

Cheltenham Borough Council Planning Committee

Meeting date: 18 May 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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Agenda

1 Apologies

2 Declarations of Interest

3 Declarations of independent site visits

4 Minutes of the last meeting (Pages 5 - 10)

To approve the minutes of the meeting held on 20th April.

5 Planning Applications

5a 21/01696/FUL Pittville Student Village, Albert Road, Cheltenham GL52 3JG (Pages 11 - 40)

[Planning application documents](#)

5b 23/00345/FUL Glencairn, Greenway Lane, Charlton Kings, Cheltenham GL52 6LB (Pages 41 - 70)

[Planning application documents.](#)

5c 23/00479/FUL & 23/00479/LBC Sandford Lido, Keynsham Road, Cheltenham, GL53 7PU (Pages 71 - 110)

[Planning application documents.](#)

[Listed building documents.](#)

6 Appeal Update (Pages 111 - 126)

For Members attention.

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

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Cheltenham Borough Council Planning Committee Minutes

Meeting date: 20 April 2023

Meeting time: 6.00 pm - 7.15 pm

In attendance:

Councillors:

Paul Baker (Chair), Garth Barnes (Vice-Chair), Glenn Andrews, Adrian Bamford, Bernard Fisher, Paul McCloskey, Emma Nelson, Tony Oliver, John Payne and Diggory Seacome

Also in attendance:

Chris Chavasse (Senior Trees Officer), Michael Ronan, Michelle Payne (Senior Planning Officer), Sam Reader (Assistant Trees Officer, Place & Growth) and Liam Jones (Head of Planning), Michael Ronan (Solicitor),

1 Apologies

There were none.

2 Declarations of Interest

Councillor Wheeler sent apologies. There were no substitutes.

3 Declarations of independent site visits

Members declared the following independent site visits:

3 Pittville Crescent Lane: Councillors Fisher and Andrews.

66 Copt Elm Road: Councillors Bamford, Nelson, McCloskey, Payne and Oliver

4 Minutes of the last meeting

The minutes of the meeting held on 23 March 2023 were approved as a true record and signed accordingly.

5 Planning Applications

5a 23/00359/FUL 3 Pittville Crescent Lane, Cheltenham, GL52 2RA

The case officer introduced the report as set out in the papers, for a revised scheme following grant of planning permission earlier this year. It was at committee at the request of Councillor Tooke, and was part-retrospective, the most notable change being that the proposal was now brick-faced rather than rendered, to match the existing dwelling and the single storey extension reduced in size. The recommendation is to grant, subject to conditions.

The neighbour, in objection, made the following points:

- the Town and Country Planning Act includes a statutory requirement to publicly display a planning notice, as happens in other boroughs, yet in Cheltenham is only discretionary. Letters about the original application were only sent to a select group of neighbours, as a result of which she was unaware of the proposals, and delayed over Christmas, giving little time to comment. Ward councillors were told that it was too late to request a committee decision;
- neighbours had no prior knowledge of the plans, despite the applicant living nearby for a couple of years;
- the property was built on a garden plot, and permitted development rights were removed, to prevent over-development and additional windows without express permission;
- the two-storey side extension and front entrance are very dominant; these were amended during the original application and permission was granted;
- a rendered finish was specified in the first application, and red brick in the second, which makes the property entirely out-of-character with its location. There is a mix of styles in the area, and it would be possible, with considerately-designed amendments, to improve a building which currently has a negative impact on its surroundings;
- the part-retrospective application was submitted, with no site notice, for the red-brick finish; this is now a fait-accompli, and the result is an outlook on an industrial-looking dark, concrete-roofed building, rather than a rendered one which would at least reflect a little light;
- regarding privacy, a proposed clear-glazed first-floor window will overlook her entire garden, living room, first-floor bedroom windows and rear porch;
- the proposal has resulted in an overbearing and dark appearance, impacting on light in her house and garden, and the approved rooflight overlooks her bedroom despite assurances from the planning officer that it would not.

The applicant made the following points:

- the revised application arose from neighbours' concerns about loss of daylight as a result of the side extension – it has been reduced in size and a window removed;

- the two large existing windows in the side extension are being replaced with windows which don't give rise to overlooking the neighbour;
- the window is needed in the fourth bedroom is required for light, ventilation and fire safety purposes; a bathroom window further down will not cause any privacy issues at all;
- a similar style of new-build dwellings are being permitted in the area, and Pittville is dotted with a plethora of different styles and materials;
- they bought the home for its red brick character, with the intention to modernise it, install sash windows, and remove all TV aerials and satellite dishes;
- the removal of tarmac and the store room will increase greenspace and biodiversity, with trees, lawns and hedging, unique for a narrow service road in the greater Pittville area.

Councillor Tooke began by saying that with proper communication between the applicant and neighbours, a committee decision could have been avoided. Planning guidelines support the reasonable concerns of the residents at 11 Pittville Crescent Lane, and it is not reasonable to change the design of a project midway through, or for changes which will have material effects on the surrounding properties to be pushed through. Neighbours felt that the public consultation was not run as it should have been, and that by bringing it to committee, the application will get the public scrutiny it deserves and some modest changes can be achieved. He highlighted the major concerns about the new design:

- it has been changed substantively so that the neighbours at No. 11 will lose privacy, light and sunlight, with two additional first-floor windows now added overlooking their garden, kitchen and living room and bedroom window, in addition to the approved skylight overlooking their second-floor bedroom window;
- proposals that result in unacceptable harm to the amenity of neighbouring dwellings should not be permitted according to the SPD, yet it is clear that 11 Pittville Crescent Lane will lose much of its privacy;
- Cheltenham Plan Policy SL1 states that loss of privacy is a key reason to reject an application, yet the report ignores the newly-positioned windows, not included in the original application;
- the Pittville Character Appraisal management plan from 2008 states includes a paragraph on St Paul's, the adjacent ward, recognising the impact development there can have on the area;
- in the original planning application, the officer considered the rendering of the building important enough to comment on it, saying that Cheltenham Plan Policy D1 requires that new development should complement the local area and that render was therefore wholly appropriate;
- the main request today is that the building should be rendered, as originally supported by the case officer, and the loss of privacy be taken into account.

In response to Members' questions, the Head of Planning gave the following responses:

- although not relevant to the case, the file shows that there were no procedural errors. The legal requirement is for either a site notice to be displayed or neighbour letters to be sent. CBC tend to send neighbour letters but often goes over and above the statutory requirements by doing both;

- permitted development is work that can be carried out without planning permission, so in that respect it does trump planning permission considerations such as privacy, loss of light and loss of amenity. The single storey extension and some of the other works could be done under PD rights, so this is a realistic fall-back position;
- regarding the clear windows on the rear extension, planning permission isn't required for windows on rear elevations. If they were on a side elevation, they would have to be obscure-glazed and/or non-opening;
- the main difference between the current proposal and the permitted scheme is the brick finish replacing the previous render, and the additional windows. The footprint is slightly smaller.

In debate, Members made the following observations:

- the brick used is semi-industrial with stone coining, a design typical of the 1980s, has been well done and is low maintenance and long-lasting. There are examples of rendered buildings around the town with grey/black coming through the render;
- the application being considered is for minor reworks to a previously-granted permission, and has not deviated from policy regarding notification;
- the complex report is very well done, with the issues explained clearly;
- standing out from the neighbouring properties isn't a bad thing, with variety in the street scene to be welcomed; the coins are slightly pastiche, but break up the brickwork so are acceptable;
- in view of the council's commitment to the climate crisis, it would have been good to see some eco-friendly features included, such as solar panels or heat pumps;
- the applicant is relocating the apple trees in the garden which is a positive move;
- there is a lot of render in the area, but also a lot of dark red brick walls, and some other brick dwellings. The mix is quite attractive.

The case officer confirmed that submission of a sustainability statement was sought, but this didn't get any further, and it should be remembered that this is a householder application, with some of the works being classed as permitted development.

With no further comments, the Chair invited Members to vote on the officer recommendation to permit.

9 in support

1 abstention

PERMIT

5b 23/00502/CACN 66 Copt Elm Road, Charlton Kings, Cheltenham GL53 8AW

The case officer introduced the item, which proposed the removal of three trees in a conservation area. He explained that the trees are very close together, and generally in poor condition due to competing for water and light. With poor amenity value, life expectancy of no more than 10 years, and potential risk from dropping dead wood, he considered that two of the trees were not worthy of protection with a TPO and the

other was borderline. He added that the resident is committed to planting a strawberry tree in their place, and transplanting a cedar from elsewhere in the garden to mitigate their loss, although this cannot be enforced.

The resident was invited to speak to support her case, and confirmed the comments from the trees officer, stating that an earlier application to remove five trees was withdrawn following discussion with him. She said that none of the trees had been able to grow and thrive properly, due to their close proximity, and if any one of the trees were to be retained, it would be poorly shaped as a result. One of the sycamores frequently dropped small branches on the road. She proposed felling the trees, replacing them at the corner of the plot with an Atlas cedar, transplanted from elsewhere in the garden and currently about 2m tall. It would be an attractive tree, visible from Lyefield Road and providing year-round screening, and she had also planted other new trees along the boundary in recent years. There have been no objections from neighbours or the trees officer.

In response to questions from Members, the trees officer confirmed that:

- if the council raises no objection to the felling of the trees, it cannot enforce new planting, although officers can give informal advice about suitable species etc;
- regarding the proposal to relocate the existing Atlas cedar, he isn't convinced that this will be successful at this stage of the tree's maturity, although it is unlikely to give rise to problems with the cedar in Pittville Park which is considerably old. All trees cause problems eventually, but if this one does thrive – which is questionable - it will be many years before it does so;
- if the two declining trees were removed, the remaining sycamore would get more water and light, but not significantly so.

In debate, Members made the following points:

- there is a very attractive poplar tree in the garden which will be more visible and benefit from what is being proposed. This is a good reason to support the application;
- no objection should be raised as the resident is being very straightforward in her objectives. Moving the cedar will be challenging – she will need to take advice on the best time to do it, and it will need a lot of water to keep it going;
- the strawberry tree will be a nice addition;
- this is an iconic corner of Charlton Kings, seen from every angle, but the sensible and constructive dialogue between the resident and trees officer has resulted in a solution which keeps everyone happy;
- more applications are likely to follow, and it is unfortunate that the form only allows the resident to describe what trees they propose to remove, with nowhere to include a description of proposed replacements or mitigating measures; this doesn't help make an informed decision, and with the emphasis on biodiversity it would be useful to encourage residents to give an idea of their intentions;
- removal of any trees, including these which have probably taken 50 years to achieve their height, should always be challenged, but the resident and trees officer have engaged well to achieve a positive outcome and should be congratulated for this. It is clear from other work in the garden that the resident clearly appreciates the importance of trees;

- trees are an integral part of the street scene, and this copse is currently untidy, detracting from the elegant house. The removal of the three trees and replanting will enhance the visual appearance of this corner and the setting of the house.

The Head of Planning confirmed that the form used was standardised across England, and could not be changed. It was up to officers to assess the trees and work out solutions with the residents.

**Vote on officer recommendation to raise no objection
10 in support - unanimous
No objection raised**

6 Appeal Update

Information on appeals received, pending and decided had been circulated.

The Head of Planning told Members that the appeal against the last year's Committee decision to refuse 350 houses at Land off Shurdington Road, was originally set for the written representations procedure, whereby reports are exchanged between the local authority and applicant. These have been submitted, but the Inspector has come back requesting a hearing, which will take place in July.

He also flagged the decision at The Hayloft in The Reddings, which the Inspector has allowed. It was refused at Committee due to concern about the impact on neighbours arising from the creation of flats, but the Inspector felt that the level of activity generated by the coming and going of occupants of a family would not be substantially different in scale to that of occupants of the flats, and that the refusal was not justified.

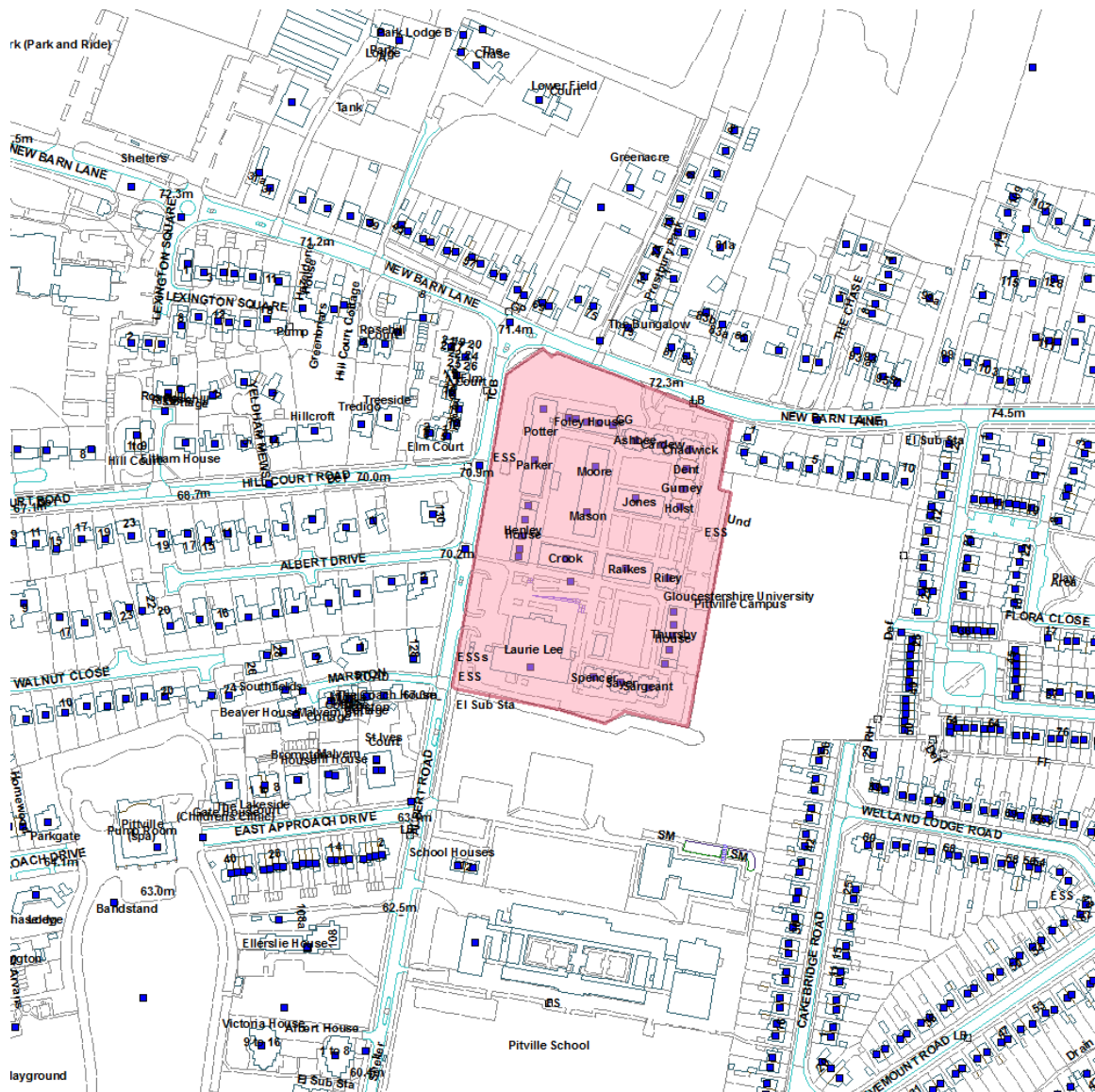
He noted that there several appeals for BT hubs had been dismissed, which was a good outcome.

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

On behalf of all Members of Planning Committee, the Chair thanked the Head of Planning, who is leaving CBC. He said his guidance, support, expertise and professionalism were much appreciated, and wished his well with his future career.

APPLICATION NO: 21/01696/FUL	OFFICER: Mrs Lucy White
DATE REGISTERED: 4th August 2021	DATE OF EXPIRY: 29th September 2021/Agreed extension of time 22nd November 2021
DATE VALIDATED: 4th August 2021	DATE OF SITE VISIT:
WARD: Pittville	PARISH:
APPLICANT:	Uliving@Gloucestershire Ltd
AGENT:	Plainview Planning Ltd
LOCATION:	Pittville Student Village, Albert Road, Cheltenham
PROPOSAL:	Temporary dual use of up to 205 bedrooms for either student accommodation (C1) or serviced apartment accommodation (Class C1) for an 18 month period commencing August 2021

RECOMMENDATION: Permit



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site is the Pittville Student Village of the University of Gloucestershire which is located approximately one mile to the north east of the town centre within a predominantly residential area. Planning permission (ref 14/01928/FUL) was originally granted in 2015 for:-

Erection of a student village incorporating 603 new-build student bedrooms, the refurbishment of the existing media centre (which will include a reception/security desk, a gym, retail facilities, multi-faith area, refectory and bar, quiet study area, laundrette, ancillary office space), and the provision of a mixed use games area. In addition, the proposal involved the demolition of existing teaching facilities, 23 existing rooms and the retention and refurbishment of 191 existing student rooms.

- 1.2 Subsequent approval of a variation to construction working hours was granted in 2017, reference 17/00752/CONDIT.
- 1.3 This application seeks planning permission for a temporary dual use of up to 205 bedrooms for either student accommodation (C1) or serviced apartment accommodation (C1) for an 18 month period commencing August 2021. The application is made by Uliving who own and manage the student accommodation on this site.
- 1.4 The application includes statements in support of the proposals which also address some of the concerns raised by neighbouring residents. A variation of the original s106 Agreements are also being prepared.
- 1.5 This application is before Planning Committee at the request of Councillor Stephan Fifield. The reason for the request is the proposed lack of parking provision which would affect those local residents who consider they are already impacted by student parking issues arising from the student village.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Principal Urban Area

Relevant Planning History:

20/02039/PREAPP 1st February 2021 CLO

Removal of restrictive use condition/permission for more flexible use

14/01928/FUL 17th July 2015 PER

Erection of a student village incorporating 577 new-build student bedrooms, the refurbishment of the existing media centre (which will include a reception/security desk, a gym, retail facilities, multi-faith area, refectory and bar, quiet study area, laundrette, ancillary office space), and the provision of a mixed use games area. In addition, the proposal involves the demolition of existing teaching facilities and the retention and refurbishment of 214 existing student rooms.

14/02288/DEMCON 9th March 2015 NPRIOR

Application for prior notification of proposed demolition of all buildings on the site (Blocks A, B, C1, C2, D, E, F and 7 on submitted drawings). Removal of dual pitched roof connected to Block C2 and external staircases/smaller extensions to Block 11 (Media Centre)

15/01919/DISCON 4th January 2016 DISCHA

Discharge of conditions 4 (site survey & levels), 5 (piling), 6 (tree protection) and 7 (site contamination) on planning permission ref: 14/01928/FUL

15/01994/DISCON 6th January 2016 DISCHA

Discharge of condition 3 (construction method statement) on planning permission ref. 14/01928/FUL

15/02101/AMEND 7th December 2015 PAMEND

Non material amendment to planning permission ref: 14/01928/FUL - amendments to the position of tree protective fencing to allow construction of Block C3

16/00458/AMEND 13th April 2016 PAMEND

Non material amendment to planning permission ref: 14/01928/FUL - amendments to the overall site layout and alterations to elevations:

1 - handing of TH2, to enable a level access to the front doors, 2 - handing of TH3 (previously TH4) to enable access from the fire tender (repositioning of TH3 and handing of refuse/recycling store), 3 - amendments to the design and positions of the bin and cycle stores, 4 - amendments to fenestration detail (opening mechanism) to upper floors of town house blocks, 4 - general amendments to the Landscape Masterplan (notably - removal of landscaped section around MUGA, and alterations to hard and soft landscaping in Plaza area)

16/00570/DISCON 20th September 2016 DISCHA

Discharge of conditions 8 (surface water drainage system - scheme design), 9 (surface water drainage systems - maintenance strategy), 13 (bus lay-by details), 25 (external surface material samples), 26 (architectural details) on planning permission ref. 14/01928/FUL

16/01703/DISCON 21st December 2016 DISCHA

Discharge of condition 22 (glazing to residential properties), 24 (detailed scheme for landscaping, tree and/or shrub planting and associated hard surfacing), 27 (specification and location of all hard surfacing materials), 28 (detailed scheme for boundary walls, fences or other means of enclosure) on planning permission ref. 14/01928/FUL

17/00584/AMEND 30th March 2017 PAMEND

Non material amendment to planning permission 14/01928/FUL to allow for minor alterations to the Media Centre relating to front entrance canopy detail, internal layout, window and door sizes and positions, blockwork/render to north elevation, and addition of M & E vents/louvres.

17/00752/CONDIT 9th June 2017 PER

Variation of Condition 14 of 14/01928/FUL - proposed extension of on-site construction working hours (in order to meet the required programme and completion of internal works)

17/01259/DISCON 24th August 2017 DISCHA

Discharge of conditions 12, 13, 14, 20, 28 & 29 on planning permission ref. 17/00752/CONDIT

17/01582/DISCON 15th September 2017 DISCHA

Discharge of Condition 27 of Planning Permission 17/00752/CONDIT (signage, external lighting and CCTV)

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 8 Promoting healthy and safe communities

Section 9 Promoting sustainable transport
Section 12 Achieving well-designed places

Adopted Cheltenham Plan Policies

D1 Design
HM1 Student Accommodation
SL1 Safe and Sustainable Living

Adopted Joint Core Strategy Policies

SD4 Design Requirements
SD14 Health and Environmental Quality
INF1 Transport Network

Supplementary Planning Guidance/Documents

Central conservation area: Pittville Character Area and Management Plan (July 2008)

4. CONSULTATIONS

GCC Highways Planning Liaison Officer

12th October 2021

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

The justification for this decision is provided below.

This planning application seeks permission for a temporary change of use of part of the existing student accommodation at Pittville Campus to either student accommodation or serviced apartments (short term lets).

The proposal would not change the use class of the application site, and would not increase the number of available rooms. It is understood from the supporting information that the application would give the university flexibility during term times and the summer to let the rooms to non-students.

The proposed change to allow for serviced apartments could result in a higher trip generation figure to the application site. However, it is recognised that the site is in a relatively sustainable location, and there is limited parking available on site. As such it is not considered that the proposed temporary change would result in an unacceptable harm to highway safety nor that there would be a severe capacity issue.

It is noted that concerns have been raised that the proposal would result in displacement of parked vehicles on the roads surrounding the application site. There are currently parking restrictions on Hillcourt Road, Albert Drive and Marston Road. These restrictions will reduce the risk of any vehicles being displaced onto the highway.

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

an objection could be maintained.

The Highway Authority therefore submits a response of no objection.

Environmental Health

6th October 2021

Since the site opened we have received one complaint about noise from students, which the Uni dealt with effectively.

I don't have any objections, or adverse comments in respect of this application.

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	39
Total comments received	10
Number of objections	10
Number of supporting	0
General comment	0

5.1 Letters of notification were sent to 39 neighbouring properties (those considered to be most affected by the proposals). In addition site notices were posted within the vicinity of the site and an advert placed in the Gloucestershire Echo. A total of 10 representations were received following the publicity and the comments/concerns raised, in summary, relate to the following:

- No parking spaces on site therefore proposals would result in major parking problems in the area
- Accommodation unsuitable for non-student use with potential noise and disturbance, security and safety issues arising
- Proposals lack clarity/certainty on the types of future occupiers
- University should alternatively concentrate efforts on increasing student numbers and reducing student accommodation rental costs
- Impact on local smaller rental accommodation providers
- Policy HM1 relates to new student accommodation and is therefore not relevant
- Implications and expectation of a repeat application for further 18 month period

6. OFFICER COMMENTS

6.1 Determining Issues

6.2 Condition 29 of the original planning permission (14/01928/FUL) restricts the use of the new student accommodation blocks solely to students of the University of Gloucestershire, as follows:

The residential buildings hereby permitted (shown as C1, C2, C3, C4, C5, TH1, TH2 and TH4 on Drawing No 1793/P/101 G received 11th May 2015) shall only be occupied as student residential accommodation for the University of Gloucestershire and shall be used

for no other purpose within Class C1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and/or re-enacting that order with or without modification), or any change of use permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any statutory instrument revoking and/or re-enacting that Order with or without modification), including any use as independent residential dwellings.

- 6.3** Similarly, the 1990 planning permission for the older accommodation blocks limits use to students only by virtue of the application description.
- 6.4** In addition to the 12 weeks during the summer months when the accommodation sits largely empty, the wording of the condition allows no flexibility should rooms remain empty during term time. The University comment that this situation has become more apparent since the COVID 19 pandemic and may continue. Whilst student intake is larger for 2021/22 than 2020/21, interest in the student village accommodation has declined.
- 6.5** Essentially, the proposals seek a dual use of up to 205 rooms in selected residential blocks for either student accommodation or as serviced apartments; both uses falling within Class C1. The application does not seek a change of use of the buildings, therefore the key issues for consideration are limited to the impacts of the proposed alternative occupiers and proposed alternative rental arrangements upon (i) the amenities of neighbouring properties and (ii) the management and function of the student village and (iii) parking and highway safety in nearby streets.
- 6.6 Officer Comments**
- 6.7** The supporting statements provided by the applicant set out the rationale behind the proposals and include details of the proposed letting arrangements, on-site management of the accommodation, parking arrangements and use of on-site facilities.
- 6.8** Fundamentally, the applicant makes it very clear that priority will always be given to Gloucestershire University students requiring accommodation and only if rooms remain empty after student applications close or over the summer months would letting be extended to alternative occupiers. The primary use of the site would remain as student accommodation and the proposals seek only an 18 month temporary period for the dual use. In addition, some of the potential lettings may not be income generating, should the alternative uses be for visiting university staff or for certain summer school activities etc.
- 6.9** The blocks proposed to be used for dual purpose form a group surrounding the MUGA and are set well within the site in the south east corner and away from the Albert Road and New Barn Lane frontages. The blocks are a mix of old and new accommodation and include both studio rooms and townhouse flats. The applicant states that the blocks selected are those that are historically, last to be let. Lettings would also ensure that whole floors, flats or townhouses would be let to either students or non-students and not a mix of both. All marketing would be undertaken by the University.
- 6.10** A range of potential alternative occupiers has been identified by the applicant and these include key workers, students of other HE establishments, those on work placements, interns, visiting staff and staff associated with the university, summer event and conference delegates, young professionals, graduates and other short term contractors and business workers. These types of occupier are considered by the applicant to be compatible with the primary student use of the site.
- 6.11** Rooms would be let on the same terms and conditions as those of the students with a 90 day limit imposed on lettings. The exception to this would be rooms let to students of other HE providers (and possibly university staff/visiting lecturers) who would occupy rooms under a student lease for a maximum of one academic year. Future occupiers

would be discouraged from bringing cars to Cheltenham, however 75 car parking spaces for all non-students would be made available on site between 6pm and 8am. Mini bus travel arrangements would be put in place for certain groups and activities.

- 6.12** The various provisions of the original s106 which protect the amenities of neighbouring properties, namely the Shuttle Bus, Student Patrol scheme and Community Liaison Group meetings would continue unaltered. A Deed of Variation (DoV) of the original s106 obligations (CBC and GCC) to incorporate the new planning permission is currently being drafted. Planning permission would not be granted until completion of the DoVs.
- 6.13** Policy HM1 of the Cheltenham Plan seeks to ensure that local higher education establishments and student housing providers facilitate the delivery of bespoke student accommodation at appropriate locations. *The Council expects proposals for student accommodation to demonstrate that they support educational establishments within the Borough. Housing provision for students should be located in accessible locations, close to public transport corridors and local services and facilities.*

The Council will support proposals that:

- a) Provide a high-quality living environment which includes a range of unit sizes and layouts.*
- b) Ensure that facilities will be well managed and that there will be no detriment to local amenity or unreasonable harm caused to nearby residents or the surrounding area.*
- c) Demonstrate that the facility is suitable for year-round occupation and that it has long-term sustainability and adaptability.*
- 6.14** Although HM1 is targeted at proposals for new student accommodation and the original planning permission pre-dates this policy, the objectives of this policy (in particular criterion (c)) are broadly relevant to the considerations of the current application.
- 6.15** Equally, it is acknowledged that the restrictive occupancy condition was imposed largely to protect the amenities of neighbouring properties. Parking associated with alternative C1 and other permitted uses was also a determining factor.
- 6.16** That said, the proposed dual use and intended alternative C1 use and the proposed management and letting arrangements do not stray far beyond that of the original planning permission. Similarly, an 18 month temporary period only is proposed and any unforeseen adverse impacts arising from the dual use would therefore also be temporary.

6.17 Access and highway issues

- 6.18** As stated above, the proposals include the provision of 75 on site car parking spaces for use by non-students between 6pm and 8am. Non-student occupiers would be discouraged from bringing cars to Cheltenham and students of other HE providers would not be allowed to bring cars to Cheltenham, on the same basis as current UoG students.
- 6.19** The concerns raised by neighbouring residents about on-street parking are noted. Although the proposals do not include a change of use of the land/buildings, the potential parking and highway safety issues arising from alternative occupiers require careful consideration. As such, the Highway Authority (HA) was consulted. A response of no objection was received.
- 6.20** The HA rightly point out that the serviced apartments for non-students could result in a higher trip generation figure. However, it is recognised that the site is in a relatively sustainable location, and there is some parking available on site. As such, it is not

considered that the proposed temporary change would result in unacceptable harm to highway safety nor that there would be a severe capacity issue.

- 6.21** The HA note the concerns of local residents about the displacement of parked vehicles on the roads surrounding the application site. There are currently parking restrictions on Hillcourt Road, Albert Drive and Marston Road. These restrictions would therefore reduce the risk of any vehicles being displaced onto the highway within the local area. The HA concludes therefore, that there would not be an unacceptable impact on highway safety or a severe impact on congestion and there are no justifiable grounds on which an objection could be maintained.
- 6.22** Officers also note that there is limited, unrestricted on street parking on New Barn Lane and Albert Road and the Pittville Pump Rooms car park now operates as a pay and display facility. Officers also consider it unreasonable to restrict all on street parking in the local area to residents only and the measures that would be put in place by the applicant to minimise parking congestion are considered acceptable. The application seeks a temporary 18 month period only which would also allow for any significant highway/parking impacts to be identified.
- 6.23 Other considerations**
- 6.24** The comment made by neighbouring residents regarding repeat applications and the potential for a permanent alternative C1 use for the 205 rooms is also noted. Members are advised to consider the proposals before them and not speculate on any future application to extend the temporary period.
- 6.25** The Covid-19 pandemic has had wide ranging effects on all businesses and organisations and the resultant change in student accommodation preferences is not unique to the UoG. Should an application be submitted in the future to extend the temporary period further or should the university seek a more permanent solution to under occupancy and/or to vary the original restrictive condition (26), then these matters would be considered carefully at that time and with the benefit of some experience and understanding of any impacts of alternative C1 use.
- 6.26** The University have made it very clear in their supporting statements that the primary use of the campus will remain as student accommodation. In term time student occupation will always take priority but the proposals would allow for beneficial use of the 205 rooms in the event of low student uptake and during the summer periods when the accommodation lies largely empty. The University also state that it is vital that those occupying the 205 rooms would be compatible with the primary occupation of the site by students, given that student experience is paramount to the success of the university. The site and its facilities would continue to be managed in the same way, thereby safeguarding the amenities of university students and neighbouring residents. The Residents Community Liaison Group (which includes representatives of the Council's planning and environmental health teams) would also continue to operate and meet as before.

7. CONCLUSION AND RECOMMENDATION

- 7.1** For all reasons set out above, the recommendation is to grant planning permission subject to the following conditions and subject to the completion of Deeds of Variation of the original s106 obligations.

8. CONDITIONS / INFORMATIVES

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

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

- 2 The use hereby permitted shall be discontinued and the buildings restored to their former use on or before 31st August 2023.

Reason: To enable the Local Planning Authority to assess the effects of the use over a temporary period, having regard to adopted policy SL1 of the Cheltenham Plan (2020) and adopted policy SD14 of the Joint Core Strategy (2017).

- 3 No serviced room or studio/apartment shall be let to an individual(s) for longer than 90 consecutive days within any 12 month period.

Reason: The accommodation is not suitable as permanent residential accommodation and to enable the Local Planning Authority to assess the effects of the use over a temporary period, having regard to adopted policy SL1 of the Cheltenham Plan (2020) and adopted policy SD14 of the Joint Core Strategy (2017)

- 4 The use hereby permitted shall be carried out substantially in accordance with the details set out within applicant's letter dated 23rd July 2021 and supplementary statement dated 25th October 2021. Up to 75 on-site parking spaces shall, at all times, be made available for use by the future occupiers of the 205 rooms between the hours of 18:00 and 08:00 Monday to Sunday.

Reason: To protect the amenities of resident students and neighbouring properties and to enable the Local Planning Authority to assess the effects of the use over a temporary period, having regard to adopted policy SL1 of the Cheltenham Plan (2020) and adopted policy SD14 of the Joint Core Strategy (2017).

INFORMATIVES

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

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

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

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APPLICATION NO: 21/01696/FUL		OFFICER: Mrs Lucy White	
DATE REGISTERED: 4th August 2021		DATE OF EXPIRY: 29th September 2021/Agreed Ext of Time 28 th February 2022	
WARD: Pittville		PARISH:	
APPLICANT:	Uliving@Gloucestershire Ltd		
AGENT:	Mrs Catherine Hoyte		
LOCATION:	Pittville Student Village Albert Road Cheltenham		
PROPOSAL:	Temporary dual use of up to 205 bedrooms for either student accommodation (C1) or serviced apartment accommodation (Class C1) for an 18 month period commencing June 2023.		

Update to Officer Report

1. OFFICER COMMENTS

- 1.1. Members may recall that the 2021 November Planning Committee resolved to grant planning permission for the *temporary dual use of up to 205 bedrooms for either student accommodation (C1) or serviced apartment accommodation (C1) for an 18 month period commencing August 2021*, subject to deed of variation (DoV) of the s106 obligations attached to the original planning permission for the Pittville Student Village (reference 14/01928/FUL).
- 1.2. Since November 2021, and due to unforeseen circumstances, there has been a significant delay and administrative difficulties in finalising the required variations to the original s106 obligations, in part, due to some changes in interested parties to the legal agreements. Progress on the drafting of the DoV is now at an advanced stage and agreement reached between the parties on any re-wording necessary. The applicant has therefore requested that the proposed temporary dual use of the 205 student rooms now commences from June 2023 for an 18th month period. If the decision was issued based on the original application description, the temporary use would end in August 2023, which would clearly be of little benefit to the University.
- 1.3. Members are therefore being asked to consider only the revised, temporary 18th month period for the proposed dual use and any direct material considerations relating thereto. The general merits of the proposal and the principle of the proposed temporary dual use are established through the Planning Committee's resolution to grant planning permission in 2021.

- 1.4. It should be pointed out that the required amendments to the original s106 obligations are, in themselves, straightforward, in that the subject planning application reference number (21/01696/FUL) needs to be included plus any cross referencing and additional wording to the Schedules, as applicable.
- 1.5. Note that, none of the s106 obligations would be removed as a result of the grant of this temporary planning permission. The various provisions of the original s106 which protect the amenities of neighbouring properties, namely the Shuttle Bus, Student Patrol scheme and Community Liaison Group meetings, would continue unaltered and unaffected by the proposals. The Shuttle Bus and Student Patrol scheme would continue to operate and solely for the students of the University of Gloucestershire. Any financial contributions required through the Borough and County Council s106 Obligations would continue to be paid or have already been paid in full. Consequently, the County Council (GCC) obligations relating to off-site highway improvement works do not require any variation since all monies have been paid in full to GCC. In this respect, GCC has confirmed that the County Council s106 does not require a DoV.
- 1.6. The Council's Environmental Health team (EHO) were consulted on the revised application description i.e. the proposed 18 month temporary dual use commencing June 2023. The EHO raises no objection and comments as follows:

In relation to 21/01696/FUL, Pittville Student Village, Albert Road, Cheltenham, please note that there are no comments/ no objections from Environmental Health. Since the previous consultation no complaints have been received.

- 1.7. The County Council Highways Development Management team (acting as Highway Authority) (HA) has also been consulted on the revised proposals. At the time of writing, their comments are awaited. The HA's response will be provided via a further update report before the May Planning Committee meeting.
- 1.8. Local residents were also informed in writing of the revised application description. At the time of writing, a total of 4 representations have been received (13 in respect of the original proposals) and the concerns raised, in summary, relate to the following matters:
 - The buildings should only be used for students, as per the original plans
 - On-site parking inadequate with potential for overspill onto surrounding roads
 - Noise impact and anti-social behaviour
 - Future control over occupiers/use

- Student accommodation too expensive and not adequately maintained
- Mix of student and non-students inappropriate
- Road user safety when crossing New Barn Lane due to general increase in pedestrian and traffic
- Pedestrian crossing/traffic calming should be funded by applicant

1.9. Conclusions

1.10. The above neighbour concerns and consultee responses have been considered very carefully, alongside all representations made during the course of determining the application in 2021. Despite the length of time elapsed since the Committee's resolution to grant in November 2021 and the substantial completion and occupation of the Starvehall Farm development, officers consider that there are no changes in site or neighbourhood characteristics that would warrant withholding planning permission now.

1.11. In addition, the University has made it very clear in their supporting statements for this application that the primary use of the campus would remain as student accommodation. In term time student occupation would always take priority but the proposals would allow for beneficial use of the 205 rooms in the event of low student uptake and during the summer periods when the accommodation lies largely empty. The University also state that it is vital that those occupying the 205 rooms would be compatible with the primary occupation of the site by students, given that student experience is paramount to the success of the university. The site and its facilities would continue to be managed in the same way, thereby safeguarding the amenities of university students and neighbouring residents. The Residents Community Liaison Group (which includes representatives of the Council's planning and environmental health teams) would also continue to operate and meet as before.

1.12. Similarly, there have been no changes in local or national policy guidance since November 2021 that would result in officers reaching an alternative recommendation to that set out in the full Committee report presented to Members in November 2021; which is attached to this update report and should be read in conjunction with the comments provided here.

1.13. In light of all of the above considerations, and subject to any objection raised by the HA, officers consider the proposals (in their revised form) acceptable and the recommendation

is to grant planning permission subject to the following conditions and subject to the completion of a Deed of Variation of the original s106 obligations.

CONDITIONS

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

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

- 2 The use hereby permitted shall be discontinued and the buildings restored to their former use on or before 31st December 2024.

Reason: To enable the Local Planning Authority to assess the effects of the use over a temporary period, having regard to adopted policy SL1 of the Cheltenham Plan (2020) and adopted policy SD14 of the Joint Core Strategy (2017).

- 3 No serviced room or studio/apartment shall be let to an individual(s) (excluding students and University of Gloucestershire staff) for longer than 90 consecutive days within any 12 month period.

Reason: The accommodation is not suitable as permanent residential accommodation and to enable the Local Planning Authority to assess the effects of the use over a temporary period, having regard to adopted policy SL1 of the Cheltenham Plan (2020) and adopted policy SD14 of the Joint Core Strategy (2017).

- 4 The use hereby permitted shall be carried out substantially in accordance with the details set out within applicant's letter dated 23rd July 2021 and supplementary statement dated 25th October 2021. Up to 75 on-site parking spaces shall, at all times, be made available for use by the future occupiers of the 205 rooms between the hours of 18:00 and 08:00 Monday to Sunday.

Reason: To protect the amenities of resident students and neighbouring properties and to enable the Local Planning Authority to assess the effects of the use over a temporary period, having regard to adopted policy SL1 of the Cheltenham Plan (2020) and adopted policy SD14 of the Joint Core Strategy (2017).

APPLICATION NO: 21/01696/FUL		OFFICER: Mrs Lucy White
DATE REGISTERED: 4th August 2021		DATE OF EXPIRY : 29th September 2021
WARD: Pittville		PARISH:
APPLICANT:	Uliving@Gloucestershire Ltd	
LOCATION:	Pittville Student Village Albert Road Cheltenham	
PROPOSAL:	Temporary dual use of up to 205 bedrooms for either student accommodation (C1) or serviced apartment accommodation (Class C1) for an 18 month period commencing June 2023.	

REPRESENTATIONS

Number of contributors	17
Number of objections	17
Number of representations	0
Number of supporting	0

15 Albert Drive
Cheltenham
Gloucestershire
GL52 3JH

Comments: 11th August 2021

When the Pittville Campus was expanded only a few years ago, no parking space was provided for the students, and students were prevented from bringing cars to the site. Should the application by the University be granted for up to 205 apartments to be let to non students, this is likely to give rise to a major parking problem in the area. It is inevitable that many, or all, will have at least one car and need to park these somewhere. There will be no parking spaces available on the Campus site. So where will they go other than littering local roads? This is an attractive part of Cheltenham and should not be allowed to become an eyesore.

If the Campus is unable to provide this necessary parking space, the application should be refused.

10 Albert Drive
Cheltenham
Gloucestershire
GL52 3JH

Comments: 27th April 2023

I stand by previous objection which you have on record. Thank you.

Comments: 18th August 2021

I feel this application is not appropriate and should be rejected on the following basis:

1. The government is encouraging the economy to return to normal and looking for institutions like Universities to support young students who have suffered during Covid through returning to normal teaching and normal education facilities and services. In line with the government direction, Gloucestershire University should use their energy and creativity to developing student numbers and the student experience back to pre COVID levels. They should not dilute their efforts by looking for short term rental profit opportunities that are outside the planning conditions they have already agreed to and the purpose of the institution.
2. The accommodation is clearly unsuitable to non student use. For example there is minimal parking available which makes it unsuitable for non student letting.
3. There is a safety, security and wellbeing risk if short term rental tenants are introduced on short term letting conditions into the student community. Parents and students chose the campus environment as a safe space to help young people transition to independent living. This "safe environment" would be undermined if the campus becomes a hub for short term adult lettings.
4. The application does not provide any firm commitments as to who will, and will, not be allowed access if this proposal would be approved. The proposal is a vague list of some potential customers with no restrictions to ensure student safety, nor additional vetting to ensure the short term tenants are computable with the existing student community and the feel / culture that a campus represents.

Five Oaks
81A New Barn Lane
Cheltenham
Gloucestershire
GL52 3LF

Comments: 23rd August 2021

We hereby register our objection to this planning application:

This decision is currently under officer delegated powers, to be decided undemocratically by planning officers without due debate by the planning committee.

The council website shows that there are only 39 consultees which appears to us that wider scrutiny is being avoided.

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A delegated decision is wrong, immoral and legally questionable, especially as the original planning for the student village was so controversial. It also demonstrates that the council appear to be attempting to avoid wider scrutiny.

This proposal should be at the very least subject to proper debate and decided by the very persons democratically elected to represent the local community in a council planning committee meeting.

The existing operation has proved incapable of fully controlling noise and disturbances from the site. As nearby residents, we look forward to the undisturbed nights during the summer, when the site is unoccupied. Any temporary change of planning to dual use of up to 25% of the available rooms will have increased noise/disturbance/parking issue implications which local residents should not have to suffer from as well.

The application fails to demonstrate a local requirement for the proposal, only a need based on lack of investment return by U-living. The main reason for this change put forward are the Corona virus pandemic restrictions which is a situation that we no longer have.

Loss of income due to the Pandemic has been global!

Local well established smaller accommodation providers also have all suffered from the impact of the pandemic and may be already struggling. This proposal will have a detrimental impact on the existing local businesses.

The question needs to be asked and answers be made public to what occupancy rates have there been historically? As this might give significant evidence of the true, underlying reason behind this planning application.

The student village was planned and built solely for students, with NO parking facilities!

This proposal will benefit greatly a large national business to the detriment of the established local businesses of Cheltenham.

The clearly insufficient onsite parking availability for this proposal should be reason enough for it's refusal! It is difficult to believe that up to 205 "non-student" guests will be expected to comply to not bringing their car. It is ridiculous to expect anybody to believe that this proposal will work.

We see no reason why this change should be allowed as it fails to demonstrate a local need for increased serviced accommodation AND it will NOT help students nor the local community.

This proposal will benefit greatly a large national business to the detriment of the established local businesses of Cheltenham.

U-living have the power to increase student occupancy by being more flexible with rental costs and other means!

A reason for not full occupancy of the 792 rooms available for students must be linked with the high cost of rent per week for University students (minimum £141 to £202 per week); surely more students could be attracted by lowering rates of rent, considering the accommodation is detached by considerable distance from the main University buildings.

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Instead of trying to change the planning permission, wouldn't it make more sense to attract more university students by other means? Especially as the University is on track for a larger intake of students for the coming year 2021/2022!

If the Council accepts a change of planning in favour of U-living, the local accommodation economy will suffer! It will reduce the income of local smaller established accommodation businesses with the potential impact of many having to stop trading. . A precedent should NOT be set by allowing this planning request. The original acceptance of building the student village was under the condition that it be for "SOLE" use of student accommodation. There should be NO flexibility from it's original purpose, especially by trying to diversify the use whilst NOT having the infrastructure needed for it!

Now that Covid restrictions have been lifted, there is no reason to relax planning constrictions!

We object outright to this planning proposal and at the very least, we would expect this proposal to be debated at planning Committee, given the due regard it deserves for the sake of the people and businesses of Cheltenham, please

Comments: 25th August 2021

Further to our initial objection we wish to add the following comments

The applicant appears to be taking the stated local plan policy out of context. Policy HM1 clearly refers to STUDENT ACCOMMODATION and not NON-STUDENT ACCOMMODATION or mixed use.

The object of providing student accommodation is just that, for use by students! Ref. HM1, Uliving were fully aware at every stage, of the fact that the accommodation would not be utilised during the summer holidays when they proposed, designed, and built the Student Accommodation.

HM1 is a document which relates to future Student accommodation developments only, it has been written at a time after the student village was constructed and section C relates to long term sustainability and adaptability, NOT change of use after just 4 years of sole student rentals!

Considering the huge number of objections before the original application was granted to refurbish 214 rooms and build 577 new student bedrooms, the restriction (condition 29 of 14/01928/FUL) was put in for good reason, namely that the council could control of its use, presumably in order to protect the amenity of neighbours and of the surrounding area for the future. And to ensure that the accommodations were solely available for students.

87 New Barn Lane
Cheltenham
Gloucestershire
GL52 3LF

Comments: 27th August 2021

Letter attached.

85 New Barn Lane
Cheltenham
Gloucestershire
GL52 3LF

Comments: 27th August 2021

Letter attached.

73 New Barn Lane
Cheltenham
Gloucestershire
GL52 3LB

Comments: 28th April 2023

I'm generally not supportive of the application for the same reasons as have been stated by others here and previously. I would add, however, that, in the (surely unlikely?) event that the planning committee is minded now to allow this change of use, there does seem to be a clear need for a healthy dose of quid pro quo - see below.

When the student "village" was opened a few years back, the assumption made by the applicants had been that the site would attract close to 800 occupants. Now we are told that they have not been getting anywhere near that; either the developers/operators appear to have got their sums wrong or they didn't give proper weight to all the possible threats to their assumptions. They now expect the Borough and local residents to support a change of use to allow them to restore their revenue stream and to ignore the additional stresses on local infrastructure once more. This proposal is, therefore, simply asking the community to put up with more in order to bail out the developers/operators who are again offering nothing in return. This seems plain wrong.

In the few years since it opened (after the student accommodation opened), the Starvehall Farm development, on the South side of New Barn Lane, has brought a large increase in volumes of pedestrians and traffic using New Barn Lane. The proposed development of the Pitville School playing field will add still more. The student accommodation up for "change of use" is also on the South side of New Barn Lane and there is talk of even more residents' cars being allowed to park on the student site at times, although "discouraged", whatever that means. The nearest local shop, Park Stores, is well used but is on the North side. Thus, all the increased numbers of pedestrians using the shop, will come from the opposite side of the now much busier road and have to re-cross it to return. Despite there being a 30MPH speed limit in New Barn Lane, this is regularly ignored by the increased number of drivers on the road,

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especially those heading East, accelerating from the Albert Road junction, between 15.30 and 18.30 weekdays, a favourite time for users of the shop! Crossing the road has become an increasingly and unacceptably hazardous occupation for new and existing (often elderly) residents and, importantly, should be addressed as part of this proposal.

If the community (Borough and local residents) are to derive any comfort at all, should this application be unfortunately approved, it would seem reasonable to require the developers - who wish to add yet more pedestrians and cars to the area - to contribute to the costs of installing a proper pedestrian crossing near the shop or, at the very least, the installation of one or two illuminating radar speed displays where 30MPH shows in green and higher speeds in amber or red to remind drivers of the speed limit.

Notwithstanding the surprising comments by the GCC Highways Planning Liason Officer back in October 2021s, I would ask that the planners review with some urgency and independence the road safety speeding and pedestrian crossing hazards, extant and future, opposite Park Stores on New Barn Lane. I particularly request that, as part of this proposal, the planners, should they choose to ignore local resident' views again and allow this change, impose a reserved Section 106 agreement under the Town and Country Planning Act 1990, to require the developers to pay back to the community instead of simply taking and asking for more. The applicants should be required, at the very least, to fund suitable measures as outlined above should they be indicated after said road safety review.

26 Elm Court
Hillcourt Road
Cheltenham
Gloucestershire
GL52 3JU

Comments: 2nd May 2023

This proposal was not in the original plans. The building was proposed and should always be used as intended and that is for student accommodation. There will be a safety concern for students and neighbours alike. Doing this will drive away more students as they will have to mix with non students on site which isn't part of university living. Parking spaces between 6pm and 8am only, for 205 serviced apartments is ridiculous. People will be parking on neighbouring roads outside of these times

17 Elm Court
Hillcourt Road
Cheltenham
Gloucestershire
GL52 3JU

Comments: 25th April 2023

I'm not happy with the way the previous objections were all dismissed.

PARKING: I'm sorry but 75 parking spaces between 6pm and 8am only, for 205 serviced apartments is ridiculous. Of course that's going to spill over into the neighbouring roads - IT ALREADY DOES with the students currently living there.

NOISE: so there is no objection on the grounds of noise as Environmental Health have had only one complaint. Come on - do your due diligence! I think you'll find the the Security on site have had hundreds of complaints about noise! To be fair to them, they have always handled them very well, but who complains to Environmental Health??? We go straight to site Security.

DRUG-DEALING: we have noticed regular drug-dealing going on in around these side-streets since the students started living here. Nothing that we're been able to report to the police though, as they keep irregular times, and are gone quickly, but we all see it happening.

WHO WILL LIVE THERE: the planning permission is deliberately vague on this subject, saying it's "student-related" but then saying contractors, "young-professionals" and so on. So basically, anyone they want to! Will there be any control over this, once permission is granted? I doubt it. Who next? Gold-cup race-goers? Stag-night parties? I would need assurance that only certain groups of people could live there, e.g, academic staff, visiting students, and so on. As it is, it is open to anybody and everybody, I presume whoever is willing to pay?

TEMPORARY USE: well, we all know this will end up getting extended. Particularly if you base your noise-nuisance data on how many complaints get to Environmental Health!! This seems like a classic case of getting in there with one type of planning approval, and then gradually changing it over the years until it becomes something else entirely, that would never have got approval at the start.

It seems to me that the rooms are too expensive for students, and there are many reports of mould in the rooms, hot water not working, and never getting fixed. Maybe there are reasons for the low uptake of students? No doubt U-Living can make more money out of non-students, but that was NOT what they were given planning permission to build.

5 Elm Court
Hillcourt Road
Cheltenham
Gloucestershire
GL52 3JU

Comments: 26th August 2021

We wish to object this application on the following grounds:

- 1.The government is encouraging the economy to return to normal, institutions like Gloucester University should be encouraging the students to return to the village.
- 2.To turn 205 rooms to short term rental will have a negative impact to the residents of the area as the application does not provide any firm commitments as to who will and will not be allowed access. It will be turning a Students Village into a 205 rooms airbnb.
- 3.There is a safety, security and wellbeing at risk for the students and for the local residents alike.

10 Elm Court
Hillcourt Road
Cheltenham
Gloucestershire
GL52 3JU

Comments: 2nd May 2023

May 1st. 2023

I wish to object to the above application on the following grounds.

Traffic.

The GCC Highway Authority and Environmental Health consultee submissions are dated October 2021.

Since the completion of residential developments in New Barn Lane and the estates around Bishops Cleeve, Gotherington, and beyond, traffic around the application site has increased considerably, particularly at daily peak times and the attendance of students at Pittville School.

It is presently obvious to those who live around the application site, and those using the surrounding routes, that traffic is now more intense than it used to be.

Occupancies.

At 6.10 in the officer report, the anticipated occupancies include conference delegates, young professionals, and other short-term contractors. Race goers are not mentioned but it would be wrong not to expect them to want to use the facility as well.

At 6.11 the officer report proposes to discourage any attendees bringing cars to Cheltenham. While this might be possible with HE employees, it is futile to think that other attendees would NOT bring cars here, if they're racing, or shopping, but especially

if they are coming to work for even a minimal period or for the proposed maximum 90 day stay.

Public transport.

At 6.12 in the officer report there is reference of a Deed of Variation being drafted to the original S106 Agreement.

The original S106 included the provision of a shuttle bus, but this has not been provided for the past two years or so when Stagecoach revised their service to run between Prestbury and the Park Campus and return.

The only shuttle bus being provided is for students only through the night.

Does the DoV remove the obligation on GCC and CBC to provide a shuttle bus at any time?

This is important as the campus is presently not at full capacity.

The Prestbury N service often arrives at Pittville full of passengers leaving little space for students and with anticipated increased occupancy, the service would become more strained.

Flat 21
Pittville Court
Albert Road Cheltenham
Gloucestershire
GL52 3JA

Comments: 11th September 2021

169 objections to the original application to increase the size of the Student Village from 214 rooms to nearly 800, and did the council listen? NO? Why did ULiving demand so many rooms - Greed. There were plenty of suggestions limiting to number to 400/600, but NO, ULiving demanded nearly 800!! And they got their way.

Other objectors have already raised the issue of parking with this new application - How on earth would ULiving stop visitors from driving to their Serviced apartment accommodation. It is one thing for young students not to bring a car to the area but a totally different proposition to stop the general population bringing their cars when they stay.

Let's be totally honest - they are asking for a "temporary extension" but we all know that it would set a precedent and ULiving could well be back in 18 months' time asking for the change of use to be made permanent. This is a Student Village and must stay that way. The local residents put up with enough already.

What would happen to all the small businesses that at present offer Serviced Apartments in Cheltenham if ULiving flood the market with an additional 205 rooms? - (I assume ULiving would be undercutting the price of existing businesses as they would have economies of scale). Does the council want to see the local businesses suffer at the expense of this national company?

Strangely in todays Times (11th September 2021), there is an article titled "Shortage of digs is leaving students in a hole". Why is it that Pittville Student Village has apparently

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got exactly the opposite problem? Maybe it's simply because ULiving built too many rooms and has discovered that it can't fill them??

I hope the Planning Department stand up to big business this time but I won't hold my breath.

77 Brooklyn Road
Cheltenham
Gloucestershire
GL51 8DT

Comments: 21st April 2023

Use of the premises for non students was never in the original plan for this campus. The building should be used for students as this is what it was intended for in this area.

11 Albert Drive
Cheltenham
Gloucestershire
GL52 3JH

Comments: 11th August 2021

While I realise the Covid situation has placed a strain on University finances, this proposal is very likely to create a serious parking in the area. At present students are required to sign an undertaking not to bring cars on site. Non student renters will be under no such constraints. All of Albert Drive and parts of other roads in direct proximity have restricted parking. There is no onsite parking. Inevitably renters are going to have to put their cars somewhere. Where?

Perhaps this development was always too large for demand, as local residents suggested at the time.

9 Clarence Square
Cheltenham
GL50 4jn

Comments: 30th December 2021

Student accommodation should remain for Students and surely we should be encouraging 2nd and 3rd year or mature students to use the facilities rather than staying in private accommodation. Perhaps reducing prices may be a way of encouraging demand? Other businesses have to do this so not sure why the UOG thinks it can be different.

18 Walnut Close
Cheltenham
Gloucestershire
GL52 3AG

Comments: 19th August 2021

The application to convert 205 student flats to student/non-student accommodation is understandable and, as expressed in the applicant's covering letter, quite acceptable. However, I wish to register an OBJECTION to the scheme on the following grounds:

The application is for a time limit of 18 months, to be reviewed thereafter. Having established a precedent during those 18 months what is to stop a repeat application but with extended terms of reference - more flats, more than 90 days' occupation, more than another 18 months?

Parking: While the university and Uliving may be able to restrict students' bringing cars with them, they will not have the same control over non-students, especially (as listed in the application) these will be visiting tradesmen, contractors and consultants, and staff from other universities on temporary assignment. With no parking on-site these occupants would have no alternative but to clog up the surrounding residential streets. We have already had students parking locally at the start of term, and they have been known to use the Pump Rooms car park for extended periods.

While the applicant says that in terms of operation and management of the village "nothing will change", this is undermined immediately by the statement that only a "request/active discouragement that a car is not brought" is possible; as already stated, contractors and consultants will of necessity have their own vehicles with them.

It may be argued that the nearby racecourse car park is available to them, but no mention is made in the application that the Jockey Club has even been approached, let alone agreed to such an arrangement.

The reason given for change of use, that of under-occupation due to the pandemic, is somewhat disingenuous - even before Covid it was obvious that the blocks were under-occupied, suggesting that this application is an attempt to correct misplaced commercial enthusiasm for the original project.

While the general thrust of the present application as described is not unacceptable, I believe it presents the proverbial thin end of the wedge, and if it goes ahead I would fully expect it to be repeated and expanded in 18 months time to the detriment of the surrounding residential area.

Flat 21
Pittville Court
Albert Road Cheltenham
Gloucestershire
GL52 3JA

Comments: 2nd November 2021

I note the letter dated 25th October on behalf of ULiving which has more holes in it than a garden sieve.

Originally, ULiving were stating that it was only a temporary request, however they are now hinting that they would like to make it permanent "it is unlikely that things will ever return to the way they were". They are well aware that it would set a precedent. If this application were to be granted, where would it end? - a request in another couple of years to increase serviced accommodation by another 200 rooms??

The applicant is now saying that 75 car parking spaces could be used by visitors between 6pm & 8am, although I thought that they were asking visitors to use public transport? What if visitors want to arrive before 6pm or depart after 8am? Where exactly do they park then?

Why would they ask people to use mini buses? - do they need to move their cars out of the staff parking spaces first?

Please would the members of the Planning Committee consider where these 205 visitors are staying at present? Would helping ULiving simply hurt other smaller serviced apartment providers/businesses in the area?

The applicant states that the visitor accommodation would be separated from the students accommodation and yet they state, "Guests can use the gym, refectory and laundrette" - how is that keeping students and guests separated??

Highways stated that there would not be an unacceptable impact but they have failed to explain where the visitors would ACTUALLY park. In the real world this is a problem!

There is good reason that the previous permissions limit use to students only. This is a Student Campus and needs to remain as so.

8 Albert Drive
Cheltenham
Gloucestershire
GL52 3JH

Comments: 6th August 2021

I wish to submit my objection to this proposal.

Any student occupying accommodation in the Pittville 'Student Village' is not permitted to bring a vehicle to Cheltenham. This is a fine objective but has been impossible to enforce! Every year some students have managed to park overnight nearby and flout this restriction.

The vehicle regulation would not apply to the proposed non-student occupiers. This could result in upwards of 205 extra vehicles looking to park on local roads.

PL Page 38
Rec'd 27 AUG 2021
SERVICES

26-08-2021



85 New Barn Lane
Cheltenham GL523LF

Ref21/01696/FUL

To the planning department,

I object to the proposal 21/01696/FUL

We are regularly being disturbed throughout the night by noises emitting from the student village. Although these disturbances are brief (shouting, singing, screaming) they are disturbances nonetheless. We have not reported due to the short nature of those disturbances, but we are left feeling on edge.

We are concerned that the student village has not demonstrated its ability to control late night disturbances. It can not be trusted to control non-student disturbances nor increased parking issues especially as those will be felt outside the student village.

Cheltenham Borough Council discourages commuter parking; allowing visitors to rent rooms at the University buildings without providing any parking solution on site will drastically increase commuter parking issues!

U-living has given misleading evidence in their statement about Pittville pumphooms (where parking is not overnight and limited to 4 hours maximum)



[REDACTED]
87 New Barn lane
Prestbury
Cheltenham
GL52 3LF

Ref. 21/01696/FUL



To the Cheltenham Planning officers:

We wish to register our objection to the proposal reference number 21/01696/FUL :
"Temporary dual use of up to 205 bedrooms for either student accommodation (C1) or serviced apartment accommodation (Class C1) for an 18 month period commencing August 2021 at Pittville Student Village Albert Road Cheltenham".

When the student village was first proposed, we were assured it would be solely for University student occupation during term time and that the students would not be allowed to bring cars- this has been shown to be a false promise. Are we one prepared to be conned once again into a false statement just so that a large business is able to increase its profits at the expense of local residents inconveniences?

The proposal to park at Pittville Pump room overnight is impossible, as parking is limited to 4 hours maximum! There will be huge parking issues all around the area, which has issues already!

Parking is an issue, there is no onsite parking infrastructure at the University site; parking will become a much bigger issue and the proposal should be refused on those grounds.

Kind regards,

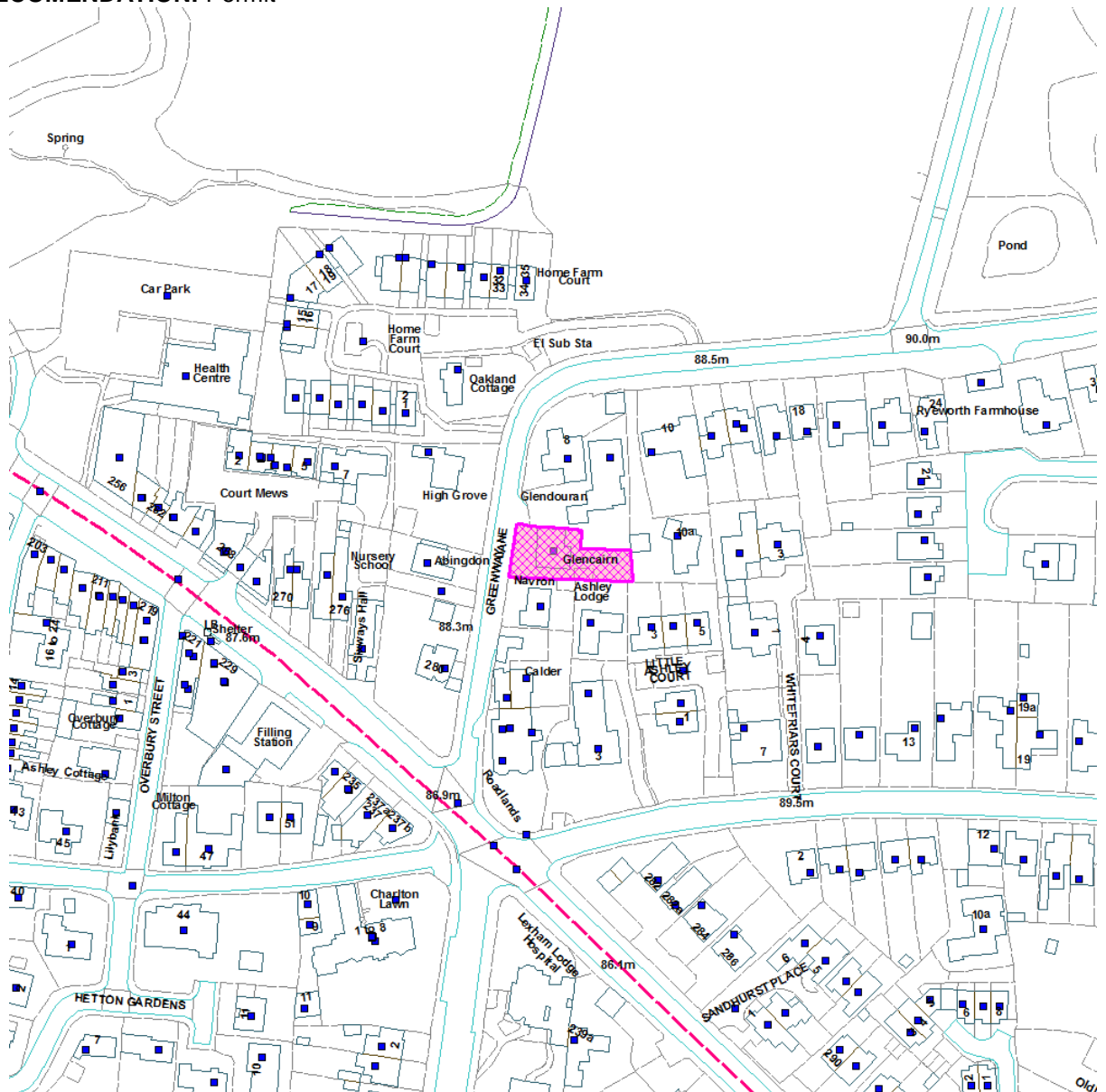
[REDACTED]

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Committee Officer Report

APPLICATION NO: 23/00345/FUL	OFFICER: Mrs Victoria Harris
DATE REGISTERED: 10th March 2023	DATE OF EXPIRY: 5th May 2023
DATE VALIDATED: 10th March 2023	DATE OF SITE VISIT: 27th March 2023
WARD: Battledown	PARISH: Charlton Kings
APPLICANT:	Mr Jon Rowles
AGENT:	Aj Architects Ltd
LOCATION:	Glencairn Greenway Lane Charlton Kings
PROPOSAL:	Proposed single storey rear extension, proposed dormers to create loft conversion, porch, new front pier and proposed electric gate(part retrospective) (revised scheme following grant of application ref. 22/01581/FUL)

RECOMENDATION: Permit



1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site relates to a detached bungalow located within the Battledown Ward. The surrounding area is predominantly residential with a mixture of architectural styles.
- 1.2 Planning permission was recently granted in March, July and October 2022 for a front pier, front porch, front and rear dormer windows, single storey rear extension and a detached home office.
- 1.3 This application is now seeking permission for a revised scheme. The scheme is similar but the front and rear dormer windows now have a rendered finish instead of standing seam trims zinc effect, the front porch has been reduced in size and the detached home office has been omitted from the scheme. Also a clear glazed bedroom window and clear glazed landing window are proposed to the rear instead of obscure glazed windows. These works in part have been carried out.
- 1.4 The application has been called to planning committee at the request of Councillor Babbage due to concerns of local residents.
- 1.5 This report should be read in conjunction with the other officer reports, which accompany the previous decisions (Appendix 1).

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Airport Safeguarding over 45m
Principal Urban Area

Relevant Planning History:

22/00060/FUL 11th March 2022 PER

Proposed single storey rear extension, dormers to create loft conversion, porch, a detached home office and new front pier

22/00874/FUL 8th July 2022 PER

Proposed single storey rear extension, proposed dormers to create loft conversion, porch, a detached home office, new front pier and proposed electric gate (revised scheme following grant of application ref. 22/00060/FUL)

22/01581/FUL 14th October 2022 PER

Proposed single storey rear extension, proposed dormers to create loft conversion, porch, new front pier and proposed electric gate (revised scheme following grant of application ref. 22/00874/FUL)

3. POLICIES AND GUIDANCE

National Planning Policy Framework

Section 2 Achieving sustainable development

Section 4 Decision-making

Section 8 Promoting healthy and safe communities

Section 12 Achieving well-designed places

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

Adopted Cheltenham Plan Policies

D1 Design

SL1 Safe and Sustainable Living

Adopted Joint Core Strategy Policies

SD3 Sustainable Design and Construction
SD4 Design Requirements
SD14 Health and Environmental Quality
INF1 Transport Network

Supplementary Planning Guidance/Documents

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

4. CONSULTATIONS

Building Control

14th March 2023 - This application will require Building Regulations approval. Please contact Cheltenham and Tewkesbury Building Control on 01242 264321 for further information.

Parish Council

21st March 2023 - No objection.

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	9
Total comments received	3
Number of objections	3
Number of supporting	0
General comment	0

- 5.1** Letters of notification were sent out to 9 neighbouring properties. In response to the publicity, 3 representations have been received objecting to the proposed development. The main concerns relate to loss of privacy from the windows within the rear dormer.

6. OFFICER COMMENTS

6.1 Determining Issues

- 6.2** The principle of the front pier, front porch, front and rear dormer windows and single storey rear extension to this property have been established as part of the previous applications, as such the key considerations for this application are acceptability of the proposed changes, and the resultant design and impact on neighbouring amenity as a result of these proposed changes. This report should therefore be read in conjunction with the officer reports that accompany the other decisions.

6.3 Design

- 6.4** Section 12 of the NPPF emphasises the importance of achieving well-designed places that are visually attractive and sympathetic to local character and setting. In addition, policy SD4 of the JCS and policy D1 of the Cheltenham Plan require development to be of a high standard of architectural design that positively responds to and respects the site and its surroundings.

- 6.5** The change to the front and rear dormer windows is acceptable; the dormers have been rendered, which is in keeping with the existing property and a number of neighbouring properties. There is a mixture of architectural designs within the locality and therefore the rendered dormer windows will not harm the character of the locality.

- 6.6** The revised porch is acceptable; the porch has been reduced in scale and is now a small subservient addition that sits comfortably to the front of the building.
- 6.7** As such, it is considered that the proposed development complies with the relevant policies and guidance in terms of achieving an acceptable design.
- 6.8 Impact on neighbouring property**
- 6.9** Policy SL1 of the Cheltenham Plan advises that development will only be permitted where it will not cause unacceptable harm to the amenity of adjoining land owners or the locality. Note 2: states in determining privacy for residents, the Council will apply the following minimum distances: 21m between dwellings which face each other where both have windows with clear glazing, and 12m between dwellings which face each other where only one has windows with clear glazing. These requirements are reiterated in adopted JCS policy SD14. In addition, NPPF paragraph 130 highlights the need to secure a high standard of amenity for existing and future users.
- 6.10** It is acknowledged that clear glazed windows within the rear dormer window will impact on a small number of residential properties; however, officers are satisfied that any such impact will not be so detrimental as to warrant a refusal on amenity grounds. The properties that will be most affected are Ashley Lodge in Ryeworth Road, Glendouran in Greenway Lane and The Villa 10A in Greenway Lane, and their objections have been duly noted.
- 6.11** When considering a proposal an important material consideration is what can be built under permitted development in the General Permitted Development Order (GPDO). The applicant could construct a rear dormer window with unrestricted openings along the entire rear elevation if the external facing materials were to closely match the existing roofing materials under PD. This would have a similar effect if not greater impact on the amenity of the neighbouring properties. This is an important material consideration and a fall-back position that needs to be taken into account when considering the design and impact on the neighbours.
- 6.12** The first floor bedroom window to the rear of the dormer is currently obscure glazed but this revised application proposes a clear glazed window. The internal layout of the rear dormer window has been amended during the course of the applications, originally this window was for an en-suite but is now a bedroom window. The previously submitted drawings identified the window as obscure glazed but this was not a condition of the previous consents. The window is approximately 20m from the rear boundary and 33m from the neighbouring property, The Villa 10A Greenway Lane, and therefore the window is well in excess of the distances normally sought to the rear boundary and between dwellings which face each other where both have windows with clear glazing. The minimum privacy distances only relate to dwellings which face each other and not dwellings to the side of the site. Note that, no first floor windows are proposed to the side of the dormer window.
- 6.13** The first floor rear landing window is currently clear glazed but Condition 4 on the previous planning consents required the window to be glazed with obscure glass. This was due to the landing windows position close to the side/rear boundary, and therefore at the time it was felt the window could have potentially overlooked the rear amenity space of Glencairn. A site visit has been carried out and due to the position of the internal landing set back from the rear window and the external position of the window set in the centre of the dormer, the window provides limited/restricted views of the neighbours amenity space.
- 6.14** Therefore, given that the bedroom window is well in excess of the minimum distance as suggested by Cheltenham Plan policy SL1, the landing window gives limited/restricted views and the permitted development fall-back position; on balance clear glazed windows within these positions are considered acceptable.

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

6.16 Other Considerations

Climate change

6.17 In response to the recently adopted Cheltenham Climate Change SPD, a Sustainability Statement has been submitted which sets out the measures proposed as part of this development; the measures are considered to be appropriate to the scale of development proposed.

Public Sector Equalities Duty (PSED)

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

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

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

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

7. CONCLUSION AND RECOMMENDATION

7.1 With all of the above in mind, the proposals are considered to be in accordance with all relevant national and local planning policy, and the recommendation is to grant planning permission subject to the following conditions:

8. CONDITIONS / INFORMATIVES

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

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

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

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

- 3 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and/or re-enacting that

order with or without modification), no additional windows, doors and openings shall be formed in the without express planning permission.

Reason: Any further openings require detailed consideration to safeguard the privacy of adjacent properties, having regard to adopted policy SL1 of the Cheltenham Plan (2020) and adopted policy SD14 of the Joint Core Strategy (2017).

- 4 Notwithstanding the approved plans, the entrance gates shall at all times be hung so that they only open inwards into the site.

Reason: To ensure that the highway is not obstructed in the interests of highway safety, having regard to adopted policy INF1 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: 23/00345/FUL	OFFICER: Mrs Victoria Harris
DATE REGISTERED: 10th March 2023	DATE OF EXPIRY : 5th May 2023
WARD: Battledown	PARISH: CHARLK
APPLICANT:	Mr Jon Rowles
LOCATION:	Glencairn Greenway Lane Charlton Kings
PROPOSAL:	Proposed single storey rear extension, proposed dormers to create loft conversion, porch, new front pier and proposed electric gate(part retrospective) (revised scheme following grant of application ref. 22/01581/FUL)

REPRESENTATIONS

Number of contributors	3
Number of objections	3
Number of representations	0
Number of supporting	0

The Villa
 10A Greenway Lane
 Charlton Kings
 Cheltenham
 Gloucestershire
 GL52 6LB

Comments: 31st March 2023

We object to this application due to privacy concerns as previously with the original and each subsequent application. Clear glass in the rear of the property will have clear sight into bedrooms, a bathroom, children's bedrooms and lounge.

Glendouran
 Greenway Lane
 Charlton Kings
 Cheltenham
 Gloucestershire
 GL52 6LB

Comments: 24th April 2023

Dear Ms Harris

We understand that the above planning application is due to be discussed at a planning committee meeting on 18th May 2023. As we shan't be present we'd be grateful if the following statement could be made aware to the committee outlining our concerns.

We met with Mr Rowles soon after he purchased Glencairn to discuss his plans for the development of his property. He accepted the close proximity to our property, and agreed

that the upstairs plans would reflect the need for our privacy. As such one window from the original plans was removed and the other window was to be for a bathroom, hence obscured glass. Following this agreement the subsequent plans changed to planning for a bedroom. We met again with Mr Rowles and he agreed that the window would need to be obscured glass, accepting the additional privacy intrusion that clear glass would cause. He subsequently applied to change the plans from the agreed obscured glass to clear. His rear bedroom window is 16m from, and has clear views into our teenage daughter's full height bedroom door/window. The thought of this proposed change has left her feeling uncomfortable opening her curtains.

The bedroom window also has a clear view into our lounge and downstairs bedroom (both patio doors), as well as our private garden.

Prior to this application the surrounding houses were built affording maximal privacy.

Kind regards

Comments: 16th March 2023

We still object to the rear bedroom window being clear glass. As agreed in previous applications it is currently obscured for the reason that it overlooks bedrooms and private gardens.

Ashley Lodge
Ryeworth Road
Charlton Kings Cheltenham
Gloucestershire
GL52 6LQ

Comments: 24th April 2023

Dear Victoria Harris

I have objected to the above planning application and I am writing to you to elaborate on the reasons behind my decision and the history about the three previous approved planning applications.

Glencairn was a modest bungalow of 118m² on a small plot of land before the first planning application 22/00060 was submitted to extend it to 253m² of floor space including adding an all new first floor of 104m². This application created privacy problems for all three of the immediately adjacent neighbours and was eventually approved after the planning drawings were amended to remove one window, a doorway on to a flat roof/balcony and the two remaining windows (a landing and bathroom window) were to be fitted with obscured glass.

The second planning application 22/00874 did not affect the design of the new rear dormer but the planning permission still required the two rear dormer windows to be fitted with obscured glass.

The third planning application 22/01581 changed the new bathroom dormer window to a bedroom window but the planning permission still required the two rear dormer windows to be fitted with obscured glass.

The current planning application 23/00345 is requesting the these two approved obscured glass windows be changed to clear glass. This would obviously have a very detrimental effect on the privacy of all three immediate neighbours' properties. This would negate the three previous planning permissions that clearly stated that these two

Page 51

windows should be fitted with obscured glass in order to maintain an acceptable standard of privacy for the three neighbours.

I would like to draw your attention to the following important dimensions as shown in the attached Glencairn site lines drawing to as scale of 1:250 The new bedroom window is only 17m from our full height windows and doors on our ground floor bedroom and would provide a clear view down into this bedroom. The new landing window is only 5m from the Glendouran garden boundary and 16m from their bedroom window

I ask you to retain your three previous planning decisions for both these windows to be fitted with obscured glass and can see no reason why your previous decisions should be reversed.

Should you wish to arrange a planning committee site visit to view the privacy problem first hand I am sure all three property owners would be prepared to provide the necessary access

Comments: 22nd March 2023

We object to the planning application to change the two approved glass windows to clear glass facing east because this would have a detrimental effect on the privacy of our property. The bedroom window is only 6m from our boundary and it would have clear vision into our ground floor full height bedroom windows and doors. In the three previous planning applications, the applicant had to amend the planning drawings to remove a window, doorway and balcony completely and install obscure glass in the two remaining windows in order to obtain planning permission. The planning approvals for the three previous planning applications 22/00060/FUL, 22/00874/FUL and 22/01581/FUL clearly states that the two remaining windows must be fitted with obscure glass. In fact the specification required for the obscure glass in the landing window is described in considerable detail.

We can therefore see no reason why the previous planning permissions for the two approved obscure glass windows should be changed to permit clear glass because of the adverse impact on the privacy of all the neighbouring properties

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Delegated Officer Report

APPLICATION NO: 22/00874/FUL		OFFICER: Mrs Victoria Harris
DATE REGISTERED: 13th May 2022		DATE OF EXPIRY: 8th July 2022
DATE VALIDATED: 13th May 2022		DATE OF SITE VISIT:
WARD: Battledown		PARISH: Charlton Kings
APPLICANT:	Mr Jon Rowles	
AGENT:	AJ Architects Ltd	
LOCATION:	Glencairn Greenway Lane Charlton Kings	
PROPOSAL:	Proposed single storey rear extension, proposed dormers to create loft conversion, porch, a detached home office, new front pier and proposed electric gate (revised scheme following grant of application ref. 22/00060/FUL)	

RECOMMENDATION: Permit



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site relates to a detached bungalow located within the Battledown Ward.
- 1.2 Planning permission was recently granted in March this year for a front pier, front porch, front and rear dormer windows, single story rear extension and a detached home office.
- 1.3 This application is now seeking permission for a revised scheme. The scheme is almost identical but the roof material has changed from standing seam trims zinc effect to slate and the opening to the front entrance has been increased and an electric gate is proposed.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Airport Safeguarding over 45m
Principal Urban Area

Relevant Planning History:

22/00060/FUL 11th March 2022 PER

Proposed single storey rear extension, dormers to create loft conversion, porch, a detached home office and new front pier

3. POLICIES AND GUIDANCE

National Planning Policy Framework

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

Adopted Cheltenham Plan Policies

D1 Design
SL1 Safe and Sustainable Living

Adopted Joint Core Strategy Policies

SD4 Design Requirements
SD14 Health and Environmental Quality
INF1 Transport Network

Supplementary Planning Guidance/Documents

Residential Alterations and Extensions (2008)

4. CONSULTATIONS

Gloucestershire Centre For Environmental Records

25th May 2022 - Biodiversity report available to view in documents tab.

Parish Council

7th June 2022 - No objection.

Building Control

19th May 2022 - The application will require Building Regulations approval. Please contact Cheltenham and Tewkesbury Building Control on 01242 264321 for further information.

GCC Highways Planning Liaison Officer

21st June 2022 - Gloucestershire County Council, the Highway Authority acting in its role as Statutory Consultee has undertaken a full assessment of this planning application. Based on the appraisal of the development proposals the Highways Development Management Manager on behalf of the County Council, under Article 18 of the Town and Country Planning (Development Management Procedure)(England) Order, 2015 has no objection.

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

5. PUBLICITY AND REPRESENTATIONS

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

6. OFFICER COMMENTS

- 6.1 The principle of the front pier, front porch, front and rear dormer windows, single storey rear extension and a detached home office to this property has been established as part of the previous application, as such the key considerations for this application are acceptability of the proposed changes, and the resultant design and impact on neighbouring amenity as a result of these proposed changes. This report should therefore be read in conjunction with the officer report that accompanies the original decision.
- 6.2 The change in roof material is acceptable, the proposed dormer will still be finished in standing seam trims zinc effect but the main roof will now be tiled in slate. This will not harm the existing property, nor is it out of keeping with the street scene.
- 6.3 The increase to the front opening is acceptable and will allow for greater visibility. The new entrance gate is to an acceptable scale and design and will open into the site. It is important that the entrance gate does not open onto the highway, and therefore an appropriately worded condition is proposed which will ensure the gate only opens inwards into the site.
- 6.4 The Highways Officer has assessed the proposal and concludes that there would not be an unacceptable impact on Highway Safety or a severe impact on congestion.
- 6.5 **Sustainability**
- 6.6 The Cheltenham Climate Change SPD (adopted June 2022), sets out a strategy for decarbonising homes over the next decade. For residential alterations and extensions there is an opportunity to improve the environmental performance of a home through the inclusion of technologies and features such as photovoltaics, replacement windows, heat recovery, permeable (or minimal) hard surfaces, works to chimneys, insulation, replacement heating systems (heat pump) and thoughtful kitchen design.
- 6.7 In this instance the application includes new windows, new roof, new doors and a home office. Given the scale of development proposed within this application this is considered to be acceptable.

7. CONCLUSION AND RECOMMENDATION

- 7.1 Therefore, with all of the above in mind, the proposals are considered to be in accordance with relevant national and local planning policy and the recommendation is to grant planning permission subject to the following conditions:

8. CONDITIONS / INFORMATIVES

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

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

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

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

- 3 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and/or re-enacting that order with or without modification), no additional windows, doors and openings shall be formed in the rear dormer window without express planning permission.

Reason: Any further openings require detailed consideration to safeguard the privacy of adjacent properties, having regard to adopted policy SL1 of the Cheltenham Plan (2020) and adopted policy SD14 of the Joint Core Strategy (2017).

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

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

- 5 Notwithstanding the approved plans, the entrance gates shall at all times be hung so that they only open inwards into the site.

Reason: To ensure that the highway is not obstructed in the interests of highway safety, having regard to adopted policy INF1 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

Page 58

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.

Approved Plans

Reference	Type	Received	Notes
21/753.	OS Extract	12th May 2022	
21/753 200 G.	Drawing	12th May 2022	
21/753 210 G.	Drawing	12th May 2022	

CASE OFFICER:

Mrs Victoria Harris

AUTHORISING OFFICER:

Ben Warren

DATE:

08.07.22

Delegated Officer Report

APPLICATION NO: 22/00060/FUL		OFFICER: Mrs Victoria Harris
DATE REGISTERED: 12th January 2022		DATE OF EXPIRY: 9th March 2022
DATE VALIDATED: 12th January 2022		DATE OF SITE VISIT:
WARD: Battledown		PARISH: Charlton Kings
APPLICANT:	Mr Rowles	
AGENT:	AJ Architects Ltd	
LOCATION:	Glencairn Greenway Lane Charlton Kings	
PROPOSAL:	Proposed single storey rear extension, dormers to create loft conversion, porch, a detached home office and new front pier	

RECOMMENDATION: Permit



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site relates to a detached bungalow located within Battledown Ward.
- 1.2 The applicant is proposing to build a front pier, front porch, front and rear dormer windows, single story rear extension and a detached home office.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Airport Safeguarding over 45m
Parish Boundary
Principal Urban Area

Relevant Planning History:

3. POLICIES AND GUIDANCE

National Planning Policy Framework

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

Adopted Cheltenham Plan Policies

D1 Design
SL1 Safe and Sustainable Living

Adopted Joint Core Strategy Policies

SD4 Design Requirements
SD14 Health and Environmental Quality
INF1 Transport Network

Supplementary Planning Guidance/Documents

Residential Alterations and Extensions (2008)

4. CONSULTATIONS

GCC Highways Planning Liaison Officer

8th March 2022 - Gloucestershire County Council, the Highway Authority acting in its role as Statutory Consultee has undertaken a full assessment of this planning application. Based on the appraisal of the development proposals the Highways Development Management Manager on behalf of the County Council, under Article 18 of the Town and Country Planning (Development Management Procedure)(England) Order, 2015 has no objection. The Highway Authority has undertaken a robust assessment of the planning application. Based on the analysis of the information submitted the Highway Authority concludes that there would not be an unacceptable impact on Highway Safety or a severe impact on congestion. There are no justifiable grounds on which an objection could be maintained. The Highway Authority therefore submits a response of no objection.

Parish Council

15th February 2022 - Comment:

It is not known from the application documents if there are any windows to the southern side of 'Glendouran'. If there are, then given its proximity, the windows in the proposed rear loft conversion could create an unreasonable loss of privacy.

The Committee asks that this be checked. If there are not any windows to southern side of 'Glendouran' then this concern would be satisfied.

The front dormers, porch, widened highway access and home office do not create any concerns.

Building Control

27th January 2022 - The application will require Building Regulations approval. Please contact Cheltenham and Tewkesbury Building Control on 01242 264321 for further information.

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	7
Total comments received	6
Number of objections	5
Number of supporting	1
General comment	0

- 5.1** Letters of notification were sent out to 7 neighbouring properties. 6 representations have been received in response to the publicity. The comments are available to view on the Documents tab, but in brief, the comments relate to loss of privacy and amenity.
- 5.2** Following revised plans, revised letters of notification have been sent out and 1 additional representation has been received. The comments are available to view on the Documents tab, but in brief, the comments relate to loss of privacy, amenity and design.

6. OFFICER COMMENTS

6.1 Determining Issues

- 6.2** The main considerations in relation to this application are design and neighbouring amenity.

6.3 Design

- 6.4** Section 12 of the NPPF emphasises the importance of achieving well designed places that are visually attractive and sympathetic to local character and setting. In addition, policy SD4 of the JCS and policy D1 of the Cheltenham Plan require development to be of a high standard of architectural design that positively responds to and respects the site and its surroundings.

- 6.5** The Council's Supplementary Planning Document: Residential Alterations and Extensions set 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 achieve 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** As a whole, the alterations and extensions to the bungalow are considered to be acceptable.

- 6.7** The front porch, rear extension and detached home office would be appropriate in scale, form and design and clearly read as subservient additions which can be comfortably accommodated within the plot.

- 6.8** With regard to the rear dormer this could be constructed as permitted development if the external facing materials were to closely match the existing roofing materials and therefore the principle of a loft extension in this location must be acceptable. The ridge will sit lower than the main roof, it does not extend the full width of the original dwelling and is set in from the eaves and therefore will read as a subservient, later addition.
- 6.9** There is a mixture of architectural designs within the locality and therefore the principle of front dormer windows will not harm the character of this location. The front dormer windows are subservient additions that will sit comfortably within the roof.
- 6.10** All dormer windows will be finished in Polyroof GRP standing seam zinc effect with aluminium framed windows. The materials for the dormers and roof give a contemporary high standard of design that is in keeping with the design of the surrounding neighbouring properties.
- 6.11** The proposal is therefore considered to comply with the relevant policies and guidance in terms of achieving an acceptable design.
- 6.12 Impact on neighbouring property**
- 6.13** Section 12 of the NPPF highlights that development should promote a high standard of amenity for existing and future users. This is further emphasised in policy SD14 of the JCS and Cheltenham Plan SL1 which set out the requirement for development not to cause unacceptable harm to the amenity of adjoining land users and the locality.
- 6.14** The plans have been revised following neighbouring properties concerns in regards to loss of privacy. Bedroom 3 rear window, the landing door and the side bedroom 2 window failed to meet the Councils recommended 10.5m distance between window and boundary and therefore would of cause unacceptable harm. All of the above openings have now been omitted from the proposal. To ensure no windows are formed within this part of the rear dormer, permitted development has been removed for additional openings.
- 6.15** 2 windows are now proposed within the rear dormer window, a landing window and a obscured glazed ensuite window. The landing window is close to side/rear boundary and therefore could potentially overlook the rear amenity space of Glencairn, therefore a condition is proposed to ensure the window is non-opening and glazed with obscure glass. The ensuite window will be well in excess of the 10.5 metre minimum distance normally sought to the rear boundary; and, windows would be allowed in the rear of a dormer if constructed under permitted development rights.
- 6.16** The extension and detached home office will have little impact on the neighbouring amenity, there are no issues with regard to overlooking and the proposal will not affect light levels to neighbouring properties.
- 6.17** As such, the proposal is considered to comply with the relevant policies in terms of protecting neighbouring amenity.
- 6.18 Access and highway issues**
- 6.19** Adopted JCS policy INF1 advises that all development proposals should provide for safe and efficient access to the highway network for all transport needs. The policy identifies that planning permission should be granted where the highway impacts of the development would not be severe.
- 6.20** The highway authority have been consulted and have no objection to the proposed new front pier.
- 6.21 Public Sector Equalities Duty (PSED)**

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

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

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

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

7. CONCLUSION AND RECOMMENDATION

7.1 Therefore, with all of the above in mind, the proposals are considered to be in accordance with relevant national and local planning policy and the recommendation is to grant planning permission subject to the following conditions:

8. CONDITIONS / INFORMATIVES

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

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

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

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

- 3 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and/or re-enacting that order with or without modification), no additional windows, doors and openings shall be formed in the dormer window without express planning permission.

Reason: Any further openings require detailed consideration to safeguard the privacy of adjacent properties, having regard to adopted policy SL1 of the Cheltenham Plan (2020) and adopted policy SD14 of the Joint Core Strategy (2017).

- 4 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and/or re-enacting that order), the first floor rear landing window; shall at all times be non-opening and glazed with obscure glass to at least Pilkington Level 3 (or equivalent).

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

INFORMATIVES

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

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

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

Approved Plans

Reference	Type	Received	Notes
200 F.	Rev Drawing	1st March 2022	
210 F.	Rev Drawing	1st March 2022	
00060.1.	OS Extract	11th January 2022	

CASE OFFICER: Mrs Victoria Harris

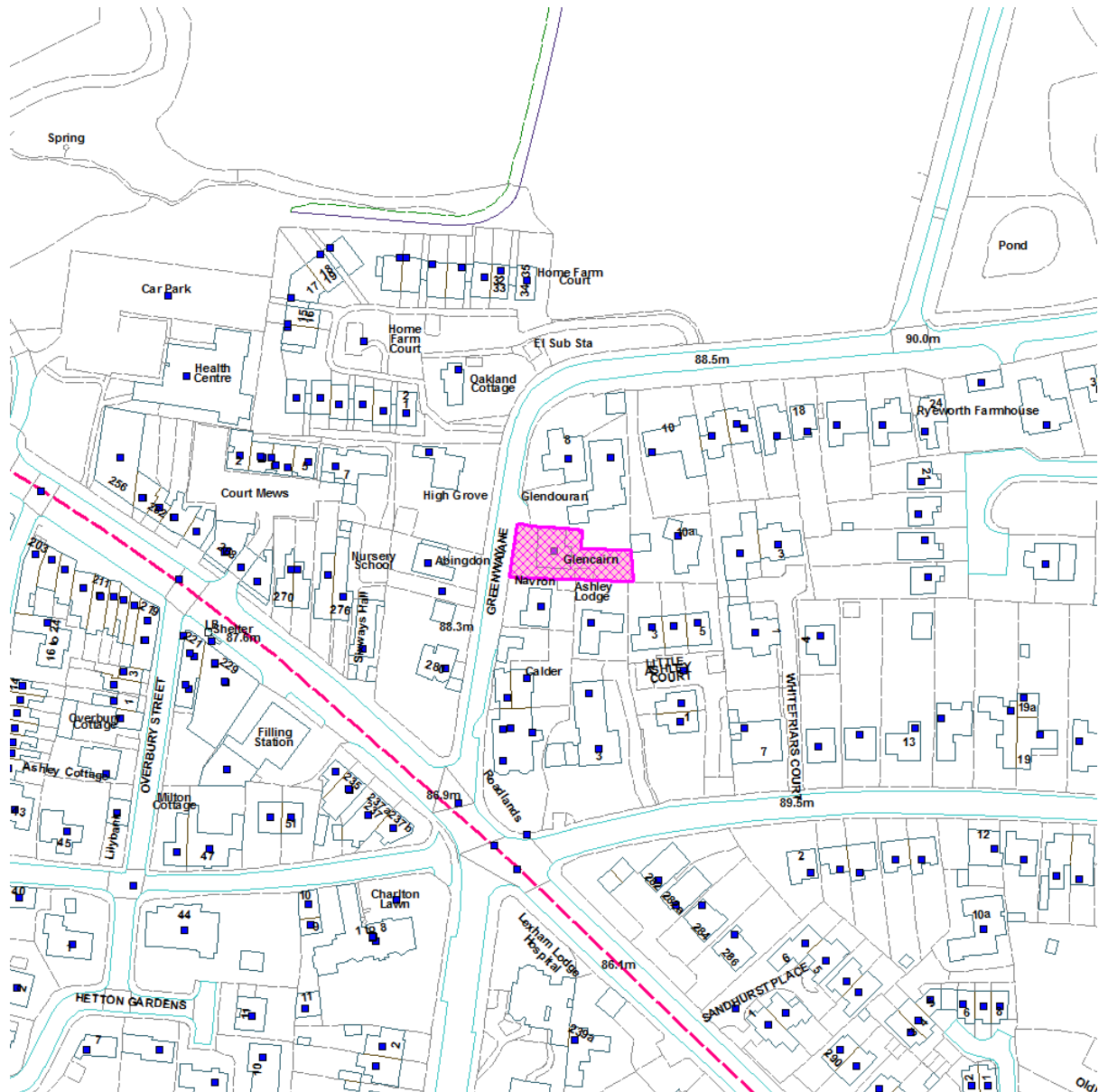
AUTHORISING OFFICER: Emma Pickernell

DATE: 11/3/22

Delegated Officer Report

APPLICATION NO: 22/01581/FUL		OFFICER: Mrs Victoria Harris
DATE REGISTERED: 9th September 2022		DATE OF EXPIRY: 4th November 2022
DATE VALIDATED: 9th September 2022		DATE OF SITE VISIT:
WARD: Battledown		PARISH: Charlton Kings
APPLICANT:	Mr John Rowles	
AGENT:	AJ Architects Ltd	
LOCATION:	Glencairn Greenway Lane Charlton Kings	
PROPOSAL:	Proposed single storey rear extension, proposed dormers to create loft conversion, porch, new front pier and proposed electric gate (revised scheme following grant of application ref. 22/00874/FUL)	

RECOMMENDATION: Permit



1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site relates to a detached bungalow located within the Battledown Ward.
- 1.2 Planning permission was recently granted in March and July this year for a front pier, front porch, front and rear dormer windows, single storey rear extension and a detached home office.
- 1.3 This application is now seeking permission for a revised scheme. The scheme is almost identical but the front dormer windows now have a flat roof instead of a pitched roof and the middle dormer window has been increased in size. Also, part of the internal layout of the rear dormer window has been amended and now a clear glazed bedroom window is proposed to the rear instead of an obscure glazed ensuite window.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Airport Safeguarding over 45m
Principal Urban Area

Relevant Planning History:

22/00060/FUL 11th March 2022 PER

Proposed single storey rear extension, dormers to create loft conversion, porch, a detached home office and new front pier

22/00874/FUL 8th July 2022 PER

Proposed single storey rear extension, proposed dormers to create loft conversion, porch, a detached home office, new front pier and proposed electric gate (revised scheme following grant of application ref. 22/00060/FUL)

3. POLICIES AND GUIDANCE

National Planning Policy Framework

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

Adopted Cheltenham Plan Policies

D1 Design
SL1 Safe and Sustainable Living

Adopted Joint Core Strategy Policies

SD4 Design Requirements
SD14 Health and Environmental Quality
INF1 Transport Network

4. CONSULTATIONS

Building Control

15th September 2022 - This application will require Building Regulations approval. Please contact Cheltenham and Tewkesbury Building Control on 01242 264321 for further information.

Parish Council

3rd October 2022 - No Objection.

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	7
Total comments received	3
Number of objections	3
Number of supporting	0
General comment	0

- 5.1 Letters of notification were sent out to 7 neighbouring properties. In response to the publicity, 3 representations have been received objecting to the proposed development. The main concerns relate to loss of privacy from the first floor bedroom window.

6. OFFICER COMMENTS

6.1 Determining Issues

- 6.2 The principle of the front pier, front porch, front and rear dormer windows, single storey rear extension to this property has been established as part of the previous applications, as such the key considerations for this application are acceptability of the proposed changes, and the resultant design and impact on neighbouring amenity as a result of these proposed changes. This report should therefore be read in conjunction with the officer report that accompanies the original decision.

6.3 Design

- 6.4 The change to the front dormer windows is acceptable; the dormer windows will still be subservient additions that will sit comfortably within the roof. In addition, there is a mixture of architectural designs within the locality and therefore the flat roof front dormer windows will not harm the character of the locality.

6.5 Impact on neighbouring property

- 6.6 It is acknowledged that the clear glazed window within the rear dormer window will impact on a small number of residential properties; however, officers are satisfied that any such impact will not be so detrimental as to warrant a refusal on amenity grounds. The properties that will be most affected are Ashley Lodge Ryeworth Road, Glendouran Greenway Lane and The Villa 10A Greenway Lane and their objections have been duly noted.

- 6.7 The first floor window to the rear of the dormer will be well in excess of the 10.5 metre minimum distance normally sought to the rear boundary and in excess of the 21 metre minimum distance normally sought between dwellings which face each other where both have windows with clear glazing.

- 6.8 When considering a proposal an important material consideration is what can be built under permitted development in the General Permitted Development Order (GPDO). The applicant could construct a rear dormer window with unrestricted openings along the entire rear elevation under PD that would have a similar effect if not greater impact on the amenity of the neighbouring properties. This is an important material consideration and a fall-back position that needs to be taken into account when considering the design and impact on the neighbours.

- 6.9 Therefore, given that the window is well in excess of the minimum distance as suggested by Cheltenham Plan policy SL1 and the PD fall-back position; a clear glazed window within this position is considered acceptable and will not cause unacceptable overlooking and loss of privacy.

7. CONCLUSION AND RECOMMENDATION

- 7.1 Therefore, with all of the above in mind, the proposals are considered to be in accordance with relevant national and local planning policy and the recommendation is to grant planning permission subject to the following conditions:

8. CONDITIONS / INFORMATIVES

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

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

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

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

- 3 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and/or re-enacting that order with or without modification), no additional windows, doors and openings shall be formed in the rear dormer window without express planning permission.

Reason: Any further openings require detailed consideration to safeguard the privacy of adjacent properties, having regard to adopted policy SL1 of the Cheltenham Plan (2020) and adopted policy SD14 of the Joint Core Strategy (2017).

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

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

- 5 Notwithstanding the approved plans, the entrance gates shall at all times be hung so that they only open inwards into the site.

Reason: To ensure that the highway is not obstructed in the interests of highway safety, having regard to adopted policy INF1 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

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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.

Approved Plans

Reference	Type	Received	Notes
21/753.	OS Extract	1st September 2022	
21/753 200 M.	Drawing	13th September 2022	
21/753 210 M.	Drawing	13th September 2022	

CASE OFFICER:

Mrs Victoria Harris

AUTHORISING OFFICER:

Ben Warren

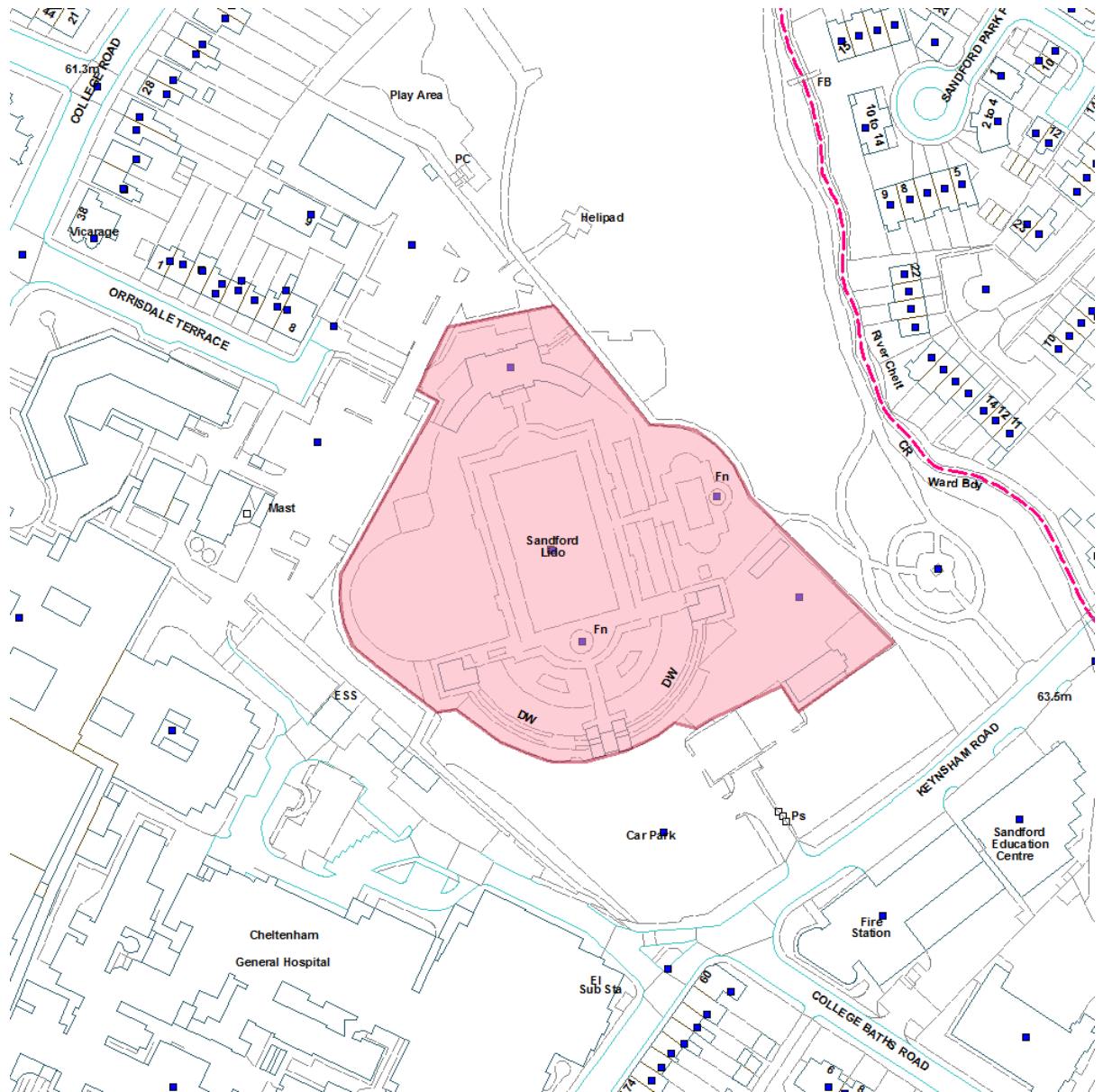
DATE:

14.10.22

Committee Report

APPLICATION NO: 23/00479/FUL & 23/00479/LBC		OFFICER: Ms Nicole Gillett
DATE REGISTERED: 23rd March 2023		DATE OF EXPIRY: 18th May 2023
DATE VALIDATED: 23rd March 2023		DATE OF SITE VISIT: 25th April 2023
WARD: College		PARISH:
APPLICANT:	Sandford Park Lido Limited	
AGENT:	SF Planning Limited	
LOCATION:	Sandford Lido Keynsham Road Cheltenham	
PROPOSAL:	Installation of Solar PV Panels	

RECOMMENDATION: Permit and Grant



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The proposed works are for the installation of photovoltaic panels to the south facing roof of the plant room forming part of Sandford Lido, Keynsham Road.
- 1.2 Sandford Lido is a Grade II listed building, described in its list description as being constructed in 1934-1938. Sandford Park Lido is notable as being complete, with all key buildings which include the main entrance, ticket offices, changing areas, pavilions, pool, fountain, children's pool, filter house, café pavilion, terraces and plant room.
- 1.3 The site is located within the Central Conservation Area but other than the listed buildings (62-90 Keynsham Road, Keynsham Park) there is little interest as most of the other buildings within this context are modern.
- 1.4 The proposal is on Council owned land as such it is before Planning Committee.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Airport Safeguarding over 45m
Conservation Area
Flood Zone 2
Listed Buildings Grade II
Principal Urban Area
Smoke Control Order

Relevant Planning History:

18/00926/PREAPP 3rd July 2018 CLO

Alterations and extension to existing changing facilities

19/01983/PREAPP 23rd October 2019 CLO

Various works - change doors to offices, re tile childrens pool and changes to boilers

01/00489/ADV 29th May 2001 GRANT

Repositioning of existing sign

85/01028/PF 24th October 1985 PER

Sandford Lido Overflow Car Park Cheltenham Gloucestershire - Alterations To Form Picnic Area/Play Area

And Use Of Part Area For Roller Skating

87/01250/AN 17th December 1987 REF

Cheltenham Swimming Pool Cheltenham Gloucestershire - Display Of Non Illuminated Advertisement

87/01490/PF 25th February 1988 REF

Sandford Park/College Road Cheltenham Gloucestershire - Relocation Of Existing 2.4m High Security Fence And Re-Alignment Of Existing Footpath

89/01328/PF 23rd November 1989 WDN

Re-Location Of 2.4m High Security Fence And Re-Alignment Of Footpath

96/00749/CD 17th October 1996 WDN

Removal Of Iron Railings On Section Of North East Boundary

98/01109/PF 10th December 1998 PER

Erection Of A Health And Fitness Studio With Associated Car Parking.

99/00187/AN 22nd April 1999 PER

Display Of 3 No. Non-Illuminated Advertisement Signs

09/00116/CONF 31st March 2009 CONFIR

Confirmation of Tree Preservation Order 662: 1 x Cedar and 1 x Lime

09/00408/CACN 20th April 2009 NOOBJ

All priority 1 and 2 works as per Tree Report dated February 2009 - please view application online for full details

10/01984/CACN 11th January 2011 NOOBJ

1) Silver Birch T8 - remove. 2) Sycamore T11 - fell. 3) Willow T36 - pollard

11/01860/CACN 23rd December 2011 NOOBJ

Various tree works as per work specification and plan received and dated 20th December 2011

13/00339/CACN 3rd April 2013 NOOBJ

Various tree works-according to plan and schedule submitted

13/00340/TPO 7th March 2013 NOTREQ

Lime Tree T31 - removal of major deadwood

13/01359/CACN 5th August 2013 NOOBJ

Five Day Notice for felling: 3 Yew trees within carpark of adjacent gym - fell

15/00706/CACN 23rd April 2015 NOOBJ

Permission works on trees 15,16,29,50,51,52

18/00607/CACN 27th March 2018 NOOBJ

Tree surgery and felling within Sandford Parks Lido as per TreeKing Consulting report of March 2018

18/02054/FUL 28th November 2018 PER

Installation of a mobile sauna (retrospective)

19/00865/CACN 7th May 2019 NOOBJ

Various tree works- as per survey submitted with application

19/00911/TPO 7th May 2019 PER

T28-cedar-formative pruning as specified in tba report attached

19/02122/LBC 9th December 2019 GRANT

Replace PVC liner to small children's swimming pool with tiles.

19/02430/LBC 21st February 2020 GRANT

Minor internal alterations to the cafe foyer and servery entrance within the existing building.

19/02438/FUL 27th February 2020 PER

Siting of a Portakabin to be used as an office, including welfare facilities.

19/02438/LBC 27th February 2020 GRANT

Siting of a Portakabin to be used as an office, including welfare facilities.

20/02252/CACN 18th December 2020 NOOBJ

Works outlined in Tree Survey attached-all priority 2+3 works recommended

21/02667/CACN 7th December 2021 NOTREQ

Various Tree Works Detailed In Arboricultural Report

22/02047/CACN 2nd December 2022 NOOBJ

"T5" - Lime - remove deadwood >3cm from above path "T9" - Copper Beech - remove branch with brace (+brace)

23/00382/LBC PCO

The reinstatement of a short section of an existing wall in the cafe building in line with the original design

23/00479/LBC PCO

Installation of Solar PV Panels

3. POLICIES AND GUIDANCE

National Planning Policy Framework 2021 (NPPF)

Section 2 Achieving sustainable development

Section 4 Decision-making

Section 8 Promoting healthy and safe communities

Section 12 Achieving well-designed places

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

Section 16 Conserving and enhancing the historic environment

Adopted Cheltenham Plan 2020 (CP) Policies

D1 Design

SL1 Safe and Sustainable Living

Adopted Joint Core Strategy 2017 (JCS) Policies

SD3 Sustainable Design and Construction

SD4 Design Requirements

SD8 Historic Environment

Supplementary Planning Guidance/Documents

Cheltenham Climate Change SPD (2022)

4. CONSULTATIONS

Building Control

24th March 2023 - This application will require Building Regulations approval. Please contact Cheltenham and Tewkesbury Building Control on 01242 264321 for further information.

Gloucestershire Centre For Environmental Records

24th March 2023 – highlighted protected species some distance from the application site. None identified at the site.

Cheltenham Civic Society

28th April 2023 - We support the lido's plans to reduce their carbon footprint and energy bills, but we think there could be more effective and less visually intrusive solutions. A ground source heat pump could be more efficient for heating the pool and would be completely buried underground. We appreciate this would be more expensive to install. Photovoltaic tiles would be less visually intrusive, but again would be more expensive.

Conservation Officer

26th April 2023

Proposal

The proposed works are for the installation of photovoltaic panels to the south facing roof of the plant room forming part of Sandford Lido, Keynsham Road.

Pre-application advice

It should be noted an informal site visit took place on 25th May 2022 where options for sustainability measures were discussed in broad terms. Solar panels on the roof of the plant room were raised and potential heritage issues over harm as a result of imposing such a proposal were informally highlighted. A holistic approach to a sustainability strategy for the site was encouraged at this early stage. Engagement with the pre-application service was also encouraged but not taken up.

An on-site meeting also took place on 17th February 2023. At this meeting solar panels on the roof of the Plant Room were again proposed amongst a wider discussion over the site, its issues and potential sustainability measures. Advice was offered that a proposal would need to address Historic England's guidance on retrofit and energy efficiency and result from their 'whole building' approach and this be used to enable proper justification of the development proposal. Advice was also offered at this meeting that if, the 'whole building' approach identified solar panels as an option, the resultant harm would need to be identified and the weighing exercise against public benefit would need to be undertaken, as required by paragraph 202 of the National Planning Policy Framework. The conclusions of the 'whole building' approach should also be used as part of the justification for the proposal. A further offer of pre-application advice was made at this meeting but this was not taken up and an application was subsequently submitted without the benefit of this.

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For reference, the 'whole building' approach is an holistic approach using an understanding of a building or site, its context, its significance, and all the factors affecting energy use as the starting point for devising an energy efficiency strategy that sustains the significance in heritage assets while avoiding harm. The advice is contained in a number of documents including but not limited to Historic England Advice Note 14: Energy Efficiency and Traditional Homes (July 2020) and Energy Efficiency and Historic Buildings: How to Improve Energy Efficiency (June 2018).

Heritage Assets Affected

Sandford Lido is a Grade II listed building, described in its list description as being constructed in 1934-1938 to the designs of G. Gould Marsland for Cheltenham Borough Council in consultation with Edward White. Sandford Park Lido is notable as being complete, with all key buildings which include the main entrance, ticket offices, changing areas, pavilions, pool, fountain, children's pool, filter house, café pavilion, terraces and plant room. Notably the plant room is recognised in the listed description, making it part of the listing rather than an ancillary, curtilage listed building, giving it greater significance.

Adjacent to the site is 62-90 Keynsham Road, a Grade II listed Regency terrace and a grade II listed aedicule in Keynsham Park, dated c.1880-90, though these are somewhat obliquely located from the proposal.

The site is located within the Central Conservation Area but other than the listed buildings mentioned above there is little interest as most of the other buildings within this context are modern. These include numerous hospital buildings, fire station and an office building. Of note are the street trees located along Keynsham Road and Keynsham Park to the north of the site which contribute of the verdant quality of the area.

Heritage Legislation & Policy Context

The site is sensitive in heritage terms and consideration needs to be given to the relevant legislative and policy context in which decision-making is required to take place.

The cornerstone of heritage legislation is the Planning (Listed buildings and Conservation Area) Act 1990 of which para 72(1) states, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area and para 16(2), which requires local planning authorities to have special regard to the desirability of preserving the special architectural or historic interest of listed buildings and their setting.

A core principle of the National Planning Policy Framework 2021 (NPPF) is heritage assets be conserved in a manner appropriate to their significance. Chapter 16, paragraphs 199-208 set out how potential impacts on heritage assets shall be considered. This assessment takes account of the relevant considerations in these paragraphs, including paragraph 197 of the NPPF, which requires the significance of heritage assets to be sustained and enhanced, with paragraph 199 requiring great weight be given to the asset's conservation.

Also relevant in this instance is paragraph 200 of the NPPF, which states any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification and paragraph 202 of the NPPF, which requires less than substantial harm to the significance of a designated heritage asset be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

The application needs to be determined in the context of the Borough Council declared climate emergency and its commitment to becoming a carbon neutral council by 2030. The Climate Change and Sustainability Supplementary Planning Document (2022) will need to be considered.

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The Climate Change and Sustainability SPD encourages an early engagement with the significance of the historic building to allow a retrofit project to be planned responsibly and sensitively. It advises the use PAS (Publicly Available Specification) 2035 as a retrofit standard, working with an accredited Retrofit Co-ordinator to help to develop a bespoke plan using a 'fabric-first' and 'whole-house' approach. It goes on to advise energy efficiency measures should be selected to conserve and protect the existing fabric and building features and low-carbon heating and renewable energy generation should be sited to minimise their visual impact on the surrounding setting. It also states the siting of Solar PV should be well considered to minimise visual impact.

Impact of Proposal

The photovoltaic panels are proposed on the south facing roof of the plant room. The plant room, particularly its southern elevation, forms a notably visible feature in and of itself and within the context of the main entrance and the ticket office, as it sits forward of these buildings and is an isolated, detached building located within open car parking areas. This would result in the proposed photovoltaic panels on the south facing roof slope appearing as a prominent feature on the plant room and within the context of the main entrance and ticket office.

The proposal is considered to be visible from various vantage points. Views would include from the north and north-east of Keynsham Road, from the entrance access road to the car park off Keynsham Road, from within the two car parks adjacent to the main entrance, ticket office, the curved boundary walls, changing areas and pavilions and from the entrance to Cheltenham General Hospital adjacent to the Oncology Centre.

There would be views west from the area around the entrance to Keynsham Park. Views of the photovoltaic panels would be possible from some of the Grade II listed buildings located at 62-90 Keynsham Road and from the Grade II listed aedicule in Keynsham Park but these are not considered oblique and would not meaningfully affect their setting.

It is noted the Heritage Impact Assessment states the plant room does not form part of the formal design and layout of the lido and it is finished using less ostentatious materials and detailing to the formally laid out buildings. The Heritage Impact Assessment emphasises its significance lies with its machinery. It is also argued in Heritage Impact Assessment the plant room is more discreetly located and historically was partially obscured by now demolished pumping station buildings dating from the 1840s.

Addressing this, the list description is clear, it states under the title architectural interest, "the lido survives with its key functional ancillary buildings and structures including, highly unusually, its plant room with working boilers and compressors from the original installation..." meaning, while the plant room is functional it still holds architectural interest. The plant room not forming part of the formal layout of Sandford Lido is not considered a prerequisite for it to have significance, this belief is conflating the functional nature of the building with it having less significance, when the hierarchy between the formal part of the listed building and its functional part is itself of significance.

It is acknowledged the plant room historically formed part of a larger group of buildings but notably, as existing, the other buildings have been demolished, resulting in the plant room appearing as a more prominent detached building, set within the open car parking areas and adjacent to the main entrance and ticket office.

Due to their prominent location, the photovoltaic panels are considered to have an incongruous appearance on the roof. The photovoltaic panels would appear as an intrusive feature where there should be plain clay tiles, matching the appearance of the tiles used on the other listed buildings on the Lido site.

The proposed photovoltaic panels are contrary to the Climate Change and Sustainability SPD as they have not been selected to conserve and protect the existing fabric and building features and have not been sited to minimise their visual impact on the surrounding setting.

The proposal is not considered to sustain and enhance the significance of the listed building as required by paragraph 197 of the NPPF and does not give great weight be given to the asset's conservation as required by paragraph 199 requiring. The proposed works are therefore considered to harm the significance of the listed building, which is considered to be less than substantial harm as defined by the paragraph 202 of the NPPF. It should be noted less than substantial harm is still unacceptable harm. The submitted supporting information within the application also recognises there would be harm to the plant room as a result of the proposal.

Historic England's 'Whole Building' Approach

While it is acknowledged there are public benefits to the photovoltaic panels, it is the Conservation Officers opinion the application does not offer a clear and convincing justification for the harm, as required by paragraph 200 of the NPPF. It is clear from the submitted information some work has been undertaken to have a sustainability strategy for the lido but this appears to be incomplete, is not submitted within the application in a coherent way and it is unclear how this takes the significance of the listed building into account. The proposed works to the roof of the plant room to install photovoltaic panels are therefore considered premature.

The Sandford Parks Lido supporting document identifies a series of stages, which have been and are proposed to be undertaken to address sustainability issues in relation to the lido. These include; Stage one, which relates to site efficiencies through the introduction of new technologies to reduce the electrical demand. Stage two, which relates to energy generation via solar PV in various location including the plant room, identified as it has the greatest demand for electricity with a significant cost not only in regards to energy and annual maintenance fees. Stage 3 - Development scheme for the lido to include sustainability at its core, a full site design concept for the future protection of the lido. It is stated Stage 3 is currently being worked. Further to this, page 22 of the Heritage Impact Assessment acknowledges there are a number of options yet to be considered, including but not limited to ground heat source, air heat source and car park covers, which are all described as being under investigation. It should be noted it is considered the information relating to these measures is discussed in generalisations and does not give a proper understanding of the sustainability strategy, which needs to include the 'whole building' approach required by Historic England.

Frequent reference is made within the Sandford Parks Lido supporting document to concerns within and the findings of a sustainability survey including but not limited to, "the findings of our recent sustainability survey the lido becomes financially unsustainable in its current form." In addition, "The resolutions proposed in our sustainability survey will need to be conducted in carefully considered stages to ensure the development opportunities for the lido and sustainability requirements are both completed in synergy." However, the sustainability survey has not been submitted as part of the supporting information within the application despite it being used to help justify the proposed works and it is unclear how this might relate to the 'whole building' approach required by Historic England. The Planning Statement also refers to a strategy, "The proposal is an important part of the overall strategy to ensure that the operational costs of the lido, and specifically its energy costs, are retained at an economically viable level." Again, this does not give a sufficient sense of what this overall strategy is and how this might relate to Historic England's requirement to address interventions holistically through a 'whole building' approach.

Disappointingly, the application as submitted does not engage with Historic England’s guidance, which promotes a ‘whole building’ approach. This approach might have identified options that are less harmful to the heritage assets significance and avoid imposing ad-hoc development proposals that might lead to harm to that asset. Details of the ‘whole building’ approach are available in Historic England Advice Note 14: Energy Efficiency and Traditional Homes (July 2020) and Energy Efficiency and Historic Buildings: How to Improve Energy Efficiency (June 2018). Echoing this, the application also does not properly engage with the Climate Change and Sustainability SPD, which includes advice to work with an accredited Retrofit Co-ordinator to help to develop a bespoke plan using a ‘fabric-first’ and ‘whole-house’ approach as this has not been demonstrated as being followed within the application. As a result of not properly engaging with this the proposal is considered to lack clear and convincing justification as required by paragraph 200 of the NPPF.

Conclusion- It is the Conservation Officers opinion, the proposed works do not comply with Section 16 of the Planning (Listed Building and Conservation Area) Act 1990, Chapter 16 of the National Planning Policy Framework 2021, Policy SD8 of the Joint Core Strategy 2017 and Climate Change and Sustainability Supplementary Planning Guidance 2022.

Councillor Comments

Councillor Max Wilkinson 24th March 2023 - In the event that you are minded to recommend the applications for Solar PV at the Lido for refusal, I would like to formally request that the matter is referred to the Planning Committee. I refer it on environmental (climate change) and heritage (protecting the financial sustainability of heritage assets) grounds. If this does end up at committee, I intend to exercise my right to speak.

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	47
Total comments received at time of writing	35(23/00479/FUL) 46 (23/00479/LBC) 81 total with some duplication
Number of objections	0
Number of supporting	35
General comment	0

5.1 Extensive public support has been received on the below themes;

- Economic benefits and future proofing.
- Climate change and cutting carbon emissions.
- Supports the Lido, which in turn supports people’s wellbeing and health.
- Lido is great community asset.
- Visual and heritage impacts are acceptable.
- Logical proposal

No public objections have been received.

6. OFFICER COMMENTS

Determining Issues

6.1 The main considerations when determining these applications relate to the; design and heritage impact and climate change.

Design and Heritage

- 6.2** Adopted CP policy D1 requires alterations to existing buildings to avoid causing harm to the architectural integrity of the building, and the unacceptable erosion of open space around the building; and for all development to complement and respect neighbouring development and the character of the locality. The policy is generally consistent with adopted JCS policy SD4 and advice set out within Section 12 of the NPPF.
- 6.3** With particular regard to development within the historic environment, sections 16(2) 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special regard to be paid to preserving or enhancing the character or appearance of a conservation area, and preserving any listed building or its setting, or any features of special architectural or historic interest which it possesses. JCS policy SD8 also requires both designated and undesignated heritage assets and their settings to be conserved and enhanced as appropriate to their significance, and is consistent with paragraph 192 of the NPPF that advises that in determining planning applications, local planning authorities should take into account:
- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - the desirability of new development making a positive contribution to local character and distinctiveness.
- 6.4** The Conservation Officer has commented on the proposals; their detailed comments can be read in the full in the consultations section of this report.
- 6.5** When considering the impact of a development on the significance of a designated heritage asset, paragraph 193 of the NPPF requires great weight to be given to the asset's conservation irrespective of the level of harm to its significance.
- 6.6** The photovoltaic panels are proposed on the south facing roof of the plant room. The plant room, particularly its southern elevation, forms a visible feature in and of itself and within the context of the main entrance and the ticket office, as it sits forward of these buildings and is an isolated, detached building located within open car parking areas. This would result in the proposed photovoltaic panels on the south facing roof slope being visible from multiple vantage points. However, it is noted clutter from signs and paraphernalia associated with the car park does change some of these viewpoints.
- 6.7** It is noted the Heritage Impact Assessment states the plant room does not form part of the formal design and layout of the lido. The Heritage Impact Assessment emphasises its significance lies with its machinery. It is also argued in the Heritage Impact Assessment the plant room is more discreetly located and historically was partially obscured by now demolished pumping station buildings dating from the 1840s. It should be noted the plant room is functional, but still holds architectural interest and the hierarchy between the formal part of the listed building and its functional plant room is itself of significance.
- 6.8** It is acknowledged the plant room historically formed part of a larger group of buildings but notably, as existing, the other buildings have been demolished, resulting in the plant room appearing as a more prominent detached building, set within the open car parking areas and adjacent to the main entrance and ticket office.
- 6.9** The Conservation Officer concluded the photovoltaic panels are considered to have an incongruous appearance on the roof and the photovoltaic panels would appear as an intrusive feature, consequently the scheme will harm the significance of the listed building, and the Conservation Officer considered the level of harm to the designated heritage asset, the grade II listed lido, to be 'less than substantial'.

- 6.10** Further, the Conservation Officer raised concerns that the Historic England's 'Whole Building' approach has not been used. The Sandford Parks Lido supporting document identifies a series of stages, which have been and are proposed to be undertaken to address sustainability issues in relation to the lido. Future works at the Lido as part of the strategy should use the 'whole building' approach required by Historic England. However, as this is the first application and work still needs to be undertaken on the whole site, the proposal has been examined on its own merits. It is also understood funding reasons resulted in restricted timescales for submission of this application.
- 6.11** Paragraph 200 of the NPPF, which states any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification. The planning agent provided additional information showing why the plant room was the chosen location for the photovoltaic panels. Ground mounted solar was discounted as; safe locations did not produce enough solar gain, if located in the car park the income generated from the lost parking spaces would be lost, land within the car park is less secure and the possible damage would cause significant maintenance costs. In addition different locations were also explored. The extensive lawns and open spaces at the lido are important to its character therefore, introducing energy installations in these spaces was not considered appropriate. The case officer is satisfied with the justification of the solar panel's location. It is clear the applicant explored other options and the proposal was the most sensible solution.
- 6.12** Notwithstanding the above, where less than substantial harm to a designated heritage asset has been identified, NPPF paragraph 202 requires the harm to "be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use" and great weight is to be given to the asset's conservation irrespective of the level of harm to its significance (para 193 of the NPPF).
- 6.13** PPG (Paragraph: 020 Reference ID: 18a-020-20190723) sets out that public benefits can be "anything that delivers economic, social or environmental objectives" and "should flow from the proposed development" and "be of a nature or scale to be of benefit to the public at large and not just be a private benefit"; an example of a heritage benefit might be securing the optimum viable use of an asset in support of its long term conservation.
- 6.14** At the Case Officers request the agent provided additional information with regards to these public benefits. In this case the case officer notes the public benefits are;
- Reduced reliance on fossil fuels and increase generation of renewable energy at a local scale.
 - Reduction in significant energy costs which will reduce the financial burden of the Lido. The Lido's current electricity contract expires in September 2023 increasing energy spend from £51,000 to £178,500. This in turn will assist with the effective operation of the Lido, which has a role in supporting the health, exercise and well-being of the town's residents (200,000 visits per year) and a reduction in operational costs to enable the offer to be maintained.
 - Ensuring the operation of the Lido means that it can continue to reinvest in the preservation of the Lido buildings and pool.
 - The Lido can continue to deliver the wide range of services and activities it provides to the public, which are a range of courses and lessons, sporting challenges, hosting local sports teams and the popular dog swim. Regular dryside activities are held such as theatre, cinema, community social events and charitable fundraising events for a range of charities and good causes.

- 6.15** In this case, whilst it is acknowledged there are concerns raised by the Conservation Officer, on balance, officers are satisfied that the extensive public benefits resulting from the proposed works outweigh the less than substantial harm that remains.

Climate Change

- 6.16** Whilst the lido is operated by a charity, the building and grounds are owned by Cheltenham Borough Council. The Council declared a climate emergency and committed to becoming a carbon neutral council by 2030, as identified in the council's Carbon Neutral Cheltenham report. The report also recognises that whilst Cheltenham's architectural heritage is one of its defining characteristics, its many buildings will be a key enabler to ensure the Borough achieves carbon neutrality by 2030.
- 6.17** The Climate Change and Sustainability SPD encourages an early engagement with the significance of the historic building to allow a retrofit project to be planned responsibly and sensitively. It is disappointing the pre application service was not utilised for the proposal. The SPD goes on to advise energy efficiency measures should be selected to conserve and protect the existing fabric and building features and low-carbon heating and renewable energy generation should be sited to minimise their visual impact on the surrounding setting. It also states the siting of Solar PV should be well considered to minimise visual impact. The photovoltaic panels are on a roof that is largely experienced from the car park and represents a functional building. In design terms it is the case officer's opinion that the siting of the photovoltaic panels on the plant room is a sensible location for these climate change features and the proposal meets the aspirations of the SPD in addressing climate change at the Lido.

Other Considerations

Public Sector Equalities Duty (PSED)

- 6.18** As set out in the Equalities Act 2010, all public bodies, in discharging their functions must have "due regard" to this duty. There are three main aims:
- Removing or minimising disadvantages suffered by people due to their protected characteristics;
 - Taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people; and
 - Encouraging people with certain protected characteristics to participate in public life or in other activities where participation is disproportionately low.
- 6.19** Whilst there is no absolute requirement to fully remove any disadvantage, the duty is to have "regard to" and remove OR minimise disadvantage and in considering the merits of this planning application the planning authority has taken into consideration the requirements of the PSED.
- 6.20** 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, whilst the Conservation Officer comments are noted, on balance, the proposed development is considered to be acceptable and in accordance with the relevant planning policies and guidance.
- 7.2** The recommendation is to therefore permit planning permission and grant listed building consent subject to the conditions set out below.

8. CONDITIONS

23/00479/FUL Conditions;

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

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

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

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

23/00479/LBC Conditions;

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

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

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

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

23/00479/FUL 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 provides full and up-to-date information in relation to planning applications to enable the applicant, and other interested parties, to track progress.

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

APPLICATION NO: 23/00479/FUL	OFFICER: Ms Nicole Gillett
DATE REGISTERED: 23rd March 2023	DATE OF EXPIRY : 18th May 2023
WARD: College	PARISH:
APPLICANT:	Sandford Park Lido Limited
LOCATION:	Sandford Lido Keynsham Road Cheltenham
PROPOSAL:	Installation of Solar PV Panels

REPRESENTATIONS

Number of contributors	36
Number of objections	0
Number of representations	0
Number of supporting	36

163 Alstone Lane
Cheltenham
Gloucestershire
GL51 8HX

Comments: 13th April 2023

Would be a great idea for the lido to have solar panels for the planet and saving money. Hopefully the council will help fund it and keep the lido going, and making for everyone to use.

East End Farmhouse
40 East End Road
Charlton Kings Cheltenham
Gloucestershire
GL53 8QE

Comments: 13th April 2023

I enthusiastically support the installation of solar panels at the Lido - it is vital that every possible step is taken to ensure the future of this resource which contributes greatly to the well being of the town, particularly my disabled son who really values the Lido and uses it frequently. The energy costs of of the Lido are very high and this is a great way to reduce them while cutting carbon emissions.

80 Bafford Approach
Cheltenham
Gloucestershire
GL53 9JB

Comments: 13th April 2023

I fully support the request to install solar panels at the lido.

97 Denman Avenue
Cheltenham
Gloucestershire
GL50 4GF

Comments: 12th April 2023

Although it is regrettable that such an old (and way out of date) photograph has been used in this application, I wholeheartedly support this application because of environmental benefits and, hopefully, ensuring that the Lido can continue to serve Cheltenham. I don't believe that the panels will adversely affect the Lido's heritage status.

98 Hewlett Road
Cheltenham
Gloucestershire
GL52 6AR

Comments: 12th April 2023

- 1 The LIDO is an important asset which must be made sustainable
- 2 Green solar energy seems to be appropriate
- 3 The visual and other impacts look acceptable
- 4 Cheltenham needs more Green energy projects like this
- 5 I support this project

***** local resident

Windrush Farm
Bourton on the Water
Cheltenham
GL54 3BY

Comments: 12th April 2023

This is a sensible, logical and should be an entirely uncontroversial proposal. Solar panels should be in widespread use around public and community buildings in Cheltenham - the Lido is an obvious venue for use of solar panels. Speaking as somebody who installed panels 10 years ago I am hugely enthusiastic about them - they have been utterly reliable and there has been negligible drop-off in performance over the

decade. As the Lido is a seasonal facility the use of solar panels is even more logical as they will be performing at their best when the power is needed. They will generate throughout the winter, too, and the power could be used or sold for public benefit at those times. Finally, the panels are not permanent and there is therefore no long-term visual damage - even if there are people bonkers enough to object on those grounds.

4 Saville Close
Cheltenham
Gloucestershire
GL50 4NE

Comments: 13th April 2023

I support in the strongest terms the proposal for solar panels at the Sandford Lido.

23 Gardenia Grove
Up Hatherley
Cheltenham
Gloucestershire
GL51 3HR

Comments: 13th April 2023

I fully support the Lido in their attempt to reduce energy costs for heating the pools and opting for a sustainable way for energy generation now and in the years to come. Indeed, I do not believe there should be any barriers to residents or businesses in fitting solar panels, this should be positively encouraged through grant schemes and there should be no need to even apply for planning permission.

12 Portland Square
Cheltenham
Gloucestershire
GL52 2HU

Comments: 14th April 2023

In light of the increased energy costs facing organisations and businesses that provide important community services I feel it is vital we support such initiatives. The closure of the Lido would be a tragic loss to the community.

89 Whaddon Road
Cheltenham
Gloucestershire
GL52 5NL

Comments: 12th April 2023

The lido is an essential part of my life in terms of my health and wellbeing. Swimming is a very important activity for me. I am not a great swimmer but go to the lido regularly to swim 10 lengths or more which helps with my arthritis and fitness.

I am very happy to support plans for the lido to harness energy as stated in their application. And anything to keep costs down for users and keep this valuable asset for cheltenham to continue.

3 Silverthorn Close
Cheltenham
Gloucestershire
GL53 0JF

Comments: 12th April 2023

The Lido is such an asset, that every effort should be made to 'future-proof' the installation. The fitting of solar panels with an appropriate automatic control system, could surmount the major challenge - that is, obtaining enough low-cost energy to enable heating of the pool to an acceptable temperature.

My feeling (although having not done any calculations) is that this would come at a high capital cost, but with potentially low operating costs. Even so, significant problems would still need to be overcome (for example, retaining as much heat as possible overnight). BUT, these are 'challenging', not 'impossible' issues!!

79 Marsh Lane
Cheltenham
Gloucestershire
GL51 9JE

Comments: 12th April 2023

Solar panels should have been introduced years ago. Green energy supplies are more important now than ever before

40 Ryeworth Road
Charlton Kings
Cheltenham
Gloucestershire
GL52 6LH

Comments: 13th April 2023

I fully support the application for Solar Panels to be installed at the Lido. I lived at the Lido in my youth and still visit today, it is part of our heritage and it must be preserved.

71 Clyde Crescent
Cheltenham
Gloucestershire
GL52 5QJ

Comments: 12th April 2023

The lido is a beautiful resource that we are very lucky to have. I believe solar panels can help it continue to survive and support our community, future proof it in an increasingly financially challenging time.

165 Arle Road
Cheltenham
Gloucestershire
GL51 8LJ

Comments: 29th April 2023

I wholeheartedly support this for the following reasons:

1. The retrofitting is as sympathetic as is possible, using one of the least visible buildings on the complex.
2. The application makes a clear contribution to meeting the Borough's ambitions to be carbon neutral as soon as possible, and helps mitigate against climate damage elsewhere.
3. This installation makes it much more likely that the lido can continue as a going concern, and any perceived harm to the structure is far less than the complex becoming unused.

I would also like to make it clear that I would support further retrofitting on this site should that further contribute to 2 and 3

The Patch, Hollywell Lane,
Brockweir
near Chepstow, UK NP16 7PJ
NP16 7PJ

Comments: 12th April 2023

This is the ONLY WAY TO GO for swimming pools to survive. MANY SWIMMING POOLS ACROSS THE COUNTRY ARE NOW THINKING OF CLOSING DOWN because of high energy costs.

MAY I SUGGEST that the Lido management considers a heat pump to heat the pool using the solar panels power? The temperatures involved mean that heat pumps are EVEN MORE EFFICIENT to heat swimming pools than they are even to heat houses - and that's very efficient!

1 Sir Charles Irving Close
Cheltenham
Gloucestershire
GL50 2DS

Comments: 12th April 2023

The Lido is a local treasure and the proposal to use solar to offset increasing electricity charges is a great idea whilst also enabling sustainability and green credentials.

200 Prestbury Road
Cheltenham
Gloucestershire
GL52 3ER

Comments: 12th April 2023

The lido is a wonderful community resource and it should be allowed to take sensible steps to safeguard its financial viability and lower its energy dependency on the grid. Installing solar panels is both responsible, practical and sensible and should be encouraged as far is practicable.

Basement Flat
6 Wellington Square
Cheltenham
Gloucestershire
GL50 4JU

Comments: 12th April 2023

Solar panels are getting cheaper to buy/install. particularly relevant to an open air swimming pool where the longer daylight hours can really boost the power generated.

Andante
18 Queens Road
Cheltenham
Gloucestershire
GL50 2LS

Comments: 12th April 2023

In my view the Lido is a valuable community asset with historical significance and this scheme proposes a practical solution which should lower long term costs with minimal impact to the environment. I urge you to approve.

82 Cleevemount Road
Cheltenham
Gloucestershire
GL52 3HE

Comments: 12th April 2023

Fully supportive of this proposal. The Lido is a great community asset but should do what it can to reduce its use of fossil fuels.

19 Alexandra Street
Cheltenham
Gloucestershire
GL50 2UQ

Comments: 19th April 2023

We all love going to the Lido, especially when it's sunny, so why not make more use of the sun by installing solar panels to help meet the energy needs..?! This will help ensure the facility is environmentally and financially sustainable much further into the future. Very supportive of this.

41 Hales Road
Cheltenham
Gloucestershire
GL52 6SL

Comments: 13th April 2023

The Lido is a massive asset for Cheltenham and needs to be preserved. Installing a few solar panels makes perfect sense if it saves on energy costs. I cannot see any issue with them being at odds with the infrastructure of the Lido

6, Deacons Place
Bishops Cleeve
Cheltenham
GL52 8UQ

Comments: 13th April 2023

As a long term dedicated supporter of The Lido, a unique heritage of Cheltenham and surrounding district, I have carefully scrutinised the plans. My observation is, that bearing in mind the listed buildings status, the planning proposals are sensitive to that status, and the proposed solar panel infrastructure - facing the public car park, reduces the material impact appropriately.

6 Park Place
Cheltenham
Gloucestershire
GL50 2QR

Comments: 14th April 2023

Please install solar panels for the lido.

124 Horsefair Street
Charlton Kings
Cheltenham
Gloucestershire
GL53 8JT

Comments: 16th April 2023

Sandford Lido is an almost unique legacy leisure facility of huge importance from a historical, architectural and community action perspective. It also provides massively popular and high quality exercise and enjoyment for thousands of residents and visitors and their families in a town sadly deficient in alternative public swimming facilities. To walk through Sandford Park in the Summer without the sound of happy children's voices from the Lido would be a great loss to the richness of our lives. It must be saved, and this highly sustainable and carbon-neutral solution to the crippling cost of energy supply should be enthusiastically supported by any council or committee with a grain of commitment to the well-being of the citizens of a carbon-neutral town.

16 Finchcroft Court
Cheltenham
Gloucestershire
GL52 5BE

Comments: 14th April 2023

The Lido is a really important part of Cheltenham. There are very few open-air pools and even fewer of Olympic size in the country. It is vital the Lido remains in the town and the addition of solar panels would be an environmentally sustainable way of dealing with the energy demands.

It is of the utmost importance for Cheltenham to encourage its population to partake in physical exercise, particularly when in the open air.

Solar panels would not be in any way an eye sore and would help to give our Lido and long future and keep Cheltenham residents happy and healthy

15 Arthur Bliss Gardens
Cheltenham
Gloucestershire
GL50 2LN

Comments: 12th April 2023

This is a brilliant plan. Solar panels are definitely a great way to save energy but also costs. Anything that can be done to save the Lido is vital, it's such an important part of Cheltenham. Both my daughters and my husband swim there regularly and my husband says how good it is for his mental health. In addition, my daughter works there as a life guard and it's become a huge part of her life, socially as well as for the income. We also use the Lido for swim club events and it was a really important part of their primary school years when they used to hold the annual Summer Splash there.

6 Newton Road
Cheltenham
Gloucestershire
GL51 7QY

Comments: 12th April 2023

I think the installation of solar panels is great and if the Government would let the lido to have a feed in tariff so when the pool is not using the power it could be credited to offset the higher energy costs

16 Kings Road
Cheltenham
Gloucestershire
GL52 6BG

Comments: 13th April 2023

The Lido is a local treasure and the proposal to use solar to offset increasing electricity charges is a great idea whilst also enabling sustainability and green credentials. I fully support this Application.

31A Upper Park Street
Cheltenham
Gloucestershire
GL52 6SB

Comments: 12th April 2023

I am delighted to hear about the solar panels. The Lido is so good for the health of Cheltenham residents, and for attracting visitors too. We must do everything we can to keep it going. Solar will help the planet too. Well done and good wishes to the Lido.

2 Tayberry Grove
Up Hatherley
Cheltenham
Gloucestershire
GL51 3WF

Comments: 13th April 2023

So important to ensure this facility is able to secure long term sustainable energy so that future generations can enjoy this vital part of our town

Andante
18 Queens Road
Cheltenham
Gloucestershire
GL50 2LS

Comments: 12th April 2023

I fully support this proposal which will help ensure the future of an important and historic facility in Cheltenham. We cannot risk losing the Lido which is an important attraction in Cheltenham and much loved and well used by local people as well

39 Hales Close
Cheltenham
Gloucestershire
GL52 6TE

Comments: 15th April 2023

I fully support this idea.
It will help with running costs & support the environment.

3 White House Gardens
Old Bath Road
Cheltenham
Gloucestershire
GL53 7EU

Comments: 12th April 2023

Excellent plan. Fully support sustainable energy for the wonderful lido.

5 Roxton Drive
Hatherley
Cheltenham
Gloucestershire
GL51 6SQ

Comments: 12th April 2023

Fantastic idea. Should have been done ages. All for environmentally progressive schemes like these

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APPLICATION NO: 23/00479/LBC	OFFICER: Ms Nicole Gillett
DATE REGISTERED: 23rd March 2023	DATE OF EXPIRY : 18th May 2023
WARD: College	PARISH:
APPLICANT:	Sandford Park Lido Limited
LOCATION:	Sandford Lido Keynsham Road Cheltenham
PROPOSAL:	Installation of Solar PV Panels

REPRESENTATIONS

Number of contributors	48
Number of objections	0
Number of representations	0
Number of supporting	48

Castle Farm
Ashley Rd
Cheltenham
GL52 6NU

Comments: 13th April 2023

I wholeheartedly support this application. The lido is the best thing about the whole of Cheltenham. It would be a disaster if it had to close. It promotes incredible well being. Only the other day I was there and talking to a lady who had recently had a knee replacement, and her regular visits to the Lido was helping her enormously on her physical as well as psychological road to recovery. People come from miles to visit this incredible place, both for the summer heated swim as well as the amazing cold water swimming that took place this and last year, This is an absolute no brainer to approve this application, please do so.

17 Churchill Drive
Charlton Kings
Cheltenham
Gloucestershire
GL52 6JN

Comments: 3rd April 2023

As a season ticket holder and regular user of the Lido I fully support this application in the strongest terms. The lido is a wonderful facility that is an asset to Cheltenham and it would be an incredible shame if it were unable to continue operating. This proposal enables the lido to become a more sustainable facility as well as reducing running costs, allowing it to continue operating. The solar panels will have no effect whatsoever on the appearance of the lido for users of the facility and I see no reason at all to object to the proposal. I can't stress enough how lucky we are in Cheltenham to have access to a 50m

open air pool in such fantastic surroundings, and how important it is to retain this facility with such a rich heritage.

29 Haywards Road
Charlton Kings
Cheltenham
Gloucestershire
GL52 6RQ

Comments: 13th April 2023

I fully support this application. The Lido is an amazing community facility that Cheltenham should be proud of. Anything that helps it continue its amazing work has to be supported - the town would be a far inferior place to live without such a stunning place in it. As well as providing a safe place for families to enjoy, it also helps keep the local community fit and is a huge boost for positive mental health.

47 East End Road
Charlton Kings
Cheltenham
Gloucestershire
GL53 8QJ

Comments: 24th April 2023

This is an essential development for the lido. In these times of high energy costs, it makes sense for a charity organisation to try and find alternative energy supplies. Also, this is a more environmentally-friendly way of producing energy which fits with the lido ethos.

15 Clarence Square
Cheltenham
GL50 4JN

Comments: 19th April 2023

The Sandford Park Lido is a great facility and is totally necessary to help combat obesity in all ages. I use this facility regularly with my family. This is a great initiative, not only to keep this facility functioning but also for the environmental impact. I strongly support the installation of the solar panels.

67 Alma Road
Cheltenham
Gloucestershire
GL51 3ND

Comments: 12th April 2023

The installation of solar panels is a brilliant idea which I completely welcome. At a time when we should all be contributing to renewable energy while also keeping the costs of electricity down to keep day-to-day operations viable and memberships prices inclusive, this application should be granted.

2 Priory Terrace
Cheltenham
Gloucestershire
GL52 6DS

Comments: 6th April 2023

As a regular user of the Lido over the last 35 years I welcome this proposal. It is important to protect the use of this valuable public facility and to make it economically sustainable so it can continue for many years to come. The Plant room building is of no architectural merit so I cannot see any reason for anyone to object to the layout as set out in the plans.

19 Naunton Terrace
Cheltenham
Gloucestershire
GL53 7NU

Comments: 13th April 2023

A fantastic piece of investment for such an important resource in Cheltenham. The lido community, and more, will benefit from this installation.

3 Brookview Cottages
Pheasant lane
Cheltenham
GL51 0xx

Comments: 4th April 2023

Great idea to move to become more sustainable and save energy costs of this wonderful facility in our town. A great step to reducing its carbon footprint, which is something we should all be doing.

3 Sydenham Road South
Cheltenham
Gloucestershire
GL52 6EF

Comments: 11th April 2023

Having considered the documentation and knowing the site well, I strongly believe that the proposals to add solar panels to the Lido plant room should be agreed.

There is recognition that there will be some detriment to the plant room building itself but this is far outweighed by the benefits of enabling the lido to remain financially viable and able to operate as a swimming pool into the future. This is particularly true as the building is not sited in the main lido complex. Additionally there is no suggestion of ceasing to preserve the historic engineering within the plant room itself.

The whole site is of great heritage importance to the town and would be all under threat if the lido was unable to continue operating.

The lido is a great amenity for both visitors to the town and many local residents. Although its key function is a swimming pool, many other community activities take place on its premises. It promotes social and mental well-being.

1 Lancaster Court
Well Place
Cheltenham
Gloucestershire
GL50 2PJ

Comments: 12th April 2023

The Lido is a beautiful community resource and it is essential it be permitted to invest in sustaining its future. The planned solar panels seem a reasonable and sensible option and I believe should be approved.

Orchard House
Withington
Cheltenham
GL54 4DA

Comments: 12th April 2023

I fully support this application the LIDO is something Cheltenham should be proud of . My children and family have enjoyed it over the years and now we enjoy visiting with our grandchildren. It is a wonderful facility and come rain or shine a pleasure to visit. if the solar panels will help with bills and keep the water warm that is an added bonus. Helping with the costs of keeping the Lido open for future generations to enjoy.

Brook House
Moorend Road
Charlton Kings Cheltenham
Gloucestershire
GL53 9BW

Comments: 13th April 2023

The Lido is an extraordinary Cheltenham public amenity benefitting the health and well being of thousands of people in this borough. Its future , with solar panels , must be a high priority for the Council of this town and the surrounding area - passing this application would 'tick the boxes' of addressing

1. local public health and wellbeing ,
2. a conversion to environmentally sensitive energy
3. a unique Cheltenham resource

3 Station Close
Cheltenham
Gloucestershire
GL53 0AB

Comments: 12th April 2023

I fully support this application to install solar panels. The lido is a very special place, available to use by all of the community in Cheltenham and beyond. It needs to thrive and its efforts to become sustainable should be welcomed.

1 Naunton Park Close
Cheltenham
Gloucestershire
GL53 7DL

Comments: 16th April 2023

I am in full support of this application, in fact I don't think it goes far enough - in future I suggest also installing solar panels on the cafe building too, which has a large, south facing roof.

I appreciate that these buildings are listed, and solar panels are a bit unsightly, but if it is a choice between the panels or the lido closing, then we must have the panels.

If the lido was forced to close, then how long would the buildings last anyway? It is better we do everything we can to keep the lido open and fully functioning for its original purpose, as this is the only way to ensure it is properly maintained to its listing standard.

Brook House
Moorend Road
Charlton Kings Cheltenham
Gloucestershire
GL53 9BW

Comments: 16th April 2023

Great idea. I fully support

Sunnyfield House
Sunnyfield Lane
Cheltenham
Gloucestershire
GL51 6JE

Comments: 21st April 2023

Renewable and sustainable energy is the future for us all but when used in a wonderful local amenity like the Lido it is a win-win situation. My family and I are regular users of the Lido - one of Cheltenham's most important assets which must be given every support to continue providing for the town. This application has my full support.

Luxor Villa
24 Princes Street
Cheltenham
Gloucestershire
GL52 6BE

Comments: 26th April 2023

I fully support this application. This is an excellent idea to make a much loved public resource for Cheltenham more sustainable

Flat 6
33 St Stephens Road
Cheltenham
Gloucestershire
GL51 3AB

Comments: 12th April 2023

I fully support this application. Sandford Lido is an amenity Cheltenham should be proud of - I regularly use the facilities and agree wholeheartedly that the solar panels should be fitted. Good for the planet, saves energy and allows the lido to stay open.

7 Princes Road
Cheltenham
Gloucestershire
GL50 2TX

Comments: 13th April 2023

I am a local resident and Lido user and I am in full support of the proposed solar panels. The Lido is a fantastic community resource and it would be such a shame to lose it due to rising energy costs. It provides great benefit for physical, mental and social wellbeing of the community.

34 Park Street
Cheltenham
Gloucestershire
GL50 3NG

Comments: 4th April 2023

This will ensure the sustainability of a much loved Cheltenham spot whilst reducing the environmental impact.

The Lido is a historic destination which allows people to exercise and enjoy the good outdoors!

Places like this should be supported and their best interests supported too!

6 Oxford Street
Cheltenham
Gloucestershire
GL52 6DT

Comments: 17th April 2023

I fully support this application. The lido is a key asset to the local community and the town's economy, and the council should do everything possible to safeguard its future. Maintaining it as a working lido is the best way to ensure that the heritage site is well cared for. Installing solar panels will enable the lido to become more financially and environmentally sustainable. I would query if there are further opportunities - utilising equally unobtrusive locations around the site - for increased use of solar panels.

36 Windsor Street
Cheltenham
Gloucestershire
GL52 2DE

Comments: 12th April 2023

This is a no-brainer! Of course solar panels are appropriate at the Lido. It will help to sustain the Lido and make it more viable to run. The benefit will spread from the Lido to the environment in general by using renewable energy. I know from personal experience the value of solar panels.

7 Station Close
Cheltenham
Gloucestershire
GL53 0AB

Comments: 12th April 2023

Seems like a great idea and existing roofs look perfect for the panels, though don't know their orientation. I've previously said to the Lido that solar is a good idea and referred to Cirencester and Bristol lido panels. Recall/think that Cirencester had financial support from the council and would want Cheltenham to do likewise here

Slades Farm
Bushcombe Lane
Cheltenham
GL52 3PN

Comments: 12th April 2023

NONE GIVEN

Farriers End
114A Cirencester Road
Charlton Kings Cheltenham
Gloucestershire
GL53 8DG

Comments: 13th April 2023

Sandford Parks Lido is extremely important and unique in the local community - for accessible exercise, health and wellbeing activities. It is a real tourist asset for the town too.

As well as swimming hours, it provides lifeguard training for many young people, volunteer opportunities, swimming lessons and in the summer, a real holiday environment for many families who struggle to afford the cost to go elsewhere. I know the Lido has tried so many creative ways to keep open and provide access throughout the last few difficult years e.g. extending the season with cold water swimming.

Now, I think the team should be supported in their latest initiative to help save costs and so continue to keep the Lido open. Generating renewable energy with the panels (on one of the most unobtrusive parts of the site) seems like an excellent option to help with energy costs. As well as cost saving, it adds even more to the attraction of the site as a positive asset for Cheltenham.

I support the application and hope the project will inspire other public buildings to do similarly.

8 Winstonian Road
Cheltenham
Gloucestershire
GL52 2JE

Comments: 28th April 2023

I wholly support this application. It's imperative if the lido is to continue to serve the local community and deliver its goals to support people's health, exercise and well-being as well as a heritage destination for Cheltenham.

12 Duke Street
Cheltenham
Gloucestershire
GL52 6BP

Comments: 4th April 2023

The Lido is part of the fabric of Cheltenham and must be allowed to continue. This is a sustainable solution which makes perfect sense and maintains the historic nature of the buildings

3 Orrisdale Terrace
Cheltenham
Gloucestershire
GL53 7HZ

Comments: 4th April 2023

I strongly support this application. It will support the fight against climate change (I believe the council itself has declared a 'climate emergency') and protect the future of one of Cheltenham's greatest assets with all the benefits to the community that result. The Lido needs lots of solar panels to make a difference and this is an important start. It is not valid to say 'they could be placed elsewhere' because solar panels will be needed in other places as well as the plant room roof. Finally the Lido are not proposing to put solar panels on the roof of one of the buildings in one of their iconic views - the plant room is out of the way

33
Duke St
Cheltenham
GL52 6BS

Comments: 12th April 2023

100% support!

Graftons Farm
Coombe Green
Malvern
WR13 6AD

Comments: 13th April 2023

It is essential that approval is given to the application for solar panels to enable this wonderful lido to stay open. The way forward for all of us is renewable energy so this is exactly the right thing to be doing at this time, it will not only save them a lot of money, but will help to achieve their aims regarding green energy.

2 Halland Road
Cheltenham
Gloucestershire
GL53 0DJ

Comments: 12th April 2023

As a season ticket holder and local resident I strongly support this application. This proposal will help the lido to become economically and environmentally more sustainable. Implementing projects like this on public buildings sets an important example and will hopefully encourage more people to consider what personal actions they can take to avoid climate change. I don't believe that the solar panels will have any significant

detrimental impact on the appearance of the lido and hope that this application will be approved.

33 Hales Road
Cheltenham
Gloucestershire
GL52 6SL

Comments: 15th April 2023

Cheltenham's Lido is a great amenity for the town. I've swum there regularly for over 20 years. Outdoor exercise facilities are just as vital in the living-with-Covid era as they were in the 1930s, and need to be preserved. Maximising renewable energy at the site should be a no-brainer and I can see no rational reason for anyone to object to these plans. The solar array could usefully be bigger and make use of more roof space.

3 Meredith Cottages
Gloucester
GL4 6PS

Comments: 4th April 2023

I support the proposed installation of solar panels at the Lido in order to provide a more environmentally friendly and sustainable future and help preserve one of Britain's most iconic and unique sites.

21 Ravensgate Road
Charlton Kings
Cheltenham
Gloucestershire
GL53 8NR

Comments: 14th April 2023

Dear Ms Gillett,

This is an absolute no brainer. Team Lido have gone to great lengths to find the most appropriate solution to the challenge of sustaining a community resource in the face of rising fuel costs.

The visual impact of the solar panels is a positive addition to buildings irrespective of whether they are listed or not. In this case the team have presented a sensitive solution that goes above and beyond.

The installation of the panels must be agreed based on the positive visual impact, positive environmental considerations and in support of a community asset that delivers on multiple levels.

The Lido is a central resource to Cheltenham, I wholeheartedly support this application.

4 Orrisdale Terrace
Cheltenham
Gloucestershire
GL53 7HZ

Comments: 3rd April 2023

I fully support the installation of the solar panels.

Abbotsford
24 Old Bath Road
Cheltenham
Gloucestershire
GL53 7QD

Comments: 12th April 2023

Fully supportive of the initiative to protect the future of the Lido and in parallel save energy costs in common with the CBC environmental plan and other initiatives.

Carfrae
Battledown Approach
Cheltenham
Gloucestershire
GL52 6RA

Comments: 20th April 2023

The Lido is an amazing facility and a credit to the town. The forward thinking approach to use green technology to aid with the heating of the pool should be supported and embraced as a blueprint for other facilities in the town.

Prestbury Corner
62 High Street
Prestbury Cheltenham
Gloucestershire
GL52 3AZ

Comments: 13th April 2023

1000% support this. The lido has been a literal lifesaver for many -- and even more so during lockdown. I looked forward in those dark days to having a dip in the lido, even during the winter months.

What is important is that we keep the lido open and viable for many years to come. I am actually more surprised how many more panels there could be! I totally get the "period building" but what good is it if the lido closes and the building then falls into disrepair?

Yes yes yes!

3 Haslette Way
Up Hatherley
Cheltenham
Gloucestershire
GL51 3RQ

Comments: 12th April 2023

The Lido is an important feature of Cheltenham and we should support its effort to be more environmentally friendly, as well as reducing escalating costs to ensure future economic viability.

1 Silverwood Way
Up Hatherley
Cheltenham
Gloucestershire
GL51 3TW

Comments: 30th April 2023

I fully support the installation of solar panels for use by Sandford Park Lido

It is essential to helping the environment and reducing costs for the lido so that we can continue to enjoy this great facility in Cheltenham

31 Folly Lane
Cheltenham
Gloucestershire
GL50 4BZ

Comments: 13th April 2023

I am happy to support the installation of solar panels at Sandford Parks Lido. The installation of solar panels will have a positive impact on the environment, as it will reduce the carbon footprint of the Lido by producing clean energy. Additionally, the use of solar panels will also lead to a reduction in energy costs, which will be beneficial in the long run.

By implementing sustainable energy practices, Sandford Parks Lido is setting an excellent example for other public facilities and institutions to follow. I believe that this decision will encourage others to consider alternative energy sources, such as solar power, which will ultimately help to reduce our carbon emissions and contribute to a more sustainable future.

Overall, I commend Sandford Parks Lido for taking this initiative, and I hope that other organizations will follow their lead in implementing sustainable energy practices

83 Crown Drive
Bishops Cleeve
Cheltenham
GL52 8TA

Comments: 24th April 2023

Although there will be a visual effect the location of the solar panels mounted on the south slope plant room roof will have minimal impact on the overall aesthetic of the Lido. The installation is crucial for the long term viability of this invaluable amenity which is treasured by all those who use it and the wider community. Solar heating is the only option to contain ever increasing energy costs and I whole heartedly support the application.

Merrivale
27 St Lukes Road
Cheltenham
Gloucestershire
GL53 7JF

Comments: 3rd April 2023

NONE GIVEN

19 Jersey Avenue
Cheltenham
Gloucestershire
GL52 2SZ

Comments: 12th April 2023

I fully support the application of Solar Panels for the Lido swimming pool. It is a forward thinking idea, which will help the Lido reducing their energy cost, but also contributes towards the UK target of being carbon neutral 2050. We should have more initiatives in our town. Solar panels do not distract greatly from the character of a building and can be sympathetic to any design.

Monks Meadow
Park Lane
Prestbury Cheltenham
Gloucestershire
GL52 3BN

Comments: 13th April 2023

I fully support this proposal. The Lido is a great asset to the town and as a regular swimmer through summer and winter, I have enjoyed sharing the facility with a wide range of people, young and old, fit and not so fit. It makes people healthy and happy, something our political leaders say they are striving to achieve for us. Solar panels will be a great help in keeping running costs and entry costs down, environmentally friendly as well. Please make this happen.

20 College Road
Cheltenham
Gloucestershire
GL53 7HX

Comments: 13th April 2023

Solar panels at the lido seems like an excellent idea to me. The Lido is a local treasure and for it to be able to run more sustainably to help ensure its future viability seems vital. I do hope these plans can go ahead.

Flat 10
115 The Park
Cheltenham
Gloucestershire
GL50 2RW

Comments: 10th April 2023

I support this application. We should do all we can to support lidos and help the environment. A derelict site will not help this heritage asset.

Application No.	Appeal Ref	Site Address	Appeal Type	Start Date	Questionnaire	Statement	Final Comments	Decision	Date of Decision	Costs Deci	Hearing Date	Costs awarded
21/02755/FUL	23/00001/PP1	Land at Brecon House	Hearing	10.01.2023	17.01.2023	14.02.2023	14.02.2023	Dismissed	27.04.2023	n/a	22.03.2023	
	23/00002/PP1	30 St Georges Place	written	16.01.2023	23.01.2023	20.02.2023	20.02.2023					
22/01145/FUL	23/00003/PP1	3 Apple Close	written	24.01.2023	31.01.2023	28.02.2023	28.02.2023	Allowed	19.04.2023			
22/00708/FUL	23/00004/PP1	37 Market Street	written	24.01.2023	31.01.2023	28.02.2023	28.02.2023	Allowed	19.04.2023	Allowed		
20/01788/FUL	23/00005/PP1	Land at Shurdington Road	Hearing	17.04.2023	24.04.2023	22.05.2023	22.05.2023				04.07.2023	
22/01162/FUL	23/00006/PP2	101 Ryeworth Road	written	08.03.2023	15.03.2023	12.04.2023	12.04.2023					
22/01373/FUL	23/00007/PP1	129-133 The Promenade	Written	08.03.2023	15.03.2023	12.04.2023	12.04.2023					
22/02064/FUL	23/00008/PP1	St Edmunds, Sandy Lane F	written	28.03.2023	04.04.2023	02.05.2023	16.05.2023					
22/00334/COU	23/00009/PP3	8 Imperial Square	written	29.03.2023	05.04.2023	03.05.2023	17.05.2023					
21/02750/FUL	23/00010/PP1	Land Adjoining Leckhampt	Hearing	30.03.2023	06.04.2023	04.05.2023	18.05.2023				12.07.2023	
22/01430/FUL	23/00011/PP1	10 Suffolk Road	HAS	31.03.2023	07.04.2023	n/a						
22/01679/FUL	23/00012/PP1	28 West Down Gardens	HAS	03.04.2023	10.04.2023	N/a						
22/00328/FUL	23/00013/PP1	os 195 High Street	Written	18.04.2023	25.04.2023	23.05.2023	06.06.2023					
22/00328/ADV	23/00014/ADV1	os 195 High Street	Written	18.04.2023	25.04.2023	23.05.2023	06.06.2023					
22/00326/FUL	23/00015/PP1	23 Pittville Street	Written	18.04.2023	25.04.2023	23.05.2023	06.06.2023					
22/00326/ADV	23/00016/ADV1	23 Pittville Street	Written	18.04.2023	25.04.2023	23.05.2023	06.06.2023					

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Appeal Decision

Hearing held on 22 March 2023

Site visit made on 22 March 2023

by R Sabu BA(Hons), MA, BArch, PgDip, RIBA, ARB

an Inspector appointed by the Secretary of State

Decision date: 27th April 2023

Appeal Ref: APP/B1605/W/22/3310113

**Lilley Brook House (Land Adjacent Brecon House), Charlton Hill,
Cheltenham GL53 9NE**

- 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 & Mrs Huw & Susan Evans against the decision of Cheltenham Borough Council.
 - The application Ref 21/02755/FUL, dated 10 December 2021, was refused by notice dated 21 June 2022.
 - The development proposed is construction of a dwelling, estate management building, and associated landscaping, ecology enhancements, access, parking and garaging.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. I have omitted the reference to paragraph 80 and siting of the proposal in the description above as they are not acts of development.

Main Issues

3. The main issues are:
 - the effect of the proposed development on the Cotswold Beechwoods Special Area of Conservation (SAC);
 - whether the proposal would accord with the Council's development plan strategy for housing;
 - the effect of the proposed development on the Cotswolds Area of Outstanding Natural Beauty (AONB); and
 - whether the proposal would meet the policy exception for new dwellings in the countryside as set out in paragraph 80e of the National Planning Policy Framework (Framework).

Reasons

Cotswold Beechwoods SAC

4. The scheme proposes a dwelling on a site that lies approximately 6km from the Cotswold Beechwoods SAC. The Council confirmed during the hearing that the site lies within the Zone of Influence (ZoI) of this designated site.

5. I note Natural England's (NE) response to consultation which stated that since the proposal will result in a net increase in residential accommodation, impacts to the SAC may result from increased recreational disturbance. NE also stated that subject to the appropriate financial contribution being secured, it is satisfied that the proposal will mitigate against the potential recreational impacts of the development on the site. In addition, the Council has measures in place to manage potential impacts through the agreed strategic solution which NE considers to be ecologically sound.
6. However, the Council consider that an Appropriate Assessment is unnecessary as the development is a single dwelling so additional recreational disturbance on the SAC would be negligible in their view.
7. There is limited evidence before me regarding the SAC and there is little substantial evidence before me regarding the effect of the proposal in combination with other development. The parties discussed during the hearing that given the size of the site, future occupiers would have the opportunity to use the site for recreational activities such as walking, rather than travel to the SAC. However, since the site lies within the ZoI, recreational trips to the SAC by future occupiers cannot be discounted altogether.
8. Therefore, although the proposal is for a single dwelling, the effect of recreational disturbance in combination with other development, is unclear. The Planning Practice Guidance states that a significant effect should be considered likely if it cannot be excluded on the basis of objective information and it might undermine a site's conservation objectives. A risk or a possibility of such an effect is enough to warrant the need for an appropriate assessment.
9. On this basis, I consider that in combination with other development, the proposed development would result in likely significant effects on the SAC. An Appropriate Assessment is therefore necessary.

Appropriate Assessment

10. The qualifying features of the SAC include Asperulo-Fagetum beech forests and semi-natural dry grasslands.
11. There is no mechanism before me either to secure appropriate financial contribution towards mitigation, or to require compliance with the agreed strategic solution. The Appellant suggested during the hearing that a condition to require a homeowner pack to be provided to future occupiers could be attached to the permission. However, there is no evidence to demonstrate that this would provide adequate mitigation against the adverse effects of recreational disturbance on the SAC.
12. Consequently, the proposed development would result in adverse effects on the integrity of the Cotswold Beechwoods SAC. Therefore, it would conflict with the National Planning Policy Framework (Framework) and the aims of The Conservation of Habitats and Species Regulations 2017.

Development strategy for housing

13. Policy SD10 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 Adopted 11th December 2017 (JCS) sets out the strategy for housing in the district and directs residential development to allocated sites and settlements. It also states, among other things, that housing development

on other sites will only be permitted where there are other specific exceptions/circumstances defined in the district or neighbourhood plans. No relevant exceptions or circumstances defined in the development plan are before me or have been suggested by the parties.

14. Consequently, the proposal would not accord with the Council's development plan strategy for housing as it would conflict with JCS Policy SD10.
15. Circumstances where the development of isolated homes in the countryside may be acceptable are set out in guidance within national policy and is suggested in the explanatory text to JCS Policy SD10. Given the tension between the wording of the Policy and the explanatory text, the conflict with JCS Policy SD10 in and of itself is not a reason for refusing the development.

AONB

16. The site lies within the Cotswolds AONB, the special qualities of which include the Cotswold escarpment, including views from and to the AONB; river valleys; internationally important flower-rich grasslands, particularly limestone grasslands; internationally important ancient broadleaved woodland, particularly along the crest of the escarpment; the tranquillity of the area, away from major sources of inappropriate noise, development, visual clutter and pollution and extensive dark sky areas.
17. The site is part of the Cotswolds National Landscape Escarpment landscape (also known as Cotswold AONB). It is located within the Landscape Character Type: Wooded Pasture Slopes and Landscape Character Area: Timbercombe Wooded Pasture Slopes. In addition, the site lies in a transitional area between the lower vale, with moderate sized enclosed fields, and the escarpment curving around the site to the south with large unenclosed fields on the upper slopes.
18. As such the area surrounding the site is characterised by the presence of the steep sided slopes of the escarpment and rolling landform, as well as an open medium scale pastoral landscape with numerous woodland areas. This is in keeping with the special qualities of the wider AONB.
19. The urban area of Cheltenham lies to the north of the site and the A435, from which the site is accessed, is a primary route to the city. As such, the tranquil nature of the site is diminished by vehicular movements along the road.
20. The site is set within a steep sided valley and comprises a grass field with some trees and hedgerow along the western boundary that partially screen views and noise from the highway. An area of woodland known as The Dingle lies partially within and to the east of the site, screening wider views of the site from the east. A brook, known as Lilley Brook, defines the eastern boundary of the site and is located within The Dingle. In terms of topography, there is a hollow in the sloping land in the northern part of the site.
21. The undeveloped nature of the site results in a pleasant, open and green character. However, given that trees, vegetation and the brook lie at the periphery of the site, with the majority of the land comprising semi-improved grassland, the site is in keeping with the special qualities of the AONB.

22. The proposed dwelling would be set within the hollow in the sloping land near the northern part of the site. The top of the building would be set at a ground level near the top of the hollow.
23. As such, views of the dwelling from the highway would be mostly screened by the forms of the land on the site, as well as by trees and vegetation along the highway. As I observed during my site visit and having spent time in the wider area, there are no obvious notable views of the hollow from long-range views in a number of directions including from public footpaths. This is due to the topography of the hollow where the building is proposed, and also due to the wider topography of rolling landforms and intervening areas of woodland.
24. While there maybe views of the proposal in some long views, including from public footpaths such as the Cotswolds Way, given the position of the dwelling within the hollow, and that there are sporadic dwellings in the wider area, the scheme would not appear out of harmony with the surrounding AONB in this respect.
25. Within the site, the proposed dwelling would be primarily viewed from the north, east and south in immediate views when approaching the building. The upper level of the building, the 'Prospect' level, would be the most prominent in these views.
26. The form of the Prospect level would follow the curved line of the contours of the upper lip of the hollow and would be partially submerged in the land. As such it would appear to project from the landscape while echoing the landform of the hollow within which it would be set.
27. The external walls would be glazed with timber fins set out with varying spacing. The timber would be Sweet Chestnut that would be likely to weather over time. However, given the siting of the Prospect level set within the hollow, the weathering of the timber would assist the building to blend into the surrounding landscape.
28. The approach from the highway to the ground level of the dwelling, the 'Arrival' level, would be via a track that would follow the contours of the sloping land. As a result, the dwelling would be seen primarily in close views. The floor plan of this level would be partially circular, appearing as a centre point to the two curves of the upper and lower floors. The remaining part would be under the prospect level, largely hidden from view given the contours of the surrounding land.
29. The lower level of the dwelling, the 'Refuge' level, would be set within the ground, with the external wall facing The Dingle following a curved line that would roughly mirror the curve of the Prospect level. The roof of this level would be flat and grassed, providing a defined external amenity space for future occupiers while echoing the grassland of the surrounding landscape. The external wall would be clad in Grange Hill Cream Chopped Cotswold stone that would reflect the local geology and appear in keeping with the surrounding landscape and use of stone walls in the wider area.
30. Accordingly, the Arrival and Refuge levels of the proposed dwelling would appear in harmony with the surrounding river valley. The Prospect level would be the most prominent part of the dwelling in immediate views. However, its position within the hollow and its curved form following the contours of the land

- would result in a building that would project from the hollow, following its forms and resulting in a sensitive addition to the local landscape.
31. As I observed during my site visit, the enclosed nature of the hollow provides a tranquillity from within that is distinct from the upper parts of the site near the road. Therefore, given the siting and form of the dwelling within the hollow, any noise and visual clutter that may result from the introduction of a dwelling to the site would be largely mitigated by the enclosed nature of the hollow. As such, the dwelling would preserve the tranquillity of the AONB.
 32. The access to the site from the highway would be via a gate that would be in keeping with other gates in the area and would be set back from the road. Given the largely screened nature of the proposed dwelling, it is unlikely that the proposal would result in vehicles and people congregating on the highway. Accordingly, this element of the scheme would not harm the character and appearance of the area.
 33. The proposed landscape strategy includes protecting and enhancing existing hedgerows and the Lilley Brook watercourse and creating new and diverse grassland habitats. These measures would enhance the scenic beauty of the site and improve the ecology of the locality.
 34. With five bedrooms, spacious living, dining and kitchen areas as well as storerooms and entrance hall, the building would not be small in scale. However, its design including siting and orientation within the hollow and form following the contours of the land as well as spaces set in the ground, would result in a building that would appear in harmony with the surrounding landscape. Moreover, the size of the building would be comparable with other dwellings in the wider area. In addition, being on a large site, and being contained within the extents of the hollow, the scheme would appear limited and would preserve the spacious open character of the site and surrounding AONB.
 35. The Estate Management Building would be small in scale and would be partially set within the ground in the northern part of the site. It would have a traditional form that would have an agricultural character commensurate with its function in managing the nearby woodland as well as the rural character of the surrounding landscape.
 36. I note concerns regarding the proposed use of concrete and sustainability. However, given the evidence regarding embodied carbon, this matter has not altered my findings on this main issue.
 37. I have had regard to paragraph 176 of the Framework which states that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues. It goes on to say that the scale and extent of development within all these designated areas should be limited.
 38. For the foregoing reasons, the proposed development would conserve and enhance the landscape, scenic beauty and special qualities of the AONB. Therefore, it would not conflict with JCS Policy SD7 which requires, among other things, all proposals within the Cotswolds AONB to conserve and, where appropriate, enhance its landscape, scenic beauty, and other special qualities.

The scheme would also not conflict with the Framework in this particular respect.

Paragraph 80e of the Framework

39. Paragraph 80 of the Framework restricts the development of isolated homes in the countryside unless one or more of a number of circumstances apply. The circumstance relevant to this appeal is part e) of the paragraph: the design is of exceptional quality, in that it:

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

Truly outstanding and reflecting the highest standards in architecture.

40. As discussed above, the design of the proposed dwelling has been landscape led, integrating the form of the land, in particular the contours of the hollow within the site. The Prospect level would project from within the hollow in a dynamic but sensitive way that responds to the landscape. The arrival level would create an entrance to the building that would flow from the ground levels of the sloping site and provide a visual fulcrum to the upper and lower levels. The Refuge level would be largely buried in the ground, sitting subtly within the hollow. It would create an amenity space on the roof that would be self-contained while visually integrating with the surrounding grassland.

41. Given the above I find the design of the dwelling to be truly outstanding and reflecting the highest standards in architecture.

Help to raise standards of design more generally in rural areas.

42. There would be limited views of the dwelling from public footpaths. However, given the outstanding nature of the proposal, the spread of news of such designs and glimpses of the buildings would be sufficient to inspire others to raise standards of designs. As such, the proposal would help to raise standards of design more generally in rural areas.

Significantly enhance its immediate setting.

43. The landscape proposals would enhance the visual and ecological qualities of the site and would benefit the character and appearance of the immediate setting. The dwelling's dynamic form and sensitive location as well as use of materials would significantly enhance its immediate setting.

Be sensitive to the defining characteristics of the local area

44. Given my findings on the effect of the building on the Cotswolds AONB, the proposal would be sensitive to the defining characteristics of the local area.

45. In summary, the proposal would be truly outstanding and be of the highest architectural standard. The scheme would help to raise the standards of design more generally in rural areas, would significantly enhance its immediate setting and would be sensitive to the defining characteristics of the local area.

46. Consequently, the proposal would meet the policy exception for new dwellings in the countryside as set out in paragraph 80 of the Framework.

Other Matters

47. Paragraph 182 of the Framework states that the presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.
48. The policies in the Framework relating to designated sites provide a clear reason for refusing the development proposed. Therefore, even though the Council cannot demonstrate a 5-year supply of deliverable housing sites, the presumption in favour of granting planning permission in those circumstances found in paragraph 11(d) of the Framework does not apply.

Conclusion

49. For the reasons given above, the proposed development would result in an adverse effect on the integrity of the Cotswold Beechwoods SAC. It would therefore conflict with the Framework and the aims of The Conservation of Habitats and Species Regulations 2017. This is a material consideration which indicates that the appeal should be dismissed.

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INSPECTOR

APPEARANCES

FOR THE APPELLANT:

David Jones	Planning Agent	Evans Jones Ltd
Rickard Hawkes	Architect	Hawkes Architecture Ltd
Michael Davies	Landscape Architect	Davies Landscape Architects
Peter Goatley KC	Counsel	

FOR THE LOCAL PLANNING AUTHORITY:

Lucy White	Principal Planning Officer	Cheltenham Borough Council
Ben Warren	Senior Planning Officer	Cheltenham Borough Council
Garth Barnes	Planning Committee	Cheltenham Borough Council
Anthony Lewis	Cheltenham Architects Panel	

DOCUMENTS

2 Visual images of the proposal
Additional conditions A and B
Drawing 3201 Domestic Use Area



Appeal Decision

Site visit made on 27 February 2023

By A. J. Boughton MA (IPSD) Dip.Arch. Dip.(Conservation) RIBA MRTPI
an Inspector appointed by the Secretary of State

Decision date: 19th April 2023

Appeal Ref: APP/B1605/D/22/3307141

3 Apple Close Prestbury CHELTENHAM GL52 3EJ

- 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 Warner against the decision of Cheltenham Borough Council.
 - The application Ref: 22/01145/FUL dated 23 June 2022 was refused by notice dated 9 August 2022.
 - The development proposed is single storey extension, loft conversion including raising the height of the roof.
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Decision

1. The appeal is allowed and planning permission is granted for single storey extension, loft conversion including raising the height of the roof at 3 Apple Close Prestbury CHELTENHAM GL52 3EJ in accordance with the terms of the application Ref: 22/01145/FUL dated 23 June 2022 and the plans submitted with it, subject to the following conditions:
 - 1) The works authorised by this consent shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: A914P-459-02 RevC and A914P-459-03 RevC.
 - 3) The development hereby permitted shall be constructed in materials which match those used in the existing building.

Main Issue

2. The main issue is the effect of the proposal upon the character and appearance of the dwelling and neighbouring development.

Reasons

3. Number 3 Apple Close (No.3) is a link-detached two-storey dwelling located within a short cul-de-sac of broadly similar houses but differently arranged with respect to the road as to set back and floor levels. Apple Close is found within a typical late-twentieth-century residential area with undulating topography and differing house designs providing some variety of layout and appearance.
4. The appellant proposes to replace an existing conservatory extension with a flat-roofed extension and to convert the roof space into living accommodation. Although the Council have expressed an absence of concern as to the ground floor alterations or of any impact on neighbouring users, the existing roof form

is of insufficient height for habitable spaces, requiring the roof ridge to be raised such that a rear dormer can be inserted.

5. The accommodation to be created would sit almost completely within the full-width dormer which would replace the rear slope of the main roof, the result would be a modest increase in pitch of the front roof slope to attain an increase at the ridge which, according to the appellants, would be slightly less than the 500mm quoted by the Council.
6. The ridge level of No.3 would be higher than that of its neighbour, 2 Apple Close, which is similarly positioned in the street, however, there is no wide consistency in terms of the setting of other houses in the area as to heights and relationship with the street. Overall, noting the variety of roof form in the wider area, what is proposed would introduce change in building form and the appearance of the property but this would be at the rear (which is not generally apparent) and consequently the degree of change would not be so great as to be obtrusive. In that regard it would be important to ensure alterations employ materials which are a good match to those found in the existing building.
7. Even if the change in appearance (and the introduction of an additional floor of accommodation in an area dominated by two-storey housing) were considered to bring about a degree of harm to the character and appearance of the host dwelling or surrounding area, I consider the harm would be limited and outweighed, in this instance, by the benefit of providing additional accommodation. On that basis there would be no conflict with Policy D1 of the Cheltenham Plan 2020 or Policy SD4 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 which seek to avoid harm to architectural integrity of buildings by good design, or, in consequence, with the development plan taken as a whole.
8. Therefore, having considered all matters raised and for the reasons given the appeal succeeds subject to the usual plans and timing conditions, and, for the reasons given, a condition to control materials.

Andrew Boughton

INSPECTOR



Appeal Decision

Site visit made on 27 February 2023

By A. J. Boughton MA (IPSD) Dip.Arch. Dip.(Conservation) RIBA MRTPI
an Inspector appointed by the Secretary of State

Decision date: 19th April 2023

Appeal Ref: APP/B1605/D/22/3307910 **37 Market Street Cheltenham GL50 3NJ**

- 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 Z Kwintner against the decision of Cheltenham Borough Council.
 - The application Ref: 22/00708/FUL dated 15 April 2022 was refused by notice dated 26 July 2022.
 - The development proposed is side and rear extensions.
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Decision

1. The appeal is allowed and planning permission is granted for side and rear extensions at 37 Market Street Cheltenham GL50 3NJ in accordance with the terms of the application Ref: 22/00708/FUL dated 14 April 2022 and the plans submitted with it, subject to the following conditions:
 - 1) The works authorised by this consent shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plan: 1813-06C.

Application for Costs

2. An application for costs was made by Mr Z Kwintner against Cheltenham Borough Council. This application will be the subject of a separate Decision.

Main Issue

3. The main issue is the effect of the proposal upon the living conditions of neighbouring users.

Reasons

4. The appeal site, 37 Market Street (No.37) is a small terraced dwelling within a street of similar dwellings of various ages, in a central part of Cheltenham. Market Street, along with other similar streets in the locality features two-storey dwellings directly accessed from a pavement with small rear courtyards and therefore reliant upon on-street parking. The location is, however within convenient walking distance of the City centre and a range of other facilities and amenities including, noting the limited outdoor amenity space of the dwelling, a public park.

5. The proposal would involve adding an upper storey to the visually incongruous single storey flat-roofed infill between No.37 and its neighbour in an otherwise continuous terraced frontage, doing so in order to create additional bedrooms and a second shower room. The proposal would also involve rebuilding and enlarging the existing small, single storey, rear extension to allow the reorganisation of the ground floor accommodation including enlargement of the kitchen area.
6. The provision of a second shower room (with WC) reflects reasons for refusal in of a previous scheme¹ in which regard the scheme before me is otherwise unchanged in any material sense. The officer report details the advice of officers on both applications and the appellant points to concerns that, despite the lack of change in the external appearance and layout from the previous proposal, the determination which is the subject of this appeal appears to refuse what had, in the preceding application, been found not unacceptable.
7. Policy SL1 of the Cheltenham Plan 2020 (CP) together with Policies SD4 and SD14 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2017 (Core Strategy) seek to ensure development is directed at achieving safe and sustainable communities, protecting environmental quality and amenity.
8. The Council state that the insertion of a new first floor bedroom window would result in 'unacceptable overlooking of the neighbouring garden' resulting in a loss of privacy. From my observations, the tight pattern of existing development in the area already generates significant opportunities for intervisibility between opposing dwellings and for overlooking of neighbouring gardens or rear courtyards. Notions of privacy are thereby already set at a low bar and would typically be managed by practical measures such as blinds (as far as intervisibility between windows is concerned).
9. In regard to overlooking of gardens, this is, by and large, an inevitable consequence of urban (or suburban) living where one user's private amenity space must, by virtue of density and land use requirements, lie in proximity to other dwellings. Where, as here, the distances involved are small and the spaces tight, existing occupiers will have limited means of ensuring privacy and can be assumed to have adjusted to the environment they occupy. Overall, whilst the angled alignment of boundaries may add to the sensitivity of users and the additional habitable room window might be regarded as unwelcome by objecting parties, I do not consider the addition would introduce significant or cumulatively harmful change such that the existing privacy environment would become unacceptable as a consequence of the proposal.
10. Objections to the proposal appear to be focussed on the possibility for use of the dwelling as a small HMO. If appropriate that is a matter for other regulatory control and not before me to consider. I therefore conclude there would be no conflict with Policy SD4 of the Core Strategy or policy SL1 of the CP and in consequence, taking all matters raised into account for the reasons given, the appeal succeeds subject to the usual plans and timing conditions which align with those recommended to the committee by the Council's own officers.

¹ 21/02361/FUL refused by Cheltenham Borough Council at Committee on 17 February 2022.

Andrew Boughton

INSPECTOR

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