



# CHELTENHAM BOROUGH COUNCIL

## Notice of a meeting of Planning Committee

**Thursday, 17 November 2022**

**\*\*\*\*3.00 pm\*\*\*\***

**Council Chamber - Municipal Offices**

### Membership

<b>Councillors:</b>	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**
2. **DECLARATIONS OF INTEREST**
3. **DECLARATIONS OF INDEPENDENT SITE VISITS**
4. **MINUTES OF THE LAST MEETING** (Pages 3 - 8)  
To approve the minutes of the meeting held on 20<sup>th</sup> October 2022..
5. **PLANNING APPLICATIONS**
- 5a **22/00728/LBC The Vineyard, Berkeley Street, Cheltenham GL52 2SX** (Pages 9 - 14)

[Planning Application Documents](#)

- 5b      **22/00112/OUT Land Adjacent to Oakhurst Rise**      (Pages 15 - 222)  
[Planning Application Documents](#)
- 5c      **22/01441/FUL 10 Selkirk Street, Cheltenham GL52**      (Pages 223 - 264)  
**2HH**  
[Planning Application Documents](#)
- 5d      **22/00072/FUL 2 Charlton Court Road, Cheltenham**      (Pages 265 - 278)  
**GL52 6JB**  
[Planning Application Documents](#)
- 5e      **22/01656/FUL 82 East End Road, Charlton Kings,**      (Pages 279 - 290)  
**Cheltenham GL53 8QL**  
[Planning Application Documents](#)
6.      **APPEAL UPDATE**      (Pages 291 - 292)  
Head of Planning will present the appeals update.
7.      **ANY OTHER ITEMS THE CHAIRMAN DETERMINES**  
**URGENT AND REQUIRES A DECISION**

**Contact Officer:** Claire Morris, 01242 264130  
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### Planning Committee

**Thursday, 20th October, 2022  
18.00-20.20**

#### **Attendees**

**Councillors:** Councillor Paul Baker (Chair), Councillor Glenn Andrews, Councillor Adrian Bamford, Councillor Bernard Fisher, Councillor Paul McCloskey, Councillor Emma Nelson, Councillor Tony Oliver, Councillor John Payne, Councillor Diggory Seacome and Councillor Simon Wheeler

**Officers in Attendance:** Michael Ronan (OneLegal) Ben Warren (Planning Officer), Lucy White (Planning Officer), Clare Donnelly (Planning Officer) Sam Reader (Trees Officer)

#### **1. Apologies**

There were apologies received from Cllr Barnes.

#### **2. Declarations of Interest**

Cllr Andrews declared that he would be speaking on items 5c and 5d and therefore would not be present for the vote on either item.

#### **3. Declarations of independent site visits**

Cllrs Fisher, Bamford and McCloskey visited sites 5a, 5c, 5d and 5e

Cllr Andrews visited sites 5c and 5d

Cllr Payne visited 5b, 5c and 5e

Cllrs Nelson and Seacome visited all sites

Cllr Oliver visited 5a, 5c, 5d and 5e

Cllr Baker visited 5a, 5c and 5d

#### **4. Minutes of the last meeting**

The minutes of the meeting held on 22<sup>nd</sup> September were approved.

The Chair then agreed that item 5e would be heard first.

#### **5. Planning Applications**

#### **6. 22/01373/FUL 129-133 Promenade, Cheltenham, GL501NW**

The planning officer introduced the report.

There was one speaker who spoke in favour of the application. He made the following points:

- That the benefit of the marquees staying for a further two years outweighs the temporary harm that the structures cause.
- Stated that they were not aware of any complaints until the application was made.
- There was acceptance that the marquees are not an acceptable long term solution in heritage terms, but there were public benefits of retaining them ie jobs, the economy, the viability of the business and the vitality of the town. It is believed that they outweigh the temporary harm.
- The marquees have not caused the capacity of the site to increase as the capacity is set by the licence and this has not changed. The marquees simply allow the outside eating and drinking to continue all year.
- It is anticipated that if the extension is not granted then up to 50 jobs will be at risk.

The response to a Member question was that there were now no longer any covid protocols in place.

During Member debate the following points were raised:

- There was a question to be considered that if covid restrictions hadn't been in place would permission for the marquees ever be granted.
- The area has been made more vibrant by the marquees being in place and a two year extension doesn't seem unreasonable.
- As covid is clearly not over and as it will soon be winter a two year extension seems prudent.
- That some of the marquees are in a poor state of repair and that it is time to claim back the Promenade as there are beautiful buildings and the marquees detract from that.
- The marquees were put up for a very good reason, the business had a business plan before the pandemic and therefore should not be relying on the temporary structure.
- Cheltenham is a tourist town and many people come to see the Georgian buildings. Other businesses in the town have removed their temporary structures therefore it would be fair for all businesses follow the same rules.
- The pandemic is not over as the current figures show therefore a two year extension might be a good thing although the marquees are ugly.
- The marquees seem to be enclosed on all sides which defeats the object if covid is a concern.

The matter went to the vote on the officers recommendation to refuse.

FOR: 6

AGAINST: 4

**REFUSED**

**7. 22/01540/FUL St Marys Mission, High Street, Cheltenham, GL50 3JA**

The planning officer introduced the report. There were no speakers on the item.

In response to a Member question it was confirmed that the flag that would be flying from the pole would be the green flag that has been awarded to the park and garden.

There were no issues for Member debate.

The matter went to the vote with the recommendation to permit.

For: 10 – UNANIMOUS

**PERMITTED**

**8. 22/01439/FUL Pittville Pump Rooms, East Approach Drive, Cheltenham, GL52 3JE**

The planning officer introduced the report as published.

There was one public speaker and a Councillor who spoke on the item. They were both in support of the application.



The first speaker made the following points:

- It was recognised that the structure is not appropriate for the style of building.
- The café is vital to the future sustainability of the Pump Rooms and the Trust as a whole.
- A third of the Trusts income is generated from the Pump Rooms café and the Garden Café.
- The café supports not only the Pump Rooms but the Wilson and free live entertainment family events.
- There is the possibility that 18 employees will be made redundant if the facility closes.
- If the café was moved into the Pump Rooms due to other bookings and commitments the café would only be able to trade for 70 days per year.
- It is financially unsustainable to return to the trestle tables and kiosk that there was before.
- There were so many representations in support that it is clear that the social benefits outweigh the aesthetic impact.

Cllr Andrews then spoke in support and made the following points:

- The café is an invaluable asset to the town and to the Trust as it supports the buildings that the Trust is responsible for and its upkeep.
- The loss of amenity argument seems weak as it does not impede on the view from other properties and is only partially seen from the west.
- The fact that it is a Grade 1 listed building is largely irrelevant when talking about the café as there is no change to the Pump Room itself.
- The issue must be supported as it is essential for cultural reasons and funds for maintaining the property.
- It is more than economics it is about social and mental health benefits for people and that should not be ignored.

During the debate Members made the following points:

- The trust should have appreciated the benefit of the café and been making plans for when it was going to be removed over a year ago.
- The glass box detracts from the Grade 1 listed building, it is time to start reclaiming them.
- There was no business plan to support the figures that were being provided. An indoor café like the pump rooms in Bath would be a solution and be grand surroundings.
- The Pump Rooms have always struggled to combine event functions with a café, however the aesthetics of the structure are not good and should not be supported.
- This application is different to the 131 application as the café has not stopped the public being able to see the building.
- The Trust needs to look at a more elegant structure if there is a commercial need. It is good that the money goes back into the town to support the Trusts other properties and will support.
- Although the location of the café is not the best, the beauty of the Pump Rooms can still be seen. It will be for the greater good of the public if it remains and will support.
- The Trust was in financial difficulty prior to the current team taking it over, it would seem that the café is a necessity to provide money back into the Trust and to remove that would seem reckless. Cheltenham Borough Council does not have the money to bail the Trust out.
- The café is not a warm place and the justification is not there as the Pump Rooms will attract visitors regardless.
- The applicant has had two years to come up with an alternative to the structure that they have at the moment. The Trust should be treated the same way as previous applications, acceptance that the Trust put money back into maintaining their

buildings but there should be acknowledgement that 131 had also restored their property.

- There are three other places in the park to buy tea, coffee and treats.

There was then an amendment moved for an extension of one year rather than two. The proposal for the amendment was seconded and the matter was debated and the following points were made:

- Whereas the attractiveness of a one year is appealing, it is not known if the Trust is financially relying on the two year plan as no business case has been put forward.

The planning officer then confirmed that the Trust was relying on a two year plan so a one year plan might not be feasible.

The amendment was then voted on and that fell.

The vote was taken on the officer recommendation to refuse:

For: 5

Against: 4

**REFUSED**

## **9. 22/01438/FUL Cheltenham Town Hall, Imperial Square, Cheltenham, GL50 1QA**

The planning officer introduced the report.

There were two speakers – a representative from the Cheltenham Trust and a Councillor both in favour of the application.

The representative from the Trust made the following points:

- That the Garden Bar has grown from an ice cream kiosk to an all year round destination.
- The Garden Bar grew organically due to visitor demand.
- It offers employment to 20 staff and spend approx. £211,000 to local suppliers.
- The income helps to supplement access to all and keep the museum free of charge.
- There is often live music in the Garden Bar and that supports local entertainers and is provided to the customers free of charge.
- The Garden Bar encourages people to visit the gardens and therefore helps to promote the gardens.
- There was only one objection to the application and there were over three thousand people in support.

The Ward Councillor then made the following points:

- That financially it is a pressing issue to keep the Garden Bar up and running.
- Proceeds supplement many free events.
- The building enhances the look of that part of Imperial Square.
- The building also helps to enhance the uglier western side of the Town Hall.
- The amount of support illustrates that the Garden Bar should remain.
- Refusal will make visiting the gardens and the town less appealing.

There were no Member questions, the matter went straight to debate where the following points were raised:

- The gardens are a lovely place to visit and the building does not have a detrimental effect on them. It is a lovely place to visit especially in the summer. Would definitely support.
- Is in favour as long as the published opening hours are honoured and there is no issue with noise.
- Another Member also said that they would support the application and hoped that a decent permanent structure can be found.
- The building is more attractive than others – will look forward to what the Trust brings forward.

The matter then went to the vote on the officer recommendation to permit:  
For – UNANIMOUS

## PERMITTED

### 10. 22/00799/TREEPO 1 Hill Court, Hillcourt Road, Cheltenham GL52 3JJ

The trees officer introduced the report.

There was one speaker in objection who made the following points:

- That there was no objection to the TPO being made but the fact that the two horse chestnut trees were included.
- If you visited the site from a public vantage point you would see no difference to the canopy with or without the two horse chestnuts.
- The development of the site is clearly an issue whether the two horse chestnuts remain or go development will still be deterred.
- Believed that is unfair that she has to ask permission from a public body to prune the trees.
- The request was made that the committee granted the TPO but removed the two horse chestnuts from it.

The responses to Member questions were as follows:

- Amenity is a bland idea and no fixed description in government and not for this meeting
- A condition cannot be made on the pruning of trees.

The matter then went to the vote to confirm the TPO

For: UNANIMOUS

## GRANTED

### 11. Appeal Update

The details of appeals were noted for information.

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

There were none.



<b>APPLICATION NO:</b> 22/00728/LBC	<b>OFFICER:</b> Mr Nikita Hooper
<b>DATE REGISTERED:</b> 17th August 2022	<b>DATE OF EXPIRY:</b> 12th October 2022
<b>DATE VALIDATED:</b> 17th August 2022	<b>DATE OF SITE VISIT:</b> 6 <sup>th</sup> September 2022
<b>WARD:</b> All Saints	<b>PARISH:</b>
<b>APPLICANT:</b>	Vineyard Practive
<b>AGENT:</b>	SF Planning Limited
<b>LOCATION:</b>	The Vineyard Berkeley Street Cheltenham
<b>PROPOSAL:</b>	Repair works to parapet wall (regularisation)

**RECOMMENDATION:** Refuse



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## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The subject building is located on the western side of Berkeley Street.
- 1.2 "Repair works to parapet wall (regularisation)".
- 1.3 For clarity, the work has been undertaken without listed building consent. The application form at 'Description of proposed works' indicates that it was started on 2 March 2020 and completed on 9 March 2020. The Planning Enforcement Team is aware of the work.
- 1.4 The application is before committee at the request of Councillor Clark, as the Councillor believes that the applicant was acting in good faith to address urgent works.

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

### Constraints:

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

### Relevant Planning History:

**01/01059/CACN 14th September 2001 NOOBJ**

Crown lift Ash tree by 4 to 5 metres

**91/01019/PF 21st November 1991 PER**

Alterations To Forecourt To Provide Enlarged Parking Area

**91/01023/LA 21st November 1991 PER**

Alterations To Forecourt To Provide Enlarged Parking Area

**92/00020/PC 27th February 1992 PER**

Change Of Use Of Ground Floor For The Purposes Of An Osteopathic Practice

**92/00023/LA 27th February 1992 PER**

Subdivision Of One Ground Floor Room To Create Surgery

**93/00136/PF 27th May 1993 PER**

Two Self Contained Flats To Basement

**93/00139/LA 27th May 1993 PER**

Two Self Contained Flats To Basement

**93/00614/PC 29th July 1993 PER**

Change Of Use Of Rear Flat To Treatment Rooms Etc.

**93/00623/LA 29th July 1993 PER**

Construction Of Partition In Front Ground Floor Room

**07/00598/CACN 5th June 2007 NOOBJ**

Sycamore - fell and replce with a Laburnum

**12/00311/CACN 26th March 2012 NOOBJ**

1) Ash tree-fell. 2) Purple leaved plum-crown lift to 2.5 metres. 3) Liquidambar-crown lift to 2 metres 4) Whitebeam-crown lift to 2.5 metres.

5) Sycamore-crown lift to 12 metres

**13/00463/COU 19th June 2013 PER**

Change of use of ground floor rear flat to chiropractic clinic  
**13/00463/LBC 19th June 2013 GRANT**  
Change of use of ground floor rear flat to chiropractic clinic  
**17/00141/CACN 17th March 2017 NOOBJ**  
Sycamore - fell

### 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**

*18th August 2022* - No comment

### 5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	<b>24</b>
Total comments received	<b>0</b>
Number of objections	<b>0</b>
Number of supporting	<b>0</b>
General comment	<b>0</b>

5.1 A site notice was displayed and the application listed in the Gloucestershire Echo.

### 6. OFFICER COMMENTS

- 6.1 Section 7 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Listed Buildings Act 1990) states "Subject to the following provisions of this Act, no person shall execute or cause to be executed any works for the demolition of a listed building or for its alteration or extension in any manner which would affect its character as a building of special architectural or historic interest, unless the works are authorised."
- 6.2 Section 16 (2) of the Listed Buildings Act 1990 requires the local planning authority when considering whether to grant listed building consent to "have special regard to the desirability of preserving the building...or any features of special architectural or historic interest which it possesses."

- 6.3** Paragraph 189 of the National Planning Policy Framework (MHCLG: 2021) (the framework) states that “Heritage assets...are an irreplaceable resource, and should be conserved in a manner appropriate to their significance”.
- 6.4** Paragraph 197 of the framework states that “In determining applications, local planning authorities should take account of...the desirability of sustaining and enhancing the significance of heritage assets”.
- 6.5** Policy SD8 (Historic Environment) of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2013 (adopted December 2017) (JCS) states that “Designated...heritage assets and their settings will be conserved and enhanced as appropriate to their significance.”
- 6.6** The building is included on the National Heritage List for England at Grade II. First listed on 12 March 1955. List entry number: 1386762.
- 6.7** The subject building (The Vineyard) was formerly known as Berkeley Villa and it was used as preparatory school for boys from 1832 to 1867.
- 6.8** The significance of the building lies principally in its architectural value as an example of polite domestic architecture of the first half of the nineteenth century. The use of historically traditional building materials such as render, brick and stone adds to the architectural value.
- 6.9** With reference to drawing 2202 04 (proposed section), the subject lead-work which has been installed completely covers the parapet (or blocking course) and the upper face of the cornice.
- 6.10** The principal (front) elevation (south-east) of the subject building is of stucco over brick, with two full height bowed bays, architectural features include a band at first floor level, frieze and cornice, with a stone parapet (blocking course) (now covered in lead) to the top. Most of these elements continue on the side elevations (north-east and south-west).
- 6.11** A fundamental component of the architecture of the period is an elegant uniformity, which includes materials and colours, as can be seen in photos of the building prior to the work being undertaken. The lead-work has disrupted this, detracting from the appearance and therefore the architectural value of the building.
- 6.12** The framework states that “Any harm to, or loss of, the significance of a designated heritage asset (from its alteration...), should require clear and convincing justification” (para. 200).
- 6.13** The application provides very limited justification for the work via the covering letter/heritage statement (the statement). It refers to the roof being in a “considerable state of disrepair with many of the rear surfaces flaking badly...the roof was very badly leaking...and urgent repair work was needed at short notice to protect the internal fabric from further damage...The stonework of the parapet was too fragile to have leadwork rebated into the rear face of the parapet” (p. 4).
- 6.14** Any perceived urgent necessity is not supported by any evidence. It is unclear as to why the stonework could not have been suitably repaired and/or replaced and there is no comment on what temporary mitigation works were considered and why they were discounted. The application clearly fails to meet the requirements of paragraph 200 of the framework.
- 6.15** There is of course no objection to the prevention of water ingress. However, the introduction of a non-porous material that wholly covers the parapet will not allow the natural material to ‘breathe’ and it is therefore likely to exacerbate any issues with damp,



particularly if the fragile stonework was not suitably repaired prior to the application of the lead. Though lead was a material that was used in the construction of buildings of the period, it was generally limited to flashings, valley gutters and as a covering to verandahs and canopy roofs. It was not historically used to cover stone work as the practice was to allow the natural material to 'breathe': to absorb water and then allow it to escape externally through evaporation. If the parapet was failing then repair with suitable traditional materials would ensure that it functioned correctly.

- 6.16** Whilst each application is considered on its own merits, the Local Planning Authority (the LPA) refused application 19/01781/LBC on 4 December 2019. The scheme related to a polite nineteenth century Grade II listed building and the proposed covering of the stone coping of a parapet with lead. The officer stated, "The use of non-breathable materials is very likely to exacerbate any issues of damp to the detriment of the physical integrity of the building detracting from its architectural/aesthetic value to the detriment of the significance of the building" (para. 6.16, Delegated Officer Report).
- 6.17** The decision of the LPA was appealed and the Inspector found that "The proposed works could lead to harm to the fabric, continuity, integrity and thereby the significance of the listed building...the limitations of the information provided fails to give necessary justification for the works or assurance that they would be either effective or not in themselves harmful" (paras. 10 and 11, Appeal Decision, 12 June 2020). The appeal was dismissed.
- 6.18** The principle of consistency in decision making is explored in the judgement in the case of *DLA Delivery Ltd v Baroness Cumberlege of Newick & Anor (Rev 1) [2018] EWCA Civ 1305 (08 June 2018)*.
- 6.19** The work has detracted from the architectural value of the building in terms of its appearance and is very likely to harm to its fabric. No substantiated justification for this approach over any other has been offered, and there is no indication that the lead-works as carried out would be effective, or indeed not harmful.
- 6.20** The framework at paragraph 199 requires the decision maker(s), when considering the impact of a proposed development on the significance of a designated heritage asset, to give great weight to the conservation of the asset; and the more important the asset, the greater the weight should be. This is irrespective of whether any potential harm equates to substantial harm, total loss or less than substantial harm to its significance.
- 6.21** Paragraph 202 of the framework states that where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, that this harm should be weighed against the public benefits of the proposal.
- 6.22** Planning Practice Guidance (Historic environment) published by Central Government (23 July 2019) states, "Public benefits should...be of a nature or scale to be of benefit to the public at large and should not just be a private benefit" (paragraph: 020, reference ID: 18a-020-20190723).
- 6.23** It is considered that the work is detrimental to the significance of the listed building; the degree of harm is considered to be less than substantial. When balancing the harm against the public benefits of the proposal the framework requires great weight to be given to the conservation of the heritage assets. It is not apparent what public benefit the scheme provides and the application appears to be silent on this issue. Given this, the greater weight is clearly with the conservation of the designated heritage asset in the balancing exercise.

## **7. Public Sector Equalities Duty (PSED)**

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

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

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

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

## **8 CONCLUSION AND RECOMMENDATION**

**8.1** The work has detracted from the significance of the listed building through the application of an inappropriate material.

**8.2** The scheme is contrary to Section 16 (2) the Listed Buildings Act 1990, section 16 (conserving and enhancing the historic environment) of the framework and Policy SD8 of the JCS. Therefore, it is recommended that the application is refused.

## **9. REFUSAL REASONS**

- 1 The work has led to less than substantial harm to the significance of the listed building by detracting from its architectural value through the use of an inappropriate material. This harm is not outweighed by any substantiated public benefit.

The scheme is contrary to Section 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the National Planning Policy Framework (2018) and Policy SD8 (Historic Environment) of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2013 (adopted December 2017).

**Officer Report**

<b>APPLICATION NO:</b> 22/00112/OUT	<b>OFFICER:</b> Mrs Emma Pickernell
<b>DATE REGISTERED:</b> 22nd January 2022	<b>DATE OF EXPIRY:</b> 23rd April 2022
<b>DATE VALIDATED:</b> 22nd January 2022	<b>DATE OF SITE VISIT:</b>
<b>WARD:</b> Battledown	<b>PARISH:</b> Charlton Kings
<b>APPLICANT:</b>	William Morrison (Cheltenham) Limited & Trustees Of...
<b>AGENT:</b>	Frampton Town Planning Ltd
<b>LOCATION:</b>	Land Adjacent To Oakhurst Rise Cheltenham
<b>PROPOSAL:</b>	Outline application for residential development of 25 dwellings - access, layout and scale not reserved for subsequent approval

**RECOMMENDATION:** Permit



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## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site is a large, undeveloped parcel of land, approximately 4.3 hectares, located to the east of the borough within the Principal Urban Area (PUA), in an elevated position above the town. The site comprises two fields of grassland separated by a mature hedge and trees, and is largely bound by hedging and trees.
- 1.2 Residential properties in Birchley Road and Ashley Road are located to the north and east of the site, and Oakhurst Rise to the west. St Edwards Preparatory School is located to the south.
- 1.3 The site is heavily constrained due to the presence of a number of protected trees, the sloping nature of the site, the presence of protected wildlife species, the presence of a historic Ice House and its close proximity to listed buildings.
- 1.4 Three previous planning applications for this site have been refused by the Planning Committee for 90, 69 and 43 dwellings respectively. Details of these will be provided later in the report. The most recent application was refused by the planning committee in September 2020, an appeal was made which subsequently dismissed following a public inquiry by notice dated 11<sup>th</sup> May 2021. The appeal decision is appended to this report.
- 1.5 This application is now seeking outline planning permission for a revised scheme which proposes the erection of 25 dwellings (40% affordable). As with previous applications this current application is seeking approval for the access, layout and scale with matters relating to appearance and landscaping reserved for future consideration, should the principle of developing the site be considered acceptable. Access would be provided via Oakhurst Rise as previously proposed. The proposed housing mix comprises:

1.6 Open Market Units:

3 bed – 5 no.

4/5 bed – 10 no.

**Total 15**

Affordable Units:

1 bed – 3 no.

2 bed – 4 no.

3 bed – 2 no.

4 bed – 1 no.

**Total 10**

1.7 The main changes in the layout of the scheme are:

- 18 fewer units
- The removal of the western most cul-de-sac
- The removal of the previously proposed thick tree belt
- The removal of less of the existing central tree belt

- A looser layout in the eastern section of the site, revised layout and revised design strategy
  - Greater areas of open space
- 1.8 Amended plans were received during the course of the application which sought to respond to comments made by officers on a number of issues including layout, trees and highways issues.
- 1.9 The application is before committee at the request of Cllrs Babbage and Savage due to the level of local concern.

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

### Constraints:

Land Allocated for Housing  
Principal Urban Area

### Relevant Planning History:

**16/02127/PREAPP 20th March 2017 CLO**

Outline application for residential development

**18/01911/PREAPP 26th October 2018 CLO**

Outline application for residential development (approximately 68 units)

**19/01961/PREAPP 25th October 2019 CLO**

Residential development

**17/00710/OUT 30th July 2018 REF**

Outline application for residential development of 90 dwellings including access, layout and scale, with all other matters reserved for future consideration

**17/01736/SCREEN 8th September 2017 ISSUE**

Request for a screening opinion under Part 2, Regulation 6 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017

**17/01778/FUL 5th July 2018 WDN**

Provision of a dropped kerb

**18/02171/OUT 22nd March 2019 REF**

Outline application for residential development of up to 69 dwellings including access, layout and scale, with all other matters reserved for future consideration (revised scheme following refusal of application ref. 17/00710/OUT)

**20/00683/OUT 25th September 2020 REF**

Outline application for 43 dwellings including access, layout and scale, with all other matters reserved for future consideration

## 3. POLICIES AND GUIDANCE

### National Planning Policy Framework

Section 2 Achieving sustainable development

Section 4 Decision-making

Section 5 Delivering a sufficient supply of homes

Section 8 Promoting healthy and safe communities

Section 9 Promoting sustainable transport

Section 11 Making effective use of land

Section 12 Achieving well-designed places

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

Section 15 Conserving and enhancing the natural environment

Section 16 Conserving and enhancing the historic environment

### Adopted Cheltenham Plan Policies

D1 Design  
L1 Landscape and Setting  
HE1 Buildings of Local Importance and Non-Designated Heritage Assets  
HE2 National and Local Archaeological Remains of Importance  
BG1 Cotswold Beechwoods Special Area Of Conservation Recreation Pressure  
H1 Land Allocated for Housing Development  
HD1 Christ College Site B  
HD4 Land off Oakhurst Rise  
SL1 Safe and Sustainable Living  
GI2 Protection and replacement of trees  
GI3 Trees and Development  
CI2 Sports and open space provision in new residential development

### **Adopted Joint Core Strategy Policies**

SD3 Sustainable Design and Construction  
SD4 Design Requirements  
SD6 Landscape  
SD7 The Cotswolds Area of Outstanding Natural Beauty  
SD8 Historic Environment  
SD9 Biodiversity and Geodiversity  
SD10 Residential Development  
SD11 Housing Mix and Standards  
SD12 Affordable Housing  
SD14 Health and Environmental Quality  
INF1 Transport Network  
INF2 Flood Risk Management  
INF3 Green Infrastructure  
INF4 Social and Community Infrastructure

### **Supplementary Planning Guidance/Documents**

Climate Change Supplementary Planning Document 2022

## **4 CONSULTATIONS**

### **Heritage And Conservation**

28th April 2022

Heritage comments 22/00112/OUT - Land Adjacent To Oakhurst Rise, Cheltenham

There is a notable planning history for the development site including similar previous applications. These need to be noted when considering the current application. These are: 17/00710/OUT, an outline application for residential development of 90 dwellings, which was refused; 18/02171/OUT, an outline application for residential development of up to 69 dwellings, which was refused and dismissed at appeal; and 20/00683/OUT, an outline application for 43 dwellings including access, which was refused and dismissed at appeal.

The current proposal, 22/00112/OUT, is an outline application for residential development of 25 dwellings, including access, layout and scale not reserved for subsequent approval. It attempts to overcome the main issues identified by the Inspector in appeal decision APP/B1605/W/20/3261154, following refusal of application 20/00683/OUT at Planning Committee against the officer recommendation of approval.

It should be noted no objection was previously raised over application 20/00683/OUT in conservation terms and the following comments need to be considered in light of this. Careful consideration needs to be given to both the Inspector's appeal decision APP/B1605/W/20/3261154 and comments made on the current application by Historic England.



The heritage assets and settings affected by the proposed works need to be identified.

Ashley Manor is a grade II\* listed building, located to the south of the application site. It is described in its list description as one of the finest Regency villas in the Cheltenham area. Its current use is an administration building associated with St. Edward's School. It is located within a planned parkland setting, with a wider rural landscape comprised of open fields and trees as a backdrop to its north. Notably this northern rural landscape is the development site.

Ashley Manor forms part of a group, with a number of other ancillary heritage assets on the school site. These include, the boundary walls and gate to Ashley Manor facing on to London Road, the summerhouse to the southwest of Ashley Manor, a pair of piers at the carriage sweep of the southwest of Ashley Manor, all of which are ancillary structures associated with Ashley Manor within its parkland setting. Each of these structures is separately grade II listed. A noteworthy curtilage listed building to the north of Ashley Manor, outside the planned parkland but within its wider rural landscape, and within the application site, is a former icehouse.

The rural landscape that forms the development site makes an important contribution to the setting as it allows Ashley Manor and the associated listed and unlisted historic structures to be read in its intentionally designed historic landscape context, this being a large Regency villa set in a parkland within a wider rural context. Due to their proximity to the development site, it is considered Ashley Manor, the summerhouse to the southwest of Ashley Manor and a pair of piers at the carriage sweep to the southwest of Ashley Manor, located around the driveway sweep and uppermost section of the driveway, along with the curtilage listed icehouse located to the north of Ashley Manor, would be affected by the development proposal.

Charlton Manor, Ashley Road is also affected by the proposed development proposal. It is a grade II listed detached Victorian house located on the Battledown estate. Charlton Manor shares a boundary with Ashley Manor, specifically the rural landscape that forms the development site, it being located adjacent to its north-eastern corner. Notably the rear of Charlton Manor has been designed to take advantage of views of this rural landscape, including views west over the open field in which the icehouse acts as a focal point.

A number of factors attempt to mitigate the visual impact of the development proposal on these heritage assets. Firstly, the proposed built form has been reduced from previous development proposals and concentrated away from the more sensitive, eastern and southern parts of the development site, allowing a sense of the existing rural landscape to be retained. Secondly, the proposed dwellings within the central area of the site are to be set within the existing sloping topography, resulting in a more modest massing. This is reinforced by the proposed use of flat, green turf roofs, which further alleviate their visual impact. Thirdly, proposed new planting to the north of Ashley Manor will reinforce the parkland setting, soften the proposed development and ensure a sense of the existing rural landscape to be retained. It is also noted enhancement of the former icehouse is proposed, with clearance of scrub and provision of an historical interpretation board, therefore better revealing the heritage significance of the icehouse.

Despite these mitigating measures, the development proposal results in a loss of part of the rural landscape setting and views north from Ashley Manor, including to the icehouse, and views west from Charlton Manor are negatively affected through urban encroachment. This impact is considered to cause a measure of less than substantial harm to the significance of the heritage assets and their settings. This harm has been recognised within the submitted application.

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Paragraph 196 of the NPPF requires when less than substantial harm is identified a weighing exercise between the harm to the significance of a designated heritage asset and the public benefits of the proposal take place. The Planning Statement by Framptons recognise the development proposal causes harm to the heritage assets but argue the low level of harm is outweighed by significant public benefits arising from the application proposals. These include the substantial public benefits of the provision of market housing, provision of affordable housing, provision of management plans for existing trees and retained grassland and a biodiversity net gain. A moderate public benefit of employment opportunities (during construction and as a consequence of new homes being occupied). A limited public benefit of improvements to the icehouse through shrub clearance and interpretation. These public benefits are not disputed.

The proposal has been significantly amended from previous applications in an attempt to address their reasons for refusal and the Inspectors appeal decision APP/B1605/W/20/3261154. On balance, it is considered it should not be objected to in heritage terms due to the cumulative impact of the amendments made to reduce the number and location of dwellings, the measures to mitigate their visual impact, the public benefits of the proposal and the restricted harm being caused to limited aspects of the heritage significance of the affected heritage assets and their settings.

While the general principle of the development proposal is considered acceptable in heritage terms there are a number of issues that will need to be carefully considered. The proposed new parkland tree planting in the southern part of the site needs to avoid interrupting the historic views between Ashley Manor and the icehouse. The boundary treatments need to be carefully considered to avoid a jarring relationship between the proposed development and the adjacent rural landscape. It is considered these issues could be dealt with by condition.

### **Gloucestershire Wildlife Trust**

28th January 2022

Thank you for consulting us on the above application. Gloucestershire Wildlife Trust responded on a number of occasions to the previous planning application from the same applicant on this site (Ref 20/00683/OUT). We stand by our previous comments and have nothing further to add.

22nd July 2022

Thank you for consulting us on the above application. Gloucestershire Wildlife Trust has responded on a number of occasions to the previous planning application from the same applicant on this site (Ref 20/00683/OUT) and we stand by our previous comments. This includes the need to manage public access to certain areas of the site. We are concerned that the revised landscape strategy does not show how access is going to be limited to areas of grassland retained for restoration, as had been shown for the previous site layout in the Framework Management Plan. The ability of dog walkers to access this area of the site would impact its restoration and reduces our confidence that a more species rich sward would develop in the retained areas of the LWS. We would expect to see a new plan for protecting this area of the site clearly demonstrated in a LEMP.

### **Tree Officer**

25th February 2022

The CBC Tree Section does not, subject to various clarification and changes, object to this application:

- 1) All significant TPO'd and A class trees (as per BS 5837 (2012) trees are to be retained and indeed the majority of B class trees are also to be retained. It is noted



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that trees 3016 and 3017 (ash and sycamore) "B" grade trees are to be removed. This is regrettable and both trees appear to be in reasonable condition (with no sign of ash dieback which other trees on this site are suffering from indicating that the tree may possess a degree of genetic resistance to the problem). There does not seem to be any given reason for their removal. They appear to broadly North West of proposed Plot 20 to the north of the site. The Root Protection Area (RPA) would likely not extend as far as the footprint of this property so would not likely become damaged during any construction process. Their retention would also facilitate screening to/from the large off site property to the north west of plot 20. Please could the Retention and Removal Plan as well as the Tree Protection Plan (TPP) be adapted accordingly.

- 2) Plots 8 + 9 appear to sit incongruously on the very edge of the Veteran Tree Buffer (VTB) of 2 veteran trees (Ts 3026 +3021) as well as the perimeter of the RPA of large oak 3022. As such it is considered that whilst the plot is outside tree protective areas, it is anticipated that there may be premature calls for pruning to adjacent trees so as to increase light/reduce shadow etc. The footprint is so close to the VTB as to make construction of this dwelling very difficult without inappropriate incursion into the VTB. Given the proximity of 2 veteran trees as well as another notable large oak, it is assumed that there are significant subterranean fungal mycelial networks between all three trees and elsewhere on the site. Soil excavation and subsequent build of a dwelling (albeit on piles) and associated road parking etc will likely damage these networks. Please could the plans be adjusted so as to remove these 2 plots (a semi-detached building).
- 3) Despite the FLAC Tree Protection Plan drawing 38-1036-03-1 showing a drain flowing down hill it is unclear how drainage from plots 7,8 + 9 are to be connected to the main sewer. A drainage route must not be created through the green open space to the south of plots 7,8 + 9.
- 4) Plots 22, 23, 24,+ 25 have little or no rear garden. This appears to be designed so that veteran tree 3030 VTB is situated wholly outside the plots. This is welcome and the indicative landscape plan shows native tree, orchard and hedge planting to the rear and will prevent future hard landscaping within this buffer zone.
- 5) The rear gardens of plots 1-6 will also be very small (in some cases less than 5 metres). This is to help ensure there is no incursion into the VTB of T3028. Barrier/deterrent planting and a knee rail is proposed so as to protect this Veteran and delicate tree. Much consideration of what form this deterrent planting should take place. Such planting must not gain any significant height at maturity as this will shade the gardens and dwellings to the north. Bramble, blackthorn, purging buckthorn (*Rhamnus cathartica*) should be included in the detailed planting mix. The proposed knee rail is insufficient to deter/exclude inappropriate access to this delicate tree. It is suggested that a 6ft lockable fence is installed. This will give fortifying defence against unwelcome attention and demonstrate the importance and delicacy of this charming tree. A similar approach should be afforded another vulnerable and veteran tree (ash tree T3021).
- 6) It is known that the site sits on shrinkable clay soil. Given the many potential variable sub-terranean soil profile possibilities, it is not considered practical or realistic to quantify what impact the proposed build and future occupancy of the site will have on the water table and drainage. Existing trees have grown over several hundred years with little interference. However, part of the increased ground protection associated with a VTB is intended so that the rooting environment adjacent remains unchanged. Nevertheless, all foundations of dwellings must be built to take account of the clay soil and the presence of retained high water demanding trees. Future claims of subsidence leading to calls for tree removal will not be welcome.
- 7) The Arb Monitoring proposals as detailed within the FLAC Method Statement/TPP (drawing no 38-1036-03-1) are welcome. Written reports and photographs would be eagerly anticipated demonstrating that dwellings are constructed and landscaping, drainage etc as appropriate. The installation of some of the engineering works

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close to the RPA/VTB of trees will be delicate and arb supervision will be necessary. CBC Trees Officers also intend to attend site (unannounced) so as to help ensure that the site construction is proceeding as described.

- 8) The Landscape Strategy outlines indicative proposed planting. The approximate proposed location for new tree planting is appropriate. However, please could further planting be undertaken along the eastern boundary to the "estate"-ie north to south-west of the existing ice house. This will help screen views from the east and create arboricultural interest when travelling west towards plots 14-21. Potentially large sculpted landscape trees (eg Zelkova, pine, cypress, Taxodium, Sequoia) would look dramatic and become landmarks in the wider landscape view. A detailed landscaping scheme showing plant species, size, location, tree planting pit details, details of aftercare and maintenance etc must be submitted and agreed prior to the commencement of any works. A short, medium and long term management plan for the open spaces, proposed orchards etc should also be submitted and agreed. The heads of terms described within the Outline Arb Management Plan described on the FLAC TPP is an appropriate base line heading. This management plan should also take account of the possible/probable demise of on-site ash trees. Replacement planting should be recommended as a part of the management plan. This can be undertaken as a Condition attached to any planning permission. Existing sycamore trees located on the ice house are fully mature and moving into over maturity. It is desirable if replacement planting is undertaken as a part of this proposed scheme.

### 1st April 2022 -

Welcome response to CBC Trees Officer comment but 3 concerns remain:

- 1) Point 3-the drainage run still appears to flow uphill (north eastward) between trees 3028 and 3021. It is not understood how this can be easily achieved.
- 2) Assuming the scheme receives building Regs approval, an informative should be attached to any planning permission that foundations of properties must be constructed taking account of the apparently shrinkable clay soil. Future claims of subsidence as a result of valuable veteran (or any other) important trees on site.
- 3) The proposed open space land to the east of the site appears to be left almost entirely. Trees officers maintain that the site and the area generally would benefit from potentially very large evergreen/deciduous "landmark" trees such as Zelkova, yew, cypress, oak, pine, western red cedar etc which should tolerate the heavy soil. Such trees should be visible not only locally but also from the Escarpment on the other side of Cheltenham.

### 5th July 2022

Notwithstanding previous comments, the CBC Tree Section welcomes the amended site plan 16.20.034 PI005 C (dated Dec 2021) which should address a previous concern raised. This new lay out should ensure there are no significant over/underground direct impacts of the proposed development on existing veteran/ancient trees.

- 1) Concerns remain regarding the potential for indirect impact due to shrinkable clay soil and the action of tree roots and it is imperative that building design foundations take account of this potential.
- 2) The heads of terms for the management plan are acceptable and as such this detailed management plan should be submitted and agreed prior to the commencement of any works on site (including tree works). However it is noted (point f) under the Heads of terms of management of veteran trees on the Tree Protection Plan, that a knee rail is recommended for veteran tree crowns. In the case of T3028, this is insufficient and the tree should be further fortified given its vulnerability.
- 3) It is essential that appropriate and regular arb supervision is undertaken by somebody suitable qualified, and experienced

- 4) The June 2022 Arb Report submission including the BS 5837 (2012) survey, Tree Retention and Removal Plan, Tree Protection Plan should be an "approved Document" not a "supporting document" and as such all methods and actions contained within will be a part of any planning permission.

### **GCC Highways Planning Liaison Officer**

31st March 2022

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

The justification for this decision is provided below.

The proposal seeks the outline application for residential development of 25 dwellings at Land Adjacent to Oakhurst Rise Cheltenham Gloucestershire. The application is outline, with access, layout and scale matters which are being sought for approval at this time. A Transport Assessment carried out by Cotswold Transport Planning has been submitted in support of the application. At this time the Highway Authority has a number of concerns in respect of the proposed access and internal layout of the site, and we are therefore seeking the application is deferred to allow the applicant time to provide the required information.

#### *Planning history*

17/00710/OUT - Outline application for residential development of 90 dwellings including access, layout and scale, with all other matters reserved for future consideration - Application refused.

18/02171/OUT - Outline application for residential development of up to 69 dwellings including access, layout and scale, with all other matters reserved for future consideration (revised scheme following refusal of application ref. 17/00710/OUT) - Dismissed at appeal following refusal.

20/00683/OUT - Outline application for 43 dwellings including access, layout and scale, with all other matters reserved for future consideration - Dismissed at appeal following refusal.

#### *Planning policy context*

The development plan includes the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (JCS) which was adopted in 2017 and the Cheltenham Plan (CP) which was adopted in July 2020. The CP allocates 9 sites for housing, as set out in Policy H1, which the development site forms part of, specifically policy HD4.

#### *Site location and composition*

The application site comprises of an area of grassland located northwest of Charlton Kings; bound to the north, east and west by existing residential development and St Edward's Preparatory School to the south.

#### *Access*

The submitted plans indicate that vehicular access to the site will be made via Oakhurst Rise, through a continuation of the existing cul-de-sac. It is noted that the redline boundary of the site does not join the highway at Oakhurst Rise, and therefore the plans do not show all the land required to carry out the development.

Oakhurst Rise has a carriageway width of approximately 5.5m and subject to a sign posted 20mph speed limit. The continuation of carriageway into the site will remain at a width of 5.5m with 2m wide footways on both sides of the carriageway, which is considered an acceptable access solution.

### *Location*

Manual for Streets states that walkable neighbourhoods should include a range of facilities within an 800 metre walking distance, which equates to an approximate 10 minute walking time. However, this is not an upper limit and industry practice considers that 2km is a maximum walking distance door to door. The application site is within an accessible location with easy walking and cycling distances to high quality public transport facilities and services.

### *Layout*

It is recognised that the typography of this site is challenging due to the gradients involved. Having steep sections of highway can present difficulties for pedestrians and cyclists, including disable people. The Department for Transport document Inclusive Mobility came into effect from December 2021, which provides guidance on designing schemes to ensure an inclusive environment. Paragraph 4.3 discuss the requirements in respect of gradients. This includes the requirement that pedestrian routes should include level sections or 'landings' at regular intervals. It further states that level landings should be provided for every 500mm that the route rises. It is therefore required that the applicant considers the requirements contained within Inclusive Mobility and submits revised drawings.

It is noted that the e-bike voucher is still a proposed method of mitigation for the present application to address the topographies of the site for cyclists.

Paragraph 131 of NPPF requires that new streets are tree-lined. The proposed layout does not include this, and therefore revised plans should be secured showing the provision of street trees.

A plan showing the extent of highway which will be offered for adoption should be provided.

From the proposed plans, there seems little merit in providing a pedestrian footway on the northern side of the proposed main street past plot 22. Any pedestrians from the lower portions of the site would likely utilised the southern side of the road when considering likely pedestrian desire lines leaving the site.

It is recommended that changes are made where Road 1 transition to Road 2. It is recommended that Road 1 is squared off to make a turning head, with Road 2 being narrowed. Providing both a visual change and a narrowing of the highway should help to reduce vehicle speeds at the bottom part of the site.

Despite the suggested 15mph design speed for the estate as stated in the Transport Assessment, the Highway Authority is of the view that based on the proposed road layout and available levels of forward visibility in straight sections of the carriageway, speeds are likely to be in excess of 15mph, and 20mph should, in this context, be the aspiring design speed. Furthermore, the Highway Authority sees little merit in the proposed horizontal deflection at the bottom of the site to reduce speeds given the levels of forward visibility available.

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

11th July 2022

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

The justification for this decision is provided below. Further to the Highway Authority's recommendation of deferral dated 31st March 2022, extensive discussions have been had with the applicant's agents in order to address the previously expressed concerns in respect of the site layout. In the most recent revised layout plan, two level resting areas have been incorporated to provide with opportunities for pedestrians and cyclists to stop and rest, which is considered an acceptable mitigation to address the needs of disabled users and the guidance set out in the most recent DfT Inclusive Mobility.

A narrowing of the road has been introduced which will incorporate further planting/landscaping and act as a traffic calming feature when agreed at detailed design stage.

No changes are proposed at the turning head adjacent to plot 20 for the reasons set out in the most recent Transport Note issued by the applicant's agent. This, however, does not warrant a recommendation to refuse in accordance with the guidelines set out in paragraph 111 of the National Planning Policy Framework.

On this basis, the Highway Authority would not wish to object to the proposal subject to the following conditions being attached to any permission granted.

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

### *Conditions*

#### Conformity with Submitted Details

The Development hereby approved shall not be occupied until the access, parking and turning facilities that that individual building to the nearest public highway has been provided as shown on drawing PL005 Rev C.

Reason: To ensure conformity with submitted details.

#### Bicycle Parking

The Development hereby approved shall not be occupied until sheltered, secure and accessible bicycle parking has been provided in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority. The storage area shall be maintained for this purpose thereafter.

Reason: To promote sustainable travel and healthy communities

#### Electric Vehicle Charging Points (Residential)

Before first occupation, each dwelling hereby approved shall have been fitted with an Electric Vehicle Charging Point (EVCP) that complies with a technical charging performance specification, as agreed in writing by the local planning authority. Each EVCP shall be installed and available for use in accordance with the agreed specification unless replaced or upgraded to an equal or higher specification.

Reason: To promote sustainable travel and healthy communities.

#### Residential Travel Plan

The Residential Travel Plan hereby approved, dated January 2022 shall be implemented and monitored in accordance with the regime contained within the Plan. In the event of

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failing to meet the targets within the Plan a revised Plan shall be submitted to and approved in writing by the Local Planning Authority to address any shortfalls, and where necessary make provision for and promote improved sustainable forms of access to and from the site. The Plan thereafter shall be implemented and updated in agreement with the Local Planning Authority and thereafter implemented as amended.

Reason: To reduce vehicle movements and promote sustainable access.

### Construction Management Plan

Prior to commencement of the development hereby permitted details of a construction management plan shall be submitted to and approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the demolition/construction period. The plan/statement shall include but not be restricted to:

Parking of vehicle of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);

Advisory routes for construction traffic;

Any temporary access to the site;

Locations for loading/unloading and storage of plant, waste and construction materials;

Method of preventing mud and dust being carried onto the highway;

Arrangements for turning vehicles;

Arrangements to receive abnormal loads or unusually large vehicles;

Highway Condition survey;

Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

Reason: In the interests of safe operation of the adopted highway in the lead into development both during the demolition and construction phase of the development.

### Informatives

#### Works on the Public Highway

The development hereby approved includes the carrying out of work on the adopted highway. You are advised that before undertaking work on the adopted highway you must enter into a highway agreement under Section 278 of the Highways Act 1980 with the County Council, which would specify the works and the terms and conditions under which they are to be carried out.

Contact the Highway Authority's Legal Agreements Development Management Team at [highwaylegalagreements@gloucestershire.gov.uk](mailto:highwaylegalagreements@gloucestershire.gov.uk) allowing sufficient time for the preparation and signing of the Agreement. You will be required to pay fees to cover the Council's costs in undertaking the following actions:

Drafting the Agreement

A Monitoring Fee

Approving the highway details

Inspecting the highway works

Planning permission is not permission to work in the highway. A Highway Agreement under Section 278 of the Highways Act 1980 must be completed, the bond secured and the Highway Authority's technical approval and inspection fees paid before any drawings will be considered and approved.

#### Highway to be adopted

The development hereby approved includes the construction of new highway. To be considered for adoption and ongoing maintenance at the public expense it must be constructed to the Highway Authority's standards and terms for the phasing of the development. You are advised that you must enter into a highway agreement under Section 38 of the Highways Act 1980. The development will be bound by Sections 219 to 225 (the Advance Payments Code) of the Highways Act 1980.

Contact the Highway Authority's Legal Agreements Development Management Team at [highwaylegalagreements@gloucestershire.gov.uk](mailto:highwaylegalagreements@gloucestershire.gov.uk). You will be required to pay fees to cover the Councils cost's in undertaking the following actions:

Drafting the Agreement

Set up costs

Approving the highway details

Inspecting the highway works

You should enter into discussions with statutory undertakers as soon as possible to co-ordinate the laying of services under any new highways to be adopted by the Highway Authority.

The Highway Authority's technical approval inspection fees must be paid before any drawings will be considered and approved. Once technical approval has been granted a Highway Agreement under Section 38 of the Highways Act 1980 must be completed and the bond secured.

Impact on the highway network during construction

The development hereby approved and any associated highway works required, is likely to impact on the operation of the highway network during its construction (and any demolition required). You are advised to contact the Highway Authorities Network Management Team at [Network&TrafficManagement@gloucestershire.gov.uk](mailto:Network&TrafficManagement@gloucestershire.gov.uk) before undertaking any work, to discuss any temporary traffic management measures required, such as footway, Public Right of Way, carriageway closures or temporary parking restrictions a minimum of eight weeks prior to any activity on site to enable Temporary Traffic Regulation Orders to be prepared and a programme of Temporary Traffic Management measures to be agreed. Construction Management Plan (CMP)

It is expected that contractors are registered with the Considerate Constructors scheme and comply with the code of conduct in full, but particularly reference is made to "respecting the community" this says:

Constructors should give utmost consideration to their impact on neighbours and the public

Informing, respecting and showing courtesy to those affected by the work;

Minimising the impact of deliveries, parking and work on the public highway;

Contributing to and supporting the local community and economy; and

Working to create a positive and enduring impression, and promoting the Code.

The CEMP should clearly identify how the principal contractor will engage with the local community; this should be tailored to local circumstances. Contractors should also confirm how they will manage any local concerns and complaints and provide an agreed Service Level Agreement for responding to said issues.

Contractors should ensure that courtesy boards are provided, and information shared with the local community relating to the timing of operations and contact details for the site coordinator in the event of any difficulties. This does not offer any relief to obligations under existing Legislation.

### **GCC Local Flood Authority (LLFA)**

1st February 2022

The application is accompanied with an FRA which includes a drainage strategy. The drainage strategy collects water from impermeable areas of the developed site and attenuates them such that discharge rates can be controlled to mimic greenfield runoff and be discharged to the surface water sewer in Charlton Road. This is a strategy that is acceptable to the LLFA.

Calculations to derive attenuation basin sizes and discharge rates are acceptable to the LLFA There are still matters of detail that need to be defined but the overall proposal is good, the LLFA therefore has no objection to this proposal.

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The proposal includes a description of maintenance requirements for the proposed SuDS scheme but doesn't allocate responsibility for the maintenance.

The LLFA propose the following condition be applied to a consent granted against this application:

Condition:

No building works hereby permitted shall be commenced until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. The information submitted shall be in accordance with the principles set out in the approved drainage strategy. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in The SuDS Manual, CIRIA C753 (or any subsequent version), and the results of the assessment provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:

- i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- ii. include a timetable for its implementation; and
- iii. Provide a full risk assessment for flooding during the groundworks and building phases with mitigation measures specified for identified flood risks; and
- iv. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason:

To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution for the lifetime of the development.

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

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

### **Severn Trent Water Ltd**

2nd February 2022

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

The submitted drainage plan is in agreement with the Development Enquiry SAP ref 1024221, with foul sewage to discharge to the public foul sewer and surface water is to discharge to the public surface water sewer in Charlton Court Road at 2litres/second.

Based upon these proposals I can confirm we have no objections to the discharge of the drainage related condition.



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Please note for the use or reuse of sewer connections either direct or indirect to the public sewerage system the applicant will be required to make a formal application to the Company under Section 106 of the Water Industry Act 1991. They may obtain copies of our current guidance notes and application form from either our website ([www.stwater.co.uk](http://www.stwater.co.uk)) or by contact our Development Services Team (Tel: 0800 707 6600).

I trust you find the above in order, however, if you have any further enquiries then please do not hesitate to contact us.

### **CK Friends**

28th February 2022

It is difficult to know where to start with this application. It gives the impression of having had minor changes to the core design to reduce the number of units (with a subsequent reduction in benefit), but with:

- little to no regard to the detail of the previous inspector's conclusions
- contradiction within core documents (already superseded and redacted, some multiple times)
- failure to follow through on visual changes with any technical revision underpinning the application

The result is a blend of error, contradiction and assertion. One resident commented that they wanted to comment with "moonshine and unicorns". Hard to disagree.

In brief:

- on drainage, changed layout on steep slopes appears to require drainage going up hill. Core design elements are in the wrong place to deliver the claimed function, and (according to engineers with the pre-requisite qualifications) there are basic errors over fall rates, flow rates and viability of a system that still requires a SUDS evaluation to take place against a backdrop of geological reports (the developers' own) that say that the site is not suitable for SUDs. All into a drainage system in Charlton Court Road that residents have long documented as prone to overflow and back up flooding. Is CBC prepared to take on the legal liability for future sewage overflows into existing properties?
- In the ecology 'report', 82% of new hedgerow is claimed to underpin a biodiversity uplift. There don't appear to be any new hedgerows in the documents produced so far? Plus, the heritage report says there will be no screening?
- The biodiversity net gain calculation is asserted without any evidence. Please can CBC mandate the release of this background data as it was proven to be flawed in previous applications. It is vital to safe decision making on this site.
- GWT stipulated a framework management plan for the retained local wildlife site that was strictly access controlled (humans and dogs). There are no boundaries, and no controlled access. So is the local wildlife site now effectively a park open to all? How is it going to be funded? By 25 private homes, 40% of which are affordable? It simply isn't credible.
- there is no boundary provision between the school (now in new ownership) and the site. A primary school has to have a secure perimeter.
- and the access for the drainage scheme, under notable, if not veteran trees, is assumed with no evidential backing - hardly the "precautionary approach" to biodiversity and mature trees that the inspector highlighted in reviewing HD4 policy provisions.

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- The plan for the badgers seems to effectively say that there is no plan, other than to dump them in the middle of a steep clay bank, and on top of the contaminated land at the bottom of the 3 acre field on the eastern side.
- Natural England's standing advice, published Jan 2022, has not been followed. That requires avoidance first; there are at least 8 acres of this site that could be developed at the scale claimed without uprooting an ancient badger colony.
- some of the claims in the ecological report are false. Residents have never conducted population surveys and claims of inveterate and reptile populations having been assessed are simply untrue; residents have conducted presence / absence surveys ONLY. With respect to chimney sweeper moths (and the other 100+ moth species already identified on the site) there is no other grassland of this diversity within the borough, which is why the records of presence are the first in Cheltenham since 1967 and why the site is viewed as important for inveterate populations. How can there be no inveterate survey for a site that has, for 5 years, been put to the planning inspector as unique in the borough for invertebrates? Even the design fails to accommodate the known biodiversity of the site, introducing maximum light pollution for minimum housing.
- the critical part of the local wildlife site designation has been ignored. Yes, the site is important for its value to education, but the listing ALSO states that it is important for the species range and biodiversity present. The JCS policy on ecology requires that all parts of any local wildlife site listing are upheld - they are not.

Friends would be grateful if CBC officers could ensure that:

- documents detailing the conflict between heritage and ecology (namely the boundary treatments and / or planting intention) are published for comment
- some evidence base is required for the assertion of 82% hedgerow uplift; preferably the DEFRA metric calculation documents should be published given these have been contested in previous applications and likely will form part of the harm / benefit assessment this time
- the plan for access control to and maintenance of the local wildlife site is published

CK Friends continue to object to the proposal on grounds of heritage harm, damage to veteran and ancient tree habitats (including those on school land affected by the proposal), and unacceptable biodiversity loss in the context of an ecological and climate emergency.

The local plan is not a tablet of stone; in failing to acknowledge not one but two planning inspectors' views on the detailed constraints of this site, this outline application has to be interpreted being speculative over land value, not any serious attempt to make inroads into Cheltenham's housing challenges.

7th April 2022

Friends of CK response to Mr Goodger's comments of 18th March 2022:

1. Local Wildlife Sites "can" of course be public space. However, this one isn't. Its value for education as a LWS is protected in policy. If it is going to be opened to the public, its status as an LWS is at risk. It has only survived intact because of exceptionally limited human intervention (the presence of roe deer giving birth is hardly typical of the average green space in Cheltenham; but one example of the natural world witnessed by primary school children each year). The grassland range is exceptional within Cheltenham, albeit not yet of a quality of the surrounding SSSI grassland - but policy does more than require protection

of SSSI. Nature can be studied undisturbed at this LWS because of an absence of routine human interaction. This is a point made explicitly (and accepted by the developer) in previous applications. Opening the site up is counter to policy SD9 which states that development within locally designated sites will NOT be permitted where it would have an adverse impact on the criteria for which the site was listed, and harm cannot be avoided or satisfactorily mitigated. Indeed the appeal inspector noted (para 86): "Around 1.2ha located to the south and east of the woodland belt would be retained as a LWS for the use exclusively by the school and not for residents of the development. In this regard, the site's value for learning will be maintained, albeit on a reduced site area than currently enjoyed by the pupils."

This new application has no such protection. be permitted where it would have an adverse impact on the registered interest features or criteria for which the site was listed, and harm cannot be avoided or for Cheltenham Borough, albeit satisfactorily mitigated

2. The "assumption" that there are valid, non-ecological reasons for building on the parts of the site where the badger setts are located. What are these? There are 10 acres, and only 25 houses. Badgers are noted explicitly in the local plan as important to Cheltenham; this is an ancient sett large enough to be visible on Google Earth. The standing advice, for clarity, states that "Where possible developments should avoid effects on badgers." What are these valid non-ecological reasons that require the standing advice to be overturned?

3. "The high invertebrate species diversity stated by CK Friends is most likely to be due to the high survey effort on the site, rather than it being a particularly important site for invertebrates." I presume as an ecologist Mr Goodger is familiar with the national moth recording scheme, validated by county moth recorders and visualised at <http://www.gloucestershire-butterflies.org.uk/moths/mothmap.html>. St Edwards Field has been the location of 2 amateur moth traps by 2 locals (one July 2021, one August 2021) in 5 years, and one walk over visual inspection by a qualified ecologist looking for day flying moths. It is also studied by primary school children - as befits its status as a local wildlife site, but hardly 'high survey effort'!

During those 3 events, over 100 moth species were recorded, one of which is unique to Cheltenham Borough and has not been otherwise recorded here since the early 1960s (namely the chimney sweeper moth; although the presence of narrow bordered 5 spot burnet is also highly unusual. Both these moths are associated with grassland, not veteran trees). Given the hundreds of people who contribute to moth recording in our vice county, and the fact that moths have been deliberately recorded on this site on just 3 occasions, to claim this any species diversity is a feature of 'over recording' is unsound.

4. Mr Goodger has chosen to partially quote the inspector around veteran trees in rebuttal of the Woodland Trust. What the inspector actually said was "Having viewed the trees on site and reviewed all of the evidence before me, the disputed trees are all mature specimens and have value but would not meet the definition of veteran trees at this current time. I caveat this slightly as I have some reservations about tree 3014, a mature oak tree. As I saw at my visit it displays some veteran characteristics such as decay holes and cavities, deadwood, and exposed heartwood from a lightning strike." She goes on to say "Footnote 58 indicate types of exceptional examples and requires that public benefits should clearly outweigh the loss or deterioration of habitat" In determining the appeal the inspector stated that (para 121): "I consider it appropriate to adopt a precautionary approach in terms of the natural environment resources at the site."

5. A precautionary approach to this development would have assigned a veteran tree buffer to Tree 3014 (never mind the other trees identified by the WT). A precautionary approach would have surveyed invertebrates, given the evidence presented by amateur recording. A precautionary approach would have avoided disturbance to the main badger sett, and identified how to protect the species range (not quality) of the grassland. A precautionary approach would have designed the development with a view to protecting the natural assets identified by locals, and the educational benefit of the site to local nature

enthusiasts, school children across the county, and the other volunteer groups who gain benefit from it, not contesting their input.

The developer has chosen not to do so.

### **Sport England**

26th January 2022

Thank you for consulting Sport England on the above application.

The proposed development does not fall within either our statutory remit (Statutory Instrument 2015/595), or non-statutory remit (National Planning Policy Guidance (PPG) Par. 003 Ref. ID: 37-003-20140306), therefore Sport England has not provided a detailed response in this case, but would wish to give the following advice to aid the assessment of this application.

General guidance and advice can however be found on our website:

[https://www.sportengland.org/how-we-can-help/facilities-and-planning/planning-for-sport#planning\\_applications](https://www.sportengland.org/how-we-can-help/facilities-and-planning/planning-for-sport#planning_applications)

If the proposal involves the loss of any sports facility then full consideration should be given to whether the proposal meets Par. 99 of National Planning Policy Framework (NPPF), link below, is in accordance with local policies to protect social infrastructure and any approved Playing Pitch Strategy or Built Sports Facility Strategy that the local authority has in place.

If the proposal involves the provision of a new sports facility, then consideration should be given to the recommendations and priorities set out in any approved Playing Pitch Strategy or Built Sports Facility Strategy that the local authority may have in place. In addition, to ensure they are fit for purpose, such facilities should be designed in accordance with Sport England, or the relevant National Governing Body, design guidance notes:

<http://sportengland.org/facilities-planning/tools-guidance/design-and-cost-guidance/>

If the proposal involves the provision of additional housing ( then it will generate additional demand for sport. If existing sports facilities do not have the capacity to absorb the additional demand, then new and/or improved sports facilities should be secured and delivered in accordance with any approved local policy for social infrastructure, and priorities set out in any Playing Pitch Strategy or Built Sports Facility Strategy that the local authority has in place.

In line with the Government's NPPF (including Section 8) and PPG (Health and wellbeing section), consideration should also be given to how any new development, especially for new housing, will provide opportunities for people to lead healthy lifestyles and create healthy communities. Sport England's Active Design guidance can be used to help with this when developing or assessing a proposal. Active Design provides ten principles to help ensure the design and layout of development encourages and promotes participation in sport and physical activity.

NPPF Section 8: <https://www.gov.uk/guidance/national-planning-policy-framework/8-promoting-healthy-communities>

PPG Health and wellbeing section: <https://www.gov.uk/guidance/health-and-wellbeing>

Sport England's Active Design Guidance: <https://www.sportengland.org/how-we-can-help/facilities-and-planning/design-and-cost-guidance/active-design>

Please note: this response relates to Sport England's planning function only. It is not associated with our funding role or any grant application/award that may relate to the site.

### **Historic England**

15th February 2022

#### **Summary**

We consider the open green space of the application site to contribute significantly to the setting of the Grade II\* listed Ashley Manor. While the proposed development, in its revised form, meets most of the requirements of Policy HD4 of the Cheltenham Plan, Historic England has concerns over the potential impacts of the proposed development of the southern part of the site and requests further assessment of these impacts.

#### **Significance of Heritage Assets.**

While we have rehearsed the significance of Ashley Manor for each of the previous applications, we consider it appropriate, as a reminder, to repeat our own assessment of those aspects of setting that contribute to heritage significance.

The villa at St Edwards School, known most recently as Ashley Manor, was built for Nathaniel Hartland (the single most important lender of money to builders in the Pittville development in Cheltenham). Its list description describes it as 'One of the finest villas in the Cheltenham area, its internal plasterwork is a particular feature for its diversity, depth and quality of composition.' The original approach to the house is from London Road to the south; the sinuous tree-lined drive remains largely unaltered. The Grade II listed boundary walls and gate piers (marking the entrance from London Road), and further into the grounds, the Grade II summerhouse and drive piers to the surviving carriage sweep are all remnants of this high-status, grandiose villa-house ensconced within its generous parkland setting. Indeed, the topography of the site is significant; the land rises markedly from south to north, which would have been a conscious motive for siting this 'villa' style dwelling overlooking the town.

This 19th century revisiting of ancient Classical-inspired villas was heavily influenced by Andrea Palladio's work of the 16th century. Palladio's villa suburbana (country houses purely for residential or leisure as opposed to agriculture), in particular the Villa Rotunda, gave rise to a vast tradition in villa architecture; these formative dwellings were conceived with a close relationship to their location. Of Villa Rotunda, Palladio wrote *'the site is as pleasant and delightful as can be found; because it is upon a small hill...it is encompassed by the most pleasant risings...and therefore...enjoys the most beautiful views from all sides'*. The building rises out of the landscape and so does Ashley Manor in this very nature. So, whilst the principal elevation faces southwards, the siting of this villa, within its extensive, rising grounds is of, arguably, equal significance. Ashley Manor is designated as Grade II\*, and as such is in the top 8% of listed buildings. Therefore, greater weight should be given to its conservation. The National Planning Policy Framework (NPPF) defines 'conservation' as 'the process of maintaining and managing change to a heritage asset in a way that sustains and, where appropriate, enhances its significance'.

We acknowledge that significant modern additions (large school-related buildings, as well as landscape features such as the blue-topped playing surfaces) have eroded the historically isolated setting of Ashley Manor. Notwithstanding, the house (and associated school buildings) remains positioned within the extent of its historical grounds and the application site forms a key green buffer between the villa and later development to the north. The application site is clearly associated, historically, with the villa and that grounds of this extent would be expected with a high-status property.

#### **Summary of proposals**

Following the refusal of applications in 2017, 2018 and 2020 for 90, 69 and 43 units respectively, a further revised outline application has been submitted for 25 units. Pertinent to this application is the Appeal Decision on the refusal of the previous application (ref: APP/B1605/W/20/3261154). The dismissed appeal notes that Policy HD4 of the Cheltenham Plan, for 25 dwellings on the site and adopted in July 2020, forms a clearly defined and detailed baseline against which the appeal was assessed. This policy, subject to a number of modifications, was therefore accepted by the Inspector and the principle of residential development also accepted.

In giving great weight to the conservation of heritage assets and their settings, the Inspector identified harm caused by the previous proposals, specifically noting the visual intrusion of plots 11-32 into the setting of Ashley Manor and the artificial appearance of the proposed tree belt. The Inspector therefore cited less than substantial harm, but dismissed the appeal on the basis that the harm was not outweighed by the public benefits of the scheme.

The revised scheme for 25 units proposes a similar layout to that of the refused scheme to the west of the hedgeline that bisects the site north to south. The proposed use of the site to the east side is less intensive with three large detached units against the northern boundary and smaller grouping closer to the boundary with Ashley Manor, with three large units (one divided into a pair of semi-detached dwellings) with a line of planting proposed as their southern domestic curtilage boundary.

### **Impact of the Proposed Development**

We acknowledge the housing allocation for this site and Policy HD4 which identifies the criteria by which proposals should be developed and considered by the council. In terms of the Site Specific Requirements identified in the policy, we believe that 25 units could be accommodated on the site, if delivered in a manner that meets the following requirements of the HD4 policy:

- A layout and form of development that respects the character, significance and setting of heritage assets that may be affected by the development.
- New housing should be located away from the setting of the west elevation of Ashley Manor. There should be no development south of a straight line westwards from the rear of the northernmost school building. In addition, to provide an undeveloped buffer between the rear garden boundary of Charlton Manor and the new development a landscaping buffer should be provided for 30 metres west of the rear boundary with Charlton Manor.

The revised layout does accord with the criteria set out in the second requirement, notably no development south of a westward line from the northernmost school building. We also welcome the removal of the previously proposed tree screening, as we did not consider that this offered any meaningful or appropriate mitigation against the harm that would be caused as a result of the development. We also acknowledge the change in design approach to the dwellings on the eastern side of the site. By utilising the steep topography of the site and sitting individual buildings into the landscape by creating a more ground-hugging approach to massing and green-roof elements, the visual impact of dwellings in this location is likely to be more recessive and less overtly dominant than previous iterations within the setting of the Grade II\* Ashley Manor.

However, the Landscape and Visual Statement does not provide any visual montages indicating the potential impacts of the revised layout on the setting of the Grade II\* listed building. We therefore advise that views of the principle approach to the house (from the south) are modelled, so that impacts can be better assessed.

In terms of landscaping of the application site, we note the inclusion of parkland-style tree planting in the southern part of the site, which could filter views of the proposed dwellings

beyond. However, the openness of the site has been established as being important to the setting of the listed building and therefore care should be taken in selecting specimens that will not coalesce into a future shelter belt, as previously proposed. The boundary treatments of units 10-13 would be critical within views from the south and we would want assurance that these, while shown as single species hedges, would not be augmented with suburban forms of fencing (with controls to future management and changes put in place). We defer to your landscape specialist for detailed advice on this matter.

In the event that a further visual impact assessment demonstrates an unacceptable degree of impact and harm to the setting of Ashley Manor, we would advise that further revisions to the layout and position of the 25 units could reduce or remove the harm.

### **Planning Legislation & Policy Context**

Central to our consultation advice is the requirement of the Planning (Listed Buildings and Conservation Areas) Act 1990 in Section 66(1) for the local authority to “have special regard to the desirability of preserving the building or its setting or any features of architectural or historic interest which it possesses”. Section 72 of the act refers to the council’s need to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area in the exercise of their duties. When considering the current proposals, in line with Para 194 of the NPPF, the significance of the asset’s setting requires consideration. Para 199 states that in considering the impact of proposed development on significance great weight should be given to the asset’s conservation and that the more important the asset the greater the weight should be. Para 200 goes on to say that clear and convincing justification is needed if there is loss or harm. Historic England’s advice is provided in line with the importance attached to significance and setting with respect to heritage assets as recognised by the Government’s revised National Planning Policy Framework (NPPF) and in guidance, including the Planning Practice Guidance (PPG), and good practice advice notes produced by Historic England on behalf of the Historic Environment Forum (Historic Environment Good Practice Advice in Planning Notes (2015 & 2017)) including in particular The Setting of Heritage Assets (GPA3).

Heritage assets are an irreplaceable resource NPPF 189 and consequently in making your determination your authority will need to ensure you are satisfied you have sufficient information regarding the significance of the heritage assets affected, including any contribution made by their settings to understand the potential impact of the proposal on their significance NPPF 194, and so to inform your own assessment of whether there is conflict between any aspect of the proposal and those assets’ significance and if so how that might be avoided or minimised NPPF 195.

The significance of a heritage asset can be harmed or lost through alteration or destruction of the asset or development within its setting. As heritage assets are irreplaceable, any harm (whether substantial or less than substantial) is to be given great weight, and any harm to, or loss of, the significance of a designated heritage asset (or site of equivalent significance) should require clear and convincing justification.

### **Recommendation**

Historic England has concerns regarding the application on heritage grounds. We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 199 and 200 of the NPPF. In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess and section 38(6) of the Planning and

Compulsory Purchase Act 2004 to determine planning applications in accordance with the development plan unless material considerations indicate otherwise.

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

### 4th July 2022

Thank you for your letter of 30 June 2022 regarding further information on the above application for planning permission. On the basis of this information, we offer the following advice to assist your authority in determining the application.

### Historic England Advice

The revised layout of the site has omitted units 7, 8 and 9 from the south-eastern part of the site and has reconfigured the units on the northern side of the site. In terms of heritage impacts, the proposed dwellings closest to the GII\* building (units 7-10 on the revised plan) remain unaltered and the revised addendum note for the Design and Access statement, and Landscape and Visual Assessment, concludes there to be no changes to the conclusions of impacts identified in these statements.

We advised in our previous letter of 11th February 2022 that while the proposed development, in its previously revised form, met most of the requirements of Policy HD4 of the Cheltenham Plan, we still had concerns over the potential impacts of the proposed development of the southern part of the site and requested further assessment of these impacts. We cannot see that any further assessment of visual impacts from key views to the south of the site have been provided. This should indicate the impact of the built form itself and the associated landscaping to provide the boundary treatment to these dwellings. We therefore refer to our previous advice and maintain our concerns over potential impacts that may be identified and may need mitigating through further design and layout.

### Planning Legislation & Policy Context

Central to our consultation advice is the requirement of the Planning (Listed Buildings and Conservation Areas) Act 1990 in Section 66(1) for the local authority to "have special regard to the desirability of preserving the building or its setting or any features of architectural or historic interest which it possesses". Section 72 of the act refers to the council's need to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area in the exercise of their duties. When considering the current proposals, in line with Para 194 of the NPPF, the significance of the asset's setting requires consideration. Para 199 states that in considering the impact of proposed development on significance great weight should be given to the asset's conservation and that the more important the asset the greater the weight should be. Para 200 goes on to say that clear and convincing justification is needed if there is loss or harm. Historic England's advice is provided in line with the importance attached to significance and setting with respect to heritage assets as recognised by the Government's revised National Planning Policy Framework (NPPF) and in guidance, including the Planning Practice Guidance (PPG), and good practice advice notes produced by Historic England on behalf of the Historic Environment Forum (Historic Environment Good Practice Advice in Planning Notes (2015 & 2017)).

The significance of a heritage asset can be harmed or lost through alteration or destruction of the asset or development within its setting. As heritage assets are irreplaceable, any harm (whether substantial or less than substantial) is to be given great weight, and any harm to, or loss of, the significance of a designated heritage asset (or site of equivalent significance) should require clear and convincing justification.



### Recommendation

Historic England has concerns regarding the application on heritage grounds. We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 199 and 200 of the NPPF. In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.

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

### **Battledown Trustees**

15th February 2022

On 25th January 2022, you kindly advised that you would be pleased to receive comments concerning the above planning application from the Trustees of the Battledown Estate, having designated us as 'Consultees' on the matter.

This application is yet another attempt to build over a large proportion of the exceptional and irreplaceable meadow-land accessed via the top of Oakhurst Rise, which would bring a multitude of problems and permanent disadvantages to Charlton Kings and the wider Cheltenham community. The Land directly adjoins the Battledown Estate's southern boundary and so any development thereupon would directly affect a number of properties on the Estate. This application may well be for some 18 fewer homes than the previous application but the arguments for refusing permission for the scheme remain for the greater part the same as those put forward at the time of the August 2017 application (rejected), the October 2018 scheme (rejected) the appeal inquiry conducted by an Inspector from HM Planning Inspectorate in August 2019 (dismissed) and yet another appeal inquiry conducted by a second, different, Inspector from HM Planning Inspectorate in March 2021 (dismissed).

From the voluminous documentation produced relating to the previous applications and the already considerable documentation submitted for this new application, it is abundantly clear that none of the grounds on which the Trustees previously objected have been adequately addressed. Inaccurate and misleading information contained within the documentation submitted for this application have already been highlighted by other concerned respondent(s). Nevertheless, for good order's sake, we repeat the Trustees' observations and primary objections to the proposed development herewith :

- a) Considerable loss of privacy would be suffered by a number of Estate properties and residents, owing to the proposed positioning and height of the dwellings on the Land immediately adjoining the Estate's southern boundary.
- b) There would be noticeable degradation to the environment of the Estate owing to the significant increase in 'noise pollution' which would be generated by the proposed 25 dwellings, once completed.
- c) There would be a material and dangerous increase in the risk of flooding for a number of Estate properties located in Birchley and Ashley Roads. In 2007, several Estate houses including some adjoining the proposed development Land, were badly flooded; this situation can only be exacerbated by the proposal to cover such a significant proportion of this Land with concrete, tarmac and buildings which would prejudice the delicate balance of springs, pools and flood-ameliorating water absorption on this land.

- d) In common with most, if not all, other residents in this area of Charlton Kings, residents on the Battledown Estate would be affected by the material increase in traffic which would inevitably result from the building of these proposed 25 homes, as such a significant increase in traffic would affect many roads in the area, including Sixways Junction, Hales Road, London Road, King Alfred Way and Athelney Way, as well as those narrow roads immediately adjacent to the proposed development site --- and the 'knock-on' effects would severely affect and inconvenience many thousands of local residents in Charlton Kings and the eastern part of Cheltenham. In a nutshell, the local infrastructure and road system is already choked at peak periods and is simply inadequate for the existing traffic (as already acknowledged by Gloucestershire Highways), let alone the critical increase in traffic consequent upon the construction of these additional homes.
- e) Furthermore, this proposed development would increase the dangers for both cyclists and pedestrians. Quite apart from the unacceptable gradients and road widths on the residential streets which are designated as the proposed Access to the Land, one should also appreciate that the application necessitates severe street gradients within the proposed development site itself. Nowhere in the Applicant's documentation is this defect highlighted as it should be and so we believe this important detrimental aspect, compromising safety, should once again be brought to the attention of the Planning Committee members. Importantly, it should be clear to both CBC Planning Officers and Planning Committee members, that this site and the access thereto is totally unsuitable for wheelchair users and those with some other physical disabilities; this would inevitably mean complete reliance on motor vehicles for any such putative residents.
- f) We also object on the grounds that the views of this area of Battledown as seen from the nearby AONB will be permanently blighted, in contravention of national planning regulations and, in this context, we support the strong objections previously made by Historic England on similar grounds.
- g) From the very important perspective of Amenity, we object owing to the permanent and irretrievable degradation of a valuable outdoor sporting facility which has historically been used regularly by children from all over Cheltenham and, indeed, Gloucestershire, together with the unacceptable additional strain that such a development would place on local GP surgeries and school places -- neither of which are able to meet the demand consequential upon such a noteworthy increase in local housing.

There are many reasons to approve different housing development schemes; however, the Trustees believe that it would be misguided for any Planning Committee to approve a scheme such as this proposal, which would do irreparable harm to the local community and blight the environment of the existing electorate.

A significant majority of Borough Councillors on the Planning Committee have rejected previous applications for building over this meadow-land for very good reasons. This latest application singularly fails to address in a convincing manner many of the grounds for refusing previous applications cited by both Borough Councillors and the Planning Inspectorate and, even worse, perpetuates much of the inaccurate information submitted at the time of those previous applications.

Exactly the same multitude of planning considerations apply to this new application and therefore the Trustees anticipate and request that the same judgements will be made once again, to the clear benefit of the existing local communities in both Charlton Kings and the wider borough of Cheltenham.

6th July 2022

Thank you for your email of 30th June (below) ref the above planning application. As you will note from your files, the Trustees of the Battledown Estate submitted a detailed Objection to the previous plans on 14th February 2022. You may also note that these latest revised plans and the additional information submitted by the applicant substantively fail to address a single one of the grounds for Objection that were submitted to yourselves in February.

The Trustees of the Battledown Estate therefore maintain their Objection to this egregious development proposal on the basis if the many substantial harms it would cause to the Charlton Kings and wider Cheltenham community.

### **Natural England**

8th February 2022

Thank you for your consultation on the above dated 25 January 2022 which was received by Natural England on the same day.

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

#### **SUMMARY OF NATURAL ENGLAND'S ADVICE FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON DESIGNATED SITES – HABITATS REGULATIONS ASSESSMENT STAGE 2 – 'APPROPRIATE ASSESSMENT' REQUIRED**

As submitted, the application could, in combination with other new residential development in the authority area, have potential significant effects on the Cotswold Beechwood Special Area of Conservation (SAC). Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation.

The following information is required:

*HRA stage 2 Appropriate Assessment of the scheme.*

Without this information, Natural England may need to object to the proposal. Please re-consult Natural England once this information has been obtained.

We set out our advice on the application's relationship with Cotswolds Area of Outstanding Natural Beauty (AONB) below.

#### *Additional Information required - Internationally and nationally designated sites*

The application site is within a zone of influence around a European designated site, and therefore has the potential to affect its interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2017, as amended (the 'Habitats Regulations'). The application site is in close proximity to Cotswold Beechwoods Special Area of Conservation (SAC) which is a European site. The site is also notified at a national level as Cotswold Commons and Beechwoods. Please see the subsequent sections of this letter for our advice relating to SSSI features.

In considering the European site interest, Natural England advises that you, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have<sup>1</sup>. The Conservation objectives for each European site explain how the site should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have.

#### *Further information required*

The consultation documents provided by your authority do not include information to demonstrate that the requirements of Regulations 63 and 64 of the Habitats Regulations have been considered by your authority, i.e. the consultation does not include a Habitats Regulations Assessment.

In advising your authority on the requirements relating to Habitats Regulations Assessment, it is Natural England's advice that the proposal is not necessary for the management of the European site. Your authority should therefore determine whether the proposal is likely to have a significant effect on any European site, proceeding to the Appropriate Assessment stage where significant effects cannot be ruled out. We draw the Council's attention to recent case law<sup>2</sup> dealing with the treatment of mitigation measures during the HRA process.

Natural England advises that there is currently not enough information to determine whether the likelihood of significant effects can be ruled out. We recommend you take account of the following information to help undertake an Appropriate Assessment:

- Distance between application site and nearest boundary of SAC
- Route to SAC/mode of transport
- Type of development (E.g. use class C3)
- Alternative recreation resources available – on site and off site
- Education and awareness raising measures – e.g. Suitable information in the form of a Homeowner Information Pack.

Please re-consult us when the Appropriate Assessment is available.

### *Cotswold Commons and Beechwoods SSSI*

Our comments above in relation to the international designations for the site apply similarly to this SSSI. Provided that suitable mitigation is secured in respect of the SAC we do not anticipate adverse effects on this SSSI.

Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 281 (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice. You must also allow a further period of 21 days before the operation can commence.

### *Protected landscapes – Cotswolds Area of Outstanding Natural Beauty (AONB)*

The proposed development is for a site within the setting of a nationally designated landscape namely the Cotswolds AONB. Natural England advises that the planning authority uses national and local policies, together with local landscape expertise and information to determine the proposal. National Planning Policy Guidance highlights the potential for development within the setting of Areas of Outstanding Natural Beauty to have a material adverse effect on the character and special qualities of an AONB (Guidance-Natural Environment Paragraph: 042 Reference ID: 8-042-20190721). The proposed development's design will need to minimise its impact on the setting of the AONB and should have regard to the Cotswold Conservation Board's design guidance accordingly.

Your decision should be guided by paragraphs 174 and 176 of the National Planning Policy Framework which gives the highest status of protection for the 'landscape and scenic beauty' of AONBs and National Parks. Alongside national policy you should also apply landscape policies set out in your development plan, or appropriate saved policies. We also advise that you consult the Cotswolds Conservation Board. Their knowledge of the site and its wider landscape setting, together with the aims and objectives of the AONB's statutory management plan, will be a valuable contribution to the planning decision. Where available, a local Landscape Character Assessment can also be a helpful guide to the landscape's sensitivity to this type of development and its capacity to accommodate the proposed development.

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

15<sup>th</sup> September 2022

### **SUMMARY OF NATURAL ENGLAND'S ADVICE NO OBJECTION - SUBJECT TO APPROPRIATE MITIGATION BEING SECURED**

We consider that without appropriate mitigation the application would, in combination with residential [and tourist related] development in the wider area:

- i (i) have an adverse effect on the integrity of the Cotswold Beechwoods Special Area of Conservation <https://designatedsites.naturalengland.org.uk/>.
- ii (ii) damage or destroy the interest features for which the Cotswolds Commons and Beechwoods Site of Special Scientific Interest has been notified.

In order to mitigate these adverse effects and make the development acceptable the following mitigation options should be secured:

- Homeowner Information Packs providing information on recreation including both opportunities for visits in the area and the sensitivities of local and designated sites.

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.

Natural England's further advice on designated sites and advice on other natural environment issues is set out below.

#### **Further advice on mitigation**

Policy SD9 'biodiversity geodiversity' of the adopted Gloucester, Cheltenham and Tewkesbury JCS and Cheltenham policy BG1 refer. Most recently a visitor survey of the SAC has been published indicating a 15.4km zone from within which visitors travel to the site, most often by private car. Work has been commissioned by the collaborating Local Planning Authorities to identify suitable mitigation measures within the zone. Until those measures have been identified and agreed we advise that the following should be considered in an HRA when determining applications for residential development within the zone of influence:

- Distance between application site and nearest boundary of SAC
- Route to SAC/mode of transport
- Type of development (E.g. use class C3)
- Alternative recreation resources available – on site and off site
- Education and awareness raising measures – e.g. Suitable information in the form of a Homeowner Information Pack.

Natural England notes that a shadow HRA has been undertaken and an appropriate assessment of the proposal in accordance with Regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process.

The appropriate assessment concludes that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any permission given.

### **Cotswold Commons and Beechwoods SSSI- No objection**

Based on the plans submitted, Natural England considers that the proposed development will not damage or destroy the interest features for which the site has been notified and has no objection.

Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 28I (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice. You must also allow a further period of 21 days before the operation can commence.

### **Other advice**

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

Should the developer wish to discuss the detail of measures to mitigate the effects described above with Natural England, we recommend that they seek advice through our Discretionary Advice Service.

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

We would not expect to provide further advice on the discharge of planning conditions or obligations attached to any planning permission.

### **Environmental Health**

*1st February 2022*

I have reviewed this application and have no objection in principal, however I would request that should consent for this development be granted a condition is attached to require the preparation of a plan to control the impact of noise and dust from the works of construction, in order to safeguard the amenity of nearby residential property.

### **Section 106 Officer - Tina McCausland**

*16th February 2022*

Comment available to view in documents tab.

### **The Woodland Trust**

*7th March 2022*

Objection – deterioration of veteran trees

As the UK's leading woodland conservation charity, the Woodland Trust aims to protect native woods, trees and their wildlife for the future. We own over 1,000 sites across the UK, covering over 30,000 hectares and we have over 500,000 members and supporters. We are an evidence-led organisation, using existing policy and expertise to assess the impacts of development on ancient woodland and ancient and veteran trees. Planning responses submitted by the Trust are based on a review of the information provided as part of the application to the determining authority, though in this case our experts have also had the opportunity to assess the trees on the site.

## Deterioration of Veteran Trees

The Trust objects to this planning application on the basis of the deterioration of a number of veteran trees. There are numerous ancient and veteran trees on site that have been identified on the Trust's Ancient Tree Inventory (ATI), with many of these also recognised by the applicant. We note that there continues to be some disagreement between the Trust and the applicant as to which trees should be afforded veteran status, and as such we consider a number of trees on site have not been afforded appropriate protection. These trees are as follows:

Tree no.	ATI no.	Species	ATI Categorisation	Grid Reference
3010	167742	Pedunculate oak	Veteran	SO96588216 54
3014	167746	Pedunculate oak	Veteran	SO96520216 28
3015	167745	Pedunculate oak	Veteran	SO96531216 39
3022	167756	Pedunculate oak	Veteran	SO96440215 58
3027	167751	Pedunculate oak	Veteran	SO96396216 05

We have commented on previous iterations of this application and note changes to this application have resulted in greater protections for trees we have previously held concerns for. While we welcome these changes, we remain concerned for the above trees and their long-term retention and vitality.

### *Veteran Trees*

Natural England's standing advice for veteran trees states that they "*can be individual trees or groups of trees within wood pastures, historic parkland, hedgerows, orchards, parks or other areas. They are often found outside ancient woodlands. They are also irreplaceable habitats. A veteran tree may not be very old, but it has significant decay features, such as branch death and hollowing. These features contribute to its exceptional biodiversity, cultural and heritage value.*"

As acknowledged already, there are a number of trees within this site that are listed on the Ancient Tree Inventory (ATI), most of which are classified as veteran, though some are recognised as ancient. As there has historically been some disagreement between ourselves and the applicants regarding the designation of trees, we consider it may be helpful for the Trust to revisit its approach to classifying veteran trees. The below information follows wording that has previously been provided to the Council in our responses to previous applications for this site.

Planning Policy Guidance (PPG) for the 'Natural environment', which is intended to clarify and interpret the NPPF, and was updated on 21st July 2019, states1: "*Veteran trees may not be very old but exhibit decay features such as branch death or hollowing. Trees become ancient or veteran because of their age, size or condition. Not all of these three characteristics are needed to make a tree ancient or veteran as the characteristics will vary from species to species.*"

The veteran features that characterise older trees are not necessarily a product of a tree's age or size as they also develop as a result of a tree's life or environment. The PPG highlighted above emphasises that the key characteristics of size, age or condition are considered separately. We do not believe this is taken into account in the applicant's

'RAVEN' system<sup>2</sup> on account of the requirement for such trees to have a 'very large size' before they can be further assessed for veteran features.

A key function of the term 'veteran' is to capture trees that have exceptional habitat value as well as those with cultural and heritage value. The term is not a true ecological grouping, and serves to help us to identify trees which are important for biodiversity in their own right, and as part of a wider assemblage; veteran trees are important for the accumulation of features that are unable to be replicated within our lifetime. Identifying and evaluating veteran features requires the application of knowledge, experience and judgement. We acknowledge that government definitions do not provide precise, measurable parameters against which to easily recognise veteran trees. However, Natural England's standing advice, planning policy guidance, and expert reference texts do provide clear instruction that tree girth should not be used as the main qualifier for veteran classification.

A particular example of this is tree T3014, an oak tree that has not been identified as a veteran tree by the applicants and so a Veteran Tree Buffer (VTB) zone has not been applied to this tree. We had the opportunity to assess this tree in August 2019. At that time, we noted a number of veteran features despite the tree girth not reaching a very large size. This oak tree features a historic lightning strike, exposed heartwood, decay cavities, evidence of invertebrate use and presence of fungal fruiting bodies (please see Appendix 1 for further details and images).

### Planning Policy

The National Planning Policy Framework, paragraph 180, states: "*When determining planning applications, local planning authorities should apply the following principles: c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons<sup>63</sup> and a suitable compensation strategy exists;*"

Footnote 63, defines exceptional reasons as follows: "*For example, infrastructure projects (including nationally significant infrastructure projects, orders under the Transport and Works Act and hybrid bills), where the public benefit would clearly outweigh the loss or deterioration of habitat.*"

### Impacts on Veteran Trees

It is essential that veteran trees are protected as part of new development and that their loss and deterioration is avoided. We recognise that the applicant has resolved to avoid the loss of veteran or notable trees on site, though we still hold concerns regarding the deterioration of some veteran trees. Where veteran trees have been recognised by the applicant, we acknowledge that due consideration has been given to ensure these trees are protected in line with Natural England and Forestry Commission's standing advice.

The trees we remain concerned about are recorded on the ATI as veteran specimens though have not been recognised as such by the applicant and therefore only afforded RPAs in line with BS 5837 guidelines and not the aforementioned standing advice. We maintain that these trees should be recognised as veteran and afforded buffer zones in line with standing advice, which states: "*For ancient or veteran trees (including those on the woodland boundary), the buffer zone should be at least 15 times larger than the diameter of the tree. The buffer zone should be 5 metres from the edge of the tree's canopy if that area is larger than 15 times the tree's diameter. This will create a minimum root protection area.*"

The protection of these trees and the need to afford them appropriate buffer zones is paramount. While we acknowledge that ourselves and the applicant do not agree on the veteran status of some of these trees, we encourage the Council to adopt a precautionary approach to the protection of the trees and ensure that they are sufficiently protected and buffered so as to prevent future issues arising as a result of infrastructure being sited within



their RPAs. We would continue to ask that buildings, roads and footpaths are excluded from the RPAs of these trees (calculated using the 15 times diameter) and that where gardens encroach on the RPA, the Council considers enforcing a removal of permitted development rights from these properties to prevent the placement of patios or sheds within the RPAs.

By not allowing for future growth and space needs of these trees and only affording them RPAs in line with the BS 5837 guidelines, we consider that it is likely these trees will come under pressure for removal or excessive management in the future. Our concerns regarding the increased risk posed by veteran and mature trees when brought into a more public setting are supported by the guidance within David Lonsdale's 'Ancient and other Veteran Trees: Further Guidance on Management' (2013), which states in paragraph 3.5.2.1 "...avoid creating new or increased targets: as happens for example following the construction of facilities (e.g. car parks or buildings) which will bring people or property into a high risk zone. Not only does this create targets, it also harms trees and therefore makes them more hazardous".

### Conclusion

Veteran trees are irreplaceable habitats. Any development resulting in deterioration of veteran trees must be redesigned to ensure their full protection and avoidance of adverse impact.

The Woodland Trust objects to this application on the basis of adverse impact and deterioration of five veteran trees listed on the ATI. The incursions into the buffer zones of these trees is likely to result in their long-term degradation and could result in their future loss. As such, we consider this application contravenes national planning policy and government guidance designed to protect veteran trees.

### **County Archaeology**

*16th February 2022*

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

I advise that in connection with a previous development proposal on this site a programme of archaeological desk-based assessment, geophysical survey and trial-trenching was undertaken. No significant archaeological remains were observed during these investigations. The evidence from the archaeological investigations therefore indicate a low potential for significant archaeological remains to be impacted by the proposed development. In addition, the location of the historic ice-house in the eastern portion of the application site will be preserved within open ground, as identified in the heritage impact assessment.

For the reasons stated above I recommend that no further archaeological investigation or recording should be required in connection with this scheme.

I have no further observations.

20th July 2022

Thank you for consulting the archaeology department on the revised plans. The revised details do not alter my previous comments on this application and I have no further observations to make.

### **Minerals And Waste Policy Gloucestershire**

9th February 2022

Comment available to view in documents tab – summary – further information required

9<sup>th</sup> September 2022 –Comment available to view in documents tab – Summary – no objection

### **Building Control**

30<sup>th</sup> June 2022

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

### **Parish Council**

21<sup>st</sup> July 2022

Objection (18/07/22):

It is with regret that the Committee notes that this revision of the application does little to address the objections from the meeting of 07/02/22 (see below).

In particular, we repeat:

'The access to the site is simply not conducive to access on foot or bicycle. With a view to access to local services, the climb from the bottom of Charlton Court Road to the entrance to the site is 33m, an average gradient of 7% for 475m. At its steepest the gradient is over 12%, or almost 1 in 8. These figures do not include the climb from the bottom of Charlton Court Road to the local facilities at Sixways, or the changes in level within the site.

The result of the severity of the climbs means that the site will be accessed almost entirely by private car. The lack of movement other than by car will inhibit social integration with the wider Charlton Kings community and any resident of the development without access to a private car will be very socially isolated. Both in terms of transport and social inclusion, this proposal does not represent Sustainable Development, regardless of the somewhat wishful statements in the Transport Assessment.'

Policy HD4 of the Cheltenham Local Plan states a site specific requirement of 'safe, easy and convenient pedestrian and cycle links within the site and to key centres'. Similarly, Joint Core Strategy Policy SD4, cl. vii states a development should: 'Ensure accessibility to local services for pedestrians and cyclists and those using public transport'. This proposal, with the severe gradients and climbs as detailed above, manifestly fails to provide such pedestrian and cycle links.

We note that the design flaws, as detailed below, in both the foul and surface water drainage, have not been addressed.

Similarly, the site's status as a Local Wildlife site and the future conflict with badgers' foraging remain unaddressed.

There is intense pressure on local school places, with some parishioners being unable to get places in the local schools. The Junior School has previously been expanded from a 2 to 3 form entry, but the common areas have not expanded, so there is limited possibility to add further places.

We note and echo the concerns of the GCC Minerals & Waste Planning Authority and Historic England.

7<sup>th</sup> July 2022

While the reduced number of dwellings will reduce the level of loss of amenity for the residents of Oakhurst Rise, this application does nothing to address the other concerns raised in previous applications for this site.

It is disappointing that while the number of dwellings has reduced, the footprint of the development and its impact on wildlife / bio-diversity remains very similar.

One of the justifications in favour of the earlier proposals was the provision of affordable / social housing. This proposal causes almost the same level of harm, but with less balancing affordable housing provision. Given the complexities of engineering this site, it is questionable as to how much affordable housing will be able to be provided.

The formal adoption of the site as a Local Wildlife Site highlights the bio-diversity of the site that was not recognised when the site was labelled as possibly being suitable for development in the Local Plan. Similarly, Cheltenham's declaration of a Climate Emergency and resultant commitment to maintain bio-diversity, after the production of the Local Plan, also revises the suitability of the site's inclusion in the Plan.

Large parts of the foraging grounds of the badgers will still become hardened public areas and private gardens. This will lead to collisions with vehicles and damage to residents' gardens. The areas of the site outside the development remain open to all. The increase in domestic animals being able to roam these areas can only be detrimental to wildlife and so further reduce bio-diversity.

The access to the site is simply not conducive to access on foot or bicycle. With a view to access to local services, the climb from the bottom of Charlton Court Road to the entrance to the site is 33m, an average gradient of 7% for 475m. At its steepest the gradient is over 12%, or almost 1 in 8. These figures do not include the climb from the bottom of Charlton Court Road to the local facilities at Sixways, or the changes in level within the site.

The result of the severity of the climbs means that the site will be accessed almost entirely by private car. The lack of movement other than by car will inhibit social integration with the wider Charlton Kings community and any resident of the development without access to a private car will be very socially isolated. Both in terms of transport and social inclusion, this proposal does not represent Sustainable Development, regardless of the somewhat wishful statements in the Transport Assessment.

As has been previously reported, in freezing conditions residents of Oakhurst Rise have been compelled to leave cars in Charlton Court Road as the access becomes too hazardous. Adding the cars from a further 25 dwellings in these circumstances can only add to the difficulties.

It would be useful for members of CBC's Planning Committee to walk or cycle to the site entrance from Sixways, to assess at first hand how impractical such transport choices would be for day-to-day access to local facilities.

The developer's offer of an e-bike voucher to the first occupiers is nothing more than a marketing gimmick, other than to acknowledge that the access to the site is not conducive to walking or cycling. If the houses have a design life of say 100 years, who will replace the ebikes when they wear out? What will happen when the properties change hands? If the ebikes are to remain with the property what will happen when the new owners are not the same height / size as the original occupier?

The drainage design has major flaws that are listed below. Notwithstanding these flaws, the drainage scheme does highlight that an ongoing maintenance regime will be needed to maintain the surface water systems. The Committee can find no mention of how and by whom the maintenance is to be carried out. In the absence of a maintenance regime, even a correctly designed attenuation scheme will, in time fail, resulting in surface water running over ground to properties downhill of the site.

Drainage Scheme design issues:

The discharge of water to the pond at a gradient of 1 in 11 will be likely to cause the pond to scour and such scoured material will be carried downstream into the drainage system. The discharge from the pond to a catchpit at a gradient of 1 in 5 be likely to stir up settled silt in the catch pit during periods of high flow, rather than settle out the silt. The silt will settle in the attenuation chamber once the incoming flow exceeds the discharge rate controlled by the hydro-brake valve (2.0L/s). There does not appear to be any means of de-silting the attenuation chamber, meaning that over time it will provide less and less attenuation.

The Aqua-swirl treatment manhole should be upstream of the attenuation chamber. By being downstream of the hydro-brake valve it will serve little purpose, as the silt it is designed to intercept will already have been deposited in the attenuation chamber.

While a building regulations matter, it should be pointed out that gradients on the proposed foul drainage (as steep as 1 in 5) far exceed what is recommended in the Building Regulations (1 in 40) and could be expected to result in the separation of liquid and solids and resultant blocking of sewers.

### **John Mills Cotswold Conservation Board**

*30th June 2022*

Thank you for consulting the Board on the additional information submitted by the applicant in connection with the above application.

Having reviewed the information submitted (including the Landscape and Visual Addendum Note from MHP, dated 15 June 2022) and the amendments proposed, the Board agree with MHP's conclusion that the revisions give rise to no concerns from a landscape and visual perspective and as such the Board's view remains that the proposal would not result in a significant adverse impact upon the landscape and scenic beauty of the National Landscape.

Accordingly, the Board does not object to this application.

### **Social Housing**

*22nd March 2022*

Comments attached as appendix 2

### **Joint Waste Team**

*28th January 2022* - See comment available to view in documents tab.

*30th June 2022* - Comment available to view in documents tab.

### **Architects Panel**

*14th March 2022*

Design Concept Previous applications for residential developments on this site have been refused essentially because they were deemed to be over-development. This application is only for 25 dwellings instead of the 43 dwellings previously proposed. As a result the scheme is much improved, providing more open space around properties and less impact on heritage buildings and their setting.

Design Detail Although the application is outline only, the scheme includes suggested plans and elevations of proposed house types, which are designed to respond to the sloping contours of the site.

The panel felt that the housing mix and the distribution of dwellings on the site had been carefully considered, taking on board the various comments made at the previous appeal.

In many ways this is a landscape led design proposal which is to be commended.

Recommendation Support

#### 4. PUBLICITY AND REPRESENTATIONS

- 4.1 The application was publicised by way of letters to over 500 properties who are neighbours of the site or have commented previously. Site notices and notices in the Echo were also posted. The consultation exercise was repeated upon receipt of revised plans.
- 4.2 Approximately 150 representations have been received. Approximately 100 of these are in objection to the proposal and 50 are in support. The main points raised can be summarised as follows:

In objection:

- Impact upon wildlife/badgers/protected species/Local Wildlife Site
- Impact on trees
- Increased traffic
- Unsuitable access
- Increased pollution & impact on air quality
- Unsustainable/Incompatible with net zero ambition/Climate emergency
- Flooding/Drainage
- Light Pollution
- Impact on local services
- Impact on heritage assets
- Impact on landscape
- Impact on residential amenity – privacy/light/overshadowing
- Dwellings too tall in context of bungalows on Oakhurst Rise
- Question whether affordable housing will be affordable
- Site should not have been allocated for housing

In support:

- Provision of affordable housing
- Benefit to local economy

- Funding for schools
- Well designed scheme
- Site is allocated for housing

## 5. OFFICER COMMENTS

### 5.1 Background

5.2 As mentioned above there is a significant amount of planning history at this site. The key planning applications are detailed below. These applications were all in outline, for residential development with the same point of access via Oakhurst Rise.

### 5.3 17/00710/OUT

5.4 This application was for the erection of 90 dwellings and was refused in July 2018. There were 5 reasons for refusal which, to briefly summarise related to (1) loss of trees, (2) Impact on the setting of listed buildings, (3) unacceptable impact on highway networks due to access from Oakhurst Rise, (4) Impact on protected species, (5) impact on landscape character and AONB.

### 5.5 18/02171/OUT

5.6 This application was for up to 69 dwellings and was refused in March 2019. There were 5 reasons for refusal which, to briefly summarise related to (1) conflict with site specific requirements of emerging policy HD4, (2) loss of trees, (3) impact on setting of listed buildings, (4) Impact of protected species, notably Badgers, (5) impact on landscape character and AONB.

5.7 Following the refusal of the planning application an appeal was made which was dealt with by Public Inquiry. Prior to the inquiry the authority withdrew the fourth and fifth reasons for refusal in relation to ecology and visual impact.

5.8 The appeal was subsequently dismissed.

### 5.9 20/00683/OUT

5.10 This application was for 43 dwellings and was refused in September 2020. There was one reason for refusal which read as follows:

1. The proposed development would have a significant impact on the setting of nearby listed buildings. The resultant 'less than substantial' harm to these designated heritage assets must be afforded significant weight, and this harm would fail to be outweighed by the public benefits arising from the proposal in the overall planning balance.

Policy HD 4 of the Adopted Cheltenham Plan suggests a minimum of 25 dwellings can be accommodated on this site subject to a list of criteria. The proposal for 43 dwellings against the policy requirement of 25 has led to a layout which does not respect the character, significance and setting of heritage assets. The proposal is therefore in conflict with Policy HD4 of the adopted Cheltenham Plan.

The development would also be in conflict with Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, adopted policy SD8 of the Joint Core Strategy (2017), and paragraphs 193, 194 and 196 of the National Planning Policy Framework (2019).

- 5.11** Following the refusal of the planning application a further appeal was made which was dealt with by public inquiry. The appeal was subsequently dismissed.
- 5.12** The appeal decision has been provided in full to members, however the main issues arising will be briefly summarised. The Inspector identified the main issues to be
- (a) The effect of the proposed development upon the setting of Ashley Manor and icehouse (Grade II\* Listed) and Charlton Manor (Grade II Listed) including whether the harm is outweighed by the public benefits; and,
  - (b) The effect of the proposed development upon the natural environment.
- 5.13** Inspector's findings on Heritage
- 5.14** On the matter of heritage; the inspector states that the appeal site contributes to the setting of the heritage assets, making a positive contribution to their significance, in addition to their architectural and historic interest. She considered that the harm would arise from the introduction of built form into the currently open setting and backdrop of Ashley Manor. Similarly, for Charlton Manor, the development would be visible beyond the Icehouse and proposed tree belt, impeding views and urbanising the currently open aspect and setting. Plots 17 – 21 and 22 – 21 would be located closest to the ice house and would have the greatest visibility from this heritage asset. She also considered that whilst the tree belt would assist in mitigating the effect through clear separation of development and maintained grassland, it would have a somewhat artificial appearance in the landscape. She was of the view that there would be moderate harm to Ashley Manor and Charlton Manor. She also found a slight/negligible harm to Glen Whittan, a non-designated heritage asset to the north of the site.
- 5.15** Inspector's findings on the Natural Environment
- 5.16** In respect of the Natural Environment the Inspector said *"the appeal site represents a multi-faceted ecosystem which includes mature and veteran trees, hedgerows and grassland. Fauna includes badgers, a bat roost and reptiles. It is designated as a LWS."*
- 5.17** The appeal decision gives a detailed view on the various classifications of trees which does not need to be repeated here. On the issue of veteran trees she concludes *"veteran trees are irreplaceable habitats. Even with a detailed veteran tree management plan (secured by condition) and wider tree protection measures, I cannot be sure, given encroachments into the standing advice buffer zone, that the development would not result in deterioration of these highly important trees." ... "some of the RPAs of protected but non-veteran trees would also be affected by the development. Tree 3014 would have its RPA breached by a small part of a garden and fence of plot 30. A parking bay to serve plot 29 would traverse this for oak tree 3015. Oak trees 3032 and 3033 would also have the drainage running in between them." ... "overall, in terms of arboricultural effects, I consider that the development would cause unacceptable harm to retained protected and veteran trees."*
- 5.18** On badgers the Inspector concluded the proposal would have a harmful effect because the retained sett BS4 would be in an area accessible to residents of the development and the overall foraging areas would be reduced.
- 5.19** On the Local Wildlife Site (LWS) designation, the Inspector considered that the site's value for learning would be maintained, albeit on a reduced site area than currently enjoyed by the pupils.
- 5.20** Bats and reptiles were considered to be adequately protected.

**5.21** The Inspector acknowledged the interrelationship of various ecological elements including the badger setts, buffer zones, grassland etc. However she considered that the outstanding matters could be dealt with by condition with management being secured in the UU. She was unable to conclude on what level of Biodiversity Net Gain would be achieved. Subject to conditions the scheme would not adversely affect the integrity of the Cotswold Beechwoods SAC.

**5.22** On the matter of the Natural Environment the Inspector concluded as follows:

**5.23** *"In considering the effects in the round, and mindful of the weight to be given to irreplaceable habitats, I consider it appropriate to adopt a precautionary approach in terms of the natural environment resources at the site."..."Overall, I thus consider that overall the development would conflict with CP HD4 in terms of trees and biodiversity, along with CP policies G112 and G113 and JCS Policy SD9 (in terms of its overarching protections of biodiversity and geodiversity and paragraphs 170 and 175 of the Framework. As an allocated site where avoidance of effects is unrealistic, I consider this may form a wholly exceptional reason under paragraph 175 (c)."*

**5.24** Inspectors findings on the planning balance

**5.25** In considering the planning benefits the Inspector referred to the fact that the Council cannot currently demonstrate a 5 year housing land supply, with the figure at the time of the inquiry being around 3.7 years. The Inspector considered the delivery of housing to be a substantial benefit. The delivery of affordable housing against an accumulated shortfall of 1,015 affordable homes against the requirement of the 2015 SHMA was also considered to be of substantial weight, as was the delivery of 4 self-build plots.

**5.26** She finally concludes that: *"Nevertheless, harm to heritage assets and irreplaceable habitats are afforded significant weight in statute and by the Framework. I accept that, on the face of it, finding against a housing scheme on a very recently allocated site is perhaps somewhat unusual, particularly as the housing figure contained within Policy HD4 is expressed as a minimum. However, based upon the detailed policy context set out in HD4 and my findings above, I consider that, on balance, these matters plus the other harms identified, are determinative. The harm would not be outweighed by the public benefits I have identified, even where they are deemed to be substantial. Therefore, there is conflict with the development plan and the Framework provides a clear reason for refusing the development proposed...For the reasons given above and having taken into account all other matters raised, I therefore conclude that the appeal should be dismissed."*

## **6. Determining Issues**

**6.1** The key issue is considered to be whether the proposal overcomes the Inspectors concerns about the proposal but also whether the proposal is acceptable in respect of all the relevant material considerations. The main issues are therefore (i) principle, (ii) Heritage impacts, (iii) ecology and biodiversity, (iv) trees, hedgerows and landscaping, (v) design and layout, (vi) Access and highway issues, (vii) impact on neighbouring property (viii) sustainability, (ix) landscape impact, (x) waste and recycling, (xi) drainage and flooding, (xii) affordable housing and (xiii) other planning considerations.

### **6.2 Principle**

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



- 6.4** Paragraph 11 of the NPPF sets out a “presumption in favour of sustainable development” which in decision taking means:
- “(c)approving development proposals that accord with an up-to-date development plan without delay; or
  - (d)Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting planning permission unless:
    - i. The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
    - ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole
- 6.5** The development plan comprises a small number of saved policies of the Cheltenham Borough Local Plan Second Review 2006, the Cheltenham Plan which was adopted in July 2020 and the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011 – 2031 (JCS).
- 6.6** Material considerations include the National Planning Policy Framework (NPPF) and Planning Practice Guide (PPG).
- 6.7** Policy HD4 of the adopted Cheltenham Plan allocates this site for housing development. The policy outlines the following site specific requirements:
- A minimum of 25 dwellings, subject to masterplanning (in accordance with policy SD4 of the JCS) which demonstrates that the development can be achieved whilst accommodating:
  - Safe, easy and convenient pedestrian and cycle links within the site and to key centres
  - A layout and form that respects the existing urban characteristics of the vicinity
  - A layout and form of development that respects the character, significance and setting of heritage assets that may be affected by the development
  - Protection to key biodiversity assets and mature trees
  - New housing should be located away from the setting of the west elevation of Ashley Manor. There should be no development south of a straight line westwards from the rear of the northernmost school building. In addition, to provide an undeveloped buffer between the rear garden boundary of Charlton Manor and the new development a landscaping buffer should be provided for 30 metres west of the rear boundary with Charlton Manor.
  - Long term protection of mature trees and hedges
  - Any development on the site should secure improvements to the Ice House.
- 6.8** By virtue of this policy itself the development of the application site for housing must be considered acceptable in principle.
- 6.9** The Council is currently unable to demonstrate a five year housing land supply. At the time of the last 2 inquiries the figure stood at 3.7 years and 4.6 years and the housing

supply situation is worsening at present. The contribution of 25 dwellings towards this shortfall is a significant benefit of the scheme.

### 6.10 Heritage impacts

**6.11** JCS policy SD8 requires both designated and undesignated heritage assets and their settings to be conserved and enhanced as appropriate to their significance, and is consistent with paragraph 197 of the NPPF that advises that in determining planning applications, local planning authorities should take into account:

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

**6.12** Additionally, Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 requires the Local Planning Authority (LPA), in considering whether to grant planning permission to have special regard to the desirability of preserving the building or its setting, or any features of special architectural or historic interest which it possesses. In this case, it is the setting of the listed buildings that must be considered.

**6.13** Framework paragraph 199 gives great weight to the conservation of designated heritage assets (the more important the asset, the greater the weight should be). Paragraph 200 provides that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Further paragraphs 201 – 202 consider harm to designated heritage assets in terms of whether it would be substantial or less than substantial. Paragraph 196 provides that, where development would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. Paragraph 203 refers to non-designated heritage assets.

**6.14** The significance of a heritage asset is defined to include its archaeological, architectural, artistic or historic interest, derived not only from its presence but its setting, in which it is experienced. The PPG refers to the extent and importance of the setting to the visual relationship between the asset and proposed development. Views of or from an asset will play an important part. The contribution a setting makes to the significance of an asset is not dependant upon public access.

**6.15** There are two listed buildings in close proximity to the application site; Charlton Manor, a grade II listed building located to the northeast of the site within the Battledown estate, and Ashely Manor, a grade II\* listed villa within the school grounds to the southeast. Additionally an historic Ice House is also located within the application site itself; the Inspector in the most recent appeal decision deemed this to be a curtilage listed structure. Whilst the site is physically separated from these listed buildings, there are clear views into the site from these heritage assets. Glen Whittan to the north west of the site is a non-designated heritage asset.

**6.16** Policy HD4 of the Cheltenham Plan contains 4 specific requirements with regards to heritage assets as detailed above.

1. Securing improvements to the ice house

The application proposes the enhancement of the ice house comprising the clearance of scrub and the provision of an historical interpretation board. This is considered to constitute sufficient improvement to comply with this element of the policy and can be secured by condition.

2. New housing should be located away from the setting of the west elevation of Ashley Manor. No development south of a straight line westwards to the rear of the northernmost school building.

The proposed development complies with these requirements.

3. Undeveloped, landscaping buffer for 30m west of the rear boundary of Charlton Manor.

The nearest development is over 70m from the rear boundary of Charlton Manor. The intervening area would largely be retained grassland with a new area of native copse towards the north of the site.

4. Layout and form that respects character, significance and setting of heritage assets.

This has been the main area of discussion in previous applications in relation to the heritage issues and will be discussed in more detail below.

- 6.17** In response to the Inspectors concerns on heritage, summarised above; the applicant has sought to amend the scheme. This includes more space around the ice house and the removal of the wide tree belt buffer and its replacement with a more natural style of landscaping which results in more open space adjacent to the heritage assets. The form of dwellings proposed in the south eastern part of the site is of a lower density and looser grain. Submitted cross sections demonstrate how the buildings on this part of the site would follow the land contours and green roofs would be provided. The resulting view towards the proposed development from the two listed buildings would be a much more organic and less suburban form of development, thereby reducing the impact.
- 6.18** The Council's conservation officer has commented on the proposals and his comments are provided in full. He acknowledges that the proposal will still result in a loss of part of the rural landscape setting and views from Ashley Manor and Charlton Manor would be negatively affected through urban encroachment. This encroachment would cause a measure of less than substantial harm to the significance of the heritage assets and their settings. The NPPF requires that in such circumstances the level of harm to the significance of the listed building must be weighed against the public benefits of the proposal.
- 6.19** The submitted material from the applicant acknowledges that the proposal causes harm to the heritage assets but argues that this is at a low level and that the harm is outweighed by significant public benefits. The conservation officer does not dispute this and considers that the proposal is acceptable in heritage terms, subject to detail on boundary treatments and landscaping.
- 6.20** It is acknowledged that Historic England have objected to the proposal and have suggested that visual montages are prepared indicating the potential impacts of the revised layout on the setting of Ashley Manor (Grade II\*), thereby modelling views of the principle approach to the house from the south.
- 6.21** This has been discussed with the applicant. They consider that the submitted information has enabled the LPA, with specialist heritage advice to form a sound judgement as to the impact of the proposal upon the significance of Ashley Manor and Charlton Manor. They say that the Council's Heritage Adviser has been able to reach a professional judgement on the impact of the proposal with particular reference to the significant of Ashley Manor

with the drawings as submitted. He has concluded that the development should not be objected to in heritage terms due to '*the cumulative impact of the amendments made to reduce the number and location of dwellings, the measures to mitigate their visual impact, the public benefits of the proposal and the restricted harm being caused to limited aspects of the heritage significance of the affected heritage assets and their settings*'. In this context the applicant is of the view that the preparation of visual images, which can be open to different interpretations is not necessary to enable the application to be determined.

**6.22** In summary, the proposal accords with the requirements of policy HD4 in relation to heritage assets, is considered to overcome the concerns of the Inspector and has the support of the conservation officer. It is unfortunate that the scheme does not have the support of Historic England, however Officers are satisfied that overall, the scheme is acceptable in terms of heritage impacts.

### **6.23 Ecology and biodiversity**

**6.24** JCS policy SD9 and advice set out within the NPPF at Section 15 seeks to ensure that development contributes to, and enhances the natural and local environment; and that important habitats and species are protected. Where developers are unable to avoid harm to biodiversity, mitigation measures should be incorporated into the design of the development.

**6.25** The Council's ecological advisor has been consulted on the proposals and raised some initial queries which have been responded to by the applicant. They are now satisfied with the proposals from an ecology perspective, subject to conditions, and their views are incorporated into the comments below.

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

**6.26** Policy BG1 of the Cheltenham Plan relates to the Cotswold Beechwoods Special Area of Conservation (SAC) – Recreation Pressure. It states that development will not be permitted where it would be likely to lead directly or indirectly to an adverse effect upon the integrity of the European Site Network and the effects cannot be mitigated. All development within the Borough that leads to a net increase in dwellings will be required to mitigate any adverse effects.

**6.27** It is known that residential developments, alone or in combination with other development, have the potential to result in increased recreational pressures. Natural England (NE) advised that without appropriate mitigation the application would have an adverse effect on the integrity of the Cotswold Beechwoods SAC and damage or destroy the interest features for which the SSSI has been notified.

**6.28** To ensure these harms are not realised the LPA have adopted an 'Appropriate Assessment' based on a Habitats Regulations Assessment (HRA) carried out on behalf of the applicant and agreed with NE, upon receipt of a revised version which met their requirements. The HRA concluded that the proposed development had the potential to affect the integrity of the SAC through increased recreational pressure, however this could be mitigated by an appropriate condition requiring the provision of a Homeowners Information Pack. NE have agreed with this approach.

### Protected Species

**6.29** The planning application has been accompanied by updates to the Ecological Appraisal submitted with the previous scheme. Additional surveys have been carried out including a detailed botanical survey of the grassland, an update Phase 1 Habitat Survey, update Badger Survey and Reptile Survey.

- 6.30** Bats – A single bat roost was identified in Tree T3018 occupied by a single Common Pipistrelle Bat. Tree T3027 was noted to provide a roosting opportunity for bats. These trees are both retained in the proposals.

Bat activity was recorded at the western and central hedgerows but not at exceptional levels, being at or below that typically expected for a site in this location.

The situation with regards bats has not changed significantly since the previous ecology work and the appeal. The Inspector was satisfied that measures such as lighting control and bat boxes could be secured by condition and that bats could be adequately protected.

- 6.31** Amphibians – Overall the site is not considered to be of value to amphibians. It supports suitable terrestrial habitats for Great Crested Newts although it is unlikely they would be present due to the partial isolation of the site and absence of known suitable water bodies on the site.
- 6.32** Reptiles – Low populations of Slow-worms and Grass Snakes are known to be present on site. The Inspector was satisfied that these habitats could be adequately protected via an ecological management plan which can be secured by condition.
- 6.33** Birds – A variety of birds have been recorded at the site, including birds of conservation concern. However the ecological appraisal states that the species recorded largely remain relatively common and widespread.
- 6.34** Badgers - The primary concern of the Inspector in relation to protected species was in relation to Badgers, mainly on the grounds that the retained sett BS4 would be in an area accessible to residents of the development and the overall foraging areas would be reduced.

The latest Badger mitigation proposals show that Sett BS2 that was originally to be removed, will now be retained, and a second artificial sett will be provided. They also show an increased area of the site being retained as suitable foraging habitat for badgers, including Badger Sett Protection Areas around retained Setts BS2, BS3 and BS4, and the two new artificial setts. 0.63 ha of the site would be developed (excluding private gardens) and 84% of the site would remain undeveloped (compared to around 70% previously).

It is considered that these measures adequately address the Inspector's concerns in relation to Badgers.

### Trees

- 6.35** The Inspector considered that the development would cause unacceptable harm to retained protected and veteran trees.
- 6.36** The Inspector noted that two of the veteran trees, Trees 3007 and 3021 had been classified as 'relic trees' by the applicant and were given smaller buffer zones (base on the standard Root Protection Area (RPA) compares to the veteran trees on site).
- 6.37** The Tree Protection Plan (TPP) submitted with the current application shows that the two trees in question would now have a Veteran Tree Buffer. As such under the current proposals all 8 veteran trees would have a Veteran Tree Buffer. These trees are 3007, 3018, 3021, 3026, 3028, 3030, 3031 and 3037 (off-site).
- 6.38** It is acknowledged that the Woodland Trust maintain their objections to the proposals based on their view that trees 3010, 2014, 3015, 3022 and 3027 are also veteran trees and should be afforded the veteran tree buffer. In respect of these trees the Inspector stated: *"Having viewed the trees on site and reviewed all the evidence before me, the*

*disputed trees are all mature specimens and have value but would not meet the definition of veteran trees at this current time.*"

- 6.39** The Inspector noted that the RPAs of two protected but non-veteran trees (3014 and 3015) would be encroached upon by the development. The TPP submitted with this application shows that no development would take place within the RPAs of any of these trees, or any of the mature trees which are to be retained.
- 6.40** Therefore the majority of the Inspectors comments in relation to the trees have been overcome by the revised plans. It is noted that drainage still runs between trees 3032 and 3033. The TPP notes that it is proposed to use trenchless techniques for this element of the proposals.
- 6.41** The LPA Trees Officer is generally supportive of the proposal subject to points of clarification which can be addressed through conditions.

### Local Wildlife Site

- 6.42** The application site was designated as a Gloucestershire Local Wildlife Site in September 2020 because *"the site is exceptionally well-placed to offer educational opportunities either by its proximity to a school or other place of learning, or its easy accessibility for study of the species and habitats present without causing unacceptable damage or disturbance"*
- 6.43** Policy SD9 (5) of the JCS states that *"Development within locally designated sites will not be permitted where it would have an adverse impact on the registered interest features or criteria for which the site was listed, and harm cannot be avoided or satisfactorily mitigated."*
- 6.44** The proposal will result in the reduction of the open area but a scheme of enhancement to the grass-land would improve the quality of the bio-diversity within the retained area. A s.106 has been prepared which limits access to the retained grassland by the general public and requires the submission of a biodiversity management plan which will address the following:
1. The intentions for long terms ownership and protection,
  2. Protection prior to and during nearby construction work,
  3. Enhancement of the flora and fauna
  4. Short and long term management
  5. The enhancement of the education potential
  6. The funding of the above in both the short, medium and long term
- 6.45** These obligations are the same as those which were included in the s.106 prepared at the time of the public inquiry. The Inspector considered that this was an appropriate approach and concluded *"...I can be satisfied that its value for learning would, on balance, be likely to be maintained in spite of a reduction in site area."*
- 6.46** The reduction in the size of the LWS is considered to be off-set by the enhancements, bearing in mind the reasoning behind the designation. As such it is considered that the proposal complied with policy SD9 (5).

### Biodiversity net gain

- 6.47** The Environment Act 2021 requires that by Autumn 2023 all development will be required to deliver a mandatory 10% Biodiversity Net Gain (BNG). There is no mandatory requirement in Cheltenham at present however the NPPF encourages new development to maximise opportunities for biodiversity through incorporation of enhancement measures. The developer has sought to make a positive contribution towards the broad objectives of national conservation priorities and local Biodiversity Action Plan.
- 6.48** The Inspector stated that she could not be certain as to what level of gain would be and that it could not be accurately quantified at the time of the inquiry. An ecologist working on behalf of CK Friends returned very different results that the applicant's ecologist.
- 6.49** The updated plans submitted by the applicant show increased retention and enhancement of habitats. An updated biodiversity Net Gain assessment has been submitted using the new version of the Defra Biodiversity Metric (metric 3.0). This shows a habitat net gain of 11.10% and a hedgerow net gain of 83.3%.
- 6.50** Given the enhancements that are proposed, the additional landscaping and vegetation which is to be retained and provided in comparison with the previous scheme, officers are satisfied that the proposal maximises opportunities for enhancement on the site.
- 6.51** Overall it is considered that the application responds to the points raised by the inspector at the appeal and the proposal is considered to be acceptable in terms of ecology and biodiversity.
- 6.52 Design and layout**
- 6.53** Layout and scale, together with the proposed access arrangements are 'fixed' elements of the scheme; however appearance is reserved for future consideration (as is landscaping).
- 6.54** JCS policies SD3 and SD4 set out the design requirements for new development proposals. These policies seek to ensure that development proposals are designed and constructed so as to maximise the principles of sustainability, and to ensure that all new development responds positively to, and respects the character of the site and its surroundings. The policies are consistent with advice set out within Section 12 of the NPPF which emphasizes at paragraph 126 that "*Good design is a key aspect of sustainable development*".
- 6.55** Additionally, JCS policy SD11 highlights the need to ensure that new housing developments provide an appropriate mix of housing to meet the local needs.
- 6.56** Policy HD4 of the Cheltenham Plan includes as site specific requirements; a layout and form that respects the existing urban characteristics of the vicinity' and a layout and form of development that respects the character, significance and setting of heritage assets which may be affected by the development.
- 6.57** The previous application was not refused on design and layout grounds, however the layout has changed significantly in order to allow more trees to be retained, provide greater buffers where necessary, to create more space around the Ice house and to reduce the impact on the setting of heritage assets.
- 6.58** The part of the site closest to the access into the site off Oakhurst Rise in the north western part of the site comprises a mixture of maisonettes, detached and semi-detached dwellings. Upon submission this part of the site included a cul-de-sac extending south from the main road through. This was deleted from the scheme which has created an improved layout. Whilst detailed plans are not available for these dwellings the plans indicate that there is sufficient space to successfully accommodate these units. The general form and layout of this part of the site reflects the general layout and density of dwellings within Oakhurst Rise.

- 6.59** Moving east the road leads through the existing tree-belt to two further semi-detached dwellings. The main road then curves down to the south and east to serve a total of 9 dwellings. 4 of these would be large 4/5 bed dwellings. Indicative plans have been provided which demonstrate the types of dwellings which could be provided in this area. They would be formed such there would be a lower ground floor and ground floor within the dwelling presenting as single storey from the street. The upper floor would be set back when viewed from the south and the dwellings would have green roofs. This approach is considered demonstrate an understanding of the site in terms of levels and landscape, as well as the outlook from adjacent listed buildings. The remaining 5 plots within this part of the site also have had indicative plans provided. This follow a similar theme and palette to those mentioned above however are more modestly scaled 3 bed dwellings with terraces providing the amenity space. The rear boundary would be landscaped negating the need for excessive amounts of fencing in this area.
- 6.60** A further drive serving 4 dwellings would lead to the north of the site where it is proposed to provide 4 semi-detached dwellings. Indicative plans have not been provided for these dwellings however the cross section suggests that these would also be flat roof dwellings with green roofs.
- 6.61** Overall the proposed design and layout is considered to respond positively to the constraints of the site, and respects the urban characteristics of the vicinity, taking into account of the variety in housing forms surrounding the site.
- 6.62** As mentioned 'appearance' is a reserved matter however the layout is considered to be acceptable and the indicative plans which have been submitted give confidence that high quality dwellings will be provided within this framework.
- 6.63 Access and highway issues**
- 6.64** The proposed access is one of the 'fixed' elements of this outline planning application.
- 6.65** Adopted policy JCS INF1 advises that planning permission will be granted only where the impacts of the development are not severe. The policy also seeks to ensure that all new development proposals provide safe and efficient access to the highway network; and provide connections to existing walking, cycling and passenger transport networks; and provide connections to existing walking cycling and passenger transport networks, where appropriate. The policy reflects advice set out within Section 9 of the NPPF. It is repeated in Policy HD4 of the Cheltenham Plan which states "*safe, easy and convenient pedestrian and cycle links within the site and to key centres*" as a site specific requirement.
- 6.66** Planning application 17/00710/OUT (90 dwellings) was refused for a highway reason however none of the subsequent applications have been refused on highway grounds.
- 6.67** In the recent appeal decision (20/00683/OUT) the Inspector addressed highway safety in response to significant local objection which had been received. Below is an extract on this matter from the appeal decision:

*123. Maximising sustainable transport options is one of the main objectives of the Framework and this includes providing for high quality walking and cycling networks. Oakhurst Rise, as its name suggests, has a relatively steep gradient leading east to the appeal site which then continues to rise to the existing mature hedgerow running through the site.*

*124. I accept that the gradients involved are slightly below cycle design guidance<sup>13</sup> but the site is an allocation in a residential area where many developments are located at a gradient. CKFR6 consider a design approach could be adopted and attest that it isn't beyond modern technology, however no such examples were given as to what this might be or how it might address this issue.*



125. *The topographies involved will require a degree of physical fitness from both pedestrians and cyclists, but it would not be insurmountable. Having visited the road, I saw several cyclists and pedestrians, including with pushchairs. which demonstrates that the local topography does not overly limit such activities. I also note the offer of an e-bike voucher as part of the travel pack by way of mitigation.*

126. *Significant local objection has also been generated in terms of highway safety concerns from local residents, including those who live on Oakhurst Rise, and the surrounding network which will be utilised by the new residents of the development. This included a mock coroner's report written following the fictional death of a family from a traffic collision. This was a highly unusual form of evidence, but it does demonstrate the level of concern locally.*

127. *While I would not go as far as the previous Inspector who described the access route as 'tortuous,' it is certainly an indirect access owing to the one way system in place around Oak Avenue/Churchill Drive/Beaufort Road, and the presence of on street parking.*

128. *Oakhurst Rose would be changed to a new through-route and there would be additional flows but having reviewed the evidence, I consider that would not be harmful in terms of highways effects. The highways authority cites no objections to the scheme on technical highway grounds in terms of flows, junctions, visibility, capacity or other which is a matter of considerable importance. The methodological approach taken is an industry standard commonly used to assess housing applications. Highways issues would have also been considered as part of the local plan process which led to the allocation of the site.*

129. *Records do not indicate incidences of conflict between pedestrians, cyclists and motorised vehicles in the vicinity. That is not to say that such incidences have not occurred, but there is little evidence to support such claims. The one-way system and local conditions also act as traffic calming measures. Construction traffic would also be dealt with by condition in order to minimise those time-limited effects.*

130. *Overall, while I appreciate the local concern, I am satisfied that there would be no highway safety implications arising from the proposed development that could warrant finding unacceptable harm, subject to conditions. The development would accord with Policy HD4 in this regard.*

- 6.68** The current proposal is for a reduced number of dwellings and as such the impact is reduced further in relation to the scheme considered by the Inspector.
- 6.69** In response to initial submission the Highway Authority requested that some changes be made to the layout in response to The Department for Transport document Inclusive Mobility which can into effect from December 2021. Para 4.3 of the document discusses requirements in respect of gradients. This includes the requirement that pedestrian routes should include level sections or 'landings' at regular intervals. It further states that level landings should be provided for every 500mm that the route rises.
- 6.70** Revised plans were received in response to this which includes two level resting areas to provide opportunities for pedestrians and cyclists to stop and rest. The Highway Authority consider this to be acceptable mitigation to address the need of disabled users and the guidance set out in the document mentioned above.
- 6.71** Revisions have also been made to address comments made in relation to tree planting, highway layout and turning areas. The Highway Authority now advise that they have no objection to the scheme subject to conditions relating to conformity with submitted details, Bicycle Parking, Electric Vehicle Charging Points, Travel Plan and Construction Management Plan.

- 6.72** The previous application was not refused on highway grounds, however in any event the Inspector found the application to be acceptable in this regard. The current proposal is for a fewer number of units and the scheme has been improved in terms of accessibility. The proposal now has the support of the Highway Authority. As such Officers conclude that the current proposal is acceptable in terms of highways and access.
- 6.73** The Inspector considered an issue in relation to a resident of Oakhurst Rise who requires accessible transport to access medical care and respite facilities which they felt would be impacted upon by the proposals. Whilst acknowledging the personal circumstances of the resident she concluded that the situation should be manageable and that other options would likely be available.
- 6.74 Impact on neighbouring property**
- 6.75** Policies SD14 of the JCS and SL1 of the Cheltenham Plan require that development does not cause unacceptable harm to the amenity of adjoining land users and living conditions in the locality.
- 6.76** None of the previous applications have been refused on amenity grounds.
- 6.77** Whilst it is acknowledged that the outlook from some neighbouring properties would undoubtedly be altered by the development, officers are satisfied that the proposed layout would not result in any overbearing impact.
- 6.78** The properties to the west of the application site, 29 and 18 Oakhurst Rise would have properties adjacent to the eastern boundaries. Whilst the plans received are indicative in terms of design they suggest there would be a gap between the side boundary and the buildings of at least 7m. Through reserved matters the placement of windows etc can be considered, however the plans indicate that an acceptable level of light, privacy and outlook can be maintained for these properties.
- 6.79** Some of the properties to the north would have new properties adjacent to their southern boundaries. These are Meadow View, Newlands and Dalswinton which are accessed from Birchley Road. The plans indicate that these properties would have gardens of over 11m in length for the majority with single storey rear additions potentially bringing this to nearer 9m. This complies with the Council's Supplementary Planning Guidance and means that the gardens of these properties would be overlooked to an unacceptable degree. Window-to-window distances are all well in excess of those required by the guidance and as such there would be no unacceptable loss of privacy or light to these properties.
- 6.80** All other neighbours to the application site would have open space or landscaped areas adjacent to their boundaries which would result in no loss of residential amenity.
- 6.81** As such the application is considered to be acceptable on amenity grounds.
- 6.82 Sustainability**
- 6.83** Policy SD3 of the JCS relates to sustainable design and construction. It states that proposals must demonstrate how they contribute to the aims of sustainability. Development will be expected to be adaptable to climate change and will be expected to incorporate the principles of waste minimisation. Major planning applications must be submitted with an Energy Statement.
- 6.84** In 2019 Cheltenham Borough Council declared a climate emergency with an aim to be a carbon neutral town by 2030. In 2022 the Council adopted a Climate Change SPD.

**6.85** The applicant has provided a position statement confirming their response to the Climate Change SPD which has been adopted since the submission of the application. This confirms that the scheme will incorporate the following measures

- The majority of the properties have a south facing elevation and all are dual aspect
- Pitched roofs will be provided with solar panels and the flat roofs will be sedum
- Double glazing units
- Dwellings will be constructed to at least Building Regulations for thermal efficiency. The target space heating demand of 15 – 20 KWh/m<sup>2</sup>/yr will be achieved
- Mechanical ventilation will be installed
- None of the dwellings will be connected to the gas grid
- Each dwelling will have an installed operational air source heat pump prior to first occupation.
- Plots 1- 6 and 20 – 25 will have solar panels installed and operational prior to first occupation to achieve 120 KWh/m<sup>2</sup>/year.
- Voucher for E-bike of up to £750 per dwelling
- ECVPs for each dwelling
- Rain water drainage strategy which takes into account a 40% allowance for climate change.
- The scheme achieves bio-diversity net gain of +15.37% for habitats and +81.25% for hedgerows.

**6.86** A number of other measures which could be incorporated into the scheme can be addressed at reserved matters stage. A condition securing the provision and retention of the features outlined above is recommended.

**6.87** Overall these provisions represent a good response to the asks of the SPD and will ensure that the proposal reduces carbon output and provides a sustainable development.

### **6.88 Landscape Impact**

**6.89** JCS policy SD6 advises that all development proposals must consider the landscape and visual sensitivity of the area in which they are located or which they may affect. The application site is not located within the Green Belt or Cotswold Area of Outstanding Natural Beauty, but does occupy an elevated position above the town.

**6.90** As part of the consideration of previous applications and pre-application proposals an independent landscape appraisal was undertaken by a chartered landscape architect at the request of the LPA. In their appraisal, the landscape architect identified the site's topography and notable slope as a key landscape feature, and highlighted that, whilst it is not designated landscape, its elevated position affords views out across the town and provides the backdrop to a number of large properties within the Battledown Estate. Based on the information available to him at that time, the landscape consultant did not consider the site to be 'valued landscape' in terms of paragraph 174 of the NPPF which seeks to protect and enhance valued landscapes.

- 6.91** The NPPF does not define what is meant by 'valued landscape' but there is relevant case law on this subject. In this instance, officers do not consider that the site should be considered 'valued landscape' for the purposes of paragraph 174. Whilst the landscape clearly has a value attached to it, particularly by local residents, it is not considered to have any intrinsic features that specifically set it aside from other areas of non-designated landscape.
- 6.92** The recent appeal did not consider landscape impact and it was not a reason for refusal. The Inspector for the earlier appeal (18/02171/OUT) did comment briefly on landscape stating that he did not consider that the appeal proposal would cause harm to the AONB.
- 6.93** The current proposals retain a large area of open grassland and officers are confident that the proposal has an acceptable visual impact within the landscape.

### **6.94 Waste and recycling**

- 6.95** Policy SD3 (3) of the JCS states that all development will be expected to incorporate the principles of waste minimisation and reuse. Planning applications for major development must be accompanied by a waste minimisation statement which demonstrates how any waste arising during the demolition, construction and subsequent occupation of the development will be minimised and sustainably managed.
- 6.96** Gloucestershire Waste Core Strategy (Adopted 2012) sets out how the Council will address the issue of planning for waste management in the County in the period of 2012 to 2027.
- 6.97** Following on from an initial comment from the minerals and waste authority (County Council) the applicant has submitted a waste minimisation statement which has been agreed by the authority.
- 6.98** The statement sets out a strategy, which for construction phase includes segregation, storage, transporting, minimising, recycling, disposal, monitoring of waste. During the operation phase, each plot will have an area allocated for waste,, colour coded bins will be provided by the Council. There are publically available recycling banks within reasonable proximity to the site.
- 6.99** As such in terms of waste and recycling the scheme is considered to be acceptable.

### **6.100 Drainage and Flooding**

- 6.101** Adopted JCS policy INF2 and Section 14 of the NPPF seeks to ensure that new development is not inappropriately located in areas at high risk of flooding, and to ensure that development does not increase flood risk elsewhere and, where possible contributes to a reduction in existing flood risk.
- 6.102** The application site is located in Flood Zone 1 and is therefore assessed as having a less than 1 in 1,000 annual probability of river or sea flooding (,0.1%). Additionally, the Environment Agency's Flood Risk Map identifies the entire site as being at a 'very low' flood risk from surface water flooding, although it does identify some areas in close proximity to the site that area at a higher risk of surface water flooding.
- 6.103** The application is accompanied by a Flood Risk Assessment which includes a drainage strategy. The strategy collects water from impermeable areas of the developed site and attenuates them such that discharge rates can be controlled to mimic greenfield run-off and be discharged to the surface water sewer in Charlton Road.
- 6.104** The LLFA confirm that this strategy is acceptable. The calculations to derive attenuation basin sizes and discharge rates are acceptable to the LLFA. The LLFA acknowledge that

there area matters of detail which need to be defined but state that overall the proposal is good and therefore they do not object. A detailed condition is recommended which will require the submission of further detail including the management and maintenance of the system.

**6.105** Severn Trent Water have also confirmed that they are content with the strategy to discharge surface water into the sewer at Charlton Court Road.

**6.106** On the basis of the professional advice given by officers whose remit is within these areas and based on reports prepared by similarly qualified professionals, officers are confident that the proposal will not contribute to flood risk and provides for satisfactory surface water drainage.

**6.107 Affordable Housing and other Planning Obligations**

**6.108 Affordable Housing**

**6.109** The application provides 40% (10) affordable homes of a type and tenure which has been agreed with the Housing Enabling Officer. This has been incorporated into a s.106 agreement which is nearing completion with the applicant.

**6.110** This provides for the following:

- 40% of the overall number of dwellings shall be Affordable Housing units and first homes. This shall be in the following proportions:

Tenure type/bedroom size (40% AH)	Social Rent	Affordable Rent (Capped at LHA)	First Homes (30% discount on Open Market Value)	Total	% for each bedroom size
1b2p Ground Floor Maisonnette, M4(2), 50m <sup>2</sup>	1	0	0	1	30%
1b2p Upper Floor Maisonnette, 50m <sup>2</sup>	1	0	0	1	
1b2p House, M4(2), 58m <sup>2</sup>	1	0	0	1	
2b4p Ground Floor Maisonnette, M4(2), 70m <sup>2</sup>	0	1	0	1	40%
2b4p Upper Floor Maisonnette, M4(2), 70m <sup>2</sup>	0	1	0	1	
2b4p House, M4(2) 79m <sup>2</sup>	0	1	0	1	
2b4p House, 79m <sup>2</sup>	0	0	1	1	
3b5p House, 93m <sup>2</sup>	0	0	2	2	20%
4b7p House, 115m <sup>2</sup>	1	0	0	1	10%
	4	3	3	10	
<b>TOTALS:</b>	<b>40%</b>	<b>30%</b>	<b>30%</b>		<b>100%</b>

- A clustering strategy shall be submitted (that provided with the application is acceptable)
- The design shall be indistinguishable from the open market units
- Affordable housing units to be transferred to an affordable housing provider
- Submission of marketing plan and lettings plan
- Detailed specification for the homes including delivery and occupation.

**6.111** Open Space

**6.112** There is a requirement within the s.106 for the submission of a detailed specification for the laying out and maintenance of the open space to be provided on the site.

**6.113** Local Wildlife Area (LWA)

**6.114** There is a requirement within the s.106 to submit details of intention of long term ownership, enhancement of educational potential and funding of the above in short, medium and long term. It also confirms that this will be fenced off from general public access.

**6.115** There is also a requirement for the submission of a Biodiversity Management Plan which will set out the following matters in relation to the LWA:

- Intentions for long term ownership and protection
- Protection prior to and during any nearby construction work
- Enhancement of flora and fauna
- Short and long term management
- Enhancement of educational potential
- Funding of the above in both the short, medium and long term.

**6.116** Finally the s.106 provides for the submission of a Landscape and Ecological Management Plan (LEMP) which will include the following:

- Details of future funding for maintenance and improvement of all works referred to in the LEMP
- Details of future funding and maintenance of the artificial badger sett and the pond
- Details of future funding for foul and surface water drainage infrastructure
- Funding to the Management Body to ensure it can carry out works required by the LEMP
- Arrangements in the case of bankruptcy
- Explanation given to every occupier in relation to the LEMP, how it works and how it will be paid for.

**6.117** Education, Libraries and Travel Plan

**6.118** There is a separate s.106 agreement with Gloucestershire County Council in respect of Education, Libraries and the Travel Plan. This provides for the following:

- **Primary Education** - £126,660.38 for the provision of 8.47 primary school places at the Charlton Kings, Whaddon, Hatherley/Leckhampton, Swindon Road or Hesters Way Primary Planning Area
- **Secondary Education(11 – 16 year)** - £72,226.88 for the provision of 3.74 secondary school places at Balcarras School and /or the Cheltenham Secondary Planning Area.

- **Secondary Education (16 – 18 years)** - £30,099.69 for the provision of 1.32 secondary school places at the Cheltenham Secondary Planning Area
- **Libraries** - £4,900 towards a project that will increase stock provision including the reconfiguration of the Charlton Kings Library to accommodate additional furniture/fittings
- **Travel Plan** – Provision of £750 voucher per dwelling towards the provision or purchase of e-bikes.

**6.119** In the recent appeal the Inspector agreed that the management of the LWS could be secured by the submitted unilateral undertaking. The terms of the new s.106 are the same as the agreed UU and therefore adequately deal with management, funding and future maintenance of open space, biodiversity management generally and the Local Wildlife Site.

**6.120** The package of s.106 obligations ensure that the development provides a policy-compliant level of affordable housing, mitigates its impact upon local services and provides the legal framework for securing the on-going management and maintenance to achieve the bio-diversity gains etc. This is in accordance with the requirements of Section 122 of the Community Infrastructure Levy Regulations 2010 in terms of being necessary to make the development acceptable in planning terms, directly related and fairly and reasonably related in scale and kind to the development.

### **6.121 Other considerations**

#### **6.122 Public Sector Equalities Duty (PSED)**

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

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

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

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

#### **6.123 Objections from CK Friends, Battledown Trustees and Parish Council**

**6.124** It is acknowledged that there are still concerns regarding the proposal from the above mentioned groups. These relates primarily to the following issues:

- Concerns about accessibility and traffic
- Impact on AONB
- Pressure on school places

- Impact on Wildlife/biodiversity/errors in documents
- Flaws in drainage design/Flooding
- Impact on neighbour amenity
- Loss of sporting facility
- Heritage Harm
- Impact on Trees

6.125 Whilst there are still concerns in these areas, officers have sought advice from relevant specialists and consultees which has sought to respond to the concerns which have been highlighted above. A number of these are areas which previous Inspectors have been satisfied are acceptable.

## **7. CONCLUSION AND RECOMMENDATION**

- 7.1 The application site is allocated for housing in the Cheltenham Plan, as such the principle of development is supported by policy HD4. The NPPF makes it clear that when development accords with an up-to-date development plan it should be approved without delay. The Inspector for the previous scheme had concerns around the natural environment, primarily focussed around trees and badgers and also in terms of heritage. In this sense she found conflict with policy HD4 and therefore dismissed the appeal.
- 7.2 The proposal includes revisions compared with the previous application which address the areas of concern which were raised. Officers are now confident that the proposal complied fully with policy HD4 and all other relevant policies of the plan.
- 7.3 Of further relevance is policy 11d of the NPPF which states that when development plans are out of date planning permission should be granted unless there are clear reasons for not doing so. In this instance the Local Authority cannot demonstrate a 5 year housing land supply and as such the housing policy is out of date.
- 7.4 The provision of 25 dwelling including 10 affordable dwellings is a significant benefit of the scheme.
- 7.5 It is acknowledged that there is still an objection to the proposal from Historic England and whilst this is a material planning consideration officers have received contradictory comments from the CBC conservation officer. The site is allocated and as such it will be development and there will inevitably be some impact upon the setting the listed buildings which border the site. Whilst the experts may disagree about the precise level of harm it is clear to officers that the harm is significantly reduced from that brought about by the appeal proposal.
- 7.6 In weighing up the benefits and harms officers are of the view that the benefits outweigh the harms and as such the application is recommended for approval. There are no clear reasons for refusing the development.

## **8. CONDITIONS / INFORMATIVES**

- 1 The outline planning permission hereby granted shall be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.



Reason: To accord with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 This permission grants consent for 25 dwellings.

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

- 3 Application(s) for approval of the reserved matters (landscaping and appearance) must be made not later than the expiration of three years from the date of this decision.

Reason: To accord with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 4 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.

- 5 No building works hereby permitted shall be commenced until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. The information submitted shall be in accordance with the principles set out in the approved drainage strategy. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in The SuDS Manual, CIRIA C753 (or any subsequent version), and the results of the assessment provided to the local planning authority. The surface water drainage works shall thereafter be implemented strictly in accordance with approved details, prior to the commencement of any building works above ground level. Where a sustainable drainage scheme is to be provided, the submitted details shall:

- provide information about the design storm period and intensity; the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- include a timetable for its implementation; and
- provide a full risk assessment for flooding during the groundworks and building phases with mitigation measures specified for identified flood risks; and
- provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

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

- 6 No building construction shall take place until details of highway improvements consisting of the installation of a connecting section of footway (2m wide) with tactile dropped crossing point between Beaufort Road and Ewens Road (north side), extension to the footway (2m wide) and dropped kerb tactile crossing point across Charlton Court Road, and a bus shelter to serve Bus Stop ID: glodtwmt located on Beaufort Road have been submitted to, and approved in writing by, the Local Planning Authority and no occupation/opening to the public shall occur until the approved works have been completed.

Reason: To encourage sustainable travel patterns and mitigate negative transport impacts arising from the development, having regard to adopted policy INF1 of the Joint Core Strategy (2017).

- 7 Prior to commencement of the development, details of a Construction Management Plan or Construction Method Statement shall be submitted to, and approved in writing by, the Local Planning Authority. The approved Plan/Statement shall be adhered to throughout the construction period. The Plan/Statement shall include but not be restricted to:

parking of vehicle of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);

- routes for construction traffic;
- the installation of lighting during the construction period;
- locations for loading/unloading and storage of plant, waste and construction materials;
- method of preventing mud and dust being carried onto the highway;
- arrangements for turning vehicles;
- arrangements to receive abnormal loads or unusually large vehicles; and
- methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

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

- 8 No below or above ground development shall commence until a detailed site waste management plan or equivalent for the period of construction has been submitted to and approved in writing by the local planning authority. The detailed site waste management plan must identify:

- the specific types and amount of waste materials forecast to be generated from the development during site preparation and construction phases; and
  - the specific measures will be employed for dealing with this material so as to:
    - i. minimise its creation;
    - ii. maximise the amount of re-use and recycling on-site;
    - iii. maximise the amount of off-site recycling of any wastes that are unusable on-site;
- and
- iv. reduce the overall amount of waste sent to landfill. In addition, the detailed site waste management plan must also set out the proposed proportions of recycled content that will be used in construction materials.

The detailed site waste management plan shall be fully implemented as approved unless the local planning authority gives prior written permission for any variation.

Reason: In accordance with Gloucestershire Waste Local Plan Policy W36 relating to waste minimisation.

- 9 No above-ground development shall commence until full details of the provision made for facilitating the management and recycling of waste generated during occupation have been submitted to and approved in writing by the local planning authority. This must include details of the appropriate and adequate space and infrastructure to allow for the separate storage of recyclable waste materials. The management of waste during occupation must be aligned with the principles of the waste hierarchy and not prejudice the local collection authority's ability to meet its waste management targets.

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All details shall be fully implemented as approved unless the local planning authority gives prior written permission for any variation.

Reason: In the interests of sustainable waste management and recycling, having regard to Policy W36 of the Gloucestershire Waste Local Plan. Approval is required upfront because the design of the refuse and recycling storage is an integral part of the development and its acceptability.

- 10 No building shall be occupied until the means of access for vehicles, pedestrians and/or cyclists have been constructed and completed in accordance with the approved plans.

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

- 11 No building shall be occupied until the car/vehicle parking area and turning space associated with each building within the development (including garages and car ports where proposed) shown on the approved plans Dwg No. PL005 Rev C and Dwg No. 21-0737 SK04 Rev D has been completed and thereafter the area shall be kept free of obstruction and available for the parking of vehicles associated with the development.

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

- 12 Prior to the occupation of each dwelling, secure and accessible cycle parking shall be provided in accordance with details which are first to be submitted, to and approved in writing by, the Local Planning Authority. Thereafter the approved cycle parking shall be kept available for the parking of bicycles.

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

- 13 Prior to occupation, evidence that the pre-occupation elements of the approved Travel Plan Issue 01 (January 2022) have been put in place shall be prepared, submitted to and approved in writing by, the Local Planning Authority. The approved Travel Plan shall then be implemented, monitored and reviewed in accordance with the agreed Travel Plan to the satisfaction of Local Planning Authority unless agreed in writing by the Local Planning Authority.

Reason: To encourage sustainable travel patterns and mitigate negative transport impacts arising from the development, having regard to adopted policy INF1 of the Joint Core Strategy (2017).

- 14 The individual vehicular accesses hereby permitted shall not be brought into use until any roadside frontage boundaries have been set back to provide visibility splays extending from a point 2 metres back along each edge of the access, measured from the carriageway edge, extending at an angle of 45 degrees to the footway, and the area between those splays and the footway shall be reduced in level and thereafter maintained so as to provide clear visibility at a height of 600mm above the adjacent footway level and shall be maintained as such for the duration of the development.

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

- 15 An electric vehicle charging point shall be installed prior to the first occupation of each dwelling. The charging points shall comply with BS EN 62196 Mode 3 or 4 charging and BS EN 61851. The electric vehicle charging points shall be retained for the lifetime of the development unless they need to be replaced in which case the replacement charging point(s) shall be of the same specification or a higher specification in terms of charging performance.

Reason: To promote sustainable travel and healthy communities.

- 16 The garage/car parking space(s) hereby permitted shall be retained as such and shall not be used for any purpose other than the garaging of private motor vehicles associated with the residential occupation of the property and ancillary domestic storage without the grant of further specific planning permission from the Local Planning Authority.

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

- 17 Prior to the commencement of the development hereby permitted including ground works and vegetation clearance a Construction Environmental Management Plan (CEMP) should be submitted to and approved in writing by the Planning Authority. The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details. Any modifications to the approved details for example as a result of requirements of a protected species licence must be submitted to and agreed in writing by the Local Planning Authority. The CEMP shall include final details of the following items:

Ecology:

- i. Outline Mitigation Strategy based on Section 4.3 of the Confidential Badger Report V002 by Pearce Environment Ltd dated August 2021.
- ii. Other Mitigation Measures MM1 (Hedgerow & Tree Protection), MM2 (Veteran Trees), MM3 (update Preliminary [tree] Roost Assessment), MM4 (Bat Survey and Soft-felling of Trees), MM5 (Re-installation of any affected Retained Bat Boxes), MM7 (Wild Mammal Construction Safeguards), MM8 (Habitat Manipulation/Destructive Search for Reptiles & Amphibians) and MM9 (Timing of Works to avoid Nesting Birds) based on Section 5 of the Technical Briefing Note TN26: Addendum to Ecological Appraisal by Aspect Ecology, dated January 2022, and the Ecological Appraisal by Aspect Ecology, dated April 2020.
- iii. Adherence to the Tree Protection Plan Dwg No. 38-1936 03 J incorporating arboricultural methods.
- iv. A Method Statement for the installation of the artificial badger sett and any associated works, and the restoration of the ground following the completion of the works.
- v. A Method Statement for the installation of foul and surface water drainage infrastructure and the restoration of the ground following the completion of the works.
- vi. A Method Statement for the formation of the pond and the restoration of the ground following the completion of the works.
- vii. Procedures for enabling communication between local residents and the site developer including arrangements for complaint management.

Other Items:

- viii. Arrangements for liaison with the Council's Pollution Control Team.

ix. Mitigation measures as defined in BS 5528: Parts 1 and 2: 2009 Noise and Vibration Control on Construction and Open Sites which shall be used to minimise noise disturbance from construction works.

x. Procedures for emergency deviation of the agreed working hours.

xi. Waste and material storage:

- Information on the type and amount of waste likely to be generated prior to and during the construction phase;

- Details of the practical arrangements for managing waste generated during construction in accordance with the principles of waste minimisation; and

- Details of the measures for ensuring the delivery of waste minimisation during the construction phase. The Site Waste Management Plan shall be fully implemented as approved unless the local planning authority gives prior written permission for any variation

xii. Control measures for dust and other air-borne pollutants. This must also take into account the need to protect any local resident who may have a particular susceptibility to air-borne pollutants.

xiii. Measures for controlling the use of site lighting whether required for safe working or for security purposes.

Reason: To protect the local environment including its landscape and biodiversity value, to ensure that adequate mitigation/compensation measures are provided in order to safeguard protected species, and to reduce any potential impact on local residents, in accordance with saved policy CP4 of the Cheltenham Borough Local Plan (2006), adopted policies SD9 and SD14 of the Joint Core Strategy (2017) and paragraphs 8, 170, 175 and 180 of the National Planning Policy Framework. This information is required up front because without proper mitigation the construction works could have an unacceptable impact on protected species and the amenity of adjoining land users at the beginning of construction.

- 18 Prior to the commencement of development, full details for the disposal of foul water shall be submitted to, and approved in writing by, the Local Planning Authority.

Reason: To ensure sustainable drainage of the development, having regard to adopted policy INF2 of the Joint Core Strategy (2017).

- 19 No external lighting shall be installed (excepting during construction as controlled by Condition 7) unless details have been submitted to and approved in writing by the LPA. The details shall include:

- a. the position, height and type of all lighting;

- b. the intensity of lighting and spread of light as a lux contour plan;

- c. the measures proposed must demonstrate no significant effect of the lighting on the environment including preventing disturbance to bats so that light falling on vegetated areas and features used by bats will be below or not exceed 2.0 lux; and

- d. the periods of day and night (throughout the year) when such lighting will be used and controlled for construction and operational needs.

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

Reason: To provide adequate safeguards for protected species on the site, and to ensure that foraging and commuting of bats is not discouraged at this location, in accordance with adopted policy SD9 of the Joint Core Strategy (2017), ODPM Circular 06/2005, paragraphs 109, 118 and 125 of the National Planning Policy Framework and Section 40 of the Natural Environment and Rural Communities Act 2006.

- 20 Prior to the commencement of development, plans showing the existing and proposed ground levels and slab levels for the proposed buildings shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall thereafter be implemented strictly in accordance with the agreed details.

Reason: To ensure a satisfactory relationship between the proposed development and adjacent buildings and land, having regard to adopted policies D1 and SL1 of the Cheltenham Plan (2020) and adopted policies SD4 and SD14 of the Joint Core Strategy (2017). Approval is required upfront to allow the impact of the development to be accurately assessed.

- 21 Prior to the commencement of any above ground works, a method statement for the building foundation design, which takes account of existing soil types and adjacent trees so as to prevent future subsidence to new buildings and demands for the removal or heavy pruning of retained trees, shall be submitted to, and approved in writing by, the Local Planning Authority. Foundation design shall be undertaken in accordance with the approved details.

Reason: To safeguard the existing tree(s) in the interests of visual amenity, having regard to adopted policies GI2 and GI3 of the Cheltenham Plan (2020).

- 22 The submission of landscaping details required by Condition 3 shall be accompanied by a Landscape and Ecological Management Plan (LEMP) based on the Landscape Strategy drawing 21320.101 Rev G; Dwg No. 38-1936 02 D Tree Survey and Retention Plan dated December 2021; the Veteran Tree Management information on Tree Protection Plan Dwg No. 38-1936 03 J ; Technical Briefing Note TN26: Addendum to Ecological Appraisal by Aspect Ecology, dated January 2022, and the Ecological Appraisal by Aspect Ecology, dated April 2020 (Ecological Enhancements EE1 to EE8 inclusive), and shall be submitted to, and approved by, the Planning Authority. The scheme shall comprise of a drawing and document that covers:

- a. Aims and objectives of the scheme including conservation of protected and priority species and achieving a net gain for biodiversity of not less than 10%;
- b. A plan with annotations showing the soft landscape, hard landscape, habitat, vegetation and artificial features to be retained, created and/or managed;
- c. Measures (including establishment, enhancement and after-care) for achieving the aims and objectives of management;
- d. Details of the restoration and remedial surgery to parts of the existing hedge to be retained;
- e. A work and maintenance schedule for 5 years and arrangements for beyond this time;
- f. Monitoring and remedial or contingency measures;
- g. Measures to achieve the retention and enhancement of the Ladies Bedstraw population within the site.

The scheme shall be implemented as approved by the Local Planning Authority.

Reason: To conserve and enhance the landscape and biodiversity value of the land and in accordance with JCS policies SD6 and SD9, ODPM Circular 06/2005 plus National Planning Policy Framework paragraphs 8, 170 and 175. This is also in accordance with Section 40 of the Natural Environment and Rural Communities Act 2006, which confers a general biodiversity duty upon Local Authorities.

- 23 Prior to the commencement of any above ground works, a scheme for the provision of fire hydrants (served by mains water supply) shall submitted to and approved in writing

by the Local Planning Authority. No dwelling shall be occupied until the hydrant serving that property has been provided.

Reason: To ensure adequate water infrastructure provision is made on site for the local fire service to tackle any property fire in accordance with adopted policy INF6 of the Joint Core Strategy (2017) and paragraph 110 of the National Planning Policy Framework.

- 24 All works including paths, parking areas and drainage runs that fall within Root Protection Areas (RPAs) of the retained trees shall be constructed using a no-dig method as referred to on the Tree Protection Plan (Dwg No. 38-1936 03J). Prior to the commencement of development, full details of the proposed no-dig method shall be submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be implemented strictly in accordance with the details so approved.

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

- 25 No trees, shrubs or hedges within the site which are shown to be retained on the approved plans shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed, without the prior written permission from the Local Planning Authority. Any retained trees, shrubs or hedges removed without such permission, or which die or become severely damaged or seriously diseased within 5 years from the completion of the development hereby permitted, shall be replaced with trees, shrubs or hedge plants of a similar size and species during the next planting season unless otherwise agreed in writing by the Local Planning Authority.

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

- 26 The development shall be implemented in accordance with the Tree Protection Plan drawing 38-1936 03 J, which incorporates arboricultural methods and supervision details. All protective structures installed shall be maintained until construction work has been completed. No materials, soils, or equipment shall be stored under the canopy of any retained tree or hedgerow within the application site.

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

- 27 No tree and/or hedge clearance shall be carried out during bird nesting season (1st March to 31st August inclusive) unless the site has been surveyed in advance for breeding birds and a scheme to protect breeding birds has first been submitted to and approved in writing by the Local Planning Authority. Any such scheme shall be implemented in accordance with the approved details.

Reason: To provide adequate safeguards for protected species on the site in accordance with adopted policy SD9 of the Joint Core Strategy (2017) and paragraph 118 of the National Planning Policy Framework.

- 28 No construction works and/or ancillary operations which are audible at the site boundary shall be carried out on site outside the following hours:  
- Monday to Friday - 8am to 6pm

- Saturday - 8am to 1pm

There shall be no working on Sundays or Public or Bank Holidays. Deliveries to, and removal of plant, equipment, machinery and waste from, the site shall only take place within the permitted hours detailed above.

Reason: To ensure that any impact on the amenity of the occupiers of adjacent dwellings is minimised and controlled in accordance with saved policy SL1 of the Cheltenham Plan (2020) and adopted policy SD14 of the Joint Core Strategy (2017).

- 29 Prior to first occupation of the development, details of a Homeowner's Information Pack resource providing information on recreation resources in the locality shall be submitted to and approved in writing by the Local Planning Authority. The pack should reference:
- Alternative local recreation opportunities (off site), e.g. website information for Cotswolds AONB' <https://www.cotswoldsaonb.org.uk/visiting-and-exploring/>
  - Relevant adopted Cheltenham, Gloucester and Tewkesbury JCS policy (e.g. INF3 green infrastructure) and supporting text (e.g. 5.4.6 re. Green Infrastructure strategy 'vision') and Policy BG1 of the Cheltenham Plan 2020.
- Each household shall be provided with an approved Homeowner Information Pack on occupation.

Reason: To ensure that appropriate measures to mitigate for any adverse effects to the Cotswold Beechwoods SAC that could potentially occur as a result of the proposal, are suitably addressed in accordance with adopted policy SD9 of the Joint Core Strategy (2017), policy BG1 of the Cheltenham Plan 2020 and paragraphs 175, 176 and 180 of the National Planning Policy Framework.

- 30 Prior to the construction of any dwelling, details of a programme of investigation and interpretation of the former ice house shall be submitted to and approved by the Local Planning Authority. The scheme shall be implemented prior to the occupation of the 20th dwelling.

Reason: To ensure that the development secures improvements to the Ice House in accordance with policy HD4 of the Cheltenham Plan 2020.



<b>APPLICATION NO:</b> 22/00112/OUT	<b>OFFICER:</b> Mrs Emma Pickernell
<b>DATE REGISTERED:</b> 22nd January 2022	<b>DATE OF EXPIRY :</b> 23rd April 2022
<b>WARD:</b> Battledown	<b>PARISH:</b> CHARLK
<b>APPLICANT:</b>	William Morrison (Cheltenham) Limited & Trustees Of...
<b>LOCATION:</b>	Land Adjacent To Oakhurst Rise Cheltenham
<b>PROPOSAL:</b>	Outline application for residential development of 25 dwellings - access, layout and scale not reserved for subsequent approval

## REPRESENTATIONS

Number of contributors	<b>155</b>
Number of objections	<b>102</b>
Number of representations	<b>0</b>
Number of supporting	<b>53</b>

Flat 16  
Osborne Lodge  
99 The Park Cheltenham  
Gloucestershire  
GL50 2RW

### Comments: 8th February 2022

I object to this proposal because it is shocking to me that during a climate and ecological emergency (of which Cheltenham Borough Council has declared), such a proposal would even be considered. The impacts that it would have on local wildlife would be detrimental and the knock-on effects of this on local residents wellbeing would be felt too. Additionally to this would be the increased traffic, which is also harmful to our environment as well people's health in regards to pollution. Cheltenham has previously been found to have illegally high levels of nitrogen dioxide, so, any risk of increasing this should be taken seriously, especially when schools and children live nearby.

8 Addis Road  
Cheltenham  
Gloucestershire  
GL51 9BL

### Comments: 21st July 2022

I object to this application on the grounds of the damage it will cause to the ecology of the area. I am concerned about ancient badger setts, veteran trees and various species of moth, including burnet moths and the chimney sweeper moth, which is extremely rare in this area. I also believe the grassland has huge value as a spring meadow but this has not been investigated adequately.

At a time when biodiversity is under great threat, both globally and nationally, local wildlife sites such as this are of vital importance. A precautionary approach should be taken to protect wildlife but this application does not meet basic national standards. It is

completely unjustifiable to destroy such valuable habitat for the sake of 25 homes. This habitat and the wildlife it supports benefits us all. If we keep building on such meadows we will destroy the fragile ecosystems that are completely necessary for our own existence.

Flat 7  
Brook House  
Belworth Drive Cheltenham  
Gloucestershire  
GL51 6EZ

**Comments:** 7th September 2022

As a young professional I believe this is an excellent opportunity to support those seeking to move into their own property at the same time as supporting St Edwards School.

87 Ryeworth Road  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL52 6LS

**Comments:** 13th February 2022

Object on sustainability grounds.

Montrose  
Stanley Road  
Cheltenham  
Gloucestershire  
GL52 6QD

**Comments:** 9th July 2022

Do not ignore the previous rulings from 2 planning inspectors.  
This proposed site is very important for local wildlife and plant life/habitat. The plans do not consider the standing advice for the protection of badgers. Nor does it seem to take a precautionary approach to ancient trees etc, as per national requirement.  
Also, on studying the plans, it seems that the basic infrastructure requirements of LTN1/20 are not met.

34 Copt Elm Road  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL53 8AH

**Comments:** 14th February 2022

I would like to object to this development. Nowhere on the developer's submissions is the issue of the steep narrow access addressed. It is swamped with detail about cycling, garages and local amenities etc., but it does not answer the one major question. Does the narrow steep access off Oakhurst Rise comply in every way with all current safety standards, recommendations and legislation? If the developer or planners can't answer that question, (which means a knowledge of the gradient, road and pavement widths and current legislation), then on safety grounds, the development should be refused. The Gloucester Transport authority in their approval, admitted that they had not even visited the site.

Carinya  
Stanley Road  
Cheltenham  
Gloucestershire  
GL52 6QD

**Comments:** 15th February 2022

I write to strongly object to this proposed development.

The access on Oakhurst Drive is wholly inappropriate for what would be 50+ cars. The adjacent estate, Ewens Farm would also struggle to cope with the traffic burden.

This land remains one of only six in Cheltenham, as a designated wildlife site. The impact to the biodiversity and wildlife would be irreparable.

23 Roosevelt Avenue  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL52 6JL

**Comments:** 9th February 2022

I would like to register an objection based on the environmental concerns. We must protect our green field sites and the valuable flora and fauna found therein, including the rare species and ancient trees found on this Designated Wildlife Site. Green space is pleasant to live near and Charlton Kings is enhanced by this unique land.

Secondly, there are drainage concerns related to the new houses; leaving the site as a meadow would ameliorate the local flooding risk. Finally, access: it is a busy route

through Ewen's farm and the Trading estate, which would only become more pressured with the addition of fifty extra cars.

Please reject this repeat application and encourage consideration of brown field site building which is more in tune with environmental and social needs.

14 Gallops Lane  
Cheltenham  
Gloucestershire  
GL52 5SD

**Comments:** 7th September 2022

Charlton Kings is an area which has seen a huge price rise for property as a result of the success of Balcarras School. The lack of affordable homes in the area is pushing those who have always lived in the area out of the village that they have grown up in and in which their families have lived for generations. This scheme providing 10 affordable homes goes some way to correcting this and the impact of the additional properties is such that it will provide additional footfall to the shops and amenities at Sixways which will all benefit from the extra trade.

Calder  
Greenway Lane  
Charlton Kings Cheltenham  
Gloucestershire  
GL52 6LB

**Comments:** 2nd August 2022

We strenuously object to this planning submission, yet again.  
The proposed site for these developments is unequivocally the wrong site.

It is one of the few green areas left in Charlton Kings / Cheltenham that hold a Key Wildlife Site designation. I regularly see Deer, Birds of Prey, Foxes etc. And all that live in the area get to enjoy the same pristine, green, wild, special place.

A housing development here will end the existence of this wildlife haven, one that positively and immeasurably contributes to the wellness of all local residents and in particular the children that attend St. Edwards School. The wildlife corridors that support flora and fauna in the area will vanish forever.

Further, the traffic and congestion in the immediate area is already at a tipping point and another c. 50 vehicles will further exacerbate an already untenable road safety situation.

The constant and looming threat of this development is negatively impact the mental of many local households and families and it needs to stop and be shut down once and for all. There a number of more suitable sites in Cheltenham and local government need to step up and block this permanently.

Brereton House  
Stow Road  
Andoversford, Cheltenham  
GL54 4JN

**Comments:** 5th September 2022

I support this application for numerous reasons, but the main one is the need for such homes in a popular area of Cheltenham, as well as much needed funded being made available to the school (whose facilities are used extensively by other schools and communities, so the additional revenue to update facilities will benefit the wider community).

Having been a former pupil of the school, this revenue will be welcomed.

As a nearby home owner, these new homes will be a benefit to the local community too. We should be supporting such applications which have been well designed and thought out, as opposing them for reasons not even valid on a development discussion forum.

Baile Na Creige  
Bunachton  
Inverness  
IV2 6AL

**Comments:** 7th February 2022

I would like to object to the proposal to build houses on the Meadow adjacent to St Edward's School. The site is currently of great value as a wildlife haven, which can be enjoyed by all. It is to the detriment of all people when precious sites of such beauty and interest are deemed suitable to reduce to yet another housing development.

Heathcote  
Haywards Lane  
Cheltenham  
Gloucestershire  
GL52 6RF

**Comments:** 14th February 2022

I'm objecting to the planning application on the grounds of harm to wildlife and impact on local traffic. I fail to see how this is still being entertained given the valid objections raised over the years this has been going on.

30 King George Close  
Cheltenham  
Gloucestershire  
GL53 7RW

**Comments:** 11th February 2022

I am writing to object to the application to build on St Ed's Meadow at the top of Oakhurst Rise.

The recent Environment Act came about to protect places just like St Ed's Meadow. When so much of our natural environment has been lost it seems inconceivable that an application to build houses on a wildlife refuge might be approved. Hedgehogs, badgers, bats, butterflies, moths, owls, buzzards, song thrush and all the other flora and fauna of this valuable site must be preserved. Houses may need to be built but they should not be built here

Climate Emergency UK supports and assesses the response of local authorities to the climate crisis. They clearly state "...restoring nature and increasing green and blue infrastructure should be integral to addressing the climate crisis".

[https://www.climateemergency.uk/wp-content/uploads/2022/01/The-Climate-Action-Plan-Checklist\\_Jan21.pdf](https://www.climateemergency.uk/wp-content/uploads/2022/01/The-Climate-Action-Plan-Checklist_Jan21.pdf) In the context of a net-zero Cheltenham the proposed development would be a backwards step, destruction not restoration.

The "Transport Assessment" document dated Jan 2022 concludes "...the site is supported by suitable pedestrian and cycle linkages...". This conclusion appears to be based simply on distance from the site to various amenities; the document disregards the steep descent & ascent to and from those services, and the impact this will have on a residents ability or willingness to travel by foot or bike. I walked up to the site today, up Oakhurst Rise, one of the steepest streets in Cheltenham. Common sense says that residents of St. Ed's Meadow simply would not choose to walk or cycle or ebike up & down Oakhurst Rise - it's too steep. The provision of 62 car parking spaces, an average of 2.5 per house, strongly indicates that the developer has drawn this same conclusion. And this would be incompatible with CBCs net-zero plan for Cheltenham - the creation of a car-dependent community at the very time when an increase in journeys by foot & bicycle is required.

**Comments:** 10th February 2022

I am writing to object to the application to build on St Ed's Meadow at the top of Oakhurst Rise.

The recent Environment Act came about to protect places just like St Ed's Meadow. When so much of our natural environment has been lost it seems inconceivable that an application to build houses on a wildlife refuge might be approved. Hedgehogs, badgers, bats, butterflies, moths, owls, buzzards, song thrush and all the other flora and fauna of this valuable site must be preserved. Houses may need to be built but they should not be built here

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7 Ravensgate Road  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL53 8NR

### **Comments:** 21st February 2022

I am writing to object to the proposal 22/00112/OUT - Outline application for residential development of 25 dwellings on Land Adjacent To Oakhurst Rise Cheltenham Gloucestershire.

Since this land was allocated for housing by Cheltenham Borough Council, it has been designated as a Local Wildlife Site, one of only 6 within the Cheltenham Borough, and in my view the allocation for housing is inconsistent with the wildlife designation, particularly since the Council has recognised that we are in a Climate and Ecological Emergency. While attempts can be made to mitigate against the impact of development on the wildlife features of this site, realistically it is inevitable that wildlife will suffer. This may be for a variety of reasons:

- the reduction in area of the grassland will cause fragmentation and reduce the suitability for some species;
- there is a very large badger sett on site and realistically nowhere suitable nearby to relocate the badgers to;
- street and household lighting will have a damaging impact on moths and other insects. The site has been shown to be very good for moth populations;
- use of chemicals such as pesticides and herbicides in domestic gardens will affect species which travel between the gardens and surrounding land;
- non-native plant species within gardens may spread into the surrounding grassland, altering the ecology;
- predation by household pets, as well as fear due to the presence of predator species such as cats and dogs leading to less successful breeding and feeding of prey species like birds, amphibians, bats and other small mammals. Some of the gardens shown on the outline plan are very small and inevitably household pets will make frequent use of the surrounding land;

- fertilisation of grassland by the excrement of household pets and pollution by vehicle exhaust fumes which increase nitrogen levels, leading to consequent reduction in species diversity.
- Biocides from household pets treated with wormers or flea treatment will also be spread via shed hair and excrement, and this can be particularly damaging to insects such as bees and moths;
- the proposed layout plan shows existing hedgerows being incorporated into domestic curtilage and there will be little control over subsequent management (notwithstanding the Hedgerows Regulations - practically speaking the local authority is not sufficiently resourced to monitor this);
- there is likely to be pressure from occupants for the grassland, hedgerows and trees to be managed for visual amenity and safety (neat and tidy) which is inconsistent with management for wildlife interest.

It appears that the ecological survey carried out to date is incomplete and does not accurately reflect the actual species richness and diversity.

In addition, there are well-founded concerns relating to water run-off from roofs and hard surfaces, especially since the underlying soils are clay, and unsuitable for soakaways. Drainage runs are likely to impact on the roots of mature trees and hedgerows and use of mowing equipment is likely to prove impractical or unfeasible on this relatively small and steep site.

Boundary treatments are shown as post and rail or palisade (on the boundary treatment plan, though shown as hedgerow on the site plan), giving open visibility between the private and public spaces. Even if this is controlled by condition, it will be practically unfeasible to prevent later substitution with solid fencing, giving privacy within the domestic gardens, which will urbanise the appearance of the rest of the site unacceptably.

Accessibility of the site for public transport is poor, and inevitably housing in this location will contribute to an increase in car journeys and vehicle deliveries, with congestion on surrounding roads which are unsuitable for heavier traffic, as well as decreasing air quality and impacting the tranquillity of the site and locality.

The Cheltenham Sustainability Checklist has been completed by the applicants and much of it appears to bear little resemblance to reality - eg the development is described as 'being in an area with good access to local community facilities etc' - hopefully members of the planning committee will try for themselves walking up the hill from Sixways shops carrying heavy bags of shopping! I simply do not accept that the development will reduce reliance on the private car - and the provision of 3 parking spaces per many of the properties recognises that this is unlikely. Likewise, it cannot be claimed that the development will 'conserve and enhance the biodiversity of the site' - at best the damage to the biodiversity may be argued by the developers to be acceptable on balance but it is disingenuous to claim that biodiversity will be enhanced. Boxes have been ticked but I consider the claims are unjustified.

Green areas such as this site are extremely important for the health of otherwise built up areas. In this location, the site is close to the wider countryside and forms a stepping stone for more mobile species. It is vital that our wildlife areas are bigger, better and more joined up, and development on this site is inconsistent with this imperative, and hence, I believe, with CBC's emerging Net Zero plans, which states in Section F, Natural Environment and Biodiversity: 'We continue to protect our existing green spaces and locally designated nature sites'.



Brereton House, Andoversford  
Andoversford  
Cheltenham  
GL54 4JN

**Comments:** 9th September 2022

I am all for housing in this area. This is a popular area of Cheltenham with fantastic schooling and for this reason, many families aspire to live in this area.

Young people are being "priced out" of the market, rendering them unable to get on the property ladder and we need more affordable housing.

I would be in support of such a proposal

309 London Road  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL52 6YY

**Comments:** 7th March 2022

I am writing to object to the proposed planning for St. Ed's Meadow, Cheltenham.

In a time of climate emergency the last thing we need is to be allowing the destruction of an untouched, pesticide free oasis that has remained this way since 1840. This land provides a vital habitat for a hugely diverse variety of species of animals, insects and plants.

We don't need more unaffordable housing, we need biodiversity, it is unthinkable to sabotage what's left of the natural world as a time of global disaster.

I strongly object to the proposed planning.

Highclere, Cirencester Road  
Gloucester  
GL4 8JL

**Comments:** 9th September 2022

Cheltenham needs more quality and affordable housing which at the moment is lacking. Cheltenham is lagging behind in this area

Coversdown  
Birchley Road  
Cheltenham  
GL526NY

**Comments:** 22nd July 2022

Further to my objection lodged earlier in the year, i wish to confirm that despite the minor changes, my objection still stands. In summary

At the last hearing by Inspector Claire Searson, on the 11 May 2021, wherein the application for development was turned down yet again, she listed the following as the key objection areas

Site specific requirements

- A minimum of 25 dwellings, subject to masterplanning (in accordance with Policy SD4 of the JCS) which demonstrates that the development can be achieved whilst accommodating:
- Safe, easy and convenient pedestrian and cycle links within the site and to key centres - This simply is not possible on the site even with the new plan
- A layout and form that respects the existing urban characteristics of the vicinity - This is not in the design, as we have houses which are not in keeping with the houses on Battledown which forms the Northern and Eastern boundary of the site.
- A layout and form of development that respects the character, significance and setting of heritage assets that may be affected by the development - This has not been achieved.
- Protection to key biodiversity assets and mature trees - This certainly has not been achieved.
- New housing should be located away from the setting of the west elevation of Ashley Manor. There should be no development south of a straight line westwards from the rear of the northernmost school building. In addition, to provide an undeveloped buffer between the rear garden boundary of Charlton Manor and the new development a landscaping buffer should be provided for 30 metres west of the rear boundary with Charlton Manor.
- Long term protection of mature trees and hedges - This has not occurred even in the new plan.
- Any development on the site should secure improvements to the Icehouse - uncertain that this has been achieved.

Given the failure of the new Outline plan to satisfy all the above key points, I submit that, once again this application should be rejected.

12 Somerdale Avenue  
Brockworth  
Gloucester  
GL3 4wn

**Comments:** 8th September 2022

I am in full support of this application. I am a former pupil of St Edwards and understand the benefits that this school brings to the local community. This is from within the school and for all the other schools that use it's facilities. The proceeds of this sale will help boost the facilities and therefore help and give experiences to many children in the Cheltenham area.

I am also of an age where I understand the difficulties that young people have trying to get onto the property ladder therefore I am in favour of more affordable housing to be available.

163 London Road  
Cheltenham  
Gloucestershire  
GL52 6HN

**Comments:** 9th September 2022

I really support this scheme. New houses and affordable housing is something Cheltenham desperately needs and this development has both. I also note that the scheme is supported and recommended by the Cheltenham Borough Councilplanners, which to me as a Cheltenham resident speaks volumes.

238A Bath Road  
Cheltenham  
Gloucestershire  
GL53 7NB

**Comments:** 4th September 2022

I Fully support the application for the development of 25 dwellings on Land adjacent to Oakhurst Rise Cheltenham Gloucestershire. I support this development due to the low number of Properties in the Cheltenham area. I think it unfair that a few wealthy people think it there right that dwellings can and should not be built close to them due to a view from their properties. The Pros of this development overrides any Cons.

A lack of affordable homes for young people and families to reside in a safe nice area to raise families should not be refused due to people aloft in an Ivory Tower.

The other benefits to the local community and funding for the School and charitable organisation supports the Community as well as worthwhile causes across the world to people who need the help.

To contest this development shows an out of touch selfish attitude.

Cheltenham Needs more new Affordable housing for people such as myself I live and work in Cheltenham and feel that this is an ideal site for development and to live and as such the site being adopted into the "Local Plan" and allocated for development.

The Cheltenham Borough Council's own Planning Department - consistently recommending previous applications for approval. I sincerely do hope and believe that this development goes through for the benefit of the Community of Cheltenham.

1 Oakhurst Rise  
Cheltenham  
Gloucestershire  
GL52 6JU

**Comments:** 12th February 2022

A new application for 25 houses having been received after all earlier applications have been refused, my question is this :-

Does the success or failure of this application simply depend on house numbers ?

Because all previous reasons for failure still exist.

This development will increase traffic in a quiet residential area on roads and pavements badly in need of repair.

Harp Hill Mews Priors Road  
Cheltenham  
Gloucestershire  
GL52 5AH

**Comments:** 12th September 2022

I strongly support this development as affordable homes are desperately needed in Cheltenham There is an enormous short fall with approximately 2500 on the waiting list for affordable homes

39 Hales Close  
Cheltenham  
Gloucestershire  
GL52 6TE

**Comments:** 4th July 2022

Despite the revisions all my previous comments remain valid as do those of many others. This site is simply unsuitable for any development on the grounds of drainage, traffic access, wildlife & environment - & probably many other grounds too!

The developers seem to keep trying to sneak in small changes - but none of them make this application acceptable.

CBC Planning Committee should be making it clear that on many grounds this site is unsuitable for development & will never be suitable.

**Comments:** 5th April 2022

I am astounded that this is even being given consideration to proceed.

1 - the area is a beautiful oasis of natural land - the last time I walked through a young deer was in the woods! It is a key site for the local wildlife & absolutely shouldn't be compromised just to put profit in developers pockets!

2 - the road access to the site is already bad & would be further compromised by additional vehicles - any amount of them!

3 - how would the natural drainage in the area be affected? It can only be adversely.

4 - there are many old trees, & other planting which alongside the wildlife deserve our protection.

Even 1 new property on this land would be hugely detrimental!

Please protect our green spaces.

Woodlands  
Badgeworth  
Cheltenham  
GL51 4UL

**Comments:** 9th September 2022

I fully support this planning application. Not only is the land already allocated but there is a desperate shortage of affordable housing in the area that allows people to get onto the property ladder. Cheltenham Borough Council has also not be able to demonstrate a five year land supply and as such the presumption should be that this application is accepted. Furthermore the site does not extend the boundary of Cheltenham or extend into the green belt. I would urge the Council to accept this application.

Calder  
Greenway Lane  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL52 6LB

**Comments:** 4th February 2022

To whom this may concern,

As a Charlton Kings (Greenway Lane) resident, I wish to express my strong opposition to the new planning application submitted for houses being built on the fields at the back of St. Edwards School, London Road.

This green site is a designated Key Wildlife Site - one of only six remaining in Cheltenham is the wrong location for any development whatsoever & the impact of such a development would be extremely negative to the surrounding environment, its wildlife and the quality of life for local residents. There are a number brown sites in the Cheltenham that should be considered first for this type of development.

Two Rivers  
Rivers Meet,  
Cleeve Mill Lane  
Newent  
GL181DL

**Comments:** 6th October 2022

Site: Oakhurst Rise, Cheltenham

Further to your email regarding the proposed site at Oakhurst Rise in Cheltenham, we are writing to confirm our support of the development to deliver seven affordable rented homes out of a total of 25 new homes.

There is clear need and demand for the provision of affordable rented homes in this locality. We would, in principle, be supportive of a mix of Affordable Rent and Social Rent accommodation as long as there is not a mix of tenures per house type, so that, for example, all the 1 bed properties would be Social Rent, and 2 bed properties would be Affordable Rent. We also welcome the inclusion of a 4-bedroomed home. It is our understanding that any First Homes will be managed and sold by the Developer directly. Two Rivers Housing is supportive of building sustainable communities and is keen to partner with Developers who are working towards delivering Net Zero Carbon Homes.

10 Shurdington Road  
Cheltenham  
Gloucestershire  
GL53 0JD

**Comments:** 9th September 2022

I wholeheartedly support this planning application. Cheltenham has a significant shortage of housing, and notably affordable housing for the town's young people trying to make a start on the property ladder, and for families otherwise forced to live in rented accommodation.

This site lends itself well to the proposed development. The land is surplus to the needs of St. Edwards School and Cheltenham Borough Council's own Planning Department has consistently recommended previous applications for approval.

The application should not be allowed to flounder because local naysayers and "Nimbys" don't want any development in their neighbourhood.

Coversdown  
Birchley Road  
Cheltenham  
GL526NY

**Comments:** 22nd July 2022

Further to my objection lodged earlier in the year, i wish to confirm that despite the minor changes, my objection still stands. In summary

At the last hearing by Inspector Claire Searson, on the 11 May 2021, wherein the application for development was turned down yet again, she listed the following as the key objection areas

Site specific requirements

- A minimum of 25 dwellings, subject to masterplanning (in accordance with Policy SD4 of the JCS) which demonstrates that the development can be achieved whilst accommodating:
- Safe, easy and convenient pedestrian and cycle links within the site and to key centres - This simply is not possible on the site
- A layout and form that respects the existing urban characteristics of the vicinity - This is not in the design, as we have houses which are not in keeping with the houses on Battledown which forms the Northern and Eastern boundary of the site.
- A layout and form of development that respects the character, significance and setting of heritage assets that may be affected by the development - This has not been achieved.
- Protection to key biodiversity assets and mature trees - This certainly has not been achieved.
- New housing should be located away from the setting of the west elevation of Ashley Manor. There should be no development south of a straight line westwards from the rear of the northernmost school building. In addition, to provide an undeveloped buffer between the rear garden boundary of Charlton Manor and the new development a landscaping buffer should be provided for 30 metres west of the rear boundary with Charlton Manor.
- Long term protection of mature trees and hedges - This has not occurred even in the new plan.
- Any development on the site should secure improvements to the Icehouse - uncertain that this has been achieved.

Given the failure of the new Outline plan to satisfy all the above key points, I submit that, once again this application should be rejected.

10 Keynsham Street  
Cheltenham  
Gloucestershire  
GL52 6EJ

**Comments:** 8th February 2022

I am objecting to this development on grounds already raised by local residents at various points in this process: The dangers of increased traffic, health impacts caused by pollution (even more significant post-covid), impacts on wildlife and the unsuitability of existing residential streets for access/increased traffic.

To add to this, however: On 22 March 2021, Cheltenham Borough Council passed a motion supporting the Climate and Ecological Emergency Bill. The key commitments of this bill are:

1. To tackle the climate and nature crises together
2. Do our fair share to cut UK emissions and stay below 1.5°C of global warming
3. Halt and reverse UK biodiversity loss by 2030
4. Take responsibility for the entirety of our global carbon and ecological footprints
5. Involve the public in a fair way forward.

How would permitting this development align with these commitments and especially points 1, 3 and 5?

This proposal was rejected as unacceptable in 2018, 2019 and 2020. After covid (a pandemic linked to global biodiversity loss) and the council's CEE Bill support and climate/ecological emergency declaration, it is even less acceptable.

(A summary of the bill can be found here:

[https://docs.google.com/document/d/1VwDVcR\\_\\_v81wqHVBGH9UEY8cZHlna1508QsUXM984Ws/edit](https://docs.google.com/document/d/1VwDVcR__v81wqHVBGH9UEY8cZHlna1508QsUXM984Ws/edit))

Flat 2  
128 High Street  
Cheltenham  
Gloucestershire  
GL50 1EG

**Comments:** 3rd September 2022

Wholeheartedly support the application



27 Avon Road  
Cheltenham  
Gloucestershire  
GL52 5PA

**Comments:** 9th September 2022

The need for housing is desperate and sadly unless you are in that situation yourself it's difficult to put yourself in the shoes of those in such need. The luxury of sitting in a garden watching wildlife is something too many people don't have. Sitting in a garden you can say is yours is something that far too many people don't have. Getting on a list of available housing to find yourself 65th initially in the queue and watch that number rise until the home is taken is so demoralising. Squeezing your children into tiny rooms with the eldest and the youngest having to share. Young girls at puberty sharing with their little brother is inappropriate at best! No space to let off steam and be safe. Private renting just impossible at the rates charged for hard working people on minimum wage. First time buyers have very little hope now a days. Our government are not addressing these problems so I am supportive of anyone trying to help alleviate this desperate situation.

285 London Road  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL52 6YY

**Comments:** 14th February 2022

I strongly object to the proposed development. The St Edwards site is a unique area, home to rich wildlife and biodiversity. Any development will have a negative affect on the designated wildlife site, poor access, increased traffic and increase on demands of oversubscribed local amenities.

Please look elsewhere for this new development!

Cheltenham House  
Clarence Street  
Cheltenham  
Gloucestershire  
GL50 3JR

**Comments:** 12th October 2022

Letter attached

18 Churchill Drive  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL52 6JJ

**Comments:** 29th January 2022

I am objecting as I am deeply concerned about all of the wildlife this site contains. I have been surveying moths in the area for the last 4 years and the site holds an abundance of wildlife, plus its a wildlife corridor onto the estate I live on. It has many ancient trees and it would be hugely damaging to build around these. I want my children to grow up in a habitable planet, and have access to affordable housing, which these are not. We should be re-wilding not building on sites like this. It's completely unnecessary. Insect numbers are plummeting and we just cant afford to damage our precious environment any more.

**Comments:** 15th February 2022

I am writing to voice my objections to the proposed development of the ancient meadow behind St Edwards School.

I have been involved with voluntary moth survey work in and around Cheltenham for the last 4 years, collecting vital data for the national moth recording scheme. As moths are an indicator species, have precise emergent windows and are also very sensitive to the changing environment, recording their presence or lack of provides important information on the health of the biodiversity of a site. Like the canary in the coal mine. This link outlines why moths matter:-

<https://butterfly-conservation.org/moths/why-moths-matter>

I was involved with just 3 light traps there last summer, and in this time, we recorded an abundance of moth species. I saw more moths here than all the previous 3 years trapping in gardens around CK. Please bear in mind that this was just 3 traps, in a handful of locations around the 10 acres. If we trapped consistently every few weeks throughout the year, there would be many more records. I attach my record sheet and a poster I have created to show the current records, still masses yet to record here. This is only a small selection of what is there.

My objects as follows

1. The site is not like other greenfield sites as it has been untouched by pesticides or damaging modern day agricultural techniques. A hay cut is as sophisticated as it gets.
2. Hedgehogs are in serious decline, the site has valuable pasture, field margins and thick hedgerows vital for hedgehog survival in Charlton Kings. My children have never seen a hedgehog, despite making holes in our fences and other measures, yet they have been recorded at this meadow, just a few streets away from us, thank goodness they are there. The meadow provides a vital habitat for a much-loved species heading for extinction.
3. There is an abundance of native wildflowers, many also not recorded yet, which provide a richness of nectar for our declining pollinators.

## Page 95

4. There are breeding pairs of Buzzards, Tawny owls and many other birds. Song thrush have been recorded here, which are a red listed and a globally threatened species, this habitat is vital for their survival.

5. I got to witness clouds of chimney sweeper moths here in the summer, the only records in the borough since 1967. There are also Narrow bordered 5 spot burnet, 5 spot burnet, 6 spot burnets, which are mating all over the place. A strong indicator of the health and richness of life here.

6. Trees - many ancient and veteran trees, with intimate connections to the meadow in its entirety, that we barely understand. building around a tree and leaving a gap around it, is massively damaging and decimates the biodiversity.

7. At odds with the legally binding requirement set out in the environment act, passed in November 2021, to halt species loss by 2030

8. Site provides light pollution free oasis for vital night time pollinators, moths, other insects, beetles and bats.

9. How does 22 mansions benefit my children? They will never be able to afford to live there. This proposal does not help the housing crisis. Even the affordable homes proposed around the town are not affordable anymore. This proposal is not a solution to any of that.

10. There is an extensive badger set there. As I understand Where possible developments should avoid effects on badgers. In this case, I don't see how any measures could avoid effecting them, it would obviously be highly damaging this population.

I don't have much hope for a habitable planet for future generations, but destroying places like this is unforgivable and I think actually criminal. The land belongs to the future and we should leave it with the richness of biodiversity that has taken millions of years to evolve, that we are part of, benefit from and need for our own survival too.

I hope you will factor the above into your decision.

9 Brevel Terrace  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL53 8JZ

**Comments:** 14th February 2022

I object to this proposal as in all previous applications for the following reasons:

1. environment of the meadow and the roads in the surrounding area
2. Drainage issues
3. Traffic congestion in Oakhurst Rise, Charlton Court Road leading to London Rd and Six Ways

4. Visual impact of more houses
5. noise, pollution and disturbance over a long period of time
6. Problems with existing amenities, doctors, shops, schools etc...
7. Devastating impact on ancient trees and natural habitat
8. Light pollution for vital pollinators
9. Destroying the badger set(s)
10. Land untouched with pesticides since 1840
11. Save the biodiversity
12. Goes against the governments legal requirements to halt species loss by 2030

6 Oak Avenue  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL52 6JG

**Comments:** 20th July 2022

I am sending this email as I see no problem for the houses to be built. More social houses are needed for people and charlton kings is the perfect location. I live in charlton kings myself not far from where they want to build the houses. I don't think people are really interested in the wildlife they just don't want the houses. This location is perfect for families. I think as more houses are desperately needed it should be built on and considered. People in Charlton Kings don't seem to want anything to be done I don't know why but they do like when they wanted to build lidl which luckily got the go a head which is great for local people. I really don't see a problem with 25 houses being built I hope you will read the email and consider what I am saying Regards

110 Horsefair Street  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL53 8JT

**Comments:** 12th February 2022

Please don't approve this, there are so few safe spaces left for our wildlife - don't let greed and profit win and please keep this special site for future CK generations to enjoy. So, so, so sick of having to constantly fight to keep these people from destroying our countryside - how are they even allowed to keep trying.

5 Britten Drive  
Malvern  
WR14 3LG

**Comments:** 5th September 2022

The previous site applications for this site had full planning officer support. Notwithstanding this, the site is now included within the adopted Local Plan and is allocated for housing. This latest planning application is in line with this allocation for housing. It is therefore not in contravention with planning policy.

The developer has taken stock of planning officer, inspectorate and local resident concerns following previous applications. The latest application which is in accordance with planning policy, is sensitive to ecological and heritage assets, and presents a low density well thought out scheme.

350 London Road  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL52 6YT

**Comments:** 25th February 2022

I write to object to the proposal 22/00112/OUT - Outline application for residential development of 25 dwellings on Land Adjacent To Oakhurst Rise Cheltenham Gloucestershire.

CBC has recognised and accepted that we are facing a climate and ecological emergency and the council's Net Zero plans state in Section F, Natural Environment and Biodiversity: 'We continue to protect our existing green spaces and locally designated nature sites'.

I believe that since this ancient meadow was allocated for housing it has been designated a Local Wildlife Site, one of only 6 in the Borough. This site has been shown to be of significant importance for flora and fauna some of which is rarely seen anywhere else. Once it has gone, it will never be able to be returned to its current natural state. There are so few sites left like this and we need to keep them.

Whilst this plan attempts to mitigate against loss of flora and fauna, the likelihood is that further applications for additional housing on this site will be made to maximise profits making further inroads into this unspoilt piece of land.

Building on a site like this also adds to the pressure on water drainage systems - a natural meadow with trees allows water to soak away whilst roofs, driveways and roads do not. This could result in flooding especially as climate change means we will have warmer, wetter winters. Flooding that will probably not effect this housing development but rather housing further down the hill.

I live a little further up the London Road from this site and when not cycling, occasionally drive in to town past where this housing development will join the London Road. The Six Ways area is often clogged up with traffic and at times the queues stretch right back to East End Road outside our house. Adding 25 houses with at least one if not two cars (I believe there is parking allowance for three cars per property) could see up to 50 new vehicles trying to use an already congested road especially at times like school runs and rush hours.

## Page 98

There are many further objections to this plan that have been made more elegantly than I am able, but in summary I wholeheartedly object to this plan and urge the planning committee to reject it entirely.

**Comments:** 21st July 2022

No matter how many times this developer applies for planning or whatever tweaks are made to the plans there can never be a justification for building on an ancient meadow. The government has declared a climate emergency, Cheltenham Borough Council has declared a climate emergency, Sir David King, the Government's former Chief Scientific Advisor has said that "what we do over the next five years is going to determine the future of humanity for the next millennium".

Just this week soaring temperatures in the UK have caused deaths, field fires and a whole street in London going up in flames. It is time to wake up to the fact that we have to ACT NOW and not go on destroying our planet ( there is an ecological crisis and we are already in the sixth mass extinction) just to make money.

This plan will destroy an ancient badger sett which goes against standing advice from Natural England (published January 2022) which states requires badger setts to be avoided if possible.

Policy HD4 (the local plan policy specific to this site) requires a precautionary approach to biodiversity. There are ancient trees on this meadow that are not being protected and if this smaller plan goes through no doubt it will give strength to the desire to build further on the site ultimately loosing something previous to Cheltenham.

Why has the grassland on the site not been properly surveyed? I believe it was surveyed only in July but not May/June as would be appropriate as it's a spring flowering meadow!

The site also contains large populations of 5 and 6 spotted burnet moths, narrow bordered burnet moths and chimney sweeper moths. All are indicator species for high quality grassland. There are well over 100 moth species present identified just through a couple of amateur light surveys in 2021. Chimney sweeper moths have not been recorded anywhere in the borough of Cheltenham since 1967.

I totally object to this application and trust that the planning committee will do likewise and commend them for the rejection of previous applications.

45 Leckhampton Road  
Cheltenham  
Gloucestershire  
GL53 0BJ

**Comments:** 6th September 2022

We need affordable housing urgently

Flat 7  
Brook House  
Belworth Drive Cheltenham  
Gloucestershire  
GL51 6EZ

**Comments:** 7th September 2022

As a young professional looking to get onto the property ladder, I have first hand experience of the struggle in trying to locate suitable and affordable housing in Cheltenham. It is clear that both private and affordable houses are limited and therefore desperately needed in the local area. I therefore support this proposal.

2 Shurdington Road  
Cheltenham  
Gloucestershire  
GL53 0JD

**Comments:** 8th September 2022

With the significant shortage of housing in Cheltenham, in particularly for lower income and rental markets, we need to develop on all suitable and available land. With significant development ongoing in the Leckhampton, despite local reservations, in the end we all have to accept some disruption and local expansion for the greater good. This site is within the local plan and allocated for development, planning officers have recommended the development, therefore politics should be placed to one side and the overall requirements of Cheltenham put to the fore. Few people like change but change has to happen for progress to occur.

16 College Baths Road  
Cheltenham  
Gloucestershire  
GL53 7QU

**Comments:** 17th February 2022

While I sympathise with the need for affordable housing I write to object to the development proposed (albeit with changes) for the fourth time on this meadow.

I think that Charlton Kings is quite crowded enough with the bottle neck at Sixways. Local schools are under pressure and oversubscribed, particularly as everybody knows, Balcarras. Ewens Farm is a rat run with people trying to avoid the lights where Hales Road and Old Bath Road meet London Road and will not be improved by vehicles from a new development. Sixways surgery will need to find capacity for extra patients. The meadow is an important site for wildlife.

87 Prestbury Road  
Cheltenham  
Gloucestershire  
GL52 2DR

**Comments:** 18th February 2022

I write to object to the planning application on St Ed's Meadow, Cheltenham

Sites such as this are so important in climate change terms as they act as a carbon sink, not to mention providing a refuge from extinction for many species. This ancient meadowland is one of JUST 6 local wildlife sites in the borough of Cheltenham and has remained unchanged since at least 1840.

I urge you reject this planning application to build twenty five houses on this greenfield site for the third time, as it is contrary to the wishes of so many of the local residents,

Garlands  
34 Cudnall Street  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL53 8HG

**Comments:** 3rd February 2022

I object strongly to this proposal on the grounds that it will destroy a valuable wildlife site and damage Cheltenham's response to the climate emergency.

The site is comprised of unimproved meadow with associated trees, some of which are ancient. It supports a wide variety of wildlife including insects and birds which are nationally in catastrophic decline.

The meadowland and trees act as a carbon sink and help to mitigate global warming. Building on the site will destroy this beneficial effect.

The site connects other nearby green spaces such as the Ryeworth allotment site with the wider countryside of the AONB. Connections such as this massively increase the value of each site for wildlife. Take one out and all suffer.

The council has officially declared a climate emergency and cannot therefore justify any development that adds to global warming.

There is no need to build on greenfield sites. There are plenty of alternatives. It is the council's duty to stand up to developers who want to deprive Cheltenham of its few wildlife sites, which are precious and never to be replaced.



High Grove Greenway Lane  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL52 6LA

**Comments:** 13th February 2022

I object to the latest outline planning application to build a large housing development (originally 110 dwellings, progressively reduced to the current proposal for 25) on the south facing slope of Battledown Hill because I believe that the land concerned is of far more value to Cheltenham maintained as it is now than ever it could be if covered in a modern residential development. Cheltenham has many features which set it apart visually from other towns - the consistency and extent of its Regency architecture, its absence of high-rise development, its extensive central gardens and green spaces and its views of the surrounding Cotswold escarpment, for example. All of these will be preserved for future generations, and I believe that the contribution to the townscape made by a pristine green Battledown Hill is of similar importance, and that we should take great care of it, just as previous generations have looked after Cheltenham's other key assets.

The western and northern slopes of the hill are already rendered irretrievably suburban by residential development (albeit moderated by the large number and variety of mature trees), the eastern aspect is (hopefully) offered protection by virtue of its AONB status, and only the beautiful south facing St Edwards slope (so close to the AONB boundary) appears to be at risk of despoliation. Its value as an oasis of brilliant green, visible from miles around, is immeasurable. We have flat land to the north, west and south of the town, and opportunities for brownfield developments within it - there is no need to build on the Hill. The visual intrusion is unacceptable and unnecessary.

Anyone who has taken the trouble to navigate the turns and gradients to reach the top section of Oakhurst Rise will appreciate extent of the adverse impact on the local community that would result from permitting this proposal. The location of the proposed site and the arrangements proposed to access it are bizarre. An excellent paper has been submitted by the Friends of Charlton Kings (June 8th 2020) in relation to predecessors of this current proposal. The Friends' paper describes these impacts in detail and I concur with its conclusions and all its many other arguments from a wide variety of perspectives - including the preservation of wildlife on the Hill - in favour of rejecting this proposition.

**Comments:** 18th July 2022

Thank you for alerting me to revisions made recently to the proposal to build 25 houses in one of the most prominent positions in Cheltenham. I have previously submitted objections to the various predecessors of this proposal, all centring on the adverse visual impact which would result from such developments on Battledown Hill. The revisions to the landscape strategy have made no material difference in this respect, and I wish to repeat my objections. In his letter to the Principal Planning Officer, Mr Frampton makes clear that the revisions have not altered the form of the project, and my views also have not altered.

I find the desire to locate a residential development in this position bizarre and irresponsible, and I cannot understand why the Council might have indicated that it has capacity for 25 dwellings. I hope that the comprehensive critique submitted by the Friends of Charlton Kings will receive proper consideration and that this proposal will be rejected in the same way that its predecessors have been rejected. Please keep this place green and pristine for the enjoyment of future generations.

The Uplands  
Stanley Road  
Cheltenham  
Gloucestershire  
GL52 6PF

**Comments:** 9th July 2022

Yet another application for this site costing everyone time, stress & money - especially the council

Surely time & money can be spent better elsewhere - please

This latest application fails to address multiple issues already raised in earlier objections, reviews, etc etc

The trees still need protection as does the wildlife - which is multiple, various and rightly protected by the law (& rightly by multiple non legal precedents established across the country).

Please therefore ensure that all prior objections are properly considered again - it strikes me that this application, and the variance of process being employed, is deliberately being employed to circumvent the council and others. I therefore urge the council to ensure that it submits its own position or reiterates its own position as far as it can in this process.

The practice of both design creep and circumvention of local opinion/position are clearly being employed to game the planning process yet again - purely for the developers sole gain and to the detriment of everything else

I object to this latest application

15 Battledown Close  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL52 6RD

**Comments:** 9th February 2022

Nothing about this site has changed over the period covering the various applications to build on it, except that it has become even more valuable as an amenity. The objections - which have repeated over & over - are the same, ie valid reasons for refusal after refusal.

I echo many objections already stated by me, and others. For example, but not limited to:

## Page 103

Steep, narrow access which is unsuitable for the increased traffic & hazardous in bad weather. It would also destroy the nature of Oakfield Rise for residents; people choose to live on a cul-de-sac for a reason!

Wildlife and amenity value which would be lost forever.

Drainage problems would be exacerbated.

(What we need is affordable development on Brownfield sites, closer to town to reduce car use!)

34 SISSON ROAD  
GLOUCESTER  
GL2 0RA

**Comments:** 13th September 2022

having read this proposal it is nice to see such attention being taken when it comes to the local wildlife and vegetation which will undoubtedly always be slightly affected by any development anywhere but here we see the opposite through this carefully managed landscape plan we see a net gain in biodiversity. The proposal retains and protects the veteran trees and in addition shows a huge number of new trees being bought in. we also see a permanent haven will be provided for the badgers.

41 Ryeworth Road  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL52 6LG

**Comments:** 6th February 2022

None of the reasons why this development has been repeatedly refused have changed. Access to the site is completely unsuitable and will not be able to accommodate the increase in traffic. Local amenities and schools are overstretched and oversubscribed already. The noise and disruption of the development of this site will affect the entire area. The site is a flood risk and building on it will further increase this risk as our climate changes. This site is incredibly precious and has been designated as a wildlife area, any development will destroy this habitat. This development is entirely unnecessary in an already overdeveloped part of Cheltenham.

32 Copt Elm Road  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL53 8AH

**Comments:** 5th February 2022

I object on the grounds that this site is still unsuitable for any homes to be built, let alone 25 new homes at this location.

From the very beginning it was planned for 90 new homes to be built at this location. Then it was for 69 new homes. This was followed by 43 new homes to be built. All was refused.

Each time the developers produce documents to say how wonderful this new build will look at this location. They said that for 90 new homes, and now 25 new homes.

The best thing would be to leave this location as it is today.

There is no getting away from the fact that the access road to the site is totally unsuitable, its too narrow and steep.

The flora and fauna that is within the area will be disturbed or lost. And another area of natural beauty destroyed for no gain.

The extra volume of traffic trying to use this unsuitable narrow road would be intolerable for residents already living in the area. With the proposed 25 new homes being built at this location, there would be on average an additional 50 cars trying to access this site, maybe two or three times a day. That's without the extra traffic from utility services, internet deliveries, supermarket deliveries, friends and family visits. Also the different weather conditions throughout the year especially in winter with the chaos that snow and ice brings.

In the Travel Plan for this site, to encourage alternatives to using a car, it gives examples of approximate distances and travel times to the local amenities at Sixways by walking and cycling. On paper this sounds to be acceptable, but there is no mention of the elevations for this journey. Maybe walking/cycling downhill is bearable but the return journey uphill will surely deter people from this method of transport and return to their cars quickly.

More artificial street lighting spoiling the night skies. Where are the extra hospital beds coming from to cater for all the new builds in and around Cheltenham. Extra school places plus the doctors surgery appointments these are already stretched with long waiting times.

78 Ryeworth Road  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL52 6LT

**Comments:** 29th January 2022

Increase in vehicle traffic - road doesn't have the capacity to deal with this safely.

Local drainage issues are happening before the proposed development.

Rye House  
12 Hambrook Street  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL52 6LW

**Comments:** 3rd February 2022

The proposed development of this land has submitted on a number of previous occasions and turned down. The reduced number of dwellings in this application does not alter the fact that access is wholly unsuitable and will lead to even greater congestion than already exists.

Furthermore the local amenities are already stretched to the limit.

The Hearne  
12 Hearne Road  
Charlton Kings Cheltenham  
Gloucestershire  
GL53 8RD

**Comments:** 18th February 2022

How many more times will these developers come back? Their previous applications and appeals have all been rejected. Will they never accept no for an answer?

The site is clearly unsuitable for building and has terrible access. The additional traffic and burden on local services cannot be justified. Please leave this beautiful meadow alone for future generations to enjoy.

Field House  
Ashley Road  
Cheltenham  
Gloucestershire  
GL52 6PH

**Comments:** 22nd July 2022

Letter attached.

**Comments:** 11th February 2022

Letter attached

Chiltern Lodge  
Charlton Court Road  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL52 6JB

**Comments:** 7th July 2022

Thank you for your letter Reference 22/00112/OUT.

With regards to this, the New Revised Application made under this Reference. I write to register with you my objection to this development being approved. My reasons for this are those already stated in my previous communication sent on this matter.

I Hope that you in your Position of Authority will find it appropriate to help to reject this development/Application from going ahead.

8 Pine Close  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL52 6JR

**Comments:** 7th February 2022

I find myself once again having to object to the above plans. I could talk about the abundant wildlife that would be disturbed, the trees, shrubs, wildflowers, the meadow that would be gone forever. The steep restricted access, the increased traffic. The already over prescribed local schools, doctors surgeries etc etc. However I just want to remind people of the charity CPRE, the countryside charity. Formally known as the Campaign to Protect Rural England. Founded in 1926, I believe one of the longest running environmental groups still running. It's aim is to limit urban sprawl and protect our green belt spaces of England. The patron is our very own Queen Elizabeth II. She has just completed 70 years on the Throne this year. Her eldest son, Prince Charles also holds

close to his heart the green spaces of this country, who also has a residence in this county. Wouldn't it be lovely if we could carry out their wishes.

5 The Gables  
Cheltenham  
Gloucestershire  
GL52 6TR

**Comments:** 5th September 2022

Affordable homes are desperately needed. There is a huge shortfall and there are currently some 2500 people in Cheltenham on the waiting list for affordable homes.

133 New Barn Lane  
Cheltenham  
Gloucestershire  
GL52 3LQ

**Comments:** 6th September 2022

This is an allocated site for 25 homes. There is a huge shortfall for housing, and more importantly affordable housing. Why is this site still being debated?

Ash Tree House  
Birchley Road  
Cheltenham  
Gloucestershire  
GL52 6NY

**Comments:** 11th February 2022

I strongly object to this current proposal - 22/00112/OUT, for all the same reasons that the CBC Planning Committee cited for it's refusal of the previous applications on this site, namely 20/00683/OUT, 18/02171/OUT & 17/00710/OUT. This application is merely a further amendment to the previous applications by the same developers which were comprehensively rejected by CBC three times in the last four years!

All the previous objections and comments from previous applications should still be considered by the planning committee as they remain relevant to this application. From CBCs own refusal decision letter, none of these reasons have been adequately addressed by the latest application so this application should also be rejected.

With regards to the above concerns, it is respectfully requested that planning permission for the above development be refused.

40 Pilley Lane  
Cheltenham  
Gloucestershire  
GL53 9ER

**Comments:** 14th September 2022

All for this, affordable houses in a sustainable is key.

1 Prinbox Works  
Saddlers Lane  
Tivoli Walk Cheltenham  
Gloucestershire  
GL50 2UX

**Comments:** 7th September 2022

I believe this development is a sustainable project located within an urban area which will provide much needed new houses (25), in particular the 10 which are affordable homes.

Southern Lawn  
Ashley Road  
Cheltenham  
Gloucestershire  
GL52 6NU

**Comments:** 9th February 2022

A piece of land is earmarked for development. Subsequently new information becomes available. The piece of land emerges as an environmental treasure, full of diversity, rare wildlife and beauty. It is visible from important footpaths and is separated from the local ONB merely by one quiet road. It has lousy access and is a flood risk. For these reasons and those expressed more formally by others, please reject this application.

**Comments:** 1st July 2022

I object for all the reasons already cited, including the fact that access is poor, the development is on the spring line so could cause flooding, and it is clearly designed so that more houses can be added in the future (one can foresee years of similar applications, eroding our Council Tax and the patience of the Planning Officers and Members). This is a site of great diversity and beauty and the application still fails to offer plans to protect the natural environment on which it is proposed to build.



Sunnyhill  
Stanley Road  
Cheltenham  
Gloucestershire  
GL52 6QD

**Comments:** 12th September 2022

This is a sustainable development located within the urban area that provides 25 much needed new homes including 10 affordable homes.

163 London Road  
Cheltenham  
Gloucestershire  
GL52 6HN

**Comments:** 8th September 2022

fully support this scheme. CHELTENHAM BOROUGH COUNCIL desperately requires these homes to be built.

The lack of new homes being built in Cheltenham, has created a situation where the demand heavily outweighs the supply, and in these very precarious financial times, I do hope CHELTENHAM BOROUGH COUNCIL take this opportunity.

The proposed scheme has 10 affordable homes, which for those with young families will help them get onto the property ladder before it is too late for them to do so. They need this opportunity.

The CHELTENHAM BOROUGH COUNCIL Planning dept. has recommended this scheme, because they obviously understand the desperate current property situation in Cheltenham. As professionals they surely are the right people to decide what should be built on the site, not the objectors who object for selfish reasons.

The proposed site is on the large St Edwards school site that is, I understand surplus to requirements and does not harm the day to day functioning of the school in any way and I'm sure the school will greatly benefit from it financially. Which I am sure in these struggling times will be a great boost and benefit to them.

I do hope the Planning Committee see it this way and support the scheme.

1 Oakhurst Rise  
Cheltenham  
Gloucestershire  
GL52 6JU

**Comments:** 7th February 2022

My first objection is to the increased traffic on a very narrow steep road. It just is not suitable for increased traffic especially the increase in delivery vans which will be significant due to peoples online shopping habits.

The natural unspoilt green land that is so valuable to our wildlife is one of only six in Cheltenham. If it has been designated a Key Wildlife Site why on earth is this application even being considered? Global Warming will only be worsened by covering this part of our Green Planet in concrete. No matter how many trees and hedgerows the developer says he's going to put in the majority of the land will no longer be natural green space. Wildlife is so important for our mental health we must prioritise it.

77 Denman Avenue  
Cheltenham  
Gloucestershire  
GL50 4GF

**Comments:** 12th September 2022

This residential development is exactly what Cheltenham needs, especially with the 10 affordable housing included.

45 Eldon Road  
Cheltenham  
Gloucestershire  
GL52 6TX

**Comments:** 13th September 2022

Having lived in close proximity to this development all my life I see no reason for this not to be approved.

its seems every aspect of this development has been thoroughly though through.

The development provides a much needed 25 homes within the town and an additional 10 desperately needed affordable home.

The huge financial benefit this will bring ST Edwards school can also not be overlooked, as the schools facilities are used not only by its pupils but the local community and other smaller local schols. this will allow the school to improve its current facilities.

23 Beaufort Road  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL52 6JS

**Comments:** 9th February 2022

Letter attached.

29 Haywards Road  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL52 6RQ

**Comments:** 14th July 2022

Despite the revised application, my previous comments still stand. The loss of an important wildlife habitat, lack of easy access and the impact on drainage are just three reasons why this should be refused again, in my opinion.

4 Charlton Park Drive  
Cheltenham  
Gloucestershire  
GL53 7RX

**Comments:** 5th September 2022

The is an allocated site in the local plan for a minimum of 25 houses and will provide 10 desperately needed affordable homes.

17 Churchill Drive  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL52 6JN

**Comments:** 1st September 2022

There are already insufficient primary school places in the area. We have just returned to Charlton Kings and have been unable to get our two children into local schools. I strongly object to the addition of new housing in this area without improvements to the infrastructure necessary to support additional families - schools, doctors, dentists, etc. It is irresponsible to approve this application without considering the impact on already overstretched local amenities.

Hilcot  
Stanley Road  
Cheltenham  
Gloucestershire  
GL52 6PF

**Comments:** 15th February 2022

I object to the proposal to build on and destroy the wild meadow. This has a unique range of plants and animals. It is clearly visible from many places around Cheltenham. Furthermore the proposed houses that would be clearly visible for many years as it takes generations to establish vegetation cover thus would severely detract from the many houses of architectural significance locally. There are issues of more pollution from queuing traffic looking to exit the site. I urge you to reject this proposal that would have a massive negative impact on our local environment.

Flat 4  
Stanmer House  
Lypiatt Road Cheltenham  
Gloucestershire  
GL50 2QJ

**Comments:** 7th September 2022

The proposal provides 10 critically needed affordable homes. There is a huge shortfall and there are currently some 2,500 people in Cheltenham on the waiting list for affordable homes. Further, the proposal will bring huge financial benefits for St Edwards School and will provide the means to improve their current facilities, which are enjoyed by other schools and the local community.

22 Beaufort Road  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL52 6JT

**Comments:** 12th February 2022

We wish to object to the outline application on the land adjacent to Oakhurst Rise. We have studied the revised application and our concerns are the same as with the previous application. These relate to infrastructure issues and disturbance to the environment.

There is already considerable traffic congestion throughout Ewens Farm in the morning and evening weekday peak periods which would be worsened by additional traffic from the proposed development.

Many vehicles don't abide to the speed limit throughout the estate as it is, so an influx of traffic would impact this. There are many families who live in Ewens Farm with young children and the amount of traffic and speeding is a real concern.

The impact on amenities in the locality would also be worsened by this proposal. There is already pressure on the GP surgery, the dentists and local schools to meet the needs of local residents.

Finally, the proposed development would cause considerable loss of habitat for the small gain in housing. With it being 1 of just 6 local wildlife sites, it would be a devastating loss of the rich biodiversity enjoyed by local residents.

Wadleys Farm  
Ham Road  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL52 6NJ

**Comments:** 16th February 2022

Letter attached.

10 Oakhurst Rise  
Cheltenham  
Gloucestershire  
GL52 6JU

**Comments:** 12th February 2022

I object strongly to the proposed development. As a resident of Oakhurst Rise, my main concern is the plan to use this narrow cul de sac as the sole means of access to this new development.

The impact of traffic associated with this development will have a life changing impact on the existing residents of this small, well established and compact community.

This will start during construction with no doubt hundreds of lorry movements. Then later there will be, I guess, a minimum of 50 daily car journeys from the two cars at each of the 25 dwellings.

The road is very steep and narrow and is regularly at almost bottle neck with on road parked cars and vans which makes it totally unsuitable as the sole means of access to this new development. Another concern is that the road is regularly impassable in winter due to snow and the steepness of the first section up from Ewen's Farm.

I urge the interested parties to visit Oakhurst Rise on an evening or weekend and see for themselves how unsuitable it is as the sole means of access to this significant new development. Once this has been seen there can be no other outcome but to reject the proposal as you have rejected all the previous similar proposals for this land.

**Comments:** 20th July 2022

I object strongly to the proposed development. I am a long term resident of Oakhurst Rise. My main concern is the plan to use this narrow cul de sac as the sole means of access to this new development.

The impact of traffic associated with this development will have a life changing impact on the existing residents of this small, well established and compact community. This will start during construction with no doubt hundreds of lorry movements. Then later there will be, I guess, a minimum of 50 additional daily car journeys from the two cars at each of the 25 dwellings.

The road is very steep and narrow and is regularly at almost bottle neck with on road parked cars and vans which makes it totally unsuitable as the sole means of access to this new development.

Another concern is that the road is regularly impassable for several days in winter due to snow and the steepness of the first section up from Ewen's Farm.

I urge the interested parties to visit Oakhurst Rise on an evening or weekend and see for themselves how unsuitable this steep, narrow road is as the sole means of access to this proposed significant new development.

**Comments:** 10th February 2022

I strongly object to this proposal, as I have to all the previous versions. The harm that will be caused to the whole area will be irreparable - to the wildlife, the flora, the trees, the existing residents of Oakhurst Rise and all those on the rest of the Ewens Farm estate - the list is endless.

I agree with all the objections already raised against this application - they haven't changed from previous proposals. The access to the development up a very narrow and very steep road with vehicles, including a number of vans, parked on both sides is utterly ridiculous.

Destroying the habitat of the many and various wildlife that rely on the area for survival is so short-sighted.

Please reject this proposal and advise the developers to look elsewhere.

Coversdown  
Birchley Road  
Cheltenham  
Gloucestershire  
GL526NY

**Comments:** 15th February 2022

Letter attached.

Tor  
Ashley Road  
Cheltenham  
Gloucestershire  
GL52 6NS

**Comments:** 16th February 2022

as per previous concerns the number of dwellings is not the issue but access, wildlife, flooding etc

10 Beaufort Road  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL52 6JT

**Comments:** 22nd July 2022

I would like to make an objection to planning permission for 25 dwellings on the land adjacent to Oakhurst Rise Cheltenham.

My reasons for objections are the lack of protection for veteran trees, impact on nationally important heritage assets - school is grade II\* listed, failure to follow standing advice on badgers, and no plausible plan to deliver biodiversity net gain.

Also the impact on traffic to the local area which is already busy and used as a short cut. The dangers for local children on the increased traffic.

More pressure on school places which are already over subscribed. The same for the local doctors surgery when you can't get appointments for now.

This planning application should be rejected.

**Comments:** 15th February 2022

I would like to object to the planning application for 25 dwellings on the land adjacent to oakhurst rise Cheltenham.

I live locally and would like to object for the following reasons:

Increased traffic - the estate is already used as a cut through it won't be able to take the volume of traffic. It will also be dangerous to children playing who live locally.

Increased noise and disturbance from the extra households.

The impact it will have in destroying the area, the wildlife and animals.

There are not the school places, drs appointments etc for all of the extra children/ people living there.

It would be terrible to the local environment and neighbours should this planning application be allowed. It is strongly objected.

Greenacre  
Stanley Road  
Cheltenham  
Gloucestershire  
GL52 6QD

**Comments:** 4th July 2022

Having viewed the updated application for 25 dwellings, I still strongly object to this development and can't quite believe there is even a consideration of plans that will destroy the beautiful meadow in our area. There doesn't appear to be any thoughts to protecting the badgers or the wonderful ancient trees .

Its not the number of houses that is being built but the destruction of the meadow that is the issue and the impact that any number of houses will have on traffic, flooding and strain on local services

Overdale House  
Ashley Road  
Cheltenham  
Gloucestershire  
GL52 6NU

**Comments:** 8th February 2022

Whether it be 100 or 25 the loss of this open space visible from many locations in Cheltenham/Charlton Kings and the escarpment is the same. The field is designated a Key Wildlife area and the badgers amongst other wildlife, roam freely even across Ashley Road into my garden to be captured on Security cameras. Many attempts at development have been made over the past four decades and at least two Inspector inquires have refused building permission. Whilst 25 houses will result in less traffic it is still an extra burden on the residents of the steep incline of Oakhurst Rise that lead to the site. The one way surrounding roads Of Ewen's estate are already used as a rat run and are dangerous to residents and their children.

Time the Borough Council designated this field as an open space. An additional 25 houses is a drop in an ocean compared with developments in the Shurdington and Tewkesbury Road areas.

**Comments:** 22nd July 2022

Previous comments to the various applications of varying scales of development stand on access, loss of wildlife habitat, drainage, visual impact from AOB etc stand. An additional comment to the Officers and Councilors is that should they decide to approve there is no legal reason that the numbers granted will be maintained as in all probability the land plus approval will be sold and the new owners will take the approval to develop as a route to increase to full development of the land. The ownership of St Edwards School has already changed since this application was made. The decision made by CBC will have an impact for decades to come should development be allowed. Protect the green space and use existing brownfield sites within the Borough boundary.



Ash Tree House  
Birchley Road  
Cheltenham  
Gloucestershire  
GL52 6NY

**Comments:** 11th February 2022

I strongly object to this planning application - 22/00112/OUT, outline application for 25 dwellings at Land Adjacent to Oakhurst Rise.

This development proposal is similar to the previous three applications on this site both rejected by CBC in the last four years - 17/00710/OUT, 18/02171/OUT & 20/00683/OUT. The scale of the planned development remains completely inappropriate for this site and very much out of character with the local area. Access to the proposed site is restrictive, with a very steep aspect to the approach and narrow roads that are in no way adequate for such a development. The site is located close to the AONB and is an extremely valuable resource for the school, local community and wildlife. In particular, it will have a devastating impact on this ancient tree habitat and will destroy a vital wildlife habitat for a wide variety of flora and fauna including deer, badgers, hedgehogs, foxes, butterflies, moths, breeding pairs of owls and buzzards. The site is just one of six local wildlife sites remaining in Cheltenham Borough.

The new documentation does not attempt to address or resolve any of the core issues already recorded by the previous CBC refusal decision regards the previous applications, nor in the many common comments submitted online.

Therefore, it is respectfully requested that planning permission for the above development be refused.

Pinewood  
12 Battledown Drive  
Cheltenham  
Gloucestershire  
GL52 6RX

**Comments:** 11th February 2022

I object to this development, predominately on the basis that the proposals will lead to an irreversible loss of biodiversity. St. Eds meadow is renowned for its ancient trees, threatened species such as the Song Thrush, wildflowers, Tawny Owls, bats and a huge variety of moths and butterflies. There are also badger trails through the meadow.

The developers are clearly only interested in land value, not affordable home provision, and have only paid lip service regarding protections for the local environment. This is further evidenced by their lack of engagement with Natural England where they have failed to provide a "HRA stage 2: Appropriate assessment of the scheme". Specifically, the developers have failed to provide a Habitats Regulations Assessment. The reason for

this is clearly that there are no mitigations that could afford protections for the variety of species under threat by such a large-scale development.

I am also deeply concerned about the effects that 25 new homes will have upon traffic flows through Oakhurst Rise and an already extremely congested Charlton Kings.

21 Oakhurst Rise  
Cheltenham  
Gloucestershire  
GL52 6JU

**Comments:** 22nd February 2022

I have been unable to register my objection online regarding the above planning application.

My concerns are as follows, the already overstretched amenities ie Doctors surgery, local schools Dentists etc.,

There is considerable traffic congestion throughout Ewens Farm and surrounding roads and this whole area is used as a rat run, it is not easy to negotiate at the best of times Particularly with the added hazard of parked vehicles.

We have a vast array of wildlife which would be lost once this area is concreted over.

The only entry and exit to this development is through Oakhurst Rise which has a narrow entrance and steep gradients.

I am also concerned with the risk of flooding to this area.

5 Oakhurst Rise  
Cheltenham  
Gloucestershire  
GL52 6JU

**Comments:** 19th July 2022

Any number of tweaks to the latest planning application by the developers, will in no way detract from the viability of numerous complaints made by myself and many other concerned local residents over the past few years.

The proposed access through Oakhurst Rise remains totally unsuitable as an approach to a development of this size, and any development at all would still have an adverse affect on the local residents and the Charlton Kings area in general.

**Comments:** 8th February 2022

I find it hard to understand why the developers are assuming that by reducing the number of proposed dwellings, it would make any difference to the objections that have already been raised and recorded to their previous applications for this site.

The access to and from Oakhurst Rise is STILL extremely hazardous with very limited visibility, and the road is STILL steep and narrow.

The additional traffic created by twenty five more properties,

( fifty plus cars in and out daily with associated multiple service traffic ) would just exacerbate the current problems in the wider area. It has become increasingly obvious to local residents that the traffic on the " rat run " through The Battledown Trading

estate and the Ewen's Farm Residential Estate has increased considerably in the last few years.

The fields concerned in this current application are a valuable green lung site and provide a wonderful and necessary habitat for a great variety of wild life.

Many of the ancient trees have TPO's on them as shown on a previous survey and any disturbance to the land would be detrimental to their root system.

The whole area is a unique and special environment and as such needs to be protected from this latest application. I sincerely hope common sense will prevail once again.

39 Charlton Court Road  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL52 6JB

**Comments:** 12th February 2022

As with all previous applications for this ill thought through and inappropriate application, I strongly object.

All the existing evidence and arguments still apply regarding dangerous access, loss of irrecoverable natural habitat and the increase in traffic on the already, at full capacity, infrastructure of the local Ewans Farm estate and across Charlton Kings..

As a resident of a Charlton Court Road, having experienced at first hand the antiquated drainage system, I was shocked to note that plans STILL propose the linkage of the new estate with the Charlton Court Road drainage system. This is a cause for grave concern and expose yet again, how a disturbing lack of forethought and thorough research, has gone into the design of the proposed development.

Therefore, I again lodge my objection and sincerely hope that once and for all any plans to build on this beloved and much valued meadow, are permanently rejected.

5 Coronation Flats  
Oak Avenue  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL52 6JF

**Comments:** 4th April 2022

This application keeps on coming back with the builders trying to reduce the number of properties each time to try to force it through. However the basic problems remain (1) the ecological and biodiversity which would be ruined forever (2) the steep and unsuitable access to the site, which would result in probably 30 to 40 extra car journeys a day through a housing estate where children regularly walk to and from school, and which already used as a rat-run during peak times. (3) The housing is aimed primarily at richer

residents who will be able to look down from their lofty heights and not suffer the effects of this ill-thought out plan.

Why the council thought fit to include this land in the town plan as a potential site is beyond me. There are plenty of housing sites being developed in the valley, for example, between Cheltenham and Gloucester and there is no need to overburden local amenities, doctor's surgeries etc.

Tall Timbers  
Ashley Road  
Cheltenham  
Gloucestershire  
GL52 6NS

**Comments:** 13th July 2022

Another "Outline application". IF the planning committee flinch and move away from the excellent REJECT response that they have made to applications thus far then we all know what will happen. The owners (Carmelites) and the small group of wealthy individuals who own the ransom strip at the top of Oakhurst rise will sell this to a major developer. The major developer will then haunt the corridors of the planning department and committee until they get the decisions that they want. "Affordable Housing to help a shortfall!" Who are you kidding?

Keep your integrity members of the planning committee and stick with the decisions you have made that have been supported by two planning inspectors. Thank you for what you have done so far. It is a pleasure to see elected representatives with real backbone and truthful values.

I object on all of the grounds that I have raised previously, none of which have been satisfied by this sham of an application.

Fremington  
Ashley Road  
Cheltenham  
Gloucestershire  
GL52 6NS

**Comments:** 10th February 2022

I would like to object to this outline application for development of 25 dwellings. Similar applications have been made and rejected over the past few years. While this application is for fewer properties the overall footprint of the development is similar to the previous application and consequently will do similar damage to the environment. In particular it will have a devastating impact on this ancient tree habitat and will destroy a vital wildlife habitat for a wide variety of flora and fauna including deer, badgers, hedgehogs, foxes, butterflies, moths, breeding pairs of owls and buzzards. The site is just one of six local wildlife sites in Cheltenham Borough. Furthermore the development does not comply with Government guidelines to halt species loss and to provide 'green' transport options.

This development will continue to create potential drainage issues and traffic issues in the only, very steep access road (Oakhurst Rise). Also, it will not provide any significant increase in affordable homes in Cheltenham.

**Comments:** 21st July 2022

I would like to object to this planning application as it still does not address many of the issues raised when previous applications for this site have been rejected. The fact that the number of properties has been reduced does not mean that the issues have gone away.

In particular I would mention the totally inadequate access to the site, the environmental damage to a site with very special flora and fauna, and surface water drainage issues. Local infrastructure is already overloaded and this extra unnecessary development is only going to cause more problems.

Charlton Manor  
Ashley Road  
Cheltenham  
Gloucestershire  
GL52 6NS

**Comments:** 21st July 2022

There are repeated and inaccurate references to the local wildlife designation process throughout this application (sadly picked up in various official comments).

To quote GWT from the last application when they understood independent assessment of the KWS status, "The Panel also consider that the site may also pass the criteria for MG1 grassland plant species. Two sets of plant species data that were provided for the site by Aspect Ecology (applicant's representative) and Bioscan (Friends of Charlton Kings representative) differ but between them provide a match for 22 species from table H5c of the LWS criteria. Under normal circumstances we would conduct our own independent survey at the correct time of year to decide whether the grassland passes the criteria based on plant species. However due to the timescale associated with the planning application this is not possible."

Since then, 25 species on table H5c have been identified and validated by a professional ecologist.

The planning inspector who rejected the previous appeal asked in evidence sessions (around day 4?) as to why there had been no grassland survey done at the proper time; Aspect replied that 'ideal' would be May / June', and had no answer as to why they had repeatedly chosen end July to September to survey a spring flowering grassland.

This application had the opportunity to rebase surveys at the correct time of year before submission, as per the inspector's remarks. They chose not to. Their assertions on biodiversity value are structurally unsound, as demonstrated by the shifting sands of their reports from 2017 (when the whole site was described as 'unkempt, unmanaged scrub and grass') to today (the developers produced nearly 300 pages of documentation to underpin their assertion that the site did not meet the KWS criteria. Fortunately, the panel disagreed with them).

There is still no answer as to who will manage the claimed remainder of the KWS grassland, or how it will be financed. Unless CBC is content to underwrite the whole site, the BNG claim is a fiction; 25 home owners will not finance maintenance of a 6 acre field that they cannot access.

**Comments:** 21st July 2022

"9.2.The Developer the Trust and the Owner covenant NOT to Commence Development whilst the current lease dated 20th November 1990 between the School and Trust subsists over any part of the Site shown edged red on the Plan for identification purposes only and the Owner remains in legal occupation"

How can the council claim a positive benefit in the balance of harms exercise when the application explicitly says that development will NOT commence? The current lease apparently has decades to run?

There is nothing in the application paperwork that releases the site from the lease.

This application appears to be a fiction.

Meadow View  
Birchley Road  
Cheltenham  
Gloucestershire  
GL52 6NY

**Comments:** 13th February 2022

I object to this development for the reasons summarised below:

Irreversible loss of biodiversity and vital wildlife habitat (ancient and veteran trees, song thrush, wildflowers, tawny owls, bats, slow-worms, moths, butterflies, badgers (6 setts), deer, hedgehogs, foxes, and buzzards). The site contains natural springs, and is just one of 6 remaining designated key wildlife sites remaining in Cheltenham Borough. The site is also used for school geography/wildlife education.

Failure to provide a Habitats Regulations Assessment Stage 2 (Conservation of Habitats and Species Regulations 2017) - see comments made by Natural England.

On 22 March 2021 the Cheltenham Borough Council passed a motion supporting the Climate and Ecological Emergency Bill. One of the key measures was to "halt and reverse UK biodiversity loss by 2030", which is not compatible with this development.

This development proposal is similar to the previous 3 applications on this site (17/00710/OUT, 18/02171/OUT & 20/00683/OUT), and does not address or resolve any of the core issues given for previous rejections by the Cheltenham Borough Council.

Access to the proposed site is restrictive, with a steep narrow aspect to the approach, and cars/vans are regularly parked on the access road. This does not allow for efficient delivery of service and emergency vehicles in accordance with the National Policy Planning Framework. The restrictive access is also not recognised by the Transport Assessment document from January 2022, which concludes "the site is supported by suitable pedestrian and cycle linkages". The steep narrow access to the site will likely reduce travel by foot or bike, and is also likely to be a safety issue in adverse weather conditions.

This will not provide any significant increase in affordable homes in Cheltenham, and there are many other more suitable sites for development.

There is also an issue of overlooking and loss of privacy of 4 houses on Birchley Road, at the northern aspect of the proposed site.

Newlands  
Birchley Road  
Cheltenham  
Gloucestershire  
GL52 6NY

**Comments:** 14th February 2022

Reference: Application 22/00112/OUT

I strongly object the application for 25 dwellings on land adjacent with single access from Oakhurst Rise.

This application follows a subsequent application which was refused by the Appeal Inspector B.J.Sims on 20th September 2019 for development submitted under 18/02171/OUT. The following application was also refused by the Borough Council for planning application 17/00710/OUT, submitted by the same developers. Once again, the subsequent development was refused by Claire Searson, an Inspector appointed by the secretary of the state, following an appeal 20/00683/OUT.

At the last planning enquiry, a paper was presented and is now public record, of the deficiencies in the proposed site access. The original approval was from the Highway's authority based at Tewkesbury, who admitted that it had been done without even a site visit. Dangerous proposed access to the site remains a key issue and is yet to be resolved. Oakhurst Rise is not a suitable access road. In addition to the access concerns, the current traffic issues on the busy London Road and Hales Road intersections would be stressed further. The area cannot handle an increase in traffic.

I am still very concerned about the increased run-off and flood risks for neighbouring areas likely to result from such extensive loss of vegetation and permeable surface area. Our locality is already prone to flash flooding; increased run-off down the hill will not improve this.

Loss of natural habitat, ecology and biodiversity:

The loss of valuable biodiverse habitat for wildlife is a major issue, both in conservation terms and for residential amenity. As one of just six local wildlife sites in Cheltenham borough, the St Ed's meadow is home to a great variety of flora and fauna thriving in this field. There is an established badger set and many buzzards, red kites and owls are seen frequently in and around the ancient hedge line surrounding the area. There are also seven bat species, a globally threatened Song Thrush on the red list, a rare Chimney Sweeper moth among many other rare butterflies recorded in the meadow. Any new development would have a devastating impact on the ancient tree habitats and the rich biodiversity of the site would be lost forever.

The local infrastructure including schools and doctors' surgeries, do not have the capacity to support the additional pressure an application like this will create.

It is worth referencing the negative impact this development will have on mental health of people in the community, how the development of this site will reduce the opportunity for people to be active in non-conventional settings and how the proposal will greatly diminish educational opportunities.

The Gloucestershire wildlife trust has designated this field as a Local Wildlife Site, having been added to the Gloucestershire sites register in September 2020 by the site selection committee based on 'value for learning.' In this regard the local wildlife site citation sets out that 'the site is exceptionally well-placed to offer educational opportunities either by its proximity to a school or other place of learning.'

A natural England study has recognised that outdoor recreation has significant links to health, given its provision of physical activity, fresh air, socialising and moments of solitude which can all be seen to have an impact on people's health and wellbeing. The report clearly outlines the natural marriage of outdoor recreation with health and wellbeing, something this site offers in abundance.

**Comments:** 22nd July 2022

Planning Application: Land Adjacent to Oakhurst Rise Ref 22/00112/OUT

Due to its road width and gradients, Oakhurst Drive would not now be allowed to be built in its current form due to improved road safety criteria. So why is it being approved as the access to a new development?

Local residents have adapted to live with it but to open it up as a through road with heavy transport traffic is incomprehensible. Should a councillor on a planning committee be justifiably asked to vote to approve this?

Glenwhittan  
Birchley Road  
Cheltenham  
Gloucestershire  
GL52 6NY

**Comments:** 14th February 2022

re Oakhurst Rise development: ref. 22/00112/OUT

I write to object to the above planning application, on the grounds of the serious damage it would cause to part of a unique landscape - the Cotswold escarpment; in line with comments submitted on 20th March 2017 to the Cheltenham Plan (part one) Public Consultation; and for other reasons, relating to environment and wildlife habitat and also in respect of the proposed access.

Landscape

The first objection is that the application would allow damaging development and construction work on high ground forming part of the Cotswold escarpment. Ground contour levels for the site rise from about 100m AOD at the south end of the site, to about



125m adjacent the rear of Birchley Road properties, on the north side of the site; whereas almost all major development in Cheltenham over the last 100 years or so has been limited to ground levels of about 105 - 110m AOD. The site is not a non-descript field in Gloucestershire: it is part of the Cotswold escarpment. As proposed in the comment for the Cheltenham Plan: Public Consultation, there should be no development on ground above 110m, in order to protect the escarpment; which, from south of Gloucester to the north of Cheltenham (past Prestbury, Bishops Cleeve, Woodmancote, Oxenton, Teddington), remains a largely undeveloped, unspoiled landscape of great natural beauty.

The only major development on the east side of Cheltenham is Battledown, which was planned and laid out about 150 years ago; with the significant requirement that every property should be sited on an half acre plot. This allowed most of the properties built to be planted with major trees, so that it is now visually a green tree-covered landscape with many properties part hidden when looking from the west (Gloucester, Staverton, Churchdown, Tewkesbury) eastwards. The properties proposed for the Oakhurst Rise development are generally on plots of limited size, which will not allow the planting of large trees (because of the disruptive effect they would have on the properties themselves).

In this sense, the proposed development, with houses on ground rising to about 125m, is as undesirable and damaging to the landscape as development of the middle slopes of any hills, escarpment or coastline would be. It would also set a terrible precedent for higher level development of the south side of the existing village of Charlton Kings, below Daisybank Road. Regarding levels, a limit of 110m would approximately match the extent of recent development on the south side of Charlton Kings: there is a spot level of 109m at the top of Sandy Lane, near Southfield Manor. Adjacent the Oakhurst Rise site, the ground level round the highest of the school buildings is about 108m.

### Environment and Wildlife

This problem with the proposed development is compounded by the planned removal of parts of a major old hedgerow, which has developed over the last century at least into an area of wild woodland, which extends to an area of about 4,000m<sup>2</sup>, about 1 acre. As a consequence of its age and size, and its continuity from the north to the south of the site, across ground levels from about 125m to about 100m, at present it shelters, and provides a wildlife corridor for foxes, deer, bats, birds, especially owls and wood-peckers, a wide variety of small mammals and reptiles (newts, snakes and slowworms), and butterflies and insects: some of which wildlife is rarely seen elsewhere, or is documented as rare. It is proposed that the section between about contour levels 115 and 120 would be removed to make way for the access road and housing. This would destroy the wildlife corridor.

Near the north end of this woodland area there is a very large veteran oak tree (tree T8 on the original tree survey, with a girth of about 5.5m). This tree requires at least the detailed protection measures set out in BS 5837 (Trees in relation to construction) including a construction exclusion zone; (as required in cl. 3.1.2: to be established "before works commence on site (which) is essential as the only way to prevent damage being caused to retained trees by operations in their vicinity"; (such 'damaging operations' to be prevented would include any construction or arboricultural works within the exclusion zone).

There is a second small wild wooded area about 30m to the east, about 600m<sup>2</sup> in area, on high ground (levels about 121 - 124m) on the north side of an existing large badger sett. It is proposed that this is to be removed entirely, including the badgers.

There is really no planning or intellectual argument to justify destruction of wild woodland, in the absence of confidence in the developer's willingness and determination to protect important features of the existing environment as they are now. The developer's justification is that many of the individual trees to be removed are not of specimen value, not being individually planted and nurtured, i.e. being wild; overlooking the fact of the unbroken length and size of the woodland area, that can be seen for miles around. Over at least the last century this woodland has become home to wildlife, and a wildlife corridor in a natural environment without any human interference: the adjoining meadows are mown once a year, about a day's work with a tractor.

The objection to the Developer's proposals, in relation to existing mature areas of trees forming woodland, is supported by another recommendation of BS 5837: Trees in relation to construction: cl. 4.2.4: "Trees forming groups and areas of woodland (including orchards, wood pasture and historic parkland) should be identified and considered as groups ..... particularly if they contain a variety of species and age classes that could aid long term management. It may be appropriate to assess the quality and value of such groups of trees as a whole, rather than as individuals." That recommendation is reinforced strongly when the area of woodland is also home to a wide variety of species of wildlife, as in this case.

Since much of the discussion about trees, which should be retained and which trees or groups of trees removed, was on the basis of considerations set out in this British Standard, it seems illogical and unreasonable not to consider such groups of trees as a whole and as areas of woodland to be retained as a whole: part of irreplaceable landscape and wildlife to be left undisturbed.

Furthermore the Office for National Statistics is now mapping and valuing environmental assets as part of a government project to 'improve understanding of our natural capital': (Report: The Times: July 23rd, 2019); which continues: 'It estimated the worth of Britain's green spaces...in terms of carbon sequestration (the ability of vegetation, especially trees, to absorb carbon dioxide), the removal of air pollution from the atmosphere, and recreation. .... Valuing natural capital has become a critical issue because, without a price, markets automatically treat the environment as worthless. Costing natural services helps to correct that mistake and improve decision-making.'

Though the main reasons for objections on these grounds, (and therefore for rejection of the application), are first, preservation of irreplaceable landscape and wildlife undisturbed, and second, retention of woods and trees as by far the best method of carbon sequestration currently and definitely available, (all within a thriving community); the retention of natural habitat and ecology is also of great value, especially when available to a school, and through the school to other young people.

Finally, a recent 'Nature Notebook' from The Times (March 2019) reports the typical decline in abundance of wildlife resulting from tidy and managed development in an English county:

"Visiting my father, who still lives in the village where I grew up, I was struck by how busy the roads were, how tidy and managed it seemed compared with the rambling, slightly ramshackle place I remember - and how little space was left for the natural world.

Everything that wasn't built on was strimmed and pruned, every green glimpsed was a monoculture paddock or tightly manicured golf course, the tangled woods I once played in tidied and fenced off for paintball. It looked pretty and prosperous, but as money poured in to create this ..... the wildlife was quietly forced out.

In the past thirty years 11.5% of the county's plants, birds, invertebrates, fish, reptiles, amphibians and mammals have become locally extinct, a far higher figure than the national rate of 2%. A further 4.4% are threatened with extinction. There's no agribusiness or heavy industry to blame; ... but the area ranks in the top 25% of England's most densely populated counties .... Nature needs untidiness to flourish; it

must be allowed to be self-willed, not made to look like something from a glossy magazine. 'O let them be left, wildness and wet; Long live the weeds and the wilderness yet.'

If development goes ahead there will be ecological surveys, and 'biodiversity offsetting' should be put in place, which can mean little more than planting non-native saplings in place of mature native trees. But some site-faithful birds such as sparrows (which are in decline) rarely move more than a kilometre from their place of birth; the loss of suitable breeding habitat for a couple of seasons can wipe out a small colony. This is how we lose our wildlife: bit by bit."

### Access to site and Transport

The road proposed for access to the site, Oakhurst Rise (OR), is seriously inadequate in several ways. The road design standards required for the access road are set out in at least two relevant documents:

Glos. C. C.: 'Highway requirements for development' (GCC:HRD)

Vehicular Access Standards: Development Control Advice Note 15, 2nd edition; produced by the Planning service, an Agency within the Department of the Environment.

(The purpose of this Advice Note is to give general guidance to intending developers, their professional advisors and agents on the standards for vehicular access.) (VAS)

Even if these documents are not followed precisely and in detail, they represent a reasonable and objective standard against which any actual proposals can be judged. In addition, the Construction (Design and Management) Regulations 2015 are relevant to all aspects of the proposed development; particularly Regulation 27 Traffic routes. (CDM Regs)

- The road gradients (of OR) are too steep: almost 15% gradient for the upper length leading to the site entrance; about 13.5% for the lower length joining Beaufort Road (BR): both far in excess of the standards: GCC:HRD gives 8%, VAS gives 10% but with one important qualification (about dwell areas of level or reduced gradient carriageway in OR near the junction to assist vehicles having difficulty in stopping). The consequence is that, at those gradients, the access road will be unusable by many vehicles after snowfalls, and will be hazardous in icy conditions; with a potential risk of accidents at the junctions, because of cars and lorries failing to stop in time, or sliding into or across the two T-junctions, one at the bottom of the upper slope opposite 17 OR, and the other being the BR/OR junction which is more critical, because of the potential volume of traffic. At the BR/OR junction in particular the gradient of the lower length of OR (about 13.5%) continues until close to the junction without a reasonable 'dwell' area.

- The width of the access road (OR: 5.5m) is too narrow: VAS requires 6.0m for a two-way access; and in addition, because the road is narrow, the entry radius for the turn from ER into OR is tight without straying into the opposite (downhill) carriageway. This is important because of the proposed shared use by OR residents and construction traffic. In summary OR does not comply with requirements for an access road to serve 49 dwellings, instead of the 24 it serves at present; i.e. as well as not meeting standards given by the documents noted, there would be intensification of use.

In addition, the traffic generated by the development would feed into local residential roads which are also steep, narrow and already congested by traffic and on-street parking.

The CDM Regulations are relevant in particular because of the very significant variation of the actual parameters of the access road (OR) from reasonable road parameters (particularly gradients) recommended in the appropriate standards (VAS or GCC:HRD). For example, the OR gradient down to the junction with Beaufort Road is about 13.5%, whereas the VAS standard requires that: 'the gradient shall not normally exceed 4% over the first 10m outside the public road boundary ..... The remainder should have a

gradient less than 10% so that it may be used during wintry weather.' That discrepancy, by such a large margin between actual gradient and DOE recommended values and the absence of a dwell area, implies a potentially serious hazard, with the associated risk certainly including a traffic accident or one involving a vehicle with a pedestrian or cyclist. CDM Regulations re Traffic routes (Regulation 27)

2) Traffic routes must be suitable for the persons or vehicles using them, sufficient in number, in suitable positions and of sufficient size.

3) A traffic route does not satisfy para 2 unless suitable and sufficient steps are taken to ensure that:

a) pedestrians or vehicles may use it without causing danger to the health or safety of persons near it;

The CDM requirements are absolute requirements which must be met, whereas a Planning Officer or Inspector might consider the balance between harm and benefit.

29 Oakhurst Rise  
Cheltenham  
Gloucestershire  
GL52 6JU

**Comments:** 12th February 2022

I object to this latest planning application.

1. The plans give no indication of the proposed height or appearance of the properties to be built on or close to my immediate boundary. (Plot 25) The land here is well elevated above my bungalow and I am concerned about loss of privacy, particularly as the elevated site will potentially give a view into my bedrooms. I am also concerned about overshadowing and loss of light.

2. Road safety is a concern due to unsafe corner parking on the junction between Oakhurst and Beaufort Road. This proposal would generate a lot more traffic. It is too far to walk to the local shops. Oakhurst Rise is steep, narrow and inaccessible in snow or ice. Current on-road parking narrows the road so that an ambulance or fire engine is unable to access the top of the Rise.

3. Will there be corner parking restrictions and speed management controls put in place? What about gritting in the winter? Gritters never come up here.

4. The inspector at the last appeal and a number of organisations concerned with the protection of veteran trees have requested a reappraisal of trees on the site; not all are protected in accordance with their heritage and potential bird and bat roosting value.

5. Oakhurst is a road of bungalows and any extensions have all been restricted to a single storey. It seems odd that permission for 2 storey buildings on this site that are elevated above existing bungalows is permissible.

6. I am concerned about the the impact of rainwater run off during construction on the new site as properties have been flooded by the failure of retention ponds during previous development above us.

7. I would like know who will hold ownership of the areas that are not being built upon and who will be responsible for the cost of ground maintenance and tree management? This is a considerable expense as the trees are large and overhang neighbouring properties.

I understand that CBC is meeting its targets for new housing supply so why the need to develop such green spaces?

At a time when CBC and GCC are trying think long term and create a greener, carbon neutral, more tree and flood friendly Cheltenham it seems tragic to lose this site. What will be gained, apart from a small number of prohibitively expensive, luxury houses? Planting the odd new isolated tree or hedge does little to replace the hidden but very extensive networks of roots and mycelium built up over a long time that feed the whole eco system ( think Avatar).

Local people really value this land as an amenity. It has been suggested that funds could perhaps be raised to buy the land for the community and maintain the meadow with the help of wildlife experts to create a unique nature reserve; would this not be a more beneficial and sustainable outcome?

27 Oakhurst Rise  
Cheltenham  
Gloucestershire  
GL52 6JU

**Comments:** 4th April 2022

I am writing to object to the proposal 22/00112/OUT - Outline application for residential development of 25 dwellings on Land Adjacent To Oakhurst Rise, Cheltenham.

Since this land was allocated for housing by Cheltenham Borough Council it has been designated as a Key Wildlife Site (KWS), one of only six in Cheltenham.

On 22 March 2021 CBC passed a motion supporting the Climate and Ecological Emergency Bill. One of the key measures was to "halt and reverse UK biodiversity loss by 2030". CBC's emerging Net Zero plans (Section F, Natural Environment and Biodiversity) also state: 'We continue to protect our existing green spaces and locally designated nature sites'. These policies are not compatible with any housing development on this site.

Access to the proposed site is restrictive, with a steep narrow aspect to the approach, and cars/vans are regularly parked on the access road. This does not allow for efficient delivery of service and emergency vehicles in accordance with the National Policy Planning Framework (NPPF). The restrictive access is also not recognised by the Transport Assessment document from January 2022, which concludes "the site is supported by suitable pedestrian and cycle linkages". The steep narrow access to the site will likely reduce travel by foot or bike, and is also likely to be a safety issue in adverse weather conditions.

**Comments:** 21st July 2022

Due to its road width and gradients, Oakhurst Rise would not now be allowed to be built in its current form due to improved road safety criteria. So why is it being approved as the access to a new development?

Local residents have adapted to live with it but to open it up as a through road with heavy transport traffic is incomprehensible. Should a councillor on a planning committee be justifiably asked to vote to approve this?

25 Oakhurst Rise  
Cheltenham  
Gloucestershire  
GL52 6JU

**Comments:** 15th February 2022

I wish to reiterate strongly my objection to the proposed development on land adjoining Oakhurst Rise, this will be their 4th attempt having all previous ones and appeals rejected, although the quantity of dwellings is lower the problems on why it's been rejected are still there, Oakhurst Rise is a narrow, steep, twisty cu-de-sac. Local infrastructure is at breaking point, schools, Dr Surgery, local transport, and road traffic on the estate is classed as a rat run in the morning and afternoon. Drainage, Snow or Ice on Oakhurst Rise makes it impassable, I know I have lived here for 17 years.

This is before I start on Biodiversity. It is classed as only one of six green spaces in Cheltenham, with veteran trees, wild life, Flora and the wild untouched meadow bustling with ancient grasses, snakes and such like. This week we have had a family of deer, fox, many birds, Hawks and an Owl, in my garden. The development will stop all this and it will be the same all around for my neighbours as well.

This application is still only for Outline Permission and when the developers put in for full planning permission it could be completely different as to what they have submitted now. When will CBC and planning listen to its residents and realise this land is not suitable for housing development, I hope they now reject it once and for all.

23 Oakhurst Rise  
Cheltenham  
Gloucestershire  
GL52 6JU

**Comments:** 17th February 2022

We strongly object to the application for residential development of 25 dwellings.

We object on the grounds of noise and increased traffic in what is a quiet area with small children.

We feel very strongly that increased traffic through the neighbourhood would pose risks and cause problems with current residents parking and coming/going.

16 Oakhurst Rise  
Cheltenham  
Gloucestershire  
GL52 6JU

**Comments:** 14th February 2022

To whom it may concern,

I am writing to express my deep concern and regret, with regard the latest application for 25 houses on the fields at the back of St. Edwards School. You will appreciate that this is the latest in a number of applications, all of which have been rejected, due to the unsuitability of the land and the local infrastructure to support any further development.

If you visit Oakhurst Rise, you will firstly find the approach chaotic with traffic, at some points during the day, barely passable. The road itself is steep. During the winter months, when there is ice or snow, the residents don't park in the road, as we can't get out safely due to the incline. When the weather is wet, there is sufficient surface water to cause flooding in the field, and if developed, this surface water has to go somewhere - we have previously established there isn't the water infrastructure to support this.

The right angles in the road (Oakhurst Rise) are not suitable for heavy goods vehicles - thus rendering it impossible to get building materials to the proposed site - and again, I'd point out the incline of the road. If cars are having to park on the pavement, this then means the pavements are not useable by the residents - myself being one of a number with limited mobility, having MS and already finding it difficult to move freely on this estate.

And all of this is before we get to the abomination of the killing and culling of a myriad of wild flora and fauna - once destroyed, never recovered. In an age of renewed sustainable living and seeking to preserve what wild spaces and wildlife we have remaining, I wouldn't want such decimation on my conscience.

I trust all previous reports, surveys and opinions will be revisited, as these will clearly show the unsuitability of the site for further development.

**Comments:** 20th July 2022

Primary objection on the grounds of severe health and safety concerns of using Oakhurst Rise as the access road to the building site. The road is narrow and has two right angles making it impassable by heavy good vehicles when the residents vehicles are on the road. The threat of damage to the vehicles will drive the cars onto the payments, making already dangerous passage by my wife who has \*\*\*\*\*, impossible. The proposed damage to the natural environment is offensive to my sensibilities as the proposal is a thinly veiled first stage of secondary applications to the rest of the field at a later date which will only exacerbate my original safety concern. The road network leading to Oakhurst Rise has a one way road system which is already an accident waiting to happen, increased traffic will and the resulting accidents will be on your heads. Please put an end to the systematic affrontary, which is respresented by this selfish waste of public resources.

1 Churchill Gardens  
Churchill Drive  
Charlton Kings Cheltenham  
Gloucestershire  
GL52 6JH

**Comments:** 15th February 2022

Don't you think it is time to kill this attempt at development on this site once and for all?

I am sure you have been told many times by a huge number of local residents about the loss of biodiversity on this site and are aware of the dreadful access and possible flooding that will occur.

Please ensure this development does not go-ahead now or ever and this meadow is kept as a wildlife site for the good of the environment as a whole.

Little Orchard  
Charlton Drive  
Cheltenham  
Gloucestershire  
GL53 8ES

**Comments:** 20th July 2022

Planning Application: Land Adjacent to Oakhurst Rise Ref 22/00112/OUT

There are many reasons why the above application should have been refused and these have been aired at length. However, the one thorny issue that could have come back costs on the Council Tax payers of Cheltenham and Gloucester is the "approval of the access" to the site.

Despite reports submitted and published on the Council website by professionally qualified individuals highlighting non-compliance with existing safety recommendations, the application is still continuing despite the evidence. These facts are being brushed aside.

The issue is that regulations governing steep gradients and road width, have been upgraded since the construction of Oakhurst Rise. For instance, as addressed by the Construction (Design and Management) regulations 2015, particularly Regulation 27, Traffic Routes and there are other vehicular access regulations that apply. Information about these, to this application, is on record from several sources. For example : the Glenwitton, Birchley Rd submission of 6th June 2020 and Dave Edwards' excellent contribution to the enquiry.

The danger is that if this development does go ahead and there is a major accident or issues on that access, individuals and insurance companies could argue that the liability for approval of the access is a contributory factor and will seek damages at a cost to tax payers.



The developer has made much of the fact that the outline access was approved by the Gloucester Transport Department. But it is the developer and his agents who have had, from the first application, a responsibility to ensure that access safety recommendations are covered.

Therefore, it is imperative that before the final planning approval, the Council have in writing from the developer, an explanation as to how the inclines and road width will be addressed to conform to safety recommendations.

If the developer refuses or obfuscated regarding this, the approval should be suspended until such time as explanations are forthcoming.

How can Councillors sensibly give a blank approval to an application where it has been demonstrated that the access does not conform to current safety criteria?

**Comments:** 8th February 2022

The access to this project continues to ring alarm bells. It is imperative that the Chairman of the Planning Committee does not have a Grenville Tower moment. "Not the cladding again, that's been discussed at length. Let's move on!" Or, "Not the access again! That's been agreed and put aside and will not be on the agenda."

Very dangerous.

The access was and still is OK'd by the Gloucester Transport Department. However, they have acknowledged that they have not visited the site and studied the narrow road and steep inclines. It's a bit like an optician prescribing glasses without an eye test and then it's found that the patient is suffering from glaucoma.

A smoke screen of arguments from the developer will insist that the access has been approved but the independent professional view is:

a It should never have been considered in the first place as the inclines and road measurements means that it does not conform to the current recommended standards. (reports previously submitted).

b Page 32 110 d of the National Policy Planning Framework (NPPF) states that new developments should "Allow for efficient delivery of goods and access by service and emergency vehicles."

Because of the narrow road and gradients, it is on record that Oakhurst rise is unusable for periods when it is snowy and icy and cannot even be accessed by ambulances. There are no doubt villages and other older developments in Gloucestershire which are subject to climate isolation, but the NPPF is there to ensure that it should not threaten new developments.

Developments have previously been rejected and gone to appeal. The government inspectors have previously rejected the planning applications for a number of reasons. The last inspector in her report, drew attention to the concern of residents, expressed by what the coroner's summation could be after a fatality. Coroners have revealed so often, that fatalities would have been avoided had warnings, codes of practice and regulations been observed.

What follows is an example based on Oakhurst Rise. To make sure it is realistic, it has been checked by our MP Alex Chalk QC, a barrister and the Solicitor General for England and Wales in the current government, and who also opposes this project. It reads as follows.

"The death of this housewife and her two children on the access from the new estate at Oakhurst Rise is a tragedy and I'm mindful of the representations made here today. In making the initial authorisation of access to the site through Oakhurst Rise, the Gloucester Transport Department made it clear at the first planning meeting that this was because the drive is a part of the road network and there have been no recorded accidents there. They explained that they had not visited the site. Access safety considerations would presumably be a local issue.

At this and subsequent planning appeals, warnings were given by local people and Councillors and it was made clear that the proposed access was considered dangerous and "not fit for purpose". A professional report outlining the space limitations and the gradients involved was presented and is part of the official record. This outlined the points made today.

That this tragedy was "an accident waiting to happen" was stressed many times. It seems remarkable that despite this, the development was recommended by the Cheltenham Borough Council Planning Department.

It has been made clear today that the Developers, The Council's Chief Executive, The Planning and the Legal Department and Government Inspectors, were all made aware of the warnings but chose to ignore them and we all now know the consequences of that. In consideration to the family of the deceased and those residents still residing on the estate, I would insist that there be a full enquiry and possibly a judicial review regarding the process and actions of those responsible for an outcome that could and should have been avoided. "

This access, if approved, could be there for the next 50 years and could prove very costly.

6 Oakhurst Rise  
Cheltenham  
Gloucestershire  
GL52 6JU

### **Comments:** 15th February 2022

Our key objections to this current planning application are:

- loss of green space and the huge impact on wildlife. Only this morning there were 4 deer grazing in the area where the applicant wants to build houses.
- opening Oakhurst Rise to access the new development, with the additional traffic this will cause in our quiet neighbourhood.

The developer has had schemes rejected on the grounds of impact to the green space and wildlife, but keeps coming back with revised schemes. In our view this scheme although reduced in scale would have a huge impact to the area. We strongly request that the Planning Team decline this application on the same grounds.

32 Charlton Court Road  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL52 6JB

**Comments:** 13th February 2022

I object to these plans.

As with previous applications for this site, there continues to be significant local objection on the same grounds:-

- The steep gradients across the site
- Mature trees and irreplaceable habitats
- Drainage in to the current antiquated system
- The scale of the development is still inappropriate and not in keeping with the area
- The effect on heritage - the previous inspection noted that harm is outweighed by public benefits. This is still the case with the current application.

Whilst this application has fewer properties, the overall footprint of the development is similar and will significantly harm the environment.

27 Charlton Court Road  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL52 6JB

**Comments:** 11th February 2022

We object to this proposal as in all previous applications for the following reasons:

1. environment of the meadow and the roads in the surrounding area
2. Drainage in Charlton Court Road
3. Traffic congestion in Oakhurst Rise, Charlton Court Road leading to London Rd and Six Ways
4. Visual impact of more houses
5. noise, pollution and disturbance over a long period of time
6. Problems with existing amenities, doctors, shops, schools etc...
7. Devastating impact on ancient trees and natural habitat
8. Light pollution for vital pollinators
9. Destroying the badger set(s)
10. Land untouched with pesticides since 1840
11. Save the biodiversity
12. Goes against the governments legal requirements to halt species loss by 2030

25 Charlton Court Road  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL52 6JB

**Comments:** 13th February 2022

Again I cannot believe we are discussing this again I believe all the objections raised previously will not be resolved by reducing numbers of houses. My objections are:-

The damage that will be caused to wildlife, there are numerous species living on the area which will be fundamentally destroyed by this development.

The pressure that additional houses will have on local amenities already fully subscribed ie schools and doctors

The roads cannot cope with the additional traffic the development will create. Although Gloucestershire Highways have passed this, it was some time ago and traffic is constantly increasing, cars are often backed up through Ewans Farm as busy times and these roads are not designed for this level of traffic. A lot of small children walk to school through Ewans Farm and up to London Road and it's only a matter of time before an accident happens with increased traffic and parked cars

Access to Oakhurst Rise is so limited that it will be extremely difficult for contractors and their equipment to get to the site.

To conclude I do believe that all the objections that have already been raised and meant that planning permission was refused will still stand with any number of houses and sincerely hope that this planning permission is refused

21 Charlton Court Road  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL52 6JB

**Comments:** 9th February 2022

High density or low density housing on this designated key wildlife site would only result in the same negative effect on this environment , which is one of a remaining few in Cheltenham. Let it remain a green field site with its wide array of wildlife, hedgerows and trees.

Severn Trent are currently being investigated by our MP, Alex Chalk, in line with new legislation regarding outflows into the river Chelt. The above site drawings (22/00112/OUT) show a large new pipe structure to be connected to the current system within Charlton Court Road. What further negative impact would this have on the outflows into the Chelt etc.

**Comments:** 18th July 2022

21 Charlton Court rd Charlton Kings Cheltenham Gloucestershire GL52 6JB (Objects)  
Ref, 22/00112/OUT Revised Drainage Strategy SKO2 Insert A  
Further to our submission of Wed 09 Feb 2022

We object to the continued planning applications in respect of this site. In March of this year CBC passed a motion in support of the climate and ecological bill, stating : 'We continue to protect our existing green spaces and locally designated nature sites'. Both local and national planning executive should make the positive decision to stop further planning applications applicable to this site of special interest.

The revised drainage strategy illustrates how the SWS drain will meander from the site down the incline to the mid cul-de-sac of Charlton Court Rd crossing as it does the STW mains water hydrant there after to continue to the junction with the existing SWS drain within Charlton Court Rd. The SWS drain within Charlton Court Rd continues to have problems with flooding after heavy rain with water pooling, unable to go to drain. A further inflow of water from a higher elevation would only exacerbate this situation. Surely the SWS drain should use the most direct route to the bottom of the incline within St Edwards School grounds direct to water course

23 Charlton Court Road  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL52 6JB

**Comments:** 14th February 2022

I strongly object to this proposed development.  
Nothing in the new plans addresses the fundamental reasons that the previous applications have been turned down. This is an unsuitable site for housing for many reasons and it will have a permanent, detrimental harm to heritage assets and irreplaceable habitats no matter what the number of houses built upon it.

The steep access road through Oakhurst Rise will be an accident risk during winter conditions.

Plan Policy HD4 & the application suggests that that there is "Safe, easy and convenient pedestrian and cycle links within the site and to key centres". There is nothing easy about cycling to the site via the only proposed access routes and thus the overwhelming majority of travel into and out of the site will be by car.

The drainage plan is at best guilty of lying by omission. Where the surface water connects to Charlton Court Road the map blanks out the small cul-de-sac the pipeline will have to run under or through to run the proposed course. Any works in the road will deny access to the houses from 20-23 & will cause significant disruption to all the other houses further up the road.

The Charlton Court Road current sewerage system has suffered from blockages in the past so is likely to be more marginal with significantly more waste.

There is significant local resistance to this plan locally and this should reflect badly on the conclusions of Policy HD4.

When will CBC be able to declare this site unsuitable for development and be done with this?

19 Charlton Court Road  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL52 6JB

**Comments:** 15th February 2022

I would like to object to the building of 25 dwellings for the following reasons.

The land is a wildlife site and would have a disastrous effect on the flora and fauna and devastate the species that feed and live in this meadow.

The extra traffic that will be generated is both bad for the environment and a danger as there is only one route available to exit. The roads are already busy with parked cars which causes blind spots, hazards and potential problems for emergency vehicles.

The drainage system is inadequate and will have an impact on surrounding roads.

It will put extra pressure on the already overstretched doctors surgery.

22 Charlton Court Road  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL52 6JB

**Comments:** 4th February 2022

I object to this application on environmental and infrastructure grounds. The Map SK02 drainage shows, inaccurately, the SWS going through the mid cul-de-sac of Charlton Ct Rd. Labelled TBC; but Severn Trent Water in their official comment 'have no objections to the discharge of drainage'. However, they make no mention of the effects of this on the capacity on the SWS system already in place in Charlton Ct Rd (tank), Oak Ave (tanks) and Brook Vale. To link the SWS directly down the field (as with the FWS system) would create an opportunity for any further necessary tank in the local system in the light of climate change. Additionally it would avoid damage to the mature trees (with TPOs) next to the cul-de-sac and avoid unnecessary disturbance to the road way.

Transport:

I remain amazed by the Glos CC not being concerned about access to the site via Oakhurst Rise with all its problems highlighted in other 'Comments' as posted .

There is a much restricted view of traffic from the exit of the upper part of Charlton Ct Rd. The footpath near this junction narrows to about 0.7m causing pedestrians and buggies to go out onto the carriageway. The 6 year old traffic survey seems to very much under observed in relation to my experience on the lower part of Charlton Ct Rd to and from the A40.

For these and many other previously expressed environmental reasons I request the Planning Committee to reject this application.

**Comments:** 2nd July 2022

Re revised drawings Surface water/Revised drainage strategy sheet 2.:

The route now appears to remain in disturbing roots of large trees and go right across the water main and hydrant at the end of the mid cul-de-sac in Charlton Ct Rd.

Nowhere can I see comments of approval, or otherwise, from Severn Trent Water Co.

Overload possible on the storm water sewer it is proposed to join ?

I repeat that I believe the route should be through the lower School field towards the London Road

Access via Oakhurst Rise: I remain amazed and unbelieving that the Highways Authority could approve this tortuous approach!

20 Churchill Drive  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL52 6JJ

**Comments:** 10th February 2022

I am very concerned about the new plan for the St Edwards housing development currently under consideration.

There are very few ancient sites in Cheltenham which support such a rich biodiversity. As an Outdoor Learning Officer for an environmental charity, I spend my days teaching children and young people about the importance of maintaining balanced ecosystems and preserving the few areas of natural habitats we have left. This meadow is home to ancient trees which provide ecosystems for thousands of species of fungi, insects, birds and mammals. The meadow itself is made up of a wide variety of wild flowers which are fed on by an abundance of moths, butterflies and other insects which in turn pollinate the flowers maintaining a natural balance.

I am sure you can appreciate that the proposed housing estate, which would provide homes to 22 wealthy families, is not necessary. Whereas saving the habitats of thousands of species of fauna and flora is crucial at a time when biodiversity is being threatened globally. We cannot be horrified and outraged at the deforestation of the Amazon rainforest on one hand and then allow ecosystems on our doorstep to be destroyed!

I implore you to turn down the planning permission for the project.

36 Cudnall Street  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL53 8HG

**Comments:** 13th July 2022

I object on the grounds of poor access and the congestion that such a development would bring

25 Brook Vale  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL52 6JD

**Comments:** 21st February 2022

Letter attached.

Hillcrest  
Birchley Road  
Cheltenham  
Gloucestershire  
GL52 6NX

**Comments:** 4th July 2022

I have written before so I assume my previous comments still stand. My objections have not really changed.

I do not believe the field above St Edwards school should be turned into housing of any number. The bio-diversity of the field, the slope of the field and thus the drainage and the limited access thru Oakhurst Rise are all good reasons not to destroy the site. Now, the small number of properties do not justify losing such a prime site of beautiful out-door space.



Kerrymead  
Birchley Road  
Cheltenham  
Gloucestershire  
GL52 6NX

**Comments:** 3rd February 2022

Access via a quiet residential close with a steep narrow residential road is not suitable for 25 more houses/50 more cars - most people travel by car for school and work as access on foot is not an option either via St Edwards school or Battledown Estate. There are plenty of other far more suitable sites in Cheltenham - the fact that this was ever considered as an option by the local plan was a mistake. Things have changed considerably in terms of our knowledge of the diversity of nature of the meadow site - it is now designated a key wildlife site, one of only six in Cheltenham.

The practical considerations of drainage, subsidence, schooling and GP surgery availability also make it unsuitable for development. Given this went to the high court and the reasons it was thrown out that relate to the above I am shocked that it is being considered. Even one house will disrupt the eco system and cause drainage problems.

**Comments:** 1st July 2022

I object on the grounds of local wildlife and rare meadow. Particularly the protection of badgers is inadequate. Ancient and veteran trees are not being properly protected under HD4 specific to this site. Also as a car only site it doesn't meet cycling requirements of LTN1/20.

19 Oak Avenue  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL52 6JG

**Comments:** 27th January 2022

We are again objecting to this proposal as follows:

The increase in traffic from extra homes, on an already narrow and congested estate making it more dangerous for people crossing the road, especially in the vicinity of the small park between Oak Avenue and Churchill Gardens.

The access from Oakhurst Rise is still an issue as it is a steep single track road.

We are also concerned that the drainage issues we already have will be exacerbated as the drainage all appears to flow into the Oak Avenue drainage system.

There is also the concern that if this application for 25 houses goes through the developer may then in future try to add more properties.

**Comments:** 4th August 2022

All our previous objections to this development still stand, as there is still no alternative access to the site nor any additions to the local amenities, ie schools, doctors surgeries etc.

In addition to this there are concerns that once, even a small amount of housing, is allowed on this site, a precedent will be set and all the green areas currently on the proposal will be built on.

Coversdown Birchley  
Birchley Road  
Cheltenham  
Gloucestershire  
GL52 6NY

**Comments:** 15th February 2022

Letter attached.

58 Shurdington Road  
Cheltenham  
Gloucestershire  
GL53 0JE

**Comments:** 15th September 2022

I Wholeheartedly Support this Application - Cheltenham is in desperate need of new homes, particularly Affordable homes of which this development includes 10 of the 25 total.

The proposal retains and protects the veteran trees with additional trees being introduced, and a landscaping plan creating a net gain in biodiversity.

4 College Road  
Cheltenham  
Gloucestershire  
GL53 7HX

**Comments:** 6th September 2022

This important house-building project should have been waved through months and months ago; for goodness sake, we are short of homes, locally and nationally, and this plot, with all the advantages it patently offers, is a perfect example of responsible planning and housing development. I have lived nearby for over 25 years and I can affirm that this is unquestionably the best housing project I have seen proposed in all that time. Please let it through now.

2 Coln Rise  
Andoversford  
CHELTENHAM  
GL54 4HL

**Comments:** 6th September 2022

I support this application so as to address the lack of new homes being built in Cheltenham. This is impacting both the people looking to get onto the property ladder through to those wanting to downsize as they approach retirement.

I understand that Cheltenham Borough Council is drastically behind its targets for both the provision of new private homes and perhaps more critically, the provision of "Affordable" homes.

However, I believe that a few house owners whose homes border the application site, have led a campaign to stop any development in sight of their properties and amazingly have been heard. This, I do not think is fair or just.

The site has been adopted into the "Local Plan" and allocated for development by Cheltenham Borough Council's own Planning Department. This flies in the face of this objection?

St Edwards School have identified the land in question as surplus to their requirements and they would welcome the sale proceeds to boost their facilities, which are also used extensively by other Schools and the community.

34 Tommy Taylors Lane  
Cheltenham  
Gloucestershire  
GL50 4NJ

**Comments:** 4th September 2022

It seems to me extraordinary that with the dearth of both open market and affordable housing in Cheltenham and the persistent and well-founded support by the Cheltenham Borough Council's Planning Department for the various submissions made on this site, acknowledging the adoption into the Local Plan and the allocation for development, that the scheme is still to receive approval. It is tempting to speculate that another agenda may be at work here, outside the stipulations of the various planning laws, against the interests of the people of Cheltenham.

Hilcot  
Stanley Road  
Cheltenham  
Gloucestershire  
GL52 6PF

**Comments:** 21st July 2022

I am writing to urge you to reject the revised proposal for the development for the reasons stated earlier as the landscaping changes are minimal. The green hill is visible from many parts of Cheltenham as for example Charlton Kings village and through the College area. It forms part of the garden feel to the town where parks and gardens are a major attraction for tourists and residents alike. The other side of Battledown hill is being destroyed by having cut down two woods that are marked on the map with modern houses being built that destroy the green space. As previously stated there are major issues with listed building views, pollution from increased traffic, lack of drainage by hard surfaces and shrinking habitat for wildlife.

4 Woodgate Close  
Cheltenham  
Gloucestershire  
GL52 6UW

**Comments:** 14th September 2022

I have read with interest the application and the vast majority of comments on the whole I think this application offers a suitable mix of "social" and private housing in an area where there is great demand for both and very limited supply.

First Floor  
3 Lansdown Crescent  
Cheltenham  
Gloucestershire  
GL50 2JY

**Comments:** 7th September 2022

This application has been considered for quite some time, and with the current plans there will be a minimum impact locally. I cannot see the reasons why this application would not be granted. The scheme has been reduced quite considerably from the first application and the site has been adopted into the local plans by Cheltenham Borough Council. The Borough needs more new homes to cater for the demand and the site will also provide the correct percentage of affordable homes.

Cedar House  
20B Ledmore Road  
Charlton Kings Cheltenham  
Gloucestershire  
GL53 8RA

**Comments:** 5th September 2022

Living in Charlton Kings, I am aware that there is a shortage of affordable, social and family housing within the area.

I think that it is important to address this need.

This site would also appear to have little impact on the surrounding countryside.

46 Pinewood Drive  
Cheltenham  
Gloucestershire  
GL51 0GH

**Comments:** 8th September 2022

The need for more housing in Cheltenham is apparent. Providing the development is sympathetically undertaken I support this application.

A lot has been made concerning the impact on services and traffic. Wherever a new development is proposed there will always be an impact, but it appears to me that nimbyism is profound in Charlton Kings. If traffic is as bad as claimed, then have the three-car and four-car families in Charlton Kings thought about the impact they are having?

Pages  
Chargrove Lane  
Cheltenham  
GL51 4XB

**Comments:** 8th September 2022

I totally support this application as there is an obvious need in Cheltenham for more affordable houses to be built. The lack of affordable housing is causing untold angst for many people in the local area. There are families who need to rent that are waiting for reasonably priced accommodation and many young people who are unable to get on the property ladder due to increased prices. This development will go a long way to helping these demographics.

I also know the school will welcome the sale proceeds which will help them maintain and further develop their facilities benefitting the local community and all the other schools who also make use of their facilities. The knock on positive effect will be immense.

Southern Lawn  
Ashley Road  
Cheltenham  
Gloucestershire  
GL52 6NU

**Comments:** 16th February 2022

I wholeheartedly object to this amended proposed development.

Looking at the site plan for the houses proposed, it is strikingly noticeable that the 25 houses are being sold with minimal gardens. Also the proposed road layout shows the hammerhead reversing areas etc purposely positioned to allow a much larger second (and possibly third) development in the future. So this proposal must not be approved, as it will only lead to a much larger expansion of the number of houses in the future. The site plan shows that more roads can be easily laid to cover the rest of the site to service future property developments. More traffic, more tarmac, more services....

Also the St Edwards' fields are special, as they have been allowed to go mostly wild and are home to many diverse species of wildlife, including our insect friends - moths and butterflies. This area is special in its biodiversity. This smaller proposed development will initially have a negative affect on the designated wildlife site, but with future expansion planned will totally destroy this unique area's biodiversity.

4 Tivoli Walk  
Cheltenham  
Gloucestershire  
GL50 2UX

**Comments:** 13th October 2022

I am in support of this proposal because of Cheltenham's drastic need for more private and especially "affordable" homes for families and young people who can't find suitable accommodation. This proposal has also been recommended by the Cheltenham Borough Council's Planning Department constantly through previous applications.

11 Beaufort Road  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL52 6JS

**Comments:** 2nd February 2022

As stated so many times, access is absolutely not suitable to this site, winter times definitely a yearly problem. I live here so know these problems are a reality and not a myth. Regards subsidence in the area, there have been major cracks appearing in homes over this last summer at the bottom of Oakhurst Rise, to disturb this area is extremely risky. Amenity is already over stretched and traffic a nightmare. The site is a

major wildlife corridor, and in particular for Hedgehogs. I also would like to voice that restricting opinions and limiting our say in the proposal letter sent out regarding this building proposal is undemocratic, and stating that only noise, traffic, visual impact and amenity can be commented on, and that any other concerns will not be taken into account is not fair at all, and limits concerns to the public. It has been said it is a site of irreplaceable wildlife and the building proposal was turned down as a point last time, to ignore that and not take into account the concern around this is to throw out why it was turned down last time. Honour the people who have fought ethically to save this site and re wild, the David Attenborough project is vital, as is green space for good air

Wadleys Farm  
Ham Road  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL52 6NJ

**Comments:** 22nd July 2022

Letter attached.

**Comments:** 16th February 2022

Letter attached.

Valley View House  
Charlton Hill  
Cheltenham  
Gloucestershire  
GL53 9NE

**Comments:** 6th September 2022

I am supporting this application as I know so many young people who I work with within the NHS who are not able to afford to become home owners and they just cannot save quickly enough to get on the housing ladder whilst house prices go up in the very affluent town. The rental market is also very difficult to afford in Cheltenham and access to family accommodation is very limited leading to families living in cramped conditions leading to lots of family stress, anxiety and deterioration of mental health.

5 The Gables  
Cheltenham  
Gloucestershire  
GL52 6TR

**Comments:** 6th September 2022

Affordable homes are desperately needed in Cheltenham and Gloucestershire as a county. There is a huge shortfall and there are currently some 2500 people in Cheltenham on the waiting list for affordable homes. This development will provide such housing for those that need it and support the local community in a number of ways.

84 Clyde Crescent  
Cheltenham  
Gloucestershire  
GL52 5QL

**Comments:** 9th September 2022

I support this application, as there needs to be more affordable housing in this area.

Orchard Bungalow  
Little Shurdington  
Cheltenham  
GL51 4TY

**Comments:** 13th September 2022

I support this application. In particular the provision of affordable homes in cheltenham is vital as there is a serious shortage of such facilities.

21 Ravensgate Road  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL53 8NR

**Comments:** 9th February 2022

I'm emailing to register my objection to the development on the meadow off Oakhurst Rise.

My heart dropped when I saw that developers were applying once again to build on the meadow off Oakhurst rise. It seems that only a few months ago the planning committee took the wise decision of turning down their previous request.

I know that the discovery of rare species on this land was one of the main reasons for the rejection of the previous plans by developers and I'm confused how the developers 'tweaking' their plans would detract from the fact that they're still planning on tearing this meadow apart which would have the same result.

I'm also aware that there is now an environmental bill which is a legally binding target set by the government to halt the decline in species. I would argue that this particular planning application could not legally be granted for this reason alone.

However, I'm also well aware that 25 new houses would put unbearable pressure on the local roads (which are already at capacity) not to mention the local drainage - there has been a huge increase in paving over of gardens and driveways over the past few years and flooding is increasing noticeably. We need to keep as much wild ground and tree covered areas as they are as we can to prevent this getting worse.



One of the very special things about Charlton Kings is that it's got wild green spaces for us to show our children real nature and to appreciate not being in the centre of a town. Losing a valuable green space like the meadow off Oakhurst rise detracts from what makes CK a very special place to live.

The Firs  
Ashley Road  
Cheltenham  
Gloucestershire  
GL52 6QE

**Comments:** 4th July 2022

Why is there continuous degradation of our beautiful green zones? Why do we even contemplate planning that will destroy this beautiful meadow which is a treasure for the area, the community and wildlife? The council must stop this continuous application process where a developer wants to profit at the expense of the environment and the local community.

- The road access to the site is very poor and traffic is already heavy in the area
- This beautiful green field site is home to important flora and fauna which must be protected
- Water drainage issues plague the local area, and this would make it even worse
- The council have promised to maintain our green zones, yet continue to allow this type of development, please fulfil your commitment to protect the environment
- An additional 25 houses will require more amenities such as schools, GP services etc which are stretched to a maximum already
- Undoubtedly if this goes ahead then planning "creep" will come into effect and further applications will pour in for more houses

We strongly object to any development on this site and the site should be set aside by the council as a protected wildlife zone.

18 Beaufort Road  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL52 6JT

**Comments:** 1st February 2022

- Only one access to the area through very narrow and steep road
- traffic is already high on Beauford Rd
- already oversubscribed local surgery and schools,
- concern about impact on nature and traffic safety for residents.
- Concern about already bad drainage and flood problem

**Comments:** 8th October 2022

I've already sent my objections.

I want to draw your attention to the fact that vast majority (if not all) supports' comments were submitted in a very short time frame: 03/09-15/09 (12 days). That is suspicious by my opinion. Thank you.

40 Pilley Lane  
Cheltenham  
Gloucestershire  
GL53 9ER

**Comments:** 14th September 2022

We need to give more people the opportunity to access affordable housing.

7 Naseby House  
Cromwell Road  
Cheltenham  
Gloucestershire  
GL52 5DT

**Comments:** 9th September 2022

I support this as we need more affordable housing in Cheltenham there is at least 370 people trying to find three bed houses with affordable rent!

Hillside  
Undercliff Avenue  
Cheltenham  
Gloucestershire  
GL53 9AA

**Comments:** 4th September 2022

This is an allocated site within the Cheltenham Local Plan for a minimum of 25 houses- Cheltenham is in desperate need for both private and affordable new build housing and given the allocation I see no reason why the Application should not be granted

Ash Tree House  
Birchley Road  
Cheltenham  
Gloucestershire  
GL52 6NY

**Comments:** 11th February 2022

I wish to reiterate my strong objection to this 'new' planning application having reviewed the latest documentation with regards potential development on this site - 22/00112/OUT.

Furthermore, I do not see any evidence that the rationale regards the previous three planning applications on this site, which the Council recently turned down, have since been addressed. This application is merely a minor amendment to the previous application by the developers which was comprehensively rejected by CBC.

The recent Environment Act came about to protect places just like this site. Cheltenham Borough Council has also recently passed a motion supporting the Climate and Ecological Emergency Bill. The site is just one of six local wildlife sites remaining in Cheltenham Borough.

With regards to the above concerns, it is respectfully requested that planning permission for the above development be refused.

56 Leighton Road  
Cheltenham  
Gloucestershire  
GL52 6BD

**Comments:** 7th September 2022

I appreciate that people don't want new housing built on this site if they live locally, as it is currently a green field, but if the site has been allocated for development by Cheltenham Borough Council and is in the Local Plan then I can't see why it has not been approved. What is the point of having a Local Plan if it is not actually paid attention to? Surely the Planning Committee should base their decision on the Planning Department's decision - they are professional planners as opposed to non-professionals on the Committee.

There is a shortage of new and affordable homes in the area with rental properties being hugely expensive. Young or low paid people are unable to get on the housing ladder without affordable housing. They are completely priced out of the market. If I was buying for the first time nowadays, I could not afford it.

I think that having to go to Appeal with all the work that that entails, is a huge waste of everyone's time and (tax payers) money ie the Borough Council Planning Department and the Planning Inspectorate costs, particularly when this site has been allocated for housing.

Wistley  
Charlton Hill  
Cheltenham  
Gloucestershire  
GL53 9NE

**Comments:** 4th September 2022

There's clearly a great shortage of affordable housing in the area and every effort should be made to ensure all sectors of our society have access to suitable affordable accommodation and equal ability to enjoy family life in a safe secure comfortable environment.

Ash Tree House  
Birchley Road  
Cheltenham  
Gloucestershire  
GL52 6NY

**Comments:** 11th February 2022

I wish to strongly object to this 'new' planning application - 22/00112/OUT. This application is merely a minor amendment to the previous applications, which were comprehensively rejected by CBC on three occasions! None of the reasons for refusal contained within CBCs own decision letters, have been adequately addressed by the latest application so this application should also be rejected.

In my opinion, the planned development remains completely inappropriate for this site and very much out of character with the local area. Access to the proposed site is restrictive, with a very steep aspect to the approach and narrow roads that are in no way suitable.

The recent Environment Act came about to protect places just like this site. Cheltenham Borough Council has also recently passed a motion supporting the Climate and Ecological Emergency Bill. When so much of our natural environment has been lost it seems inconceivable that an application to build houses on a wildlife refuge could be considered. Hedgehogs, badgers, bats, butterflies, moths, owls, buzzards, song thrush and all the other flora and fauna of this valuable site must be preserved.

Therefore, with regards to the above concerns and my comments submitted against the previous applications on this site, it is respectfully requested that planning permission for the above development be refused.

18 Oakhurst Rise  
Cheltenham  
GL52 6JU

**Comments:** 1st February 2022

Letter attached.

70 Little Herberts Road  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL53 8LN

**Comments:** 4th February 2022

The field needs to have an ecological assessment made in the spring when all the wild flowers are out and the invertebrates are numerous, not to mention the reptiles. This field should be a nature reserve not a housing development. Grassland like this is becoming rare and we are fortunate to have the field. Once developed it can never be returned to its previous state. Please consider the needs of people to have wonderful wild spaces like this.

38 Alstone Croft  
Cheltenham  
Gloucestershire  
GL51 8HA

**Comments:** 9th September 2022

The site is within the Cheltenham Local Plan, and allocated for housing. Cheltenham needs new housing, particularly affordable housing. There can be no positive or practical reasons why this application should not be granted.

21 Westbury Road  
Cheltenham  
Gloucestershire  
GL53 9EN

**Comments:** 7th September 2022

Without hesitation, I fully support the planning application, and in particular the consideration proposed for the welcome provision and number of affordable homes for those local to the area, which are sorely needed. There can surely be no question in this respect and the thoughtful development of this land will benefit so many.

73 Ryeworth Road  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL52 6LS

**Comments:** 11th February 2022

I would like to dispute the building of houses on the field by st edwards school. This field has important biodiversity and offers vital space and nature for Charlton Kings residents. We don't need more houses here. There simply isn't the infrastructure to cope with more traffic, people etc.

44 King George Close  
Cheltenham  
Gloucestershire  
GL53 7RW

**Comments:** 15th February 2022

I object to this proposed planning for development on sat Edwards Meadow.

I hereby add my signature to the petition.

Castle Farm  
Ashley Rd  
Cheltenham  
GL52 6NU

**Comments:** 8th February 2022

I strongly object to this planning proposal. The fundamental reasons for objecting have not changed, so I do not see why this application would be granted when it has been turned down 3 times already. In fact, the reasons to reject are even stronger now given the meadows recent designation as a local wildlife site, one of only 6 in the whole of Cheltenham.

Access: this has not changed at all. Oakhurst Rise is extremely steep and very narrow, totally inappropriate for access to this development. Emergency services vehicles would have a major issue, especially in winter months.

Designated wildlife site: a recent classification, which makes an even stronger case for refusing this application. CBC have declared a climate emergency, so why would they grant planning on a Greenfield site, that has wildlife protection, when there are plenty of brownfield sites available for housing expansion?

Drainage: a major issue in this area. Building on a hilltop would only makes matters worse.

Visual impact: this eastern end of Cheltenham is beautiful due to the pleasant green hills and surrounding countryside. Building on this area which is a hilltop, would remove one aspect of that pleasant view.

**Comments:** 12th July 2022

Development of any kind on this site should not go ahead. The single biggest issue being site access, the road is too narrow, and extremely steep. It doesn't meet the cycling requirements LTN1/20, let alone the nuisance it would cause to local residents in the access area.

Drainage is a massive issue in this area, and the plans for this seem inadequate.

It is a rare meadow, and we should be protecting such areas in our communities. As you look from the centre of Cheltenham, this is one of several hilltops that form the character of the easterly view and the town itself. It should not be destroyed with development.

It is clear this application for 25, if approved, would lead to further applications for more properties, causing endless stress for locals and cost for everyone involved. This should be stopped now.

19 Ewens Road  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL52 6JW

**Comments:** 5th September 2022

Please could my objection to the planned development on St Edward's School Field be noted.

My belief is that a development of this kind should include an investment in the local infrastructure, including, as an absolute minimum, the requirement for access points via more than one route (I understand the current plans include access from Oakhurst Rise only, which, in my opinion, is insufficient for traffic management and road safety).

I also understand that there are significant environmental and wildlife concerns. Please also note my support for ensuring the wildlife sites are protected.

Thank you for including my objection in your decision making.

Hales House  
111 Hales Road  
Cheltenham  
Gloucestershire  
GL52 6ST

**Comments:** 9th September 2022

As a Father of 3, I am dismayed by the lack of affordable housing in Cheltenham available for young adults trying to progress with their lives.  
I fully support any development that achieves more affordable housing for our town



18 Oakhurst Rise, Charlton Kings, Cheltenham, GL52 6JU

[REDACTED]  
[REDACTED]  
31 January 2022

Dear Head of Planning,

We wish to object to the outline application on the land adjacent to Oakhurst Rise. We have studied the revised application. Our primary concerns continue to relate to infrastructure issues and disturbance to the environment.

The approach to the site along Oakhurst Rise has two steep gradients, two bends and is narrower than roads built today. Of particular concern is the second gradient which has proved dangerous to us on the last four relatively mild winters. On two occasions we have been unable to leave our home by car for a couple of days due to icy road conditions. On one of those it needed the kindness of a neighbour, whose car was fitted with snow chains, to drive us down the hill. On a separate occasion we had to meet a taxi at the bottom of the rise because he was unable to drive to the top. An increase in traffic from the development would therefore in our view increase the risk of accidents thus endangering life in poorer weather conditions.

Much more frequently there is already considerable traffic congestion throughout Ewans Farm in the morning and evening weekday peak periods which would be worsened by additional inflow \ outflow from the proposed development.

The impact on amenities in the locality would also be worsened by this proposal. Our understanding, from waiting lists, is that there is already pressure on the GP surgery, the dentists and local schools to meet the needs of local residents.

Finally, the proposed development would cause considerable loss of habitat for the small gain in housing. Over the last two years we have naturally spend a great deal more time in our garden and have seen many different animals entering from the safe haven of the fields adjacent to our property. These personal sighting of fauna have included badger (there is a large sett in the field), roe deer, muntjac, foxes, squirrels, as well as numerous birds including woodpecker, magpie, jay, thrush, blackbird, dunnock, sparrows, nuthatch, chaffinch, pigeon, great-tit, longtail-tit, blue tits, robins, and wrens. When we have walked into the field we have also seen varied flora including oxeye daisies, bluebells, cowslips, campions, oxslips, field buttercups, bugle and alkanet to name just a few of the meadow flowers in this undisturbed haven for wildlife.

Yours sincerely

[REDACTED]  
PLANNING APPLICATION 22/00112/OUT

23 Beaufort Road,  
CHELTENHAM  
GL52 6JS  
4<sup>th</sup> February 2022

Ref 22/00112/OUT


Dear Mrs Pickernell,

With regards to the above application, I would like to continue my opposition to the proposals in line with my previously submitted observations.

There have been no changes to the roads on the Ewers Farm Estate and if anything speed has increased. Supposedly a 20mph estate, there is need for an enforcement policy to reduce the dangers from speedy cars.

I commented previously about the lack of infrastructure to cater for increased housing and this has been ignored. Usage of Oakhurst Rise as an access road is a joke. Icy weather maroons occupants of this proposed access road. Serious injuries/even possible fatalities could arise because of increased traffic. Granting of this application would be a catalyst for increased housing thereafter.

best wishes



Field House  
Ashley Road  
Battledown  
Cheltenham  
GL52 6PH

10<sup>th</sup> February, 2022

Dear Mrs Pickernell

**Ref: 22/00112/OUT**

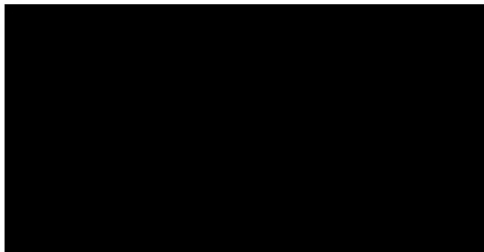
With reference to the above outline planning application, I refer you to the previous letters of objection that I have written when the other three planning applications were applied for housing on this land which were refused. Please refer to my letter dated 18<sup>th</sup> November 2018 re. 18/02171/OUT, and the previous letters which were then enclosed which I would like the Planning Committee to have access to.

The objections which I raised on the three previous occasions still apply regardless that the number of houses has been reduced to 25.


I feel that the applicant is hoping for "objection fatigue" in this case, and suggest again that the number of applications allowed should be limited. The cost to the Borough to go through these applications must be considerable.

My husband joins me in objecting to the Outline Application.

Yours sincerely,



*"Coversdown"*  
*Birchley Road,*  
*Cheltenham,*  
*GL52 6NY*



Sent Via Email

14<sup>th</sup> Feb 2022

Mrs Pickernell  
Department of Planning  
Cheltenham Borough Council  
Municipal Offices  
GL50 1PP

Dear Mrs Pickernell

**Ref 22/00112/OUT**

As a resident of Battledown my house, Coversdown, joins the northern boundary of the proposed development. **As such we strongly object to the application 22/00112/OUT**

I also objected to the previous applications by the same developer 17/00710/OUT, 18/02171/OUT & 20/00683/OUT in 2017, 2018, 2020. No houses should be built on this green meadow. I feel strongly that there should be a limit in the number of times an application be allowed to be put forward to the Council regarding this site. If the planning committee turns it down three times, that should be the limit. I wish that my letters of objection sent to the previous applications be lodged in addition to this letter.

**Proposed housing density**

The report states that the density of the houses was reduced on the boundaries that border Battledown. This is certainly not the case with the northern border of the proposed development. The plan shows "affordable houses" right on our boundary. In the previous applications, details were provided of the details of these type of houses. In this application, there is no detail of any of the affordable houses. Given that we have no details, despite asking the planning department for such, we must refer to previous applications, where the 2½ storey houses/flats were to be on a higher elevation than our house and will therefore look directly down into 4 of our bedrooms, let alone our drawing room and conservatory. This is a gross infringement on rights to privacy.

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O9 to conserve and enhance the setting of Cheltenham

O10 to conserve the natural beauty of the Cotswold Hills

O11 to conserve and improve Cheltenham's architectural, townscape and Historical heritage

O12 to conserve and improve Cheltenham's landscape character and green environment

O13 to safeguard the countryside from encroachment and inappropriate development

O16 to protect and improve the quality of land, air and water

O18 to maintain and encourage biodiversity

##### Housing

O23 to secure a high standard of residential amenity

##### Utilities infrastructure

O30 to reduce the risk of flooding and flood damage

O31 to make adequate provision in development for the satisfactory supply and treatment of water

##### Transport

O32 to promote sustainable transport

O33 to safeguard the potential for the future provision of transport infrastructure

O34 to ensure infrastructure in development is provided to a satisfactory standard

O35 to safeguard or improve personal safety in the transport system

O36 to contribute to road traffic reduction and improve traffic flow

It would therefore appear that this application fails in so many of the prescribed principles as laid out in the Local Plan.

In conclusion, whilst the developers supporting documents appear to be comprehensive and all encompassing, they are far from this. They are at best extremely biased and in many cases inaccurate. They are at worst lacking in substance for a development of this scale which has

inaccurate. They are at worst lacking in substance for a development of this scale which has far reaching implications not only to the residents of the immediate vicinity of the development but also to the greater community of Cheltenham.

We therefore implore the council to reject these plans outright.

Yours sincerely



End: Poster



# St Eds Meadow Cheltenham - 1 of just 6 local wildlife sites in Cheltenham borough



### Untouched since 1840, pesticide free oasis

Insects are in serious trouble. The meadow has remained unchanged since at least 1840. It has never been subject to damaging pesticides or fertiliser or modern agricultural techniques, a hay cut is as sophisticated as it gets. This provides a rare untouched habitat for many species.

### Hedgehog paradise

I am in serious decline due to reductions in permanent pasture, loss of hedgerows and field margins. Meadows like this are vitally important for my survival.



### Wildflower richness

The meadow has a richness of wildflowers and plants, essential food sources for an abundance of creatures.



### Many species not recorded

What am I? We have no idea, what else relies on the meadow that we don't know about?



This image show just a small selection of the species that have been recorded at the meadow.



### Globally threatened species

I am a Song Thrush and I am on the red list. my species is globally threatened. Please save my meadow



### Only records in the borough

I am a chimney sweeper moth, I was recorded at this meadow in vast numbers in 2021, the 1st records in the borough since 1976. I feed on pignut and the other wild flowers that grow in the meadow



### Breeding pairs

The meadow is home to breeding pairs of Tawny Owls, Buzzards and many other birds. It also has seven bat species recorded here.



### Abundance of moths & butterflies

Essential pollinators. The meadow has a rich variety of moths and butterflies. they are an indicator species, which show the important health of the meadow.

## PLAN CURRENTLY UNDER CONSIDERATION . . .



HAS A DEMORALISING IMPACT ON ANCIENT TREE HABITATS THAT WE BARELY UNDERSTAND



ABOUT LAND VALUE NOT AFFORDABLE HOMES



RICH BIODIVERSITY - IRREVERSABLY LOST FOREVER



AT ODDS WITH THE GOVERNMENTS LEGAL REQUIREMENT TO HALT SPECIES LOSS BY 2030 AS SET OUT IN THE ENVIRONMENT ACT.



DESTROYS A VITAL WILDLIFE CORRIDOR INTO THE HECTAR HIGH GARDENS OF CK AND BEYOND



LIGHT POLLUTION FOR VITAL POLLINATORS

# WRITE TO YOUR COUNCILLORS TO REGISTER YOUR CONCERNS. next review end of Feb

Email: [planning@cheltenham.gov.uk](mailto:planning@cheltenham.gov.uk) In Writing: Planning, Municipal Offices, Promenade, Cheltenham

*"Coversdown"*  
*Birchley Road,*  
*Cheltenham,*  
*GL52 6NY*



Sent Via Email

14<sup>th</sup> Feb 2022

Mrs Pickernell  
Department of Planning  
Cheltenham Borough Council  
Municipal Offices  
GL50 1PP

Dear Mrs Pickernell

**Ref 22/00112/OUT**

As a resident of Battledown my house, Coversdown, joins the northern boundary of the proposed development. **As such we strongly object to the application 22/00112/OUT**

I also objected to the previous applications by the same developer 17/00710/OUT, 18/02171/OUT & 20/00683/OUT in 2017, 2018, 2020. No houses should be built on this green meadow. I feel strongly that there should be a limit in the number of times an application be allowed to be put forward to the Council regarding this site. If the planning committee turns it down three times, that should be the limit. I wish that my letters of objection sent to the previous applications be lodged in addition to this letter.

**Proposed housing density**

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O9 to conserve and enhance the setting of Cheltenham

O10 to conserve the natural beauty of the Cotswold Hills

O11 to conserve and improve Cheltenham's architectural, townscape and Historical heritage

O12 to conserve and improve Cheltenham's landscape character and green environment

O13 to safeguard the countryside from encroachment and inappropriate development

O16 to protect and improve the quality of land, air and water

O18 to maintain and encourage biodiversity

Housing

O23 to secure a high standard of residential amenity

Utilities infrastructure

O30 to reduce the risk of flooding and flood damage

O31 to make adequate provision in development for the satisfactory supply and treatment of water

Transport

O32 to promote sustainable transport

O33 to safeguard the potential for the future provision of transport infrastructure

O34 to ensure infrastructure in development is provided to a satisfactory standard

O35 to safeguard or improve personal safety in the transport system

O36 to contribute to road traffic reduction and improve traffic flow

It would therefore appear that this application fails in so many of the prescribed principles as laid out in the Local Plan.

In conclusion, whilst the developers supporting documents appear to be comprehensive and all encompassing, they are far from this. They are at best extremely biased and in many cases inaccurate. They are at worst lacking in substance for a development of this scale which has

far reaching implications not only to the residents of the immediate vicinity of the development but also to the greater community of Cheltenham.

We therefore implore the council to reject these plans outright.

Yours sincerely

A large black rectangular redaction box covering the signature area.

Encl: Poster

# St Eds Meadow Cheltenham - 1 of just 6 local wildlife sites in Cheltenham borough



## Untouched since 1840, pesticide free oasis

Insects are in serious trouble. The meadow has remained unchanged since at least 1840. It has never been subject to damaging pesticides or fertiliser or modern agricultural techniques, a hay cut is as sophisticated as it gets. This provides a rare untouched habitat for many species.

## Hedgehog paradise

I am in serious decline due to reductions in permanent pasture, loss of hedgerows and field margins. Meadows like this are vitally important for my survival.



## Wildflower richness

The meadow has a richness of wildflowers and plants, essential food sources for an abundance of creatures.



## Many species not recorded

What am I? We have no idea, what else relies on the meadow that we don't know about?



This image show just a small selection of the species that have been recorded at the meadow.



## Globally threatened species

I am a Song Thrush and I am on the red list. my species is globally threatened. Please save my meadow



## Only records in the borough

I am a chimney sweeper moth, I was recorded at this meadow in vast numbers in 2021, the 1st records in the borough since 1976. I feed on pignut and the other wild flowers that grow in the meadow



## Breeding pairs

The meadow is home to breeding pairs of Tawny Owls, Buzzards and many other birds. It also has seven bat species recorded here.



## Abundance of moths & butterflies

Essential pollinators. The meadow has a rich variety of moths and butterflies. they are an indicator species, which show the important health of the meadow.

## PLAN CURRENTLY UNDER CONSIDERATION . . .



HAS A DEMORALISING IMPACT ON ANCIENT TREE HABITATS THAT WE BARELY UNDERSTAND



ABOUT LAND VALUE NOT AFFORDABLE HOMES



RICH BIODIVERSITY - IRREVERSABLY LOST FOREVER



AT ODDS WITH THE GOVERNMENTS LEGAL REQUIREMENT TO HALT SPECIES LOSS BY 2030 AS SET OUT IN THE ENVIRONMENT ACT.



DESTROYS A VITAL WILDLIFE CORRIDOR INTO THE HECTAR HIGH GARDENS OF CK AND BEYOND



LIGHT POLLUTION FOR VITAL POLLINATORS

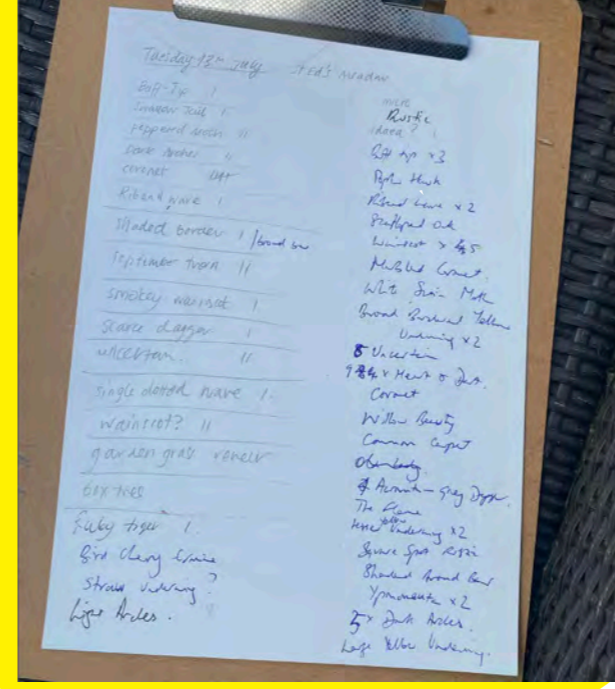
**WRITE TO YOUR COUNCILLORS TO REGISTER YOUR CONCERNS.**  
**next review end of Feb**

Email: [planning@cheltenham.gov.uk](mailto:planning@cheltenham.gov.uk) In Writing: Planning, Municipal Offices, Promenade, Cheltenham



# Cheltenham - St Eds Meadow

13th July 2021 - by the old hives



## Species list x35

- |                      |                    |
|----------------------|--------------------|
| Broad Bordered YU    | Marbled Coronet    |
| Bird cherry Ermine   | Peppered Moth      |
| Box Tree             | Poplar Hawk        |
| Buff Tip             | Riband Wave        |
| Coronet              | Ruby Tiger         |
| Common Carpet        | Rustic             |
| Common Wainscot      | September Thorn    |
| Dark Arches          | Scalloped Oak      |
| Flame Shoulder       | Single dotted wave |
| Garden Grass Veneer  | Shaded Broad Bar   |
| Grey Dagger          | Straw Underwing    |
| Lesser YU            | Swallow Tail       |
| Lg Broad Bordered YU | Square Spot Rustic |
| Lg YU                | Uncertain          |
| Light Arches         | White Satin        |
| Heart and Dart       | Willow Beauty      |
| Heart and Club       | NFY Mico x2        |

## Overview - Species Number 34





# Cheltenham - St Eds Meadow

14th July 2021 - by the pond



Handwritten notes on a piece of paper, listing various moth species and their counts. The text is written in cursive and includes names like 'Buff Tip', 'Black Arches', 'Rufous Minor', and 'Common Footman'.



- Species list x36**
- August Thorn x2
  - Beautiful Hooktip x2
  - Bird cherry Ermine
  - Box Tree x2
  - Buff Tip x1
  - Buff Arches x1
  - Black Arches x1
  - Black Neck x1
  - Brimstone x2
  - Common Wainscot x1
  - Common Footman x3
  - Coronet x7
  - Dark Arches x7
  - Dunbar x1
  - Fan Foot
  - Garden Grass Veneer
  - Grey Tortrix x2
  - Heart and Dart x10
  - Large YU
  - Poplar Grey
  - Rufous Minor
  - Rustic
  - Scalloped Oak
  - Scarce footman
  - Shaded Broad Bar
  - Smoky Wainscot x1
  - Square Spot Rustic
  - The Spectacle
  - Wainscot
  - Willow Beauty
  - Uncertain x7
  - Yellow Underwing **NFY x4**

## Overview - Species Number 36





# Cheltenham - St Eds Meadow

11th August 2021 - by the house



## Overview - Species Number 24



### Species list x25

- Black Arches
- Brimstone
- Canary shouldered thorn
- Chequered fruit tree tortrix
- Cloaked minor
- Copper underwing
- Dingy footman
- Double sqare spot rtustic
- Garden Pebble
- Iron Prominant
- Jersey Tiger
- Knot Grass
- Lesser Broad Bordered Yell Underwing
- Marbled green
- September Thorn
- Straw Dot
- Straw Underwing
- Swallow Prominant
- Yellow Shell
- Pale Prominant
- Shaded Brpad Bar
- Micro NFY x4

The night we stayed up until 3am!







**St Eds Meadow - wildlife**

Please note: Moth records are for 3 different traps in July and August 2021 only. Still lots to record here at different times of year

**Moth Species list**

- 1. August Thorn
- 2. Angle Shades
- 3. Beautiful Hooktip
- 4. Broad Bordered YU
- 5. Bird Cherry Ermine
- 6. Box Tree
- 7. Buff Tip
- 8. Buff Arches
- 9. Blood Vein
- 10. Black Arches
- 11. Black Rustic
- 12. Black Neck
- 13. Brimstone
- 14. Brindled green
- 15. Bordered Pug
- 16. Canary shouldered thorn
- 17. Centre barred sawfly
- 18. Chequered fruit tree tortrix
- 19. Clay
- 20. Cloaked Minor
- 21. Copper Underwing
- 22. Common Wainscot
- 23. Common Emerald
- 24. Common Footman
- 25. Common Plume
- 26. Coronet
- 27. Common Carpet
- 28. Dark Arches
- 29. Dunbar
- 30. Dingy footman
- 31. Double square spot rustic
- 32. Dusky Thorn
- 33. Ear Moth
- 34. Elephant Hawk Moth
- 35. Figure of 80
- 36. Fan Foot
- 37. Flame Shoulder
- 38. Garden Carpet
- 39. Garden Pebble
- 40. Garden Grass Veneer
- 41. Grey Dagger
- 42. Grey Tortrix
- 43. Heart and Dart
- 44. Heart and Club
- 45. Iron Prominent
- 46. Jersey Tiger
- 47. Knot Grass
- 48. Large Yellow Underwing
- 49. Lesser Yellow Underwing
- 50. Lesser Broad Bordered YU
- 51. Large BB Yell Underwing
- 52. Light Emerald
- 53. Light Arches
- 54. Lime speckled Pug
- 55. Maidens Blush
- 56. Marbled green
- 57. Marbled Coronet
- 58. Mother of Pearl
- 59. Pebble prominent
- 60. Pale Prominent
- 61. Peppered Moth
- 62. Poplar Hawk
- 63. Poplar Grey
- 64. Privet Hawk
- 65. Rufous Minor
- 66. Riband Wave
- 67. Ruby Tiger
- 68. Rustic
- 69. Scalloped Oak
- 70. Scarce footman
- 71. September Thorn
- 72. Sallow Kitten
- 73. Shaded Broad Bar
- 74. Shuttle shaped dart
- 75. Silver Y
- 76. Single dotted wave
- 77. Smoky Wainscot
- 78. Straw Underwing
- 79. Straw Underwing
- 80. Straw Dot
- 81. Small Emerald
- 82. Swallow Tail
- 83. Swallow Prominent
- 84. Square Spot Rustic
- 85. Six Striped Rustic
- 86. Uncertain
- 87. Vines Rustic
- 88. Water veneer
- 89. White Satin
- 90. Willow Beauty
- 91. Yellow Barred Brindle
- 92. Yellow Shell
- 93. Yellow Underwing
- 94. NFY Mico
- 95. NFY Mico
- 96. NFY Mico

**Day flying Moth**

- 97. Five Spot Burnet
- 98. Six Spot Burnet
- 99. Narrow bordered 5 S burnet
- 100. Chimney Sweeper

**Butterflies**

- 101. Green Veined white
- 102. Holly Blue
- 103. Marbled White
- 104. Small Tortoiseshell
- 105. Small Skipper
- 106. Ringlet
- 107. Brown Argus
- 108. Small Heath
- 109. Speckled wood

**Invertebrates**

- 110. Large Skipper
- 111. Small Heath
- 112. Minor Bee
- 113. Buff Tail Bumble
- 114. Woodlouse spider
- 115. Roesel's Bush-Cricket
- 116. Long green beetle
- 117. Marsh Snipe Fly
- 118. Longhorn Beetle
- 119. Soldier Beetle
- 120. Hedgehog bug NFY
- 121. Common carder Bee
- 122. Black Cock Beetle
- 123. Sextons Beetle
- 124. Meadow Plant Bug
- 125. 24 spot ladybird
- 126. 7 spot ladybird
- 127. 16 spot ladybird
- 128. 6 spot ladybird
- 129. Sunfly
- 130. Earthworm

**Reptiles**

- 131. Grass Snake
- 132. Slow Worm

**Amphibian**

- 133. Toad
- 134. Smooth Newt

**Trees**

- 135. Pedunculate oak
- 136. Sycamore
- 137. Field maple
- 138. Hawthorn
- 139. Ash

**Mamals**

- 140. Badger
- 141. Mouse
- 142. Roe deer (breeding popn)
- 143. Muntjac
- 144. Field vole
- 145. Fox
- 146. Squirrel
- 147. Brown long-eared bat
- 148. Noctule
- 149. Soprano
- 150. Pipistrelle
- 151. Lesser horseshoe
- 152. Mole
- 153. Hedgehog

**Birds**

- 154. Buzzard (breeding pairs)
- 155. Tawny owl (breeding pairs)
- 156. Red kite
- 157. Pigeon
- 158. Magpie
- 159. Common crow
- 160. Blackbird
- 161. Green woodpecker
- 162. Song thrush (red list)
- 163. Lesser spotted woodpecker.
- 164. Blue Tit
- 165. Robin
- 166. Glaucous sedge
- 167. Spiked sedge
- 168. Lesser knapweed
- 169. Pignut
- 170. Lady's bedstraw
- 171. Bluebell
- 172. Cat's-ear
- 173. Meadow vetchling
- 174. Rough hawkbit
- 175. Salsify
- 176. Common birds foot trefoil
- 177. Greater birds foot trefoil
- 178. Field wood-rush
- 179. Barren strawberry

**Plants**

- 180. Cowslip
- 181. Primrose
- 182. Bulbous buttercup
- 183. Yellow rattle
- 184. Goat's beard
- 185. Yellow oat-grass
- 186. Common dog violet
- 187. Vetch
- 188. Buttercup
- 189. Corn Marigold
- 190. Hellibore
- 191. Pyramidal orchids
- 192. Hawkweed
- 193. Hogweed
- 194. Crow garlic
- 195. Hair sedge
- 196. Bedstraw
- 197. Corncockle
- 198. Bee Orchid
- 199. Mica Inkcap
- 200. Grisette
- 201. The Meadow Waxcap

**Fungi**

- 199. Mica Inkcap
- 200. Grisette
- 201. The Meadow Waxcap

**Key**

Green = pictured  
Black = not pictured



Wadley's Farm,  
Ham Lane,  
Chalton Kings.  
GL52 6NJ.  
14<sup>th</sup> Feb. 22.

Dear Madam,

Once again I must oppose any development on the site next to St. Edward's Preparatory School, using Oakhurst Rise as the access, even though outline permission is sought for 25 dwellings, fewer than previously requested.

This is a "Private Green Space" subject to conditions in the Town Plan. Development of any sort would not in any way "retain and enhance existing landscapes."

The site supports a wide variety of wild life and remaining as it is, is without doubt the preferred option for the environment, St. Edward's Prep. School and the residents of Oakhurst Rise.

If permission is given, the impact

it would have on the locality would be appalling, with noise and disturbance, & much increased traffic (heavy duty builders' lorries, refuse lorries, deliveries & private traffic) to the detriment of St. Edward's School and the residents of Oakhurst Rise.

Planning Permission has been refused a number of times in the past and I hope Cheltenham Borough Council will be consistent in refusing this application again, thus preserving a green open space instead of tarmac & dwellings.

Yours faithfully,



WINDLEYS FARM,  
HAM LANE,  
CHARLTON KINGS,  
GL52 0NY  
13-2-22

Dear Mr. Petermell,

I have lost count of the number of applications which have been made for land off Cabhurst Avenue on the premises of St. Edwards School.

There is only one culture application to establish a principle, if it is permitted, anything could be applied for. An access to the proposed site is totally unsuitable.

Please do not allow permission for this application, it should be REJECTED.

yours faithfully -





11.2.2022

Land adjacent to Oakhurst Rise  
Ref 22/00112/007

With regard to the above I would refer to my objections in my last letter.

Since then the problems with the volume of traffic has increased along Charlton Court Road together with cars parked along it down to Brook Vale and parking now continues to the junction with Beaufort Road & Oak Avenue creating a hazard on the bend there.

Might I suggest that an automatic traffic censor be put on the road because it is used as a "nat run".

I would also add that a further loss of green space will impact further on wildlife.

I recently took part in the annual RSPB Survey & was saddened that I could only record a wood pigeon and a crow despite the fact that my property backs onto a small area of woodland.

Yours faithfully

Field House  
Ashley Road  
Cheltenham  
GL52 6PH

15<sup>th</sup> July 2022

Dear Mrs Pickernell

RE Outline application for residential development of 25 dwellings – access, layout and scale not reserved for subsequent approval at Land Adjacent to Oakhurst Rise Cheltenham.

Ref: 22/00112/OUT

With reference to the above, I refer you to the previous letters of objection we have written about this proposed development.

Regardless of where the houses are positioned, it is the development of the site and **NO HOUSES** should be allowed to be built. The fact is that this area should be allowed to be enjoyed by the school children, and the wild life, and that a diversity of fauna should continue to grow. We all need to have green open spaces for our mental well being and enjoyment.

We would like to add that the intention of the developer to build an artificial badger sett, does not take into the account that badgers are wild animals. I gather there are 40 living on this site. They go where they like and their homes being destroyed does not mean that they will move into an artificial one. In fact badgers are well known to dig and destroy property with their digging. I know of a case where some one's garage was completely undermined by badgers.

I also wish to draw attention to the fact that traffic on the Battledown Trading Estate has considerably increased since the Bakery has been opened. I noticed a queue of about 15 people the other day. This needs to be taken into account as it has increased the amount of traffic and it is already a dangerous short cut through the Estate and Ewens Farm to avoid the Hales Road/ London Road traffic lights, and it is getting much busier. Saying people will walk, take the bus or cycle is nonsense. They get in their cars. Especially as Oakhurst Rise is at the top of a considerable hill.

P.T.O



My husband joins me in objecting to this application.

Yours sincerely,

A large black rectangular redaction covers the signature area. A small number '4' is visible at the top left of the redacted area.

Ref: 22/00112/OUT

Wadleys Farm,  
Ham Lane,  
Chilton Kings,  
GL52 6NJ.  
20<sup>th</sup> July, 22.

Dear Madam,

Once again I write to object to the development of dwellings at land adjacent to Oakhurst Rise, Cheltenham, for exactly the same reasons as I have stated before, even though there are fewer houses proposed for the site.

1. As a "private green space" this proposed development would not in any way "retain & enhance existing landscapes".

2. The building of 2~~5~~<sup>5</sup> houses would be detrimental to the wide variety of wild life found on this green field site.

3. Should permission be granted the impact it would have on the locality - i.e. The environment, St. Edward's School

and the residents of Oakhurst Rise would be appalling with noise, disturbance and much increased traffic in this quiet residential area. Potentially there could be up to 50 cars daily using the access via Oakhurst Rise which in my view is unsustainable.

Applications to build on this site have been refused several times before, and I hope the Planning Committee will be consistent and refuse this latest application too.

Thanks for the opportunity to comment on this proposed development.

Yours faithfully,

A solid black rectangular box redacting the signature of the sender.



Emma Pickernell  
Case officer  
CBC  
GL50 9SA

ask for: Alison Salter  
phone: 0778 5315912  
email: [Alison.Salter@cbh.org](mailto:Alison.Salter@cbh.org)  
date: 6<sup>th</sup> October 2022

Dear Emma

**Site: Oakhurst Rise, Cheltenham**

In consideration of the proposed development at Oakhurst Rise, we understand that 10 affordable homes are proposed on the site, from a total of 25 dwellings. I write in support of the application which includes a range of 1, 2, 3 and 4 bed affordable homes on the site, as there is clear need and demand for such provision in this locality. The development is in an attractive and popular residential area and one where we would not have any concerns about letting the 7 rented properties.

As a bit of background, CBH is the Arm's Length Management Organisation (ALMO) for CBC and are the main Affordable Housing provider in Cheltenham. Embedded in the local community, we aspire to provide the highest standards of customer service and satisfaction for all our residents, across all tenure types. With over 180 employees we cover the full range of services including an in-house repairs team and dedicated housing management and ASB team. We provide our customers with a supportive housing management and community investment function which includes providing assistance to secure employment.

we would be very interested in acquiring the affordable dwellings on this site and I would welcome the opportunity to discuss this opportunity with the applicant in due course.

Please feel free to contact me with any queries.

Yours sincerely



Alison Salter  
Head of Development



# St Edward's

## PREPARATORY SCHOOL

**RE: 22/00112/OUT**

**Statement in support of development of St Edward's Preparatory School's 'top field'**

As tenants of the land owned by the Carmelite Order, we outline our position that we are in support of the application to secure planning permission on this piece of land.

The sale of the land for development would provide the opportunity for significant capital investment into St Edward's Preparatory School, which will ultimately benefit the pupils of the school and the local community, who have access the school's facilities for sports and recreational activities.

We ask that the Committee therefore approve this application.

**St Edward's Preparatory School**  
**October 2022**

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# Comments for Planning Application 22/00112/OUT

## Application Summary

Application Number: 22/00112/OUT

Address: Land Adjacent To Oakhurst Rise Cheltenham Gloucestershire

Proposal: Outline application for residential development of 25 dwellings - access, layout and scale not reserved for subsequent approval

Case Officer: Mrs Emma Pickernell

## Customer Details

Name: Not Available

Address: Charlton Manor, Ashley Road, Cheltenham, Gloucestershire GL52 6NS

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: the browser times out before any detailed comment can be submitted so in brief:

1. Letters to all interested parties were sent out nearly 9 months ago. The timeline for this application is flooded with supporting comments in the closing days. None of these addresses have been present at local discussion (with our MP and councillors); and few if any have submitted commentary on other local planning applications including those with extensive affordable housing. This is a blatant abuse of the process and should be called out.
2. The ecological baseline for this application is either out of date (bat surveys), done badly (reptile surveys on the hottest day of the year) or done at the wrong time of year (as noted by the inspector in evidence at the last appeal when she asked why a grassland survey had been done at the last minute in late July - the optimal time identified by Aspect Ecology was "May / June". They had no answer when asked why they hadn't done the work then. Since the identification of the site as a Local Wildlife Site there has been no new grassland survey despite a note in the allocation (by the Gloucestershire Wildlife Trust) that this was a future requirement. The absence of a credible survey baseline completely undermines the credibility of any BNG claims.
3. Standing advice on badgers has been ignored despite the badger being noted in the Cheltenham local plan as important to the area.
4. The outline approval for 250 homes on Oakley Farm Pastures has material impact on claims for school places, traffic and local service provision - not least because that site is not part of the local plan, and therefore no strategic infrastructure has been prepared for an extra 500 - 1000 residents on this side of Cheltenham.

5. St Edwards School was sold to the Alpha Group last year, yet new documents (unsigned) are being submitted claiming that the school accepts liability for Section 106 payments and that 'the school' is supportive. 'The school' is now a separate, commercial, entity. These documents are at best inaccurate and at worst wilfully misleading.



Page 196  
**Comments for Planning Application 22/00112/OUT**

**Application Summary**

Application Number: 22/00112/OUT

Address: Land Adjacent To Oakhurst Rise Cheltenham Gloucestershire

Proposal: Outline application for residential development of 25 dwellings - access, layout and scale not reserved for subsequent approval

Case Officer: Mrs Emma Pickernell

**Customer Details**

Name: Not Available

Address: 2 Brook Vale, Charlton Kings, Cheltenham, Gloucestershire GL52 6JD

**Comment Details**

Commenter Type: Neighbour

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: This development will be detrimental to the local nature and environment and add additional pressure onto the already strained local services, especially the local road network which already over used. I regularly see Deer roaming the grounds of the school, no doubt these will be forced out of the natural habitat if the development goes ahead.

## Comments for Planning Application 22/00112/OUT

### Application Summary

Application Number: 22/00112/OUT

Address: Land Adjacent To Oakhurst Rise Cheltenham Gloucestershire

Proposal: Outline application for residential development of 25 dwellings - access, layout and scale not reserved for subsequent approval

Case Officer: Mrs Emma Pickernell

### Customer Details

Name: Not Available

Address: 24 Castlefields Avenue, Charlton Kings, Cheltenham, Gloucestershire GL52 6YR

### Comment Details

Commenter Type: Other

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The proposed access route is inappropriate given that it is unsuitable for the volume of cars involved and very steep. The site is well used by the local community for both an annual bonfire celebration and regular cross country competitions by local and county schools, as well as being part of the regular lessons for St Edwards' pupils. Losing this amenity would therefore be a great loss. There will be an unacceptable detrimental impact on the local environment, including habitat loss for wild animals such as badgers, bats, foxes and an increased flood risk. Local infrastructure (schools, doctors surgeries, roads) will be put under unreasonable strain. I strongly object to these proposals.

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# Comments for Planning Application 22/00112/OUT

## Application Summary

Application Number: 22/00112/OUT

Address: Land Adjacent To Oakhurst Rise Cheltenham Gloucestershire

Proposal: Outline application for residential development of 25 dwellings - access, layout and scale not reserved for subsequent approval

Case Officer: Mrs Emma Pickernell

## Customer Details

Name: Not Available

Address: Willow Lawn, 9 Charlton Close, Cheltenham, Gloucestershire GL53 8DH

## Comment Details

Commenter Type: Other

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: As a resident of Charlton Kings I object to this application.

The Parish Council comments sum up many of the disadvantages of this proposal.

Wading through the various documents is very difficult but it seems that the proposal is for 62 car parking and 47 cycle spaces. Adding in commercial traffic (deliveries etc.) as well would surely put a great strain on the access route and also the local road network?

Due to the gradient, access by foot or cycle would also seem to be somewhat of a challenge.

There is no doubt that housing, whether private or social, is needed but is this really the right place for it?

Apologies if I have missed it, but what is the plan for increased amenities e.g. school places, especially in conjunction with the approved development at Harp Hill?

Ignoring the flats, this proposal is surely aimed at families - 2 x 2 bed houses, 7 x 3 bed & 8 x 4 bed - so that could easily add 50 children looking for school places.

"... The sale of the land for development would provide the opportunity for significant capital investment into St Edward's Preparatory School, which will ultimately benefit the pupils of the school and the local community, who have access the school's facilities for sports and recreational activities..."

I feel that the disruption to local residents (many of whom do not have children attending this private school) and wildlife is more important than improvements to the school or anyone using the leisure facilities.



---

## Appeal Decision

Inquiry Held on 23-26 March, 29 March & 31 March 2021

Site visit made on 1 April 2021

**by Claire Searson MSc PGDip BSc (Hons) MRTPI IHBC**

an Inspector appointed by the Secretary of State

Decision date: 11 May 2021

---

**Appeal Ref: APP/B1605/W/20/3261154**

**Land adjacent to Oakhurst Rise, Cheltenham**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by William Morrison (Cheltenham) Limited and The Trustees of the Carmelite Charitable Trust against the decision of Cheltenham Borough Council.
  - The application Ref 20/00683/OUT, dated 24 April 2020, was refused by notice dated 17 September 2020.
  - The development proposed is described as "*Outline application for residential development of 43 dwellings – access, layout and scale not reserved for subsequent approval.*"
- 

### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The application was made in outline which included access, layout and scale. Appearance and landscaping are reserved for future consideration. A broad Landscape Strategy Plan<sup>1</sup> does, however form part of the application plans, due to the ecological and arboricultural considerations at the site. Other plans, including methods of enclosure, boundary treatments, and potential house types have been treated as indicative only.
3. Charlton Kings Friends were granted 'Rule 6' status at the Inquiry (CKFR6). They presented arguments in terms of the main issue relating to heritage along with other matters including ecology, arboriculture, and sustainable transport.
4. A ruling was given in respect of amended plans following the Case Management Conference on 5 January 2021. This related to the inclusion of 4no self-build dwellings as part of the 43 dwellings proposed. It was ruled that the amended scheme would be appropriately considered at the Inquiry as there would be no prejudice to any interested parties. This was subject to a formal consultation on the proposed amendments which I have had regard to.
5. Many appeal decisions and court judgements were put before me in evidence by the main parties. Each case turned on its own evidence, as does my decision. I have had regard to these, drawing specifically on them where necessary.

---

<sup>1</sup> Drawing No 19216.101 Rev G

6. Three separate unilateral undertakings (UU) were submitted in draft form, discussed at the Inquiry and subsequently finalised. I come to these below.
7. Despite my indicative main issues given prior to the start of the Inquiry at the Case Management Conference, the subsequent evidence related to the natural environment was significant. Based upon the way the discussions evolved, I have dealt with it as a main issue.

### **Main Issues**

8. Accordingly, the main issues are:
  - (a) the effect of the proposed development upon the setting of Ashley Manor and icehouse (Grade II\* Listed) and Charlton Manor (Grade II Listed) including whether the harm is outweighed by the public benefits; and,
  - (b) the effect of the proposed development upon the natural environment.

### **Site and area description**

9. The appeal site comprises a broadly rectangular area of grassland of around 4.29 hectares. It is divided by a mature hedgerow and trees running north-south through the site. A number of other mature trees are located in and around the site and many are subject to a Tree Preservation Order (TPO). This includes ancient and veteran trees. The site also contains protected species such as badgers (and setts), bats and slow-worms, along with natural springs and is designated as a Local Wildlife Site (LWS)
10. Located in an elevated position, to the east of the dividing hedgerow, the site slopes down towards the southern boundary and the western part slopes towards the south and west with a steeper gradient.
11. The site is currently used as part of the grounds of St Edward's Preparatory School, which is located to the south. An area of the site is currently fenced off and used to house animals as part of the school farm and the eastern part of the site includes a distinctive mound with trees atop, identified as a former icehouse to Ashley Manor. The school occupies a large area and includes the Grade II\* listed Ashley Manor and other more modern school blocks, as well as sports and tennis pitches. The site boundary also includes narrow strips of land within the school grounds which relates to the connection of drainage runs.
12. To the north and east, the site is bounded by the rear gardens of properties along Ashley Road and Birchley Road, including the Grade II listed Charlton Manor, which all form part of the Battledown Estate. To the west, the site is bounded by rear gardens of dwellings along Charlton Court Road and Oakhurst Rise which is accessed from the Ewens Farm estate.
13. The site forms part of the Principal Urban Area (PUA) of Cheltenham. It is located around 2km from the Town Centre, although some local shops and facilities are located along London Road. The site is also within 20km of Cotswold Beechwoods Special Area of Conservation (SAC), Dixton Wood SAC, and Bredon Hill SAC.

### **Proposal**

14. The residential development would comprise 21 market homes, 18 affordable homes and 4 self-build/custom build plots. The units would take access from

Oakhurst Rise, a cul-de-sac of detached and semi-detached bungalows. The access road within the site would curve in an easterly direction with 2 culs-de-sac leading off to the south, terminating at an extended turning head to the north. Dwellings would comprise a mix of detached, semi-detached and terraced properties with designated parking.

15. The site would cut through part of the existing N-S hedgerow and would involve the loss of around 49 trees, including some 20 protected trees. Under separate licence, the development would remove the main badger sett within the site, and temporarily close other setts during construction.
16. Around 70% of the site would be retained as open space, the majority of which is the eastern part (including the icehouse) along with land to the south-west. A large new tree belt would separate the development from the open areas and the open land to the east would be retained as a LWS for use by St Edwards School. This area would also include an attenuation pond and an artificial relocated replacement badger sett. Ongoing management of the open space and LWS would be secured by condition and by the UU.

### **Background**

17. There is a significant background history to the appeal site which is relevant. An outline application for 90 dwellings was refused by the Planning Committee in 2018 against the recommendation of the Planning Officers. The reasons for refusal related to effects on trees, heritage assets, highways, biodiversity and the AONB.
18. A further outline application was submitted for 69 dwellings and again while this was recommended for approval, this was refused by Members in 2019. This scheme was appealed (and included a revision down to 68 units) and that appeal was dismissed in September 2019<sup>2</sup> on the basis of less than substantial harm to heritage assets which was not outweighed by the public benefits. Other harms in respect of trees and biodiversity, and highway safety were also found to support the case for the dismissal of the appeal.
19. The current appeal application for 43 units was also a Member overturn, with a single reason for refusal relating to heritage impacts which were not outweighed by public benefits.

### **Planning Policy Context**

20. The development plan includes the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (JCS) which was adopted in 2017 and the Cheltenham Plan (CP) which was adopted in July 2020. The JCS sets out the strategic policies for the area, while the CP sets out the local development management policies.
21. Policy SD8 of the JCS is an overarching historic environment policy which seeks to conserve and enhance heritage assets as appropriate to their significance and for their important contribution to local character, distinctiveness and sense of place.
22. Other policies referenced within the various statements of case include JCS Policies SD10 which seeks to locate residential development in the principal

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<sup>2</sup> APP/B1605/W/19/3227293

urban area of Cheltenham, SD9 (Biodiversity and geodiversity), SD12 (Affordable Housing). Similarly, CP Policies GI2 and GI3 relate to the protection of trees.

23. The CP allocates 9 sites for housing, as set out in Policy H1. It is recognised within the plan that the existing built-up area of Cheltenham is tightly constrained by Green Belt and the Chilterns Area of Outstanding Natural Beauty (AONB) with very little undesignated land in which to expand. The purpose of the allocations in H1 is to make the most of previously developed and under-used sites within the existing urban area.
24. Crucially, the appeal site forms one such allocation. Policy HD4 is the specific policy for this site. This is a detailed policy which sets out the site description, constraints and a number of comprehensive site specific requirements are also listed. For ease of reference, a copy of that policy is set out below:

<b>POLICY HD4: LAND OFF OAKHURST RISE</b>	
Site description	This site is a greenfield site within the existing urban area. However, the site is subject to a number of constraints and therefore the allocation of dwellings on the site has been adjusted to accommodate these.
Site area	4ha
Constraints	<ul style="list-style-type: none"> <li>• Steep gradients across the site</li> <li>• Mature trees and hedges</li> <li>• Adjacent listed buildings</li> <li>• Biodiversity</li> <li>• Heritage assets</li> <li>• Icehouse</li> </ul>
Site specific requirements	<ul style="list-style-type: none"> <li>• A minimum of 25 dwellings, subject to masterplanning (in accordance with Policy SD4 of the JCS) which demonstrates that the development can be achieved whilst accommodating:</li> <li>• Safe, easy and convenient pedestrian and cycle links within the site and to key centres</li> <li>• A layout and form that respects the existing urban characteristics of the vicinity</li> <li>• A layout and form of development that respects the character, significance and setting of heritage assets that may be affected by the development</li> <li>• Protection to key biodiversity assets and mature trees</li> <li>• New housing should be located away from the setting of the west elevation of Ashley Manor. There should be no development south of a straight line westwards from the rear of the northernmost school building. In addition, to provide an undeveloped buffer between the rear garden boundary of Charlton Manor and the new development a landscaping buffer should be provided for 30 metres west of the rear boundary with Charlton Manor.</li> <li>• Long term protection of mature trees and hedges</li> <li>• Any development on the site should secure improvements to the Icehouse</li> </ul>

25. There is significant local objection to the current appeal, and concerns from Historic England as a statutory consultee. The site was also subject to



significant objection and scrutiny as part of the local plan process, including during the examination of the CP by the examining Inspector who was aware of the 2019 appeal decision at the site. Two reports were produced for the CP evidence in terms of the heritage effects 'the ECUS Reports.'<sup>3</sup>

26. The policy was subject to a number of main modifications amendments including detailed site specific requirements relating to heritage, biodiversity and tree protection. The allocation of the site for some 25 dwellings and the detailed criteria were deemed by the examining Inspector in their report<sup>4</sup> to *"considerably reduce the potential for the harmful impacts which were identified in the appeal scheme. A more modest development would enable the interrelationships between the listed buildings, the site and the Icehouse to be better addressed and to avoid any harmful impact on the setting of the listed buildings."*
27. The Local Plan Inspector concluded: *"In view of the location of the site within the built-up area and the need for residential development within Cheltenham, I find that with an appropriate layout and form of development the issues raised as part of the appeal scheme could be satisfactorily addressed and the allocation is sound."*<sup>5</sup>
28. The principal of residential development of this site has therefore been robustly examined and is accepted. This policy forms a clearly defined and detailed baseline against which the appeal must be assessed.

## **Reasons**

### ***Heritage Assets***

#### *Significance*

29. Incorporating an earlier house, the Grade II\* listed Ashley Manor dates from around 1832 and comprises ashlar stone and hipped slate roofs. The western elevation to which the historic carriage sweep aligns, forms the main entrance to the property with Tuscan pilasters, a Corinthian portico and glazing bar sash windows. To the south elevation is a projecting bow window with Corinthian columns. Internally it has ornate plasterwork. It also has historic significance due to its connection with Nathaniel Hartland, a local banker. The listing description describes it as one of the finest villas in the Cheltenham area.
30. The setting of Ashley Manor has been eroded over time; modern and utilitarian school buildings and sports pitches have been built within its grounds, particularly to its south and eastern sides and including on the former pleasure grounds. The tree-lined carriage is still intact and there is a grouping with the listed summerhouse and drive piers, which are also individually Grade II listed.
31. The appeal site historically was never part of the designed landscape; however, it forms an unspoilt green backdrop to the Manor which has an increased presence due to the rising topography. The mature trees on the site boundary with the school, and those within the site, also give a sense of the site's historical associations with Ashley Manor. Views are taken towards the appeal site from within the Manor itself, although not from the ornate principal rooms.

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<sup>3</sup> ECUS Tabulated Historic Environment Appraisal Report Dated December 2017 (CD L6) and a more detailed site specific ECUS Heritage Assessment dated January 2019 (CD L7)

<sup>4</sup> Report on the Examination of the Cheltenham Plan 2011-2031 dated 17 March 2020

<sup>5</sup> Paragraph 59 of the above report.

- The land to the west of the mature hedgerow dissecting the site plays a more limited role in providing the green backdrop, due to its falling topography to the west.
32. The Icehouse is located within the appeal site and is around 100m north of Ashley Manor. It is visible as a mound with mature trees atop. There is some debate as to its provenance – an estate map dating from 1846 and a 1901 OS map label it as a reservoir but other OS maps including an 1886 OS map denote it as an Icehouse. Regardless of this, it is a discernible feature in the landscape of the site and is visible from the immediate grounds of Ashley Manor. I consider the appeal site and Icehouse represent an important remaining vestige of Ashley Manor’s historic pastoral landscape setting.
  33. Charlton Manor is a Grade II listed large mid-19<sup>th</sup> Century Gothic Revival mansion designed by Henry Dangerfield with part stone rubble, part rendered and mock timber framed facades and mullioned and transomed windows. There is an ornate tiled gabled roof with numerous decorative bargeboards. It is historically significant as the first of the large mansions to be built on the Battledown Estate. The appeal site forms part of an immediate and open backdrop to Charlton Manor, and is part of its setting.
  34. The grounds of the house which form part of its setting are located predominantly to the south and west. Historically these were more substantial to the south, having been subdivided and developed for housing during the 20<sup>th</sup> Century. Its western elevation faces directly out across the appeal site and principal rooms, including the billiards room, living room and upper floor bedrooms take in views of the site as well as much longer distance views of the wider landscape beyond the built up area of Cheltenham. As with Ashley Manor, the land to the west of the mature hedgerow is much less visible from Charlton Manor, again due to falling topography sloping to the west.
  35. The property benefits from an elevated position and Ashley Manor is visible to the south, down the sloping terrain and across part of the appeal site. There is also a strong interrelationship between Ashley Manor, the Icehouse and Charlton Manor in visual and historic terms.
  36. Overall, the appeal site contributes to the setting of these heritage assets, making a positive contribution to their significance, in addition to their architectural and historic interest. There was broad agreement on this point between the parties.

### *Effects*

37. In terms of effects, it was agreed by the main parties that the development would cause less than substantial harm to designated heritage assets.<sup>6</sup> The effects would be through development within the setting of assets, rather than any direct effects to the listed buildings themselves. In dispute was the precise level of harm within that category. Latterly, there was also a difference of opinion as to whether the Icehouse is curtilage listed. I shall take each issue in turn, below.
38. Any harm to heritage assets should be given great weight, but within each category of harm (which category applies should be explicitly identified), the extent of the harm may vary and should be clearly articulated, as set out

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<sup>6</sup> As heard in evidence and contained within the Heritage Statement of Common Ground

- within Planning Practice Guidance (PPG)<sup>7</sup>. This is important to define here, so as to assist in the heritage balance.
39. The development would maintain the open land to the north of Ashley Manor and to the east of Charlton Manor because the layout would incorporate a substantial open area to the east of the site. The Icehouse would remain open and a substantial tree belt would also help to provide a visual buffer between the open land and the new development. The closest development would be around 75m away from Ashley Manor and around 80m from Charlton Manor. As evidenced by the verified views, the relationship between Ashley Manor, the Icehouse and Charlton Manor would be preserved by the area of retained grassland. In this regard, the 6<sup>th</sup> bullet point in the Policy HD4 would be fully met.
  40. The harm would arise from the introduction of built form into the currently open setting and backdrop of Ashley Manor. In particular, plots 11-32 would be located to the east of the mature hedgerow.
  41. Similarly, for Charlton Manor, the development would be visible beyond the Icehouse and proposed tree belt, impeding views and urbanising the currently open aspect and setting. Plots 17-21 and 22-21 would be located closest to the Icehouse and would have greatest visibility from this heritage asset.
  42. The proposed tree belt would assist in mitigating the effect through clear separation of development and the retained grassland, as well as filtering views from the heritage assets. Details of this are reserved for future consideration. However, the tree belt's meandering form would have a somewhat artificial appearance in the landscape, reinforced by the presence of a 1.8m high deer proof fence along the perimeter with the open grassland.
  43. Taking the above together, there is some conflict with the 4<sup>th</sup> bullet point of the site requirements in Policy HD4 insofar as the layout and form would not respect the significance and setting of heritage assets.
  44. I am mindful that Grade II\* listed buildings represent the top 7% of England's most significant designated heritage assets. In combination with the Grade II listed building and Icehouse, the development would be firmly within the realms of 'less than substantial harm.'
  45. I recognise the changes from the previous appeal scheme have reduced the level of harm from very significant adverse impact to Ashley Manor and Charlton Manor. Nonetheless, I am of the view that there would be moderate harm when applying the scale put to me at the Inquiry, as opposed to the minor harm attested by the appellant.
  46. It should also be noted that the non-designated heritage asset of Glen Whittan, a large Edwardian house which also forms part of the Battledown Estate, is considered to be adversely affected by the appellant. The degree of harm is said to be slight/negligible, which I find no reason to disagree with. This also adds to my findings of harm to heritage assets.

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<sup>7</sup> Paragraph: 018 Reference ID: 18a-018-20190723

*Icehouse*

47. The status of the Icehouse as a curtilage listed structure was questioned by the planning witness for the appellant and submissions were made in closing on this matter.
48. Section 1(5) (b) of the Planning (Listed Building and Conservation Areas) Act 1990 (PLBCAA) states that any object or structure within the curtilage of the listed building which, although not fixed to the building, forms part of the land and has done so since before 1 July 1948 shall be treated as part of the listed building. Whether the building is 'curtilage listed' as per Section 1(5)(b) of the PLBCAA should be based on evidence relating to the physical layout of the listed building and the building in question, their ownership past and present, and their use or function past and present specifically whether the building was ancillary (i.e. subordinate to and dependent on) the purposes of the listed building at the date of listing.
49. While no explicit finding in relation to the Icehouse has been made before, the Council has always treated it as a curtilage listed structure and it is implicit in the previous Inspector's decision that it was of importance. It is also noted that the heritage witness for the appellant has treated it as a curtilage listed structure. Moreover, Policy HD4 has a specific requirement for securing improvements to it.
50. The appellants have sought to use recent case law at Blackbushe Airport<sup>8</sup> whereby it was held that curtilage cannot be seen as an expansive area. This case was examined in respect of Paragraph 6 of Schedule 2 to the Commons Act 2006 relating to whether an airfield was within the curtilage of a terminal building. However, I note the judges involved examined other case law, including that relating to listed buildings and considered that the general concepts were the same.
51. The matter of defining curtilage is never a straightforward exercise and there is a good deal of listed building case law on this matter. In general, it is a matter of fact and degree for the decision maker.
52. Mr Grover, for the appellant, noted in his proof that it is clearly located within land historically in the ownership of Ashley Manor, and will have been built to serve it, in a location away for the formal landscaped pleasure grounds.
53. It is around 110m to the north of the listed building, and as established above, there is a strong visual relationship between the two, not least due to the topography of the site. The distance in itself is not a decisive factor but I consider that 110m is not so great in this context as to reasonably raise significant concerns in that regard.
54. Overall, there was once was a functional relationship with Ashley Manor (be it reservoir or icehouse) and it is clearly ancillary to it as a substantial Regency villa. Therefore, I consider the Icehouse to be a curtilage listed structure.
55. Even if my findings on this issue were deemed to be incorrect, the Council did not make a case in terms of harm to this structure and thus it would not make any significant difference in respect of my conclusions as to the effects upon significance of Ashley Manor.

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<sup>8</sup> INQ30

### *Heritage Assets - Conclusions*

56. Overall, the development would cause harm to the significance of the Grade II\* Ashley Manor and Grade II listed Charlton Manor and Glen Whittan and a non-designated heritage asset. In this regard, the development would conflict with CP Policy HD4, as well as JCS Policy SD8. That harm is categorised as less than substantial, and I have found this to be to a moderate degree. In accordance with the Framework and the statutory obligations imposed, I give great weight to that harm. I shall weigh this against the public benefits later in my decision.

### **Natural Environment**

57. The appeal site represents a multi-faceted ecosystem which includes mature and veteran trees, hedgerows and grassland. Fauna includes badgers, a bat roost and reptiles. It is designated as a LWS. I deal with each element, below.

#### *Arboriculture*

58. The TPO covers around 45% of the trees on the site and includes a number of individually protected oak, ash and pine trees. It also includes two group designations including trees on top of the icehouse (Area A2) and to the northern boundary of the site (Area A3). Within the site, 5 veteran (reference 3007, 3026, 3028, 3030 and 3031) and 3 ancient trees (reference 3018, 3021 & 3037) have been identified by the appellant.
59. The glossary in the Framework defines ancient and veteran trees as *'a tree which, because of its age, size and condition, is of exceptional biodiversity, cultural or heritage value. All ancient trees are veteran trees. Not all veteran trees are old enough to be ancient, but are old relative to other trees of the same species. Very few trees of any species reach the ancient life-stage.'*
60. PPG<sup>9</sup> sets out further guidance, stating that trees become ancient or veteran because of their age, size or condition. It also provides advice on how to identify ancient and veteran trees and states that surveys and site assessments may be needed to identify such trees and inform planning decisions. Natural England and Forestry Commission standing advice also provides guidance on veteran and ancient trees.
61. A total of 49 trees would be removed to facilitate the proposed development, including around 20 protected trees in Area A3. The loss of these was not in contention, instead the focus of the dispute relates to whether the veteran trees on the site have been properly identified, and whether trees (including the ancient and veteran trees) would be protected effectively. The loss of trees 3016 and 3017 as unprotected but mature trees was also raised.
62. I recognise concern from the Woodland Trust (WT) and the Ancient Tree Forum (ATF) relating to the identification of veteran trees on the site. In combination, they considered that an additional 5 trees would also meet the definition (3010, 3014, 3015, 3022 and 3027). There was also a concern raised at the Inquiry from CKFR6 regarding trees 3032 and 3033 located outside the site being omitted from identification as veteran trees and that these would be harmed by proposed drainage works.

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<sup>9</sup> Reference ID: 8-032-20190721

63. The appellant has assessed the trees using their own in-house methodological approach called RAVEN<sup>10</sup> which has been adopted for use by a number of arboriculturists and local authorities.
64. I acknowledge there is a difference in the definitions of ancient or veteran trees with age, size and condition cited in the Framework but with age, size or condition cited by the PPG, the latter of which the WT and ATF have based their assessments. Notable are the differences of opinion between various experts in themselves on this; written expert submission on behalf of CKFR6 were content with their identification, whereas the ATF identified an additional 2 and WT an additional 5 trees (including the 2 by ATF). This highlights the complexity and somewhat subjective nature of identifying veteran trees.
65. The use of the RAVEN methodology was examined by the previous Inspector and was found to be generally sound in the identification of ancient and veteran trees. Having viewed the trees on site and reviewed all of the evidence before me, the disputed trees are all mature specimens and have value but would not meet the definition of veteran trees at this current time. I caveat this slightly as I have some reservations about tree 3014, a mature oak tree. As I saw at my visit it displays some veteran characteristics such as decay holes and cavities, deadwood, and exposed heartwood from a lightning strike.
66. Nonetheless, in general I find that RAVEN accords with the Framework definition and has provided a detailed assessment for identifying veteran trees on age, size, and condition in respect of their values. I note that the method also allows for flexibility and judgement. Tree 3014 would also be retained in any case.
67. In identifying veteran trees the appellant has introduced the concept of 'relic' trees for trees 3007 and 3021. Standing advice recommends that a buffer zone around a veteran tree should be at least 15x larger than the diameter of the tree, which is designed to protect individual trees and mitigate against development effects. However, for trees that have lost >75% of their original crown, a smaller buffer zone aligned with a root protection area (RPA) is proposed. The basis for this is that many trees with a large diameter stem have lost much of their crown or where stem circumference includes tissue which is no longer living. Linked to both, this is said to result in a more a compact root system for the tree.
68. While I accept there is clear science behind root to shoot ratios, veteran trees are identified as such because of crown retrenchment and signs of decay in the trunk branches or roots. To therefore use these parameters as a reason to reduce its buffer zone to the RPA, which is standard means of protection for any tree, would undermine the very purpose as to why a particular tree is identified as being veteran in the first place. There can also be no dispute that veteran trees have less vigour and as such are more likely to be adversely affected by environmental disturbance than younger more vigorous trees.
69. Applying a smaller buffer zone, the result is that the development of plots 9, 10, 22 and 23 along with allocated parking spaces and access roads would be within the buffer zone area as advocated by the standing advice for trees 3007 and 3021.

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<sup>10</sup> Recognition of Ancient Veteran and Notable Trees



70. Veteran trees are irreplaceable habitats. Even with a detailed veteran tree management plan (secured by condition) and wider tree protection measures, I cannot be sure, given encroachment into the standing advice buffer zone, that the development would not result in deterioration of these highly important trees.
71. It was said that the previous Inspector accepted the concept of a relic tree. However, from my reading of the decision, there is no detailed analysis in respect of this. Paragraph 59 of the appeal decision states that there was no substantive dispute concerning the veteran tree buffers of the trees to be retained. Incursions from raised walkways, parking bays and drains, as well as increased public access into veteran tree buffers and RPA were noted and the Inspector considered there would be some degree of risk to the longevity of the trees, finding conflict in that regard.
72. In respect of broader matters relating to protected trees, a detailed arboricultural management plan has been submitted. Measures to protect the trees during the construction phases and in terms of the ongoing and long-term management of the site would be secured.
73. However, some of the RPAs of protected but non-veteran trees would also be affected by the development. Tree 3014 would have its RPA breached by a small part of a garden and fence of plot 30. A parking bay to serve plot 29 would traverse this for oak tree 3015. Oak trees 3032 and 3033 would also have the drainage running in between them.
74. Trenchless provision for drainage is proposed and no-dig surfaces for the parking is proposed. Safeguards would also be in place due to the TPO. However, there would be a degree of risk to protected trees given the amount and layout of development, particular trees 3014 and 3015. Moreover, even if tree 3014 is not considered to be veteran now, the proximity of development would render it unlikely to achieve that status in the future.
75. By way of mitigation and compensation, I accept that a woodland belt would be created and I deal with overall biodiversity effects, including net gains further below.
76. Overall, in terms of arboricultural effects, I consider that the development would cause unacceptable harm to retained protected and veteran trees. This would conflict with the criteria in HD4, as well as CP policies GI12 and GI13 which seek to protect trees, through retention, new planting, appropriate pruning and protection during construction. The Framework also recognises the importance of ancient and veteran trees in paragraph 175 and states that development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused unless there are exceptional reasons and a suitable compensation strategy exists. Footnote 58 indicate types of exceptional examples and requires that public benefits should clearly outweigh the loss or deterioration of habitat.

#### *Badgers*

77. Badgers are a protected species, not for their rarity, but for their welfare and against illegal and cruel persecution. The CP recognises badgers and they are well known in the Borough.



78. A total of 6 badger setts are present within the site and I was able to view these at my visit, along with the well-worn badger paths extant across the site. The main sett BS1 has over 40 entrances, is a key breeding site and is located centrally within the site. It is proposed to remove this sett under licence. Other setts to be removed would be BS2, BS5 and BS6. BS4 would be temporarily closed during construction.
79. By way of compensation, the setts would be replaced by an artificial sett which would be located within the grassland near to the Icehouse, although detailed design would be for future approval. An outline mitigation strategy has been provided.
80. As a species, badgers are clearly thriving at the site, with an increase in their population being recorded as part of the assessments made for the previous and current planning appeal.
81. Concern was raised by CKFR6 that the proposed artificial set would be on the site of a spring. Thus, it would be uninhabitable and would not provide adequate compensation for the loss of the setts. However, the location of the new sett is not yet fixed and the submitted mitigation strategy is detailed. There is also protection through the licencing regime and Natural England would not issue a licence if it was not satisfied that the replacement sett was suitable. In that event, the existing setts could not be removed and given its central location, the development could not proceed.
82. Nevertheless, if the license were granted and the development were to go ahead, the badger population would undoubtedly be subject to more human pressure and interference. While around 70% of the site would remain undeveloped and the open land to the east would be accessible only to St Edwards School and not the new residents, retained sett BS4 would be in an area accessible to the residents of the development and the overall foraging areas would be reduced. Therefore, there would be a harmful effect upon badgers residing at the site, in conflict with CP Policy HD4 and JCS Policy SD9 which seeks to conserve and enhance biodiversity and geodiversity.
83. This is consistent with the conclusions of the previous Inspector for the 68 unit scheme. The number of units has been reduced, but I am mindful that the badger population has increased since that time meaning that the overall effects would be similar.

#### LWS

84. The LWS is a recent designation, and it qualified for designation for its value for learning. Concern was expressed by former pupils of the school and through a submitted petition, as well as by CKFR6.
85. Its designation post-dates the allocation of the site and the adoption of the CP and thus it is not referenced in Policy HD4. JCS Policy SD9 states that development within locally-designated sites will not be permitted where it would have an adverse impact on the registered interest features or criteria for which the site was listed, and harm cannot be avoided or satisfactorily mitigated.
86. Around 1.2ha located to the south and east of the woodland belt would be retained as a LWS for the use exclusively by the school and not for residents of

the development. In this regard, the site's value for learning will be maintained, albeit on a reduced site area than currently enjoyed by the pupils.

87. There was a debate regarding the quality of the grassland. Ongoing concern was cited with the timing of the survey work undertaken by the appellant. I am conscious that this matter was reviewed as part of the LWS designation process within input from the County Ecologist (CE) and Gloucestershire Wildlife Trust (GWT). While there may be some uncertainty as to the grassland quality, it did not prohibit the designation of the area as a LWS and to have value for learning must necessitate a degree of value in its flora.
88. I will come to proposed improvements and cited net gains further below, including whether this would form part of the learning experience.

#### *Bats*

89. A roost is documented in tree 3018 to the northern boundary of the site, currently occupied by a single bat.
90. There would be some fragmentation of its habitat by the mature hedge running through the site being split in two, south of the RPA for tree 3018, to enable the access road and 3 units.
91. Bats are a protected species, but I am mindful that this is a single roost, and trees and hedgerow to the northern boundary of the site in proximity of tree 3018 would remain. Further measures such as lighting controls and bat boxes are also proposed by the appellant and could be considered in detail by the reserved matters scheme. I thus consider that bats could be adequately protected.

#### *Reptiles*

92. The population of reptiles at the site was also disputed by CKFR6, and again the timing of the survey was criticised. Documented species includes slow worms and a grass snake.
93. While an updated survey may indicate a greater presence of such species, I am satisfied that these could be addressed through ecological survey work and management which could be secured by condition.

#### *Interrelationships*

94. CKFR6 raised concerns about ecological elements being treated by the appellant as 'Lego bricks' which are in isolation and moved around the development design.
95. While the proposal has been worked up and assessed together by the arboricultural and ecological experts, there do appear to be some outstanding matters which require a more comprehensive approach.
96. Specifically, the veteran tree management plan does not include reference to the badger setts and any implications of their closure within the buffer zones. Further detailed reptile survey work may mean that the artificial sett might affect reptile species such as the slow worm. Moreover, the creation of the new sett would involve the digging up of the grassland, although upon questioning it was indicated that this would be retained and reinstated following its construction. Future management of the LWS was also questioned given that

machine mowing would not be suitable over a badger sett and for improved grassland.

97. Having set out my broad findings above for each element of flora and fauna at the site, I am mindful that these do not live in isolation, but operate as an ecosystem, or to use the Oxford English dictionary definition a "*biological community of interacting organisms and their physical environment.*" It is therefore imperative that the development and management of the site is dealt with in a comprehensive form and I must consider the effects in the round.
98. However, the specific outstanding matters identified above could, reasonably, be dealt with by condition with management being secured in the submitted UU.

#### *Net Biodiversity Gains*

99. Paragraph 170 of the Framework seeks to minimise impact on and provide net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. Paragraph 175 also promotes net gains. Such gains are subject to a draft Environmental Bill whereby it will become mandatory for 10% net gains to be achieved. This is expected in autumn 2021.
100. This has been calculated by the appellant as around a 12% net gain, using a beta version of a Defra 2.0 metric. An updated version is imminent but was not available at the time of sitting. Using the same metric, CKFR6 has calculated that the site would generate net loss of around 17%. These are widely different calculations produced by two qualified ecologists. I note that discussion on this has been ongoing between parties for some time and calculations have been revised in both cases.
101. The differences relate to the baseline assumptions made when inputting data into the metric such as the inclusion of hard and soft areas of plots, roads and paths in the value calculation. It is also considered there is an incorrect application of the strategic multiplier along with a reliance on woodland creation via habitat succession, that would be at the expense of other habitats. Optimistic future outcomes are also believed to be assumed, which would affect the calculation further.
102. The metric is a beta version only and is subject to further update and review. Accordingly, there may be further refinement or guidance in terms of what should be considered under the 'development; sealed surface' category and the 'urban – suburban/mosaic of developed/natural surface' categories which accounts for the substantial area of divergence between the parties. The same point can be made in terms of the application of the strategic significance multipliers. However, as it stands there is nearly 30% difference between the appellant and CKFR6.
103. In terms of habitat succession, the woodland belt would be located on grassland and would result in grassland loss. However, even with the LWS allocation, based on the evidence before me the grassland quality could not be considered to be remarkable or even good and thus I do not consider that this would constitute an example of 'robbing Peter to pay Paul' as was put to me by the ecologist for CKFR6.

104. The precise amount of lost grassland is disputed between the appellant and CKFR6 due to the earthworks required for the badger sett and other infrastructure, and even if it is saved for the duration of the works and restored, I am unclear as to how this may or may not affect its value and, crucially how it might have factored into the metric.
105. While trees have clearly thrived at the site, as evidenced by their maturity and ancient and veteran status, there are uncertainties in respect of the underlying geology and hydrology, and whether the proposed belt of woodland would establish given the clay soil and springs in the site. That said, management would be secured for the lifetime of the development and as landscaping is a reserved matter, further assessment could take place.
106. I note that GWT and the CE have identified the potential for net gains to be made, with the CE noting that with the proper addressing of reserved matters, including a s106 agreement a biodiversity net gain would accrue.<sup>11</sup> In the main, I agree with that stance. I also note other appeal decisions where net gains have been given significant weight.<sup>12</sup> Even if any additional losses were incurred from the badger sett creation, the grassland quality could be significantly improved and the woodland belt would be likely to, at the very least form a minor benefit, although the precise levels are unclear. I am also mindful that GWT and CE do not appear to have reviewed or drawn on the metric calculation when reaching that view.
107. In this regard, and coming back to the LWS, I can be satisfied that its value for learning would, on balance, be likely to be maintained in spite of a reduction in the site area.
108. Nevertheless, there are significant uncertainties around the purported percentages of net gains. I simply cannot be certain as to what level of gain would result at the site and consider that they are unable to be accurately quantified at the present time.

*Do nothing scenario*

109. The appellant asserts that current management of the site is detrimental and that the ecological value of the site would further decline if a 'do nothing' scenario is continued. Effects such as mechanical mowing, the keeping of pigs and other livestock and hygiene works to remove deadwood from veteran trees (as an important biological component) are cited.
110. I was able to view evidence of this at my site visit, however now it is a known issue, it is a somewhat remarkable claim given that the appellant acts for the landowners and is best placed to advise on such matters for the future. In any case, the site is allocated and it is likely that development would occur and necessary appropriate management will take place in the future.

*Habitats Regulations Assessment (HRA)*

111. The proposal is near Cotswold Beechwoods Special Area of Conservation (SAC), Dixton Wood SAC, and Bredon Hill SAC. The effects from the proposal on the SACs would be the increase in people who may visit the SAC for recreational purposes, and this could adversely affect the integrity of the sites.

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<sup>11</sup> CD F23

<sup>12</sup> INQ21

112. Due to their distance away and the scale of development, the latter two SACs have been screened out as they are not likely to be significantly affected.
113. However, for the Cotswolds Beechwood SAC, the development might give rise to an increase in people who may visit the SAC for recreational purposes. The SAC is also sensitive in terms of air quality.
114. The Shadow Habitats Regulation Assessment (SHRA) carried out by the appellant for the previous scheme of 69 units details that fewer than 1 additional visitor (0.632) would be likely to visit either the Cotswolds Beechwoods SAC annually and this would be reduced further by the development of 43 units. Therefore, any recreational pressure and a reduction in air quality would be marginal or negligible.
115. Homeowner information packs (HIPs) would be provided to all new residents, outlining informal recreational assets in the area and key 'Countryside Code' messages. The aim of this would be to direct new residents to other sites, avoiding the SAC.
116. With the HIPs, the potential adverse effect would be avoided, and the integrity of the site would not be adversely affected. Natural England also have no objections to the proposal.
117. I thus am satisfied that the HIP could be effectively secured by condition, and having undertaken the Appropriate Assessment, I am satisfied that the scheme would not adversely affect the integrity of the nearby habitat sites.

#### *Natural Environment - Conclusions*

118. At present, the site contains a wealth of ecological assets including its trees and hedgerows, ancient and veteran trees, badgers and other flora and fauna as identified above.
119. Paragraph 175 of the Framework advocates an avoid-mitigate-compensate hierarchy but given the allocation of the site, avoidance of all effects is unrealistic and there have been significant efforts made in terms of mitigation and compensation. I have found that bats and reptiles would be protected and subject to condition, there would be no effects upon the integrity of the SAC having carried out an Appropriate Assessment.
120. That said, I have identified harm to veteran trees which are afforded a significant level of weight and protection in the Framework. Badgers, as a protected species, are also likely to be adversely affected. Provision of management plans for existing trees and retained grassland are cited as a benefit of the scheme. However, while net gains and the protection of the LWS may likely be achieved in the long term, at this stage these cannot be quantified with any accuracy.
121. In considering the effects in the round, and mindful of the weight to be given to irreplaceable habitats, I consider it appropriate to adopt a precautionary approach in terms of the natural environmental resources at the site.
122. Overall, I thus consider that overall the development would conflict with CP HD4 in terms of trees and biodiversity, along with CP policies GI12 and GI13 and JCS Policy SD9 (in terms of its overarching protections of biodiversity and geodiversity) and paragraphs 170 and 175 of the Framework. As an allocated

site where avoidance of effects is unrealistic, I consider that this may form a wholly exceptional reason under paragraph 175(c). Accordingly, I shall weigh this against the public benefits later in my decision, similarly for heritage effects.

## **Other Matters**

### *Access and Traffic*

123. Maximising sustainable transport options is one of the main objectives of the Framework and this includes providing for high quality walking and cycling networks. Oakhurst Rise, as its name suggests, has a relatively steep gradient leading east to the appeal site which then continues to rise to the existing mature hedgerow running through the site.
124. I accept that the gradients involved are slightly below cycle design guidance<sup>13</sup> but the site is an allocation in a residential area where many developments are located at a gradient. CKFR6 consider a design approach could be adopted and attest that it isn't beyond modern technology, however no such examples were given as to what this might be or how it might address this issue.
125. The topographies involved will require a degree of physical fitness from both pedestrians and cyclists, but it would not be insurmountable. Having visited the road, I saw several cyclists and pedestrians, including with pushchairs. which demonstrates that the local topography does not overly limit such activities. I also note the offer of an e-bike voucher as part of the travel pack by way of mitigation.
126. Significant local objection has also been generated in terms of highway safety concerns from local residents, including those who live on Oakhurst Rise, and the surrounding network which will be utilised by the new residents of the development. This included a mock coroner's report written following the fictional death of a family from a traffic collision. This was a highly unusual form of evidence, but it does demonstrate the level of concern locally.
127. While I would not go as far as the previous Inspector who described the access route as 'tortuous,' it is certainly an indirect access owing to the one way system in place around Oak Avenue/Churchill Drive/Beaufort Road, and the presence of on street parking.
128. Oakhurst Rose would be changed to a new through-route and there would be additional flows but having reviewed the evidence, I consider that would not be harmful in terms of highways effects. The highways authority cites no objections to the scheme on technical highway grounds in terms of flows, junctions, visibility, capacity or other which is a matter of considerable importance. The methodological approach taken is an industry standard commonly used to assess housing applications. Highways issues would have also been considered as part of the local plan process which led to the allocation of the site.
129. Records do not indicate incidences of conflict between pedestrians, cyclists and motorised vehicles in the vicinity. That is not to say that such incidences have not occurred, but there is little evidence to support such claims. The one-

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<sup>13</sup> As set out in local Transport Note 1/20 Cycle infrastructure Design



way system and local conditions also act as traffic calming measures. Construction traffic would also be dealt with by condition in order to minimise those time-limited effects.

130. Overall, while I appreciate the local concern, I am satisfied that there would be no highway safety implications arising from the proposed development that could warrant finding unacceptable harm, subject to conditions. The development would accord with Policy HD4 in this regard.
131. On a slightly separate matter, an Oakhurst Rise resident has advised that their accessible transport, which is necessary to access medical care and respite facilities would no longer be able to attend the property due to the road becoming a through route. Evidence has been provided as to the frequency of the visits, nature of the vehicle and access required by the Care Centre, run by the County Council.
132. Accordingly, I must also have due regard to the Public Sector Equality Duty contained in Section 149 of the Equality Act 2010, which requires me to consider the need to eliminate unlawful discrimination, to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. Protected characteristics include a person's disability or age. It does not follow from the PSED that the appeal should automatically be dismissed. However, I am required to have due regard to the duty in arriving at my decision.
133. I am mindful that this is an allocated site and Oakhurst Rise would always be the access point. The allocation itself thus would always result in an affect to this particular resident. I do not doubt that the access would be affected to the property from the changes to the road and increased flows along it. Nonetheless, the existing small turning head to Oakhurst Rise will remain, and there would also be additional turning heads within the site itself. The length of time the vehicle would need to be parked outside of the property should also be manageable with the predicted flows, particularly outside of the peak hours and would be akin to delays experienced from delivery vehicles. The construction management plan to be submitted by condition could make specific provision to the occupants for the duration of construction.
134. Moreover, as a service provided by the County Council, I would expect there to be other options and collaborative working to help address this particular issue, given that this is an allocated site by a public authority.
135. Therefore, while I acknowledge the personal circumstances of the neighbouring resident, the specific accessibility impacts would be limited to a degree.

#### *Flood Risk and Drainage*

136. I have dealt with issues in respect of springs within the site at appropriate points in my decision. In general, there was no objection to the scheme from statutory bodies on this basis.
137. Drainage has been considered in detail for surface and foul water, and these would be subject to further condition and detailed assessment which should give further comfort to local residents. There is no evidence to support the concerns relating to capacity of the main sewerage system. I therefore find no harm in this regard.



## **Planning Benefits**

138. For the avoidance of any doubt, in ascribing weight to the benefits I have used the following scale: limited, moderate, significant and substantial.

### *Housing Delivery*

139. It is common ground that the Council cannot currently demonstrate a 5-year housing supply, with the current figure being around 3.7 years. It was explained that this was due to some of the strategic sites in the JCS not coming forward to planned timescales due to site specific complexities.

140. As an allocated site, the 25 unit minimum set out in CP HD4 will factor into the supply calculations. However, Cheltenham is also a constrained area for development and 18 additional units are proposed. In light of these factors, along with the shortfall, I consider this to be a substantial benefit. My findings are broadly consistent with the previous Inspector who gave market housing significant weight, and I note that the supply position has worsened from the time that decision was made.

### *Affordable Housing*

141. Comprehensive and undisputed evidence has been provided in relation to affordable housing need across the country as well as on a Borough level and specifically for Charlton Kings. There is an accumulated shortfall of 1,015 affordable homes against the requirements of the 2015 SHMA and the need is acute. The contribution of 40% affordable housing at the site including social rented units, affordable rented units and shared ownership units of different sizes as guaranteed by the submitted UU. This is of substantial weight.

### *Self-Build Housing*

142. There is a substantial and unmet demand for self-build housing and the Council has continually failed to meet their statutory duties to meet this need.<sup>14</sup> Again this was uncontested by the Council, who also conceded that this shortfall would continue into the next base period, which ends on 30 October 2021. The inclusion of 4 self-build plots as part of the development also carries substantial weight.

### *Employment*

143. There would be employment benefits in terms of provision of jobs during the construction phase as well as further spending within the local shops and facilities by the residents of the site. I agree with the assessment made by both the main parties on this matter and I give moderate weight to those benefits.

### *Drainage*

144. The Council and appellant have agreed that proposed drainage works represent a minor benefit due to this reducing surface water run-off from the site with the installation of attenuation facilities to regulate the rate of discharge. This also takes account of future increases in rainfall from climate change.

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<sup>14</sup> As required by the Self-Build and Custom Housebuilding Act 2015 (as amended).

145. I have found no harm in respect of drainage matters, however drainage is typically required as mitigation in order to protect residents (both existing and new) from flood risk. I therefore disagree that this would constitute a benefit. Instead, this would be neutral.

#### *Charity Finances*

146. It is submitted that as registered charities the Carmelite Order and the school would benefit from the uplift in land value which would arise from the grant of planning permission. This would thus benefit their charitable practices and statutory need to provide public benefits.

147. Financial considerations do not normally fall within the remit of planning benefits/disbenefits. The site is allocated in the CP and I don't know what uplift has already occurred because of this. It is reasonable to assume there would be further uplift from the additional houses proposed but I don't have evidence on this. I also have limited information in terms of how any monies might be utilised for charitable purposes and there is no mechanism before me to secure that. I am thus unable to give it weight in the balance.

#### *Icehouse*

148. Further investigation and interpretation of the Icehouse would be secured by condition in accordance with CP Policy HD4, and I agree with the main parties that this should be afforded limited weight.

### **Planning and Heritage Balance**

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

150. This is an allocated site in the recently adopted CP and the site was identified as suitable for the development of housing after a rigorous site selection process. While there was significant local objection and strength of feeling against the development of the site, as an allocation the principal of development in this location is established.

151. I am conscious that it was chosen because it was the least harmful option in a highly constrained area. As a challenging site, Policy HD4 is upfront in identifying its constraints and detailed criteria which provide protection to heritage and habitats, amongst other things.

152. In making my assessment, I have found less than substantial harm to designated heritage assets, which I have identified as being at a moderate level. I have also found harm to irreplaceable habitats and I have adopted a precautionary approach in terms of broader natural environment/biodiversity issues which also weighs against the scheme. Together, these matters result in conflict with allocated Policy HD4 as well as SD8, SD9, GI12 & GI13.

153. Due to a lack of housing land supply, the presumption in favour of sustainable development as set out in Paragraph 11 of the Framework is engaged. In such circumstances, paragraph 11d(i) of the Framework states that planning permission unless the application of policies in the Framework that protected areas or assets of particular importance provides a clear reason for refusing development. Footnote 6 sets clarifies that this includes policies

relating to designated heritage assets and irreplaceable habitats sites. In order to assess this, I am required to weigh identified harm to habitats and heritage against the public benefits.

154. Substantial benefits would arise from housing delivery, affordable housing and the self-build units. Employment benefits carry moderate weight and limited weight is attached to the Icehouse benefits.
155. Matters relating to flood risk and drainage, as well as access and highways, are neutral. There is some conflict with the PSED for the reasons cited above which is given limited weight against the development.
156. The harm has also been reduced from that identified by the previous Inspector and significant efforts have gone into developing the revised scheme through detailed masterplanning. I note that the Council Officers, including internal consultees such as the Conservation Officer, also were in support of the scheme. I am also mindful that the scheme was not refused on the basis of ecological and arboricultural effects.
157. Nevertheless, harm to heritage assets and irreplaceable habitats are afforded significant weight in statute and by the Framework. I accept that, on the face of it, finding against a housing scheme on a very recently allocated site is perhaps somewhat unusual, particularly as the housing figure contained within Policy HD4 is expressed as a minimum. However, based upon the detailed policy context set out in HD4 and my findings above, I consider that, on balance, these matters plus the other harms identified, are determinative. The harm would not be outweighed by the public benefits I have identified, even where they are deemed to be substantial.
158. Therefore, there is conflict with the development plan and the Framework provides a clear reason for refusing the development proposed.
159. Finally, alternative schemes were discussed at the Inquiry with a 20 unit scheme and a 25 unit scheme layout being presented. However, I have assessed the proposals before me based on their own merits.

### **Conclusion**

160. For the reasons given above and having taken into account all other matters raised, I therefore conclude that the appeal should be dismissed.

*C Searson*

INSPECTOR

## **ANNEX A: APPEARANCES**

### FOR THE LOCAL PLANNING AUTHORITY:

Jeremy Patterson	Solicitor and Principal Planning Lawyer, Tewkesbury Borough Council
He called:	
Robin Williams	Managing Director of Asbri Planning
BA BTP Dip Surv	
MRICS MRTPI	
Will Holborow	Senior Heritage Consultant, Purcell
BA BArch ARB MA	
(Conservation Studies)	
CAABC IHBC	

### FOR THE APPELLANT:

Christopher Young QC aided by Sioned Davis of Counsel	Instructed by Peter Frampton on behalf of William Morrison (Cheltenham) Limited and the Trustees of the Carmelite Charitable Trust
They called:	
Peter Frampton	Director at Frampton Town Planning Ltd
BSc(Hons) TP MRICS	
MRTPI	
Philip Grover	Director at Grover Lewis Associates Ltd
BA(Hons) BTP Dip Arch	
Cons MRTPI IHBC	
Julian Forbes-Laird	Director & Principal Consultant at FLAC
BA(Hons) Dip.GR.Stud	
MICFor MRICS	
MEWI Dip.Arb(RFS)	
Alistair Baxter	Director at Aspect Ecology
BA(Hons) MS (Oxon) MSc	
CEcol CEnv MCIEEM	
James Stacey	Senior Director Tetlow King
BA (Hons) Dip TP MRTPI	
Andrew Moger BA (Hons)	Associate Director Tetlow King
MA MRTPI	
Adam Padmore	Managing Director Cotswold Transport Planning Ltd
BSc (Hons) MSc (Env Management) MSc (Transport) CIHT	
Jan Kinsman	Associate Director at Educational Facilities Management Partnership Limited (EFM)
CEng MICE BSc(Eng) ACGI	
Jude Rodrigues	Legal Director Davies & Partners Solicitors

### FOR THE RULE 6 PARTY:

Sally Walker	Representative for Charlton Kings Friends
MA (Hons)	

**INTERESTED PERSONS:**

Bridgette Boucher	Senior Solicitor at Gloucestershire County Council
Jack Taylor	Woodland Trust
David Edwards	Local Resident
Chris Lythgoe	Oakhurst Rise Resident
Ben Marsden	Battledown Estate Resident
Katie Forster	Charlton Court Road Resident
Susan Hughes	Charlton Court Road Resident
Oliver Sanders	Former pupil of St Edwards Preparatory School
Cllr Matt Babbage	Cheltenham Borough Councillor, Battledown Ward (also speaking on behalf of Alex Chalk MP and Cllr Louis Savage)
Derek Long	Battledown Estate Resident
Phil Walker	Battledown Estate Infrastructure Trustee
Peter Marsden	Local Resident
Roger Willbourn	Trustee of the Battledown Estate

**ANNEX B: INQUIRY DOCUMENTS**

**DOCUMENTS SUBMITTED AT THE INQUIRY**

- INQ1: Council's Opening Statement
- INQ2: Friends of Charlton Kings Opening Statement
- INQ3: Appellant's Opening Statements
- INQ4: David Edwards Transcript
- INQ5: Chris Lythgoe Transcript plus attached comments from Andy Thurlow, The Prestbury Centre, and analysis bullet points.
- INQ6: Ben Marsden Transcript
- INQ7: Katie Forster Transcripts – Access, Traffic Safety & Drainage and Storm Water
- INQ8: Susan Hughes Transcript
- INQ9: Oliver Sanders Transcript
- INQ10: Cllr Babbage Transcript
- INQ11: Jack Taylor (Woodland Trust) Transcript
- INQ12: Combined Transcript Derek Long and Phil Walker
- INQ13: Peter Marsden Transcript
- INQ14: CIL Compliance Statement – Gloucestershire County Council
- INQ15: Roger Willbourn Transcript
- INQ16: St Edwards School Cheltenham Trust Trustees Report and Financial Statements for the year ended 31 August 2019
- INQ17: The Carmelite Charitable Trust Report and Accounts 31 December 2016
- INQ18: Email exchanges P Frampton-R Williams Jan 2021
- INQ19: Oakhurst Rise S106 Position Statement
- INQ20: Table of Affordable Housing evidence produced for S78 appeals 2014-2021 (Tetlow King Planning)
- INQ21: Secretary of State Decision and Inspectors Report Land to West of Burley-in-Wharfedale Bradford APP/W4705/V/18/3208020 dated 3 March 2021
- INQ22: Final Draft s106 Agreement (and associated plans)
- INQ23: Revised Draft s106 UU Agreement Self Build Units (and associated plans)
- INQ24: Statement of Fact – Education Contributions Stephen Chandler, Gloucester County Council and notes of s106 UU (GCC Provisions).
- INQ25: Affordability Ratios Note
- INQ26: Revised Draft Conditions (Clean and Tracked Changes versions)
- INQ27: CIL Compliance Statement (revised) version 2 at 30.03.21

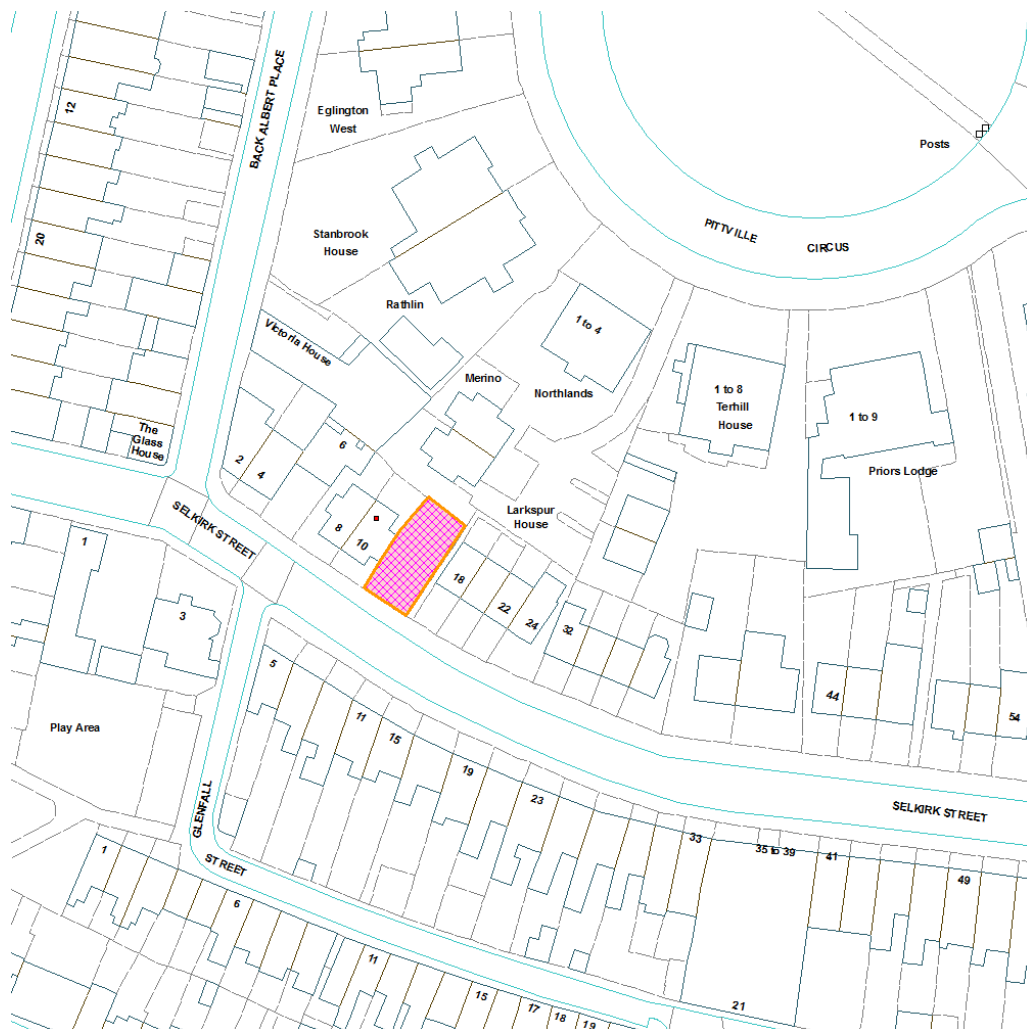
- INQ28: Site Visit Itinerary
- INQ29: Email – Council’s observations on conditions 16, 21 and the planning obligation 30.03.21
- INQ30: R (Hampshire County Council) v Secretary of State for Environment, Food and Rural Affairs [2021] EWCA Civ 398
- INQ31: Suffolk Coastal DC v Hopkins Homes Ltd & SSCLG and Richborough Estates Partnership LLP & SSCLG v Cheshire East BC [2017] UKSC 37
- INQ32: Appellants’ Response to Queries ahead of RTS on Conditions & Obligations 31.03.21
- INQ33: Appellants’ Response to B Boucher Note 31.03.21
- INQ34: Revised Public Benefits Table
- INQ35: R.(Forge Field Society) v Sevenoaks DC [2014] EWHC 1895 Admin
- INQ36: GCC Contributions Schedule and S106 Monitoring Officer Fees Generated
- INQ37: Revised Draft S016 GCC UU (clean and tracked changes versions) and associated plans
- INQ38: Revised Draft Conditions (Clean and Tracked Changes versions)
- INQ39: Gloucestershire School Places Strategy 2021-2026
- INQ40: Council’s Closing Submissions
- INQ41: CK Friends Closing Submissions
- INQ42: Appellant’s response to Education Statement of Fact
- INQ43: Appellant’s Closing Submissions

#### **DOCUMENTS SUBMITTED AFTER THE CLOSE OF THE INQUIRY**

1. Scanned Certified Copy of Completed S106 Agreement between (1) Trustees of Carmelite Charitable Trust (2) St Edwards School Cheltenham Trust (3) William Morrison (Cheltenham) Ltd (4) Cheltenham Borough Council, dated 19 April 2021.
2. Scanned Certified Copy of Completed Unilateral Undertaking in favour of Gloucestershire County Council, dated 19 April 2021.
3. Scanned Certified Copy of Completed Unilateral Undertaking in favour of Cheltenham Borough Council, dated 19 April 2021.

<b>APPLICATION NO:</b> 22/01441/FUL		<b>OFFICER:</b> Michelle Payne
<b>DATE REGISTERED:</b> 10th August 2022		<b>DATE OF EXPIRY:</b> 5th October 2022 <small>(extension of time agreed until 22nd November 2022)</small>
<b>DATE VALIDATED:</b> 10th August 2022		<b>DATE OF SITE VISIT:</b>
<b>WARD:</b> Pittville		<b>PARISH:</b>
<b>APPLICANT:</b>	Mr and Mrs Leach	
<b>AGENT:</b>	SF Planning Limited	
<b>LOCATION:</b>	10 Selkirk Street Cheltenham Gloucestershire	
<b>PROPOSAL:</b>	Erection of 1no. three storey self-build dwelling on land adjacent to 10 Selkirk Street	

**RECOMMENDATION:** Permit



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## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site is located on the northern side of Selkirk Street, close to the junction with Back Albert Place, and comprises part of the curtilage to 10 Selkirk Street; a semi-detached two storey dwelling, with a separate self-contained flat at basement level.
- 1.2 The site is located within the Principal Urban Area (PUA), and the Fairview and All Saints' character area of the Central conservation area. The Townscape Analysis Map within the character area appraisal identifies the existing property, 10 Selkirk Street, as being a positive building, with the adjacent modern terrace identified as a 'significant neutral' building.
- 1.3 The existing property on site is traditional in its design, with rendered elevations, a hipped slate roof, and sliding sash windows; the property has been previously extended by way of a modest two storey side extension. A red brick wall forms the rear site boundary.
- 1.4 To the north (rear) and east, the site is bound by modern housing built within the grounds of Northlands, a grade II listed villa on Pittville Circus. Planning permission having been granted in 2003 for the conversion of the listed villa into 4no. duplex apartments, and the erection of 2no. coach houses at the rear, and a terrace of 4no. town houses fronting Selkirk Street, following demolition of an existing sports hall.
- 1.5 There are other grade II listed buildings within the vicinity of the site but none that would be directly affected by the proposed development.
- 1.6 The applicant is seeking planning permission for the erection of a new, contemporary, three storey self-build dwelling alongside the existing dwelling.
- 1.7 Revised plans have been submitted during the course of the application to address officer concerns and these are discussed in the report below.
- 1.8 The application is before the planning committee at the request of Cllr Tooke due to the level of concern amongst neighbours. Cllr Tooke has furthered commented raising concerns over the height of the building; parking; design; and scale. The call-in to committee is also supported by Cllr Fifield who has concerns over the size and height of the building.

## 2. CONSTRAINTS AND PLANNING HISTORY

### Constraints:

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

### Planning History:

<b>CB17954/00</b>	<b>PERMITTED</b>	<b>18th December 1986</b>
Change of use of basement to self-contained flat		
<b>03/00673/FUL</b>	<b>WITHDRAWN</b>	<b>13th June 2003</b>
Erection of dwelling within grounds of 10 Selkirk Street, Cheltenham		
<b>03/01241/FUL</b>	<b>REFUSED</b>	<b>10th September 2003</b>
Erection of dwelling within grounds of 10 Selkirk Street, Cheltenham		
<b>03/01589/FUL</b>	<b>REFUSED</b>	<b>17th December 2003</b>
First floor extension over existing porch to create additional bedroom		

### 3. POLICIES AND GUIDANCE

#### **National Planning Policy Framework 2021 (NPPF)**

Section 2 Achieving sustainable development

Section 4 Decision-making

Section 5 Delivering a sufficient supply of homes

Section 9 Promoting sustainable transport

Section 11 Making effective use of land

Section 12 Achieving well-designed places

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

Section 16 Conserving and enhancing the historic environment

#### **Adopted Cheltenham Plan 2020 (CP) Policies**

D1 Design

D3 Private Green Space

SL1 Safe and Sustainable Living

GI2 Protection and replacement of trees

GI3 Trees and Development

#### **Adopted Joint Core Strategy 2017 (JCS) Policies**

SD3 Sustainable Design and Construction

SD4 Design Requirements

SD8 Historic Environment

SD10 Residential Development

SD11 Housing Mix and Standards

SD14 Health and Environmental Quality

INF1 Transport Network

INF2 Flood Risk Management

#### **Supplementary Planning Guidance/Documents**

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

Fairview and All Saints Character Area Appraisal and Management Plan (2008)

Pittville Character Area and Management Plan (2008)

Cheltenham Climate Change SPD (2022)

### 4. CONSULTATION RESPONSES

#### **Tree Officer**

**11th August 2022**

Although there are no trees on site, the proposal would build on or pave most of the soft landscaped area - the Climate Change SPD recommends resurfacing as little as possible. While the Trees Section would welcome the addition of a mixed native hedge, there is space for a small shade tolerant tree either to the front or rear of the property (e.g. Amelanchier arborea, holly etc).

A tree protection plan referencing BS 5837 (2012) should be submitted to protect the Turkish hazel on the highway verge.

Consideration should also be given to the large lime on the highway verge. It should be demonstrated on the plans that no works will take place within the root protection area of this tree. If works are to take place within this area (excavation, construction, resurfacing etc), a method statement referencing BS 5837 (2012) should be submitted describing how this work will be achieved without damaging the roots of the tree.

As the lime and Turkish hazel are due south of the proposed development, with the lime being a large tree already and the Turkish hazel far from fully grown, there is the potential for future conflict caused by shade, seasonal debris drop etc. It should be noted that as highway trees, it is unlikely that they'll be pruned for any other reason than safety concerns. It should also be noted that the trees adjacent to site are protected by the Conservation Area.

Reason: to protect the amenity and biodiversity value of trees in the Borough as per Policies GI2 and GI3 of the Cheltenham Plan.

### **Building Control**

**15th August 2022**

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

### **Ward Councillor - Councillor Julian Tooke**

**4th September 2022**

I would like to refer the planning application above to the planning committee.

The above application is causing much concern amongst a number of neighbours in the vicinity of the proposed construction. I believe that the application should be rejected.

[The resident] who lives on Pittville Circus Road, and would be severely impacted by the proposed development, has put significant effort into getting expert planning and architectural advice relating to the application. The reports raise serious points which deserve very careful consideration and strongly support a rejection of the application.

**24th October 2022**

I have a number of concerns about this building:

- a) I think it is too tall.
- b) It will reduce the street parking because, although it has parking in its drive, it will remove 2 parking spaces which are available on the street in front of the plot now.
- c) The design of the back of the building is poor and ugly for the buildings behind it.
- d) The scale of the building means that it will restrict the light onto the building behind.
- e) Finally I note that there is significant opposition from neighbours on the street and I think their views should have significant weight.

### **Cheltenham Civic Society**

**22nd September 2022**

SUPPORT

This makes good use of an infill site. This is a new building, so off street car parking with EV charging should be provided. This may help to alleviate neighbours' concerns about parking.

### **Architects Panel**

**27th September 2022**

Design Concept

The panel had no objection to the principle of building a separate dwelling on this site but felt the proposed design represented overdevelopment of the site due to its scale and design which would have a negative impact on neighbouring properties.

Design Detail

The rear elevation is particularly poor due to its scale and design. Showing this elevation in context with adjoining properties would identify the problem. Stepping back the attic floor would help but reducing the height to a two storey building might result in a more appropriate design. The panel felt the projecting first floor 'pod' was an unnecessary addition that made the scheme look overdeveloped.

Recommendation  
Not supported.

**GCC Highways Development Management**  
**7th October 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.

**1st November 2022**

Paragraph 111 of the NPPF is clear that *“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”* The parking requirements set out in Manual for Gloucestershire Streets Addendum October 2021 require for 1 car parking space for 2 bedroom units.

Selkirk Street has restricted parking requirements, as it is permitted, and the addition of 1no. vehicle as per our parking requirements, is not perceived to result in a severe impact on the road network to sustain a recommendation to refuse.

I hope this clarifies our position.

**Ward Councillor - Councillor Stephan Fifield**  
**19th October 2022**

As one of the Borough Councillors for Pittville, I have major issues with this proposal, many that have already been highlighted by members of the public here.

My main concern is the size of the building, it's too high for that area, which is already very densely packed. A new acceptable building would need to be at maximum 2 storey and much more respectful of neighbouring buildings.

For these reasons, and others stated, I will be supporting calling this into planning committee if approved.

## **5. PUBLICITY AND REPRESENTATIONS**

- 5.1 On receipt of the application, letters of notification were sent to 12 neighbouring properties. In addition, a site notice was posted and an advert published in the Gloucestershire Echo.
- 5.2 Additional consultation was carried out on receipt of the revised scheme.
- 5.3 In response to the publicity, representations have been received from 27 contributors; 9 of which write in support, and 18 of which write in objection to the proposal. All of the representations have been circulated in full to Members.
- 5.4 The objections relate to, but are not limited to:
  - Not sustainable development / contrary to policy

- Design is out of keeping with neighbour development
- Lack of parking provision
- Access, noise and disturbance during construction
- Overlooking / loss of privacy
- Loss of daylight / overshadowing
- Loss of private green space
- Previous refusal of planning permission for a dwelling in this location
- Visual impact
- Overdevelopment
- Trees

## 6. OFFICER COMMENTS

### 6.1 Determining issues

6.1.1 The main considerations when determining this application relate to the principle of development; design, layout and impact on the conservation area; climate change; impact on neighbouring amenity; and parking and highway safety.

### 6.2 Principle

6.2.1 Paragraph 11 of the National Planning Policy Framework (NPPF) sets out a “*presumption in favour of sustainable development*” which for decision-taking means approving development proposals that accord with an up-to-date development plan without delay.

6.2.2 The development plan comprises saved policies of the Cheltenham Borough Local Plan Second Review 2006 (CBLP); adopted policies of the Cheltenham Plan 2020 (CP); and adopted policies of the Tewkesbury, Gloucester and Cheltenham Joint Core Strategy 2017 (JCS). Other material considerations include the National Planning Policy Framework 2021 (NPPF), and Planning Practice Guidance (nPPG).

6.2.3 Where housing policies are out-of-date (including situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites), the NPPF is quite clear that development proposals should be approved without delay unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the NPPF policies as a whole, or specific NPPF policies provide clear reason for refusal. As it stands, the Council is currently unable to demonstrate such a five year supply of housing and therefore the ‘tilted balance’ in favour of granting permission is triggered.

6.2.4 Notwithstanding the above, the application site is sustainably located within the Principal Urban Area, wherein adopted JCS policy SD10 supports new housing development where it is infilling within the Principal Urban Area; JCS paragraph 4.11.5 setting out that “*infill development means the development of an under-developed plot well related to existing built development.*”

6.2.5 Moreover, throughout the NPPF emphasis is given to new development optimising the potential of the site; and policy SD10 also requires new residential development proposals to “*seek to achieve the maximum density compatible with good design, the protection of heritage assets, local amenity, the character and quality of the local environment, and the safety and convenience of the local and strategic road network.*”

6.2.6 As such, there is no fundamental reason to suggest that the principle of erecting an additional dwelling on this site is unacceptable, subject to the material considerations discussed below. The principle of development is wholly in accordance with relevant local and national planning policy.

6.2.7 It is noted, in the objections, that reference is made to a previous refusal of planning permission in 2003 for the erection of a dwelling on this site but, given the significant changes to planning policy, both nationally and locally, that have since taken place, the previous refusal of planning permission is immaterial in the determination of this application, which must be considered in the context of the current development plan.

6.2.8 It is also noted that reference has been made in some of the objections to CP policy D3; however, in this instance, it is not considered that the site makes any significant contribution to the townscape and environmental quality of Cheltenham, and certainly not to the extent that the principle of development should be found unacceptable.

### 6.3 Design, layout and impact on conservation area

6.3.1 Paragraph 130 of the NPPF requires decisions on planning applications to ensure that new developments *“will function well and add to the overall quality of the area...; are visually attractive...; are sympathetic to local character...including the surrounding built environment...whilst not preventing or discouraging appropriate innovation or change (such as increased densities); establish or maintain a strong sense of place...; optimise the potential of the site...; and create places that are safe, inclusive and accessible...with a high standard of amenity for existing and future users”*.

6.3.2 The above requirement is generally consistent with the design requirements set out in adopted CP policy D1 and JCS policy SD4.

6.3.3 Additional guidance can be found in the Council's adopted SPD relating to development on garden land and infill sites, which sets out that various elements combine to create the character of an area and include grain, type of building, location of buildings within the block or street, plot widths and building lines. The document states at paragraph 3.5 that *“Responding to character is not simply about copying or replicating what already exists in an area...Change in itself is not considered a bad thing automatically...”*

6.3.4 Furthermore, section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the conservation area in which the site is located. JCS policy SD8 also requires development to make a positive contribution to local character and distinctiveness, having regard to valued and distinctive elements of the historic environment.

6.3.5 Building heights and styles, and materials, in the vicinity of the site, particularly on this side of Selkirk Street vary greatly and, as such, there is no clear distinct character to which new development must adhere. Indeed, the proposed dwelling would sit between two disparate buildings. Moreover, as previously noted at paragraph 6.3.3, the Garden Land SPD is clear that responding to character is not simply about copying or replicating what already exists. There are numerous examples throughout the borough, including within conservation areas, of contemporary dwellings which sit comfortably within the street scene, alongside more traditional forms of dwelling. As such, officers are satisfied that the general design approach is acceptable in this location. In addition, the subdivision of the site would not be at odds with the surrounding urban grain.

6.3.6 That said, officers had concerns about the original scheme, as did the Architects Panel who, whilst raising no objection to the principle of a separate dwelling on this site, felt the rear elevation was poor and that *“the projecting first floor 'pod' was an unnecessary addition that made the scheme look overdeveloped.”* Revisions were therefore sought.

6.3.7 In the revised scheme, the top floor has been reduced in size and is now set in some 1.8 metres from the main rear elevation, set in from the sides, and the roof terrace to the front of the dwelling, and the projecting overhang to the side have been omitted. Additional changes to the fenestration, together with a reduction in the number of bedrooms from three

to two, are also proposed. Officers are therefore satisfied that, whilst the Architects Panel have not commented on the amended scheme, the revisions address their main concerns.

6.3.8 In terms of height, the street scene elevation demonstrates that the eaves height of the dwelling will reflect that of the neighbouring terrace, and the overall height of the dwelling, solar panels aside, would not exceed the height of the buildings on either side. The solar panels would not be overly prominent within the street scene.

6.3.9 With regard to external facing materials, the dwelling would largely be rendered with a brick faced two storey front bay, powder coated aluminium windows, and cladding to the recessed top floor. The general palette of materials proposed is considered to be wholly acceptable; however, to ensure a suitably high quality development, a condition is recommended which requires additional detail of the selected facing materials to be submitted and agreed prior to their implementation.

6.3.10 Both the existing and proposed dwelling will be provided with modest outdoor amenity spaces commensurate with those serving a number of neighbouring properties; together with adequate space for the storage of cycles, and refuse and recycling.

6.3.11 Overall, officers are satisfied that the proposed dwelling would sit comfortably within its context and be a visually attractive building that has the potential to raise the general standard of design within the wider area.

6.3.12 With regard to the impact on the conservation area, whilst the proposed dwelling would undoubtedly be a visually prominent new addition to the street scene, this is not, in itself, considered to be harmful; and officers are satisfied that the dwelling would at least preserve, if not enhance, the character and appearance of the area. The open aspect of the site as existing is not considered to be of any particular importance.

#### 6.4 Climate change

6.4.1 In addition to the aforementioned design policies, adopted JCS policy SD3 requires new development to be designed and constructed to maximise the principles of sustainability; development proposals are required to “*demonstrate how they contribute to the aims of sustainability*” and “*be adaptable to climate change in respect of the design, layout, siting, orientation...*”

6.4.2 JCS paragraph 14.4.11 goes on to advise that:

*Before considering the use of renewable energy technologies the design of a development should first identify measures to reduce overall energy demand. This can include choice of building fabric and construction techniques, optimising solar gain, natural lighting and ventilation to reduce the need for space heating and/or cooling and lighting. Secondly, the design should include measures to use energy more efficiently such as increasing levels of insulation in walls, floors and roofs and improved air-tightness.*

6.4.3 The recently adopted Cheltenham Climate Change SPD also provides guidance on how applicants can successfully integrate a best-practice approach towards climate change and biodiversity in all new development proposals.

6.4.4 In response to the SPD, the applicant has submitted a Sustainability Statement in support of the application that sets out the measures proposed as part of this development. The measures include, but are not limited to:

- The fitting of low water use fittings and appliances to reduce water consumption
- The provision of solar pv technology on the flat roof



- Permeable hard surfacing

6.4.5 Such measures are welcomed and are considered to be appropriate for this small scale development. The method of providing heating and hot water for the dwelling remains to be determined.

### 6.5 Neighbouring amenity

6.5.1 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. In addition, as previously noted, NPPF paragraph 130 highlights the need to secure a high standard of amenity for existing and future users.

6.5.2 In assessing the amenity impacts of a development, CP paragraph 14.4 advises that *“the Council will have regard to matters including loss of daylight; loss of outlook; loss of privacy; and potential disturbance from noise...and traffic / travel patterns”*.

6.5.3 All of the amenity concerns raised in the objections have been duly noted but officers are satisfied that, following revisions to the original scheme, no unacceptable level of harm would occur as a result of the development.

6.5.4 It is acknowledged that the proposed dwelling would sit to the south/southwest of part of the garden serving the dwelling to the rear, Larkspur House; however, given the proximity of adjacent buildings, and the additional garden space that would be unaffected by the proposal, officers are satisfied that any additional overshadowing resulting from the dwelling would be limited. In addition, it is noted that French doors have been installed in the side elevation of this neighbouring dwelling, but the proposed dwelling would not be located directly in front of these doors. Moreover, the revisions to the scheme, to set the top floor in from the rear elevation, have also overcome officer's concerns in relation to outlook; the dwelling would be read in conjunction with neighbouring buildings.

6.5.5 With regard to privacy, the first floor windows in the rear of the proposed dwelling have been carefully considered to ensure that no loss of privacy or overlooking would occur. The small bathroom window is detailed to be obscure glazed and fixed, whilst the bedroom window would largely be screened by a fixed external louvre, with a fixed, obscure glazed side light. The fixed louvre will allow for an opening window behind to provide natural ventilation to the bedroom, whilst preventing views out beyond the boundary. The rear facing windows at second floor would also be fitted with fixed external louvres. The details of which could be secured by condition.

6.5.6 In addition, whilst the comments from the immediate neighbour to the east, no.20 Selkirk Street, have been duly noted; the dwelling would not significantly impact on light levels to the small, north facing gardens at the rear of this adjacent terrace; the proposed dwelling would not extend beyond the rear of the terrace.

6.5.7 It is noted that no.18 Selkirk Street has a window in its side elevation but this window does not serve a habitable room and is therefore not afforded any protection. Similarly, many of the windows in the side of no.10, that would be affected by the proposed dwelling, do not serve habitable rooms.

6.5.8 Consideration has been given to the access to the basement flat and officers are satisfied that sufficient access will be retained.

6.5.9 It is acknowledged that some noise and disturbance would inevitably be caused during the construction of the dwelling but this is to be reasonably expected. The personal circumstances of individuals living nearby cannot be taken into account in the determination

of this application. An informative has been attached advising the applicant of the accepted construction hours for works which are audible beyond the boundary, which are Monday to Friday 7.30am to 6pm, and Saturdays 8am to 1pm.

### 6.6 Parking and highway safety

6.6.1 Adopted JCS policy INF1 requires all development proposals to ensure a safe and efficient access to the highway is provided for all users; and states that permission will only be refused on highway grounds where the impact of the development upon the local highway network would be severe. The policy is wholly consistent with Section 9 of the NPPF.

6.6.2 From a highway safety perspective, the application has been reviewed by the County Highways Development Management Team (HDM) who raise no objection; concluding 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.”*

6.6.3 Additional comments from HDM set out that the Manual for Gloucestershire Streets Addendum October 2021 requires one car parking space for new two bedroom units. As such, whilst it is noted that parking is of great concern to local residents, given the scale of development proposed, it could not be argued that the lack of one car parking space to serve the proposed dwelling (as per the requirements) would have a severe impact on the local highway network; and planning permission could not be withheld on such grounds.

### 6.7 Other considerations

#### *Self-build*

6.7.1 The application proposes the erection of a self-build dwelling, and The Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016) states that local planning authorities *“must give suitable development permission to enough suitable serviced plots of land to meet the demand for self-build and custom housebuilding in their area.”* JCS policy SD11 also seeks to encourage self-build housing.

6.7.2 As such, whilst officers are satisfied that the proposed development is acceptable in any event, the proposal would also help to fulfil the requirement to provide self-build plots in Cheltenham.

#### *Trees*

6.7.3 There are no trees on site that would be affected by the development; however, there are a couple of trees within the highway verge adjacent to the site, a small Turkish hazel and a large Lime which will need to be protected during construction.

6.7.4 In addition, whilst the Trees Officer would welcome the addition of a mixed native hedge, they also consider that there is space for a small shade tolerant tree either to the front or rear of the property; this could be secured by condition.

#### *Flooding*

6.7.5 The site is located within Flood Zone 1 and at a low risk of flooding; as such, new residential development in this location is considered to be wholly appropriate from a flooding perspective.

#### *Public Sector Equalities Duty (PSED)*

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

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

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

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

## 7. CONCLUSION AND RECOMMENDATION

- 7.1 Decisions on planning applications must be made in accordance with the development plan.
- 7.2 The application site is sustainably located within the Principal Urban Area, wherein adopted JCS policy SD10 supports new housing development. Moreover, throughout the NPPF emphasis is given to new development optimising the potential of the site; and policy SD10 also requires new residential development proposals to *“seek to achieve the maximum density compatible with good design, the protection of heritage assets, local amenity, the character and quality of the local environment, and the safety and convenience of the local and strategic road network.”*
- 7.3 Notwithstanding the above, where housing policies are out-of-date (as is the case in Cheltenham as the Council is currently unable to demonstrate a five year supply of deliverable housing sites) development proposals must be approved without delay unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the NPPF policies as a whole, or specific NPPF policies provide clear reason for refusal.
- 7.4 As set out in the above report, officers are satisfied that the design of the dwelling as revised is acceptable in this location. The scheme would not detract from the conservation area. Furthermore, there are no significant amenity concerns arising from the development; and no highway objection has been raised by the Local Highway Authority.
- 7.5 Moreover, the proposed additional dwelling would make a small but nevertheless valuable contribution to the borough’s housing stock, and also help to fulfil the requirement to provide self-build plots in Cheltenham.
- 7.6 Overall, officers are satisfied that the proposed development would not result in any adverse impacts that would significantly and demonstrably outweigh the benefits of the scheme. The recommendation therefore is to grant planning permission subject to the following conditions:
- 7.7 In accordance with the Town and Country Planning (Pre-commencement Conditions) Regulations 2018, agreement has been sought from the applicant in respect of the pre-commencement conditions (conditions 3 and 4).

## 8. CONDITIONS

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

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

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

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

- 3 Prior to the commencement of development (including demolition and site clearance), tree protective fencing to BS 5837:2012 for the Turkish hazel and Lime tree within the adjacent highway verge shall be installed in accordance with a Tree Protection Plan that shall have first been submitted to and approved in writing by the Local Planning Authority. The approved tree protective fencing shall thereafter remain in place until the completion of the construction process.

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

- 4 Prior to the commencement of development (including site clearance), a Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority.

The approved method statement shall be adhered to throughout the development process and shall, where necessary:

- i) specify the type and number of vehicles expected during the construction of the development;
- ii) allocate space for the parking of vehicles for site operatives and visitors;
- iii) allocate space for the loading and unloading of plant and materials;
- iv) allocate space for the storage of plant and materials used in constructing the development;
- v) specify the intended hours of construction;
- vi) specify measures to control the emission of noise, dust and dirt during construction; and
- vii) provide for wheel washing facilities, where necessary.

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

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

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

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

- b) Fixed external louvres;
- c) Porch canopy; and
- d) Solar panels.

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

- 7 Prior to the implementation of any landscaping, a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide details of all new walls, fences, or other boundary treatments; new hard surfacing of open parts of the site which shall be permeable or drained to a permeable area; a planting specification to include species, size, position and method of planting; and a programme of implementation.

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

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

Reason: In the interests of the character and appearance of the area, having regard to adopted policies D1, G12 and G13 of the Cheltenham Plan (2020), and adopted policies SD4 and INF3 of the Joint Core Strategy (2017).

- 8 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and/or re-enacting that order), the upper floor windows in the rear elevation of the dwelling shall at all times be non-opening and glazed with obscure glass to at least Pilkington Level 3 (or equivalent), or fitted with a fixed external louvre in accordance with approved Drawing No. 22.20.006 PL004 F.

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, the authority sought revisions to secure a more appropriate form of development that responds better to its context.

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

- 2 The applicant is advised that the accepted construction hours for works which are audible at the site boundary are Monday to Friday 7.30am to 6pm, and Saturdays 8am to 1pm, with no noise generating activities to be carried out on Sundays, Bank and/or Public Holidays.

<b>APPLICATION NO:</b> 22/01441/FUL	<b>OFFICER:</b> Miss Michelle Payne
<b>DATE REGISTERED:</b> 10th August 2022	<b>DATE OF EXPIRY :</b> 5th October 2022
<b>WARD:</b> Pittville	<b>PARISH:</b>
<b>APPLICANT:</b>	Mr and Mrs Leach
<b>LOCATION:</b>	10 Selkirk Street Cheltenham Gloucestershire
<b>PROPOSAL:</b>	Erection of 1 no. three storey self-build dwelling on land adjacent to 10 Selkirk Street

## REPRESENTATIONS

Number of contributors	<b>28</b>
Number of objections	<b>18</b>
Number of representations	<b>0</b>
Number of supporting	<b>9</b>

9 Selkirk Street  
Cheltenham  
Gloucestershire  
GL52 2HJ

**Comments:** 30th August 2022

We object to this proposal on the following grounds:

### 1 The Development

The proposed building does not fulfil the requirements of a sustainable development within the Council's own definition and application to this street and surrounding area:

- It would occupy the only green space left in Selkirk Street and would involve removing a garden - infill which contravenes existing Council guidelines;
- It does not 'complement or respect neighbouring development and the character of the locality'. It is entirely unsympathetic to the current dwellings on the north side of Selkirk St and appears to ignore the historical nature of the south Selkirk St terrace.
- Its only apparent green credential apart from building materials is the provision of an external three-pin socket to recharge electric bikes etc. (which the No 10 proposer appears not to own).

### 2 Parking

The owner of No 10 and proposer of this development makes no provision for parking within his submission and yet owns and currently parks three vehicles, one of which is a works van which (occupies one and a half car spaces).

#### - Increased parking congestion

I understand that using the green space on which he hopes to build as current parking for one of his vehicles is prohibited and he has already received a site visit from Gloucestershire Highways who have made this clear. This will inevitably exacerbate the demand for street parking when he parks it on the street (using a visitor permit). It would be made significantly worse when he either sells or rents No10 Selkirk, his current home, and the new tenants/owners also require street parking;



- Lack of parking provision within the site

This proposal makes no provision for parking. It would make the property unique within the context of north Selkirk Street as every house from No 18 onwards, irrespective of the date of build offers parking (and in the case of one house the potential). Whilst the Council is actively reviewing parking in this street and surrounding Zone5 to ensure residents can access adequate on-street parking, it makes no sense for this proposal to escape their scrutiny.

### 3 Access

Selkirk Street is a relatively busy thoroughfare made more so with the need for delivery drivers to temporarily stop their vans in unregistered parking. The proposed development for the whole period it is active would significantly increase heavy goods deliveries along with the arrival of earthmoving equipment onto a site which has no storage provision. The likelihood is that he will seek licences to store materials and skips in the current parking bays on the street - thus removing parking for residents.

As a self-builder, the proposer is also gainfully employed and it is very likely this would extend the period of development. The impact both on access along the street for larger vehicles and parking will be beyond vexatious and potentially dangerous as goods are loaded and unloaded.

11 Selkirk Street  
Cheltenham  
Gloucestershire  
GL52 2HJ

### **Comments:** 14th September 2022

I strongly object to this application for the following reasons:

1. The design of this building is completely out of keeping with the other houses on this street. Although there are more modern properties on the north side of the street, none are similar to this design, which is extremely ugly and unattractive. The houses opposite this site are extremely attractive period properties, offering a very pleasant outlook for the applicant, which is in contrast to this house. I live opposite and would not want this to be the view from my home. Selkirk Street is a lovely street with many older houses and this would be totally out of place.
2. The proposed balcony overlooks my home and would impact significantly on my privacy.
3. There have been comments that the current green space is overgrown. In fact, it is just a rather bare patch of grass but it could be a lovely garden.
4. There would be a significant impact on the already constrained parking in this street.
5. I understand that this would be a self build, so would take a significantly long period of time to complete and would mean potentially years of noise, dust, disruption and traffic. It is likely to also mean noise at weekends and in the evenings, impacting on the quality of

life of those of us who live nearby. I live opposite this site and working from home would also be significantly impacted.

15 Selkirk Street  
Cheltenham  
Gloucestershire  
GL52 2HJ

**Comments:** 13th September 2022

Objection on the grounds of proposed plans not in-keeping with surrounding properties. Parking already an issue on street, despite paying for permits, often have to park streets away from house. 3 bed house likely to bring x2 additional cars to the street. Balcony overlooking window of houses opposite is intrusive to those properties. To my knowledge there are no balconies on any of the properties on Selkirk Street, therefore not particularly in-keeping with the nature of the area and Pittville itself.

Larkspur House  
Pittville Circus  
Cheltenham  
Gloucestershire  
GL52 2PX

**Comments:** 14th September 2022

The following comments, which have been made by a professional architect, demonstrate that the proposed self build dwelling does is poorly designed in many respects and does NOT comply, with the Councils Policies for development on garden land.

#### BACKGROUND

The application is for a new 3-storey house within the garden to the side of 10 Selkirk Street. No.10 is a two-storey house with a basement. The basement was granted consent to be converted to a separate dwelling under application reference 86/01269/PC and has subsequently been converted to a self-contained flat with access from the rear garden of the main house via steps in an open well. There is no record of a Building Regulation application having been made for the works involved in the change of use. It is evident that the basement flat has been separated from the main house, and is believed that it is no longer owned by the applicant. The application form does not indicate whether the owner of the flat has been given requisite notice of this application under Certificate A as either a freeholder or leaseholder.

#### DEVELOPMENT ON GARDEN LAND AND INFILL SITES SPD 2009

The Council uses the following minimum distances in determining privacy for residents 21metres between dwellings which face other where both have windows with clear glazing, 12 metres between dwellings which face each other where only one has a window with clear glazing The proposed house will be 3.5metres from the boundary wall and the house to the rear is a further 3.9metres beyond this and with a window facing towards the new house . The proposed house does not meet the requirement for privacy between neighbours. Windows to the first floor bedroom, bedroom 1, directly over-look the glazed doors to the south west face of Larkspur, based on a viewing level 1.4 m

above the floor level, would be able to view these doors from floor to head. To both sides of the new house there are windows of the existing properties facing onto the existing open space. The proposed house will be within 2.0 m of the side facing windows to No.10 and within 1.0 m of the side facing window to No.18 The proposed building is indicated as 9.1 m high to the eaves and with solar panels raised above this height. It is south-west of Larkspur to the rear and would shade the house and garden from around 1pm each day and throughout the year. It would also shade what would be left of the garden to No.10 all day. Sound privacy can also be an issue: you should always consider location of noise generating activity when preparing your design, and the use of construction materials which provide noise attenuation. The small rear garden to the proposed house would be adjacent to the principal entrance to the garden of Larkspur. The hard surfaces of the new building and the existing brick boundary wall would undoubtedly cause loss of privacy between the two houses.

**GREEN SPACE: CHELTENHAM BOROUGH LOCAL PLAN SECOND REVIEW:  
ADOPTED JULY 2006 POLICY GE 2 PRIVATE GREEN SPACE**

Objectives O12 and O18: The development of private green areas, open spaces and gardens which make a significant townscape and environmental contribution to the town will not be permitted 2.20. Of particular relevance is Local Plan Policy BE1 (Open Space in Conservation Areas) which states that development will only be permitted where it does not detract, individually or cumulatively, from the green or open character, including private gardens, of the area JCS 2017. The proposed plot of the new house is indicated as approximately 18m x 7.4m, an area of 131m<sup>2</sup>. The ground floor plan of the proposed house, measured from the submitted drawings, is 59.8m<sup>2</sup>, a coverage of 45.6% of the site. The loss of the private green space to the existing house will be more significant in that the plot coverage will be increased to 55.9% (when the brick shed to the rear, and the light-wells to the basement flat are included). This retained open space is shared with the basement flat as the access path passes through the garden to the rear of the house.

**POLICY CP4 SAFE AND SUSTAINABLE LIVING** a) not cause unacceptable harm to the amenity of adjoining land users and the locality. The proposed dwelling is indicated as 3.5m from the boundary wall. On the other side of this wall 3.6 to 3.9m from the wall, is a two-storey house which is predominantly a brick faced elevation with a pair of fully-glazed doors to the ground floor. The boundary wall is indicated on the applicant's drawing at 2.4m high.

**POLICY CP7:** Design a) is of a high standard of architectural design b) adequately reflects the principles of urban design c) complements and respects neighbouring development and the character of the locality and/or the landscape. The scale and design of the proposed house is not in keeping with the adjacent properties. The parapet height greater than that of the terrace to the south-east No 18 and the eaves height of No 10, and the roof height is above that of neighbouring houses and above that there will be solar photovoltaic panels. Window sizes and proportions are significantly different from any other part of the street. The drawings do not show the context of the proposed house with buildings to the rear and across the road, and are therefore misleading in their comparative scale and proximity with other homes. They do not clearly show the extent of shading and over bearable of the neighbours. Particularly relating to No. 10 and larkspur which will be most significantly affected by this proposal. The form of the roof with large areas of flat roof, with balustrade to the front elevation, is not seen in any of the neighbouring buildings. The balcony to the front of the house would over-look building on the opposite side of the road. The drawings do not indicate boundary treatment or any of the proposed landscaping. The Design and Access statement clearly states that the applicant intends there to be two bedrooms to the second floor. The third bedroom to the rear has a high level window, which would create an inappropriate environment for a

bedroom, with no view from the room. Alternatively it would be over-looking the neighbouring garden. This would not be considered to be good design in any sense. The statement also notes that the rear facing windows would have "obscured glazing or external louvres for windows which present the potential for over-looking". Neither of these options would provide certainty that privacy for Larkspur would be maintained at all times. Windows can be opened as can louvres.

### PARKING

No parking provision is made with this application. The addition of a house on the street will further exacerbate the current lack of parking spaces on the street. Parking permits are not limited to one space per household and the number of permits generally exceeds the spaces available. Any uplift in numbers of houses will result in more competition for the current parking spaces. The cycle storage is to the rear of the house, which does not appear to be secure as there is no gate or boundary enclosure indicated on the plans. The store is at the furthest point from the road and would be better positioned to the front of the house for convenience and to encourage more frequent use.

### Comments: 18th August 2022

Further to my comments, I would like to add that in order to build this proposed new 3 storey house, the builder has abided by the privacy constraints at the rear. However as a result the view that I would look out onto both from inside and outside my house would be a very tall, incredibly ugly, hugely light stealing concrete block with some kind of metal appendage. It should not be permitted in its present form, or be allowed to be built so close to my premises.

### Comments: 30th August 2022

In summary, this is a very modern/contemporary proposal which clearly clashes in many ways with what is an obviously historic environment with important designations by the Council for the area generally and individual buildings in the street. The proposed building comprises a 'boxy' design approach, on a free-standing building, which is not found elsewhere in the street, so would immediately appear visually incongruous. The open nature of the site would be lost, conflicting directly with Council Policy. Views of the flank wall of no.10 would be largely obscured by the proposal, at odds with the Council's identification of this as a 'positive building' in the Conservation Area, and also interfering with the setting of the adjacent no.s 18-64 which are identified by the Council as one of many in the street judged to be a 'significant neutral building'. There are also statutory Listed Buildings in close proximity on the south side of the street, whose setting would be impaired by such visually discordant / jarring development of this open land.

The inappropriate design features/impacts include;

- high level panoramic glazing on the front elevation conflicting with the heritage character of the adjacent buildings and the area generally, where windows would usually reduce in size on upper floors;
- high level front balcony area which is alien to the street generally and would result in excessive overlooking and disturbance to dwellings opposite;
- compromised side elevation windows to no.10 and no.18, the former involving windows to ground floor kitchen and hall, and first floor bedroom ( the sole window to this room ) and bathroom;
- seriously adverse impacts on the amenity and privacy of the patio doors and garden of the dwelling immediately to the north from: overlooking and/or perceived overlooking from seven proposed north facing windows/doors/openings ( no north facing first floor windows to no.10 currently ); lighting from same; overbearing impact due to close

proximity to the boundary; overshadowing ( see Google Earth image of shadow of street tree, the proposed building would be located much closer ); noise impacts from close proximity of window and door openings to boundary.

In the light of this assessment it is necessary to consider the proposal against the legislation and guidance which requires that planning applications are determined on their own merits and in accordance with the Development Plan for the area unless material considerations suggest otherwise. There is also a presumption in favour of sustainable development.

The Development Plan comprises firstly the Core Strategy and secondly the Local Plan. The Joint Core Strategy for Gloucester, Cheltenham and Tewkesbury Adopted December 2017 addresses strategic-level planning issues for the area:

Whilst the CS lends support in principle at page 61 Policy SD10 4(ii) for residential 'infill' development within the built up area the proposal clearly conflicts with other strategic policies. For example Policy SD4 (i) Context Character and Sense of Place which requires development to respect its surroundings, be of appropriate scale and having regard to the historic environment; also Policy SD4 (iii ) Amenity and Space requiring visual intrusion to be avoided; and Policy SD8 Historic Environment requiring development to make a positive contribution.... having regard to valued and distinctive elements of the historic environment.

For the above reasons the proposal can reasonably be said to conflict with these Core Strategy Policies.

The second component of the Development Plan is The Cheltenham Local Plan, Adopted in July 2020. This is more relevant at the local level.

[https://www.cheltenham.gov.uk/downloads/file/8169/cheltenham\\_plan](https://www.cheltenham.gov.uk/downloads/file/8169/cheltenham_plan)

There are several relevant policies in the Local Plan. On page 20 Policy D1 'Design' requires that 'development will only be permitted where it complements and respects neighbouring development and the character of the locality...' The proposal clearly fails to meet these requirements for the reasons given above.

On page 23 Policy D3 'Private Green Space' which states 'The development of private green areas, private open spaces and private gardens which make a significant contribution to the townscape and environmental quality of Cheltenham will not be permitted.' This is a strongly worded policy which is unequivocal about private garden development - it will not be permitted. This is a strong ground for refusal on its own.

Paragraph 5.19 of the Plan provides background to the policy and leaves no room for doubt that garden development is regarded by the Council as inherently harmful to the character and amenity of the town.

There are therefore clear Policy grounds in the Core Strategy and Local Plan for the Council to refuse to grant planning permission. In addition there are a number of 'material considerations' which must be taken into account by the Council in its decision making.

There are three such considerations:

Firstly, The Fairview and All Saints' Character Area Appraisal and Management Plan' was published in July 2008 for this part of the Cheltenham Central Conservation Area.

[https://www.cheltenham.gov.uk/downloads/file/3173/16-fairview\\_and\\_all\\_saints](https://www.cheltenham.gov.uk/downloads/file/3173/16-fairview_and_all_saints)

The Character Appraisal Map on page 1 confirms that no.10 Selkirk Street is judged by the Council to be a 'positive building' in the Conservation Area, and the adjacent no's 18-62, are judged 'significant neutral buildings'. On the south side of Selkirk Street the majority of the dwellings have 'positive building' designation and there is also a group of Grade II Listed Buildings.

Page 21 of the document states at paragraph 5.23 that such designated buildings 'make a positive contribution to the character and appearance of each character area....' The setting of the Listed Buildings also enjoy statutory protection.

Although dating from 2008 this document remains valid today as a Supplementary Planning Document. It is clear that the entire street is regarded by the Council as having notable character and appearance as well as architectural and historic interest through the Conservation Area and Listed Building designations, and the heritage-based identification of virtually every building in the street. Again for the same reasons given above the proposal can be judged as conflicting with the requirements of the Conservation Area Appraisal.

Secondly, in June 2009 the Council published 'Development on Garden Land and Infill Sites in Cheltenham Supplementary Planning Document'

[https://www.cheltenham.gov.uk/downloads/file/3213/development\\_on\\_garden\\_land\\_and\\_infill\\_sites\\_in\\_cheltenham\\_supplementary\\_planning\\_document](https://www.cheltenham.gov.uk/downloads/file/3213/development_on_garden_land_and_infill_sites_in_cheltenham_supplementary_planning_document)

Page 12 includes 'Key policies for garden land development' within which Policy GE2 Private Green Space says 'the development of private green areas... will not be permitted'.

Policy GE2 strongly supports Local Plan Policy D3 noted above, and together they clearly express the Council's intent to resist applications for garden development. Combined with the Conservation Area Appraisal information as above this amounts to a strong reason for refusal. This is a parcel of land which clearly fails the published Policy tests on both Conservation Area and garden development.

Thirdly, the planning history of the site demonstrates that the Council has consistently refused proposed development of this site where it would adversely impact on the interests noted above:

Application 03/01241/FUL refused for a dwelling on the site.

Application 03/01589/FUL refused for a first floor extension to the dwelling.

<https://publicaccess.cheltenham.gov.uk/onlineapplications/simpleSearchResults.do?action=firstPage>

In the refusal for the proposed dwelling the Council judged the site to be 'one of the last remaining areas of open space in Selkirk Street. The area of open space represents an essential characteristic of this densely built area. The proposed dwelling.....will result in the loss of this open space to the detriment of the character and appearance of the street which lies within the Central Conservation Area'

In the refusal for the first floor extension the Council judged the proposal to 'serve to disrupt the simple composition of the original building by the addition of a discordant and alien feature...contrary to government guidance and the Structure Plan and Local Plan'.

These two previous decisions at the site are very significant. Nothing has changed since those decisions in terms of planning policy or the physical nature of the site. The acknowledged importance of the open quality of the site, and the building itself, in the Conservation Area are such that the Council could not now reasonably arrive at different decision. In addition there are obvious adverse impacts on the dwelling immediately to the north of the site which can properly be included in a refusal of permission for the current scheme.

The Council's online record indicates that neighbour notification letters give until 1 September for comment and the Site Notice until 15 September. The Council will not be able to determine the application before the latest of these dates has expired. The decision could then be made by Planning Officers under delegated authority or by the Planning Committee ( or another equivalent designated Committee ).

**Comments:** 26th October 2022

Larkspur House, Pittville Circus OBJECTS

I have reviewed both the second and third amended plans to erect a three-storey house. The amended plans do little to alleviate any of the serious issues raised in all previous objections. Detailed comments follow.

The Cheltenham Plan and the National Planning Policy Framework (NPPF) state in Policy D1 under design that building will only be permitted if

- a. it adequately reflects principles of urban and architectural design.
- b. Complements and respects neighbouring development and the character and the locality and / or landscape. And under Extensions or alterations (and surely the same rules should be applied to new build it states:)
- c. Causing harm to the architectural integrity of the building or group of buildings
- d. Unacceptable erosion of open space round the existing building.

This proposed building still fails to meet any of these criteria.

In Policy D3 on PRIVATE GREEN SPACE makes the point that development on a private open space/garden which makes a significant contribution to the townscape and environmental quality of Cheltenham will not be permitted. Many Selkirk St. residents have stated that it does indeed do this and several of them remember it being a beautiful garden which they enjoyed as they looked out of their windows or walked past. In 5.17 para 53 of NPPF it states that Local Planning Authorities should "resist inappropriate development of residential gardens e.g where development would cause harm to the local area". This plot has indeed a significant "environmental value" and contributes to the "quality of the local townscape and established character of the locality" Planning applied for in 2003 was rejected immediately and this was one of the grounds.

Policy GB1 on RESIDENTIAL INFILLING is designed to contribute to the Cheltenham Plan Vision concerning its architecture heritage. The Development Plan sets out high level objectives and aspirations that aim to conserve what is "valued and cherished" within Cheltenham and to promote the PUBLIC INTEREST" Planning laws require applications to be determined in accordance with the development plan. This plan has an environmental objective to "protect and enhance our natural, built and historic environment" In the Conservation and Management Plan updated in line with the NPPF in 2018 states "the local distinctness, identity and sense of place that this residential area creates is valued by the local community and any new house should enhance its context". For this reason there have already been more than 17 objections from residents living on Selkirk St or nearby.

This proposed building does the exact opposite of enhancing. It is out of character with the rest of the road and even taller than the modern houses to its right. All the houses facing it and all along this road on one side are attractive early Victorian dwellings, considered valuable in this conservation area and with some of them listed buildings. This new build would be overbearing, overlooking, and dominating on all sides. It is an overdevelopment of site and there is no green space offered, just a small North facing patio at the rear measuring 26.25 sq m. It is current housing policy for all new builds to provide a significant green space of at least 50 sq m for 3 bedroomed properties. Green space is recognised as important for mental wellbeing and sustainable living and a



safeguard to promote biodiversity. Note that this very small patio would be in shade for most of the day.

Furthermore, this proposed development would damage the existing 10 Selkirk St, itself a Victorian semi-detached family dwelling with the basement owned separately since 2014. The character appraisal map confirms that 10 Selkirk St is judged by the Council to be a "positive building" in the conservation area. This proposal would deprive it of all green space except a small patio at the rear of 26.25m square reduced to 21.35 sq m because of the recent addition of a brick-built shed attached to the boundary wall. This old wall dates to 1848, originally belonging to Northlands, now belonging to Larkspur House. Damage to this old wall is of concern to the owner who has already spent money to maintain it. The new build would oblige the owner of the basement 10a to access his property by means of walking down a narrow, dark passageway less than 1m wide. All 3 windows in the side wall of Number 10 and the remaining patio will be deprived of light.

Number 18 would forfeit the current green space to its right which would be replaced with a very tall protruding wall, built exactly on the boundary line only 1.2 meters away. It would also be circa 3.1m (10 ft) further forward of number 18 and its back patio, already quite shaded, would further be compromised by noise and privacy issues. Larkspur House is just 3.6m behind the boundary wall and the proposed building is only 7.6m meters away, making it fail the 21m or even the 12m building regulations for proximity. There is loss of outlook, loss of privacy, and potential disturbance from noise, smells, dust, vibration, and glare from artificial lights

The proposed building is about 6.3m wide and is over 9m tall and would tower over Larkspur causing the summer room, dining room and garden to be in shade much of the day and this constitutes unacceptable harm to the amenity of adjoining land users.

Furthermore, in the latest amended drawings the bedroom windows on the first floor are stipulated as "obscured windows" and "fixed louvres". The fixed louvres would still allow a direct view into Larkspur House and its small private garden. The original plans specified obscured glass which should have overcome this problem. The risk of overlooking is considerable, plus the loss of sunlight, daylight, see BS 8206(1992) code of practice for day lighting. This proposal is therefore very damaging to Larkspur House.

Turning to the proposed new build itself:

The Design and Access Statement is just not feasible. The street scene presented appears to show all houses (including the proposed new one to be built on the garden) as if they are all in a neat row. Number 8 and 10 are only 10 feet from the pavement whereas number 18 is 25 feet from the pavement. The 15 feet appear to be unaccounted for, but this will make the Street look very uneven.

It is noted that no cars are drawn on the street scene alongside the proposed new build when in fact there is resident car parking along both sides of the street. Historic England emphasises quality of design in conservation areas, yet this design proposes to break planning policy, provide rooms with no views or very limited views out and a visually unattractive window projection / surround to the first-floor windows to the rear. On the second-floor high pressure exterior laminate plate is being suggested on every wall- a cladding which is not guaranteed for more than 10years and which is totally out of keeping with the buildings around. Occupants across the street and two grade 2 listed buildings Northlands and Terhill will be faced with looking out at this.

**Comments:** 18th August 2022

I wish to object to the planned proposal to build a 3 storey house on the grounds of 10 Selkirk Street.

this represents a gross over development of the site.

The planned house is not in keeping with the victorian premises it belongs to. The only way it can be profitably built, presumably to sell, is to make it 3 storeys, but this is at the expense of my light into my sunny garden (which I have spent considerable time and money landscaping)

it is also at the expense of my privacy, as the middle floor windows can look directly into my front and back garden.

The proposed back patio will abut right onto my party wall so I am concerned about increased noise and also lack of privacy when I am in the garden.

Visually it will be an objectionable block, just as the appalling building to the front of the premises now blocks out my views from any upstairs windows.

Considering there is also building going ahead in the house next door I will be besieged by building noise for months and possibly years to come. I note that Northlands was successful in objecting to the obstruction that a second floor would have on their sunny garden and this is a proposed 3 storey!

8 Selkirk Street  
Cheltenham  
Gloucestershire  
GL52 2HH

**Comments:** 8th September 2022

I wish to object to the planned proposal to build a 3-story house on the grounds of 10 Selkirk Street on the following grounds:

**Appearance and green space**

The scale of the property appears from the plans to be disproportionate to the site. It is too big, too high and takes up too much of the greenery on the site. This is a conservation area and according to the Supplementary Planning Document (July 2009) entitled 'Development on Garden Land and Infill Sites in Cheltenham', infill buildings should 'give priority to the use of previously developed land and conserve/ enhance natural resources.'

It also appears to be right up against the property behind the plot and would no doubt block their light. People argue that that the current space is not attractive and appears neglected. I am sure it would not be like that if it had been taken good care of. It deserves better. Not sure that building a large house on it is the answer.

**Parking**

I have lived in Selkirk Street for some 16 years and in the last 3 or 4 years the parking has become increasingly difficult. It is now at breaking point within the street, within absolutely no guarantee that if I go out in the evening, I will return to find a place on the street, let alone, close to my house. As it is, I am very reticent to go out at night, as when I return, I have to park several streets away and walk home alone in the dark. I pay for a resident's permit, however, am forced to hunt around the adjacent streets for anywhere where there may be a space. A new 3-bedroom house with additional residents and no

additional off-street parking, will bring along more cars and will add to an already impossible situation. I wonder where the skips and delivery lorries will park if building were to get underway.

### Noise and Disruption

There have been multiple house renovations within Selkirk Street over the last few years, all bringing their own level of noise, disruption, and general difficulties for the local residents. I fully accept that people need to make reparations to their existing homes. However, building a new house from scratch will take this disruption to the next level. We can expect an influx of lorries, cement mixers, scaffolding lorries etc. Noise will be generated by scaffolding going up and coming down, cement mixers, planers, pneumatic hammers, etc. The close proximity of the construction site to the houses on either side will result in severe disruption for all local residents. A recent renovation close to my property resulted in £1000 of damage to my car from a scaffolding van. Experience has shown that self-build properties will take a lot longer to complete than having external builders responsible for the work.

### Mental Health

In the Supplementary Planning Document (referenced above) PPS1 it states that 'sustainable development is a core principle underpinning planning. At the heart of sustainable development is the simple idea of ensuring a better quality of life for everyone.' I feel that doesn't include me. Over the last few years, we have had an inordinate amount of building work going on within the street. I do not complain as I know that renovations are noisy and sometimes required.

However, as I work from home, (training people online) it will become impossible for me to work during the day whilst this new house is being built. In the past this has resulted in me in having to find local cafes etc where I can go to think, work, and find some peace and quiet.

With several months of more building work to look forward to, I worry that my home will no longer be a place where I can rest and recuperate and will certainly not be a place where I have any quality of life.

20 Selkirk Street  
Cheltenham  
Gloucestershire  
GL52 2HH

### **Comments:** 2nd November 2022

I strongly oppose the proposed "Erection of 1 no. three storey self-build dwelling on land adjacent to 10 Selkirk Street".

The objection is formed of the following reasons:

#### 1. The Design of the Building:

The current design of the building is not in keeping with the other properties on Selkirk Street. Whilst I understand 18 - 24 Selkirk Street are all more modern builds than those on the South side of the street, they at least have made attempts in their design to match the rest of the neighbourhood. In contrast, the proposed design for the dwelling adjacent

to 10 Selkirk Street has very little in common with any houses on either the North or South side of the street.

### 2. Compounding of Parking Issues:

Selkirk Street already suffers from an issue with parking. Most residents along the South side have no access to off-street parking, and it is obvious that residents of Selkirk Street must compete for parking, especially if working non-conventional hours. The erection of a house adjacent to 10 Selkirk Street will remove the on-street parking directly in front of the structure. This will further compound the parking issues along the street.

### 3. Reduced Sunlight Exposure to 18 - 24 Selkirk Street:

The space where the dwelling is to be built is currently one of the only means by which sunlight reaches the small gardens to the rear of 18 - 24 Selkirk Street. The large design of the structure, combined with the increased height of solar panel use, will cause this already limited exposure to diminish further. This will impact the quality of life of the residents of these addresses by limiting their ability to make use of their outdoor areas.

### 4. Boundary Between Proposed Dwelling & 18 Selkirk Street:

The proposed drawings do not accurately portray the reality on the ground. The erection of this property adjacent to 10 Selkirk Street will be incredibly close to the properties to both the East and North of its location, imposing upon its neighbours. The street will lose one of the last elements of greenery in exchange for a dwelling too large for its location.

Flat A  
Northlands  
Pittville Circus Road  
Cheltenham  
GL52 2PX

### **Comments:** 24th August 2022

Having viewed the plans for the above dwelling I strongly object to this proposal on the following grounds :

- 1) It represents an intrusion into the privacy of Northlands with windows overlooking my home.
- 2) It will place most of the garden at Northlands in shade
- 3) The dwelling and No.10 Selkirk Street will have no on site car parking spaces
- 4) The building itself appears to me to be extremely ugly.

29 Russell Street  
Cheltenham  
Gloucestershire  
GL51 9HJ

**Comments:** 31st August 2022

I regularly visit Selkirk Street on my walk to work, in recent months I've found the wasteland at number 10 not conducive with a Cheltenham street. We should embrace new buildings as they are the future. I understand there are some issues with parking however I also know that some people have off-road parking and don't use it, making the problem worse. I note from the plans that the building will meet all 22 current regulations and all the glazing to the rear is obscured. Therefore, any comments regarding being overlooked are not relevant. I understand that people have problems with embracing new things but we have to move forward and build the future.

27 Selkirk Street  
Cheltenham  
Gloucestershire  
GL52 2HJ

**Comments:** 16th September 2022

1 Too much for that location.

V limited parking as is. Close to two junctions on a residential street and would cause massive disruption during build.

2 Unfair on neighbours. Would block light to their properties.

3 Out of keeping with the listed. Buildings in the street

4 No parking available for the extra cars

25 All Saints Road  
Cheltenham  
Gloucestershire  
GL52 2EY

**Comments:** 1st September 2022

I walk this area and have noticed pockets of contemporary living which seems especially popular in urban areas. Suggesting that the last open space in Selkirk Street is this Plot, suggests that everyone is agreeable to sharing their garden space! Which I am sure they are not. The houses to the North of Selkirk Street are all different and this new house would only make a modern difference to the future.

Flat 5  
59 Queens Road  
Cheltenham  
Gloucestershire  
GL50 2LX

**Comments:** 1st September 2022

Objections:

1. Adverse visual impact on positively contributing buildings: The "positive" semi-detached villas 8 and 10 stand proud on the streetscape of Selkirk Street as a consequence of having ample side garden on both sides. There is some infill development at No 6. However, this development is very much set back on the plot and does not therefore detract. The contemporary new build as proposed clearly will detract and is incongruous.
2. Inappropriate contemporary design in context: There may be a case for contemporary new build in the conservation area in some contexts. A solitary three-storey contemporary infill development in a street of traditional pitch-roofed houses is surely not such a case. Further, the limited recent infill development that does exist in the area is all one or two storey brick construction with pitch roofs and has been designed to be visually subservient to the dominant period buildings
3. Loss of valued open space and outlook in the conservation area
4. Overbearing aspect and insufficient distance to Larkspur House and private garden. The local area is characterised by dwellings with long rear gardens. In cases where dwellings do have short courtyard rear gardens they generally abut open driveway space at the back.
5. Failure to consult neighbours. This is against good planning practice and good relations.

33 Selkirk Street  
Cheltenham  
Gloucestershire  
GL52 2HJ

**Comments:** 10th September 2022

I object for several reasons

- The proposed house will be too close to the houses on both sides, and the rear, and privacy will be seriously invaded. While the self builder lives in one of these properties, and will not worry, any future owners of any of the three properties will be very affected. It would be wrong to permit such proximity.
- The design is not in keeping with a sedate Cheltenham area.
- The parking situation in Selkirk Street, as I know, is difficult and will be made worse. The length of time for a self-build of this size (?3 years) is too long to allow delivery trucks, and tradesmens vans to block park spots.

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- The trees, especially the lime tree, are not drawn in the correct places on the sketch. To build a house so close to the Lime Tree, and the electrical/telephone junction boxes will give the impression of botched planning approval. Never mind the tree shedding leaves interfering with the house, as mentioned by the Tree Officer

**Comments:** 23rd October 2022

Revised drawings do not appear to change the proximity of the proposed dwelling to the two neighboring properties. There would be significant intrusion of privacy and removal of light. There would be no change to the ongoing parking difficulties,

The Coach House  
Selkirk Close  
Cheltenham  
Gloucestershire  
GL52 2QN

**Comments:** 12th September 2022

Within 6 months of it being built nobody will notice unless it is hideous and im sure in this case it will be built to high spec.After all all our houses had to start somewhere.Nobody likes change and it will tidy the gap up that is there now.

7 Jacobs Close  
Tetbury  
GL8 8RE

**Comments:** 11th August 2022

No issue to residential in principle.

Overall, I like the modern design that I do feel will enhance the character and appearance of the Conservation Area. It will provide a missing element. The only couple of points I wonder about are:

1. Whether the ground floor window should come down lower, like the adjoining bays. I say that as looking at the street scene and the elevation it 'jars' a little with me, being so horizontal.
2. I do not think that there is unreasonable overlooking across the Street, as it is not significantly different to other properties. That is the nature of inner urban area built form. Therefore, in my view having obscured glazing, except on the balcony balustrading would not be needed.

Any rate I leave it to the Conservation Officer/case officer and the applicants to iron out any alterations, once any comments are received from those nearby the proposed house.

Whatever happens, please keep the concept of a modern design.



18 Glenfall Street  
Cheltenham  
Gloucestershire  
GL52 2JA

**Comments:** 5th September 2022

Firstly I have only become aware of this proposed application via neighbours as I have not seen any publicly displayed notifications at the property? This is a concern that the public and neighbouring property owners have not been adequately consulted on this application.

My concern is that this is a very large development, 3 storey in e what is already a very crowded street. There is already many issues with parking and also with waste collection from residents in Selkirk street impacting adversely on Glenfall Street. No 10 is already a good sized property and once again this would seem to be a desire to build a house for the wrong end of the market. We need small houses not large developments that are going to stretch the current parking and service providers of amenities. I am also dismayed that this size of property is allowed so close to neighbours who currently have a south facing garden and who will lose all light as a result - is this not an infringement on their rights to light and use of their garden? I object strongly on booth counts above and would ask that local people are consulted and a more reasonable plan submitted that does not iumnpect so badly on neighbouring properties.

The Willows The Green  
Ashleworth  
Gloucester  
GL19 4HU

**Comments:** 1st September 2022

I visit Selkirk Street on a regular basis and after reading the Planning Notice I have looked at the comments on the panning portal. Whilst I acknowledge that anything new causes panic with some I feel that a new build on the overgrown plot would only enhance what is a rather drab street especially on the north side.

Parking has not been an issue on my visits as there is adequate free parking in All Saints Road especially at he end of Selkirk Street and it's what I would expect in an inner urban area. There doesn't appear to be a precedent from CBC regarding parking, no-one can expect to park on any road in the UK.

Some of the comments are foolish and after looking at the block plan I note that the people in Larkspur and Merino already live in the garden of Northlands House. With regards to the comment from Northlands, the properties numbered 18 to 24 Selkirk Street all have a direct view into Northlands, Larkspur and Merino, the new build has obscure glass in every window to the rear, (obscure meaning you cannot see out.)

I support wholeheartedly any project which improves an area and will most likely add value to the existing properties, I look forward to seeing the completed house.

2 Selkirk Street  
Cheltenham  
Gloucestershire  
GL52 2HH

**Comments:** 31st August 2022

If the residents of the proposed new house are entitled to have parking permits for 2 cars, parking on Selkirk Street would become even more difficult than it is already. The nearest available parking space now is sometimes in All Saints Road. There is simply not enough space for any more cars.

I am also concerned about the amount of heavy traffic and noise the building work will create which will be very disruptive to the lives of the residents of the street. As this is a self build project, this disruption could be prolonged and therefore very stressful. Presumably some existing parking will also be lost to skips and builders' vehicles during the project.

Stanbrook House  
Pittville Circus  
Cheltenham  
Gloucestershire  
GL52 2PX

**Comments:** 31st October 2022

Letter attached.

54 All Saints Road  
Cheltenham  
Gloucestershire  
GL52 2HA

**Comments:** 12th September 2022

I fully support this application which will remove an unsightly parcel of land and be replaced by a thermally efficient property designed for the future. Very important for our times, many of its neighbors will not be built to this standard. The applicant is known to me, as a reputable builder known for the quality of the build. The issues & fears of self-build and the long period it would take to complete are unfounded. People hate change, the local parking, I do not personally have a problem with. It does appear that Selkirk St residents are reluctant to change, if this attitude spread improvements would never happen. This is my view, the development can only enhance the area

4 Standish Gate  
Stonehouse  
GL10 3FB

**Comments:** 31st August 2022

Having read through some of the comments I am dismayed at the attitudes of people. I drive down this road daily, the houses on the side of the road that Number 9 is on have access to the rear, however they have turned what was parking into accommodation making the street overcrowded. Perhaps we ought to look at the historical planning permissions granted for all of those. As for further congestion there used to be a carpet/flooring company based in the street, vans stopped at all hours of the day. The North side of the road has little or no historical value and most of the houses have been built in the last 50 years so clearly No 9 would be better off living on that side of the street so he can look at the mock Victorian houses he thinks we should be churning out now. In terms of eco credentials we would all be better served if the South side of the street was torn down and more affordable and responsible houses erected in their place. With that said the proposal is nearly identical to the houses next door which have a terrace as well. It will be well insulated and will have less of an impact on society than those leaky old houses across the Road. Hope it goes ahead as it will be better than an old piece of derelict land. Whoever said it's a garden obviously does not know what they are talking about!

1 Selkirk Street  
Cheltenham  
GL52 2HY

**Comments:** 5th September 2022

I very strongly object to the development of the proposed building on the garden next to 10 Selkirk Street.

There is already insufficient parking for the residents of Selkirk Street. This particular house has 2 cars and a very large White Van. They park one car on the land they are planning to build on and now we are very likely to have two more additional cars on an already over-subscribed road.

Many of the residents work from home and outside of this property are cable boxes and should they get damaged would cause no end of problems with no WIFI!

Heavy construction traffic will be operating in this area where cars are always parked on either side of the road. They will have to be moved at a huge inconvenience to everyone on the street whilst we try and find even fewer parking spaces. Not to mention the noise and constant skips taking up space, these cause so much noise when being delivered and picked up. The Road I expect will be brought to a standstill on many occasions during development. The tree outside the property will no doubt be damaged.

The light for the houses to the front and rear of the proposed property will be limited, not really fair on people who have purchased their properties. Not really the type of building that will fit into a conservation area not to mention even less space for our wildlife.

Allowing people to build in their gardens is a major problem in areas like this. The Glass house on Selkirk Street was a garden grab and this increased the number of cars on the street please stop allowing this to happen.

Merino  
Pittville Circus  
Cheltenham  
Gloucestershire  
GL52 2PX

**Comments:** 31st August 2022

We live in a neighbouring property (Merino) and object to this application for several reasons. Firstly, a successful application here would represent gross imparity to the outcome of our own planning application earlier this year.

On 25 February 2022, in regards to an application to add a two-storey extension to our house (22/00145/FUL), we were advised by planning officer Daniel O'Neill that he could not support the application, or any compromise involving a second storey, due to the following reasons:

A) "Overdevelopment - the extension would occupy a significant proportion of the existing garden land which is already relatively small and tight. This would create a cramped form of development."

B) "Design - the side extension seems overly wide and a somewhat contrived form that fails to sit comfortably within the existing plot and the wider conservation area."

Given the planning officer's comments for a two-storey extension on an existing double-storey house due to 'overdevelopment', it is farcical that development of a brand new three-storey house in a cramped space just metres away would be allowed. The two-storey extension plans for Merino left a larger proportion of the site as green space than the proposed development on Selkirk Street.

The design of the Selkirk Street house is very utilitarian and unfounded in the entire neighbourhood, which is a conservation area. It could certainly be described as contrived. This should not be allowed.

Furthermore a three-storey development will block afternoon sunshine to the front of Merino and the communal areas around Northlands.

4 Winstonian Road  
Cheltenham  
Gloucestershire  
GL52 2JE

**Comments:** 9th September 2022

I support this new house being built. I frequently walk down this road and a home would be a far better sight than some derelict land that is not in use. All the houses to the north of Selkirk street are mis- matched so adding a modern and attractive property will only be a plus. Living on a busy road full of houses, you will people always have people making extensions and 'upgrading' their properties so a few months of building work is to be expected living where we do.

I'm sure most people in the owner's situation would do exactly the same and make use of the land.

6 Selkirk Street  
Cheltenham  
Gloucestershire  
GL52 2HH

**Comments:** 1st November 2022

I question why the drawings submitted by the applicant do not show the brick outbuilding in the rear yard of No10.

The outbuilding is substantial enough to warrant gutters/downpipe and leadwork which is cut into the boundary wall. The architects have included much detail in their drawings .. it is curious they failed to notice a building which takes up a sizable portion of the small usable outside space which is left available to No10 under the new division of land proposed by the applicant.

Why does the application make no reference to No10a Selkirk Street which is a separately owned basement flat beneath No10: it shares access with No10 and also has a living room window facing the side of the proposed newbuild. The flat, being part of the same building as No10, will be materially affected by any building on the site yet the impact on this property isn't considered within the application.

The entrance to No10a is via steps at the rear of the property. To reach these, No 10a must share access with No10 along the side path. It follows that the amount of outside space remaining for the sole use of No10 would be limited to the small yard at the rear if the application is allowed. The THREE bed semi would have therefore have less outdoor space than the TWO bed newbuild which is proposed.

**Comments:** 7th September 2022

I object to the application.

I note from the Further Information page of the Council Planning site that the 'Expected Decision Level' for considering this application is Delegated decision. Given the number of objections made to date, and the nature of the issues raised by the objections, it is clear that the proposal is contentious and complex and therefore deserves to be considered by the full Planning Committee rather than delegated to a planning officer. A site visit is essential.

**Scale, character and green space**

The line drawings provided in the application are nicely done, showing light and airy buildings. But, the delicate line drawing 'versions' of a small section of Selkirk Street give a partial impression, moreover they serve to disguise the real scale of the proposed new property. And those very faintly drawn items rising from the rooftop.. solar panels? They project a good deal higher than any other buildings around.

'Protecting amenity' is a key consideration when considering planning applications according to 'Development on Garden land and infill sites in Cheltenham, Supplementary Planning Document June 2009', the document currently referred to by the Planning Dept

for guidance. SPD 2009 3.16 and 3.17 describe how new planning applications will be considered in terms of the impact they would have on the amenities of other residents, that is, on other residents' abilities to enjoy the comforts and conveniences of their homes and their local area. This proposal conflicts directly with several specific elements of amenity as identified by Cheltenham Council in Box 6, Chapter 3 SPD 2009:

The mass of the building, when compared with the existing Victorian houses (Nos 8 and 10) dominates, even though these are substantial properties. The proposed design is big, and a number of its features further emphasise scale.

To have larger second storey windows is not the design norm for this area.

The high level glass balcony will pull the eye upwards from the street, as well as overlook/pose a privacy issue for the properties opposite.

Although not apparent on the street view, the plan shows that the new build would be on almost the same building line as the Victorian houses and therefore much closer to the pavement than the terraced properties. The new property would therefore appear higher to pedestrians because closer.

The new building would take up a large proportion of the total site. It would be only cms from the side boundary with the terraced properties (Nos 18 to 24). But more worrying for the neighbour to the north at Larkspur, the proposed building would almost fill the width of the open space as is now, and would tower to three storeys only meters from the rear boundary thus removing any chance of sunlight from the south. It would certainly not add to amenities of the properties to the north .. quite the opposite.

In short, the proposed 3 storey new build would dominate. It would tower over neighbours to the north, overshadow its Victorian neighbours, and because closer to the pavement would loom more than the terraced houses.

SPD 2009 further instructs designers to have regard to "character of neighbourhoods, streets and blocks". Neither the applicant's drawings nor the written descriptions show a true sympathy for the real and complete Selkirk Street. The designer has chosen the adjacent terraced block (Nos 18 to 24) as reference for his 'bespoke' solution, and on the drawings these do look sharp and quite attractive. What is not made apparent in the drawings are the tarmac and paved car parking areas which constitute the real frontages. The reality of the scene is that hard/artificial/built surfaces prevail with little natural/greenery. These more recent building developments on Selkirk St have served to eat away at the amount of "green" such that the north side and the end of the street closer to Albert Place now has very little relief from hard surfaces. The site of the proposed development is the only open green space remaining. It is not beautiful, it has to be said. But then no effort has been expended to make it so for the last several years. I understand that it was once a lovely garden and if tended could be so again.

The proposed 3 bedroom, 3 storey development is not an ugly design but neither, unfortunately, is its design and scale compatible with our street scene. It does not add positively to Selkirk Street. The real situation needs to be viewed and considered carefully by the Planning Committee. Drawings and written descriptions alone do not give sufficient or indeed a balanced portrayal of information for sound judgement to be made in this case. Come and have a look.

### Parking

Competition for parking anywhere in central Cheltenham is fierce. Lack of adequate parking on Selkirk Street is a frequent topic of frustrated conversations amongst neighbours. Those who park easily in the daytime will find a very different situation between 5pm and 6.30pm. The prospect raised by this application of even more competition for the few available spaces has made for some very worried debates.

In the section of the Covering letter on Access and Parking the designer describes the excellent amenities of the location .. proximity of parks and the town centre, local buses etc. In the attached Design and Access Statement, Coombes Everitt Architects also describe these amenities. Those of us who actually live here are familiar with them. Yes, we can and do walk to, and enjoy the parks etc BUT almost all of us also have cars, and we need to park them somewhere.

The designer states on page 1 of the covering letter that the purpose of the application is to provide a new home for the owners of No 10 "for their own occupation." So, if and when the present owners of No 10 move to the new property, what will happen to the 3 vehicles which they own (one of which is generally parked on the land in question)? Are they really likely to get rid of them all and take to their bikes as the application implies? When No 10 is sold, is it likely that the new owners will not own one or more cars? An additional 3 bed property with no off-road parking would certainly add to the number of cars hunting for the scarce parking spaces on Selkirk Street. More pressure on parking should be resisted as against the interests of those living here now and in the future.

### Safety and general disruption

The self-build process itself is of concern as I know from experience that self-builders do not work in the same way as a building company does, and such projects do tend to take longer. I'm aware the Planning Committee would not generally take account of the mental health wear and tear associated with planning developments, however, following the pandemic we live in a different world: people have contended with a lot and are changed. I argue that some account should be taken of people and the quality of their lives. The Council's own policy documentation has quality of life central to it! Indeed, PPS1 states, "Sustainable development is the core principle underpinning planning. At the heart of sustainable development is the simple idea of ensuring a better quality of life for everyone." Everyone .. people .. us, young and older who also live on Selkirk Street now. In addition to the appearance of a development, the ability for all the human beings here to function contentedly and in good health where we live, is what planning policy is supposed to be about. In reality, self-builders are not restricted to the usual working hours of the building trade, and jobs do tend to take longer. Experience has been that as well as daytimes, our evenings, weekends, and Bank holidays have been randomly and for long periods, disrupted by noise. The prospect of this for a full-scale building project extending for an indefinite period is more than worrying.

Other health and safety concerns are attached to the build process:

I'm concerned how deliveries of material would be managed safely and without causing major disruption, given that parking constraints currently exist on both sides of the street by the site. Costly accidents in relation to construction deliveries have occurred in the recent past.

I'm also concerned that the parking spaces directly outside the site would be rendered unusable for the duration of the build by deliveries and/or other work vehicles. It is hard to see how these spaces could be used as they are now, so the street would lose spaces and gain more demand. Presumably other builders involved in the construction work would need to leave their vehicles somewhere locally, given there is no off-road parking available on site?

Given how much of the site is occupied by the proposed development, I worry how and where building materials would be safely and securely stored. The safety of people and adjacent property could be at risk here.

In summary, allowing this proposal to go ahead as it stands would be contrary to the Council's own principles as set out in documentation, as indicated. The design itself is inconsistent on several counts with the site and locale (SPD 2009), additional pressure on parking really should not be permitted, and the construction process would harm the quality of life of neighbours living closest to it. Finally, a previous application made in 2003 to build a detached property on the site was refused by the Council. The first of the reasons given was that its construction would "result in the loss of this open space to the detriment of the character of the street which lies within the Central Conservation Area." All very clear, and nothing about the reason has changed.

**Comments:** 15th September 2022

Addenda

I wish to emphasise a couple of points:

1. Reason two given in the Planning Authority's refusal of the 2003 application for a detached property on the same site draws attention to road and pedestrian safety (reason 1 is mentioned earlier and reason 3 no longer pertains.)

Reason 2 states: "The proposed development fronts onto a carriageway with street parking on both sides making the usable carriageway narrow, which in the opinion of the Local Planning Authority will result in difficult manoeuvring into and out of the proposed off-street parking area resulting in dangers to pedestrians and vehicular users of the highway."

Similar dangers to pedestrians and traffic (or even greater ones today, given increased levels of traffic and pressures on parking) would apply for the duration of the self-build process, in relation to transporting materials onto the site, for deliveries of materials, positioning of skips, etc.

2. A number of comments which support this application refer to the site, variously describing it as unsightly, derelict (x3), an overgrown plot and wasteland, at risk from fly-tipping and anti-social behaviour. They argue that the proposed building (any development, it seems?) would be an improvement on the present situation.

The land is certainly in a poor state with weeds growing quite tall. The supporting comments overlook or avoid pointing out a couple of significant points, however.

i) the responsibility for the unkempt state of the land rests with the owners of No 10 who have had ample opportunity to make the land presentable for several years.

ii) A far simpler solution to remedy the poor state of the land, and make a change for the better, would be to do some gardening on the plot ... much less costly in time, money and general hassle.

**Comments:** 21st October 2022

I wish to highlight an error in one of the documents submitted on 18th October.

A first look at the revised drawing submitted by Coombes: everitt architects limited, and titled Proposed new dwelling shows a significant error. To the bottom left of the sheet is a plan showing the ground floor of the proposed building together with the site layout and



## Page 260

surrounding buildings, aiming to show the new build within the context of immediate neighbouring properties

The distance between the rear site boundary wall and the property to the north and rear (Larkspur) has been significantly exaggerated in this drawing. The effect of the exaggeration is to downplay how close the new build would be to Larkspur.

Specifically, Larkspur's wall and patio doors are close to the boundary wall at 2.9m. The yard to the rear of the proposed property measures some 3.5m from the boundary to the house wall. This would place the proposed 3 storey building approximately 6.5m from Larkspur's patio doors, and not as shown.

The drawing gives the impression that the buildings would be much further apart than in reality. The impression should be corrected.

The proposed 3 storey building being so close, would have enormous negative impacts on the amenities of Larkspur in terms of light, the visual imposition, privacy and noise with neighbours so close and with so little space themselves.

55 Selkirk Street  
Cheltenham  
Gloucestershire  
GL52 2HJ

**Comments:** 9th September 2022

Given the shortage of housing supply in Cheltenham and the use of a derelict piece of brownfield land, currently at risk from fly tipping or anti social behavior, I support the application. The street is diverse in character of housing on the Northern side and a modern, environmentally sound house would provide much a needed sustainable development within the community for a family close to existing schools and shops.

4 Selkirk Street  
Cheltenham  
Gloucestershire  
GL52 2HH

**Comments:** 15th September 2022

Parking can be difficult on the street (especially in the evenings). The concern is that an additional dwelling may increase this issue further in the future.

22 Selkirk Street  
Cheltenham  
Gloucestershire  
GL52 2HH

**Comments:** 9th September 2022

I strongly object to the erection of this proposed building. It's a modern design that is not inkeeping with the rest of the street, given this is a conservation area.

Parking is outrightly the biggest concern here, in an already over subscribed zone. For those of us that do have driveways, its difficult enough to pull out with various work vans blocking visually up and down the street. Visitors to the street also find it difficult to park, let alone the residence's of Selkirk street.

17 Selkirk Street  
Cheltenham  
Gloucestershire  
GL52 2HJ

**Comments:** 7th September 2022

I strongly object to the planning application for the land adjoining No 10 Selkirk Street.

Parking is a major issue and number 10 has a large van plus two other vehicles. Another dwelling will remove one parking place as stated in the application and could add another 2 or 3 to an already very congested street. I have one vehicle which I'm frequently required to park in an adjoining street, being an emergency shift responder I find this problematic already.

The building design is not in keeping with other properties near by. Although the 4 terraced houses to the East, are relatively new build (2003) compared to the houses across the street (1840s) they have been built sympathetically and with parking spaces. The proposed design is modern, taller than surrounding buildings with contemporary features and Trespameteon cladding panels in addition to a 2nd floor terrace. No other building in Selkirk Street has a terrace visible from the road. The amount of glass and cladding on a south facing frontage will result in a blinding reflection from the sun directed towards the houses opposite, The possibility of unsightly solar panels will add to the reflection directed towards properties opposite in addition to adding to the height of the building.

The disruption to local residents and the street with dirt and noise, caused by the build together with vehicles delivering materials will impact severely on the street causing further disruption to the lives of residents and the availability of on street parking. The street is also next to the driving test centre and as such, extra vehicles are parked whilst candidates take their tests and frequently use Selkirk Street as one of the routes.

**Comments:** 10th September 2022

In addition to my objection to the building of the property on the land adjacent to Number 10 I would like to bring to your attention that the objections raised are from residents within Selkirk Street and the residents directly behind where the proposed build will be.

All the supporting comments except one, which is from a Selkirk Street resident, are from people who do not live in Selkirk Street and some are from people who do not even reside in Cheltenham.

We do fortunately live in a country where everyone is entitled to have a voice but to support an application that will have no impact on their quality of life, their home or where they park their vehicle appears wrong.

Planning Application Ref: 22/01441/FUL

Re: Erection of 1 no. three storey self-build dwelling on land adjacent to 10 Selkirk Street

I object to the proposed development at 10 Selkirk Street on the following grounds

Overdevelopment – as can be clearly seen from the appended photograph, the proposed development at 10 Selkirk Street would obliterate one of the last remaining plots of non-built up land in an area that once almost entirely comprised open-space town gardens. The photograph is telling. Inappropriate overdevelopment has already wiped out much of this former green-space. Infill of the remaining tract of land adjacent to 10 Selkirk Street would be a clear breach of the Council's environmental objectives and obligations. The proponent's claim that this is currently a brownfield 'wasteland' of no environmental value is a non-sense. The site is only semi-derelict because the current owner has failed to maintain and improve it.



Photo of proposed development site as viewed from Stanbrook House showing already extensive infill building in what was formerly rear gardens. The one mature tree seen here would no longer be visible from this vantage point if permission were granted to erect a 3-story building on the proposed site.

(Cont.)

### Sustainability

The proposed development would significantly reduce light capture in the existing property at 10 Selkirk Street and in adjacent properties at the rear of Pittville Circus, while in order to meet planning constraints the interior of the proposed new-build would also have very limited natural light. The proposed development would result in increased energy usage and a related negative environmental impact.

Building on one of the few remaining areas of natural drainage in this former expanse of town gardens would result in increased rainwater run-off. This would put additional pressure on an already compromised public drainage system.

The Proponent notes that the new-build would benefit from 'native hedging to be planted to the front boundary which will provide natural nesting opportunities for birds and general ecological benefit' (Proponent's Sustainability submission). While creditable, a short stretch of boundary hedging is likely to have negligible ecological impact. What would have more significant ecological and environmental impact is if this, one of the last remaining tracts of undeveloped land, was not built on but rather maintained as a garden.

  
Stanbrook House  
Pittville Circus  
Cheltenham  
GL52 2PX

Submitted to [www.cheltenham.gov.uk/publicaccess](http://www.cheltenham.gov.uk/publicaccess) by email 30 October 2022

<b>APPLICATION NO:</b> 22/00072/FUL	<b>OFFICER:</b> Mr Ben Warren
<b>DATE REGISTERED:</b> 13th January 2022	<b>DATE OF EXPIRY:</b> 10th March 2022
<b>DATE VALIDATED:</b> 13th January 2022	<b>DATE OF SITE VISIT:</b>
<b>WARD:</b> Battledown	<b>PARISH:</b> Charlton Kings
<b>APPLICANT:</b>	Mr Lessandro Albuquerque
<b>AGENT:</b>	Agent
<b>LOCATION:</b>	2 Charlton Court Road Charlton Kings Cheltenham
<b>PROPOSAL:</b>	Construction of a new detached dwelling house with associated parking and amenity space. Technical details stage of the PIP process. (Ref: 21/01642/PIP)

**RECOMMENDATION:** Permit



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## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site relates to the garden land associated with number 2 Charlton Court Road, which is a detached property located within a residential area. The site is located within Cheltenham's Principle Urban Area (PUA).
- 1.2 The applicant is seeking planning permission for the erection of a detached dwelling with associated parking and amenity space.
- 1.3 The application site was recently granted Permission in Principle (PIP) under application number 21/01642/PIP, which gave consent in principle for the erection of a dwelling on this site (Stage 1). This application now forms stage 2 of this process, which considers the technical and relevant design details of the development.
- 1.4 The application is at planning committee at the request of Councillor McCloskey who raises concerns regarding flooding.

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

### **Constraints:**

Parish Boundary  
Principal Urban Area

### **Relevant Planning History:**

**21/01642/PIP 18th August 2021 GRANT**

Construction of new detached dwelling house with associated parking and amenity space

## 3. POLICIES AND GUIDANCE

### **National Planning Policy Framework**

Section 2 Achieving sustainable development

Section 4 Decision-making

Section 5 Delivering a sufficient supply of homes

Section 9 Promoting sustainable transport

Section 11 Making effective use of land

Section 12 Achieving well-designed places

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

### **Adopted Cheltenham Plan Policies**

D1 Design

SL1 Safe and Sustainable Living

GI2 Protection and replacement of trees

GI3 Trees and Development

### **Adopted Joint Core Strategy Policies**

SD3 Sustainable Design and Construction

SD4 Design Requirements

SD9 Biodiversity and Geodiversity

SD10 Residential Development

SD14 Health and Environmental Quality

INF1 Transport Network

INF2 Flood Risk Management

### **Supplementary Planning Guidance/Documents**

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

Climate Change (2022)

## 4. CONSULTATIONS

### **Tree Officer - 21st September 2022**

The Trees Section welcomes the proposed new trees. No further comments necessary.

### **Tree Officer - 27th July 2022**

The landscape plan doesn't specify the species and size of the new tree to be planted. This should be clarified. Given that the Climate Change SPD recommends that, "All proposals need to protect existing and enhance future biodiversity value," it is disappointing that so much green infrastructure would be lost as a result of this development with only one tree to be planted as mitigation. It would be preferable for a revised landscape plan to address this.

Reason: to protect the amenity and biodiversity of trees in the Borough as per GI2 and GI3 of the Cheltenham Plan.

### **Tree Officer - 20th January 2022**

The proposed development would mean the removal of almost all the small trees and hedging on site. This loss of visual amenity would be regrettable. It would therefore be preferable to have some mitigating planting of small trees on site to mitigate for this loss.

Reason: to protect or replace the amenity value of trees in the Borough as per Policies GI2 and GI3 of the Cheltenham Plan.

### **Publica Drainage And Flooding - 30th September 2022**

I have a few comments to make, further to my previous ones -

o Soakage tests to be carried out to BRE 365 - results have been submitted, but only 2 of the 3 tests were successful, the 3rd having negligible infiltration, possibly due to over saturation of the ground (only 1 hour was allowed for it). The drainage design (a series of trench soakaways) has been based on the average infiltration rate from the first 2 tests, whereas it should have been based on the 3rd result, which was not obtained. I suggest the tests are carried out again to obtain a set of 3 results (the 3 tests can be carried out on consecutive days if necessary).

o The comment is made in the Engineer's Report that, although the 3rd test failed, the permeable paving may be acceptable assuming it is not adoptable (it wouldn't be). However, it would still need to drain effectively to prevent flooding on the application or neighbouring sites.

- In my previous comments I stated that FFLs would need to take the susceptibility of the site to pluvial flooding into consideration - has this been taken on board ?

### **Publica Drainage And Flooding - 1st August 2022**

Our recent correspondence was regarding the need for a soakage test due to the impeded drainage suggested for the site, and I attach my latest comments previously provided.

The applicant has not followed this requirement but has submitted a plan suggesting a rainwater harvesting tank with an overflow to an infiltration tank. Unfortunately, however this is not sufficient for 2 reasons. Firstly, rainwater harvesting, although encouraged, cannot be included as surface water attenuation as it would depend on the tank being having sufficient spare capacity at the time to accommodate a 1 in 100 year + 40% climate change storm event, which would depend on how often it is drained down. Secondly, no calculations or dimensions of the proposed trench have been provided as soakage testing to BRE 365 has evidently still not been carried out to see whether infiltration is actually feasible, and no calculations have been provided to size the trench. I am therefore unable



to approve the drainage strategy at present. I note that there is also no confirmation that FFLs will take the susceptibility of the site to pluvial flooding into consideration and an exceedance flow plan is still required.

### **Publica Drainage And Flooding - 9th February 2022**

Comment available to view in documents tab.

### **Building Control - 17th January 2022**

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

### **Parish Council - 1st February 2022**

Comment:

While not objecting to the proposed development itself, the Committee believes that it is within 20m of a culverted watercourse, and would query with the Lead Flood Authority as to whether the proposed dwelling would be at risk of flooding, or if it would exacerbate problems for parishioners living downstream of the site.

### **GCC Highways Planning Liaison Officer - 9th February 2022**

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

The justification for this decision is provided below.

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

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

#### Conditions

Before first occupation, the dwelling hereby approved shall be fitted with an Electric Vehicle Charging Point (EVCP) that complies with a technical charging performance specification, as agreed in writing by the local planning authority. The EVCP shall be installed and available for use in accordance with the agreed specification unless replaced or upgraded to an equal or higher specification.

Reason: To promote sustainable travel and healthy communities.

#### Informatives

##### Alterations to Vehicular Access

The Local Highway Authority has no objection to the above subject to the applicant obtaining a section 184 licence. The construction of a new access will require the extension of a verge and/or footway crossing from the carriageway under the Highways Act 1980 - Section 184 and the Applicant is required to obtain the permission of Gloucestershire Highways on 08000 514 514 or [highways@gloucestershire.gov.uk](mailto:highways@gloucestershire.gov.uk) before commencing any works on the highways

### **Gloucestershire Centre For Environmental Records - 24th January 2022**

Biodiversity report available to view in documents tab.

#### **Architects Panel - 18th February 2022**

**Design Concept** The panel had no objection to the principle of this proposed garden development, albeit a difficult and narrow plot. The design approach is sensible: this is well considered scheme that responds to the special conditions of the site and is of architectural interest and an attractive addition to the street scene.

**Design Detail** The sloping site and reduced levels help to limit the overall impact of the building. The choice of materials, the scale and character of the new dwelling is acceptable in this location. The only concern is gap between the retaining wall and the new dwelling which is a useless waste of space and should be avoided.

Recommendation Support.

## **5. PUBLICITY AND REPRESENTATIONS**

5.1 5 neighbouring properties were notified upon receipt of the original application, 3 letters of objection were received in response to this notification process. The concerns have been summarised but are not limited to the following:

- Flooding
- Impact on existing culvert
- Traffic and highway safety
- Impact on sewers

5.2 Upon receipt of revised plans, further letters were sent to 7 neighbouring land users, no letters of representation have been received in response to this further public consultation process.

## **6. OFFICER COMMENTS**

### **6.1 Determining Issues**

6.2 The main considerations of this application are the design and layout, impact on neighbouring amenity, parking and highway safety, flooding, impact on trees, landscaping and sustainability.

### **6.3 The site and its context**

6.4 Number 2 Charlton Court Road is a reasonably large red brick two storey dwelling that fronts on to the Charlton Court Road. The site benefits from a large wrap-around garden to the front, side and rear.

6.5 The application site is surrounded by residential dwellings which vary in scale, form and design, including a mix of detached, semi-detached and terraced residential properties. These neighbouring properties vary in height and include single storey, two storey and three storey properties.

6.6 The land that forms the application site is located to the north of the existing dwelling and forms the side garden area of the property. It is important to note that this area of garden land slopes quite significantly from the side of the existing building (number 2 Charlton

Court Road) down to the existing land level of the neighbouring property (4 Charlton Court Road) which is a detached bungalow.

### 6.7 **Permission in Principle**

6.8 The principle of erecting a dwelling on this site has already been established as acceptable having secured Permission in Principle under application number 21/01642/PIP. This form of application is an alternative way of obtaining planning permission for housing-led development which separates the consideration of matters of principle for proposed development (stage one) from the technical detail of development (stage two).

6.9 The permission in principle application established that the site was capable of development for a new dwelling and was therefore granted. The considerations of this application therefore only relate to the relevant design and technical details which are discussed below.

### 6.10 **Design and layout**

6.11 Section 12 of the NPPF refers to achieving well designed spaces and states that planning decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping. Adopted Cheltenham Plan Policy D1 requires new development to adequately reflect principles of urban and architectural design; and to complement and respect neighbouring development and the character of the locality. Furthermore, JCS policy SD4 relates to design and identifies considerations to include context and character, legibility and identity, amenity and space.

6.12 Further detail can also be found in Cheltenham's Supplementary Planning Document – Development on Garden Land and Infill Sites. This document sets out various elements that are considered to create the character of an area and includes grain, type of building, location of buildings, plot widths and building lines.

6.13 Officers raised concerns with the overall scale, form and design of the dwelling that was initially proposed within this application and did not consider the proposal to be appropriate in its context. In response to these concerns the applicant has submitted revised plans for consideration.

6.14 The revised plans show a reduction in height and change in form that allows the dwelling to sit more comfortably within the plot and also allows for a gradual step down in height from that of the two storey dwelling on higher ground at number 2 Charlton Court Road to the single storey dwelling at 4 Charlton Court Road. The revised proposal also allows the dwelling to sit more comfortably within the street scene.

6.15 The overall design is contemporary, with the external facing materials proposed to be dark grey double plain roof tiles, grey multi brick, white render and grey powder coated aluminium windows and doors. Whilst officers duly note that the contemporary design and use of materials will not reflect the properties immediately either side of it, officers consider that in this context where there is a varied mix of housing styles, design and materials, a contemporary design approach is acceptable and will not result in any unacceptable harm to the character of the area. The architect's panel raise no objection to the application and support the general design approach.

6.16 The revised plans also include a detailed landscaping plan. The proposed scheme includes the appropriate retention of existing planting at the rear of the site and the provision of new trees, shrubs and border planting across the site. The hard landscaping is either permeable paving or paviour's and the boundary treatment is 1.8 metre high closed board fencing. Overall the proposed landscaping scheme is considered to be

appropriate and acceptable for this form of development and is supported by the council's tree officer.

6.17 Officers consider that the revised plans are acceptable and the proposed dwelling achieves an acceptable scale, form and design. The development is therefore considered to be compliant with Cheltenham Plan policy D1, adopted JCS policy SD4 and Cheltenham's SPD – Development on Garden Land and Infill Sites.

6.18 Specific material details are considered necessary and therefore a condition has been suggested. Furthermore, a condition has also been suggested which requires the implementation of the proposed landscaping scheme prior to occupation of the new dwelling.

### 6.19 **Impact on neighbouring property**

6.20 It is necessary to consider the impact of development on neighbouring amenity. JCS Policy SD14 and Cheltenham Plan Policy SL1 state how development should not cause unacceptable harm to the amenity of neighbouring properties. Matters such as a potential loss of light, loss of privacy, loss of outlook, noise disturbances and overbearing impact will therefore be considered.

6.21 The property most likely to be impacted by the proposed development is number 4 Charlton Court Road, which is a single storey bungalow located to the north of the site. This neighbouring property sits in a substantial plot and benefits from a large rear garden, with mature trees and no development directly to the rear. This neighbouring property does not have any windows located within its side elevation. Due to the position of the dwelling within the plot, the proposed new dwelling will not result in any unacceptable loss of light or overbearing impact to this neighbour's existing property or private amenity space to the rear.

6.22 In terms of privacy, whilst a new first floor side elevation window is proposed within the northern elevation of the new dwelling, this serves a bathroom and is detailed to be obscurely glazed and high level opening and therefore will not result in any privacy issues. A condition has been suggested which would ensure this window remains as obscurely glazed and non-opening. The upper floor windows located in the front and rear elevations of the new dwelling will overlook the front and rear garden areas associated with the dwelling and are therefore acceptable.

6.23 The proposal is considered to be compliant with adopted Cheltenham Plan policy SL1 and adopted JCS policy SD14 in terms of protecting neighbouring amenity.

### 6.24 **Access and highway issues**

6.25 Concerns from local residents have been raised regarding the impact of a further dwelling on traffic and congestion, as well as highway safety in terms of access to and from the site.

6.26 Gloucestershire County Council as the local highway authority have reviewed the application and their detailed comments can be read above. No objection has been raised subject to a condition which requires the inclusion of an electric vehicle charging point. Officers consider an EV charging point to be necessary to achieve sustainable development and therefore the condition has been attached.

6.27 With regards to parking and congestion, the plans show the provision of two off road parking spaces which is considered to be sufficient for development in this sustainable location. The erection of a new dwelling is not considered to result in any unacceptable congestion in the area.

6.28 The proposed development is therefore considered to be acceptable in terms of parking and highway safety and is therefore considered to be compliant with JCS policy INF1.

### 6.29 **Flooding and drainage**

6.30 JCS policy INF2 requires development proposals to avoid areas at risk of flooding, must not increase the level of risk to safety of occupiers of the site, the local community or the wider environment. Whilst the application site is located within flood zone 1 and therefore considered to be at the lowest risk of flooding, evidence and comments from local residents suggests that the site has been the subject of flooding and that nearby land is at increased risk of surface water flooding due to the topography of the land.

6.31 As already noted earlier in the report, the land to which this application relates slopes down from south to north. The land directly to the north which includes the neighbouring sites of 4 and 6 Charlton Court Road is on significantly lower land than that of the existing dwelling at number 2 Charlton Court Road. In addition, the land further north of number 6 Charlton Court Road rises again which results in the land immediately around the application site effectively forming a 'bowl'. Given the sites topography officers were initially concerned that the development of this garden land and the works required to facilitate the development of the site would have the potential to increase flood risk for both the occupiers of the new dwelling and the neighbouring sites. These concerns were also raised in the letters of objection received from local neighbours and is the reason why the application has been called to committee.

6.32 The councils flooding consultant was asked to review the application, their detailed comments have been received and can be read above. The initial comments required the submission of testing and further information. The applicant initially provided testing results and further information regarding flooding which has been reviewed by the councils flooding and drainage engineer. Further comments required the submission of further testing and information.

6.33 The applicant has requested that an appropriate condition is attached to the application which would require the submission of relevant details, this would enable the applicants to secure a valid planning permission before commissioning further testing. Having discussed this with the councils flood risk and drainage engineer, it has been concluded that a condition which requires the submission of a suitable drainage scheme would be acceptable and the engineer is confident that a suitable strategy can be achieved. Therefore officers have suggested a condition which requires the submission of a drainage strategy to be submitted prior to the commencement of any works.

6.34 Due to the constraints of the site, officers consider it necessary to remove permitted development rights for any further extensions/structures, therefore a condition has been attached.

6.35 With the conditions attached, officers are satisfied that the development can be undertaken without resulting in any unacceptable increase in flood risk to neighbouring development or to the future occupiers of the development and therefore the development would comply with JCS policy INF2.

### 6.36 **Sustainability**

6.37 JCS policy SD3 requires new development to be designed and constructed to maximise the principles of sustainability. Development proposals are required to demonstrate how they contribute to the aims of sustainability and shall be adaptable to climate change in respect of the design, siting, orientation and function of buildings and outside space.

6.38 Further supporting text which discusses JCS policy SD3 identifies how the design of development should first identify measures to reduce overall energy demand before the

use of renewable energy technologies. It is noted that this can be achieved through the choice of building fabric and construction techniques, optimising solar gain, natural lighting and ventilation to reduce the need for heating, cooling and lighting. It also suggests that design measures should seek to use energy more efficiently, such as increasing levels of insulation and improved air-tightness

6.39 In addition, Cheltenham has recently adopted the Climate Change Supplementary Planning Document which sets out a strategy for decarbonising homes over the next decade. This SPD sets out a strategy for how buildings should respond to the climate change and biodiversity crisis and sets out how applicants can successfully integrate a best practice approach towards climate and biodiversity in their development proposals.

6.40 The sustainability of the development is set out in section 3 of the applicant's design and access statement, with section 6 of this statement addressing the Climate Change SPD. The information with the statement identifies that the development has been designed with a fabric first approach in order to design a dwelling that would exceed building regulations performance. The ventilation strategy has also been designed to meet all the required standards. Furthermore the proposal includes the provision of solar panels on the south facing roof slope.

6.41 The measures identified above, in conjunction with the requirement to install and EV charging point are considered to be appropriate and sufficient for this scale of development. The development will provide sufficient sustainability measures and therefore is considered to be compliant with JCS policy SD3 and the adopted Climate Change SPD.

#### 6.42 **Other considerations**

6.43 Officers duly note the comments and concerns from local residents regarding an existing culvert and the impact this development may have on this culvert. However, it is noted that the culvert runs under the neighbouring site at 4 Charlton Court Road and not through the application site, therefore the proposed development is unlikely to have an impact on this existing culvert. Nevertheless, this would be a matter for building control and is not a material planning consideration. An informative has been added to bring the applicants attention to the presence of the culvert nearby.

#### 6.44 **Public Sector Equalities Duty (PSED)**

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

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

Whilst there is no absolute requirement to fully remove any disadvantage, the duty is to have "regard to" and remove OR minimise disadvantage and in considering the merits of this 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 With permission in principle for a new dwelling on this site having already been granted, having secured revised plans to address the concerns relating to scale, form, design and landscaping, and with a condition attached which requires the submission of a drainage strategy, officers consider the scheme to be compliant with local and national policy and therefore the recommendation is to grant planning permission, subject to the conditions set out below;

## 8. CONDITIONS / INFORMATIVES

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

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

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

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

- 3 No external facing materials shall be applied unless in accordance with:

- a) a written specification of the materials; and/or
- b) physical sample(s) of the materials.

The details of which shall have first been submitted to and approved in writing by the Local Planning Authority.

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

- 4 The landscaping shown on approved Drawing No. A.P.006 Rev 4 shall be carried out prior to the first occupation of the dwelling unless otherwise agreed in writing by the Local Planning Authority.

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

Reason: In the interests of the character and appearance of the area, having regard to adopted policies D1, GI2 and GI3 of the Cheltenham Plan (2020), and adopted policies SD4 and INF3 of the Joint Core Strategy (2017).

- 5 Prior to first occupation, the dwelling shall be fitted with an Electric Vehicle Charging Point (EVCP) that complies with a technical charging performance specification that shall have first been submitted to and approved in writing by the Local Planning Authority. The EVCP shall be installed and available for use in accordance with the agreed specification unless replaced or upgraded to an equal or higher specification.

Reason: To promote sustainable travel and healthy communities, having regard to adopted policies SD4 and INF1 of the Joint Core Strategy (2017) and paragraphs 110 and 112 of the National Planning Policy Framework (2021).

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

Reason: Any further extension or alteration requires further consideration to safeguard the amenities of the area and to ensure adequate retention of drainage scheme, having regard to adopted policies D1 and SL1 of the Cheltenham Plan (2020) and adopted policies SD4, SD14 and INF2 of the Joint Core Strategy (2017).

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

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

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

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

## 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, the authority has sought revised plans to address concerns regarding scale, form, design, landscaping and flooding;

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



- 2 The construction of a new access will require the extension of a verge and/or footway crossing from the carriageway under the Highways Act 1980 - Section 184 and the Applicant is required to obtain the permission of Gloucestershire Highways on 08000 514 514 or [highways@gloucestershire.gov.uk](mailto:highways@gloucestershire.gov.uk) before commencing any works on the highway. Full Details can be found at [www.gloucestershire.gov.uk](http://www.gloucestershire.gov.uk) .
- 3 The applicant should be aware that a culvert is known to be running under/near to the application site and therefore due regard should be taken when carrying out any construction works. The consent of the pipe owner may also need to be sought for any development over the land.

<b>APPLICATION NO:</b> 22/00072/FUL	<b>OFFICER:</b> Mr Ben Warren
<b>DATE REGISTERED:</b> 13th January 2022	<b>DATE OF EXPIRY :</b> 10th March 2022
<b>WARD:</b> Battledown	<b>PARISH:</b> CHARLK
<b>APPLICANT:</b>	Mr Lessandro Albuquerque
<b>LOCATION:</b>	2 Charlton Court Road Charlton Kings Cheltenham
<b>PROPOSAL:</b>	Construction of a new detached dwelling house with associated parking and amenity space. Technical details stage of the PIP process. (Ref: 21/01642/PIP)

## REPRESENTATIONS

Number of contributors	<b>3</b>
Number of objections	<b>3</b>
Number of representations	<b>0</b>
Number of supporting	<b>0</b>

4 Charlton Court Road  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL52 6JB

### Comments: 17th January 2022

The property is prone to flooding with no exit for any flood water/sewage. Number 4 is built over the culvert from St Edwards School to the south side of Charlton Court Road which is the only outlet for that drainage. It does not have any spare capacity and is in dire need of an upgrade. It has taken much research to conclude that the only way to upgrade this drain is to demolish Number 4 and instal a new, higher capacity drain. To take full advantage of this work it is the right time to raise the ground level to that of Charlton Court Road which would leave the planned house adjacent in a sump, which is not an ideal outcome. Thus it would prudent at this time to raise the level of the planned building also to that of the road. That would make sense even if the plan for Number 4 (22/00077/OUT) is not approved because at some stage there will be flood prevention measures put in place.

Second point is that I think the Sewage diagram is not quite correct. There is a manhole just inside the fence of Number 4 but I am not certain if it is on the sewer that crosses from 240a London Road. Further investigation is needed.

Third and final point is to do with the stability of Number 2, I beleive it has already had underpinning work carried out.

39 Charlton Court Road  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL52 6JB

**Comments:** 13th February 2022

I object to the building of an extra dwelling in this section of Charlton Court Road for the similar reasons that I object to the proposed plans for Number 4.

This section of road is already a hot spot for traffic jams at peak times due to the road being used as a cut through via the Ewans Farm estate. There is a sharp blind corner and road bumps with parked cars often making it already dangerous for pedestrians who struggle to pass due to the irregular depth of the footpath, necessitating walking out in the road.

An additional property will only exacerbate the problems in this already congested area. In addition, there is the increased flood risk with the greater run off, due to more building. Increasing the number of properties by 1 or 6 in such a blatantly dense and recognised hazardous location is inappropriate in my view and it is for these reasons, I object.

19 Oak Avenue  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL52 6JG

**Comments:** 3rd February 2022

Our objections to this proposal regard the sewer issue. This mains sewer is in poor repair. Severn Trent have visited the area several times over the past year to jet the pipe to remove blockages and have had to re-line one part due to damage. This sewer runs under the property in Charlton Court road and to the rear of Coronation Flats and along the bottom of the gardens of nos 1 - 19 Oak Avenue. We have had sewage in our gardens from this pipe when there has been a blockage or damage. Adding more properties to this sewer pipe can only cause more issues.

There has also been problems with flooding in this area in 2007 which adding more houses can only increase the risk of it happening again due to losing more run off for rainwater

<b>APPLICATION NO:</b> 22/01656/FUL	<b>OFFICER:</b> Mr Ben Warren
<b>DATE REGISTERED:</b> 14th September 2022	<b>DATE OF EXPIRY:</b> 9th November 2022
<b>DATE VALIDATED:</b> 14th September 2022	<b>DATE OF SITE VISIT:</b>
<b>WARD:</b> Charlton Kings	<b>PARISH:</b> Charlton Kings
<b>APPLICANT:</b>	Mr And Mrs Lucking
<b>AGENT:</b>	Steve Mitchell Building Design
<b>LOCATION:</b>	82 East End Road Charlton Kings Cheltenham
<b>PROPOSAL:</b>	Part single and part two storey rear extension

**RECOMMENDATION:** Permit



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## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site relates to a two storey semi-detached dwelling located within a residential area on East End Road in Charlton Kings.
- 1.2 The applicant is seeking planning permission for a part single storey and part two storey rear extension to replace an existing single storey rear extension and conservatory.
- 1.3 The application is at planning committee at the request of Councillor McCloskey due to concerns regarding the scale of the extension and the proximity to the neighbouring property at 84 East End Road.
- 1.4 During the course of the application revised plans have been submitted for consideration.

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

### **Constraints:**

Airport Safeguarding over 45m  
Principal Urban Area  
Smoke Control Order

### **Relevant Planning History:**

**85/01155/PF 12th December 1985 PER**  
Erection Of Two Storey Extension To Side  
**88/01540/PF 15th December 1988 PER**  
New Bedroom And Shower Room  
**90/00465/PF 24th May 1990 PER**  
Erection Of Single-Glazed Conservatory

## 3. POLICIES AND GUIDANCE

### **National Planning Policy Framework**

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

### **Adopted Cheltenham Plan Policies**

D1 Design  
SL1 Safe and sustainable living

### **Adopted Joint Core Strategy Policies**

SD3 Sustainable Design and Construction  
SD4 Design Requirements  
SD14 Health and Environmental Quality

### **Supplementary Planning Guidance/Documents**

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

## 4. CONSULTATIONS

### **Building Control - 15th September 2022**

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

**Parish Council - 5th October 2022**

Comment:

The Committee is concerned about the level of loss of light to the side windows of No.84 and would ask that this be formally assessed. If the level of loss of light would be excessive then this concern would become an objection to the application.

We also note with concern that through the consultation period the Objection from No.84 has not been posted on the CBC website (although as at 5/10 it is available).

## 5. PUBLICITY AND REPRESENTATIONS

- 5.1 Upon receipt of the application 3 letters were sent to neighbouring land users, one letter of objection and one letter of support were received in response to this neighbour notification process.
- 5.2 The concerns raised by the adjacent land user at number 84 East End Road have been summarised but are not limited to the following:
  - Loss of light
  - Loss of privacy
  - Design
- 5.3 Upon receipt of the revised plans, the neighbour at number 84 East End Road was re-consulted and a further objection from this neighbour has been received. The further comments suggest that the revised plans have not addressed the original concerns regarding a loss of light.

## 6. OFFICER COMMENTS

### 6.1 Determining Issues

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

6.3 The neighbouring property and garden at 84 East End Road has been visited in order to fully assess the impact on this neighbouring property.

### 6.4 Site location and context

6.5 The application site relates to a two storey semi-detached dwelling, located within a wholly residential area. Many of the properties in the immediate locality have been extended and altered, additions include both single and two storey side and rear extensions.

6.6 The application site has previously been extended with a two storey side extension, single storey rear extension and rear conservatory. The adjoining property at number 80 East End Road has an existing single storey rear extension and the neighbouring property at number 84 East End Road has been extended with a two storey rear wing.

### 6.7 Design

6.8 Policy SD4 of the JCS sets out that development should “respond positively to, and respect the character of, the site and its surroundings, enhancing local distinctiveness,

and addressing the urban structure and grain of the locality". Furthermore, development "should be of a scale, type, density and materials appropriate to the site and its surroundings". This is supported through adopted Cheltenham Plan Policy D1 which requires development to 'complement and respect neighbouring development and the character of the locality.'

- 6.9 Cheltenham's Supplementary Planning Document – Residential Alterations and Extensions sets out that rear extensions should be subservient in height and width, as well as identifying other necessary design aspects.
- 6.10 The form of the proposed part two storey and part single storey rear extension is a typical form of development for an extension to a residential property. In this instance the proposal will replace an existing single storey rear extension and conservatory.
- 6.11 Whilst officers considered the principle of the proposed extensions to be acceptable, officers raised concerns regarding the depth of the two storey rear extension. At 6 metres deep the proposal was considered to be overly deep and resulted in a large and dominant addition to the property and did not read as a subservient addition to the existing building. Concern was also raised regarding the impact on neighbouring amenity which is discussed in later sections of this report.
- 6.12 In response to officer's comments, revised plans have been submitted for consideration, the revised plans show a reduction in the depth of the first floor by 1.5 metres resulting in an overall depth at first floor to 4.5 metres, with the ground floor element remaining the same. Whilst officers duly note that this proposal is a further addition to a property that has already been extended, the extensions are considered to sit comfortably within the plot and will appear as subservient additions to the existing building.
- 6.13 The form and design of the proposed additions are in keeping with the design and character of the existing building. The proposed materials are to match that of the existing building which is wholly appropriate and acceptable.
- 6.14 Overall, in its revised form, officers consider the extension to be of an acceptable scale, form and design and will not result in any unacceptable harm to the design or character of the existing building or its surroundings. The proposal is therefore considered to be compliant with the requirements of the Adopted Cheltenham Plan (2020) policy D1, adopted JCS policy SD4 and the Supplementary Planning Document – Residential Alterations and Extensions (adopted 2008).
- 6.15 **Impact on neighbouring property**
- 6.16 It is necessary to consider the impact of development on neighbouring amenity. JCS Policy SD14 and Cheltenham Plan Policy SL1 state that development should not cause unacceptable harm to the amenity of neighbouring properties. Matters such as a potential loss of light, loss of privacy, loss of outlook, noise disturbances and overbearing impact will therefore be considered.
- 6.17 Concerns from the neighbouring land user at 84 East End Road have been raised regarding the impact of the proposed two storey rear extension on light to a number of side facing windows, and also raised concerns regarding a loss of privacy from the new upper floor windows within the proposed extension. These concerns are also reflected in the parish council's comment.
- 6.18 In terms of light, three windows located in the side of the neighbour's property would be impacted by the development, this includes a ground floor kitchen window, ground floor cupboard window and upstairs landing window. The cupboard and landing are not classed as habitable spaces and therefore do not warrant protection in terms of light.

With regards to the kitchen window, the proposed two storey extension would fail the basic 25 degree light test to this window, officers therefore acknowledge that light to this window will be impacted by the development. However, the kitchen space that this window serves is a functional kitchen space and does not include any form of seating area for dining etc, with this being the case, it is considered to be afforded less protection than if it was a fully habitable space such as a kitchen diner, dining room, living room or bedroom. Furthermore, this kitchen space is also served by an additional light source in the form of a clear glazed door in the rear elevation of the two storey wing, this opening will not be affected by the proposed development.

Given the use of the room and the fact that the space benefits from two light sources, one of which will not be impacted by the proposed development, officers do not consider that any loss of light would be to an unacceptable level. The revised plans which include a reduction in depth of the first floor extension will also reduce any impact on neighbouring amenity and will allow for more light to reach this kitchen window.

- 6.19 In terms of impact on the attached neighbour at number 80 East End Road, this property has a single storey rear extension, and whilst the proposed single storey extension will extend beyond this, it will not fail the light test to any window within this neighbour's extension.
- 6.20 In terms of privacy, one new upper floor side facing window is proposed, however this is to serve a bathroom, is high level and is annotated on the plans to be obscurely glazed and therefore will not result in any loss of privacy. Officers have suggested a condition which requires this window to remain as obscure glazing and high level. The new first floor window in the rear elevation will overlook the applicant's private rear garden and is therefore acceptable in terms of privacy.
- 6.21 Whilst noting the concerns of the neighbouring land user, officers do not consider that the revised proposal will result in any unacceptable loss of light and therefore is considered to be acceptable and compliant with Adopted Cheltenham Plan (2020) policy SL1 and adopted JCS policy SD14 which requires development to protect the existing amenity of neighbouring land users and the locality.

### 6.22 **Other considerations**

#### *Climate change*

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.

The application is supported by a sustainability statement which discusses various key points highlighted in the Climate Change SPD. Specifically, it discusses water efficiency, surface water drainage, materials, insulation and waste. The statement also identifies that when the heating system within the property is next upgraded the applicant intends to consider further low carbon technologies including the installation of solar panels and an air source heat pump. Officers consider the submitted information and measures to be acceptable for this scale of works.

#### *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 secured revised plans and for the reasons discussed above, officer recommendation is to permit the application subject to the conditions set out below;

### **8. CONDITIONS / INFORMATIVES**

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

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

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

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

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

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

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

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

### **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, the authority sought revisions to the size of the rear extension to achieve a suitable level of subservience and to reduce impact on neighbouring amenity;

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

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<b>APPLICATION NO: 22/01656/FUL</b>		<b>OFFICER: Mr Ben Warren</b>
<b>DATE REGISTERED:</b> 14th September 2022		<b>DATE OF EXPIRY :</b> 9th November 2022
<b>WARD:</b> Charlton Kings		<b>PARISH:</b> CHARLK
<b>APPLICANT:</b>	Mr And Mrs Lucking	
<b>LOCATION:</b>	82 East End Road Charlton Kings Cheltenham	
<b>PROPOSAL:</b>	Part single and part two storey rear extension	

## REPRESENTATIONS

Number of contributors	<b>3</b>
Number of objections	<b>2</b>
Number of representations	<b>0</b>
Number of supporting	<b>1</b>

1 Balcarras Retreat  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL53 8QU

### Comments: 2nd October 2022

It is essential we encourage the residents in the Charlton Kings direct area to invest in the community. Allowing a family to grow their home, facilitating a happier environment for their children to flourish does exactly this. We need to strengthen those families who already have roots and loyalties to the schools, church and various community initiatives to stay within Charlton Kings. This application, if successful, achieves exactly this.

84 East End Road  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL53 8QL

### Comments: 20th September 2022

Re Planning Ref - 22/01656/FUL  
Proposal: Part single and part two storey rear extension at 82 East End Rd Charlton Kings Cheltenham

We wish to strongly object to the proposed two storey and single storey side and rear extensions at No.82 East End Rd. Over the years the original property has already been extended significantly to both the side and the rear. These extensions were carried out to substantially increase the size of the property yet sympathetically maintain the natural light levels, privacy, visual impact and general ambience of neighbouring properties.

We find it hard to comprehend that further intrusive extensions to the property are being proposed, especially as no other property in the area has been extended in such a way as to have such a large impact on its neighbours. If the application is successful, we will lose substantial natural light to our kitchen / dining room / understairs cupboard and upstairs landing / bedroom. I would also like to highlight misleading and inaccurate information shown on the submitted plans (drawing number 1330.1) it states 2 'windows' but one of which is a door and not a window. It is not just the one kitchen window that will be seriously impacted by loss of natural light and overshadowing, but also our ground floor understairs cupboard and upstairs landing window and upstairs rear bedroom window. The single window highlighted on the plans is our main source of natural light for the kitchen and an important source of light for our dining room, it does not supply light to a single room as implied erroneously on the plans. It is essential that all the rooms affected receive adequate levels of natural light as they have for the last 50 years, and which is a basic human requirement.

With the proposed extension far exceeding the original building line of the existing properties and being right up against our boundary fence we will lose privacy in our back garden, it will be overlooked and greatly overshadowed by a two-storey brick wall, in effect giving rise to a tunnelling effect between the two properties. The visual impact will be overbearing and very oppressive. As well as a loss of privacy in the garden we object to the bathroom window which will be facing our property and against our boundary on the proposed side extension. This window will mean our upstairs landing window is overlooked and will result in light pollution at night.

In addition, we are very concerned with the design and note recent NPPF changes regarding high quality design and greater weight to be given during planning balance. Our concerns are its overwhelming transformative impact it does not read as secondary or subservient to the original property in any way.

If further space is required there are options available that are far less obtrusive to neighbouring properties, such as the loft extensions that several properties in the local area have recently had.

Having resided in my property for over 50 years it would be a great shame for a precedent to be set where back gardens can be built upon unnecessarily and to the detriment of those that want to enjoy their gardens and views as they have for many years. We sincerely hope this application is rejected for the reasons stated.

**Comments:** 1st November 2022

Letter attached.

84 East End Road  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL53 8QL

**Comments:** 4th November 2022

Following the recent revised plans that have been submitted I would like to state that they have not addressed our initial concerns at all. Our main concern was the loss of light to our kitchen window and the fact that the 25 degree ruling is being totally ignored. The revised plans may mean the light impact to our kitchen door is reduced, but a doorway cannot be included when measuring light levels, only the window which is our main source of light. I am disappointed that the revised plans have not addressed this at all. The extension will still be overbearing and have an impact on our quality of life due to loss of light in the property we have lived in for over 50 years. Due to the impact the decision will have and before it is made, I would like to request that the applicant engages a specialist light level company to measure our current light levels and advise on the impact the extension will have.

Re Planning Ref – 22/01656/FUL

Proposal: Part single and part two storey rear extension at 82 East End Rd Charlton Kings  
Cheltenham

We wish to strongly object to the proposed two storey and single storey side and rear extensions at No.82 East End Rd. Over the years the original property has already been extended significantly to both the side and the rear. These extensions were carried out to substantially increase the size of the property yet sympathetically maintain the natural light levels, privacy, visual impact and general ambience of neighbouring properties.

We find it hard to comprehend that further intrusive extensions to the property are being proposed, especially as no other property in the area has been extended in such a way as to have such a large impact on its neighbouring properties. If the application is successful, we will lose substantial natural light to our kitchen / dining room / understairs cupboard and upstairs landing / bedroom. I would also like to highlight misleading and inaccurate information shown on the submitted plans (drawing number 1330.1) for the 2 'windows' (one of which is a French door) at no.84. It is not just the window and French doors that will be seriously impacted by loss of natural light and overshadowing, but also our ground floor understairs cupboard and upstairs landing window and upstairs rear bedroom window. The window and French door highlighted on the plans are our main source of natural light for the kitchen and an important source of light for our dining room, they do not supply light to a single room as implied erroneously on the plans. It is essential that all the rooms affected receive adequate levels of natural light as they have for the last 50 years, and which is a basic human right.

With the proposed extension far exceeding the original building line of the existing properties and being right up against our boundary fence we will lose privacy in our back garden, it will be overlooked and greatly overshadowed by a two-storey brick wall. The visual impact will be overbearing and very oppressive. As well as a loss of privacy in the garden we object to the bathroom window which will be facing our property and against our boundary on the proposed side extension. This window will mean our upstairs landing window is overlooked and will result in light pollution at night.

If further space is required there are options available that are far less obtrusive to neighbouring properties, such as the loft extensions that several properties in the local area have recently had.

Having resided in my property for over 50 years it would be a great shame for a precedent to be set where back gardens can be built upon unnecessarily and to the detriment of those that want to enjoy their gardens and views as they have for many years. We sincerely hope this application is rejected for the reasons stated.

## REPORT OF THE HEAD OF PLANNING ON PLANNING APPEALS

### OVERVIEW

The purpose of this report is to provide Members of the Planning Committee with an overview of all planning appeals that have been received by the Council since the previous meeting of the Planning Committee. It further provides information on the decisions that have been received.

### RECOMMENDATION

To note the contents of the report.

### Appeals Received

#### October/November 2022

Address	Proposal	Delegated or Committee Decision	Appeal Type	Anticipated Appeal Determination Date	Reference
Glenfall Stables, Ham Road, Charlton Kings, Cheltenham, Gloucestershire	Demolition of existing and erection of 2 no. replacement dwellings and 1 no. detached garage, and all other associated operations (revised scheme 21/01586/FUL)	Delegated Decision	Written representation	January 2023	Appeal ref: 22/00026/PP1 Planning ref: 22/00602/FUL



## Appeals Decided

Address	Proposal	Delegated/Committee Decision	Appeal Type	Outcome	Reference
214 - 216 High Street, Cheltenham, GL50 3HF	Proposed installation of 1no. new BT Street Hub, incorporating 75" LCD advert screens plus the removal of associated BT kiosk(s)	Delegated Decision	Written representation	Appeal A and B Dismissed	Appeal ref: 22/00012/ADV1 22/00013/PP1 Planning Ref: 21/02302/ADV 21/02302/FUL
103 High Street, Cheltenham	Proposed installation of 1no. new BT Street Hub, incorporating 75" LCD advert screens plus the removal of associated	Delegated Decision	Written representation	Appeal A and B Dismissed	Appeal ref: 22/00014/PP1 22/00015/PP1 Planning ref: 21/02308/ADV 21/02308/FUL
SOHO Coffee Co, Unit B, The Brewery Quarter, High Street, Cheltenham	Proposed installation of 1no. new BT Street Hub,	Delegated Decision	Written representation	Appeal A and B Dismissed	Appeal Ref: 22/00018/PP1 22/00019/ADV1 planning ref: 22/00324/ADV 22/00324/FUL