

Cheltenham Borough Council Planning Committee

Meeting date: 15 August 2024

Meeting time: 6.00 pm

Meeting venue: Council Chamber - Municipal Offices

Membership:

Councillor Frank Allen, Councillor Glenn Andrews, Councillor Paul Baker (Vice-Chair), Councillor Adrian Bamford, Councillor Garth Barnes (Chair), Councillor Barbara Clark, Councillor Jan Foster, Councillor Andy Mutton, Councillor Tony Oliver, Councillor Simon Wheeler and Councillor Suzanne Williams

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Agenda

1 Apologies

2 Declarations of Interest

3 Declarations of independent site visits

4 Minutes of the last meeting (Pages 5 - 26)

To approve the minutes of the meetings held on 30 May and 13 June 2024.

5 Public Questions

6 Planning Applications

6a 24/00607/FUL 5 Bala Road (various properties) (Pages 27 - 34)

[Planning application documents](#)

6b 24/00973/FUL 15 Hillfield (Pages 35 - 38)

[Planning application documents](#)

6c 24/00236/FUL Car Park North Place (Pages 39 - 130)

[Planning application documents](#)

7 Appeal Update (Pages 131 - 180)

Appeal updates for information.

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

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Cheltenham Borough Council

Planning Committee

Minutes

Meeting date: 30 May 2024

Meeting time: 5.00 pm - 8.00 pm

In attendance:

Councillors:

Frank Allen, Glenn Andrews, Paul Baker (Vice-Chair), Adrian Bamford, Garth Barnes (Chair), Barbara Clark, Jan Foster, Tony Oliver, Simon Wheeler and Suzanne Williams

Also in attendance:

Claire Donnelly (Planning Officer), Chris Gomm (Head of Development Management, Enforcement and Compliance), Michael Ronan (Lawyer), Ben Warren (Planning Officer) and Lucy White (Principal Planning Officer)

1 Apologies

No apologies were received. The Chair welcomed the new members to planning committee and thanked Councillor Baker as previous Chair of the committee and wished him luck in his year as Mayor.

Councillor Bamford was not present at the start of the meeting.

2 Declarations of Interest

In relation to the first application, 456 High Street, the Chair read out a statement on behalf of the committee members who were present at the meeting 21st March. The application was not determined in March and whilst he and some other members of the committee were present this did not prevent them from taking part at the tonight's meeting in respect of that item. He confirmed that members have not predetermined the matter and hold no bias concerning the application. He confirmed that they are committed to evaluating the application based on its merits and considering all the information presented before the committee.

Councillor Foster declared a bias against Oakley Farm application as previously signed a petition against the development and will leave the chamber when it is discussed.

Councillor Clark declared that she has a friend that lives at Honeyborne Gate and will leave the chamber when 456 High Street is discussed.

The legal officer clarified that Councillors Clark's interest was a non pecuniary disclosable interest, as close associate.

Councillor Bamford had no declarations of interest.

3 Declarations of independent site visits

Councillor Wheeler visited 456 High Street.

Councillor Andrews visited 456 High Street, Imperial Gardens and 320 Swindon Road.

Councillor Oliver visited 456 High Street and Honeyborne Gate on previous planning view.

Councillor Bamford had visited Swindon Road after planning view. He had visited St Peters, 456 High Street and Oakley Farm as part of previous planning view.

4 Minutes of the last meeting

The minutes of the meeting held on 18 April 2024 were approved as an accurate record.

5 Public Questions

There were none.

6 Planning Applications

6a 23/00625/FUL 456 High Street

Councillor Clark left the chamber.

The Head of Development Management, Enforcement and Compliance introduced the report as published and explained that the reasons for the return of the application were in the report and that following legal advice no decision was formally made at March meeting and is back at committee for debate, reassessment and a formal decision.

There were three public speakers on the item; the objector, the agent on behalf of the applicant and two ward members.

The public speaker in objection addressed the committee and made the following points:

- These words are on behalf of residents of Honeybourne Gate. The application was refused in March and is back before the committee on a legal technicality.
- Honeybourne Gate is exclusively occupied by older people, many that have limited mobility and spend most or all of their time in their apartments. Whilst residents are aware that there is no right to a view, the loss of amenity that will arise from being faced with a prison like four storey wall will be significant.
- The proposed development will come right up to the edge of the pathway which is narrow at this point and the development is immediately adjacent to the bridge.
- The professional advice regarding highway safety was disputed, since those that live at Honeybourne Gate witness near accidents every day on this stretch of High Street.
- Highway and pedestrian safety will be compromised by this development as vehicles already pull onto the pathway when moving out of the way of oncoming emergency vehicles, there will be nowhere for pedestrians to move without the current loading bay. Additionally, delivery drivers park illegally on double yellow lines outside the front of the development so the hazard is even greater.
- The residents accept the need for additional housing in Cheltenham and a much reduced development on this site would be acceptable. A development of this size into such a restricted site will significantly damage the street scene undoing much progress already made in the area.

The agent on behalf of the applicant then addressed the committee and made the following points:

- The application is not back at committee to ratify the previous resolution rather a fresh consideration of the merits of the application.
- The application involves redevelopment of a tired and redundant brownfield site at a location actively promoted for growth by the Council.
- The government and this council support the needs to meet the need for housing identified through JCS area through the redevelopment of brownfield land and sustainable town centre location.
- This committee has presided over many applications along the High Street and redevelopment of former commercial sites to provide much needed housing and which have been permitted. The site opposite was recently developed with a four storey high apartment block and this application has been designed to follow the scale of that building and is it not as high as Honeybourne Gate.
- This application has been through a long process, the original pre app discussions took place in 2019 and the final scheme has been developed in line with officer advice. Design changes have been made throughout the

process as requested by officers to ensure the best possible scheme is achieved whilst retaining viability.

- The scheme respects the local conservation area as outlined in the officer report and they have confirmed that there would be an acceptable level of impact on neighbours. All other policy criteria have also been met.
- It has been demonstrated through a robust financial viability report that any development at this site with affordable housing is not viable. This has also been confirmed by an independent district valuer commissioned by the council. This scenario is specifically provided for in policy and is a legitimate position.
- The scheme has been thoroughly tested by the local highway authority, with additional parking surveys in the neighbouring streets during evening hours, when they consider parking to be most in demand. These surveys confirmed that there is adequate parking in capacity terms.
- The highway authority has concluded that there would not be a severe impact in highways safety terms and the conclusion is that the scheme is acceptable.
- Clear advice previously given by the highway officer suggested that there would be no legitimate grounds for refusal in terms of lack of car parking given the opportunities for parking in the vicinity. Furthermore, the council was advised that the lack of a drop off bay would not form a deferrable reason, if that would be an issue in planning terms it would render all developments along the High Street as unacceptable as few benefit from this provision.
- The development may not be to individual taste. The planning authority are required to determine the application in line with the expectations of the development plan.

Councillor Willingham as ward member was then asked to address the committee and made the following points:

- Speaking on behalf of constituents at Honeybourne Gate, he asked the committee to refuse this application for the second time. It was refused 6 to 5 votes at March committee to do anything else would be undemocratic. Nothing has changed in the application.
- The application is still unlawfully non-compliant with policy SPD12 and requires the publication of the viability report if affordable housing is not provided. This development provides none and no viability report has been published.
- The council has a pecuniary interest as a landowner.
- The aesthetics of the design were criticised at March committee with the block being compared to a prison block.
- The residents of Honeybourne Gate are older and some have mobility issues and therefore spend more time in their homes. The design and visual amenity of the proposed development must be given more weight. The lack of residential amenity give robust grounds for refusal from policies SD4 and SD14.
- The safety and practicalities of deliveries to the development for the top floor flats will be difficult due to the internal design and site layout.
- The external layout will be problematic for deliveries and will cause severe traffic safety problems at a busy point near a congested junction on the High Street and Gloucester Road and close to a bridge which limits visibility.

- Delivery vehicles stopping outside the development will obstruct the visibility of the only height restriction sign protecting the Honeybourne Line bridge over the High Street. This bridge is owned by CBC has been repeatedly damaged by bridge strikes.
- If the development is permitted without the Traffic Regulation Order (TRO) being changed it will cause highway danger due to the detrimental impact on parking in zone 12. Which planning documents show is 392% oversubscribed, allowing an extra 36 parking permits for this development will be dangerous with vehicles having to reverse out of cul-de-sacs onto Gloucester Road. Officers could have imposed a grampian condition to require the TRO to be varied before construction commences but didn't, the committee can.
- The committee should consider whether you would gift £15k out of public money to a developer out of a highways budget.
- The parking survey was conducted on a Wednesday when the busiest day is a Friday. To fail to condition that the TRO should be changed before the development commences would be an insult to the tax payer of Gloucestershire.

Councillor Atherstone as ward member was then asked to address the committee and made the following points:

- The committee refused the application at March meeting.
- She was initially excited by the development to provide much needed housing in the town. However, she was now disappointed that the developer will not be providing any affordable housing when up to 40% should be provided.
- The developer suggestion that it should be car free was questioned given that, friends and family visit the residents.
- There is no parking provision and inadequate availability of street parking in nearby streets. Parking zone 12 is significantly oversubscribed. One survey taken on one evening should not be accepted as enough evidence to base their assumptions on. It is hard to believe that only 0.5 car park spaces will be required per home.
- The NPPF states that development should be prevented where there is an impact on highways safety. The County council's comment that the harm arising from the increased demand for parking and inadequate availability of street parking is likely to affect the amenity of residents of the existing properties was highlighted as this would give rise to some road safety issues associated with drivers searching for parking spaces and having to reverse in narrow cul-de-sacs with no spaces found.
- As the proposed development goes right up to the pavement deliveries to the development will pose a danger for road users and pedestrians as they will park on the pavement and block the road.
- Honeybourne Gate residents are concerned with loss of privacy, visual impact of the development and general loss of residential amenity.
- There were concerns about the safety of site during construction as the development is right up to the pavement, the two blocks are closely packed together and close to the Honeybourne Line and to the low bridge.

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

- The application is to be considered and debated as a fresh application.

- A Health Impact Assessment has not been carried out and would not be expected for an application of this scale.
- The council owns a sliver of land alongside the Honeybourne Line within the red line of the application site. Land ownership is not a material planning consideration.
- Condition 4 requires the submission of a construction management plan and is a normal requirement for a larger application particularly in a location such as this one. The Head of Development Management, Enforcement and Compliance is not concerned that the committee is imposing a condition that cannot be complied with and it is for the applicant to provide the detail to satisfy the condition. The council would consult with the highways authority to discharge condition 4.
- The highways officer said that there is survey information which shows that there is capacity in the permit areas of Bloomsbury Street, Stoneville Street, Market Street and Park Street. However, the highways officer does have concerns with Bloomsbury Street and Stoneville Street due to problems with the ability of vehicles to turn in those streets. That said, the applicant has sufficient evidence that were the application to be refused and go to appeal the applicant would be able to evidence that there is capacity for residents permits.
- The highways officer is concerned about on street parking on the A4019 but does not think those concerns meet the threshold to refuse the development. The NPPF is referenced in the report and whilst there may be an impact on highways safety it would not be so great as to refuse the application.
- The highways officer said that the original advice given to the planning officer was that the TRO should be amended. The document that the County Council uses states that the development should be excluded from having parking permits in oversubscribed areas. The applicant has argued that they are unable to pay the £15k cost for that variation to be made to the TRO. This does cause the officer concern that the public will pick up the cost. On the basis of the information we have received unable to recommend to refuse the application.
- The highways officer confirmed that the parking zone does need to be reviewed regardless of this development. The officer was unable to guarantee to the committee that TRO would be amended in time to preclude the residents of the development applying for parking permits.

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

- A Member spoke against this development due to highways safety for four reasons:- firstly that a loading bay should have been considered; secondly that unlike other properties along the High Street, this development would not have access to slip roads or nearby roads; thirdly due to concerns that emergency services vehicles would not be able to access block B and finally it was felt that there was a flaw in the report as the following paragraphs 108e, 113b, and 116d from NPPF referring to highway safety have not been considered. When considering NPPF holistically this development should be refused on the basis of highways safety.
- The front of the development is no waiting which means that no vehicles should stop there unless it is due to traffic. Waste and delivery vehicles would stop outside the development.

- The whole development could be redesigned to keep part of a bay at the front available for drop off to allow for deliveries and waste vehicles. This is a dangerous area with the bridge and approaching the traffic lights, without drop off area it is difficult to see how there would not be highway grounds for refusal.
- The NPPF paragraphs were considered as part of the application as they were listed as policies relevant to the application. The highways officer is GCC transport adviser and whilst members may disagree, the committee need to be guided by their advice.
- Fire issues are the responsibility of building regulations not a planning consideration.
- There was a need to maximise the use of finite sites in our town for much needed housing. This development is next to the cycle path, on a bus route and not far from the train station.
- This is a difficult site and there was a loss of amenity when Honeybourne Gate was built to Stoneville Street. There will be loss of view. However, that is not a planning consideration.
- The highways officer confirmed that paragraph 140b that safe and suitable access can be achieved was applied to all users.
- Not against development at this site although without a drop off point struggle to find development acceptable. The development will not be accessible to all as it will not be for waste vehicles and deliveries it is only accessible by foot.
- The Head of Development Management, Enforcement and Compliance clarified that if Members are minded to refuse they need to consider what the impact would be of not having a drop off bay. In terms of policy it would be highways safety issue or the impact on the network issue due to additional congestion.
- The Head of Development Management, Enforcement and Compliance said that a deferral on the grounds of exploring compulsory purchase of neighbouring properties would be unreasonable and the committee need to assess the application before them.
- The legal officer clarified that compulsory purchase is a separate regime from planning and is not a material planning consideration.
- The highways officer said that the development could have a drop off area but that it wasn't considered necessary to make the development acceptable.

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

For: 5

Against: 3

6b 24/00605/CONDIT Imperial Gardens, Cheltenham

Councillor Oliver left the chamber and took no further part in the meeting.

Councillor Clark returned to the chamber.

Councillor Bamford was in attendance for item 6b.

The planning officer introduced the report as published.

There was one public speaker on the item, the applicant in support of the application.

Helen Mole, Head of Place Marketing and Inward Investment addressed the committee as the applicant and made the following points:

- The ice rink was given planning permission to operate over three years as long as generators were not used after year one. When the application was originally submitted it was anticipated that a fixed power supply would be in place by year two. This has not been possible for reasons as set out in the application and why it is necessary to vary the condition.
- When the initial condition was set it was based on diesel generators being used. What was achieved in 2023 was a significant improvement and has been declared industry leading for events of this nature.
- CBC had worked with a local company which provided a high capacity battery which when backed up the existing on site power provision meant that a generator was only required for between one and four hours per day. This was a huge reduction from the 2021 ice rink.
- The power provision for the ice rink was quiet, it only used 12.7% of the fuel that was used in 2021 and it generated 98.7% lower fuel emissions.
- She had worked closely with the climate change team at the council to ensure that the monitoring and measurement of the fuel consumption and emissions were carried out in line with established methodology and that the figures quoted have been verified.
- The ice rink only used sustainably sourced HVO instead of diesel and were stringent that the fuel was sourced ethically and sustainably which was verified through two schemes. Assurances had been received that the fuel only came from waste feed stocks and every fuel delivery received had a certificate to confirm this.
- The event manager had worked closely with residents and businesses that were likely to be impacted by any noise. No complaints received relating to noise. High spec noise reduction equipment which was over and above what was required by the noise assessment.
- The event formed an important part of Cheltenham Christmas offer to residents and visitors. According to the economic impact report visitor to the ice rink spent an estimated £1.6m in Cheltenham during the ice rink period of which £868k was additional. It represents a return on investment of around £11 per £1 invested by the council. For 83% of visitors to the ice rink it was their main reason for visiting Cheltenham. The economic impact of the 2023 ice rink was independently assessed by a professional agency with significant experience in tourism and events. They were selected following a procurement process and were instructed to provide an independent and unbiased assessment. Their feedback on the survey that was carried out was that the methods used in the evaluation are robust as are the estimates provided for the additional economic value.

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

- The only comment received about noise disturbance was regarding the removal of the equipment not the operation of it. This was acknowledged and resolved.
- If the electrical supply and the battery supply is not sufficient then the generator would kick in.

The matter then went to Member debate the move away from the use of a diesel generator was welcomed, however, disappointment was expressed that the national grid hadn't been upgraded to provide power for events.

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

For: Unanimous

6c 24/00407/CONDIT St Peters Playing Field

The planning officer introduced the report as published.

There was one public speaker on the item, the ward member.

Councillor Willingham as ward member was asked to address the committee and made the following points:

- The bringing forward of the sports hub is important to help with the regeneration of that part of St Peters and the Moors. This is an area which is recognised by central government through the big local that has multiple deprivation.
- It is important for the community not just as a focal point for football but for other activities.
- The recommendation is to permit and is hopeful that the committee will do that.
- The officer report is still referring to incorrect legislation relating to the public sector equality duty. The legislation is the Equality Act 2010 not Equalities Act 2010.

There were no Member questions or debate.

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

For: Unanimous

6d 24/00642/CONDIT 320 Swindon Road

The planning officer introduced the report as published.

There was one public speaker on the item, the agent on behalf of the applicant.

The agent on behalf of the applicant then addressed the committee and made the following points:

- The proposed development has been in the pipeline for a number of years, having originally obtained consent in November 2021.
- The scheme was developed through extensive community and officer engagement and received unanimous support from the committee at that time.
- Since obtaining planning permission in 2021, Cheltenham Borough Homes has successfully implemented planning permission which means it can be completed at any time.
- Unfortunately, due to significant increases in build costs in the past three years it has become clear that the development as approved has significant viability challenges. The design team have optimised build costs without undermining its quality. The scheme details have been reviewed and identified all opportunities for scheme optimisation have been explored.
- The changes proposed are relatively minor but cumulatively make a significant impact on anticipated build costs of the development. The proposed changes include - small amendments to the brickwork detailing, admitting bin stores to the rear of the houses, removing rear planters, placing block paving with tarmac in areas away from the public realm, reducing window sizes and amending the design of balconies to the proposed apartments.
- The proposed changes have been worked through with the planning officers to ensure they do not contradict relevant policies or have impacts deemed unacceptable.
- The scheme remains focused on achieving high levels of sustainability and the energy strategy for the development remains unchanged. The renewable energy strategy for the site includes a mix of air source heat pumps and ground source heat pumps and solar panels to reduce the carbon footprint of the development.
- The proposed development is on a vacant plot in a reasonably prominent site on the junction of Swindon Road it is critical that this is developed to provide high quality affordable housing.

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

- A landscaping plan for the development had already been agreed and will include trees and planting.
- From a planning perspective there is not a minimum standard area for a balcony or to even provide one as there is an outside space. The balconies will still provide some amenity to the residents that will have them. There are some regrettable losses although not to the extent that the scheme would be unacceptable.
- There is significant cost associated with a green or sedum roof due to the planting system required. There will still be a roof on the bike storage as policy requires it to be covered and secure; it will not have green or sedum on top of it.

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

- Disappointment was expressed to not have the original application. However, a sustainable development was better than none at all. The planters and the green roof could be retrospectively fitted.

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

For: Unanimous

6e 23/01691/REM Oakley Farm Priors Road

Councillor Foster left the chamber.

The planning officer introduced the report as published.

There were three public speakers on this item, the agent on behalf of the applicant and two ward members.

The agent on behalf of the applicant addressed the committee and made the following points:

- Addressing the committee on behalf of the two applicants of the scheme and not the appellants.
- As set out in the officer report the process undertaken leading to the meeting today has been highly collaborative. The applicants have responded positively and constructively to the recommendations made by planning officers throughout the 15 months pre application and determination period. This included the requirement for a section 73 application to clarify the wording of a condition on the outline permission.
- Further evidence was provided to justify the proposed layout and access configuration and explanation was given as to why alternative engineering options that were tested and rejected during the design process are unsuitable.
- The proposed scheme is the result of thorough iterative design process that has taken place against the terms of an externally funded planning performance agreement between Vistry, Stonewater and the council.
- The site is unusual in that it lies within the Cotswold national landscape and yet has an acknowledged suburban context provided by existing development which surrounds the site on three sides.
- In granting outline permission the appeal inspector stated that the character of the site would permanently and fundamentally change becoming more typical of its suburban setting.
- Key factors informing the original decision and design process that followed include the inspectors finding that the scheme will deliver 250 new homes including 100 affordable dwellings.
- The highly challenging site topography requires a bespoke design and engineering solution that works harmoniously with the site. The processes described in the committee report demonstrate that these challenges have been addressed comprehensively and successfully.

- From June 2023 onwards, the design team, planning officers and the highways authority engaged via the Planning Performance Agreement (PPA) process in a series of structured monthly meetings that examined all aspects of the proposed design process. The statement of engagement submitted with the application explains the core PPA meetings, associated topic focus and stakeholder meetings that supported the engagement strategy. The engagement tracker that describes the iterative process and provides a summary of actions across 11 topic areas in response to questions, challenges and revisions sought by planning officers. The tracker identifies 160 design iterations undertaken to revise and improve the scheme over the 4 month period to submission.
- During the pre-application stage, the design team also met with the representatives of the parish council, local residents group and presented formally to the Gloucestershire design review panel and to members of the planning committee. Comments arising out of these meetings helped to inform the design process.
- Further PPA meeting was held in November following responses from consultees on the application, this identified a minor series of revisions and clarifications recommended by officers to improve the scheme to which the design team responded positively to.
- The Cotswold Conservation Board commended the proposals as high quality scheme that accords with the Cotswolds national landscape strategy and the national landscape management plan.
- The councils urban design consultant had been engaged to provide dedicated advice throughout the pre-app and post app stages concluded that the proposals constitute a significant increase in quality over the more recently permitted housing schemes in the area.

Councillor Day as ward member was then asked to address the committee and made the following points:

- The proposed plans fail the test that it will provide good quality housing for all and does not conflict with the councils environmental targets.
- The council and highways must follow the Equality Act 2010. Section 149 defines the Public Sector Equality Duty. Key points for new developments include advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and have due regard to the need to advance equality of opportunity.
- Given the long sections of steep gradients being proposed it was expected that there would be a legal opinion on Equality Act compliance.
- Equality Act compliance appears to be an issue as building regulations say a wheelchair ramp can have maximum gradient of 1:15 for 5 metres and a maximum gradient of 1:12 for 2 metres. British standards explain that where a gradient is too steep or for too long, a wheelchair user or companion pushing the wheelchair may not have sufficient strength to use that slope. Control and braking are difficult on steep slopes. The proposed length of gradients of 1:15 and steeper are much longer than these distances and appear to be unsafe for wheelchair users. A more detailed explanation of how equality act compliance has been established is necessary to avoid exposure of the council to potential legal challenge.

- In addition the proposed extended lengths of steep gradients do not comply with the council's planning policies which require the prioritisation of sustainable transport methods to address the climate emergency declared by the council and its target of achieving net zero by 2030.
- Climate change supplementary planning document states that all proposed developments are expected to support shifts towards the sustainable transport hierarchy which puts walking and cycling at the top. This proposed development will force people to drive rather than walk or cycle.
- Prioritising sustainable transport is included in policy SD4 which includes that transport system needs to be balanced in favour of sustainable transport modes. The proposed gradients of the site mean the only option will be for people to use their cars.
- The manual for Gloucestershire streets includes that new developments should give priority to pedestrians and cyclists and that sites which have poor relationship to amenities, services, education and employment by active travel modes are unlikely to receive a positive recommendation.
- Due to planning policy non-compliance and the S149 duty of the Equality Act means that this application should be refused.

Councillor Pemberton as ward member was then asked to address the committee and made the following points:

- Concerned by the implications of this development as they need to give due regard to the Equality Act 2010 and the councils commitment to net zero 2030.
- The location of the site is up a steep hill on a narrow road, Harp Hill. It would seem unlikely that people will walk or cycle to site due to the distance and gradients involved. This will push people to use their cars along with the topography of the site.
- The developers of the site assumed a household would have three cars each; for a development of 250 homes this would mean an extra 750 cars. This would contribute significantly to local pollution and have an impact on the net zero 2030 commitments as well as adding to traffic and congestion in the local area.
- There doesn't appear to be any provision for public transport and the nearest bus routes are down on Priors Road which is quite a distance from the development. There was therefore no evidence of attempting to meet sustainable transport requirements.
- The development will be environmentally damaging due to pollution and contravening equality requirements. People with limited mobility and young children will not be able to access the development except by car.
- Whilst the need for additional housing in Cheltenham was accepted, this was not the right location or development.

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

- The highways officer confirmed that the roads would be adopted even though they could be block paving. Roads carrying through traffic tend to perform less well with block paving. However, cul-de-sacs with block paving without heavy goods vehicles seem to last longer than asphalt. The planning officer explained that there is a condition for subsequent approval of hard surfacing materials used for roads and discussions will be ongoing.

- There is a condition which requires the submission and approval of details relating to the construction of retaining wall structures.
- There will be 32 social rent properties, 38 affordable rent and 30 shared ownership properties.
- Provisions for wheelchair users include two fully wheelchair accessible properties in the north east corner. There are approximately 80 affordable units which are level access. The wheelchair accessible properties are affordable units.

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

- The applicant was complemented on their engagement with planning officers and members over the course of the application.
- The development addresses climate emergency with water butts, permeable drives, no gas, solar panels and air source heat pumps. The provision of footpaths and the accessibility to cycleway and to the bottom footpath was welcomed.
- A Member felt that this was an excellent scheme which will deliver 100 affordable homes. The development is on a slope and therefore inevitable to have gradients on it. Equality issues have been addressed by officers.
- The biodiversity net gain and the landscaping of the site was welcomed.
- It will provide significant housing for the town as we do not have 5 year housing supply. No development is without its issues and most have been mitigated.
- Disappointment was expressed that the proposal was only have 32% social out of affordable housing.

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

For: Unanimous

7 Appeal Update

These were noted for information.

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

There were none.

Cheltenham Borough Council Planning Committee Minutes

Meeting date: 13 June 2024

Meeting time: 6.00 pm - 7.20 pm

In attendance:

Councillors:

Frank Allen, Glenn Andrews, Paul Baker (Vice-Chair), Adrian Bamford, Garth Barnes (Chair), Barbara Clark, Jan Foster, Andy Mutton, Tony Oliver, Simon Wheeler and Suzanne Williams

Also in attendance:

Chris Gomm (Head of Development Management, Enforcement and Compliance), Victoria Harris (Planning Officer), Sam Reader (Tree Officer), Michael Ronan (Lawyer) and Ben Warren (Planning Officer)

1 Apologies

There were none.

2 Declarations of Interest

There were none.

3 Declarations of independent site visits

Councillor Clark visited the tree.

Councillor Andrews visited 6a, 6b and was familiar with 6c.

4 Minutes of the last meeting

The minutes of the meeting held on 30 May will be considered at the next meeting.

5 Public Questions

There were none.

6 Planning Applications

6a 24/00814/TREEPO Opposite 22 St Margaret's Road

The tree officer introduced the report as published.

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

- The estimate is that the tree is decades old, possibly 50 years.
- The criteria for what is a tree of high value is one that makes a significant contribution and has a safe life expectancy of at least 10 years.
- The tree sits within the red line of development and would be a private tree. If highways at GCC adopted that part of the pavement they would maintain the tree.

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

- It is a valuable tree and would support the TPO.
- The developers only objection appeared to be that the tree has damaged the pavement, and this is true of many trees in Cheltenham.

The Head of Development, Management, Enforcement and Compliance clarified that there are exemptions to the TPO. For instance, if planning permission were granted where it requires a tree to be felled in order to facilitate the permission or proposed layout, the planning permission would overrule the TPO. Therefore, the protection of the TPO would be lost if planning permission were granted.

The matter then went to the vote on the officer recommendation to confirm the TPO:
For: Unanimous

6b 24/00471/FUL Little Duncroft, Evesham Road

The planning officer introduced the report as published.

There were two public speakers on the item; the agent on behalf of the applicant and a Ward Member.

The agent on behalf of the applicant then addressed the committee and made the following points:

- The ultimate purpose for the building is to provide space for the applicant's mother to reside in her later years. This is not the case currently and the applicants wish to use the space as an Airbnb and short term let. There are currently several similar properties across the town being used as Airbnb's.
- It is confirmed in the report that the use of the garage for residential purposes does not cause amenity concerns and that the principle of a residential property on the site is acceptable.

- The objection to the scheme is a subjective view that the layout does not conform to the character of the area. However, when considering a new application for a dwelling 30 metres from this site, officers found there to be no prevailing local character. The plot with the converted garage is equivalent to neighbouring plots.
- This application seeks to retain the existing boundary fence on Evesham Road, which is only 30cm higher than the existing permission for 1.5m. This section of Evesham Road has a varied street scene which includes some boundary walls of up to 2m. The 1.8m fence has benefits of preventing trespassing and littering in the applicants property. The timber fence is softened by mature trees behind it and is appropriate with the street scene. There will be no visual benefit to the street scene by reducing the height of the fence.
- It is acknowledged that when the garage was built parts of it did not align with the original permission. The applicant has fully engaged with the council's planning enforcement team and this application is sought to rectify the areas of misalignment.
- It is important to note that planning officers did not find that the building breached policies in terms of the dimensions or its relationship with neighbouring properties and considered their amenity protected.

Councillor Tooke as Ward Member was then asked to address the committee and made the following points:

- When a version of this building which bears limited relationship to what was built was granted planning permission, the conditions of the planning permission were explicit including condition 8 which stated the outbuilding hereby permitted shall not be occupied other than for purposes ancillary to the residential dwelling, Little Duncroft. The reason for this was that use of the outbuilding as independent residential accommodation and resultant subdivision of the plot are inappropriate due to size and configuration of the site and the potential harmful impact on neighbouring amenity, having regard to the provisions of the Cheltenham Plan 2020 and the Joint Core Strategy 2017.
- The scale and position of the building had been negotiated with the applicant prior to application to ensure that was used as a garage and gym. Officers raised concerns with the applicant to remove the first floor residential element and reduce the scale of the outbuilding and to reposition the building closer to the main house. The applicant confirmed that the proposed building would remain ancillary to the main dwelling and would not be occupied separately or independently from it.
- Officers were right to be concerned about the potential for the building to be converted into a self-contained main residential unit in the future as this was ignored and a significantly larger building was built and is being rented as an Airbnb.
- He stated that he would support the officer recommendation to refuse the application and would go further that the existing approval and conditions should remain in their entirety. The use of the building should remain restricted to being ancillary to the main dwelling and should exclude short term rentals. The building should conform with the scale and finishes

approved and the planning conditions previously imposed including those relating to fencing and hedgerow should be actioned.

- This would still permit use as a garage with gym and storage and will reduce the potential for unapproved use and help with amenity impact on neighbouring properties.
- The recent approval at 3 Cleavelands Drive is irrelevant as the building is not similar in design as it is single storey building and has a flat roof.
- Planning permission should be refused and planning enforcement should enforce the original conditions.

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

- Previous planning decisions are important material planning considerations in terms of the structure and the principle of that structure in that location. The proposal is larger than previously approved, as is the footprint and it is higher and used different materials.
- Permission was granted for a fence of 1.5m with vegetation behind to encourage it to grow over the fence to try and mitigate the harsh impact.

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

- Minded to follow the officer recommendation to refuse.
- Mixed feelings about the scheme and mindful that we do not have a five year land supply. On balance between lack of five year land supply and against the damage of the development. There were no objections from the highways authority and do not consider that there is an impact on neighbouring amenity. Although not the most attractive building it does fulfil climate change requirements. The neighbour to the right of the development has not objected.
- Concerned about the ugly fence due to its impact on the street scene as it is mainly hedgerows. If we were minded to approve would like to condition for the height of the fence reduced to 1.5m as previously approved.
- Concerned that there would also be a loss of amenity to Daneway House if this building is used as an Airbnb. As this is a completely different use to a garage which was originally approved.

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

For: 8

Against: 2

Abstentions: 1

Refused.

6c 24/00519/FUL Leckhampton Reservoir, Leckhampton Hill

The planning officer introduced the report as published.

There were three public speakers on this item; the agent on behalf of the applicant, Parish Councillor and Ward Member.

The agent on behalf of the applicant then addressed the committee and made the following points:

- The proposed development has had two years positive engagement with both planning officers and GCC as the highways authority. Feedback from this engagement has resulted in the number of dwellings being reduced and the removal of any above ground structures.
- The proposed development will involve the removal of the existing lid of the tank and the erection of the dwelling within the existing concrete structure. The dwelling will not be above the height of the reservoir lid and the existing concrete base will be used for the foundations which will alleviate any need for excavation. Due to the nature of the underground structure there will be openings needed to allow for natural light and air circulation. However, these will be limited primarily to the east and west elevations and use internal courtyards to assist with this.
- The redevelopment of previously developed land does not have an impact on the openness of the green belt land and is a form of development that is supported in both national and local planning policy.
- The underground nature of the scheme ensures that the landscape and scenic beauty of the Area of Outstanding Natural Beauty (AONB) is unaffected.
- Despite no requirement for biodiversity net gain at the time of submission of the application, the applicants have sought to do this through native hedgerow planting, wild flower green roof, tree planting and a pond.
- The scheme has sought to its environmental impact through the use of both heat pumps and solar panels. The majority of the development will be constructed from sustainable timber such as the framework, partitions and roof structures.
- The highways authority have raised no objection to the application. Official accident data through the Crashmap website identified that there had been only four minor accidents within the vicinity of the junction of Leckhampton Hill and Old Bath Road this with none recorded in the last 8 years. The site access points achieves the required visibility distances and that the additional car journeys from change of use from storage to residential use would not be severe.
- This is a high quality scheme which incorporates renewable technology that makes good use of a brownfield site within a sustainable location and has been designed to minimise any potential impact on the greenbelt and AONB.

The Parish Councillor was then asked to address the committee and made the following points:

- Leckhampton and Warden Hill parish council planning committee discussed this application in April and unanimously rejected it. Submitted an agreed response that the parish council objected to the application and requested that it be called in to committee.
- The proposed development is on greenbelt AONB and is outside the principle urban area.
- Concerned about safety of vehicular access and the protection of industrial archeology of the site along the footpath.
- Object to the matter of residential development on the site of the disused reservoir as it is outside the principle urban area, it is greenbelt AONB land and the site is highly visible from rising land viewed from public footpaths.

- Concerned about poor visibility of the highway on Leckhampton Hill. Adding an entrance to driveway to the junction will impact the safety of that junction.
- The NPPF section 13 government aim of greenbelt policy is to prevent urban sprawl by keeping land open, the essential characteristics of greenbelt land is the openness and permanence.

Councillor Horwood as Ward Member was then asked to address the committee and made the following points:

- It is an exciting design and appreciate the efforts made to adapt to both the setting and landscape of the site.
- However, serious concerns that windows on the proposed development will impact privacy of number 8 Leckhampton Rise.
- Main objection relates to road safety as this development and the two neighbouring properties have access onto the steep junction of Leckhampton Hill, Leckhampton Road, Old Bath Road, Undercliff Terrace and Undercliff Avenue. Sports bikes and cars descend the hill very fast and there have been multiple accidents here, even if the County Council are unaware. Severn Trent used banksman to guide their vehicles safely out of this site.
- Final concern is permission being granted to build on what appears to be a green field within greenbelt AONB and outside of any planned housing location and surrounded by green space on all sides. It is also adjacent to a historically important and wooded public right of way footpath which cars will have to cross should the permission be granted.
- The officer report acknowledges that this development conflicts with policy SD10 and consider this to be dismissive of policy on greenbelt and AONB. Greenbelt policy SD5 is designed to protect open countryside between urban areas and requires the protection of the openness of the landscape. It is questionable to replace what appears as a field with a house and retain the open character.
- Policy SD7 states that all development proposals in or within AONB must conserve and enhance its landscape not damage it and then mitigate it. Developments must be consistent with the Cotswold AONB Management Plan which prioritises the natural beauty of the Cotswolds, tranquillity and emphasises the special quality of the escarpment that rises immediately above this site.
- Policy CE1.2 of the management plan states that proposals that are likely to have an impact on or create change in the landscape should have regard to the scenic quality of the location, its setting and ensure its views including those into and out of the national landscape are conserved and enhanced.
- Policy CE4.1 states that proposals that are likely to impact on the tranquillity of the landscape should have regard to it by seeking to avoid or where it is not possible should seek to minimise noise pollution and any other oral or visual disturbance. Whilst the development is low lying the sharply rising hillside means that the dwelling, its light, cars, swimming pool, outside dining area and any amplified media or music would all be visible and audible from that hillside. The architect's panel also shared this concern and withheld their approval.
- Important to recognise the recommended conditions in the officer report to prevent the development from changing into something else at a later date, once change of use has been agreed. If the committee is minded to approve

please emphasise importance of conditions 3, 4, 5, 11 and 12 to the landscape. Would suggest the additional of conditions relating to sound and light in order to act in accordance with the AONB management plan.

- Would also draw attention to the informatives of public rights of way designed to protect the public footpath which marks the line of the original Leckhampton tramway and is popular route.

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

- The footpath is a formally adopted right of way and the development itself will not affect it. The only impact will be by vehicles and pedestrians crossing it as access to the site.
- The finish of the external wall be the same as the existing as there is no proposal to finish it in any other material.
- The policy context is the same as when the committee approved two houses on the same site. The NPPF has been updated although minor and wouldn't affect this application.
- There is already a condition on lighting.
- The access is already there and serves the reservoir by Severn Trent vehicles. There is no proposal to change the access as the suitability of it has already been approved. The increased use of the access by another property is a consideration.
- Additional signage on the road is not something controlled by planning and the highways authority have not required any extra signage in their response to the application.
- There is a condition attached to require further details regarding the green roof to ensure it is kept and maintained.
- A general landscaping and layout proposal received and a condition has been attached to require the submission of a full set of details in order to understand the planting and species of plants. This is then reviewed by planning officers along with tree officers and if the scheme is not acceptable it would be negotiated as part of the discharge condition application process.

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

- A Member felt that this was a superb scheme and commended the officers and applicant for the work on the scheme as it is a sensitive site. Considered it a good use of a previously developed site as it would retain the concrete infrastructure that is there already. Environmentally and sustainably would struggle to see how the scheme could be improved.
- Several Members were fully supportive of the officer recommendation to permit given the permission previously granted for two properties at the location and that no objection was received from the highways authority.
- It is a good use of a brownfield site. However, when looking at the site from the north it is quite an ugly structure at the moment.

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

For: Unanimous

7 Appeal Update

Appeal details were noted for information.

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

There were none.

APPLICATION NO: 24/00607/FUL	OFFICER: Mrs Victoria Harris
DATE REGISTERED: 8th May 2024	DATE OF EXPIRY: 3rd July 2024
DATE VALIDATED: 8th May 2024	DATE OF SITE VISIT:
WARD: Warden Hill	PARISH: Leckhampton With Warden Hill
APPLICANT:	Cheltenham Borough Council
AGENT:	
LOCATION:	5 Bala Road Cheltenham Gloucestershire
PROPOSAL:	External Insulation to properties numbered: 103, 109, 111, 113, 121, 125 Warden Hill Road, 5, 7, 8 Bala Road and 4, 6, 14, 16, 20, 23, 24, 28, 30, 34, 36, 38, 40 Gwernant Road. Finished with render and brick slip system to provide coins and plinth.

RECOMMENDATION:



1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application seeks consent for the addition of external insulation to a number of residential properties in 103, 109, 111, 113, 121, 125 Warden Hill Road, 5, 7, 8 Bala Road and 4, 6, 14, 16, 20, 23, 24, 28, 30, 34, 36, 38, 40 Gwernant Road.
- 1.2 The application is at planning committee as Cheltenham Borough Council is the applicant and the landowner.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Land Allocated for Mixed Use
Conservation Area
Core Commercial Area
Principal Urban Area
Smoke Control Order

Relevant Planning History:

82/00669/PF 12th October 1982 PER
Alterations and extension to existing dwelling to provide a porch, enlarged kitchen and additional living accommodation

89/01731/PF 16th January 1989 PER
Refurbishment of a Hawksley House

88/01844/PF 26th October 1988 PER
Re-instatement of pre-cast reinforced concrete houses

18/01015/PDE 25th June 2018 AEGPD
Single storey rear extension

16/00238/FUL 30th June 2016 PER
Proposed porous asphalt driveway and dropped kerb.

21/02129/FUL 25th October 2021 PER
Single storey flat roof outbuilding to rear of garden (part retrospective)

17/02518/CLPUD 19th January 2018 CERTPU
Proposed window replacement to 27 sites - see property schedule

18/00132/CLPUD 1st February 2018 CERTPU
Proposed window replacement to 32 sites - see property schedule

18/00503/CLPUD 22nd March 2018 CERTPU
Proposed window replacement to 17 sites - see property schedule

18/02539/CLPUD 5th February 2019 CERTPU
Proposed window replacement to 41 sites - see property schedule

18/02632/CLPUD 18th January 2019 CERTPU
Proposed window replacement to 34 sites - see property schedule

19/01311/CLPUD 12th August 2019 CERTPU
Proposed window replacement to 20 sites - see property schedule

20/00127/CLPUD 24th February 2020 CERTPU
Proposed window replacement to 35 sites - see Property schedule

3. POLICIES AND GUIDANCE

National Planning Policy Framework

Section 2 Achieving sustainable development
Section 4 Decision-making
Section 12 Achieving well-designed places

Adopted Cheltenham Plan Policies

D1 Design
SL1 Safe and sustainable living

Adopted Joint Core Strategy Policies

SD3 Sustainable Design and Construction
SD4 Design Requirements
SD14 Health and Environmental Quality

Supplementary Planning Guidance/Documents

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

4. CONSULTATIONS

See appendix at end of report

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	74
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 the design, the impact of the proposal on neighbouring amenity, and sustainability.

6.3 Design

6.4 Policy SD4 of the JCS notes how development should “respond positively to, and respect the character of, the site and its surroundings, enhancing local distinctiveness, and addressing the urban structure and grain of the locality”. Furthermore, development “should be of a scale, type, density and materials appropriate to the site and its surroundings”. This is supported through adopted Cheltenham Plan Policy D1 which requires development to ‘complement and respect neighbouring development and the character of the locality.’

6.5 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 homes through the inclusion of various technologies and features.

6.6 The application proposes the addition of external insulation to a number of residential properties owned by the Council in Warden Hill Road, Bala Road and Gwernant Road. The properties that are the subject of this application are two storey semi-detached dwellings with pitched roofs and finished in red-brick. The proposed insulation has a depth of approximately 110mm and will therefore nominally increase the footprint of these properties.

6.7 The supporting design statement explains that an external insulation system has been selected instead of an internal insulation system in order to minimise disruption to residents. It is also noted that this option will reduce the risk of potential damp and mould problems in the future. In addition, the statement highlights that these works will help

Cheltenham Borough Council meet its target to be net carbon zero by 2030 and that the project is being supported by the Governments Social Housing Decarbonisation Fund.

- 6.8** In terms of design and finish, the works would result in the main elevations of the properties being finished in render, with brick slip detailing to the corners of the properties and at a lower level on the front and side elevations. It is important to note that in some instances the proposed insulation is only proposed on one half of a pair of semi-detached properties. Details of the brick slip detail/material have not been submitted but this can be conditioned to ensure that they have a similar visual appearance to the existing brickwork.
- 6.9** The introduction of the external insulation where the main material is render, will materially change the design and appearance of these properties. However, it is also noted the planning permission (24/00096/FUL) was recently granted for external insulation on a number of properties in Dinas Road. Surrounding properties in Warden Hill Road also include a mix of brick and render.
- 6.10** Officers acknowledge that the works will result in a change in the design and appearance of these dwellings, and in some instances will result in an imbalance for a pair of semi-detached dwellings. However, given the sites context, the resulting design is not considered to be wholly out of character and any harm resulting from an imbalance in the design of a pair of semi-detached properties is not considered so harmful that it would warrant the refusal of planning permission.
- 6.11** Officers are also mindful of the reason for these proposed works, which is intended to improve the thermal performance of these properties and would be compliant with the aims and objectives of Cheltenham's Climate Change SPD.
- 6.12 Impact on neighbouring property**
- 6.13** It is necessary to consider the impact of development on neighbouring amenity. JCS Policy SD14 and Cheltenham Plan Policy SL1 state how development should not cause unacceptable harm to the amenity of neighbouring properties. Matters such as a potential loss of light, loss of privacy, loss of outlook, noise disturbances and overbearing impact will therefore be considered.
- 6.14** The proposed external insulation has a depth of approximately 110mm and therefore will only marginally increase the projection of the external walls of the properties. This alteration will have very limited impact on neighbouring amenity and will not result in any harmful loss of light or loss of outlook. Due to the nature of the works, no concerns are raised regarding privacy.
- 6.15** No letters of objection or concerns regarding the proposed development have been received in response to the neighbour consultation process.

6.16 Other considerations

Parish council

- 6.17** Following the parish council comments officers asked the agent if the neighbouring properties have been offered the opportunity of partaking in the insulation upgrades, on similar terms but at their own expense. No response has been received. Whilst this is disappointing, that in itself is not reason to withhold planning permission.

Environmental Impact

- 6.18** Whilst records show that important species or habitats have been sighted on or near the application site in the past, it is not considered that the proposed development will have any impact on these species.

Public Sector Equality Duty (PSED)

6.19 As set out in the Equality 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.

6.20 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.

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

7. CONCLUSION AND RECOMMENDATION

7.1 Having considered all of the above, the proposed works are considered to be acceptable in terms of design, impact on neighbouring amenity, and accords with Cheltenham’s Climate Change SPD in terms of sustainability. As such, officer recommendation is to permit the application, subject to the conditions set out below;

8. CONDITIONS / INFORMATIVES

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

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

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

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

3 No external facing 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).

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.

Consultations Appendix

Parish Council

30th May 2024 - The Parish Council welcomes improvement in insulation to council owned properties as described in the application, provided the execution and detailing of the upgraded insulation enhances and does not detract from the architectural integrity of the original dwellings, particularly where neighbouring semi-detached properties not owned by CBC Homes are left as it and not upgraded.

If possible, neighbouring semi-detached properties should be offered the opportunity of partaking in the insulation upgrades, on similar terms but at their own expense. This is for functional benefit and to maintain architectural consistency in the affected street scenes. This seems fair given that neighbouring semi-detached properties are likely to experience some inconvenience and nuisance during the construction phases.

Gloucestershire Centre For Environmental Records

29th May 2024 - Report available to view in documents tab.

Building Control

29th May 2024 - This application will require Building Regulations approval. Please contact Cheltenham and Tewkesbury Building Control on 01242 264321 for further information.

APPLICATION NO: 24/00973/FUL	OFFICER: Michelle Payne
DATE REGISTERED: 7th June 2024	DATE OF EXPIRY: 2nd August 2024 <small>(extension of time agreed until 16th August 2024)</small>
DATE VALIDATED: 7th June 2024	DATE OF SITE VISIT:
WARD: St Marks	PARISH:
APPLICANT:	Cheltenham Borough Homes
AGENT:	British Gas Social Housing Ltd T/A PH Jones
LOCATION:	15 Hillfield Cheltenham Gloucestershire
PROPOSAL:	Installation of an air source heat pump (retrospective).

RECOMMENDATION: Permit



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application relates to a semi-detached residential property on the south-east side of Hillfield, a residential cul-de-sac accessed from Griffiths Avenue. The estate is 'back to front' in that the rear gardens back onto the highway with only pedestrian access available to the front of the property.
- 1.2 The application seeks retrospective planning permission for the installation of an air source heat pump (ASHP) in the rear garden; the application form states that the ASHP was installed in June last year.
- 1.3 Schedule 2, Part 14, Class G of the Town and County Planning (General Permitted Development) (England) Order 2015 (as amended) permits the installation of an ASHP on, or within the curtilage of, a dwellinghouse subject to a number of conditions; however, in this case, planning permission is required as the ASHP has been installed within one metre of the site boundary.
- 1.4 The application is before the planning committee as it was submitted by Cheltenham Borough Homes.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

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

Adopted Cheltenham Plan 2020 (CP) Policies

SL1 Safe and Sustainable Living

Adopted Joint Core Strategy 2017 (JCS) Policies

SD14 Health and Environmental Quality

Supplementary Planning Guidance/Documents

Cheltenham Climate Change (2022)

4. CONSULTATIONS

Building Control

20th June 2024 - This application may require Building Regulations approval. Please contact Cheltenham and Tewkesbury Building Control on 01242 264321 for further information.

Environmental Health

26th June 2024 - In relation to application reference 24/00973/FUL (retrospective), for 15 Hillfield, Cheltenham, GL51 7BQ there are no comments/conditions from Environmental Health.

5. PUBLICITY AND REPRESENTATIONS

- 5.1 Letters of notification were sent to the two properties adjoining the site. No representations have been received in response to the publicity.

6. OFFICER COMMENTS

6.1 Determining issues

6.1.1 As this application relates only to the installation of a single air source heat pump (which has already been installed), the key considerations are sustainable development and climate change, and neighbouring amenity.

6.2 Sustainable development and climate change

6.3.1 JCS policy SD3 and the adopted Cheltenham Climate Change SPD set out how residential properties should consider the inclusion of low carbon technologies and features to contribute to the decarbonisation of homes and the Climate Emergency which has been declared by the Council. As such, officers are fully supportive of this type of development subject to other material considerations discussed below.

6.3 Neighbouring amenity

6.2.1 JCS policy SD14 and CP policy SL1 require development not to cause unacceptable harm to the amenity of adjoining land users. CP paragraph 14.4 advises that the Council will have regard to a number of matters including potential disturbance from noise.

6.2.2 In this regard, no objection has been raised by local residents in response to the consultation exercise, and Environmental Health have confirmed that there is no history of any noise related complaints despite the fact that the ASHP was installed last year.

6.2.3 Notwithstanding the above, the application is accompanied by an MCS (Microgeneration Certification Scheme) noise assessment which calculates the noise level to be 41.8 dB(A) and therefore below the 42.0dB(A) noise limit that would normally be accepted as permitted development.

6.4 Other considerations

Public Sector Equality Duty (PSED)

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

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

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

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

7. CONCLUSION AND RECOMMENDATION

- 7.1 With the above in mind, the officer recommendation is to grant retrospective planning permission for the ASHP as installed.

8. CONDITIONS

- 1 The planning permission hereby granted relates to the approved plans listed in Schedule 1 of this decision notice, and the other supporting information which accompanies the application.

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

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.

Officer Report

APPLICATION NO: 24/00236/FUL	OFFICER: Mr Ben Warren
DATE REGISTERED: 24th February 2024	DATE OF EXPIRY: EoT 30 th August 2024
DATE VALIDATED: 24th February 2024	DATE OF SITE VISIT:
WARD: St Pauls	PARISH:
APPLICANT:	Wavensmere Homes Limited
AGENT:	Pegasus Group
LOCATION:	Car Park North Place Cheltenham
PROPOSAL:	Development of car park for 147 dwellinghouses (Class C3) incorporated into a part 4 storey / part 3 storey apartment block and 3 storey townhouses with associated: parking; refuse and recycling storage; sustainability features; landscaping; tree works; open space; biodiversity enhancements; drainage; pedestrian links to adjoining streets; and enhancements to existing vehicle access off North Place.

RECOMMENDATION: Permit Subject to Section 106



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site, known as 'North Place Car Park', is located to the North of St Margaret's Road, to the West of North Place and abuts Northfield Passage, a Public Right of Way (PROW) to the north of the site. The site is an area of hardstanding, approximately 1.35 ha in size and currently used as a car park. The car park is privately operated and includes approximately 479 spaces.
- 1.2 The application site is located within Cheltenham's Principal Urban Area (PUA) and Core Commercial Area, and also falls within Cheltenham's Central Conservation Area and Old Town Character Area. The site forms part of an allocated housing site under Policy HD9 in the Cheltenham Plan (North Place and Portland Street).
- 1.3 The application seeks planning permission for the development of the existing car park for residential development.
- 1.4 During the course of the application revised plans and additional information have been submitted for consideration in response to comments from officers, consultees and local residents. The submission of revised plans has resulted in a slightly amended description. The works now comprise the erection of 147 dwelling houses formed in a part four storey and part three storey apartment block and three storey townhouses. The development also provides associated parking, refuse and recycling storage, sustainability features, landscaping, tree works, open space, bio-diversity enhancements, drainage, pedestrian links, and alterations to the existing vehicle access from North Place.
- 1.5 The proposed redevelopment of the site has gone through an extensive pre-application process prior to its formal submission which has seen the proposed development amended significantly.
- 1.6 The application is at committee at the request of Councillor Baker, who has referred the application because of its significance, the level of public interest and potential impacts upon adjacent properties.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Land Allocated for Housing
Land Allocated for Mixed Use
Airport Safeguarding over 45m
Article 4 Directions
Business Improvement District
Conservation Area
Central Conservation Area
Core Commercial Area
HMO Restricted Area
Principal Urban Area
Residents Associations
Residents Associations
Smoke Control Order

Relevant Planning History:

11/01551/PREAPP CLO

Demolition of existing buildings and structures and erection of a mixed use development comprising of retail, and residential, car parking, bus interchange, public open space, landscaping and associated works.

22/01421/PREAPP 16th September 2022 CLO

Residential development - 1 and 2 bed apartments (100 units) and 50 3 bedroom town houses

23/01119/PREAPP 12th July 2023 CLO

Follow up pre-application to 22/01421/PREAPP north place redevelopment (meeting only)

89/00368/CD 15th May 1989 PER

Demolition Of Remaining Coach Station And Garages

12/01612/FUL 16th August 2013 OBL106

Erection of a mixed use development comprising; 5,792sqm (gross external floor space) of class A1 food store, 739sqm (gross) of class A1 shops and 19sqm (gross) of class A2 within atrium space and 336sqm (gross) of class A3 (customer restaurant); multi-storey car park providing 634 spaces over 5 floors (300 spaces for public use and 334 spaces for food store customers); 143 no. residential units within a mix of 1, 2, 3, and 4 bedroom houses and flats, (57 units to be affordable) with associated 143 car parking spaces at ground and basement level; creation of new public open spaces; provision of new parking bays for buses and erection of a passenger information kiosk and waiting room; associated other operations to facilitate the mixed use development including alterations to and from the existing highway for vehicular, pedestrian and cycle access. All following the demolition of existing buildings and other built structures on the site.

Discharge of conditions 9 - (method for piling), 11 - (full details of kitchen extraction system for customer restaurant) and 12 - (Scheme for odour control and noise abatement for any proposed chiller plant and cooking/baking areas) on planning permission ref: 12/01612/FUL

24/00354/SCREEN 7th March 2024 ISSUE

Screening opinion under Part 2, Regulation 6 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended)

3. POLICIES AND GUIDANCE

National Planning Policy Framework

Section 2 Achieving sustainable development

Section 4 Decision-making

Section 5 Delivering a sufficient supply of homes

Section 8 Promoting healthy and safe communities

Section 9 Promoting sustainable transport

Section 11 Making effective use of land

Section 12 Achieving well-designed places

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

Section 15 Conserving and enhancing the natural environment

Section 16 Conserving and enhancing the historic environment

Adopted Cheltenham Plan Policies

D1 Design

HE1 Buildings of Local Importance and Non-Designated Heritage Assets

HE2 National and Local Archaeological Remains of Importance

BG1 Cotswold Beechwoods Special Area Of Conservation Recreation Pressure

H1 Land Allocated for Housing Development

HD9 North Place and Portland Street

SL1 Safe and Sustainable Living

GI2 Protection and replacement of trees

GI3 Trees and Development

CI1 Securing community infrastructure benefits

CI2 Sports and open space provision in new residential development

CI4 Broadband provision

Adopted Joint Core Strategy Policies

SP1 The Need for New Development

SP2 Distribution of New Development
SD3 Sustainable Design and Construction
SD4 Design Requirements
SD8 Historic Environment
SD9 Biodiversity and Geodiversity
SD10 Residential Development
SD11 Housing Mix and Standards
SD12 Affordable Housing
SD14 Health and Environmental Quality
INF1 Transport Network
INF2 Flood Risk Management
INF3 Green Infrastructure
INF4 Social and Community Infrastructure
INF6 Infrastructure Delivery
INF7 Developer Contributions

Supplementary Planning Guidance/Documents

Development on garden land and infill sites in Cheltenham (2009)

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

Cheltenham Climate Change (2022)

4. CONSULTATIONS

Please see Appendix 1 at the end of this report for full consultee comments.

5. PUBLICITY AND REPRESENTATIONS

- 5.1 Upon validation of the application, the application was advertised by way of letters sent to neighbouring properties (114 letters in total), 6 site notices were displayed in the local area and an advert was published in the Gloucestershire Echo. In response to this public consultation process 27 letters of representation were received. 21 raised objections to the development and 4 in support and 2 general comments were received. The comments received have been summarised below:

Objections:

- Impact on neighbouring amenity – loss of light and loss of privacy to properties in Monson Avenue and Northfield Terrace
- Impact on neighbouring amenity – noise and disturbance from use of new residential properties
- Pressures on existing infrastructure, schools, doctors, dentists etc
- Overdevelopment of site and area.
- Lack of parking provision
- Loss of public parking provision
- Design and its impact on the conservation area
- Loss of London Plane tree
- Limited landscaping
- Sustainability

Support:

- The need/support for the redevelopment of the site
- Provision of housing for Cheltenham
- Redevelopment of a site that has a negative impact on the conservation area.

5.2 Upon receipt of revised plans a further public consultation process was undertaken, letters were again sent out to 114 residents, and any other residents who had commented on the application. Further site notices were also displayed. 5 letters have been received in response to this further consultation process, the concerns echo those raised in response to the original consultation process.

6. OFFICER COMMENTS

6.1 Determining Issues

6.2 The main considerations in relation to this application are the principle of residential development on the site, design, layout and landscaping, sustainability, the impact of the proposal on designated and non-designated heritage assets, neighbouring amenity, impact on existing trees, contaminated land, parking and highway safety, drainage and flooding, ecology, affordable housing, developer contributions, impact on the Beechwoods Special Area of Conservation (SAC) and Bio-diversity Net Gain.

6.3 Planning history and pre-application

6.4 The only relevant planning history is a permission granted in 2012, for the erection of a mixed-use development, consisting of a new food store multi storey car park and 143 residential units (ref:12/01612/FUL). The development related to both the North Place and Portland Street car parks. This permission was not implemented and has lapsed.

6.5 The redevelopment of the North Place car park has been the subject of extensive pre-application engagement. The first pre-application proposal was submitted to the LPA for consideration and comment in August 2022, with a revised proposal submitted in June 2023. Both pre-application submissions related to a wholly residential development on the North Place car park site.

6.6 Members should be aware that there is a conditional agreement in respect of the sale and redevelopment of this site, and Cheltenham Borough Council are a party to this agreement. Included in the agreement is a requirement for a scheme to deliver a 20% affordable housing provision. This agreement is not a material planning consideration and sits outside of the planning merits of the proposal.

6.7 Site context

6.8 The application site is an existing area of hardstanding, currently in use as car parking, but was formerly used as the main coach and bus station for Cheltenham. The site has two main road frontages, St Margarets Road to the south of the site and North Place to the east of the site. A PROW (Northfield Passage) runs along the northern boundary of the site. As already noted, the application site is located within Cheltenham's PUA, Core Commercial Area and Central Conservation Area.

6.9 In terms of context and nearby uses, the area is mixed. To the north, the predominant use is residential, with properties located on Clarence Square, Northfield Terrace and Monson Avenue. The properties fronting Clarence Square are three storeys above

ground, with properties in Northfield Passage and Northfield Terrace being two storeys. The rear elevations of properties in Northfield Terrace face towards the application site, whereas the smaller number of dwellings on Northfield Passage have their front elevations facing towards the application site, separated by the PROW.

- 6.10 To the east of the application site is a further car park (Portland Street car park), with the buildings further east being a mix of residential and commercial uses. St Margaret's Terrace is a Grade II* listed terrace, located on a prominent corner plot just outside the south eastern boundary of the application site. St Margaret's Terrace is four storeys in height and consists of a mix of residential and commercial units. Directly opposite St Margaret's Terrace is a modern four storey retirement living development, known as Lewis Carol Lodge. To the south and south east of the site, on the other side of St Margaret's Road, is a mix of residential terraced streets and the Brewery Quarter, a commercial development with various uses including restaurants, cinema, retail outlets and a gym. Further to the south is Cheltenham's main high street. Directly to the west of the site is a residential development known as Dowty House, recently extended, and redeveloped. Further to west is a hotel and multi storey car park.
- 6.11 In terms of heritage assets, in addition to the site being located within Cheltenham's Central Conservation Area, a number of locally listed and listed buildings are located in close proximity of the application site. This includes the Grade II listed properties on Clarence Square, Formosa House on the end of Northfield Passage, properties on Portland Street and to the south of Portland Street car park. As already mentioned, St Margaret's Terrace is Grade II* listed. Dowty House is a locally listed building.

6.12 Principle of development

- 6.13 Paragraph 11 of the NPPF sets out a '*presumption in favour of sustainable development*' and makes clear that development proposals that accord with an up-to-date development plan should be approved without delay.
- 6.14 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. At the time of considering this application Cheltenham Borough Council cannot currently demonstrate a 5 year housing land supply.
- 6.15 As the council cannot currently demonstrate a 5 year housing land supply, NPPF paragraph 11 d) is applicable to this application. Paragraph 11 d) states that permission should be granted unless:
- i) The application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development; or
 - ii) Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework.

In this instance, the protected assets referred to in 11) d) i) are the heritage assets, which include the listed buildings and the conservation area.

- 6.16 JCS policy SD10 relates to residential development and advises how housing development and conversions to dwellings will be permitted on previously developed land in the Principal Urban Area (PUA). The application site is located within a built up area of Cheltenham, adjacent to existing residential and commercial development, only

a short distance from the town centre. As such the site is in a highly sustainable location with easy access to a large range of local amenities and various public transport links. The site is therefore appropriate for residential development and is compliant with adopted JCS policy SD10.

6.17 Furthermore, as noted in the introduction, the site forms part of an allocated housing site under Policy HD9 in the Cheltenham Plan (North Place and Portland Street). Policy HD9 sets out the site specific requirements as follows;

- approximately 143 dwellings;
- a layout and form of development that respects the setting, character and significance of the Conservation Area and other heritage assets ;
- Safe, easy and convenient pedestrian and cycle links within the site and to key points.

6.18 Given the above, there is no fundamental reason to suggest that the principle of residential development on this site would be unacceptable, subject to all other material considerations, which are discussed below.

6.19 Design, layout, landscaping and impact on heritage assets.

6.20 Section 12 of the NPPF refers to achieving well designed spaces and states that planning decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.

6.21 Adopted Cheltenham Plan Policy D1 requires new development to adequately reflect principles of urban and architectural design; and to complement and respect neighbouring development and the character of the locality. Furthermore, JCS policy SD4 relates to design, and identifies considerations to include context and character, legibility and identity, amenity and space.

6.22 Further detail can also be found in Cheltenham's Supplementary Planning Document – Development on Garden Land and Infill Sites. This document sets out various elements that are considered to create the character of an area and includes grain, type of building, location of buildings, plot widths and building lines.

6.23 There are a number of heritage assets in close proximity of the site, as such, the impact of this development on these heritage assets must be considered, with specific regard to the Planning (Listed Buildings and Conservation Areas) Act 1990. In terms of policy, JCS policy SD8 relates to the historic environment and states how 'Designated and undesignated heritage assets and their settings will be conserved and enhanced as appropriate to their significance'. Section 16 of the NPPF also echoes the importance of conserving and enhancing heritage assets.

6.24 As discussed in the introduction, the development of this site has gone through an extensive pre-application process which has resulted in a significant change in the proposed layout. The earliest site layout presented two perimeter apartment blocks, one fronting St Margarets Road, the other fronting North Place, with the central areas of the site presenting townhouses around a centralised square. The general response from officers at pre-application stage, which included the views of the council's urban design consultant and conservation officer, supported the principle of perimeter blocks, but did not consider the layout in the central areas of the site to be acceptable and did not reflect the general layout and historic pattern of development in the immediate locality. Further discussion on the pre-applications and the evolution of the scheme is discussed in the applicants planning statement and design and access statement.

- 6.25 The application proposes a total of 75no. 3 bedroom townhouses and 72 apartments, including a mix of 1 and 2 bed units. The layout proposed within this current application retains the two perimeter blocks and includes a four-storey apartment block proposed along the St Margaret's Road frontage, and a terrace of 17 townhouses proposed along North Place. The south eastern corner of the site includes a terrace of 9 townhouses, with a further terrace of 13 townhouses proposed along the eastern boundary. In the central areas of the site, two rows of terraced townhouses are proposed, each containing 18 properties and separated by a central landscaped area, this being for the private use of residents. The applicants Planning and Affordable Housing Statement confirms that all apartments will meet the Nationally Described Space Standards (NDSS) and will be accessible and adaptable, compliant with category M4(2) for building regulations. All proposed townhouses fall short of the NDSS by approximately 15% in internal floor area.
- 6.26 All townhouses are three storeys in height, each has a dedicated parking space either to the front or rear. Every townhouse has its own dedicated private amenity space, either in the form of a rear courtyard and roof terrace or dedicated rear garden and roof terrace. The apartment block provides accommodation over three and four floors, and has an L-shaped footprint, with landscaped areas to the rear which would be publicly accessible. In terms of general sit layout, a number of landscaped areas are proposed, with areas of public open space and informal play equipment included. Pedestrian and cycle links throughout the site are also proposed.
- 6.27 As originally submitted, whilst the general layout of development was supported, a number of concerns were raised by officers, Cheltenham's Architects Panel, Cheltenham's Civic Society and in public representations. In summary, these concerns related to the scale and density of the development, design detailing for both the apartment block and the terraced housing, landscaping and impact on designated heritage assets, most notably, the impact on the setting of the Grade II* listed St Margarets Terrace. The full comments and concerns raised by both the Architects Panel and Civic Society can be read in the appendix at the end of this report. In summary the Architects Panel and Civic Society were generally supportive of a dense urban development but felt that design amendments were necessary. Comments were also received by Gloucestershire Crime Prevention Officer.
- 6.28 In terms of heritage impacts, the full comments from Historic England and the council's conservation officer can be read in the appendix. Whilst the proposed layout of the site and design of the townhouses were considered to be acceptable, the main areas of concern related to the impact of the apartment building on the setting of the Grade II* listed St Margarets Terrace and other designated heritage assets. The council's conservation officers primary concern related to the scale of the apartment block, in particular the return wing. In addition, both the conservation officer and Historic England raised concerns with the design detailing of the apartment block.
- 6.29 In response to the concerns raised, revised plans and additional details have been submitted for consideration, the notable changes to the scheme include the following:
- A reduction in height of the rear wing of the apartment block (removal of the 4th floor) resulting in a reduction of 6 units.
 - Design and elevation changes to the apartment block; alternative brick finish proposed for the rear wing, changes in fenestration and introduction of first floor balustrading.
 - Design and elevation changes to the townhouses; the recessing of rainwater goods, introduction of contrasting darker brickwork for central area of the terraces and introduction of first floor balustrading.

- Defensible space in front of the proposed North Place terrace increased.
- Increased provision of landscaping and tree planting to landscaped areas in front of the apartment block and terrace on North Place.
- The concerns of the Crime Prevention Officer have been addressed in the revised design and access statement.

6.30 In terms of design, the approach is clearly contemporary. During pre-application discussion, officers were clear that a pastiche form of development would not be appropriate for this site and welcomed an overall contemporary design approach. The predominate facing material across the development includes mix of light and dark buff brick work. Both the proposed apartment building and townhouses will have dark grey powder coated aluminium windows, composite doors and aluminium railings. The proposed balustrading and Juliet balcony detailing for the townhouses is proposed to be finished in a bronze colour, and the roof tiles are concrete. The materials for the apartment building include Cotswold Stone at ground floor, with light and dark brick on the upper floors. The elevations include bronze metal fin detailing, and bronze panels framing the windows. Officers consider the palette of materials to be acceptable for this development, resulting in a contemporary design and appearance, whilst still respecting the sites context.

6.31 The Civic Society and Architects Panel have commented on the revised proposals and do not consider the amendments to have addressed their concerns. Overall, whilst officers acknowledge that concerns exist, the amendments are positive and have sought to overcome concerns raised during the application process.

6.32 Officers are of the view that the development achieves an acceptable layout and scale of development that responds to the site's context and constraints. The elevation amendments have improved and lifted the overall design and appearance of the development, resulting in a good quality contemporary development for this town centre site.

6.33 In terms of heritage impacts, the conservation officer concluded that the scheme, as originally submitted, resulted in harm to designated heritage assets, in particular, the setting of the Grade II* listed St Margarets Terrace, the level of harm being '*less than substantial*'. The conservation officer has reviewed the revised plans and acknowledges that the proposed amendments to the apartment block are positive, particularly the reduction in scale of the rear wing, the proposed change to the finishing details, and the amendments to the windows have all gone some way in addressing the concerns and reducing the level of impact. Whilst the conservation officer still considers there to be harm to the setting of the designated heritage assets, the proposed amendments have reduced the level of harm, with the conservation officer suggesting the level of harm now being at the lower end of '*less than substantial*'. As required by paragraph 208 of the NPPF, where development leads 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. This exercise is discussed in the planning balance and conclusions section (section 7) of this report.

6.34 Active Travel England have reviewed the application and have referred the LPA to their standing advice. Officers have had due regard to this advice and consider the development actively promotes travel for pedestrian, cyclists and wheelchair users, providing improved connections across the site and towards the amenities in the nearby Brewery Quarter and Town Centre. Overall, the development is highly sustainable that reduces the need and reliance for car usage.

- 6.35 It is regrettable that the proposed townhouses would not meet with the Nationally Described Space Standards (NDSS) for their internal dimensions. However, officers are mindful that each townhouse has a terrace at second floor which contributes towards the total accessible areas available to any occupiers, as well as further private outside space in the form of a courtyard or larger rear garden. In addition, the JCS highlights that the NDSS are '*optional standards that can only be applied where there is a local plan policy based on evidenced local need and where viability is not compromised*'. There is no policy in the Cheltenham Plan that requires such provision, and viability is an issue for this project, as discussed in more detail below.
- 6.36 Should the development be approved, officers consider further design details will be necessary for various parts of the proposed development, which can be dealt with by conditions.
- 6.37 **Sustainability**
- 6.38 JCS policy SD3 requires new development to be designed and constructed to maximise the principles of sustainability. Development proposals are required to demonstrate how they contribute to the aims of sustainability and shall be adaptable to climate change in respect of the design, siting, orientation and function of buildings and outside space. This policy also requires an energy statement to be submitted for any major planning application.
- 6.39 Further supporting text which discusses JCS policy SD3 identifies how the design of development should first identify measures to reduce overall energy demand before the use of renewable energy technologies. It is noted that this can be achieved through the choice of building fabric and construction techniques, optimising solar gain, natural lighting and ventilation to reduce the need for heating, cooling and lighting. It also suggests that design measures should seek to use energy more efficiently, such as increasing levels of insulation and improved air-tightness.
- 6.40 It is also important to note that Cheltenham has an adopted Supplementary Planning Document – Cheltenham Climate Change (June 2022). This SPD sets out a strategy for how buildings should respond to the climate change and biodiversity crisis and sets out how applicants can successfully integrate a best practice approach towards climate change and biodiversity in their development proposals.
- 6.41 Sustainability is discussed throughout the applicant's planning statement and due consideration has been given to JCS policy SD3 and Cheltenham's Climate Change SPD. Furthermore, the application is supported by an energy and sustainability statement, prepared by Focus.
- 6.42 The statement confirms that all dwellings will be served wholly by an electric heating and hot water solution. Specifically, rooftop PV panels will be installed on the apartment block to serve electric panel heaters and immersion heaters, and the townhouses will each have air source heat pumps (ASHP's) and the provision of an EV charging point for each car parking space. The planning statement identifies that consideration has been given to the installation of solar panels for the townhouses, but has not been opted for, due to concerns regarding the impact on the historic environment.
- 6.43 The energy and sustainability statement identifies that in order to reduce the overall carbon emissions associated with the development, and in order to maximise energy efficiency, the developer has adopted a robust 'fabric first' approach. The statement confirms that the proposed U-Values are an uplift on the minimum requirements under Part L of building regulations. It also states that '*the apartments will be serviced by a direct electric space heating strategy, with hot water provided from a dual immersion*

cylinder', which will be *'supplemented by the use of a high efficient mechanical ventilation with heat recovery system'*.

- 6.44 The energy statement concludes that *'the scheme is predicted to achieve a reduction in energy usage against the target figures within Part L of 42.18% and a reduction in carbon emissions against the target figures of 62.45%'*.
- 6.45 Having considered all of the above, officers are satisfied that the development achieves an acceptable level of sustainability, would generally comply with JCS policy SD3 and the newly adopted Climate Change SPD, therefore contributing to Cheltenham's ambitions and commitment to the climate change emergency. Officers consider it necessary for a condition to be attached which requires the development to be carried out in accordance with this proposed strategy.
- 6.46 Impact on neighbouring amenity**
- 6.47 It is necessary to consider the impact of development on neighbouring amenity. JCS Policy SD14 and Cheltenham Plan Policy SL1 state how development should not cause unacceptable harm to the amenity of neighbouring properties. Matters such as a potential loss of light, loss of privacy, loss of outlook, noise disturbances and overbearing impact will therefore be considered.
- 6.48 In terms of impact on existing neighbouring land users, those most likely to be affected include properties in Northfield Terrace whose rear elevations and gardens face towards the application site, those in Northfield Passage where their front elevations face towards the application site, Dowty House, and St Margarets Terrace.
- 6.49 Loss of light/outlook/overbearing impact
- 6.50 The applicant has provided a daylight and sunlight assessment to consider impact on neighbouring land users. In summary, the report concludes that 347 windows, serving 51 properties have been assessed. In the main, it identifies that where the proposal has an impact on windows, the impact is marginal and falls just short of the BRE guidance. It does however conclude that some windows are adversely affected, and light levels would be reduced to individual windows to below 80%, which is considered to be the acceptable level. The properties that would be most affected by the development are two ground floor flats within Dowty House, where side facing windows look towards the application site, and numbers 12, 18, 20 & 22 Northfield Passage.
- 6.51 With regards to the windows in the ground floor flats in Dowty House, all but one of these windows are secondary light sources, whereby the space is served by other larger light sources, as such, these spaces would not be unduly affected. One window is the only light source serving a bedroom, and would see a reduction in light to 73%, which is below the 80% that should be achieved. It is however important to note that the Paul Littlefair 'Site layout and planning for daylight' document, notes at paragraph 2.2.8, that bedrooms should be analysed, but are less important than other rooms, such as living rooms, kitchens, and dining rooms. In this instance, given the use of the room and the distance between this window and the proposed development, which is in excess of 12 metres, officers do not consider any unacceptable loss of light or outlook would occur .
- 6.52 With regards to impact on the properties in Northfield Passage, each of the properties (12, 18, 20 and 22) has front elevation windows that would be affected, the greatest impact being on the ground floor windows, where the light levels would achieve between 73 - 78%. The light levels are below that considered acceptable, and therefore the rooms that these windows serve would be adversely affected. However, officers are mindful of the site context, and the existing outlook from these windows, whereby the application site is currently enclosed in this location by either a brick wall or timber

fence. This existing boundary treatment located just 3 metres from these ground floor windows therefore already has an impact on light and outlook. As a result of the proposed development the existing boundary treatment would be removed and the space directly to the south of Northfield Passage would be open, and comprise the new shared space, parking areas and front gardens of the nearest terrace. The proposed new townhouses would be approximately 16.5 metres away from the windows in these properties. As such, officers are of the view that the outlook from these windows would likely be improved, and on balance, any impact on these properties is not considered to be unacceptable.

- 6.53 Formosa House is located at the end of Northfield Passage and Northfield Terrace, its side elevation would face towards the end of the proposed terrace that fronts on to North Place. Formosa House has three side facing windows what could be affected, this includes two upper floor windows and a ground floor window. The upper floor windows serve a landing and bathroom, these are not habitable spaces and therefore do not warrant protection in terms of light. The ground floor window serves a kitchen/diner, however this space is open plan and benefits from a large amount of glazing in the rear and side elevations of the property. As these additional openings would not be affected by the proposed development, no unacceptable loss of light would occur.
- 6.54 The separation distance between the end of the proposed terrace facing North Place and the side of Formosa House is approximately 10 metres. Given this distance, the limited depth of the terrace and the open space to the rear of this terrace, it is not considered that any unacceptable loss of outlook would occur. The separation distance between 20 Northfield Passage and the end of the proposed new terrace is approximately 11 metres, and for the same reasons, this relationship is considered to be acceptable.
- 6.55 Privacy
- 6.56 The proposed terrace that would face towards Northfield Passage achieves distances of approximately 15 metres to the boundary of existing properties, exceeding the minimum 10.5 metres that is usually required. In terms of window to window distances, 21 metres is usually required, however, in this context, many existing properties are located in close proximity of existing development, and fall far short of these distances. The shortest window to window distance, is between the new terrace and number 12 - 14 Northfield Passage, this distance being 16.5 metres. Whilst this distance is short of the 21 metres usually required, the front elevation windows in the new terrace would overlook the parking areas of the townhouses, the shared highway and the Northfield Passage PROW. Many properties in the immediate context that are separated by a highway/footpath have much shorter separation distances, this includes those in Northfield Terrace. As such, in this context, this separation distance is considered to be acceptable.
- 6.57 The external terraces for the proposed dwellings within the central section of the site will overlook the central landscaped area, and therefore would not impact on properties to the north.
- 6.58 The separation distance between the side windows in Dowty House and the proposed terrace along the western boundary is approximately 12 metres. Whilst this distance is short of the 21 metres usually required for upper floor windows that face each other, the upper floor windows in the side of the Dowty House development do not serve habitable rooms, but instead serve hallways, landings or communal areas, as such no unacceptable loss of privacy to these properties will occur. Furthermore, the external space beyond the boundary is not private amenity space, but is general landscaped

areas, as such, the separation distance between the sites is considered to be acceptable.

6.59 The separation distance between the proposed townhouses at the rear of St Margarets Terrace is approximately 19 metres, with the upper floor window to window distances being in excess of 27 metres. These distances are acceptable and would not result in any privacy issues.

6.60 The windows in the side elevation of the new apartment block would face towards the side elevation of St Margarets Terrace and the external areas associated with the end terrace property (number 1). Number 1 St Margarets Terrace has no side elevation windows and therefore no loss of privacy to the property would occur. Whilst the new apartment block windows would be located just 6 metres from the shared boundary, the external space is not private amenity space but is a hard surfaced parking area associated with the commercial use of the end terrace unit. As such, officers do not consider any unacceptable loss of privacy would occur.

6.61 Impact of construction works

6.62 The council's environmental health team have reviewed the details of the application, and their detailed comments can be read in the appendix at the end of this report. Some initial queries were raised, and the necessary information was later provided by the applicant. The Environmental Health Officer raises no objection to the application but requires additional information to be submitted before development commences, and for the works to be carried out in accordance with details that have already been provided. These requirements can be dealt with by compliance conditions relating to hours of work, the air quality impact assessment, and the noise impact assessment. The suggested pre-commencement conditions require the submission of a piling foundation method statement, a noise mitigation scheme for construction works and a construction management plan. Further conditions are also suggested which require the submission of details for the ASHP's and a condition which restricts the use of Crushers during the construction phase. With these conditions attached officers are satisfied that the development would not result in any unacceptable impact on neighbours during the construction stages of development, would not adversely impact neighbours once the development has been constructed and would not unduly impact on the environment.

6.63 The proposed amendments to the scheme show some betterment, largely as a result in the reduced scale of the apartment block rear wing.

6.64 Overall, in terms of impact on neighbouring amenity, the proposal is considered to be broadly compliant with adopted Cheltenham Plan (2020) policy SL1 and adopted JCS policy SD14 and would not result in any unacceptable impact.

6.65 **Impact on trees**

6.66 Cheltenham Plan policy GI2 relates to the protection and replacement of trees and states that the Borough Council will resist the unnecessary felling of trees on private land, and will make tree preservation orders (TPO's) in appropriate cases. The policy goes on to say that for any protected tree that has to be felled, the council will require it to be replaced, where practical.

6.67 Policy GI3 of the Cheltenham Plan states that development which would cause permanent damage to trees of high value will not be permitted. The policy seeks, where possible, to retain existing trees, planting of new trees and measures to protect existing trees through construction phases.

- 6.68 Paragraph 136 of the NPPF states *'Trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible.'*
- 6.69 Three trees located on St Margarets Road are within the redline application site boundary and include two Plum trees and a Plane tree. A further tree, a Common Lime is located within the grounds of Dowty House, outside of the redline boundary. The application proposes the removal of the existing Plum and Plane trees.
- 6.70 Comments of the Council's Tree Officer (TO) can be read in the appendix at the end of this report. In summary, the Tree Officer raises no objection to the removal of the plum trees, as the replacement tree planting is suitable mitigation. However, the removal of the Plane tree is objected to, the Tree Officer considers this tree to be of high value and its loss to be unacceptable. Members should also be aware that the Plane tree is now the subject of a TPO, having recently been agreed by the planning committee.
- 6.71 The concerns of the Tree Officer have been relayed to the applicant, with officers suggesting that an alternative site layout should be considered in order to allow for the retention of this TPO'd tree.
- 6.72 The Council's Tree Officer has reviewed the revised plans and updated landscaping proposal and has provided further comments. The revised proposal does not allow for the retention of the TPO'd tree, as such the Tree Officer maintains their objection.
- 6.73 It is noted that the applicant has sought to mitigate for the loss of this tree by the provision of new landscaping works, in particular a designated landscaping strip is proposed along the St Margarets Road frontage, which includes the provision of 6 new trees and additional planting, this is also the approach taken for the road frontage along North Place. A significant amount of new landscaping works is proposed across the whole site and includes a large number of new trees and other soft landscaping proposals both in the public areas and the private areas of the development. The Tree Officer's latest comments discuss the proposed landscaping and concludes that the proposed measures are not sufficient to mitigate for the loss of the Plane tree due to the replacement tree planting being smaller, shorter living trees that they consider would have limited amenity value due to their species and the root barriers that they are planted in.
- 6.74 Officers fully acknowledge the concerns of the Tree Officer, and agree that the loss of this tree is regrettable and in conflict with policy, however, the proposed landscaping proposals for this site and the benefits they would bring must also be considered. The proposal would introduce a significant amount of new landscaping to the site, including a large number of trees (57 in total). The extent of new planting is demonstrated in the Bio-diversity calculations which are discussed later in this report, but in summary the proposal achieves a Bio-diversity net gain of approximately 226% for habitats and 123% for hedgerows. This level of increase would provide significant gains to the site and to the wider area in this urban environment. The benefits of such an increase in trees across the site can also be contributed to helping mitigate and adapt to climate change. Officers are also mindful of paragraph 136 of the NPPF, which states that decisions should ensure that new streets are tree-lined. Whilst the proposed trees would be much smaller than that of the tree to be removed, the number would be significantly increased, and officers are of the view that the development would be 'tree-lined'.

- 6.75 In summary, there is conflict with Cheltenham Plan policy GI2 as the proposal seeks to remove a protected tree, as such, consideration needs to be given to this issue in the planning balance exercise, which is discussed at the end of this report.
- 6.76 If planning permission were to be granted, conditions relating to the implementation of the landscaping scheme and its management, and the protection of the neighbouring Lime tree would be necessary.
- 6.77 **Affordable Housing**
- 6.78 JCS policy SD12 requires the provision of a minimum of 40% affordable housing for sites of 11 dwellings or more. The policy requires, where possible, for affordable housing to be provided on-site and it should be seamlessly integrated and distributed throughout the development. The policy also requires development to meet the requirements of Policy SD11 which relates to type, mix, size and tenure of residential development.
- 6.79 This application proposes a 20% affordable housing provision, which is less than that required by JCS policy SD12. The reason given by the applicant for a reduced provision is due to the viability of the project. With this being the case, as required by JCS policy SD12, a viability statement is necessary. A statement has been provided and is publicly available to view on the Council's website. The Council appointed Carter Jonas to independently appraise the statement and to provide their conclusions on the scheme. Carter Jonas' report is also publicly available to view on the Council's website.
- 6.80 As already mentioned, the scheme has been amended throughout the process of the application, this has resulted in a small reduction in the total number of units, reducing from 153 to 147. The applicant has also accepted the requirement for further financial contributions which relate to the Cotswold Beechwoods SAC Mitigation and the Education and Libraries contributions sought by GCC, which are discussed in more detail below. Given the changes to the scheme and the financial contributions required, the revised plans are supported by an amended viability assessment. This has again been independently reviewed by Carter Jonas.
- 6.81 The conclusions of Carter Jonas are that neither the original proposal nor the revised proposal is financially viable when providing a 40% affordable housing provision. Furthermore, in its original form, the proposal was not viable when providing a 20% provision. However, following revisions to the scheme, Carter Jonas have identified that the scheme is viable when providing the current 20% affordable housing provision, providing a small surplus of approximately £200,000. The proposed affordable housing offering from the developer is the delivery of 29 affordable units, made up of 1 bed shared ownership flats located within the apartment building. It is important to note that the assessments have been based on a 15% gross development value (GDV) profit margin, which is at the lower end of that considered to be a reasonable developer profit, as set out in the PPG, which states that *'15 – 20% may be considered a suitable return to developers in order to establish viability'* (Paragraph: 018 Reference ID: 10-018-20190509). When reassessing the proposed development based on an 18.8% profit margin (RICS Guidance), Carter Jonas have confirmed that the project produces a significant deficit of £1,230,586.
- 6.82 The applicant acknowledges that the provision of 1 bed shared ownership flats is a departure from the latest housing needs assessment (LHNA) prescribed in the 2020 Gloucestershire LHNA. The applicant does however consider the need for 1 bed units is justified by the site's town centre location.
- 6.83 The Council's Housing Enabling Officer (HEO) has reviewed the proposals and has provided detailed comments. Whilst they confirm there is a need for shared ownership units and this provision is welcomed, concerns have been raised regarding the

practicalities of integrating this type of tenure into the apartment block. The HEO has discussed the scheme with Registered Providers (RP), who have indicated similar concerns to those raised by the HEO. The applicant has been asked to provide evidence that suitable RP's are available and willing to adopt such units, however due to time constraints it has not been possible to provide such information at this stage.

6.84 Whilst the practical concerns of the Councils HEO are duly noted, the proposed shared ownership tenure is acknowledged as being an identified need for Cheltenham, and officers are of the view that it is not the role of the LPA at this stage in the process to address issues that may or may not arise following a decision. In addition, whilst the proposed affordable housing provision does not meet the requirements of Policy SD11 and SD12 in terms of providing a mix of tenures which should be spread out across the site, it is duly noted that the viability of the development is limiting the type of provision possible.

6.85 Officers welcome the provision of a 20% affordable housing provision on this site, and acknowledge that this is achievable by the developer accepting a profit margin at the lower end of that considered reasonable. As already mentioned, the viability of the project has been appraised by the Council's independent assessor.

6.86 **Developer Contributions**

6.87 JCS policy INF6 states '*Where infrastructure requirements are generated as a result of individual site proposals...new development will be served and supported by adequate and appropriate on- and/or off-site infrastructure and services*'. The policy describes that where need for infrastructure and services is to arise, the LPA will seek to secure appropriate infrastructure, which is necessary, directly relates, and fairly and reasonably related to the scale and kind of development proposed.

6.88 As Gloucestershire County Council (GCC) are responsible for Education and Libraries provision, they have been consulted and their detailed comments can be read in the Appendix at the end of this report.

6.89 GCC have identified the need for financial contributions for both education and libraries as a result of this proposed development. In summary, this includes a financial contribution of £952,976.58 for education (£569,299.91 for primary and £383,676.67 for secondary school places), and a libraries contribution of £28,812. The education and libraries contributions towards off-site provision are to be secured via a S.106 agreement.

6.90 Development of this scale would usually require provision of, or off-site contributions towards other infrastructure, such as; public open space, Local Play Area's (LAPs), allotments etc. The proposed scheme includes provision of some public open space and informal play equipment, however, due to the viability of the project, no further provision or contribution is being proposed. Whilst this is disappointing, officers consider the provision of affordable housing to be of greater need to Cheltenham's residents. Furthermore, given the sites town centre location, officers consider the existing play facilities in Pittville Park and open space provision in Clarence Square, Wellington Square and Pittville Park to be sufficient to address the needs of any future residents of the development.

6.91 **Highway considerations**

6.92 Adopted JCS policy INF1 requires developers to provide safe and accessible connections to the transport network to enable choice for residents and commuters. Proposals are required to take account of all transport modes, consider connections to existing walking, cycling and passenger transport networks to encourage maximum potential use and increase sustainability. The policy also states that planning

permission will be granted only where the impact of development is not considered to be severe (also referred to in paragraph 115 of the NPPF). Furthermore, the policy requires the submission of a transport assessment to demonstrate impacts, and for an application to be accompanied by a travel plan.

- 6.93 The application is supported by a Transport Impact Assessment and Residential Travel Plan.
- 6.94 The proposed development includes one vehicular access point from North Place, which is an existing access point that serves the car park. Various pedestrian links are shown, with public entry and exit points in the north east and south west corners of the site. A further footpath is located to the south east of the apartment block. The internal areas of the site are designed to be shared spaces for vehicles, pedestrians and cyclists. It is also noted that no boundary treatment is proposed for the northern boundary of the site, therefore opening up the existing PROW to the application site and shared spaces within the development.
- 6.95 In terms of parking provision, there are no vehicular parking spaces proposed for the apartment building, and one off-road parking space is proposed for each townhouse. The apartment building provides a dedicated cycle parking area within the building, providing ample space for storage of bicycles. Cycle storage is also provided to the front or rear of each townhouse.
- 6.96 As already mentioned, during the pre-application discussions, officers considered that pedestrian connectivity from the development to the town centre and Brewery Quarter to the south was important for this development, as also highlighted in policy HD9 of the Local Plan. The proposed layout has addressed these points and now includes positive connectivity through the site and enables access towards the Brewery and Town Centre for residents to the north of the application site.
- 6.97 Gloucestershire County Council as the local Highways Authority were consulted on this application, their detailed comments can be read in the appendix at the end of this report.
- 6.98 With regards to parking provision and displacement of the existing public car parking provision, Gloucestershire Highways conclude that the loss of the public car parking can be accommodated within other Cheltenham car parks without on-street displacement. Officers are aware of concerns raised by local residents regarding parking pressures and acknowledge that there is no vehicular parking for the apartments within this development. However, in this highly sustainable town centre location, parking provision for each residential unit is not a requirement.
- 6.99 In terms of highway safety, Gloucestershire Highways initially requested additional information/details, which has been addressed in the form of a revised transport statement.
- 6.100 Gloucestershire Highways raise no objection to the application, subject to conditions and contributions. Whilst no objection has been raised by Gloucestershire Highways, some areas of concern have been raised, this relates to access and manoeuvrability through the site for refuse vehicles if parking on the road is not controlled throughout the development. A further issue relates to visibility splays for the access to the site, however, highways have suggested a condition would address the issue. The applicant has also confirmed that the required visibility splays can be achieved with the current proposed layout.
- 6.101 Given highways concerns regarding manoeuvrability through the site, officers consider it necessary for a parking management plan to be submitted for approval, a condition has therefore been recommended. Other conditions suggested by highways relate to

the reinstatement of the redundant accesses and the submission of a residential travel plan. Officers however note that the Travel Plan has been provided as part of the submission documents.

6.102 Highways also suggest that contributions may be sought in respect of Home to School Transport (HTST) and a residential travel plan. They identify that the HTST is not proposed to be progressed and two options are available to the applicant regarding a travel plan contribution. In addition, highways also indicate that the JCS Infrastructure Delivery Plan identifies the need for improvement works to Junction 10 of the M5 and the A4019 towards Cheltenham and that this infrastructure is crucial in delivering planned growth in this area. A methodology for seeking developer proportionate financial contributions towards the delivery of the J10 and A4019 highway improvement works is not yet agreed between all relevant parties. Therefore, it would be unreasonable to secure such contributions at this time. Officers are also aware of the viability of this project, as already discussed above, which means that additional financial contributions towards any off site works are not proposed and in this instance, cannot be secured.

6.103 Gloucestershire Highways conclude that there are no justifiable grounds on which an objection could be maintained.

6.104 Having considered all of the above, the development is considered to be acceptable in highways terms, and therefore accords with JCS policy INF1 and section 9 of the NPPF.

6.105 Ecology, Bio-diversity Net Gain (BNG) and Impacts on the Beechwoods Special Area of Conservation (SAC)

6.106 JCS policy SD9 seeks to protect biodiversity and geological resource which will be achieved by ensuring European Protected Species and National Protected Species are safeguarded in accordance with the law. The policy states that any development that has the potential to have a likely significant effect on an internationally designated site will be subject to a Habitats Regulations Assessment.

6.107 The application is supported by an Ecological Impact Assessment (EIA). In addition, a Shadow Habitats Regulation Assessment (sHRA) was later submitted. The submitted plans and documents have been reviewed by Wild Service who were the ecologists working on behalf of the Council for this project. The comments can be read in full in the appendix at the end of this report. Further comments have later been provided by the Councils 'in-house' ecologist, which can also be read in the appendix.

6.108 Ecological impacts

6.109 Wild Service agreed with the findings of the EIA in that the site is generally of low/negligible value for ecology. The EIA proposes a number of mitigation proposals in order to protect nesting birds, badgers and other mammals. They identified that new habitat would be created in the areas of open green space, which comprises native trees and shrub planting, hedgerow planting and sowing of wildflower meadow. The ecologist requested that a plan be submitted which identifies the type and location of the bat roosting and bird nesting features that are proposed to be incorporated into the development. A number of other conditions have been suggested and are considered necessary, these relate to the submission of a Construction Environmental Management Plan (CEMP), a Habitat Management and Monitoring Plan (HMMP) and the submission of an external lighting scheme.

6.110 Bio-diversity Net Gain

6.111 As of 12th February 2024, 10% Bio-diversity Net Gain (BNG) for all major development became mandatory and is therefore a requirement of this development. The developer has provided the necessary BNG metric calculations, which have been reviewed by the council's ecologist. As already mentioned briefly above, the proposal achieves a bio-diversity net gain of approximately 226% for habitats and 123% for hedgerows, the Council's Ecologist confirming that the development would far exceed the mandatory BNG requirements.

6.112 Impacts on Beechwoods Special Area of Conservation (SAC)

6.113 The site is 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).

6.114 Cheltenham plan 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.

6.115 Natural England (NE) were consulted on this application and advised that a Habitats Regulation Assessment (HRA) was required before they could provide comment on the scheme, this was also requested by the council's ecologist. As already noted above, the applicant has submitted a sHRA, which, in its revised form, concluded that suitable mitigation for the increased recreational pressures on the Beechwoods SAC would be in the form of a financial contribution towards the council's adopted mitigation strategy. The Council later adopted the sHRA and re-consulted NE. NE raise no objection and confirm that the financial contribution to the council's mitigation strategy is sufficient to overcome the recreational pressures of the development.

6.116 The contribution towards SAC mitigation will be secured by a S.106 agreement. With this in place, the proposal is acceptable.

6.117 **Contaminated Land**

6.118 Relevant contaminated land information and reports have been submitted by the applicant, these have been reviewed by the council's contaminated land officer. No objection has been raised, subject to the inclusion of compliance conditions.

6.119 **Flooding and drainage**

6.120 Policy INF2 of the JCS requires development to avoid areas at risk of flooding and not to increase the level of risk to the safety of occupiers of a site, the local community or the wider environment. The policy also sets out how development can minimise flood risk and provide resilience to flooding.

6.121 The application site is wholly located in flood zone 1 and therefore is at low risk of flooding. The application is supported by a Flood Risk Assessment (FRA) and drainage strategy, both of which have been revised through the application process.

6.122 The Environment Agency (EA), the Local Lead Flood Authority (LLFA) and Severn Trent (ST) have been consulted on the application. The EA confirmed that the development is not in a location or of a nature that they need to provide comment on.

The LLFA, did not consider the discharge of surface water into the combined sewers in North Place and Northfield Passage to be acceptable, as such, an amendment to the proposed drainage strategy was necessary. A revised drainage strategy has been submitted and reviewed by the LLFA. The strategy proposes the discharge of surface water into the surface water sewer in Clarence Road, and is now supported by the LLFA. The LLFA confirm that no further drainage related detail is necessary, and as such, only a compliance condition is to be attached.

6.123 ST have reviewed the revised drainage strategy and raise no objection to the application.

6.124 Having considered the above, the development is considered to be acceptable in terms of flooding and drainage, and therefore accords with JCS policy INF2.

Other considerations

6.125 Public Rights of Way (PROW)

6.126 As already mentioned, North Field Passage is a PROW that abuts the northern boundary of the application site. Gloucestershire County Council's PROW officer was consulted on the application and their comments can be read in the appendix below. In summary, the comments conclude that the development does not appear to affect the PROW (ZCH25) and therefore no concerns are raised. Detailed information for the developer has been provided and is included by way of informatives.

6.127 Minerals and Waste

6.128 Gloucestershire County Council (GCC) requested that the applicant provide a waste minimisation statement and further information regarding secondary/recycled aggregate use. This information was later provided. GCC have reviewed the additional information and raise no objection, subject to a condition.

6.129 Bin/recycle storage and collection

6.130 Comments have been received from the Clean Green team, which highlights matters for consideration, this includes pathways, bin locations, road layout, presentation points, bin and storage areas. Officers consider the proposed development includes these necessary provisions.

6.131 Removal of Permitted Development Rights

6.132 The development has been carefully considered in terms of design and its impact on heritage assets, as such, officers consider it necessary to remove permitted development rights to ensure the design and quality of the scheme is retained. Furthermore, due to the narrow plot widths of the townhouses and limited private external amenity space, officers consider that further additions to the rear of the properties, which could include extensions, outbuildings, or boundary treatments, could give rise to unacceptable amenity impacts on adjacent land users. This is therefore a further reason for suggesting the removal of permitted development rights.

6.133 S.106 agreement/s

6.134 A S.106 agreement with GCC will be necessary to secure the contribution towards education and libraries provision and Travel Plan monitoring.

6.135 A further S.106 agreement with CBC will be necessary to secure other obligations which include Affordable Housing provision, Beechwoods SAC mitigation, delivery and management of BNG, public open space management and public art.

6.136 Public Sector Equality Duty (PSED)

As set out in the Equality 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.

Officers duly acknowledge the proposal would result in the loss of public car parking spaces which provide parking close to the town centre and facilities within the Brewery Quarter. However, other nearby car parking provision is available, this includes the NCP Brewery Quarter Car Park which is just 50 metres from the site, this facility includes level access parking facilities and 8 disabled spaces.

As for the development itself, with regards to accessibility, the site is relatively flat, each townhouse has level access into the property and each property has access to its own private amenity space, as well as shared spaces. The apartment building has various level pedestrian access points and includes an internal lift, and access to open space within the development is also available. As already discussed in other sections of the report, the layout has identified a number of new pedestrian and cycle links to the wider public footpath network.

The proposed development also includes a range of property types, including 3-bedroom townhouses, 1 and 2 bedroom apartments, therefore offering a range of unit types and sizes, which would vary in cost. The development also provides a 20% affordable housing provision.

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

7. CONCLUSION AND RECOMMENDATION

- 7.1 The application site forms part of the North Place and Portland Street allocation for housing under Cheltenham Plan policy HD9, as such the principle of residential development of the site is supported and welcomed. The redevelopment of the site has been through extensive pre-application discussion with the LPA and various stakeholders. The scheme has been revised significantly since its initial presentation to the LPA and has also undergone further revision and amendment throughout this current application process. Additional technical information has also been provided in response to the various consultee comments.
- 7.2 Officers are of the view that the proposed development confirms with the specific requirements of policy HD9 of the Cheltenham Plan. The development proposes a fully residential scheme, with a form and layout that is considered to appropriately respect the character of the area. Furthermore, good pedestrian and cycle links are proposed within the site, providing connections to key points, such as the Brewery Quarter. Overall, officers consider the proposed development to achieve an acceptable design, appropriate

for its context and includes significant on-site gains in terms of the new landscape proposals and bio-diversity enhancements.

- 7.3 As already noted, the council cannot currently demonstrate a 5 year housing land supply and therefore the housing policies of the development plan are out-of-date. With this being the case the NPPF requires development proposals to be approved without delay, unless a clear reason for refusing development has been identified (NPPF para 11 d) i), or, any adverse impacts of doing so would significantly and demonstrably outweigh the benefits of the scheme (NPPF para 11) d) ii), when assessed against the NPPF policies as a whole.
- 7.4 With regards paragraph 11 d) i), in this instance, when considering the developments impact on the protected assets, or assets of particular importance, no clear reason for refusing the development has been identified.
- 7.5 Officers conclude that the proposed development would result in some harm to designated heritage assets, in this case the setting of a Grade II* listed building and the wider conservation area. The extent of harm being at the lower end of *'less than substantial'*. As required by paragraph 208 of the NPPF, this harm should be weighed against the public benefits of the development.
- 7.6 Paragraph 11 d) ii) of the NPPF also requires any harm to be weighed against the public benefits of the development, and consideration given to whether any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies of the framework as a whole.
- 7.7 In this instance, the main benefits of the scheme include:
- the provision of 147 residential units to Cheltenham's much needed housing stock,
 - the provision of 29 affordable housing units,
 - the redevelopment of the site that has remained in poor condition for many years and currently has a negative impact on the conservation area and setting of nearby heritage assets,
 - the public open space, ecological and bio-diversity enhancements included within the proposed landscaping proposals.
 - New pedestrian and cycle links and improved connectivity to the town centre and Brewery Quarter.
- 7.8 Whilst officers consider the scheme to be acceptable and policy compliant in main, there are some areas where the proposed development is in conflict with policy or results in some harm. This includes:
- the loss of a protected tree,
 - harm to designated heritage assets,
 - minor amenity impacts,
 - the lack of additional infrastructure provisions or contributions, such as public open space, Local Play Area's (LAPs) and allotments.
- 7.9 As required by paragraphs 11 and 208 of the NPPF, having considered all of the above, officers do not consider the identified harm as a result of the development would

significantly and demonstrably outweigh the benefits of the scheme, as such, the tilted balance in favour of sustainable development is engaged.

- 7.10 Furthermore, section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that *"where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise"*. The proposed development, for the reasons set out above, accords with the development plan as whole. There are no material considerations indicating that a decision other than in accordance with the development plan ought to be taken in this instance (i.e. refusal) and as such it is recommended that, subject to the conditions set out below, and subject to the prior completion of relevant S.106 Agreement/s, permission be granted.

8. CONDITIONS / INFORMATIVES

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 During the construction phase no machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times: Monday-Friday 07:30hrs -18:00hrs, Saturday 08.00hrs - 13:00hrs nor at any time on Sundays, Bank or Public Holidays.

Reason: To safeguard the amenity of adjacent properties and the general locality, having regard to adopted policy SL1 of the Cheltenham Plan (2020) and adopted policy SD14 of the Joint Core Strategy (2017).
- 4 The development hereby approved shall be carried out in accordance with the submitted Air Quality impact Assessment (ref P6310-R1-V3).

Reason: To safeguard the amenity of adjacent properties and the general locality, having regard to adopted policy SL1 of the Cheltenham Plan (2020) and adopted policy SD14 of the Joint Core Strategy (2017).
- 5 The development shall be carried out in accordance with the submitted Noise Impact Assessment (ref:P6310-R1-V3).

Reason: To safeguard the amenity of future occupiers of the development, having regard to adopted policy SL1 of the Cheltenham Plan (2020) and adopted policy SD14 of the Joint Core Strategy (2017).
- 6 Prior to the commencement of foundation installation, a piling foundation method statement shall be submitted to and approved in writing by the Local Planning Authority. The details shall include background base measurements of noise and mitigation measures to control both noise/vibration and dust. The development shall be undertaken in accordance with the details approved.

Reason: To safeguard the amenity of adjacent properties and the general locality, having regard to adopted policy SL1 of the Cheltenham Plan (2020) and adopted policy SD14 of the Joint Core Strategy (2017). Approval is required upfront because the mitigation scheme may be integral to the overall design of the development.

- 7 Prior to the commencement of development, details of a noise mitigation scheme to suppress noise generated from demolition, site clearance and construction works shall be submitted to and approved in writing by the Local Planning Authority. The noise mitigation measures shall be implemented/adhered in accordance with the approved details before the use hereby permitted commences on site and shall be retained as such at all times.

Reason: To safeguard the amenity of adjacent properties and the general locality, having regard to adopted policy SL1 of the Cheltenham Plan (2020) and adopted policy SD14 of the Joint Core Strategy (2017). Approval is required upfront because the mitigation scheme may be integral to the overall design of the development.

- 8 At no time shall a crusher machine be used on site.

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

- 9 Prior to the commencement of development (including demolition/site clearance) a construction method statement shall be submitted to and approved in writing by the Local Planning Authority. The construction method statement shall include the following:

- a) hours of operation;
- b) 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);
- c) routes for construction traffic;
- d) Any temporary access for the site;
- e) locations for loading / unloading and storage of plant, waste and construction materials,
- f) method of prevention of mud being carried onto highway;
- g) communicating the construction management plan to staff, visitors and neighbouring residents and businesses;
- h) control measures for dust and other air-borne pollutants;
- i) measures for controlling the use of site lighting whether required for safe working or for security purposes;
- j) Arrangements for turning vehicles;
- k) Arrangements to receive abnormal loads or unusually large vehicles;
- l) Highway Condition survey;

Reason: To safeguard the amenity of adjacent properties and the general locality and in the interests of safe operation of the adopted highway, having regard to adopted policy SL1 of the Cheltenham Plan (2020) and adopted policies SD14 and INF1 of the Joint Core Strategy (2017). Approval is required upfront because without proper mitigation the use could have an unacceptable environmental impact on the area.

- 10 The development hereby permitted shall be carried out in accordance with the contaminated land reports/information included within the 'Remediation Strategy' (ref: 23211-RLL-23-XX-RP-O-0003).

No dwellings shall be occupied until the remedial works have been validated and the required verification has been 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 in accordance with adopted policy SD14 of the Joint Core Strategy (2017).

- 11 Prior to the commencement of development, a landscaping phasing plan, which shall detail the timings for implementation of all soft landscaping areas, shall be submitted to and approved in writing by the Local Planning Authority.

The soft landscaping works shall be implemented in accordance with the approved phasing plan and in accordance with drawing number P23-0823_EN_003_D.

The soft landscaping, within each relevant phase, shall be implemented prior to the occupation of that phase.

Any trees indicated on the approved scheme which, die, are removed or become seriously damaged, diseased or dying shall be replaced during the next planting season with other trees, whereby the location, species and size shall have first been first agreed in writing by the Local Planning Authority.

Reason: In the interests of the character and appearance of the area, having regard to adopted policies D1, GI2 and GI3 of the Cheltenham Plan (2020), and adopted policies SD4 and INF3 of the Joint Core Strategy (2017).

- 12 Prior to the commencement of development, a landscaping phasing plan, which shall detail the timings for implementation of all hard landscaping works, shall be submitted to and approved in writing by the Local Planning Authority.

The hard landscaping works shall be implemented in accordance with the approved phasing plan and in accordance with drawing number P23-0823_EN_002.

The hard landscaping, within each relevant phase, shall be implemented prior to the occupation of that phase.

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).

- 13 Prior to the commencement of development (including demolition and site clearance), tree protective fencing to BS 5837:2012 shall be installed in accordance with the details set out in drawing number RSE_6929_TPP V4, unless otherwise first agreed in writing by the Local Planning Authority. The approved protective fencing shall thereafter remain in place until the completion of the construction process.

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

- 14 The development hereby approved shall not be 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), for a distance of 43 metres in each direction measured along the nearside edge of the adjoining carriageway and offset a distance of

0.6 metres from the edge of the carriageway. 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 for pedestrians and all other users, having regard to adopted policy INF1 of the Joint Core Strategy (2017).

- 15 The vehicular access hereby permitted shall not be brought into use until all existing vehicular accesses to the site (other than that intended to serve the development) have been assessed to be permanently closed in accordance with details to be submitted to and agreed in writing beforehand by the Local Planning Authority.

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

- 16 The approved Residential Travel Plan (RLRE Consulting Engineers Ref: 23211-RLL-23-XX-RP-D-5004 Rev P02, received 13th February 2024) shall be implemented and monitored in accordance with the regime contained within the plan. In the event of failing to meet the targets within the plan, a revised plan shall be submitted to and approved in writing by the Local Planning Authority to address any shortfalls, and where necessary make provision for and promote improved sustainable forms of access to and from the site. The plan shall thereafter be implemented and updated in agreement with the Local Planning Authority, as amended.

Reason: To reduce vehicle movements and promote sustainable travel, having regard to adopted policy INF1 of the Joint Core Strategy (2017), and paragraphs 110 and 112 of the National Planning Policy Framework (2021).

- 17 The Development hereby approved shall not be occupied until a Management Plan for parking within the site, has first been submitted to and approved in writing by the Local Planning Authority.

The management plan shall include, but not be limited to:

- a) Road Markings
- b) Parking signage

The measures shall be implemented in accordance with the approved details, prior to the first occupation of the development, and maintained as such thereafter.

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

- 18 No dwelling shall be occupied until the proposed means of vehicular access to the site and the parking and turning facilities for all relevant dwellings have been constructed and provided in accordance with the approved plans (22039-GNA-XX-ST-DR-A-0103 C). The access, turning and parking for each dwelling shall thereafter be retained as such at all times and shall not be used for any purpose other than for the parking and turning of vehicles and shall remain free of obstruction for such use at all times.

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

- 19 Prior to first occupation of the relevant dwelling unit, the sustainability measures and renewable energy technologies set out in the Energy and Sustainability Statement, produced by Focus and dated February 2024 shall be implemented in full.

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Reason: To ensure that the development is sustainable and complies with Adopted JCS policy SD3 and guidance in the Cheltenham Climate Change SPD (adopted 2022).

- 20 Details of the type/model, operation and predicted noise levels (noise assessment to the standard of BS4142) of the proposed air source heat pumps (ASHPs) for each townhouse shall be submitted to and approved in writing by the local Planning authority.

The ASHP's shall be installed prior to first occupation of each dwelling hereby approved and in accordance with the details approved. The ASHPs shall be retained as such thereafter unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To safeguard the amenities of future occupiers and neighbouring properties and to reduce carbon emissions, having regard to adopted policies D1 and SL1 of the Cheltenham Plan (2020), adopted policies SD3, SD4 and SD14 of the Joint Core Strategy (2017) and guidance set out in Cheltenham Climate Change SPD.

- 21 Prior to first occupation of the relevant dwellings hereby approved, the proposed solar PV panels shall be installed in accordance with the approved drawings and details (to include their operation, design, appearance and positioning on the roof) which shall have first been submitted to and approved in writing by the local planning authority. The solar PV panels shall be retained as such thereafter unless otherwise first agreed in writing by the local planning authority.

Reason: In the interests of the character, appearance and amenities of the area and reducing carbon emissions, having regard to adopted policies D1 and SL1 of the Cheltenham Plan (2020), adopted policies SD3, SD4, SD8 and SD14 of the Joint Core Strategy (2017) and guidance set out in Cheltenham Climate Change SPD (2022).

- 22 The development shall not be carried out unless in accordance with the drainage strategy shown in drawing number: 23211-RLL-23-XX-DR-C-2002, rev P10, and revised Flood Risk Assessment, doc ref: 23211-RLL-23-XX-RP-C-001 P04 FRA (produced by RLRE Consulting Engineers and dated 7th June 2023).

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

- 23 Notwithstanding drawing, 22039-GNA-XX-ST-DR-A-0104- Rev A, details of all boundary treatments, including the enclosures to the central landscaping area and private gardens/courtyards, shall be submitted to and approved in writing by the Local Planning Authority.

The works shall be carried out and installed in accordance with the approved details prior to the first occupation of the development.

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).

- 24 Notwithstanding the submitted details, the following elements of the scheme, which relate to the townhouses, 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) Facing materials (a written specification of the materials; and/or physical samples)
- b) Windows
- c) Doors
- d) Rainwater goods

- e) Balustrading for roof terraces and Juliet balconies

The works shall not be carried out unless in accordance with the details so approved.

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).

- 25 Notwithstanding the submitted details, the following elements of the scheme, which relate to the apartment building, 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) Facing materials (a written specification of the materials; and/or physical samples)
- b) Windows
- c) Doors
- d) Rainwater goods
- e) Balustrading for Juliet balconies
- f) Feature panels

The works shall not be carried out unless in accordance with the details so approved.

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).

- 26 No townhouses dwelling shall be occupied until sheltered, secure and accessible bicycle parking and bin storage has been provided for that dwelling in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority.

The approved details shall thereafter be kept available for use thereafter.

Reason: In the interests of the character and appearance of the area and to promote sustainable travel and healthy communities, having regard to adopted policy D1 of the Cheltenham Plan (2020) and adopted policies SD4, SD8 and INF1 of the Joint Core Strategy (2017).

- 27 No apartments shall be occupied until the bicycle and bin storage facilities, have been made available for use, in accordance with approved drawing number: 22039- GNA-B1- 00- DR- A-1100 E. These facilities shall be kept available for use thereafter.

Reason: In the interests of the character and appearance of the area and to promote sustainable travel and healthy communities, having regard to adopted policy D1 of the Cheltenham Plan (2020) and adopted policies SD4, SD8 and INF1 of the Joint Core Strategy (2017).

- 28 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 reuse 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.

- 29 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and/or re-enacting that order with or without modification), no extensions, garages, sheds, outbuildings, walls, fences or other built structures of any kind (other than those forming part of the development hereby permitted) shall be erected without express planning permission.

Reason: Any further extension or alteration requires further consideration to safeguard the amenities of the area and the amenities of neighbouring land users, having regard to adopted policies D1 and SL1 of the Cheltenham Plan (2020) and adopted policies SD4, SD8 and SD14 of the Joint Core Strategy (2017).

- 30 Prior to the commencement of development above slab level, an indicative plan identifying the type and locations of all of the enhancement features proposed for animal species (bat roosts, bird boxes, insect houses and hedgehog highways) shall be submitted to and approved in writing by the Local Planning Authority.

The enhancement features shall thereafter be installed in accordance with the approved details.

Reason: To ensure the protection of biodiversity on the site, in accordance with adopted policies SD9 and INF3 of the Joint Core Strategy (2017) and NPPF paragraphs 170 - 182.

- 31 Prior to the commencement of development, including preparatory works, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall include the mitigation measures in the EclA that apply to the site clearance and construction phase of development, along with detailed method statements.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

Reason: To ensure the protection of biodiversity on the site during construction, in accordance with adopted policies SD9 and INF3 of the Joint Core Strategy (2017) and NPPF paragraphs 170 - 182.

- 32 No external lighting shall be installed, unless in accordance with details that shall have first been submitted to and approved in writing by the Local Planning Authority. The details should clearly demonstrate that lighting will not cause excessive light pollution of the areas of open green space and the proposed bat roosts and bird boxes. The details should include, but not be limited to, the following:

- i) A drawing showing sensitive areas and/or dark corridor safeguarding areas;
- ii) Description, design or specification of external lighting to be installed including shields, cowls or blinds where appropriate;
- iii) A description of the luminosity of lights and their light colour including a lux contour map;
- iv) A drawing(s) showing the location and where appropriate the elevation of the light fixings; and

v) Methods to control lighting control (e.g. timer operation, passive infrared sensor (PIR)).

All external lighting should be installed in accordance with the specifications and locations set out in the approved details. These should be maintained thereafter in accordance with these details. Under no circumstances should any other external lighting be installed unless agreed with the LPA.

Reason: To ensure the protection of biodiversity, in accordance with adopted policies SD9 and INF3 of the Joint Core Strategy (2017) and NPPF paragraphs 170 - 182.

33 The development shall not commence until a [Habitat Management and Monitoring Plan (the HMMP)], prepared in accordance with the approved Biodiversity Gain Plan and including:

- (a) a non-technical summary;
- (b) the roles and responsibilities of the people or organisation(s) delivering the [HMMP];
- (c) the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan;
- (d) the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development; and
- (e) the monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to the local planning authority, has been submitted to, and approved in writing by, the local planning authority.

Notice in writing shall be given to the Council when the:

- (f) [HMMP] has been implemented; and
- (g) habitat creation and enhancement works as set out in the [HMMP] have been completed.

No dwelling shall be occupied until:

- (h) the habitat creation and enhancement works set out in the approved [HMMP] have been completed; and
- (i) a completion report, evidencing the completed habitat enhancements, has been submitted to, and approved in writing by the Local Planning Authority.

The created and/or enhanced habitat specified in the approved [HMMP] shall be managed and maintained in accordance with the approved [HMMP].

Monitoring reports shall be submitted to local planning authority in writing in accordance with the methodology and frequency specified in the approved [HMMP].

Reason: To ensure the development delivers a biodiversity net gain on site in accordance with adopted policies SD9 and INF3 of the Joint Core Strategy (2017) and Schedule 7A of the Town and Country Planning Act 1990.

34 Notwithstanding the submitted details, no plant, extract or ventilation equipment shall be installed on the roof of the apartment building hereby approved, unless in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority.

The equipment shall be installed and maintained in accordance with the details so agreed.

Reason: To safeguard the amenities of future occupiers and neighbouring properties and in the interests of the character and appearance of the area, having regard to

adopted policy D1 and SL1 of the Cheltenham Plan (2020) and adopted policies SD4, SD8 and SD14 of the Joint Core Strategy (2017).

INFORMATIVES

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

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

In this instance, the authority sought revisions to address issues raised by officers and consultees;

Following these negotiations, the application now constitutes sustainable development and has therefore been approved in a timely manner.

- 2 Should the development require the use of a crusher, in addition to any relevant planning permission required, the Council's Environmental Health Team should be made aware and the relevant permit provided.
- 3 Severn Trent Water advise that there is a public 225mm foul sewer and a public 225mm combined sewer located just within this site. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent. You are advised to contact Severn Trent Water to discuss the proposals. Severn Trent will seek to assist in obtaining a solution which protects both the public sewer and the building. Please note, when submitting a Building Regulations application, the building control officer is required to check the sewer maps supplied by Severn Trent and advise them of any proposals located over or within 3 meters of a public sewer. Under the provisions of Building Regulations 2000 Part H4, Severn Trent can direct the building control officer to refuse building regulations approval.

Please note that there is no guarantee that you will be able to build over or close to any Severn Trent sewers, and where diversion is required there is no guarantee that you will be able to undertake those works on a self-lay basis. Every approach to build near to or divert our assets has to be assessed on its own merit and the decision of what is or isn't permissible is taken based on the risk to the asset and the wider catchment it serves. It is vital therefore that you contact us at the earliest opportunity to discuss the implications of our assets crossing your site. Failure to do so could significantly affect the costs and timescales of your project if it transpires diversionary works need to be carried out by Severn Trent.

NO BUILD ZONES: 100mm to 299mm diameter - 3m either side of the pipe, measured from the centreline of the sewer

- 4 The development 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 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.

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

6 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.

The Developer is requested to erect a sign at the boundary of the new estate street with the nearest public highway providing the Developer's contact details and informing the public that the County Council is not responsible for the maintenance of the street.

7 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.

8 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

- o Informing, respecting and showing courtesy to those affected by the work;
- o Minimising the impact of deliveries, parking and work on the public highway;
- o Contributing to and supporting the local community and economy; and
- o 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.

- 9 The Footpath should not be obstructed by vehicles, building materials or construction work at any time, maintaining and safeguarding public access at all times. If there is any suggestion that it will, whether through a need for a temporary closure or permanent diversion then contact should be made with the PROW team at the earliest opportunity.

1) No change to the surface of the public right of way can be approved without consultation with the County Council and there must be no interference with the public right of way, either during development or once it has been completed, unless: -

a) The development will temporarily affect the public right of way; then the developer must apply and pay for a temporary closure of the route to us in Public Rights of Way (preferably providing a suitable alternative route); if any utilities are going to cross or run along a PROW then a section 50 license needs to be sought and granted - via GCC Streetworks department. Information regarding section 50 Licenses and an application form can be found at: <https://www.gloucestershire.gov.uk/highways/highways-licences-permits-and-permissions/>

b) Important: if the development will permanently affect any public right of way, then the developer must apply for a diversion of the route through the Local Planning Authority, under the Town and Country Planning Act 1990, as part of the planning application process. Absolutely no development should take place affecting the route of the path prior to the confirmation of a TCPA path diversion order through the LPA. The area Public Right of Way Officer should be consulted as part of this process.

2) Additionally:-

a) There must be no encroachment on the width of the public right of way.

b) No building materials may be stored on the public right of way.

c) Vehicle movements during construction should not unreasonably interfere with the use of the public right of way by walkers, etc., and the developer or applicant is responsible for safeguarding the public use of the way at all times.

d) No additional temporary or permanent barriers (e.g. gates, stiles, wildlife fencing) may be placed across the public right of way and no additional gradients or structures (e.g. steps or bridges) are to be introduced on any existing or proposed public rights of way without the consent of the county council.

- 10 The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless:

(a) a Biodiversity Gain Plan has been submitted to the planning authority, and

(b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be [insert name of the planning authority1].

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed below.

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Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements listed below are considered to apply.

[the following is suggested text for inclusion in the decision notice where the local planning authority considers that the permission falls within paragraph 19 of Schedule 7A to the Town and Country Planning Act 1990.

The permission which has been granted has the effect of requiring or permitting the development to proceed in phases. The modifications in respect of the biodiversity gain condition which are set out in Part 2 of the Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024 apply.

In summary: Biodiversity gain plans are required to be submitted to, and approved by, the planning authority before development may be begun (the overall plan), and before each phase of development may be begun (phase plans).]

Statutory exemptions and transitional arrangements in respect of the biodiversity gain condition.

1. The application for planning permission was made before 12 February 2024.
2. The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out) applies.
3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and
 - (i) the original planning permission to which the section 73 planning permission relates* was granted before 12 February 2024; or
 - (ii) the application for the original planning permission* to which the section 73 planning permission relates was made before 12 February 2024.
4. The permission which has been granted is for development which is exempt being:
 - 4.1 Development which is not 'major development' (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) where:
 - i) the application for planning permission was made before 2 April 2024;
 - ii) planning permission is granted which has effect before 2 April 2024; or
 - iii) planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates* was exempt by virtue of (i) or (ii).
 - 4.2 Development below the de minimis threshold, meaning development which:
 - i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
 - ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

4.3 Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A "householder application" means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.

4.4 Development of a biodiversity gain site, meaning development which is undertaken solely or mainly for the purpose of fulfilling, in whole or in part, the Biodiversity Gain Planning condition which applies in relation to another development, (no account is to be taken of any facility for the public to access or to use the site for educational or recreational purposes, if that access or use is permitted without the payment of a fee).

4.5 Self and Custom Build Development, meaning development which:

i) consists of no more than 9 dwellings;

ii) is carried out on a site which has an area no larger than 0.5 hectares; and

iii) consists exclusively of dwellings which are self-built or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).

4.5 Development forming part of, or ancillary to, the high speed railway transport network (High Speed 2) comprising connections between all or any of the places or parts of the transport network specified in section 1(2) of the High Speed Rail (Preparation) Act 2013.

* "original planning permission means the permission to which the section 73 planning permission relates" means a planning permission which is the first in a sequence of two or more planning permissions, where the second and any subsequent planning permissions are section 73 planning permissions.

Irreplaceable habitat

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

The effect of section 73D of the Town and Country Planning Act 1990

If planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 (application to develop land without compliance with conditions previously attached) and a Biodiversity Gain Plan was approved in relation to the previous planning permission ("the earlier Biodiversity Gain Plan") there are circumstances when the earlier Biodiversity Gain Plan is regarded as approved for the

purpose of discharging the biodiversity gain condition subject to which the section 73 planning permission is granted.

Those circumstances are that the conditions subject to which the section 73 permission is granted:

i) do not affect the post-development value of the onsite habitat as specified in the earlier Biodiversity Gain Plan, and

ii) in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat the conditions do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier Biodiversity Gain Plan.

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

Appendix 1 – Consultee Comments

Clean Green Team - 10th April 2024

All pathways need to be hard standing

For the self-contained dwellings, 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.

Ideally off-road parking is advisable with a space for refuse and recycling trucks that is to be kept free on collection days. Ideally on the highway a turning circle is recommended. The road will need to withstand 26 tonnes and until the road is finished Ubico and CBC cannot be held responsible for any damage. If access is not permitted whilst the road is still being finished, then all properties would need to present at the nearest adopted highway on collection day.

The self-contained dwellings 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.

The 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 2 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.

Entrance to the estate needs to have parking control to prevent parking on the corners which prevents the entrance and exit of refuse and recycling vehicles up to 26 tonnes. 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

Severn Trent Water Ltd – 1st August 2024

I have viewed the submitted 'Drainage Strategy' (ref: 23211-RLL-23-XX-DR-C-2002 Rev: P10) which shows:

Foul sewage is proposed to discharge to the public combined sewer to manhole 0802.

Surface water is proposed to discharge to the public surface water sewer adjacent to manhole 1801 with a proposed discharge rate of 5litres/second.

I can confirm these proposals are in agreement with Development Enquiry 1085791.

Based upon this I can confirm we have no objections to the proposals and am happy for the discharge of the drainage related condition.

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

Severn Trent Water Ltd - 7th March 2024

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

I can confirm that we have no objections to the proposals subject to the inclusion of the following condition:

- o The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority, and
- o The scheme shall be implemented in accordance with the approved details before the development is first brought into use.
- o Planning Practice Guidance and section H of the Building Regulations 2010 detail surface water disposal hierarchy. The disposal of surface water by means of soakaways should be considered as the primary method. If this is not practical and there is no watercourse available as an alternative, other sustainable methods should also be explored. If these are found unsuitable satisfactory evidence will need to be submitted before a discharge to the public sewerage system is considered. No surface water to enter the foul or combined water systems by any means.

Reason

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

Severn Trent Water advise that there is a public 225mm foul sewer and a public 225mm combined sewer located just within this site. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent. You are advised to contact Severn Trent Water to discuss the proposals. Severn Trent will seek to assist in obtaining a solution which protects both the public sewer and the building. Please note, when submitting a Building Regulations application, the building control officer is required to check the sewer maps supplied by Severn Trent and advise them of any proposals located over or within 3 meters of a public sewer. Under the provisions of Building Regulations 2000 Part H4, Severn Trent can direct the building control officer to refuse building regulations approval.

Please note that there is no guarantee that you will be able to build over or close to any Severn Trent sewers, and where diversion is required there is no guarantee that you will be able to undertake those works on a self-lay basis. Every approach to build near to or divert our assets has to be assessed on its own merit and the decision of what is or isn't permissible is taken based on the risk to the asset and the wider catchment it serves. It is vital therefore that you contact us at the earliest opportunity to discuss the implications of our assets crossing your site. Failure to do so could significantly affect the costs and timescales of your project if it transpires diversionary works need to be carried out by Severn Trent.

NO BUILD ZONES: 100mm to 299mm diameter - 3m either side of the pipe, measured from the centreline of the sewer.

IMPORTANT NOTE: This response only relates to the public waste water network and does not include representation from other areas of Severn Trent Water, such as the provision of water supply or the protection of drinking water quality.

Please note, the Development Enquiry (SAP 1085791) provided within the FRA is no longer valid, the letter states ;

"Please note that Developer Enquiry responses are only valid for 6 months from the date of this letter."

And the letter is dated 27/06/2023. It is advisable for the applicant developer to contact network.solutions@severntrent.co.uk to discuss the drainage proposals via the Development enquiry process.

Please note if you wish to respond to this email please send it to Planning.apwest@severntrent.co.uk where we will look to respond within 10 working days.

If your query is regarding drainage proposals, please email to the aforementioned email address and mark for the attention of Planning Liaison Technician.

Tree Officer - 19th July 2024

Cheltenham Borough Council has served a Tree Preservation Order to protect the plane tree T1, and a copy of this TPO has been made available to the applicant. As they raised an objection to this TPO, the decision on whether or not to legally confirm the TPO was taken to the Council's Planning Committee Meeting. It was decided by unanimous vote of elected members to confirm this TPO. This decision was communicated to the applicant.

It is disappointing therefore to see T1 not included in the revised plans. The Council has made a legal and public declaration of intent to retain this tree, whose importance in its location is unquestionable (as before, see comments made by the applicant's own project arborist). The applicant's attempts to mitigate for its loss are misguided. Replacing a well-established, mature, potentially very old-living and large-growing tree in such a prominent public position cannot simply be done with a number of smaller, shorter-living trees whose ultimate size and amenity value will be limited by their species and the root barriers that they are planted in. The TPO was served for the purpose of securing of mitigating planting and given that the TPO now has the unanimous support of elected members, it would be undemocratic for the Trees Section to support the removal of the tree without sound arboricultural reasoning.

The Council's own policy on retention of trees of high value is clear – development that would cause permanent harm to such trees will not be permitted. The Trees Section therefore cannot support this scheme without a change of layout that would include T1.

Tree Officer - 4th March 2024

The proposal would remove three trees which have been under the management of CBC as leisure trees - two lower value plum trees and a high value plane tree. Although the loss of the plums is broadly speaking acceptable when weighed against mitigation planting which could potentially replace their amenity value in a relatively short time, the loss of the plane (when an alternative design that would retain this tree is possible) represents an unacceptable loss of amenity. It is regrettable that the application does not reflect the pre-application advice that was given by the Council - it was made clear at a meeting with the applicant that the removal of T1 would be unacceptable. The tree is one of very few mature trees on a section of a main arterial road in the centre of town, and is clearly high value, as evidenced in the applicant's arborist's report where it's classified as A2:

The proposed development will require the removal of a single high-quality London plane (T1).

... the loss of T1 represents a significant arboricultural impact and reduction in street scene amenity.

Plane is a long-living species with the potential to provide amenity and wider green infrastructure benefits for several hundred years. They are pollution tolerant, stable and largely resistant to pathogens. As such, they have a long and successful heritage as street trees in many cities across Europe.

Policy GI3 of the Cheltenham Plan states:

Development which would cause permanent damage to trees of high value (Note 1) will not be permitted.

Note 1: 'High value' means a sound and healthy tree with at least 10 years of safe and useful life remaining, which makes a significant contribution to the character or appearance of a site or locality.

Paragraph 136 of the NPPF states:

Planning policies and decisions should ensure that ... existing trees are retained wherever possible.

Given the size of the site, it cannot reasonably be considered that it is not possible to retain such a high value tree that is on the very periphery.

The Trees Section therefore cannot support the scheme in its current iteration. A revised layout should be submitted to incorporate T1.

GCC Local Flood Authority (LLFA) - 21st June 2024

A revised drainage strategy at revision 10 and a revised FRA at revision 4 were published on the planning portal on 13th June 2024.

The revised drainage strategy proposes discharging surface water to the surface water sewer in Clarence Road as opposed to the previous scheme discharging surface water to the combined sewer in North Place.

The LLFA consider this to be an acceptable solution reducing the likelihood of sewer overflow from the combined sewer.

The LLFA has no further objection to the proposal using the drainage strategy shown in drawing number 23211-RLL-23-XX-DR-C-2002 at revision P10.

The information provided in the FRA and Drainage strategy is complete enough that there would be no benefit in further drainage conditions being applied to a consent granted against this application.

GCC Local Flood Authority (LLFA) - 16th May 2024

A response to the previous comments from the LLFA was published on the planning portal on 13th May 2024.

It repeats the issue of disruption caused by laying a surface water sewer parallel to the existing combined sewer due to potential disruption to other services conduits that may interfere with the path. Given the surface water sewer would run parallel to an existing sewer it is likely that a suitable path could be found crossing other service conduits at similar positions. If running a sewer along North Place is too problematic then a connection to the surface water sewer in Portland Street should be pursued and not simply dismissed on the basis of crossing third party land. The space between North Place and Portland Street is also an NCP car park, it is difficult to see how works across it would cause more disruption than the complete removal of the car park on the other side of the road. This sewer runs parallel to the one on North Place, presumably crossing the same service conduits that a sewer along North Place would, to join the surface water sewer in Clarence Road. The invert level of the surface water manhole in Portland Street (1701) is not stated in the Severn Trent Asset register however the manhole it connects to in Clarence Road is 56.88m.

The SuDS hierarchy offers the following for surface water:

1. Discharge to the ground
2. Discharge to a surface water body
3. Discharge to a combined sewer

In this case a surface water body would be the surface water sewer, which discharges to the west pond in Pitville Park, therefore the current proposal does not meet the definition of SuDS as it doesn't comply with the hierarchy.

The response concludes that it is acceptable for the new development to discharge to the combined sewer as the gulleys on the existing carpark site connect to the combined sewer in Northfield Passage.

The LLFA disagree with this conclusion. This is a proposal for a new development and an opportunity to correct previous faults in the drainage infrastructure. It is this poor design that has resulted in excessive discharges from combined sewer overloads to watercourses that is a common news item currently.

The LLFA continues to object to the proposal

GCC Local Flood Authority (LLFA) - 12th April 2024

A response to the previous comments from the LLFA was published on the planning portal on 8th April.

The response includes the following paragraph:

While a connection to Clarence Road seemed feasible from a level's perspective, significant works are required to tie into the existing surface water network. This includes installing an additional length of pipe to be laid parallel to the existing combined sewer in North Place, crossing the combined sewer network and in situ services. Also, the requirement of incorporating a new manhole downstream of 1801 as connection into the current arrangement would lead to an acute angle. Moreover, the practical element of conducting these works would lead to disruption to the surrounding areas with road closures and temporary diversions is also a major concern.

This paragraph seems to indicate that it is feasible to discharge surface water to the surface water sewer system rather than the combined sewer system, the reason for not doing so being the need to install a length of sewer pipe along North Place, re-engineer manhole 1801 and short-term disruption while these works are conducted.

As an alternative they have concluded that it would be better to discharge surface water to the combined sewer failing to state the disadvantages of such a choice. The disadvantages are increased discharges from combined sewer outlets to open watercourses and increased load on the sewage treatment plant leading to more frequent surcharges from the treatment plant to the local watercourses. The effect of these disadvantages is currently high on the news agenda.

GCC Local Flood Authority (LLFA) - 19th March 2024

The proposal is for development in flood zone 1. The development will enable surface water drainage to be restricted to QBAR (3.92 l/s) for all events.

The combined sewers in North Place and Northfield Passage should not be considered as suitable points of discharge for surface water given the proximity of surface water sewers in Portland Street, Clarence Road or Dunalley Street shown in the Severn Trent Sewer record in Appendix B. Discharging surface water to combined sewers increases the frequency with which their CSOs are activated discharging foul sewage to watercourses.

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This is the only point of contention that the LLFA has. Any other matters could be resolved through conditions to ensure we get adequate detail of drainage features, particularly the attenuation crates whereby the LLFA can see adequate access is provided for camera surveys and jetting of the system, detailed drawings of the crates should include camera and jetting routes throughout the crate systems.

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

Public Rights Of Way Department - 13th March 2024

This development does not appear to affect the nearby public right of way ZCH25 which runs parallel with the northern boundary. The Footpath should not be obstructed by vehicles, building materials or construction work at any time, maintaining and safeguarding public access at all times. If there is any suggestion that it will, whether through a need for a temporary closure or permanent diversion then contact should be made with the PROW team at the earliest opportunity.

Please note:

1) No change to the surface of the public right of way can be approved without consultation with the County Council and there must be no interference with the public right of way, either during development or once it has been completed, unless: -

a) The development will temporarily affect the public right of way; then the developer must apply and pay for a temporary closure of the route to us in Public Rights of Way (preferably providing a suitable alternative route); if any utilities are going to cross or run along a PROW then a section 50 license needs to be sought and granted - via GCC Streetworks department. Information regarding section 50 Licenses and an application form can be found at: <https://www.gloucestershire.gov.uk/highways/highways-licences-permits-and-permissions/>

b) Important: if the development will permanently affect any public right of way, then the developer must apply for a diversion of the route through the Local Planning Authority, under the Town and Country Planning Act 1990, as part of the planning application process. Absolutely no development should take place affecting the route of the path prior to the confirmation of a TCPA path diversion order through the LPA. The area Public Right of Way Officer should be consulted as part of this process.

2) Additionally:-

a) There must be no encroachment on the width of the public right of way.

b) No building materials may be stored on the public right of way.

c) Vehicle movements during construction should not unreasonably interfere with the use of the public right of way by walkers, etc., and the developer or applicant is responsible for safeguarding the public use of the way at all times.

d) No additional temporary or permanent barriers (e.g. gates, stiles, wildlife fencing) may be placed across the public right of way and no additional gradients or structures (e.g. steps or bridges) are to be introduced on any existing or proposed public rights of way without the consent of the county council.

It is important to note the Definitive Map is a minimum record of public rights of way and does not preclude the possibility that public rights exist which have not been recorded or that higher rights exist on routes shown as public footpaths and bridleways.

Minerals And Waste Policy Gloucestershire - 9th April 2024

Response available to view in Public Access

Minerals And Waste Policy Gloucestershire - 7th May 2024

Response available to view in Public Access

Social Housing - 26th July 2024

Full comments available to view in Public Access

Summary :

Whilst partially complying with JCS Policy SD11 and SD12 respectively, the proposed scheme nevertheless falls short of full policy compliance against JCS Policies SD4, SD11 and SD12 respectively. Considering policy compliance against JCS Policy SD11, the inclusion of 29 x 1b1p Shared Ownership apartments, whilst informed by viability, still fails to create an 'appropriate mix' of tenures, types and sizes on this scheme. Although the proposed 1-bedroom size standards meet NDSS standards, the small unit sizes are non-complaint against JCS Policy SD4: Design Standards, which requires that new developments should be adaptable to changing economic and social requirements. Turning to JCS Policy SD12, whilst this officer recognises that the proposals will meet an identified affordable home ownership need, questions around the deliverability of this scheme remain. Indeed, the applicant has not exhausted the possibility of securing First Homes, or securing Homes England funding to support affordable housing delivery- the former of which would improve scheme deliverability, the latter of which could improve viability. Equally, situating the Shared Ownership homes exclusively in the apartment block clearly fails to meet JCS Policy SD12's distribution requirements. Finally, after approaching a number of local RPs, this officer has serious concerns about the deliverability of this scheme in practice. Thus, on these grounds, this officer cannot support the scheme proposals in their current form.

Social Housing - 26th March 2024

Full comments available to view in Public Access

Summary :

The applicants' proposals claim that only 20% affordable housing on-site affordable housing is viable on this site. To test this assumption, the applicant must submit a viability assessment for independent scrutiny to justify this proposal in line with the process established within JCS Policy SD12: Affordable Housing. The applicant's proposals, both in terms of the tenure types (social rent, affordable rented and shared ownership) and unit sizes require significant amendments to reflect the Council's evidence bases of affordable housing need, in accordance with JCS Policy SD11: Housing Mix and Standards. Of particular note, the inclusion of affordable rented homes is not reflective of the latest LHNA, nor does it consider the reality of the affordability pressures that are ever present within Cheltenham's housing market. Equally, the proposed unit sizes, especially within the apartment block, are smaller than expected, falling below 85% NDSS in the majority of cases.

Accordingly, whilst the applicant should submit additional details to demarcate the affordable homes from their market counterparts, significant revisions are required to the proposed scheme to ensure policy compliance against JCS Policy SD11: Housing Mix and Standards and JCS Policy SD12: Affordable Housing.

Gloucestershire Centre For Environmental Records - 1st March 2024

Response available to view in Public Access

Environment Agency - 10th April 2024

I have reviewed this application, and the site does not hit our Consultation Filter Checklist for matters that we would be consulted on as the site is in Flood Zone 1 on EA Flood Map for Planning, therefore, it has been assessed as a Non Reply and we wouldn't have any comments to make.

Environmental Health - 9th April 2024

I am happy for the assessment to satisfy the ASHP condition to be completed at a later point, when the make and model has been confirmed.

In response to the query responses, please could I ask that the LPA are made aware if there is a change of plan and a crusher is utilised prior to the crusher arriving on site.

Additionally, in response to the piling response, please could the below condition be added to my consultation response.

Due to piled foundations being utilised on site, a pre commencement condition for a piling method statement shall be submitted in writing for EH approval, prior to the commencement of any piling activities at the site. This statement shall include background base measurements of noise and mitigation measures to control both noise/ vibration and dust.

Environmental Health - 18th March 2024

In relation to 24/00236/FUL, Car Park, North Place, Cheltenham, GL50 4DW please find the below from Environmental Health.

The application includes the submission of a Noise Impact Assessment (ref: 10332/FD) and therefore, please could a compliance condition be attached to ensure they work in line with this report and the recommended mitigations to ensure noise levels are in accordance with BS8233.

The application also includes the submission of an Air Quality Impact Assessment (ref P6310-R1-V3), and please could a compliance condition be attached to ensure they work in line with this report.

Also, please could a compliance condition be attached to the submitted Contaminated Land Reports, especially the Remedial Strategy (23211-RLL-23-XX-RP-O-0003) to ensure that the developers work in line with the required remedial works. Once the remedial works have been validated, the required verification would need to be submitted for review to the LPA, prior to occupancy.

In addition to this, please see the below conditions from Environmental Health:

Environmental Health Conditions:

During the construction phase no machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times: Monday-Friday 07:30hrs -18:00hrs, Saturday 08.00hrs - 13:00hrs nor at any time on Sundays, Bank or Public Holidays.

Noise will be generated throughout the construction works of this proposed development, which differs greatly from the noise emitted from the current land use. Additionally, the proposed development would entail a prolonged period of construction and some demolition, meaning that the disruption to nearby residential properties would be prolonged

too. Therefore, pre commencement, a detailed scheme of noise mitigation measures shall be submitted to for the approval of the Local Planning Authority.

A Construction Method Plan detailing the controls to be in place during the construction phase that shall provide for: hours of operation, parking of vehicle of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction), routes for construction traffic, locations for loading / unloading and storage of plant, waste and construction materials, method of prevention of mud being carried onto highway, communicating the construction management plan to staff, visitors and neighbouring residents and businesses, waste and material storage, control measures for dust and other air-borne pollutants, measures for controlling the use of site lighting whether required for safe working or for security purposes.

Note: it is recognised that the Air Quality Impact Assessment details dust control measures, but these controls would also be required within the Construction Method Plan/ Statement.

For all houses, it is proposed that Air Source Heat Pumps (and associated cylinders/ thermal stores) will service the heating demand. Whilst the location of the ASHP has been included on the housing type plans, no information about the make/model nor acoustic information has been provided. Therefore, in order to appropriately assess the suitability of the proposed ASHPs, a noise assessment of the standard of BS4142 would be required to appropriately assess its suitability. Such assessment should also specify which ASHP make/model would be utilised.

Please note that this assessment is required to be based on a worse case scenario situation, and as such the background assessment position should be selected to reflect this. Therefore, the background levels from the 3 locations obtained in 2023 for the BS8233 assessment would not be appropriate.

Environmental Health Queries:

Will the site be utilising any large scale equipment such as a crusher?

Will the site will be utilising piling as a construction method?

Natural England - 20th June 2024

Full comments available to view in Public Access

Summary:

NO OBJECTION - SUBJECT TO APPROPRIATE MITIGATION BEING SECURED

Natural England considers that without appropriate mitigation the application would:

- have an adverse effect on the integrity of Cotswold Beechwoods Special Area of Conservation <https://designatedsites.naturalengland.org.uk/>

In order to mitigate these adverse effects and make the development acceptable, the following

mitigation measures are required / or the following mitigation options should be secured:

- Contributions to the Cotswold Beechwoods SAC mitigation strategy

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

A lack of objection does not mean that there are no significant environmental impacts.

Natural

England advises that all environmental impacts and opportunities are fully considered, and **relevant local bodies are consulted.**

Natural England - 10th April 2024

Full comments available to view in Public Access

Summary:

FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON DESIGNATED SITES

Cotswold Beechwoods Special Area of Conservation – Habitats Regulation Assessment is Required

Please re-consult Natural England once this information has been obtained.

Natural England - 1st March 2024

Full comments available to view in Public Access

Summary:

FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON COTSWOLD BEECHWOODS SAC.

As submitted, the application could have potential significant effects Cotswold Beechwoods Special Area of Conservation. Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation.

The following information is required:

- A Habitat Regulation Assessment, proceeding to the Appropriate Assessment stage where significant effects cannot be ruled out. Without this information, Natural England may need to object to the proposal.

Please re-consult Natural England once this information has been obtained.

GCC Highways Planning Liaison Officer – 21st July 2024

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 and financial obligations. The justification for this decision is provided below.

Further to the initial response dated 30 April 2024 in which my colleague recommended deferral, additional commentary has been provided to respond to the concerns raised.

The internal layout concerns have been independently reviewed and the recommendations made within by the Safety Audit Team have only been noted by the design team. In light of these findings the Highway Authority's primary concern remains that general parking i.e. not within the allocated spaces, approaching the 90 degree bends will prevent refuse vehicles from being able to remain within the surfaced area creating damage to private frontages and placing future residents at risk. The applicant will need to communicate with the waste collection services to agree a protocol and indemnity for access beyond the public highway.

Following a review of the information provided and detailed discussions with the HDM adoption team, it is considered that the internal layout will not be amended by the applicant to the satisfaction of officers and revised to meet GCC highway adoption requirements.

Appropriate Private Street signage will be required to highlight the status to all users entering the site with clear delineation of the public highway boundary at all access points to the site.

Section 278 works

The proposed kerb radii vehicular access shown on plan 23211-RLL-23-XX-DR-C-200 P01 together with refuse vehicle tracking indicates a visibility splay of only 'y' at 33m which is considered insufficient. Although the plan does show a previous internal layout the latest updated masterplan retains this junction proposal prioritising private vehicles over pedestrians within the central area.

On balance and considering that all parts of the development behind the existing back of public highway will remain private, the access shall remain as a vehicular drop kerb, adjusted to the north towards the proposed building. This is to ensure that a MfS 30mph visibility splay of 'x' 2.4m by 'y' 43m can be maintained for the life of the development past the brick wall. The submitted Section 278 plan 23211-RLL-23-XX-DR-C-2004 P01 indicating highway construction is therefore rejected and further details will be conditioned to be documented and agreed prior to the commencement of any part of the development.

It will also be necessary that all existing redundant drop kerbs surrounding the site be reinstated to a standard full height (125mm or adjacent check) and the footway reprofiled as required over the various sections of St. Margaret's Road and North Place in materials matching or appropriate to the adjacent frontages. This will be conditioned to be documented and agreed prior to the commencement of any part of the development.

S106 Contributions

As previously advised at pre application stage, S106 contributions may be sort towards Home to School Transport Contribution and a Residential Travel Plan. The HTST is not proposed to be progressed and regarding the Travel Plan contribution two options are available to the applicant. Either, a fixed fee and monitoring deposit, or a monitoring fee and development contribution, depending on whether implementation of the Travel Plan is led by the Developer or GCC. The Highway Authority will provide an update on the exact value of this prior to determination.

It should be noted that in addition the JCS Infrastructure Delivery Plan identified the need to improve Junction 10 of the M5 and the A4019 towards Cheltenham. This scheme is currently going through a Development Consent Order (DCO) examination. It is considered that this piece of infrastructure is crucial in delivering the planned growth in this area. GCC are currently in the process of reviewing and updating the funding strategy and methodology on how J10 will be delivered and appropriate S106 contributions sought, to ensure it meets the required tests of NPPF. The HA duly recognises the submitted viability statement, however should an updated position be available prior to determination this will be presented for discussion.

To conclude, the principle of residential development at this location is considered acceptable and the previously stated the loss of the public car park can be accommodated within other Cheltenham car parks without on-street displacement.

The NPPF position that development should not be prevented unless the impact is considered severe and, for the purposes of the Highway Authority this means with regard to either highway safety or congestion to the wider highway network. There are no justifiable grounds on which an objection could be maintained therefore the H.A submits a response of no objection subject to conditions.

Conditions

Visibility Splay

The development hereby approved shall not be 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), for a distance of 43 metres in each direction measured along the nearside edge of the adjoining carriageway and offset a distance of 0.6 metres from the edge of the carriageway. 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 for pedestrians and all other users

Reinstatement of Redundant Access

The vehicular access hereby permitted shall not be brought into use until all existing vehicular accesses to the site (other than that intended to serve the development) have been assessed to be permanently closed in accordance with details to be submitted to and agreed in writing beforehand by the Local Planning Authority.

Reason: In the interests of highway safety.

Residential Travel Plan

The Development hereby approved shall not be occupied until the applicant has submitted a travel plan in writing to the Local Planning Authority that promotes sustainable forms of access to the development site and this has been approved in writing by the Local Planning Authority. This plan will thereafter be implemented and updated.

REASON: To reduce vehicle movements and promote sustainable access.
Construction Management Plan

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

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

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

Informatives

Works on the Public Highway

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

under which they are to be carried out.

Contact the Highway Authority's Legal Agreements Development Management Team at highwaylegalagreements@gloucestershire.gov.uk 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 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.

The Developer is requested to erect a sign at the boundary of the new estate street with the nearest public highway providing the Developer's contact details and informing the public that the County Council is not responsible for the maintenance of the street.

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.

Travel Plan

The proposed development will require a Travel Plan as part of the transport mitigation package (together with a Monitoring Fee and Default Payment) and the Applicant/Developer is required to enter into a legally binding Planning Obligation Agreement with the County Council to secure the Travel Plan.

Gloucestershire County Council has published guidance on how it expects travel plans to be prepared, this guidance is freely available from the County Councils website. As part of this process the applicant must register for Modeshift STARS and ensure that their targets have been uploaded so that progress on the implementation

of the Travel Plan can be monitored.

Modeshift STARS Business is a nationally accredited scheme which assists in the effective delivery of travel plans, applicant can register at www.modeshiftstars.org

Construction Management Plan (CEMP)

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 Highways Planning Liaison Officer - 7th May 2024

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

The justification for this decision is provided below.

The following items are considered to need further clarification hence the recommendation for deferral.

1. The application appears to include existing highway land within their red line and we don't appear to have received the necessary Notice.
2. The road profile appears to be a 6m pedestrian prioritised street, which does not accord with any of the street types listed in MfGS (no footways/SM either side). I do not believe a pedestrian prioritised street would be suitable here as there would be too much traffic for it to be safe. GCC would not adopt this arrangement (although I note it is currently proposed to remain private). It might be better with some build outs (maybe with trees?!) to add some deflection and make this more attractive for a shared space. Regardless of whether its being built to be adopted or not, we still have a duty to consider whether it is appropriate.
3. There does not appear to be any street lighting proposed. The roads should be street lit to ensure safe operation. There are no footways so it is unclear where the lighting columns would be located on the current layout. Can the applicant be asked to provide this information.
4. A Stage 1 RSA should be undertaken to inform the on-site design. The footway provisions are inadequate and the lack of lighting raises safety concerns. A full package of drawings should be sent to the auditors for review (including visibility +

tracking drawings).

5. Drainage strategy proposes all new SW and FW flows go to the existing combined sewer. Combined sewers are ill advised (I don't think you can build new combined sewers) and GCC should be doing all we can to prevent a permanent increase in flows to this type of sewer.

In addition to this:

□ The LLFA have stated "The combined sewer in North Place and Northfield Passage should not be considered as suitable points of discharge for the surface water given the proximity of the surface water sewers in Portland Street, Clarence Road and Dunalley Street shown in the Severn Trent Sewer record in Appendix B."

□ Severn Trent have stated "Planning Practice Guidance and section H of the Building Regulations 2010 detail surface water disposal hierarchy. The disposal of surface water by means of soakaways should be considered as the primary method. If this is not practical and there is no watercourse available as an alternative, other sustainable methods should also be explored. If these are found unsuitable satisfactory evidence will need to be submitted before a discharge to the public sewerage system is considered. No surface water to enter the foul or combined water systems by any means."

Following the SUDs hierarchy, GCC would firstly need to agree that infiltration is not possible. What evidence of this has been submitted? How many parts of the site were assessed for infiltration? Etc etc. GCC should not take it as a given that infiltration is not possible without rigorously interrogating the evidence provided.

If GCC were to agree infiltration was not possible, I would then expect the next port of call to be for the developer to approach Severn Trent for a Section 98 agreement to requisition a sewer. GCC should insist on seeing this correspondence to ensure this is not feasible/or wanted by Severn Trent.

Assuming Severn Trent are not interested in a S98, the next option in the hierarchy is to connect into a SW sewer/highway drain. I do not believe there are highway drains in the area. However, it should be noted that there are at least two viable outfalls for the development into a SW sewer with the use of a SW pumping station. The reason cited by the designers for not having a SW PS is that it would make the site 'financially unviable'. In my opinion, this is not a sufficient reason to pursue a connection to a combined sewer and therefore the designers have not properly followed the SUDs hierarchy when determining a combined sewer was the most suitable outfall.

It may be possible that this could be sorted through an appropriately worded planning condition? i.e. prior to commencement of any development a drainage strategy is provided which needs agreement etc. although given the identified problems this may not be appropriate until it can be agreed that there is a solution.

6. Private water is not permitted to flow to adoptable land and vice versa. In this case adoptable land would flow to a private site. The levels should be re-designed to make the adoptable boundary the high point.

7. Drawings showing the forward vis around bends (internal layout) and showing refuse vehicle tracking should be included in the drawing pack to the RSA. It is unclear what design speed is proposed for the internal roads, but assuming it is a 20mph design speed the vis splays for 20mph need to be demonstrated. If these are unachievable then speed reduction features will need to be added to the layout. Cheltenham Borough Council have provided the following information to confirm that they are content that the displaced car parking can be accommodated in the existing car parks in the Town.

"Based on a survey undertaken in December 2022, the surveys identified that the peak car parking demand occurred at 13.00 with a total of 1393 cars parked in the 13 car parks

assessed. The maximum car park occupation equates to an occupation rate of 88.2% of spaces available on the days of the survey, and 71.2% of all spaces in the 13 car parks. The lowest occupancy occurred at 20.00 with 699 cars parked. It should be noted that this study was carried out on one of the busiest shopping days of the year – the penultimate Saturday

before Christmas. Even at the busiest time of day, the occupation rate across the car parks where data was gathered was more than 13% below the industry target for optimum use.”

In terms of traffic generation, it is accepted that at the site itself there is likely to be a reduction in traffic compared to the existing use and the assumptions in the TA are considered reasonable. The reallocated traffic from the has been assessed to some extent however it is acknowledged that the car park could be closed without there being a proposal for redevelopment and therefore this change in traffic flows is not necessarily a result of the development.

The TA makes reference to connections for cyclists and pedestrians primarily based on the distance from the site and the quality of those routes should be fully considered with a NMU Audit/WHCAR to be completed.

Car and cycle parking for the dwellings should comply with the requirements of MfGS.

These are initial comments on the submission and there may be further comments following the receipt of the information requested.

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

Historic England - 18th March 2024

Significance of Designated Heritage Assets

North Place sits within a conservation area, and in close proximity to a number of listed buildings, including Holy Trinity Church; (Grade II*), Saint Margaret's Terrace (Grade II*); and Dowty House (Grade II, so outside our statutory remit to consider setting impacts). Consequently the form, massing and design of the development has great potential to impact upon the adjacent historic environment.

The site appears to have always been open in character, being a landscaped park during much of the 19th century until the mid-20th century, after which it became a coach station. Its present use as a surface carpark contributes little to the character and appearance of the Conservation Area and the setting of individual heritage assets. The significance of the site and its context is appraised in the submitted Heritage Assessment.

Holy Trinity Church and St Margaret's Terrace are designated as Grade II*, and as such are in the top 8% of listed buildings. Therefore, greater weight should be given to their conservation. The National Planning Policy Framework (NPPF) defines 'conservation' as 'the process of maintaining and managing change to a heritage asset in a way that sustains and, where appropriate, enhances its significance'.

Summary of proposals.

The revised application for this site is for a development of 153 dwelling houses, incorporated into a 4 storey apartment block and 3 storey townhouses with associated: parking; refuse and recycling storage; sustainability features; landscaping; tree works; open space; biodiversity enhancements; drainage; pedestrian links to adjoining streets; and enhancements to existing vehicle access off North Place.

Impact of the Proposed Development

Consent was granted 12 years ago for a significant mixed-use development on this site, for which we supported in principle, subject to concerns over details and some impacts on the historic environment.

The principle of redeveloping North Place is established through the previous consent and is accepted, given the potential to enhance the surrounding historic environment, although this is a reduced site boundary from that of the consented scheme. Presumably, the consented development on the carpark to the east of North Place should be considered as part of the wider impacts?

The proposed site layout appears to be a more appropriately scaled and better informed grain than the approved scheme. A tighter, more domestic layout, although not reinstating the historic urban grain of the site, which was probably always open, would help knit-in with the surrounding townscape. This scheme has potential to better reveal the significance of the Conservation Area and also improve the setting of heritage assets. Certainly, where the approved scheme included a food store alongside the GII* listed St Margaret's Terrace and a multi-storey carpark to its rear, the revised proposals to enclose the southern boundary of the site with a residential terrace would certainly deliver a more contextual land use and opportunity for an improved design.

The principal impact on highly- graded heritage assets will be as the result of the proposed apartment building fronting St Margaret's Road. While there has never been any historic development on this part of the site, with a former parkland backdrop to the Regency terrace, the principle of a continuation of the building line along the road in a domestic manner is supported.

In design terms, we acknowledge that the contemporary approach has taken a steer from the Regency terraces and villas of Cheltenham. The detailing is stripped down, presumably deliberately to deliver a markedly different, but contextual juxtaposition with the adjacent St Margaret's Terrace. However, the principal elevation of this block

lacks hierarchy between floors, which tends to result in a regularity of fenestration that lacks interest over the combined elevations. While the window proportions are well balanced, there could be greater articulation between the first and second floors in particular.

The south elevation of the apartment block is broken up with set-backs, giving more of an impression of a row of villas, although more could be made of this, as this articulating effect will only be really apparent when viewed obliquely.

In terms of impact on the setting of Trinity Church, these will be limited to the obscuring effects of the development in views from the west, which have most always been experienced across the open space of the site. Presumably, if the previous consent has been commenced in any way, the development on the east side of North Place, could be built out and therefore the impacts of the current scheme would be more limited. There will be other impacts on individual GII heritage assets, for which you should seek the advice of your Conservation Officer.

Planning Legislation & Policy Context

Central to our consultation advice is the requirement of the Planning (Listed Buildings and Conservation Areas) Act 1990 in Section 66(1) for the local authority to "have special regard to the desirability of preserving the building or its setting or any features of architectural or historic interest which it possesses".

Section 72 of the act refers to the council's need to pay special attention to the

desirability of preserving or enhancing the character or appearance of the conservation area in the exercise of their duties.

When considering the current proposals, in line with paragraph 200 of the NPPF, the significance of the asset requires consideration, including the contribution of its setting. The setting of St Margaret's Terrace is a major aspect of its significance.

Paragraph 205 states that in considering the impact of proposed development on significance, great weight should be given to the asset's conservation and that the more important the asset the greater the weight should be. St Margaret's Terrace is Grade II*, a heritage asset of the highest significance. Paragraph 206 goes on to say that clear and convincing justification is needed if there is loss or harm.

Historic England's advice is provided in line with the importance attached to significance and setting with respect to heritage assets as recognised by the Government's revised National Planning Policy Framework (NPPF) and in guidance, including the Planning Practice Guidance (PPG), and good practice advice notes produced by Historic England on behalf of the Historic Environment Forum (Historic Environment Good Practice Advice in Planning Notes (2015 & 2017)).

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

Position.

We recognise that the revised application for this site would deliver a more contextual development over the site within the Conservation Area, than the previously approved use and layout. While the site has historically contributed open space within the city centre, we are supportive of the principle of development.

We advise that while the architectural approach for the apartment building, alongside the GII* listed terrace, is quite valid, your authority should be satisfied that this makes a sufficiently positive response to the character and significance of the Conservation Area, given that we have some concerns over the detailing and proportions of the principal elevation onto St Margaret's Road. We believe that further design adjustments could be made, which would deliver a more satisfactory addition to the Conservation Area.

Recommendation

Historic England has concerns regarding the application on heritage grounds. We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 205, 206 and 212 of the NPPF. In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess and section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

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

Section 106 Officer – 30th July 2024

Full comments available to view in Public Access

Summary:

Financial contributions will be required to make the development acceptable in planning terms. The County Council would have concerns if provision of and funding for the necessary infrastructure requirements could not adequately be addressed by planning obligation.

Summary of Education Contribution Requirements:

Phase of Education	Name of closest non-selective school and/or the education planning area.	No of qualifying dwellings (QD)	Total Pupil Yield from QD	Cost/Place Multipliers	Contribution Requested (£)	Number of places requested
Primary	Cheltenham Primary Schools within 2 miles of development site	94	28.200	£20,187.94	£569,299.91	28.20 places
Secondary (Ages 11-16)	Pittville School and/or the Cheltenham Secondary Planning Area	94	13.818	£27,766.44	£383,676.67	13.818 places
Secondary (Ages 16-18)	Cheltenham Secondary Planning Area	94	4.700	£27,766.44	£0.00	0 places

See Tab.1 of the supporting Excel Workbook

Summary of Library Contribution Requirements:

A contribution to GCC of £28,88 is required (based on 153 dwellings), and which would be used in Cheltenham Library to improve customer access to services through refurbishment and upgrades to the library building, improvements to stock, IT and digital technology, and increased services.

Section 106 Officer - 21st March 2024

Full comments available to view in Public Access

Summary:

Financial contributions will be required to make the development acceptable in planning terms. The County Council would have concerns if provision of and funding for the necessary infrastructure requirements could not adequately be addressed by planning obligation.

Summary of Education Contribution Requirements:

Phase of Education	Name of closest non-selective school and/or the education planning area.	No of qualifying dwellings (QD)	Total Pupil Yield from QD	Cost/Place Multipliers	Contribution Requested (£)	Number of places requested (*rounded up to 2dp)
Primary	Cheltenham Primary Schools within 2 miles of development site	87	33.50	£18,133.00	£607,364.84	33.50* places
Secondary (Ages 11-16)	Pittville School and/or the Cheltenham Secondary Planning Area	87	14.79	£23,775.00	£351,632.25	14.79 places
Secondary (Ages 16-18)	Cheltenham Secondary Planning Area	87	5.22	£23,775.00	£124,105.50	5.22 places

See Tab 1 of the supporting Excel Workbook

Summary of Library Contribution Requirements:

A contribution to GCC of £29,988 is required (based on 153 dwellings), and which would be used in Cheltenham Library to improve customer access to services through refurbishment and upgrades to the library building, improvements to stock, IT and digital technology, and increased services.

Ecologist – 17th July 2024

I have reviewed the revised plans submitted 12th July. The landscaping plan includes an acceptable mix of native and non-native species in the planting schedule and the previous BNG calculation is well above the mandatory expectation (10%).

An updated BNG metric needs to be submitted reflecting the alterations to the plans for this proposal.

As this application is subject to the mandatory BNG requirements, the Landscape Management Plan (LMP) (Pegasus, July 2024) needs to be converted to a Habitat Management and Monitoring Plan (HMMP) and updated so it meets the requirements set out by DEFRA. See [Creating a habitat management and monitoring plan for BNG - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/creating-a-habitat-management-and-monitoring-plan-for-bng). The HMMP must include details of how habitats will be managed to their target condition, as shown in the BNG metric. Condition assessment sheets must be submitted either with the revised BNG metric or the HMMP, either would be acceptable.

Only a draft of the HMMP is required prior to determination. A finalised HMMP can be submitted via condition.

A S106 will be required to secure the BNG calculation as the proposals are for “significant” on-site gains.

Ecologist - 29th April 2024

I accept the proposition that the applicant would provide detail of the enhancement features under a condition, prior to commencement. My first 'Requirement prior to Determination' given in my response of 7th March 2024 therefore no longer applies.

Ecologist – 7th March 2024

I have reviewed the Ecological Impact Assessment (EclA; 26th January 2024) and the Biodiversity Impact Assessment and Enhancement Strategy (23rd February 2024) and accompanying Biodiversity Metric, prepared by RammSanderson. I have also reviewed the Design and Access Statement, the Planning Statement, the Illustrative Landscape Masterplan, the Detailed Soft Landscape Proposals and the Landscape Management Plan. My response regarding ecology is provided below.

Baseline Information and Assessment

A desk study was carried out, which included records obtained from the Gloucestershire

Centre for Environmental Records. An extended Phase 1 habitat survey was carried out on 19th May 2023. The Phase 1 habitat survey data was translated into the UK Habitat Classification (UKHab) system in order to enable a Biodiversity Net Gain (BNG) assessment.

The application site comprises mainly hard standing, with small areas of ephemeral / short perennial vegetation and several trees. The trees have the potential to support nesting birds. The site is generally of low / negligible value for ecology.

Impacts, Mitigation and Enhancements

The development would result in the loss of all areas of ephemeral / short perennial vegetation and several trees.

The mitigation proposed during site clearance and construction comprises protection of existing trees to be retained and precautionary measures to protect nesting birds and badgers / other mammals.

Habitat creation would take place in the areas of open green space, comprising native tree and shrub planting, hedgerow planting and sowing of wildflower meadow. There is a commitment to undertake long-term management of these habitats.

A commitment is also made to adopt a sensitive lighting strategy to minimise impacts of light spill on nocturnal wildlife, in particular bats.

The EclA states that species enhancements could include artificial bat roosts and bird nesting features incorporated into the new dwellings and/or installed on retained and newly planted trees, as well as insect houses and holes in fencing for hedgehog passage. An indicative plan should be provided showing the type and locations of all of these features. The BNG calculation shows that the habitat enhancements proposed would result in a net gain in biodiversity of approximately 278% for habitats and 66% for hedgerows. The development as indicated in the Illustrative Landscape Masterplan would therefore meet the BNG requirements.

Designated Sites

Although not mentioned in the EclA, the development site is located within the 15.4km zone of influence of the Cotswold Beechwoods Special Area of Conservation (SAC). Since there is potential for impacts on Cotswold Beechwoods SAC due to increased recreational pressure from residents of the new housing, the applicant should prepare a shadow Habitats Regulations Assessment (HRA) to address the potential impacts and propose site-specific mitigation. It may be possible for the applicant to propose mitigation in line with the Cotswold Beechwoods SAC Recreation Mitigation Strategy, including making a financial contribution. This would need to be agreed with the LPA and Natural England.

Requirements prior to determination:

1. An indicative plan should be provided showing the type and locations of all of the enhancement features proposed for animal species (bat roosts, bird boxes, insect houses and hedgehog highway).

2. The applicant's consultant should prepare a shadow HRA to assess whether the proposals would impact on Cotswold Beechwoods SAC as a result of increased recreational pressure. The shadow HRA should include details of the mitigation measures that would be required to address any potential impacts.

Requirements prior to commencement/conditions to be attached to planning consent:

1. The mitigation measures in the EclA that apply to the site clearance and construction phase of the development should be included in a Construction Environmental Management Plan (CEMP) for the site, with detailed Method Statements.

2. The enhancement measures outlined in the EclA and the required additional submission should be further expanded on in an updated version of the Landscape Management Plan (LMP). Management should be applicable for a minimum period of five years, though in relation to BNG this should be for 30 years and include a monitoring regime to ensure habitats establish well and that wildlife features remain in good condition. The LMP should include plans showing locations and extent of all habitats and wildlife features, and a timetable of activities. A Responsible Person / organisation needs to be stated and the method by which the protection of retained, enhanced and created habitats will be secured. The extent and location of removed, retained and newly created habitats presented in the LMP should match that set out in the BNG assessment. The LMP should demonstrate that the BNG proposed in the BNG assessment would be achieved.

3. Prior to commencement, details of external lighting should be submitted to and approved in writing by the Council. The details should clearly demonstrate that lighting will not cause excessive light pollution of the areas of open green space and the proposed bat roosts and bird boxes. The details should include, but not be limited to, the following:

- i) A drawing showing sensitive areas and/or dark corridor safeguarding areas;
- ii) Description, design or specification of external lighting to be installed including shields, cowls or blinds where appropriate;
- iii) A description of the luminosity of lights and their light colour including a lux contour map;
- iv) A drawing(s) showing the location and where appropriate the elevation of the light fixings; and
- v) Methods to control lighting control (e.g. timer operation, passive infrared sensor (PIR)).

All external lighting should be installed in accordance with the specifications and locations set out in the approved details. These should be maintained thereafter in accordance with these details. Under no circumstances should any other external lighting be installed unless agreed with the LPA.

4. Any mitigation and compensation measures needed to protect Cotswold Beechwoods SAC (as presented in the HRA document) should be undertaken if required. National Planning Policy Framework (NPPF) and Local Plan Policy (Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011 - 2031) (adopted December 2017) context:

- NPPF Para 170 – 182 (Conserving and Enhancing the Natural Environment), National Planning Policy Framework 1
- SD9 Biodiversity and Geobiodiversity
- INF3 Green Infrastructure

In England, biodiversity net gain (BNG) is becoming mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). Developers must deliver a biodiversity net gain of 10%. For significant on-site gains, and all off-site gains, the BNG must be maintained for at least 30 years. Responsibilities should be set out in a legal agreement. Further guidance can be found at <https://www.gov.uk/guidance/understanding-biodiversity-net-gain>

1 The NPPF Paragraph 179 states: "To protect and enhance biodiversity and geodiversity plans should: b) ...

identify and pursue opportunities for securing measurable net gains for biodiversity." Cheltenham Plan, Adopted 2020.

- Policy BG1: Cotswold Beechwoods Special Area of Conservation Recreation Pressure
- Policy BG2: Cotswold Beechwoods Special Area of Conservation Air Quality

Wildlife legislation context:

- Wildlife and Countryside Act 1981 (as amended)

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- Conservation of Habitats and Species Regulations 2017
- Natural Environment and Rural Communities (NERC) Act 2006
- Protection of Badgers Act 1992

Crime Prevention Design Advisor - 8th May 2024

In my capacity as Designing out Crime Officer (DOCO) for Gloucestershire Constabulary I would like to express concerns about this the planning application.

Reading through the Design and Access Statement and the Planning Policy Statement, the lack of security and crime prevention into the design proposals is worrying. It would be beneficial for the Planning Authority to know what design principles have been incorporated; thereby removing any design feature which would contribute to possible crime or the perceived fear of crime. The application includes a brief reference to Cheltenham Borough Council's 2003 Security and Crime Prevention Supplementary Planning Guidance, but offers no specific detail or design strategy for personal and property security as required in the following documents.

- o Section 5: Design Requirements of the Cheltenham Borough Council's Local Plan
- o RIBA Security overlay
- o Paragraph 130 of the National Planning Policy Framework (NPPF), Department for Levelling Up, Housing and Communities
- o Paragraph 12 of the Healthy and Safe Communities section of the Practical Planning Guidance (PPG)
- o Section 17 of the Crime and Disorder Act 1998

It would be good to see how the developers and Planning Authority work to address the lack of information and ensure this development uses the National Legislation and Guidance to create a safe and secure development.

County Archaeology - 21st March 2024

Thank you for consulting the archaeology department on this application. In line with our previous advice on development of this site, archaeological assessment and trial trench evaluation has not revealed any significant archaeological remains within the site and on this basis recommend that no further archaeological investigation or mitigation is required in relation to this application.

Heritage And Conservation - 30th April 2024

SITE

Concerning the heritage assets, whilst there are no listed buildings within the site there are a notable number immediately adjacent or close to it. These include but are not limited to: St. Margret's Terrace, St. Margret's Road a grade II* listed Regency terrace; Clifton Lodge 11 North Place a grade II listed Regency house; Portland Chapel, North place a grade II listed former Regency chapel; 32 Portland Street a grade II listed Regency house, likely the chaplin's house: Formosa House a grade II listed Regency house; Tyndale and Clarence Lodge, Clarence Road a grade II listed villa (miss identified on the Considerations & Constraints map as grade I); Camden House, Clarence Road a grade II listed Regency villa: Camden Villa, Clarence Road a grade II listed Regency villa; 8-10 Clarence Court, Clarence Road a grade II listed villa; 88 Portland Street a grade II listed villa; and bollards approx. 4 metres west of the rear on no. 10 Clarence Road, x2 iron Regency bollards. Also visible across Portland Street Car Park to the southeast, facing Portland Street is: 47-57 Portland Street a grade II listed Regency terrace; Church of the Holy Trinity, Portland Street a grade II* listed church; and 43 Portland Street, a grade II listed Regency villa.

The site is also located within the Central Conservation Area: Old Town Character

Area, which benefits from the Central Conservation Area: Old Town Conservation Area Character Area Appraisal and Management Plan 2007 (the Appraisal). Of significance within the conservation area are Dowty House, a Victorian, former boy's orphanage, recognised as a key unlisted building in the Appraisal and buildings located along Bennington Street, a terrace of artisan houses, which are noted as positive buildings within the Appraisal.

The present use of the site is a surface car park, which contributes very little to the character and appearance of the conservation area and the setting of the aforementioned heritage assets.

COMMENTS ON THE PROPOSAL

The principal of redeveloping the site was established 12 years ago when consent was granted for a mixed-use development. Although this has a reduced site boundary from the consented scheme as it does not include the adjacent car park to the east of North Place.

Given the sensitivity of the site and its context, regard needs to be given to the legal and policy context as it applies to heritage assets. The cornerstone of heritage legislation is the Planning (Listed buildings and Conservation Area) Act 1990 of which para 66(1) requires local planning authorities to have special regard to the desirability of preserving the building or its setting or any features of architectural or historic interest which it possesses. S.72 (2) refers to the council's need to pay special attention to desirability of preserving or enhancing the character or appearance of the conservation area.

A core principle of the National Planning Policy Framework 2023 (NPPF) is that heritage assets are to be conserved in a manner appropriate to their significance. Chapter 16 sets out the approach to conserving and enhancing the historic environment. This assessment takes account of the relevant considerations in these paragraphs, including paragraph 205 of the NPPF, where it states that in considering the impact of the proposed development on significance, great weight should be given to the assets conservation and that the more important the asset the greater the weight should be. St Margarets Terrace is Grade II*, a heritage asset of the highest significance. Para 206 goes on to say that clear and convincing justification is needed if there is loss or harm.

Notable also are the Local Plan policies and as previously mentioned, the Central Conservation Area: Old Town Conservation Area Character Area Appraisal and Management Plan 2007.

Finally, the Joint core Strategy 2011-2031, which was adopted by Gloucester City Council, Cheltenham Borough Council and Tewkesbury Borough Council in December 2017, and in particular Policy SD8: Historic Environment. Para. 4.8.4 states; "New forms of development can enhance or erode the appearance, character and distinctiveness of our historic environment. A key challenge for the future is therefore to manage change in a way that realises the regeneration potential of the area while protecting and capitalising on its unique heritage".

In August 2022 a pre-application enquiry was submitted for the proposed scheme of residential development where it was concluded that; Whilst the principle of redeveloping the site for a wholly residential scheme is considered to be acceptable, a number of concerns remain regarding the proposed density, site layout, form, design, as well as heritage concerns which are discussed by the conservation officer.

Officers consider that consideration needs to be given the points/issues raised in this feedback whilst formulating a future proposal for this site. Officers would welcome further involvement in the design and development process of this site, but please note that follow

up meetings/discussions, or follow up comments on a revised proposal may require an additional fee.

Since the initial pre-application enquiry there have been ongoing discussions between the agent and officers for Cheltenham Borough Council and this formal submission is now before us.

From a heritage perspective we find the proposed layout of the site and design of the properties broadly acceptable and acknowledge that a lot of work has been done to achieve this. However, the main issue for heritage is the proposed apartment block, which faces onto St Margarets Road and abuts St Margarets Terrace, Grade II*, and Dowty House, which is categorised as a key unlisted building.

This apartment block has always been the most contentious element to the site due to its sensitive location directly facing onto one of the main thoroughfares through Cheltenham, but also with it being nestled between significant heritage assets. From the pre-application stage in 2022, the comments made by the previous conservation officer were that there were concerns regarding scale, massing and design of this apartment block and that further consideration should be given to these issues because of its proximity to St Margarets Terrace and its prominence within the wider street scene. Unfortunately, the advice offered was not taken on board and to compound the issue even further the apartment block has been made larger by adding a rear projection, which is due to the change from a second apartment block to Town Houses in North Place, which reduces the viability of the scheme.

Notwithstanding the sheer mass and scale, and the additional bulk, which has been introduced with the rear projection the advice offered regarding the design of the apartment block has also not been taken on board. It was previously advised that the design principles should be taken from the adjacent regency block, St Margarets Terrace. Hierarchy and interest is achieved by changes to fenestration within the building; where larger windows are used to the ground and first floor, with the size diminishing for each further storey up to the top where the roof is recessed back and small dormer windows are used, which traditionally would have been accommodation for the servants of the house. Whilst this is reflective of tradition and status, it also helps to break up the strong horizontal emphasis, which can be vast within large regency terraces by creating a verticality with varying sizes of windows that are symmetrically positioned. It was also hoped that more recesses would be introduced into the building, which again would help to break up the massing, whilst an attempt has been made to introduce recesses it's not enough detail to break up the overall massing of the large apartment block.

The proposed material for the block is also of a concern; the buff-coloured bricks, which are proposed is disappointing as a natural stone would have lifted and visually improved the block particularly as it adjoins the Grade II* listed terrace. The same applies to the proposed horizontal and vertical brick banding; this again is disappointing as it will only emphasise the mass of the building again. With regards to the proposed bronze metal cladding, this is an interesting feature, which could again lift the building dependent on the quality of the material and its location.

Consequently, due to the reasons given above, the relationship between the apartment block and St. Margaret's Terrace, a grade II* listed building, and the wider street scene, the proposal for this particular development (the apartment block) is considered unacceptable. The proposed scale, massing and design of the block facing onto St. Margaret's Road is larger than the already imposing St. Margaret's Terrace, especially with the proposed addition of the rear projection.

Concerns are also raised over the lack of open space around it, its width facing St.

Margaret's Road and its depth extending into the site. It was also advised that the block should also be reduced in length to set it back further away from Dowty House, which has not been taken on board, which results in it unacceptably competing for dominance in St. Margaret's Road.

Therefore, It is considered that the proposed apartment block in its current form, the mass, scale and design, would detract from the setting of this listed building, the key unlisted building and the wider conservation area. The harm caused would result in less than substantial harm, at a medium scale. Whilst it is considered there may be a public benefit, in that housing supplies may be met, any harm could be lessened with a change in the overall design of the block, which should be quite easy to achieve.

The conservation department would be willing to discuss the above advice given so that a sensitive, acceptable scheme could be forthcoming.

Cheltenham Civic Society - 27th March 2024

OBJECT

While we strongly support the principle of developing this area of land for residential use, we do not support these proposals. Our comments relate to: i) the strategic context; ii) many aspects of the design itself; and iii) the consultation process.

Strategic context

We appreciate the housing pressures on Cheltenham, but these cannot be used to justify a sub-standard scheme of this kind. Nor should the 40 years or so during which the site has lain undeveloped become an excuse to accept any scheme that comes along.

This site is absolutely critical to the planning of the central area of Cheltenham. Its strategic location and its size demand that it be designed as an outstanding example of urban planning. If we are critical of the proposals before the planning authority, it is in large part because this site deserves the best.

Moreover, this is an important site in the Central Conservation Area, and is surrounded by several fine and impressive buildings. It needs something equally impressive to fill the site properly. We think this not only fails to do that, but it does not comply with s72 of the Planning (Listed Building & Conservation Area) Act 1990 in that it does not pay special attention "to the desirability of preserving or enhancing the character or appearance of the conservation area". It cannot be judged simply as an improvement on a rough surfaced car park but whether the proposals rise to the challenge of this exceptional site.

It is also regrettable that the council has missed the opportunity to create a master plan to include the adjacent Portland Street Carpark. It will now be difficult to unify the two sites. Missed opportunities include: the possibility of closing North Place to through traffic; providing some limited local retail and community provision (which could be viable with a larger number of residents); better parking provision; more scope to favour walking and cycling; and using Holy Trinity Church as a focal point for the entire scheme.

Comments on the scheme itself

Conservation and heritage

Generally, the proposed architecture is lacklustre, with poor proportions and cheap detailing. The palette of buff bricks is not part of the vernacular in this part of Cheltenham. The plans fail to reference key neighbouring buildings such as the fine St Margaret's Terrace (see below). Instead, they propose an ugly, almost monolithic block of flats facing St Margaret's Road.

This scheme could be anywhere. It makes no reference to the town and its design history. There is no reference to local landmarks or architecture which might have provided focal points for the design - for example the widespread use of stucco and elegant cast iron railings and balconies that are so characteristic of Cheltenham.

Overall design

We are very disappointed that the plans ignore the lessons that could be drawn from nearby Clarence and Wellington Squares. These provide civilised living around open spaces, with buildings at least 5-storeys high. Without resorting to pastiche copies, the plans for North Place could have drawn inspiration from the design principles that were followed there.

The large block proposed alongside St Margaret's Terrace – one of the finest terraces in Cheltenham – will truly be a “monstrous carbuncle” of a neighbour.

The grid square supposedly transposed from the St Margaret's Terrace frontage is fabricated reverse engineering. The proposed new building bears no relation in design terms to its early nineteenth century neighbour and will sit very uncomfortably alongside it.

Density

The density is far too low at 114dph. Compare this to other developments in and around the town centre. The Haines & Strange site achieved 165dph; Montpellier Spa Road 247dph; both Priors and Grosvenor House achieved 140dph. This site could be developed with buildings at least 5-storeys high, thereby adding to Cheltenham's housing stock and improving the financial viability of the scheme.

Sustainability

Sustainability should have been at the heart of this proposal. But sadly, that is not the case. We suggest that:

- the entire scheme be designed for EPC level A, in accordance with the council's ambitious net zero plans,
- the properties should be heated through a district heating scheme,
- solar PV should be included on all suitable roofs, and
- the buildings should be planned with an intended lifetime of at least 100 years.

Transport and parking

Sustainability should also be central when it comes to transport planning. Looking ahead, this development should be planned with considerations in mind such as shared car ownership, arrangements for shared car charging and integration with bus routing.

As it is, the whole scheme will inevitably be dominated by moving and parked vehicles. Despite this, there is insufficient parking provision for future residents, which is likely to impact on neighbouring streets. Parking should be provided by underground or undercroft parking: a good, late twentieth century example of how to do this is to be seen in the award-winning development in Montpellier Gardens and Imperial Square.

Green spaces and trees.

The planned strip between the rows of houses may look attractive in the CGIs but, in reality, it presents a number of problems, for example: the space will need intensive management and upkeep – is there a mechanism planned for this? and the back gardens will likely be full of garden clutter - trampolines, barbeque, washing lines etc. - which do not appear in the visualisations.

The green space within the scheme would be better configured round a public square (see our comments above under Overall Design).

We also have concerns about the boundary treatment with Northfield Passage.

This is poorly defined and could end up being a weed-infested edge.

Trees

We would like to see many more trees, including street trees – a characteristic feature of Cheltenham - in the scheme. Indeed, this is now required practice as set out in the NPPF1. Instead, the one existing street tree in St Margaret's Road is to be removed, and the planned 4-storey block is too close to the road to plant replacement street trees. Likewise, the 3-storey units on North Place.

Within the development, most of the proposed trees are small "lollipop" shaped trees which are short-lived and cause access problems because they do not have a 1.8 metre clear stem. Trees need to be tall enough to shade buildings from hot sun and create privacy for upper floor room users. Tree lined streets are a feature of Regency Cheltenham

"Trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined⁵⁰, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible. Applicants and local planning authorities should work with highways officers and tree officers to ensure that the right trees are planted in the right places, and solutions are found that are compatible with highways standards and the needs of different users."

Footnote 50 states, "Unless, in specific cases, there are clear, justifiable and compelling reasons why this would be inappropriate."

Privacy, crime and anti-social behaviour

The layout fails to comply with Secured by Design principles because both the front and back of the two terraces facing the shared green space are publicly accessible. Only front gardens should face onto footpaths and public open space.

https://www.securedbydesign.com/images/HOMES_2024.pdf.

The scheme should be reviewed by the Designing Out Crime Officer as there are numerous alleys and cut throughs that could encourage ASB and crime.

Affordable Homes

We welcome the provision of affordable housing, but we are unconvinced by the arguments put forward for why the CBC minimum threshold of 20% cannot be met. At least 20% affordable housings should be provided across the development; and in design terms, market and affordable housing should be indistinguishable.

Consultation

The consultation process fell far short of what we would expect for such a key town centre site. By the time the public were invited to comment on the draft scheme earlier this year, there were very few opportunities for suggestions or discussion. When we raised points of principle about the design – for example the value of taking inspiration from Clarence and Wellington Squares – we were told that these had been ruled out in discussions with council officers. The boxes might have been ticked, but the public consultation exercise was of little or no value.

We understand that consultation on the Black & White site was restricted to those living within about 200 metres of the site. Our involvement, and that of the Architects' Panel, seems to have almost an afterthought. In all, only 78 people commented on the scheme: it cannot be the case that this represents the extent of public interests in what happens here. By contrast, the pre-app consultation undertaken for Stakis on its scheme for the Black &

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White site some 35 years ago, which included a week-long public exhibition in the Regent Arcade, attracted more than 4,000 people from across the whole town. Had a master plan for the existing two car parks been drawn up (see comment above), public consultation could have been focused on that and the major principles of the development of the Black & White site could have been established after meaningful public debate.

Conclusion

The Black & White site is a strategically important location in the centre of Cheltenham. For the reasons set out above, we feel that the plans before the council fall well short of what is required. We urge the council to reject them and seek a new scheme that would do credit to our town.

Building Control

6th March 2024 - This application will require Building Regulations approval. Please contact Cheltenham and Tewkesbury Building Control on 01242 264321 for further information.

Active Travel England - 29th February 2024

Standing Advice

Following a high-level review of the above planning consultation, Active Travel England has determined that standing advice should be issued and would encourage the local planning authority to consider this as part of its assessment of the application. Our standing advice can be found here: <https://www.gov.uk/government/publications/active-travel-england-sustainable-development-advice-notes>

ATE would like to be notified of the outcome of the application through the receipt of a copy of the decision notice, in addition to being notified of committee dates for this application.

Architects Panel – 2nd August 2024

Design Concept:

The principle of a replacement dwelling is acceptable

Design Detail:

The panel have reviewed the site previously and their initial response dated the 10th of April was sent to the Local Authority.

The panel were keen to see how the project had developed because there were some strong concerns re the initial proposal.

In reality it is apparent that there have been very few changes to the scheme and many of the concerns raised about the quality of the homes and public realm spaces the proposed scheme would deliver are still valid.

It was noted that a tree that has recently been the subject of a TPO ref 24/00814/TREEPO is not illustrated on the plans in anyway as such it is not clear whether this is to be retained or its removal is included within the application.

It was also noted that the revision note B on the drawing reference 22039-GNA-XX-ST-DR-A-0103 Rev C comments that 'All townhouses on site are now Non-compliant NDSS house types – affecting terraces 1 and 4'. It is a concern that on a new brownfield site of this scale a development would be delivering 'Non-compliant NDSS house types'.

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With regards the overall scheme the changes to the proposal since our last review of the drawings have been so minor that our initial comments still stand in their entirety.

Recommendation:

Whilst we support the use of this large brownfield site which is in a highly sustainable location to provide residential accommodation within the town we do not feel this scheme is of a high enough quality for the panel to support.

Architects Panel – 18th July 2024

Development of car park for 147 dwellinghouses (Class C3) incorporated into a part 4 storey / part 3 storey apartment block and 3 storey townhouses with associated: parking; refuse and recycling storage; sustainability features; landscaping; tree works; open space; biodiversity enhancements; drainage; pedestrian links to adjoining streets; and enhancements to existing vehicle access off North Place. [Car Park North Place Cheltenham Gloucestershire GL50 4DW

OBJECT

The changes made since the previous application are essentially minimal and do not address the main points made in our earlier criticisms. Accordingly, our original objections still stand.

In addition to our earlier concerns, we wish to emphasise these points in respect of the revised scheme:

- Since the previous plans were out for consultation, a TPO has been placed on the London Plane on St Margarets Terrace. We are very disappointed that the developers have not adapted their plans to take this into account, and still intend to fell this mature, healthy tree. Only a line of small trees are to be planted to replace it: instead the building along the this main road should be set back to allow space for street trees to reduce overheating of buildings and traffic pollution.
- The emphasis which the new Government is placing on the need for housing means it is timely to consider a greater density of housing. As we commented earlier, there is scope to increase the height of this development and so to increase the number of homes created. On these grounds alone, the plans should be rejected.
- Security remains a concern in the revised scheme. Public access to some of the homes from both sides is a source of concern.
- Some extra details of landscaping have been provided, but there is still a large amount of the site given to hard standing and car parking. This appears at variance with the policies set out in the council's Climate Change SPG document.

Architects Panel - 11th April 2024

Summary

The applicants presented their proposals to the Cheltenham Architects Panel (CAP) on 31st January 2024 as part of their Pre-app consultation process. Unfortunately the panel had major concerns over the design proposals and recommended design amendments be made prior to formal submission. Sadly the applicants ignored CAP comments and submitted the application without any design amendments.

Following a CAP meeting on 10th April 2024, it was agreed that the panel would formally issue the Pre-app response with a strong recommendation for the application to be refused for reasons stated in the response below:

Presentation The Pre-app scheme was presented to the panel by Adam McPartland,

James Dickens and Rob Buckland. The drawings and model views were well presented and explained the scheme and how the design had developed over the last 12 months following a consultation process with officers of Cheltenham Borough Council.

A Planning Update Summary Document was issued to panel members in advance of the presentation.

The project architect, Adam McPartland, explained that although the scheme design was at an advanced stage, the applicants would welcome the panel's comments so that any concerns raised could be adequately addressed before submission.

The panel welcomed the opportunity to review this important development proposal knowing that the council had been wanting to develop North Place for many years. It is a large site in the heart of the town that requires a scheme of high architectural quality given its prominent location.

Design Concept

Unfortunately, the panel was unanimous in concluding that the scheme presented did not meet the well-intentioned objectives set out in the summary document. The panel felt the design lacked sufficient quality to be supported and recommend design amendments are carried out before submission.

Mixed Use Brief Fundamentally the panel had concerns about the development brief and the fact that constraints self-imposed by the council and developer would result in an unsatisfactory design solution.

The panel queried why the scheme was not more of a mixed use development and were advised that for viability reasons the scheme was limited to providing town houses and apartments only and standard 3 Bed units. This bears no relationship to housing need. If 40% are affordable (which it should be) there is a defined mix in Cheltenham which should not be ignored.

This constraint has resulted in a rigid and uninspiring site layout composed of extruded monolithic blocks that do not sit comfortably on the site.

Site Analysis

The panel felt that the submission needed a more in-depth site analysis that looked more closely at the different scales and characteristics of surrounding streets and adjacent buildings.

Despite illustrating 19 different site layout options, all are simple blocking diagrams based around a pre-defined road layout and standard unit floor plans. The panel was not convinced by any of the layouts. Where attempts are made to provide visual links through the site, for example to the Brewery Quarter, this is crudely achieved by slicing off the corner of the apartment block in a haphazard manner rather than developing an attractive architectural solution.

The panel agreed that a Sun Path Analysis of the proposal is essential and likely to demonstrate major overshadowing problems given the orientation of the blocks, their height and close proximity.

Central Open Space Reference is made to beneficial public realm open spaces characteristic of Regency Cheltenham urban planning, such as nearby Clarence Square, Imperial Square and Gardens and Sandford Park, but the site layout bears no resemblance to these spaces. The two inner site blocks create a long narrow garden which is gated so

cannot be enjoyed by the general public. It is a disappointingly monolithic space that has no focus at the ends and none of the architectural interest of the precedent schemes illustrated in the summary document.

The “public open green space” outside the apartment block is too small to provide valuable amenity space and likely to be overshadowed by the apartment block throughout the day.

The applicants described the need for site permeability. The panel was not convinced that the layout encouraged this and felt the link past

Dowty House to Brewery Quarter was spurious and not helped by superficial “feature archways” that lead nowhere.

The applicants agreed further work was needed to provide private defensible space adjacent to ground floor rear apartments.

St Margaret’s Road Apartment Block

The applicants say the apartment block building is “designed to pick up on the architectural cues from St Margaret’s Terrace”. The analysis and diagrams provided are not at all convincing: the new building does not correspond in scale, proportions, storey heights, or distinctive roof and ground floor articulation. The ground floor apartments are particularly problematic in that there is insufficient space between the large windows and the busy street and public realm. Lessons could be learnt from St Margaret’s Terrace design where there is more defensible space leading up to front doors. Terraces with raised ground floors with semi-basement space, typical of so many Cheltenham terraces, have a better relationship to the street.

The “leg” of the apartment block that extends into the site has a detrimental impact on the listed building, St Margaret’s Terrace, and its setting and does not follow the pattern of development. The front and back elevations of Regency townhouses are invariably quite different with integrated outshot, bays or bows at the back that provide architectural variety and interest. If this wing is required, it needs to be subservient to the main block.

North Place Terrace

Building terrace houses fronting North Place is entirely appropriate but again the amount of defensible space along the street is minimal and certainly insufficient to plant the mature trees so close to the building as illustrated.

Northfield Passage

The panel was concerned that having a wide access road along Northfield Passage would not be an attractive space and suggest the layout be reviewed to include a landscape margin so there is some softening and visual surveillance from the new terrace. This would make it more usable.

Blank Elevations

The panel was horrified that the applicants were justifying blank end elevations because the council were looking for Arts Council funded wall murals. This is a scheme that will hopefully last 100 years and could have a very negative impact on this part of Cheltenham if ephemeral graffiti is considered more valuable than beautifully proportioned architecture.

Materials

The panel thought the palette of suggested building materials was entirely appropriate.

Parking The panel questioned whether there was sufficient parking on the site given that only one space was provided for each 3 Bed townhouse and no parking whatsoever for the apartments. The applicants said details of a scheme providing reserved parking spaces in the nearby NCP would be presented with the planning application along with an appraisal

of parking requirements in the town and the impact the loss of North Street Car Park would have on traffic management.

If more car parking spaces are deemed necessary, the scheme might consider having semi-basement parking like other successful housing schemes in Cheltenham.

Suggested Design

Improvements

The panel felt the proposed site layout was most unsatisfactory and could be much improved. The scheme would benefit from breaking up the monolithic blocks and stepping heights across the site to take advantage of sun paths and provide opportunities to open up the site to create more exciting spaces.

The panel recognise that there is pressure on the designers to maximise development potential on the site. It is likely that a much better scheme could be achieved by reducing the number of units – the current site layout is looking like over development – but with a more imaginative design approach and a more efficient layout, the panel thought the target density might still be achieved.

Summary The panel were not averse to a dense urban development on this site but felt there were other design opportunities that should be explored to create more architectural variety and more vibrant place-making spaces that respond sympathetically to the existing urban fabric.

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APPLICATION NO: 24/00236/FUL	OFFICER: Mr Ben Warren
DATE REGISTERED: 24th February 2024	DATE OF EXPIRY : 25th May 2024
WARD: St Pauls	PARISH:
APPLICANT:	Wavensmere Homes Limited
LOCATION:	Car Park North Place Cheltenham
PROPOSAL:	Development of car park for 147 dwellinghouses (Class C3) incorporated into a part 4 storey / part 3 storey apartment block and 3 storey townhouses with associated: parking; refuse and recycling storage; sustainability features; landscaping; tree works; open space; biodiversity enhancements; drainage; pedestrian links to adjoining streets; and enhancements to existing vehicle access off North Place.

REPRESENTATIONS

Number of contributors	29
Number of objections	23
Number of representations	2
Number of supporting	4

15 Monson Avenue
Cheltenham
Gloucestershire
GL50 4EN

Comments: 18th March 2024

I object to the application due to the height of the proposed buildings in the north east corner, adjacent to Northfield Passage and Monson Avenue. The height of the proposed buildings will reduce light and privacy to the existing properties. I do not object to the site being developed for residential purposes but the proposed buildings in this corner of the site are too high and too close to the existing properties. They are not in keeping with the existing 2 storey properties in Monson Avenue and Northfield Terrace.

Flat 1
3 St Margarets Terrace
St Margarets Road
Cheltenham
Gloucestershire
GL50 4DT

Comments: 6th March 2024

letter attached.

18 Northfield Passage
Cheltenham
Gloucestershire
GL50 4JL

Comments: 16th July 2024

Looking at the map, the taller buildings are positioned in front of the smaller houses in Northfield Passage, blocking light and affecting privacy.

The architectural design of the properties is not in keeping with a regency town centre. Better examples are found in Gloucester Place.

The car park, even though it has not had any work done to make it a smoother surface is busy all week, and overflowing at weekends. Where is this need going to be met?

There is very limited parking for current residents, so unsure where all of the residents of the new flats are likely to park as the streets can barely accommodate existing vehicles. Saying it's a town centre development, will not facilitate people's needs.

The still 'ongoing' Dowty House development was invasive and houses were shaking. This also resulted in an infestation of mice in the neighbouring properties.

I understand we need more housing, but a better design and fewer dwellings should be considered as I believe 147 is too many for that site.

How will the site be accessed safely to not disrupt residents and already flowing traffic on a very busy St Margaret's road and North Place, both during and post development?

18 Northfield Terrace
Cheltenham
Gloucestershire
GL50 4JJ

Comments: 15th July 2024

Having read through many of the other comments - I concur with their points. We do feel that the area should be developed however have grave concerns on a number of matters.

1. The design as previously commented on is not in keeping with the architecture of Cheltenham and the buildings in this area in particular. It is bad enough having to look at the back end of the eyesore that is the Dowty building with black cladding.
2. Parking - we struggle in Northfield Terrace as it is with parking and do not think that this development will make our lives any easier.
3. Traffic - will the local traffic system be adapted to cope with the increased traffic to the area? Currently the junction of North Place and Clarence Road gets extremely congested to not only drive but it can take a while to cross safely on foot - this will only worsen.

4. Town parking - where on earth are all the cars that currently park in the Black & White going to park moving forward? The car park is full most days and definitely at weekends.

5. When the development of Dowty House took place - we felt the foundations of our house shake on numerous occasions - we cannot imagine what will happen if this development goes ahead. Let alone the dust that appeared on the car and in the garden making it impossible to hang out washing for months on end.

6. Taking in to account many comments on the height of the buildings - and should they go higher we will lose all privacy in our garden and it appears that security has not been accounted for either.

We ask that the Council take into consideration the comments of those that will be most affected by this development.

5 Northfield Terrace
Cheltenham
Gloucestershire
GL50 4JJ

Comments: 18th March 2024

The development will cause me and my family to have a lot less privacy and will affect the natural light into our house and Garden. There will also be a lot more constant noise with the new houses and people living there.

If the development goes ahead there will be a lot of noise due to building work.

Could affect my children's chances of getting into local schools due to more families being in the catchment area.

The area will be over developed with housing

3 Northfield Terrace
Cheltenham
Gloucestershire
GL50 4JJ

Comments: 3rd March 2024

1. Will the boundary wall between between Northfield Passage and the existing car park be kept?

2. There is not enough parking space, and none at all for residents of the largest block. Presumably all of these residents will be granted residents permits for zone 10, further increasing the already cramped spaces in the surrounding areas. I already have to park on a different road multiple times per week.

3. Both North place and Portland street car parks can get full on the weekend. With one being removed, what is the plan to address this? The NCP in the brewery quarter usually has queues outside as well.

71 Orchard Way
Churchdown
GL3 2AP

Comments: 24th April 2024

The developer requested feedback to the design and then proceeded with the exact same design regardless of the public sentiment. What is the point of a conservation zone if developers can build in exactly the same way regardless of location? Towns that build in ways that disregard local character repent for decades to come by building in a way that is 'fashionable' for a specific time and period, rather than the timeless character of Cheltenham.

Recently, in Gloucester, a councillor said that every time she passes the 1960s building that housed Sainsburys she thinks "how did this get signed off?". We are doing the exact same thing now.

The council always likes to brand itself as the 'most complete regency town', but this looks nothing like the rest of the regency centre which does so much to bring tourism and prosperity to the town. We are not in a position where we need to sign off any design.

This design could be implemented in any, and every, town across the UK. It's not hard to build in-keeping with the regency style, and it's been done successfully in other locations in Cheltenham.

We all want to see this site redeveloped, but done so in a sensitive way that makes it fit in with its surroundings, rather than a copy and paste example which does nothing to enhance the town.

Please re-consider the design and remember that we are custodians of the town, and building a Cheltenham for future generations. Surely we want to leave them the one that we inherited from the regency period that is still effortlessly brilliant 200+ years on.

28 Cleaveland Street
Cheltenham
Gloucestershire
GL51 9HN

Comments: 24th April 2024

The site definitely needs redevelopment but that in the manner planned. The design for the development is not in fitting with the town and its heritage. It's very much a "copy and paste" design, which will be a blight on the town for decades to come

5 Sydenham Villas Road
Cheltenham
Gloucestershire
GL52 6EG

Comments: 10th April 2024

This application is low grade, lacklustre with poor proportions and cheap finishing which does not fit in with the general architecture in Cheltenham. The Council should be trying to ensure that new building in this Regency town is of high quality and matches the historic surroundings of this site.

The buildings could be much higher allowing for a higher density of dwellings. 114 dph is too low on this site if the Council is to reach the net zero targets it has set itself and better quality buildings will last much longer.

It is the duty of the Council to enhance the built environment and insist that developers do not build the cheapest houses they can get away with. Why would the Council want to approve something so shoddy when it is in their power to improve the built environment of the town. After waiting over 40 years surely we, the citizens of Cheltenham, can expect more.

46 Clarence Square
Cheltenham
Gloucestershire
GL50 4JR

Comments: 25th March 2024

Redevelopment of the north place car parks is desirable but only if what replaces them complements or enhances the architectural heritage of the town. Unfortunately the current proposal does neither. As proposed it is devoid of architectural merit creating bland monolithic blocks.

We object to the proposal as submitted and suggest the following points be considered as a minimum:

- . The proposal will place significant additional load on local infrastructure - schooling, medical and dental etc. How is this being addressed?
- . No parking is provided for the apartment block. Why is undercroft or basement / part basement parking not being considered?
- . One parking space per 3 bed house is unrealistic. Under current regulations this will put increased pressure on already crowded zone Z10 parking. Residents of this new development should be excluded from Zone Z10 parking area as without such restriction there is potential for in excess of 300 additional permits for on street parking in Zone Z10.
- . How is lost public parking serving town centre to be re-provided - these car parks are heavily used particularly at weekends?
- . Proposed air source heat pumps are less efficient than ground source heat pumps. The development provides an ideal opportunity to install a district system of centralised ground source heat pumps and the developer should be encouraged to do so.
- . Developers are notorious for building new housing on a phased basis trying to match construction to sales rather than building out the total development. Timescale restrictions should be imposed to avoid construction dragging on with inevitable detrimental impact on surrounding area

- . Is the development to be a gated community as similar nearby developments? If not how are the proposed open spaces to be managed to avoid them deteriorating?
- . The proposed design for rear gardens facing onto North Place and the pocket park with low walls presents an open invitation for burglary
- . Without garages and with unfenced front gardens the nominal bin storage indicated will be inadequate to accommodate the numerous waste, recycling and garden waste bins required, leading to bins spreading far and wide.

27 Clarence Square
Cheltenham
Gloucestershire
GL50 4JP

Comments: 25th March 2024

We would like to raise the following points in relation to the above Application

1. The 153 proposed dwellings are in a conservation area. As such the plans do not reflect an appropriate design for the area and the comments made by Historic England in their 'Consultee Comments' are meaningful.

In support of the above we would like to reference the uninspiring and shocking development of the Grade 11 Dowty House which is undergoing completion on the adjacent Monson Avenue. If this low level of expectation and standard of build for new residences in the conservation area is to be repeated here everyone should have a need for concern.

2. 153 homes, with 87 dwellings likely to qualify for school places both in the Primary and Secondary sectors will have a significant impact on existing educational establishments. Also on Doctors surgeries and dentists. These areas of infrastructure are not given significant concern.

3. Parking - adequate and realistic provision for this is unconvincing given the high number of homes proposed. Understandably people living nearby are seeking reassurance that the current Residence Permit areas will not be flooded with vehicles. Similarly where will all those currently using the car parks park?

4. Green space and trees and planting. The Application would benefit hugely if more focus was given to proper landscaping and not simply maximising the number of dwellings that can be squeezed onto the site. The reason central Cheltenham is so appealing is that green spaces are valued and has benefitted from a legacy of past good planning.

We do not disagree with the site being developed, however, as others have commented, there are too many residences proposed for the site and it would be more appropriate to have builds of more inspiring design and worthy of their location than in the current proposal.

Flat 6
Clarence Court
Clarence Road Cheltenham
Gloucestershire
GL52 2AX

Comments: 9th March 2024

These car parks are completely full on Saturdays. Local people coming from outside the city centre struggle enough as it is to find a place to park, and I feel that taking these spaces away will damage the local economy by steering people away from driving into town in their free time if there is nowhere safe to park. It would be very important to consult locals more widely to gain an accurate consensus, i.e those who need to drive to get to town but are still living in Cheltenham.

Flat 10
Hazelhurst
24 Eldorado Road Cheltenham
Gloucestershire
GL50 2PT

Comments: 3rd April 2024

This scheme is a fantastic idea and will add valuable homes and community to the area.

It will have a positive economic outlook on the local area, too, with more people at hand to use the local facilities in the Brewery.

My only suggestion is that the homes could be an extra story taller to be more in the regency styles of Cheltenham as a whole.

22 Clarence Square
Cheltenham
Gloucestershire
GL50 4JP

Comments: 27th March 2024

Letter attached

Comments: 19th March 2024

Planning Application 24/00236/FUL

There are a number of concerns and reservations about the proposed development made by Wavensmere Homes and Pegasus Planning Group Limited regarding North Place Cheltenham, which need to be shared with you.

The principle concern and objection to the scheme, as with previous failed attempts, is that the true potential and best outcome for this site is yet again being sacrificed or at least set aside. The site connects large 19th century buildings in both Pittville to the north and the town centre to the south. Any potential development of North Place Car Park or indeed the adjacent Portland Street Car Park site, the most prized and important real estate areas in Cheltenham, has been a local scandal as there has been a scarcity of credible schemes since the older properties were demolished around the 1980's. The current scheme as outlined is no better and fails spectacularly to capture its true worth to the town.

While there is no favour for pastiche regency developments or benefit that a more modern approach would work much better there is a huge dividing line that quite often supports poor architecture that neither recognises Cheltenham's past or stimulates a potential modernist and revivalist future. This scheme is appalling with regard to the former and fails spectacularly to deliver any New Heritage value in the latter. I therefore urge Cheltenham Borough Council and their Planning Department to consider very carefully the consequence of accepting this ill-conceived scheme based on the need for expediency over a lack of foresight that will only result in a poor legacy for the town during their tenure.

There will of course be broad, political and social reasons as to why this area should be developed, such as:

- 1) Central Government housing targets should be met, but suggest not at any cost if viewed as a diktat that cannot be overridden by important local requirements, sensitivities and standards.
- 2) North Place and Portland Place sites have been an eyesore for far too long at the expense of previously failed schemes, which is no excuse in itself.
- 3) It is important to develop brownfield sites as a first principle, but further suggest this should not be at the cost of degrading what should be a credible architectural landmark statement about Cheltenham.
- 4) To encourage people to live in town centres is something CBC is only just beginning to get to grips with as the new norm, therefore it should be undertaken by employing real long term benefit and not just as a simple short term marketing exercise. The current strategy has resulted in a conflict of balance between this short-sighted ill-thought-out underlying urban policy and a much greater and sensible visionary one. Support for all of the above four points in principle is only given if the other parameters of credibility are taken into account.

There is also the sensitivity and appropriateness the design of the estate to be considered by the Planning Committee.

Wavensmere Homes market themselves as Urban Regeneration Specialists, but their consistent one adaptive design that fits all housing solutions as shown in previous schemes they offer in other areas may well satisfy the brownfield site argument where an office block/industrial style approach is more aligned to more extreme industrial areas, it is certainly not an appropriate solution for this site considering Cheltenham's unique proud and different heritage.

The design of the buildings as illustrated are too 'utilitarian' with terraced housing blocks showing little character or innovative design integrity, which give the whole site an 'army barracks' style feel. The 'gulag' office block style building that fronts St. Margaret's Road is even more of a concern. Overall there is no differential detail in any of these buildings to break up the over-linear monolithic look as would normally be seen in Regency Architecture presentations in the past. The 'pocket park' approach for the shared public spaces is reminiscent of 'back-to-backs' of the 19th century. In short the proposition is distinctly unattractive with dreadful lazily designed solutions, which are the most underwhelming examples of appropriate modern architecture ever to be offered. The scheme appears to be designed to an imposed budget rather than exemplifying a credible and creative solution.

The use of materials suggests that a Victorian brick solution is more important than stucco walls or ashlar stone facing is something I find inappropriate to previous solutions given to large swathes of central Cheltenham throughout its earlier period of great development and some modern planning history. There is however a cautionary tale regarding poorly executed examples of 'stucco' solutions applied to modern buildings around the town as well as the misuse of terrible modern cladding as seen in the appalling build executed in the adjacent Dowty House's approved planning application. Equally the recent Minster development is currently not something worthy of support as it too is so awful due to the use of fashionable container solutions, never mind its initial creation, that it has in effect degraded another important landmark site in Cheltenham.

Pegasus Planning Group Limited originally letterbox dropped a leaflet in December 2023 to local home owners and was headlined as a 'Public Consultation' based solely on a CGI sketch, which was nothing more than a poor marketing exercise and was therefore "unregulated". Given the fact that the scheme had already been presented to CBC at a council meeting around that time it raises a worry regarding "statutory and therefore legal requirements" over sensitivities related to the true application of a public consultation.

Furthermore, there is little evidence that parking issues for the area are being fully considered due to an inconsistent policy from CBC, which often states that residents who live in town centres do not require the use of a personal vehicle, yet encourage people from surrounding areas or from afar to come to Cheltenham to shop, dine and relax on a grand scale, especially in support of its nighttime economy policy. I would hope greater consideration would be given to concerns over local impact and also a prescribed solution as to how CBC are going to redirect 1000 vehicles per day due to the loss of this current prime car parking area.

Finally a very weak level of public consultation, despite perhaps meeting basic statutory requirements, suggests that the importance of this site in this current Planning Application proposal does not fully engage with the standards of expectation for

Cheltenham. The planning team need to support the need for a much better solution for this landmark site and address the major problems raised within the current application and therefore should reject this scheme, one that should never have even got off the drawing board.

22 Clarence Square
Cheltenham
GL50 4JP

Westhall
Lansdown Parade
Cheltenham
Gloucestershire
GL50 2LH

Comments: 8th April 2024

Why has the applicant prepared numerous documents about the area and then disregarded the information when preparing their proposals? Below is one example;

"Townscape and Visual Impact Assessment
North Place Car Park, Cheltenham, GL50 4DW

Green Infrastructure

4.29. A limited amount of green infrastructure is found within the site due to the existing land use and prominence of hardstanding. A mature London Plane tree and two semi mature trees are found at the southwestern extents of the site near to A4019/St Margaret's Road. No further substantial vegetation is found within the site. Beyond the site boundary to the west lies a mature Lime tree in close proximity to A4019/St Margaret's Road."

The North Place site has one historic feature on the perimeter, namely a 200 year old healthy Plane tree, and the proposals have made no attempt to preserve it. The Plane tree is the only environmentally important feature, but is proposed to be removed.

This tree is a similar age to their long lists of protected buildings in the area and it has been totally disregarded with no attempt to design around this prominent feature on the main road. It was originally one of a row of trees along the road, as shown on their historic map extracts.

Large long lived street trees should be proposed along the entire St. Margarets Road and North Place frontages to improve air quality in the area. They would also help to minimise overheating and weather impact for residents and provide a more pleasant outlook and privacy for occupants. Large trees regulate air temperature in contrast to hard surfaces of buildings and paving and are important to combat the effects of climate change.

Street trees are not necessarily native varieties, because they have to tolerate both adverse ground conditions and air pollution. Their form is usually relatively narrow and capable of growing tall enough to allow doubledecker buses and HGVs to pass under

their canopy. These are not the type of short lived ornamental trees which are normally found in domestic gardens.

This is an opportunity to create a design a structure of street trees along the roads similar to those in the nearby Clarence and Wellington Squares, and numerous other areas in town. This is the character of Cheltenham and the proposals do not reflect this unique feature of the town.

Management Suite
Cupola Tower The Brewery
Quarter
Henrietta Street Cheltenham
Gloucestershire
GL50 4FA

Comments: 8th April 2024

As the managing agents of The Brewery Quarter in Cheltenham, we are writing to express our support for the planning application submitted by Wavensmere Homes & BBS Capital for the development of new housing in the area. We believe that this proposal will bring significant benefits to the community and the area as a whole.

Here are several key points to consider in support of the planning application:

Wavensmere Homes & BBS Capital Proposal: The proposed development by Wavensmere Homes & BBS Capital offers a thoughtful and comprehensive solution to the unused North Place car park site. The proposed design will link the site to other key developments in the town such as The Brewery Quarter and provide residents with easy pedestrian access to the local amenities.

Redevelopment of Unused Space: The North Place car park has been vacant for approximately 40 years and stalled a decade ago when a previous commitment fell through. This proposal presents an opportunity to revitalize this space and contribute positively to the local area.

Affordable Housing: The proposed mix of houses and flats will provide 1-3 bedroom accommodations that are more affordable than many options currently available in Cheltenham town centre. This is crucial for addressing the housing needs of a diverse range of residents.

Green Space and Environmental Sustainability: The development not only offers housing but also includes provisions for green space, public realm enhancements, and environmentally sustainable homes. This aligns with modern urban planning principles and will enhance the overall quality of life for residents.

Reduced Pressure on Highways: By replacing the existing car park with a mixed-use development, the project will create less pressure on local highways compared to the current usage of the site.

Economic Stimulus: The development is poised to bring significant economic benefits to the town of Cheltenham. The influx of new residents will contribute to increased consumer spending in local businesses, further stimulating the local economy. This injection of economic activity will not only benefit the immediate vicinity but also have positive ripple effects throughout the broader community, supporting local businesses and fostering continued growth and prosperity in Cheltenham.

In conclusion, we firmly believe that the proposed housing development will be a positive addition to the Cheltenham community. It will provide much-needed housing, enhance the environment, and contribute to the overall well-being of the area. We urge the planning authorities to carefully consider these points and approve the application.

26 Clarence Square
Cheltenham
Gloucestershire
GL50 4JP

Comments: 24th March 2024

I am concerned about the inevitable pressure to allow residents to park on-street, most likely in residents parking zone Z10; which would have an overwhelming impact on the ability of Clarence Square residents to park. I note the comments that residents should not get residents parking permits, but find it hard to believe that this suggestion will remain in force over time.

180B Leckhampton Road
Cheltenham
Gloucestershire
GL53 0AE

Comments: 15th July 2024

The opportunity exists to create an environment that mirrors and supports the heritage of Cheltenham. Providing space, trees, and quality homes is essential. Providing buildings of character that meet the needs of the town is essential. Design frontage, access, and space to achieve something suitable for the town, or develop elsewhere. Unfortunately the label "could try harder" applies.

Comments: 4th April 2024

Develop the site by all means, it's long overdue. But selecting such inappropriate designs for this location is fundamentally flawed. Why selecting a developer with experience in Birmingham and Derby for example, with no, literally no concept of design needs for a regency town, its crazy. Find a different developer, or saddle the town with a shameful legacy of no imagination and degradation of what Cheltenham has to offer.

1 Pittville Crescent
Cheltenham
Gloucestershire
GL52 2QZ

Comments: 3rd April 2024

This is such an opportunity for the town. This proposal wastes that opportunity. The best that can be said of it is that it doesn't include the Maersk-container style architecture favoured in so many new houses. For a town so proud of its architectural history, for town that trades in its architectural beauty, this is not nearly good enough.

37 Clarence Square
Cheltenham
Gloucestershire
GL50 4JP

Comments: 2nd March 2024

Insufficient car parking for the number of dwellings (nearby car parks are usually at or near capacity and are often expensive). Where are all of the vehicles currently using these two car parks expected to park?

Ensure that residents of this development cannot apply for local residents parking permits as specified in the Transport report.

The dwellings are small, according to the floor plans. The number of dwellings should be reduced so that these properties can be proper family homes, rather than small boxes that are not practical.

The elevation drawings show buildings that are not at all in keeping with the adjacent Listed Buildings.

My experience of heat pumps was not positive. They don't work in very cold weather and they are energy inefficient in low temperatures. Finding qualified technicians to service said heat pumps is very difficult.

I do not object to the site being developed but it needs to be a sympathetic, sustainable development.

1 Furrow Close
Cheltenham
Gloucestershire
GL52 3NB

Comments: 12th April 2024

I am delighted by the prospect of seeing this wasted space in the centre of Cheltenham be put to good use. These proposals however do the town a disservice, both in functionality and aesthetics. Cheltenham is a beautiful town full of brilliant architecture. The proposal does not add to this legacy, it looks generic and must be improved. Parking has not been adequately considered. Cars should not dominate the landscape, but people need cars. Perhaps underground parking should be considered.

76 Naunton Lane
Cheltenham
Gloucestershire
GL53 7BG

Comments: 5th April 2024

It is disappointing that it has taken so many years for the Council to come up with such an awful scheme.

It is a poor-quality scheme which does not feed into the local area, or enhance Cheltenham in any way.

It does nothing to alleviate the major traffic and parking issues in the vicinity, nor in the town generally.

The brutal apartment block is particularly offensive.

12 deansway
London
n2 0jf

Comments: 9th April 2024

As owners of the nearby Regency Hall in Fishers Lane we wholeheartedly support this application for the following reasons:

The Car Park has been vacant for as long as I can remember and causes traffic problems when busy and an eyesore when not. This development will reduce the traffic and revitalize the area.

This development will provide much needed Family Housing to the area with affordable housing and reduce the car usage

Green space and public realm will be provided which is a plus for the surrounding area

In conclusion I can only see positives to this development.

45 Alstone Croft
Cheltenham
Gloucestershire
GL51 8HB

Comments: 19th April 2024

Highly disappointing to see yet another boring, lazy, unimaginative monolithic development offered. Astonishing that this sort of architecture is still waved through by developers and planning. When do we as a society wake up from this unimaginative greyscale slumber? What will generations after us think about this development?

Where is the critical thinking over provision of parking? Is this really considered suitable quality housing if there is little thought about the way the space is actually used for people living there? Terracing might be a good way to wedge in as many houses as possible, but have we not moved on from narrow Victorian style shared back alleyways and gardens?

The reports from the civic society and CAP are damning. It's hard to disagree with all the points made.

We all agree that the car park is of little value as it is, and I think housing is perfect use - but Cheltenham and its people, and the potential new occupiers to this housing, deserve so much more.

Strongly object on the basis that this could be so much better. If this is approved in its current format, then this would be an incredible act of self sabotage for Cheltenham.

49 Clarence Square
Cheltenham
Gloucestershire
GL50 4JR

Comments: 10th April 2024

In terms of scale, plan, elevation and detail the developers have made no effort to integrate their scheme with the landscape and architecture of the surrounding area. This can be achieved (see the modern developments of flats between Clarence and Wellington Squares and also Albion Place). The developers should be required to make much more effort on this very large and prominent site.

Cotswold View
45 The Burgage
Prestbury Cheltenham
Gloucestershire
GL52 3DL

Comments: 9th April 2024

I'm writing in support of Wavensmere Homes' and BBS Capital's proposal for redeveloping the old North Place "Black & White" car-park. The site has been empty for decades, most recently because of Morrisons withdrawal from their commitments in 2014. As a very busy car-park it is a viable investment and these proposals demonstrate that the owners have worked hard with CBC to find a solution to deliver homes in the town centre that can be afforded by a large part of the local population, not just the wealthier and older residents. To come forward with a deliverable mix of houses and apartments with public realm, green space and high sustainability credentials is no easy feat in current economic conditions, especially with a commitment to 20% affordable housing. It's too easy for people to criticise the proposal, but with inflation and interest rates running high, this site could easily be a car-park for the next decade. This plan will complement our Dowty House project, create local jobs and economic value, cementing this edge of centre site as a desirable place to live.

Kind Regards
Dowty House Project

1 Jersey Avenue
Cheltenham
Gloucestershire
GL52 2SZ

Comments: 3rd April 2024

I all for this waste land to be developed as it has been left empty for far too long. My comments are;

The proposed architecture and design isn't really good enough for this high profile location in Cheltenham. The design is very basic and lacks any imagination or flair. Gives the impression that the developer is trying to do the least amount of work for the maximum profit. The architects have a blank canvas they should be able to produce something far better.

The development will remove carparking spaces from central Cheltenham whilst increasing the number of cars into the area. Where will these cars go? There needs to be sufficient parking for this development which at the moment is lacking.

This development benefits the financial desires of the developer over the needs of both old and new residents.

Happy with the principal of redevelopment however the current plans should be rejected, with the developer told to come back with a plan that will benefit Cheltenham rather than the developers shareholders.

1 Pittville Crescent
Cheltenham
Gloucestershire
GL52 2QZ

Comments: 13th March 2024

Given the existing planning system I have no expectation that you will refuse permission for this disappointing, unambitious development. The combination of townhouses and flats is appropriate; the massing and heights are uncontroversial; the style is plain but can reasonably be presented as a modern echo (albeit on a painfully reduced scale) of the terraces of Regency Cheltenham.

But what **should** be built here? It's a site that connects large 19th century buildings in both Pittville to the north and the town centre to the south: a golden opportunity to heal the rift between the two, by doing what local people consistently say they want, which is building not in some watered-down pastiche but in authentic Regency style - as was done very successfully for a while in Cheltenham (for example on Imperial Square, or even nearer to this site at Grosvesnor House on Evesham Rd). Sadly the approach to planning in Cheltenham seems to have regressed since then, and in England's dysfunctional housing market developers do not respond properly to demand signals (traditional features, high ceilings and decoration do all command a premium in the market, yet very rarely feature in new developments), so it will not happen organically.

People in historic towns and cities in Germany, Poland and France, where so much care has been taken to recreate what was lost and to add sympathetically, must shake their heads in wonder at the British insistence on building ugly modern buildings in direct contradiction to the clear wishes of the public.

A second perfectly valid approach would be to build something more contemporary but which is ambitious enough to bring progress to the town, a very reasonable aspiration for this large and central site. The developers cite Chelsea Barracks (in section 4.02 of the Design and Access Statement), which does precisely this in a large and central site in London. Chelsea Barracks is an excellent development, and the North Place developers should not be allowed for a second to get away with suggesting their mediocre effort is in any way equivalent. Of course the housing market in Chelsea is very different from Cheltenham's, and I'm not suggesting that anyone should or could build properties with values in the tens of millions here or anywhere else in Cheltenham. But a developer at North Place could achieve something new and positive. Chelsea Barracks has **higher** ceiling heights and **more** storeys than the Georgian and Victorian buildings around, whereas this North Place proposal seems to apologize for itself with the smallness of the buildings. Chelsea Barracks is faced in stone, as some of the better architecture around it is; North Place could have opted for stucco (as Imperial Square or Grosvenor House did) or stone (as the Cala Homes development on Lansdown Rd did) - both are typical of the town's better architecture. Instead brick has been chosen - and yes there are some low-quality precedents nearby, but why emulate the bad rather than the good? Chelsea Barracks has **more** decoration than the Victorian terraces around (which are, like Cheltenham's Regency terraces, quite simple in design), whereas this North Place proposal has less than the surrounding buildings.

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As for the specifics, assuming permission will be granted, I would suggest at the very least:

1. Considering very carefully whether the brick proposed is acceptable - the renders depict a cream or very light grey colour which give the very misleading impression that the development will somehow resemble (in miniature) the town's stucco terraces. That cannot be done in brick.
2. Insisting that the party walls between houses be flat (with curved step-downs if necessary) rather than the hideous raked ones proposed.
3. Insisting on more decorative railings - this could be Victorian-style black wrought iron per the local tradition, or could equally be something modern and decorative (see Chelsea Barracks) but surely not the 70s-style bars proposed.

It could be worse, but surely Cheltenham deserves far better.

Kind regards

36 Valentine Road
Bishops Cleeve
Cheltenham
GL52 8FU

Comments: 4th April 2024

The site certainly needs to be developed but I'm amazed that this application has got this far. The parking provision for the site itself, and the town, has not been thought through.

Only 78 spaces for 153 homes? Half a car per property? If anything, you need two cars per property - experience shows that. This will cause huge problems for local people and visitors, especially when 479 spaces will be removed from the location and the town centre generally. Where are shoppers, visitors and tourists supposed to park?

The land certainly needs to be developed but there really needs to be more consideration for those who live nearby and the town's economy. This application should be rejected and something more practical and sustainable should be considered.

Flat 1

3 St Margaret's Terrace Page 127
St Margaret's Road
CHELTENHAM
GL50 4DT

05 March 2024

Your Ref: 24/00236/FUL

I have your letter dated 27 February asking for comments regarding the North Place proposal and have also responded to the earlier public consultation conducted by the Developers.

In essence, I support the intention to create new homes at the location and on the lines indicated.

However, my overwhelming concern relates to the anticipated level of car ownership, parking arrangements and the strong possibility of a bottle-neck via the single vehicular access and egress. In short the 'diagrams' produced in support of this Scheme are showing an "idealised" picture of a few vehicles parked on drives. This is surely not an accurate picture of what the situation will be in practice.

Also, do I understand correctly that no provision is available for the 78 one and two bedroom apartments in the four-storey blocks?

Thank you for this opportunity to comment.

Yours sincerely

Ben Warren
Cheltenham Borough Council
PO Box 12
GL50 1PP

representation

Copy of correspondence:

Dear Sirs

I am extremely disappointed that my letter of objection dated 21 December 2023 regarding the mentioned above scheme has been omitted from your planning application *Statement of Community Involvement* on behalf of Wavensmere Homes Limited to Cheltenham Borough Council.

A copy of the letter was also sent by email to Wavensmere Homes on 27 December 2023. Could you please advise why this was omitted? A further copy is reattached below for your information.

I would appreciate a quick response.

Attachment:

22 Clarence Square Cheltenham Gloucestershire GL50 4JP

21 December 2023

Pegasus Planning Group Limited

21 Ganton Street London

W1F 9BN

Dear Sirs

Public Consultation: North Place Car Park, Cheltenham. (New Build - Arkle Court).

As you may ascertain from my address I live but a stones throw away from the proposed development and have therefore always taken a keen interest in any potential development of North Place Car Park and the adjacent Portland Street Car Park sites.

They are the most prized real estate areas in Cheltenham and it has been a local scandal that there has been a scarcity of credible schemes or development since the older properties were demolished around the 1980's, or perhaps even before that period.

<page1image36347408.png>

Photo c.1980: *'Last house standing' in Portland Street. North Place had already been demolished and cleared.*

It is therefore extremely interesting to welcome the currently projected scheme, which hopefully will be a great enhancement to the area, put an end to the existing tragic eyesore and give credibility back to what has been pitifully sad previous planning attempts to address the situation. In short, I appreciate a development that is a high quality residential scheme providing much needed housing in the town centre.

I do have some concerns and hopefully helpful comments as follows:

1. Any representation in a CGI format or artist's impression is all too often how a scheme will end up once built and as currently proposed will be a bit of a disappointment. As a strategy pointer this presentation may be fine, but as an informative scheme it lacks any comprehensive detail in which to formulate a full and credible opinion. In view of the fact that planned works are intended to start in the Spring of 2024, this public consultation schedule gives very little consideration to official planning proposals and feels more like a marketing exercise.

2. The design of the buildings are too utilitarian. The terraced housing blocks have little character and give the whole site a barracks style feel. The *'gulag'* office block style building that fronts St. Margaret's Road is even more of a concern. Overall there is no

differential detail to break up the linear monolithic look. Cheltenham has a distinctly long and dreadful association with some of the most lazily designed and underwhelming examples of modern architecture I have ever come across. I would not wish this development opportunity to be equally criticised.

3. A major concern in relationship to the design of the large block is that despite different intentions many of these apartments will be purchased by speculative landlords and used for Airbnb purposes.

4. I am not a supporter of the view that any new building work in the centre of Cheltenham has to be carried out in the traditional Regency style normally associated with the town, which can be fine when they work, as it does in Albion Place, behind John Lewis. I do welcome modern architecture that makes a credible statement. In previous developments (near Waitrose) the modern approach to specifications such as floor to ceiling window design etc only serves to show varying degrees unsightly objects/furniture. An even worse example is the current badly built Dowty House scheme adjacent to the proposed North Place development.

5. Again due to lack of detail and specification in the sketch I would hope that issues such as modern material render, which invariably fails or stains badly within a very short period does not become a realisation. There are many examples of this in St Margaret's Road, including the facing of the Holiday Inn building.

6. I welcome the projected landscape environment and ecological merit of this scheme as well as some sort of public art sculpture/seating area, but caution against a retained space for murals as part of the *Cheltenham Paint Festival*. There is divided opinion within Cheltenham about the true merits of this festival and while some of the artists are talented in what they produce, there is a fine line between the encouragement and discouragement of graffiti. These 'artworks' are normally connected to grot spots areas, hence an association to this proposed crisp and clean residential development would appear to be an ill-fitting scenario. You will not see this type of artwork in the finer architectural areas of Montpelier, Lansdown, or on the end gables of the beautiful Squares normally associated with Cheltenham's high architectural profile.

7. Current advice and government legislation enacted by Cheltenham Borough Council (CBC) is geared towards the discouragement of car use especially in centrally related residential property areas. Apart from the bus service between Cheltenham and Gloucester the local services are dire and in addition the notion that people who live in the centre of town do not need to use personal car transport or that they do not have visitors is a fanciful belief. While the scheme appears to suggest a single parking space is allocated, but not specified, to each house associated within the low rise development areas, there is no indication, if any at all will be available to the 78 apartments in this huge block. There are many fine examples where schemes in London, for example, have adequate under-croft parking and the provision of visitor/ delivery van spaces along the access roadways. However, there are also countless examples, all over the country, where vehicles illegally park half on the pavement due to ill-thought out residential schemes.

8. CBC, as part of their encouragement to drive strategy entices many shoppers and visitors from surrounding areas to come to the town by car, will therefore need to demonstrate what alternative to the current 1000 car parking spaces is being provided.

Finally, I suggest the timing of the Public Consultation is limiting at this holiday time of the year and should have been set later in January.

I trust these observations have been received as both helpful and constructive. Yours faithfully.

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

July/August 2024

Address	Proposal	Delegated or Committee Decision	Appeal Type	Anticipated Appeal Determination Date	Reference
14 Suffolk Parade Cheltenham Gloucestershire GL50 2AB	Proposed demolition of existing stores and officing at rear of 14 Suffolk Parade, and construction of detached 2 bedroom coach house dwelling (with pedestrian access off Daffodil Street)	Delegated Decision	Written representation	N.A	24/00079/FUL
78 Hewlett Road Cheltenham Gloucestershire GL52 6AR	Steps to be built from basement level to current garden level, change rear sash window for french doors.	Delegated Decision	Written Representation (Householder and Listed Building)	N.A	24/00440/FUL and 24/00440/LBC

Appeals being processed

Address	Proposal	Delegated/Committee Decision	Appeal Type	Outcome	Reference
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
129 - 133 Promenade Cheltenham Gloucestershire	Marquees at 129 - 131 Promenade.	N/A	Written representation	Not Decided	Enforcement ref: 23/00230/DCUA Appeal Ref: 24/00005/ENFAPP
8 Imperial Square Cheltenham	Installation of moveable planters.	Delegated Decision	Written representations	Not decided	Planning ref: 23/02152/CLPUD Appeal ref: 24/00012/PP1

Stansby House The Reddings Cheltenham Gloucestershire GL51 6RS	Erection of 2no. detached dwellings following demolition of existing buildings	Delegated Decision	Written representations	Not decided	Planning ref: 23/01538/FUL Appeal Ref: 24/00013/PP1
3 Regent Street Cheltenham Gloucestershire GL50 1HE	Retain existing exterior facade paint colour. (Retrospective)	Delegated Decision	Written representations	Not decided	Planning ref: 24/00271/LBC Appeal Ref: 24/00014/PP1
22 Dinas Road Cheltenham Gloucestershire GL51 3EW	Proposed installation of a static home at rear of property.	Delegated Decision	Written representations	Not decided	Planning ref: 24/00637/FUL Appeal Ref: 24/00015/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

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	Appeal Allowed	23/00452/COU Appeal Ref: 23/00028/PP1
1 Michaelmas Lodge Lypiatt Terrace Cheltenham	Use of area of land for vehicle parking	Delegated Decision	Written Representation	Appeal Allowed	Planning ref: 23/00262/Cleud Appeal Ref: 23/00023/PP1
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)	Appeal Allowed	Planning ref: 20/01788/FUL Appeal ref: 23/00005/PP1

10 Selkirk Street	Erection of 1no. three storey self-build dwelling on land adjacent to 10 Selkirk Street	Committee Decision	Written representation	Appeal Dismissed	Planning Ref 22/01441/FUL Appeal Ref: 23/00030/PP1
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<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>Appeal Dismissed</p>	<p>Planning Ref: 23/01347/CLPUD Appeal ref: 23/00031/PP1</p>
<p>12 Pilford Road Cheltenham</p>	<p>Erection of a Garden Room</p>	<p>n/a</p>	<p>Written Representation (Enforcement)</p>	<p>Appeal Dismissed</p>	<p>Planning ref: 23/00001/DCUA Appeal ref: 23/00025/ENFAPP</p>

<p>Harwood House 87 The Park Cheltenham Gloucestershire GL50 2RW</p>	<p>Proposed replacement of brick boundary wall with an overlap wooden feather-edge fence (retrospective)</p>	<p>Delegated Decision</p>	<p>Written Representation</p>	<p>Appeal Dismissed</p>	<p>Planning ref:23/00929/FUL Appeal ref: 24/00010/PP1</p>
<p>44 Springfield Close The Reddings Cheltenham Gloucestershire GL51 6SF</p>	<p>A wooden 1 metre tall front fence with open slats around front garden with a post sheath on corner to prevent possible damage and reflectors put on posts to add awareness. (Retrospective) Resubmission of 23/01086/FUL</p>	<p>Delegated Decision</p>	<p>Written Representation</p>	<p>Appeal Dismissed</p>	<p>Planning ref: 23/01566/FUL Appeal Ref: 24/00008/PP1</p>

<p>Hilltop Stores Hilltop Road Cheltenham</p>	<p>Demolition of existing retail unit and erection of 2no. dwellings (revised scheme following withdrawal of application ref. 22/01728/FUL)</p>	<p>Delegated Decision</p>	<p>Written Representation</p>	<p>Appeal Dismissed Costs Application Dismissed</p>	<p>Planning ref: 23/01137/FUL Appeal ref: 24/00007/PP1</p>
<p>278 Old Bath Road</p>	<p>Dropped kerb to provide access from Kenneth Close, and hard standing to facilitate off street parking (Resubmission of planning ref: 23/00481/FUL)</p>	<p>Delegated Decision</p>	<p>Written Representation</p>	<p>Appeal Dismissed</p>	<p>Planning ref: 23/02056/FUL Appeal ref: 24/00009/PP1</p>

21 Glebe Road Prestbury Cheltenham Gloucestershire GL52 3DG	First floor side extension to provide additional bedroom and bathroom accommodation, and alterations to existing dormer (revised scheme following refusal of application ref: 23/01186/FUL)	Delegated Decision	Written Representation	Appeal Dismissed	Planning ref: 23/02033/FUL Appeal ref: 24/00011/PP1
3 Rotunda Tavern Montpellier Street	Retention of temporary canopy structure for two years	Delegated Decision	Written Representation	Appeal Dismissed	Planning Ref: 22/01681/FUL Appeal Ref: 24/00002/PP1
1 Coltham Fields Cheltenham Gloucestershire GL52 6SP	Erection of 1no. two storey dwelling on land adjacent 1 Coltham Fields	Delegated Decision	Written Representation	Appeal Dismissed	Planning ref: 23/00596/FUL appeal ref: 24/00006/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 August 2024

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Application No.	Appeal Ref	Site Address	Appeal Type	Start Date	Questionnaire	Statement	Final Comments	Decision	Date of Decision	Costs Deci	Hearing Date	Costs awarded
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 Montpellie	Written	05.02.2024	12.02.2024	11.03.2024	25.03.2024	Dismissed	11.07.2024	n/a		
	24/00003/ENFAPP	System Error	System Error									
	24/00004/ENFAPP	System Error	System Error									
23/00230/DCUA	24/00005/ENFAPP	125 - 133 Promenade	Written	22.02.2024	07.03.2024	04.04.2024	25.04.2024					
23/00596/FUL	24/00006/PP1	Land Adj to 1 Coltham Fields	Written	05.03.2024	12.03.2024	09.04.2024	23.04.2024	Dismissed	19.07.2024			
23/01137/FUL	24/00007/PP1	Hilltop Stores, Hilltop Road	Written	13.03.2024	20.03.2024	17.04.2024	01.05.2024	dismissed	10.06.2024	Refused		
23/01566/FUL	24/00008/PP1	44 Springfield Close	Written	25.03.2024	01.04.2024			dismissed	13.05.2024			
23/02056/FUL	24/00009/PP1	278 Old Bath Road	Written	11.04.2024	18.04.2024			dismissed	18.06.2024			
23/00929/FUL	24/00010/PP1	Harwood House, 87 The Parl	Written	11.04.2024	18.04.2024			dismissed	08.05.2024	n/a		
23/02033/FUL	24/00011/PP1	21 Glebe Road, Cheltenham,	Written	12.04.2024	19.04.2024			dismissed	19.06.2024			
23/02152/CLPUD	24/00012/PP1	8 Imperial Square, Cheltenham	Written	07.05.2024	21.05.2024	18.06.2024	09.07.2024					
23/01538/FUL	24/00013/PP1	Stansby House, The Redding	Written	12.06.2024	19.06.2024	17.07.2024	31.07.2024					
24/00271/LBC	24/00014/PP1	3 Regent Street, Cheltenham	Written	19.06.2024	26.06.2024	24.07.2024	07.08.2024					
23/00637/FUL	24/00015/PP1	22 Dinas Road, Cheltenham, Householde		08/07/2024	15/07/2024							

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Appeal Decision

Site visit made on 8 May 2024

by **S Rawle BA (Hons) Dip TP Solicitor**

an Inspector appointed by the Secretary of State

Decision date: 10 June 2024

Appeal Ref: APP/B1605/W/23/3332657

Hilltop Stores, Hilltop Road, Cheltenham, Gloucestershire GL50 4NN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Pradeep Karadia against the decision of Cheltenham Borough Council.
 - The application Ref is 23/01137/FUL.
 - The development proposed is the construction of two dwellings.
-

Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs has been made by the appellant against the Council and this is subject to a separate decision.

Preliminary Matters

3. During the appeal process, the appellant has submitted amended plans, which I understand have also been submitted to the Council as a separate planning application. These plans represent a material amendment to the original proposal. The appeal process should not be used to evolve a scheme and interested parties have not had the opportunity to formally comment on these amended plans. Accordingly, it would not be appropriate for me to determine the appeal based on the amended plans.

Main Issues

4. The main issues are the effect of the proposed development on:
 - the character and appearance of the area;
 - the living conditions of the occupants of the neighbouring property, 42 Tommy Taylors Lane; and
 - highway safety.

Reasons

Character and appearance

5. The appeal site is located within an established residential area comprising a mix of house types, including dormer bungalows, bungalows and two storey semi-detached and detached houses from different periods.

6. The appeal site is located on the corner of Hilltop Road and Tommy Taylors Lane. Most properties along both roads are set back on their plots behind front gardens. Although many have parking areas to the front, the prevalence of these setbacks results in properties that sit comfortably on their plots which creates a sense of spaciousness which contributes positively to the character and appearance of the area.
7. The appeal site itself is a narrow strip of land with an orientation and position at odds with other plots in the vicinity. Due to its functional appearance and position on the plot, the existing retail building does not make a positive contribution to the character and appearance of the area. However, the appeal property is set back from Tommy Taylor Lane by an open paved area to the front which reinforces the spacious appearance that helps to define the area, and this does make a positive contribution to the character and appearance of the area.
8. The proposal would result in the introduction of a pair of semi-detached dwellings. The rear elevation of the proposal would be located close to the side boundary of 42 Tommy Taylors Lane (also known as Bobs Worth) (No 42). Although, Plot 1 would align with this neighbouring property, Plot 2 would result in an increased bulk and building mass which would be set in only a short distance from its boundary with No 42. The height of the proposed dwelling, the pitch of the roof and the materials would be generally compatible with surrounding properties and the overall footprint of the proposed development would be reduced in comparison to the existing building.
9. However, due to the overall width of the proposed development, limited set in from the common boundary to the rear and increased height, mass and scale, the proposal would appear unduly cramped on the site, would not complement the existing pattern of development and would undermine the existing spacious character. As a result, it would appear as a discordant feature that would look harmfully out of place.
10. Moreover, although there would be side gardens at either end of the proposed development, these would be enclosed by permanent solid enclosures that in part would immediately abut the footpath. Such an arrangement, particularly the proposed enclosure treatment around the garden of plot 1 would enclose an area which is currently open, and which makes a positive contribution to the character and appearance of the area. This element would also significantly undermine the existing spacious character and would unacceptably harm the character and appearance of the area and I attach significant weight to that harm.
11. I therefore conclude that the proposal would have an adverse impact on the character and appearance of the area and would conflict with Policy D1 of the Cheltenham Plan adopted July 2020 (CP) and Policy SD4 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 adopted 11 December 2017 (JCS) which, among other things, seek to ensure that development should respect the character of the locality and respond positively to and respect the character of the site and its surroundings. The proposal also does not accord with the National Planning Policy Framework (the Framework) which seeks to ensure development is sympathetic to local character.
12. In addition, the proposal would be contrary to the Development on Garden Land and Infill Sites in Cheltenham Supplementary Planning Document, June

2009 (SPD), which seeks to ensure that new development complements and respects the character of the street.

Living conditions

13. I accept that due to the siting of the proposed development it would not have an adverse impact on the living conditions of the neighbouring property on Hilltop Road.
14. However, the rear elevation would be set in by a minimal distance from the common boundary of No 42. I note that the existing retail building is also close to this boundary. However, this is a single storey structure with a flat roof. Due to the increased height, scale and mass associated with the proposal and its position so close to the common boundary it would appear unacceptably overbearing when viewed from the rear garden area of No 42. The lack of an objection from the existing residents of this property does not justify harmful development at the appeal site which would impact any future residents of this neighbouring property. I attach significant weight to the unacceptable harm the proposal would have on the living conditions of the occupants of No 42.
15. I therefore conclude that the proposal would unacceptably harm the living conditions of the occupants of the neighbouring property, 42 Tommy Taylors Lane. Consequently, the proposal would conflict with Policy SL1 of the CP and Policies SD4 and SD14 of the JCS which, among other things, seek to ensure that development does not cause unacceptable harm to the living conditions of neighbouring residents in the locality and should avoid visual intrusion. The proposal also does not accord with the Framework which seeks to ensure developments create places with a high standard of amenity for existing and future users.
16. In addition, the proposal would be contrary to the SPD, which seeks to ensure that new development does not have an overbearing impact due to the bulk and proximity of buildings.

Highway Safety

17. The Council have indicated that it has not been possible to satisfactorily conclude that the scheme would be acceptable on highway grounds. Although the appellant sets out that no actual reasoning is included, it is clear from the Officer's report that the proposed access would result in the removal of the limited waiting bays, which in turn would require an amendment to the Traffic Regulation Order (TRO). Due to the potential conflict between the proposed access point and the existing parking bays, the highways authority indicated that if the appellant was not willing to pursue this course of action, then a complete revision of the site layout would be required.
18. Further, as this process would be subject to public consultation the highways authority points out that, although there was no in principle objection, there could be no guarantee that the amendment to the TRO would be approved and recommended that this process should be initiated prior to approval, rather than imposing a Grampian style condition.
19. The Council accept that this in itself is not reason to withhold planning permission but set out that at the time the application was determined it was not possible to satisfactorily conclude that the scheme would be acceptable on highway grounds.

20. While I understand the concerns raised by the Council and even at this stage, the appellant has not fully addressed the fact that without a change to the TRO there could be a conflict between the existing parking bays and the proposed access point, this issue on its own is not fatal to the scheme.
21. While it would have been preferable for the appellant to have engaged with this issue as suggested by the highway's authority, I note that the Council do not have an in principle objection to an amendment to the TRO. While such an application cannot be guaranteed, if in all other respects the proposal was acceptable, the imposition of a suitably worded Grampian style condition would have been reasonable in this case as there is a realistic prospect that such an amendment to the TRO would have been achieved within the time-limit imposed by such a condition. I am satisfied that subject to the imposition of an appropriately worded condition the proposal would not be harmful to highway safety.
22. I therefore conclude that the proposal would not be harmful to highway safety and there would be no conflict with Policy INF1 of the JCS which among other things seeks to ensure development provides safe and accessible connections to the transport network. The proposal would also not conflict with the Framework which sets out that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety.

Other Matters

23. The Council accept that there is no fundamental reason to suggest that the general principle of redeveloping the site for residential purposes is unacceptable. I agree, however, that general principle does not justify harmful development at the appeal site.

Planning Balance

24. The Council accept that they cannot demonstrate a five-year supply of housing. Whilst the proposal would only deliver two new dwellings and this does temper this benefit to a certain extent, the proposal would undoubtedly be valuable in boosting housing stock in circumstances where there is an existing shortfall. The proposal would also have some social and economic benefits relating to construction employment and providing limited support to local services from future occupiers. Therefore, taken together, all the benefits of two units of additional housing, including the lack of a Framework compliant supply of housing land, should afford moderate weight in favour of approval.
25. Given that the Council are unable to demonstrate a five-year supply of housing, paragraph 11(d) of the Framework is relevant. However, I have found that the proposal would result in unacceptable harm to the character and appearance of the area and to the living conditions of the occupants of No 42. I have afforded these harms significant weight. It follows that the adverse impacts associated with the proposed development significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Consequently, the scheme would not represent sustainable development within the meaning of paragraph 11(d) of the Framework and this weighs substantially against the proposal.

Conclusion

26. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. The appeal should therefore be dismissed.

S Rawle

INSPECTOR

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Costs Decision

Site visit made on 8 May 2024

by S Rawle BA (Hons) Dip TP Solicitor

an Inspector appointed by the Secretary of State

Decision date: 10 June 2024

Costs application in relation to Appeal Ref: APP/B1605/W/23/3332657 Hilltop Stores, Hilltop Road, Cheltenham, Gloucestershire, GL50 4NN

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Pradeep Karadia for a partial award of costs against Cheltenham Borough Council.
 - The appeal was against the refusal of planning permission for the construction of two dwellings
-

Decision

1. The application for an award of costs is refused.

Reasons

2. Parties in planning appeals normally meet their own expenses. However, the Planning Practice Guidance (PPG) advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. The application essentially relies on the fact that when setting out that it has not been possible to satisfactorily conclude that the scheme would be acceptable on highway grounds, the Council's reason for refusal is neither clear or precise and consequently it is difficult for the applicant to respond as the reason is vague and uninformative. They point out that the Officer's report does not assist as all that is referred to is the civil cost of work to the highway layby which it is stated as being costly and may not be successful. They also highlight that the Officer's report acknowledges that this is not a reason to withhold consent but then proceed to do so.
4. The Council highlight that it is made clear in the decision notice that it should be read in accordance with the Officer's report and when the documents are read as a whole, sufficient reasoning and justification for the decision has been provided. They also set out that the highway concern was not listed as a separate reason for refusal but formed part of the wider design and layout reason for refusal.
5. I have examined this matter in the planning appeal decision. As set out in my decision, I consider it clear from the Officer's report that the proposed access to serve the development would result in the removal of the limited waiting bays, which in turn would require an amendment to the Traffic Regulation Order (TRO). Due to the potential conflict between the proposed access point and the existing parking bays, the highways authority indicated that if the appellant was not willing to pursue this course of action, then a complete revision of the site layout would be required.

6. I accept it does seem contradictory to state that on its own these highway concerns as set out in the Officer's report would not be a reason to withhold planning permission, only to then include it in the decision notice. I am also not persuaded that highway matters formed part of the wider design and layout reason for refusal rather than being a separate issue.
7. However, overall, I consider that whether or not the applicant provided sufficient information for the Council to conclude that the scheme would be acceptable on highway grounds at the time the Council made its decision was a matter of planning judgement and the Officer's report makes a sufficient case to support this view. This judgement is supported by specific reference to a policy of the development plan. While I have come to a different judgement on the planning merits, I consider that the approach of the Council was arguable. Therefore, including this matter as a separate issue in the decision notice does not constitute unreasonable behaviour.
8. As I have also outlined in my planning appeal decision, in their appeal submissions the applicant has not addressed the highway matter raised by the Council in any great detail. The scheme was also refused based on the effect of the proposal on the character and appearance of the area and its effect on the living conditions of the occupants of a neighbouring property. Whether or not the proposal resulted in harm in relation to these matters is also a matter of planning judgement. The Council made a satisfactory and proportionate case in these respects.
9. Therefore, an appeal could not have been avoided. Given that the applicant has not addressed the highway matter raised by the Council in any great detail, even if I had found that the Council had acted unreasonably, I am not persuaded that there has been any significant wasted expense in any event.
10. In my judgement, when considered in the round, the Council's case was sufficient to raise concerns about the highway implications of the proposal and argue that without further information planning harm, contrary to the development plan could result. Overall, I do not consider that the Council has acted in such a way that it should be considered to be unreasonable behaviour that has led to unnecessary or wasted expense in the appeal process to justify an award of costs.

Conclusion

11. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense in the appeal process has not occurred and an award of costs is not warranted.

S Rawle

INSPECTOR



Appeal Decision

Site visit made on 08 July 2024

by N Robinson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 July 2024

Appeal Ref: APP/B1605/W/23/3335635

Land Adjacent 1 Coltham Fields, Cheltenham, Gloucestershire GL52 6SP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Sara Richardson against the decision of Cheltenham Borough Council.
 - The application Ref is 23/00596/FUL.
 - The development proposed is erection of 1no. two storey dwelling on land adjacent 1 Coltham Fields.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. A Unilateral Undertaking (UU) dated 15th December 2023 pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) has been submitted with the appeal in relation to a contribution towards the mitigation of likely significant effects on the Cotswold Beechwoods Special Area of Conservation (SAC). The Council has been given the opportunity to comment on this UU. On this basis, I do not consider that any party would be unfairly prejudiced, and I therefore have had consideration to this in my decision. I will return to this matter later in my decision.

Main Issues

3. The main issues are the effect of the proposed development on:
 - the character and appearance of the area; and
 - the living conditions of the occupiers of neighbouring property 1 West Way with particular regard to overlooking.

Reasons

Character and appearance

4. The appeal site comprises a vacant plot enclosed by timber fencing. The site is located within an area comprising a mixture of commercial and residential land uses. Coltham Fields comprises predominantly 2-storey dwellings of varying forms and designs with limited set back from the road. Nonetheless, dwellings are typically traditional in design and modest in scale occupying small, shallow plots with small gardens. To the north of the site at Battledown Courtyard are 4 modern flat roof 3-storey dwellings which contrast with the traditional design and modest scale of properties on Coltham Fields. The northern side of

Coltham Fields borders the commercial units on King Alfred Way and large commercial buildings can be seen in street scene views above the boundary wall which runs along the north side of Coltham Fields. The layout and form of dwellings and proximity to surrounding land uses, in addition to the narrow width of the road and limited set back of dwellings from the highway, results in a tight-knit and varied character and appearance to the area.

5. The appeal proposal seeks to erect a detached 2-storey dwelling with a pitched roof and 2 projecting gables to the front elevation. The dwelling would have a 'U' shaped design which would incorporate car parking and amenity space in the gap between the projecting wings. The material palette would be consistent with that of dwellings in the surrounding area and the projecting gables would pick up on similar features found on dwellings nearby. Based on the information before me refuse and recycling storage would be accommodated in an area of sufficient size.
6. However, the proposed dwelling would span the entire width of the plot. It would be taller and bulkier than the properties in Coltham Fields and the combination of the excessive width and height of the dwelling would result in a building which would appear bulky and prominent within the street scene. The siting of the dwelling flush with the site boundaries on 3 sides would result in an unduly cramped appearance which would detract from the modest proportions of dwellings in the surrounding area. The provision of the amenity space within the first floor terrace, in addition to the incorporation of obscure glazing to windows in the first floor front elevation, would emphasise that the plot is of insufficient size to satisfactorily accommodate a building of the size proposed.
7. The proposed dwelling would be smaller than the 3-storey dwellings at Battledown Courtyard to the north of the site. However, whilst glimpses of these dwellings can be gained from Coltham Fields, these modern buildings have no frontage onto Coltham Fields and do not inform the predominant character and appearance of Coltham Fields. Additionally, whilst there are dwellings to the east of the site which also occupy the entire plot width, these dwellings typically occupy significantly narrower plots, are modest in scale and consistent in height with other properties in the surrounding area.
8. The appellant sets out that permission for residential development on the site has been approved¹ and that the proposal would make better use of the site including increased amenity space and levels of car parking, the incorporation of an air source heat pump and a layout which maximises solar gain. There is no dispute that this permission could be implemented although I have limited information about whether there would be an intention to build that dwelling if this appeal were dismissed. However, there would seem a greater than just theoretical possibility that this alternative would take place. The proposed dwelling would be wider, taller and bulkier than the approved dwelling. Given this, if the fallback scheme were implemented, it would be less harmful to the character and appearance of the area. I therefore give any improvements arising from the amended design limited weight in this decision.
9. Additionally, reference is made to a number of planning approvals in the local area which, it is stated, demonstrate the evolving type of development in the

¹ Application 22/00764/FUL

area². Each proposal must be considered on its individual merits, and my judgement is based on this proposal on this site and in this context. Whilst I am mindful that other schemes may have been approved, I do not know enough about these proposals, their layout, appearance or context. Judgements on character and appearance are inevitably case specific and these other schemes do not set a precedent that I am bound to follow.

10. For the reasons set out above, the proposal would result in a building which would appear as a dominant and incongruous feature in its immediate context to the detriment of the character and appearance of the area. I therefore find conflict with Policy D1 of the Cheltenham Plan (2020) (LP) and Policy SD4 of the Joint Core Strategy (2017) (JCS). Collectively these policies seek to ensure that development complements and respects neighbouring development and the character of the locality and demonstrates how new development responds positively to the character of the site and its surroundings.
11. I also find conflict with the Supplementary Planning Document: Development on Garden Land and Infill Sites in Cheltenham (SPD) (2009) which has similar aims. Conflict also arises with the Framework's aims that development should be visually attractive and add to the overall quality of the area.

Living conditions

12. The bottom 2/3 of the first floor windows would be obscurely glazed and the proposal would not give rise to opportunities for overlooking of neighbouring properties or their associated private amenity spaces from these windows. However, there would be opportunities for overlooking over the top of the wall enclosing the first floor terrace as well as through the holes in this pierced enclosure. Given the elevated nature of the external terrace, this would result in opportunities for the overlooking of windows in the front elevation of 1 West Way and the side garden to this property. Whilst a degree of overlooking can be expected in urban areas, such a degree of overlooking would go beyond existing and reasonable levels. The overlooking and associated loss of privacy would compromise the ability of the occupiers of 1 West Way to use their garden space and rooms in the front of the property, making them unpleasant places in which to spend time, to the detriment of the living conditions of the occupants of this property.
13. For the foregoing reasons the proposal would harm the living conditions of the occupants of 1 West Way as a result of loss of privacy. I therefore find conflict with those aims of LP Policy SL1 and JCS Policies SD4 and SD14. Collectively these policies seek to ensure that development does not cause unacceptable harm to the living conditions of adjoining land users. I also find conflict with the SPD which has similar aims.

Other Matters

14. The Council also refused planning permission due to effects on the SAC. The SAC is designated due to it comprising an internationally important area of Beech forests, dry grasslands and scrublands. The woodlands are recognised as amongst the most diverse and species-rich of their type, whilst the grasslands exemplify calcareous pastures for which the area is renowned. Increased recreational activity associated with new housing developments is placing

² Applications 19/01421/FUL, 22/00492/FUL, 23/00444/FUL, 17/02110/FUL, 18/02621/FUL, 19/00423/FUL

- pressure on the SAC. There is a reasonable likelihood that the SAC would be accessed for recreational purposes by future occupiers of the development. Although small in itself, this may lead to the harmful disturbance of the habitat and is likely to have a significant adverse effect on the integrity of the SAC, when considered in combination with other residential development in the surrounding area. Mitigation is required to ensure that such pressure is avoided or limited to such a degree that would preserve the integrity of the SAC.
15. A UU has been submitted which proposes mitigation that may avoid any likely significant effects on the SAC. However, that obligation does not clearly define the appeal site with a site plan or provide evidence of the signatory's title to the land. I cannot therefore be satisfied that all persons with an interest in the site are a signatory to the obligation. Given this, the obligation before me is incomplete and its implementation would be uncertain. Without that certainty, I cannot conclude that the proposal would not have an adverse effect on the integrity of the SAC. Given my responsibilities under The Conservation of Habitats and Species Regulations 2017, the absence of a mechanism to secure mitigation against the proposal's impacts on the SAC would result in the scheme having a significant adverse effect on the integrity of the SAC.
 16. Nevertheless, if I were to accept that the UU did provide adequate mitigation, then, as the Council accept that they do not have an up-to-date 5 year housing land supply, it would be necessary to consider Para 11 d) ii of the Framework. In that situation, the proposal would make a small contribution towards the borough's housing supply on a site with good access to facilities, services and public transport, contributing to the Government's objective to significantly boost the supply of homes. The delivery of one additional housing unit, which would be energy efficient and incorporate renewable technologies, would weigh in favour of the scheme and, when factoring in the supply shortfall, would attract moderate and meaningful weight as a scheme benefit.
 17. Nonetheless, in conflict with the Framework, the proposal would cause harm to the character and appearance of the area and to the living conditions of the occupiers of a neighbouring property. In that scenario these would be decisive considerations that, even in the context of the Council's poor housing supply position, would represent adverse effects of such weight that they would significantly and demonstrably outweigh the identified benefits when assessed against the policies in the Framework when taken as a whole. Therefore, even if I had found that the proposal would not adversely affect the integrity of the SAC, in this hypothetical situation the proposal would not benefit from the presumption in favour of sustainable development outlined at Paragraph 11 and, as a material consideration, the Framework would not indicate that permission should be granted.
 18. I note that the proposal has been amended during the course of the planning application including a reduction in the height of the building, removal of dormer windows, amendments to the roof terrace enclosure and to windows in the front elevation. However, the amendments would still result in a proposal that would harm the character and appearance of the area and the living conditions of the occupiers of neighbouring properties for the reasons outlined.
 19. The Council raised no objections to the proposal on grounds of the proposed access, highway safety or the proposed parking arrangements. However, compliance with the relevant development plan policies on these matters would

be required in any case. Thus, these matters weigh neutrally, rather than in favour of the proposal.

Conclusion

20. The proposal conflicts with the development plan and there are no material considerations, either individually or in combination, that outweigh the identified harm and associated development plan conflict. Therefore, I conclude the appeal should be dismissed.

N Robinson

INSPECTOR

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Appeal Decision

Site visit made on 16 April 2024

by **Alexander O'Doherty LLB (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 11 July 2024

Appeal Ref: APP/B1605/W/23/3328010

Rotunda Tavern, 3 Montpellier Street, Cheltenham GL50 1SX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Chris Shiel against the decision of Cheltenham Borough Council.
 - The application Ref is 22/01681/FUL.
 - The development proposed is described on the application form as, "Retention of temporary tented structure for two years".
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Differing to the description of development in the banner heading above, the Council's decision notice accurately describes the development as shown on the supporting plans as, "Retention of temporary canopy structure for two years". I have used this description in my consideration of the appeal since it best describes the proposed development in precise and concise terms.
3. The proposed development is already in place and I shall deal with the appeal on this basis.

Main Issues

4. The main issues are:
 - the effect of the development on the settings of nearby listed buildings; and
 - whether the development preserves or enhances the character or appearance of Cheltenham's Central Conservation Area.

Reasons

Listed buildings

5. The appeal site comprises a canopy structure which is associated with the Rotunda Tavern which is located at 3 Montpellier Street in Cheltenham. The canopy facilitates sheltered outdoor seating for the patrons of the Rotunda Tavern. The canopy structure is situated amongst an area of otherwise largely open footway found to the east of the Rotunda Tavern and to the south of 1-3 Montpellier Exchange. This open area is described in the submitted Heritage Statement as a small plaza.
6. The Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) provides at s66(1) that in considering whether to grant planning permission for

- development which affects a listed building or its setting, special regard shall be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
7. In this regard, as noted in the Heritage Statement, the 3 Grade II listed buildings in close proximity to the site¹ are principally significant for their architectural interest as Regency and early Victorian, urban, commercial buildings. I observed that they exhibit a broadly similar architectural style in terms of their fenestration arrangements and their predominantly uncluttered, formal facades.
 8. The canopy presently in-situ within the small plaza is not visible from much of Montpellier Walk, and views of the canopy from Montpellier Gardens are obscured by trees and shrubbery even in the winter (as shown in Plate 9 in the Heritage Statement). The canopy is however clearly visible in views from the south and the east, including in long views from Montpellier Terrace across the nearby roundabout. Hence, the canopy is located in a prominent position in the street scene.
 9. The colour of the canopy (described as 'buff' in the Heritage Statement) blends well with the stucco of the Rotunda Tavern and the ashlar of 1-3 Montpellier Exchange. I note that the canopy partially blocks views of part of the ground floor of both the Rotunda Tavern and 1-3 Montpellier Exchange, which have been subject to alterations in the past.
 10. Nevertheless, its design as a whole appears generic, and although it facilitates a commercial use which is congruent with that undertaken at the listed buildings referred to above, it notably lacks the refined elegance that emanates from these 3 listed buildings which immediately surround it. In particular, its irregular shape gives a rather sprawling impression with a makeshift appearance which undermines the ability to appreciate the polite and formal facades of these listed buildings.
 11. The Montpellier Rotunda (a Grade I listed building²) is located a short distance from the site. It has similar proportions and external design to the second-century Pantheon in Rome. Its significance lies primarily in its grand architectural style, including a Doric colonnade, and its association with Cheltenham's historic role as a spa town. When viewed in conjunction with the canopy, particularly from nearby parts of Montpellier Terrace, the informality of the design of the canopy and its undulating shape detracts from the ability to appreciate the austere design and harmonious proportions of the Montpellier Rotunda.
 12. The 2 sets of terraces immediately opposite the site to the south and south-east³ are notable for their architectural and historic interest, including their clearly-articulated Regency architecture. The generic appearance of the canopy and its undulating shape detracts from the ability to appreciate the grand architectural statement exhibited by these listed buildings.

¹ Statutory Addresses: Rotunda Buildings, Montpelleir Street; Numbers 2 to 8 and Ormond House, 2 to 8, Montpellier Street; Barclays Bank, Montpellier Exchange

² Statutory Address 1: Montpellier Rotunda (Lloyds Bank), Montpellier Walk

³ Statutory Addresses: 1-9, Montpellier Terrace, Cheltenham, GL50 1US; Numbers 11 and 15 to 41 and attached area railings to Numbers 11, 15, 17, 25 to 29, 37, 39 and 41, 11 and 15 to 41, Montpellier Terrace

13. It is clear, then, that although the canopy is situated in a mixed use town centre area and it facilitates a commercially-orientated use, its presence harms the settings of the above-mentioned listed buildings, which negatively impacts on the ability to appreciate their significance.
14. To the south-west of 1-9 Montpellier Terrace is Montpellier House (a Grade II listed building⁴), which is attached to a terrace which includes 3 and 4 Suffolk Place (also a Grade II listed building⁵). The significance of these listed buildings resides mainly in their historic period of construction, the largely uniform nature of their facades, and their impressive iron railings and balconies. Whilst there is some intervisibility between the canopy and these listed buildings, this is limited due to intervening buildings. Considering this, the limited size of the canopy, and its distance from these listed buildings, the canopy does not adversely affect the settings of these particular listed buildings. This does not however alter the harms identified above.
15. The Edward VII drinking fountain (a Grade II listed structure⁶) and the Gordon Lamp (also a Grade II listed structure⁷) are within walking distance of the canopy. Their significance lies primarily in their historic interest through their association with the past lives of historic figures, and their artistic interest through their decoration and craftsmanship. Due to the distance of the canopy from these structures and the limited size of the canopy, it also does not harm the settings of these particular listed buildings. This does not however alter the harms identified above.
16. I therefore find that the development has an unacceptable and harmful effect on the settings of nearby listed buildings. It conflicts with Policies SD4 and SD8 of the Joint Core Strategy⁸ which collectively provide that, amongst other things, development should make a positive contribution to local character and distinctiveness, having regard to valued and distinctive elements of the historic environment, and with Policy D1 of the Cheltenham Plan (adopted 2020) which provides that, amongst other things, development will only be permitted where it complements and respects neighbouring development and the character of the locality.
17. The development also conflicts with chapter 16 of the National Planning Policy Framework (the Framework) which seeks to, amongst other things, conserve and enhance the historic environment. For the same reasons, the canopy fails to comply with the statutory requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), referred to above.
18. Given the limited size of the canopy in its context and that it would only be in-situ for a further 2 years, the harm to the significance of each of these designated heritage assets is less than substantial using the terminology found in the Framework. Even so, each individual incidence of harm is of considerable importance and weight. The Framework requires that these harms are weighed against the public benefits of the scheme including, where appropriate, securing its optimum viable use. This is a matter to which I return to below.

⁴ Statutory Address: Montpellier House and attached railings, Suffolk Place

⁵ Statutory Address: Barrowby House (Number 3) Suffolk Court (Number 4) and attached railings, 3 and 4, Suffolk Place

⁶ Statutory Address: Edward VII drinking fountain approximately 20 metres SW of Montpellier Rotunda, Montpellier Walk

⁷ Statutory Address: The Gordon Lamp, Lansdown Road

⁸ Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011 – 2031 (adopted 2017)

Conservation area

19. The site is located within Cheltenham's Central Conservation Area (conservation area). The Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) provides at s72(1) that with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
20. As explained in the Character Appraisal⁹, the significance of the conservation area derives in part from its predominantly Regency buildings with the presence of many complete and uniform formal terraces, large villas set within spacious grounds and Royal Crescent which may be regarded as the town's first major piece of Regency architecture. Additionally, the conservation area contains numerous listed and landmark buildings, including those associated with Cheltenham's historic role as a spa town, high quality areas of public open space, and the Promenade (which the Character Appraisal describes as being one of the town's most visually striking streets), all of which contributes to the significance of the conservation area.
21. The canopy, with its generic design, bears little aesthetic association with its grand surroundings. In this respect, although it facilitates a use which is in keeping with the vibrant commercially-orientated nature of the area, due to its irregular shape and sprawling appearance it does not adequately reinforce the key characteristics of the conservation area, and as it serves to undermine the ability to appreciate the presence of period architecture within the conservation area, it harms its significance.
22. I therefore find that the development does not preserve the character or appearance of the conservation area. It conflicts with Policies SD4 and SD8 of the Joint Core Strategy which collectively provide that, amongst other things, designated and undesignated heritage assets and their settings will be conserved and enhanced as appropriate to their significance, and for their important contribution to local character, distinctiveness and sense of place, and with Policy D1 of the Cheltenham Plan which provides that, amongst other things, development will only be permitted where it complements and respects neighbouring development and the character of the locality.
23. The development also conflicts with chapter 16 of the Framework which seeks to, amongst other things, conserve and enhance the historic environment. For the same reasons, the canopy fails to comply with the statutory requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), referred to above.
24. Given the limited size of the canopy in its context and that it would only be in-situ for a further 2 years, the degree of harm caused to the significance of the conservation area is less than substantial using the terminology found in the Framework, but this harm is nevertheless of considerable importance and weight. The Framework requires that such harm is weighed against the public benefits of the scheme including, where appropriate, securing its optimum viable use. This is a matter to which I return to below.

⁹ Central Conservation Area: Montpellier character area appraisal and management plan (adopted 2007)

Other Matters

25. I observed other canopies / structures present at nearby business premises, including those around the roundabout adjacent to the site, at Coffee#1 at Montpellier Gardens, and at 15 Montpellier Street. These examples are however more restrained in their visual impacts, including by way of having simple and coherent shapes. Consequently, they are not directly comparable with the canopy, and they do not change my findings on both main issues above.

Other Considerations

26. Policy SD8 of the Joint Core Strategy stresses that consideration should be given to the contribution made by heritage assets to supporting sustainable communities and the local economy, and Policy SD2 of the Joint Core Strategy provides that, amongst other things, new retail, leisure, culture, tourism, and community facilities that contribute to the vitality and viability of designated centres will be promoted and supported.
27. Similarly, the Planning Practice Guidance (PPG) highlights that a wide range of complementary uses can, if suitably located, help to support the vitality of town centres, and that evening and night-time activities have the potential to increase economic activity within town centres and provide additional employment opportunities¹⁰, and paragraph 90 of the Framework provides that, amongst other things, planning decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation. Paragraph 17.12 of the Cheltenham Plan also refers to the aim of creating and maintaining vibrant and sustainable places to spend leisure time.
28. The Rotunda Tavern has been in use as a public house (pub) for many years. The appellant has asserted that this is its optimum viable use, and I have no substantive evidence to indicate otherwise. The canopy facilitates an extended trading area which supports the optimum viable use of the Rotunda Tavern, and which serves to advertise the presence of the business in the face of competition from other nearby businesses which have established outdoor seating areas.
29. The appellant has stated that the canopy has increased the potential maximum capacity of the pub by approximately 40 to 50 people, thereby almost doubling the capacity of the pub, providing a monthly revenue of almost approximately £10,000 per month. Approximately 10% of the total revenue is dedicated to staff wages.
30. I recognise the difficulties faced by the hospitality industry in general, including in relation to inflation and the knock-on effects of the cost of living crisis, and I note that it has been stated that prior to the coronavirus (COVID-19) pandemic the business was breaking even / making a small profit each quarter. However, specific financial information (such as a profit and loss statement, for example) has not been provided which demonstrates that the removal of the canopy would either jeopardise the viability of the business and / or lead to job losses. Nor has the scale of any potential job losses been quantified.

¹⁰ Paragraph 2b-001-20190722

31. It is noted that some customers may be concerned to socialise indoors with a large number of people, and would prefer a well-ventilated environment. Of relevance here is Strategic Objective 9 of the Joint Core Strategy which seeks to, amongst other things, create stronger communities by reducing inequality and social exclusion, and paragraph 96 of the Framework which provides that, amongst other things, planning decisions should aim to achieve healthy, inclusive and safe places. In this particular case however, I observed that the existing seating is tightly-packed under the canopy within a fairly small space, which limits the usefulness of the space in terms of social distancing. Thus, the benefits in relation to public safety, and health and well-being in this respect are in all likelihood not significant.
32. Although the canopy facilities year-round external seating, evidence has not been provided to substantiate the assertion that the mere presence of this seating encourages greater numbers of people to visit Cheltenham town centre or that it meaningfully acts to ease pressure on queues at other establishments. Moreover, few details have been provided to demonstrate the extent of any economic impact which the canopy might be generating towards the local economy via increased spending, including towards the evening and night-time economies. It is not my role to speculate on these matters.
33. Reference has been made to the potential exercise of permitted development rights in relation to the erection of a moveable structure for 120 days in a 12-month period. However, Class BB of Part 4 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) is subject to a prior approval procedure which entails the consideration of criteria, including in relation to the siting of the moveable structure.
34. Given the Council's strong concerns in relation to the canopy currently in-situ, it is far from certain that prior approval would be granted under Class BB for a moveable structure intended to be placed in a similar location to the canopy. Considering this uncertainty, there is not a greater than a theoretical possibility that the right could be exercised. Additionally, no evidence of a prior approval application has been provided.
35. Taking all of the above into account, including the policy support for uses which support the vitality of town centres and the evening and night-time economies, and noting in particular the lack of substantive supporting evidence to back-up the appellant's assertions regarding the financial benefits of the canopy to the business, moderate weight is given to the public benefits arising from the canopy.

Heritage and Planning Balance

36. As explained in detail above, the canopy harms the settings of several nearby listed buildings, including one Grade I listed building. Furthermore, it does not preserve the character or appearance of the conservation area. Whilst, taking account of the relevant guidance given in the PPG¹¹, the extent of the harm in each case is not excessive, planning law requires that each individual incidence of harm to a designated heritage asset must be given considerable importance and weight. As such, very great weight is given to the collective adverse impacts of the canopy in heritage terms.

¹¹ Paragraph 18a-018-20190723

37. It follows that the moderate weight arising from the public benefits of the canopy do not outweigh the adverse impacts identified.

38. Overall, I find that none of the other considerations, including the provisions of the Framework, indicate that this appeal decision should be taken otherwise than in accordance with the development plan.

Conclusion

39. For the reasons given above, having considered the development plan as a whole, the approach in the Framework, and all other relevant material considerations including the representations of local residents, I conclude that the appeal should be dismissed.

Alexander O'Doherty

INSPECTOR

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Appeal Decision

Site visit made on 30 May 2024

by **G Powys Jones MSc FRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 19th June 2024

Appeal Ref: APP/B1605/D/24/3341157

21 Glebe Road, Prestbury, Cheltenham, GL52 3DG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs J Knighton against the decision of Cheltenham Borough Council.
 - The application Ref 23/02033/FUL, dated 27 November 2023, was refused by notice dated 1 February 2024.
 - The development proposed is a first floor side extension to provide additional bedroom and bathroom accommodation and alterations to existing dormer.
-

Decision

1. The appeal is dismissed.

Main issues

2. The main issues are the effect of the proposals: (a) on the character and appearance of the host property and its surroundings, and (b) on the living conditions of the occupants of the neighbouring dwelling at 22 Glebe Road with reference to light, visual impact and outlook.

Reasons

Character and appearance

3. The appeal property is a detached dwelling with its main front gable facing an island of greenery at the head of a cul-de-sac, characterised by residential development of varied types and styles. The original dwelling has been subject to change including extensions to the side and rear, projections and alterations at roof level and a substantial front porch.
4. The intention is to add height above the side extension, with a mono-pitch roof designed to align with the north facing roof pitch of the host property. The front wall of the upward extension would be partially recessed relative to that of the host property to aid in achieving subservience, and hung tiles would be used in an attempt to match those appearing between the ground and first floors of the dwelling's main bay windows.
5. As already mentioned, various alterations have been made to the host property; collectively, these have not improved its appearance. The construction of an additional upward extension as proposed would considerably worsen the visual scene. Notwithstanding the alterations already made, the addition would harmfully imbalance the appearance of the host property, the

proposed window on the upper floor bears little relationship to the extant pattern of fenestration and the overall shape of the extension would serve to accentuate the visual disharmony already caused by the existing side extension.

6. I conclude that the proposed extension would harm the character and appearance of the host property and its surroundings. Accordingly, a clear conflict arises with the provisions and objectives of policy D1 of the Cheltenham Plan (CP) and policy SD2 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS) directed to ensuring, including for extensions to existing buildings, that new development should respond positively to and respect the character of the site and its' surroundings; the design should not harm the integrity of the building and complements and respects neighbouring development. I consider this to be a poorly designed, disharmonious scheme and shall therefore follow the Framework's¹ advice.

Living conditions

7. The appellant has produced evidence designed to demonstrate that the light entering the glazed openings on the side elevation of the neighbouring dwelling would not be materially obstructed. Since I did not enter No 22, I could not verify the appellant's account of the internal layout or which openings served which spaces. However, I have no reason to doubt the appellant's account. In these circumstances, and in the absence of an objection from the residents of No 22, I am inclined to the view that daylight to the property next door would not be materially affected.
8. With regard to outlook from within No 22, the Council has not satisfactorily substantiated its stance. However, it strikes me that the proposed increase in the height and bulk of the wall on the common boundary would prove oppressive to users of the driveway separating the properties. Along with the side elevation of No 22 it would give rise to an unfortunate and unacceptable tunnelling effect for the residents of No 22.
9. I conclude that whilst the amount of light entering no 22 would not be materially decreased, the development would have a harmful, oppressive effect on No 22's residents when using part of their external space. Accordingly, the proposal would conflict with the objectives of JCS policy SD14 and CP policy SL1 directed to protecting residential amenity from unacceptable harm.

Other matters

10. I have taken account of all other matters raised in the representations, including the appellant's references to the recent planning history, the reasons for promoting the proposal, the detailed description of the locality and other development. However, neither these matters nor any other matter raised is of such strength or significance as to outweigh the considerations that led me to my conclusions.

G Powys Jones

INSPECTOR

¹ The National Planning Policy Framework paragraph 139.

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Appeal Decision

Site visit made on 30 May 2024

by G Powys Jones MSc FRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th June 2024

Appeal Ref: APP/B1605/D/24/3342098
278 Old Bath Road, Cheltenham, GL53 9AP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Peter Lee against the decision of Cheltenham Borough Council.
 - The application Ref 23/02056/FUL, dated 17 December 2023, was refused by notice dated 26 January 2024.
 - The development proposed is a dropped kerb to provide access from Kenneth Close, and hard standing to facilitate off street parking (Resubmission of planning ref: 23/00481/FUL).
-

Decision

1. The appeal is dismissed.

Preliminary matter

2. In the interests of accuracy and brevity I have adopted the description of the proposed development used in the Council's decision letter rather than that used in the original application form.

Main issue

3. The main issue is the effect of the proposal on highway and pedestrian safety.

Reasons

4. The appeal property is a detached dwelling. It stands at the junction of Old Bath Road and Kenneth Close, the latter being a cu-de-sac comprised of about 10 dwellings. The appeal property has a small front garden, which the appellant proposes to use for parking, with access being provided at the junction.
5. I saw that several properties fronting Old Bath Road used their former front gardens as parking areas, but those that I saw had no alternative means of providing off-street parking since no rear access was available. That is not the case with the appeal property; it has a lengthy, fenced return frontage onto Kenneth Close, and as I saw, a set of gates, although there was no apparent sign that parking was taking place within the rear garden.
6. The proposed access would be sited at the apex of a bend at the most potentially dangerous spot possible both in respect of vehicles entering and leaving the cul-de-sac, particularly if cars were to leave the proposed space in reverse gear. Forward and lateral visibilities would be curtailed for drivers

creating unnecessary risks of accidents/collisions. Similar considerations would apply to pedestrians crossing the mouth of the cul-de-sac. I acknowledge that the level of traffic using the cul-de-sac would not be high, but it is important that those drivers that use it should be able to do so safely.

7. The appellant would prefer not to use his rear garden for parking since space is limited, and it is considered impractical particularly taking into account the presence of young children. To my mind, however, having regard to what I saw, there seems no convincing reason why a safe parking space could not be designed and accommodated at the rear of the dwelling.
8. I conclude that the proposed car parking space, if built, would unnecessarily increase the risk of accidents at this location thus proving harmful to highway and pedestrian safety. Accordingly, I find a clear conflict with that provision of policy INF1 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS) requiring developers to provide safe connections to the transport network.

Other matters

9. I have taken account of all other matters raised in the representations, including the appellant's point that he considers himself to have been treated unfairly, particularly having regard to the presence of similar junction arrangements seen locally. I have noted the examples provided, but I have not been made aware of their provenance in planning terms. Notwithstanding this, their presence does not justify the creation of another potentially dangerous access point.
10. No other matter raised is of such strength or significance as to outweigh the considerations that led me to my conclusions.

G Powys Jones

INSPECTOR