

Cheltenham Borough Council Planning Committee

Meeting date: 15 February 2024

Meeting time: 6.00 pm

Meeting venue: Council Chamber - Municipal Offices

Membership:

Councillor Paul Baker (Chair), Councillor Garth Barnes (Vice-Chair), Councillor Glenn Andrews, Councillor Adrian Bamford, Councillor Bernard Fisher, Councillor Paul McCloskey, Councillor Emma Nelson, Councillor Tony Oliver, Councillor Diggory Seacome, Councillor Simon Wheeler, Councillor Barbara Clark and Councillor Jackie Chelin

Important notice – filming, recording and broadcasting of Council meetings

This meeting will be recorded by the council for live broadcast online at www.cheltenham.gov.uk and <https://www.youtube.com/@cheltenhambc/streams>
The Chair will confirm this at the start of the meeting.

If you participate in the meeting, you consent to being filmed and to the possible use of those images and sound recordings for broadcasting and/or training purposes.

If you have any questions on the issue of filming/recording of meetings, please contact Democratic Services.

Speaking at Planning Committee

To find out more about Planning Committee or to register to speak, please click [here](#).

Please note: the deadline to register to speak is 10.00am on the Wednesday before the meeting.

Contact: democraticservices@cheltenham.gov.uk

Phone: 01242 264 246

Agenda

1 Apologies

2 Declarations of Interest

3 Declarations of independent site visits

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

To approve the minutes of the meeting held on 18th January 2024.

5 Public Questions

6 Planning Applications

6a 23/01865/FUL, 61 East End Road, Cheltenham (Pages 13 - 18)

[Planning application documents](#)

6b 24/00125/HED, Street Record, Evesham Road (Pages 19 - 22)

[Planning application documents](#)

7 Appeal Update (Pages 23 - 44)

Appeal updates for information.

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



Cheltenham Borough Council Planning Committee Minutes

Meeting date: 18 January 2024

Meeting time: 6.00 pm - 7.45 pm

In attendance:

Councillors:

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

Also in attendance:

Councillor Dr David Willingham, Councillor Richard Pineger, Michael Ronan, Ben Warren (Planning Officer), Lucy White (Principal Planning Officer) and Chris Gomm (Head of Development Management, Enforcement and Compliance)

1 Apologies

There were none.

2 Declarations of Interest

There were none.

3 Declarations of independent site visits

There were none.

Some Members visited Lansdown site as part of Planning View.

4 Minutes of the last meeting

Minutes of the meeting held on 14 December 2023 were approved and signed as a true record.

5 Public Questions

There were none.

6 Planning Applications

7 23/01899/FUL 53-57 Rodney Road, Cheltenham GL50 1HX

The planning officer introduced the report as published.

The following response was provided to a member question:

- The refuse bins are not within the application site and are not part of this application.

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

Unanimous – permitted.

8 21/02828/OUT Unit 22, Lansdown Industrial Estate, Cheltenham, GL51 8PL

Please note that the following items are being presented in a different order to the published agenda. Agenda item 6b will now be 6c and 6c will be 6b.

The planning officer introduced the report as published.

There were no member questions or debate.

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

Unanimous – permitted.

9 21/02832/OUT Lansdown Industrial Estate, Cheltenham, GL51 8PL

The Chair then stated that although the three applications are for the same site they are very separate applications and will be decided on separately. The objectors, the agent, supporters and ward councillors will speak after the first presentation.

The planning officer introduced the report as published.

Public speaking:

The Civic Society addressed the committee and made the following points:

- The applicant has used a tick box approach to the application.
- The Civic Society have been excluded from any consultation that has been carried out and have been trying to enter into conversation with the applicant for 2 years with no success.
- Policy MP1 states that there should be employment led re generation of areas, how can the proposal for 215 homes be squared with the policy.

- The applicant is trying to hoist onto the town a low grade development that they would never grant in their own area.
- There is a climate emergency this application will release low levels of carbon to the area.
- Heritage buildings can be reused in a mixed developments, such suggestions have not been listened to.
- The applicant should go back to the drawing board and come up with a better scheme.

Jill Waller a local historian then addressed the committee speaking in objection, she made the following points:

- The plan that has been submitted has been under researched, she has fully researched the area and there over 60 errors in the appraisal.
- So much of historical interest has been manufactured on the industrial estate.
- Iron works that were manufactured on the site can still be seen in the V&A.
- She has been able to find out and date most of the sites original uses and the shells of most of the original building remain.
- Surely that application could be mixed use and buildings re-purposed.

The agent on behalf of the applicant made the following points:

- Three years ago had a positive pre app with officers and more detailed pre app followed with highways and extensive community engagement. Local people and councillors raised some concerns at that time but nothing which could not and has not been addressed.
- The result is a really good solution and effective reuse of a brownfield site and new studio for the artists and a host of other significant benefits.
- Developing 200 or more units on this brownfield site is preferable to loss of green space. The site is wholly sustainable.
- Whilst it may be technically possible to retain some of the existing buildings the cost of doing so along with the inability to make them as sustainable or energy efficient as new buildings does not make it a viable solution.
- The existing buildings are in poor condition and some had to be demolished a few years ago and the others have been unsuccessfully marketed for years.
- The site is not in a conservation area and there are no listed or locally listed buildings. Whatever heritage value the buildings had in the past does not exist anymore, as the buildings have been extensively altered over time. Heritage interpretation boards and reference to its past in the new design will create a far better awareness of the sites heritage than what currently exists.
- The benefits are many including providing energy efficient and affordable homes where there is no five year supply and making effective use of brownfield land in a sustainable location. Creating better connections to Honeybourne Line for pedestrians and cyclists. Facilitating a purpose built long term home for the artists.
- More than 40 of the objections relate to the loss of the artists' studios with new studios confirmed a lot of these concerns are addressed.

Page 6

- There were no objections from statutory consultees and the applicant has worked hard to address, where it can, issues raised.

The chair of the Lansdown Art Studios Association made the following points:

- Lansdown art studios is a not for profit organisation that provides over 20 affordable studios for local artists for around 25 years.
- We support the full application for a new artists studios to replace the current quite dilapidated and non-compliant studios and also supports the application for residential development which if approved makes it possible for the new studios to be built. Initial objections to the application were due to the loss of the artists' studios and this no longer applies and have been withdrawn.
- Cheltenham has a unique cultural identity with the festivals but feel art is overlooked as grassroots artists are struggling due to pressures of high property values and new developments threaten the few places available for artists to work.
- Commend the applicant for taking a pragmatic approach and working with us to find a viable solution to accommodate the art studios in their plans.
- These applications provide a unique opportunity to not only provide much needed housing but also to secure the long term future of the largest group of art studios in Cheltenham.
- Rent for the new studios should be affordable and we ask the committee and officers to consider that the proposed section 106 for the residential development should also include some cost towards the art studios.

Councillor Willingham addressed the committee in his capacity of Borough Councillor for St Marks, he made the following points:

- He raised a procedural matter with regard to how late a 75 page document was added to Public Access. He suggested that it was not acceptable and looked like public comment was not being encouraged. He felt that this was unacceptable.
- He stated that he had raised issues about viability before.
- He gave his full support to the artists studio.
- Rowanfield Road was his main concern as due to the level crossing gates nearby it becomes a rat run as cars speed down there to avoid the gates.
- The stagecoach bus garage, the agent of change principle must apply here. Stagecoach currently do work on buses which is noisy at 3am. The noise insulation on the buildings must allow this to continue. If noise complaints prevent stagecoach from being able to do this, then buses would have to be off the road during the day instead and public transport in Cheltenham will be destroyed.
- A condition should be imposed that snagging needs to be completed before occupation of last 5 or 10 properties.
- There needs to be uplift with regard to this application. Profit needs to go towards affordable housing.

Councillor Pineger as Ward Councillor made the following points:

- It is a shame to lose industrial heritage. However, the buildings are cheap, were put up quickly and repeatedly modified to the point they are now an eye sore and not suitable for modern industrial practices.
- It is difficult to get developers to develop brownfield sites as there is a preference towards greenfield sites. The scheme is in keeping of the area.
- No local residents have made contact regarding the loss of the industrial site. Objections are more concerned with traffic and whether their properties will be overlooked.
- We do have things that were made at this site and that should be enough as we need smart new housing and this is a great place to put it close to the train station and active travel links facing the town centre.
- Did request a path along the railway bank and told by consultants that they do have a right of access all the way along, as it would be better to route pedestrians and cyclists through there instead of the industrial site.
- Pleased to see the arrangement for the art studios and want to congratulate Councillor Max Wilkinson for all the effort put into this as cabinet member for economic development, culture, and tourism.
- The passage near unit 22 is a concern for residents as they already experience crime and are worried that this will increase.
- Concern at two way cycle route being put on Roman Road as this is a one way road.

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

- Section 106 has a review mechanism clause in it, there may be vacant building credit and CIL relief applied, the amount of affordable housing could then go up or down but 40 properties are anticipated.
- With regard to the binder course, road adoption is reliant on 3rd parties which includes Severn Trent and cannot be conditioned.
- There is no detail with regard to the street design at the moment, there will likely be pavements, there might be a cul-de-sacs that will have a shared path.
- A revised energy statement will be required (with evidence) the condition can be amended to read air or ground source heat pumps.
- With regard to the late publication of the papers that Councillor Willingham referred to - the draft report was received on an earlier date – the redacted one not until a later date but the report date may not have been changed. The redacted document was published as soon as it was received.
- A condition requires the submission and approval of heritage interpretation boards.
- The application is for 100% residential with no employment.
- Where feasible some of the original bricks etc could be used for the residential properties.
- The type of roofs to prevent seagulls will need to be discussed at a later stage.

The matter then went to Member debate where the following points were made:

- Apology to the applicant for taking so long for the application to come to committee.
- This is an opportunity to provide much needed housing.
- Very grateful for the artists studio, must remember that the artists studio depends on the housing, ie no housing no studio.
- The heritage of the site will live on due to what was manufactured there.
- Up to the County Council to ensure that the roads are to adoptable standard.
- There have been good comments from both the objectors and the supporters. We have to move to the future.
- Heritage boards on the site will be a good idea.
- The Council do not have a five year housing supply, and cannot think of a more sustainable location than this one.
- It will provide much needed affordable homes.
- Cheltenham does not have much land to be used, the heritage will not be lost as it will be made part of the site.

The matter then went to the vote on the officer recommendation to permit:
Unanimous – permitted.

10 23/00728/FUL Lansdown Industrial Estate, Cheltenham, GL51 8PL

The planning officer introduced the report as published.

The following responses were provided to members questions:

- It is only air source heat pumps that they are proposing not ground source heat pumps. As it is a full planning application we are unable to pursue the possibility of ground source heat pumps.
- There will be a period of displacement for the artists but it is unknown how long that would be as the larger residential scheme would be an outline planning permission and could take 5 years before there is any commencement of works on site.
- The section 106 negotiations will deal with the displacement of the artists and for example, there could be a need for the artist studios to be completed before a certain number of dwellings are occupied on the southern half of the industrial estate. These discussions will be in depth and there is not a way to speed up the process.
- Would like to be assured that people visiting or working in the artist studios will be able to charge their electric vehicles.

The matter then went to vote on the officer recommendation to permit:
Unanimous – permitted.

11 Appeal Update

A Member asked the Head of Planning if the tents at 131 the Promenade have now had enforcement action taken. It was confirmed that an enforcement notice had been served very recently. It was confirmed that there is a right to appeal with regard to enforcement notices.

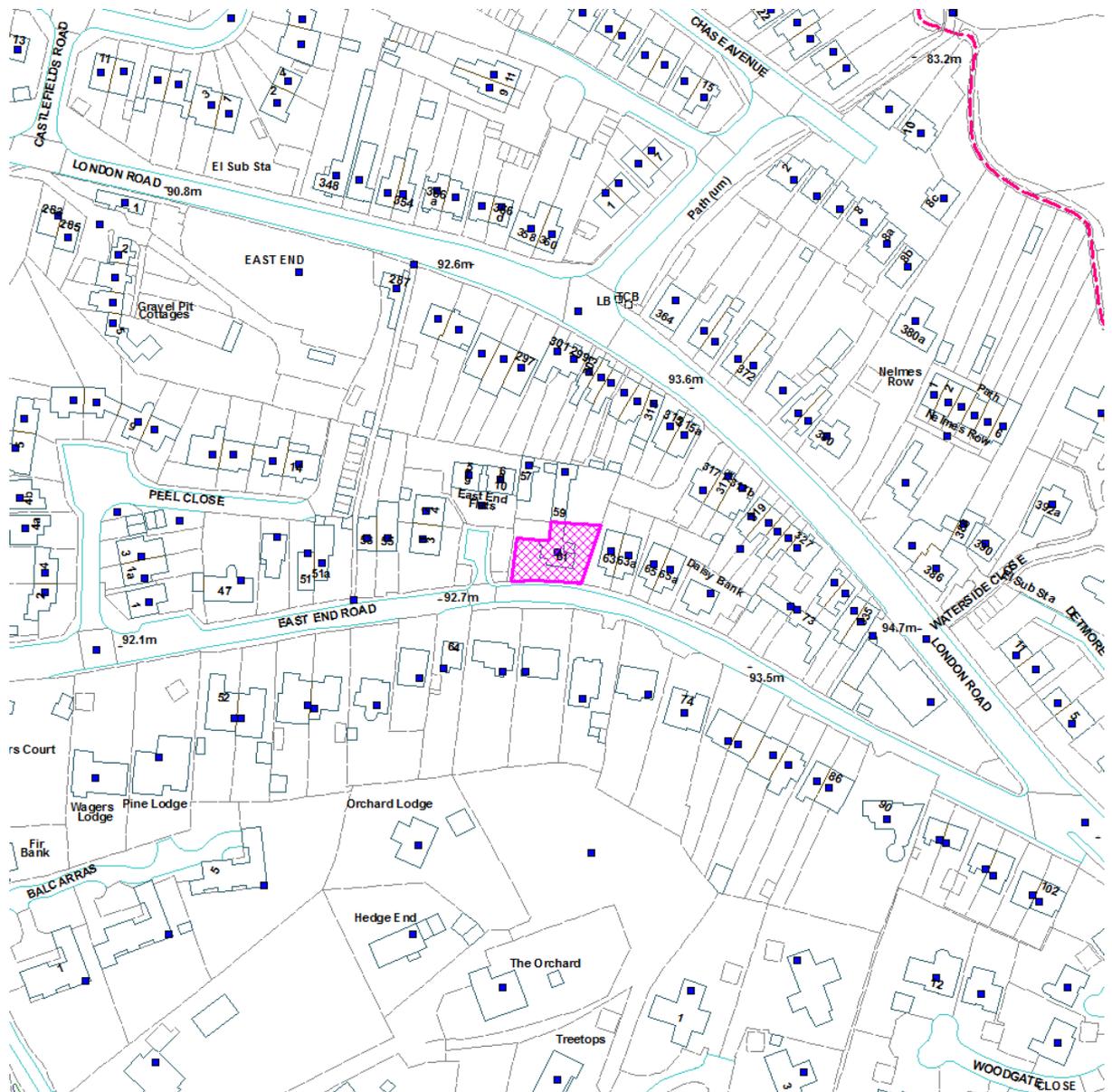
12 Any other items the Chairman determines urgent and requires a decision

There were none.

This page is intentionally left blank

APPLICATION NO: 23/01865/FUL		OFFICER: Mrs Victoria Harris
DATE REGISTERED: 2nd November 2023		DATE OF EXPIRY: 28th December 2023
DATE VALIDATED: 2nd November 2023		Extension of time 19th February 2024
WARD: Charlton Kings		DATE OF SITE VISIT: 10/01/2024
PARISH: Charlton Kings		
APPLICANT:	The Applicant	
AGENT:	Coombes Everitt Architects Limited	
LOCATION:	Roane Cottage 61 East End Road Charlton Kings	
PROPOSAL:	Proposed single storey extension	

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 located along East End Road, within Charlton Kings, and comprises a semi-detached dwelling. The dwelling is faced in render and stone, with a pitched, slate roof, and white uPVC windows and doors; it has been previously extended by way of a two-storey extension and a conservatory to the rear.
- 1.2 The applicant is seeking planning permission for the removal of the existing conservatory and the erection of a single-storey side extension.
- 1.3 The application is before the planning committee due to the objection from the Parish Council.
- 1.4 In response to the Parish Council objection/comments the applicant has revised the plans and is discussed below.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Airport Safeguarding over 45m
Principal Urban Area
Smoke Control Order

Relevant Planning History:

90/01298/PF 21st February 1991 PER

Erection Of Extension

08/00468/FUL 26th June 2008 WDN

Erection of a two storey rear extension and 3 no. velux roof lights to the rear of the property

08/00974/FUL 27th August 2008 PER

Erection of a two storey rear extension and 3 no. roof lights to the rear of the property

3. POLICIES AND GUIDANCE

National Planning Policy Framework

Section 2 Achieving sustainable development

Section 4 Decision-making

Section 8 Promoting healthy and safe communities

Section 12 Achieving well-designed places

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

Adopted Cheltenham Plan Policies

D1 Design

SL1 Safe and Sustainable Living

Adopted Joint Core Strategy Policies

SD3 Sustainable Design and Construction

SD4 Design Requirements

SD14 Health and Environmental Quality

Supplementary Planning Guidance/Documents

Residential Alterations and Extensions (2008)

Cheltenham Climate Change (2022)

4. CONSULTATIONS

See appendix at end of report

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	17
Total comments received	0
Number of objections	0
Number of supporting	0
General comment	0

6. OFFICER COMMENTS

6.1 Determining Issues

6.2 The main considerations in relation to this application are design, neighbouring amenity and sustainability.

6.3 Design

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

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

6.6 The side extension is a single-storey almost full width, part flat roof/part pitched roof extension. The extension measures approximately 3.6m to 6m deep and has a maximum height of approximately 3.7 metres to the top of the pitched roof. In terms of footprint, the extension is considered to be a modest addition to the property, sits comfortably within the plot and reads clearly as a subservient addition.

6.7 In response to the Parish Council objection the applicant has revised the plans. The revised drawing shows the extension set back 150mm from the south elevation, the black timber cladding has been changed to Brimstone Poplar Cladding (images of the proposed cladding material shown on the revised plan) and the black windows and doors have been changed to white aluminium.

6.8 It is acknowledged that the revised drawing still shows a more contemporary design approach, however that in itself is not reason to withhold planning permission. The cladding is a lighter colour, the colour of the windows and doors match the existing property, and the extension has been set back from the street scene elevation. The proposed materials will add visual interest to the building and ensure that the extension reads as a modern, later addition. In addition, only limited views of the extension are available from the public realm in East End Road due to the boundary fence and mature vegetation.

6.9 In terms of design, the revised proposal is considered to be compliant with the requirements of the Adopted Cheltenham Plan (2020) policy D1, adopted JCS policy SD4 and the Supplementary Planning Document – Residential Alterations and Extensions (adopted 2008).

6.10 Impact on neighbouring property

6.11 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.

6.12 As a result of the proposal, there are no concerns that there would be an unacceptable loss of amenity in terms of a loss of light or loss of privacy due to the location of the development and relationship with neighbouring properties. As such, the proposal is compliant with policies SD14 of the JCS and SL1 of the Cheltenham Plan, as well as section 12 of the NPPF.

6.13 Sustainability

6.14 Section 14 The NPPF prescribes that the planning system should support the transition to a low carbon future in a changing climate. This is a key theme and objective of the Cheltenham Local Plan. This aim is recognised in Policy SD3 of the JCS, which sets out an expectation that all development should be adaptable to climate change.

6.15 The Cheltenham Climate Change SPD (adopted June 2022), sets out a strategy for decarbonising homes over the next decade. For residential alterations and extensions there is an opportunity to improve the environmental performance of a home through the inclusion of technologies and features such as photovoltaics, replacement windows, heat recovery, permeable (or minimal) hard surfaces, works to chimneys, insulation, replacement heating systems (heat pump) and thoughtful kitchen design.

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

6.17 Public Sector Equalities Duty (PSED)

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

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

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

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

7. CONCLUSION AND RECOMMENDATION

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

8. CONDITIONS / INFORMATIVES

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

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

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

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

INFORMATIVES

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

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

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

Approved Plans

Reference	Type	Received	Notes
PL002A.	Rev Drawing	18th January 2024	

CASE OFFICER: Mrs Victoria Harris

AUTHORISING OFFICER:

DATE:

Consultations Appendix

Building Control

21st November 2023 - This application will require Building Regulations approval. Please contact Cheltenham and Tewkesbury Building Control on 01242 264321 for further information.

Parish Council

27th November 2023 - Objection:

While the Committee does not object to the principle of extending this property, it does object to the design and choice of materials.

The street-side elevation of Roane Cottage is handsome and well proportioned, built of local limestone with a slate roof, and makes a significant contribution to the streetscape, being one of the oldest properties in the area, which does have a wide variation in property styles and ages.

The Officer's report from the permitted 2008 application for a two-storey extension in the north-east corner of the L-shaped property, behind the street-side elevation, stated:

'The main considerations with this proposal are the design of the extension and the impact which it could have to neighbouring amenity. The property has an existing porch within the side elevation. This would be removed as part of this proposal and replaced with a two storey extension. The extension would have a mono-pitch tiled roof and be built from reconstructed Cotswold stone within the eastern elevation and render within the north elevation. The property is partly render and Cotswold stone, and it was considered that the materials within the extension should relate to the main house in accordance with policy CP7 of the Cheltenham Borough Local Plan'

The Committee believes that the same considerations are even more relevant, with this proposed extension being far more visible in relation to the streetside elevation than the 2008 application.

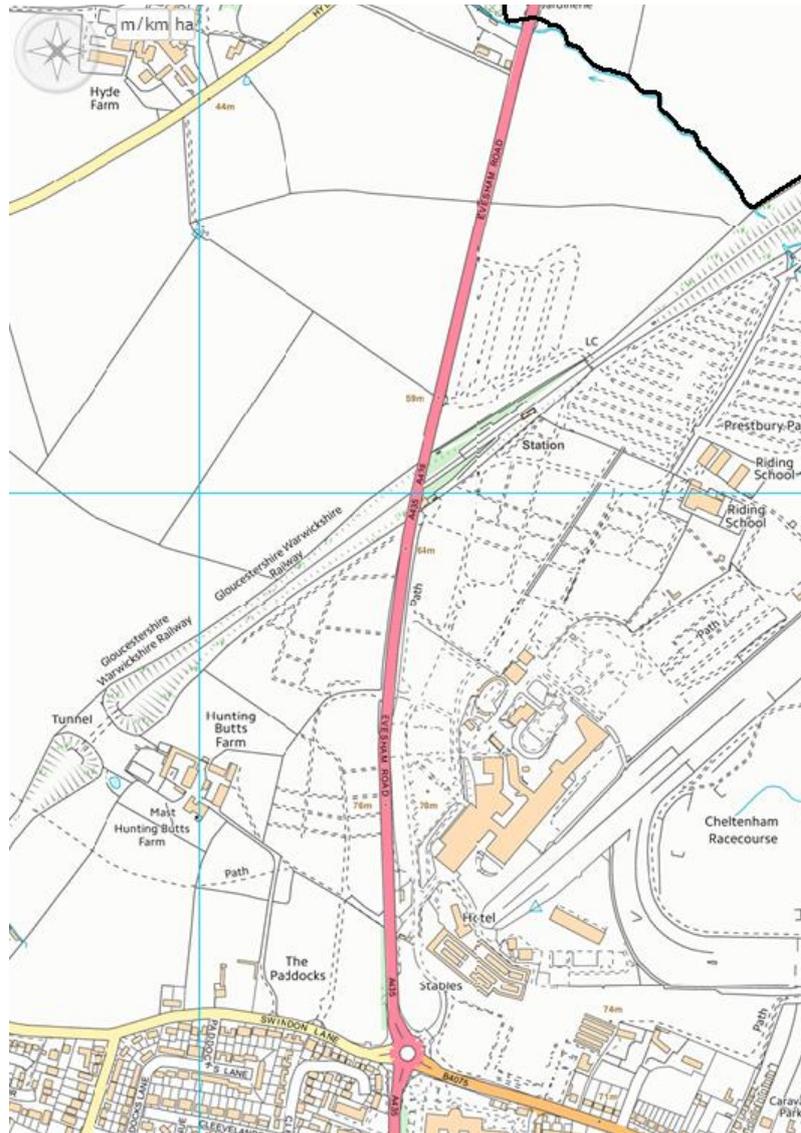
The choice of black vertical timber cladding and a standing seam steel roof are at best incongruous and at worst visually jarring, and would be detrimental to the appearance of the dwelling and its contribution to the street scene.

The proposed fenestration to the streetside elevation is similarly out of keeping with that of the existing streetside elevation. If designed to match the existing, it would do much to harmonise the extension with the existing dwelling.

If the Case Officer is minded to recommend permit, the Committee requests that this application is taken to CBC's Planning Committee.

APPLICATION NO: 24/00125/HED		OFFICER: Sam Reader	
DATE REGISTERED: 25.01.2024		DATE OF EXPIRY: 07.03.2024	
WARD: Pittville		PARISH:	
LOCATION:	A435 Cheltenham to Bishops Cleeve		
PROPOSAL:	Hedge removal		

RECOMMENDATION: No objections



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 Four sections of hedge along A435 between Swindon Lane roundabout and borough boundary to the north.
- 1.2 One section can be classified as an 'Important Hedge' under the Hedgerows Regulations 1997.
- 1.3 The proposal is to remove various sections (see addendum below) of hedgerow to accommodate a road improvement scheme to incorporate a cycle path and improved footpath from Bishops Cleeve to Cheltenham (as part of a wider project to connect Bishops Cleeve to Cheltenham town centre and beyond to Gloucester). The proposal includes replacement planting of hedgerow and new avenue tree planting (see associated documents)

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

3. POLICIES AND GUIDANCE

The Hedgerows Regulations 1997

Wildlife and Countryside Act 1981

Gloucestershire, Cheltenham and Tewkesbury Joint Core Strategy

4. CONSULTATION RESPONSES

4.1. GCC has consulted local landowners directly and the wider public in open forums. Feedback from GCC indicates no objections and a positive response from members of the public and landowners.

4.2. CBC has consulted two adjacent landowners, GWT, GCER, County Archaeology, Swindon and Prestbury Parish Councils, Natural England and Ward Councillors. To date only GCER have responded (with recorded sightings of wildlife). Consultation continues until 16.2.24.

5. PUBLICITY AND REPRESENTATIONS

- Four site notices were posted at either end of the proposed site.
- Consultees (listed above) were sent letters inviting comment.

6. OFFICER COMMENTS

- 6.1 Trees Officers assessed the hedgerows proposed for removal. Features of the hedgerows and species contained within demonstrate (in line with the Hedgerows Regulations 1997) that one section of hedgerow to be removed to the east of the road, measuring approximately 240 metres can be classified as 'Important Hedge'. This designation is attributed to a combination of woody species identified and associated features of the hedge as defined within Paragraph 8 of Schedule 1 of the Regulations.
- 6.2 Trees Officers assessed all parts of the hedgerows to be removed and whilst they are ecologically rich, and well kept, could not qualify as 'Important' (as defined in the

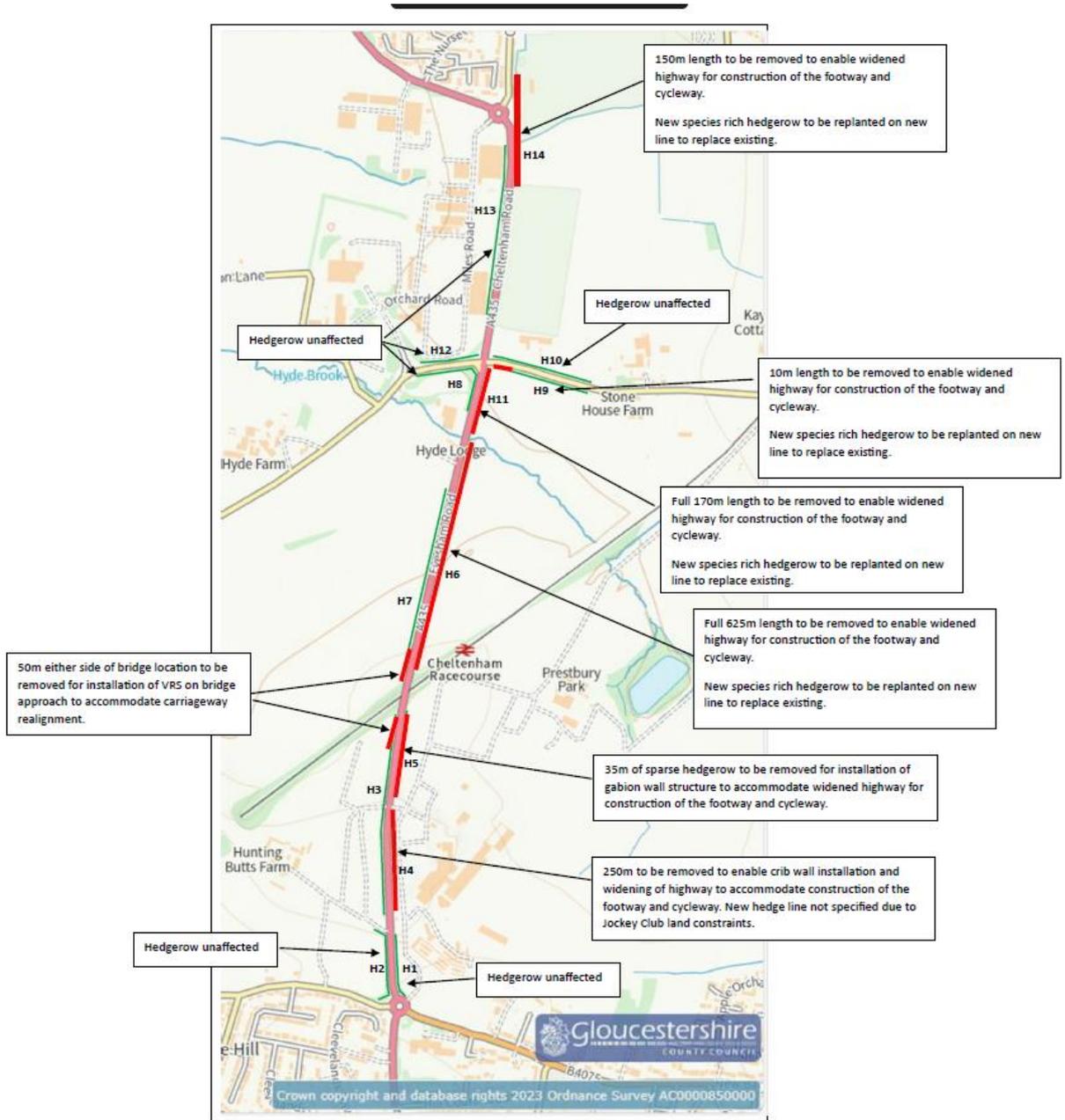
Regulations). This was borne out by the Project Ecologist in their report (see associated documents).

- 6.3 Whilst this section of hedge can be classified as important, Trees Officers consider it to be inappropriate to issue a Hedgerow Retention Notice given the nature of the project that will install key cycle infrastructure on a key route into Cheltenham, the advanced stage of the wider project and the proposed mitigation planting and the councils key priority of working with residents, communities and businesses to help make Cheltenham net zero by 2030.
- 6.4 Discussions with GCC's Design Engineer reveal that the scheme's funding is reliant on meeting certain criteria (i.e. width and gradient of the cycle lane) and the design therefore has limitations that would preclude re-routing to include retention of the hedgerow. We acknowledge that the late notification is not ideal and have provided positive feedback to GCC to build in due diligence in respect of future schemes and proposals.
- 6.5 While the Council has the right to issue a Hedgerow Retention Notice, there is no obligation to do so and it is at the discretion of the LPA. A decision therefore has to be made balancing the importance of the hedge against the public benefits of the scheme that would remove it.
- 6.6 CBC Trees Officers have worked closely with TBC Trees Officer to establish a common approach to the scheme and its hedgerow removal proposals, as well as proposed planting mitigation and landscape maintenance proposals, summarised in paragraph 7.1 below.
- 6.7 The proposal meets the criteria set out in JCS Policy INF3: Green Infrastructure by
 - enhancing green infrastructure in the borough (including cycle paths and connectivity creation),
 - justifying its impact on existing local green infrastructure,
 - providing suitable planting mitigation and making provision for future maintenance of the green infrastructure.

7. CONCLUSION AND RECOMMENDATION

- 7.1 Approximately 240m of 'Important Hedgerow' is to be removed to facilitate a new cycle lane connecting Cheltenham and Bishops Cleeve (and beyond in the wider scheme). Planting mitigation has been described and assessed as appropriate by Trees Officers (i.e. triple rows of approx. 1m high mixed native trees managed as hedging and an avenue of 2-2.5m high standard trees planted at roughly 25m intervals between Bishops Cleeve and the Swindon Lane roundabout).
- 7.2 The wider scheme is underway and whilst there will be a loss of visual and ecological amenity in the short term, this should be mitigated by an overall improvement in the new hedges in the longer term.
- 7.3 A Hedgerow Retention Notice would have a profound impact on the scheme, its funding and viability. It may represent a loss of public funds already committed to the scheme.
- 7.4 An improved cycle path and footpath link would improve the A435 through enhanced cycling facilities (with a potential for reduced vehicular traffic) and the scheme should be judged on its benefit to the public.
- 7.5 On this basis the recommendation is to issue No Objects to the Hedgerow Removal Notice.

Addenda:



REPORT OF THE HEAD OF PLANNING ON PLANNING APPEALS

OVERVIEW

The purpose of this report is to provide Members of the Planning Committee with an overview of all planning appeals that have been received by the Council since the previous meeting of the Planning Committee. It further provides information on appeals that are being processed with the Planning Inspectorate and decisions that have been received.

RECOMMENDATION

To note the contents of the report.

Appeals Received

January 2024/February 2024

Address	Proposal	Delegated or Committee Decision	Appeal Type	Anticipated Appeal Determination Date	Reference
Hilltop Stores Hilltop Road Cheltenham	Demolition of existing retail unit and erection of 2no. dwellings (revised scheme following withdrawal of application ref. 22/01728/FUL)	Delegated Decision	Written representations	n/a	23/01137/FUL
1 Coltham Fields Cheltenham Gloucestershire GL52 6SP	Erection of 1no. two storey dwelling on land adjacent 1 Coltham Fields	Delegated Decision	Written Representation	n/a	23/00596/FUL

Harwood House 87 The Park Cheltenham Gloucestershire GL50 2RW	Proposed replacement of brick boundary wall with an overlap wooden feather-edge fence (retrospective)	Delegated Decision	Written representation (Householder)	n/a	23/00929/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 (New procedure Change now a hearing date is 4th July 2023)	Not Decided (Decision issued on or before 10 th Jan 2024) New update Decision now on or before 7 th March 2024	Planning ref: 20/01788/FUL Appeal ref: 23/00005/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

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 Representations	Not decided	23/00452/COU Appeal Ref: 23/00028/PP1
10 Selkirk Street	Erection of 1no. three storey self-build dwelling on land adjacent to 10 Selkirk Street	Committee Decision	Written Representation	Not Decided	Planning Ref 22/01441/FUL Appeal Ref: 23/00030/PP1

<p>Eagle Star Tower Montpellier Drive Cheltenham Gloucestershire</p>	<p>Application seeks confirmation that works undertaken in accordance with a previously approved change of use under Class J, Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 ref: 15/01237/P3JPA enables the rest of the conversion to lawfully continue at any stage</p>	<p>Delegated Decision</p>	<p>Written Representation</p>	<p>Not Decided</p>	<p>Planning ref: 23/01347CLPUD appeal ref: 23/00031/PP1</p>
--	---	---------------------------	-------------------------------	--------------------	---

The Forge, Branch Road, The Reddings	Use of land as a caravan site without restriction as to layout or numbers of caravans. (Revised application to 23/00936/CLEUD)	Delegated Decision	Written Representation	Not Decided	Planning ref: 23/01678/CLEUD Appeal ref: 24/00001/PP1
3 Rotunda Tavern Montpellier Street	Retention of temporary canopy structure for two years	Delegated Decision	Written Representation	Not Decided	Planning Ref: 22/01681/FUL Appeal Ref: 24/00002/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,	Delegated Decision	Appeal Hearing (Date of hearing 18 th July 2023 (rescheduled for 12th July 2023))	Appeal Allowed	Planning Ref: 21/02750/FUL Appeal Ref: 23/00010/PP1
53 Alstone Lane	Erection of a single storey dwelling on land to rear of the existing property	Delegated Decision	Written representation	Appeal Dismissed	Planning ref: 22/02201/FUL Appeal ref: 23/00017/PP1
201 Gloucester Road	Installation of raised, split level patio area with boundary treatments (Retrospective).	Delegated Decision	Written representation	Appeal allowed	Planning Ref: 22/00022/PP1 Appeal ref: 23/00022/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	Appeal allowed	Planning ref: 22/00334/COU Appeal ref: 23/00009/PP3

Land Adj Oakhurst Rise	Outline application for residential development of 25 dwellings - access, layout and scale not reserved for subsequent approval	Committee Decision	Written representation	Appeal Dismissed	Planning ref: 22/00112/OUT Appeal Ref 23/00020/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	Appeal Dismissed	Planning ref: 22/01937/PRIOR Appeal ref: 23/00026/PP1
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	Appeal Allowed Costs Decision Allowed	Planning Ref: 22/01864/COU Appeal Ref: 23/00027/PP1
Telecommunications Mast And Cabinet Prestbury Road Cheltenham Gloucestershire	Proposed 5G telecoms installation: H3G 15m street pole and additional equipment cabinets	Delegated Decision	Written representation	Appeal Dismissed	Planning Ref: 23/00431/PRIOR Appeal Ref: 23/00029/PP1

REPORT OF THE HEAD OF DEVELOPMENT MANAGEMENT, ENFORCEMENT AND COMPLIANCE ON PLANNING APPEALS AND LEGAL CHALLENGES

LEGAL CHALLENGES

Address	Description	Reference	Reason
Telecommunications Mast Site CLM26627 Lansdown Road Cheltenham Gloucestershire	Installation of 15m pole inc. antennas, ground based apparatus and ancillary development	23/00551/PRIOR	Alleged lack of consideration of health grounds in granting Prior Approval

Authorised By: Chris Gomm 6th February 2024

This page is intentionally left blank

Application No.	Appeal Ref	Site Address	Appeal Type	Start Date	Questionnaire	Statement	Final Comments	Decision	Date of Decision	Costs Deci	Hearing Date	Costs awarded
21/02755/FUL	23/00001/PP1	Land at Brecon House	Hearing	10.01.2023	17.01.2023	14.02.2023	14.02.2023	Dismissed	27.04.2023	n/a	22.03.2023	
22/00839/FUL	23/00002/PP1	30 St Georges Place	written	16.01.2023	23.01.2023	20.02.2023	20.02.2023	Allowed	18.05.2023			
22/01145/FUL	23/00003/PP1	3 Apple Close	written	24.01.2023	31.01.2023	28.02.2023	28.02.2023	Allowed	19.04.2023			
22/00708/FUL	23/00004/PP1	37 Market Street	written	24.01.2023	31.01.2023	28.02.2023	28.02.2023	Allowed	19.04.2023	Allowed		4,860
20/01788/FUL	23/00005/PP1	Land at Shurdington Road	Hearing	17.04.2023	24.04.2023	22.05.2023	22.05.2023				04.07.2023	
22/01162/FUL	23/00006/PP2	101 Ryeworth Road	written	08.03.2023	15.03.2023	12.04.2023	12.04.2023	Dismissed	08.06.2023	n/a		
22/01373/FUL	23/00007/PP1	129-133 The Promenade	Written	08.03.2023	15.03.2023	12.04.2023	12.04.2023	Dismissed	17.08.2023			
22/02064/FUL	23/00008/PP1	St Edmunds, Sandy Lane	written	28.03.2023	04.04.2023	02.05.2023	16.05.2023	Dismissed	19.06.2023	Refused		
22/00334/COU	23/00009/PP3	8 Imperial Square	written	29.03.2023	05.04.2023	03.05.2023	17.05.2023	Allowed	21.11.2023			
21/02750/FUL	23/00010/PP1	Land Adjoining Leckhampt	Hearing	30.03.2023	06.04.2023	04.05.2023	18.05.2023	Allowed	12.09.2023		12.07.2023	
22/01430/FUL	23/00011/PP1	10 Suffolk Road	HAS	31.03.2023	07.04.2023	n/a		Dismissed	19.05.2023			
22/01679/FUL	23/00012/PP1	28 West Down Gardens	HAS	03.04.2023	10.04.2023	N/a		Dismissed	17.08.2023			
22/00328/FUL	23/00013/PP1	os 195 High Street	Written	18.04.2023	25.04.2023	23.05.2023	06.06.2023	Dismissed	16.06.2023			
22/00328/ADV	23/00014/ADV1	os 195 High Street	Written	18.04.2023	25.04.2023	23.05.2023	06.06.2023	Dismissed	16.06.2023			
22/00326/FUL	23/00015/PP1	23 Pittville Street	Written	18.04.2023	25.04.2023	23.05.2023	06.06.2023	Dismissed	16.06.2023			
22/00326/ADV	23/00016/ADV1	23 Pittville Street	Written	18.04.2023	25.04.2023	23.05.2023	06.06.2023	Dismissed	16.06.2023			
22/02201/FUL	23/00017/PP1	Phylnor, 53 Alstone Lane	Written	17.05.2023	24.05.2023	21.06.2023	05.07.2023	Dismissed	14.09.2023			
22/02190/PRIOR	23/00018/PP1	5G Mast, Glenfall Way	written	18.05.2023	25.05.2023	22.06.2023	06.07.2023	Dismissed	08.08.2023			
22/02075/FUL	23/00019/PP1	4 Dymock Walk, Cheltenham	HAS	26.06.2023	03.07.2023	n/a	n/a	Dismissed	09.08.2023			
22/00112/OUT	23/00020/PP1	Land adj to Oakhurst Rise	Written	24.07.2023	31.07.2023	28.08.2023	11.09.2023	Dismissed	21.11.2023	n/a		
23/00361/FUL	23/00021/PP1	4 Red Rower Close, Cheltenham	HAS	31.07.2023	07.08.2023	n/a	n/a	Dismissed	12.09.2023	n/a		
22/01964/FUL	23/00022/PP1	201 Gloucester Road, Cheltenham	HAS	04.08.2023	11.08.2023	n/a	n/a	Allowed	06.11.2023	n/a		
23/01236/CLEUD	23/00023/PP1	1 Michaelmas Lodge	Written	06.09.2023	20.09.2023	18.10.2023	08.11.2023					
	23/00024	System Error	System Error									
23/00001/DCUA	23/00025/ENFAPP	12 Pilford Road	Written	05.09.2023	19.09.2023	17.10.2023	07.11.2023					
22/01937/PRIOR	23/00026/PP1	5G Princess Elizabeth Way	Written	12.09.2023	19.09.2023	17.10.2023	31.10.2023	Dismissed	01.12.2023			
22/01864/COU	23/00027/PP1	6 Marsh Lane, Cheltenham	written	13.09.2023	20.09.2023	18.10.2023	01.11.2023	Allowed	01.12.2023	Allowed		
23/00452/COU	23/00028/PP1	218 High Street, Cheltenham	written	06.10.2023	13.10.2023	10.11.2023	24.11.2023					
23/00431/PRIOR	23/00029/PP1	Area grass verge Barley Row	written	01.11.2023	08.11.2023	06.12.2023	20.12.2023					
22/01441/FUL	23/00030/PP1	10 Selkirk Street	written	09.11.2023	16.11.2023	14.12.2023	28.12.2023					
23/01347/CLPUD	23/00031/PP1	Eagle Star Tower, Montpelier	written	20.12.2023	10.01.2024	07.02.2024	28.02.2024					

This page is intentionally left blank

Application No.	Appeal Ref	Site Address	Appeal Type	Start Date	Questionnaire	Statement	Final Comments	Decision	Date of Decision	Costs Deci	Hearing Date	Costs awarded
23/01678/CLEUD	24/00001/PP1	The Forge Branch Road	Written	03.01.2024	17.01.2024	06.02.2024						
22/01681/FUL	24/00002/PP1	Rotunda Tavern 3 Montpel	Written	05.02.2024	12.02.2024	11.03.2024	25.03.2024					

This page is intentionally left blank



Appeal Decision

Site visit made on 9 January 2024

by Tamsin Law BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 January 2024

Appeal Ref: APP/B1605/W/23/3326787

Barley Road Street Works, Barley Road, Cheltenham, GL52 3DB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 16, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by CK Hutchison Networks (UK) Ltd against the decision of Cheltenham Borough Council.
 - The application Ref 23/00431/PRIOR, dated 13 March 2023, was refused by notice dated 2 May 2023.
 - The development proposed is described as "proposed 5G telecoms installation: H3G 15m street pole and additional equipment cabinets."
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the GPDO), under Article 3(1) and Schedule 2, Part 16, Class A, Paragraph A.3(4) require the local planning authority to assess the proposed development solely on the basis of its siting and appearance, taking into account any representations received. My determination of this appeal has been made on the same basis.
3. The principle of development is established by the GPDO and the provisions of Schedule 2, Part 16, Class A do not require regard be had to the development plan. Consequently, I have taken it into account as a material consideration but only insofar as the policies relate to matters of siting and appearance.

Main Issue

4. In the context of the above, the main issue is the effect of the siting and appearance of the proposed installation on the character and appearance of the area, and if any harm would occur, whether this is outweighed by the need for the installation to be sited as proposed taking into account any suitable alternatives.

Reasons

5. The appeal site is an area of footway on the corner of Barley Road and Prestbury Road. The immediate area is generally residential in nature and is characterised by two-storey semi-detached and detached dwellings and small blocks of flats. At this location dwellings are set back from the highway. There

are large grassed verges, grass islands and open space giving the area a spacious and verdant character.

6. The proposed development would be located on one of these grassed areas. The appeal site, being on a corner, is in a prominent location. Whilst there are streetlighting columns, telegraph poles and overhead lines in the wider area, apart from a lamp post, advertisement and recreation site sign, the appeal site is devoid of such furniture. The existing street furniture is considerably shorter than the proposal. To the rear of the site is a sports and recreation field which is devoid of built development.
7. Therefore, the proposal would appear visually intrusive and dominant in the street scene, noticeably taller and wider than other existing street furniture. This would be emphasised by the prominent location of the appeal site at a junction and in front of a sports and recreation field from which the proposal would be a dominant addition.
8. Given the harm I have identified to the character and appearance of the area, alternatives must be robustly explored to determine the likelihood of there being less harmful alternatives to the appeal scheme. There are a number of discounted sites, including locations near Cheltenham Football Club and the Kohler commercial site. These have largely been discounted due to proximity to dwellings and presence of services. However, these sites are large and appear within the search area. There would be potential to move the specific location of a mast. Pavements appear wide in some areas, with other street furniture already located within the footway. There also appears to be no overhead lines. Additionally, the immediately vicinity of the site does not appear to be wholly residential in character, and other tall structures, such as flood lights at the Football Club already exist. Therefore, subject to further investigation these sites might reasonably be less harmful to character and appearance than the appeal scheme.
9. I recognise the importance of good, fast, reliable, and cost-effective communications and the support for high quality communications infrastructure within the Framework. Nevertheless, I conclude that the harm from the siting and appearance of the proposed installation on the character and appearance of the area would not be outweighed by the need for the installation to be sited as proposed, considering the potential for suitable alternatives.

Conclusion

10. For the reasons given above, I conclude that the appeal should be dismissed.

Tamsin Law

INSPECTOR