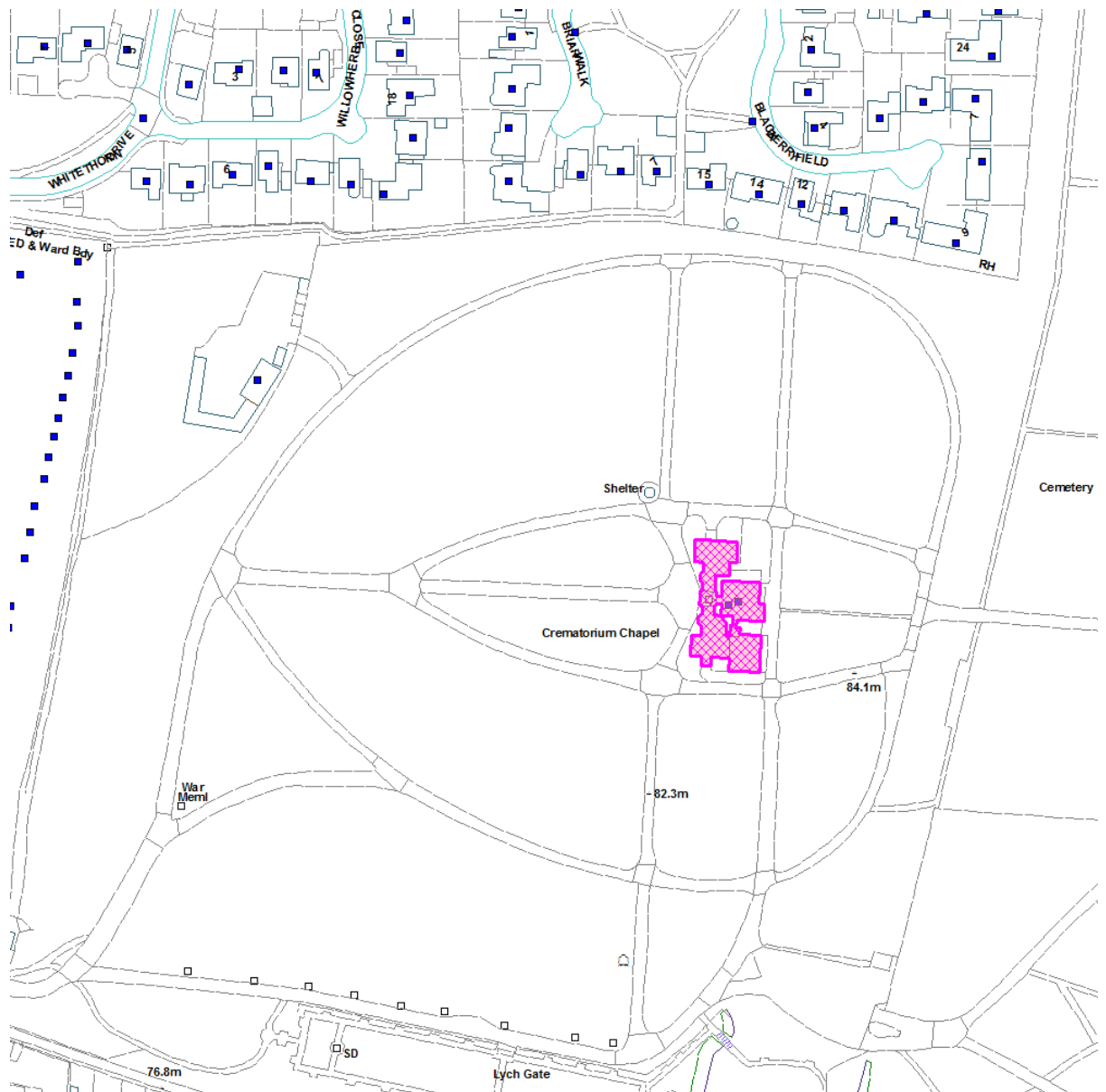


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Planning Committee Report

APPLICATION NO: 22/00968/LBC	OFFICER: Mr Chris Morris
DATE REGISTERED: 28th May 2022	DATE OF EXPIRY: 23rd July 2022
DATE VALIDATED: 28th May 2022	DATE OF SITE VISIT:
WARD: Oakley Ward	PARISH:
APPLICANT:	Cheltenham Borough Council
AGENT:	
LOCATION:	Cemetery Chapels Bouncers Lane Cheltenham
PROPOSAL:	Remove & replace existing guttering, downpipes to cemetery chapels

RECOMMENDATION: Grant



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The Cemetery Chapels, Bouncers Lane, form part of a grade II listed building in a cemetery, forming a grade II listed Park and Garden.
- 1.2 The proposed works are to remove and replace existing iron guttering, downpipes to cemetery chapels.
- 1.3 The application is referred to Planning Committee for decision as the applicant is Cheltenham Borough Council.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Airport Safeguarding over 45m
Listed Buildings Grade 2
Smoke Control Order

Relevant Planning History:

09/01742/LBC 26th January 2010 GRANT

Internal alterations to include new cooled transfer room, new plant room with wrought iron gate, relocation of existing cloister door, rearrangement of existing pews in North chapel and removal of screen between waiting room and corridor

09/01742/LBC 2_ACTV

Internal alterations to include new cooled transfer room, new plant room with wrought iron gate, relocation of existing cloister door, rearrangement of existing pews in North chapel and removal of screen between waiting room and corridor

3. POLICIES AND GUIDANCE

National Planning Policy Framework

Section 16 Conserving and enhancing the historic environment

Saved Local Plan Policies

Adopted Cheltenham Plan Policies

Adopted Joint Core Strategy Policies

SD8 Historic Environment

Supplementary Planning Guidance/Documents

Other

4. CONSULTATIONS

Building Control

14th June 2022 - The application may require Building Regulations approval. Please contact Cheltenham and Tewkesbury Building Control on 01242 264321 for further information.

5. PUBLICITY AND REPRESENTATIONS

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

- 5.1 An advertisement was placed in the Gloucestershire Echo and a site notice was erected near the site.
- 5.2 No comments were received.

6. OFFICER COMMENTS

- 6.1 It is important to consider the policy context in which the proposal needs to be determined. The cornerstone of heritage legislation is the Planning (Listed buildings and Conservation Area) Act 1990, Section 16(2), which requires local planning authorities to have special regard to the desirability of preserving the special architectural or historic interest of listed buildings and their setting.
- 6.2 A core principle of the National Planning Policy Framework 2019 (NPPF) is heritage assets be conserved in a manner appropriate to their significance. Chapter 16, paragraphs 199-208 set out how potential impacts on heritage assets shall be considered. This assessment takes account of the relevant considerations in these paragraphs, including paragraph 197 of the NPPF, which requires the significance of heritage assets to be sustained and enhanced, with paragraph 199 requiring great weight be given to the asset's conservation.
- 6.3 The Cemetery Chapels, Bouncers Lane, form part of a grade II listed building in a cemetery, forming a grade II listed Park and Garden, both by architect WH Knight. The Cemetery Chapels comprise two chapels dating circa 1864, in the Decorated Gothic style. They form a symmetrical composition with link blocks and a central entrance feature capped by a tower with a spire. The list description describes the building as the finest Victorian cemetery chapel in England, enhanced by its parkland setting.
- 6.4 The proposed works are for minor improvements to the gutters and downpipes and replacement or repair the existing defective flat roof covering to the transfer corridor, which as existing are resulting in water ingress and damage to the fabric. The proposed materials and products will match or be similar to those used on the existing transfer corridor roof and the chapels.
- 6.5 The impact of the proposed works are considered to be in keeping with the character and appearance of the listed building and are necessary works to address the harm the water ingress is causing. The proposed works are therefore considered to sustain the designated heritage assets and 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.
- 6.6 There are not considered to be implications with regard to the Equalities Act 2010 and the Wildlife and Countryside Act 1981 for this application.

7. CONCLUSION AND RECOMMENDATION

- 7.1 It is recommended the application be granted with conditions.

8. CONDITIONS / INFORMATIVES

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

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

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

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

INFORMATIVES

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

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

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

APPLICATION NO: 22/00994/COU & ADV	OFFICER: Mrs Lucy White
DATE REGISTERED: 11th June 2022	DATE OF EXPIRY: 6th August 2022
DATE VALIDATED: 11th June 2022	DATE OF SITE VISIT:
WARD: Leckhampton	PARISH: Leckhampton With Warden Hill
APPLICANT:	Leckhampton Rover FC
AGENT:	
LOCATION:	Pavilion Burrows Sports Field Merlin Way
PROPOSAL:	Change of use of part of the pavilion to a mixed use of cafe (Class E) and sports pavilion (Class F2 (c)) Erection of 3no. fascia signs and a pole mounted free standing sign

RECOMMENDATION: Permit/Grant



1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site forms part of an existing pavilion building located within the north east corner of Burrows Playing Fields. The playing fields are accessed via Merlin Way and Moorend Grove and designated as Public Green Space (GE36) within the Cheltenham Plan (2020).
- 1.2 The pavilion building is brick faced with rendered upper walls under a corrugated metal hipped roof and currently accommodates changing rooms, toilet/shower facilities and a multi-purpose room with kitchen. In addition to the modern pavilion building, the playing fields offer a range of recreation facilities including a children's play area, seasonal sports pitches, cricket ground, BMX track and visitor car park. A children's day nursery is attached to the pavilion on the north side with residential properties of Peregrine Road, Moorend Grove and Arden Road located adjacent the north and east boundaries of the playing fields.
- 1.3 Planning permission was granted in 2015 for the construction of a BMX pump track and in 2020 for the installation of perimeter pathways and engineering works to level the playing fields; the latter due to be completed by end of summer 2022. In 2021/2 general refurbishment works were carried out to the pavilion including the installation of an air source heat pump on the western elevation and an internal re-fit. The full relevant planning history is set out in section 2 below.
- 1.4 The current applications propose the change of use of part of the pavilion to a (community) café (Class E) and the erection of 3no. fascia signs and a pole mounted, free standing sign within the car park. The existing changing rooms and toilet/shower facilities would remain and the existing multi-purpose area and kitchen adapted to accommodate the new café. Other than proposed signage, no external alterations to the building are proposed and access to the café would be via an existing fully accessible entrance on the south elevation.
- 1.5 The Council has recently granted the applicant (Leckhampton Rover FC) a long term lease of the pavilion and a licence for use of the playing fields. In addition, the Council has been working jointly with the applicant over the last couple of years, implementing various improvements to the playing fields and pavilion and this work would continue in respect of the current proposals.
- 1.6 The applicant has provided a detailed supporting statement setting out the rationale for the proposed café and how it, and the other facilities at Burrows would operate and serve the local community.
- 1.7 These applications are before the Planning Committee because Cheltenham Borough Council are the landowners of Burrows Playing Fields, including the pavilion building.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Airport Safeguarding over 45m
Principal Urban Area
Public Green Space (GE36)
Smoke Control Order

Relevant Planning History:

90/00933/PF 27th September 1990 PER

Erection Of New Sports Pavilion And Associated External Works

91/00022/PF 21st February 1991 PER

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

15/02065/FUL 19th February 2016 PER

Construction of BMX pump track

17/01737/AMEND 13th September 2017 PAMEND

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

20/00332/FUL 5th May 2020 PER

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

20/02028/FUL 17th February 2021 PER

Engineering works to improve and level playing surfaces

21/00935/FUL 17th June 2021 PER

Fitting of an air source heat pump on wall of Pavilion

20/02182/AMEND 17th December 2021 PAMEND

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

21/01081/DISCON 1st July 2021 DISCHA

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

21/00935/FUL 17th June 2021 PER

Fitting of an air source heat pump on wall of Pavilion

21/02675/FUL 18th February 2022 PER

Proposed storage unit

3. POLICIES AND GUIDANCE

National Planning Policy Framework

Section 2 Achieving sustainable development

Section 4 Decision-making

Section 8 Promoting healthy and safe communities

Section 12 Achieving well-designed places

Adopted Cheltenham Plan Policies

D1 Design

SL1 Safe and Sustainable Living

GI1 Local Green Space

Adopted Joint Core Strategy Policies

SD3 Sustainable Design and Construction

SD4 Design Requirements

SD14 Health and Environmental Quality

INF1 Transport Network

Supplementary Planning Guidance/Documents

Climate Change SPD (2022)

4. CONSULTATIONS

Environmental Health

22nd June 2022 - In relation to my formal comments, please could I put forward the following:

In relation to applications 22/00994/COU & 22/00994/ADV for the Pavilion, Burrows Sports Field, Merlin Way, Cheltenham, Gloucestershire, please could I add the following condition from Environmental Protection:

Condition:

The operational hours for the café to be Monday - Saturday 08.00 - 18.00 and Sunday and Bank Holidays to be 09.00 - 18.00.

Building Control

14th June 2022 - The application will require Building Regulations approval. Please contact Cheltenham and Tewkesbury Building Control on 01242 264321 for further information.

GCC Highways Planning Liaison Officer – 22/00994/COU

24th June 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.

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.

GCC Highways Planning Liaison Officer – 22/00994/ADV

24th June 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.

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

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	11
Total comments received	1
Number of objections	1
Number of supporting	0
General comment	0

- 5.1 Letters of notification were sent to 11 neighbouring properties. One representation was received following the publicity and concerns raised, in summary, relate to noise and disturbance caused by the café and potential outdoor seating.

6. OFFICER COMMENTS

6.1 Determining Issues

6.2 The key issues for consideration are the principle of a part change of use of the building to provide a café and the impact of the proposed use on the amenities of neighbouring residential properties and locality in general. Highway safety, parking and any impact on the use/function of the existing playing fields will also need to be considered.

6.3 The proposals also relate to the display of advertisements; the Council will therefore need to consider whether the proposed advertisements would have any impact upon surrounding amenity and public safety in accordance with the Advertisement Regulations and Policies D1, D2 and SL1 of the Cheltenham Plan and Policies SD4 and SD14 of the JCS.

6.4 Principle/Impact on neighbouring property

6.5 The principle of the proposed part change of use of the pavilion to a mixed use of cafe (Class E(b)) and sports pavilion (Class F2 (c)) is considered acceptable, particularly in view of the recent changes to the Use Classes Order and the government's approach to increasing the flexibility of commercial uses. The proposed café would provide ancillary facilities for users of Burrows Fields and the wider community and there are similar, successful café facilities at other parks within the Borough.

6.6 The proposed community café area would also be available for the use of the football club in the evenings and at other times, in similarity with current licensing arrangements.

6.7 Currently, Burrows Fields is served by a 'Coffee Pod' but there is no other café facility within the locality. The applicant informs the Council that, the Coffee Pod is on a short term licence and clearly, it would not be expected that the proposed cafe and Coffee Pod would coexist. The applicant has been in discussions with the Coffee Pod about working together in the future and their preferred method of operation would be to sublet/licence the café space. With the income generated from the café, the applicant/Leckhampton Rover FC would, in the long term, be able to reinvest into both the football club and Burrows Fields sports and recreation facilities.

6.8 Other than new signage, no external alterations to the building are necessary to facilitate the change of use. However, the proposed café would require appropriate refuse and recycling storage facilities and a condition requiring the provision of details of such has been included in the list of suggested conditions below.

6.9 The supporting statement indicates that outdoor seating for the café is an option for the future. This does not form part of this planning application but should outdoor seating be provided, this would be subject to the appropriate licence being sought from the Council and approval from Fields In Trust. An informative has been added to this effect.

6.10 Given the location and dual purpose of the building, it is also considered necessary to restrict the use of the relevant area of the pavilion to a café and sports pavilion only. This would prevent the cafe part of the pavilion being used for any alternative permitted use including those uses that fall within Class E.

6.11 In light of the above, the proposed (part) change of use to a café is considered acceptable in this location and the building suitable to accommodate the use alongside its existing function. The proposals therefore adhere to the objectives of policy D1 of the Cheltenham Plan and policy SD4 of the JCS.

6.12 Impact on neighbouring property

6.13 Section 12 of the NPPF requires development to create places with a high standard of amenity for existing and future users. Policy SL1 of the Cheltenham Plan advises that development will only be permitted where it will not cause unacceptable harm to the amenity of adjoining land users or the locality. In assessing impact on amenity, the Council will take account of matters including, but not limited to, loss of privacy, loss of light and outlook and noise and disturbance. The policy is consistent with adopted JCS policy SD14.

6.14 One neighbouring resident has raised concerns about the potential for noise and disturbance from the proposed café use.

6.15 The Council's Environmental Health team has reviewed the proposals and raises no concerns subject to the inclusion of a condition restricting café customer opening hours. As referred to above, an informative has also been added advising the applicant of the need to obtain a licence from the Council for any future external seating. As currently proposed, all seating would be provided inside the building and there is adequate space internally to accommodate this. Furthermore, no additional openings are proposed and the serving hatch and customer entrance to the café would be on the south elevation facing the children's play area.

6.16 In light of all the above considerations, officers consider the proposals to be acceptable and compliant with the objectives of Cheltenham Plan policy SL1 and JCS policy SD14.

6.17 Access and highway issues

6.18 Given the nature of the proposed change of use and the potential increase in footfall and vehicle trips to Burrows Fields, the Highway Authority (HA) were consulted on the proposals. The HA concludes that there would not be an unacceptable impact on highway safety or a severe impact on congestion. As such, there are no justifiable grounds on which an objection could be maintained.

6.19 Furthermore, there are no associated proposed changes to existing parking arrangements at Burrows Fields, other than the planned addition of cycle stands.

6.20 Sustainability

6.21 The Cheltenham Climate Change SPD (adopted June 2022), sets out a strategy for decarbonising homes over the next decade. For development proposals, including a change of use, there are opportunities to improve the environmental performance of buildings through the inclusion of technologies and features such as photovoltaics, replacement windows, heat recovery, permeable (or minimal) hard surfaces, works to chimneys, insulation, replacement heating systems (heat pump) and thoughtful kitchen design.

6.22 In this instance the submitted supporting statement includes various sustainability benefits arising from the proposed development and other planned and proposed initiatives at Burrows Playing Fields. These include an air source heat pump, the sourcing of goods and services locally, plus the sourcing of organic produce where possible. Other features include future plans to add water butts and enhanced landscaping around the pavilion. The supporting statement also states that the football club has a green policy and is encouraging its members to cycle and walk to all events at Burrows Fields. Plans for a Climate Change Trail are also being developed.

6.23 Given the scale of development proposed within this application, the above proposed features are considered to be acceptable, with the anticipation that the other mentioned initiatives will come forward.

6.24 Advertisements

6.25 Policy D2 of the Cheltenham Plan supports advertisements provided they are appropriate in type, size, colour, illumination and siting, are of a high standard of design, respect the character of the building and surrounding area and maintain public safety.

6.26 Similarly, paragraph 136 of the NPPF highlights that “*The quality and character of places can suffer when advertisements are poorly sited and designed*” and decisions should take account of cumulative impacts, in the interests of amenity and public safety.

6.27 The proposed fascia signs would be non-illuminated and fixed to the rendered sections of the building’s three elevations and the café hatch. The 1.6 metre high pole mounted sign would be located adjacent to the car park. The scale/height, content, colour, position, size of lettering and finish/materials are all considered acceptable. In this respect, the proposed signage should sit comfortably within the context of this site and should not harm the character and appearance of Burrows Fields or the wider area.

6.28 The Highway Authority similarly raise no highway or public safety concerns.

6.29 In light of the above, the proposed signage adheres to the objectives of Policies D1 and D2 of the Cheltenham Plan and Policy SD4 of the JCS.

6.30 Other considerations

6.31 Public Sector Equalities Duty (PSED)

6.32 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.

6.33 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.

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

7. CONCLUSION AND RECOMMENDATION

7.1 For the reasons set out above, the proposed development is considered to be in accordance with relevant local and national planning policy. The recommendation is to grant planning permission and advertisement consent subject to the following conditions.

8. CONDITIONS / INFORMATIVES

Planning

- 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 customers associated with the proposed café use shall be served or remain on the premises outside the following hours Monday - Saturday 08.00 - 18.00 and Sundays and Bank Holidays 09.00 - 18.00.

Reason: To safeguard the amenities of the area, having regard to Policy SL1 of the Cheltenham Plan (adopted 2020) and policy SD14 of the JCS (adopted 2017).

- 4 Notwithstanding The Town and Country Planning (Use Classes) Order 1987 and The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and/or re-enacting those orders with or without modification), the relevant area of the building shall not be used other than for a cafe (Class E(b)) and sports pavilion (Class F2(c) and shall not be used for any other purpose falling within Use Class E without express planning permission.

Reason: Any alternative use requires further consideration by the Local Planning Authority, having regard to the provisions of the Cheltenham Plan (2020) and the Joint Core Strategy (2017).

- 5 Prior to first occupation of the development, refuse and recycling storage facilities shall be provided for the proposed cafe use and shall be retained as such thereafter.

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

Advertisement

- 1 The advertisement consent hereby granted shall expire after a period of five years from the date of this decision.

Reason: To accord with the provisions of Regulation 14 of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

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

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

- 3
- 1) No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
 - 2) No advertisement shall be sited or displayed so as to—
 - (a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
 - (b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or

- (c) Hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.
- 3) Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.
- 4) Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.
- 5) Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

Reason: To accord with the provisions of Schedule 2 of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

INFORMATIVES

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

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

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

- 2 The applicant is advised that a licence from the Council would be required for any future outside seating/catering on adjoining land.

APPLICATION NO: 22/00994/COU 22/00994/ADV		OFFICER: Mrs Lucy White
DATE REGISTERED: 11th June 2022		DATE OF EXPIRY : 6th August 2022
WARD: Leckhampton		PARISH: LECKH
APPLICANT:	Leckhampton Rover FC	
LOCATION:	Pavilion Burrows Sports Field Merlin Way	
PROPOSAL:	Change of use of part of the pavilion to a cafe (Class E)	

REPRESENTATIONS

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

Grove End
Moorend Grove
Cheltenham
Gloucestershire
GL53 0EY

Comments: 15th June 2022

My initial comment is that the plans show a cafe set up inside the building. However LRFC's design and access statement indicates outside furniture being set up - clearly indicating that tables, chairs etc will be set up outside the pavilion. It does not detail where this will be set up - my house borders the pavilion and my objection will be on the basis of yet further additional noise created. I work nights and this additional noise will severely disrupt my sleep and must be taken into account. We have now put up with severe disruption from noise created by building works over last two years and additional traffic created by erecting a footpath that passes by my property and a work shed still to be erected adjacent to my property. Additional cafe noise will be unbearable. Residents needs and concerns must be taken into account - we were in situ first!

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Appeals Lodged JUNE/JULY 2022

Address	Proposal	Delegated or Committee Decision	Appeal Type	Anticipated Appeal Determination Date	Reference
21 Charlton Close Cheltenham Gloucestershire GL53 8DH	Single storey side extension	Delegated Decision	Written representation Householder	Sept 2022	Appeal ref: 22/00010/PP1 Planning ref: 22/00181/FUL
103 Ryeworth Road Charlton Kings Cheltenham Gloucestershire GL52 6LS	Demolition of existing single storey extension, and erection a single storey, and 1.5 storey rear extension and rear first floor extension (revised scheme of previously withdrawn application ref. 21/02244/FUL)	Delegated Decision	Written representation Householder	Sept 2022	Appeal ref: 22/00011/PP1 Planning ref: 22/00086/FUL

Appeals Determined

Address	Proposal	Delegated/Committee Decision	Appeal Type	Outcome	Reference
Land At Shurdington Road Cheltenham Gloucestershire	Approval of reserved matters (appearance, landscaping, layout and scale) following the grant of outline planning permission ref. 19/02303/OUT for the construction of up to 12 new dwellings, to include road and drainage infrastructure, parking and landscaping with all matters reserved except means of access to the site	Committee Decision	Written representation	Appeal allowed	Appeal ref: 21/00014/PP2 Planning ref: 21/00045/REM

156 - 160 High Street Cheltenham Gloucestershire GL50 1EN	Proposed installation of 1no. new BT Street Hub, incorporating 75" LCD advert screens plus the removal of associated BT kiosk(s) on Pavement opposite 156 - 160 High Street	Delegated Decision	Written representation	Appeal A and Appeal B Dismissed	Appeal ref: 22/00001/PP1 22/00002/ADV1 Planning ref: 21/02306/FUL and ADV
18 Wentworth Road Cheltenham Gloucestershire GL51 0NR	Erection of a detached bungalow	Delegated Decision	Written representation	Appeal Dismissed	Appeal ref: 22/00005/PP1 planning ref: 21/01723/FUL

Authorised By: Liam Jones 05.07.22

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Appeal Decision

Site visit made on 7 March 2022

by Mr S Rennie BSc (Hons), BA (Hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th June 2022

Appeal Ref: APP/B1605/W/21/3281321

Land off Shurdington Road, Leckhampton, Gloucestershire, GL51 4WJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for consent, agreement or approval to details required by a condition of a planning permission.
 - The appeal is made by Kendrick Homes Ltd against Cheltenham Borough Council.
 - The application Ref 21/00045/REM, dated 15 December 2020, sought approval of details pursuant to outline planning permission Ref 19/02303/OUT, granted on 18 June 2020.
 - The development proposed is for the construction of 12 new dwellings, to include road and drainage infrastructure, parking and landscaping.
 - The details for which approval is sought are details of appearance, landscaping, layout and scale.
-

Decision

1. The appeal is allowed and the details submitted pursuant to condition Nos. 2 attached to planning permission Ref 19/02303/OUT dated 18 June 2020, namely appearance, landscaping, layout and scale details in accordance with the application Ref 21/00045/REM, dated 15 December 2020 are approved subject to the following additional conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the approved plans listed in schedule entitled '*Q5a) List of Plans and Documents which accompanied the original Reserved Matters submission*' unless where superseded by amended plans set out in the schedule entitled '*Q6a) List of amended plans and documents*'; together with plan number 375-02-705 '*Connectivity Layout*' (March 2022).
 - 2) The path/route to provide pedestrian and cycling connectivity through the site, as set out with the arrows on plan entitled '*Connectivity Layout*' (ref: 375-02-705) and including the pathway between plots 6 and 7, shall be provided prior to the occupation of the last of the dwellings approved and maintained in perpetuity thereafter.

Main Issue

2. The main issue is the level of connectivity the development would have with the wider area from a pedestrian/cyclist perspective.

Procedural Matter

3. The 'reserved matters' application was not determined by the Council before it was appealed. From the Council's Appeal 'Statement of Case' and all the other evidence submitted I would regard the main issue as being the connectivity

and links for pedestrians and cyclists between the proposed development and the wider residential development of this area.

4. During the course of the appeal a plan reference 375-02-705 entitled 'Connectivity Layout' has been submitted. It shows a pedestrian route from an adjacent development through the site subject to this appeal, through to Shurdington Road. This aspect of the proposal relates both to the layout and access through the site, which was not part of the original outline proposal. I am aware that this was not submitted with the reserved matters application to the Council and that this issue of pedestrian connectivity was a concern for the Council. However, the changes to the layout to allow for this path connection are minimal. It is my view that accepting this plan would not prejudice any interested party. I have therefore considered this plan, entitled 'Connectivity Layout' (ref: 375-02-705) with the appeal.
5. It has been brought to my attention that the access approved as part of the outline planning permission (ref: 19/02303/OUT) has been repositioned with the detailed plans submitted with these reserved matters. While there has been this repositioning it is a relatively minor change to the overall scheme. Furthermore, as explained in the 'Other Matters' section below there is no substantive evidence that the access onto Shurdington Road would result in any adverse highway safety impacts compared to that approved at outline stage, with there being no objections raised to this access with this appeal by the Council or more specifically the highway authority. Considering all these matters it is my judgement that the access as proposed with the appeal plans as part of the reserved matters does not result in any adverse impacts compared to that approved at outline stage and would not materially prejudice any interested parties, with there being consultations for comments based on these detailed plans and the proposed access now part of this appeal.

Reasons

6. Outline planning permission Ref 19/02303/OUT, granted on 18 June 2020, was for up to 12 dwellings on this site, with a section 106 agreement to secure a policy compliant provision of 40% affordable units on the site. The reserved matters submission is for 12 dwellings. This site is part of a much larger allocation for mixed-use development (policy MD4) within the adopted Cheltenham Plan 2020.
7. As set out in the National Planning Policy Framework (the Framework), development should provide for street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods (paragraph 92). I acknowledge that at the time of the submission of the plans to the Council that there was no link shown to the wider policy MD4 allocation area. Any pedestrian or cycling link to the wider development site would be via Shurdington Road (A46), which would not be an example of an 'easy' pedestrian and cycle connection as this would be a long route and not particularly convenient.
8. However, during the course of the appeal a plan was submitted entitled 'Connectivity Layout' which showed a clear path link between units 6 and 7 which would link the proposed development with the wider development to the south. From the 'Miller Homes' plan showing the wider residential development, the proposed path as part of the appeal scheme would link with a path adjacent to a LAP and SuDs pond and on to the housing areas also. This would

be a satisfactory link that would provide sufficiently easy pedestrian and cycling access and movement between these separate developments and provide the necessary connectivity/permeability.

9. It is my understanding that the Millar Homes development proposals (ref: 20/01788/FUL) has been refused by the Council in recent weeks. However, the proposed link as shown on the plan submitted with this appeal does allow for suitable connectivity with whatever development may follow on the adjacent land as part of the wider policy MD4 allocation.
10. Therefore, on this matter, the proposal is in accordance with adopted policy MD4 of the Cheltenham Plan 2020 and adopted policy SD4 of the Joint Core Strategy 2017. These policies require that development be designed to integrate with existing development, prioritise movement by sustainable transport modes, and provide safe, easy and convenient pedestrian and cycle links within the site, amongst other things.

Other Matters

11. As noted in the procedural matters above, the access point off Shurdington Road has moved its position along the site frontage from that approved at outline stage. However, the Council has confirmed that the safety of the revised access point has been fully assessed by the Local Highway Authority. Furthermore, this assessment was made in full awareness of the access points proposed as part of the neighbouring development proposals. There has been no highway objection raised regarding the main access or the internal road layout by the Highways Authority.
12. The access would be positioned almost opposite the Silverthorne Close access off Shurdington Road. However, these access points are still staggered and not directly opposite. Considering the position of the main access as proposed with the reserved matters plans there is no substantive evidence that this would result in highway safety issues, which is also the conclusion of the Council and Highways Authority.
13. There are calls from interested parties for there to be a single joint access with the neighbouring housing development, but this is not a matter before me at this reserved matters stage. The Council has already approved the development of up to twelve dwellings with its own access onto Shurdington Road at outline stage, which is reflected in these reserved matters details.
14. It is acknowledged that this is a relatively minor development which forms part of a much larger area of development in this part of Cheltenham. However, the principle of residential development of up to 12 dwellings at this site has already been approved at outline stage by the Council. It is the details required as reserved matters which is under consideration with this appeal and not the effect of other larger developments adjacent to the site, such as on local infrastructure, transport and the road network for example. The twelve dwellings as now proposed is consistent with that approved at outline stage and so this is not a matter for consideration with this appeal.
15. The proposed dwellings, based on their position and layout, would not result in any significant impact to neighbour amenities.

Conditions

16. The conditions in the attached Schedule are based on those suggested by the Council. Most conditions are set out with the outline permission, such as the timings for development to commence and for vision splays for example. I have imposed a condition requiring compliance with the relevant application plans. Furthermore, there is a condition requiring the implementation of the pathway through the site, as set out on the connectivity layout plan.

Conclusion

17. For the reasons given I conclude that the appeal should succeed, subject to the conditions attached and those imposed at outline stage.

Mr S Rennie

INSPECTOR



Appeal Decisions

Site visit made on 24 May 2022

by Alexander O'Doherty LLB (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 June 2022

Appeal A Ref: APP/B1605/W/21/3289395

Pavement outside 156-160 High Street, Cheltenham GL50 1EN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr James Browne (BT Telecommunications Plc) against the decision of Cheltenham Borough Council.
 - The application Ref 21/02306/FUL, dated 29 September 2021, was refused by notice dated 29 November 2021.
 - The development proposed is described as, "Proposed installation of 1no. new BT Street Hub, incorporating 75" LCD advert screens plus the removal of associated BT kiosk(s)".
-

Appeal B Ref: APP/B1605/H/21/3289397

Pavement outside 156-160 High Street, Cheltenham GL50 1EN

- The appeal is made under Regulation 17 of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
 - The appeal is made by Mr James Browne (BT Telecommunications Plc) against the decision of Cheltenham Borough Council.
 - The application Ref 21/02306/ADV, dated 29 September 2021, was refused by notice dated 29 November 2021.
 - The advertisements proposed are described as, "2no. digital 75" LCD display screens, one on each side of the Street Hub unit".
-

Decisions

Appeal A

1. The appeal is dismissed.

Appeal B

2. The appeal is dismissed.

Preliminary Matter

3. The proposal for Appeal B would be an integral part of the proposal for Appeal A. As such, to avoid repetition I have provided one reasoning section, detailing my findings for both appeals. Notwithstanding this, each proposal and appeal has been considered individually, and on its own merits.

Main Issues

4. The main issue with respect to Appeal A is whether the proposal would preserve or enhance the character or appearance of the Cheltenham Central Conservation Area and whether the setting of a nearby listed building would be preserved.

5. The main issue with respect to Appeal B is the effect of the proposed advertisements on amenity, including the Cheltenham Central Conservation Area and the setting of a nearby listed building.

Reasons (Appeal A and Appeal B)

Conservation area

6. The appeal site comprises an area of pavement outside 156-160 High Street, Cheltenham, which is a pedestrianised area. The site is positioned immediately in front of commercial frontages in a bustling and vibrant commercially-orientated area of Cheltenham. The wider area generally consists of a range of commercial and retail premises.
7. Several items of street furniture are present near the site, including lighting columns, tree boxes, and benches. Nevertheless, the wide width of the High Street means that it has the appearance of being relatively uncluttered by street furniture, and the advertising, branding, and fascia signs present on nearby buildings in retail and commercial use at ground floor level is predominantly visually restrained and mostly unobtrusive in appearance.
8. The site is within the Cheltenham Central Conservation Area (conservation area). The Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) provides at s72(1) that with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
9. I concur with the analysis provided in the appeal decisions referred to, relating to the High Street in Cheltenham¹, that the significance of the conservation area lies in part in the manner in which it encompasses a range of buildings and spaces that reflect the evolution of this historic centre, and that the area has a busy, vibrant character and advertisements on shopfronts are a well-established feature of the street scene.
10. The site contributes to the significance of the conservation area primarily by its function as part of a pedestrianised area which as a whole provides a relatively uncluttered space which affords clear views of the mostly architecturally-impressive buildings which surround the site. These buildings near the site generally exhibit grand and elegant facades at first floor level, which serve to illuminate the rich history of this part of Cheltenham. Colourful frontages and facades are present at ground floor level near the site, but these are not overwhelming and are predominantly fairly restrained in their visual impacts.
11. In this particular context, the proposed 'Street Hub' would be a tall and wide structure, with a rectangular block-like design. Due to its height and design, in its prominent location on a pedestrianised area of the High Street, the proposed 'Street Hub' would be viewed as an imposing and visually incongruous item of street furniture which would unduly detract from both the fine examples of high-quality architecture visible at first floor level near the site, and the visually restrained and aesthetically-pleasing facades and fascia signs present on the commercial and retail frontages near the site at ground floor level.

¹ APP/B1605/Z/19/3227824, APP/B1605/Z/19/3227826, APP/B1605/Z/19/3227830, APP/B1605/Z/19/3227836, APP/B1605/Z/19/3227839

12. Moreover, due to its fairly large scale in comparison with most other items of nearby street furniture and its proposed prominent positioning on a pedestrian route, it would serve to add visual clutter to the street scene.
13. The 2 proposed LCD screens would display static images. Conditions could be imposed to require a minimum 10 seconds display time for each piece of content on the digital displays, and to control the intensity of the illumination.
14. Nevertheless, LCD displays of a similar size to that proposed are not common in the immediate vicinity. Considering this, the 2 large-sized LCD screens, when considered together, would appear as overly-dominant and visually intrusive features in this location which contains a number of buildings which exhibit a refined elegance at first floor level. Although the 2 LCD screens would automatically dim in the hours of darkness, considering the size of the proposed illuminated screens in this prominent location, the overall visual effect of the proposed 'Street Hub' would be particularly noticeable and harmful in the hours of darkness.
15. It follows that the proposals would undermine the character and appearance of the nearby historic architecture, which would cause harm to the significance of the conservation area. As the harm caused by the 'Street Hub' would be localised, the proposal would cause less than substantial harm to the significance of the conservation area as a designated heritage asset, but nevertheless this harm is of considerable importance and weight. The National Planning Policy Framework (the Framework) advises that such harm should be weighed against the public benefits of the proposal, which are considered below.

Listed building

16. The site is within the setting of 159 & 161 High Street (a Grade II listed building), i.e. the surroundings in which the heritage asset is experienced.
17. With respect to Appeal A, The Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) provides at s66(1) that in considering whether to grant planning permission for development which affects a listed building or its setting, special regard shall be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
18. I observed that the significance of 159 & 161 High Street derives in part from its contribution to the grandeur of the street scene by virtue of its refined and elegant architecture exhibited on its upper floors. The setting, including the appeal site, contributes to the significance of this listed building by being part of a broad pedestrianised area which provides a mostly open space in which the visual qualities of the listed building may be better experienced, which complements the visual experience of the listed building when viewed within its setting.
19. The proposed 'Street Hub' would appear as an incongruous feature in this historic context, due to its considerable size, its block-like design with a vertical emphasis, and its 2 large illuminated screens, and it would add to visual clutter in this location. In this way, the visual experience of the listed building when viewed within its setting would be negatively affected.

20. Consequently, the contribution that the setting makes to the significance of the listed building would be compromised by the proposals. Whilst the harm caused by the 'Street Hub' to the setting of the listed building would be less than substantial, this harm is of considerable importance and weight. This harm must be weighed against the public benefits of the proposal, which are considered below.
21. I have had regard to appeal decisions Refs APP/Z4310/W/18/3205104 & APP/Z4310/W/18/3205102. In those decisions, the Inspector referred to the listed buildings in question as being 'some distance' from the proposals, whereas in this case 159 & 161 High Street is near to the appeal site. The Inspector also referred to the variety of illuminated advertisements in the vicinity, including digital advertisement screens, whereas digital advertisement screens are not common near the appeal site. As such, it appears from the limited information before me that the freestanding InLink and 2 LED display screens proposed in those appeals in Liverpool was much more in-keeping with its visual context than is the case in relation to the proposed 'Street Hub' in this particular area of Cheltenham. Accordingly, those appeal decisions do not change my findings.

Public benefits and balance

22. The proposals would remove an existing telephone kiosk, which does not complement the street scene and which contributes to visual clutter in the vicinity. Indeed, the appellant has referred to the proposals as forming an upgrade / direct conversion of this existing and long-established item of street furniture.
23. Whilst I recognise that the principal considerations that justified the consent of the existing kiosk may not have changed, I am required to undertake an impartial and independent assessment of the proposals before me. In this regard, whilst I have taken full account of the presence of the existing kiosk, and noting that consistency is important in the planning system, I am not bound to fall in line with any previous decision of the Council.
24. The proposed 'Street Hub' would be read in the same context as the existing kiosk, and would incorporate a more modern and streamlined design than that kiosk. It would also appear less bulky in the street scene. Nevertheless, that kiosk only contains one advertisement, which is not of a digital format, whereas the proposals would have 2 advertisements in the form of large LCD screens which would be more noticeable in the street scene, and as I have noted above, would serve to unduly undermine the character and appearance of the conservation area. These facts would off-set much of the improvements in product design which the proposals exhibit in comparison to the existing kiosk.
25. Similarly, as the proposals would remove an existing kiosk that does not complement the street scene and would replace it with a 'Street Hub' which also causes demonstrable harm to the character and appearance of the conservation area and the setting of a nearby listed building, this greatly limits the weight that can be given to the public benefit of removing the existing kiosk.
26. The proposed 'Street Hub' would have a smaller footprint than the existing kiosk, and accordingly would free-up some space on the pavement. However,

- the difference in footprint between the 2 units would not be significant, which limits the weight that can be given to this factor, including with respect to any benefits in relation to pedestrian movement and safety.
27. The proposals would offer a wide range of other public benefits, which in summary, would include free ultrafast public Wi-Fi, 5G small-cell mobile connectivity, free UK calls, free device charging, an emergency services button, environmental sensors, insight counting, and public messaging capabilities. Access would be provided to Council services, national charities, BT's phone book, local weather information, maps, and wayfinding. The public messaging capabilities would include free Council advertising, a community notice board facility, discount advertising for local business groups, and emergency and community awareness messaging.
 28. The Street Hubs Beyond connection document states that the proposed 'Street Hub' would be powered by 100% renewable carbon-free energy, and that business rates are paid when requested by the Council, ensuring that an ongoing financial contribution is made to the local area. A Street Hub Anti-Social Behaviour Management Plan is in place which would likely reduce any potential negative anti-social behaviour issues occurring due to the presence of the proposed 'Street Hub'.
 29. The proposed 'Street Hub' would not have any visible antennas, equipment cabinets or electricity meter cabinets, meaning that it would offer a more discrete alternative to a conventional mobile phone mast. However, I have not been provided with evidence which demonstrates that there is a specific need for a mobile phone mast near the appeal site, which limits the weight that can be given to this matter.
 30. The proposed 'Street Hub' could potentially provide the Council with environmental, pedestrian and cycle movement data, considering its proposed placement in an area which likely has a high level of footfall. However, limited details have been provided as to whether the Council would find this 'smart city' planning data to be useful in practice, nor the extent to which such data would be useful in terms of the delivery of the Council's services and planning functions, which limits the weight that can be given to these factors.
 31. These benefits would accord with the National Infrastructure Strategy, the Government's Ten Point Plan for a Green Industrial Revolution, the UK Digital Strategy, and paragraph 114 of the Framework which provides that, amongst other things, advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being, and that planning decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G).
 32. The Framework makes clear that great weight needs to be given to designated heritage assets' conservation. Whilst I have considered all the case studies presented and have taken account of the quotes provided in the 'Community feedback' section of the Street Hubs Beyond connection document, I have not been presented with evidence which uses a robust and transparent research methodology. As such, I consider that it has not been demonstrated that the potential scale and practical impacts of the various benefits of the proposals would be significant, particularly with respect to the use of the various data services proposed to be provided to the Council.

33. Therefore, collectively I have given all these benefits no more than moderate weight in favour of the proposals. Consequently, in relation to Appeal A, I find that they do not, either individually or cumulatively, amount to public benefits which outweigh the harm that would be caused to the significance of the conservation area and the setting of the listed building.
34. Hence, in relation to Appeal A, I find that the proposal would not preserve or enhance the character or appearance of the conservation area and that the setting of the nearby listed building would not be preserved. In relation to Appeal B, a similar range of public benefits would arise via the proposal. However, The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) (2007 Regulations) make clear that advertisements should be subject to control only in the interests of amenity and public safety. Appeal B has been assessed on this basis.
35. In relation to Appeal A, the proposal would conflict with Policy D1 of the Cheltenham Plan (adopted 2020), which provides that, amongst other things, development will only be permitted where it complements and respects neighbouring development and the character of the locality. It would also conflict with Policies SD4 and SD8 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011 – 2031 (adopted 2017) which collectively provide that, amongst other things, development should make a positive contribution to local character and distinctiveness, having regard to valued and distinctive elements of the historic environment.
36. The reasons that I have provided above, in relation to Appeal A, with respect to the impact of the proposal on the character and appearance of the conservation area and the setting of the nearby listed building, apply equally with regards to the effect of the proposed advertisements on amenity, for Appeal B. Thus, in relation to Appeal B, the proposed advertisements would have an unacceptable and harmful effect on amenity, including the conservation area and the setting of the nearby listed building.
37. In relation to Appeal B, in accordance with Regulation 3(1) of the 2007 Regulations, material to my findings is Policy HE3 of the Cheltenham Plan (adopted 2020), which provides that, amongst other things, advertisements in conservation areas will be supported providing that they respect the character of the surrounding area. For the reasons given above, with respect to amenity, the proposed advertisements would conflict with this policy.
38. In relation to Appeal B, the proposal would conflict with paragraph 136 of the Framework which provides that, amongst other things, the quality and character of places can suffer when advertisements are poorly sited and designed. The proposal for Appeal B would also conflict with the advice given in Streets for All: Advice for Highway and Public Realm Works in Historic Places (2018) which provides that, amongst other things, poorly sited advertising can have a degrading effect on the character of conservation areas and the setting of listed buildings, especially when digital screens and internally illuminated signs are used. Accordingly, in accordance with paragraph 136 of the Framework, it is appropriate for express consent to be withheld for the advertisements, in the interests of amenity.

Conclusions (Appeal A and Appeal B)

39. For the reasons given above, I conclude that Appeal A should be dismissed and that Appeal B should be dismissed.

Alexander O'Doherty

INSPECTOR

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Application No.	Appeal Ref	Site Address	Appeal Type	Start Date
21/02306/FUL	22/00001/PP1	o/s 156 - 160 High St	written	07.03.2022
21/02306/ADV	22/00002/ADV1	o/s 156 - 160 High St	written	07.03.2022
21/02304/FUL	22/00003/PP1	o/s 21 Promenade	written	08.03.2022
21/02304/ADV	22/00004/ADV1	o/s 21 Promenade	written	08.03.2022
21/01723/FUL	22/00005/PP1	18 Wentworth Road	written	24.03.2022
21/02505/FUL	22/00006/PP1	The Paddocks Swindon L	written	06.04.2022
21/01891/FUL	22/00007/PP1	9 The Bungalow All Saints	written	25.04.2022
21/00022/DCUALF	22/00008/ENFAPP	3 Suffolk Road	written	03.05.2022
22/00262/FUL	22/00009/PP1	27 Cleeve View Road	written	24.05.2022
22/00181/FUL	22/00010/PP1	21 Charlton Close	written	16.06.2022
22/00086/FUL	22/00011/PP1	103 Ryeworth Road	written	16.06.2022

Questionnaire	Statement	Final Comments	Decision	Date of Decision	Costs Deci	Hearing Date
14.03.2022	11.04.2022	25.04.2022	dismissed	22.06.2022	n/a	
14.03.2022	11.04.2022	25.04.2022	dismissed	22.06.2022	n/a	
15.03.2022	12.04.2022	26.04.2022				
15.03.2022	12.04.2022	26.04.2022				
31.03.2022	28.04.2022	12.05.2022	dismissed	23.06.2022	n/a	
13.04.2022	11.04.2022	25.05.2022	dismissed	05.07.2022	n/a	
02.05.2022	30.05.2022	13.06.2022				
17.05.2022	14.06.2022	05.07.2022				
31.05.2022	n/a	n/a				
23.06.2022	n/a	n/a				
12.06.2022	n/a	n/a				

**Costs
awarded**

