

# Cheltenham Borough Council Planning Committee

**Meeting date:** 21 September 2023

**Meeting time:** 6.00 pm

**Meeting venue:** Council Chamber - Municipal Offices

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## **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 Diggory Seacome, Councillor Simon Wheeler and Councillor Barbara Clark

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**Contact:** [democraticservices@cheltenham.gov.uk](mailto:democraticservices@cheltenham.gov.uk)  
**Phone:** 01242 264 246

# Agenda

## 1 Apologies

## 2 Declarations of Interest

## 3 Declarations of independent site visits

## 4 Minutes of the last meeting (Pages 5 - 12)

To approve the minutes of the meeting held on 17<sup>th</sup> August 2023.

## 5 Public Questions

## 6 Planning Applications

### 6a 23/00813/FUL 170-172 Leckhampton Road, Cheltenham, GL53 0AA (Pages 13 - 92)

[Planning application documents](#)

### 6b 23/01324/CONDIT Imperial Garden, Cheltenham, Glos (Pages 93 - 134)

[Planning application documents](#)

### 6c 23/00809/FUL 1 The Grove, Hales Road, Cheltenham GL52 6SU (Pages 135 - 146)

[Planning application documents](#)

### 6d 23/01132/FUL 6 Saville Close, Cheltenham, GL50 4NE (Pages 147 - 164)

[Planning application documents](#)

### 6e 23/01226/CONDIT Car Park, Chester Walk, Cheltenham (Pages 165 - 176)

[Planning application documents](#)

## 7 Appeal Update (Pages 177 - 208)

Appeal updates for information.

## 8 Enforcement Update

Report to follow.

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

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# Cheltenham Borough Council Planning Committee Minutes

**Meeting date:** 17 August 2023

**Meeting time:** 6.00 pm - 7.00 pm

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**In attendance:**

**Councillors:**

Paul Baker (Chair), Garth Barnes (Vice-Chair), Glenn Andrews, Adrian Bamford, Bernard Fisher, Paul McCloskey, Emma Nelson and Barbara Clark

**Also in attendance:**

Mike Holmes and Cheryl Lester (Legal officer)

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## 1 Apologies

Apologies were received from Councillors Seacome and Wheeler.

## 2 Declarations of Interest

As a non-executive director of the Cheltenham Trust, Councillor Clark declared an interest in Agenda item 6 23/01123/LBC The Wilson Art Gallery and Museum – she will leave the Chamber when this application is being considered.

## 3 Declarations of independent site visits

Councillors Andrews and Nelson both declared that they had visited both sites.

## 4 Minutes of the last meeting

Councillor Oliver asked for the following correction to be made:

Page 6, Agenda item 8: 23/00860/FUL 14 Lincoln Avenue, bullet point 3:

*There will be overlooking of the garden, which will mean that the neighbours will be extremely overlooked. This would be deemed as a loss of amenity and that is ~~acceptable~~ unacceptable.*

With this correction, the minutes were approved and duly signed as a true record of the meeting.

### **5 22/01891/FUL Playing Field Adj 10 Stone Crescent, Cheltenham, GL51 8DP**

On behalf of the case officer, the Interim Head of Planning presented the report, at committee at the request of Councillors Pineger and Willingham. He highlighted that this is a parcel of undeveloped land in the principal urban area and part of an allocated housing site under Policy HD5 of the Local Plan. It is adjacent to another plot where the same developer has extant planning permission for 13 dwellings.

The scheme has been amended during consideration to reduce the number of dwellings from seven to six, improve landscaping and planting, include mitigation measures for contaminated land and drainage, and retain a strip of land adjacent to Plot 6, to help facilitate a future pedestrian link to the King George V playing fields. It is regrettable that no affordable housing is included, but appropriate viability testing has been undertaken, and this is not therefore a reason to refuse permission. With no five-year housing land supply, the NPPF states that permission should be granted unless the adverse impact of the scheme significantly and demonstrably outweighs the benefit. Officers consider the scheme to be acceptable, and recommend approval, subject to a number of conditions.

#### **Public speaking**

##### **Neighbour, in objection**

Speaking on behalf of residents, the neighbour began by listing their concerns. He said the increase in traffic and single vehicular entry/exit point for the new development will heavily impact the already congested area. Parking for the new houses, none of which are affordable, is likely to overspill into the existing estate, where it is already an issue due to the high number of HMOs.

Narrow roads, no real turning areas, and overgrown hedges around Wharfdale Square block and impair drivers' vision, causing problems for all types of vehicles; construction vehicles will experience the same, thereby causing major obstructions, inconvenience and potential health and safety issues. Inconsiderate parking by school-run parents already causes issues, forcing drivers to drive on the wrong side of the road or perform evasive manoeuvres to avoid collisions, and with no pavements in Wharfdale Square, pedestrians and children often use the brick-paved roads. Near misses are common, and the traffic will increase significantly with the new houses.

He concluded by saying that the future of the area and its community is very important to residents, who feel their daily lives will be negatively impacted by the new development. They do not feel they have been properly consulted or given the

opportunity to discuss their concerns, and request a public consultation if the plans are permitted, to give residents reassurance that the strict measures imposed on the developers will minimise the impact on existing residents.

### **Applicant, in support**

The applicant began by saying that all the key issues and amendments were thoroughly explained in the officer reports. He said the major sewers and large water main had created some technical constraints, but these had been taken into account. This is an allocated housing site in a sustainable location, and will provide much-needed modern homes in the location.

Aware of concerns about parking from residents of Stone Crescent, the scheme includes the maximum parking acceptable to the highways department and CBC - averaging 2.5 spaces per 3-bedroomed semi - to ensure existing parking issues aren't made worse by the proposals. The proposed site road has been designed to accommodate on-road visitor parking and there is a turning head on the approved lay-out. Regarding concerns about additional traffic pressure on Rowanfield School at peak times, he said the development is some distance from the school entrance and will have no effect on existing parking issues. Delivery lorries and site traffic will not be allowed at school drop-off and collection times.

He said New Dawn Homes is a Cheltenham-based business, building quality homes which are highly insulated, environmentally friendly with solar panels, permeable paving, underground attenuation tanks to restrict rainwater run-off, and enhanced landscaping. He regretted that the requested footpath link to King George V playing field couldn't be provided.

### **Councillor Richard Pineger**

Speaking as ward councillor and chair of the Friends of King George V Playing Field, Councillor Pineger said he supported the application, as Cheltenham needs more homes and he and officers have worked with the developer to overcome a number of objections, in particular traffic considerations and sustainability measures.

He said residents still remain concerned about the narrowness of Wharfdale Square and the constriction of Stone Crescent due to parked cars, with several HMOs in the area. This has resulted in Ubico lorries having to reverse down Stone Crescent, which has caused accidents, and residents are understandably concerned about construction traffic. He thanked the planning officer for adding conditions to control construction traffic, but regretted that a more creative solution could not be found.

Regarding resident traffic, he said most current residents of Wharfdale Square need to drive over the bricked, pedestrianised stretch of the square, with two blind corners, to access their homes, and adding a further 19 houses will make this situation even more dangerous. He hoped that this inconvenience and the proximity to the park will result in families keen on parks and active travel buying the new houses.

He thanked the applicant for incorporating the 3m-wide strip of land through to the playing field, which will provide good connectivity and hopefully result in less carbon emissions, in line with CBC's Climate Change SPD. A government survey has shown that people in neighbourhoods with green places are happier and healthier, and his own survey shows the majority of residents in favour of the path. The Friends of King George V Playing Fields are also in support, with plans to create a connecting ramp and circular path around the field. The applicants have committed to providing the additional 2m width required by amending the extant 2018 plan, giving a 3m-wide path which will discourage anti-social behaviour.

### **Councillor Willingham**

Having raised concerns about the additional pressure of further development on existing sewerage connections, and been advised that this wasn't a planning matter, Councillor Willingham said he did not accept this, telling Members about a family in his constituency downstream of the development regularly get raw sewage in their back garden. He said a condition to upgrade the sewer was needed.

He said the neighbour's eloquent objection raised real concerns about the single-road access out to Alstone Lane, and the potential chaos created by an additional 19 new houses at school drop-off and pick-up times. This is not safe, yet there no mitigation measures are proposed.

Regarding affordable housing, he said three units should be required from this development, and if this is not viable, evidence should be provided. New Dawn's latest accounts show significant profits, so to suggest that they cannot afford to include affordable housing is questionable. They have also failed to add any provision for uplift if they make more profit than the figures provided suggest. The Cabinet Member for Housing is disappointed that the council has failed to achieve any affordable housing here; CBC needs to look after people who require affordable housing, and it is shameful neglect to approve the scheme based on the developer's figures. These should be scrutinised by the committee and uplift provision conditioned – otherwise CBC is failing the least well-off in Cheltenham.

### **Member questions**

The Interim Head of Planning and Legal Officer provided the following responses to Members' questions:

- the district valuer was consulted regarding the viability of the scheme and whether affordable housing should be included. That information is confidential and therefore not published, but no issues were raised. It should be noted that the district valuer takes a view based on the scheme, not the profitability of the developer;
- although Cheltenham needs more affordable homes, and the council normally looks for 40% on developments of 10 or more dwellings, this site as a whole is complicated by pipelines and other issues which affect viability, and the proposal being considered tonight is for just six houses, which do not trigger an affordable housing requirement in themselves, but did do when taken with the 13 dwellings already permitted;



- Severn Trent didn't respond to CBC's consultation but responded to the applicant's approach and didn't identify any particular concerns. As Members will be aware, this is not a planning issue and therefore not a material consideration. If any major problems had been present, Severn Trent would have been expected to flag these, and if they had it may then have reasonable for these to be addressed before occupation;
- regarding parking, and the residents' concern about overspill to the surrounding streets, the report states that a condition requiring parking arrangements to remain as approved is included i.e. the development will be built in accordance with the planned lay-out for the whole site, to maintain the situation, not make it worse;
- although Condition 14 requires parking and turning facilities to be used for no other purpose, CBC is not the highways authority and not in control of where people park. Permitted development rights have been removed, so it's hoped that garages will remain as garages, which should alleviate parking problems.

### **Member debate**

In debate, Members made the following comments:

- although there is a condition about the hours of construction on site, rules are often not observed, and large construction vehicles accessing and delivering to the site could cause problems for residents at busy school times, particularly in the paved area without pavements. A condition to control this would be helpful;
- parking is a matter of common sense, and unfortunately there are a lot of inconsiderate drivers parking in inappropriate places. There is not much the council can do about this.

The Legal Officer suggested that delivery hours could be strengthened in explicitly mentioning this in the Construction Method Statement under Condition 3.

### **Vote on officer recommendation to permit**

7 in support

2 abstentions

**PERMIT**

### **6 23/01123/LBC The Wilson Cheltenham Art Gallery & Museum, Clarence Street, Cheltenham GL50 3JT**

Councillor Clark left the Chamber, having declared an interest in this item.

The Interim Head of Planning explained that this application is at committee before the end of the second consultation period to allow CBC to meet its performance targets. He said the recommendation is subject to no further adverse comments.

The Senior Heritage and Conservation Officer introduced his report, for various internal works to the first floor of The Wilson Art Gallery and Museum, including a mezzanine floor, covering of windows, and replacement doors. He noted that the

changes don't significantly affect the historical features of the building and could all be reversed at a future date without harm.

There were no public speakers or Member questions on this item.

A Member commented that he supported the application, which will allow more artworks to be displayed.

### **Vote on recommendation to grant listed building consent**

8 in support – unanimous

**GRANT**

## **7 Appeal Update**

The Interim Head of Planning used the opportunity to clarify some recent misreporting in The Times and on Gloucestershire Live, concerning the Miller Homes application for 350 homes in Leckhampton. He said that The Times article suggested that the Secretary of State had called in the council's decision to approve the scheme, but this was not the case. The council actually refused the scheme for reasons around construction and sustainability; Miller Homes submitted an appeal, but the Secretary of State called in the case prior to its consideration at an informal hearing. At the hearing, the planning inspector said the decision would be made by the Planning Inspectorate, but subsequent to the closure of the informal hearing, she wrote to relevant parties to say this was incorrect and the Secretary of State would make the final decision.

He said the process will now be that the planning inspector will provide a report to the Secretary of State, who will consider the case, although there is no indication of when he may make his decision.

In response to a Member's question as to how the Secretary of State could call in a decision already refused by CBC, the Interim Head of Planning said that the Secretary of State delegates decision making on appeals to the Planning Inspectorate, but retains the right to make the decision himself. The Legal Officer further clarified by saying the correct terminology for this is a 'recovered appeal' – the Secretary of State has recovered authority to make the final decision on the appeal.

A Member noted that this wasn't the first time the press had misreported planning decisions and felt it was important to make the public aware, through a press release. The Interim Head of Planning confirmed that the Cabinet portfolio holder distributed a statement after the Times article, though this doesn't appear to have been reported anywhere, and he is going to make another statement to set the record straight locally. The Chair commented that he had emailed the Gloucestershire Live journalist, but received no response.

As ward councillor for Leckhampton, a Member was disappointed not to have received the letter from the planning inspector explaining the situation, as promised at the informal hearing. The Interim Head of Planning suggested this may have been sent only to people who actually signed in at the appeal hearing, not to everyone present.

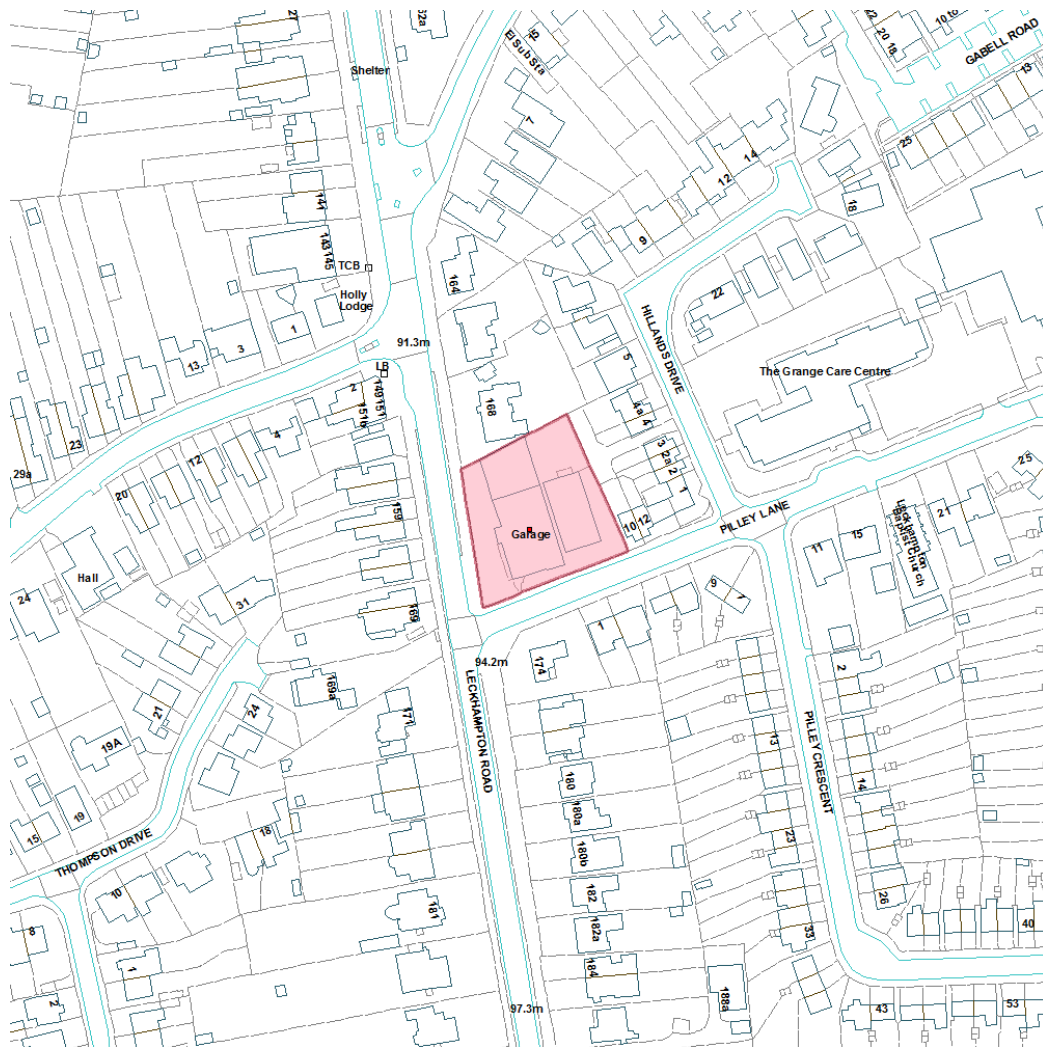
**8 Any other items the Chairman determines urgent and requires a decision**

There was none.

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<b>APPLICATION NO:</b> 23/00813/FUL	<b>OFFICER:</b> Michelle Payne
<b>DATE REGISTERED:</b> 13th May 2023	<b>DATE OF EXPIRY:</b> 12th August 2023 <small>(extension of time agreed until 25th September 2023)</small>
<b>DATE VALIDATED:</b> 13th May 2023	<b>DATE OF SITE VISIT:</b>
<b>WARD:</b> Leckhampton	<b>PARISH:</b> Leckhampton With Warden Hill
<b>APPLICANT:</b>	Boo Homes (Leckhampton Road) Ltd
<b>AGENT:</b>	SF Planning Limited
<b>LOCATION:</b>	170 - 172 Leckhampton Road Cheltenham Gloucestershire
<b>PROPOSAL:</b>	Demolition of existing buildings and erection of mixed use development comprising a retail food store with associated car parking and landscaping, 8no. 1-bedroom apartments, 4no. 2-bedroom apartments, and 2no. 4-bedroom houses

**RECOMMENDATION:** Permit subject to a 106 Obligation



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## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site is prominently located on the corner of Leckhampton Road and Pilley Lane, within Leckhampton with Warden Hill parish. The site was formerly in use as a car dealership and MOT garage but has been vacant for almost two years; the former occupier, John Wilkins Cars, having relocated at the end of 2021. Prior to this, the site was used as a petrol filling station. The site is located within the Principal Urban Area (PUA) and is approximately 0.2 hectares in size. The site is not subject to any other designation.
- 1.2 The existing buildings on site are single storey but prominent within the street scene, and are utilitarian in their appearance albeit they vary in their design. Externally, the buildings are faced in red brick or render. The remainder of the site is hard surfaced, and almost entirely devoid of landscaping, having been used for the display of cars, and car parking. Access to the site is provided from Pilley Lane. The existing buildings provide a total of 973m<sup>2</sup> of floorspace.
- 1.3 The surrounding area is almost entirely residential in nature, with buildings varying greatly in age and architectural style. Land gently rises from north to south along this stretch of Leckhampton Road.
- 1.4 The application proposes the demolition of the existing buildings on site and the erection of a new mixed use development comprising a three storey building with a retail food store (410m<sup>2</sup>) at ground floor, and 12no. apartments on the upper floors (8no. 1-bedroom and 4no. 2-bedroom apartments), and a pair of semi-detached 4-bedroom houses; together with associated car parking (30no. spaces in total) and landscaping. A loading bay to serve the retail unit is proposed in Pilley Lane.
- 1.5 The proposed buildings are three storeys in height, with the top floors recessed. The retail/apartment block addresses the prominent corner, with the houses located to the north fronting Leckhampton Road. Externally, the buildings are faced in brick and render, with cladding to the recessed top floors.
- 1.6 Revised plans have been submitted during the course of the application and these are discussed in the report below. The quantum of development is unchanged.
- 1.7 In addition to drawings, the application is supported by the following detailed reports and statements; all of which have been available to view on the Council's website:
- Planning Statement
  - Design and Access Statement
  - Land Contamination Assessment
  - Noise Impact Assessment
  - Transport Assessment
  - Biodiversity Survey and Report
  - Biodiversity Net Gain Preliminary Design Stage Report
  - Drainage Strategy Technical Note
  - Waste Minimisation Statement
- 1.8 The application is before the planning committee at the request of Cllr Nelson because:
- It is a significant development on a relatively small plot. There is a lot of public interest already being expressed, particularly regarding road safety, biodiversity mitigation, impact on neighbouring properties of emissions and noise from car parking as well as possible loss of amenity. Also, the perception that at 3 stories high, this could be considered as over development. Certainly, the roof line is significantly higher than neighbouring properties [sic].*

- 1.9 The application has also been objected to by the Parish Council, Civic Society, and Architects Panel, whose comments can be found in the Appendix below.
- 1.10 Members will have the opportunity to visit the site on planning view.

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

### **Constraints:**

Airport Safeguarding over 45m  
Principal Urban Area  
Smoke Control Order

### **Relevant Planning History:**

Whilst there is a fairly extensive planning history on the site, there is none of any particular relevance to this proposal

## 3. POLICIES AND GUIDANCE

### **National Planning Policy Framework 2023 (NPPF)**

Section 2 Achieving sustainable development  
Section 4 Decision-making  
Section 5 Delivering a sufficient supply of homes  
Section 6 Building a strong, competitive economy  
Section 7 Ensuring the vitality of town centres  
Section 8 Promoting healthy and safe communities  
Section 9 Promoting sustainable transport  
Section 11 Making effective use of land  
Section 12 Achieving well-designed places  
Section 14 Meeting the challenge of climate change, flooding and coastal change  
Section 15 Conserving and enhancing the natural environment

### **Saved Cheltenham Borough Local Plan 2006 (CBLP) Policies**

RT 1 Location of retail development

### **Adopted Cheltenham Plan 2020 (CP) Policies**

EM2 Safeguarding Non-Designated Existing Employment Land and Buildings  
D1 Design  
BG1 Cotswold Beechwoods Special Area Of Conservation Recreation Pressure  
SL1 Safe and Sustainable Living

### **Adopted Joint Core Strategy 2017 (JCS) Policies**

SD2 Retail and City / Town Centres  
SD3 Sustainable Design and Construction  
SD4 Design Requirements  
SD9 Biodiversity and Geodiversity  
SD10 Residential Development  
SD11 Housing Mix and Standards  
SD12 Affordable Housing  
SD14 Health and Environmental Quality  
INF1 Transport Network  
INF2 Flood Risk Management  
INF3 Green Infrastructure  
INF7 Developer Contributions

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

Development on Garden Land and Infill Sites in Cheltenham (2009)  
Cheltenham Climate Change SPD (2022)

#### 4. CONSULTATION RESPONSES

See appendix at end of report

#### 5. PUBLICITY AND REPRESENTATIONS

- 5.1 Letters of notification were sent to 27 neighbouring properties on receipt of the application. In addition, a site notice was posted and an advert published in the Gloucestershire Echo.
- 5.2 Additional consultation was carried out on receipt of the revised plans.
- 5.3 In response to the publicity, 63 representations have been received; 30 in objection, 30 in support, and three general comments. The comments have been circulated in full to members.
- 5.4 The objections are summarised below:
- More consideration should be given to nearby residents
  - If people need to travel by car they can go to the Bath Road
  - The design is incongruous
  - The buildings are too tall / the top floor should be removed
  - The Pilley Lane junction should become traffic-light controlled with a pedestrian phase
  - Concerns that the parking problem will simply be moved
  - Inadequate parking for the residential properties
  - The number of flats should be reduced / the residential element is excessive
  - Encroachment of the building line along Leckhampton Road and the return of Pilley Lane
  - A community cafe or youth hall would be more appropriate and in keeping with the needs of a district community
  - Why isn't access being provided off Leckhampton Road?
  - The height of the building is not consistent with adjoining roof heights
  - The development would have an adverse impact on the character of the area
  - There will be a significant increase in risk to pedestrians
  - The development would have an adverse impact in terms of noise and disturbance, with increased noise at unsociable hours
  - The height of the proposed development means that surrounding properties will be overlooked
  - The scale of the proposed development means a reduction in natural light to the surrounding area
  - The three storey building is poorly designed, unattractive and is not sympathetic to other residential properties nearby
  - It is not acceptable to build a mixed development opposite and nearby two storey properties whose privacy will be adversely affected
  - Is there a need for a bigger store?
  - Illuminated signage could provide an unwelcome amount of light pollution for the houses opposite
  - The proposed development will have a semi-industrial appearance, offering little visual interest
  - Is there a market for more flats in the area?
  - The planning application is for market housing only
  - Does Cheltenham need yet another sizeable supermarket?
  - Delivery times to the Co-op are far too early at 5am
  - The inclusion of balconies on the second floor of the development raises valid privacy concerns



- The overshadowing effect of the proposed development during the winter months poses a significant problem
- Concerns regarding air pollution
- The proposal provides insufficient parking for residents, customers and Co-Op employees.

5.5 The comments in support of the application are summarised below:

- Redevelopment of the site would allow for a new, larger, fit for purpose store with easier access and improved parking
- The location of the current store is dangerous in such close proximity to the roundabouts, and results in conflict with pedestrians
- The development is well designed and in-keeping with surrounding development
- The development will lead to a safer arrangement for both pedestrians and cars
- it is a great that the Co-Op wish to invest in the area and make it an improved retail store to serve the community
- The development would create more housing
- The Co-op is a valuable local resource that has clearly outgrown its existing site
- The existing Co-op site is an eyesore and needs to be redeveloped
- The design is modern and reflects that of some redeveloped houses in the area
- The Coop is an excellent and reputable employer
- Good to see some smaller homes for younger people or those on a budget

## 6. OFFICER COMMENTS

### 6.1 Determining issues

6.1.1 The main considerations when determining this application relate to the principle of redevelopment in terms of the loss of the existing employment site and the replacement uses; design and layout; climate change; parking and highway safety; neighbouring amenity; ecology and biodiversity; and affordable housing.

### 6.2 Principle

6.2.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. In accordance with paragraph 11 of the National Planning Policy Framework (NPPF) which sets out a “*presumption in favour of sustainable development*” proposals that accord with an up-to-date development plan should be approved without delay.

6.2.2 The development plan comprises saved policies of the Cheltenham Borough Local Plan Second Review 2006 (CBLP); adopted policies of the Cheltenham Plan 2020 (CP); and adopted policies of the Tewkesbury, Gloucester and Cheltenham Joint Core Strategy 2017 (JCS). Other material considerations include the NPPF, and Planning Practice Guidance (PPG).

#### *Loss of existing employment use*

6.2.3 Adopted CP policy EM2 seeks to safeguard non-designated employment land and buildings and advises that:

*Development proposals for a change of use of land and buildings currently or last in employment use (Note 1) will only be permitted where:*

- a) buildings were constructed and first occupied for residential use; or*

*b) the loss of the site to other uses does not have a detrimental impact on the continuing operation of existing businesses in the vicinity (Note 2) and;*

*i. The proposed use is job-generating (Note 3) with any loss of existing provision being offset by a net gain in the quality (Note 4) and / or the number of jobs provided on the site; or*

*ii. Development of the site will ensure the relocation of an existing firm to a more suitable location within the Borough (Note 5); or*

*iii. There has been a sustained and long-term absence of economic activity on the land with no reasonable prospect of the land being used for employment (Note 6); or*

*c) The applicant for planning permission can demonstrate that employment use creates unacceptable environmental or traffic problems which cannot be satisfactorily resolved.*

6.2.4 In this case, officers are satisfied that the proposed development would be in accordance with exception b) of the above policy, in that a change in the use of the site would not have any detrimental impact on the continuing operation of existing businesses in the vicinity (the site does not form part of a wider employment site); the proposed ground floor retail use is job-generating (Note 3 to the policy referencing retail); and there is no reasonable prospect of the site being re-used for B class employment use in this predominantly residential location.

### *Proposed retail use*

6.2.5 Notwithstanding the above, saved CBLP policy RT1 is pertinent to a degree; the policy sets out the sequential approach for new retail development. However, the Planning Statement which accompanies the application acknowledges that, on the face of it, the proposal would be in conflict with this policy, and that the sequential test is not relevant because, in this case, no new retail offering is proposed; the application would simply allow the relocation of the existing Co-op store which forms the nearby Leckhampton Road Neighbourhood Centre. The existing store is popular with customers but there are well-known difficulties with the existing parking arrangements, and during deliveries.

6.2.6 Indeed, many members will be aware of an application in 2021 (ref.21/00279/FUL) which sought to address the current parking problems at the existing Co-op site. The application sought to demolish a neighbouring detached bungalow on the corner of Church Road and Leckhampton Road in order to extend the car parking forecourt resulting a net increase of 8 additional car parking spaces, together with a new pedestrian route through the car park; however, whilst the application was supported by officers, it was refused by the planning committee due to the loss of the existing bungalow and the unacceptable impact on the amenity of no.1 Church Road.

6.2.7 The Planning Statement also sets out that the Co-op are contractually obliged to relocate to the proposed new store if planning permission is granted, and this can be secured by an s106 legal agreement to ensure that this application indeed represents a relocation rather than a new retail development. Firstly, the s106 would include an obligation binding on the existing site whereby the Co-op covenant that on first occupation/use of the new site for any retail purposes that the existing site would cease to be used for retail within an agreed time period; and secondly, an obligation binding the application site, whereby it is covenanted that if the existing site has not ceased retail use within the agreed time period, the retail use will cease on the new site.

## *Proposed residential use*

6.2.8 As previously noted, the application site is sustainably located within the PUA, wherein adopted JCS policy SD10 supports new housing development on previously-developed land. However, in any event, the housing policies are out-of-date (as the Council cannot demonstrate a five year supply of deliverable housing sites), and therefore the 'tilted balance' in favour of granting permission is triggered. The proposed development would result in the welcome provision of an additional 14no. residential units, and make a small but valuable contribution to the borough's much needed housing stock.

6.2.9 With all of the above in mind, officers are satisfied that, in principle, the proposed redevelopment of the site is acceptable, subject to the material considerations discussed below. The existing buildings on site are of no architectural merit and no objection is raised to their demolition subject to a satisfactory scheme for redevelopment.

## 6.3 Design and layout

6.3.1 Paragraph 130 of the NPPF requires decisions on planning applications to ensure that new developments "*will function well and add to the overall quality of the area...; are visually attractive...; are sympathetic to local character...including the surrounding built environment...whilst not preventing or discouraging appropriate innovation or change (such as increased densities); establish or maintain a strong sense of place...; optimise the potential of the site...; and create places that are safe, inclusive and accessible...with a high standard of amenity for existing and future users*".

6.3.2 The above requirement is generally consistent with the design requirements set out in adopted CP policy D1 and JCS policy SD4.

6.3.3 Additional guidance of relevance to this application can be found in the Council's adopted SPD relating to development on garden land and infill sites, which sets out that various elements combine to create the character of an area and include grain, type of building, location of buildings within the block or street, plot widths and building lines. The document states at paragraph 3.5 that "*Responding to character is not simply about copying or replicating what already exists in an area...Change in itself is not considered a bad thing automatically...*"

### *Layout*

6.3.4 The Planning Statement sets out that the site layout has been influenced by the operational needs of the Co-op; this site provides the opportunity to create an exemplar layout that is sympathetic to local residents as well as the needs of the Co-op.

6.3.5 The main entrance to the retail store would be located in the south-eastern corner of the building, within the site, facing the car parking; with storage and other ancillary facilities located to the rear and side of the main retail space fronting the highway. A loading bay would be located to the south of the store on Pilley Lane.

6.3.6 Access to the apartments on the upper floors would also be provided to the rear from the car park.

6.3.7 Vehicular access to the site will continue to be provided from Pilley Lane, with parking available to the east of the site. As you enter the site, 15no. customer car parking spaces would be provided, to include 1no. disabled space and 1no. electric vehicle charging point; and leading further into the site, an additional 15no. private spaces for the residential properties would be provided. The two separate car parking areas would be delineated by landscaping, a speed ramp, and a bin store serving the apartments, together with a change in surfacing materials. Cycle racks (12no.) for staff and customers would be provided adjacent to the store entrance; with 16no. cycle racks for the residential properties provides

within the private parking area. The retail unit and apartments would also be provided with dedicated bin/recycling storage areas; with the houses benefitting from adequate space within the plot. Additional details can be secured by condition.

6.3.8 Pedestrian access to the site has been improved in the revised plans, with pedestrian access available from both Leckhampton Road and Pilley Lane.

6.3.9 The pair of townhouses would be located to the north of the retail/apartment block.

6.3.10 Generous areas of landscaping and tree planting along the Leckhampton Road frontage, together with additional landscaping adjacent to the vehicular access and within the car park would help to soften the development within the street scene. The Tree Officer considers the submitted arboricultural report to be thorough and well-considered. The detailed landscaping scheme can be secured by condition.

6.3.11 Officers are therefore satisfied that the general layout of the site is acceptable. The concerns of the Civic Society and the Architects Panel in respect of the layout have been duly noted; but, whilst there may be some merit in the entrance fronting the highway, officers do not consider this necessary in order to support the scheme. There are other examples of retail food stores in the town which have their storage and ancillary areas fronting the highway, with their store entrance facing the car park.

6.3.12 The applicant has reiterated the rationale behind the proposed layout, i.e. that the scheme seeks to address the shortcomings of the existing site in terms deliveries and highway safety impacts. They also accept that the layout results in a less active ground floor to the Leckhampton Road elevation, but suggest that this is more than compensated for by the generous landscaping proposals which have been further enhanced by the opening up of the corner of the site.

### *Design*

6.3.13 As previously noted, the scheme has been revised during the course of the application, resulting in significant improvements; the revisions include:

- Changes to the external appearance of the building, with a rendered finish now proposed to the upper floors of the retail/apartment block; these elevational changes helping to break up the massing and bulk of the building;
- Changes to the street facing elevations at ground floor to introduce additional visual interest and activity;
- A 400mm reduction in the height of the retail/apartment building, and the introduction of a bris soleil on the top floor to provide a visual 'cap' to the building; and
- The removal of the projecting balconies to the Pilley Lane and Leckhampton Road frontages.

6.3.14 In its revised form, officers consider the design of the scheme to be acceptable. Whilst concerns have been raised in relation to the height of the buildings, no particular harm has been identified. The top floors are recessed from the buildings below, and are effectively the 'roof'; and the use of an alternative facing material at this level would further help to ensure that the top floor reads as part of the roofscape. In addition, the top floor will not be a prominent addition when viewed from street level; much of the top floor only being visible in longer views. The street scene elevations demonstrate that the buildings would step up in relation to the sloping nature of this part of Leckhampton Road. Furthermore, it is not uncommon for buildings on corner plots to be taller than surrounding buildings, and more substantial. Concerns in relation to the building encroaching on the building line have been noted; but the building line along Leckhampton Road, and the proximity of buildings to the highway, varies.

6.3.15 Moreover, it is important to acknowledge that the removal of the top floors, particularly that of the retail/apartment block, would result in a reduction in residential units (5 apartments) which, given the Council's severe shortage of housing land supply, would be at odds with JCS policy SD10 which requires new residential development proposals to achieve maximum densities compatible with good design. Moreover, throughout the NPPF emphasis is given to new development optimising the potential of the site; with the Government recognising the benefits of extending upwards in terms of maximising development potential. Officers acknowledge that the proposed development would undoubtedly have a far greater visual impact within the street scene than the existing buildings but this, in itself, is not considered to be unacceptable or harmful.

6.3.16 Externally, the pair of dwellings would be faced in render with powder coated aluminium cladding panels to the recessed top floor, powder coated aluminium windows and hardwood doors. The retail/apartment block would now be similarly faced in render at first floor, with red brick at ground floor, and powder coated aluminium cladding to the top floor. At ground floor, the glazing will comprise a mix of clear glazed, and ceramic backed obscure glazed, full height windows. Officers are satisfied that, in its revised form, the proposed corner building is far less utilitarian in its appearance, and the palette of materials proposed across the site are appropriate in this location, given the variety of materials found in the surrounding area. That said, a high quality palette of external facing materials and finishes will be key to the success of the scheme, particularly the brickwork, and therefore conditions are suggested which require the submission of additional design details, and the construction of a sample panel of brickwork on site for consideration.

6.3.17 Officers do not agree with the Architects Panel and Civic Society views that the apartment layouts are cramped; nor that they are "*generally poorly designed*"; the proposed apartments meet the requirements of the nationally described space standard.

6.3.18 As a whole, officers therefore consider the design and layout of the development to be acceptable and in accordance with relevant design policies.

#### 6.4 Climate change

6.4.1 In addition to the abovementioned design policies, adopted JCS policy SD3 requires new development to be designed and constructed to maximise the principles of sustainability; development proposals are required to "*demonstrate how they contribute to the aims of sustainability*" and "*be adaptable to climate change in respect of the design, layout, siting, orientation...*" The policy requires major planning applications to be accompanied by an Energy Statement.

6.4.2 JCS paragraph 14.4.11 goes on to advise that:

*Before considering the use of renewable energy technologies the design of a development should first identify measures to reduce overall energy demand. This can include choice of building fabric and construction techniques, optimising solar gain, natural lighting and ventilation to reduce the need for space heating and/or cooling and lighting. Secondly, the design should include measures to use energy more efficiently such as increasing levels of insulation in walls, floors and roofs and improved air-tightness.*

6.4.3 The adopted Cheltenham Climate Change SPD also provides guidance on how applicants can successfully integrate a best-practice approach towards climate change and biodiversity in all new development proposals.

6.4.4 As required, the application is supported by a Climate Change Checklist (Appendix 2 to the Planning Statement) in support of the application that sets out the measures proposed as part of this development. The measures include, but are not limited to:

- The provision of fittings and appliances that use water more efficiently in order to reduce water consumption
- The installation of air source heat pumps for the houses
- Fossil-fuel free heating for the retail unit and apartments, i.e., an energy efficient electrical system
- Flat roofs to maximise the number of solar PV panels that can be accommodated
- The provision of an electric vehicle charging point
- The attenuation of surface water run-off on site so as to reduce the risk of flooding both on and off site

6.4.5 Such measures are welcomed and would go some way to helping Cheltenham meet its commitment to become a net zero carbon council and borough by 2030.

### 6.5 Parking and highway safety

6.5.1 Adopted JCS policy INF1 requires all development proposals to provide safe and efficient access to the highway network for all transport modes; and provide connections where appropriate, to existing walking, cycling and passenger transport networks to ensure that credible travel choices are provided by sustainable modes. The policy states that planning permission will only be granted where the impacts of the development are not considered to be severe, and requires developers to assess the impact of proposals through a Transport Assessment.

6.5.2 The above policy generally reflects the advice set out within the NPPF at Section 9; however, the following paragraphs of the NPPF set out additional relevant requirements:

*110. In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:*

- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;*
- b) safe and suitable access to the site can be achieved for all users;*
- c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and*
- d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.*

*111. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*

*112. Within this context, applications for development should:*

- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;*
- b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;*
- c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;*

- d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and
- e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

*113. All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.*

6.5.3 From a highways perspective, the access, parking and highway safety impacts associated with both the proposed retail and residential uses, and the delivery and service management of the site has been assessed by the Highways Development Management Team (HDM) at the County Council, as the Highway Authority acting in its role as Statutory Consultee, and their full comments can be read in the Appendix below.

6.5.4 As previously noted, vehicular access to the site will continue to be provided from Pilley Lane, with HDM satisfied that adequate visibility can be achieved in all directions. 15no. customer car parking spaces for the retail unit would be provided, to include 1no. disabled space and 1no. electric vehicle charging point; with an additional 15no. private spaces for the residential properties. Cycle parking would also be provided.

6.5.5 Overall, HDM are satisfied that the proposed development concludes would not result in any unacceptable highway safety impact, or have a severe impact on congestion; and that *“There are no justifiable grounds on which an objection could be maintained”*, subject to conditions.

6.5.6 Although HDM acknowledge that there is an overall shortfall of one parking space for the residential element of the scheme (based on the minimum parking standards set out in Manual for Gloucestershire Streets (MfGS) Addendum October 2021), they are satisfied that this would not result in an adverse impact on the operation of the local road network. The MfGS minimum parking standards are 1 car parking space for 1-2 bedroom units, and 2 spaces for 3-4 bedroom units, and are based on evidence of car ownership levels; however, MfGS is not a prescriptive document. Additionally, whilst a lack of parking is raised as a concern by many of the objectors, it is important to ensure that new developments are designed to reduce reliance on the use of motor vehicles, and encourage more sustainable forms of transport.

6.5.7 Parking for the retail element is based on an accumulation analysis through the outputs of the TRICS assessment which informed the likely number of daily trips, and this is accepted by HDM. Whilst this shows a peak hour of demand of 16 vehicles between 1700-1800 hours, for the majority of the day, the demand is 11 vehicles or less. On this basis, HDM are satisfied with the level of parking proposed for the retail unit. HDM recognise that on-street parking could occur in the local area, but there are no mechanisms beyond localised traffic regulation orders that could prevent on-street parking from occurring.

6.5.8 HDM do raise some concern over the management of the internal parking area, principally whether or not future residents would have allocated parking spaces and how their use by customers of the retail unit would be prevented; and therefore request that a condition be imposed to secure the submission of a detailed parking management plan. This would also need to detail how the use of the loading bay would be managed.

6.5.9 Officers have no reason to disagree with the HDM assessment of the proposals and are therefore satisfied that the requirements of JCS policy INF1 and NPPF paragraphs 110 – 113 are met.

### 6.6 Amenity

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

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

6.6.2 Adopted JCS policy SD14 reiterates this advice and also seeks to ensure high quality developments that “*protect and seek to improve environmental quality*”.

6.6.3 The proposed development has given rise to a number of objections on amenity grounds which primarily relate to noise and disturbance likely to be generated by the proposed use, including deliveries to the store, light pollution, and loss of privacy.

#### *Noise and disturbance*

6.6.4 The application is supported by a Noise Impact Assessment (NIA) which has been reviewed by the Environmental Health team (EH). The NIA addresses noise from deliveries and fixed plant.

6.6.5 EH are satisfied that the NIA “*provides a suitable and comprehensive assessment of the noise climate around the site, and predictions of noise from plant at the retail site and deliveries*” and raise no objection to the principle of development, subject to conditions.

6.6.6 Deliveries to the retail store are proposed to be restricted to between the hours of 7am and 9pm, and EH agree that it is necessary to restrict delivery hours to prohibit overnight deliveries. Whilst the hours of 7am to 9pm are considered to be acceptable during the week, EH consider it necessary to restrict delivery times on Saturday, Sundays and Public/Bank holidays to 9am to 9pm, due to the effect on the nearest residential property; this can be controlled by condition.

6.6.7 The proposed opening hours for the store are between 7am to 10pm Monday to Sunday (including Bank/Public holidays). The opening hours are the same as those of the existing store which is surrounded by residential properties. EH have raised no concerns in relation to the opening hours.

6.6.8 Any increase in noise from the residential properties should not be detrimental to the amenity of neighbouring land users.

#### *Lighting*

6.6.9 Subject to a sensitively designed lighting scheme, which can be secured by condition, officers are satisfied that the lighting and signage for the retail store can be achieved without harm to neighbouring residential properties in terms of light pollution. Modern lighting solutions greatly reduce the potential for light pollution.

#### *Loss of privacy / overlooking*

6.6.10 Officers are satisfied that no unacceptable loss of privacy or overlooking would occur as a result of the development. Note 2 to CP policy SL1 advises that in determining privacy for residents, the Council will seek a minimum distance of 21 metres between dwellings which face each other where both have windows with clear glazing, and 12 metres between dwellings which face each other where only one has windows with clear glazing. This is reiterated in the Council’s adopted Development on Garden Land and Infill Sites SPD which



also sets out that where a dwelling is facing onto a boundary, a distance of 10.5m from the boundary is generally required where upper floor windows are clear glazed.

6.6.11 In this case, the windows in the proposed development comfortably achieve the above distances. The windows in the elevation fronting Leckhampton Road would achieve a minimum distance of 25m to windows in the properties on the opposite side of Leckhampton Road. To the rear, the windows would be some 35m from the windows in the rear of properties in Hillands Drive, and approximately 18m from the boundary with no.10 Pilley Lane. Additionally, the windows in the Pilley Lane elevation would be some 21m from windows in the property opposite, and more than 15m from their boundary. There are no windows in the side of the proposed house which would sit in proximity to the boundary with the property to the north, no. 168 Leckhampton Road.

### *Contaminated land*

6.6.12 It is recognised that the site has previously been used for an extensive period as a petrol filling station and an MOT garage and the application is therefore accompanied by a Pre-Planning Geo-Environmental Desk Study Report. This initial report indicates that concrete-filled fuel tanks are likely to remain in situ leading to a moderate to high risk of pollutant linkages to future site users and recommends at paragraph 6.3 that further intrusive investigations are carried out. EH agree that this work should be carried out at the earliest opportunity to allow further detailed comment. This additional investigation work can be secured by condition.

### *Air Quality*

6.6.13 Air quality has been raised as an issue by local residents but EH have verbally confirmed that there are no concerns in relation to air quality in this location; it is not a vulnerable area. An Air Quality Assessment is not required.

6.6.14 On balance, officers are therefore satisfied that the development would not result in any unacceptable impact upon the amenities and living conditions of those residential neighbours living close to the site. It is important to recognise that whilst the site has been vacant for some time, it is a brownfield site, on a busy route in to the town, which benefits from a long established commercial use.

## 6.7 Ecology and biodiversity

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

### *Protected species*

6.7.2 The application is accompanied by a Preliminary Ecological Appraisal (PEA). The PEA found the buildings on site to have negligible potential for roosting bats and that no additional surveys were required in this respect. The PEA also found the site to be poor foraging and commuting habitat and again no further surveys are considered necessary. A suitable lighting design strategy to maximise the value of the site for foraging bats can be secured by condition; together with measures to incorporate new roosts into the building such as installing bat tubes, panels, shelters or boxes in suitable locations around the site.

6.7.3 The PEA also identifies the site as providing minimal, poor quality, foraging habitat and limited potential for nesting; no evidence of nesting was recorded. The proposed development, however, provides the opportunity to include enhancements for nesting and foraging birds, with new planting on site being native to the area and ideally producing a

range of seeds and berries at varying times of the year. Nectar rich plants could also be included to encourage invertebrates on to the site, which in turn provide food for birds as well as other species such as bats. Bird boxes could also be installed. Again, these enhancements could be secured by condition.

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

6.7.4 The application site lies within a zone of influence as set out in the Cotswold Beechwoods SAC Recreation Mitigation Strategy (May 2022) for recreational pressure for the Cotswold Beechwoods SAC, which is afforded protection under the Conservation of Habitats and Species Regulations 2017 (as amended).

6.7.5 Adopted CP policy BG1 states that development will not be permitted where it would be likely to lead directly or indirectly to an adverse effect upon the integrity of the European Site Network and the effects cannot be mitigated. All development within the borough that leads to a net increase in dwellings will be required to mitigate any adverse effects. Without appropriate mitigation, the proposed development is likely to have a significant effect on the Cotswold Beechwoods SAC (either alone or in combination with other development) through increased recreational pressure.

6.7.6 The Council has undertaken an Appropriate Assessment and considers the measures set out in the abovementioned mitigation strategy to be necessary to provide adequate mitigation to address the impacts of the proposal. The applicant can choose to make a contribution towards the measures in the strategy, or to provide their own bespoke strategies to mitigate the impacts the proposed development will cause.

6.7.7 In this case, the applicant has opted to make the contribution of £673 per dwelling via an s106 legal agreement.

### *Biodiversity Net Gain (BNG)*

6.7.8 The Environment Act 2021 requires all development, except small sites, to deliver a mandatory 10% Biodiversity Net Gain (BNG) from November this year; there is no mandatory requirement in Cheltenham to provide BNG at present but the NPPF at paragraph 174 requires planning decisions “to contribute to and enhance the natural and local environment by... minimising impacts on and providing net gains for biodiversity”.

6.7.9 In this case, given the nature of the existing site, there can be little doubt that the proposed development would result in a gain to biodiversity; and the application is supported by a Biodiversity Net Gain Preliminary Design Stage Report and Biodiversity Metric to demonstrate this. The preliminary design stage report concludes that “*The proposed development will result in a habitat net gain of 0.32 units which is a 79409.57% biodiversity net gain*”, a significantly higher percentage gain than that being required come November.

6.7.10 To ensure the BNG is achieved, the areas of planting on site will need to be retained and managed for a minimum of 30 years, and a full specification of proposed habitats, including relevant management, would need to be provided within a Landscape and Ecological Management Plan (LEMP) or similar; as this can be secured by condition.

## 6.8 Affordable housing

6.8.1 JCS policy SD12 requires the provision of affordable housing in new developments. In Cheltenham, outside of Strategic Allocation sites, a minimum of 40% affordable housing is sought on sites of 11 dwellings or more.

6.8.2 In this case, the application proposes 14no. dwellings and therefore policy SD12 is triggered; a policy compliant 40% provision of affordable housing would equate to 6no. affordable units.

6.8.3 Notwithstanding the above, vacant building credit (VBC), an incentive for brownfield development on sites that contain vacant buildings, is applicable on this site. PPG stating that *“Where a vacant building is...demolished to be replaced by a new building, the developer should be offered a financial credit equivalent to the existing gross floorspace of relevant vacant buildings when the local planning authority calculates any affordable housing contribution which will be sought”* (Paragraph: 026 Reference ID: 23b-026-20190315).

6.8.4 The existing floorspace on site equates to 973m<sup>2</sup>, and the extent of residential floorspace proposed in the development is 937m<sup>2</sup>, as such, when applying the vacant building credit, no affordable housing contribution is required in this instance.

### 6.9 Other considerations

#### *Flooding and drainage*

6.9.1 JCS policy INF2 states that development proposals must avoid areas at risk of flooding, and seek to minimise the risk of flooding. It goes on to state that new development should, where possible, contribute to a reduction in existing floor risk, and that new development should incorporate Sustainable Drainage Systems (SuDS) where appropriate. The Council will work with key partners, including the County Council, *“to ensure that any risk of flooding from development proposals is appropriately mitigated and the natural environment is protected in all new development”*.

6.9.2 As this is an application for major development, the County Council acting as the Lead Local Flood Authority (LLFA) have been duly consulted. In their initial review, the LLFA, raised concerns in relation to the lack of drainage strategy; and therefore a drainage strategy was subsequently requested and submitted.

6.9.3 Having reviewed the surface water drainage strategy, the LLFA have confirmed that the strategy complies *“with requirements described in the government non-statutory technical standards for sustainable drainage systems [and] therefore the LLFA has no objection to the proposal”*.

6.9.4 The LLFA go on to state that the strategy proposes a *“significant betterment over the discharge rate from the site in its current use...is supported by the output of system modelling data that indicates the system will be adequate to ensure the development is not at risk of flooding and that the development will not increase flood risk elsewhere...and will achieve adequate pollution control.”* No additional detail is required by condition.

#### *Waste Minimisation*

6.9.5 A Waste Minimisation Statement has been submitted during the course of the application in response to recommendations made by the County Minerals and Waste Policy Team; and officers are satisfied that it provides a suitable response to waste minimisation and resource efficiency in construction. A site specific ‘Site Waste Management Plan’ can be secured by condition.

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

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

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

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

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

## 7. CONCLUSION AND RECOMMENDATION

- 7.1 Decisions on planning applications must be made in accordance with the development plan, unless material considerations indicate otherwise.
- 7.2 The application site is a vacant brownfield site, sustainably located within the Principal Urban Area (PUA). The site is not the subject of any other designation.
- 7.3 Officers are satisfied that the principle of redeveloping the site is acceptable. The proposed development would be in accordance with exception b) of adopted CP policy EM2; and although, strictly speaking, the proposal would be contrary to saved CBLP policy RT1, the granting of planning permission would facilitate the relocation of an existing retail store, rather than a new retail offering. The existing store is popular with customers but there are well-known difficulties with the existing parking arrangements, and during deliveries.
- 7.4 In addition, the application site is sustainably located within the Principal Urban Area, wherein adopted JCS policy SD10 supports new housing development. Moreover, throughout the NPPF emphasis is given to new development optimising the potential of the site; and policy SD10 also requires new residential development proposals to “*seek to achieve the maximum density compatible with good design, the protection of heritage assets, local amenity, the character and quality of the local environment, and the safety and convenience of the local and strategic road network.*”
- 7.5 Notwithstanding the above, where housing policies are out-of-date (as is the case in Cheltenham as the Council is currently unable to demonstrate a five year supply of deliverable housing sites) development proposals for housing must be approved without delay unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the NPPF policies as a whole, or specific NPPF policies provide clear reason for refusal.
- 7.6 In terms of design and layout, the proposed site layout has clearly been influenced by the operational needs of the Co-op, given the known operational shortcomings of the existing store, but officers are satisfied that the general layout of the site is acceptable. In addition, the revisions secured during the course of the application have resulted in significant design improvements, and the proposed corner building is now far less utilitarian in its appearance. It is acknowledged that concerns have been raised in relation to the height of the buildings, but the top floors are recessed from the buildings below, and are effectively the ‘roof’; and the use of an alternative facing material at this level would further help to ensure that the top floor reads as part of the roofscape.

- 7.7 Generous areas of landscaping and tree planting along the Leckhampton Road frontage, together with additional landscaping adjacent to the vehicular access and within the car park would help to soften the development within the street scene and provide for an enhancement.
- 7.8 Additionally, the buildings have been designed to incorporate a solar PV array on the large expanse of flat roof which, together with air source heat pumps and fossil-fuel free heating, would go some way to helping Cheltenham meet its commitment to become a net zero carbon council and borough by 2030.
- 7.9 From a highway safety perspective, the proposed development has been assessed by the Highways Development Management Team (HDM) at the County Council, who raise no highway objection subject to a number of conditions.
- 7.10 The amenity concerns raised by local residents living in close proximity to the site, have been carefully considered by officers in conjunction with the Environmental Health team. On balance, officers are satisfied that the development would not result in any unacceptable impact upon the amenities and living conditions of residential neighbours. It is important to recognise that whilst the site has been vacant for some time, it is a brownfield site, on a busy route in to the town, which benefits from a long established commercial use.
- 7.11 The application has been accompanied by a Drainage Strategy which has been reviewed and accepted by the Lead Local Flood Authority (LLFA).
- 7.12 The development would result in ecological enhancements on site, and a significant gain to biodiversity. Suitable mitigation of any adverse effects on the Cotswold Beechwoods SAC is proposed.
- 7.13 Moreover, the proposed development would result in the welcome provision of an additional 14no. residential units, and make a small but valuable contribution to the borough's much needed housing stock. Although the number of dwellings proposed would normally trigger the need to provide 40% affordable housing, in this case, when applying the vacant building credit, no affordable housing contribution is required.
- 7.14 With all of the above in mind, taking into account the economic, social, and environmental aspects of the application, officers are satisfied that, as a whole, the proposed development would not result in any adverse impacts that would outweigh the clear benefits of the scheme.
- 7.15 The recommendation therefore is to grant planning permission subject to an s106 legal agreement and the schedule of conditions set out below; in accordance with The Town and Country Planning (Pre-Commencement Conditions) Regulations 2018, agreement has been sought in respect of the pre-commencement conditions:

## 8. SUGGESTED CONDITIONS

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

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

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

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

- 3 Prior to the commencement of development, other than those works necessary to comply with the requirements of this condition, intrusive (Phase 2) ground investigation, contamination testing and quantitative risk assessment shall be carried as per the recommendations at paragraph 6.3 of the Pre-Planning Geo-Environmental Desk Study Report Assessment (Wilson Associates, Ref: 5146, dated May 2023) and the results and any remediation measures shall be submitted to and approved in writing by the Local Planning Authority.

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

- 4 In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority and development shall be halted on that part of the site affected by the unexpected contamination. An investigation and risk assessment must then be undertaken in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR11 and a remediation scheme, where necessary, also submitted.

Following the completion of measures identified in the approved remediation scheme, a verification report shall be submitted to and approved in writing by the Local Planning Authority before development can recommence on the part of the site identified as having unexpected contamination that demonstrates the effectiveness of the remediation carried out shall be submitted to and approved in writing by the Local Planning Authority.

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

- 5 Prior to the commencement of development (including demolition and site clearance), a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the development process and shall include, but not be restricted to:

- i) Provision of parking for vehicles of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
- ii) Advisory routes for construction traffic;
- iii) Any temporary access to the site;
- iv) Locations for the loading/unloading and storage of plant, waste and construction materials;
- v) Method of preventing mud and dust being carried onto the highway;
- vi) Arrangements for turning vehicles;
- vii) Arrangements to receive abnormal loads or unusually large vehicles;
- viii) Highway condition survey;

- ix) Measures to control the emission of noise, dust and dirt during demolition and construction;
- x) Measures for controlling the use of site lighting whether required for safe working or for security purposes; and
- xi) Methods of communicating the plan to staff, visitors, and neighbouring residents and businesses.

Reason: In the interests of safe operation of the adopted highway in the lead into development both during the demolition and construction phase of the development, and to prevent any loss of amenity to neighbouring land users, having regard to adopted policy SL1 of the Cheltenham Plan (2020) and policies SD14 and INF1 of the Joint Core Strategy (2017). Approval is required upfront because without proper mitigation the works could have an unacceptable impact during construction.

- 6 Prior to the commencement of development (including demolition and site clearance), a Site Waste Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the development process and shall:

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

Reason: To ensure the effective implementation of waste minimisation and resource efficiency measures, having regard to adopted Core Policy WCS2 of the Gloucestershire Waste Core Strategy, and adopted Minerals Local Plan for Gloucestershire Policy SR01.

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

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

The approved scheme shall thereafter be implemented and maintained in accordance with the approved details.

Reason: To safeguard the amenities of adjacent properties and avoid light pollution, and to ensure that foraging and commuting of bats is not discouraged in this location, whilst providing adequate safety and security, having regard to adopted policy SL1 of the Cheltenham Plan (2020) and adopted policies SD9 and SD14 of the Joint Core Strategy (2017).

- 8 Prior to any works above ground level, details of the provision made for facilitating the management and recycling of waste generated during occupation of the development shall be submitted to and approved in writing by the Local Planning Authority. The details

shall include appropriate and adequate space and infrastructure to allow for the separate storage of recyclable waste materials. The management of waste during occupation must be aligned with the principles of the waste hierarchy and not prejudice the local collection authority's ability to meet its waste management targets. The development shall thereafter be implemented in accordance with the approved details.

Reason: To ensure the effective implementation of waste minimisation and resource efficiency measures, having regard to adopted Core Policy WCS2 of the Gloucestershire Waste Core Strategy.

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

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

- 10 The external facing brickwork shall not be carried out unless in accordance with a sample panel which shall have first been constructed on site and approved in writing by the Local Planning Authority. The sample panel shall show the type, size, colour, bond, pointing, coursing, jointing, profile and texture of the facing brickwork, including perforated brickwork. The approved sample panel shall be retained on site and made available for inspection by the Local Planning Authority for the duration of the construction works.

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

- 11 The following elements of the scheme shall be installed, implemented or carried out in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority:
- a) Window system;
  - b) External doors;
  - c) Bris soleil;
  - d) Rainwater goods;
  - e) Bin store for the apartment;
  - f) Cycle parking racks; and
  - g) Solar PV panels.

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

- 12 Prior to the implementation of any landscaping, full details of a hard and/or soft landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall identify all walls, fences, trees, hedgerows and other planting which are to be retained, and provide details of all new walls, fences, or other boundary treatments; finished ground levels; new hard surfacing of open parts of the site which shall be permeable or drained to a permeable area; a planting specification to include [species, size, position and method of planting of all new trees and shrubs]; and a programme of implementation. Planting within the Root Protection Areas of existing street trees should be avoided, or species carefully selected, to avoid competition with these trees.



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

Any trees or plants indicated on the approved scheme which, within a period of 30 years from the date of planting, die, are removed or become seriously damaged, diseased or dying shall be replaced during the next planting season with other trees or plants of a location, species and size which shall be first agreed in writing by the Local Planning Authority. All hard landscape works shall be permanently retained in accordance with the approved details.

Reason: In the interests of the character and appearance of the area, having regard to adopted policies D1, G12 and G13 of the Cheltenham Plan (2020), and adopted policies SD4 and INF3 of the Joint Core Strategy (2017).

- 13 The development shall be carried out in accordance with the noise control measures detailed in Section 7 of the Noise Impact Assessment (Acoustic Consultants Ltd, Ref: 10213/SF/BL, dated May 2023).

Reason: To ensure that suitable mitigation measures are installed to protect future residents of the dwellings, having regard to adopted policy SL1 of the Cheltenham Plan (2020) and adopted policy SD14 of the Joint Core Strategy (2017).

- 14 Prior to installation, technical details of all fixed plant to serve the retail store, and its continuing operation, shall be submitted to and approved in writing by the Local Planning Authority. The plant shall be designed to meet the requirements of Section 9 of the Noise Impact Assessment (Acoustic Consultants Ltd, Ref: 10213/SF/BL, dated May 2023). The development shall thereafter be implemented in accordance with the approved details.

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

- 15 Prior to first occupation of any part of the development, surface water drainage shall be implemented in accordance with Drawing No. 230390-RAP-XX-XX-DR-C-3500 P1 (Appendix E of the Drainage Strategy Technical Note (Rappor, Ref: 23-0390 Rev 01, dated June 2023)).

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution, having regard to adopted policy INF2 of the Joint Core Strategy (2017).

- 16 Prior to first occupation of any part of the development, an Electric Vehicle Infrastructure Strategy and Implementation Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall contain details of the number and location of all electric vehicle charging points, and shall comply with BS EN 62196 Mode 3 or 4 charging and BS EN 61851, and Manual for Gloucestershire Streets. The buildings and parking spaces that are to be provided with charging points shall not be brought into use until the associated charging points have been installed in strict accordance with approved details, and are operational. The charging point installed shall be retained thereafter unless replaced or upgraded to an equal or higher specification.

Reason: To promote sustainable travel and healthy communities, having regard to adopted policy INF1 of the Joint Core Strategy (2017).

- 17 Prior to first occupation of any part of the development, the means of access for vehicles, pedestrians and cyclists shall be constructed and completed in accordance with approved Drawing No. 22033 PL 06 D.

Reason: In the interests of highway safety, having regard to adopted policy INF1 of the Joint Core Strategy (2017).

- 18 Prior to first occupation of any part of the development, a Car Park Management Plan, to include how the use of the loading bay will be managed, shall be submitted to and approved in writing by the Local Planning Authority. The car parking and loading bay shall thereafter be managed in accordance with the approved plan for the lifetime of the development.

Reason: To ensure the safe operation of the car park, having regard to adopted policies SD4 and INF1 of the Joint Core Strategy (2017).

- 19 Prior to first occupation of any part of the development, refuse and recycling storage facilities shall be provided in accordance with approved Drawing No. 22033 PI 06 D and shall be retained as such thereafter.

Reason: In the interests of sustainable waste management and recycling, having regard to adopted Core Policy WCS2 of the Gloucestershire Waste Core Strategy.

- 20 Prior to first occupation of any part of the development, cycle storage shall be provided in accordance with approved Drawing No. 22033 PL 06 D, and shall be retained as such thereafter.

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

- 21 Prior to first occupation of any part of the development, the recommendations and enhancement measures set out within the submitted Preliminary Ecological Appraisal (All Ecology, Ref: 2345, dated May 2023) shall be implemented in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the long-term enhancement of the biodiversity value of the site, having regard to adopted policy SD9 of the Joint Core Strategy (2017).

- 22 Prior to first occupation of any part of the development, a Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LEMP shall include a full specification of proposed habitats, including long-term management and monitoring activities (covering a minimum period of 30 years). The approved plan shall thereafter be implemented in accordance with the approved details.

Reason: To ensure the long-term enhancement of the biodiversity value of the site, having regard to adopted policy SD9 of the Joint Core Strategy (2017).

- 23 Prior to first beneficial use of the retail store, showers and lockers for staff shall be installed in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority.

Reason: To encourage the use of sustainable forms of transport, reduce vehicle movements and promote sustainable access, having regard to adopted policy INF1 of the Joint Core Strategy (2017).

- 24 Deliveries to the retail store shall only be permitted between the following hours:

Monday to Friday – 7am to 9pm.

Saturday, Sunday and Bank/Public Holidays – 9am to 9pm.

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

- 25 The retail store shall only be open to customers between the following hours:

Monday to Sunday (incl. Bank/Public Holidays) – 7am to 10pm.

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

- 26 The flat roof areas of the proposed houses (Plots 1 and 2) shall not be used as a balcony, roof garden or other external amenity area at any time. Access to the flat roofs shall be for maintenance purposes only.

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).

- 27 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), the building hereby approved shall be used solely for purposes within Class E(a) of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provisions equivalent to that class in any statutory instrument revoking or re-enacting that order with or without modification).

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

### **INFORMATIVES**

- 1 It is recommended that ownership of T6 (ash) be established and the tree removed.
- 2 The construction of a new access will require the extension of a verge and/or footway crossing from the carriageway under Section 184 of the Highways Act 1980. Permission must be obtained from Gloucestershire Highways on 08000 514 514 or [highways@gloucestershire.gov.uk](mailto:highways@gloucestershire.gov.uk) before commencing any works on the highway. Full details can be found at [www.gloucestershire.gov.uk](http://www.gloucestershire.gov.uk).
- 3 The development includes the carrying out of work on the adopted highway. Before undertaking work on the adopted highway, a highway agreement under Section 278 of the Highways Act 1980 must be entered into with the County Council; the agreement should specify the works and the terms and conditions under which they are to be carried out. Contact the Highway Authority's Legal Agreements Development Management Team at [highwaylegalagreements@gloucestershire.gov.uk](mailto:highwaylegalagreements@gloucestershire.gov.uk) allowing sufficient time for the preparation and signing of the Agreement. You will be required to pay fees to cover the Council's costs in undertaking the following actions:
  - Drafting the Agreement
  - A Monitoring Fee

- Approving the highway details
- Inspecting the highway works

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

- 4 The development and any associated highway works required is likely to impact on the operation of the highway network during its construction (and demolition). You should contact the Highway Authority's Network Management Team at [Network&TrafficManagement@gloucestershire.gov.uk](mailto:Network&TrafficManagement@gloucestershire.gov.uk) before undertaking any work, to discuss any temporary traffic management measures required, such as footway, Public Right of Way, carriageway closures or temporary parking restrictions a minimum of eight weeks prior to any activity on site to enable Temporary Traffic Regulation Orders to be prepared and a programme of Temporary Traffic Management measures to be agreed.
- 5 As a result of the proposed layout and construction of the internal access road, the internal access road will not be accepted for adoption by the Highway Authority under Section 38 of the Highways Act 1980.  
The development will be bound by Sections 219 to 225 (the Advance Payments Code) of the Highways Act 1980, unless and until you agree to exempt the access road.  
The exemption from adoption will be held as a Land Charge against all properties within the application boundary.
- 6 Drainage arrangements should ensure ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.
- 7 It is expected that contractors are registered with the Considerate Constructors scheme and comply with the code of conduct in full, but particularly reference is made to "respecting the community" this says:  
Constructors should give utmost consideration to their impact on neighbours and the public
  - Informing, respecting and showing courtesy to those affected by the work;
  - Minimising the impact of deliveries, parking and work on the public highway;
  - Contributing to and supporting the local community and economy; and
  - Working to create a positive and enduring impression, and promoting the Code.The CEMP should clearly identify how the principal contractor will engage with the local community; this should be tailored to local circumstances. Contractors should also confirm how they will manage any local concerns and complaints and provide an agreed Service Level Agreement for responding to said issues.  
Contractors should ensure that courtesy boards are provided, and information shared with the local community relating to the timing of operations and contact details for the site coordinator in the event of any difficulties. This does not offer any relief to obligations under existing Legislation.

## APPENDIX - CONSULTATION RESPONSES

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

**19th May 2023**

There is no drainage strategy submitted with this application so it is not possible to determine whether it is acceptable. The application form state that SuDS will be used but there is no indication of what the applicant has interpreted this to mean. The proposed site plan does not show any SuDS features that might contribute to betterment of water quality, amenity or biodiversity.

In section 3.8, Sustainability of the Design and Access Statement it is stated that due to the nature of the site it is not possible to use nature based drainage systems. It is not clear what precludes the use of open water conveyance channels, rain gardens, green walls and roofs, and nature beneficial water attenuation features resulting in a much more attractive development, other than poor design lacking in the innovative consideration required to deal with climate change.

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

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

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

### **26th June 2023 – revised comments**

A surface water drainage strategy has been published for this application dated June 2023. It identifies that the development is in flood Zone 1 and that the site is not at risk from surface water flooding, the LLFA agrees with this assessment.

The strategy proposes discharge of surface water from the site controlled to a rate of 12.4 l/s this is significant betterment over the discharge rate from the site in its current use. This will be achieved by attenuating the surface water is underground cellular storage tanks located below the residential parking area and flow controlled by a device located at the last manhole in the system before discharge to the existing surface water sewer in Leckhampton Road. The strategy is supported by the output of system modelling data that indicates the system will be adequate to ensure the development is not at risk of flooding and that the development will not increase flood risk elsewhere. The pollution quality of the discharge is to be managed by filtering the surface water runoff from car parking areas through permeable paving, such a strategy is acceptable and will achieve adequate pollution control.

While the LLFA would like to see a scheme using above ground conveyance and storage that might provide more benefits with regard to amenity and biodiversity, the strategy does comply with requirements described in the government non-statutory technical standards for sustainable drainage systems therefore the LLFA has no objection to the proposal.

The detail provided within the drainage strategy is adequate that the LLFA would see no benefit in applying drainage conditions to a permission granted against this application.

### **Clean Green Team**

**19th May 2023**

For the self contained dwelling residents would need to be informed that due to ownership they are required to present on the kerbside for 7am on the morning of collection. No receptacles are to be stored on the highway.

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The self contained dwelling would need a position near the kerbside to present bins, boxes, caddy's and blue bags that would avoid blocking access to the pathway or driveways.

The properties need adequate space to store bins and boxes off the public highway when not out for presentation. For the serviced apartments and office building to the rear, a communal bin shed will need to be planned. This bin shed needs to be of adequate size to house all the receptacles needed for the occupancy. Ideally the bin shed should be no further than 20 metres away from the adopted highway as per the planning guidance document, and the pathway leading to the bin shed must be of hard standing.

We would advise that all residents are given the link below so they can see how and what can be recycled in Cheltenham [https://www.cheltenham.gov.uk/info/5/bins\\_and\\_recycling/924/kerbside\\_recycling\\_box\\_collection](https://www.cheltenham.gov.uk/info/5/bins_and_recycling/924/kerbside_recycling_box_collection)

### **Tree Officer**

**19th May 2023**

The arboricultural report submitted is thorough and well-considered.

Foundation depths / designs should be submitted to establish how the proposal will account for any potential change in volume of soil moisture caused by street trees.

A landscape plan should be submitted, detailing species, size and location of new trees. Planting within the RPA of existing street trees should be avoided, or species selected carefully to avoid competition with those trees.

Ownership of T6 (ash) should be established and the tree removed as it's growing out of the wall itself.

Reason: to protect the amenity value of trees as per Policies GI2 and GI3 of the Cheltenham Plan.

### **Gloucestershire Centre for Environmental Records**

**22nd May 2023**

Report available to view in documents tab.

### **Building Control**

**22nd May 2023**

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

### **Contaminated Land**

**24th May 2023**

The site has previously been used for an extensive period as a filling station and car repair / sales. The initial report provided indicates that concrete-filled petrol tanks are likely to remain in situ leading to a "moderate to high risk of pollutant linkages to future site users" and recommends at Para 6.3 that further intrusive investigations are carried out. I agree that this work should be completed at the earliest opportunity to allow further detailed comment by this department.

### **Environmental Health**

**24th May 2023**

The applicant has provided a suitable and comprehensive assessment of the noise climate around the site, and predictions of noise from plant at the retail site and deliveries. I would therefore recommend that the requirements of the acoustic report are implemented in the development in relation to façade construction, windows, residential ventilation etc.

Air handling plant to service the retail element should be designed to meet the requirements of Section 9 of this report. I would suggest a condition is attached to any permission that requires a suitable scheme to be submitted for approval before commencement of development.

Deliveries are dealt with in section 8 of the report, and I would agree that deliveries to site should be restricted in order to be acceptable, however I would suggest suitable hours would prohibit overnight deliveries as follows: Deliveries should only be permitted between 7:00 and 21:00 Monday - Friday and 9:00 and 21:00 Saturday, Sunday and bank Holidays, due to the effect on the nearest residential property.

The applicant should be requested to supply a construction management plan for the site to identify suitable controls of noise and dust from all site works, including demolition and construction.

### **GCC Highways Development Management**

**30th May 2023**

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

The justification for this decision is provided below.

The proposal seeks the demolition of existing buildings and erection of mixed use development comprising a retail food store with associated car parking and landscaping, 8no. 1-bedroom apartments, 4no. 2-bedroom apartments, and 2no. 4-bedroom houses at 170 - 172 Leckhampton Road Cheltenham Gloucestershire GL53 0AA. The development proposal is supported by a Transport Assessment carried out by Apex Transport Planning.

The site will be accessed from a new priority junction onto Pilley Lane from a similar location as the existing access. Access visibility splays of 43 metres in each direction from a 2.4 metre setback are achievable in each direction in accordance with Manual for Streets guidance for a 30mph street. A service bay is also proposed adjacent to Pilley Lane.

Parking for the residential component of the site is proposed in general accordance with the guidance set out in Manual for Gloucestershire Streets (MfGS) Addendum October 2021, with an overall shortfall of 1 space. It is the view of the Highway Authority that this reduction is not perceived to result in an adverse impact on the operation of the local road network.

Parking for retail unit is based on an accumulation analysis through the outputs of the TRICS assessment which informed the likely number of daily trips, and its use is accepted. This shows a peak hour of demand of 16 vehicles between 1700-1800 hours, however for the majority of the day, the demand is 11 vehicles or less. On this basis, the retail unit is proposed to be serviced by a total of 15 spaces, which are accepted. The development site is not inserted within a parking permit zone, and whilst it is recognised that an undesirable number of on-street parking could occur in the local area based on the forecast demands of the site, there are no mechanisms beyond localised traffic regulation orders that could prevent on-street parking from occurring.

The Highway Authority does have concerns about the manner in which the internal parking area will be managed, whether or not future occupiers will have their parking spaces allocated and how their use by customers from adjacent retail unit will be stopped, as well as how the use of the loading bay will be managed for the perpetuity of the development. For this reason, a condition requiring a parking management plan is set out.

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

### Conditions

#### Completion of Vehicular Access - Shown on the approved plans

The development hereby approved shall not be brought into use until the means of access for vehicles, pedestrians and cyclists have been constructed and completed as shown on drawing 22033 PL 06.

Reason: In the interest of highway safety.

#### Electric Vehicle Charging Points (Commercial)

An electric vehicle infrastructure strategy and implementation plan shall be submitted to and approved in writing by the Local Planning Authority prior to the first use of any building hereby permitted. The plan shall contain details of the number and location of all electric vehicle charging points shall comply with BS EN 62196 Mode 3 or 4 charging and BS EN 61851, and Manual for Gloucestershire Streets. Buildings and parking spaces that are to be provided with charging points shall not be brought into use until associated charging points are installed in strict accordance with approved details and are operational. The charging point installed shall be retained thereafter unless replaced or upgraded to an equal or higher specification.

Reason: To promote sustainable travel and healthy communities.

#### Active Travel Facilities (Commercial)

Notwithstanding the details submitted the development hereby approved shall not be brought into use until showers and lockers have been installed in the commercial building in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority.

Reason: To reduce vehicle movements and promote sustainable access.

#### Car Park Management Plan

The Development hereby approved shall not be brought into use until a car park management plan has been submitted to and approved in writing by the Local Planning Authority. The measures shall thereafter be implemented in accordance with the approved car park management plan for the lifetime of the development.

Reason: To ensure the safe operation of approved car park(s).

#### Construction Management Plan

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

- Parking of vehicle of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
- Advisory routes for construction traffic;
- Any temporary access to the site;
- Locations for loading/unloading and storage of plant, waste and construction materials;
- Method of preventing mud and dust being carried onto the highway;
- Arrangements for turning vehicles;
- Arrangements to receive abnormal loads or unusually large vehicles;
- Highway Condition survey;
- Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.



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

### Informatives

#### Alterations to Vehicular Access

The Local Highway Authority has no objection to the above subject to the applicant obtaining a section 184 licence. The construction of a new access will require the extension of a verge and/or footway crossing from the carriageway under the Highways Act 1980 - Section 184 and the Applicant is required to obtain the permission of Gloucestershire Highways on 08000 514 514 or [highways@gloucestershire.gov.uk](mailto:highways@gloucestershire.gov.uk) before commencing any works on the highway. Full Details can be found at [www.gloucestershire.gov.uk](http://www.gloucestershire.gov.uk).

#### Works on the Public Highway

The development hereby approved includes the carrying out of work on the adopted highway. You are advised that before undertaking work on the adopted highway you must enter into a highway agreement under Section 278 of the Highways Act 1980 with the County Council, which would specify the works and the terms and conditions under which they are to be carried out. Contact the Highway Authority's Legal Agreements Development Management Team at [highwaylegalagreements@gloucestershire.gov.uk](mailto:highwaylegalagreements@gloucestershire.gov.uk) allowing sufficient time for the preparation and signing of the Agreement. You will be required to pay fees to cover the Councils costs in undertaking the following actions:

- Drafting the Agreement
- A Monitoring Fee
- Approving the highway details
- Inspecting the highway works

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

#### Impact on the highway network during construction

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

#### Private Road

You are advised that as a result of the proposed layout and construction of the internal access road, the internal access road will not be accepted for adoption by the Highway Authority under Section 38 of the Highways Act 1980.

The development will be bound by Sections 219 to 225 (the Advance Payments Code) of the Highways Act 1980, unless and until you agree to exempt the access road.

The exemption from adoption will be held as a Land Charge against all properties within the application boundary.

#### No Drainage to Discharge to Highway

Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway.

No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.

#### Construction Management Plan (CMP)

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

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

- Informing, respecting and showing courtesy to those affected by the work;
- Minimising the impact of deliveries, parking and work on the public highway;
- Contributing to and supporting the local community and economy; and
- Working to create a positive and enduring impression, and promoting the Code.

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

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

### **GCC Minerals and Waste Policy**

**14th June 2023**

The application has not demonstrated that waste minimisation matters have been considered. It is strongly recommended that a waste minimisation statement is requested prior to determination – see local advice | GCC Waste Minimisation SPD.

Recommended planning conditions:

**CONDITION** – No below or above ground development shall commence until a detailed site waste management plan or equivalent has been submitted to and approved in writing by the local planning authority. The detailed site waste management plan must identify: - the specific types and amount of waste materials forecast to be generated from the development during site preparation & demolition and construction phases; and the specific measures will be employed for dealing with this material so as to: - minimise its creation, maximise the amount of re-use and recycling on-site; maximise the amount of off-site recycling of any wastes that are unusable on-site; and reduce the overall amount of waste sent to landfill. In addition, the detailed site waste management plan must also set out the proposed proportions of recycled content that will be used in construction materials. The detailed site waste management plan shall be fully implemented as approved unless the local planning authority gives prior written permission for any variation.

**REASON** – To ensure the effective implementation of waste minimisation and resource efficiency measures in accordance with adopted Gloucestershire Waste Core Strategy: Core Policy WCS2 – Waste Reduction and adopted Minerals Local Plan for Gloucestershire Policy SR01.

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

**REASON** – To ensure the effective implementation of waste minimisation and resource efficiency measures in accordance with adopted Gloucestershire Waste Core Strategy: Core Policy WCS2 – Waste Reduction.

The application has not demonstrated that consideration has been given to alternative secondary and / or recycled aggregate use in the proposed development's construction. It is

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strongly recommended that further supporting information is provided prior to determination – see advice | pages 32 and 33 of the Minerals Local Plan for Glos

The application site is not within close proximity to / or contain existing safeguarded waste management infrastructure and / or land allocated for this purpose - no objection raised and no further action is recommended at this time.

The application site does not adjoin or contain within it existing safeguarded mineral infrastructure - no objection raised and no further action is recommended at this time.

The application site is not located within a local Mineral Safeguarding Area (MSA) or is exempt from safeguarding requirements as set out under Table 2 of the Minerals Local Plan for Glos. - no objection raised and no further action is recommended at this time.

If the Planning Officer is minded approving this application, it would benefit from a WMS alongside a statement of how using secondary recycled aggregate will be considered as part of the proposal.

### **Parish Council**

**15th June 2023**

The Parish Council objects to this application due to the scale, mass and height which represents over development for that location.

The Council also has concerns that the junction of Pilley Lane and Leckhampton Road will become considerably busier due to the projected increase in two way traffic flow, as indicated in the applicants report. An increase in pollution and inadequate parking on site are also concerns.

The Parish Council asks that this application be called in.

### **3rd August 2023 – revised comments**

The Parish Council, having discussed the revised plans at an extraordinary public meeting on August 2nd, continues to object to the application on the following grounds:

The developer has not taken into account the original objections raised by the Parish Council and residents.

- 1) Scale/mass/height and overdevelopment of the site - There has only been a slight reduction in height of 400 mill. The Parish Council specifically objects to the 3rd floor.
- 2) Parking - the Parish Council objects to the lack of parking for both the dwellings and the Co-op retail outlet. The Cheltenham plan requires a 4 bed house to have 3 parking spaces.
- 3) The junction of Pilley Lane and Leckhampton Road - the Parish Council continues to have concerns that this junction will become considerably busier due to the projected increase in traffic flow, as indicated in the applicants report.

The Parish Council would support the move of the Co-op retail outlet if revised plans took account of both the Parish Council concerns and objections, along with those of residents.

### **Architects Panel**

**16th June 2023**

#### Design Concept

The panel had no objection to the principle of replacing the existing buildings on this site with a new mixed development incorporating a retail food store, apartments, and town houses. However, the panel felt this scheme design failed to address the special characteristics of the site and its context due to its poor site layout, its excessively large scale and inappropriate architectural character.

## Design Detail

The panel felt the scheme was a missed opportunity to design an exemplary group of buildings that would enhance this corner plot in a very prominent position on Leckhampton Road.

The site layout revolves around the retail unit that clearly needs to be the size shown but takes up the prime corner position on the site and then turns its back to the street: all Leckhampton Road ground floor windows are blank as the service areas and plant are on the west side of the building. The main entrance to the shop is at the back, on the east side presuming that most people visiting the shop will arrive by car. The pedestrian approach to the building appears somewhat of an afterthought.

The car parking for the apartments and the town houses is accessed through the shop parking area which is hardly practical and likely to cause major management problems for house owners and shop visitors alike.

The residential units have inadequate amenity space. What is provided for the town houses will be overlooked by adjacent apartments.

The apartments are generally poorly designed with an uninviting rear external entrance and dark corridors leading to apartment front doors. Layouts also appear cramped no doubt dictated by the shop footprint below.

The apartment block is out of scale and character with the pattern of development along Leckhampton Road. As drawn the building looks a storey too high but it is also too bulky. Showing the building in three dimensions and in context with existing buildings would highlight these design flaws.

Overall the scheme looks like overdevelopment but the panel felt that with a more refined site layout, perhaps working with the sloping ground levels and breaking down the overall mass of the building, there will be ways of making a mixed development scheme work on this site.

## Recommendation

Not supported.

## ***9th August 2023 – revised comments***

### Agents Presentation

The agents explained that revised design proposals have been submitted to the council in response to concerns raised by the Cheltenham Architects Panel, and others, over the design quality of the original submitted scheme (refer to the Cheltenham Architects Panel Review dated 31st May 2023).

The scheme amendments include:

- Site layout amended to provide improved pedestrian access at the corner junction
- Changes to car parking surface materials
- Proof of Biodiversity Net Gain
- External appearance changes
- 3D images to show the proposed buildings in context.
- 

The panel thanked the agents for their presentation and welcomed the opportunity to consider the new design proposals on this important and very prominent site along Leckhampton Road.

## Design Concept

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As previously stated, the panel had no objection to the principle of replacing the existing buildings on this site with a new mixed development incorporating a retail food store, apartments, and town houses.

Whilst the panel appreciated and welcomed some of the proposed changes to appearance of the buildings, by breaking down the overall bulk of the previous proposal, the changes did not address the fundamental site layout concerns raised previously.

### Design Detail

The agents explained that the site layout was driven by the requirements of the Co-op and the need for the delivery bay to be located off Pilley Lane. The panel accepted this was a major design constraint but questioned why the whole site layout had to be led by servicing requirements to the detriment of pedestrians and opportunities for "place making" enhancements.

The site layout has broadly remained the same and token enhancements, the pedestrian access at the corner of the site and proposed tree landscape planting, do not go far enough for the panel to support the scheme. The panel felt the scheme could be amended, still keeping the service access off Pilley Lane, by either flipping or rotating the Co-op plan so the main entrance to the shop was not from the car park.

Concerns raised over the site being over-developed were countered by the agents who stated the amount of new housing shown was necessary to make the whole development financially viable. The panel did not agree that such an argument justified supporting poor design: it can be argued that fewer apartments of a better design would add value.

The new plans have not responded to previous criticism over the design of the apartments.

The previous review stated:

The apartments are generally poorly designed with an uninviting rear external entrance and dark corridors leading to apartment front doors.

Layouts also appear cramped no doubt dictated by the shop footprint below.

The panel believed a better scheme could be achieved by creating a more attractive entrance to the apartments off Leckhampton Road and linking the "place making" experience with the existing road crossing (not shown on the plans) and landscaping enhancements.

The design for semi-detached 4 bed houses has also not been amended which the panel felt should be considered in order to explore a better site layout. Pushing back the building so it is more in line with the established Leckhampton Road building line would be an improvement, possibly with parking at the front and larger gardens to the rear to follow the pattern of development.

A review of the apartments' layout could include varying the height of the building to further breakdown its overall apparent bulk and create more attractive apartments with better amenity spaces. The panel were not adverse to having a taller element on the corner junction with the building stepping down to be more in scale with existing street architecture. If high densities are required a revised scheme might include building over the car park, for example.

### Recommendation

Not supported.

## **Cheltenham Civic Society**

**22nd June 2023**

### **OBJECT**

We support the relocation of the Co-op, which is a useful community asset. And we welcome the redevelopment of a site which has been empty for some time. We also support the principle of mixed use here.

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However, this design is wholly unsympathetic to its surroundings. It is out of scale and out of character, and the applicant is trying to cram too much into the plot. Without the third stories, both the houses and the mixed-use block would be less oppressive.

There is likely to be conflict between occupants and shoppers over parking spaces.

In addition to the on-site planting scheme, we suggest the applicant contributes some mature street trees, which will be replacement for the existing street trees in due course, these being a valued feature of Leckhampton Road.

### ***31st July 2023 – revised comments***

We have reviewed the revised documents and the chair of our planning forum listened to the presentation by the scheme architects' to the Cheltenham Architects' Panel on 26 July 2023. We recognise that the architects have made an effort to respond to some of the criticisms of the original scheme in several ways which will somewhat reduce the visual impact of the three-storey block on the corner of Pilley Lane and Leckhampton Road. We also continue to support the idea of a mixed-use development of the site, and the relocation of the existing Coop store nearby to it.

However, there remain a number of fundamental issues that have not been addressed:

- While a three-storey building may be acceptable as a feature on the corner, the overall mass of the main building remains overbearing (see photos below),
- The proposed design bears little relationship to other buildings and materials used in the surrounding streets,
- There is likely to be a potentially dangerous conflict between delivery vehicles and pedestrians using Pilley Lane,
- The internal layout of the flats over the shops looks very cramped,
- The treatment of the external areas (the green spaces) forms a major part of this application, and should be detailed at this stage rather than covered by a condition of the consent.

We were advised that the removal of the top floor of the main block would undermine the economic viability of this scheme. We question that: a well-designed, less cramped scheme could result in more attractive homes that would sell, or rent, for more.

We therefore maintain our objection to this proposed development and urge the council to encourage the developers to explore other ways of developing this site which will provide a more attractive and sensitive scheme, but still provide for a relocated Coop store and a number of residential units.

<b>APPLICATION NO:</b> 23/00813/FUL	<b>OFFICER:</b> Miss Michelle Payne
<b>DATE REGISTERED:</b> 13th May 2023	<b>DATE OF EXPIRY :</b> 12th August 2023
<b>WARD:</b> Leckhampton	<b>PARISH:</b> LECKH
<b>APPLICANT:</b>	Boo Homes (Leckhampton Road) Ltd
<b>LOCATION:</b>	170 - 172 Leckhampton Road Cheltenham Gloucestershire
<b>PROPOSAL:</b>	Demolition of existing buildings and erection of mixed use development comprising a retail food store with associated car parking and landscaping, 8no. 1-bedroom apartments, 4no. 2-bedroom apartments, and 2no. 4-bedroom houses

## REPRESENTATIONS

Number of contributors	<b>63</b>
Number of objections	<b>30</b>
Number of representations	<b>3</b>
Number of supporting	<b>30</b>

21 Burnet Drive  
Cheltenham  
GL53 0FD

**Comments:** 11th June 2023

Would be great to have a bigger shop and easier access and parking

3 Leckhampton Views  
Cheltenham  
Gloucestershire  
GL53 0AR

**Comments:** 18th June 2023

This appears to be a trade off between the Co-op and Boo homes. The former providing an acceptable reason for the development and the latter using the opportunity to get away with a 3 storey building and cramming as many tiny flats into it as possible in order to maximise profits.

Too much emphasis has been placed on the desirability of having a larger Co-op with easier parking by supporters of the proposal most of who live a considerable distance from it. More consideration needs to be given to nearby residents who will be directly affected by the out of scale and intrusive nature of this proposed development and the disruption it will cause to them.

Frankly if people need a car to go shopping they can easily travel to the existing Bath Road facilities (where there is another Co-op) or further afield. The existing local Co-op is quite adequate for pedestrian shoppers.

If this development is to go ahead perhaps a compromise would be for the Co-op, who's commercial interest this is so much in, to put more money into the cost of funding it. Then

Boo Homes would not need a third storey in order to cram in so many flats and can allow adequate space for parking.

381 Old Bath Road  
Cheltenham  
Gloucestershire  
GL53 9AH

**Comments:** 15th May 2023

This application sorts out an old problem, the current parking is terrible and challenges pedestrian access when motorists park on the pavement. The store itself is cramped. The old Wilkins garage can be redeveloped into a new, fit for purpose store that answers local needs very well. The plans look very good and it is a great solution to give the local community a much better store, better parking, extra housing and turns a brownfield site into a useful and value added solution.

99 Pilley Crescent  
Cheltenham  
Gloucestershire  
GL53 9ES

**Comments:** 17th May 2023

Strongly support the development of the Suzuki garage into a new Co-Op. the current location is dangerous, causing congestion on the roundabouts and pavements as the car park is so cramped. This new location will provide much needed space for both parking and in the shop itself. Great as the surrounding Pilley area continues to develop!

Flat 2  
8 Royal Parade  
Bayshill Road Cheltenham  
Gloucestershire  
GL50 3AY

**Comments:** 24th July 2023

This is a tasteful proposal and is 'in keeping' with the neighbourhood surroundings. The development will lead to a safer arrangement for both pedestrians and cars than the current retail store arrangement.



180B Leckhampton Road  
Cheltenham  
Gloucestershire  
GL53 0AE

**Comments:** 13th August 2023

Overall I strongly support the development of the site, and especially as a new mixed retail store with parking and homes.

A critical aspect however that must be given greater consideration and revision in the current plan, regards Public safety.

The key issue with the current store is principally the lack of safe access. Increased traffic passing the store, utilising the store, increased store deliveries (trucks), increased services (delivery pickup and drop-off), increased primary age children (larger school), increased secondary school children (new secondary school). So the new site must account for and accommodate these considerations and thereby simply avoid moving the problem. As the new site faces the Zebra crossing, and is close to the bus stop, and given the absolute requirement for safe disabled access including for wheelchairs etc., please consider better access and wider footpath areas and slopes to eliminate a pinch point of pedestrian traffic at the junction of Pilley and Leckhampton Rd. Utilisation of the full corner for pedestrian use, i.e., a 20ft wide corner with immovable bollards at the corner edge would make pedestrian flow, simple and safe. In addition, ensuring truck delivery space is completely off the pedestrian footpath, thereby ensuring full width of pedestrian access around the Pilley/Leckhampton Rd corner would ensure pedestrian safety. If this means the loss of one of the houses adjacent to 168, then so be it.

72 Leckhampton Road  
Cheltenham  
Gloucestershire  
GL53 0BL

**Comments:** 5th June 2023

I am writing to express my concern about the proposed development at the former Suzuki development. Having reviewed the plans I feel the design is incongruous to the neighbouring buildings and local architecture. I worry the scale of this development will have a diminishing effect on the landscape and character of the local area and I am especially concerned about the height of the development over 3 floors resulting in the 2nd floor bedrooms overlooking directly into the bedrooms of the houses opposite. I recognise the need for a development on this site and but have concerns about the number of cars this will attract in terms of both retail customer and residential parking, and where these cars will be able to park given that there is no parking on Leckhampton road. I would urge the planning authority to address these concerns and recommend adaptations to the overall scale of the proposal before making a decision.

98 Shurdington Road  
Cheltenham  
Gloucestershire  
GL53 0JH

**Comments:** 23rd May 2023

This is such an important amenity that all assistance should be given to the move. Perhaps reducing any CIL payable. On the 10 Mar 2021 I made the comments below. Which were based on comments from the Traffic Commissioner. Indeed a good time to "do much work" with the Traffic Commissioner to improve safety on Leckhampton Road

The Traffic Commissioner has stated that there is "Much work to be done" in relation to the traffic around the Leckhampton triangle (A46 - Leckhampton Lane - Church Road, Leckhampton Road) to provide high quality sustainable transport routes vital for the New Leckhampton School, Leckhampton Junior school enlargement and the planned housing developments (MD4). Church Road and the junction of Leckhampton Road is a key junction, and nothing should be approved that impacts on the ability to provide High Quality Sustainable routes. Any development should be in conjunction with the needs of the overall transport solution.

297 Old Bath Road  
Cheltenham  
Gloucestershire  
GL53 9AJ

**Comments:** 26th May 2023

I agree that the traffic situation around the existing Co-op store is chaotic and even the earlier proposed demolition of the adjoining bungalow would probably not have improved matters - because of the proximity to the junction with Church Road.

The potential situation at the junction with Pilley Lane needs to be studied carefully: the vehicle entrance to the property would be very close to that T-junction and, while this might present fewer dangers than the existing location, there would need to be strict traffic management measures as there are queues at peak times.

I suggest that the junction now become a traffic-light controlled one with a pedestrian phase. This would replace the existing light-controlled pedestrian crossing and, usefully, act as a brake on traffic descending Leckhampton Road and queuing at the roundabouts. This would assist delivery drivers too - by causing drivers from Pilley to slow when seeing that the lights are against them - thus facilitating safe entry and egress. Pilley and Everest estates drivers would have safer exit.

With regard to the building height, I suspect that there will be reservations about the number of storeys. Perhaps a part only of the complex might be developed to the suggested height - a reasonable compromise, maybe.

Honeysuckle Avenue  
Cheltenham  
GL53 0AF

**Comments:** 12th June 2023

Very excited about this development it sounds like a great idea. Having a new shop will be far more useful to the community than a garage. The Co-Op is a busy shop already so it is a great that the Co-Op wish to invest in our area and make it an improved retail store to serve the community. I hope this goes ahead.

Suffolk House  
166 Leckhampton Road  
Cheltenham  
Gloucestershire  
GL53 0AA

**Comments:** 25th May 2023

We absolutely agree with other comments that this is a better, safer site for the COOP than its current location. However, we have grave reservations regarding the parking. Parking has been the primary problem with the current COOP and with the number of planned flats and houses we are concerned the parking problem will simply be moved to Pilley Lane. In theory there are more spaces, but the developers have vastly undercalled the number of spaces needed for the planned flats and houses. It is inevitable that even the one bedroom flats are likely to have two people living in them- with two cars. Surely there should be a minimum of 2 spaces per property? That is without any visitor spaces. At the moment there is less than one per property. We can see the residential properties using the COOP spaces, leading to shoppers parking dangerously on Pilley Lane and around the junction with Leckhampton Road. The obvious and sensible thing would be to reduce the number of flats by at least half. The building is going to tower above residential properties around it, so it may be sensible to remove the top floor to be more in keeping with its surroundings and reduce the number of properties within it?

83 Honeysuckle Avenue  
Cheltenham  
GL53 0AF

**Comments:** 10th June 2023

The current site is extremely congested at times and poses a danger to road traffic and pedestrians, while entering and exiting the very small carpark directly onto a roundabout. This has stopped us using this Co-op which happens to be the closest to our house.

5 Leckhampton Rise  
Cheltenham  
Gloucestershire  
GL53 0AP

**Comments:** 19th May 2023

I support this development for a number of reasons,  
Firstly, the CO-OP is an important part of the Leckhampton community, but I believe that the current store and especially the parking, is now too small to serve the ever expanding community. Secondly, the proposed site is currently an eye sore and needs developing asap.

Thirdly, the traffic disruption caused by the current location of the CO-OP is getting worse all the time due to the popularity and number of deliveries to the shop. I believe the new proposed location, further up from the two mini roundabouts will help significantly with this disruption/congestion.

I fully support Boo homes and believe they will take utmost care in building a development in keeping with needs of Leckhampton.

34 Suffolk Parade  
Cheltenham  
Gloucestershire  
GL50 2AE

**Comments:** 12th June 2023

I think this would be good as it creates more housing for people in a nice area of Cheltenham and it's also a good location for a food store.

Luscombe  
Kidnappers Lane  
Cheltenham  
Gloucestershire  
GL53 0NL

**Comments:** 12th June 2023

It looks like a much needed development for the area. Both the repurposing of the existing site and the move of the Coop from a busy double roundabout junction to a location with more straight forward access and a dedicated space for store deliveries.

35 Delancey Crescent  
Cheltenham  
Gloucestershire  
GL53 9EZ

**Comments:** 7th August 2023

I hope we can all agree that our local Co op is a valuable local resource. It has clearly outgrown the site and is not ideally situated. The nearby brownfield site is a eyesore and would be ideal. Boo Homes is a well thought of local builder.

I have trawled the comments and am disappointed by the albeit articulate, sometimes not applicable, time rich negative shameless nimbyism. We need homes especially affordable ones and facilities to go with them. The store is a lifeline to the local elderly maintaining their dignity and independence. Not everyone has or can afford to run a car. Let's not forget we nearly lost our local bus service. To give this proposal some perspective the established vernacular in Pilley Lane is Middleton House. The current volume of traffic in Pilley Lane is insignificant in comparison with nearby Charlton Lane. We welcome the proposed development and believe it will enhance the area.

189 Leckhampton Road  
Cheltenham  
Gloucestershire  
GL53 0AD

**Comments:** 13th August 2023

Where do we start!

- 1) Encroachment of the Building Line along Leckhampton Road and the return of Pilley Lane
- 2) Overscaling, mass with 3 storeys when the existing garage is only 1.5-2 storeys high and set further back than the proposed development
- 3) As a result of 2) the design will over impose neighbouring properties not only in the vernacular design but due to its box like construction which in turn will destroy the look and feel of that prominent location
- 4) As a result of 1) this creates a H&S highways issue due to reducing visibility splays coming out of Pilley Lane
- 5) Where are the green credentials for this development and why aren't you imposing an eco build compared to the new LH school and Miller homes development of 350 houses down the road?
- 6) This is surely an enterprise zone for commercial use so why are flats even being considered - surely a community cafe or youth hall would be more appropriate and in keeping with the needs of a district community

7) Why isn't access being provided off Leckhampton Road with exiting out of Pilley Lane. This will reduce the need for setting the Building further forward as well as removing the parking for flats.

This application screams of developer greed having paid a daft price for the site, hence over development of the site along with an IKEA build quality

7 Imperial Square  
Cheltenham  
Gloucestershire  
GL50 1QB

**Comments:** 16th May 2023

Good afternoon I have just seen the proposal for the above development (Demolition of existing buildings and erection of mixed use development comprising a retail food store with associated car parking and landscaping, 8no. 1-bedroom apartments, 4no. 2-bedroom apartments, and 2no. 4-bedroom houses) and would like to offer my full support for the application.

I have lived on Southfield Approach, GL53 9LN for 25 years and regularly use the Co-op on Leckhampton Road (at least once a week). Unfortunately parking is a nightmare at the existing site especially when they have deliveries and the lorry parks across one of the parking bays. Customers still park on the pavement even though they are clearly marked "No Parking" which makes it unsafe for pedestrians especially when they have young children/prams and dogs.

Exiting the site is also very difficult at times with traffic coming off the two mini-roundabouts and Church Road.

The retail/residential development will enhance the already improving Pilley Lane/Crescent area and would be a fantastic use for the former Wilkins Garage site.

I for one would be delighted to see this scheme go ahead.

Regards

24 Everest Road  
Cheltenham  
Gloucestershire  
GL53 9LG

**Comments:** 22nd May 2023

I fully support this application. As a regular user of the existing Mid-Counties Coop, as soon as I heard that John Wilkins were moving out of the site on the corner of Pilley Lane, my immediate thoughts were "I seriously hope the Coop move in there". Why? Because the Coop's existing site is appalling. There is insufficient parking, the access is terrible, the siting is awful due to it being sandwiched in between two mini-roundabouts, and whether you are a pedestrian or road user, the set up is dangerous and causes delays and congestion. The new site is much more suitable, and in my opinion ideal for what the community of Leckhampton needs.

I also fully support the look, layout and dual use of the site for housing and retail. The look is modern and fresh, and whilst perhaps not necessarily in keeping with some of the surrounding housing, certainly reflects that of some redeveloped houses in the area (eg Bath Road and recent developments on Pilley Lane), and also that of other new retail developments further down Leckhampton Road./Bath Road. I like the fresh design used and think it brings Leckhampton very nicely into the 21st century without looking cheap or tacky.

I also like the provision for parking spaces and also how these have been sited. This keeps parking access away from Leckhampton Road. However as someone who regularly uses the junction of Pilley Lane and Leckhampton Road, I would urge the Council to consider installing a mini-roundabout at this junction to prevent queuing on Pilley Lane. This would also have the effect of calming the speeds of traffic on Leckhampton Road in both directions, which can frequently make exiting Pilley Lane difficult and somewhat dangerous, particularly with the limited visibility in the area due to historic trees.

One further thing that the Council should consider as part of this application is the long requested pedestrian crossing on Old Bath Road, and possibly also improved crossings on Bath Road. This will make accessing the new retail development easier and safer for everyone in the surrounding areas.

Finally, I have neighbours who work or have worked in the existing Coop, and teenage children who may seek local part time employment there. The Coop is an excellent and reputable employer and I would imagine a successful planning application will result in retention of these good quality jobs for existing employees, and hopefully create new ones too. If this application is turned down, there is a risk that another developer will move in and either these jobs are lost, or are replaced with something much less favourable. This is also why I support the development of quality apartments on top of the store, which will help the viability/business case for the development, ensuring that it goes ahead to the benefit of the whole Leckhampton community..

In summary I fully support this application and eagerly await the new developments construction.

Hillside  
Undercliff Avenue  
Cheltenham  
Gloucestershire  
GL53 9AA

**Comments:** 17th August 2023

Whilst the principle of relocation the Co-op store is to be welcomed, not enough consideration has been given to the actual building structure and its impact on neighbours and indeed others with a concern for the appearance of that part of Leckhampton

The development is driven not by the relocation but by the additional residential element which is excessive and detracts from the space and amenities that would otherwise be available for users of the store e.g. car parking

In particular the height of the building is not consistent with adjoining roof heights and so the top storey should be removed and in addition the building line encroaches on the Leckhampton Road frontage and should be the same as the existing garage building and adjoining houses

Tudor Cottage  
Crippetts Lane  
Cheltenham  
GL51 4XU

**Comments:** 24th August 2023

I wholeheartedly support this proposal. It is an ideal site for a new Co-op store with much better access and space for parking. The current site is an eyesore and parking inadequate. People block the pavement which is extremely dangerous for pedestrians especially those with mobility problems or pushing a pushchair

17 Honeysuckle Avenue  
Cheltenham  
GL53 0af

**Comments:** 10th June 2023

We desperately need a bigger shop around this area.  
The current car park for the Coop is tiny and not suitable for use.



57 Church Road  
Leckhampton  
Cheltenham  
Gloucestershire  
GL53 0PF

**Comments:** 7th August 2023

We are in support of much needed change to location of co-op in Leckhampton and increase in size of shop plus parking.

We would expect build style to be in keeping with local architecture and provide green infrastructure esp tree planting and positive BNG.

Inclusion of housing that is affordable will be useful too

Regards

\*\*\*\*\*

7 Leckhampton Views  
Cheltenham  
Gloucestershire  
GL53 0AR

**Comments:** 15th May 2023

I support this application, as the development will create more residential housing, utilise a disused brownfield site and eradicate the regular traffic congestion caused when delivery trucks are on site. The new store will, I am told, be larger than the current one, enabling more storage and display, and the development will permit the replacement of two tired and old-fashioned buildings.

3 Pilley Lane  
Cheltenham  
Gloucestershire  
GL53 9EX

**Comments:** 5th June 2023

I object to this application for the following

Reasons

1. The development would have an adverse impact on the character of the area.

The proposed height of the building is unacceptable and completely out of keeping with the surrounding area. It is questionable who the flats would be marketed at, given that existing flats on the market, close to this site, have yet to sell.

2. The development would have an adverse impact on traffic and parking.

There will be a significant increase in risk to pedestrians, due to the increase in traffic on the Leckhampton road/ Pilley lane junction. The proposed parking is inadequate

3. The development would have an adverse impact on noise and disturbance.

The development brings with it increased noise at unsociable houses, which was not present with the previous ownership. Not only from the retail outlet deliveries, but increased traffic and the balconies.

4. The development would have an adverse impact on the rights of others, such as the right to light or privacy

The height of the proposed development means that surrounding properties are overlooked, some directly into bedrooms and gardens which is not acceptable. Furthermore, the scale of the proposed development means a reduction in natural light to the surrounding area.

This proposal represents overdevelopment of a family area for maximal profits with no consideration for the surrounding environment, community, residents or safety of pedestrians.

7 Halland Road  
Cheltenham  
Gloucestershire  
GL53 0DJ

**Comments:** 12th August 2023

The proposed development for the Co-op is welcomed, however, as many have said the three-storey development is out of character within the current residential area and is above existing roof lines.

The windows of the flats are poor aesthetically, and highlight the poor detailing in the design.

Its a shame that the building doesn't exhibit any real architectural merit for such an important position, and would fit better in a re developed inner city area, rather than on a main route into an historic spa town.

I imagine there will soon also be a similar development opposite when the old co-op is demolished, which will ultimately change the whole look and feel of this approach.

269 Old Bath Road  
Cheltenham  
Gloucestershire  
GL53 9EF

**Comments:** 31st May 2023

We support this new site with some reservations:

1. The parking is insufficient. The current coop parking is dangerous. The car park is too small and therefore customers park on the pavement making it unsafe for pedestrians. We need reassurance that this will be persist but in a new location.

2. How will the developers ensure that the traffic coming in and out of the site does not cause a danger to pedestrians, in particular school children walking and cycling to Leckhampton primary and high school?

3. It is disappointing not to see an option for a Cafe or deli. Has this been considered?

25 Pilley Lane  
Leckhampton  
Cheltenham  
GL53 9EP

**Comments:** 5th June 2023

I object to the application 23/00813/FUL. The proposed relocation of the Co op store from Leckhampton Rd to the old Wilkins car show room on Pilley Lane may have some merit, but little consideration has been given to the design, scale of the proposed development, height and traffic generated from a larger store. It will be over development in this area with too many flats and houses on the proposed site. The proposed development is not sensitive to the local surroundings. This part of Leckhampton is an established residential area of Edwardian, Victorian and 20th century buildings, of modest size and height, built mainly of red brick and stone. The visual impact of the three storey building in its present form, with a box-like structure, would have a detrimental effect on the surrounding area. It is poorly designed, unattractive and is not sympathetic to other residential properties nearby. It is not acceptable to build a mixed development opposite and nearby two storey properties whose privacy will be adversely affected. Balconies will overlook properties in Pilley Lane and Leckhampton Road. This is totally unacceptable. It will be overbearing and will not enhance this part of Leckhampton. We already have a 4 storey care home on this road, opposite my property, which has created a privacy issue for me too. Residents have a right to privacy. Noise pollution is another factor which has been given scant attention. It appears that there will not be enough parking places within the proposed site for residents, shoppers and shop staff. This will cause more on street parking in Pilley Lane and surrounding roads, which have very few spaces for residents and visitors even at the present time. The four storey care home was built with inadequate parking facilities and so lorries and other large vans have to park on the street on double yellow lines, sometimes half on the pavement! This is a narrow road, (lane), and by general informal agreement, parking is only on one side of the road, from beyond the two care homes, near Old Bath Road, all along Pilley Lane to Leckhampton Road, on the same side as the proposed redevelopment. It is, therefore, incorrect for the Transport Statement to say that some vehicles may park on street in Pilley Lane, Pilley Crescent and Hillands Drive. Many local vehicles already park half on the pavement on these narrow roads. Pedestrian safety, negotiating past the entrance to the store whilst cars enter and exit is another hazard. I would suggest there are more families who walk to nearby schools and use this road than Leckhampton Road. Is there a need for a bigger store? Should the entrance to the store and entrance to the residential properties be separated? Consideration should be given to re-siting the Co op but the present plans need a great deal of modification, showing greater awareness of the local surroundings.

5 Arden Road  
Cheltenham  
Gloucestershire  
GL53 0HG

**Comments:** 10th July 2023

I have only just become aware of this proposal - was the notice displayed at the site? Although there is a need to have a new Co-op instead of its current location, I object to this proposal as follows:

- # - the development is inappropriate for the location and the nearby houses although the site is a 'brownfield' site.
- # - the roof lines of both the two semi-detached houses and the commercial block with apartments are too high and exceed those of the nearby houses; it will create an overbearing block in the area overlooking nearby houses.
- # - the development is too near to Leckhampton Road and it needs to be set further back
- # - assuming that the new Co-op will be larger than the existing premises, will this lead to a parking and traffic problem on Pilley Lane, as it is not clear how many car spaces will be allocated to apartment owners and how many will be available to retail users.

167 Leckhampton Road  
Cheltenham  
Gloucestershire  
GL53 0AD

**Comments:** 4th June 2023

Whilst the development of the old John Wilkins garage site is to be welcomed, I object to the current planning proposal submitted by Boo Homes (it would seem, without the prior assistance or advice from the Council before submitting the application) for the following reasons:

1. Position of the development within the site.

The main building on the proposed development is sited closer to both Leckhampton Road and Pilley Lane, thus making it out of step with its neighbours. The Design And Access Statement comments that there is no definitive historical building line established with reference the adjacent buildings and the footprint of existing buildings. But if you travel up Leckhampton Road from the Norwood roundabout, no other building juts out relative to its neighbours in the way the proposed development would. This matters for two reasons: firstly, it would affect the visual amenity of the Leckhampton area in a way that no other building along does; secondly, it would significantly interfere with the sight lines of southbound traffic turning left onto Pilley Lane and traffic exiting Pilley Lane onto Leckhampton Road.

2. Safety.

Much has been said about the existing safety issues at the current Co-Op site, but any new development must not displace the safety issue to somewhere else or make things worse. Road safety dictates that drivers, cyclists and pedestrians have as much visibility as possible. The current proposal does not take this into account. Bringing the footprint of

buildings closer to the Leckhampton Road/Pilley Lane junction is a major issue, but this would be made worse by HGVs parking on the proposed loading bay, which would create a huge blind spot, the impact of which would be made worse by cars emerging from the car park behind the loading bay. The existence in the plans of totem signage - advertising the existence of the retail unit in a way that the current Co-Op does not - would further reduce visibility.

Due to the greater population density in the Pilley Lane area and its connection to Old Bath Road, a greater number of parents and children walk past and through this junction than walk past the existing Co-Op. The number of interactions between road users and pedestrians would increase. The current proposal is ill thought through in this respect. The Transport Assessment does not address these points adequately.

### 3. Overdevelopment.

The purpose of the existing Co-Op was to serve as a shop for Leckhampton locals, akin to a corner shop. Discussion about this took place at the time of previous (rejected) planning applications to extend the car park at the current Co-Op location. The store was never intended to be a destination shop. Had the car parking provision for the shop been increased, it was acknowledged that a greater number of home-shop-home care journeys would be made. The Transport Statement itself references Leckhampton as being a walking neighbourhood and references reduced reliance on the car. This objection (i.e., that it was not desirable for the Co-Op to become a destination supermarket) therefore persists.

Added to this is the opportunistic nature of the developer in tacking on twelve flats above the proposed new retail unit in order to make a greater profit. These would not be family homes with gardens. There are many unsold flats on the market further down Leckhampton Road so one queries what the market for flats in this area is. The Planning Report, in focussing on the retail component, largely (and perhaps conveniently) glosses over this. The inclusion of the flats - and in particular of a tall second floor - would raise significant issues for the privacy of neighbouring properties into whose gardens, bedrooms and living rooms the flats would look. The car parking provision for those properties in the current plans is insufficient and would lead to increased on-street parking in neighbouring streets, and the increased traffic movements would create congestion and add to the safety issues.

Whilst both the Design and Access Statement and the Planning Statement refer to the proposed development responding well to the established topography, this is not true - by bringing the footprint closer to the roads and by building something so much taller than its neighbours, the topographical line would not only be broken, but the visual impact of the development would be akin to a citadel marking the corner of junction, completely out of character with the area. It is just too big for this particular location.

I would encourage those considering this application to reject it in its current form. If built, the residents of Leckhampton (not just the neighbours) will be lumbered with a development that is out of context with its surroundings visually, which does not add to the community's amenity in the intended way and which would cause significant issues for those who live in the area.

165 Leckhampton Road  
Cheltenham  
Gloucestershire  
GL53 0AD

## **Comments:** 4th June 2023

I have detailed below a number of points I wish to raise with regard to the planning application. In parts I will refer to sections in the 'Planning Statement' as provided by the applicants

### Visual impact

3.9, 4.15 The sloping topography suggested in the plans does not accord with the height of the surrounding buildings. With the extra floor of flats there is a definite discrepancy in the transition in building heights that is not in keeping with the area.

The building line along Leckhampton Road is transgressed. All other houses along the road are set back by a more or less equal distance but the plans bring this development much further forwards.

2.1, 2.2 The proposed development will also have a semi-industrial appearance, offering little visual interest and out of step with the surrounding environment. Even Councillor Martin Horwood agrees that it is 'not the prettiest or most discreet design' so why not come up with a design more in keeping with the area?

### Noise or disturbance

2.2 There was very little noise or disturbance from the original garage. They opened at 8.30 and closed at 5.30 with generally little traffic in and out.

There will be luminous signs incorporated into the structure to encourage/inform people of the position of the shop. These could easily provide an unwelcome amount of light pollution for the houses opposite.

### Traffic

There will be continuous ingress and egress of traffic from the site onto Leckhampton Road, already a very busy main thoroughfare. There have been a number of accidents over the years between cars pulling out of Pilley Lane and colliding with vehicles travelling along Leckhampton Road. The Pilley Lane/Leckhampton Road junction is well used, particularly in term time when bringing children to and from the Primary School. Bringing the building line forward would reduce visibility for both motorists and pedestrians at that corner causing safety problems.

### Privacy

The proposed flats will be much nearer the opposite row of houses in Leckhampton Road if the building line is brought forward and the height of the flats will not ensure privacy for the householders, especially if balconies are included in the design. There will be a large structure in close proximity to the front aspect of the houses. Councillor Horwood states that the planned building will be further from existing houses than the current garage building. From the plans you can see this is incorrect.

### Two final points

## Page 63

Is there a market for more flats in the area? The HSBC building in the Bath Road is being redeveloped into flats, the flats above Fiori, also in the Bath Road, have not all sold and the flats in Old Station Drive always seem to be up for sale.

Why did the applicant not seek assistance or advice from the Council prior to submitting their application?

163 Leckhampton Road  
Cheltenham  
Gloucestershire  
GL53 0AD

### **Comments:** 25th May 2023

While I recognise the need for the redevelopment and the Coop's desire to move to larger premises from its present site I have reservations about the design, the number of flats proposed, and the size of the Coop's retail space. There are also potential parking problems, and the likelihood of increased traffic and noise.

Aesthetically the design of the premises does not look attractive: materials proposed include standing seam/site folded metal cladding above the retail unit, perforated brickwork and aluminium panels. I cannot agree with SF Planning Ltd's assertion that the use of these materials 'provides additional visual interest to the development'. They do say that such materials 'are not prevalent within the locality'. They are ugly, even if some people might consider them 'visually interesting'. And if they are not prevalent within the locality, why use them? The development will look utilitarian, functional and without aesthetic merit. Rather like John Wilkins Suzuki Motors does or did!

I would like to know what the actual height of the building will be. I cannot see from the Proposed Elevations Plans what it is likely to be. At least 40 ft or 12 metres?

Regarding the number of flats proposed, the aim appears to be to cram in as many as possible without falling foul of building regulations. The dimensions meet only absolutely minimum standards. Flat 4, on the first floor, for example, is clearly a 'studio' flat (technically a one-bedroom, one person flat - the term 'studio flat' is not used in the standards) with 37 square metres of space. The building standards stipulate that the minimum gross internal area is either 39 sq m with a bathroom, or 37 sq m with a shower room. It just meets the minimum standard but no more. The same goes for all the others: minimum space, cramped accommodation. Profit maximisation is surely the motive.

The planning application is for market housing only, not starter homes or affordable homes. I hope this is not going to attract buyers who want to use the flats for second homes, holiday lets or AirBNBs.

The present Coop is designated a destination shop. The proposed new one at 410 sq m will be much larger. Does Cheltenham need yet another sizeable supermarket? The Coop has outlets in Bath Road and Charlton Kings, there is a Sainsbury's in Bath Road and in Charlton Kings, and there is a new Lidl in Charlton Kings. Reduce the number of flats and the size of the retail space, and build another house in the space thus saved, perhaps?

I also see that work has already started on this development. There are workmen there now. Planning permission hasn't yet been granted, has it?

161 Leckhampton Road  
Cheltenham  
Gloucestershire  
GL53 0AD

**Comments:** 4th June 2023

My wife and I although in principal agree and support the re- development of the site however object to certain aspects of the proposal.

Firstly, the height, it will severely impact the amount of light and given it's proposed be 2 floors above ground level I feel that the top floor will look directly into my bedroom and will impact on my privacy. One floor above ground would be significantly more acceptable.

The scale and mass isn't in keeping with the local area and my opinion should be in keeping with the neighbouring properties regarding height. Parking will undoubtedly be affected with an increase of cohabitation and therefore Pilley Lane will be overrun with cars not able to park at the flats.

Delivery times to the Coop are far too early at 5 Am and should be delayed to something more suitable to a residential area. I work in the Emergency services and therefore a shift system. This will undoubtedly impact on sleep quality to me and neighbouring families. And finally I do not agree with the proposal for balconies that face immediately towards my property. The style of properties offered will attract generally the younger aspect of society and that brings a desire to be more sociable than the generally middle aged and elderly section of society that live in this area and this will expectedly cause anti social and noise issues to a long standing community that have supported each other and reside in peace and harmony .

159 Leckhampton Road  
Cheltenham  
Gloucestershire  
GL53 0AD

**Comments:** 31st May 2023

I am writing to express my objection to the proposed application for a retail shop with flats development at 170-172 Leckhampton Road. While I acknowledge the importance of development, I believe that the current proposal does not align with the existing character of the area and raises several significant concerns. I kindly request that you carefully consider these objections before making a decision on this application.

1. Scale, Mass, and Height:

The scale, mass, and height of the proposed building are not in keeping with the surrounding area. The size of the development could have an overwhelming impact on the visual landscape and overall character of the locality. I recommend considering a reduction in height by one story to ensure better compatibility with the neighbouring



structures. The proposed height exceeds that of any other property in the immediate area, which could result in an incongruous and out-of-place appearance.

### 2. Inadequate Off-Street Parking:

The density of the proposed housing, combined with the mixed-use development, raises concerns about the availability of adequate off-street parking. This shortage may lead to overflow parking on neighbouring roads, causing congestion and inconvenience for both residents and visitors. Moreover, the lack of designated parking spaces may result in illegal parking in the delivery bay. I urge you to reassess the parking provision to adequately meet the demands of the proposed development. Provision for parking would be improved by reducing the density of residential properties in the development

### 3. Noise and Disruption:

The proposed delivery schedule, starting as early as 5:00 AM, poses a potential for noise disturbance during anti-social hours. This disruption would have a negative impact on the quality of life for nearby residents. I strongly recommend restricting delivery times to a shorter window during the day, taking into consideration the community's right to peaceful enjoyment of their properties. Additionally, I urge you to impose limitations on the store's opening hours, reducing activities during evenings and weekends to minimise noise disturbances.

### 4. Privacy Concerns:

The inclusion of balconies on the second floor of the development, with direct sightlines into neighbouring properties, including our own, raises valid privacy concerns. This design element lacks precedence along Leckhampton Road and may compromise the privacy of existing residents. I request that you reevaluate the balcony design and explore alternative solutions that prioritise the privacy of neighbouring properties.

In summary, whilst we are not fully opposed to the mixed retail and residential scheme, the proposed plans do not align with the existing character and scale of the area. The concerns raised regarding scale, inadequate parking, noise disruption, and privacy warrant careful consideration. I kindly request that the planning authority addresses these objections and takes the necessary steps to rectify the shortcomings of the proposal before reaching a decision.

157 Leckhampton Road  
Cheltenham  
Gloucestershire  
GL53 0AD

### **Comments:** 5th June 2023

We wish to register an objection to the proposed planning application at 170-172 Leckhampton Road.

Whilst we appreciate that the current site of the Co-op may not be ideal, we feel that the proposed move would merely move the problem to another site and cause further problems in the area. We feel that overall this is an overdevelopment of the proposed site.

Our concerns are:

1. Traffic and parking.

## Page 66

The junction of Pilley Lane and Leckhampton Road is already busy and extra traffic will exacerbate this problem. Higher traffic volume and the inevitable congestion will result in higher pollution levels which will be detrimental to local residents, this is a particular concern for the number of young children going to and from the Primary school. Also, the proposed delivery area is very close to this junction and would cause further congestion and danger to both pedestrians and traffic.

There is already limited parking in this area, and the site plan seems not to provide adequate parking for shoppers and the new residents of the flats - we feel that more illegal parking will occur as a consequence.

### 2. Visual impact.

Leckhampton Road is a tree-lined suburban street and the proposed design of the development is not in keeping with the existing buildings, to quote Councillor Martin Horwood "It's not the prettiest or most discreet design you'll ever see". The dominating, unsightly three storey proposed development and industrial style construction materials are inappropriate for a suburban setting, and will not enhance the area.

### 3. Privacy and loss of daylight.

We are unable to find exact measurements as to the height of the main building but we have estimated that it will be significantly higher than our house, casting a shadow over our and neighbouring properties thus causing a significant loss of natural light. We would be overlooked by both the new houses and flats, especially from the proposed balconies and new residents will be able to see directly into both living rooms and bedrooms. We feel that this is unacceptable.

### 4. Light pollution.

We have concerns over the level of light coming from the illuminated signage and shop interior due to the early morning and extended evening opening times of the shop unit.

5 Hillands Drive  
Cheltenham  
Gloucestershire  
GL53 9EU

### **Comments:** 8th August 2023

These new plans are just a resubmission of the original plans with the slightest of changes. Those changes have not addressed the serious objections and concerns already raised and submitted. We are therefore resubmitting our original objections: Although we welcome the move of the Co-op from its' current location to the old John Wilkins site, we object to this application for the following reasons.

1. The current site has major issues with parking and traffic entering and leaving the store due to the small size of its car park and the location betwixt two roundabouts. Moving the location with the carpark off Pilley Lane is just moving a traffic problem, with an increased volume of traffic exiting Pilley Lane and onto Leckhampton Road. This currently can be difficult and at times dangerous, especially with the large trees lining Leckhampton road creating blind spots. Therefore, the entry/exit to the store needs to be looked at from a safety perspective and also with the potential increase of traffic. Having the new store with a larger carpark will inevitably increase trade and therefore create more traffic than the existing store has. This has not been addressed by the "Revised Plans"

2. The proposed development for the Co-op is welcomed, however, the three-storey development is totally unreasonable within the current residential area. If this development goes ahead the two town houses and the three-storey development block will tower above all of the neighbouring properties and those properties in the vicinity, creating an eyesore and looking totally out of place. This has not been addressed by the "Revised Plans"

3. Living to the rear of the development, the apartments and town houses will be looking directly into our lounge and kitchen, especially the third floor with the wrap around balcony, this in itself totally eradicating our privacy along with our neighbours privacy and that of all those adjacent to the development. During the winter months, with the sun in a lower position, these additional two storeys on top of the existing single storey will also take away our light. Both points here seriously impacting on our right to light and right to privacy. This has not been addressed by the "Revised Plans"

4. With the planned 12 apartments (8 One Bed and 4 Two Bed) and the 2 Four Bed semi's, this all creating 24 bedrooms in total, you would expect between 20 to 30 residents' cars minimum), there are only 15 spaces allocated! Where are the other 5 to 15 cars expected to park? I would suggest clogging up the neighbouring streets, creating more hazards and dangers for customers entering and leaving the Co-op, and parents and children walking to and from school. This has not been addressed by the "Revised Plans"

With all of this information, these plans are obviously a total over development of this site, a site which would be better suited to the Co-op relocation and possibly a couple of smaller retail units to serve the local community (with serious consideration to the entry and exit of the car park) and not the additional housing and apartments.

A note should be made that none of the "Supporters" of this development live in the immediate vicinity of this development and the majority will drive to it, creating more traffic and parking issues.

We therefore continue to object to these plans.

### **Comments:** 31st May 2023

Although we welcome the move of the Co-op from its' current location to the old John Wilkins site, we object to this application for the following reasons.

1. The current site has major issues with parking and traffic entering and leaving the store due to the small size of its car park and the location betwixt two roundabouts. Moving the location with the carpark off Pilley Lane is just moving a traffic problem, with an increased volume of traffic exiting Pilley Lane and onto Leckhampton Road. This currently can be difficult and at times dangerous, especially with the large trees lining Leckhampton road creating blind spots. Therefore, the entry/exit to the store needs to be looked at from a safety perspective and also with the potential increase of traffic. Having the new store with a larger carpark will inevitably increase trade and therefore create more traffic than the existing store has.

2. The proposed development for the Co-op is welcomed, however, the three-storey development is totally unreasonable within the current residential area. If this development goes ahead the two town houses and the three-storey development block will tower above all of the neighbouring properties and those properties in the vicinity, creating an eyesore and looking totally out of place.

3. Living to the rear of the development, the apartments and town houses will be looking directly into our lounge and kitchen, especially the third floor with the wrap around balcony, this in itself totally eradicating our privacy along with our neighbours privacy and that of all those adjacent to the development. During the winter months, with the sun in a lower position, these additional two storeys on top of the existing single storey will also

take away our light. Both points here seriously impacting on our right to light and right to privacy.

4. With the planned 12 apartments (8 One Bed and 4 Two Bed) and the 2 Four Bed semi's, this all creating 24 bedrooms in total, you would expect between 20 to 30 residents' cars minimum), there are only 15 spaces allocated! Where are the other 5 to 15 cars expected to park? I would suggest clogging up the neighbouring streets, creating more hazards and dangers for customers entering and leaving the Co-op, and parents and children walking to and from school.

With all of this information, these plans are obviously a total over development of this site, a site which would be better suited to the Co-op relocation and possibly a couple of smaller retail units to serve the local community (with serious consideration to the entry and exit of the car park) and not the additional housing and apartments.

We therefore object to these plans.

4A Hillands Drive  
Cheltenham  
Gloucestershire  
GL53 9EU

**Comments:** 4th June 2023

Dear Planning Authority,

I am writing to lodge an objection the planning application 23/00813/FUL for the proposed development at 170 - 172 Leckhampton Road Cheltenham Gloucestershire GL53 0AA. I have carefully reviewed the plans and have identified several concerns that I believe warrant reconsideration.

Firstly, I would like to draw your attention to the height of the proposed development. The proposed height exceeds the line of houses in the area, resulting in an incongruous structure that significantly alters the visual character of the neighbourhood. This deviation from the existing architectural landscape is a matter of great concern to the community and should be taken into account.

Moreover, the design of the development raises serious privacy concerns. The flats within the proposed development would overlook the gardens of neighbouring properties, impinging on the privacy of their residents. This intrusion on personal space is unacceptable and must be carefully considered in order to preserve the quality of life for all affected parties.

In addition, the overshadowing effect of the proposed development during the winter months poses a significant problem. The scale and positioning of the development would cast a shadow over existing buildings, resulting in a substantial loss of natural light. This not only has adverse effects on the living conditions of current residents but also affects the well-being and mental health of those affected. It is crucial to recognise the importance of natural light and ensure that any new development mitigates any negative impact on existing properties.

Furthermore, the proposed plans do not adequately resolve the issue of parking taht exists with the current Coop. The number of flats and houses being proposed and the

needs of the store exceeds the available parking spaces, which will undoubtedly lead to an increase in cars parked on neighbouring streets. This will not only inconvenience local residents but also cause traffic congestion and potentially still pose safety risks. A more comprehensive parking solution must be provided to accommodate the increased demand and prevent the overflow of vehicles onto already congested streets.

Moreover, the proposed change to the back wall, which currently hosts mature plants, is a cause for concern. Instead of preserving the natural beauty and privacy that the mature plants provide, the plans suggest a short fence in its place. This inadequate replacement will result in an undesirable situation where neighbouring houses will be overlooked, even from the car park area. Such a change poses risks to privacy, safety, and significantly alters the visual aesthetics of the surroundings. It is imperative that the development takes into consideration the preservation of the existing natural elements and safeguards the privacy and security of residents.

While I would support the move of the Coop, in light of the aforementioned concerns, I kindly request that the planning application be reassessed, taking into account the impact on the height of the development, the loss of privacy, the overshadowing effect, the inadequate parking provisions, and the insubstantial replacement of the back wall. It is crucial that the proposed development aligns with the principles of responsible and sustainable urban planning, while respecting the existing character and needs of the community.

I trust that you will give careful consideration to the issues raised in this objection. I hope that, through further review, the concerns of the community will be addressed, and a more balanced and appropriate solution can be achieved.

Thank you for your attention to this matter. I look forward to receiving your response and the opportunity to participate in any future discussions or hearings regarding this planning application.

Yours sincerely,

168 Leckhampton Road  
Cheltenham  
Gloucestershire  
GL53 0AA

**Comments:** 2nd June 2023

I would like to express some concerns for consideration regarding this planning application:

Firstly, I have concerns over traffic; there is already a pedestrian crossing and a bus stop stopping the flow of traffic in that exact location. The traffic outside my property because of this already causes issues. This proposed application is likely to contribute to additional noise pollutions and congestion in the community as a result.

I also have concerns regarding air pollution as I could not see any green space in the car park area. In addition I am concerned for noise and air pollution when myself and my family are out in our garden, this will cause disruption and effect our ability to enjoy our outdoor space as well as privacy.

The development is very cramped and crowded for the space which it occupies. This is unlike the character of the properties in the community. For example, the number of one-bedroom apartments does not agree with the area. It will bring too many people to the area for the size of the plot causing too much disturbance, traffic and pollution.

Finally, I would like to request further information to answer the following queries as a habitant of a neighbouring property, 168 Leckhampton Road.

1. Can the residents walk around the entire and/or part of the balconies?
2. Can those houses, which are situated next to my property and because they are close, can they see on top of my conservatory?
3. Can I confirm which windows would be facing my property?

Thank you in advance for your time.

19A Grasmere Road  
Cheltenham  
Gloucestershire  
GL51 3PQ

**Comments:** 8th August 2023

What great news to see the plans for the old garage site and to see the relocation of an outdated Co-op store, with all its problems.

I shop here weekly but sometimes find parking a big problem and the traffic congestion can be quite obstructive.

Can't wait to visit the new store and have a purpose built alternative. It would resolve a major traffic issue at the junction of church road. I fully support this application. Fully support.

36 St Lukes Place  
Cheltenham  
Gloucestershire  
GL53 7JN

**Comments:** 12th June 2023

Totally support the plans. Think this will be beneficial for the area

Stoneycroft  
24E Moorend Road  
Cheltenham  
Gloucestershire  
GL53 0HD

**Comments:** 29th August 2023

Obviously the best and most cost effective way to upgrade the Co-Op to a modern eco-friendly building would be to relocate to this site and also have the potential to improve the look of the existing unoccupied garage buildings. I feel the over development & visual impact of the planned structure is unacceptable, also before development goes ahead there is also an opportunity to address some existing issues and improve pedestrian/cycle access. I'm a regular user of the shop and always prefer to support local where I can, I feel it's important to keep a small shop in this vicinity.

My thoughts and concerns, in no particular order:

1. Over development of the site, the planned buildings are far too high and there's too many units. There's plenty of other new development going on in the local area, why the need to shoehorn so much in here? If the location and size of plot allows then fine - there's cases in other parts of Leckhampton Road where a three bedroom 1960's property has been demolished to build a pair of Semi-detached, ideal solution for that size of plot.
2. The planned buildings are totally out of character and overbearing compared with the rest of Leckhampton Road, in what is probably the only road into Cheltenham which hasn't yet been ruined. The site is above the level of Leckhampton Road which makes the visual impact of such a structure so much worse. Even more so with the design of the building being a big white box & flat roof. The recently built Wilson Medical centre in Prestbury, is also a large building, but the design is much more in keeping with the surroundings which has helped minimise the visual impact.
3. Pilley Lane junction is relatively narrow, as has been mentioned previously by other objectors, there were issues with street parking when the garage was there. There will be vehicles queuing up to turn off Leckhampton Road & again having to queue to get into the car park. Similar to the situation with the existing Co-op site, impatient people will just park on the pavements or abandon their vehicle on the yellow lines, just to pop in for their "quick cup of coffee".
4. The existing Co-op sites issues will be just moved 100m up the road unless measures are put in place before it's too late. Pedestrians and cycles should be encouraged. Pedestrians will have issues crossing Pilley Lane without a pedestrian refuge, with an increased number of pedestrians crossing there and the increased traffic using that end of Pilley Lane. Similarly with no proper pedestrian refuge on Charlton Lane (which is already a dangerous place to cross), as more pedestrians will be using the footpath on the East side of Leckhampton Road (people are not going to want to cross Leckhampton Road, then Church Road, then back across Leckhampton Road again).
5. No mention of what is going to happen to the existing Co-Op site - If this over development goes ahead, presumably a similar overbearing buildings will be allowed there too.

2 Church Road  
Leckhampton  
Cheltenham  
Gloucestershire  
GL53 0PR

**Comments:** 1st July 2023

Living on the corner of Church Road the traffic has increased massively and is set to get worse. The current co-op blocks both mini roundabouts and Church Road has standing traffic in both directions for much of the day. Vehicles regularly park on the yellow lines, the 'Keep Clear' areas outside the current shop and park up on the pavements. Cars reversing into pedestrians and shoppers is a dangerous issue. The current site is also made worse by cars using the childrens nursery using the Co-Op car park and parking dangerously restricting traffic on Leckhampton Road. The move of the Co-Op to the proposed site is important as this is the only solution that can be made.

The building should only be two stories high as to not blight views and the character of the area. The shop Needs to be of similar size and just adequate parking with street furniture to prevent kerbside dangerous parking. Traffic using the Co-op will then be taken away from the two mini roundabouts and the creche allowing pedestrians to be safe. Unfortunately traffic needs to go somewhere and illegal parking is not enforced at any time, but the larger site is a much better solution with the pedestrian crossing too and the lower amounts of traffic on the Pilley/ Leckhampton junction.

7 Pilley Lane  
Cheltenham  
Gloucestershire  
GL53 9EX

**Comments:** 6th June 2023

We wish to register an objection to the proposed planning application at 170-172 Leckhampton Road. We agree with other objections that this proposal represents an overdevelopment of a family area for maximal profits with no consideration for the surrounding environment, community, residents or safety of pedestrians, particularly children.

Our main objections:

- Pilley Lane is a major pedestrian thoroughfare for children walking and cycling to both Leckhampton Primary School and the High School Leckhampton. The siting of the coop delivery bay, and the car park will therefore present a potentially important hazard for these children and their younger siblings.
- The traffic assessment has not considered that many parents of the two schools will also park in the coop and this will exacerbate traffic and road safety issues at School start and pick-up times.
- A three-storey building is out of keeping with the character of the whole area - its height means that it will negatively impact privacy of neighbouring properties including ours.



- The noise impact assessment has not directly considered the considerable additional noise impact from non-delivery traffic coming to and from the coop. This will obviously have a negative impact on most residents of Pilley Lane given that all cars arriving and leaving the shop will have to enter at least one end of the road.
- The noise impact assessment does not seem to have considered that 60 dB of additional noise for upwards of 1 hour early in the morning (from delivery lorries) will present a major increase in ambient noise in the area when noise levels are typically very low, especially at the weekend.
- Illegal Parking would become a major problem in this area with this plan. Already, illegal parking is a major problem in Leckhampton with the primary school repeatedly needing to bring in parking officers and appealing to parents on this matter. The plans do not appear to have adequate parking capacity for the accommodations and shoppers and so illegal and dangerous parking up and down Leckhampton Road and Pilley Lane will surely be the result.
- Light pollution is not addressed in the planning application, but due to the long opening hours and significant use of light in coop, we believe that this will lead to unacceptable levels of light pollution in this part of the street.
- Presentation: The buildings proposed are frankly among the least attractive that could be conceived. They are out of character with the whole neighbourhood and at three storeys will basically constitute a major eye-sore in what is a leafy suburb largely consisting of historical buildings.
- Air quality: Increased traffic flux and congestions will worsen problems with air quality in our street and homes. It will also expose children walking to school to increased levels of pollutants from the cars and delivery lorries.
- Environmental contaminants: little information is presented on the strategy for the safe treatment and on the state of disused underground petrol tanks. As the Contaminated Land Officer has noted "The initial report provided indicates that concrete-filled petrol tanks are likely to remain in situ leading to a "moderate to high risk of pollutant linkages to future site users"." This sounds unacceptable to a lay reader. More needs to be done to reassure residents that dangerous pollution will not occur during the construction process or over the longer-term.

3 Pilley Lane  
Cheltenham  
Gloucestershire  
GL53 9EX

**Comments:** 24th May 2023

I object to this application for a number of reasons including

1. The development would have an adverse impact on the character of the area.
2. The development would have an adverse impact on traffic and parking.
3. The development would have an adverse impact on noise and disturbance.
4. The development would have an adverse impact on the rights of others, such as the right to light or privacy.

as detailed below:

1. The development would have an adverse impact on the character of the area.

The proposed scale, mass and height of the buildings are overbearing and are extreme for the location having an adverse visual impact and impact on the character of the area (see Proposed Street Scene 2 as an example). The extreme height will mean the proposed development and second-storey balconies directly overlooking surrounding property on Leckhampton Road and Pilley Lane, as well as the adverse impact the noise and disturbance will cause to the surrounding area.

The proposed development is not respectful to the scale and appearance of the surrounding residential properties. With an elevation profile higher than the surrounding properties, it is not in keeping with the character of the area, causing an adverse visual impact on the surrounding area.

The proposed development is unattractive and of poor design lacking in the innovative consideration required to deal with climate change.

2. The development would have an adverse impact on traffic and parking.

The proposed development will have an adverse impact on traffic safety by more than doubling vehicle traffic along Pilley Lane, a residential street. The additional volume of traffic on Pilley Lane will be dangerous and will have an adverse effect on road safety..

Pilley Lane is a Residential street used as a pedestrian walking route, both to both Leckhampton High School and also Leckhampton Primary School and the proposal will have an impact on the safety of this pedestrian route.

No assessment has been made on the adverse impact and safety implications of the additional vehicle traffic pulling out of Pilley Lane onto the already busy Leckhampton Road. Transport Assessment 5.3.9 & 5.3.12 states "an average of 35 arrivals per hour, or one vehicle approximately every two minutes on average" and "although it is recognised that these trips will be new to the site and the access junction onto Pilley Lane" (5.3.7), no safety or impact assessment has been undertaken on the risk and impact on these additional vehicles pulling back on to the busy roads of Leckhampton Road or Old Bath Road.

The Transport Assessment demonstrates that there will be an estimated 865 two-way vehicle movements over a 12-hour weekday period (Transport Assessment 5.3.11), an increase from the current daily average vehicle count below 600 according to the most recent Parish Council Traffic Monitoring Data (Available at <https://www.leckhamptonwithwardenhill-pc.gov.uk/speed-monitoring-in-the-parish.html>) significantly increase the number of vehicles using the residential street of Pilley Lane, and as such will adversely impact the safety of this residential street.

Why not position the vehicle entrance for the proposed development on Leckhampton Road on the site's northern boundary, repurpose the existing Leckhampton Road traffic light and amend it to a 3-way traffic light? This would actually solve the traffic issues, instead of just relocating the current traffic issue from the current CoOp location onto the residential street of Pilley Lane. The proposed houses could be relocated to be on the residential street of Pilley Lane instead of facing onto the busy Leckhampton Road.

The current proposed development is merely moving the current traffic issue associated with CoOp to a new location and in no way is solving the traffic problem, and will adversely impact vehicle and pedestrian safety in the area.

Furthermore, as detailed in planning application 11/00913/FU, the GCC Highways Planning Liaison Officer recommended to refuse that application. The plans had "not demonstrated that the impact of the proposed traffic generation and any overspill car parking can be accommodated on Pilley Lane, which may result in indiscriminate parking in residential areas contrary to highway safety. Contrary to CBC LP policy TP 1" and "The proposal has failed to take account of the cumulative traffic impact .... therefore the impact of the development on the surrounding highway network can not be adequately assessed, contrary to highway safety. Contrary to CBC LP policy TP 1." The proposal development has not addressed the impact and safety implications on the cumulative traffic rejoining the main highways at the Pilley Lane Leckhampton Road junction.

The Transport Assessment details that "Some vehicles may park on-street along Pilley Lane, Pilley Close, and Hillands Drive," (5.3.12) so the proposed parking at the proposed development is expected to be inadequate, furthermore there is no mention on employee parking for the 15x full-time employees that will work at the retail unit.

The planned delivery route using 10m rigid trucks will have an adverse safety impact, as per 4.4.4 as the trucks will be turning across oncoming traffic 3 times, via the planned route causing an adverse impact on traffic and safety.

3. The development would have an adverse impact on noise and disturbance.

The proposed second-story balconies will cause noise and disturbance, while also having a direct impact on the privacy to the surrounding properties. Due to the extreme height of the proposed development, this noise will carry for some distance.

The operational requirements for a development of this nature will have an impact on the living conditions for neighbouring residents and will continue late into the evening, having an impact and disturbance to the surrounding properties. As detailed in the noise report (8.4.3) "the cumulative delivery noise level will have an adverse to significant adverse impact".

The noise summary has no projected noise in relation to the operation of the shop or noise impact to local residents on the south side of Pilley Lane from the car park entrance (additional car every 1 to 2 mins) or from the entrance to the shop and increased footfall.

This noise is in addition to the noise and disturbance caused by the additional traffic volume on the quiet residential street of Pilley Lane.

4. The development would have an adverse impact on the rights of others, such as the right to light or privacy.

The height of the proposed development and balconies on the second story will have an overbearing position and will have an impact on the privacy of surrounding properties on Leckhampton Road and Pilley Lane. Due to the extreme height, the balconies will have direct visibility into the bedrooms of the surrounding properties, directly impacting the right to privacy.

The extreme mass and height of the property will have an adverse impact on the right to light, causing overshadowing and the loss of light for the surrounding properties and the proposed development is out of character with the surrounding area.

### **Comments:** 4th August 2023

Further to my original objection from 24 May 2023, I continue to object to this application for a number of reasons and the revised plans have done nothing to eradicate the issues associated with the proposed plans:

1. The development would have an adverse impact on the character of the area.
  2. The development would have an adverse impact on traffic and parking.
  3. The development would have an adverse impact on noise and disturbance.
  4. The development would have an adverse impact on the rights of others, such as the right to light or privacy.
- as detailed below.

See original comments for details on the above points.

Looking at the revised plans, a 400mm reduction in height has minimal impact on the overbearing nature of the buildings, resulting in the scale, mass and height of the proposed plans still having an adverse impact on the local area.

The developer is also trying to make the windows larger and add some first-floor balconies, that increase privacy issues and have an adverse impact on noise and disturbance, as well as the rights to privacy of the surrounding properties.

Adding a few trees does nothing to make this overbearing, massive property any easier to look at. The scale, mass and height are all very much the same as before. And changing the colour does not reduce the scale, mass or height of the proposed building.

The 3-story buildings are too large for development, resulting in overdevelopment. Removing the top floor apartments will also resolve related parking issues by freeing up some parking spots.

The area of the development is a family residential area, prime school catchment area for Leckhampton COE and HSL, and 1 bedroom flats / flats with no outside access are not aimed at family residential homes.

The revised plans do nothing to relieve the additional traffic (800 cars 12 hours) that will be visiting the location, and in all likelihood pulling out from Pilley Lane onto Leckhampton Road, something that has not been taken into consideration by the developer, or the safety of this. I feel that moving the location of the retail unit could be just relocating the traffic problem 300meters up the road.

174 Leckhampton Road  
Cheltenham  
Gloucestershire  
GL53 0AE

### **Comments:** 5th June 2023

174 Leckhampton Road, Cheltenham GL53 0AE (Objects)

We are writing to lodge an objection the planning application 23/00813/FUL for the proposed development at 170 - 172 Leckhampton Road Cheltenham Gloucestershire GL53 0AA.

We object to the proposed development on the grounds of visual impact, traffic, noise, air pollution and privacy.

#### 1. Visual impact:

The proposed three storey development will be substantially higher than the existing building it replaces and nearby neighbouring properties. It is incompatible with the local landscape.

The aesthetics of the proposed new buildings are out of character with neighbouring residential properties which will be detrimental to the appearance of the local environment.

It will dominate the landscape and adversely impact on the local area.

#### 2. Traffic and parking:

The proposed development will have an adverse impact on traffic and parking.

The higher volume of traffic associated with the proposed development will impact on the already busy Leckhampton Road and Pilley Lane. Both are heavily used as vehicular and pedestrian routes into Cheltenham Town Centre, local schools and Leckhampton Hill. Leckhampton Road is a major route into and from Cheltenham hence any increase in traffic associated with the proposed development will impact both road users and pedestrians.

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Higher traffic volumes will result in higher pollution levels which will be detrimental to ourselves and other local residents.

The proposal provides insufficient parking for residents, customers and Co-Op employees.

The inadequacy of car parking spaces will inevitably result in on street parking. Historically, we experienced problems with the previous occupants of the site [John Wilkins Garage] when patrons routinely parked on the pavement on the south side of the junction of Pilley Lane and Leckhampton Road i.e. on the corner directly outside our property. This resulted in visibility issues with ingress/egress to/from our property onto Leckhampton Road and also restricted pedestrian access. Bollards were installed by Cheltenham Borough Council to address these issues however a number were damaged and were not replaced. The retail store will garner greater footfall than the previous occupiers of the site which will inevitably result in increased pavement/roadside parking which may in turn result in a repeat of these issues.

### 3. Noise

The proposed development will increase noise and disturbance and adversely affect the local area.

The proposed early delivery schedule of 5.00 a.m. will have a detrimental impact on our property as two of the bedrooms are directly opposite the site of the loading bay.

The increased noise levels emanating from the proposed development caused by traffic, parking, delivery vehicles and footfall will inevitably impact on our quality of life e.g. enjoyment of outside spaces belonging to our property.

### 4. Privacy

The height of the proposed development exceeds that of existing properties in the immediate area.

It will impact on the privacy of our property and surrounding properties. The properties on the second storey will have direct visibility into two of our bedrooms which face Pilley Lane.

169A Leckhampton Road  
Cheltenham  
Gloucestershire  
GL53 0AD

### **Comments:** 2nd June 2023

The existing "Co-op Food" community store at 143 Leckhampton Road has parking and store-delivery limitations that could perhaps be eased by building a new store on the redundant John Wilkins Motors site at 170-172 Leckhampton Road. In principle, I support building a replacement similar size "Co-op Food" store at the new site, but only if it is designed to blend within the local neighbourhood and with adequate and convenient parking facilities provided I do not believe there is need for a significantly larger food store of the size planned and I object to the high density, dimensions and visual impact of the proposed mixed development.

### Objections:

1. **HEIGHT** - The proposed height of new buildings would have them considerably taller than those they replace and taller than existing nearby residential property on Leckhampton Road. These new buildings would have an overbearing and oppressive impact on neighbouring residential property. I suggest that the maximum height of new buildings should not exceed the height of buildings superseded or the height of nearby residential property on Leckhampton Road. In my view this proposal is two storeys too high.

2. **BUILDING LINE** - The proposed building line alongside Leckhampton Road would have buildings extending beyond the limits of present structures on the site, in the direction Leckhampton Road. This would have an oppressive and overbearing impact on established residential properties on both sides of Leckhampton Road and adversely affect the present open vista along the tree-lined avenue that is Leckhampton Road.

3. **APPEARANCE** - Aesthetics of the proposed new buildings are poor; they are unsightly box-like structures faced with metallic cladding, less attractive than the mainly brick buildings they would replace; the planned buildings are out of keeping with residential property nearby, detrimental to the appearance and environment of this mainly residential area.

4. **PARKING** - The plan provides insufficient parking to accommodate flat occupants, there being one less residential parking space than proposed new flats. The planned food store would be considerably larger than the existing food store so inevitably would increase the need for allocated customer car-parking spaces. The planned allocation of customer car-parking spaces is clearly inadequate, encouraging store customers to park in restricted residential parking spaces and at the roadside. What would prevent this? Local roadside parking is already a problem in this area.

5. **SAFETY** - I am concerned about safety aspects of constructing high-density small flats, particularly fire-safety issues associated with use of aluminium cladding.

169 Leckhampton Road  
Cheltenham  
Gloucestershire  
GL53 0AD

**Comments:** 5th June 2023

Having looked at the plans for this development, I wish to object to planning being granted.

The look of this new development is totally out of character with the rest of the area. Whilst there is a need to embrace the use of more efficient materials, the proposed development is just too different to what is already here and due to its huge size, it will feel very overbearing as it will dwarf all of the surrounding properties and will lead to reduction in natural light for many properties in the surrounding areas.

The development would have a negative impact on the safety of pedestrians and motorists on Pilley Lane and Leckhampton Road. This area is used as a walkway to and from the local Leckhampton primary school and Leckhampton high school, several times in the day. Pilley lane is already a busy cut through from Old Bath Road to Leckhampton Road - with the increased traffic flows, and multiple deliveries per day, the dangers that parents and children face will be considerably increased.

The increase in traffic on both roads with the added hazard of cars crossing the pavement to enter and exit the car park of the proposed development would cause an unwelcome danger. Also there would be an obvious increase in traffic flow into Pilley Lane but more importantly the increase in traffic turning from Pilley Lane into Leckhampton Road which is already a dangerous junction due to the speed of cars travelling on Leckhampton Road and the obscured view due to Leckhampton Road being a heavily tree-lined road.

Parking is totally inadequate for the proposed site activity. There are 15 residential spaces and 15 customer spaces. There has been no allowance given to parking for staff at the Co-op and the number of parking spaces for the residential properties is inadequate. This will lead to people parking on Pilley Lane, Pilley Crescent, Hillands Drive and even Leckhampton Road, therefore causing bottlenecks to the flow of traffic and more safety concerns. Again, this will increase the dangers considerably.

We feel that the proposed plans are an overdevelopment of the site with ugly, utilitarian buildings which is in no way in keeping with the current environment. In our opinion many of the one-bedroom flats are much too small but also the whole development at three storeys is much too high therefore maximising profits for the developer at the expense of a more suitable use of the site. Special note should be taken of the proposed balconies and the fact that these may cause unwanted loss of privacy to the existing surrounding properties. From the plans, this overlooking and loss of privacy for many established residents is always certain.

Noise and pollution will inevitably increase hugely if this development goes ahead. The retail site would mean frequent deliveries by lorries which would cause noise early and late into the day (and the increase in danger of the lorries turning onto the Leckhampton Road from the Pilley Lane junction which presently has little of this type of traffic) There



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would also be an increase in the traffic pollution by not only these lorries but the increased traffic using the shop as most people will be making short stops there. For these reasons we object to this planning application.

34 Pilley Lane  
Cheltenham  
Gloucestershire  
GL53 9ER

### **Comments:** 6th June 2023

While the current Co Op site definitely needs moving, I am not sure that this plan is of benefit to anyone apart from the developer. The Co Op is a small local shop - it doesn't need nor should it have a big car park. The significant problems and dangers experienced in Leckhampton Road will just be transported to Pilley Lane unless parking is strictly enforced, especially given how busy the junction of Pilley Lane is with Leckhampton Road.

The number of properties suggested for the site is far too many. I cannot imagine anyone happily living in such cramped space. They will also create another big parking problem not to mention the social problems which come from throwing a lot of people into a very small area. Pilley Lane/Crescent is a quiet, peaceful community and I am very concerned that these properties will be used for Air B&B or similar which will have nothing but disastrous consequences for those living nearby. The current Co Op has two flats above it which seems a much more reasonable number.

Walking to the shop, rather than driving to it, should be encouraged and should be the norm.

Pilley Lane residents should be aware that the Co Op is noisy (through no fault of its own - it's a shop!). Delivery lorries can cause real problems on small roads, and the cages rattling around can be very disturbing. The staff of the Co Op are great and the little shop is a real asset to our community. The new site needs to be too.

### **Comments:** 31st July 2023

The revised plans still show the building is too high. It towers over the surrounding houses and will block out the views for the residents on either side.

The apartments are still very cramped and we are concerned that they will be short-term lets or Air B&B properties for Race Week, which would not improve the housing situation in Cheltenham at all and would make the residents' lives miserable.

1 Halland Road  
Cheltenham  
Gloucestershire  
GL53 0DJ

**Comments:** 5th June 2023

We are writing to give support to the objections concerning the overdevelopment of this site - most significantly, the height of the residential flats that are proposed to be built above the retail outlet.

Whilst we are in support of the overall plans to move the Co-op and create more customer parking, this area is not a high street. This will be a retail unit amongst residential dwellings and should be treated as such, sympathetically built to fit with its' surroundings. The current Co-op has no flats above. And if it were to have, it would stand out as a blot on the tree-lined landscape.

7 Leckhampton Rise  
Cheltenham  
Gloucestershire  
GL53 0AP

**Comments:** 15th May 2023

As a local resident I welcome and support this scheme it will be a good improvement for the local community.

381 Old Bath Road  
Cheltenham  
Gloucestershire  
GL53 9AH

**Comments:** 16th May 2023

For a few years now the access to the coop store has proved problematic due to the size of the carpark, exacerbated during HGV deliveries to the store. Parking has been dangerous at times and both the tree at the entrance of the store and the mini roundabout both proving difficult to navigate safely at key times of the day particularly coinciding with school drop off and pick up times. It has long needed a solution and I see this proposal going a long way to deliver that solution

This proposal will greatly enhance the safety and accessibility of the store as well as enhancing the area with housing and landscaping that complements and offers choice due to its profile of both one and two bedroom apartments as well as houses

I fully support this development

1 Chatsworth Drive  
Cheltenham  
Gloucestershire  
GL53 0AG

**Comments:** 24th May 2023

At last, a sensible suggestion for Leckhampton. With all the additional housing being built in Leckhampton we are fast becoming overpopulated without any extra amenities. Our Shop is now too small and creates traffic chaos at a difficult road junction.

However, this is a huge missed opportunity, and possibly the last chance, to provide Leckhampton residents with a meeting place (a café, restaurant, takeaway). You may say Bath Road provides all that we need, but that is over a mile away from the top end of Leckhampton (the neighbourhood plan doesn't consider this as local). Look how popular the Fioro Lounge has been; this is exactly what we need in the heart of Leckhampton, with some outside seating area, this would be fantastic and well used. It would not affect trade in Bath Road, the cafés there are very busy and some need to be booked in advance. This could either be on the new site or the old Co-op site, but I can already see that houses are being planned for the old site. Please, we don't need more housing, for the sake of the 2 houses being built here we could provide a community space to benefit all the residents. Charlton Kings has managed to retain shops/café's scattered around the area and has just had a new supermarket built, why does Leckhampton miss out on these amenities, it seems every spare space has to be housing here. Over the years 52 years I've lived in Leckhampton we have lost many retail sites (2 convenience stores, a pub, post office, hairdressers, and Delancy which would have been a better site for the secondary school)

**Comments:** 15th June 2023

Further to my previous comments I would like to add some more points.

Firstly, there has been no notice on the site to inform the community of this proposed application. I believe that many people will be unaware of the application, and this is reflected in the fact that there are only 46 public comments. I think it's very important and correct that residents should have a say in what happens to this site.

I think most people would agree it's a good opportunity to move the Co-op, but its current design is cramming too much in and the building itself is out of character and too tall. It's very important to get this design right as there are no other business sites left in Leckhampton, the population has grown exponentially and is likely to further. We need more services in the heart of Leckhampton. From a traffic perspective, we also need to get this right as otherwise we'll just be moving the current problems to the new site.

73 Honeysuckle Avenue  
Cheltenham  
GL53 0AF

**Comments:** 23rd May 2023

Great to get a new Supermarket, purpose built to serve the community with adequate parking. Finally a fit for purpose new Retail unit to enhance our community.

106 Leckhampton Road  
Cheltenham  
Gloucestershire  
GL53 0BX

**Comments:** 16th May 2023

NONE GIVEN

28 Copt Elm Road  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL53 8AH

**Comments:** 29th August 2023

DAILY VISITOR TO 169 LECKHAMPTON ROAD

This proposed development is opposite my mothers house and I feel the revised plans which I previously objected to have been changed so minimally that the impact of the site being massively overdeveloped has not been adequately addressed and will still lead to all of the previously mentioned concerns such as lack of privacy, noise pollution, traffic increase and danger

**Comments:** 4th June 2023

We object to the planning application 23/00813/FUL for the following reasons:

1. The development would have a negative impact on the safety of pedestrians and motorists on Pilley Lane and Leckhampton Road.

This area is used as a walkway to and from the local Leckhampton primary school and Leckhampton high school. The increase in traffic on both roads with the added hazard of cars crossing the pavement to enter and exit the car park of the proposed development would cause an unwelcome danger.

Also there would be an obvious increase in traffic flow into Pilley Lane but more importantly the increase in traffic turning from Pilley Lane into Leckhampton Road which is already a dangerous junction due to the speed of cars travelling on Leckhampton Road and the obscured view due to Leckhampton Road being a heavily tree-lined road.

2. The look of the new development is totally out of character with the rest of the area which is made up of predominantly red brick buildings. Whilst there is a need to embrace

the use of cheaper and more thermally efficient materials the proposed development is just too different and due to its huge size, it will feel very overbearing as it will dwarf all of the surrounding properties and will lead to reduction in natural light

3. Parking is totally inadequate on the proposed site. There are 15 residential spaces and 15 customer spaces. There has been no allowance given to parking for staff at the Co-op and the number of parking spaces for the residential properties is inadequate in our opinion. This will lead to people parking on Pilley Lane, Pilley Crescent, Hillands Drive and even Leckhampton Road, therefore causing bottlenecks to the flow of traffic and more safety concerns

4. We feel that the proposed plans are an overdevelopment of the site with ugly, utilitarian buildings of a size which would not give a good quality of life to the residents. In our opinion many of the one-bedroom flats are much too small but also the whole development at three storeys is much too high therefore maximising profits for the developer at the expense of a more suitable use of the site. It should be scaled back massively to perhaps provide 2 two-bedroom flats and four one-bedroom flats all on one storey above the retail unit. Special note should be taken of the proposed balconies and the fact that these may cause unwanted loss of privacy to the existing surrounding properties by overlooking them

5. Noise and pollution will inevitably increase hugely if this development goes ahead. The former John Wilkins site had relatively low traffic volume entering and exiting, and the opening hours did not contravene unsocial hour limits. The retail site would mean frequent deliveries by lorries which would cause noise early and late into the day (and the increase in danger of the lorries turning onto the Leckhampton Road from the Pilley Lane junction which presently has little of this type of traffic) There would also be an increase in the traffic pollution by not only these lorries but the increased traffic using the shop as most people will be making short stops there.

In conclusion, while we feel that there needs to be a change to the dangerous and inadequate car park at the existing Co-op at 143 Leckhampton Road, this proposed plan will not adequately address these issues and will just move the problem further up the road.

For these reasons we object to this planning application

39 Everest Road  
Cheltenham  
Gloucestershire  
GL53 9LL

**Comments:** 22nd June 2023

The area will be improved by making Coop more accessible and will provide much needed accommodation.

24 Pilford Avenue  
Cheltenham  
Gloucestershire  
GL53 9EH

**Comments:** 6th June 2023

I am writing to express my objection to the proposed application for a retail shop with flats development at 170-172 Leckhampton Road. While I acknowledge the importance of development, I believe that the current proposal does not align with the existing character of the area and raises a couple significant concerns. I kindly request that you carefully consider these objections before making a decision on this application.

The scale, mass, and height of the proposed building are not in keeping with the surrounding area. The size of the development could have an effect on the overall appearance of the area given it is one storey higher than the surrounding properties.

The density of the proposed housing, combined with the mixed-use development, raises concerns about the availability of adequate off-street parking. People, including residents in the new development could end up parking on the surrounding streets causing congestion and problems for current residents. Reducing the scale of the development will help with this.

In summary, whilst we are not fully opposed to the mixed retail and residential scheme, the proposed plans do not align with the existing character and scale of the area. The concerns raised regarding scale and inadequate parking warrant careful consideration. I kindly request that the planning authority addresses these objections and takes the necessary steps to rectify the shortcomings of the proposal before reaching a decision.

4 Westbury Road  
Cheltenham  
Gloucestershire  
GL53 9EW

**Comments:** 16th May 2023

NONE GIVEN

2 Leckhampton Rise  
Cheltenham  
Gloucestershire  
GL53 0AP

**Comments:** 3rd July 2023

Well overdue, this will be great.

119 Leckhampton Road  
Cheltenham  
Gloucestershire  
GL53 0DQ

**Comments:** 20th June 2023

The principle of a new larger Co-op with safer access and adequate parking is much needed.

However, the detail and extent of the development is driven by money, rather than by amenity, space, design and living quality:-

The buildings should be 2 storey in keeping with the whole neighbourhood....approaching from the North the vista of Leckhampton Hill is destroyed when a third story is added and this creates an unwelcome privacy issue for all dwellings that are overlooked

Shoe-horning 2 semi detached houses is totally unnecessary and does nothing to mimic the general layout of the parish. 2 parking spaces per house is insufficient for a 4 bedroomed home and their design and style is completely at odds with all houses on the street.

Having flats that are affordable above the retail space is a good idea, but the scheme should be limited to a maximum of 4 dwellings and sufficient car parking spaces and areas for refuse and outdoor relaxation such as a shared garden.

The retail unit needs sufficient car parking spaces for its customers, safe access off the road and the facility for lorries unloading needs to be sympathetic to the dwellings opposite.

We would like green space around the site, with additional trees. The structures should be set back from Leckhampton road in order to maintain the Avenue 'street scene' and similar to the distance from the road of other dwellings on the East side of the road

The whole area as designed is too cramped and offers a low quality of space and amenity for its residents.

The signage of the retail unit should be modest in size and emit low levels of light pollution.

273 Old Bath Road  
Cheltenham  
Gloucestershire  
GL53 9EF

**Comments:** 18th May 2023

I support the application.

This will solve the current parking and delivery problems at the existing CoOp and provide a better retail environment for customers and the excellent staff at the CoOp. Also good to see some smaller homes for younger people or those on a budget, and its a good use of a brownfield site in my opinion.

I do hope that some relevance to locality can be introduced to the design - some Cotswold stone, or reference to Leckhampton Hill perhaps?

193 Leckhampton Road  
Cheltenham  
Gloucestershire  
GL53 0AD

**Comments:** 4th June 2023

The height of this proposed building is far too tall, out of proportion to the surrounding buildings. Two storeys not three would be much more in keeping.

The whole application is one of over-development. Barely adequate, tiny flats crammed in with insufficient parking, two semi detached houses (on minuscule plots) and no concern for the additional traffic exiting onto Leckhampton Road.

Moving the Co-op is a good idea; some reasonably sized flats on an upper floor - no objection. But the third storey and the houses are too much and disregard the local surroundings.

19A Grasmere Road  
Cheltenham  
Gloucestershire  
GL51 3PQ

**Comments:** 8th August 2023

What great news to see the plans for the old garage site and to see the relocation of the outdated Co-op with its parking problems .

looking forward to having a purpose built alternative .It would resolve a major traffic issue at the junction of church road.

I fully support this application.



# Comments for Planning Application 23/00813/FUL

## Application Summary

Application Number: 23/00813/FUL

Address: 170 - 172 Leckhampton Road Cheltenham Gloucestershire GL53 0AA

Proposal: Demolition of existing buildings and erection of mixed use development comprising a retail food store with associated car parking and landscaping, 8no. 1-bedroom apartments, 4no. 2-bedroom apartments, and 2no. 4-bedroom houses

Case Officer: Miss Michelle Payne

## Customer Details

Name: [REDACTED]

Address: 169A Leckhampton Road, Cheltenham, Gloucestershire GL53 0AD

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The revised planning application is little changed from the original application; changes are minimal and do nothing to make the proposed development more acceptable to residents of the Leckhampton Road/Pilley Lane. My objections to the revised planning application remain broadly the same as they were for the original application.

In summary:

1. HEIGHT: The original and revised proposals would create buildings of excessive height due to inclusion of a large number of small flats located above the store. The proposed store building is at least one story too high, in close proximity to and overlooking existing residential property across Leckhampton Road. Excessive height of proposed new buildings will cause them to be intrusive of existing residential neighbours. These flats are not the type of residential property needed in this area. The character of the neighbourhood will continue to deteriorate.

2. FOOTPRINT: In attempting to provide minimal allocated parking area for flat occupants and store users, this proposal places the footprint of new buildings significantly closer to the Leckhampton Road property boundary than is the footprint of existing neighbouring residential property on the same side Leckhampton Road. Occupiers of new flats will look directly across Leckhampton Road into bedroom windows of existing houses.

3. PARKING: The suggested parking allocation is inadequate for customers/staff of a large store and for the number of new flats proposed.

The planned food store is considerably larger than the existing food store so inevitably would increase the need for allocated customer car-parking spaces. The planned allocation of customer

car-parking spaces is inadequate, encouraging store customers to park in restricted residential parking spaces and nearby at the roadside. Roadside parking in this area is not policed.

4. APPEARANCE: The unattractive character of all proposed new buildings remains unchanged by this proposal. Inappropriate for this residential area.

5. BUILDING SAFETY: I remain concerned by the safety implications of the use of cladding for residential building.

6. ROAD SAFETY: The Pilley Lane-Leckhampton Road junction is well used by children going to and from school and the junction takes heavy traffic. The addition of vehicles regularly entering and leaving allocated store parking areas, and of frequent delivery trucks unloading, will aggravate this situation. There are serious road-safety concerns for this junction.

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# Comments for Planning Application 23/00813/FUL

## Application Summary

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Address: 170 - 172 Leckhampton Road Cheltenham Gloucestershire GL53 0AA

Proposal: Demolition of existing buildings and erection of mixed use development comprising a retail food store with associated car parking and landscaping, 8no. 1-bedroom apartments, 4no. 2-bedroom apartments, and 2no. 4-bedroom houses

Case Officer: Miss Michelle Payne

## Customer Details

Name: Not Available

Address: 165 Leckhampton Road, Cheltenham, Gloucestershire GL53 0AD

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I have already stated my objections on 14/6/2023. I feel none of them have been adequately addressed by the new application. The proposed structure still transgresses the building line and, despite the negligible reduction in height, it still rises far above the surrounding buildings.

I have further points to make:

- I have concerns about such a large structure being brought forward beyond the building line and blocking the view for vehicles and pedestrians accessing Leckhampton Road from Pilley Lane.

- I understand there are regulations governing opening hours and floor area for shops with a floor area greater than 280sqm. Does the floor area of this supermarket mean that it can only open for 6 hours on a Sunday and be closed Easter and Christmas Day? Can it then be considered a local amenity?

- The Cheltenham Civic Society has shown scant enthusiasm for the proposal and suggests the developers 'explore other ways of developing the site which will provide a more attractive and sensitive scheme'.

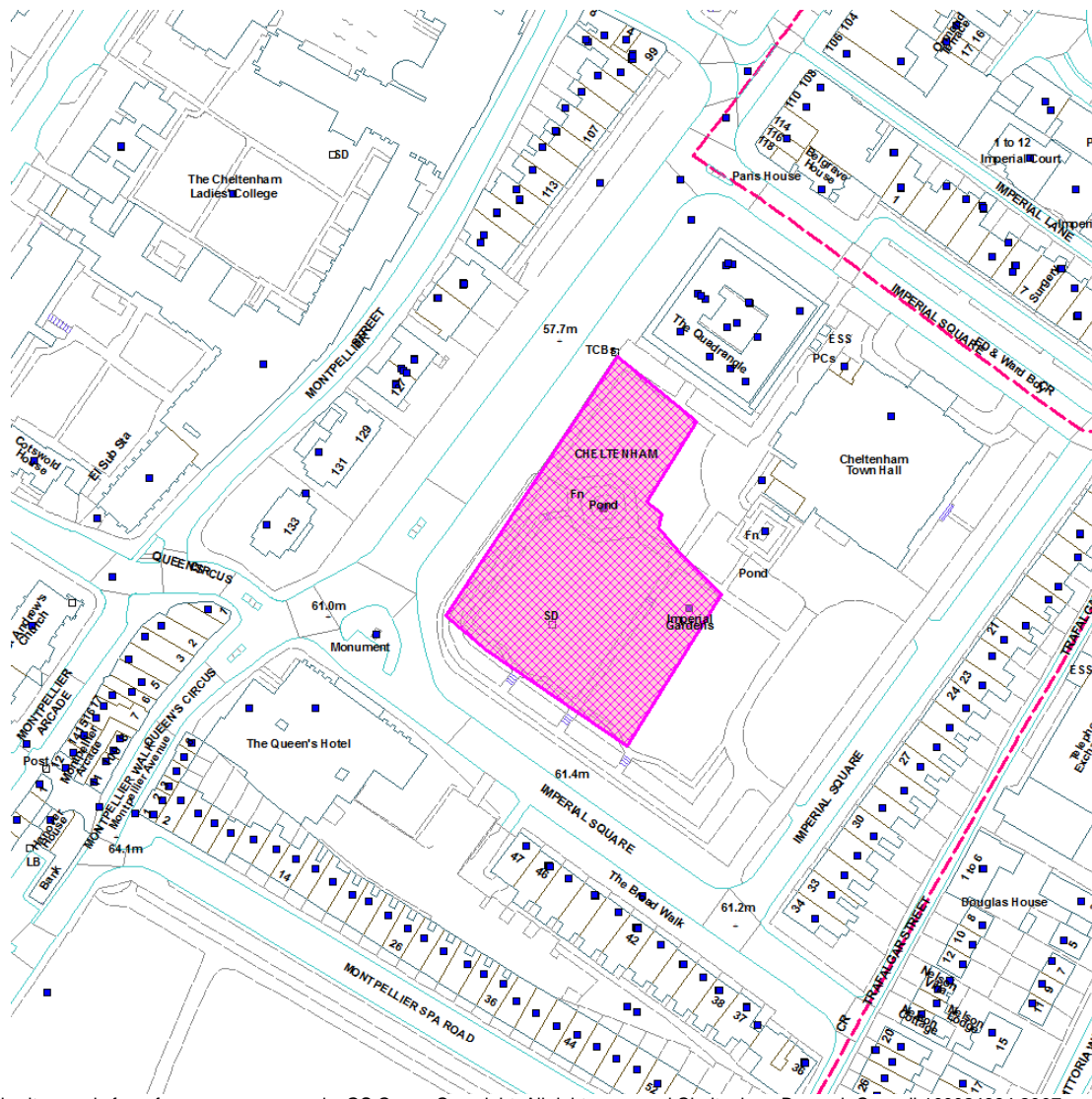
- Do the 2 houses require 2 or 3 parking places? If 3, this will reduce the already limited parking space.

Overall, the consensus seems to be that it is ~~a utilitarian~~ and not a very attractive building, totally out of place in Leckhampton Road.

I also wonder about the democratic process here. A few months ago, our local councillor sent a flyer around to all the affected houses praising the development and saying that although it was not the most attractive building, we should put up with it. I assumed this flyer was to promote dialogue with the residents. I have emailed our councillor twice with questions and objections, but he has not seen fit even to acknowledge receipt of my emails. I am new to this process. Am I only allowed to discuss this application in official meetings?

<b>APPLICATION NO:</b> 23/01324/CONDIT	<b>OFFICER:</b> Mrs Victoria Harris
<b>DATE REGISTERED:</b> 2nd August 2023	<b>DATE OF EXPIRY:</b> 1st November 2023
<b>DATE VALIDATED:</b> 2nd August 2023	<b>DATE OF SITE VISIT:</b>
<b>WARD:</b> Lansdown	<b>PARISH:</b>
<b>APPLICANT:</b>	Cheltenham Borough Council
<b>AGENT:</b>	
<b>LOCATION:</b>	Imperial Garden Promenade Cheltenham
<b>PROPOSAL:</b>	Variation of condition 5 of planning permission 22/01200/FUL, to allow the use of biofuel generators and batteries for the periods 2023/2024 and 2024/2025

**RECOMMENDATION:** Permit



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## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site is located in the South West and North West quadrant of Imperial gardens. The site is wholly located within the Montpellier Character Area of Cheltenham's Central Conservation Area; and in proximity to a number of grade II and II\* listed buildings, including the grade II listed Town Hall.
- 1.2 Planning permission (22/01200/FUL) was granted by the planning committee in September 2022 for the use of the Imperial Gardens for the erection of temporary structures, including an ice rink in connection with festivals and special events for a maximum of 75 days, for 3 periods being 2022/2023, 2023/2024 and 2024/2025 (November and January ) inclusive of rig and de-rig.
- 1.3 This application is seeking to vary condition 5 (power source) on planning permission ref. 22/01200/FUL, under Section 73 of the Town and Country Planning Act 1990, to allow for minor material changes to the previously approved scheme. Condition 5 reads:

*The development hereby approved shall not use 100% diesel generators and only hybrid or biofuel generators are permitted in accordance with full specification details that shall first be submitted to and approved in writing by the Local Planning Authority.*

*Any generators to be used as part of the development are only permitted for use during the 2022/2023 period. Prior to their use/installation, full details of the proposed power source(s) for the periods 2023/2024 and 2024/2025 shall be submitted to and approved in writing by the Local Planning Authority.*

*Any generators and other power source equipment to be used as part of the development shall be installed and carried out strictly in accordance with the approved details.*

*Reason: In order to control the nature of generators to be used and to restrict the use of generators to the 2022/2023 period only in the interests of sustainable development and the reduction of carbon emissions having regard to Section 14 of the NPPF, adopted policy INF5 of the Joint Core Strategy (2017) and the aims of the Cheltenham Climate Change SPD (Adopted June 2022).*

- 1.4 The proposed changes essentially involve the use of biofuel generators and batteries for the periods being 2023/2024 and 2024/2025 (November and January).
- 1.5 As before, the application is before the Planning Committee because the Council is the applicant, and own Imperial Gardens.

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

### Constraints:

Conservation Area  
Core Commercial Area  
Principal Urban Area  
Public Green Space (GE36)  
Smoke Control Order

### Relevant Planning History:

**87/01253/AN 17th December 1987 REF**  
External Bar Wall Cheltenham Gloucestershire - Display Of Non Illuminated Advertisement

**87/01254/AN 17th December 1987 REF**  
Imperial Gardens Cheltenham Gloucestershire - Display Of Non Illuminated Advertisement

**07/00740/FUL 20th July 2007 PER**  
Erection of Holst memorial statue within gardens

**07/00741/CAC 29th May 2007 NOTREQ**

Remove outer bed

**11/01290/FUL 21st November 2011 PER**

Formation of new gateway to Skillicorne Gardens and alterations to plinth in SE corner of Imperial Square garden to accommodate new pedestrian access

**11/01292/LBC 21st November 2011 GRANT**

Works to provide new entrance to Skillicorne Gardens and alterations to stone plinths forming boundary to Imperial Square gardens.

**11/01807/FUL 27th January 2012 PER**

Erection of temporary structures in Montpellier Gardens and Imperial Gardens in connection with festivals and special events for a maximum of 75 days in each garden

**12/00099/FUL 23rd March 2012 PER**

Reinstatement of railings to the perimeter of Imperial Gardens, including refurbishment of original railings adjacent to the town hall and repair and re-use of existing original plinth stones where possible

**12/00099/LBC 23rd March 2012 GRANT**

Reinstatement of railings to the perimeter of imperial gardens, including refurbishment of the remaining original railings adjacent to the front of the town hall and the repair and retention of existing original plinth stones wherever possible

**12/01843/FUL 18th January 2013 PER**

Erection of temporary structures in Montpellier Gardens and Imperial Gardens in connection with festivals and special events for a maximum of 75 days in each garden in 2013 and a maximum of 70 days in each garden in each calendar year thereafter

**13/00195/AMEND 26th February 2013 NOT**

Non-material admendment to planning ref: 12/00099/FUL and associated Listed Building Consent ref: 12/00099/LBC to reinstate railings to the perimeter of Imperial Gardens, including refurbishment of original railings adjacent to the town hall and repair and re-use of existing original plinth stones where possible

**13/00301/AMEND 24th May 2013 PAMEND**

Non material amendment to planning permission 12/00099/FUL to reduce the height of the new railings from 1.8m to 1.5m, including corresponding adjustments to the sizings of the railing components

**13/00302/LBC 24th May 2013 GRANT**

Reinstatement of railings to the perimeter of Imperial Gardens, including refurbishment of the remaining original railings adjacent to the front of the Town Hall and the repair and retention of existing original plinth stones wherever possible (Revised scheme for 12/00099/LBC - to reduce height of railings)

**15/01515/DISCON 9th April 2018 DISCHA**

Discharge of conditions 4 - railing section, 8 - scheme for the treatment of the north east corner of the gardens on planning permission 13/00302/LBC

**18/00473/AMEND 12th March 2018 PAMEND**

Non-material amendment to planning permission ref. 12/00099/FUL to reduce width of G4 South-East Gateway from 5 metres to 2.5 metres, centred on adjacent Gardens pathway

**19/01370/FUL 26th November 2019 PER**

Erection of temporary structures including ice rink in Imperial Gardens in connection with festivals and special events for a maximum of 75 days, inclusive of rig and de-rig for 2 periods being 2020/21 (November 2020 - January 2021) and 2021/22 (November 2021 - January 2022). In addition to the current planning permission for festivals and special events on Montpellier Gardens and Imperial Gardens

**20/00369/FUL 1st June 2020 PER**

Erection of temporary structures in connection with festivals and special events including ice rink in Imperial Gardens for a maximum of 75 days for one period being 2020/2021 (November 2020 - January 2021) inclusive of rig and de-rig and Christmas Markets on the Promenade for a maximum of 41 days, inclusive of rig and de-rig for a period of 2 periods being 2020 (November - December 2020) and 2021 (November - December 2021) in addition to the current planning permissions for festivals and special events on Montpellier Gardens and Imperial Gardens

**21/01856/FUL 20th October 2021 PER**

Erection of temporary structures in connection with festivals and special events including an ice rink in Imperial Gardens for a maximum of 75 days for one period being 2020/2021 (November 2021 January 2022) inclusive of rig and de rig.

This is in addition to the current planning permissions for festivals and special events on Montpellier Gardens and Imperial Gardens

**21/02476/DISCON 11th November 2021 DISCHA**

Discharge of condition 3 (noise impact assessment) of planning permission 21/01856/FUL

**22/01117/FUL 19th August 2022 PER**

Erection of temporary structures on pedestrian pavement along Promenade and Imperial Gardens, and long gardens in relation to Christmas markets for a maximum of 41 days for two periods 2022 (November - December 2022) and 2023 (November - December 2023) including set-up and take-down

**22/01200/FUL 28th September 2022 PER**

Erection of temporary structures in connection with festivals and special events including an ice rink in Imperial Gardens for a maximum of 75 days for 3 periods being 2022/2023, 2023/2024 and 2024/2025 (November and January ) inclusive of rig and de-rig, this is in addition to the current planning permissions for festivals and special events on Montpellier Gardens and Imperial Gardens

### **3. POLICIES AND GUIDANCE**

#### **National Planning Policy Framework**

Section 2 Achieving sustainable development

Section 4 Decision-making

Section 6 Building a strong, competitive economy

Section 7 Ensuring the vitality of town centres

Section 8 Promoting healthy and safe communities

Section 9 Promoting sustainable transport

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 Policies**

D1 Design

HE1 Buildings of Local Importance and Non-Designated Heritage Assets

SL1 Safe and Sustainable Living

GI2 Protection and replacement of trees

GI3 Trees and Development

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

SD2 Retail and City / Town Centres

SD3 Sustainable Design and Construction

SD4 Design Requirements

SD8 Historic Environment

SD14 Health and Environmental Quality

INF1 Transport Network

INF5 Renewable Energy/Low Carbon Energy Development

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

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

Climate Change (2023)

### **4. CONSULTATIONS**



See appendix at end of report

**5. PUBLICITY AND REPRESENTATIONS**

Number of letters sent	<b>126</b>
Total comments received	<b>14</b>
Number of objections	<b>14</b>
Number of supporting	<b>0</b>
General comment	<b>0</b>

**5.1** Letters of notification were sent out to 126 neighbouring properties, a site notice was displayed, and an advert was published in the Gloucestershire Echo. 14 representations have been received in response to the publicity. The comments made, in summary relate to the following:

- pollution
- lack of plans
- impact on neighbouring amenity
- impact on gardens
- harm to conservation area and listed buildings
- biofuel generators not sustainable and CO2 emissions

**6. OFFICER COMMENTS**

**6.1** Planning Practice Guidance (PPG) acknowledges that “New issues may arise after planning permission has been granted, which require modification of the approved proposals” (Paragraph: 001 Reference ID: 17a-001-20140306) and that where less substantial changes are proposed, an application made under Section 73 of the Town and Country Planning Act 1990 can be used to make a material amendment by varying or removing condition associated with a planning permission (Paragraph: 013 Reference ID: 17a-013-20230726). If granted, a section 73 application results in a new, independent planning permission which sits alongside the original permission.

**6.2** The principle of the proposal was accepted through the granting of the earlier consent. As such the key issues in determining this application is whether the proposed amendment to condition 5 responds to the interests of sustainable development and will not have an unacceptable impact on neighbouring amenity.

**6.3** If granted, the application results in the issuing of a new planning permission, which sits alongside the original permission that remains intact and un-amended (Paragraph: 015 Reference ID: 17a-015-20140306).

**6.4** As such, the only consideration in the determination of this application is the acceptability of the proposed amendment to condition 5. The principle of the ice rink in Imperial Gardens for 3 periods, neighbouring amenity, impact on the conservation area and surrounding listed buildings, highway safety and trees have been established through the original grant of planning permission.

**6.5** As previously noted, the proposed changes essentially involve the use of biofuel generators and batteries for the periods 2023/2024 and 2024/2025. At the time of the previous application, Cheltenham Borough Council were working towards a direct energy supply within the gardens, that would have been in place to power the ice rink for the

periods 2023/2024 and 2024/2025. Work has been ongoing to provide the electrical infrastructure within the gardens, however, the energy supply will not be in place for the 2023/2024 period. In addition, given that this project is ongoing, it is uncertain if the electrical infrastructure will be in place for the 2024/2025 period. The Cabinet report (25th July 2023) details that work has been ongoing to understand the technical and practical issues involved in delivering fixed power infrastructure to Imperial Gardens. Moreover, the report confirms a comprehensive approach is needed to move the project forward with the support of a professional team of engineers.

- 6.6 The submitted Climate Impact Assessment states that the generators will run from Hydro-treated Vegetable Oil (HVO) exclusively which improves CO2 emissions by approximately 86% compared to traditional diesel. In addition to this, batteries will be utilised to ensure any surplus power from the generators is captured and contribute to power provision overnight. It also confirms that HVO is a renewable energy source.
- 6.7 The Environmental Health Officer does not have an objection to the principle of the use of biofuel generators and batteries. EHO concerns with the generators can be addressed through planning conditions 3 and revised condition 5.
- 6.8 Concerns have been raised regarding the use of the batteries and if the batteries would provide the necessary power provision overnight because the power required will vary according to weather conditions. Whilst the use of the batteries overnight is welcomed, it cannot be guaranteed that the generators will not be required. Therefore, the noise management plan and acoustic assessment, as required by condition 3, would need to consider the generators being used overnight.

## 7. CONCLUSION AND RECOMMENDATION

- 7.1 Ultimately, officers are satisfied that the amended scheme, when taken as a whole, is one which is not substantially different from that originally approved; and given the temporary nature of the proposal that will only use part of Imperial Gardens, and considering what the special event will bring to the town the proposal is supported.
- 7.2 It is unfortunate that the fixed power infrastructure is not in place to provide a direct energy supply to the ice rink, but diesel generators will not be used, and only biofuel generators and batteries are proposed.
- 7.3 For the reasons outlined above the proposal is considered to be acceptable, and as such the recommendation is to permit the application. Condition 5 has been updated to reflect the current position.
- 7.4 The new permission would sit alongside the original permission, which would remain intact and un-amended.

## 8. CONDITIONS / INFORMATIVES

- 1 The use of temporary structures including the ice rink in Imperial Gardens in connection with festivals and special events shall be for a maximum of 75 days, inclusive of rig and de-rig for 3 periods being 2022/2023, 2023/2024 and 2024/2025 (November and January).

Reason: The use Imperial Gardens for festivals and special events may detract from the amenity of the locality and impact on neighbouring amenity. The Local Planning Authority wishes to monitor and review these impacts before considering any further applications for a longer period of time.

- 2 The permission hereby granted shall be implemented in accordance with the Land Use Agreement Summary.

Reason: To ensure the successful implementation of this planning permission and therefore ongoing compliance with Cheltenham plan policy SL1 relating to neighbouring amenity.

- 3 Prior to the installation of the external generators, full details of the generators including a noise management plan and an acoustic assessment detailing the appropriate acoustic controls shall be submitted to and approved in writing by the Local Planning Authority. The external generators and lighting shall be installed, inspected and approved in writing by the Local Planning Authority. The approved noise mitigation measures shall be implemented prior to first beneficial use of the generators, and shall be retained as such thereafter.

Reason: To safeguard the amenities of adjacent properties, having regard to Cheltenham plan policy SL1 and Joint Core Strategy policy SD14.

- 4 Prior to the commencement of development (including demolition and site clearance), a Tree Protection Plan (TPP) to BS5837:2012 (or any standard that reproduces or replaces this standard) shall be submitted to and approved in writing by the Local Planning Authority. The TPP shall include the methods of tree and /or hedge protection, the position and specifications for the erection of tree protective fencing, and a programme for its implementation. The works shall not be carried out unless in accordance with the approved details, and the protective measures specified within the TPP shall remain in place until the completion of the construction process.

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

- 5 The development hereby approved shall not use 100% diesel generators and only biofuel generators and batteries are permitted in accordance with full specification details that shall first be submitted to and approved in writing by the Local Planning Authority.

Prior to their use/installation, full details of the proposed power source(s) for the periods 2023/2024 and 2024/2025 shall be submitted to and approved in writing by the Local Planning Authority.

Any generators and other power source equipment to be used as part of the development shall be installed and carried out strictly in accordance with the approved details.

Reason: In order to control the nature of generators to be used and in the interests of sustainable development and the reduction of carbon emissions having regard to Section 14 of the NPPF, adopted policy INF5 of the Joint Core Strategy (2017) and the aims of the Cheltenham Climate Change SPD (Adopted June 2022).

## Consultations Appendix

### Environmental Health

*6th September 2023* - At the current time, the Environmental Protection team are neither minded to object or support this application. This is based on the grounds of the potential impact of noise the proposed activity would have on neighbouring residential properties and due to insufficient information as submitted by the applicant in relation to our concerns.

Overall, we will require a great deal more detail and information on a number of points prior to being near to giving our support to this application.

Span of application:

An initial concern is that this application is to span the festive seasons of November 2023 - January 2024 and November 2024 - January 2025.

Should EH be in a position to recommend approval for the application for the equipment for 2023/24, it would automatically mean approval for a bio fuel generator to be utilised in 2024/25, yet EH would not be consulted on any points as the approval would be in place. Plus it could be that even if this approval was made, that the exact same equipment to power/chill the ice rink, may not be in use or available for 2024/25, meaning new equipment with differing noise etc. which could in turn be not of the same specification.

Should we be in a position to recommend our approval for the equipment/plans/assessments etc. for the 2023/24 season, we would be requesting that the permission is granted for this season only. Therefore, a follow up application would need to be made to provide for the 2024/25 season. Alternatively, an option could be to condition that if permission is granted for 2023/24 and 2024/25 that the equipment for 2024/25 must be proven in writing for EH approval, to meet or exceed specification for the equipment in 2023/24.

Equipment and noise assessments:

- EH would request a plan of the gardens as a whole (with the nearest noise sensitive receptors marked) with where the following will be located: ice rink, battery pod, chillers, generator(s) and any other ancillary equipment
- The specific equipment proposed to be utilised, on each of the product sheets submitted there are multiple models detailed
- Prior to any installation or use of any power unit for this application, full details of the operation including noise levels subject to BS4142:2014, shall be submitted to and approved in writing by the Local Planning Authority. This is to assess the expected noise levels from the proposed plant/equipment installation at the nearest noise sensitive premises and will be undertaken based on the worst case scenario of the generator operating 24/7 for the duration of the project. Should this assessment detail that the proposed plant will exceed the levels as set in BS4142, the applicant will, in line with the contractor/consultant providing the assessment, set out any proposed noise mitigation measures. These will be made available in writing for review and approval by the EH team prior to the operation commencing. After written approval from this department, the noise control scheme shall be implemented on site for the first use of any power units and shall thereafter be maintained and operated in accordance with the approved scheme
- Please can the applicant provide further details as to the battery capability in relation to the temperatures it could operate in? The submitted document entitled "power solution and noise mitigation" (no author stated), details the following: "Subject to ambient temperatures, the capacity of three batteries will provide adequate power to run the chillers

overnight without the support of generators..." If temperatures were to be above average, there should be an expectation built in that they could be, how high could temperatures be and the batteries still be sufficient enough to keep the ice at necessary temperatures overnight.

- Please can the applicant detail to date the contact they have had with the residents most likely to be impacted by the application proposal?

### **Environmental Health**

*6th September 2023* - - Please can my initial queries/comments as per the below (sent on 17/08/23 at 12.26), be kept in mind when assessing this application

- We would wish for all original Environmental Health comments on the original application for the ice rink to remain (pending of course the amendment to condition 5 which we are aware is the purpose of the 23/01324/CONDIT application)

- We are in principle satisfied for this condition to be amended, but this is only with the knowledge from the Planning Officer for the then requirement for DISCON application to be submitted. This discharge DISCON app will need to satisfy conditions 3 and 5 below

- This DISCON application must include the submission of a suitable acoustic assessment, plans of the layout of the site (with all equipment and residential properties marked), any proposed noise mitigation in direct link to the acoustic assessment, details of the exact proposed model of generator and/or chiller/battery unit. All of this detail must be submitted well within a reasonable time frame for assessment by Environmental Health, all prior to commencement as per the conditions

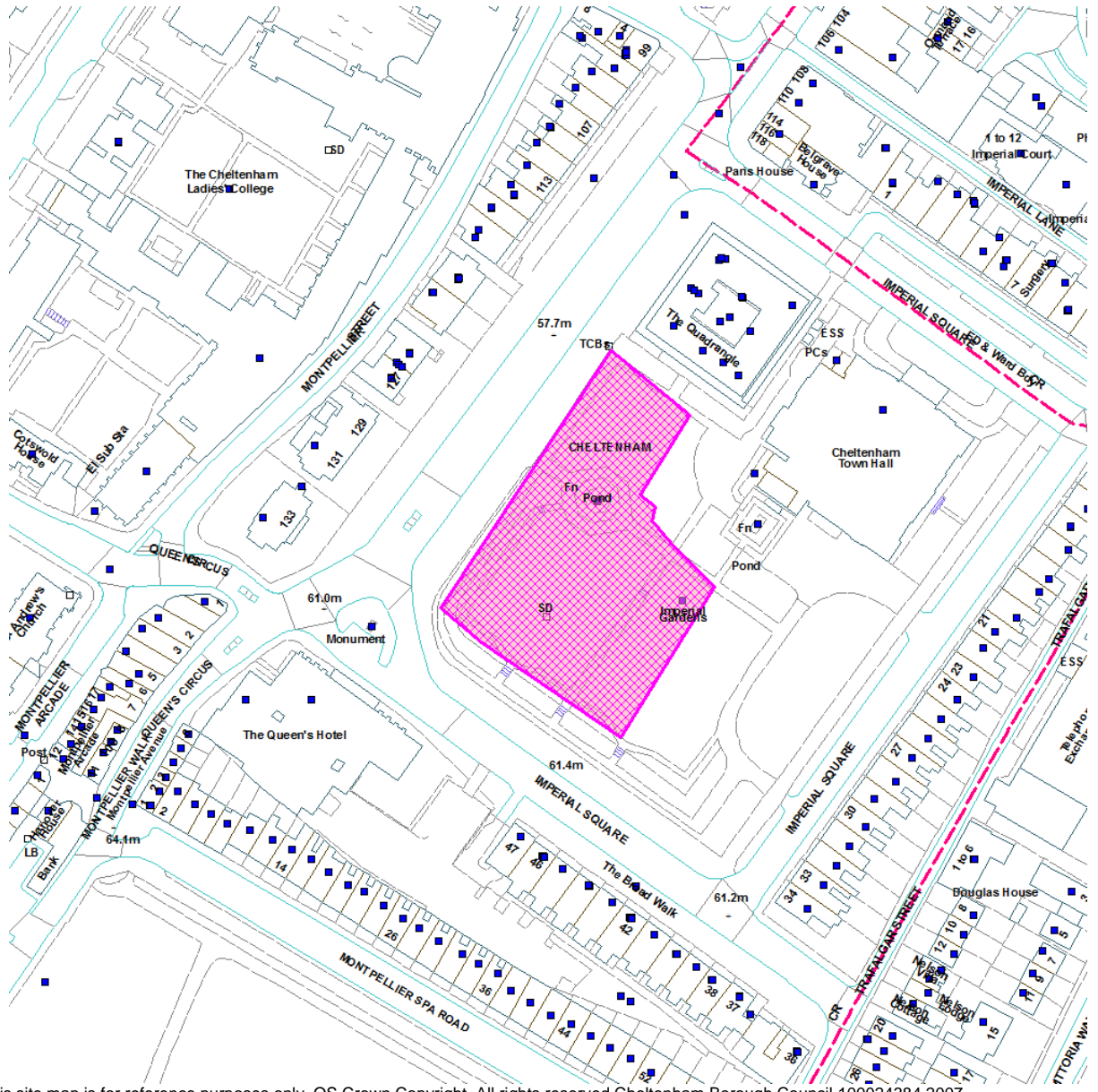
- Furthermore, in terms of the overall amendment to condition 5, we would also request that this, if to be discharged as per the future submitted DISCON app, to only be in part discharged for the 2023/24 season and to then for the 2024/25 for another DISCON app to be submitted for the following season

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**Officer Report**

<b>APPLICATION NO:</b> 22/01200/FUL		<b>OFFICER:</b> Mrs Victoria Harris
<b>DATE REGISTERED:</b> 2nd July 2022		<b>DATE OF EXPIRY:</b>
<b>DATE VALIDATED:</b> 2nd July 2022		<b>DATE OF SITE VISIT:</b>
<b>WARD:</b> Lansdown		<b>PARISH:</b>
<b>APPLICANT:</b>	Marketing Cheltenham	
<b>AGENT:</b>	Marketing Cheltenham	
<b>LOCATION:</b>	Imperial Garden Promenade Cheltenham	
<b>PROPOSAL:</b>	Erection of temporary structures in connection with festivals and special events including an ice rink in Imperial Gardens for a maximum of 75 days for 3 periods being 2022/2023, 2023/2024 and 2024/2025 (November and January ) inclusive of rig and de-rig, this is in addition to the current planning permissions for festivals and special events on Montpellier Gardens and Imperial Gardens	

**RECOMMENDATION:** Permit



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## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 This application, made by Cheltenham Borough Council, seeks planning permission for the use of Imperial Gardens for the erection of temporary structures including an ice rink in connection with festivals and special events for a maximum of 75 days, for 3 periods being 2022/2023, 2023/2024 and 2024/2025 (November and January ) inclusive of rig and de-rig. This will be in addition to the current planning permission 12/01843/FUL of 70 days for festivals and special events within Montpellier Gardens and Imperial Gardens.
- 1.2 The ice rink proposal is very similar to 20/00369/FUL and 21/01856/FUL permitted by Committee. This new planning application seeks to add an additional 3 periods and increase the application site area previously approved and will provide additional space for structures for commercial activity which will include the box office and other Christmas attractions.
- 1.3 As identified within the submitted Planning, Heritage and Design and Access statement, the temporary structures would comprise mainly of an outdoor covered ice rink and other such structures normally associated with events. Outside the structure of the ice rink small-scale commercial activity is proposed. The design of the ice rink and temporary structures are unknown at this stage but a proposed zoned layout plan has been submitted.
- 1.4 The Ice Rink will be located in the South West quadrant of the gardens and additional commercial activity located in the North West of the gardens. Once the proposal has been built the remaining Imperial Gardens will be unused by the event and will remain open to the public.
- 1.5 The number of days being applied for includes the time taken for the construction and dismantling of the temporary structures as well as the time the structures are in place for the events themselves. The number of days does not include the time taken for re-instatement works.
- 1.6 The application is before the Planning Committee because the Council is the applicant and own Imperial Gardens.

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

### Constraints:

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

### Relevant Planning History:

**87/01253/AN 17th December 1987 REF**

External Bar Wall Cheltenham Gloucestershire - Display Of Non Illuminated Advertisement

**87/01254/AN 17th December 1987 REF**

Imperial Gardens Cheltenham Gloucestershire - Display Of Non Illuminated Advertisement

**07/00740/FUL 20th July 2007 PER**

Erection of Holst memorial statue within gardens

**07/00741/CAC 29th May 2007 NOTREQ**

Remove outer bed

**11/01290/FUL 21st November 2011 PER**

Formation of new gateway to Skillicorne Gardens and alterations to plinth in SE corner of Imperial Square garden to accommodate new pedestrian access

**11/01292/LBC 21st November 2011 GRANT**

Works to provide new entrance to Skillicorne Gardens and alterations to stone plinths forming boundary to Imperial Square gardens.

**11/01807/FUL 27th January 2012 PER**

Erection of temporary structures in Montpellier Gardens and Imperial Gardens in connection with festivals and special events for a maximum of 75 days in each garden

**12/00099/FUL 23rd March 2012 PER**

Reinstatement of railings to the perimeter of Imperial Gardens, including refurbishment of original railings adjacent to the town hall and repair and re-use of existing original plinth stones where possible

**12/00099/LBC 23rd March 2012 GRANT**

Reinstatement of railings to the perimeter of imperial gardens, including refurbishment of the remaining original railings adjacent to the front of the town hall and the repair and retention of existing original plinth stones wherever possible

**12/01843/FUL 18th January 2013 PER**

Erection of temporary structures in Montpellier Gardens and Imperial Gardens in connection with festivals and special events for a maximum of 75 days in each garden in 2013 and a maximum of 70 days in each garden in each calendar year thereafter

**13/00195/AMEND 26th February 2013 NOT**

Non-material admendment to planning ref: 12/00099/FUL and associated Listed Building Consent ref: 12/00099/LBC to reinstate railings to the perimeter of Imperial Gardens, including refurbishment of original railings adjacent to the town hall and repair and re-use of existing original plinth stones where possible

**13/00301/AMEND 24th May 2013 PAMEND**

Non material amendment to planning permission 12/00099/FUL to reduce the height of the new railings from 1.8m to 1.5m, including corresponding adjustments to the sizings of the railing components

**13/00302/LBC 24th May 2013 GRANT**

Reinstatement of railings to the perimeter of Imperial Gardens, including refurbishment of the remaining original railings adjacent to the front of the Town Hall and the repair and retention of existing original plinth stones wherever possible (Revised scheme for 12/00099/LBC - to reduce height of railings)

**15/01515/DISCON 9th April 2018 DISCHA**

Discharge of conditions 4 - railing section, 8 - scheme for the treatment of the north east corner of the gardens on planning permission 13/00302/LBC

**18/00473/AMEND 12th March 2018 PAMEND**

Non-material amendment to planning permission ref. 12/00099/FUL to reduce width of G4 South-East Gateway from 5 metres to 2.5 metres, centred on adjacent Gardens pathway

**19/01370/FUL 26th November 2019 PER**

Erection of temporary structures including ice rink in Imperial Gardens in connection with festivals and special events for a maximum of 75 days, inclusive of rig and de-rig for 2 periods being 2020/21 (November 2020 - January 2021) and 2021/22 (November 2021 - January 2022). In addition to the current planning permission for festivals and special events on Montpellier Gardens and Imperial Gardens

**20/00369/FUL 1st June 2020 PER**

Erection of temporary structures in connection with festivals and special events including ice rink in Imperial Gardens for a maximum of 75 days for one period being 2020/2021 (November 2020 - January 2021) inclusive of rig and de-rig and Christmas Markets on the Promenade for a maximum of 41 days, inclusive of rig and de-rig for a period of 2 periods being 2020 (November - December 2020) and 2021 (November - December 2021) in addition to the current planning permissions for festivals and special events on Montpellier Gardens and Imperial Gardens

**21/01856/FUL 20th October 2021 PER**

Erection of temporary structures in connection with festivals and special events including an ice rink in Imperial Gardens for a maximum of 75 days for one period being 2020/2021 (November 2021 - January 2022) inclusive of rig and de rig.

This is in addition to the current planning permissions for festivals and special events on Montpellier Gardens and Imperial Gardens

**21/02476/DISCON 11th November 2021 DISCHA**

Discharge of condition 3 (noise impact assessment) of planning permission 21/01856/FUL

**22/01117/FUL PDE**

Erection of temporary structures on pedestrian pavement along Promenade and Imperial Gardens, and long gardens in relation to Christmas markets for a maximum of 41 days for two periods 2022 (November - December 2022) and 2023 (November - December 2023) including set-up and take-down

### **3. POLICIES AND GUIDANCE**

#### **National Planning Policy Framework**

Section 2 Achieving sustainable development

Section 4 Decision-making

Section 6 Building a strong, competitive economy

Section 7 Ensuring the vitality of town centres

Section 8 Promoting healthy and safe communities

Section 9 Promoting sustainable transport

Section 12 Achieving well-designed places

Section 16 Conserving and enhancing the historic environment

#### **Adopted Cheltenham Plan Policies**

D1 Design

HE1 Buildings of Local Importance and Non-Designated Heritage Assets

SL1 Safe and Sustainable Living

GI2 Protection and replacement of trees

GI3 Trees and Development

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

SD2 Retail and City / Town Centres

SD3 Sustainable Design and Construction

SD4 Design Requirements

SD8 Historic Environment

SD14 Health and Environmental Quality

INF1 Transport Network

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

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

### **4. CONSULTATIONS**

#### **Heritage And Conservation**

*21st July 2022 - Re: 22/01200/FUL - Imperial Garden, Promenade, Cheltenham*

The site is located in Imperial Garden, a planned historic garden designed for the Regency development surrounding Imperial Square and the Promenade, which runs along its northeast side. The proposed works are for the erection of temporary structures in connection with an ice rink in Imperial Garden for a maximum of 75 days for 3 periods being 2022/2023, 2023/2024 and 2024/2025 (November and January) inclusive of rig and de-rig, in addition to the current planning permissions for festivals and special events on Imperial Garden.

It should be noted existing consent for festivals and events has been granted on Imperial Garden for 70 days a year (as granted by 12/01843/FUL). The proposed ice rink in Imperial

Garden would extend this duration by an additional 75 days a year. The resultant existing and proposed festival and event uses would therefore occupy Imperial Garden for a total of 145 days or 39.7% of the year. The current application follows consent for a temporary ice rink in Imperial Gardens between November and January in 2020 and 2021 granted under applications 19/01370/FUL, 20/00369/FUL and 21/01856/FUL.

Notably the context of the site has a high concentration of listed buildings and it lies within the Central Conservation Area: Montpellier Character Area. The listed buildings surrounding or in close proximity to Imperial Garden include but are not limited to: The Queen's Hotel, a grade II\* early Victorian railway hotel in the southwest corner of Imperial Square facing down the Promenade, described by Pevsner (1976) as 'one of the finest early Victorian English Hotels'; a group of detached and semi-detached grade II\* listed Regency villas on the northwest side of the Promenade facing Imperial Garden; a grade II listed formal Regency terrace on the northwest side of the Promenade opposite The Quadrangle; Queens Circus a grade II listed regency terrace visible within the south-western corner of Imperial Square, the grade II\* listed Regency terraces facing onto Imperial Garden to the northeast and southeast; and the early 20th century, grade II listed, Town Hall located in Imperial Garden. The area is highly sensitive in heritage terms.

It is important to consider the heritage policy context in which the proposed works need to be determined. The cornerstone of heritage legislation is the Planning (Listed Building and Conservation Area) Act 1990 (The Act), of which Section 16(2) 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 and Section 72(1), which requires special attention be paid to the desirability of preserving or enhancing the character or appearance of the area.

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

Notably Historic England published 'Temporary Structures in Historic Places' in 2010. This sets out a number of factors that can be used to consider such a proposal. These factors are location, physical impact, visual impact, setting, design, duration and season. The guidance document usefully states, "Very short term, genuinely temporary and wholly reversible changes are unlikely to have an unacceptable impact on setting. Longer term or recurrent changes, even if notionally temporary, may have a more serious impact."

Within the application no details of the appearance of the ice rink and its associated structures have been submitted. It is considered this information would be useful to allow a better understanding of the visual impact of the proposed development on the heritage assets. It has only therefore be possible to consider the general principle of the use. Given the sensitivity of the site and its context it is advised further information regarding the appearance of all proposed temporary structures be submitted to allow full understanding of the proposed works and their impact.

Imperial Garden is an integral part of the character of the setting of the listed buildings surrounding Imperial Square and Promenade and there is a strong historic interrelationship between them. It is also an important open space within the Conservation Area. Imperial Garden is seen in views in and around Imperial Square and affords fine views from the listed buildings, notably enhancing the high status principle rooms on ground and first floor rooms, which often form a piano nobile, designed to take advantage of this outlook.

A concern is raised over the resultant cumulative impact of the duration of temporary structures associated with festival and event uses for an period totalling 145 days or 39.7% of the year, their visual encroachment in a prominent location and the resultant loss of the contribution the public open space makes to the setting of the affected listed buildings and the conservation area. It is therefore considered the proposal would cause harm to the affected heritage assets. It is noted the proposal is for a period of 3 years. It is considered even in the short term harm will be caused. There is also the prospect of a further extension of this or a similar proposal on expiry of the 3 year period, an ice rink use already having been granted separate temporary consents for 2020 and 2021, making the ice rink only nominally temporary.

The proposal is not considered to have special regard to the desirability of preserving the special architectural or historic interest of listed buildings and their setting as required by Section 16(2) of The Act and does not pay special attention to the desirability of preserving or enhancing the character or appearance of the area as required by Section 72(1) of the Act. The proposed works do not sustain and enhance the significance of heritage assets as required by paragraph 197 of the NPPF, nor do the proposed works give great weight to the asset's conservation as required by paragraph 199 of the NPPF. Paragraph 200 of the NPPF requires clear and convincing justification for harm or loss. Where a development proposal will lead to 'less than substantial harm' to the significance of a designated heritage assets paragraph 202 of the NPPF requires this harm be weighed against the public benefits of the proposal. It should be noted this is a separate exercise to the general planning balance, the two should not be conflated.

Paragraph 10.7.10 of the submitted Design and Access Statement accepts the use of the gardens for events has an adverse impact upon the settings of neighbouring listed buildings whilst the events occur. It also acknowledges this could be considered to be contrary to relevant planning policy and legislation. It also recognises the need to balance harm against the public benefits, stating, "(the harm) should be weighed against the wider benefits that arise from the development, predominately this relates to the economic impact and contributing to defining the Cheltenham Christmas offer regional and helping to define Cheltenham as a destination of choice for visitors. However, not all users of the ice rink were visitors to the town and many were local residents, the ice rink offering an alternative physical activity and wider well being." Careful consideration will need to be given to whether this is sufficient to outweigh the harm that would be caused to the heritage assets.

### **Tree Officer**

*7th July 2022* - The location of trees should be marked on the layout plan. Currently the trackway to the northwest appears to be proposed to sit where a mature Robinia is.

A contractor should be hired well in advance of the site build to tie branches back if this is required for access.

Ground protection matting should be used around trees where increased footfall is likely - this should be marked up on the layout plan.

Reason: to protect the amenity value of trees in the Borough as per Policies GI2 and GI3 of the Cheltenham Plan.

### **Environmental Health**

*6th July 2022* - I have taken a look at the documents submitted as part of this planning application and I am pleased to see the inclusion of the recommendations I made in June. I would therefore recommend approval to this application subject to the bullet points in 2.8 of the Design and Access Statement being made conditions on any approved permission. For clarity the bullet points in 2.8 are below.

- o Full details of generators to be submitted to CBC Planning and EH prior to installation.
- o Utilising generator specifications a noise management plan/ acoustic assessment shall be carried out to provide details of appropriate acoustic controls. This is to be submitted to EH for approval.
- o All mitigation measures to be installed prior to first use of the generators.
- o Arrange site visit with EH following site set up to check on noise levels, lighting etc.

These bullet points will only be required for as long as generators are used on site as I appreciate there are plans for a new substation or equivalent to be installed to increase the power supply to Imperial Gardens.

### **Historic England**

*20th July 2022* - Thank you for your letter of 5 July 2022 regarding the above application for planning permission. We refer you to the following published advice which you may find helpful in determining the application.

<https://historicengland.org.uk/images-books/publications/guidance-on-temporary-structures-for-events>

We also suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

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

### **Cheltenham Civic Society**

*27th July 2022 - 2.2 22/01200/FUL* | Erection of temporary structures in connection with festivals and special events including an ice rink in Imperial Gardens for a maximum of 75 days for 3 periods being 2022/2023, 2023/2024 and 2024/2025 (November and January ) inclusive of rig and de-rig, this is in addition to the current planning permissions for festivals and special events on Montpellier Gardens and Imperial Gardens | Imperial Garden Promenade Cheltenham Gloucestershire

NEUTRAL

The Civic Society Planning Forum recognises the attraction of the ice rink, but it continues to cause problems for nearby residents, largely due to the noise from the generator. We have concerns about the long-term impact on the quality of the environment including potential stresses to neighbouring trees and soil compaction. If the ice rink is to be a long-term feature of the town, the council should look at alternative locations, rather than putting so much wear on this park. To do so could bring economic benefit to other areas of the town centre.

How does this meet with Cheltenham Borough Council's Carbon Zero goals?

### **Building Control**

*7th July 2022* - The application may require Building Regulations approval. Please contact Cheltenham and Tewkesbury Building Control on 01242 264321 for further information.

## **5. PUBLICITY AND REPRESENTATIONS**

Number of letters sent	<b>122</b>
Total comments received	<b>13</b>
Number of objections	<b>13</b>
Number of supporting	<b>0</b>

General comment	0
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**5.1** Letters of notification were sent out to 122 neighbouring properties, site notices were displayed and an advert was published in the Gloucestershire Echo. 13 representations have been received in response to the publicity. The comments are available to view on Public Access, but in brief, the comments relate to;

- Disturbance from noise, lighting and smells;
- Harm to grass, soil contamination and lack of flowers;
- Increase in air pollution;
- Loss of public space;
- Lack of detailed information;
- Impact on conservation area and listed buildings.

## **6. OFFICER COMMENTS**

### **6.1 Determining Issues**

**6.2** The key issues to consider in the determination of this proposal are the impact on neighbouring amenity, the impact on the conservation area, sustainability and the benefits that the festivals and other events are said to bring to the town.

### **6.3 Impact on neighbouring property**

**6.4** 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.

**6.5** The objections from residents raised concerns with the noise and light generated by the proposed use, and the use of generators.

**6.6** Every event organiser including the proposed ice rink needs to sign up to a Land Use Agreement (LUA) which controls noise from construction and dismantling works, noise during the events themselves and fumes from generators.

**6.7** The Planning, Heritage, Design and Access Statement confirms that Cheltenham Borough Council as landowner of the Gardens enters into Land Use Agreements with the event organisers. The agreements seek to ensure that the event organiser is responsible, amongst many other things, for the protection of the park during the event, and meeting the costs associated with re-instating damage to council property caused by the event including damage to the grass.

**6.8** The agreements will detail the specific dates that event organisers can construct, operate and dismantle, the times on these dates within which they can construct, operate and dismantle, and the times on these days within which they can construct and fit out temporary structures.

**6.9** If planning permission were to be granted for the additional use of the Gardens for the Ice Rink, the Borough Council will continue to apply control over these events through these Land Use Agreements, informed by its experience of the use of the gardens.

- 6.10** In addition, all licensable activities associated with special events such as outdoor regulated entertainment and the sale of alcohol can only be carried out under conditions of the premises licences; a licence exists for Imperial Gardens. It contains conditions governing how the event is organised in relation to nuisance and noise, and the event organiser is required to satisfy the Council's Public Protection Division that satisfactory measures are in place to manage and monitor these issues. It is anticipated that a new licence will be required for the ice rink as the Council cannot take enforcement action against itself in the event of a breach of licencing conditions.
- 6.11** The LUA listed a number of conditions, which represent a comprehensive set of restrictions that will help to ensure the event proceeds with limited impact on neighbouring amenity.
- 6.12** The Environmental Health Officer (EHO) and neighbouring properties have raised concerns relating to the use of the proposed generators. Following negotiation with the applicant and EHO, the applicant has confirmed the below;
- 6.13** *With regard to noise generated during the events, the organisers will carry out the following, having learnt significant lessons in 2021:*
- *Full details of generators to be submitted to CBC Planning and EH prior to installation.*
  - *Utilising generator specifications a noise management plan/ acoustic assessment shall be carried out to provide details of appropriate acoustic controls. This is to be submitted to EH for approval.*
  - *All mitigation measures to be installed prior to first use of the generators.*
  - *Arrange site visit with EH following site set up to check on noise levels, lighting etc.*
- 6.14** The EHO has confirmed the above is acceptable and the concerns with the generators could be addressed through a planning condition, and therefore condition 3 is proposed.
- 6.15** Officers consider that the noise and disruption could be adequately controlled through appropriate restrictions in any land use agreements and the proposed noise mitigation condition, and therefore planning permission could not be reasonably withheld due to impact on neighbouring amenity.
- 6.16 Conservation area**
- 6.17** 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.
- 6.18** With particular regard to development within the historic environment, Sections 16(2) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 require special regard to be paid to the desirability of preserving the setting of listed buildings, and preserving or enhancing the character or appearance of a conservation area.
- 6.19** Paragraphs 197 and 202 of the NPPF also advise that decisions on planning applications should take account of "the desirability of new development making a positive contribution to local character and distinctiveness", and "Where a development proposal will lead to less than substantial harm to the significance of a heritage asset, this harm should be weighed against the public benefits of the proposal".



- 6.20** Given the nature of the proposal and the lack of information in terms of design and scale of the ice rink and structures, it is not surprising, that various objections and concerns have been raised during the course of the application. A scheme of this nature is always likely to evoke a wide range of views and opinions, particularly on harm to the conservation area but it is important to be mindful of what is being proposed as part of this application. The proposal seeks a temporary planning permission for the erection of temporary structures in only part of the garden. It is recognised the importance of the public green space and whilst the proposed structures associated with special events do have an impact on the gardens, it is not true to say they will result in the permanent loss or erosion of the green space. The application is for a temporary use which goes beyond that which is Permitted Development. There is an argument to be made that the proposal brings with it visual, environmental and recreational value but in a way that differs from the tranquil environment that the gardens benefit from at other points throughout the year.
- 6.21** In acknowledging the concerns raised, the harm to the designated heritage assets is considered to be 'less than substantial' and therefore, as previously noted, this harm must be weighed against the public benefits of the scheme. Planning Practice Guidance sets out that public benefits can be "anything that delivers economic, social or environmental objectives" and should "be of a nature or scale to be of benefit to the public at large".
- 6.22** There are a number of economic and social benefits that would flow from this development which are clearly set out within the Design and Access Statement and supporting information. The Ice Rink is an important proposal that will be a central feature to the towns Christmas offering, has the potential to be a major driver of footfall, an opportunity to significantly enhance and elevate the town's seasonal offer and will play a vital role in supporting the towns economic recovery. It will also provide an opportunity to engage young people and families from across the borough and wider county.
- 6.23** The benefits to the town's economy, the creation of employment opportunities, and the social benefits all combine to result in significant public benefits which officers consider outweigh the identified 'less than substantial' harm to the setting of nearby listed buildings, and the character and appearance of the conservation area.
- 6.24 Access and highway issues**
- 6.25** 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.
- 6.26** The proposals have been fully reviewed by the Local Highway Authority who raise no highway objection, therefore it is considered acceptable on highway safety grounds.
- 6.27 Sustainability**
- 6.28** The Cheltenham Climate Change SPD (adopted June 2022), sets out a strategy for decarbonising homes over the next decade. For development proposals, including new non-domestic buildings, there are opportunities to improve the environmental performance of buildings through the inclusion of technologies and features such as photovoltaics, replacement windows, heat recovery, permeable (or minimal) hard surfaces, works to chimneys, insulation, replacement heating systems (heat pump) and thoughtful kitchen design.
- 6.29** In this instance the submitted sustainability supporting statement states that measures are being taken to mitigate impact on the carbon emissions which include the use of bio diesel or hybrid generators and not use 100% diesel generators. Also, the design and access statement confirms that a "further project is being investigated by the Council to install a permanent power supply into the gardens reducing the need for temporary power

solutions and it is anticipated that this will be available from 2023.” In the interests of sustainable development and the reduction of carbon emissions, condition 5 is proposed which will ensure 100% diesel generators are not used.

**6.30** In addition the council will encourage the use of hired kit, reusable items over disposable products, LED lighting will be used and preference will be given to toilet companies with environmental policies, and strong sustainability credentials.

**6.31** Given the scale of development proposed within this application, the above proposed features are considered to be acceptable.

### **6.32 Benefits**

**6.33** The Planning, Heritage, Design and Access Statement details the economic benefits of the proposed development and supporting statements from local businesses have been submitted. The statement states;

*The use of the gardens has a significant positive economic impact on the local economy. Comments from previous planning applications for special events in Imperial Gardens have suggested that festivals and events are part of Cheltenham’s unique appeal in increasing and enhancing its regional, national and international profile and adding to the vibrancy, excitement and attractiveness of the town centre to visitors.*

*The running of an ice rink in 2022 returned a small financial profit in its own right as well as bringing considerable income and footfall into the town centre, in a year still feeling the effects of the covid-19 pandemic.*

*Cheltenham already has other long standing Christmas activities that support the economy in the town including The Christmas Light Switch On and Christmas Market. There has been a significant increase in activity linked to the switch on in recent years which has resulted in increases in footfall into and around the town centre.*

*A visitor survey (“the survey”) was conducted in after the Christmas activities in 2022 to assess the impact of Christmas events in Cheltenham. The results of this show significant numbers came into the town to visit the ice rink but went on to spend an amount of time and also money within the town’s businesses. The results of this survey can be seen in Appendix B.*

*In year one the ice rink attracted 43,600 visitors, in a year that saw the emergence of the omicron variant during the live run. As a result we should expect similar visitor numbers if not increased visitors over the coming years with the corresponding positive impact for wider businesses of the town.*

*The continued seasonal presence of an ice rink would increase Cheltenham’s festive offering and the ability to actively promote this well in advance of the season. It is evident that additional attractions to the town increase new and repeat visitors for the period they are in situ. However, it is also felt that having attracted new visitors to Cheltenham, attractions help increase repeat visitors in the following months as well.*

*Cheltenham BID also compared festive shopping footfall from 2019 and 2021, and saw significant increases, in line with the plans of the Christmas offering to contribute towards the town centres regeneration. (Appendix C).*

### **6.34 Land use agreements**

The Council owns the garden to which this application part relates and therefore has complete control over how the gardens are used and by whom. This can be managed through a Land Use Agreement (LUAs) with the user of the garden.

**6.35** The content of the LUA shapes how the gardens are used in a way that a planning permission could never do. For example, it can require bonds in case of damage and can include specific penalties if the agreement is breached in any way. The LUA can also specify in detailed terms the requirements of the Council's Environmental Protection team. Most importantly however, the LUA enables the Council to be proactive in what it deems to be an acceptable use of the gardens.

**6.36** A number of issues need to be carefully managed if the gardens are to be used successfully. These include matters relating to neighbouring amenity, the setting of listed buildings, the impact on the wider conservation area, the impact on important trees and highway safety; all of these and more can be referenced within LUAs and officers consider that this is a robust mechanism to manage successfully the use of the gardens.

### **6.37 Other considerations**

**6.38** The Trees Officer has requested additional information regarding the protection of trees. The layout is unknown at this stage and therefore the applicant has agreed to the proposed prior to commencement condition requesting a tree protection plan.

**6.39** Concerns have been raised by neighbouring properties that the flower beds within the gardens were not planted for the first 6 months of 2022 and the ice rink damaged the lawns and soil. The applicant has confirmed that they will *“engage earlier with the green spaces team to share schedules and in order to, where possible, enable planting of winter beds if not around the ice rink, then immediately after.”* Also no *“chemicals are used within the ice to ensure it remains frozen. These are contained to enclosed pipes running underneath the ice that are removed as part of dismantling. During dismantling the ice will be melted and drained into an agreed location between the operator and Cheltenham Borough Council as the landowner. The operator will be required to have spill kits for any chemicals onsite and should provide full COSHH details and procedures for any spills.”*

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

**6.41** 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.

**6.42** 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.

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

## **7. CONCLUSION AND RECOMMENDATION**

**7.1** In conclusion, it is apparent that the use of Imperial Gardens for an additional 75 days for a temporary period in addition to the existing 70-day planning permission for festivals and special events has generated some objections.

7.2 Officers are certainly sympathetic to the views of local residents in terms of the impact to amenity in terms of potential noise and disruption and the increase in use of the garden and Promenade for special events. Notwithstanding this concern, on balance, it is considered given the temporary nature of the proposal that will only use part of Imperial Gardens and considering what the special event will bring to the town the proposal is supported.

7.3 The recommendation is to permit the application.

## 8. CONDITIONS / INFORMATIVES

- 1 The use of temporary structures including the ice rink in Imperial Gardens in connection with festivals and special events shall be for a maximum of 75 days, inclusive of rig and de-rig for 3 periods being 2022/2023, 2023/2024 and 2024/2025 (November and January).

Reason: The use Imperial Gardens for festivals and special events may detract from the amenity of the locality and impact on neighbouring amenity. The Local Planning Authority wishes to monitor and review these impacts before considering any further applications for a longer period of time.

- 2 The permission hereby granted shall be implemented in accordance with the Land Use Agreement Summary.

Reason: To ensure the successful implementation of this planning permission and therefore ongoing compliance with Cheltenham plan policy SL1 relating to neighbouring amenity.

- 3 Prior to the installation of the external generators, full details of the generators including a noise management plan and an acoustic assessment detailing the appropriate acoustic controls shall be submitted to and approved in writing by the Local Planning Authority. The external generators and lighting shall be installed, inspected and approved in writing by the Local Planning Authority. The approved noise mitigation measures shall be implemented prior to first beneficial use of the generators, and shall be retained as such thereafter.

Reason: To safeguard the amenities of adjacent properties, having regard to Cheltenham plan policy SL1 and Joint Core Strategy policy SD14.

- 4 Prior to the commencement of development (including demolition and site clearance), a Tree Protection Plan (TPP) to BS5837:2012 (or any standard that reproduces or replaces this standard) shall be submitted to and approved in writing by the Local Planning Authority. The TPP shall include the methods of tree and /or hedge protection, the position and specifications for the erection of tree protective fencing, and a programme for its implementation. The works shall not be carried out unless in accordance with the approved details, and the protective measures specified within the TPP shall remain in place until the completion of the construction process.

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

- 5 The development hereby approved shall not use 100% diesel generators and only hybrid or biofuel generators are permitted.

Reason: In the interests of sustainable development and the reduction of carbon emissions, having regard to Section 14 of the NPPF, adopted policy INF5 of the Joint Core Strategy (2017) and the aims of The Cheltenham Climate Change SPD (adopted June 2022).

### **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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<b>APPLICATION NO:</b> 23/01324/CONDIT	<b>OFFICER:</b> Mrs Victoria Harris
<b>DATE REGISTERED:</b> 2nd August 2023	<b>DATE OF EXPIRY :</b> 1st November 2023
<b>WARD:</b> Lansdown	<b>PARISH:</b>
<b>APPLICANT:</b>	Cheltenham Borough Council
<b>LOCATION:</b>	Imperial Garden Promenade Cheltenham
<b>PROPOSAL:</b>	Variation of condition 5 of planning permission 22/01200/FUL, to allow the use of biofuel generators and batteries for the periods 2023/2024 and 2024/2025

## REPRESENTATIONS

Number of contributors	<b>14</b>
Number of objections	<b>14</b>
Number of representations	<b>0</b>
Number of supporting	<b>0</b>

1 Claremont Lodge  
 Montpellier Spa Road  
 Cheltenham  
 Gloucestershire  
 GL50 1UG

**Comments:** 30th August 2023

Dear Sir/Madam

We are writing to you via e-mail as we are unable to access the on-line portal and wish to express our objections to the current application (reference 23/01324/CONDIT) relating to variation of condition 5 of planning permission 22/01200/FUL, to allow the use of biofuel generators and batteries for the periods 2023/2024 and 2024/2025 in Imperial Gardens Cheltenham.

We understand that Condition 5 stated that generators should only be used in 2022/23 and thereafter, in the interest of sustainable development and the reduction of carbon emissions, permanent electrical supplies would be installed to supply the necessary power for ice rinks etc. in Imperial Gardens.

We strongly object to this backtracking by Cheltenham Borough Council, not least at a time when we are being constantly urged to be more environmentally friendly.

Please acknowledge receipt of our objection.

Yours faithfully

32 Imperial Square  
Cheltenham  
Gloucestershire  
GL50 1QZ

**Comments:** 23rd August 2023

I object to the application for a variation of Condition 5 of planning permission to use biofuel generators and batteries for the ice skating rink in Imperial Gardens in 2023/2024. The pollution and noise this will cause to residents in the area is offensive and inconsiderate.

40B The Broad Walk  
Imperial Square  
Cheltenham  
Gloucestershire  
GL50 1QG

**Comments:** 21st August 2023

Removing Condition 5 and substituting other means of power ignores the fundamental Loss of Amenity. Allowing the Ice Rink doubles the number of days approved and agreed by Cheltenham Borough Council for events in Imperial Gardens and will result in the loss of amenity to Cheltenham Citizens and Visitors to the town for almost half of the year.

This is a fundamental change to an existing Planning Consent and should not be allowed.

Cheltenham is well known as a 'floral' town and Imperial Gardens provide a green and floral space in the centre of town which contributes to a sense of well-being and peace which is becoming more and more important to people's mental health in these times. Cheltenham Borough Council prides itself on its green outlook. This proposed invasion and disturbance is a contradiction of this.

There is also prolonged loss of amenity during the time the Gardens take to recover.

Providing power for the Ice Rink in whatever form is not acceptable.

The proposal in this application will result in Noise and this should not be allowed in view of the surrounding residential properties.

I also object to the proposal to provide sufficient electricity to Imperial Gardens. It appears that there are plans for a new substation or equivalent to be installed to increase the power supply to Imperial Gardens.

The public should be informed as to exactly what is being considered and I would like to register my objection to this proposal. A substation carries health risks and it should be made clear as to exactly where this would be sited. This proposal should be publicised in detail before any decision is made.



It is totally unnecessary to provide more electricity to Imperial Gardens as our Country has an energy crisis therefore how can Cheltenham Borough Council contemplate providing and using extra energy when we understand that Cheltenham Borough Council has a Green Policy. This is a contradiction.

It there is no Ice Rink, then no extra energy will be needed and the Council can be proud of its green credentials.

38C The Broad Walk  
Imperial Square  
Cheltenham  
Gloucestershire  
GL50 1QG

**Comments:** 21st August 2023

Notwithstanding the facts and comments from fellow neighbours regarding the Pollution, Noise and disruption caused by the Ice Rink of 2021 and the assurance that any further use of Imperial Square in this manner would be accompanied by the installation of a suitable power supply , with which we totally concur . There are currently a number of serious concerns within the Energy Industry with regard to the accuracy of feedstock traceability in the production of both first and second generation Biofuels. Much of what is read about the benefits of these products comes from promotion material from producers many of which have made significant investments . The cost of using these products in the current financial climate must also be addressed this item alone would increase any operating cost by over £70,000 compared to 2021. How would these costs be covered ??? By local taxpayers ???

36D The Broad Walk  
Imperial Square  
Cheltenham  
Gloucestershire  
GL50 1QG

**Comments:** 19th August 2023

22/01200/FUL Condition 5 clearly states that generators should only be used in 2022/23 in the interest of sustainable development and the reduction of carbon emissions.

This condition is the result of the planning committee deciding in 2022 that the benefits of the Ice Rink did not outweigh the harm. This being the environmental harm of using generators, both in terms of Green House Gas contribution and Local Air Pollution. It determined that the installation of Permanent Power Supplies were required before further Ice Rink events could take place after 2022/23. This has not happened and although the use of Stage V Generators and HVO will theoretically reduce GHG contribution it will not reduce Local Air Pollution to an acceptable level, only Permanent Power Supplies will do this.

This application attempts to portray HVO as the solution to all our Global Warming problems, which is as inaccurate as it is manipulative and ignores the issue of tail pipe emissions. HVO's CO<sub>2</sub>, Nox and particulate tailpipe emissions are still significant,

especially given the quantities of fuel this event will consume. Local Air Quality is a major issue that cannot be overlooked.

Using selective bits of commercial advertising and trade association articles is inappropriate and should be seen for what it is. Greenwashing.

This proposal does not address one of the key issues of the Ice Rink. Namely the huge power demand of running a temporary ice rink in a temperate climate. The power demand over 46 days plus 2 days for the initial freeze will be greater than the power demand in 2021/22 which only ran for 42 days, consuming 34,540 litres. The fuel that will be consumed under this proposal, contrary to its claims, will not be significantly less. The attempt to diminish these facts by lauding the attributes of Stage V generators running on HVO is technically flawed and misleading.

Suggesting that using Battery Packs will save fuel is incorrect, as every Watt of power consumed will be produced by the generators. The scheme proposed, to use Battery Packs, has its roots in the hybrid set ups of modern outdoor festivals, with extensive use of portable wind turbines and solar panels to charge Battery Packs and use generators to back them up. The problem is that most festivals are in the summer, in open fields, so renewable power is available and there is space to deploy them. This is not the case with the Ice Rink. December has the shortest daylight hours of the year so deploying renewable sources, even if there were room, would be ineffective and visually polluting. The proposed scheme is a pseudo hybrid system with no merit, that will fail to deliver any fuel saving, but it will incur extra cost.

The statement that the battery packs will 'collect all surplus energy generated throughout the day ensuring no waste' is nonsense, there is no surplus energy. The generators may have surplus capacity but will only deliver the power demanded so the power needed to recharge the battery packs will be in addition to that required to run the chillers/pumps during the day, and the generators will need to be sized appropriately. A simple scan of the data sheet included in the application shows that fuel consumption is effectively linear to load, therefore, if you increase the load by recharging battery packs, you increase fuel consumption. Stating that "The batteries will also cut down on generator run time thereby reducing fuel consumption, emissions and noise." assumes the battery packs are receiving power from elsewhere, which they are not. Charging and discharging batteries wastes power due to conversion losses.

Ironically, due to Global Warming we are unlikely to have a cold December which will put even more strain on the proposed energy scheme, consuming more fuel and reducing the likelihood that Battery Packs will provide enough capacity to run chillers and pumps overnight thus reducing any noise mitigation. In fact, it will be more disturbing have generators kicking in during the early hours than to have them run continuously.

The other major issue with the ice rink is the harm caused to the setting. This will only be made worse by this proposal. The application does not include a Site Plan even though the considerable increase in equipment will significantly increase the footprint. This is a key element when considering the impact of this proposal as the visual pollution and the resulting harm to the setting will be significant. Without this information the Planning Committee cannot make a meaningful assessment of the harm to the setting and therefore cannot make an informed decision to allow this variation to Condition 5.

As each of the three battery packs weighs 2 tonnes this will more than double the ancillary equipment load on the gardens causing a substantial increase in soil compaction. The damage caused by the Ice Rink in 2021/22 is still evident and this event will add to the decline of Imperial Gardens.

This application has identified a new concern.

Under 'Further Noise Mitigation' the final bullet point referencing the code of practise states:

- Based on code of practice noise generated by the event with amplified music and skaters will be targeted at between 60-70dB(A). During full skating sessions noise may peak at 75dB(A). This type of event should not exceed background noise by more than 15dB(A) over a 15 minute period. For example, if the noise level with skaters present and no music is 50dB(A) then once music is activated this should not exceed 65dB(A).

If this is supposed to reassure then it has failed, as it is incorrect. A Code of Practice and Guidance Notes on Noise Control for Concerts and Outdoor Events is readily available and clearly states that the background noise level should be an \*LAeq reading taken before the event at a time of day when peak noise levels for the event are forecast, not "the noise level with skaters present and no music" as stated. The background LAeq measurement will set the target and this may be less than 60-70dB(A).

\*LAeq is the equivalent continuous sound level. It is a type of average and is used to describe a fluctuating noise in terms of a single noise level over the sample period (15min).

This incorrect methodology for measuring event noise levels would result in excessively high noise limits and must not be sanctioned by permitting this application.

Given all the mistruths, errors and omissions contained in this application it fails to establish that it is appropriate to allow any variation in Condition 5 of 22/01200/FUL and it should be rejected.

Kensington House  
33 Imperial Square  
Cheltenham  
Gloucestershire  
GL50 1QZ

**Comments:** 18th August 2023

I was very disappointed to see the application for the use of generators again in Imperial Square and for the ice rink.

My objections are as follows:

### 1. Local Air Pollution

Application 22/01200/FUL Condition - planning committee decided in 2022 that the benefits of the Ice Rink did not outweigh the harm. And concluded that the installation of Permanent Power Supplies were required before any further Ice Rink events could take place.

Nothing has changed, generators, even powered by HVO will still emit sizeable amounts of CO2 and NOx emissions and the supporting literature from the application is from biased industry sources - complex, difficult for the layman to understand and probably

Greenwashing. The emissions may be approximately 5% less but not significantly reduced.

The last Ice Rink put 100 tonnes of carbon into the area, damaging the health of residents and the properties which Grade II\* listed need to be maintained.

### 2. Batteries

The batteries suggested for overnight use will need to be charged by the generators during the day - using up additional fuel. There will not be surplus supply to do this (and is misleading) - as the generators generate just enough power - so the batteries will require additional fuel and generate additional pollution whilst charging.

The 3 batteries weigh approximately 2 tonnes each - so that's an additional 6 tonnes compacting the already damaged grass and presumably increasing the foot print of the site - although no site plan has been provided.

Once the batteries run out of power the generators will kick back in - this could be in the middle of the night - so not sure how this will reduce the noise.

### 3. Lack of transparency

A contract for the Ice Rink has already been awarded to S3K even though the permission has not been granted. How is this possible?

There is no sight plan.

### 4. Light and Noise pollution (not including generators)

The noise from the Ice Rink is not only from the generators but also from the music, people and cars resulting from the site. This was not managed well last time and it appears the measures suggested to manage this time are not in line with the Code of Practice and Guidance Notes on Noise Control for Concerts and Outdoor Events - please advise why this is the case.

The lights from the previous Ice Rink were on 24 hours a day and impacted on sleep patterns of residents. This is unacceptable.

### 5. Amenity of Imperial Gardens

The Ice Rink impacts on the amenity of Imperial Gardens. The residents of Cheltenham and visitors to the area will not be able to enjoy and use the gardens during period the Ice Rink is proposed - 46 days.

The damage from the last rink is still evident in the contamination of the lawns. In addition, there will be a period where there is no planting in the gardens and they will be unsightly as a result of the installation.

In conclusion

This application does not address or mitigate the issues which were raised last time when the Ice Rink did not go ahead. The reduction in pollution is grossly overstated, the

use of batteries overnight is misleading and in general, it does not seem in line with the CBC environmental policy.

I am strongly opposed.

32 Imperial Square  
Cheltenham  
Gloucestershire  
GL50 1QZ

**Comments:** 25th August 2023

I object to the Variation of Condition 5.

Condition 5 of the original planning consent required that the generators be replaced by a mains supply for the 2023/24 Rink.

This was in line with the Council's 'Green' agenda to reduce carbon and other noxious emissions.

Having failed to organise a mains electricity supply, the Council are now find themselves unable to comply with Condition 5.

I understand that the contract for the 2023/24 Ice Rink was approved in May 2023. This approval was either incompetent - because it is not possible to run the Rink without power - or arrogant - because it assumed that Condition 5 would be varied (by the current application) to allow the use of generators.

The original consent was correct to include Condition 5. To allow the generators to be used would be at complete odds with the Councils oft stated 'Green' agenda.

The rejection of the Variation to Condition 5 will inevitably mean that plans for the 2023/24 Ice Rink will have to be abandoned. This is the consequence of failing to provide a mains supply; it is not a reason to vary Condition 5 and abandon the 'Green' progress it promotes.

31 Imperial Square  
Cheltenham  
Gloucestershire  
GL50 1QZ

**Comments:** 20th August 2023

I strongly object to this application and am surprised to see the council are considering the Ice Rink again. As a resident I am hugely affected by the noise, light or air pollution that this will cause. Changing the application for the use of alternative generators is misleading as no environmental issues will be addressed. The effects the last rink had on the park are still evident and the memory of the disturbances we lived through are hard to eradicate.

25 Imperial Square  
Cheltenham  
Gloucestershire  
GL50 1QZ

**Comments:** 21st August 2023

Dear head of planning

I am writing to object to the above planning permission at imperial gardens Cheltenham

Firstly. The last time the ice rink was here it was horrendous. Mainly because the noise was unbearable (Please note we have single glazed windows these houses are listed) from the generators but also the light emissions and the dreadful pollution they exhumed. We were told only would it be erected again if there was permanent electricity.

Also the constant chaotic traffic and parking. Why would you not do this in a larger space with parking it is utterly ridiculous

I await your response

Regards

23 Imperial Square  
Cheltenham  
Gloucestershire  
GL50 1QZ

**Comments:** 18th August 2023

I strongly object to this application for the use of generators again in Imperial Square for the Ice rink. My objection is based on the following:

1. Negative Impact on Imperial Gardens: The Ice Rink impacts negatively on Imperial Gardens making the gardens unsightly and unusable for visitors and residents for the 46 days proposed and damaging the gardens substantially. Indeed the damage from the last Ice Rink is still evident on the lawns as is the damage to the pavements / gates and surroundings of the heavy vehicles used to install and desinstall the enormous structure.
2. Imperial Gardens is a residential area and a conservation area: as a resident we accept the limitations on what we can do with our Grade 2 Listed homes. This includes being unable to put double glazing in the windows. In addition, we keep the facade of the houses in good repair and in tune with their heritage status. The ice rink is not in keeping with the heritage nature of the square. It belongs in an location such as the race course where such a structure and the associated noise and pollution can be managed. The noise and pollution created by the generators make it impossible to sleep for the duration of their time and make them a health hazard.
3. Noise and Light Nuisance : Noise and light disturbance from the ice rink is substantial and should not be acceptable in a residential area. The last event was badly managed and left residents unable to rest at night and there are no proposals on how this will be improved this time around. This is unacceptable why should residents around Imperial Square have to have an unreasonable amount of noise and light pollution. What makes them different from other residents in Cheltenham?
- 4: Local air pollution: The last ice rink put 100 tonnes of carbon into the area damaging the Grade 2\* listed buildings that surround it. Who will pay for each of these buildings to be cleaned of such pollution and for any other damage, including to residents health? Please explain your plans for this compensation. It would appear that the council could be liable as they are aware of the level of pollution. Please explain how such compensation claims will be managed.
5. Disregard of the planning process: I understand that a contract has already been granted to S3K for this ice rink. May I understand how that can be allowed without this due process of approval and taking into account objections. Does this mean that the approval process is not taken seriously by the council?

In conclusion this application does not advance any solutions or mitigations to solve the issues raised last time the Ice Rink did not progress.

I strongly object to this planning application and ask that my points above be clearly answered by the council.

Wood Clinic (Cheltenham) Ltd  
Basement  
22 Imperial Square  
Cheltenham  
Gloucestershire  
GL50 1QZ

**Comments:** 25th August 2023

- 1 The application contains false claims about the effect of the generators and should be fact checked.
- 2 you should not renege on your previous commitment - to require the reduction of carbon emissions and not allow generators from 2023 onwards
- 3 you are causing mental distress to me and my family due to the constant noise from the generators
- 4 you are meant to be promoting a carbon neutral cheltenham
- 5 there are alternatives to real ice
- 6 there are alternative parks that could do with the financial support and cope with the traffic
- 7 the park amenity will be unusable for the duration due to the size and noise
- 8 the park amenity will be crushed under the weight of 6 tonnes of generators destroying the park which has still not recovered

please don't allow this - it's unfair on the people who live here.

22 Imperial Square  
Cheltenham  
Gloucestershire  
GL50 1QZ

**Comments:** 17th August 2023

FAO Victoria Harris,

Victoria, I have read the proposal for the Ice-rink and think it is ill conceived and contradicts what the Liberal Democrat council is trying to do.

I have copied in others that may not be aware of your proposal to go back on your word not to use fuel and generators to freeze ice in the middle of a global economic and environmental crisis. I have also highlighted other points that I do not believe you have considered, or certainly have not considered in a sufficiently robust manner.

I would be grateful if you could answer the questions highlighted below. For those copied in, please be assured that this is felt by almost everybody around the local area - please click on this link to see some of the objections.

Economic (not a planning consideration, but an essential consideration for this and other activities)

In 2021 the claim was that the Ice-Rink netted "more than £5,000 gross profit". When I asked (2 years ago) I was told this excluded the cost to make good Imperial Gardens that it had destroyed. So it was loss making.

Repeatedly I asked for the detail behind this, but you were not forthcoming. This hints at one of two things; either you do not do such analysis, or that it did not show a profit.



Jumping forwards 2 years to this proposal, and there are a number of factors that will make it considerably less profitable. Firstly inflation has been running at double digits, the bio-fuel you propose is 70% more expensive than fossil fuels and the cost of living squeeze is likely to reduce footfall from the hardest hit, family and young people, your core audience.

Again, please can you provide me with your financial analysis that underpins your proposal so I can assess what this is costing the Cheltenham area tax payers.

Environmental

Proposing that fuels be burnt to freeze Ice at a time when the world is literally on fire beggars belief. Bio-fuels are not green, although polluting less than traditional fuels, they have considerable CO2 emissions (see below).

Why are you looking to retract your promise from 2021 and burn fuel to freeze ice? Do you believe the environment has improved?

Local environment

Noise - Running generators at night is unacceptable. I did not sleep for 6 weeks while they were running. What are you doing to ensure that the generators are turned off mid evening and do not start until morning office hours?

Pollution - Biodiesel reduce CO2 by 48%, however still leaves 52% of the CO2 of traditional fuels, where you promised something giving zero emissions. I do not want to be subjected to this level of pollution. Also, my understanding is that it will not be 100% biodiesel, but mixed with traditional fossil fuels, is that correct? If so what percentage of fossil fuels will be used?

Light - Last time this ran the whole area was floodlit. Flood lighting a residential area 24/7 for 10 weeks is unacceptable. How are you going to stop the area being floodlit this year?

Logistics - Parking is at capacity with shopping and Christmas restaurants. This will add pressure in an area that already can't cope. What are you doing to increase parking in this area, or provide out of area shuttles?

Human waste - In the recent science festival, human waste was collected and spilt on the pavement. This is disgusting and unsafe. How are you going to make sure human waste is not collected on the pavement, road or public in areas?

What analysis have you done on light, noise, air pollution and logistics? Please can this be shared in detail so we know what the real impact is.

Contravening the councils own rules

You have said you will not bring generators back to power the Ice rink and that you will not exceed around 75 days of festivals. You are proposing doing both. You dress the Ice-rink up not as a festival but an event. This is nonsense it's exactly the same type of event and doubles the days you have promised.

You have just set the rule and are proposing that you break them. Why is this?

Hypocrisy

What you are proposing contradicts what you have been voted in to do and your own promises:

1. Max Wilkinson (libdem) on environment - "The world is experiencing a climate emergency. We cannot ignore this huge problem anymore. Experts expect South West England will be up to 2 degrees warmer in just 30 years. That might not sound like much, but it will mean risks to our residents from air pollution, from flooding, and to our wildlife"

2. From the Libdem Gloucestershire manifesto 2021 - "We will lead in tackling the climate emergency in Gloucestershire and take responsibility for our impact on the environment"

Are your words hollow, or lies?

Logic

From the above you can tell that I think the Ice-rink is a ludicrous idea that will punish the environment and local tax payers. All that aside, why is it being proposed in the area that

is already packed at Christmas and can't cope with the traffic it already gets? Don't you want to regenerate areas that are struggling?

With all this in mind, the proposal should be scrapped, however I do look forward to responses to the questions above as these issues are likely to be replicated in other projects and proposals.

Finally, is there going to be a meeting where this is discussed and will those that have objected be invited?

18 Imperial Square  
Cheltenham  
Gloucestershire  
GL50 1QZ

**Comments:** 22nd August 2023

Letter attached.

40B The Broad Walk  
Imperial Square  
Cheltenham  
Gloucestershire  
GL50 1QG

**Comments:** 23rd August 2023

Letter attached

THE CHIEF PLANNING OFFICE,  
PLANNING DEPARTMENT,  
C.B.C. MUNICIPAL OFFICER,  
THE PROMENADE,  
CHELTENHAM.

18 Imperial Square  
Cheltenham  
Glos. GL50 1QZ

19/2/2023

REF:- 23/01324/CONDIT

ICE RINK + GENERATORS : IMPERIAL SQUARE.

Dear Sir,

My wife and I wish to object to the application to install an ice rink with generators and other facilities in Imperial Gardens, Imperial Square, Cheltenham, before, during and after the Christmas period 2023/24.

This is an ugly development, completely out of character with this beautiful Regency Square and will deny public <sup>access</sup> to the Gardens, which were designed for quiet recreational enjoyment of the public, for a long period of the year and completely trash the lawns and flower borders for an even longer period over occupation by the ice rink, rig + derig + owing to restoration over months well into the Spring.

In the absence of a plan, these proposals include generators and associated facilities + food outlets

will require an even greater sand take in the Gardens than hitherto seen during the last occupation by the Ice Rink and associated facilities last time.

This is unacceptable in ornamental Gardens such as Imperial Gardens.

We also wish to object to the increase in the level of pollution which will be caused in the Square by the generators and the noise they will produce in addition to the considerable noise + load music produced by + for skaters in the Ice Rink.

Furthermore, the vast crowds anticipated will present traffic and parking difficulties around the Square + general public misbehaviour can be anticipated as is always the case with these installations.

It is absurd that The Council places such matter on Climate Change in high esteem, whilst simultaneously maximising the misuse of energy in promoting and maintaining an ice rink in the town centre! — a complete contradiction of its policies.

Please register our objection to their proposed developments.

Your faithfully,

[Redacted Signature]

[Redacted Address]

40B THE BROADWALK  
IMPERIAL SQUARE  
CHELTENHAM GL50 1QG



21/08/2023

The Planning Department  
Cheltenham Borough Council  
Promenade  
Cheltenham.

BY HAND

Dear Planning Officer,

**23/01324/CONDIT**

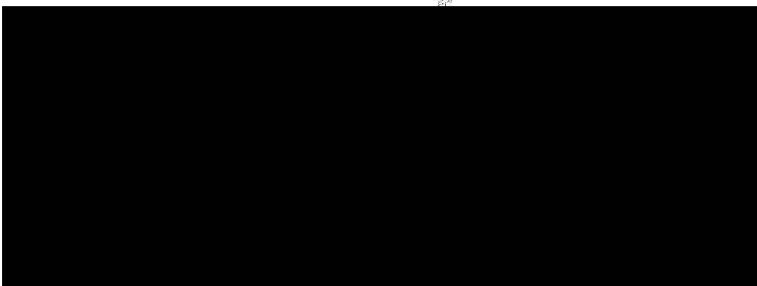
Variation of Condition 5 of Planning Permission 22/01200/FUL

**Objection**

Removal of Condition 5 should not be allowed as the alternative proposals do not appear to meet acceptable environmental standards from noise levels, pollution and harmful effects on soft landscaping as comprehensively set out in detail by other Objectors.

I therefore object to this application.

Yours faithfully,



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<b>APPLICATION NO:</b> 23/00809/FUL	<b>OFFICER:</b> Miss Claire Donnelly
<b>DATE REGISTERED:</b> 16th May 2023	<b>DATE OF EXPIRY:</b> 11th July 2023
<b>DATE VALIDATED:</b> 16th May 2023	<b>DATE OF SITE VISIT:</b>
<b>WARD:</b> Battledown	<b>PARISH:</b> n/a
<b>APPLICANT:</b>	Mr And Mrs Ford
<b>AGENT:</b>	Void Projects
<b>LOCATION:</b>	1 The Grove Hales Road Cheltenham
<b>PROPOSAL:</b>	Proposed two storey side extension, alterations to rear elevation and rear dormers to facilitate loft conversion.

**RECOMMENDATION:** Permit



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## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application relates to 1 The Grove; a residential cul-de-sac access off Hales Road. The property is a two storey; semi-detached dwelling located within a generously sized plot. The site is within the ward of Battledown and is not in a Conservation Area.
- 1.2 The application proposes a two storey side extension, alterations to the rear elevation to create a bay window extension, and installation of 2no. dormers in the rear roof slope to facilitate a loft conversion.
- 1.3 The proposed two storey side extension is a resubmission of a previously approved application ref. 19/01910/FUL. The scale, form and design of this element of the scheme remains unchanged to that proposed in the previous application. The previous permission has not been implemented and therefore forms part of this application.
- 1.4 The application is at planning committee at the request of Councillor Babbage due to local concern.

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

### **Constraints:**

Airport Safeguarding over 45m  
Principal Urban Area

### **Relevant Planning History:**

**02/01673/FUL 9th December 2002 WDN**

Proposed 2 storey extension to existing house, to provide garage, utility, study, master bedroom and en suite

**03/00225/FUL 21st March 2003 PER**

Proposed two storey extension and attached single storey garage

**11/00930/CLPUD 3rd August 2011 CERTPU**

Extension to existing driveway

**19/01910/FUL 25th October 2019 PER**

Proposed two storey side extension and single storey rear extension

## 3. POLICIES AND GUIDANCE

### **National Planning Policy Framework**

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

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

SD3 Sustainable Design and Construction  
SD4 Design Requirements  
SD14 Health and Environmental Quality

### **Cheltenham Plan Policies**

D1 Design  
SL1 Safe and Sustainable Living

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

The Cheltenham Climate Change SPD (adopted June 2022)



## 4. CONSULTATIONS

### Building Control

22nd May 2023 –

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

## 5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	4
Total comments received	2
Number of objections	1
Number of supporting	1
General comment	0

5.1 Letters have been sent to the four adjoining addresses; two responses have been received, one objection and one support. Letters have been sent to neighbours on two occasions, firstly after the submission of the initial scheme, and again following the submission of revised drawings.

5.2 Summary of comments received following the initial consultation:

### Objections

- Loss of privacy as a result of the dormer windows,
- Overlooking into neighbours conservatory, kitchen/diner windows, and private amenity space,
- Negative visual impact,
- Impact on quality of life,
- No objections to side/rear extensions/alterations.

### Support

- Proposal will improve the character of the area
- No overlooking impact.

5.3 Summary of comments received following the consultation on revised drawings:

### Objections

- Dormer windows fall short of the 21 meter window to window distance to protect privacy,
- Flat roof design has a negative visual impact.

## 6. OFFICER COMMENTS

### 6.1 Determining Issues

6.2 The application proposes a two storey side extension, alterations to the rear elevation to create a new bay window, and installation of 2no. dormer windows to facilitate a loft conversion; the key considerations are therefore design, impact on neighbouring amenity and sustainable development.

### 6.3 The site and its context

- 6.4 As mentioned in the introduction, a previous application permitted a two storey side and single storey rear extension (application ref. 19/01910/FUL). The two storey side extension proposed as part of this application remains unchanged, in terms of design and scale, to that proposed in the previous permission.
- 6.5 This application includes the addition of 2no. dormer windows and a bay window extension in place of the previously approved rear extension.
- 6.6 **Design**
- 6.7 Policy SD4 of the JCS and policy D1 of the Cheltenham Plan require development to be of a high standard of architectural design that responds positively to and respects the character of the site and its surroundings. This draws from paragraph 130 of the NPPF which seeks development to be visually attractive and sympathetic to local character.
- 6.8 The Council's Supplementary Planning Document: Residential Alterations and Extensions (SPD) 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 achieving subservience in relation to the parent dwelling setting out an extension should not dominate or detract from the original building, but play a supporting role. In addition to this, the document sets out that a two storey side extension to a semi-detached property should achieve a setback of no less than 1 metre to achieve an appropriate level of subservience in relation to the parent dwelling.
- 6.9 The proposed two storey side extension would have a width of approximately 4.1 metres, and have a setback of approximately 1.3 metres, and would have a hipped roof with a lower ridge height than the existing property. Whilst the extension is relatively wide, it is considered that the plot can accommodate the scale of extension, and with a good setback, the extension is considered to be subservient to the parent dwelling. The proposed external facing materials would match those of the existing dwelling; a condition has been added to ensure this. As such, given the two storey side extension has been previously approved as part of the previous application (ref. 19/01910/FUL) the proposed two storey side extension is considered to be acceptable. The extension would, as previously determined, comply with the relevant planning policies and guidance with regards to design.
- 6.10 The proposed rear bay window addition at ground floor is considered to be small in scale and form and be clearly subservient. The design of the bay window is considered to be appropriate and would be in-keeping with the existing dwelling with regards to material finishes. The proposed bay window is therefore considered acceptable when weighed against the relevant design policies.
- 6.11 The application includes the addition of 2no. dormer windows. The scheme has been revised following officers concerns with the initially proposed dormer. The aforementioned SPD also provides guidance for dormer windows setting out that '*over-wide dormers may harm the appearance of the house*' and that dormers should not '*have the appearance of an extra storey on top of the house; a dormer should always be set within its roof*'. The initial dormer was considered to be overly large, and of poor design. As such, revised plans have been submitted to amend to 2no. small, flat roof dormers. The 2no. dormers are considered to be small in scale and sit comfortably within the roof of the original dwelling, and the roof of the proposed extension. The dormers would be finished in lead, which would contribute to a more modern finished dormer, and therefore are an appropriate design. As such, the proposed dormers are considered to be acceptable in terms of design, scale and form.
- 6.12 Overall, the proposed two storey side extension, rear ground floor bay window addition and rear dormers would comply with policy SD4 of the JCS, policy D1 of the Cheltenham Plan, and the guidance set out within the councils SPD for designing residential extensions and alterations.

### 6.13 Impact on neighbouring property

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

6.15 Following the statutory consultation period, two responses have been received; one objecting resident and one supporting resident. A summary of the main comments raised have been summarised above in section 5.

6.16 The main concern raised by the objecting resident at no. 117 Hales Road is in regards to a loss of privacy and overlooking as a result of the proposed dormer windows. The rear boundary of the application site abuts the side boundary of no. 117 Hales Road. The neighbour raises concerns with regards to the proximity of the dormer windows to their property. Cheltenham Plan policy SD14 note 2 states; *'In determining privacy for residents, the Council will apply the following minimum distances, 21 metres between dwellings which face each other where both have windows with clear glazing'*. Cheltenham's Development on Garden Land and Infill Sites Supplementary Planning Document, sets out that new first floor windows should achieve 10.5 metres from clear window to boundary. The proposed dormer windows would meet the required distances in order to maintain privacy. With regards to the 21 metres the neighbour has mentioned, this distance is implemented when two clear glazed windows face one another. In this case, the neighbouring property does not directly face the application property and is at an angle to the application property. As such, the proposed dormer windows would achieve the relevant distance to maintain the privacy of adjoining land users. In addition, officers are mindful of the permitted development fall-back position and that a larger dormer with larger and more windows could be installed in the roof of the original dwelling house without the need for planning permission. The proposed dormers would have a lesser impact than a dormer that could be installed under permitted development. Taking all of the above into consideration, the proposed dormers would be compliant with the relevant planning policies and guidance in terms of protecting the existing amenity of neighbouring land users.

6.17 As per the previous application, no concern was raised with regards to an impact on neighbouring amenity in terms of a loss of light or loss of privacy. The proposed extension remains unchanged to that approved in 2019 (ref. 19/01910/FUL). As such, with this decision in mind and no concerns raised with regards to an impact on the existing amenity of adjoining land users the proposal is considered to comply with policy SD14 of the JCS and SL1 of the Cheltenham Plan.

6.18 There are no concerns that as a result of the new ground floor bay window there would be any overlooking or loss of privacy to adjoining land users. Furthermore, given the scale and location of the bay window extension in the site, there would be no impact on light to neighbouring properties.

6.19 Overall, the proposed works are considered to protect the existing amenity of adjoining land users and therefore comply with policy SD14 of the JCS and policy SL1 of the Cheltenham Plan.

### 6.20 Sustainable development

6.21 Policy SD3 of the JCS requires development to demonstrate how they will contribute to the aims of sustainability and be expected to be adaptable to climate change in respect of design, layout, siting, orientation and function. The Cheltenham Climate Change SPD (adopted June 2022), sets out a strategy for decarbonising homes over the next decade. For residential alterations and extensions there is an opportunity to improve the environmental performance of a home through the inclusion of technologies and features.

6.22 The applicant has submitted a sustainability statement to address the above policy and guidance. The statement sets out that the extensions would meet building regs in terms of energy efficiency, including suitable insulation which the existing property lacks. Furthermore, the conversion of the existing loft would improve the energy efficiency of the property. Unfortunately, no low carbon technologies or features are proposed to be included however it has been identified that the existing rear, south facing roof slope could provide a suitable place for solar panels to be installed at a later date. As such, given the scale and nature of development, the proposed measures are considered to be appropriate in this instance.

### 6.23 Other considerations

### 6.24 Public Sector Equalities Duty (PSED)

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

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

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

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

## 7. CONCLUSION AND RECOMMENDATION

7.1 Taking the above into consideration, the proposed two storey side, single storey rear bay extension and installation of 2no. dormer windows are considered to be appropriate and in accordance with the relevant policies and guidance. Whilst neighbour comments have been duly noted and taken into consideration, the proposal is considered to protect the amenity of adjoining land users.

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

## 8. SUGGESTED CONDITIONS

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

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

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

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

- 3 The exterior of the development shall be rendered and painted to match the texture and colour of the existing building and maintained as such thereafter.

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

- 4 The roofing material of the extensions shall match that of the existing building unless otherwise first agreed in writing by the Local Planning Authority.

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

### **INFORMATIVES**

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

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

In this instance, the authority sought revisions to the scheme to address concerns relating to design.

Following these negotiations, the application now constitutes sustainable development and has therefore been approved in a timely manner.

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<b>APPLICATION NO:</b> 23/00809/FUL	<b>OFFICER:</b> Miss Claire Donnelly
<b>DATE REGISTERED:</b> 16th May 2023	<b>DATE OF EXPIRY :</b> 11th July 2023
<b>WARD:</b> Battledown	<b>PARISH:</b>
<b>APPLICANT:</b>	Mr And Mrs Ford
<b>LOCATION:</b>	1 The Grove Hales Road Cheltenham
<b>PROPOSAL:</b>	Proposed two storey side extension and single storey rear extension

## REPRESENTATIONS

Number of contributors	<b>2</b>
Number of objections	<b>1</b>
Number of representations	<b>0</b>
Number of supporting	<b>1</b>

33 The Grove  
Hales Road  
Cheltenham  
Gloucestershire  
GL52 6SX

### Comments: 23rd June 2023

As a local resident on this road, I feel these plans offer a well needed improvement to The Grove. The plans show an appealing and well thought out elevations that will enhance the appearance of the house and the entrance to the road. No 2 (opposite) did this a few years back and it immediately gave a impressive clean upgrade to what was previously a tired and dated vicinity.

Im confused with the comments made by 117 Hales Road. Commenting the dormer windows will over look the privacy of the patio and rear of their house. 119 Hales Road (attached to 1 The Grove) has 1st floor windows much closer to their patio AND at a more direct angle then what this application is proposing.

117 Hales Road  
Cheltenham  
Gloucestershire  
GL52 6ST

### Comments: 2nd June 2023

I am writing to formally express my objection to the planning application at 1 The Grove, Hales Road. I am deeply concerned about the loss of privacy that this development would create and the detrimental visual impact it will have on my property.

I have no objection in principle to the two-storey side extension and single storey rear extension. However, it is with great distress that I have observed these plans also include

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a loft extension in the application. It proposes a 4-metre-wide rear dormer with six windows which if allowed would overlook my kitchen /diner conservatory where I spend most of my time. The dormer would also overlook my patio area and back garden that is nearest to the house and used the most. My objection is that the dormer would result in a total loss of privacy in these two areas due to its elevated position, direction of view and close proximity. The application states that the loft extension is to be used as a bedroom. This cannot be controlled. In this age of partial homeworking, it could be used as a studio or office resulting in continual loss of privacy.

Any dormer on the rear of this property would also have a major detrimental visual impact on my property. Other neighbouring properties with loft conversions have velux roof lights at the rear.

My garden, patio and conservatory are cherished spaces where I seek solace and enjoy the serenity of my surroundings with family and friends. Allowing such a development to proceed without due consideration for the privacy concerns it poses would greatly diminish my quality of life and undermine the sanctity of my home.

In light of the aforementioned concerns, I respectfully urge you to reject the planning application as it stands at No 1 The Grove .

**Comments:** 27th July 2023

Further to my objection sent Fri 2nd June, the content of which is still applicable, I note from the website that the application has been amended.

I wish to make clear I have no exception to the concept of maximizing the property by extending into the loft . My objection focuses on the inclusion of two dormers in the rear roof space. These would give a direct view of my indoor living area in a distance of less than 21 metres . The guidance given by the council refers to distance to boundaries of directly facing properties and does not take full account of the window to window dimension that exists in this case. As a result, my privacy would be severely impacted if this application were to be approved.

Furthermore the inclusion of a flat roof design to the dormers will have a marked detrimental visual impact. This is not character appropriate as the other properties that have been converted all have roof lights at the rear.

As a result, I would still respectfully request that you reject the planning application as it stands.

**Comments:** 17th July 2023

Dear Miss Claire Donnelly,

I note that you have requested an amendment to the planning application for the loft conversion of 1 The Grove Cheltenham. The amendment on the website shows the inclusion of two dormers. According to the site layout these still contravene the privacy limit described in the guidance, furthermore the proposed design is not character appropriate.

[https://www.cheltenham.gov.uk/downloads/file/3211/residential\\_alterations\\_and\\_extensions\\_spd](https://www.cheltenham.gov.uk/downloads/file/3211/residential_alterations_and_extensions_spd).



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This states at least 21 metres window to window to maintain privacy .Due to the oblique placement of the two properties, the distance to the boundary is not relevant. The distance from the proposed dormer window to my nearest window is less than 21 metres and my patio is even closer.

In 2016 you approved a similar extension to no 2 The Grove with the inclusion of rear roof lights to provide light to the loft. Why are rear roof lights not suitable in this case? I would accept this reluctantly as a compromise to maintain my privacy.

I do not understand why this current amended application should be approved in view of the above . Please can you explain it to me ?

Kind regards

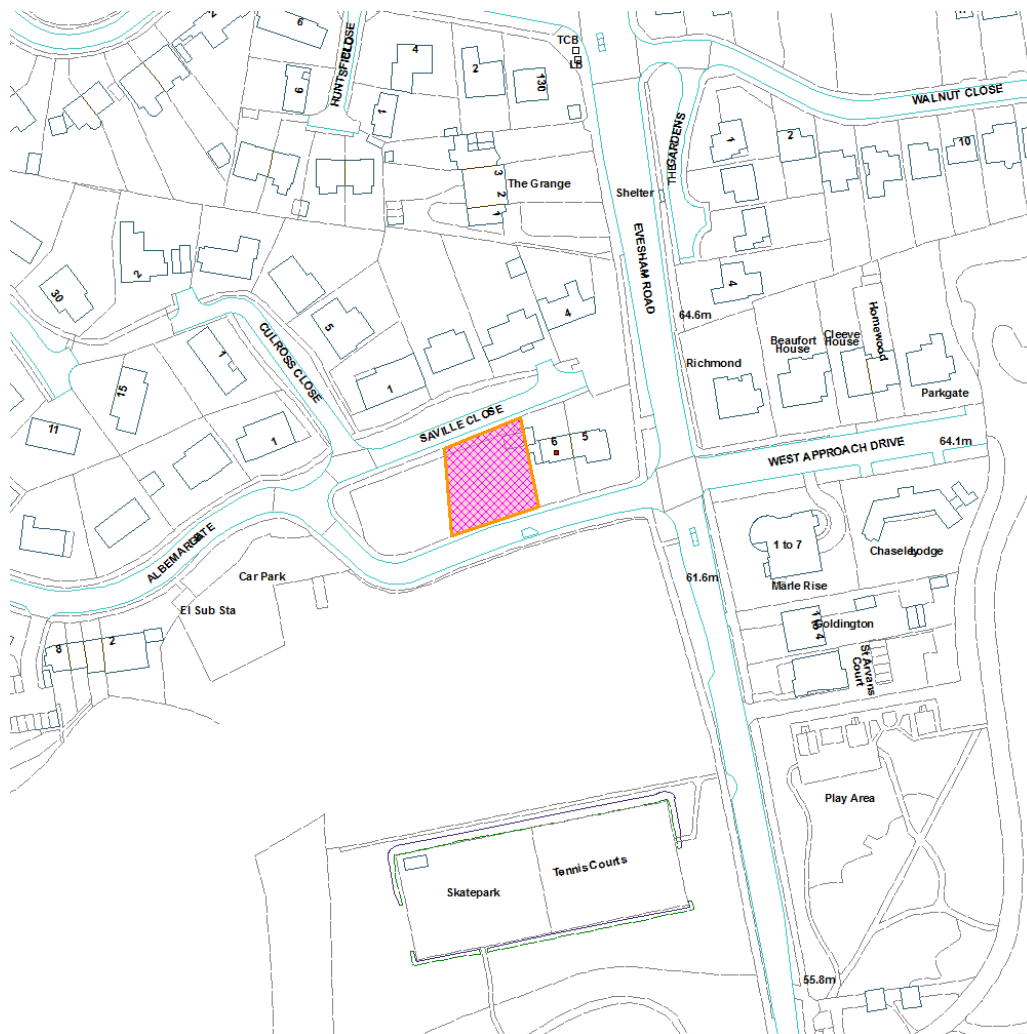
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117 Hales Rd, Cheltenham GL52 6ST

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<b>APPLICATION NO:</b> 23/01132/FUL	<b>OFFICER:</b> Michelle Payne
<b>DATE REGISTERED:</b> 4th July 2023	<b>DATE OF EXPIRY:</b> 29th August 2023 <small>(extension of time agreed until 25th September 2023)</small>
<b>DATE VALIDATED:</b> 4th July 2023	<b>DATE OF SITE VISIT:</b>
<b>WARD:</b> Pittville	<b>PARISH:</b>
<b>APPLICANT:</b>	Cheltenham Borough Council
<b>AGENT:</b>	Evans Jones Ltd
<b>LOCATION:</b>	6 Saville Close Cheltenham Gloucestershire
<b>PROPOSAL:</b>	Construction of 2no. dwellings on land adjacent to 6 Saville Close

**RECOMMENDATION:** Permit



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## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site is located on the south side of Saville Close, at the northern edge of the Central conservation area, within the Pittville character area. The land to the west is designated as Local Green Space and serves as a community orchard; however, the proposed development would have minimal, if any, impact on this designated green space. To the rear, the site backs on to Albemarle Gate, with the grade II registered Pittville Park beyond; the park is designated as Public Green Space. There are a number of listed buildings in relatively close proximity, but not immediately adjacent, to the site.
- 1.2 The site currently forms part of the curtilage to 6 Saville Close, a semi-detached, two storey dwelling, and is located within the Principal Urban Area.
- 1.3 The application proposes the erection of 2no. five bedroom, detached houses with associated access, parking and landscaping.
- 1.4 The application is before the planning committee as Cheltenham Borough Council are the applicant and landowner.
- 1.5 Members will have the opportunity to visit the site on planning view.

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

### **Constraints:**

Conservation Area  
Principal Urban Area

### **Relevant Planning History:**

None

## 3. POLICIES AND GUIDANCE

### **National Planning Policy Framework 2023 (NPPF)**

Section 2 Achieving sustainable development  
Section 4 Decision-making  
Section 5 Delivering a sufficient supply of homes  
Section 9 Promoting sustainable transport  
Section 11 Making effective use of land  
Section 12 Achieving well-designed places  
Section 14 Meeting the challenge of climate change, flooding and coastal change  
Section 16 Conserving and enhancing the historic environment

### **Adopted Cheltenham Plan 2020 (CP) Policies**

D1 Design  
BG1 Cotswold Beechwoods Special Area Of Conservation Recreation Pressure  
SL1 Safe and Sustainable Living  
GI2 Protection and replacement of trees  
GI3 Trees and Development

### **Adopted Joint Core Strategy 2017 (JCS) Policies**

SD3 Sustainable Design and Construction  
SD4 Design Requirements  
SD8 Historic Environment  
SD9 Biodiversity and Geodiversity  
SD10 Residential Development  
SD14 Health and Environmental Quality  
INF1 Transport Network

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

Development on garden land and infill sites in Cheltenham (2009)

Pittville Character Area Appraisal and Management Plan (2008)

Cheltenham Climate Change SPD (2022)

## **4. CONSULTATION RESPONSES**

See Appendix at end of report

## **5. PUBLICITY AND REPRESENTATIONS**

- 5.1 On receipt of the application, letters of notification were sent to six neighbouring properties, a site notice was posted and an advert published in the Gloucestershire Echo.
- 5.2 Additional consultation was later carried out as, due to an administrative error, the plans and elevations of the proposed dwellings had not been published.
- 5.3 Two representations have been received in response to the publicity, in objection. The comments have been circulated to members in full, but the concerns are summarised below:
  - the design, and height of the dwellings would be out-of-keeping
  - the proposal would impact on the street scene
  - the dwellings would be overbearing
  - the dwellings will be visible from Pittville Park
  - the roofs would be covered in PV panels
  - would the owner have the ability to cut down the tree at the bottom of the plot?

## **6. OFFICER COMMENTS**

### 6.1 Determining issues

6.1.1 The main considerations when determining this application relate to the principle of development; design, layout and heritage impacts; climate change; neighbouring amenity; trees and landscaping; biodiversity; and parking and highway safety.

### 6.2 Principle

6.2.1 Paragraph 11 of the National Planning Policy Framework (NPPF) sets out a "*presumption in favour of sustainable development*" which for decision-taking means approving development proposals that accord with an up-to-date development plan without delay.

6.2.2 The development plan comprises saved policies of the Cheltenham Borough Local Plan Second Review 2006 (CBLP); adopted policies of the Cheltenham Plan 2020 (CP); and adopted policies of the Tewkesbury, Gloucester and Cheltenham Joint Core Strategy 2017 (JCS). Other material considerations include the NPPF, and Planning Practice Guidance (PPG).

6.2.3 Where housing policies are out-of-date (including situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites), the NPPF is quite clear that development proposals should be approved without delay unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the NPPF policies as a whole, or specific NPPF policies provide clear reason for refusal. As it stands, the Council is currently unable to demonstrate such a

five year supply of housing and therefore the 'tilted balance' in favour of granting permission is triggered.

6.2.4 Notwithstanding the above, the application site is sustainably located within the Principal Urban Area, wherein adopted JCS policy SD10 supports new housing development where it is infilling within the Principal Urban Area; JCS paragraph 4.11.5 setting out that *"infill development means the development of an under-developed plot well related to existing built development."*

6.2.5 Moreover, throughout the NPPF emphasis is given to new development optimising the potential of the site; and policy SD10 also requires new residential development proposals to *"seek to achieve the maximum density compatible with good design, the protection of heritage assets, local amenity, the character and quality of the local environment, and the safety and convenience of the local and strategic road network."*

6.2.6 As such, there is no fundamental reason to suggest that the principle of erecting two additional dwellings on this site is unacceptable, subject to the material considerations discussed below. The principle of development is wholly in accordance with relevant local and national planning policy.

### 6.3 Design, layout and heritage impacts

6.3.1 Paragraph 130 of the NPPF requires decisions on planning applications to ensure that new developments *"will function well and add to the overall quality of the area...; are visually attractive...; are sympathetic to local character...including the surrounding built environment...whilst not preventing or discouraging appropriate innovation or change (such as increased densities); establish or maintain a strong sense of place...; optimise the potential of the site...; and create places that are safe, inclusive and accessible...with a high standard of amenity for existing and future users"*.

6.3.2 The above requirement is generally consistent with the design requirements set out in adopted CP policy D1 and JCS policy SD4.

6.3.3 Further guidance can be found in the Council's adopted SPD relating to development on garden land and infill sites, which sets out that various elements combine to create the character of an area and include grain, type of building, location of buildings within the block or street, plot widths and building lines. The document states at paragraph 3.5 that *"Responding to character is not simply about copying or replicating what already exists in an area...Change in itself is not considered a bad thing automatically..."*

6.3.4 In addition to the above, Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the conservation area in which the site is located. JCS policy SD8 also requires development to make a positive contribution to local character and distinctiveness, having regard to valued and distinctive elements of the historic environment.

6.3.5 Great weight must also be given to the conservation of the adjacent registered park and garden, Pittville Park, in accordance with paragraph 199 of the NPPF.

#### *Design and layout*

6.3.6 The site can be comfortably subdivided to accommodate the proposed dwellings and the resultant plot sizes would not be noticeably at odds with the surrounding urban grain; the size of the plot as existing is an anomaly within the area.

6.3.7 The dwellings would be suitably positioned within the site so as to maintain the established building line, and each property would benefit from two car parking spaces on

the frontage, and good sized rear gardens. The existing dwelling, no.6, would also retain a good sized rear garden.

6.3.8 The dwellings would be two storeys in height, with additional accommodation provided within the pitched roof. Externally, the dwellings would have an off-white render finish with red brick up to DPC level, plain clay tiled roofs, painted timber windows, and reconstituted stone lintels, mullions and cills. Officers are satisfied that such a palette of materials is appropriate in this location, and that the resultant buildings would be visually attractive within the street scene and sit comfortably within their context.

6.3.7 The concerns raised by the objectors in relation to the design and height of the dwellings have been duly noted, and officers acknowledge that the dwellings on the opposite side of Saville Close and within the wider estate have shallower pitched roofs, and are largely gable fronted; however, many of these properties have been significantly altered and extended over the years. Moreover, the pair of properties on the southern side of the close, immediately adjacent to the site, are of a different design, not least because they are semi-detached, but they also have steeper, albeit hipped, roofs; these properties pre-date the later estate housing. For this reason, officers do not consider it necessary for the design to reflect the shallower roof form of the properties within the wider estate which are typical of the late 60s/early 70s, nor the later terraced housing to the south of Albemarle Gate as suggested by the Civic Society. None of this existing housing is of any particular architectural merit.

### *Heritage impacts*

6.3.8 With regard to the impact on the conservation area, officers are satisfied that the overall character and appearance would at least be preserved, if not enhanced, by the proposed development; and that no harm would occur. In addition, it is acknowledged that the proposed dwellings would be visible from Pittville Park but this in itself is not automatically harmful; the dwellings would be seen in the context of the surrounding housing. The dwellings would not be prominent in views (from within the park) towards, or from, the Grade I Listed Pump Rooms; and the setting of other nearby listed buildings would not be unduly affected. The Pittville Character Appraisal does not identify any key views looking north towards the site.

6.3.9 Even if the impact was considered to be harmful, paragraph 202 of the NPPF is pertinent, which advises that *“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use”*.

6.3.10 In this regard, officers would suggest that even if any harm could be identified, it would be far outweighed by the provision of two additional dwellings within the borough, and that the use of this large, under-developed plot for housing development is most appropriate.

## 6.4 Climate change

6.4.1 In addition to the abovementioned design policies, adopted JCS policy SD3 requires new development to be designed and constructed to maximise the principles of sustainability; development proposals are required to *“demonstrate how they contribute to the aims of sustainability”* and *“be adaptable to climate change in respect of the design, layout, siting, orientation...”*

6.4.2 JCS paragraph 14.4.11 goes on to advise that:

*Before considering the use of renewable energy technologies the design of a development should first identify measures to reduce overall energy demand. This*

*can include choice of building fabric and construction techniques, optimising solar gain, natural lighting and ventilation to reduce the need for space heating and/or cooling and lighting. Secondly, the design should include measures to use energy more efficiently such as increasing levels of insulation in walls, floors and roofs and improved air-tightness.*

6.4.3 The adopted Cheltenham Climate Change SPD also provides guidance on how applicants can successfully integrate a best-practice approach towards climate change and biodiversity in all new development proposals.

6.4.4 In response to the SPD, the applicant has submitted a Sustainability Statement in support of the application that sets out the measures proposed as part of this development. The measures include, but are not limited to:

- The provision of fittings and appliances that use water more efficiently in order to reduce water consumption.
- The installation of an AAA+ rated Air Source Heat Pumps system to provide hot water and central heating to the dwellings, with zoned central heating.
- The use of modern insulation in the walls, floor and roof, which will meet all U-value requirements.
- The incorporation of solar PV technology to the south facing roof slopes to eliminate and/or reduce the requirement for mains electricity.
- The provision of electric vehicle charging points.
- The use of permeable substrate in the construction of the driveway to allow water to drain naturally.
- The attenuation of surface water run-off from the dwellings on site so as to reduce the risk of flooding both on and off site.

6.4.5 Such measures are welcomed and will go some way in helping Cheltenham meet its commitment to become a net zero carbon council and borough by 2030.

6.4.6 The comments made by the objector in relation to the roof mounted solar PV panels, which they consider would be unsympathetic to the surrounding area, have been duly noted, but solar PV panels are not uncommon nowadays; indeed, the existing property, no.6, has solar panels on its rear facing roof slope.

## 6.5 Neighbouring amenity

6.5.1 Adopted CP policy SL1 advises that development will only be permitted where it will not cause unacceptable harm to the amenity of adjoining land owners or the locality; these requirements are reiterated in adopted JCS policy SD14. In addition, as previously noted, NPPF paragraph 130 highlights the need to secure a high standard of amenity for existing and future users.

6.5.2 In assessing the amenity impacts of a development, CP paragraph 14.4 advises that *“the Council will have regard to matters including loss of daylight; loss of outlook; loss of privacy; and potential disturbance from noise...and traffic / travel patterns”*.

6.5.3 In this case, officers are wholly satisfied that the development would not result in any significant amenity impacts; and do not agree with the suggestion by the objector that the dwellings would appear overbearing given the distances involved. It is acknowledged that the buildings would undoubtedly impact on views towards the park from the properties opposite the site, but members will be aware that the loss of a private view is not a material planning consideration.

6.5.4 Moreover, given the scale of development proposed, no significant increase in traffic, noise or disturbance should occur as a result.



### 6.6 Trees and landscaping

6.6.1 Adopted CP policies GI2 and GI3 seek to resist the unnecessary felling of trees on private land in connection with development; and where protected trees are proposed to be felled, replacement tree planting will be required, where practicable. In addition, measures to ensure the protection of retained trees may be required.

6.6.2 There are trees within the site, which are protected due to their location within the conservation area, and therefore the Tree Officer has been consulted. Having reviewed the application, the Tree Officer raises no objection in principle, noting that the mature existing trees in the south-western corner of the site are shown to be retained. However, a condition is required to ensure that suitable tree protection is installed for the duration of the construction process. An additional landscaping condition is required in relation to new planting.

6.6.3 The applicant's agent has noted the Tree Officer's comments suggesting that mixed native hedging would be preferable to the proposed boundary fencing, but considers a fence necessary to provide suitable security between the adjacent community orchard and the site; also noting that the boundary between the site and the orchard is already formed with timber fencing.

6.6.4 Moving forwards, the trees on the site would continue to be protected by virtue of being located within the conservation area.

### 6.7 Biodiversity

#### *Cotswold Beechwoods Special Area of Conservation (SAC)*

6.7.1 The application site lies within a zone of influence as set out in the Cotswold Beechwoods SAC Recreation Mitigation Strategy (May 2022) for recreational pressure for the Cotswold Beechwoods SAC, which is afforded protection under the Conservation of Habitats and Species Regulations 2017 (as amended).

6.7.2 Adopted CP policy BG1 states that development will not be permitted where it would be likely to lead directly or indirectly to an adverse effect upon the integrity of the European Site Network and the effects cannot be mitigated. All development within the borough that leads to a net increase in dwellings will be required to mitigate any adverse effects. Without appropriate mitigation, the proposed development is likely to have a significant effect on the Cotswold Beechwoods SAC (either alone or in combination with other development) through increased recreational pressure.

6.7.3 The Council has undertaken an Appropriate Assessment and considers the measures set out in the abovementioned mitigation strategy to be necessary to provide adequate mitigation to address the impacts of the proposal. The applicant can choose to make a contribution towards the measures in the strategy, or to provide their own bespoke strategies to mitigate the impacts the proposed development will cause.

6.7.4 In this case, the applicant has opted to make the contribution of £673 per dwelling; and, as the Council is the applicant, an internal transfer has been made.

#### *Protected species*

6.7.5 Whilst records show that a limited number of important species or habitats have been sighted near the application site in the past, including bats (most recent sighting in 2019), given the scale and nature of the proposal, it is not considered that the development will have any harmful impact on these species.

### 6.8 Parking and highway safety

6.8.1 Adopted JCS policy INF1 requires all development proposals to ensure a safe and efficient access to the highway is provided for all users; permission will only be refused on highway grounds where the impact of the development upon the local highway network would be severe. The policy is wholly consistent with Section 9 of the NPPF.

6.8.2 From a highway safety perspective, the application has been reviewed by the County Highways Development Management Team (HDM) who raise no objection subject to conditions; concluding that *“there would not be an unacceptable impact on Highway Safety or a severe impact on congestion. There are no justifiable grounds on which an objection could be maintained.”* The suggested conditions which relate to the provision of visibility splays, access and parking, have been attached.

6.8.3 As previously noted, each dwelling would have two on-site car parking spaces, with additional parking for visitors available on-street.

### 6.9 Other considerations

#### *Flooding and drainage*

6.9.1 The site is located within Flood Zone 1 and at a low risk of flooding; as such, new residential development in this location is considered to be wholly appropriate. With regard to drainage, the application is accompanied by a Drainage Strategy Technical Note, which has been reviewed by the Flood Risk and Drainage Engineer who is satisfied that the drainage strategy *“shows an appropriate method of surface water disposal is available and is of sufficient detail for this stage of the application”*. That said, they have requested that further details of the sustainable drainage scheme are secured by condition.

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

6.9.2 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.

6.9.3 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.

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

## **7. CONCLUSION AND RECOMMENDATION**

7.1 Decisions on planning applications must be made in accordance with the development plan.

7.2 The application site is sustainably located within the Principal Urban Area, wherein adopted JCS policy SD10 supports new housing development. Moreover, throughout the NPPF emphasis is given to new development optimising the potential of the site. Policy SD10 also requires new residential development proposals to *“seek to achieve the maximum density compatible with good design, the protection of heritage assets, local amenity, the*

*character and quality of the local environment, and the safety and convenience of the local and strategic road network.”*

- 7.3 Notwithstanding the above, where housing policies are out-of-date (as is the case in Cheltenham as the Council is currently unable to demonstrate a five year supply of deliverable housing sites) development proposals must be approved without delay unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the NPPF policies as a whole, or specific NPPF policies provide clear reason for refusal.
- 7.4 As set out in the above report, officers are satisfied that the design of the dwellings is acceptable in this location. Furthermore, there are no significant amenity concerns arising from the development; and no highway objection has been raised by the Local Highway Authority.
- 7.5 The dwellings have been designed to incorporate renewable energy technologies and will go some way in helping Cheltenham meet its commitment to become a net zero carbon council and borough by 2030.
- 7.6 Moreover, the proposed additional dwelling would make a small but nevertheless valuable contribution to the borough’s housing stock.
- 7.7 Additionally, officers are satisfied that no harm would be caused to designated heritage assets; and that the overall character and appearance of the conservation area would at least be preserved, if not enhanced, by the proposed development. Whilst the proposed dwellings would be visible from Pittville Park, this in itself is not automatically harmful; the dwellings would be seen in the context of the surrounding housing.
- 7.8 As such, the proposed development would not result in any adverse impacts that would outweigh the benefits of the scheme. The recommendation therefore is to grant planning permission subject to the following conditions:
- 7.9 In accordance with the Town and Country Planning (Pre-commencement Conditions) Regulations 2018, agreement has been sought in respect of the pre-commencement conditions (conditions 3 and 4).

## **8. SUGGESTED CONDITIONS**

- 1 The planning permission hereby granted shall be begun not later than the expiration of three years from the date of this decision.
- Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The planning permission hereby granted shall be carried out in accordance with the approved plans listed in Schedule 1 of this decision notice.
- Reason: For the avoidance of doubt and in the interests of proper planning.
- 3 Prior to the commencement of development (including demolition and site clearance), a Tree Protection Plan (TPP) to BS5837:2012 (or any standard that reproduces or replaces this standard) shall be submitted to and approved in writing by the Local Planning Authority. The TPP shall include the methods of tree and /or hedge protection, the position and specifications for the erection of tree protective fencing, and a programme for its implementation. The works shall not be carried out unless in accordance with the approved details, and the protective measures specified within the TPP shall remain in place until the completion of the construction process.

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

- 4 Prior to the commencement of development, a surface water drainage scheme, which shall incorporate Sustainable Urban Drainage System (SUDS) principles, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include a programme for implementation of the works; and proposals for maintenance and management. The development shall not be carried out unless in accordance with the approved surface water drainage scheme.

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

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

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

- 6 Notwithstanding the approved plans, the following elements of the scheme shall not be installed, implemented or carried out unless in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority:  
a) Roof lights and balcony balustrade; and  
b) Juliet balconies.

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

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

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

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

Reason: In the interests of the character and appearance of the area, having regard to adopted policies D1, G12 and G13 of the Cheltenham Plan (2020), and adopted policies SD4 and INF3 of the Joint Core Strategy (2017).

- 8 Prior to first occupation of the development, visibility splays shall be provided from a point 0.6m above carriageway level at the centre of the access to the application site and 2.4 metres back from the near side edge of the adjoining carriageway, (measured perpendicularly) as shown on Appendix 3 of the 'pep' Transport Note (June 2023) except in both directions from each driveway space. These splays shall thereafter be permanently kept free of all obstructions to visibility over 0.6m in height above carriageway level.

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

- 9 Prior to first occupation of the development, the proposed access and parking facilities shall be provided in accordance with the approved plans and thereafter retained as such at all times.

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

- 10 Prior to first occupation of the development, secure covered cycle storage for a minimum of 2no. bicycles per dwelling shall be provided on site in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority. The cycle storage facilities shall thereafter be retained available for such use in accordance with the approved details at all times.

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

- 11 Prior to first occupation of the development, refuse and recycling storage facilities shall be provided on site in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority. The bin storage facilities shall thereafter be retained available for such use in accordance with the approved details at all times.

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

### **INFORMATIVES**

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

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

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

- 2 The applicant/developer is advised that the construction of a new access will require a verge and footway crossing from the carriageway under Section 184 of the Highways Act 1980, and permission is required from Gloucestershire Highways on 08000 514 514 or [highways@gloucestershire.gov.uk](mailto:highways@gloucestershire.gov.uk) before commencing any works on the highway. Full details can be found at [www.gloucestershire.gov.uk](http://www.gloucestershire.gov.uk).

## APPENDIX - CONSULTATION RESPONSES

### **Gloucestershire Centre for Environmental Records**

*7th July 2023*

Report available to view in documents tab.

### **Building Control**

*10th July 2023*

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

### **GCC Highways Development Management**

*12th July 2023*

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

Layout parking and access is accepted. It is noted visibility has not been based on recorded speeds but in this cul-de-sac location the visibility has been assessed and accepted. Location provides suitable access to bus services and amenities to reduce private vehicle demand.

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

#### Conditions

##### Provision of Vehicular Visibility Splays

The development hereby approved shall not be [occupied/brought into use] until visibility splays are provided from a point 0.6m above carriageway level at the centre of the access to the application site and 2.4 metres back from the near side edge of the adjoining carriageway, (measured perpendicularly) as shown on Appendix 3 of the June 2023 pep Transport Note except in both directions from each driveway space. These splays shall thereafter be permanently kept free of all obstructions to visibility over 0.6m in height above carriageway level.

Reason: In the interests of highway safety according to INF1 of the Core Strategy, PD 0.4 of the Local transport Plan and paragraph 110 and 112 of the National Planning Policy Framework.

##### Conformity with Submitted Details

The Development hereby approved shall not be occupied/be brought into use until the access, parking and turning facilities that that individual building to the nearest public highway has been provided as shown on submitted drawings.

Reason: To ensure conformity with submitted details according to INF1 of the Core Strategy, PD 0.4 of the Local transport Plan and paragraph 110 and 112 of the National Planning Policy Framework.

##### Bicycle Parking

The Development hereby approved shall not be occupied/be brought into use until sheltered, secure and accessible bicycle parking for 2 bicycles per dwelling has been provided and the storage area shall be maintained for this purpose thereafter.

REASON: To promote sustainable travel and healthy communities according to INF1 of the Core Strategy, PD 0.4 of the Local transport Plan and paragraph 110 and 112 of the National Planning Policy Framework.

## Informatives

### Vehicular Access

The Local Highway Authority has no objection to the above subject to the applicant obtaining a section 184 licence. The construction of a new access will require a verge and footway crossing from the carriageway under the Highways Act 1980 - Section 184 and the Applicant is required to obtain the permission of Gloucestershire Highways on 08000 514 514 or [highways@gloucestershire.gov.uk](mailto:highways@gloucestershire.gov.uk) before commencing any works on the highway. Full Details can be found at [www.gloucestershire.gov.uk](http://www.gloucestershire.gov.uk).

## Tree Officer

**14th July 2023**

The proposal seeks to retain mature existing trees. Their protection for the duration of the construction phase should therefore be demonstrated in revised / additional drawings referencing BS5837 (2012).

Planting proposals should be clarified in revised / additional drawings, detailing species, location and size of trees to be planted. It would be preferable for boundary treatments to be mixed native hedging (rather than fencing).

Reason: to protect the amenity value of trees in the borough as per Policies GI2 and GI3 of the Cheltenham Plan.

## Publica Drainage and Flooding

**17th July 2023**

There are no objections from a flood risk and drainage perspective. The drainage strategy technical note provided shows an appropriate method of surface water disposal is available and is of sufficient detail for this stage of the application. A sustainable drainage condition is requested so that any changes to the site that impact drainage, and any further details of the drainage scheme, are reviewed and approved by the local planning authority prior to the commencement of development.

## Cheltenham Civic Society

**26th July 2023**

### OBJECT

We are pleased that Cheltenham Borough Council is maximising potential revenue and increasing housing stock by seeking to develop this site, and we support the principle of development. We question whether the neighbouring orchard plot, also owned by the council, might also be considered has been excluded from development.

While we could support this as an outline planning application it wholly inadequate as a full planning application, especially as it is in a conservation area, and overlooks a Historic England grade II registered park. Where are the floor plans? The elevations? The details of materials?

Alternative configurations could be considered, e.g. a small terrace of 2 storey houses like those on Albemarle Gate.

## Building Control

**1st August 2023**

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

## Architects Panel

**9th August 2023**

### Design Concept

The panel decided not to review this application until sufficient plans and elevations were submitted.





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<b>APPLICATION NO:</b> 23/01132/FUL	<b>OFFICER:</b> Miss Michelle Payne
<b>DATE REGISTERED:</b> 4th July 2023	<b>DATE OF EXPIRY :</b> 29th August 2023
<b>WARD:</b> Pittville	<b>PARISH:</b>
<b>APPLICANT:</b>	Cheltenham Borough Council
<b>LOCATION:</b>	6 Saville Close Cheltenham Gloucestershire
<b>PROPOSAL:</b>	Construction of 2no. dwellings on land adjacent to 6 Saville Close

## REPRESENTATIONS

Number of contributors	<b>2</b>
Number of objections	<b>2</b>
Number of representations	<b>0</b>
Number of supporting	<b>0</b>

1 Saville Close  
Cheltenham  
Gloucestershire  
GL50 4NE

### Comments: 13th August 2023

Although we do not object to the proposal for two new houses, we do have an objection regarding their design, in particular the height of the roof. In the drawings they appear to be considerably higher than the adjacent houses, this would not fit in well with the street scene and would be overbearing on the surrounding houses in what is a small cul-de-sac of only 6 properties.

The new houses will also be very noticeable from the view up through Pittville Park, this view was a major consideration when the Albemarle Gate estate was built, hence why all the houses have very low pitched roofs, particularly those bordering the park.

The proposed houses will be at the top of a hill overlooking a grade 2 listed park, with higher roofs than the adjacent houses and covered in roof mounted photovoltaic panels, this would be unsympathetic to the surrounding area including the views up from the lake and and the eastern side of the park looking across from the pump rooms.

The new houses should be built with the same height roofs as the adjacent two houses so as not to distract from the views up through the historic Pittville park.

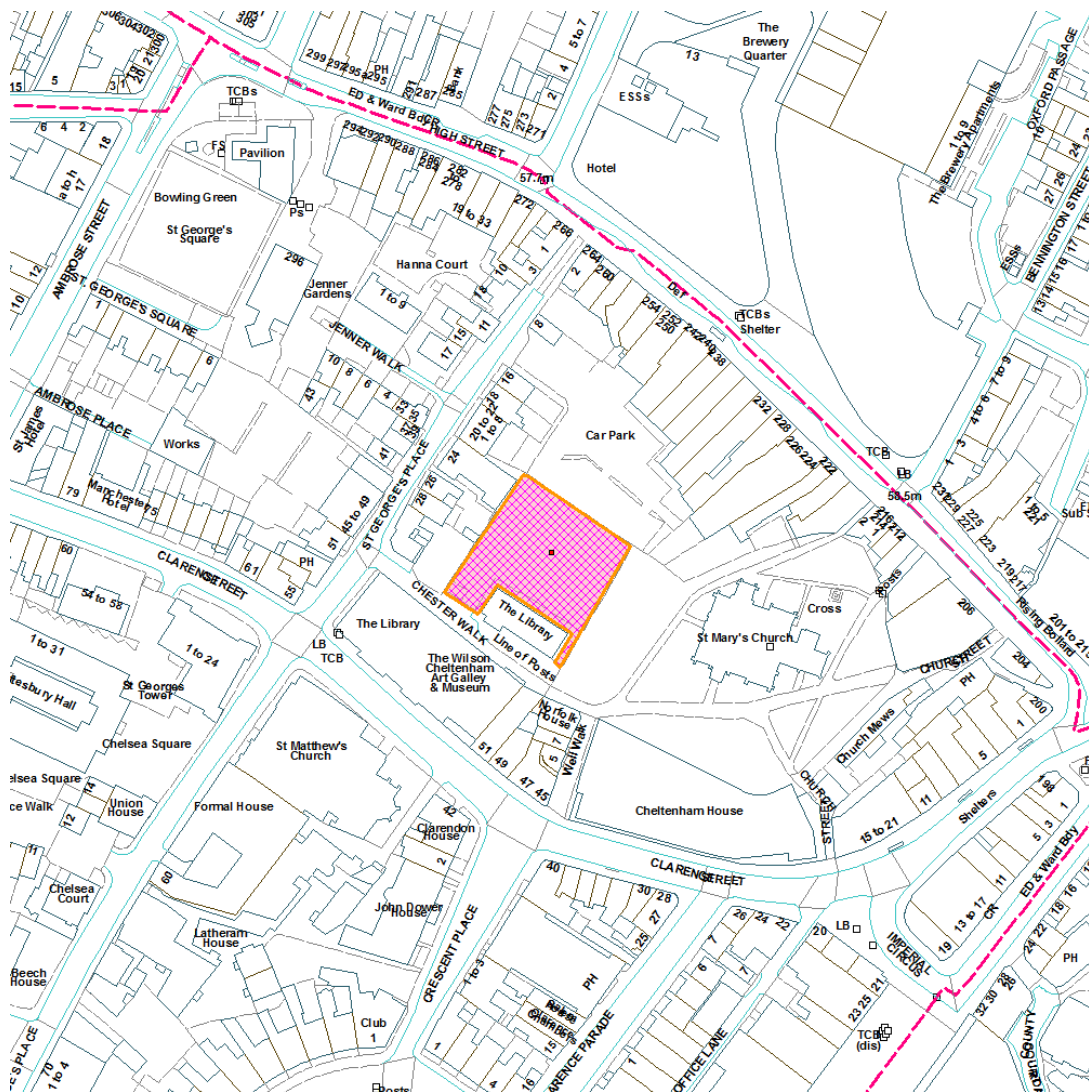
3 Saville Close  
Cheltenham  
Gloucestershire  
GL50 4NE

**Comments:** 12th August 2023

I am concerned about the height of the proposed buildings. Looking at the plans the height of the ridge line is level with the chimney tops of the adjacent buildings. Should the height be no higher than the ridge of these building which reduces the height?  
Is there a preservation order on the tree at the bottom of the plot which says it is going to be retained in the build but will the owner then have the ability to cut this tree down?

<b>APPLICATION NO:</b> 23/01226/CONDIT	<b>OFFICER:</b> Michelle Payne
<b>DATE REGISTERED:</b> 18th July 2023	<b>DATE OF EXPIRY:</b> 12th September 2023 (extension of time agreed until 25th September 2023)
<b>DATE VALIDATED:</b> 18th July 2023	<b>DATE OF SITE VISIT:</b>
<b>WARD:</b> Lansdown	<b>PARISH:</b>
<b>APPLICANT:</b> Mr Bruce Gregory	
<b>AGENT:</b> Agent	
<b>LOCATION:</b> Car Park Chester Walk Cheltenham	
<b>PROPOSAL:</b>	Variation of condition 1 (approved plans) on planning permission ref. 22/02004/CONDIT, under Section 73 of the Town and Country Planning Act 1990, to reflect as built changes on site; and provision of additional detail in relation to other conditions

### RECOMMENDATION: Permit



This site map is for reference purposes only. OS Crown Copyright. All rights reserved Cheltenham Borough Council 100024384 2007

## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site is relatively tucked away, located to the rear (north) of Cheltenham's Children's Library, with flatted residential properties to west, and a car park to the north with commercial properties on the High Street beyond. Vehicular access to the site is provided via Chester Walk, with pedestrian access more widely available via a number of footpaths.
- 1.2 To the east, the site adjoins the churchyard of Cheltenham Minster (St. Mary's). The Minster is a grade I listed building of mid-C12 origins, with later alterations and additions; it is Cheltenham's only surviving medieval building and is set approximately 30m from the application site. Other prominent listed buildings within the immediate vicinity include the grade II listed Library, Art Gallery and Museum, and Norfolk House; additionally there are some grade II listed lamp posts and tombs within the churchyard, whilst the standing cross is a scheduled monument. The site falls wholly within the Old Town Character Area of the Central Conservation Area.
- 1.3 Planning permission (20/00552/FUL) was granted in August 2020 for the construction of a 'Mixed Use Innovation Hub for the town centre'; and works have now been underway on site for some time.
- 1.4 Subsequently, in May 2022, a new planning permission (21/02567/CONDIT) was granted, under Section 73 of the Town and Country Planning Act 1990, to allow for minor material amendments to the approved scheme, to accommodate a new substation in the north-western corner of the site (required by Western Power Distribution); and to allow for a number of internal and external alterations to the building, including additional/altered windows and doors. The application also sought to provide additional design detail to address conditions of the original permission.
- 1.5 More recently, retrospective planning permission was issued in December 2022 (22/02004/CONDIT) for an additional amendment to relocate the previously approved substation; the substation having already been built in the revised location.
- 1.6 This application is now seeking a further variation of the most recently approved plans (condition 1 of planning permission ref. 22/02004/CONDIT), under Section 73 of the Town and Country Planning Act 1990, to reflect as built changes on site; and to provide additional detail in relation to other conditions. The application is therefore, in part, retrospective.
- 1.7 A Planning Statement submitted during the course of the application sets out that:
  - The overall height of the building has increased
  - The area of photovoltaics (PV) to the second floor roof has increased
  - The external works layout has been amended to comply with Part M requirements
  - Minor changes to the external works finishes have been made
  - A fire suppression misting system has been included

Additional detail, and justification for the changes, is discussed in the report below.

- 1.8 As before, the application is at committee for reasons of transparency given the Council's interest in the land/development.

1.9 Members will have the opportunity to revisit the site on planning view.

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

### Constraints:

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

### Relevant Planning History:

<b>19/00204/FUL</b> Proposed Mixed Use Innovation Hub for the town centre	<b>PERMIT</b>	<b>21st June 2019</b>
<b>20/00552/FUL</b> Proposed Mixed Use Innovation Hub for the town centre (revised scheme following grant of planning permission ref. 19/00204/FUL)	<b>PERMIT</b>	<b>21st August 2020</b>
<b>21/01609/DISCON</b> Discharge of conditions 3 (Construction Method Statement) and 4 (Operational Management Plan) of planning permission ref. 20/00552/FUL	<b>DISCHARGED</b>	<b>27th October 2021</b>
<b>21/02567/CONDIT</b> Variation of condition 2 (approved plans) on planning permission ref. 20/00552/FUL, under Section 73 of the Town and Country Planning Act 1990, to update the block plan and ground floor plan to accommodate a new substation in the north west corner of the site; and to allow for a number of internal and external alterations to the building, including additional/altered windows and doors.	<b>PERMIT</b>	<b>20th May 2022</b>
<b>22/02004/CONDIT</b> Variation of condition 1 (approved plans) on planning permission ref. 21/02567/CONDIT, under Section 73 of the Town and Country Planning Act 1990, to update the proposed substation position to reflect as-installed location	<b>PERMIT</b>	<b>16th December 2022</b>

## 3. POLICIES AND GUIDANCE

### National Planning Policy Framework 2023 (NPPF)

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

**Adopted Cheltenham Plan 2020 (CP) Policies**

D1 Design

HE2 National and Local Archaeological Remains of Importance

SL1 Safe and Sustainable Living

GI2 Protection and replacement of trees

GI3 Trees and Development

**Adopted Joint Core Strategy 2017 (JCS) Policies**

SD1 Employment - Except Retail Development

SD3 Sustainable Design and Construction

SD4 Design Requirements

SD8 Historic Environment

SD14 Health and Environmental Quality

INF1 Transport Network

**Supplementary Planning Guidance/Documents**

Old Town Character Area Appraisal and Management Plan (2007)

Cheltenham Climate Change SPD (2022)

**4. CONSULTATIONS**

**Environmental Health**

*15th August 2023*

In relation to application 23/01226/CONDIT for the development at Chester Walk, Cheltenham, please can I add the following comments from Environmental Health:

Lighting:

The overall isolux diagram as submitted, (the document from the applicant is not titled on the diagram and doesn't have a diagram reference), please can the developer confirm that this is the vertical illuminance in lux?

The diagram although useful to see the overall lux levels, does not have any of the nearest residential properties marked, meaning it is not possible to check the lux levels potentially impacting the nearest residential homes. (These levels will be referenced against the "Institution of Lighting Professionals - guidance note 01/21 - The reduction of obtrusive light" which is concerned with the vertical illuminance and so we would ask for this from the developers to check against this standard.)

Please can the applicant advise of the timings for the lighting, specifically the lighting which will be closest to residential homes? For example, this is particularly important in the top left corner of the development, on the overall isolux diagram whereby it shows a potential of 40lux.

*7th September 2023 – revised comments*

I've had a review over the additional documents as submitted with application reference 23/01226/CONDIT for Chester Walk, Cheltenham, I am satisfied that these answer the queries I raised by email on 15/08/23 and would ask that the applicant ensures the lighting scheme type of lighting as well as the timings etc. as detailed in all the additional plans is adhered to for the duration of the development.



## 5. PUBLICITY AND REPRESENTATIONS

5.1 Individual letters of notification were not sent on this occasion; however, a site notice was posted and an advert published in the Gloucestershire Echo. In response, one representation has been received in objection, raising the following concerns:

- The height of the building has already increased twice since the original plans were approved - we object strongly to these height increases because of the overbearing nature of the building, our loss of privacy and light.
- We objected to the windows in the east elevation overlooking our bedrooms, dining room and garden - this objection has been overlooked. The developers tell us that the windows in question will be obscured and will be fixed shut, but this has never been confirmed.

## 6. OFFICER COMMENTS

6.1 Planning Practice Guidance (PPG) acknowledges that *“New issues may arise after planning permission has been granted, which require modification of the approved proposals”* (Paragraph: 001 Reference ID: 17a-001-20140306) and that where less substantial changes are proposed, an application made under Section 73 of the Town and Country Planning Act 1990 can be used to make a material amendment by varying or removing a condition associated with a planning permission (Paragraph: 013 Reference ID: 17a-013-20230726). If granted, a section 73 application results in a new, independent planning permission which sits alongside the original permission.

6.2 As such, the only consideration when determining this application is the acceptability of the proposed changes as an amendment to the previously approved scheme in terms of design, impact on the historic environment, and neighbouring amenity. The general principle of development has been firmly established through the previous grants of planning permission.

### *Design*

6.3 From a design perspective, officers are satisfied that the building now proposed is not substantially different from that previously approved. The overall design approach is unchanged and the general appearance of the building will be unaltered. The external palette of materials, in terms of colour and finish, is unchanged.

6.4 Additionally, the general scale and massing of the building, and its footprint within the site is very similar to that previously approved. It is acknowledged that the height of the building has increased by 846mm (from that most recently approved) but the overall height is no greater than an earlier iteration of the building. Furthermore, officers are satisfied that sufficient justification has been provided for the additional height. The Planning Statement setting out that *“the floor level has increased due to existing site constraints that include the finished height of the adjacent Minster gardens, which form a pedestrian route to the building”* and a warm roof build has been developed, where *“the insulation is installed over the top of the structure, rather than in between the structure”*; further design development deeming that a cold roof structure, as originally proposed, would not be suitable.

- 6.5 Externally, because of the 256mm increase in the internal ground floor level, minor updates to the ramps and stairs have been necessary to meet the requirements of Part M of the Building Regulations.
- 6.6 In addition, the Planning Statement explains that the extent of solar PV panels on the roof at second floor level has been “*expanded to increase the electricity generation on site, for use by the building and feeding back into the grid*”; and this is welcomed given the Council’s commitment to becoming a net zero carbon council and borough by 2030. The changes to the roof construction also mean that “*The building now benefits from greater levels of insulation than the original proposal.*”
- 6.7 The fire suppression misting system will provide improved protection to the building, its occupiers, and neighbouring properties.

### *Impact on the historic environment*

- 6.8 Historic England and the Conservation Officer have not been consulted on this application; PPG setting out that the “*Provisions relating to statutory consultation and publicity do not apply*” in relation to applications made under Section 73, and that it is at the discretion of the local planning authority to consider whether the scale or nature of the change warrants consultation (Paragraph: 013 Reference ID: 17a-013-20230726). As such, in this case, given the relatively minor changes to the overall scheme, and the increased height not exceeding that previously approved, only limited consultation was carried out.
- 6.9 Officers are satisfied that the revised proposals will not result in any significant/additional harm to the setting of the Minster, or wider conservation area.

### *Amenity*

- 6.10 Concerns have again been raised by a neighbouring resident in relation to the windows on the west elevation and these have been duly noted. Whilst the glazing in this elevation was not identified as being obscurely glazed in an earlier iteration of the scheme, it was previously conditioned that the upper floor windows in this elevation be non-opening; and a similar condition is again proposed. An additional condition was also previously requested by members that, prior to first beneficial use of the development, a privacy film be applied to the 2no. upper floor, right hand side, windows shown on Elevation A-A, and a similar condition is again suggested.
- 6.11 The Environmental Health Team have reviewed the detailed lighting proposals and, following the submission of additional information, are satisfied that the lighting should not result in any harm to the closest residential properties. A condition has been imposed which requires the lighting to be implemented strictly in accordance with the agreed details.

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

- 6.12 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.

6.13 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.

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

## **7. CONCLUSION AND RECOMMENDATION**

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

## **8. CONDITIONS**

- 1 The planning permission hereby granted shall be carried out in accordance with the approved plans listed in Schedule 1 of this decision notice.  
Reason: For the avoidance of doubt and in the interests of proper planning.
- 2 The Operational Management Plan previously approved under application ref. 21/01609/DISCON shall be strictly adhered to at all times.  
Reason: To safeguard the amenities of adjacent residential and/or other noise sensitive properties, having regard to policy SL1 of the Cheltenham Plan (2020) and policy SD14 of the Joint Core Strategy (2017).
- 3 Notwithstanding the approved plans, and the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and/or re-enacting that order), the upper floor windows to the west elevation shall at all times be non-opening.  
Reason: To safeguard the amenities of adjacent properties, having regard to adopted policy SL1 of the Cheltenham Plan (2020) and adopted policy SD14 of the Joint Core Strategy (2017).
- 4 Notwithstanding the approved plans, and the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and/or re-enacting that order), prior to first beneficial use of the development, a privacy film shall be applied to the 2no. upper floor, right hand side windows shown

on Elevation A-A in accordance with details which have first been submitted to and approved in writing by the Local Planning Authority. The privacy film shall thereafter be retained in accordance with the agreed details.

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

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

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

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

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

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

- 8 All lighting shall be implemented and maintained in strict accordance with the submitted details, as amended by additional information received 6th September 2023.

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

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

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

### **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.

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<b>APPLICATION NO: 23/01226/CONDIT</b>		<b>OFFICER: Miss Michelle Payne</b>
<b>DATE REGISTERED: 18th July 2023</b>		<b>DATE OF EXPIRY : 12th September 2023</b>
<b>WARD: Lansdown</b>		<b>PARISH:</b>
<b>APPLICANT:</b>	Mr Bruce Gregory	
<b>LOCATION:</b>	Car Park Chester Walk Cheltenham	
<b>PROPOSAL:</b>	Variation of condition 1 (approved plans) on planning permission ref. 22/02004/CONDIT, under Section 73 of the Town and Country Planning Act 1990, to reflect as built changes on site; and provision of additional detail in relation to other conditions	

**REPRESENTATIONS**

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

26 St Georges Place  
 Cheltenham  
 Gloucestershire  
 GL50 3JZ

**Comments:** 31st July 2023

Hi Michelle.

There are a few points that we would like addressed please.

The height of the building has increased twice since the original plans were approved, one being the shortage of shipping containers.

Modules had to be factory made thus increasing the overall height by 1:4mts.

When the modules were constructed on site due to a poor design there was no insulation to the walls and roof. Therefore the height has increased again by at least 60cm.

We object strongly to these height increases because of the overbearing nature of the building, our loss of privacy and light.

We objected to the windows in the east elevation overlooking the bedrooms /dining room and garden of no 26 St George's Place. This objection has been overlooked.

The developers tell us that the windows in question will be obscured and will be fixed shut. However, this has never been confirmed in writing by Hub8 or Cheltenham borough council.

Regards

\*\*\*\*\*26 St George's Place.





## REPORT OF THE INTERIM HEAD OF PLANNING ON PLANNING APPEALS

### OVERVIEW

The purpose of this report is to provide Members of the Planning Committee with an overview of all planning appeals that have been received by the Council since the previous meeting of the Planning Committee. It further provides information on appeals that are being processed with the Planning Inspectorate and decisions that have been received.

### RECOMMENDATION

To note the contents of the report.

### Appeals Received

August/September 2023

Address	Proposal	Delegated or Committee Decision	Appeal Type	Anticipated Appeal Determination Date	Reference
6 Marsh Lane	Change of use from a single dwelling (Class C3) to a four bed House in Multiple Occupation (HMO) (Class C4)	Delegated Decision	Written representation	n/a	22/01864/COU

218 High Street	Change of use of the ground floor from a retail unit (Class E) to an Adult Gaming Centre (Sui Generis) and first floor to associated storage and staff area with external alterations and associated works.	Delegated Decision	Written Representation	n/a	23/00452/COU
Telecommunications Mast And Cabinet Prestbury Road Cheltenham Gloucestershire	Proposed 5G telecoms installation: H3G 15m street pole and additional equipment cabinets	Delegated Decision	Written representations	n/a	23/00431/PRIOR
10 Selkirk Street	Erection of 1no. three storey self-build dwelling on land adjacent to 10 Selkirk Street	Committee Decision	Written Representations	n/a	22/01441/FUL
Rotunda Tavern 3 Montpellier Street	Retention of temporary canopy structure for two years	Delegated Decision	Written representations	n/a	22/01681/FUL

## Appeals being processed

Address	Proposal	Delegated/Committee Decision	Appeal Type	Outcome	Reference
Land at Shurdington Rd	Full planning application for residential development comprising 350 dwellings, open space, cycleways, footpaths, landscaping, access roads and other	Committee Decision	Written Representation ( <b>New procedure Change now a hearing date is 4<sup>th</sup> July 2023</b> )	Not Decided	Planning ref: 20/01788/FUL Appeal ref: 23/00005/PP1

8 Imperial Square	Proposed change of use from C3 (dwelling house) to mixed use of C1 (hotel) and E (bar and restaurant).	Delegated Decision	Written representation	Not Decided	Planning ref: 22/00334/COU Appeal ref: 23/00009/PP3

53 Alstone Lane	Erection of a single storey dwelling on land to rear of the existing property	Delegated Decision	Written representations	Not Decided	Planning ref: 22/02201/FUL Appeal ref: 23/00017/PP1
Land Adjacent To Oakhurst Rise Cheltenham Gloucestershire	Outline application for residential development of 25 dwellings - access, layout and scale not reserved for subsequent approval	Committee Decision	Written representation	Not decided	Planning ref: 22/00112/OUT Appeal Ref 23/00020/PP1

201 Gloucester Road	Installation of raised, split level patio area with boundary treatments (Retrospective).	Delegated Decision	Written representation (Householder)	Not Decided	Planning Ref: 22/00022/PP1 Appeal ref: 23/00022/PP1
12 Pilford Road Cheltenham	Erection of a Garden Room	n/a	Written representation (Enforcement)	Not decided	Planning ref: 23/00001/DCUA Appeal ref: 23/00025/ENFAPP
1 Michaelmas Lodge Lypiatt Terrace Cheltenham	Use of area of land for vehicle parking	Delegated Decision	Written representation	Not decided	Planning ref: 23/00262/Cleud Appeal Ref: 23/00023/PP1
Telecommunications Mast And Cabinet CLM24981 Princess Elizabeth Way	Proposed 5G telecoms installation: H3G 20m street pole and additional equipment cabinets	Delegated Decision	Written Representation	Not decided	Planning ref: 22/01937/PRIOR Appeal ref: 23/00026/PP1

**Appeals Decided**

Address	Proposal	Delegated/Committee Decision	Appeal Type	Outcome	Reference
Adey Innovation Ltd Gloucester Road	Demolition of the existing office building and erection of a 66 bedroom care home for older people (Use Class C2) including associated access, parking and landscaping.	Delegated Decision	Appeal Hearing (25.01.23)	Appeal Allowed	Planning ref: 21/02700/FUL Appeal Ref: 22/00027/PP1
The Hayloft The Reddings	Conversion of the existing dwellinghouse into 9 self-contained apartments, and associated works	Committee Decision	Written Representation	Appeal Allowed	Planning ref: 22/00749/FUL Appeal Ref: 22/00028/PP1

159 High Street	Proposed installation of 1no. new BT Street Hub, incorporating 2no. digital 75" LCD advert screens, plus the removal of associated BT kiosk(s) on Pavement Of Winchcombe Street Side Of Hays Travel 159 High Street	Delegated Decision	Written Representation	Appeal A and Appeal B Dismissed	Planning ref: 22/00322/ADV and FUL Appeal ref:22/00021/PP1 and 22/00022/ADV1
3 Apple Close, Prestbury	Replacement of existing conservatory with single storey rear extension. Increase in ridge height to facilitate loft conversion with rear dormer.	Delegated Decision	Written Representation	Appeal Allowed	Planning ref: 22/01145/FUL Appeal Ref: 23/00003/PP1
37 Market Street	Proposed side and rear extensions (revised scheme following refusal of application ref. 21/02361/FUL	Committee Decision	Written representations	Appeal Allowed Appeal Costs (Allowed)	Planning Ref: 22/00708/FUL Appeal Ref: 23/00004/PP1



Brecon House Charlton Hill Cheltenham Gloucestershire GL53 9NE	Construction of a paragraph 80 dwelling, estate management building, and associated landscaping, ecology enhancements,	Committee Decision	Appeal Hearing (date 22/03/23)	Appeal Hearing Dismissed	Planning ref: 21/02755/FUL Appeal ref: 23/00001/PP1
30 St Georges Place	Conversion to form 7no. dwellings, together with extensions and construction of new mansard roof	Delegated Decision	Written representations	Appeal Allowed	Planning ref: 22/00839/FUL appeal ref: 23/00002/PP1

10 Suffolk Road	First floor extension at rear of 10 Suffolk Road on top of existing kitchen roof, comprising of 1 new bedroom and ensuite bathroom (revised scheme 22/00966/FUL)	Delegated Decision	Written Representations Householder Appeal	Appeal Dismissed	Planning ref: 22/01340/FUL Appeal ref: 23/00011/PP1
101 Ryeworth Road	Erection of two storey and single storey rear extensions and single storey front extension.	Non-Determination	Written Representation	Appeal Dismissed	Planning ref: 22/01162/FUL Appeal Ref: 23/00006/PP2
o/s 195 High Street Cheltenham	Proposed installation of 1no. new BT Street Hub, incorporating 2no. digital 75" LCD advert screens, plus the removal of associated BT kiosk(s)	Delegated Decision	Written Representation	Appeal A Dismissed Appeal B Dismissed	Planning Ref: 22/00328/ADV and FUL Appeal Ref: 23/00013/PP1 23/00014/ADV1
o/s 23 and 23 A Pittville Street	Proposed installation of 1no. new BT Street Hub, incorporating 2no. digital 75" LCD advert screens,	Delegated Decision	Written representation	Appeal A Dismissed Appeal B Dismissed	Planning ref: 22/00326/ADV and FUL Appeal Ref: 23/00015/PP1 23/00016/ADV1

St Edmunds, Sandy Lane Road	Conversion and extension of an existing coach house/garage to a single dwelling with new access off Sandy	Delegated Decision	Written Representation	Appeal Decision Dismissed Cost Decision Dismissed	Planning ref: 22/02064/FUL Appeal Ref: 23/00008/PP1
Telecommunications Mast And Cabinet CLM26321 Glenfall Way	Proposed 5G telecoms installation: H3G 16m street pole and additional equipment cabinets	Delegated Decision	Written Representation	Appeal Dismissed	Planning ref: 22/02190/PRIOR Appeal Ref: 23/00018/PP1
4 Dymock Walk	Application for prior approval for the construction of one additional storey atop the existing dwelling (increase in height of 2.13 metres)	Delegated Decision	Written representation (Householder)	Appeal Dismissed	Planning ref: 22/01075/FUL Appeal ref: 23/00019/PP1
28 Westdown Gardens	Erection of detached garage (revised scheme to ref: 21/01789/FUL)	Delegated Decision	Written Representations Householder Appeal	Appeal Dismissed	Planning ref: 22/01679/FUL Appeal ref: 23/00012/PP1

129 – 133 Promenade	Retention of existing temporary marquees at 125, 127, 129, 131 further two year period and 133 Promenade,	Committee Decision	Written representation	Appeal Dismissed	Planning ref: 22/01373/FUL Appeal Ref: 23/00007/PP1
4 Red Rower Close	Two storey and single storey extension to the front and loft extension and dormer	Delegated Decision	Written representation	Appeal Dismissed	Planning Ref: 23/00361/FUL Appeal Ref: 23/00021/PP1
Land Adjoining Leckhampton Farm Court Farm Lane Leckhampton Cheltenham Gloucestershire	Residential development of 30 no. dwellings (Class C3); vehicular, pedestrian and cycle access from Church Road; pedestrian and cycle access from Farm Lane; highways improvement works; public open space, landscaping, orchard planting and children's play space; surface water attenuation and other associated works	Delegated Decision	Appeal Hearing (Date of hearing 18 <sup>th</sup> July 2023 <b>(rescheduled for 12<sup>th</sup> July 2023)</b> )	Appeal Allowed	Planning Ref: 21/02750/FUL Appeal Ref: 23/00010/PP1

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Authorised By: Mike Holmes 12<sup>th</sup> September 2023

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## Appeal Decision

Hearing held on 12 July 2023

Site visit made on 12 July 2023

**by JP Sargent BA(Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 12 September 2023**

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### **Appeal Ref: APP/B1605/W/23/3317851**

#### **Land north of Church Road, Leckhampton GL51 3GS**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (the Act) against a refusal to grant planning permission.
  - The appeal is made by Redrow Homes Ltd against the decision of Cheltenham Borough Council.
  - The application Ref 21/02750/FUL, dated 9 December 2021, was refused by notice dated 14 December 2022.
  - The development proposed is a residential development of 30 dwellings (Class C3); vehicular, pedestrian and cycle access from Church Road; pedestrian and cycle access from Farm Lane; highways improvement works; public open space, landscaping, orchard planting and children's play space; surface water attenuation and other associated works.
- 

### **Decision**

1. The appeal is allowed and planning permission is granted for Residential development of 30 dwellings (Class C3); vehicular, pedestrian and cycle access from Church Road; pedestrian and cycle access from Farm Lane; highways improvement works; public open space, landscaping, orchard planting and children's play space; surface water attenuation and other associated works, at land adjoining Leckhampton Farm Court, Cheltenham, GL51 3GS in accordance with the terms of the application, Ref 21/02750/FUL, dated 14 December 2021, and the conditions in the Conditions Schedule below.

### **Main Issues**

2. The main issues with this scheme are
  - a) whether the development accords with the spatial strategy for the distribution of housing;
  - b) whether it would preserve the landscape and scenic beauty of the Cotswolds Area of Outstanding Natural Beauty (AONB) and preserve the character and appearance of the area;
  - c) its effect on ecology, including the Cotswold Beechwoods Special Area of Conservation (SAC);
  - d) whether the nature and distribution of affordable housing is acceptable, and
  - e) if harm would be caused by any or all of the above, whether that would be outweighed by material considerations.

## Reasons

### **Spatial strategy**

3. Policy SP2 in the *Gloucester, Cheltenham and Tewkesbury Joint Core Strategy* (the JCS) broadly aims to focus development in built-up areas, allocated sites and designated urban extensions. JCS Policy SD10 says that housing development will be permitted on a list of locations, including on allocated sites and on previously developed land in the Principal Urban Areas of Cheltenham and Tewkesbury. Policy SD10(4) goes on to say that on other sites, housing will only be permitted if it accords with one of 4 specific criteria.
4. On its western side, the appeal site abuts Farm Lane, which at this point forms the boundary between the boroughs of Cheltenham and Tewkesbury. On the opposite side of that lane are the recent housing developments of Brizen Park and Brizen View (which I shall collectively term the Brizen Farm development). These are in a Principal Urban Area within Tewkesbury borough, though on the ground appear as part of the built-up area of Cheltenham. However, while the appeal site is therefore very close to that Principal Urban Area, separated by only a narrow lane, it nonetheless lies outside of the Principal Urban Areas of both Cheltenham and Tewkesbury. It is also unallocated and not in a designated urban extension, while the development accords with none of the criteria given in JCS Policy SD10(4).
5. Moreover, locating in Principal Urban Areas can be assumed to ensure residents would enjoy a greater choice of alternative transport modes to services and facilities. The site is close to the school, and access there and to whatever services lay beyond would be enhanced by a pavement the appellant is proposing along part of Farm Lane. However, the most recent version of the *Leckhampton and Warden Hill Neighbourhood Plan* shows the site as being just over 1000m from any shops that serve the neighbourhood area, and I consider the pavement along Church Road to the nearest shop is narrow in places. Therefore, while some residents may not find walking such distances a problem, I consider many may look upon a round trip of 2km to be too far or too unattractive to walk. On balance, I therefore find this location would offer limited choices of alternative transport modes, resulting in a reliance on private motorised vehicles. Whilst it may not be as far from services as the Brizen Farm development that does not lead me to different findings.
6. Accordingly, I conclude the scheme would be contrary to the spatial strategy, with limited alternative modes of transport available for future residents, and so would conflict with JCS Policies SP2 and SD10 and guidance in the *National Planning Policy Framework* (the Framework).

### **Character and appearance**

7. The appeal site contains no buildings apart from a dilapidated shed, and comprises an overgrown orchard with numerous old fruit trees, most of which are subject to a Tree Preservation Order (TPO). Its western and southern boundaries are strongly defined by dense hedging and scrub along Farm Lane and Church Road respectively, while a woodland is on the east side and a modern housing development around Leckhampton Farm Court is to the north.
8. It forms part of a wedge of land (the wedge) that is constrained between the Brizen Farm development to the west, the village of Leckhampton to the east,



and the built-up area of Cheltenham to the north. Much of this wedge comprises Local Green Space, paddocks or playing fields, and so has an open, undeveloped character, maintaining its historic rural nature. The site is not in the Local Green Space while the wedge has no specific status in the adopted development plan other than being outside of the Principal Urban Areas. Moreover, the site is subject to no other specific development plan or national landscape designation.

9. To the south, the land rises steeply up to the Cotswolds escarpment, and offers a high level of public access through a widely used footpath network and vantage points. From not just the escarpment itself but also from the slopes, there are impressive views over Cheltenham along the Severn valley and across to the hills in Wales. Church Road, as it passes the appeal site, forms the boundary to the AONB beyond. The scenic and landscape beauty of this area lies, to a great extent, in its pleasing pattern of fields, woodland and rocky outcrops, and the dominant effect of the escarpment. This is emphasised all-the-more as it abuts the built-up area of Cheltenham and the expansive and relatively flat valley floor of the Severn.
10. The proposal comprises 30 dwellings arranged to either side of a central spine road. Strong emphasis has been placed on retaining the trees across the site, especially those that are protected, resulting in open space being intended in the north-west corner, along the Church Road frontage to the south, and down the eastern boundary. Accordingly, as the site's area is just under 3ha, the scheme has a density in the region of 10 dwellings per hectare. It would be removing from this undeveloped orchard some boundary planting and would be reducing the extent of open grassland, while it would be introducing a small suburban housing estate, with its associated hard-surfacing, lighting and other paraphernalia.
11. The presence of the Brizen Farm development means the proposal would not have an effect on the wider rural landscape to the west. However, it would diminish the extent of the wedge, particularly as it would be narrowing its southern boundary, and so reducing its integration and visual link to the countryside on the opposite side of Church Road.
12. The Framework states that decisions should contribute to and enhance the natural environment by, amongst other things, protecting and enhancing valued landscapes (paragraph 174). There is no definition in the Framework as to what constitutes '*a valued landscape*'. However, in this regard reference was made to an appeal from 2016 (Document LPA2 which I shall refer to as the 2016 appeal), and that sought permission for a larger housing development (650 dwellings plus other elements on a 31.7ha site) at the northern end of the wedge. I understand that at that time the Brizen Farm development had not been built but Tewkesbury Borough Council had indicated it was minded to approve it, and so the Secretary of State no doubt gave it appropriate weight. The school may also have been built since then, but otherwise the character of the wedge was similar to what is now before me.
13. In that decision the Inspector (the previous Inspector), in his report, described that site as being in a '*memorable landscape*' due to its mosaic of uses, its varied topography, its history and its network of footpaths, fields and mature vegetation. No doubt taking these criteria into account, he then went on to conclude that the scheme before him would lead to a loss of '*a valued*

*landscape*’ (paragraph 264) and this he identified as one of its adverse effects (paragraph 307). These views were shared by the Secretary of State who, despite describing it as a *‘locally valued landscape’* in paragraphs 19 and 32 of his decision, nonetheless concluded in paragraph 20 that the development of the site would harm the character and appearance of the area through the loss of *‘a valued landscape’* and, in paragraph 33, confirmed he agrees with the conclusions in paragraph 307 of the previous Inspector’s report.

14. When assessing what constitutes a valued landscape I consider that a single field or site should be viewed as part of a landscape rather than being assessed as a landscape in its own right. Moreover, in any such landscape there will be areas that contribute more positively than others to its overall value, while parts will add to the value in different ways.
15. From the submissions before me it is not totally clear what either the previous Inspector or the Secretary of State considered the extent of the valued landscape to be. The previous Inspector spelled out that the landscape value of the site was due not to its visual relationship to the AONB but rather to its own intrinsic charm (paragraph 260), while the Secretary of State accepted the scheme would not harm the structural elements of the wider contextual landscape character, such as the nearby AONB. Moreover, I am aware that the wedge, even then, had a constrained character, and so it is unlikely the previous Inspector and the Secretary of State were taking into account the countryside outside of the AONB to the west of what is now the Brizen Farm development. It is therefore fair to assume the valued landscape that both the previous Inspector and the Secretary of State found would be harmed was contained within the wedge, rather than included any wider landscape.
16. Overall, I share the views of the characteristics of the wedge identified by the previous Inspector, considering its mosaic of uses, its history and its network of footpaths, fields and mature vegetation are positive attributes. I therefore have no basis to depart from the findings of the Secretary of State. Consequently, as it would be within the constrained area of the wedge, I am of the view that the appeal site too is within a valued landscape.
17. The scheme would be introducing a suburban development into this wedge of open land that runs into Cheltenham. More particularly, it would result in a housing development in this historic orchard that would fragment its extent and scale, and change its context. Although much of the boundary planting would remain, the development would be apparent from a short length of the public footpath that runs to the north of the site, with housing replacing and impeding not only the trees and grassland in the foreground, but also the longer views of the escarpment beyond. As a result, it would cause some harm to the countryside character of this path, and so detract to a degree from the enjoyment of its users.
18. Furthermore, the new access would open up views into the development, thereby reducing the rural nature of Church Road. On Farm Lane there is already an awareness of the Brizen Farm development, and the appeal proposal is showing only one dwelling near to the carriageway. However, the creation of the pavement link would also allow the housing to be apparent, meaning the character of that rural lane would also be harmed. Indeed, while the retention of much planting round the site would soften the impact of the

scheme, it would not be concealed totally when looking from surrounding land, and there would still be an awareness of the development.

19. Therefore, mindful it is outside of the settlement boundary, and even taking into account the suggested conditions, I consider the scheme would cause harm to the character and appearance of the countryside. Moreover, this encroachment of suburban form into the wedge would fail to protect or enhance the valued landscape.
20. However, the Local Green Space is currently defined to a great extent by the escarpment to the south and otherwise by the development around. As such, whilst there may be an awareness of this proposal, I consider the recreational value of the Local Green Space would not be unduly harmed.
21. Turning to the effect on the AONB, in paragraph 176 the Framework states that

*'Great weight should be given to enhancing landscape and scenic beauty in ... Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues'.*

As the site is outside of the AONB it will not directly affect the landscape and scenic beauty 'in' that area. Indeed, while I had no evidence to explain why the boundary was drawn where it was, it is of note that, although immediately adjacent, the site was not included in the AONB when that was designated.

22. However, Framework paragraph 176 goes on to say

*'The scale and extent of development within [Areas of Outstanding Natural Beauty] should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas'.*

This is therefore requiring development outside of an Area of Outstanding Natural Beauty, but nonetheless within its setting, to have regard to the designated area. However, it does not impose upon the setting the same level of protection as is confirmed within the Area of Outstanding Natural Beauty itself. Moreover, it does not preclude new development in the setting or state that adverse impacts must always be avoided. Rather, it accepts that adverse impacts can be acceptable if minimised.

23. This position is broadly supported by JCS Policy SD7, which says

*'All development proposals within the setting of the Cotswolds AONB will be required to conserve and, where appropriate, enhance its landscape, scenic beauty, wildlife, cultural heritage and other special qualities'.*

I take the reference to 'its' in the second line of that extract to be referring to the designated AONB rather than the setting.

24. The setting of an Area of Outstanding Natural Beauty is not defined. However, it was nonetheless agreed that the development would be within the setting of the AONB and I share this view. Furthermore, as it would be immediately adjacent to the boundary, I consider its relationship to the AONB would be different to that of the scheme subject of the 2016 decision.
25. From Crippetts Lane, near to its junction with Church Road, the site would remain substantially concealed by boundary planting, even in winter months.

Given this, and mindful too of the prominence of the Brizen Farm development at that junction, the scheme would not have a harmful effect. From the south side of Church Road, although the development would be visible I consider any adverse impacts would be minimised by the retention of boundary planting and from this viewpoint its effects would not be so noticeable as to compromise the landscape and scenic beauty of the AONB.

26. Leckhampton Hill and Devil's Chimney on top of this escarpment are popular viewpoints, being the destination for a number of footpath routes and having an array of benches that allow an appreciation of the expansive panoramic views over Cheltenham and across the Severn valley. The appeal site is a relatively small element of the overall view, with much of the middle-distance being taken up by the built-up area of Cheltenham. Moreover, it is some distance away, and even after the scheme was implemented, it would be cradled by trees, especially on its eastern side, that would conceal the development to some extent in these longer views. From where it could be seen, and although separated by the trees along Farm Lane, it would be set against the much larger Brizen Farm development, which is a relatively striking and unbroken mass of new housing when seen from this point. Moreover, the retention of many of the trees on the site would mean they continued to play any softening role they might now have on that neighbouring residential scheme. As such, when taking into account the proposed retention of planting, I consider any impact of the scheme on the landscape and scenic character of the AONB from these viewpoints would be minimised.
27. Seen from the top of Crippetts Lane, again the site would be viewed very much in the context of the dominant Brizen Farm development and once more would be a small part of an expansive view and some distance from the viewer.
28. When on the footpath running down Leckhampton Hill towards the church, the appeal scheme would be closer and the views less extensive, and so it would be more apparent. However, once more it would be against the Brizen Farm development, while the lower angle would mean the screening effects of the trees would be improved.
29. Therefore, when taking into account the proposed retention of planting, I accept that there would be a change to the view from inside the AONB. However, being visible, and even introducing some change, does not necessarily equate to unacceptable conflict with Framework paragraph 176. Given its size, the distances involved, the planting to be retained and the scheme being in the context of the built-up area of Cheltenham in general and the striking Brizen Farm development in particular, I consider any impact the proposal may have on the AONB would not harm its landscape and scenic beauty.
30. It was also contended that Framework paragraph 176 should be engaged because the proposal would impede views of the AONB from within its setting. I accept there would be an effect in this regard when looking from the footpath to the north of the site. However, built form in the setting of the AONB would often impede views of the AONB from somewhere and to some extent. Furthermore, such a consequence does not affect the landscape and scenic beauty 'in' the AONB, and does not have adverse impacts 'on' the designated area. Rather, its effects relate solely to the setting, which of course is outside of the designated area and not a part of it. As such, I consider Framework

paragraph 176 does not apply to such harms. In any event, the effect on the views of the AONB from that footpath would be minimised by the extent, siting and height of the northernmost terrace in the scheme and, to my mind, would not have an appreciable effect on the appreciation of the landscape and scenic beauty of the AONB by its users. As such, I am not satisfied the scheme would conflict with Framework paragraph 176, even if I had found differently concerning the application of that paragraph to views towards the AONB from within the setting.

31. Accordingly, whilst I have not found the adverse effects on the AONB would conflict with paragraph 176 of the Framework, I nonetheless conclude the development would detract from the character and appearance of the countryside, and cause harm to a valued landscape, in conflict with JCS Policies SD4 (which requires development to respond positively to its context) and SD7, *Cheltenham Plan* Policy D1, which requires development to complement the locality, and guidance in paragraph 174 of the Framework. It would also conflict with Policy LWH5 in the Neighbourhood Plan, though this plan has not yet been 'made' and so the weight it is afforded is reduced accordingly.

### **Natural environment**

32. Numerous old pear trees are now on site that can be defined as forming 2 traditional orchards (although in some submissions they are considered to form a single large one) and fall under the definition of a Priority Habitat in the *Natural Environment and Rural Communities Act 2006*. The protection of biodiversity is a theme running through the Framework. In paragraph 179 it states that plans should promote the conservation, restoration and enhancement of priority habitats, while paragraph 174(a) seeks the protection and enhancement of biodiversity sites and paragraph 180 says that development resulting in the loss or deterioration of irreplaceable habitats should be refused.
33. The site is identified on the Green Infrastructure list in the Neighbourhood Plan, and so under Policy LWH4 its role should be positively considered. The site is also in the Cotswold Nature Improvement Area, as identified by the Gloucestershire Natural Capital Mapping Project (the Project).
34. These fruit trees are of a value in their own right, and also for the biodiversity they accommodate. This is reflected in the Project identifying it as an ecosystem of greater importance than much of the agricultural land around. Moreover, they also represent a key element of the history of the area, which has been known for its orchards. However, these fruit trees appear to be unmanaged, and there is no public access to the land. Therefore, in the absence of proper husbandry, it cannot be assumed their lifespan or their benefits to the community will be maximised.
35. The appeal scheme seeks to safeguard the orchard trees, with the north-west corner and the southern band remaining free from new houses and used as open space. Any development in these areas would be limited to paths, and, to the south, the play area, the access road and the SuDS ponds. Furthermore, protective measures are to be placed around the trees to mean they would not be subject to climbing or other damage from users of those areas. The trees would also remain protected by the TPO in place on the site.

36. The development would change the context of the orchard by putting it in proximity to housing. It would also introduce much more activity within the orchard, as residents would walk and play among the trees. However, mindful the orchard would be proactively managed, on the evidence before me I am not satisfied that it would be harmed to any material degree, either directly through construction for example, or indirectly as a result of subsequent activity. Therefore, its value as a priority habitat would not be diminished, and the trees' contribution to the history of the area would be protected. Indeed, while I have little before me to show that if the appeal was dismissed the future of the fruit trees would be secured, with suitable management it is realistic to consider that through this scheme the orchard trees could be conserved and enhanced.
37. Down the eastern side of the site is a dense area of woodland around a stream. I have no reason to consider the habitat this creates would be compromised unacceptably by the development.
38. As it is a relatively unmaintained site with little public access on the edge of the built-up area, it is to be expected that it contains an appreciable variety and diversity of wildlife, which uses the land as either habitat or for foraging. Indeed it was said that numerous protected species were found on the site. I recognise too that it is a significant part of the connection between the wedge and the AONB to the south. However, whilst accepting there would be a loss of habitat and foraging, I have no basis to find that any harm to the protected species would be unacceptable. Furthermore, while I note the value of the site identified by the Project, I am aware that is not part of the development plan and carries no statutory weight in that regard. Therefore, when taking into account the Biodiversity Net Gains proposed, I have insufficient grounds to consider I can resist the scheme on this basis. Similarly, whilst the Biodiversity Net Gain maybe relatively low, that of itself is not unacceptable in the current planning policy context.
39. The site is 4.7km from the Cotswold Beechwoods Special Area of Conservation (the SAC). This comprises attractive, floristically rich, beechwoods that are vulnerable to damage from visitor pressures. Therefore, given the closeness of the site, the development could have a likely significant effect on the integrity of the SAC, whether alone or in combination with other plans and projects.
40. In coming to this view, I have had regard to the extensive nearby public footpath network, in both the Local Green Space and the AONB, that is available for use by residents of the scheme for recreation and is much nearer to their homes than the SAC. However, even accounting for this, the attractiveness of the beechwoods and their proximity means they would still draw recreational pressure from residents. As a result these alternative options may reduce the scheme's impact on the SAC but would not mean there would be no likely significant effect on its integrity.
41. To address this, 3 areas of mitigation have been proposed. The first is the delivery of on-site green space. This though is not extensive, and whilst it would no doubt be much used by the future residents, it would not fulfil the same recreational needs as the SAC as it would not allow lengthy walks or a sense of remoteness that I anticipate would be found in the woods. Secondly, householder packs are proposed that would inform the residents about the beechwoods and how they should be visited. On the evidence before me

though I consider this places a great deal of weight on the householders being aware of the packs, noting their contents and responding suitably. As a result, although they would be of some assistance in this regard, I consider these 2 areas of mitigation would not be sufficient, even if taken together, to allay my concerns.

42. However, there is also now a further requirement for financial contributions to be provided. These would be to fund Strategic Access Management and Monitoring measures, such as management, education and awareness monitoring, and Sustainable Alternative Natural Greenspace. The monies are to be secured through a Unilateral Undertaking the appellant has submitted (dated 10 August 2023), and I have no basis to consider the Council would not then use the money responsibly for the purpose it was given.
43. I therefore conclude that, when considered in combination with other plans and projects, the development would adversely affect the integrity of the SAC, but this would be suitably mitigated by the measures secured under the submitted Unilateral Undertaking and proposed conditions. As such, the scheme would not conflict with the Regulations or the Framework, which seek to protect the SAC from adverse effects on its integrity.
44. Accordingly, I therefore conclude that the development would not have an unacceptable effect on biodiversity, whether on the site or nearby, and so would not conflict in this regard with the Framework or the emerging Neighbourhood Plan.

### ***Affordable housing***

45. The number and nature of affordable houses in the scheme was deemed satisfactory by the Council, and I have no reason to conclude differently. Whilst they would be grouped at the northern end, and would comprise smaller units, it appears they would be equal to that of the market housing elsewhere on the site in terms of appearance, build quality and materials. Moreover, the scheme is not large, and so this distribution would not be unsatisfactory. The affordable units would not have a view towards the AONB, but neither would all the market houses. In any event, some would overlook the attractive pond feature with the footpath beyond, whilst others would sit in the general streetscape of a housing scheme. They would also not look onto the play area, but only a few properties would, and the play area could be accessed by a short walk along estate roads that would be relatively quiet.
46. Overall, I therefore conclude the affordable housing would be suitably integrated into the estate as a whole, and so would not conflict with Policies SD4 and SD12 in the JCS, which require inclusive design with such housing being seamlessly integrated into, and distributed throughout developments, and paragraph 92 of the Framework, which seeks inclusive places.

### ***Other matters***

47. I consider visibility from the access would be satisfactory, and the traffic flows associated with the scheme would not compromise highway safety on Church Road, Farm Lane or any of the other lanes and road junctions in the vicinity. I also have no reason to find the site cannot be suitably drained.
48. As well as the Unilateral Undertaking concerning the SAC monies, an agreement under section 106 of the Act (dated 5 July 2023) was also

submitted. This not only secures the affordable housing, but also addresses the delivery and maintenance of on-site open space. I consider the requirements of both of these legal obligations satisfy Regulation 122 in the *Community Infrastructure Levy Regulations 2010* and so are reasonable, necessary and justified. While the Council has said it is '*unfortunate*' that there is no indexation clause in the Unilateral Undertaking, the implications of this are not sufficient to render the Undertaking unacceptable. Although reference was made to overstretched health facilities nearby, there was neither evidence nor planning policy support for contributions to address those areas.

49. Leckhampton Farmhouse is a Grade II listed building that stands just to the north of the site. Its significance lies, in part, in its setting that reflects its rural origins. This though has already been compromised to some degree, most notably by the Leckhampton Farm Court development adjacent. Mindful of this, and noting the separation between the listed building and the northernmost terrace now proposed, I consider that what is before me would not harm the significance of Leckhampton Farmhouse. Various other listed buildings were also cited in the area, but the development would not be within their settings, and so again would not harm their significance.
50. I was told of commitments the appellant had given in the past about the site, but they do not affect the planning merits of this case.

#### ***Other considerations and the Planning Balance***

51. I have therefore found development plan conflict in relation to the spatial strategy with regard to the proposal's location outside of the Principal Urban Areas and its access to services. There is also harm to the character and appearance of the area, mindful that I have considered it to be within a valued landscape. However, section 38(6) of the *Planning and Compulsory Purchase Act 2004* says development should be in accordance with the development plan '*unless material considerations indicate otherwise*', and this is reaffirmed in the Framework. Therefore, whilst the development plan has primacy in decision-making, there are situations where material considerations could indicate a decision that was otherwise than in accordance with the plan. In this regard a number of such considerations have been offered by the appellant.
52. Principally, attention is drawn to paragraph 11(d) in the Framework. This says that where the development plan policies that are most important in determining the application are deemed to be out-of-date planning permission should be granted unless one of 2 scenarios are applicable.
53. The first of these is in Framework paragraph 11(d)(i), which says permission should not be granted if the application of policies in the Framework that protect areas or assets of particular importance (listed in Framework Footnote 7) provide a clear reason for refusing the development. It was contended that the effect on the AONB and also on the priority habitat site and the irreplaceable habitat would mean this paragraph was applicable, as these were listed in the Footnote. However, as I have found that none provides a clear reason for refusing the development then I consider they do not result in the application of that paragraph.
54. The second scenario is in Framework paragraph 11(d)(ii) and says permission should not be granted if the adverse impacts of doing so would significantly and demonstrably outweigh the benefits - often referred to as 'the tilted



balance'. As the Council accepts that it can show a housing land supply of 2.9 years, below the 5 years required in the Framework, I consider that the policies relating to the location of housing are deemed out-of-date and so this 'tilted balance' is engaged.

55. In terms of the benefits, and starting with the Council's housing land supply shortfall, I share the view of the Inspector in the Oakley Farm appeal (the Oakley Farm decision APP/B1605/W/21/3273053 dated 5 October 2022) and find it is very large, and demonstrates a pressing and urgent need. This scheme would therefore make a notable contribution to addressing this shortfall.
56. Furthermore, it would also contribute to reducing the shortage of affordable dwellings, while there would be economic benefits through the construction period, and subsequently as the new residents used local shops and facilities. I have found too that the scheme is likely to preserve the historic orchard, open it up for community enjoyment, and deliver biodiversity benefits. These factors are given appreciable weight in favour of the scheme.
57. The appellant has drawn attention to the delivery of the footpath along Farm Lane and the desire lines for pedestrians across the site to Church Road, but I am aware of no pressing need for these in the absence of the development and so afford them limited weight. The scheme would also bring payments under the legal obligations but those are needed to make it acceptable in planning terms, so have a neutral weight in my decision-making. Finally, how any New Homes Bonus would deliver a benefit relevant to this specific scheme is unclear.
58. Turning to the weight to be given to the areas of harm, it is often necessary for sites to be developed outside the Principal Urban Areas to meet a shortfall in housing land supply. Moreover, in such instances the development would often be changing an area of countryside to a housing estate, and the development would, in all probability, be generally further from local services when compared to houses in the Principal Urban Area. As a result, these are not harms that, collectively, outweigh the benefits.
59. However the additional concern I have found arises from this site being in a valued landscape. The Framework does not state such landscapes should be immune from development, but rather that they should be protected and enhanced. In my opinion, and in the light of this guidance, the harm I have identified runs contrary to the need for protection, and so should be afforded great weight in the decision-making process. I am mindful though that the trees around the site and the scale of the development, although not allaying it, nonetheless reduce the magnitude of harm to the valued landscape.
60. I therefore recognise the great level of protection afforded to a valued landscape but I am also aware that I have found the shortfall in housing land supply to be very large, and demonstrates a pressing and urgent need. On balance, the harm identified, even taking all the areas of harm together, does not significantly and demonstrably outweigh the benefit of providing these houses in the face of such a shortfall. As a result, I conclude that planning permission should be granted.
61. In this regard I recognise similarities and differences between my position and the 2016 decision. As stated above, I too defined the wedge as being a valued

landscape while the 2016 decision was made against the backdrop of the Council being *'about 2 years short of an identified 5-year housing land supply'*, so therefore having a supply of about 3 years. However, in that case there were further harms, namely the severe residual cumulative transport impacts and the scheme prejudicing the possible designation of the Local Green Space, and these would have provided greater weight against any benefits that existed.

62. I have also noted the Oakley Farm decision but, as that Inspector was at pains to make clear, it was based on the very specific circumstances of that case, including the site characteristics, which are unlikely to be replicated elsewhere. Therefore, beyond sharing the view on the scale of the housing land shortfall, I have given that decision little weight.
63. It was said that Leckhampton has been subject to much housing over recent years. However, this may well be because it is one of the few places around Cheltenham that is not designated as Green Belt and so is one of the limited areas where development of this nature is possible. To my mind though, whilst I acknowledge these concerns, they are not a reason to dismiss the scheme or to assess the 'tilted balance' differently.

### **Conditions**

64. The general commencement condition should be imposed [Condition 1]. For the avoidance of doubt the approved plans should be specified [2] and the development should be in accordance with them unless otherwise required by subsequent conditions.
65. Having regard to the character and appearance of the area, the materials should be approved [12]. Mindful of the effect on the SAC, Householder Information Packs should be provided to inform about recreation [18]. In order to safeguard the character and appearance of the area and have regard to biodiversity, there should be agreement of
- a Construction Environmental Management Plan [4]
  - a Landscape and Ecological Management Plan [5]
  - landscaping details [8]
  - tree protection methods and practices during and after construction, including how the trees to be retained will be safeguarded when forming pathways, roads and services that would run through or close to their root protection areas [9];
  - tree management details including an Arboricultural Monitoring scheme and a Post-development Arboricultural Management Plan [10];
  - a Landscape Maintenance and Management Plan [11] and
  - lighting details [19].
66. To ensure the site is adequately drained a drainage scheme, together with a SuDS strategy, management and maintenance programme should be approved [3], and contamination should be addressed along the lines of the scheme already submitted [7]. Whilst the contamination measures can be in accordance with the submitted GCL Geo-technical and Geo-environmental

Interpretative Report I am aware that is now nearly 2 years old and so will need to be revisited. If any contamination is found on the site outside of that identified, other legislation will require it being addressed and so a further condition is not required.

67. To protect neighbouring living conditions a Construction Management Plan should be agreed [6] and the hours of construction work limited [13]. In the interests of accessibility the pavement to Farm Lane [15], the access to Church Road [16] cycle storage [17] and Travel Packs [18] should all be provided. A condition relating to archaeological investigation is also justified [14].
68. Many of the suggested conditions involved lengthy lists of what was required for the plan or scheme in question. However, I have felt it is not necessary to include those, as the precise contents of the plans or schemes could be subject to discussion between the parties to ensure relevance. I also consider elements of the suggested landscaping condition were more akin to informatives, and so again have not been justified.
69. Given other requirements, there is now no need for a condition relating to electric charging points.
70. Many of the conditions require agreement of matters 'pre-commencement'. This is justified though because the matters in question will either influence how the development is undertaken or safeguard what could otherwise be lost.

### **Conclusion**

71. Accordingly, I conclude planning permission should be granted.

*JP Sargent*

INSPECTOR

**Conditions Schedule**

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) Unless otherwise modified under the conditions below, the planning permission hereby granted shall be carried out in accordance with drawings and plans listed in the Plan Schedule below.
- 3) Prior to the commencement of development, and notwithstanding any details on the approved plans, drainage plans for the disposal of foul and surface water flows, together with a SuDS Strategy document, a SuDS management and maintenance plan and a timetable for the implementation of the works shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details and timetable, and thereafter retained, and managed and maintained in accordance with the approved SuDS management and maintenance plan.
- 4) Prior to the commencement of development, a Construction Environmental Management Plan (CEMP) for the development shall be submitted to and approved in writing by the Local Planning Authority. The approved CEMP shall be adhered to and implemented throughout the construction period in accordance with the approved details.
- 5) Prior to the commencement of development, a Landscape and Ecological Management Plan (LEMP) for the development shall be submitted to and approved in writing by the Local Planning Authority. The LEMP should include a 5-year management plan and link with the habitats described in the Biodiversity Net Gain report/calculations. The development shall be implemented in accordance with the approved details, and managed in accordance with the approved management plan.
- 6) Prior to the commencement of development, details of a Construction Management Plan (CMP) shall be submitted to and approved in writing by the Local Planning Authority. The construction phase shall then be undertaken in accordance with the methodology in the approved CMP.
- 7) Prior to the commencement of development, a site investigation and risk assessment in accordance with the recommendations in the Geotechnical and Geoenvironmental Interpretative Report (dated November 2021) shall be submitted to and approved in writing by the Local Planning Authority, together with details of any remediation that is necessary and a timetable for its implementation. The works shall then be undertaken in accordance with the approved recommendations and timetable.
- 8) Prior to the commencement of development, and notwithstanding any details on the approved plans, details of a hard and soft landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall identify all trees, hedgerows and other planting which are to be retained, and provide details of all new walls, lighting columns, fences, or other boundary treatments; new hard surfacing of open parts of the site which shall be permeable or drained to a permeable area; a planting specification to include species, size, position, method of planting and treepits of all new trees and shrubs; and a timetable for its implementation. All hard and/or soft landscaping works shall be carried out in accordance with the approved details within the approved timetable. Any trees or plants

on the approved scheme which, within a period of 10 years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season with other trees or plants of a location, species and size which shall be first agreed in writing by the Local Planning Authority.

- 9) Prior to the commencement of development an Arboricultural Method Statement and a Tree Protection Plan, shall be submitted to and approved in writing by the Local Planning Authority. The Tree Protection Plan shall include measures and practices to protect the trees to be retained during the construction phase (including how hardsurfacing, roads/paths, and services are going to be laid within the vicinity of retained trees) and also after the construction period has finished. The approved tree protection measures and practices for the construction phase shall be in place during that period, and the approved tree protection measures for after the construction phase shall be in place prior to the first occupation of any dwelling and thereafter retained.
- 10) Prior to the commencement of development an Arboricultural Monitoring scheme and a Post-development Arboricultural Management Plan (detailing management prescriptions for a 30-year period) shall be submitted to and approved in writing by the Local Planning Authority. The trees shall then be managed and monitored in accordance with the approved Arboricultural Monitoring scheme and Post-development Arboricultural Management Plan.
- 11) Prior to the commencement of development, a Landscape Maintenance and Management Plan (LMMP) for the development shall be submitted to and approved in writing by the Local Planning Authority. The plan will describe how the hard and soft landscaping will be managed by the site's owners and subsequent beneficiaries of the planning permission and stipulate how the continuation of the LMMP by future site, or homeowners is entered into.
- 12) Prior to any construction works above slab level, and notwithstanding any details on the approved plans, details and samples of any external facing or roofing materials to be used shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be undertaken in accordance with the approved details and samples only.
- 13) Work during the construction phase shall not take place on Sundays or Bank Holidays, and otherwise shall be within the following times only: 0800h – 1800h Monday – Friday and 0800h – 1300h Saturdays.
- 14) No development shall take place within the application site other than site clearance works necessary to enable a geophysical survey, until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation informed by the geophysical survey, which has been submitted to and approved in writing by the Local Planning Authority.
- 15) No dwelling shall be occupied until the pedestrian link along Farm Lane as shown on drawing R406/06 Rev C has been constructed and completed.
- 16) No dwelling shall be occupied until the means of access for vehicles, pedestrians and cyclists has been constructed and completed as shown on drawing R406/05 Rev C.

17) No dwelling shall be occupied until sheltered, secure and accessible bicycle parking has been provided for that dwelling in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. The approved cycle parking shall thereafter be kept available for the parking of bicycles only.

18) No dwelling shall be occupied until details have been submitted to and approved in writing by the Local Planning Authority of

a) a Travel Information Pack, and

b) a Home Owner Information Pack that presents informal recreation opportunities concerning public space nearby, a short drive away by car or bus, and further afield,

together with details of how these documents will be delivered to all initial and subsequent occupiers, and how they will be updated over time. These documents with the approved wording shall then be submitted to all initial and subsequent occupiers, and updated in accordance with the approved approach.

19) Notwithstanding any details on the approved plans, no external lighting shall be installed unless its siting, scale and luminance has been first submitted to and approved in writing by the Local Planning Authority.

## **Plan Schedule**

Site Location Plan-32042 PL-01-B  
Constraints and Opportunities Plan-32042 CON-01-E  
Existing Site Section-32042 ES-01  
Housetype Planning Drawing Warwick (Plots 12-13)-32042 HT-WARWICK-01  
Housetype Planning Drawing Harrogate (Plots 5, 8)-32042 HT-HARROGATE-01  
Housetype Planning Drawing Hampstead (Plots 2, 3) - Elevations-32042 HT-HAMPSTEAD-01.1  
Housetype Planning Drawing Hampstead (Plots 2, 3) - Floor Plans-32042 HT-HAMPSTEAD-01.2  
Housetype Planning Drawing Hampstead (Plot 11) - Elevations-32042 HT-HAMPSTEAD-02.1  
Housetype Planning Drawing Hampstead (Plot 11) - Floor Plans-32042 HT-HAMPSTEAD-02.2  
Housetype Planning Drawing Richmond (Plots 1, 4, 6, 9) - Elevations-32042 HT-RICHMOND-01.1  
Housetype Planning Drawing Richmond (Plots 1, 4, 6, 9) - Floor Plans-32042 HT-RICHMOND-01.2  
Housetype Planning Drawing Wye (Plot 30)-32042 HT-WYE-01  
Housetype Planning Drawing Chew (Plot 27)-32042 HT-CHEW-01  
Housetype Planning Drawing Single Garage-32042 HT-SGAR-01  
Housetype Planning Drawing Warwick (Plots 18-19)-32042 HT-WARWICK-02-A  
Housetype Planning Drawing Shaftesbury (Plots 7, 22) - Floor Plans-32042 HT-SHAFTESBURY-01.1-A  
Housetype Planning Drawing Shaftesbury (Plots 7, 22) - Elevations-32042 HT-SHAFTESBURY-01.2-A  
Housetype Planning Drawing Harrogate (Plot 21)-32042 HT-HARROGATE-02-A  
Housetype Planning Drawing Harrogate (Plot 10)-32042 HT-HARROGATE-03-A  
Housetype Planning Drawing Harrogate (Plot 20)-32042 HT-HARROGATE-04-A  
Housetype Planning Drawing Leadon (Plots 23-26)-32042 HT-LEADON-01-B  
Housetype Planning Drawing Tavy (Plot 16-17)-32042 HT-TAVY-01-A  
Housetype Planning Drawing Severn (Plot 15)-32042 HT-SEVERN-01-A  
Housetype Planning Drawing Severn (Plot 29)-32042 HT-SEVERN-02  
Housetype Planning Drawing Yeo (Plots 14, 28)-32042 HT-YEO-01-A  
Adoptable Construction Details-R406/24  
Adoptable Drainage Details-R406/25  
Longitudinal Sections-R406/26  
Tree Constraints Plan 12914\_P08-D  
Orchard Path Plan R406/32  
Planning Layout-32042 PL-03-H  
Materials Layout-32042 PL-04-D  
Boundary Treatments Plan-32042 PL-05-D  
Car Parking Plan-32042 CP-01-E  
Refuse and Recycling Strategy Plan-32042 RS-01-C  
Street Scenes and Site Section-32042 SS-01-C  
Proposed Site Access Arrangements-R406/05-C  
Farm Lane Pedestrian Link-R406/06-C  
Engineering Layout-R406/21-A  
General Arrangement-R406/22-A  
Lighting Lux Plan-R406/23-A  
Impermeable Areas and Catchments DR-C-1001-P07  
Surface Water Drainage Strategy DR-C-1002-P07  
Exceedance Flow Paths DR-C-1003-P07  
Foul Water Drainage Strategy DR-C-1004-P07  
Illustrative Landscape Masterplan 20-03-PL-201-I

## APPEARANCES

### FOR THE APPELLANT:

C Flannagan	Planning consultant
C Goodman-Smith	Ecology consultant
D Manley KC	Counsel instructed on behalf of the appellant
J Pratt	Arboricultural consultant
P Richards	Landscape consultant
D Trundle	Planning consultant

### FOR THE LOCAL PLANNING AUTHORITY:

N Gillett	Principal Planning Officer for the Council
Dr E Pimley	Ecology consultant
S Ryder	Landscape consultant
H Waller	Barrister instructed by the Council

### INTERESTED PARTIES:

C Braunholtz	Local resident
Cllr M Horwood	District Councillor for Leckhampton Ward
Dr A Mears	Local resident
K Pollock	Local resident

## DOCUMENTS SUBMITTED AT OR AFTER THE HEARING

### BY THE APPELLANT

APP1: Bundle of the plans subject of the appeal.

APP2: Selection of photographs showing existing and expected views of the site from Viewpoints 10, 16, 17 & 18.

APP3: Natural England's response to the planning application.

APP4: Comments on the effect on the hedgerow along Farm Lane (dated 18 July 2023).

APP5: Comments on Cllr Horwood's submissions (dated 3 August 2023).

APP6: Comments on Natural England's response (dated 4 August 2023).

APP7: Signed Unilateral Undertaking dated 10 August 2023.

APP8: Comments on Local Planning Authority's email of 16 August 2023 (dated 24 August 2023).

### BY THE LOCAL PLANNING AUTHORITY:

LPA1: Statement of Case by Ewan Wright.

LPA2: The Secretary of State decision (dated 5 May 2016) and the associated report from the Planning Inspector for appeal APP/B1605/W/14/3001717 at Kidnappers Lane, Leckhampton.

LPA3: Judgement of *Stroud District Council v SSCLG & Gladman Developments Limited [2015] EWHC 488 (Admin)*.

LPA4: *Cotswold Beechwoods SAC Recreation Mitigation Strategy*.

LPA5: Comments on the draft Unilateral Undertaking concerning SAC payments (dated 16 August 2023).

### BY OTHER PARTIES

OP1: Statement by Dr Adrian Mears CBE.

OP2: Comments from Cllr Horwood (dated 18 July 2023).

OP3: Comments from Natural England concerning the Cotswold Beechwoods (dated 19 July 2023).