

Cheltenham Borough Council Planning Committee

Meeting date: 19 January 2023

Meeting time: 6.00 pm

Meeting venue: Council Chamber - Municipal Offices

Membership:

Councillor Paul Baker (Chair), Councillor Garth Barnes (Vice-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

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Contact: democraticservices@cheltenham.gov.uk
Phone: 01242 264 246

Agenda

1 Apologies

2 Declarations of Interest

3 Declarations of independent site visits

4 Minutes of the last meeting (Pages 5 - 8)

To approve the minutes of the meeting held on 15th December 2022.

5 Planning Applications

5a 22/01473/FUL and 22/01473/LBC The Swan, 35-37 High Street, Cheltenham, GL50 1DX (Pages 9 - 20)

[Planning application documents](#)

[Listed building consent documents](#)

5b 22/01743/FUL St Peters and The Moors Big Local (Pages 21 - 38)

[Planning application documents](#)

5c 22/0186/FUL 27 Hulbert Close, Cheltenham, GL51 9RJ (Pages 39 - 44)

[Planning application documents](#)

6 Appeal Update (Pages 45 - 64)

Appeals information.

7 Any other items the Chairman determines urgent and requires a decision

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Planning Committee

**Thursday, 15th December, 2022
18:00-19:10**

Attendees

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

Officers in Attendance: Liam Jones (Head of Planning), Nikkita Hooper (Conservation Officer), Ben Warren (Planning Officer), Claire Donnelly (Planning Officer) Michael Ronan (One Legal)

1. Apologies

Apologies were received from Councillor McCloskey, Councillor Clark attended as a substitute.

2. Declarations of Interest

Councillor Clark declared an interest in 5a as a trustee of Cheltenham Trust and left the Chamber for that item and was therefore not present for the debate or vote.

Councillor Baker declared an interest on items 5b and 5c as he wished to speak on those items and therefore was not present for the debate or vote.

3. Declarations of independent site visits

Councillors Seacome and Oliver visited both sites.
Councillor Payne visited Cambray Court.
Councillor Bamford also visited Cambray Court.

4. Minutes of the last meeting

The minutes of the November meeting were approved and signed.

5. Planning Applications

6. 22/01855/LBC Cheltenham Town Hall, Imperial Square

The Conservation Officer introduced the case.

There were no Member questions and there was no Member debate.

The matter went to the vote on the officer recommendation to permit.

For – 10 UNANIMOUS
Permitted.

7. 22/00778/FUL Cambray Court, Cambray Place

The Planning Officer introduced the report.

The Chair ensured that all committee Members had seen the written representations that had been sent in by people unable to attend the meeting.

There were two speakers in the item the first being the Chair of the Planning Forum at the Cheltenham Civic Society. He made the following points:

- That the proposal would enhance the area and would be an improvement to the public realm.

- The plan is for a new waterside mini park which will be a private park for Cambray Court residents and a park for Cheltenham residents by using a small amount of the Rodney Road car park.
- To realise the plan the Council needs to declare public support of the site and in the long run the proposal should be cheaper for the residents.

Councillor Baker as the County Councillor for the area spoke on the application and made the following points:

- He explained that the application is within his County division and that he had engaged with The Civic Society and the residents at an early stage in the process.
- The River Chelt is a hidden treasure and not many residents or visitors are aware of it.
- The proposal would enhance the area and reduce flood risk, it would also help preserve the wildlife.
- There has already been planning permission for a different scheme approved for this area, that should be re considered and approve this current plan.
- The benefits of the proposal are that there will be a permeable hard standing, solar panels and electric vehicle charging points.
- There will be a small loss to the garages and public parking.
- Approval of this scheme will make the best of the River Chelt.

The matter then went to Member questions and the responses were as follows:

- The current dimensions of the garages are width 2.6m, depth 5.6m and height 2.6m. The proposed new garages will be as follows: width 2.7m, depth 5.3m and a pitched roof where the maximum height will be 5.4m.
- The green space that will be taken from Rodney Road is 3.7m.
- The height of the wall is to meet the height that is advised to meet climate change flood river levels.
- The previous scheme was permitted in 2021 with the condition that it be implemented in three years, which is the same as this application.
- Any legal matters amounting from the grant of this scheme are no a planning matter for consideration, they are a civil matter.
- There is a condition for landscaping within the scheme and that will include lighting.
- The maintenance of the site will be the responsibility of the owner of the land, in this case Cheltenham Borough Council and the owners of the flats.

The matter then went to Member debate when the following points were raised:

- There was concern raised regarding the loss in revenue to the authority due to the loss of parking at Rodney Road car park.
- The issue with possible flooding was raised although it was acknowledged that the Environment Agency were in support of the application.
- The previous planning application was a concern as to whether that would still go ahead and if it doesn't and the current application is approved the residents may be exposed to a flooding risk.
- There was a pint raised with regard to the risk of flooding and if the final decision should be based on that.
- The financial and legal issues were not for the planning committee to consider, it is an application that only the planning issues should be taken into account.

The Legal Officer then interjected and advised the committee that car parking revenue is not a planning material consideration, also, when it came to flooding the Members needed to make their decision on the information that they have been provided with. The Head of Planning also stated that the last scheme that was approved can still be implemented and it is not the committees decision which plan is implemented first. The Environment Agency have given their opinion and that needs to be taken into account.

Following that information the debate then resumed:

- The people with the most to lose at the premises are those that own garages on the site. The amenity would be negatively affected.
- In planning terms it is an attractive scheme, whether the residents like and approve them is another matter.
- There is no doubt that the tenants of Cambray Court will have a major impact on the scheme, need to remember that financial issues are not within the committees remit.

The matter then went to the vote on the officers recommendation to permit:

For: 7

Against: 3

PERMIT

8. 22/01990/FUL 20 Southfield Rise

The Planning Officer introduced the report as published.

The Chair then ensured that the Committee had seen the representations that had been sent in from people who were unable to attend the meeting.

There was only one speaker in the item Councillor Paul Baker.

He made the following points:

- He stated that he was involved in the case due to the concerns of the neighbour.
- There has been conflict between the neighbours but hopefully good relations can return.
- This is a retrospective application as the extension that was previously approved was not built and this application does reflect the extension that was built.
- During site view it was possible to see the extension and understand its impact.
- The extension no longer has a first floor rear extension and as a result the application does not fail the light test.
- The conversion of the property is significant and been completed to a high standard.
- The extension does result in some loss of light for the neighbour and it does result in some loss of outlook which means there is conflict with the Cheltenham Local Plan Policy SL1 the amenity of adjoining land users.
- The conflict with the neighbour has meant that the builder has not been able to do a very good job of the brickwork, which looks a little unsightly from the neighbours side.

There were no Member questions.

The matter then went to debate and the following point was made:

- There is less loss of light to the neighbour than the previous application, therefore there is a better outcome for the neighbour.

The matter then went to the vote to permit:

For: 9

Against: 0

Abstentions: 1

PERMIT

The Chair then thanked officers for all their hard work during the year.

The next meeting is the 19th January 2023.

9. Appeals Update

Were noted for information.

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

There were none.

Chair

| | |
|--|---|
| APPLICATION NO: 22/01473/FUL & 22/01473/LBC | OFFICER: Miss Claire Donnelly |
| DATE REGISTERED: 1st September 2022 | DATE OF EXPIRY: 27th October 2022; extension of time agreed until 18th November 2022 |
| DATE VALIDATED: 1st September 2022 | DATE OF SITE VISIT: |
| WARD: All Saints | PARISH: n/a |
| APPLICANT: | Mr Anderson |
| AGENT: | SF Planning Limited |
| LOCATION: | The Swan 35 - 37 High Street Cheltenham |
| PROPOSAL: | Retention of a temporary structure within the enclosed rear courtyard for up to two years |

RECOMMENDATION: Refuse



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application relates to The Swan, 35 – 37 High Street, currently in use as a pub at ground floor. The whole building is Grade II listed. The pub benefits from internal and external seating areas, and has a function room to the rear of the pub. The site is located within the Old Town Character Area of Cheltenham's Central Conservation Area.
- 1.2 The applicant benefitted from the Council's relaxation of enforcement for temporary structures which was put in place to help and support the successful running of businesses and organisations within the town to ensure they remained open and viable due to the COVID-19 restrictions/guidance and provide more physical space to accommodate social distancing and safer operations. In April 2021 the applicant sought confirmation that the temporary canopy structures that had been erected could be considered as part of the relaxation. The Council decided to bring an end to the temporary relaxation of enforcement on 30th September 2022 given that COVID-19 restrictions have come to an end. Any businesses seeking to retain their structures past this date, were required to seek the necessary consents for their retention.
- 1.3 In this instance, the applicant is seeking consent for the retention of the canopy structures for a further period of up to two years.
- 1.4 The applicant has confirmed that during the two year temporary consent, a more permanent solution would be explored setting out a timeline to achieve this over the next two years.
- 1.5 During the course of the application, officers have engaged with the applicant and subsequently carried out an on-site visit to discuss permanent solutions that they may wish to explore. It is considered by officers that permanent canopies could be achieved in this location, however support would be dependent on scale, design, material and location. The applicant has been advised by officers of the extent of canopy that could be supported.
- 1.6 The application is at planning committee at the request of Councillor Tailford if officers were minded to refuse as the structures would help a local business during a time where help is needed.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Conservation Area
Core Commercial Area
Listed Buildings Grade 2
Principal Urban Area
Central Shopping Area
Smoke Control Order

Relevant Planning History:

82/00489/PF 24th February 1983 PER

Old Swan Hotel High Street Cheltenham - Internal Alterations At Ground Floor Level And Erection Of External Glazed Canopy

83/00659/PF 24th February 1983 PER

Internal alterations at ground floor level and erection of external glazed canopy

83/00660/PF 30th June 1983 REF

Display of new signs at front and rear

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84/00325/PF 26th July 1984 PER

Old Swan Cheltenham - Erection Of Conservatory In Yard Of Existing Public House

84/00330/LA 26th July 1984 PER

Old Swan Cheltenham - Erection Of Conservatory In Yard Of Existing Public House

84/00729/AN 22nd November 1984 PER

Old Swan Cheltenham Gloucestershire - Display Of Gold Leaf Signwriting On Windows And Individual Applied Lettering On String Course (Retrospective Application)

84/00794/PF 13th December 1984 PER

Erection Of Glazed Canopy In Yard

84/00795/LA 13th December 1984 PER

Erection Of Glazed Canopy In Yard

89/01172/AI 8th November 1989 REF

Display Of Illuminated Advertisements (As Amended)

89/01555/AI 18th January 1990 REF

Display Of Illuminated Advertisements (Retrospective)

94/01006/LA 15th December 1994 PER

Erect External Signs

95/00287/PF 25th May 1995 PER

Internal Alterations, Including Forming New Entrance And Closing Existing

95/00291/LA 25th May 1995 PER

Internal Alterations, Including Forming New Entrance And Closing Existing

95/00524/AI 27th July 1995 PER

Display Of Illuminated Painted Fascia Signs And Double-Sided Illuminated Projecting Sign

95/00525/LA 27th July 1995 PER

Illuminated Double Sided Projecting Sign, Facility Boards, Sign Written Fascia And Wall Signs

98/00675/AI 10th September 1998 PER

OHagans Public House - Fascia Sign, Amenity Signs, Pictorial Swing Signs And Associated Lighting.

02/00977/LBC 6th September 2002 GRANT

Internal alteration to Bar and Restaurant Areas

03/00150/FUL 9th May 2003 WDN

Demolition of outbuildings to rear of building, including conservatory, toilet and coach house, and erection of single/two storey extensions to provide function room, managers accommodation, extended kitchen, link corridor and fire escape.

03/00151/LBC 9th May 2003 WDN

Demolition of outbuildings to rear of building, including conservatory, toilet and coach house, and erection of single/two storey extensions to provide function room, managers accommodation, extended kitchen, link corridor and fire escape.

04/01607/FUL 1st November 2004 PER

New raised patio and walls to the rear courtyard

07/01570/LBC 3rd June 2008 GRANT

Alterations to cellar access with the introduction of 456mm high vertical doors above existing ground flaps to provide more headroom for deliveries

09/01884/FUL 6th May 2010 WDN

Construction of a conservatory, replacing existing temporary marquee to the rear building and passageway

09/01885/LBC 6th May 2010 WDN

Construction of a conservatory, replacing existing temporary marquee to the rear building and passageway

11/01411/FUL 21st November 2011 WDN

Erection of a hardwood painted orangery extension to restaurant

11/01412/LBC 21st November 2011 WDN

Erection of a hardwood painted orangery extension to restaurant

13/01933/CACN 9th December 2013 NOOBJ

Ash tree within rear pub garden - fell

16/01469/LBC 10th October 2016 GRANT

Formation of servicing hatch to ancillary building (retrospective)

3. POLICIES AND GUIDANCE

National Planning Policy Framework

Section 2 Achieving sustainable development

Section 4 Decision-making

Section 6 Building a strong, competitive economy

Section 7 Ensuring the vitality of town centres

Section 8 Promoting healthy and safe communities

Section 12 Achieving well-designed places

Section 16 Conserving and enhancing the historic environment

Adopted Joint Core Strategy Policies

SD3 Sustainable Design and Construction

SD4 Design Requirements

SD8 Historic Environment

SD14 Health and Environmental Quality

Cheltenham Plan Policies

D1 Design

SL1 Safe and Sustainable Living

Supplementary Planning Guidance/Documents

The Cheltenham Climate Change SPD (adopted June 2022)

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

4. CONSULTATIONS

Building Control

5th September 2022 –

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

Heritage And Conservation

18th October 2022 –

The proposed works are for the retention of a temporary structure within the enclosed rear courtyard for up to two years. The proposed temporary structures are comprised of timber structures with hard, clear plastic roofs.

Notably the temporary structures were constructed without planning permission, with the knowledge of the local planning authority, when planning enforcement was relaxed to address social distancing concerns during the Covid 19 pandemic. These restrictions have now ended. The applicant would have previously been made fully aware of the temporary nature of this relaxation and constructed the temporary structures with this understanding.

The site is sensitive in heritage terms. The temporary structures affect the rear of a historic coaching inn dated circa 1810-20, which is a grade II listed building. Specifically the temporary structures cover an area of the inn that would have historically been the access for carriages. The site is also located within the Central Conservation Area, although due to the enclosed nature of the rear elevation of the listed building this is not considered to be affected.

It is important to consider the policy context in which the proposal needs to be determined. The cornerstone of heritage legislation is the Planning (Listed Building and Conservation Area) Act 1990. In determining this application it is important to note the statutory duty of local planning authorities under 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 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

A core principle of the National Planning Policy Framework 2019 (NPPF) is heritage assets be conserved in a manner appropriate to their significance. Chapter 16, paragraphs 199-208 set out how potential impacts on heritage assets need to be considered. This assessment takes account of the relevant considerations in these paragraphs, including paragraph 197 of the NPPF, which requires the significance of heritage assets to be sustained and enhanced, with paragraph 199 requiring great weight be given to the asset's conservation.

Regarding the justification for the proposed works in heritage terms, it is considered the supporting information within the application lacks recognition of the heritage significance of the site and its setting and the impact the proposed continues use of the temporary structures will have. It is also considered unclear from the submitted application why the continued need for a temporary structures is required given the lifting of Covid restrictions, the previously existing cover outdoor seating provision and why this use cannot be accommodated within the open air as it previously existed. The reasoning given within the covering letter is not considered sufficient a reason to override the harm that would be caused to the listed building and its setting. Concern is therefore raised over the principle of retaining the structure, even on a temporary basis, in heritage terms.

The proposal is considered to fail to meet the requirement of paragraph 194 of the NPPF, which requires an applicant to describe the significance of any heritage assets affected by a development proposal, including any contribution made by their setting, with the level of detail proportionate to the assets' importance and sufficient to understand the potential impact of the proposal on their significance. It also fails to address paragraph 200 of the NPPF, which requires any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), to require clear and convincing justification.

Objection is raised to the retention of the temporary structures on heritage grounds. The development proposal is a not a tailored response to the site and its setting, with the cumulative impact of their impermanent appearance, design detailing, materials, scale and massing and their prominent location to within the context of the rear of the listed building is considered to respond poorly to the sensitivity of its setting. The proposed structures are therefore considered to appear incongruous and therefore detract from and harm the listed building and its setting, an unacceptable impact even on a temporary basis.

The impact of the proposed works on the setting of listed buildings is considered to neither sustain or enhance their special interest as required by Paragraph 197 of the NPPF and does not meet the requirement of paragraph 199 of the NPPF, which requires great weight be given to the asset's conservation, which includes setting. The temporary retention of the structures is considered to cause harm to the setting of the affected listed buildings, which is considered less than substantial harm for the purposes of the NPPF. The development proposal does not to comply with Section 16 of the Planning (Listed Building and Conservation Area) Act 1990, Chapter 16 of the National Planning Policy Framework and Policy SD8 of the Joint Core Strategy 2017.

Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, the NPPF requires this harm be weighed against the public benefits of the proposal. It is important this exercise be undertaken as a separate exercise to the general planning balance as it is distinct from it. If consent is granted due to the public benefits associated with the development proposal being considered to outweigh the harm, it is advised it be made clear to the agent and applicant within an informative as part of the decision notice that further renewal of any temporary consent would not be granted, as this by proxy would unacceptably prolong this harmful impact on the affected heritage assets.

5. PUBLICITY AND REPRESENTATIONS

| | |
|-------------------------|----|
| Number of letters sent | 26 |
| Total comments received | 0 |
| Number of objections | 0 |
| Number of supporting | 0 |
| General comment | 0 |

- 5.1 Letters have been sent to twenty-six neighbouring properties, a site notice has been displayed and an advert has been placed in the Gloucestershire Echo; no responses have been received.

6. OFFICER COMMENTS

6.1 Determining Issues

- 6.2 The key considerations for this application are;

- The impact on designated heritage assets,
- The public benefits of the structure/use,
- The impact on neighbouring amenity, and
- Sustainable development.

6.3 The site and its context

- 6.4 As outlined in the introduction, the applicant has benefitted from the Councils relaxation of enforcement for temporary structures, however this relaxation has now come to an end and therefore the retention of the structures require permission to be sought.

- 6.5 The site relates to The Swan pub, located at the eastern end of Cheltenham's High Street. The whole building is Grade II listed; a historic coaching inn dated circa 1810-1820; the historic carriage access associated with the coaching inn is still apparent.
- 6.6 The site benefits from permanent structures to the rear of the site and has done for many years, including free standing shelter structures, which provides covered seating areas. The erection of the temporary canopy structures during the COVID-19 pandemic increased the covered outdoor area to provide additional seating to be used in all weather conditions.
- 6.7 The temporary structures comprise three areas of cover to the rear of the pub. The covered areas measure 17.2 metres, 9.5 metres and 10.2 metres in lengths with varying widths. The structures comprise of timber posts with corrugated plastic roofs, and therefore have temporary appearance in terms of their nature.
- 6.8 The site is located within the Core Commercial Area, and therefore is surrounded by commercial premises, however there are residential uses in the vicinity at upper floor level. Above The Swan is in use as residential flats.
- 6.9 **Heritage impacts**
- 6.10 Policy SD8 of the Joint Core Strategy requires development to make a positive contribution to local character and distinctiveness, having regard to the valued elements of the historic environment.
- 6.11 Paragraph 199 of the NPPF states:
- “When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.”*
- 6.12 Paragraph 200 of the NPPF states:
- “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.”*
- 6.13 The proposed structures are to the rear of, and attached to the Grade II listed building. The site has a historical access used by carriages which can still be seen; the proposed structures would cover this access and obscure the obvious access. Officers acknowledge that the structures are located to the rear of the listed building; the applicant has set out in the supporting statement that the structures are only seen by customers within the site. However, limited views of the structures and the rear elevation of the listed building can be seen from the rear of the site; from St James Street Car Park, and the historic carriage access and beer garden can be seen from the front elevation, from the High Street, when the gates are open (during open hours), and closed (due to their design).
- 6.14 Concerns and objections have been received by the Councils Conservation Officer; full comments can be read above.
- 6.15 The Conservation Officer highlighted that the submitted information does not fully recognise the significance of the site and its setting and the impact the continued use of the temporary structures would have on the heritage asset, and therefore failed to comply with paragraph 194 of the NPPF which requires applicants to describe the significance of any heritage assets affected by the development. The Conservation Officer also noted that clear and convincing justification had not been provided which also failed to comply

with paragraph 200 of the NPPF. It should however be noted that a short justification statement was subsequently received on 11th November 2022, this statement was submitted following the request of officers; the statement predominantly addresses the public benefits of the scheme, as well as briefly addressing the impact on the grade II listed building. It is considered by officers that this statement does not address the concerns raised by the conservation officer.

6.16 The Conservation Officer considers that the provision of temporary structures is not a tailored response to the site and its setting, with the cumulative impact of their temporary appearance, design detailing, materials, scale and massing and their prominent location within the context of the rear of the listed building is considered to respond poorly to the sensitivity of its setting. The development is considered to appear as an incongruous addition and detract from and harm the listed building and its setting, even on a temporary basis. It is therefore concluded that the proposal is contrary to Paragraph 197 of the NPPF and does not meet the requirement of paragraph 199 of the NPPF, which requires 'great weight' be given to the asset's conservation, which includes setting. It has been identified that the development would lead to less than substantial harm to the significance of the designated heritage asset.

6.17 **Public benefits**

6.18 As discussed above, the development is considered to result in harm to the setting of the grade II listed building. The Conservation Officer has identified the proposed structure would result in harm to the designated heritage assets and that level of harm to be less than substantial. As such, Paragraph 202 of the NPPF is relevant.

6.19 Paragraph 202 of the NPPF states:

"Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal..."

6.20 When considering public benefits, the NPPF itself does not define what public benefits are for this purpose. Further guidance is given in the Historic Environment Chapter of the PPG. This refers to anything which delivers the economic, social or environmental objectives of sustainable development described in paragraph 8 of the NPPF and these objectives are as follows:

- a) Economic - to help build a strong, responsive and competitive economy;
- b) Social - to support strong, vibrant and healthy communities; and
- c) Environmental - to protect and enhance our natural, built and historic environment.

6.21 The PPG makes clear that the public benefits must flow from the development and must be of a nature or scale that would benefit the public at large but these benefits do not always have to be visible or accessible to the public or to all sections of the public to be genuine public benefits.

6.22 The applicant has submitted a statement to set out the public benefits of the proposal.

6.23 Economic and social benefits

6.23.1 The supporting statement sets out that The Swan employs 14 people and supports at least 7 local businesses by buying from local and independent suppliers; and at least 19 businesses from the wider Cotswold and surrounding counties. Further to the running of the pub, The Swan uses at least 26 local contractors from building maintenance, to communication businesses.

- 6.23.2 It has been confirmed in the supporting statement that over 95% of the businesses purchasing is directed back into the local community and businesses, and if the business was to not thrive as is, the wider supply chain would also be impacted.
- 6.23.3 The supporting information sets out the current financial situation of the pub as a result of the COVID-19 pandemic, setting out that the business has a rent debt and trades at approximately 15% less than pre-pandemic. The additional year round outdoor structures contributes 78 additional covers for the business for which could reduce trade by 20%.
- 6.23.4 The statement also identifies that whilst government restrictions have ended, *“the business continues to have a number of customers who are safer sat in an outdoor area and a number who feel safer.”* The applicant therefore states that the *“business cannot cater for these Cheltenham residents without these temporary shelters”*, and *“the business continues to lose booking because of illness and testing in a way that was not seen before the pandemic”*. With the temporary structures outdoor seating can be offered all year round in all weather conditions.
- 6.23.5 The statement summarises that without the retention of the temporary structures there is a real risk that the business would close due to the reduction in number of covers the pub can offer, the increase in running costs and continued maintenance of the building.
- 6.23.6 Officers acknowledge the information set out within the public benefit statement in regards to the economic impacts on both the business itself, employment and wider supply chain associated with the running of the business. It is clear that the temporary structures allow for additional covers which helps the business and provides support to other local businesses.
- 6.24 Impact on heritage assets versus public benefit test**
- 6.25 As set out in the Conservation Officers comments, and discussed above, harm to the setting of designated heritage assets has been identified. With this in mind the identified harm shall be weighed against the public benefits of the scheme as per paragraph 202 of the NPPF.
- 6.26 Officers acknowledge that the structures are located to the rear of the site and that the views of the structures are limited. However, the external seating area can be viewed from the public realm from both the front and rear of the site. The structures would cover a historic carriage access and impact upon the setting of the designated heritage asset.
- 6.27 It is considered that whilst benefits of the retention of the canopies have been identified, the public benefits associated with the canopies are limited. Furthermore, officers are mindful that the structures were only allowed to be erected on a temporary basis in direct response to the restrictions and guidelines imposed by the government in response to the COVID-19 pandemic. With the government no longer imposing social distancing measures, the requirement for the structures for these reasons are no longer required.
- 6.28 Whilst wider benefits to local people; employees of The Swan, and businesses in the supply chain have been identified, the increase in additional external covers are to allow the business to trade more successfully are the driving need for this business; this does not amount to a public benefit. It is considered that the retention of the canopies for a further two years is not considered to be essential to maintain the viability/vitality of the town centre economy.
- 6.29 Whilst officers acknowledge fully that there are some social and economic benefits associated with the retention of the canopies, the majority of the benefits do not serve the wider town centre economy. Whilst it is acknowledged the structures are located to the

rear of the heritage asset, in this instance the public benefits identified by the applicant are not considered to outweigh the identified harm to the significance of the designated heritage asset.

6.30 **Impact on neighbouring property**

6.31 Policy SD14 of the JCS and policy SL1 of the Cheltenham Plan require development not to cause unacceptable harm to the amenity of adjoining land users; this echoes section 12 of the NPPF which requires development to be of a high standard of amenity for existing and future users.

6.32 The site is located in a predominantly commercial area, however there are residential premises on upper floor levels in the vicinity of the site. There have been no public comments received, furthermore there has been no comment from the Environmental Health Officer.

6.33 An outdoor drinking/dining space existed prior to the erection of the canopies, however officers acknowledge that this space has been increased and would serve outdoor seating all year round. However, it is considered that as a result of the proposed structures there would not be an unacceptable impact on neighbouring residents above and beyond the existing impact.

6.34 It is considered that the as a result of the proposed structure there would not be an unacceptable impact on neighbouring amenity; the proposal would therefore comply with the relevant planning policies.

6.35 **Sustainability**

6.36 In June 2022, Cheltenham's Climate Change SPD was adopted which identifies and provides guidance for how development can contribute to the aims of sustainability to achieve net zero carbon by 2030. Policy SD3 of the JCS also requires development to demonstrate how they will contribute to the aims of sustainability and be expected to be adaptable to climate change in respect of design, layout, siting, orientation and function.

6.37 Given the temporary nature of the proposal, officers acknowledge there is little opportunity to include specific low carbon technologies. The applicant has submitted a sustainability statement to address the aforementioned SPD. Due to the temporary nature of the structure and that it is already in place, the proposal would not include any low carbon technologies or features. In this instance, given the nature of the application, this is acceptable.

6.38 **Other considerations**

6.39 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, PLANNING BALANCE AND RECOMMENDATION

- 7.1 As set out above, harm to the significance of the designated heritage asset has been identified. The identified harm has been weighed against the public benefits of the proposals as required by paragraph 202 of the NPPF. Officers acknowledge that there are some public benefits, however, these benefits are not considered to outweigh the identified harm to the heritage asset.
- 7.2 The information and reasons set out within the applicant's covering letter have been considered very carefully but are not considered to outweigh the identified harm to designated heritage assets, with much of the justification for the canopy retention not amounting to public benefit.
- 7.3 Whilst officers acknowledge that the structures have and will continue to help the business, the structures are temporary in their nature and the applicant was aware of the temporary status of the Council's relaxation of enforcement in relation to temporary structures during the pandemic and had time to put a more permanent solution together. Officers have had informal discussions with the applicant advising that a permanent solution could be achieved subject to scale of cover and design details.
- 7.4 In summary the proposed retention of the temporary canopy structures for a further two years is considered to be unacceptable in that it is contrary to relevant local and national planning policies and guidance.
- 7.5 The recommendation is to therefore refuse the application for the following reason.

8. REFUSAL REASON

- 1 The proposed temporary retention of the existing temporary canopy structures on the designated heritage assets by virtue of the scale, form, design and siting is considered to neither sustain or enhance the buildings' special interest and would harm the setting of the grade II listed building. The identified harm to the heritage assets is considered to be less than substantial harm for the purposes of paragraph 202 of the NPPF. The public benefits of the proposals are not considered to outweigh the identified harm to the heritage assets. The development proposals therefore do not comply with Section 16 of the Planning (Listed Building and Conservation Area) Act 1990, Section 16 of the National Planning Policy Framework and Policies SD4 and SD8 of the Joint Core Strategy (2017) and Policy D1 of the Cheltenham Plan (2020).

INFORMATIVE

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

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

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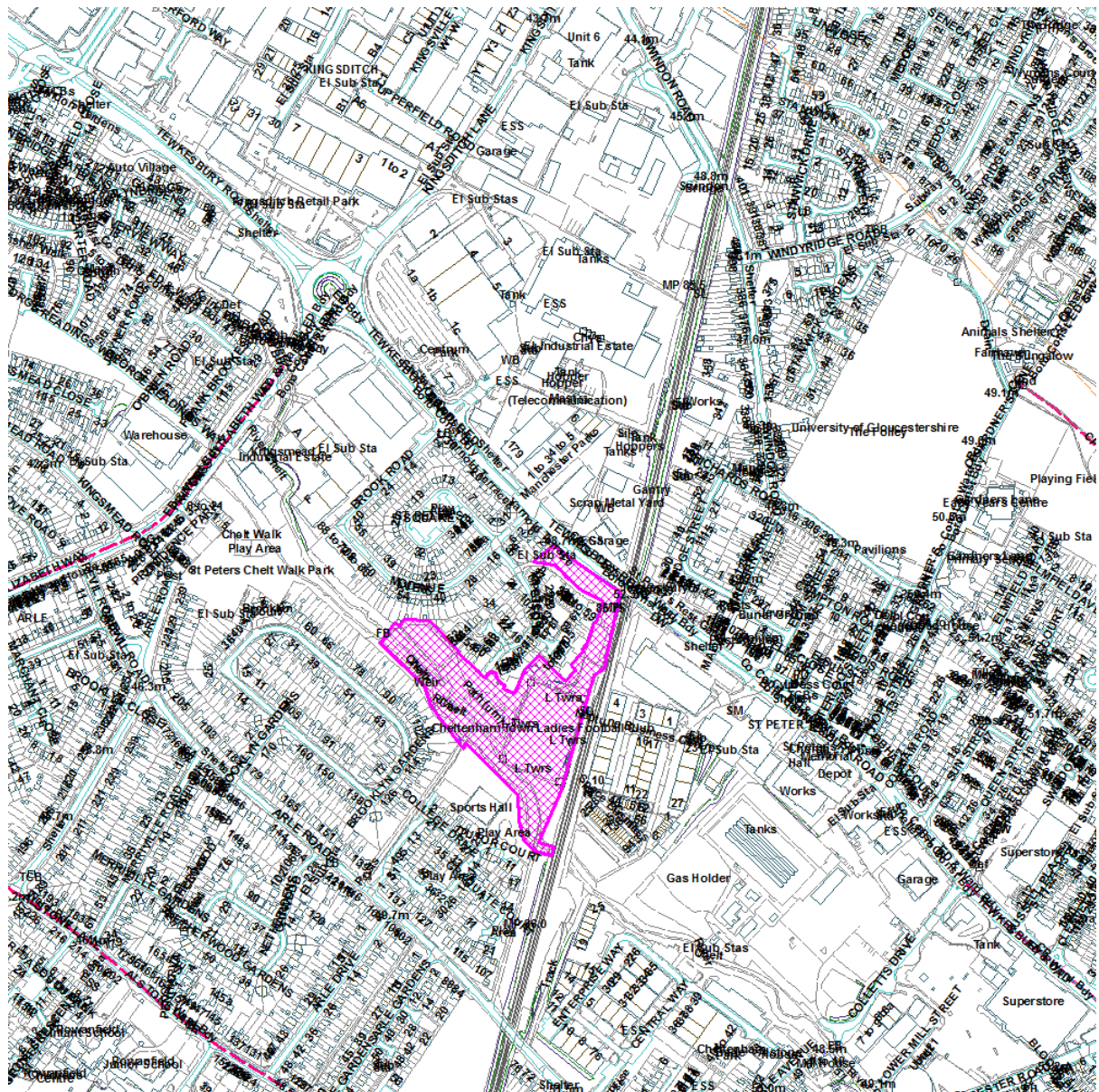
provides full and up-to-date information in relation to planning applications to enable the applicant, and other interested parties, to track progress.

In this instance, having had regard to all material considerations, the authority cannot provide a solution that will overcome the identified harm to the significance of the designated heritage asset.

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

| | |
|---|--|
| APPLICATION NO: 22/01743/FUL | OFFICER: Miss Claire Donnelly |
| DATE REGISTERED: 27th September 2022 | DATE OF EXPIRY: 27th December 2022 |
| DATE VALIDATED: 27th September 2022 | DATE OF SITE VISIT: |
| WARD: St Peters | PARISH: |
| APPLICANT: | St. Peter's & The Moors Big Local |
| AGENT: | Halsall Lloyd Partnership |
| LOCATION: | St Peters Playing Field St Peters Close Cheltenham |
| PROPOSAL: | Erection of a new single storey Community Sports Hub building, creation of a new private access road off St. Peters Close, the expansion of the existing carpark, and the enhancement of the riverside park including realignment of existing foot/cycleway (Chelt Walk) and compensatory tree planting. |

RECOMMENDATION: Permit



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application relates to St Peters Playing Field; a public green space which also includes a large playing field used by Cheltenham Saracen's Football Club. The site is accessed by car through St Peters Close, with a large car park serving the site, and on foot via St Peters Close and from Princess Elizabeth Way. The site is within the St Peters Ward and is not in a Conservation Area.
- 1.2 The majority of the application site is owned by Cheltenham Borough Council, with some areas of the site under unknown ownership.
- 1.3 The site comprises a large playing field with three small buildings including a changing room, toilet block and meeting room.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Airport Safeguarding over 45m
Flood Zone 2
Flood Zone 3
Made-up ground
Principal Urban Area
Public Green Space (GE36)

Relevant Planning History:

82/00255/PF 12th August 1982 REF

Conversion Of Waste Land To Football Pitch,Cycle Track And Chelt Walk

82/00367/PF 8th October 1982 PER

Change Of Use Of Waste Land To Football Pitch And Extension To Chelt Walk

82/00413/PF 16th December 1982 PER

Change Of Use Of Waste Land To Moto-Cross Track

82/00414/PO 16th December 1982 PER

Erection Of Youth Club

83/00165/PF 6th June 1983 REF

Construction Of Football Pitch With 6m High Fence.Extension Of Chelt Walk And Construction Of Bmx Track With Fence

83/00340/PF 5th October 1983 UNDET

Entrance To Stormwater Overflow Replacement

83/01126/PF 28th April 1983 PER

Construction of BMX track surrounded by palisade type fence, extension of chelt walk and construction of football pitch with 6m high fence

84/00053/PR 28th June 1984 PER

Renewal Of Permission Of B.M.X. Track Surrounded By Palisade Fence, Extension Chelt Walk, Construction Of Soccer Pitch

85/00485/PR 27th June 1985 PER

Renewal Of Permission For Bmx Track Surrounded By Palisade Type Fence, Extension Of Chelt Walk And Construction Of Football Pitch With 6ft High Fence

85/00573/PF 25th July 1985 PER

St Peters Recreation Ground Cheltenham Gloucestershire - Proposed Changing Rooms For Cheltenham Saracens Sports Club

86/00597/PF 24th July 1986 PER

St Peters Sports Field Cheltenham Gloucestershire - Resiting Of Sales Office As Temporary Pavilion

86/00622/PR 24th July 1986 PER

Renewal Of Permission For Bmx Track Surrounded By Palisade Type Fence

86/00999/PF 27th November 1986 REF

Erection Of Changing Rooms (Alternative Location)

86/01231/PF 18th December 1986 PER

Proposed Covered Stand

87/00805/PR 27th August 1987 PER

Renewal Of Permission For Bmx Track Surrounded By Palisade Type Fence

91/01207/PF 23rd January 1992 PER

Extension To Existing Changing Accommodation To Provide Tea Room, Kitchen And Ladies Toilet

94/00772/PF 15th September 1994 PER

Extension To Existing Changing Accommodation To Provide Tea Room, Kitchen And Ladies Toilet

01/01215/CONDIT 3rd April 2002 PER

Increase size of floodlight pylons for football from 10m (as approved) to 15m

05/01134/FUL 6th September 2005 PER

Erection of spectator toilet accommodation

11/01620/FUL 10th January 2012 PER

Erection of a 50 seat spectator stand on football ground in addition to existing unit

3. POLICIES AND GUIDANCE

National Planning Policy Framework

Section 2 Achieving sustainable development

Section 4 Decision-making

Section 8 Promoting healthy and safe communities

Section 12 Achieving well-designed places

Adopted Joint Core Strategy Policies

SD3 Sustainable Design and Construction

SD4 Design Requirements

SD9 Biodiversity and Geodiversity

SD14 Health and Environmental Quality

INF1 Transport Network

INF2 Flood Risk Management

INF3 Green Infrastructure

INF4 Social and Community Infrastructure

INF5 Renewable Energy/Low Carbon Energy Development

Cheltenham Plan Policies

D1 Design

SL1 Safe and Sustainable Living
GI1 Local Green Space
GI2 Protection and replacement of trees
GI3 Trees and Development

Supplementary Planning Guidance/Documents

The Cheltenham Climate Change SPD (adopted June 2022)

4. CONSULTATIONS

Contaminated Land Officer

7th October 2022 –
Contaminated Land

Conditions:

As evidenced in Phase 1 Land Contamination Risk Assessment by Castledine Environmental, dated 20/06/2022, reference 3304D P1 SPTM Big Local, it is detailed through records and mapping that areas very near to this site show a high likelihood of being contaminated due to previous historical uses e.g. as sand pits, railway land and various works/warehouses.

As a result and as recommended in section 11 (page 37 of the report mentioned above), a phase 2 intrusive site investigation survey will need to be undertaken prior to the build commencing. As the application is to disturb parts of land for the development to take place, there is a likelihood of this historical contamination being disturbed and therefore, impacting receptors. The intrusive survey is to check on the extent of any possible contamination and the extent of any remedial work which may need to be undertaken to ensure the safety of future receptors. The contaminated land survey will need to be made available to this department for review and we may at that stage put forward further conditions to ensure recommendations from the survey are adhered to which would mitigate the transfer of any known contamination on human receptors.

Wales And West Utilities

5th October 2022 –
Letter and Plan available to view in documents tab.

Building Control

3rd October 2022 –
This application will require Building Regulations approval. Please contact Cheltenham and Tewkesbury Building Control on 01242 264321 for further information.

Tree Officer

12th October 2022 –
22/01743/FUL St Peters Playing Field

The CBC Tree Section does not object to this application.

Whilst many trees are earmarked for removal, in the overwhelming majority of cases, these trees are self-sown ash trees of variable quality. Given the likely impact of ash dieback, it is unlikely that many/any of these trees would otherwise reach maturity. There are several non-native mature Trees of Heaven and Sugar Maples which are close to the proposed pitch on the site of the club house which are also marked for removal. These trees have been described as "scrappy" within the BJ Unwin Tree Report. The Trees Officer concurs with this.

The site is currently subject to a relatively "hands off" tree management approach with only necessary safety tree surgery works being undertaken on an irregular basis. This current

proposal rationalises this approach and will involve the removal of many lesser or "inappropriate" trees. There is a significant landscape proposal which involves the planting of several hundred native small trees which would become copses or enhance woodland. It also involves the planting of native trees in groups within the public realm-on land adjacent to the Tewkesbury Rd and elsewhere on the access to the stadium as well as within the site as a whole. In addition to this there is also a proposal to plant 37 X 3 metre+ high trees-mostly of native origin. The exotic tree species recommended (sweet chestnut) are an appropriate species for this site. Valuable trees close to construction works (T's T2 + T3-oak) are duly protected by robust fencing and where it is not possible to protect roots within the Root protection Area, a "no-dig" solution is proposed.

Whilst the landscape planting plan states that dead trees will be replaced within the "defects period", it is unclear what this defect period is to be. It is recommended that it is no less than 3 years from the time of planting.

There is no watering schedule described. Post planting watering is of critical importance-otherwise many trees will not establish and die. It would be preferable if trees could be supplied and planted as well as post-planting after-care is undertaken by a tree planting specialist. Such a planting specialist should be able to provide a tree establishment success guarantee.

GCC Highways Planning Liaison Officer

15th November 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 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

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: 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.

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

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 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)

14th October 2022 –

This proposal for a sports hub has little detail to describe how surface water will be managed on the site. The application states it will use sustainable drainage systems and the Landscape Plan states that Hard Surfaces drain to adjacent planting and land drains linked to soakaways. While the Groundsure survey indicates the area to be on Cheltenham Sands and Gravels the bore hole reports show that within the site the depths of the sands and gravels are very small before reaching the bedrock which is impermeable mudstone. It is not clear that such a strategy will be able to ensure that surface water discharge to the River Chelt is not increased leading to an increased risk of flooding to property downstream. The space available is large enough that solutions can be fitted, by say extensive swales within the landscaping to attenuate surface water volumes before discharge to the Chelt, so the LLFA would be reluctant to object on this basis however the following condition needs to be applied to any permission granted against this application to ensure that the development does not increase flood risk elsewhere:

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 e-mail address. Please quote the planning application number in the subject field.

Gloucestershire Centre For Environmental Records

30th September 2022 –

Bio diversity report available to view in documents tab.

Parks & Landscapes Division

13th October 2022 –

We have no comment.

Environmental Health

7th October 2022 –

Condition:

- The community hub must cease operation and close by 00:00, seven days a week.

Queries

- The plans include a bar/function room- is it the applicants intention to rent/hire this area out to external parties?

Informative:

For the construction phase to be kept in line with the Boroughs recommended hours of work, as follows: 07:30 - 18:00 Monday - Friday and 08:00 - 13:00 Saturdays with no works to take place on a Sunday or Bank Holiday and to be mindful of noise when deliveries arrive at the site.

- Please could the applicant provide detail on how the building will be heated? Specifically is there going to be an air source heat pump?
- Please could the applicant provide detail on whether there any external lighting is proposed for either the hub building or the outside sports pitches?

Sport England

11th October 2022 –

Thank you for consulting Sport England on the above named application.

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

Sport England has considered the application in light of the National Planning Policy Framework (in particular Para. 99), and against its own playing fields policy, which states:

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

- all or any part of a playing field, or
- land which has been used as a playing field and remains undeveloped, or
- land allocated for use as a playing field

unless, in the judgement of Sport England, the development as a whole meets with one or more of five specific exceptions.'

Sport England's Playing Fields Policy and Guidance document can be viewed via the below link: https://www.sportengland.org/how-we-can-help/facilities-and-planning/planning-for-sport#playing_fields_policy

The Proposal

The proposal is for the erection of a new single storey Community Sports Hub building, creation of a new private access road off St. Peters Close, the expansion of the existing carpark, and the enhancement of the riverside park including realignment of existing foot/cycleway (Chelt Walk) and compensatory tree planting.

Assessment

I have consulted with the country Football Association/Football Foundation (FA/FF) who have made the following comments:

The Football Club on site is Cheltenham Scarcens Football Club, they currently play in the Hellenic League (Step 6), therefore the changing room design would need to meet ground grading requirements, ideally future proofed to step 5, which it appears to meet subject to a minor change required to the shower arrangements. The team changing room showers should be cubicles and FF request that one ambulant accessible shower cubicle is provided per team changing room (this can be one of the four).

Both the FF and Gloucestershire FA are supportive of the project. It is very much needed as the existing facilities on site are poor.

As this appears to be part of wider a community hub/building it would be useful to understand where the Football Club sit in terms of agreements/lease to use the facility, as they will have quite rigid times of need/use (especially at the weekends and night matches) which will need to be taken into consideration.

I concur with the comments made by the FA/FF around the changing/showering arrangements. It is not really acceptable to have communal showering as it can lead to safeguarding issues and have been seen to be a barrier to participation in sport.

Other Design Comments:

1. As a community hub, there should be an accessible external WC with a RADAR key;

2. There is no cleaners cupboard;
3. The plant room looks on the small side. I note there are PV on the roof which will require battery storage. Will there be a requirement for hot water tanks? How will the building be heated?
4. Will there be in rainwater harvesting? This appear to be the case looking at the section on p24 of the Design and Access statement How will this be used as grey water for pitch maintenance. It is not idea to put tanks under the building;
5. What other sustainable measure have been included in the building - this mentioned on p24 of the D & A but is not elaborated on;
6. Is there to be EV charging, cycle charge and scooter charging on site?
7. Is the bike parking to be covered/ - from the site plan this does not appear to be the care;
8. Are the footpaths to have low level LED lighting for safety?
9. Is there any outside storage being proposed for maintenance and sports equipment/?
10. Given the isolated location, I would advise that consideration is given to built-in roller shutters in the door and window lintols for security: <https://iglintels.com/lintels/standard-lintels/extended-range/roller-shutter-lintel/>

Like the FA/FF, Sport England welcome's this project, and believe the fundamental design issues can be addressed by a condition.

Conclusion

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

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

This being the case, Sport England does not wish to raise an objection to this application subject to the following condition:

No development shall commence until details of the design and layout of community sports hub have been submitted to and approved in writing by the Local Planning Authority [after consultation with Sport England]. The changing pavilion shall not be constructed other than in accordance with the approved details.

Reason: To ensure the development is fit for purpose and sustainable and to accord with Development Plan Policy **.

Informative:

The applicant is advised that the design and layout of the changing pavilion should comply with the relevant industry Technical Design Guidance, including guidance published by Football Foundation's Designing your changing pavilion: <https://footballfoundation.org.uk/changing-pavilion-design-key-considerations>

Should the above condition recommended above not be imposed on any planning consent, Sport England would consider the proposal to not meet exception 2 of our playing fields policy, and we would therefore object to this application.

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

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Thank you for re-consulting Sport England on the above named application with a revised ground floor plan and a written statement in response to my formal submission to the planning application on 11th October 2022.

I have reviewed the documents and I am satisfied that the issues I raised have been addressed. Therefore I am content for the condition I requested to be set aside.

For Clarity

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

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

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

Architects Panel

18th October 2022 –

Design Concept

The panel had no objection to the principle of the development and generally thought this scheme would be a significant enhancement to the community.

Design Detail

A lot of thought has been given to the design and the panel liked the design approach and overall appearance of the building and attractive landscape enhancements. Concerns were raised that the planning of internal circulation spaces and rooms may not meet all the current Sport England Guidance notes requiring access for all including wheelchair users.

Recommendation

Support.

Cheltenham Civic Society

24th October 2022 –

The Civic Society Planning Forum commends the aspiration and good intentions of this community building and the community engagement. We would like more clarification on the materials for the Hub.

The additional car parking should be landscaped to mitigate the loss of green space, e.g., permeable surfacing where possible and tree planting within the car park.

Given the proximity to the Chelt Walk cycle route, more cycle parking should be provided.

There is a balance to be achieved between opening up the park area with paths and lighting and protecting the wild nature of the area. For example, there is good display of pyramidal orchids in the riverside area, which needs to be identified and protected, and the plan does not appear to the landscaping around the river, e.g. slope redesign.

We welcome the removal of the hard surfacing area of the former BMX track.

There is an opportunity to open up the Chelt Walk cycle route.

Maintenance and management of the park area is absolutely key to its success in landscape, access and biodiversity terms and must be properly planned for.

Health & Safety Executive

11th October 2022 –

HSE is a statutory consultee for certain developments within the consultation distance of major hazard sites and major accident hazard pipelines, and has provided planning

authorities with access to the HSE Planning Advice Web App - <https://pa.hsl.gov.uk/> - for them to use to consult HSE and obtain HSE's advice.

5. PUBLICITY AND REPRESENTATIONS

| | |
|-------------------------|------------|
| Number of letters sent | 138 |
| Total comments received | 0 |
| Number of objections | 0 |
| Number of supporting | 0 |
| General comment | 0 |

- 5.1 Letters have been sent to 138 neighbouring residential properties, site notices have been displayed near to the application site, and an advert placed in the Gloucestershire Echo; no responses have been received.

6. OFFICER COMMENTS

6.1 The site and its context

- 6.2 The site is located approximately 1 mile west of Cheltenham Town centre, located within the St Peters Ward and is not in a conservation area. The site is accessed via a car park off St Peters Close, accessed from Tewkesbury Road. The site can also be accessed, on foot only, via Princess Elizabeth Way.

- 6.3 The site comprises a large playing field used by Cheltenham Saracens Football Club, an area of scrub/grassland and trees formally used as a BMX track, a levelled grassed area formerly a garden, and the River Chelt.

6.4 Determining Issues

- 6.5 The application proposes; the construction of a new community sports hub building, creation of a new access off St Peters Close, expansion of the existing car park, landscaping enhancements including realignment of existing foot/cycle way and tree planting. The key considerations are therefore;

- i) Principle of development,
- ii) Design,
- iii) Impact on neighbouring amenity,
- iv) Highways safety and access,
- v) Landscaping,
- vi) Flooding and flood risk,
- vii) Sustainability

6.6 Principle of development

- 6.7 The building is to be located adjacent to an existing sports facility and would provide ancillary facilities which supports the use of the site as a playing field; and the Cheltenham Saracen's Football Club. The proposal does not affect the quantity or quality of playing

pitches or otherwise adversely affect their use. The principle of the erection of a new community sports hub building, its use and its location is considered to be acceptable.

6.8 Design

- 6.9 Policy SD4 of the JCS and policy D1 of the Cheltenham Plan require development to be of a high standard of architectural design that responds positively to and respects the character of the site and its surroundings. This draws from paragraph 130 of the NPPF which seeks development to be visually attractive and sympathetic to local character.
- 6.10 The proposed community sports hub would be located to the west of the existing football pitch, with the frontage of the building facing the pitch. The applicant has demonstrated that during the site analysis, the siting of the building has been explored and has therefore been located in the most suitable location given the sites constraints and to ensure it is based placed to serve its purpose for Cheltenham Saracens Football Club and the community.
- 6.11 A new access and car parking area to the rear of the proposed building would provide accessibility for maintenance, emergency and delivery vehicles, as well as a small area of disabled parking. The building would be accessed from the main frontage (east facing elevation) and the rear elevation (west facing elevation) given the new access point off St Peters Close.
- 6.12 The proposed building would be single storey, with a mono-pitched roof. The building would be brick built (however the specific brick type has not been confirmed), with a sedum roof. The smaller of the two mono-pitched roofs would incorporate solar panels. The building would have a footprint of approximately 38 metres by 13.6 metres and a maximum height of approximately 5.1 metres. The roof would overhang the building to provided sheltered external areas to both the front and rear.
- 6.13 Sport England have commented on the proposal; full comments can be read above. Members will note that whilst Sport England supports and welcomes the principle of the building, comments were raised in regards to the design/facility provision the building offered. Whilst Sport England considered these concerns could be addressed by way of a condition, officers sought a response from the applicant to address the comments. As such, the applicant was made aware of the comments and subsequently, a written response and revised floor plans have been submitted. Sport England have been reconsulted and a comment of no objection has been received.
- 6.14 The Architects Panel have commented on the scheme, for which their support has been given. It was considered that *“A lot of thought has been given to the design and the panel liked the design approach and overall appearance of the building and attractive landscape enhancements”*.
- 6.15 The Civic Society has also commented on the scheme; full comments can be read above. No concerns or objections have been raised, with the principle of the proposal supported. Comments and queries have been raised around materials, inclusion of permeable surfaces, cycle parking provision, welcome the removal of hard surfacing of the form BMX track, protecting existing biodiversity, and opportunities to open up the Chelt Walk cycle route.
- 6.16 Policy INF4 of the JCS requires social and community infrastructure development proposal to demonstrate evidence of community engagement, be of an appropriate type, standard and size and that the provision meets the needs of the community and is fit for purpose; and is in an accessible location that is accessible to all members of the community. As set out above, the principle, design and location of the proposed development is considered to be acceptable, and as per Sport England’s comments, the

accommodation and facilities proposed are acceptable and meet the relevant standards and requirements.

6.17 Taking the above into consideration, the proposed layout and design of the scheme has been well thought out; furthermore support has been shown from the Architects Panel and no objections from the Civic Society. Whilst the building would have a relatively large footprint, the building is to be multi-functional providing space for Cheltenham Saracens Football Club and facilities and events for the wider community. It is considered that the site can accommodate the scale of the proposed building and given the benefits the building would have for the community, the design, scale and form of the building is considered to be acceptable.

6.18 The proposal is therefore considered to comply with the relevant planning policies and guidance in regards to achieving an acceptable standard of design.

6.19 **Impact on neighbouring property**

6.20 Policy SD14 of the JCS and policy SL1 of the Cheltenham Plan require development not to cause unacceptable harm to the amenity of adjoining land users; this echoes section 12 of the NPPF which requires development to be of a high standard of amenity for existing and future users.

6.21 As part of the public consultation of the proposal, letters were sent to neighbouring properties and advertisements were published; no responses have been received. The applicant has carried out their own public consultation events with the local community prior to the submission of this application. The public consultation response, as set out within the submitted Design and Access Statement, sets out that the proposal has been well received, however the following issues have been raised, which are ongoing, existing concerns; speeding and parking issues, fly tipping, water quality of the River Chelt and anti-social behaviour.

6.22 In regards to impact on amenity of neighbouring residents, officers acknowledge that as a result of the proposal building there would be an increase in traffic and those travelling to and from the site due to the proposal nature and use of the building. The Environmental Health Officer (EHO) has commented on the scheme and does not raise an objection to the building, and has suggested that a condition for the hours of activity be added to the decision; this condition has been added.

6.23 It is considered that as a result of the proposed development, there would not be an unacceptable impact on the existing amenity of adjoining land users. Officers acknowledge that the use of the site would be intensified, but given the proposal and its use, the development would be a benefit to the wider area. With this in mind the proposal is considered to be acceptable in terms of its impact on neighbouring amenity.

6.24 **Access and highway issues**

6.25 The application proposes a new access and parking area access off St Peters Close. The County Highways Officer has been consulted on the application, for which no objection has been received in regards to highway safety. The Highways officer has requested the addition of a condition for the submission of a Construction Management Plan which would be required prior to the commencement of development; the applicant has agreed to this. The proposal is considered to comply with policy INF1 of the JCS.

6.26 **Trees**

6.27 The application site includes the wider St Peters Playing Field area. The application proposes landscaping works around the new community sports hub building, as well as improving the wider existing green space.

- 6.28 The site could be split into two; the community sports hub, and the associated wider area improvements. The improvements include; tree planting, footpaths, improved lighting which contributes to the applicant's aims to encourage greater use of the area by the local community, improving the amenity value of the area for leisure and recreation, health and wellbeing. These works are separate to the community building, and are part of a wider corporate project on the site.
- 6.29 The tree officer has been consulted on the application; full comments can be read above. The proposed works, removal and replacement of trees is considered to be acceptable and therefore no objection has been raised in regards to the proposed tree works and proposal landscaping.
- 6.30 Officers have suggested the addition of a hard and soft landscaping condition, for details of walls/fences, planting, lighting, hard surfacing to be submitted and agreed prior to their installation. Officers have also suggested a condition for the trees that are to be removed and replaced are to an appropriate species and condition. This is to ensure the landscaping proposals are acceptable, and that any trees that are removed are replaced to mitigate the loss.
- 6.31 The proposal is therefore considered to comply with policy GI2 and GI3 of the Cheltenham Plan.
- 6.32 Flooding and drainage**
- 6.33 The location of the proposed community building would fall outside of the Flood Zones, however part of the site; adjacent to the River Chelt, is within Flood Zone 2 and 3. The Lead Local Flood Authority (LLFA) have consulted on the proposal. No comment has been raised in regards to flooding, however the LLFA have made comment on surface water drainage and management. The LLFA have suggested that whilst no details have been provided it is considered that the space available is large enough that solutions can be fitted, with, for example, swales within the landscaping to attenuate surface water volumes before discharge to the Chelt. As such, the LLFA have suggested a condition that details of surface water drainage be submitted before building works commence.
- 6.34 As such, with the comments from the LLFA in mind, it is considered that the proposal complies with policy INF2 of the JCS.
- 6.35 Sustainability**
- 6.36 In June 2022, Cheltenham's Climate Change SPD was adopted which identifies and provides guidance for how development can contribute to the aims of sustainability to achieve net zero carbon by 2030. Policy SD3 of the JCS also requires development to demonstrate how they will contribute to the aims of sustainability and be expected to be adaptable to climate change in respect of design, layout, siting, orientation and function.
- 6.37 The applicant has submitted a sustainability statement to address the above policies and guidance. The proposed building would include; high thermal performance, solar PV, green roof, rainwater collection, and would refrain from the use of fossil fuels for energy use. Whilst the building orientation has been determined from the site analysis, the building has been designed to ensure solar gain in winter, and minimise excessive solar gain in the summer due to the roof form.
- 6.38 It is considered that the applicant has fully considered the relevant policies and guidance and would include appropriate measures and features to ensure sustainable development to help contribute to a net zero carbon future.
- 6.39 The proposal would therefore comply with policy SD3, INF5 and the Cheltenham's Climate Change SPD.

6.40 Other considerations

6.41 Public Sector Equalities Duty (PSED)

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

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

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

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

7. CONCLUSION AND RECOMMENDATION

7.1 For the reasons set out above, the principle, layout and design of the proposed community sport hub building is acceptable. Furthermore, whilst a more intense use is acknowledged by officers, given the lack of public representation in response to this application and the community engagement the applicant has carried out the proposed development is considered to be acceptable. Taking all of the above, and consultee comments into consideration, the community facility that is provided is considered to be a benefit to the wider community.

7.2 As such, the recommendation is to permit this application subject to the condition set out below.

8. SUGGESTED 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 Prior to installation, details of the green roof shall be submitted to and approved in writing by the local planning authority. The details shall include the type, installation details, final established character, and maintenance details for the proposed green roof.

The green roof shall be installed and thereafter maintained in accordance with the approved details.

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 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:
- i) 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);
 - ii) Advisory routes for construction traffic;
 - iii) Any temporary access to the site;
 - iv) Locations for loading/unloading and storage of plant, waste and construction materials;
 - v) Method of preventing mud and dust being carried onto the highway;
 - vi) Arrangements for turning vehicles;
 - vii) Arrangements to receive abnormal loads or unusually large vehicles;
 - viii) Highway Condition survey;
 - ix) Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

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.

- 6 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.

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

All hard and/or soft landscaping works shall be carried out in accordance with the approved details 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.

- 8 The tree(s) identified to be removed on the approved plans shall be replaced by one of the same species in the same vicinity unless otherwise agreed in writing by the Local Planning Authority. The replacement tree(s) shall be planted during the next available planting season (November - February). The size of the tree(s) shall be at least a Selected Standard as per BS3936-1:1992. The trees shall be maintained for at least 5 years after planting and should they be removed, die, be severely damaged or become seriously diseased within this period they shall be replaced with another tree as originally required to be planted.

Reason: In the interests of visual amenity, having regard to adopted policies GI2 and GI3 of the Cheltenham Plan (2020).

- 9 No building works hereby permitted shall be commenced until a Phase 2 Intrusive Site Investigation Survey has been submitted to and approved in writing by the Local Planning Authority. The Phase 2 Intrusive Site Investigation Survey shall check on the extent of any possible contamination and the extent of any remedial work which may need to be undertaken to ensure the safety of future receptors.

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

- 10 The Community Sports Hub hereby permitted must cease operation and close by 00:00 hours seven days a week.

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

INFORMATIVES

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

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

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

- 2 The applicant is advised that the design and layout of the changing pavilion should comply with the relevant industry Technical Design Guidance, including guidance published by Football Foundation's Designing your changing pavilion: <https://footballfoundation.org.uk/changing-pavilion-design-key-considerations>
- 3 For the construction phase to be kept in line with the Boroughs recommended hours of work, as follows: 07:30 - 18:00 Monday - Friday and 08:00 - 13:00 Saturdays with no works to take place on a Sunday or Bank Holiday and to be mindful of noise when deliveries arrive at the site.
- 4 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 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.
- 5 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.

| | | |
|--|---|---|
| APPLICATION NO: 22/01816/FUL | | OFFICER: Miss Claire Donnelly |
| DATE REGISTERED: 8th October 2022 | | DATE OF EXPIRY: 3rd December 2022; extension of time agreed until 20th January 2023 |
| DATE VALIDATED: 8th October 2022 | | DATE OF SITE VISIT: |
| WARD: Swindon Village | | PARISH: Swindon |
| APPLICANT: | Mr Marcus England | |
| AGENT: | MDHP | |
| LOCATION: | 27 Hulbert Close Cheltenham Gloucestershire | |
| PROPOSAL: | Proposed new attached garage | |

RECOMMENDATION: Permit



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application relates to 27 Hulbert Close; a two storey, detached residential dwelling located at the end of a residential cul-de-sac. The site is located within the Swindon Parish and is not in a conservation area.
- 1.2 The applicant is seeking planning permission for a new attached garage to the side of the property.
- 1.3 The application is at planning committee at the request of Councillor Fisher due to the impact on the amenity of the neighbouring property, impact on the street scene, and turning a detached property to a semi-detached property.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Principal Urban Area

Relevant Planning History:

00/00958/FUL 25th October 2000 PER

Single storey extension to existing two storey detached residential property

3. POLICIES AND GUIDANCE

National Planning Policy Framework

Section 2 Achieving sustainable development

Section 4 Decision-making

Section 8 Promoting healthy and safe communities

Section 12 Achieving well-designed places

Adopted Joint Core Strategy Policies

SD3 Sustainable Design and Construction

SD4 Design Requirements

SD14 Health and Environmental Quality

Cheltenham Plan Policies

D1 Design

SL1 Safe and Sustainable Living

Supplementary Planning Guidance/Documents

The Cheltenham Climate Change SPD (adopted June 2022)

Residential Alterations and Extensions (2008)

4. CONSULTATIONS

Building Control

20th October 2022 –

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

5. PUBLICITY AND REPRESENTATIONS

| | |
|-------------------------|---|
| Number of letters sent | 5 |
| Total comments received | 0 |
| Number of objections | 0 |
| Number of supporting | 0 |

| | |
|-----------------|---|
| General comment | 0 |
|-----------------|---|

- 5.1 Letters have been sent to five neighbouring properties; following the statutory consultation period, no responses have been received.

6. OFFICER COMMENTS

6.1 Determining Issues

- 6.2 The application proposes a single storey side extension; the key considerations for this application are therefore the design, impact on neighbouring amenity and sustainable development.

6.3 Design

- 6.4 Policy SD4 of the JCS and policy D1 of the Cheltenham Plan require development to be of a high standard of architectural design that responds positively to and respects the character of the site and its surroundings. This draws from paragraph 130 of the NPPF which seeks development to be visually attractive and sympathetic to local character.

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

- 6.6 The proposed side extension would be approximately 2.5 metres wide, and extending approximately 4 metres in depth. The extension would not join to the neighbouring property, but would fill the existing gap between the two properties. The extension would have a lean-to roof with gable frontage. The proposed extension would join to an existing wrap around side and rear extension that was granted permission in 2000. It is considered that the scale and form of the extension is acceptable and would clearly read as a subservient addition to the parent dwelling, complying with the aforementioned SPD guidance. The proposed external finishes would be brick and tiles to match the existing dwelling to ensure an in-keeping addition given that the extension would not be set back from the front elevation of the parent dwelling.

- 6.7 The proposed extension would replace an existing car port linking the application property and the neighbouring property. Officers acknowledge that the proposed extension would have the appearance that the buildings would be joined as the extension would infill the existing gap, however the location of development is considered to be acceptable. The extension is small in scale and would not negatively impact on the character of the parent dwelling or wider street scene.

- 6.8 It is worth bearing in mind the permitted development fall-back position. If the proposed extension was not joined to the existing single storey wrap around extension, this side extension could be built as proposed under permitted development without requiring planning permission. The trigger for the requirement of planning permission is due to the proposed extension joining up to the existing extension.

- 6.9 With the above in mind, the proposed extension is considered to be acceptable and complies with the relevant planning policies and guidance in terms of achieving an acceptable standard of design.

6.10 Impact on neighbouring property

- 6.11 Policy SD14 of the JCS and policy SL1 of the Cheltenham Plan require development not to cause unacceptable harm to the amenity of adjoining land users; this echoes section 12 of the NPPF which requires development to be of a high standard of amenity for existing and future users.
- 6.12 Following the public consultation, there were no neighbour responses received. The impact on neighbouring amenity, in regards to any potential for loss of light and loss of privacy, has been assessed. The property to be most impacted by the proposal is no. 29 Hulbert Close, to the west of the application property. The neighbouring property has no windows on the east elevation, and therefore there are no concerns regarding a loss of light. The extension is single storey and proposes no windows that would result in a loss of privacy to the neighbouring property.
- 6.13 As such, it is considered that there would be no unacceptable loss of amenity to the adjoining land users and therefore complies with the relevant planning policies.

6.14 **Sustainability**

- 6.15 Policy SD3 of the JCS requires development to demonstrate how they will contribute to the aims of sustainability and be expected to be adaptable to climate change in respect of design, layout, siting, orientation and function. 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.
- 6.16 The applicant has submitted a sustainability statement to accompany the application to address the above policies and guidance. Unfortunately the proposed extension does not include specific low carbon technologies, however officers acknowledge that given the scale of the extension there is limited opportunity to include such features. The applicant has confirmed that the extension would be built to meet building regulations. In this instance this is considered to be acceptable.

6.17 **Other considerations**

6.18 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 Taking all of the above into consideration, and with the permitted development fall-back position, the proposed extension is considered to be acceptable and complies with the relevant planning policies and guidance in terms of design and protecting neighbouring amenity.
- 7.2 The recommendation is to therefore permit this application subject to the suggested conditions set out below.

8. SUGGESTED CONDITIONS / INFORMATIVES

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

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

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

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

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

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

INFORMATIVES

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

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

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

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| Application No. | Appeal Ref | Site Address | Appeal Type | Start Date | Questionnaire | Statement | Final Comments | Decision | Date of Decision | Costs Deci | Hearing Date | Costs awarded |
|-----------------|-----------------|--------------------------------|-------------|------------|---------------|------------|----------------|-----------|------------------|------------|--------------|---------------|
| 21/02306/FUL | 22/00001/PP1 | o/s 156 - 160 High St | written | 07.03.2022 | 14.03.2022 | 11.04.2022 | 25.04.2022 | dismissed | 22.06.2022 | n/a | | |
| 21/02306/ADV | 22/00002/ADV1 | o/s 156 - 160 High St | written | 07.03.2022 | 14.03.2022 | 11.04.2022 | 25.04.2022 | dismissed | 22.06.2022 | n/a | | |
| 21/02304/FUL | 22/00003/PP1 | o/s 21 Promenade | written | 08.03.2022 | 15.03.2022 | 12.04.2022 | 26.04.2022 | dismissed | 05.07.2022 | n/a | | |
| 21/02304/ADV | 22/00004/ADV1 | o/s 21 Promenade | written | 08.03.2022 | 15.03.2022 | 12.04.2022 | 26.04.2022 | dismissed | 05.07.2022 | n/a | | |
| 21/01723/FUL | 22/00005/PP1 | 18 Wentworth Road | written | 24.03.2022 | 31.03.2022 | 28.04.2022 | 12.05.2022 | dismissed | 23.06.2022 | n/a | | |
| 21/02505/FUL | 22/00006/PP1 | The Paddocks Swindon L | written | 06.04.2022 | 13.04.2022 | 11.04.2022 | 25.05.2022 | dismissed | 05.07.2022 | n/a | | |
| 21/01891/FUL | 22/00007/PP1 | 9 The Bungalow All Saints | written | 25.04.2022 | 02.05.2022 | 30.05.2022 | 13.06.2022 | dismissed | 22.09.2022 | n/a | | |
| 21/00022/DCUAL | 22/00008/ENFAPP | 3 Suffolk Road | written | 03.05.2022 | 17.05.2022 | 14.06.2022 | 05.07.2022 | dismissed | 09.11.2022 | n/a | | |
| 22/00262/FUL | 22/00009/PP1 | 27 Cleeve View Road | written | 24.05.2022 | 31.05.2022 | n/a | n/a | dismissed | 09.08.2022 | n/a | | |
| 22/00181/FUL | 22/00010/PP1 | 21 Charlton Close | written | 16.06.2022 | 23.06.2022 | n/a | n/a | Allowed | 27.09.2022 | n/a | | |
| 22/00086/FUL | 22/00011/PP1 | 103 Ryeworth Road | written | 16.06.2022 | 12.06.2022 | n/a | n/a | dismissed | 04.08.2022 | n/a | | |
| 21/02302/ADV | 22/00012/ADV1 | 214-216 High Street | written | 13.07.2022 | 20.07.2022 | 17.08.22 | 31.08.22 | dismissed | 18.10.2022 | n/a | | |
| 21/02302/FUL | 22/00013/PP1 | 214-216 High Street | written | 13.07.2022 | 20.07.2022 | 17.08.2022 | 31.08.2022 | dismissed | 18.10.2022 | n/a | | |
| 21/02308/FUL | 22/00014/PP1 | 103 High Street | written | 14.07.2022 | 21.07.2022 | 18.08.2022 | 01.09.2022 | dismissed | 18.10.2022 | n/a | | |
| 21/02308/ADV | 22/00015/PP1 | 103 High Street | written | 14.07.2022 | 21.07.2022 | 18.08.2022 | 01.09.2022 | dismissed | 18.10.2022 | n/a | | |
| 21/02466/FUL | 22/00016/PP1 | Fairmount, Fairmount Road, Ch | written | 02.08.2022 | 09.08.2022 | 30/08/2022 | 13.08.2022 | dismissed | 22.09.2022 | n/a | | |
| | 22/00017/PP1 | System Error | | | | | | | | | | |
| 22/00324/FUL | 22/00018/PP1 | OS Soho Coffee, Unit B, The Br | written | 05.08.2022 | 12.08.2022 | 09.09.2022 | 23.09.2022 | dismissed | 07.11.2022 | n/a | | |
| 22/00324/ADV | 22/00019/ADV1 | OS Soho Coffee, Unit B, The Br | written | 05.08.2022 | 12.08.2022 | 09.09.2022 | 23.09.2022 | dismissed | 07.11.2022 | n/a | | |
| 21/02732/CLEUD | 22/00020/PP1 | Woodlands Park, Swindon | Hearing | 17.08.2022 | 31.08.2022 | 28.09.2022 | 19.10.2022 | Withdrawn | | n/a | | |
| 22/00322/FUL | 22/00021/PP1 | os 159 High Street | written | 05.08.2022 | 12.08.2022 | 09.09.2022 | 23.09.2022 | | | | | |
| 22/00322/ADV | 22/00022/ADV1 | os 159 High Street | written | 05.08.2022 | 12.08.2022 | 09.09.2022 | 23.09.2022 | | | | | |
| | | os Sew M Design 253 | | | | | | | | | | |
| 22/00330/FUL | 22/00023/PP1 | Gloucester Road. | written | 16.08.2022 | 23.08.2022 | 20.09.2022 | 04.10.2022 | dismissed | 29.11.2022 | n/a | | |
| 22/00330/ADV | 22/00024/ADV1 | os Sew M Design 253 Gloucester | written | 16.08.2022 | 23.08.2022 | 20.09.2022 | 04.10.2022 | dismissed | 29.11.2022 | n/a | | |
| 21/02333/PIP | 22/00025/PP1 | Cromwell Court , Greenway Lan | written | 05.10.2022 | 12.10.2022 | 09.11.2022 | 23.11.2022 | Allowed | 12.12.2022 | n/a | | |
| 22/00602/FUL | 22/00026/PP1 | Glenfall Stables, Ham Road, Ch | written | 19.10.2022 | 26.10.2022 | 23.11.2022 | 23.11.2022 | dismissed | 12.12.2022 | refused | | |
| 22/02700/FUL | 22/00027/PP1 | Adey Ltd Gloucester Road | Hearing | 22.11.2022 | 29.11.2022 | 06.01.2023 | 06.01.2023 | | | | | |
| 22/00749/FUL | 22/00028/PP1 | The Hayloft , The Reddings | written | 05.12.2022 | 12.12.2022 | 09.01.2023 | 23.01.2023 | | | | | |

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Appeal Decision

Site visit made on 6 December 2022

by **Helen Davies MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 12th December 2022.

Appeal Ref: APP/B1605/W/22/3301770

Cromwell Court, Greenway Lane, Cheltenham GL52 6PW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant permission in principle.
 - The appeal is made by Mr Stuart Hall of Churcham Homes Ltd against the decision of Cheltenham Borough Council.
 - The application Ref 21/02333/PIP, dated 20 October 2021, was refused by notice dated 14 April 2022.
 - The development proposed is planning in principle for the erection of up to 2 dwellings.
-

Decision

1. The appeal is allowed and permission in principle is granted for residential development comprising a minimum of 1 and a maximum of 2 dwellings at Cromwell Court, Greenway Lane, Cheltenham GL52 6PW, in accordance with the terms of the application, Ref 21/02333/PIP, dated 20 October 2021.

Preliminary Matters

2. The proposal is for permission in principle. Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has two stages. The first stage (permission in principle) establishes whether a site is suitable in principle. The second stage (technical details consent) is when the detailed development proposals are assessed. This appeal relates to the first of these two stages.
3. The scope of the considerations for permission in principle are limited to location, land use and the amount of development permitted. All other matters are considered as part of a subsequent technical details consent application if permission in principle is granted. An applicant can apply for permission in principle for a range of dwellings by expressing a minimum and maximum net number of dwellings as part of the application. In this instance, permission in principle has been sought for two dwellings on the appeal site. I have determined the appeal accordingly.
4. The appeal site is part of a wider site that previously contained a single dwelling with a large garden, which has permission for 8 self-build dwellings. At the time of my site visit this wider development had commenced. Under permission for phased implementation of the wider site, the area to which this appeal relates has permission for 1 large dwelling.

Main Issue

5. This main issue is whether the site is suitable for residential development, having regard to its location, the proposed land use and the amount of development.

Reasons

Location

6. The site lies on the edge of Cheltenham, bordered by Greenway Lane on one side with the wider site enclosing it on all other sides. The site is on the edge of, but within the Cotswolds Area of Outstanding Natural Beauty (AONB), which will be considered in a subsequent section of this report.
7. Locational policy for housing development is set out under Policies SP2 and SP10 of the Gloucester, Cheltenham and Tewksbury Joint Core Strategy 2011-2031 (adopted December 2017) (JCS). This allows for the principle of new residential development on previously developed land within the Principle Urban Area (PUA) of Cheltenham, or other land where certain exception criteria are met. The site is outside of the PUA and I have no evidence to suggest that any of the exceptions apply.
8. Despite being outside of the PUA, the appeal site adjoins the wider site, which itself adjoins the PUA and the residential properties along and accessed from Harp Hill. In that sense, the site is not in an isolated location, but on the edge of Cheltenham's built form. The proposal would primarily be viewed in the context of the wider site, which is being developed for dwellings, and the existing dwellings directly to the north and to the west. In addition, as the site was previously a garden outside of a built-up area, the site is considered to be previously developed land, the use of which, where appropriate, is encouraged in local and national planning policy.
9. I conclude that due to its location outside of the PUA the principle of new residential development at the site is contrary to Policies SP2 and SP10 of the JCS. However, as set out above, due to the context, proximity to other dwellings, being previously developed land, and the existing permission, I ascribe limited weight to any harm arising from this policy conflict.

Proposed land use

10. The site already has permission for a dwelling to be built on it. Therefore, the principle of the proposed land use has already been accepted.

Amount

11. The proposal would result in up to 2 dwellings at the site. As set out under preliminary matters, the appeal site has permission for 1 large dwelling, as part of a phased implementation across the wider site. The series of recent applications to amend and discharge details relating to the wider site and commencement of site works, indicates an intention to develop the appeal site. Consequently, there is a greater than theoretical possibility that existing permission would be implemented, so the existing permission constitutes a realistic fallback position. Hence, the impact of the appeal proposal in comparison with the fallback position needs to be considered and is a material consideration to which I ascribe substantial weight.

12. The site is on the edge of, but within the AONB. Policy SD7 of the JCS, in line with Framework Paragraph 176, requires development in the setting of the AONB to conserve, and where appropriate, enhance its landscape and scenic beauty. Policy SD7 also requires consistency with the Cotswold AONB Management Plan, which, amongst other things, at Policies CE1 and CE3, requires proposals to have regard to and reinforce local distinctiveness, landscape character and the scenic quality of the location and to conserve views and visual amenity.
13. Policies L1 and D1 of the Cheltenham Plan (adopted July 2020) (CP) and Policy SD4 of the JCS provide more general protection for the setting and landscape. Amongst other things they require development to respect the character of the site and surroundings, enhance local distinctiveness, and not harm the setting of Cheltenham, including views in and out of areas of importance.
14. The dwellings along the southern side of nearby Harp Hill are set back but there is strong street frontage. These dwellings, and the consented dwellings within the wider site, are predominantly detached and set within generous sized plots. This gives the area a spacious, open and edge of settlement character. This character begins to change on the opposite side of Greenway Lane from the site, where the countryside and the important characteristics of the AONB become prevalent, with dwellings and other buildings increasingly sparse moving further east. Greenway Lane forms a clear boundary meaning the site would be viewed primarily in the context of the adjoining residential development, rather than the context of the countryside or the wider AONB.
15. Details with regard to the design, size and location of the dwellings and the specific layout of the site would be for consideration under a technical details application. This appeal concerns only the principle of 2 dwellings at the site. The size of the site is sufficient to allow for 2 dwellings with suitable amenity space while ensuring that the separation distance between them and other dwellings, and the setback from Greenway Lane, is in keeping with the spacious and open character of the surroundings. 2 dwellings would be in proximity to the boundary with Greenway Lane, rather than 1. Despite this, the scale and massing of 2 smaller dwellings as viewed from the road, would not be any more harmful than the large dwelling which already has permission.
16. Longer range views may also be available, most notably from public rights of way and higher ground. However, I consider it unlikely that the appeal scheme would significantly or appreciably reduce the quality of the views. This is due to the distances involved, the screening from trees, the relatively small scale of the proposed development and its proximity to, and relationship with, existing and consented built form. An additional dwelling would result in a small number of additional vehicle journeys, but in the context of the wider site this would not be detrimental to the area.
17. Therefore, the proposed increase in the amount of dwellings from 1 to 2, would not result in any more harm to the character and appearance of the site and its surroundings, or the scenic beauty of the AONB, than the existing permission, subject to a development of suitable scale, layout and design coming forward at the technical details stage.

18. I conclude that 2 dwellings at the site would not conflict with Policies SD4 and SD7 of the JCS, Policies L1 and D1 of the CP, Policies CE1 and CE3 of the Cotswold AONB Management Plan, and Paragraph 176 of the Framework. Together, amongst other matters, these policies seek to ensure that development responds positively to and respect the character of the site's surroundings and landscape character, including conserving the landscape and scenic beauty of the Cotswolds AONB.

Planning balance

19. The Council acknowledge they are unable to demonstrate a five-year supply of housing land. At 2.9 years the shortfall is substantial. Consequently, in accordance with the provisions of paragraph 11d and footnote 8 of the Framework, the policies which are most important for determining the application are considered to be out of date. Therefore, permission should be granted, unless policies in the Framework that protect areas of particular importance, such as AONBs, provide a clear reason for refusal, or, any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework as a whole.
20. As set out above, there would be no significant harm to the AONB so the designated status of the site does not provide a clear reason for refusal. I have found that the proposal fails to accord with Policies SD2 and SD10 of the JCS, which weighs against the development, but only limited harm would result from this conflict. In addition, in accordance with Paragraph 11d, these Policies are deemed out of date, so the limited harm can be ascribed only minimal weight.
21. In terms of benefits, the proposal would provide additional housing in an area with an ongoing and substantial under supply. There would also be temporary economic benefits during the construction phase, together with long term social and economic benefits through increased support for local shops and services in the area. However, as only one additional dwelling would be created, over and above the existing permission, these benefits are limited.
22. Taking all of the above factors into account, when assessed against the policies in the Framework taken as a whole, the adverse impacts of the proposal would not significantly and demonstrably outweigh its benefits. Consequently, the Paragraph 11d presumption in favour of sustainable development applies and advises that planning permission should be granted.
23. Planning law requires that determination must be in accordance with the development plan unless material considerations indicate otherwise. In this case, the presumption in favour of sustainable development is a material consideration of sufficient weight to indicate that permission in principle should be granted notwithstanding the conflict with the development plan.

Other Matters

24. Comments have been made by third parties regarding the effect of the proposal on trees and ecology. However, these are not matters which would fall within the scope of consideration for the first stage of the Permission in Principle route. These issues would need to be addressed as part of the technical details stage and there is no guarantee that just because Permission in Principle has been granted, that approval of technical details will follow. Approval of both stages is needed for planning permission to be secured.

25. Concerns have been raised that granting permission for this proposal would lead to pressure for other plots within the wider site to be subdivided. Any such future changes would require permission and would be determined on their own individual merits and impact. In addition, I note that construction has already commenced on several plots, limiting the possibility for future subdivision.

Conclusion

26. For the above reasons, having considered the development plan as a whole, and all other relevant material considerations, the appeal should be allowed. As stated in the Planning Practice Guidance, it is not possible for conditions to be attached to a grant of permission in principle.

Helen Davies

INSPECTOR

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Appeal Decision

Site visit made on 29 November 2022

by A J Sutton BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 December 2022

Appeal Ref: APP/B1605/W/22/3305448

Glenfall Stables, Ham Road, Charlton Kings, Cheltenham GL52 6NH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs Doswell against the decision of Cheltenham Borough Council.
 - The application Ref 22/00602/FUL, dated 31 March 2022, was refused by notice dated 1 July 2022.
 - The development proposed is described as 'Demolition of existing and erection of 2 no. replacement dwellings and 1 no. detached garage with workshop above, and all other associated operations.'
-

Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Mr and Mrs Doswell against Cheltenham Borough Council. This application is the subject of a separate Decision.

Main Issue

3. The appellant has drawn my attention to the Grade II listed Glenfall House and the registered park and garden that is associated with this listed building. There are fields, bound by mature vegetation, that separate the appeal property from these heritage assets. I am content therefore, that with this visual and physical separation, development at the appeal property would not harm the assets or their settings.
4. Therefore, the main issue is the effect of the proposal on the character and appearance of the area including the Cotswolds Area of Outstanding Natural Beauty (AONB).

Reasons

5. The appeal property is a converted stable block comprising two dwellings, set in a large plot. It is located at the edge of Ham, which is a small settlement, sheltered at the lower slopes of the Cotswolds escarpment. In this area the landform is gentle before the escarpment rises steeply. It has a distinctly rural character with hedge and tree bound fields and scattered properties.
6. Bound by Mill Lane and Ham Road, the appeal property has fields to its rear. Although divided by a shared access, on its east boundary is a group of former farm dwellings and buildings that have been converted to dwellings. Therefore, while close to Cheltenham, with these features, the appeal property has a rural

context, and is in a location which has key landscape characteristics and special qualities, as outlined above, which contribute to the scenic beauty of this part of the Cotswolds AONB.¹

7. The existing building appears a simple brick-built structure. However, this one and a half storey form, with limited windows and U-shaped layout clearly references the rural origins of the built form in this spacious plot. Therefore, although it now comprises residential uses and its architectural style may be unremarkable, its form and scale are in keeping with the surrounding rural character of the area. In this regard it does not appear to be a detracting feature in this sensitive landscape.
8. The proposed development would replace the existing building with a considerably larger built form that would substantially fill the width of the plot. The plot is sizeable, and space would be largely retained at the front and rear. However, the existing sense of space at the sides of the plot would be significantly diminished. Moreover, with the proposed layout of the development, which would include a new detached garage, it would appear a distinctly more conventional residential plot than the existing layout of the site.
9. Proposed dwelling 2 would match the height of the existing property. Its form, inspired by a barn, would also be sympathetic to the specific rural context of this site. However, despite its height being reduced in comparison with a previous scheme, and it being set lower than the neighbouring Dutch barn, dwelling 1 would be significantly taller than the existing dwelling it would replace. Moreover, this large, proposed dwelling would have a traditional residential form, particularly at the upper level, with its window pattern and gable detail at the front elevation, and its large gable protrusion to the rear.
10. Even constructed in the quality materials proposed, these forms and layout would have a suburban quality that would be out of keeping with the rural character of this landscape and the agricultural aesthetic of the neighbouring properties in this location. Moreover, the sizeable development would harmfully erode the relatively undeveloped appearance of the site, and this would diminish its contribution to this sensitive landscape. In these regards it would fail to conserve the landscape and scenic beauty of this part of the AONB.
11. The front and the west side boundaries of the appeal property are dominated by large conifers. The proposed landscaping scheme could improve the appearance of the property at these boundaries. However, this would not screen the harmful development at the rear where it would be seen from Mill Lane². It would also fail to screen the large, incongruous form that would be visible from surrounding slopes,³ and at the site's immediate access. Views of the harmful development would be localised. However, the National Planning Policy Framework (the Framework) requires great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs which have the highest status of protection in relation to these issues.
12. My attention has been drawn to the development at Cornerstones which is close to the appeal site. That is a Cotswolds stone house, and the development

¹ Ref: Glenfall Stables, Charlton Kings, Landscape and Visual Appraisal - March 2021 (LVA), Natural England National Character Area 107 Cotswolds, Landscape Character of the Cotswolds Area of Outstanding Natural Beauty – Landscape Character Type 2: Escarpment and LCA 2D: Coopers Hill to Winchcombe

² Viewpoint 4 of the LVA.

³ Viewpoint 6 of the LVA.

is an extension and garage. The development and character of that plot is therefore not directly comparable to this proposal. In respect to the permissions⁴ for the neighbouring properties, limited information has been provided. This aside, I saw that they are generally one and a half storey, simple structures that are closely grouped around yards in that plot, and that even with features such as integrated garages, that neighbouring development generally retains its rural character. It is therefore different in this regard from this proposal. These examples have not altered my assessment in this case for these reasons.

13. I therefore find that the proposal would have a harmful effect on the character and appearance of the area, including the Cotswolds AONB. It would be contrary to Policy SD7 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy, which states that all new proposals within the setting of the Cotswolds AONB will be required to conserve its landscape, scenic beauty, wildlife, cultural heritage and other special qualities. It would also be inconsistent with Paragraph 176 of the Framework and the Cotswolds AONB Management Plan which seek to conserve landscape and scenic beauty of the Cotswolds AONB.

Other Matters

14. The principle of replacing the existing property is not in dispute between the main parties. However, this is subject to development at the site being acceptable in terms of other issues, and I have found that this proposal would not be acceptable having regard to the harmful effect on the landscape.
15. The proposal would result in different housing types at the site, and it would make a small contribution in terms of the mix of housing in the area. However, as it would not result in an increase in dwellings at the site, it would not contribute to the Government's objective to boost the supply of homes. Furthermore, for this reason, although the proposal would utilise previously develop land and cover more of the site, it would not be a more effective or efficient use of the land than is currently the case. There would also not be a benefit in respect to future occupants contributing to the vibrancy and vitality of the rural settlement as it would not lead to additional homes in the area.
16. The design of the dwellings is not considered to be of a poor quality in itself. However, the evidence does not demonstrate that the proposal would be of an innovative design. More significantly I have found it would not be sympathetic to local character. The Framework states that good design is a key aspect of sustainable development and for the reasons outlined above this would not be a good design in this case.
17. The range of services in Cheltenham is only a short drive away from the site. However, the appellants highlight that the nearest bus stop is 800m away. I also saw that the road accessing this urban area is winding with no pavement in sections. This is likely to discourage occupants of the new dwellings from walking to catch a bus into the town, and they would largely be dependent on cars. The development is unlikely for this reason to result in a significant increase in the use of alternatives modes of transport to the car.

⁴ Refs: 19/0611/FUL, 19/02280/CONDIT and 18/00633/COU

18. The appellants suggest that future occupants of the dwelling would enjoy a greater level of privacy than is the case for occupants of the existing dwellings. However, although the front wings of the existing dwellings align and these include bedrooms, existing plans show that only the bedroom at the end of each wing has an outlook towards the bedroom in the opposite wing. I also saw that there is a reasonable space separating these two habitable rooms such that their occupants do not experience an unacceptable sense of being overlooked.
19. The proposal would create separate garden spaces and parking areas for future occupants of the dwellings. This may well feel private and convenient for the occupants of the new dwellings and be supported by guidance in the Residential Alterations and Extensions Supplementary Planning Document. However, the existing parking space is close to the two dwellings and appears convenient in this respect. It also seems me that the new garden spaces would be overlooked from the new dwellings, particularly from the first-floor level of dwelling 1, so that levels of privacy in the outside space would not be noticeably different from the current situation.
20. The appellants also suggest that this proposal would result in less disruption to neighbouring residents. However, given the considerable space between the appeal and the neighbouring properties, I did not observe that the current situation was harmful to the neighbours' living conditions. These living conditions matters do not weigh in favour of the proposal for these reasons.
21. There would be benefits from the proposal in respect to landscaping and energy and water efficiencies, including such features as solar panels, improved glazing and ground source heat technology. The appellants state that the existing building is redundant and in a poor state of repair. I did not observe this to be the case when I conducted my site visit. However, even if I was to accept that this was so, the evidence does not demonstrate that this harmful development is the only means of securing this outcome, improving the existing accommodation or indeed delivering the other limited benefits identified above.
22. The Council has not raised issues in respect to ecology and highways, subject to conditions. This is an expectation for new development and therefore this does not weigh in favour of the proposal.
23. The appellants assert that the proposal would enhance the setting of the heritage assets. However, they also state that *'the buildings subject of this application are not considered to be seen within the context of these heritage assets'*. As outlined previously, I agree with this statement, therefore even if I concluded differently on the main issue in this case this would not be a benefit of the proposal for this reason.
24. The existing dwellings could be extended under permitted development rights and outbuildings could also be constructed at the property. However, extremely limited details of these alternative schemes have been submitted and I am therefore unable to consider them as part of this appeal. In any event, these rights are subject to conditions and restrictions, with the restrictions on incidental buildings on sites in an AONB being greater than at sites not covered by this landscape designation. This matter has not altered my assessment in this case for these reasons.

25. The errors identified by the appellant have been noted but these are mostly minor in nature and the evidence shows that the Council rectified errors that would have been significant to its decision. I have also had regard to the support and comments made by the Architects Panel, the Cotswolds Conservation Board and local residents. However, the Council is not bound by these consultation responses. Moreover, the Council has substantiated its reasons for refusing permission with relevant local plan policies, and in my judgement for the reasons stated previously I agree with the Council on this matter.
26. My attention has been drawn to guidance and development plan policies that are not disputed in this case. However, I have identified harm in respect to landscape quality and conflict with the development plan when read as a whole. The limited benefits of the proposal even when taken cumulatively would not outweigh this harm or this conflict with the development plan.

Conclusion

27. For the reasons stated above and having regard to the development plan as a whole, and all relevant material considerations, including the Framework, the appeal is dismissed.

A J Sutton

INSPECTOR

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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 appeals that are being processed with the Planning Inspectorate and decisions that have been received.

RECOMMENDATION

To note the contents of the report.

Appeals Received

December/January 2022/2023

| Address | Proposal | Delegated or Committee Decision | Appeal Type | Anticipated Appeal Determination Date | Reference |
|------------------|--|---------------------------------|--------------|---------------------------------------|--------------|
| 3 Apple Close | Replacement of existing conservatory with single storey rear extension. Increase in ridge height to facilitate loft conversion with rear dormer. | Delegated Decision | Householder | n/a | 22/01145/FUL |
| 37 Market Street | Proposed side and rear extensions (revised scheme following refusal of application ref. 21/02361/FUL) | Committee Decision | Written Reps | n/a | 22/00708/FUL |
| | | | | | |

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|------------------------|--|--------------------|--------------|-----|--------------|
| Land at Brecon Hse | Construction of a paragraph 80 dwelling, estate management building, and associated landscaping, ecology enhancements, access, parking and garaging on land adjacent to Brecon House | Committee Decision | Hearing | n/a | 21/02755/FUL |
| Land at Shurdington Rd | Full planning application for residential development comprising 350 dwellings, open space, cycleways, footpaths, landscaping, access roads and other | Committee Decision | Written reps | n/a | 20/01788/FUL |

| | | | | | |
|-----------------------------|--|--------------------|--------------|-----|----------------------|
| 23 and 23A Pittville Street | Proposed installation of 1no. new BT Street Hub, incorporating 2no. digital 75" LCD advert screens, plus the removal of associated BT kiosk(s) | Delegated Decision | Written reps | n/a | 22/00326/ADV and FUL |
| 195 High Street | Proposed installation of 1no. new BT Street Hub, incorporating 2no. digital 75" LCD advert screens, plus the removal of associated BT kiosk(s) | Delegated Decision | Written Reps | n/a | 22/00328/ADV and FUL |
| 8 Imperial Square | Proposed change of use from C3 (dwelling house) to mixed use of C1 (hotel) and E (bar and restaurant). | Delegated Decision | Written Reps | n/a | 22/00334/COU |

| | | | | | |
|---------------------|---|--------------------|--------------|-----|--------------|
| 30 St Georges Place | Conversion to form 7no. dwellings, together with extensions and construction of new mansard roof | Delegated Decision | Written Reps | n/a | 22/00839/FUL |
| 101 Ryeworth Road | Erection of two storey and single storey rear extensions and single storey front extension. | Non determination | Written Reps | n/a | 22/01162/FUL |
| 10 Suffolk Road | First floor extension at rear of 10 Suffolk Road on top of existing kitchen roof, comprising of 1 new bedroom and ensuite bathroom (revised scheme 22/00966/FUL) | Delegated Decision | Written Reps | n/a | 22/01340/FUL |
| 129 – 133 Promenade | Retention of existing temporary marquees at 125, 127, 129, 131 and 133 Promenade, Cheltenham for a further two year period | Committee Decision | Written Reps | n/a | 22/01373/FUL |

| | | | | | |
|---------------------|---|--------------------|--------------|-----|--------------|
| 28 Westdown Gardens | Erection of detached garage (revised scheme to ref: 21/01789/FUL) | Delegated Decision | Written Reps | n/a | 22/01679/FUL |
| | | | | | |

Appeals being processed

Nothing to report.

| Address | Proposal | Delegated/Committee Decision | Appeal Type | Outcome | Reference |
|---------|----------|------------------------------|-------------|---------|-----------|
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Appeals Decided

| Address | Proposal | Delegated/Committee Decision | Appeal Type | Outcome | Reference |
|--|--|------------------------------|-------------------------|------------------|--|
| Cromwell Court Greenway Lane Charlton Kings Cheltenham Gloucestershire GL52 6PW | Erection of up to two dwellings | Delegated Decision | Written Representation | Appeal Allowed | Appeal ref: 22/00025/PP1 Planning ref: 21/02333/PIP |
| 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 Representations | Appeal Dismissed | Appeal Ref: 22/00026/PP1 Planning Ref: 22/00602/FUL |
| | | | | | |

Authorised By: Liam Jones 10th January 2023