

Cheltenham Borough Council Planning Committee

Meeting date: 19 September 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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Contact: democraticservices@cheltenham.gov.uk

Phone: 01242 264 246

Agenda

1 Apologies

2 Declarations of Interest

3 Declarations of independent site visits

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

To approve the minutes of the meeting held on 15 August 2024.

5 Public Questions

6 Planning Applications

6a 22/01935/FUL Castle Dream Stud, Mill Lane (Pages 13 - 62)

[Planning application documents](#)

6b 23/01424/FUL & LBC Glenfall House, Mill Lane (Pages 63 - 134)

[Planning application documents](#)

[Listed building application documents](#)

6c 24/00631/FUL 3 Pittville Crescent Lane (Pages 135 - 154)

[Planning application documents](#)

6d 24/01323/FUL 1 Howell Road (Pages 155 - 160)

[Planning application documents](#)

7 Appeal Update (Pages 161 - 180)

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



Cheltenham Borough Council Planning Committee Minutes

Meeting date: 15 August 2024

Meeting time: 6.00 pm - 7.15 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:

Tracey Birkinshaw (Director of Community & Economic Development), Chris Gomm (Head of Development Management, Enforcement and Compliance), Victoria Harris (Planning Officer), Michelle Payne (Senior Planning Officer), Michael Ronan (Lawyer) and Ben Warren (Planning Officer)

1 Apologies

Apologies received from Councillor Mutton.

2 Declarations of Interest

There were none.

3 Declarations of independent site visits

Councillor Oliver visited North Place car park.
Councillor Andrews visited 6a and 6c.

4 Minutes of the last meeting

Minutes of the meetings held on 30 May and 13 June 2024 were approved and signed as a true record.

5 Public Questions

There were none.

6 Planning Applications

6a 24/00607/FUL 5 Bala Road (various properties)

The planning officer introduced the report as published.

There were no public speakers on the item.

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

- The planning officer did not have that level of detail as Members were concerned about the quality of the render that would be used, as they had observed similar materials deteriorating quickly in other properties. However, the planning officer explained that through condition 3 this could be looked at and details shared with the Chair and Vice Chair.
- A question was asked to the applicant whether the owners of the houses that had been purchased could be approached to have works carried out simultaneously at their own expense. However, the applicant was not present and no response was received.
- The planning officer explained that they did not have the level of detail regarding the render and cladding as to whether it would have the potential to make the properties too hot.

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

- Member highlighted that this is the second stage as properties have already had this work completed in Dinas Road and that residents in Gwernant Road have been chasing when this work will happen and that the member will support this application.
- In Hesters way a number of properties appear to have had this work done and been finished in the same way and works well.

The legal officer reminded the committee that they should not duplicate existing regulatory regimes, such as those governing the safety of cladding and fire ratings. The role is as local planning authority and the applications need to be addressed in that context.

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

For: Unanimous

6b 24/00973/FUL 15 Hillfield

The planning officer introduced the report as published.

There were no public speakers on this item.

There were no member questions or debate.

The Chair clarified that the application was at committee as Cheltenham Borough Council owns the property.

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

For: Unanimous

6c 24/00236/FUL Car Park North Place

The planning officer introduced the report as published.

There were two public speakers on the item; an objector and the applicant in support.

The Chair of the Cheltenham Civic Society in objection addressed the committee and made the following points:

- The Cheltenham Civic Society supports the principle of redevelopment of the site for housing. Although this scheme is below the standard for a town like Cheltenham. Objections relate to the detail of the proposal.
- The site is a prominent location, important in the central conservation area and is surrounded by several impressive listed buildings.
- The proposal fails to comply with S72 of the Planning Listed Building and Conservation Area Act 1990 as it does not pay special attention to desirability of preserving or enhancing the character or appearance of the conservation area. The plans fails to make reference to neighbouring buildings such as the Grade II* listed St Margaret's Terrace. Instead the proposed development has lacklustre architecture, poor proportions, cheap detailing, weak terraced housing and ugly, monolithic block of flats. The scheme could be built anywhere and has no reference to the town's design history.
- The density of the development is too low at 114dph when compared to other developments around the town centre. This site should be developed with buildings at least five storeys high adding to Cheltenham's housing stock, improving the provision of affordable housing, enhancing the profitability of the scheme and improving the architectural setting of this important site. Unable to see why Cheltenham Borough Council's minimum threshold of 20% affordable housing cannot be met.
- Sustainability is not at the heart of the proposal as it should have been.
- The scheme will be dominated by moving and parked vehicles. There is insufficient parking provision for future residents, which will impact neighbouring streets. Parking should have been provided in an undercroft as seen in other developments in the town.
- The strip between the rows of houses may look attractive. However, it presents problems of continual maintenance. The boundary with Northfield Passage is also poorly defined and will suffer similar problems.
- More trees are needed, including street trees within the scheme, a characteristic feature of Cheltenham and a requirement of the NPPF. Instead

one existing tree in St Margaret's Road is to be removed against the tree officers advice.

The applicant then addressed the committee in support and made the following points:

- The applicant introduced himself as the Managing Director of Wavensmere Homes who co-own the North Place car park with BBS capital.
- The development proposal is for 147 dwellings, comprising of 75 three bedroom townhouses and 72 one and two bedroom apartments. This diverse housing mix is designed to meet the needs of the local population.
- The design has evolved through extensive feedback from stakeholders and consultees. The site has a history of unfulfilled plans, with the Council first earmarking it for sale in 2008. This has resulted in learning from this and the application has been revised to address these concerns. The apartment blocks massing has been reduced, improved pedestrian and cycle access and enhanced public and private amenity spaces, ensuring the design respects the nearby Grade II* St Margaret's Terrace.
- The scheme offers an opportunity to restore street scene, improving the site's poor condition which negatively impacts the conservation area and nearby heritage assets. The redevelopment will enhance the areas character as highlighted in the officer report.
- The development addresses critical housing needs as the lack of a five-year housing supply is well known.
- The commitment to sustainability is evident in the design which aligns with the SPD climate change policy. Energy efficiency has been prioritised through a fabric first approach, aiming for EPC A ratings for the townhouses. The gas free development will feature photovoltaic panels, air source heat pumps in the townhouses and MVHR systems in the apartments. Each townhouse will have electric vehicle charging points.
- Significant biodiversity net gains will be achieved, 226% for habitats and 123% for hedgerows, exceeding the required 10%. The planting of 57 trees, especially along street frontages. The development will offer both resident and public amenity spaces, including specimen planting and informal play areas.
- Pedestrian links will connect residents to key local areas like Pittville Park, Clarence Square, the Brewery Quarter and the town centre. Through partnership with the Cheltenham Paint Festival this will incorporate public art to enhance the cultural value of the development.
- There is ample cycle storage included within the apartments and townhouse terraces. Parking will be available for the townhouses, residents of the apartments will be encouraged to use alternative transport methods. Local street parking permits will be unavailable to residents. However, reduced price permits in the adjacent NCP car park have been procured.
- Despite significant viability challenges 29 units will be designated as affordable.

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

- It was not specified that rainwater would be captured by water butts. However, future residents could potentially install them. Surface water drainage is part of the landscaping proposal.

- The planning officer did not know how many car parking permits would be available for NCP car park. This had been secured independently by the applicant and developer without involvement of the council. The planning officer advised that members can only consider the scheme that has been submitted and the parking provision that has been included within the application.
- It was confirmed that any future resident would be unable to apply for an on street parking permit.
- The planning officer was not aware of any land or soil conditions that prevented the site from having undercroft parking. Cost was a major factor why it was not possible and in terms of viability as discussed in the report.
- The application has been through an extensive pre application process and the scheme has evolved and changed dramatically as result of feedback from officers, consultees, heritage and urban designers. The application has had a significant change in layout of the site. If the application was not approved it would be for the developer to understand why the scheme was not acceptable and to look to make any amendments.
- Taller buildings had been presented and considered. However, following feedback from conservation and heritage it was needed for the building to be recessive to the St Margaret's terrace to prevent it from overpowering or dominating the terrace. It also provides progression in heights within the street scene along with Dowty House.
- There will be an informative that residents will be unable to obtain on street parking permits as this has been confirmed with Highways. Any future buyers will be made aware of this through local searches.
- No works are proposed to Northfield Passage as part of the development as no works can be proposed to a public right of way without consent. However, the intention is to open and improve the public right of way by taking away the existing fence and walls. It has been confirmed that the levels of the site will be taken down to match the public right of way.
- There is no way to prevent people parking on the public right of way as this is outside of the planning process. A condition has been suggested regarding parking within the site in way of a scheme to control how people park outside of the designated parking spaces. Whether that be signage or double yellow lines.

The matter then went to member debate and the following points were made:

- As developers there is an opportunity to recognise the history of a site. The North Place car park development is on the site of a former company that used to be important to Cheltenham known as the Black and White Coach Company before becoming part of National Express. This site was hugely significant for residents and therefore ask that the sites heritage and memories be respected and not just wiped out as a redundant car park. (Councillor Williams read out the above before Members questions and left the meeting at 18:53 and took no further part in the committee)
- Agree with the Chair of the Civic Society as these buildings are not interesting and yet will be within a significant site and feel the design is poor and better could have been done. Disappointed to lose a significant tree regardless that the site will have new trees. Appreciate that it would require a redesign to

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keep the tree however, throughout the design process this could have been addressed.

- The scheme could have had more properties and increased the density. Could argue that larger houses are not needed in the town centre and that smaller properties are. Should have more parking for site as parking is necessary regardless of town centre location.
- Not happy with the application however, unsure if there are valid planning reasons to refuse.
- Disappointed with the scheme as there are many ways in which it falls short, regarding the design of the townhouses which fails to meet the NDSS requirements. The lack of parking provision for the 72 apartments as the development will be replacing an existing car park and adding to parking pressures on the town centre. The felling of a tree which was only recently granted a TPO and the objection from the tree officer and failure for the developer to take this into account is a cause for concern.
- There are two major crises facing our country, a chronic shortage of housing and the climate emergency. The benefits of site surpass its shortcomings. Reassured that the report notes the council and the developer will be in discussions about the townhouses design and NDSS requirements.
- Access is adequate for service and delivery vehicles and the townhouses will have a drive. The provision of a bike shed and proximity to the town centre should help reduce the need for cars at the site.
- The development will be sustainable and the scheme will deliver more on its biodiversity net gain (BNG) requirement for habitats and hedgerows along with provisions made for planting of new trees.
- The development will help the council ambitions for net zero with the solar PV panels on apartment rooftops, heat pumps at the townhouses and electric vehicle charging points. The scheme will be a redevelopment of a brownfield site and the application should be supported.
- Whilst not against the development it is not possible to replace an existing tree that has an established habitat for new trees as these will take a long time to establish habitats.
- On balance will support the application as it is a bonus that there is any affordable housing within the scheme. Shame to lose the tree as it appears it could have been saved had building been shifted along. However, the planting in the middle of the scheme will be a benefit in the long term. Housing is desperately needed in particular social housing and would be reluctant to refuse application that contains affordable housing.
- No application is ever perfect and members had meeting with the developer in pre application process and the scheme has taken on board points that were raised by members such as the BNG. Glad to have another development within the town which will have no gas.
- A member liked the finish of the buildings and said that the architects panel didn't oppose the materials being used. A positive is that there would be a significant contribution to education and a smaller one to libraries. There are no planning reasons to refuse the application and the council does not have a five-year housing supply.
- A member was critical of the Cheltenham Civic Society and took exception to the un civic awards as they are unjust and hurtful. Agree with members that

scheme could be better however, arguments to support the scheme are excellent.

The matter then went to the vote on the officer recommendation to permit subject to S106 agreement, conditions and informative:

For: Unanimous

A member asked about the possibility of a sign or plaque that the site was once the Black and White coach station. The Chair indicated that the applicant nodded that this would be possible.

7 Appeal Update

Appeal details were noted for information.

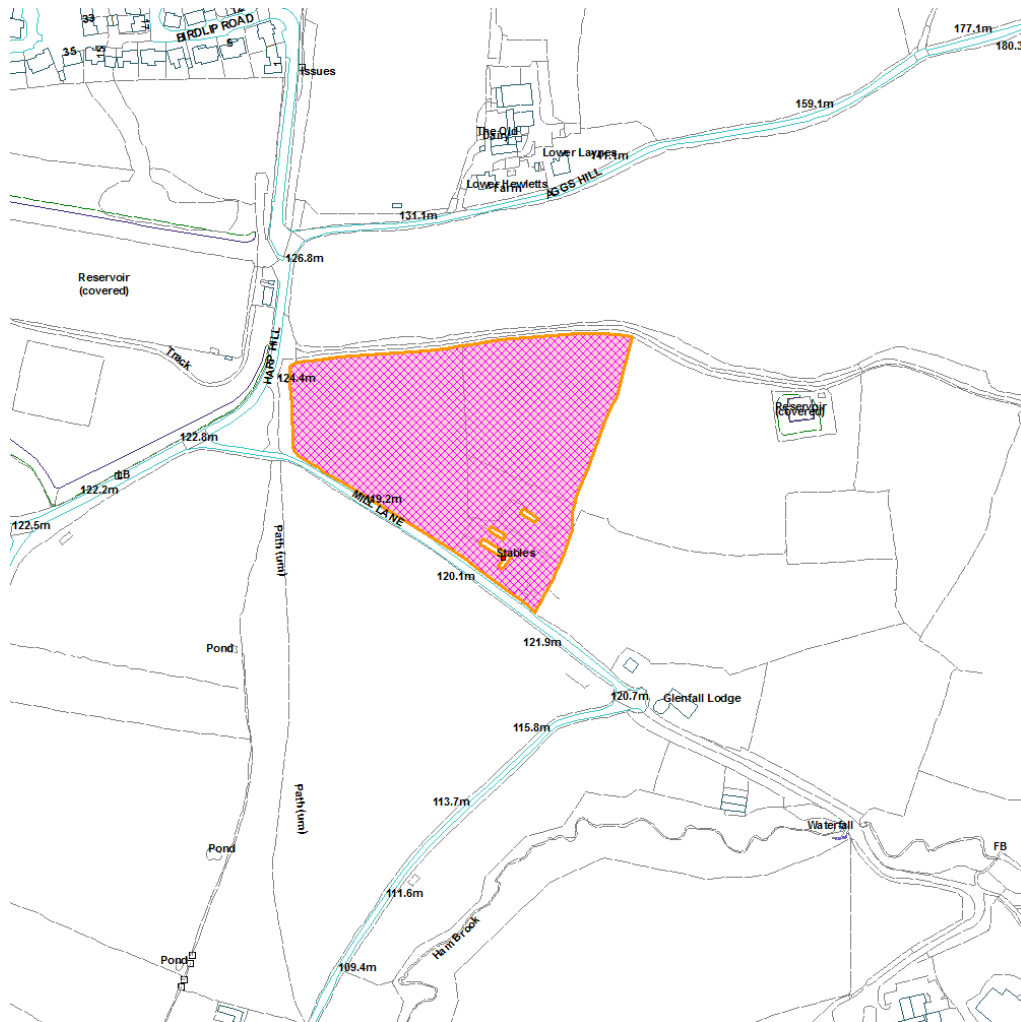
8 Any other items the Chairman determines urgent and requires a decision

There were none.

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| APPLICATION NO: 22/01935/FUL | OFFICER: Michelle Payne |
| DATE REGISTERED: 1st November 2022 | DATE OF EXPIRY: 27th December 2022 (extension of time agreed until 26th April 2024) |
| DATE VALIDATED: 1st November 2022 | DATE OF SITE VISIT: |
| WARD: Battledown | PARISH: Charlton Kings |
| APPLICANT: Ms J Cox | |
| AGENT: | Heine Planning Consultancy |
| LOCATION: | Castle Dream Stud Mill Lane Charlton Kings |
| PROPOSAL: | Material change in use of land for mixed use for the keeping of horses with stables and the stationing of caravans for residential use with associated development (hard standing, utility block, dog run, fencing and gates) (retrospective) |

RECOMMENDATION: Permit subject to conditions



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site is located to the north east side of Mill Lane, and the junction with Harp Hill. The site lies within the Cotswolds National Landscape (former AONB) and outside of the Principal Urban Area (PUA) of Cheltenham.
- 1.2 Planning permission (ref. 17/00129/FUL) was granted in 2017 for the “*Change of use of land for the permanent residential occupation by a traveller family, provision of day room, retention of hardstanding, access, fencing, stables and use of associated land for keeping of horses*” in April 2017. The permission was granted by the planning committee on a temporary 5 year basis, and subject to the following conditions:

- 1 *The occupation of the site hereby permitted shall be carried on only by Mrs Cox and any dependant relatives. The use shall cease on or before 21st April 2022.*

When the land ceases to be occupied by the above named person(s) the use hereby permitted shall cease and all caravans, structures, materials and equipment brought onto or erected on the land, or works undertaken in connection with the use shall be removed and the land should be restored to its condition before the use took place.

Reason: A personal temporary permission is given only to meet the specific needs of the applicant in accordance with the National Planning Policy Framework, Planning Policy for Traveller Sites and Circular 11/95. To grant a permanent consent would result in long term harm to the AONB, contrary to policy CO2 of the Local Plan and the provisions of the NPPF.

- 2 *No more than 2 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and Caravan Sites Act 1968, shall be stationed on the site at any time (1 static caravan and 1 tourer).*

Reason: In order to control the amount of structures and equipment on the land in order to avoid adverse impact on the AONB, in accordance with policy CO2 of the Local Plan.

- 3 *The stable buildings and associated land hereby permitted shall not be used for any other purposes than agriculture, the private stabling, keeping and exercise of horses, the use of the site as a stud and other non-commercial equine uses. No other commercial activities, including livery, shall take place on the land, including the storage of materials, other than those ancillary to the uses listed above.*

Reason: This is the basis upon which permission is sought and the Local Planning Authority wishes to have the opportunity of exercising control over any subsequent use in accordance with the National Planning Policy Framework, Planning Policy for Traveller Sites and Circular 11/95.

- 4 *No more than one commercial vehicle shall be kept on the land for use by the occupiers of the caravans hereby permitted and shall not exceed 7.5 tonnes in weight.*

Reason: The parking of large vehicles would detract from the amenity of the area and therefore should be limited, in accordance with the National Planning Policy Framework, Planning Policy for Traveller Sites and Circular 11/95.

- 5 *Prior to the erection of the day room hereby permitted details relating to siting and the materials to be used in the construction of the external surfaces of the building shall be submitted to and approved in writing by the local planning authority. The building shall be constructed in accordance with the approved details.*

Reason: To ensure the building has an acceptable appearance and impact upon the AONB, in accordance with policy CO2 of the Local Plan.

- 1.3 The above-referenced 2017 permission was granted following the previous grant of two earlier temporary 3 year permissions (ref. 10/01839/COU and 13/01459/COU); the 2010 application being allowed on appeal in September 2011.
- 1.4 This application is now seeking a material change in use of the land for the keeping of horses with stables and the stationing of caravans for residential use (two mobile homes and a touring caravan) with associated development (hard standing (including storage of 1-2 touring caravans for travelling), utility block, dog run, fencing and gates) on a permanent basis. The application is retrospective; the most recent permission having expired in 2022.
- 1.5 For the avoidance of doubt, the two stable blocks already benefit from planning permission on a permanent basis.
- 1.6 The application is before the planning committee due to an objection from the Parish Council. The Parish Council's main concern relates to the impact of the proposals on the AONB, being out-of-keeping and visually intrusive; their full response can be found in the appendix at the end of the report. The application was also called to committee by former councillor Matt Babbage.
- 1.7 Members will visit the site on planning view.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Cotswolds National Landscape

Relevant Planning History:

| | | |
|--|---------------------------|---------------------------|
| 10/01839/COU | REFUSED | 10th February 2011 |
| Change of use from agricultural to residential occupation by a gypsy family with the stationing of two caravans and erection of an ancillary "day room" building and construction of new access, hardstanding and associated landscaping. Retention of stable building for the purpose of keeping horses *ALLOWED ON APPEAL* | | |
| 12/00271/CLPUD | CERTIFICATE ISSUED | 29th March 2012 |
| Vehicular access and permeable hardstanding | | |
| 13/01459/COU | PERMIT | 6th August 2014 |
| Change of use of land for the permanent residential occupation by a traveller family, retention of day room, hardstanding, access, fencing, stables and use of associated land for keeping of horses | | |
| 17/00129/FUL | PERMIT | 26th April 2017 |
| Change of use of land for the permanent residential occupation by a traveller family, provision of day room, retention of hardstanding, access, fencing, stables and use of associated land for keeping of horses | | |

3. POLICIES AND GUIDANCE

National Planning Policy Framework 2023 (NPPF)

Section 2 Achieving sustainable development
Section 4 Decision-making
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

Adopted Cheltenham Plan 2020 (CP) Policies

D1 Design

GI2 Protection and replacement of trees

GI3 Trees and Development

Adopted Joint Core Strategy 2017 (JCS) Policies

SD3 Sustainable Design and Construction

SD4 Design Requirements

SD6 Landscape

SD7 The Cotswolds Area of Outstanding Natural Beauty

SD9 Biodiversity and Geodiversity

SD10 Residential Development

SD11 Housing Mix and Standards

SD13 Gypsies, Travellers and Travelling Showpeople

SD14 Health and Environmental Quality

INF1 Transport Network

INF2 Flood Risk Management

Supplementary Planning Guidance/Documents

Cotswolds National Landscape Management Plan (2023 – 2025)

Planning Policy for Traveller Sites (2015)

4. CONSULTATION RESPONSES

See appendix at end of report

5. PUBLICITY AND REPRESENTATIONS

- 5.1 Letters of notification were sent to 62 nearby properties on receipt of the application, and a site notice was posted in proximity to the site.
- 5.2 An additional round of consultation was carried out on receipt of revised plans.
- 5.3 In response to the publicity, 18 representations have been received in objection to the proposal. The representations have been circulated in full to Members but the main concerns/comments are summarised below:
 - The granting of a permanent permission
 - Horses not a permanent feature on the site
 - A permanent permission would allow for more caravans on the site
 - Septic tank is smelly and has overflowed in the past
 - Site is being overdeveloped
 - Light pollution
 - Site entrance is out-of-keeping
 - Parking issues
 - Permission will set a precedent
 - Trees and hedging have been removed
 - Not appropriate development within the AONB
 - The term 'family' is open to broad interpretation
 - Another temporary permission should be granted
 - Additional access formed
 - Devaluation of surrounding properties

6. OFFICER COMMENTS

6.1 Determining issues

6.1.1 The key considerations in determining this application relate to the principle of development; landscape impact; neighbouring amenity; and highway matters.

6.2 Principle of development / policy context

6.2.1 Paragraph 60 of the NPPF highlights the importance of ensuring *“that a sufficient amount and variety of land can come forward where it is needed [and] that the needs of groups with specific housing requirements [including travellers] are addressed...”*.

6.2.2 Planning Policy for Traveller Sites (PPTS) sets out how travellers' housing needs should be assessed. In this regard, the Strategic Land Use Team (SLU) have been consulted on the application and their comments can be read in full in the attached appendix. SLU advise that a new Gypsy and Traveller Accommodation Assessment (GTAA) was undertaken in November 2022, which covers the period 2021-2041; the GTAA recommends that there is an accommodation need for 6 pitches within the 2021-26 period and a further accommodation need of 3 pitches within the period of 2026-41. The Council has a duty to meet this need.

6.2.3 SLU go on to note that two of the required pitches in the period 2021-26 could be provided through the grant of a permanent permission on this site. SLU also highlight that the GTAA recognises that there are no authorised Gypsy/Travellers sites within the borough, and therefore it would not be possible for the current occupiers of the site to move to other suitable accommodation within Cheltenham. Additionally, no other sites have been identified as being readily available for such land use through the Council's 2023 'Call for Sites' for Gypsy, Roma, Traveller & Travelling Showpeople. As such, there is no doubt that there is an established need which weighs heavily in favour of the application. Indeed, the most recent GTAA shows the need has increased.

6.2.4 In all cases, Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990 require applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise.

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

6.2.6 In determining applications, NPPF paragraph 11 sets out a *“presumption in favour of sustainable development”* which means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

6.2.7 Adopted JCS policy SD13 states that:

Proposals for new permanent and temporary, residential and transit Gypsy, Traveller and Travelling Showpeople sites will be assessed against the following criteria:

i. Proposals on sites in areas of sensitive landscape will be considered in accordance with Policy SD6 (Landscape Policy) and Policy SD7 (The Cotswolds Area of Outstanding Natural Beauty). In all other locations the proposal must not have an unacceptable impact on the character and appearance of the landscape and the amenity of neighbouring properties, and should be sensitively designed to mitigate any impact on its surroundings.

ii. The site has safe and satisfactory vehicular and pedestrian access to the surrounding principal highway network.

iii. No significant barriers to development exist in terms of flooding, poor drainage, poor ground stability or proximity to other hazardous land or installation where other forms of housing would not be suitable.

iv. The site is situated in a suitable location in terms of access to local amenities, services and facilities, including schools, shops, health services, libraries and other community facilities.

v. The site can be properly serviced and is supplied with essential services, such as water, power, sewerage and drainage, and waste disposal. The site should also be large enough to enable vehicle movements, parking and servicing to take place, having regard to the number of pitches/plots on site, as well as enabling access for service and emergency vehicles, including circulation space along with residential amenity and play areas.

6.2.8 Therefore, in itself, there is no fundamental reason to suggest that the permanent residential occupation of this site by a gypsy or traveller family would be unacceptable in principle; the policy does not preclude permanent sites within the AONB.

6.2.9 The gypsy/traveller status of the applicant has been established through previous appeals and decisions, and that is not in dispute.

6.3 Design, layout and landscape impact

6.3.1 As previously identified, the application site is sensitively located within the Cotswolds National Landscape (former AONB) and therefore as per criteria (i) of JCS policy SD13, the application must be considered in accordance with adopted JCS policies SD6 and SD7.

6.3.2 Policy SD6 seeks to ensure that developments protect landscape character “for its own intrinsic beauty and for its benefit to economic, environmental and social well-being” and requires development proposals to have regard to the local distinctiveness and historic character of the landscape, and demonstrate how the development will protect or enhance landscape character and avoid detrimental effects.

6.3.3 Policy SD7 goes on to state that “All development proposals within the setting of the Cotswolds AONB will be required to conserve and, where appropriate, enhance its landscape, scenic beauty, wildlife, cultural heritage and other special qualities. Proposals will be required to be consistent with the policies set out in the Cotswolds AONB Management Plan.”

6.3.4 Additionally, NPPF paragraphs 180 and 182 require decisions on planning application to contribute to and enhance the natural and local environment, with 'great weight' to be given to conserving and enhancing landscape and scenic beauty in AONBs.

6.3.5 With reference to the above policy requirements, the concerns of the parish council and the objectors in relation to landscape harm have been duly noted, as have the comments of the Appeal Inspector in allowing the original temporary permission in 2011; the Inspector finding that the change of use of the land to a Gypsy and Traveller site would conflict with the primary purposes of conserving or enhancing the natural beauty of the AONB, albeit that the "*actual visual harm would be relatively limited*".

6.3.6 In this context, the Inspector considering a temporary personal permission to "*be appropriate and reasonable until such times as less harmful, alternative sites may be identified and brought forward through the JCS process.*" It can therefore be reasonably assumed that the Inspector initially granted a temporary permission on the basis that by the expiration of the temporary three year consent, there would have likely been a change of circumstances, and the Council would have identified alternative sites within the borough that would be available to the applicants; albeit, the JCS does not look to allocate specific sites but to assess sites against the criteria set out within JCS policy SD13 (refer to paragraph 6.2.7 above).

6.3.7 Furthermore, contrary to the views of the parish council and local objectors, the Cotswolds National Landscape Board (CNLB), having considered the applicant's submission and the previous planning history related to the site, on balance, raise no objection to the application. Their full and detailed comments on the proposal can be found in the appendix below.

6.3.8 That said, CNLB in their initial response did highlight the lack of information in relation to lighting; NPPF paragraph 191(c) setting out the need for planning decisions to ensure that development is appropriate to its location and limits "*the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation*". Planning Practice Guidance identifying 'Intrinsically dark landscapes' as those that are "*entirely, or largely, uninterrupted by artificial light*" (Paragraph: 001 Reference ID: 31-001-20191101). CNLB therefore recommended that, if minded to grant permission, the Council should seek additional detail to mitigate any adverse impact; limiting external lighting to low-level, down facing lights. In the board's revised response, they continue to raise no objection.

6.3.9 As such, officers are satisfied that only relatively limited harm to the AONB would be caused by the development. Although the wider site covers some 2.4 hectares, the buildings and caravans are relatively tightly grouped together and cover only a small portion of the site. Indeed, as previously noted, the Inspector in the 2010 appeal decision found that the actual visual harm was relatively limited. However, whilst limited, this harm should be afforded moderate weight.

6.3.10 Details of all external lighting to be installed/retained can be suitably secured by condition.

6.4 Access and highway safety

6.4.1 Criterion (ii) and (iv) of JCS policy SD13 require the site to have a safe and satisfactory vehicular and pedestrian access, and be suitably located in terms of access to local amenities.

6.4.2 The site is considered to have a safe and suitable access, and officer report to committee in 2017 confirmed that the Highways Officer at that time raised no objection in terms of highway safety. The entrance gates are set back sufficiently far back from the highway to allow for vehicles to pull off the lane to avoid any obstruction of the highway.

6.4.3 Notwithstanding the above, officers acknowledge that the site is not well served in terms of access to local amenities, and that occupiers will likely be reliant on the use of a motor vehicle; however, in an appeal decision (Appeal ref. APP/B3030/W/22/3304814) on a site identified as being located away from facilities necessary for day to living, the Inspector, whilst acknowledging that the occupiers of the site “*would be permanently reliant on the private car rather than sustainable transport to reach services and facilities. Walking to the local bus stop would not necessarily be safe, given the absence of street lighting and pavements*” and that only a limited bus service was available, found that “*Given the size of the site and the number of pitches proposed, this would have no more than a moderate adverse effect.*” Officers are therefore satisfied that that same applies here.

6.4.4 It is also noteworthy that the Inspector in the 2010 appeal decision found the application site to be “*reasonably sustainably located*”.

6.5 Drainage, flooding and servicing

6.5.1 In addition to the above, criterion (iii) and (v) of JCS policy SD13 advise that no significant barriers to development “*should exist in terms of flooding [and] poor drainage...*” and the site must be “*supplied with essential services, such as water, power, sewerage and drainage, and waste disposal*”.

6.5.2 Criterion (v) also requires the site to be large enough to enable vehicle movements, parking and servicing, and access for service and emergency vehicles, together with circulation space and residential amenity and play areas.

6.5.3 The site is located in Flood Zone 1, and at a low risk of surface water flooding (Environment Agency long term flood risk service online); as such, there are no concerns in relation to flooding.

6.5.4 With regard to sewerage and drainage, the site is serviced by a septic tank/soakaway system. The concerns raised by the objectors in relation to the septic tank have been duly noted; however, Environmental Health (EH) wrote to the applicant in March last year (since the initial submission of the application) to confirm that, following dye testing to ascertain whether any effluent was leaching on to the adjacent road, works carried out by the applicant to rectify earlier drainage problems had been sufficient to prevent further sewage leaks. EH have also confirmed that no further complaints have been received since their file was closed in April 2023.

6.5.5 The site is also large enough to enable the necessary vehicle movements, parking and servicing, and access for service and emergency vehicles, together with circulation space and residential amenity areas.

6.6 Other considerations

6.6.1 It is noted that it is suggested in the objections that a permanent grant of planning permission would have the potential to result in additional caravans on the site and that it would set a precedent but officers dispute this, as there is no evidence to demonstrate this. Any additional pitch provision would require the submission of a planning application.

6.6.2 In addition, the impact of development on neighbouring property values (a purely private interest) is not a material consideration in determining an application for planning permission.

Public Sector Equality Duty (PSED)

6.6.3 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.

6.6.4 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.

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

7. CONCLUSION AND RECOMMENDATION

- 7.1 Whilst the development would result in some limited permanent harm to the AONB, and the site is not particularly well served in terms of access to local amenities; the proposed development does conflict with JCS policy SD13 to some extent. However, the identified harm must be weighed against other material considerations; in this case, the ongoing unmet need for pitch provision within the borough. Officers consider this unmet need carries significant weight and therefore clearly outweighs the harm in this particular case.
- 7.2 The permanent grant of planning permission on this site would provide for two pitches which would contribute towards the accommodation needs identified within the GTAA. The Council has a duty to meet this need.
- 7.3 As such, on balance, the recommendation therefore is to grant planning permission on a permanent and non-personal basis, subject to the schedule of conditions set out below.
- 7.4 Officers do not consider the granting of a further temporary permission to be appropriate. Planning Practice Guidance (Paragraph: 014 Reference ID: 21a-014-20140306) advises that it is rarely justifiable to grant consecutive temporary permissions “*(except in cases where changing circumstances provide a clear rationale, such as temporary classrooms and other school facilities)*”. It goes on to state that “*Further permissions can normally be granted permanently or refused if there is clear justification for doing so.*”
- 7.5 That said, members must keep in mind that if this application were to be refused and enforcement action taken, there is currently no alternative provision for the applicant and their family within the borough; the Council having failed for some time now to bring forward any long-term provision. Furthermore, the Inspector in the 2010 appeal decision stated that “*Eviction from a site which meets all of their requirements, with no prospect of anywhere else to go, would amount to interference with their rights under Article 8 of the European Convention of Human Rights (ECHR).*”
- 7.6 With regard to issuing a temporary and/or personal permission by way of conditions there are useful appeal decisions on applications elsewhere within England which are pertinent to this application.
- 7.7 In one such appeal decision (ref. APP/T0355/W/22/3300618) within an area of Green Belt (wherein gypsy sites are inappropriate development) the Inspector found “*that the matters in favour of the appeal scheme, namely the substantial and persistent unmet need for sites, together with the ongoing failure of policy*” would clearly outweigh the identified harm to the Green Belt (which the Inspector afforded substantial weight); and as a result, determined that a condition limiting the permission to a temporary permission was no longer appropriate and that a permanent permission was warranted.

- 7.8 In the same appeal decision, the Inspector goes on to state that as it was the circumstances in respect of the need for sites and the failure of policy that justified the grant of planning permission, not the occupiers' personal circumstances, a condition restricting the permission to a personal one, was not reasonable or necessary. Instead, they imposed a condition which limited the occupancy of the site to Gypsies and Travellers in general. The condition was not linked to Gypsies and Travellers as defined in Annex A of the PPTS, as the Court of Appeal in Smith *"held that the exclusion of Travellers who have ceased to travel permanently is discriminatory and has no legitimate aim."*
- 7.9 The Inspector in the appeal decision referenced at paragraph 6.4.3 above also found that circumstances existed which justified a permanent permission without a temporary or personal condition; finding that harm in relation to location and access to services, and the effect on the character and appearance of the area, would be clearly outweighed by the significant weight afforded to the benefits of the additional pitches given that there was a unmet need and a lack of alternative sites.
- 7.10 To reiterate, officers therefore recommend that planning permission be granted on a permanent and non-personal basis, subject to the conditions below. To grant a further temporary, personal consent would result in ongoing uncertainty to the applicant and would also mean that the Council still has an unmet need.

8. SUGGESTED SCHEDULE OF CONDITIONS

- 1 The planning permission hereby granted relates to the approved plans listed in Schedule 1 of this decision notice.

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

- 2 The site shall not be occupied by any persons other than Gypsies and Travellers, defined as persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.

Reason: Planning permission has been granted to provide accommodation solely for gypsies and travellers who satisfy the above definition in order to contribute towards the Local Planning Authority's identified unmet need for gypsy and travellers accommodation within the borough. Any alternative occupation of the site requires further consideration by the Local Planning Authority, having regard to the provisions of the development plan.

- 3 No more than 2 pitches comprising 2 mobile homes and 1 touring caravan shall be occupied on the site, and no more than 2 touring caravans for travelling shall be stored on the site, at any time, in accordance with Plan 2: Proposed Site Layout Plan.

Reason: For the avoidance of doubt and in the interests of proper planning. This is the basis upon which permission is sought and the Local Planning Authority wishes to have the opportunity of exercising control over any subsequent use.

- 4 Within 3 months of the date of this decision, details of all external lighting shall be submitted to and approved in writing by the Local Planning Authority. The lighting will be limited to low-level, down-facing lights to minimise overspill and light pollution. External lighting shall thereafter only be installed/retained in accordance with the approved details.

Reason: To preserve the landscape character, and conserve the dark skies, of the Cotswolds National Landscape, having regard to policies SD4 and SD6 of the adopted Joint Core Strategy (2017), paragraph 185(c) of the National Planning Policy Framework

(2023), and policy CE5 of the Cotswolds National Landscape Management Plan 2023-2025.

CONSULTATIONS APPENDIX

Cotswolds National Landscape Board

1st December 2022

Thank you for consulting the Cotswolds Conservation Board ('the Board') on this proposed development, which would be located within the Cotswolds National Landscape.

In reaching its planning decision, the local planning authority (LPA) has a statutory duty to have regard to the purpose of conserving and enhancing the natural beauty of the National Landscape. The Board recommends that, in fulfilling this 'duty of regard', the LPA should: (i) ensure that planning decisions are consistent with relevant national and local planning policy and guidance; and (ii) take into account the following Board publications:

- Cotswolds Area of Outstanding Natural Beauty (AONB) Management Plan 2018-2023 (link);
- Cotswolds AONB Landscape Character Assessment particularly, in this instance, with regards to Landscape Character Type (LCT) 2 Escarpment and 7 High Wold;
- Cotswolds AONB Landscape Strategy and Guidelines particularly, in this instance, with regards to LCT 2 (link), including Section 2.1 and LCT 7, including Section 7.1;
- Cotswolds AONB Local Distinctiveness and Landscape Change;
- Cotswolds Conservation Board Position Statements particularly, in this instance, with regards to The Keeping of Horses and Ponies, Tranquillity and the Dark Skies and Artificial Light Position Statement and its appendices.

Having considered the applicant's submission and the previous planning history related to the site, the Board does not object to this application for the reasons outlined in Annex 1 below.

Without prejudice, if the local authority is minded to grant planning permission, we have made some recommendations regarding planning conditions which the local authority may consider to ensure the conservation and enhancement of the landscape and scenic beauty of the National Landscape.

ANNEX 1 COTSWOLDS NATIONAL LANDSCAPE CONSULTATION RESPONSE IN RELATION TO PLANNING APPLICATION

Paragraphs 174 and 176 of the National Planning Policy Framework ('NPPF') provide the highest status of protection for the landscape and scenic beauty of AONBs, including the Cotswolds National Landscape. Paragraph 174 states that planning decisions should both contribute to and enhance the natural environment by protecting and enhancing valued landscapes in a manner commensurate with their statutory status or identified quality in the development plan. Paragraph 176 then outlines the 'great weight' to be given to the conservation and enhancement of the landscape and scenic beauty of AONBs.

Policy SD6 of the Cheltenham, Gloucester and Tewkesbury Joint Core Strategy requires development to protect landscape character for its own intrinsic beauty and for its benefit to economic, environmental, and social well-being. This reflects advice in the NPPF that requires policies and decisions to recognise the intrinsic character and beauty of the countryside. Policy SD7 of the JCS states that all development proposals within the setting of the Cotswolds National Landscape will be required to conserve and, where appropriate, enhance its landscape, scenic beauty, wildlife, cultural heritage, and other special qualities. Proposals will also be required to be consistent with the policies set out in the Cotswolds AONB Management Plan.

The Cheltenham Plan, adopted in 2020, states at paragraph 8.3 that because of its attractive character, which derives from its built form as well as the landscape of the scarp edge, and its location on the urban fringe, the AONB in the Borough is particularly sensitive to development pressures. A restrictive approach is therefore necessary to conserve and

enhance both of these elements. The Council considers it particularly important to protect the scarp as the dominant feature of Cheltenham's setting and is concerned at the cumulative effect of even small-scale development and of development in new locations within the AONB.

The Landscape Character, Sensitivity and Capacity Assessment of the Cotswold AONB within Cheltenham Borough was published in April 2015 (updated May 2016). The application site is situated within site reference LCA 10.11 (Greenway Wooded Pasture Slopes). The assessment suggests that the character area has an overall landscape constraint score of 'major' and that the landscape capacity for development is 'low'. However, we acknowledge that the current application site was in residential use when the study was undertaken so does not, in a sense, represent 'new' development.

The Board is aware of the previous planning history of this site, including both the current ('fall-back') permission for stables and keeping of horses and the temporary consents for the residential elements on site, including that allowed at appeal in 2011, though it is noted that permanent consents were refused primarily for the reason that the development would not conserve or enhance the National Landscape.

The applicant's Planning Statement admits that the proposal would not conserve or enhance the landscape and scenic beauty of the National Landscape and we share that view. However, in making our overall assessment this is balanced against this is the fact that the site has been occupied for more than a decade for the residential use applied for here and that the equestrian use is already consented. We also agree with the assessment of the applicant, the Council in determining previous applications and the Inspector in determining the 2011 appeal, that any landscape and visual harm would be relatively limited owing to the existing boundary screening, site topography and the positioning of the structures towards the lowest part of the site.

We are also aware that the Council in making its decision will have to balance any assessed harm to the landscape and scenic beauty of the National Landscape, with the 'great weight' this attracts in the planning balance, against the Council's current inability to meet its housing requirements, including those of Gypsies and Travellers. Bearing all of these factors in mind, on balance we do not object to this application.

One matter we would wish to comment upon is the lack of proposals regarding lighting. Paragraph 185c of the NPPF states that planning decisions should ensure that new development is appropriate for its location and in doing so they should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation. Paragraph 001 of the Planning Practice Guidance (PPG) on Light Pollution (Paragraph: 001 Reference ID: 31-001-20191101) states that 'intrinsically dark landscapes' are those entirely, or largely, uninterrupted by artificial light. National parks ... can serve as good examples'. As AONBs have the same level of protection with regards to landscape and scenic beauty as national parks within the NPPF and PPG and dark skies are one of the special qualities of the Cotswolds National Landscape, we consider it reasonable to treat the National Landscape as an 'intrinsically dark landscape' in NPPF and PPG terms.

The Cotswolds AONB Landscape Strategy & Guidelines for LCT 2 (Section 2.1) identifies 'the spread of lit elements up the Escarpment slope' as a potential (adverse) implication for development such as this. The guidelines also seek to 'conserve areas of dark skies', with these dark skies being one of the 'special qualities' of the Cotswolds National Landscape. This is particularly important in an area with relatively low levels of light pollution such as this, as indicated in Appendix 1 of the Board's Tranquillity Position Statement, referred to above.

As such, we recommend that the introduction of any lit elements should be designed to adhere to this guidance and, by extension, with the policies of the Cotswolds AONB Management Plan in particular Policy CE5 (Dark Skies) as well as the ILP Guidance Note for

Reduction of Obtrusive Light and the CfDS Good Lighting Guide which form Appendices B and C of the Board's Dark Skies & Artificial Light Position Statement (linked above).

Without prejudice, if the local authority is minded to grant planning permission, planning conditions should be imposed which seek to mitigate any adverse impact and ensure that all lighting meets the standards outlined above and will be limited to low-level, down-facing lights to preserve the landscape character of the Cotswolds National Landscape.

21st March 2024 – revised comments

Thank you for consulting the Cotswolds National Landscape Board ('the Board') on the revised information submitted in support of this proposed development, which would be located within the Cotswolds National Landscape.

In our previous response dated 1 December 2022, the Board did not object to this application but made some recommendations regarding planning conditions which the local authority may consider to ensure the conservation and enhancement of the landscape and scenic beauty of the National Landscape should, without prejudice, the local authority be minded to grant planning permission.

In our previous response, we outlined that the LPA had a statutory duty to have regard to the purpose of conserving and enhancing the natural beauty of the National Landscape under Section 85 of the Countryside and Rights of Way Act 2000. This statutory duty has since been superseded by Section 245 (Protected Landscapes) of the Levelling Up and Regeneration Act 2023 which came into effect on 26 December 2023 and introduces a new statutory duty on LPAs to seek to further the statutory purposes of the National Landscape as opposed to having regard to them. Natural England has issued the following advice in respect of the new duty to seek further the statutory purposes of the National Landscape:

Section 245 (Protected Landscapes) of the Levelling Up and Regeneration Act 2023 places a duty on relevant authorities in exercising or performing any functions in relation to, or so as to affect, land in a National Park, the Broads or an Area of Outstanding Natural Beauty ("National Landscape") in England, to seek to further the statutory purposes of the area. The duty applies to local planning authorities and other decision makers in making planning decisions on development and infrastructure proposals, as well as to other public bodies and statutory undertakers.

It is anticipated that the government will provide guidance on how the duty should be applied in due course. In the meantime, and without prejudicing that guidance, Natural England advises that:

- the duty to 'seek to further' is an active duty, not a passive one. Any relevant authority must take all reasonable steps to explore how the statutory purposes of the protected landscape (A National Park, the Broads, or an AONB) can be furthered;
- The new duty underlines the importance of avoiding harm to the statutory purposes of protected landscapes but also to seek to further the conservation and enhancement of a protected landscape. That goes beyond mitigation and like for like measures and replacement. A relevant authority must be able to demonstrate with reasoned evidence what measures can be taken to further the statutory purpose.
- The proposed measures to further the statutory purposes of a protected landscape, should explore what is possible in addition to avoiding and mitigating the effects of the development, and should be appropriate, proportionate to the type and scale of the development and its implications for the area and effectively secured. Natural England's view is that the proposed measures should align with and help to deliver the aims and objectives of the designated landscape's statutory management plan. The relevant protected landscape team/body should be consulted.

Parish Council

1st December 2022

Objection:

The Parish Council objected to the previous application (for less development). The development that has taken place has failed to comply with the previous temporary, retrospective consent and is out of keeping for the area. With the large areas of hardened surface and architecturally low-quality structures, it is detrimental to the Cotswolds National Landscape (AONB).

26th March 2024 – revised comments

Objection:

While this application is retrospective, the Committee would object to the application if it was not, on the following grounds, in particular with reference to the site being within the Cotswolds National Landscape:

The development would be out of keeping and visually intrusive. The fencing & gate are out of keeping for the rural location. The hard landscaping is visually obtrusive from higher ground. The permanent structures are architecturally very basic and again not developments that complement the high landscape value of the area. What appears to be the overflow for a septic tank continues to discharge to the Lane. This is clearly not acceptable on amenity or public health grounds.

Tree Officer

23rd November 2022

There appear to be no significant trees on site or adjacent affected by the proposal. No comments necessary from Trees Section.

6th March 2024 – revised comments

The revisions do not appear to affect trees on or adjacent to the proposed site.

Contaminated Land Officer

29th November 2022

Please note that there are no comments/ no objections from Contaminated Land/ Environmental Health in relation to 22/01935/FUL, Castle Dream Stud, Mill Lane, Charlton Kings.

5th March 2024 – revised comments

In relation to 22/01935/FUL for Castle Dream Stud, Mill Lane, Charlton Kings, Cheltenham there are no comments or conditions to add from a contaminated land perspective.

Building Control

14th November 2022

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

6th March 2024 – revised comments

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

Strategic Land Use Team

7th August 2024

The National Planning Policy Framework (NPPF)

The application site is located within the Cotswold National Landscape, an Area of Outstanding Natural Beauty, therefore paragraphs 182 and 183 of the NPPF are relevant.

Paragraph 182 states that “great weight should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty” (AONB), including consideration of “the conservation and enhancement of wildlife and cultural heritage” in this area. Furthermore, the NPPF states that “scale and extent of development...should be limited”, whilst any development “within their setting should be sensitively location and designed to avoid or minimise adverse impacts” on the AONB.

Paragraph 183 states that “when considering applications for development within AONB, permission should be refused for major development other than in exceptional circumstances”. It is considered that this application is not major development and as such paragraph 183 does not apply.

The key consideration therefore is whether the scheme is sensitively located and designed to avoid or minimise the impact on the AONB, when assessed against both national and local policy requirements.

Joint Core Strategy (JCS)

Policy SD7: The Cotswold Area of Outstanding Natural Beauty states any developments “in or within the setting of the Cotswold AONB will be required to conserve and, where appropriate, enhance its landscape, scenic beauty, wildlife, cultural heritage”, as per the requirements within the NPPF. The policy also states that proposals for development within the AONB will be “required to be consistent with the policies set out in the Cotswold AONB management plan”. Therefore, any consideration of this scheme will need to accord with policy SD7 and will be key consideration.

Policy SD13: Gypsies, Travellers and Travelling Showpeople, states that proposal for gypsy and traveller sites “in areas of sensitive landscape will be considered in accordance with Policy SD6 (Landscape Policy) and Policy SD7 (The Cotswold Area of Outstanding Natural Beauty), as well as other additional criteria. The purpose of this policy is provide a criteria-based policy to be used in the assessment of planning applications.

Gloucestershire Gypsy, Traveller and Travelling Showpeople Accommodation Assessment

In November 2022, the Gloucestershire local authorities of Cheltenham Borough Council, Cotswold District Council, Forest of Dean District Council, Gloucester City Council, Stroud District Council, Tewkesbury Borough Council, and Gloucestershire County Council, undertook a new Gypsy, Traveller and Travelling Showpeople Accommodation Assessment (GTAA). It will cover the period 2021-2041, and be used as an evidence base for policy development in planning and provides an assessment of accommodation needs for Gypsies, Travellers and Showpeople. This requirement is established through national guidance contained in Planning Policy for Traveller Sites (PPTS) 2015.

The GTAA 2022 highlights that the existing supply within the Cheltenham Borough for authorised occupied, vacant and potential pitches was 0, whilst the supply of pitches without permanent permission was 2. Three accommodation need figures have been provided by the latest GTAA; first, one based on the ‘ethnic’ definition; second, based on the needs of families who have not ceased to travel (i.e. based on the PPTS 2015 definition); and third, based on the ‘travel to work’ interpretation of PPTS 2015. The GTAA recommends adopting the ‘ethnic’ definition accommodation need figures as this will not only demonstrate knowledge of the overall accommodation need of all Gypsies and Travellers, but also how accommodation needs in relation to households not meeting the PPTS definition are being addressed.

The GTAA recommends that there is a accommodation need for 6 pitches, based on the ‘ethnic’ definition, within 2021-26 period and a further accommodation need of 3 pitches within 2026-41.

It is acknowledged that the temporary planning permission granted for a change of use of land for the permanent residential occupation by a traveller family (and other associated structures) expired at this site in April 2022. The site is still occupied and therefore is considered retrospective.

Two of the 6 pitches required within the 2021-26 period could arise from the continued use of this site if planning permission were granted on a permanent status. The GTAA 2022 recognises that there are no authorised Gypsy/Travellers sites within Cheltenham Borough, this has not changed as of August 2024, therefore it would not be possible for the occupiers of the site to move to other suitable accommodation within the Borough. Furthermore, there have been no other sites identified as being readily available for such land use through the Councils 2023 'Call for Sites' for Gypsy, Roma, Traveller & Travelling Showpeople.

Summary

The need for the Borough to provide pitches as identified in the GTAA 2022 weighs in favour of the application. The need identified by the assessment relates directly to the site in question because it currently does not have permanent permission. The Council has a duty to meet this need and no other suitable sites have been identified in the Borough.

The contribution that the site will make will need to be weighed against the impact of the development on the Cotswold National Landscape, an Area of Outstanding Natural Beauty and its landscape.

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| APPLICATION NO: 22/01935/FUL | | OFFICER: Miss Michelle Payne |
| DATE REGISTERED: 1st November 2022 | | DATE OF EXPIRY : 27th December 2022 |
| WARD: Battledown | | PARISH: CHARLK |
| APPLICANT: | Ms J Cox | |
| LOCATION: | Castle Dream Stud Mill Lane Charlton Kings | |
| PROPOSAL: | Material change in use of land for mixed use for the keeping of horses with stables and the stationing of caravans for residential use with associated development (hard standing, utility block, dog run, fencing and gates) (retrospective) | |

REPRESENTATIONS

| | |
|---------------------------|-----------|
| Number of contributors | 19 |
| Number of objections | 19 |
| Number of representations | 0 |
| Number of supporting | 0 |

5 Ewens Road
 Charlton Kings
 Cheltenham
 Gloucestershire
 GL52 6JW

Comments: 1st December 2022

Further to the application to extend the castle Dream stud to incorporate more caravans. Though I don't live near the location I do own 10 acres of land and stables very close and have some reservations to the application. I do know the owner and have always been on good terms with her and would wish that to continue. She has been friendly and, to my mind, enhanced the exterior visual aspect of the property.

However my reservations are:-

1. The reference to the permanence of the application. It has always been the case that this site was held on a temporary basis. One must make the assumption that this condition was imposed to ensure that illegal use of the site such as siting more than the permitted caravans would involve the permission being withdrawn. My stables, built about 25 years ago, with planning permission, had a similar restriction further stipulating that anything built had to be wood, a condition I have been happy to adhere to.
2. Use of the site:- Stating that the site has been used for the keeping of horses is also spurious. There was a time, interestingly at the time of the first application, when horses were kept there but they have not been a permanent feature.
3. The notion of family:- The definition of family can be interpreted quite loosely and great care must be exercised when given permissions on that basis.

I have no reservations on the current situation being continued and would sincerely wish that this was the case. However the application seems to be a possible opportunity to massively increase caravan usage on this site - an outcome forced almost by the intransigence of the local council to perform responsibly. I sincerely hope this is not the outcome of this application.

Glenfall Lodge
Mill Lane
Charlton Kings
Cheltenham
Gloucestershire
GL54 4EP

Comments: 5th December 2022

We are writing to express concerns about the application for a permanent site at the above address. The specifics of our concerns are;

1. The septic tank is extremely smelly. For several years now it has overflowed across Mill Lane making it unsafe and unpleasant for walkers, runners, dogs / horses etc. that frequently use the road. We and others have complained on numerous occasions over the years, but the problem continues and will likely get worse with additional dwellings.
2. We have experienced few problems with the current owners but are very concerned that the site is being over developed without planning permission, with the inclusion of a swimming pool and additional accommodation and mobile home caravans. Besides being out of character with AONB we are worried that this retrospective planning application, should it be passed, will encourage continued development of the site and yet more retrospective applications.
3. Light pollution is also a considerable nuisance for us and the neighbourhood. The powerful flood lights are frequently left on throughout the night, together with lights from the dwellings. It floods one side of our garden with light and even reflects into our bedroom. We are most concerned about the damage done to wildlife by such excessive night lighting, and are also aware that it contravenes current environmental policy.
4. The previous permission was for stabling for horses. However, since arrival of the current owner several years ago, and despite the name of the property, we have never seen any evidence of use of the field or stables for horses.
5. As an area of AONB we feel the current entrance design is completely out of character for the location. It has also continuously been enlarged.
6. We are concerned that the precedent set here is already being flouted in neighbouring fields, again where no planning permission having been sought, retrospectively or otherwise.

In conclusion, taking account of all these concerns, we hope that the application is not approved but in the event it is approved we request that our concerns are taken into account.

Yours sincerely

298 London Road
Charlton Kings
Cheltenham
Gloucestershire
GL52 6YF

Comments: 21st March 2024

Reference 22/01935/FUL

OBJECTION TO ABOVE

Sewage permanently spilling on to Mill Lane, running into opposite field with Public Access, this problem has increased because of more than one home on this site. Additional entrance has now been introduced, causing parking issues on this narrow lane.

The original entrance is not in keeping with the area Hedging and trees are being destroyed around this site in a designated AONB, presumably for firewood. There are no horses at Castle Dream Stud.

298 London Road
Charlton Kings

Comments: 30th November 2022

An AONB, why are trees felled adjoining, surrounding and opposite this property ? This unnecessary felling is ongoing.

The Septic tank has been leaking through the drain and bank for a considerable time, causing flooding and a very bad smell. The discharge is causing the road to subside and it runs into a field where there is a public footpath.

There are no horses on this site. The gold and black large metalwork horse heads around the property advertising a Stud are not in keeping with an AONB.

Hillview House
Hambrook Street
Charlton Kings Cheltenham
Gloucestershire
GL52 6LW

Comments: 12th January 2023

I am strongly against permission being granted for this land to be changed to residential use. The current owners have been living on the land without permission for many years. They allow their sewage to pour over Mill Lane and into the field opposite. This is absolutely disgusting and a health hazard for all the walkers, runners and cyclists using the lane. It gets into the local water system, and is therefore a health hazard to dogs and the local wildlife.

The owners do not appear to have any horses on the land but I have witnessed two cars being driven out of the property by young men in a very fast and aggressive manner, which I found quite intimidating.

I have also noticed that the beautiful hedgerows along the lane have been cut down. This is destroying the beauty of the local area, which is AONB, for what I can only imagine is to be used as firewood.

I also object to the development of the entrance of the land. The owners have installed two large, golden horses heads and large, high gates. This is not in keeping with the rural feel of the area. It has also meant that the view is obstructed into the field from Mill Lane. This has been deliberately done to hide the illegal development of the land.

15 Briarbank Rise
Charlton Kings
Cheltenham
Gloucestershire
GL52 6XR

Comments: 22nd March 2024

Well-made, detailed comments appear in other submissions. We either have a planning process which means something and requires residents to abide by it or we have a free-for-all. And we either designate areas as AONB and mean it or give up and forget about the less tangible things which make life richer for everyone.

Comments: 7th February 2023

I object in principle to people riding roughshod over the planning process by developing a site and then applying for planning permission retrospectively.

This site has come a long way since it was a simple stable block and it is surely against the intentions behind the AONB within which it stands to countenance substantial residential development there. Where will the development end? The land has already been changed beyond recognition (and permission).

4 Carisbrooke Drive
Charlton Kings
Cheltenham
Gloucestershire
GL52 6YA

Comments: 17th March 2024

I object to this proposal for the following reasons:

1. Incompatibility with the character of the area, which is a designated AONB. This is a beautiful but very vulnerable area and, having fought off proposals in the recent past for multiple house building and a 5G mast, this would be another undesirable addition with no enemies to the AONB.
2. Going ahead with plans first and then seeking retrospective planning permission is very questionable. People living close to the site have suggested that this has already happened in a number of cases in this area, and needs to be stopped.
3. I don't believe that the site in fact has anything to do with horses, and that this is being used as a cover for providing sites for residential use. A somewhat intimidating notice on the high gates discourages members of the public from venturing any nearer. I am aware of previous council statements about the need for more Traveller sites within Cheltenham, but this particular site is inappropriate for multiple occupancy.
4. Acceptance of this proposal would be likely to open the flood gates for similar, equally unwelcome applications.

1 Ham Close
Charlton Kings
Cheltenham
GL52 6NP

Comments: 23rd November 2022

Dear Miss Payne,

I strongly object to the application to change the use of land for the keeping of horses with stables and the stationing of caravans for residential use with associated development at Castle Dream Stud Mill Lane Charlton Kings.

This area of Charlton Kings is on the lower slopes of the Cotswold escarpment and is a designated AONB. The Castle Dream Stud Site currently enjoys temporary status. I would urge the Planning Committee to retain this status otherwise I fear once the AONB status of this area has been breached we will have applications to build everywhere on this AONB.

Yours faithfully

4 Carisbrooke Drive
Charlton Kings
Cheltenham
Gloucestershire
GL52 6YA

Comments: 17th March 2024

I object most strongly to the above application. Mill Lane is part of an AONB and the legal constraints surrounding such a designation should remain in place.

The proposed development offers no benefits to the AONB, and close neighbours have already reported damage to trees and hedgerows, also sewage leaks and light pollution. I also object in general to applications for retrospective planning permission, especially in such a sensitive area as this. If permission is granted, it opens the floodgates for pretty much anything to be built, without the apparent need for making a formal application and doing things properly. In this instance it seems that past applications have requested permission to keep horses with stables, yet according to nearby residents, no horses are being kept in this location so how can we trust the integrity of the current application?

I note that the keeping of horses and stabling is stated once again along with the stationing of caravans (plural) for residential use.

So how many caravans? And is there a limit on the numbers? It doesn't look like it, and I wouldn't be surprised if this was the main objective here.

60 Horsefair Street
Charlton Kings
Cheltenham
Gloucestershire
GL53 8JH

Comments: 3rd December 2022

I would like to register my objection to the change of use proposed at Castle Dream Stud. I am not a direct neighbour but live locally and use Mill Lane regularly for recreation and access.

1. The land has not been used for the keeping of horses for at least 8 years.
2. The number of caravans on the site has already increased and waste water now routinely pours across and down the lane, causing a hazard.
3. Family and Extended Family are terms that are open to broad interpretation and could include very large numbers of occupants, bringing more vehicle traffic, noise and disruption in the AONB.
4. The appearance of the development is entirely out of keeping with its rural setting in the AONB, introducing suburban timber fencing, huge metal gates, brick walling and decorations. This is very detrimental to the character of the AONB.
5. Roadside trees on both sides of the lane around the site have been cut back beyond recovery, again damaging the coherent rural character of the AONB and lowering amenity for other road users.
6. The site is brightly lit at night, to the detriment of wildlife and amenity within the AONB.

Wadleys Farm
Ham Lane
Charlton Kings
GL52 6NJ

Comments: 10th April 2024

Letter attached.

Comments: 2nd April 2024

Letter attached.

Comments: 22nd March 2024

Letter attached.

Comments: 13th December 2022

Letter attached.

Comments: 13th December 2022

Letter attached.

Hamfield House
Ham Road
Charlton Kings
Cheltenham
Gloucestershire
GL52 6NG

Comments: 2nd December 2022

I write to object to permitting the above application on a permanent basis for the reasons set out below.

Background

As I'm sure the Council will be aware, there is a long history of attempts to change the use of this AONB site away from agricultural use. A traveller family, then Mr and Mrs Cox, acquired and started residing at the site in around 2010. Following an Appeal which was decided in 2011, they were given temporary permission to continue residence at the site as set out in APP/B1605/C/11/2149107 and 2149171 dated 6 September 2011. In reaching his decision, the Planning Inspector concluded that: "the change of use to a Gypsy and Traveller site has resulted in, and would cause further visual harm, to the AONB. This is contrary to established local development plan policies and national planning policy advice and guidance and is sufficient reason not to grant a permanent permission." His reason for giving permission on a temporary basis was because of the

lack of sites allocated for gypsies and travellers. Permission was given, therefore, "until such times as less harmful, alternative sites may be identified and brought forward through the JCS process". The Inspector imposed a number of conditions to ameliorate the harm, many of which have yet to be undertaken or fulfilled.

After the temporary permission had expired, a further planning application, 13/01459/COU, again sought permanent change of use. This was determined on 16 January 2014 when Cheltenham Borough Council extended the temporary permission for Mrs Cox and any resident dependants for a further period of three years until 17 January 2017. Please refer to my letter of objection to the 2013 application dated 27 December 2013.

A broadly similar exercise took place three years later when application 17/00129/FUL, to which I again objected on 21 February 2017, was similarly determined on 20 April 2017. Temporary permission for occupation of the site was extended only for Mrs Cox and any dependant relatives up until 21 April 2022 (now over 6 months ago).

Planning Context

After a lengthy period of consultation and examination, the Joint Core Strategy to 2031 for Gloucester, Cheltenham and Tewkesbury was adopted in December 2017. This requires Cheltenham Borough to contribute 2 gypsy and traveller plots up to 2021 with a third by 2031. The detail of how Cheltenham was to provide these pitches was to be set out in a subordinate Cheltenham Local Plan.

The Cheltenham Local Plan to 2031 was adopted in July 2020 following examination and consequential modification. Whereas the submission draft Plan allocated Castle Dream Stud to meet the requirement to provide gypsy and traveller sites, this was rejected by the examining inspector, who in her final report found as follows:

"Gypsies and Travellers

113. In the submitted CP, it is proposed to meet the future needs of gypsies, travellers, and travelling showpeople through the allocation of a site for 3 pitches at Castle Dream Stud (Policy GT1). The site was granted a temporary and personal retrospective planning permission as a Gypsy and Traveller (G&T) site on appeal in 2011. The CBC has renewed the temporary and personal permission for this use, most recently in 2017.

114. The site is in an attractive rural location outside any settlement and within the Cotswolds AONB. In reaching the decision in the appeal, the Inspector stated that the change of use to a G&T site had already resulted in and would cause further visual harm to the AONB contrary to local and national policies. The appeal was allowed because there was no alternative provision and because of the appellants' personal circumstances.

115. National policy is set out in "Planning Policy for Traveller Sites" August 2015 (PPTS). The allocation of private traveller provision such as Castle Dream Stud in local plans is encouraged, but the need for the provision must be balanced against the requirement to conserve the landscape and scenic beauty of the AONB as stated in paragraph 115 of the NPPF. Furthermore, the site is poorly related to education and other services since there are very few bus services in the area and access can only be gained along a winding and narrow unlit country lane.

116. In the absence of any alternative and more appropriate provision, it may be reasonable to allow the temporary and personal use of the site by its current occupants, but in view of its very harmful location and poor relation to services and infrastructure, it should only remain in such use until less harmful sites may be identified through the development plan process.

117. The Council has indicated that no suitable alternative sites were put forward as a result of their Strategic Assessment of Land Availability (SALA). However, I am not

convinced that the Council has been sufficiently proactive in its search for sites to conclude that there is no alternative to Castle Dream Stud.

118. The current need for traveller sites is met on a temporary basis and this provides the opportunity for CBC to take a proactive approach to seeking a long term solution, having regard to the policy set out in the PPTS. Meanwhile the criteria based Policy SD13 in the JCS will provide the basis for the determination of future planning applications.

119. I recommend that Policy GT1 is deleted and the supplementary text is changed through MM025 in order to be consistent with national policy and for the CP to be sound." The adopted Cheltenham Plan includes the above-referenced modification. I am not aware that CBC has yet take 'a proactive approach to seeking a long term solution'.

The Current Proposal

With regard to the current application, I have the following observations:

- a. The applicant's Site Plan covers only the lower SE corner of the site. An additional mobile home has been sited on a flat area of open field higher up the site, although this has now been removed. It is not evident what services were provided to support this or whether it is likely to return. There is no mention of this in the application.
- b. The application makes reference to the breeding and selling of horses as a principal occupation of the resident family. There has been little or no evidence of any horses on this site for many years.

It is reasonable for the former temporary permission to be extended for a further 5 years for Mrs Cox and her immediate family to continue occupying Castle Dream Stud on a named basis.

However, as in the past, permanent permission should be refused for the reasons given by the inspector examining the Cheltenham Local Plan. Essentially these are:

- a. The site lies in the Cotswold AONB. The National Planning Policy Framework. Paragraph 176 of the extant version states: 'Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection ... The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.'
- b. The occupation damages the AONB, as is evident from an inspection of the site. For example, the planting introduced by the temporary residents over the past 11 or so years is alien to the AONB and is of a type often used as screening in residential areas. It therefore detracts from rather than conserves the landscape and scenic beauty. The situation is not improved by the erection of a permanent building.
- c. Although the site is largely screened from Mill Lane, it is highly visible from public footpath ZCK8 from Hewletts Reservoir to Northfield Farm, which I use on a frequent basis.
- d. Although the location is near to Cheltenham, it is outside the principal urban area of the town and away from any area that has been either allocated or proposed for any urban extension.
- e. The site is rural and isolated and not close to other dwellings or any public transport.
- f. In consequence, the site is not allocated for permanent occupation in the Cheltenham Local Plan to 2031.
- g. There is no longer evidence that the site is being used for the keeping and breeding of horses. For many years, there has been no sign of any horses on the site.
- h. A precedent would have been set, encouraging further gypsy and traveller settlements in the AONB.

Accordingly, I urge the Planning Authority to refuse the application for permanent residential occupation. Renewal of a five-year temporary permission under the same conditions as before would be a reasonable way forward.

Yours sincerely,

Glenfall House
Mill Lane
Charlton Kings
Cheltenham
Gloucestershire
GL54 4EP

Comments: 21st March 2024

We write to object once again to the retrospective planning application at Castle Dream Stud. The reasons why this should not be granted are numerous and founded in planning law.

Even after the previous retrospective application was submitted there has been further (unapproved) development of the site, which evidences and continuing disregard for the planning process. The occupants have recently cut an access gate into the high fence on Mill Lane, adjacent to another mobile home, and there is a green council bin stationed in what remains of the hedgerow in that location. In addition, a van or car is often parked opposite this unlawful gate in Mill Lane, creating a dangerous obstruction. The highways and environmental issues are further compounded by a constant drainage problem resulting from the occupation of the site which continuously floods the lane with waste water.

The application also references the keeping of horses on several occasions as a justification for the site. This site is not being used for the keeping of horses. Cynically, after this was pointed out in the previous consultation period by a number of objectors, a horse was put on the land very briefly but has now gone. The stables are not being used as such and nor are the paddocks.

There really seems to be no point in having a designated AONB or any form of planning process at all if this application is approved, what is there to stop the same process (build first, ask permission afterwards) happening again? Should we all adopt this strategy and have a flagrant disregard for any planning rules and the AONB?

The impact of this site on the AONB is extremely detrimental. The retrospective application includes an enormous amount of hardstanding, obtrusive fencing and significant built form. The scale and massing on the site is completely inappropriate development for this area of outstanding natural beauty.

Further to the above, there seems to be no consideration for the impact on Dark Skies within this area of AONB. This was an unoccupied site with no light spill but now, with the additional unlawful residential accommodation, there is significant light pollution at night.

This includes recent Christmas lighting placed on top of the 'Dog House' which could be seen for miles.

The impact on the area is being further harmed by the extremely high fencing, large incongruous bricked entrance, gates, lions and horseheads. Other evidence of a complete disregard for the AONB was shown when the hedgerow in Mill Lane opposite the entrance was completely destroyed overnight, in order to facilitate access for further mobile homes to enter the site. This has detrimentally affected the character of the area. We also note that there has been no ecology survey undertaken by the applicant nor is there any quantification of the negative impact on biodiversity loss which will result from the development of the site. What happened to development requiring a biodiversity net gain!?!

Appropriate enforcement action should be taken here to return the site to the status it held within the bounds of its original temporary permission. This temporary permission should be renewed until a more appropriate site is found elsewhere. That is the only justifiable response to this retrospective application.

Comments: 2nd December 2022

Ref: 22/01935/FUL

Dear Miss Payne,

I write to express my concerns regarding the application for a permanent site at Castle Dream Stud, Mill Lane.

I am aware that this is a retrospective application and, having read the applicant's report submitted with it, I have the following comments:

1. I understand permission is sought to "Retain two mobile homes and a touring caravan occupied by the family together with a partially constructed utility block, the storage of 1-2 touring caravans for when the family go travelling and associated development (extended hard standing, fencing, dog run and planting)." Whilst I do not object to this at face value, I would ask how is this permission to be enforced? The site has grown unlawfully since the last planning permission was granted. How is it possible to enforce that the site is used by one family and in accordance with the permissions granted on this occasion? How is it possible to ensure we are not in this same position in another 5 years where there is a retrospective application for more caravans or developments to the site? Also, I would like to question the presence of a swimming pool on the site which is not mentioned in the application.

2. Little can be seen of the yard area from Mill Lane. This is largely true except for the exceptionally bright floodlights that illuminate the site at night. I am aware of the dark skies policy and strongly believe the lights contravene this and are harmful to any wildlife in the area. Additionally, the entrance gates with ornamental horse statues on brick piers are extremely visible, overbearing and the statues particularly out of keeping - not least within an AONB.

3. The site frequently pumps foul smelling waste water on to Mill Lane. This needs to be addressed as a matter of urgency and I would urge no permissions are granted until it is resolved. It is quite simply disgusting.

4. The report states that the site "Is where the 7 Applicants keep their horses [and] it would reduce the need to drive to the site on a daily basis to check on their horses if they were permitted to live on site." To be very clear, since we have been aware of the site, there are no horses present and there never have been.

I understand the need for the family to have a site and I do not object to this being on Mill Lane in principle. However, I would very strongly request that the permission, should it be granted, is very tightly controlled using appropriate conditions and that these take into account the points raised above.

Yours sincerely,

Glenfall Lodge
Mill Lane
Charlton Kings
Cheltenham
Gloucestershire
GL54 4EP

Comments: 2nd December 2022

We are writing to express concerns about the application for a permanent site at the above address. The specifics of our concerns are;

1. The septic tank is extremely smelly. For several years now it has overflowed across Mill Lane making it unsafe and unpleasant for walkers, runners, dogs / horses etc. that frequently use the road. We and others have complained on numerous occasions over the years, but the problem continues and will likely get worse with additional dwellings.

2. We have experienced few problems with the current owners but are very concerned that the site is being over developed without planning permission, with the inclusion of a swimming pool and additional accommodation and mobile home caravans. Besides being out of character with AONB we are worried that this retrospective planning application, should it be passed, will encourage continued development of the site and yet more retrospective applications.

3. Light pollution is also a considerable nuisance for us and the neighbourhood. The powerful flood lights are frequently left on throughout the night, together with lights from the dwellings. It floods one side of our garden with light and even reflects into our bedroom. We are most concerned about the damage done to wildlife by such excessive night lighting, and are also aware that it contravenes current environmental policy.

4. The previous permission was for stabling for horses. However, since arrival of the current owner several years ago, and despite the name of the property, we have never seen any evidence of use of the field or stables for horses.

5. As an area of AONB we feel the current entrance design is completely out of character for the location. It has also continuously been enlarged.

6. We are concerned that the precedent set here is already being flouted in neighbouring fields, again where no planning permission having been sought, retrospectively or otherwise.

In conclusion, taking account of all these concerns, we hope that the application is not approved but in the event it is approved we request that our concerns are taken into account.

Yours sincerely

Ham Stud
Ham Road
Charlton Kings
Cheltenham
Gloucestershire
GL52 6ND

Comments: 2nd December 2022

Letter attached.

118 Ryeworth Road
Charlton Kings
Cheltenham
Gloucestershire
GL52 6LY

Comments: 12th March 2024

Objection reasons:

- 1) Impact on hedges/trees that have been cut back
- 2) Negative impact on environment with foul smelling water from the site flowing across the road, alongside the risk of slipping/accidents from the flow of water
- 3) This is an Area of Outstanding Natural Beauty
- 4) This is an increase in intensity of use on such land.

The concerns raised in the previous objections do not appear to have been addressed in the resubmission.

Old Ham House
Ham Road
Charlton Kings
Cheltenham
Gloucestershire
GL52 6ND

Comments: 2nd December 2022

OBJECTION TO PLANNING APPLICATION OF DREAM CASTLE STUD

REFERENCE:22/01935/FUL RETROSPECTIVE PLANNING APPLICATION CASTLE
DREAM STUD

I would like to object to this planning application for the following reasons:

1. This is a designated area of outstanding natural beauty, enjoyed by many for leisure pursuits such as walking, cycling, running and horse riding, all known to be beneficial for the community's mental and physical well being. It is a great pity to see the beautiful blackthorn trees which formed a hedge, with blossom hanging over Mill Lane in spring, has been harshly cut back and replaced with a close board fence and gates embellished with golden horses heads. This is not in keeping with the area, and is neither conserving nor enhancing the landscape and scenic beauty, and is urbanising a beautiful rural area. And as such I object to it's presence.

2. As mentioned in other letters of objection, apart from when the applicants were seeking planning permission some years ago, there have never been any horses on the fields.

I have no objection to the family living there as such, but would appreciate seeing it return to its former natural state of beauty, and neither increasing in size, nor becoming more urban.

14 Pembridge Close
Charlton Kings
Cheltenham
Gloucestershire
GL52 6XY

Comments: 19th March 2024

The applicant has flouted the planning rules by building and developing the site without permission, hidden by a high fence.

It seems that there is no respect for the Local Authority planning rules, therefore we object to retrospective permission for these works.

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Permission has been given to the applicant in the past for the keeping of horses and for one family to reside on the site. This has not changed so the need for further hard standing and other structures cannot be justified.

If retrospective planning permission is given to these works, it will encourage further development of the site, also without permission, changing the use of the land by stealth.

All other comments made by us on this application still hold.

Comments: 1st December 2022

Case No: 22/01935/FUL: Case Officer: Ms Michelle Payne
Castle Dream Stud. Ham. Cheltenham

We are writing to object to the change of use of the Castle Dream Stud site to permanent usage because of the adverse effects on the Cotswold AONB in which it lies. This is a protected area and if the site were to be given permanent status it could be developed in a way detrimental to its surroundings. The owner, Mrs Cox has been given temporary permission for the use of land for country pursuits including the breeding of horses. It would be reasonable to renew the temporary permission so that the land could be put back to the original state at the end of that time, if necessary. Some harm has been done to the site by the addition of high fences, gates and hard standing. A site less harmful to the green environment could be found in the meantime for travellers - the JCS review is yet to be completed. Other locations in the AONB have been refused permission for residential development. This site should not be given special treatment as it does not benefit the AONB and under the same criteria should be applied for the applicant as for others, as per the recommendations. Regarding the inspector's conditions of a previous appeal of temporary permission was given to Mrs Cox and not to 'any gypsy or traveller family' using the site.

The applicant has argued that permission be given due to a lack of suitable provision for such sites in the borough. Whilst this may be the case, but under planning guidance for PPTS, August 2015, paragraph 27, page 7, sites in the AONB are protected. We quote from the document and the footnote to this effect below:

" If a local planning authority cannot demonstrate an up-to-date 5 year supply of deliverable sites, this should be a significant material consideration in any subsequent planning decision when considering applications for the grant of temporary planning permission(9) . The exception is where the proposal is on land designated as Green Belt; sites protected under the Birds and Habitats Directives and / or sites designated as Sites of Special Scientific Interest; Local Green Space, an Area of Outstanding Natural Beauty, or within a National Park (or the Broads)."

"Footnote (9) There is no presumption that a temporary grant of planning permission should be granted permanently. For further guidance please see:
<http://planningguidance.planningportal.gov.uk/blog/guidance/use-of-planning-conditions/what-approach-should-be-taken-to-imposing-conditions/> (see paragraph 14)"

Other issues to be considered are the location of the site next to a narrow country lane, not an urban road, with dangerous blind bends and impaired visibility to oncoming traffic. This is also a route to the local primary school, which is already oversubscribed.

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The fact that there is urban development close to the site makes no difference to the fact that the site is in the AONB. The national policy gives the conservation of landscape and scenic beauty a particularly enhanced status in the AONB and the Council are required to protect and preserve the specially designated Cotswolds AONB.

The AONB is an area of special beauty mainly for recreational use. If any kind of residential development is permitted, it sets a precedent for more development. Then the whole reason for being designated as a special place becomes pointless as the area becomes urban. The approval of this application is therefore not in the public interest.

3 Natton Cottages
Ham Lane
Cheltenham
Gloucestershire
GL52 6NJ

Comments: 2nd December 2022

Re:- Development Proposal:- 22/01935/FULL - Mill Lane - Retrospective Change of Use.
- Objection

I refer to the above Planning Application which for this site - ONCE again - is retrospective.

As the history detail for this site is well known and that there has been a failure by planning both to enforce its decisions for NO development and also in the meanwhile not stopping the obvious development which has taken place without planning consent, it is about time that the original decision was enforced and the land vacated back to the original stables only.

It does seem that there are now too many retrospective applications in the AONB in particular and this is being used by applicants to get their way regardless of the suitability or indeed the Planning Regulations which are supposed to ensure the area is kept within certain bounds that makes it what it is designated - natural as far as possible.

If this application is granted, then in future how many more 'houses' - what has now been put on cannot be classified as caravans - are going to be put on the site without gaining Planning permission FIRST. The future placing of more 'houses' on this site for more members of 'family' under a similar retrospective cannot be ruled out.

Given that over the last few years, raw overflow sewage water has been running across Mill Lane on nearly a continuous basis which is not a good thing for both walkers, bikes and vehicles using the lane - the smell at times being totally unacceptable. There is not the sewage system infrastructure to deal even with the previous level of occupation and definitely not the current one.

The sewage that has and does flow into the field opposite the site, with puddling on the side of the road due to poor drainage of normal rain water from the road has not, as yet it is understood, from tests done by the Environment

Agency, reached the stream across the field that runs eventually into the River Chelt. It can only be a matter of time and adverse weather before Raw sewage does reach this stream! It is also not a good hygiene situation for the food animals grazing in the field to be allowed access to human sewage, which they must do if grazing close to its the entry point from Mill Lane.

I make the following additional observations:-

- 1) The recurring presentation that horses have been, are or probably going to be kept on this site does not stand up to the fact that no horses have been seen for quite a few years since this area was occupied. In any case the keeping of horses does not require on site living.
- 2) Failure by Planners to enforce their decisions against development on this site demonstrates the failure of planning overall and especially in protecting the AONB. If there were now a full scale raft of Retrospective Applications from the general population - which does seem to have increased in recent years as a way of 'getting disallowed development through', then to allow these and this one in particular is definitely failing applicants and residents who follow the procedure properly within the law and accept the decisions made by planners- especially where it concerns the AONB.
- 3) In previous years especially when ice and snow are about - the drainage of sewage waste water has combined with existing rain water to make for a skating rink along the lane for vehicles and pedestrians. In conclusion, this application must be taken back to first base principles and not treated as anything different than an application to develop on open agricultural fields within the AONB by any member of the public. Such an application would fail and indeed has been shown to fail right back to the beginning of this saga with the original owner.

Yours sincerely,

Glenfall Lodge
Mill Lane
Charlton Kings Cheltenham
Gloucestershire
GL54 4EP

Comments: 15th March 2024

We would like to take this opportunity to express our significant concerns regarding the continued development at Castle Dream Stud.

In December 2022, we expressed concerns about the original retrospective planning application pointing out this process could be continually repeated, resulting in a continued flaunting of Planning regulations, and an ever-increasing eyesore to a designated AONB area.

The proposed application is of grave concern to us for the following reasons;

- The development now runs down a considerable length of Mill Lane and virtually halfway up what was once a beautiful field.

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- An additional gate to the lane has also been introduced, where cars are often seen to park, restricting passing on an already narrow and relatively busy lane.
- Since the addition of further accommodation, there is now even more night lighting in this once beautiful and peaceful location, intruding on neighbours and harming wildlife.
- There has been a considerable increase of vehicle noise, with powerful vehicles being revved up at the site and accelerated down Mill Lane.
- Continued development of the site will be devaluing surrounding properties and damaging further this ANOB.
- The entrance, which includes two lions on pedestals, appears totally out of keeping with the location.
- While efforts have been made to prevent the sewage spilling onto Mill Lane, this has not been totally successful, presenting a continued danger to walkers and animals.

If this retrospective application is passed for the second time, what protection is there against further continuing development, thereby making the designation AONB a total farce?

We have no personal Issue with the owner of this property, but in view of the observations listed above we are strongly opposed to the granting of this retrospective application.

Yours Faithfully

F.A.O Miss Michelle Payne (Planning Officer)

REF NO. 22/01935/FUL

Retrospective Planning Application Castle Dream Stud

After looking at the photographs and documents regarding the above application I strongly object to this development.

1. It is not in keeping with the A.O.N.B e.g. the metal gates and brick built access wall both containing gold metal art works.
2. The site has only temporary planning permission and any brick built buildings should be removed
3. As reported on many occasions to the Environmental Health Department the septic tank cannot cope with one park home. There is a continuous stream of grey water running across the public highway and any additional drainage into the septic tank would increase the problem.
4. The boundary fence appears to be higher than the permitted height
5. It also appears that hedges and trees around the entrance to the site and on the opposite side of the highway have been cut down



Ham Stud
Ham Road

Charlton Kings

WANLEYS FARM,
HAM LANE,
CHARLTON KINGS,
Q. 526NJ.
12-12-22.

Your ref. 22/1935/FUL.

Dear Miss Payne,

This latest application for the [REDACTED] in Mull Lane arises from the previous application 5 years ago in that they are requesting the permission to be PERMANENT, and that it is to be for ANY [REDACTED]

There have been two previous temporary permissions of 3 years each, and the latest one of 5 years, all in the specific name of [REDACTED] and her dependant family.

This latest application is a marked game changer, and I maintain it is a step too far for the long term benefit of the area, bearing in mind the site is within the Cotswold AONB

at the last permission by CBC for a 5 year extension (17/00129/FUL) [REDACTED] again was the only normal occupant and it was stated that to grant a permanent consent would result in long term harm to the AONB.

By continuing the process of temporary permission CBC have a potential 'caretaker' watch over what

2/
goes on and have the ability + ~~no~~ any limitations which
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have been imposed in the Planning Permission. It would
be much more difficult to establish this if the permission
became permanent.

There has also always been the proviso that [redacted] and her
family were named occupants, and once they had ceased to use
the site it was to be cleared away and returned to its previous
use as an agricultural grazing field. This clause has been repeated
several times in the past.

This would be impossible to maintain if the site became
permanent and the occupation was open to any [redacted]
[redacted]

There is a legal obligation for CBC to find and construct
a permanent [redacted] within the Borough and one
suspects that they have given up on the quest and are
using this site in Mill Lane as a back door way of
fulfilling their legal obligation.

I note that the request is for 2 mobile homes and a
travelling caravan, as well as 1-2 towers in case they wish to
go travelling! This is a lot of accommodation for 1 family!

Recently a very large mobile home, about the size of
a small bungalow, has been sited behind the fence

adjacent to the road, and the capacity of this one plus the other one on site has totally overwhelmed the ability of the septic tank to cope, and grey water is constantly discharging across the road surface and on to the feet of passing pedestrians.

This is totally objectionable and an environmental danger, and MUST be controlled in any negotiations over this application.

In conclusion, I would like to see the previous system of a 5 year temporary permission continued, and the occupancy only being in the name of [redacted] and her dependants.

I would urge this present application to be rejected.

Yours faithfully,

[redacted signature]

Wadley Farm,
Ham Lane,
Charlton Kings,
GL52 6NT.

6th April, 24

Dear Madam,

On 3rd April at 1:35 pm, I drove along Mill Lane, Charlton Kings only to be inconvenienced by a car parked outside a pedestrian gate at Castle Dream Stud which had been made in the hedgerow, which I believe had no granted Planning Permission.

This lane is barely wide enough for 2 cars to pass safely in parts, but a car parked there is totally unacceptable. A car coming in the opposite direction to me had to wait before the parked car, and I was shunted into a big pot hole in the side of the lane.

Mill lane is used by numerous horse riders, cyclists, dog walkers and many other walkers,

Any car parked in it is a danger to all other road users and should not be allowed. In my view, the pedestrian gate should be removed & the hedge replaced. It seems to me Castle Dream Stud does exactly what it wishes to do & when "discovered" applies for planning permission retrospectively.

Yours faithfully,



Wadleys Farm,
Ham Lane,
Chalton Kings,
Cheltenham.
GL52 6NJ.

Ref: 22/01935/FUL

22nd March '24.

Dear Madam,

Please take account of my previous letter for the above reference.

This application (24) is exactly the same as submitted in 11.11.22, which should have been dealt with promptly. Now it has become RETROSPECTIVE with a lot of unpermitted extra work being carried out in the meantime.

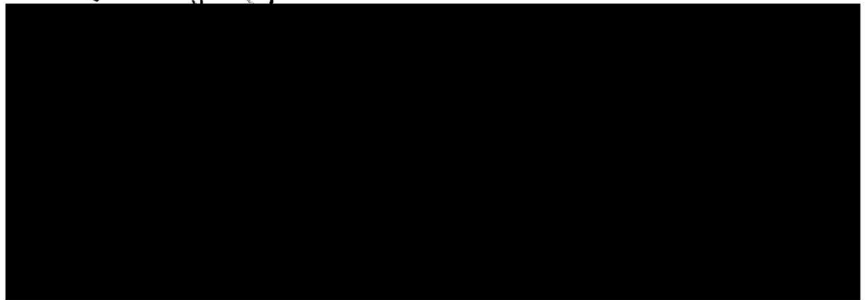
The applicant is asking for permanent use of the site for, which she had temporary permission which expired on 21.4.22, nearly 2 years ago. If she is granted another temporary permission she is already 2 years into that permission. The matter of TEMPORARY PERMISSION is vital because it maintains some hold by C.B.C. over what goes on, on the site and maintains permission to ONE NAMED person i.e. Mrs. Cox. If the permission is granted to ANY [REDACTED] family there is no effective control and it also gets Cheltenham Borough Council off the hook on having to provide a permanent [REDACTED] within the borough.

The matter of having MORE caravans

on the site has already been illegally achieved with dire consequences to the septic tank system which is obviously inadequate and hence the risk to environmental health by overflowing onto Mill Lane.

I urge this application to be rejected and the temporary 5 year permission to be continually reinstated during the life time of Mrs Cox.

Yours faithfully,



Wadley's Farm
Ham Lane,
Charlton Kings,
Cheltenham.

GL52 6NT
11th Dec. 22.

Ref: 22/01935/FUL

Dear Madam,

The original Planning Permission was given for Mill Lane Stables (Castle Dean Stud) for keeping horses. There were 2 at the time 1 mare and 1 foal with the proviso of a stud, which never transpired. No horses have been evident since that time, which in my view, negated the temporary planning permission granted at that time.

However, I now see that permission is sought for the keeping of horses with stables & the stationing of caravans (mobile homes) plus ancillary additions, eg. hardstanding, utility blocks mostly retrospectively.

In the Government Inspector's original report:
"No more than 2 caravans as defined in the Caravan Sites and Control of Development Act 1960"
(of which no more than one shall be a static

These should be for the use of [REDACTED] and their dependants only.

Permission is now sought on a Permanent basis for any [REDACTED], as well as the [REDACTED] family, hence more caravans - 2 mobile homes a touring caravan and storage for 2 more caravans are requested.

I deplore the enlargement of this site well within the Cotswold A.O.N.B., and that includes a proposed hard standing which I hope, if permitted, would be of a permeable nature, and not extending further into the field.

The Government Inspector reported:

"I have found that the change of use to a [REDACTED] has resulted in, and would cause further visual harm, to The A.O.N.B. This is contrary to local development plan policies - National Planning Policy Advice and Guidance, and is sufficient NOT to grant a PERMANENT permission."

Nothing has changed to give a reason for a permanent site to be permitted here in the A.O.N.B.

would urge the Planning Officer to respect the Government Inspector's report, and NOT grant permanency or the site's enlargement.

From a submitted photograph, the "Day Room" looks like a permanent structure with brick walls and a slate roof. I would hope that conditions be laid upon it, that it is a "day" room and not to be used as sleeping or living accommodation & that it should be removed when the site is no longer used by the [REDACTED] family.

Deciduous trees surround the site. May I point out that in the Autumn when the leaves fall, this area is conspicuous from the public right of way to Northfield Farm & is a blot on a country walk in the AONB.

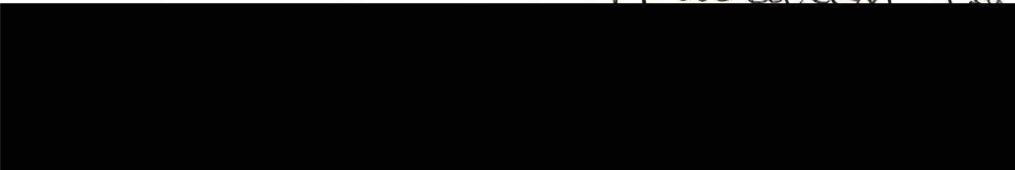
[REDACTED] is considered to be a reason for a permanent site here in Mill Lane. Another five year temporary permission would give almost the same stability and would be far more acceptable in the AONB

Borough Council more jurisdiction over the site.

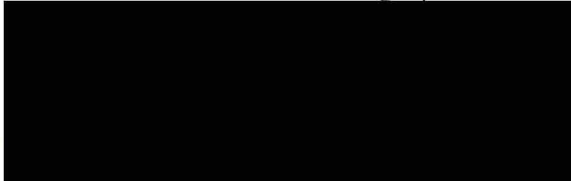
Walking along Mill Lane, we, and so many other walkers have been beset by foul water being discharged from the Castle Dream site.

I hope this serious waste problem will be solved before even discussing the Planning Application for more mobile homes & thus more people dwelling there.

I would urge you, please, to consider the points I have raised, even though lengthy, and REFUSE this application for a

 in this
popular and easily accessible part of the Cotswolds AONB, on the outskirts of Cheltenham.

Yours faithfully,



Wadley's Farm,
Ham Lane,
Chaulton Kings,
Cheltenham.
GL52 6NJ
20th March '24.

Refs : 22/01935/FUL
1st March 2024

22/01935/FUL
11th November 22.

Dear Madam,

I note that the above two Planning Applications at Castle Dream Stud, Mill Lane, Chaulton Kings are identical references and descriptions of the proposals, with the additional word of RETROSPECTIVE in your letter dated 1st March, 2024.

Why wasn't the one dated 11th Nov. 22 resolved earlier? It enabled the work in the application to be done for which retrospective planning permission has now to be sought.

I wrote at length with regards to the history of this site for the application of 11th Nov. 22, AND the Inspector's report. I know the latter should be inviolate and yet this present application seems to contravene what the Inspector decreed.

I would ask you to use my original letter of 2022 for the original application and consider all the points which are still relevant to this one (2024)

The site was intended for a Mrs. Cox and her dependents only, as a TEMPORARY permission. The two huge mobile homes now on site

are in total contravention of the Inspector's report as indeed is the permanent building (a house?) now erected there.

Cheltenham Borough Council has a responsibility to provide a [redacted] site - Mill Lane must not be a surreptitious way of fulfilling this requirement.

I would urge you to refuse this application which does nothing to enhance the beauty of the A.O.N.R. in this area.

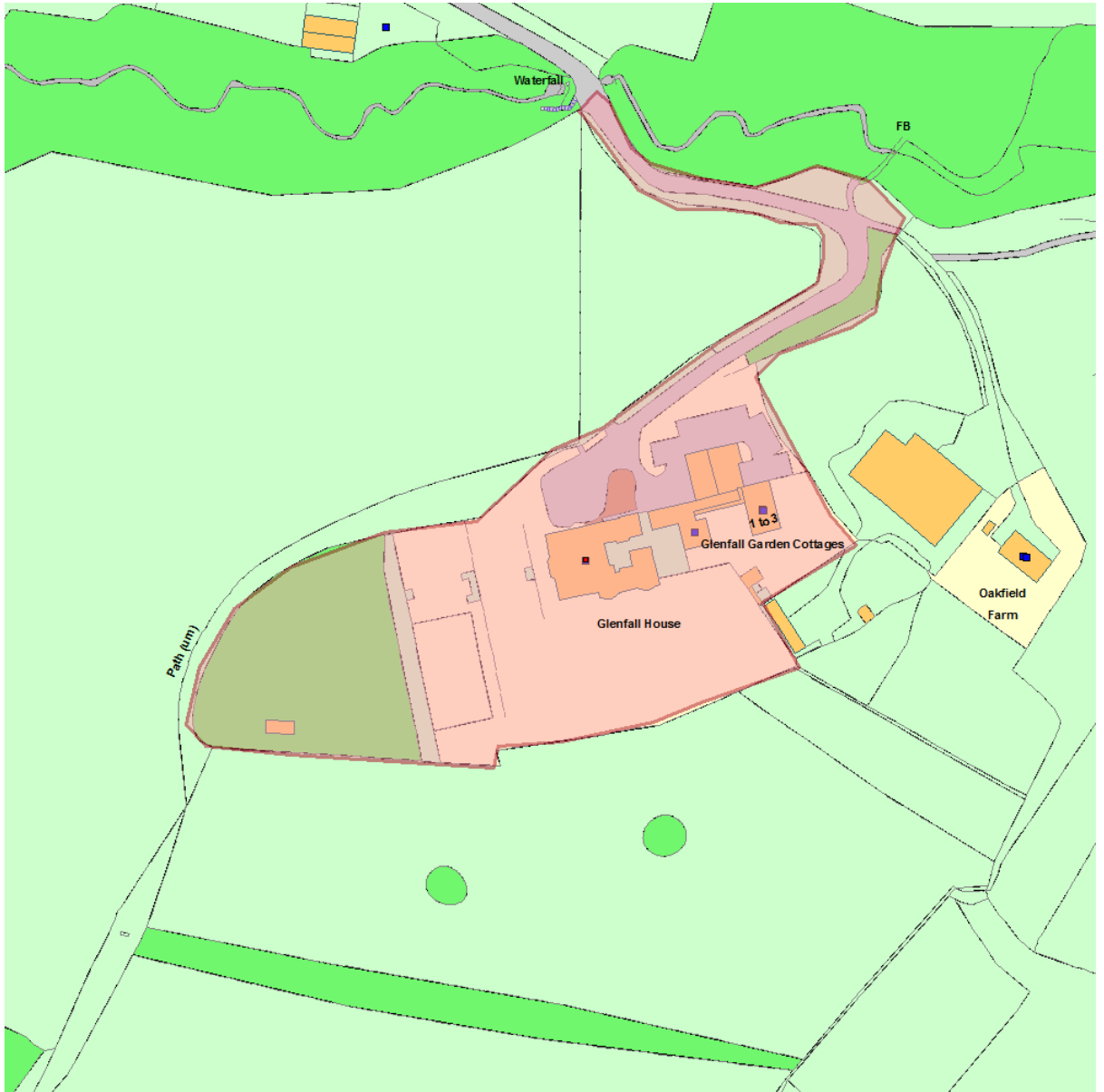
Yours faithfully,

[redacted]

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| | | |
|--|--|--|
| APPLICATION NO: 23/01424/FUL & 23/01424/LBC | | OFFICER: Mrs Lucy White |
| DATE REGISTERED: 19th October 2023 | | DATE OF EXPIRY: 18th January 2024 |
| DATE VALIDATED: 19th October 2023 | | DATE OF SITE VISIT: |
| WARD: Battledown | | PARISH: Charlton Kings |
| APPLICANT: | Mr And Mrs D Bunner | |
| AGENT: | SF Planning Limited | |
| LOCATION: | Glenfall House Mill Lane Charlton Kings | |
| PROPOSAL: | Part change of use of principal listed building from hotel/event venue to single dwelling (C3), including removal of extensions/alterations to principal building. Demolition of coach house, stables and 20th century buildings and extensions and replacement with new extension and outbuildings consisting of a leisure building with swimming pool, garage/store, greenhouse and 5no. new dwellings to be occupied as holiday accommodation. Alterations to historic landscaped grounds and kitchen garden. | |

RECOMMENDATION: Refuse/Refuse



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site comprises of the grade II listed Glenfall House constructed circa 1770 and its curtilage listed outbuildings and structures. The majority of the garden curtilage of Glenfall House is a grade II listed registered Park and Garden, listed for being a good, representative example of both a picturesque landscape and an Arts and Crafts garden which retain their layouts and reflect their original design and character. Nearby Glenfall Lodge and the Gate Piers, Gates and Walls to Glenfall Lodge are also grade II listed. Overall, Glenfall House, the Coach House/Stables, the gate piers, gates and walls to Glenfall Lodge and the several other curtilage listed buildings/structures, in combination create a strong group value.
- 1.2 A two storey height garage structure is located within the front curtilage alongside various smaller outbuildings. The site also accommodates more recently constructed buildings, including Glenfall Garden Cottages which were originally sub-divided into three residential units for hotel and staff accommodation in association with the established hotel/wedding venue use of the site. In 2021 planning permission was granted for the change of use and conversion of the Cottages from hotel accommodation to 3no. independent dwellings (C3). A free-standing timber clad cabin is located within the far west corner of the grounds. This outbuilding contains living accommodation and appears recently constructed, although its exact purpose in relation to the hotel/wedding venue is unknown. There is also an enclosed, walled garden to the rear of the main house and TPO'd trees within the site, including a large, mature Oak tree in close proximity to Glenfall Garden Cottages.
- 1.3 The site is located outside of the Principal Urban Area of Cheltenham (PUA) in rural surroundings and wholly within the Cotswold National Landscape (AONB).
- 1.4 The site is accessed via a long private track off Mill Lane, which also serves an adjoining farm.
- 1.5 In terms of use, the site has a rather chequered history; the current, established use of the site is a wedding venue with hotel accommodation. The site was previously used as a religious retreat. The most relevant planning history is set out below which includes recent pre-applications for the change of use of the main house and the demolition and replacement of the remainder of the existing outbuildings.
- 1.6 The applicant seeks planning and listed building consent for the part change of use of the principal listed building from a hotel/event venue to a single dwelling (C3). The proposals also include the demolition of the coach house, stables and 20th century buildings and extensions and their replacement with a new extension and outbuilding. These consist of a swimming pool and leisure building, garage/store, greenhouse and 5no. new dwellings to be occupied as holiday accommodation. Internal and external alterations to the listed building, alterations to the historic landscaped grounds and kitchen garden, and the re-instatement of a tennis court are also proposed.
- 1.7 In response to concerns raised by officers and consultees and subsequent protracted negotiations, the scheme has been revised during the course of the application, with changes made to the design, scale and layout of the proposed development and to the number of dwellings and buildings proposed.
- 1.8 The final set of revised plans was received on 31st July 2024; the evolution of the various scheme iterations is discussed later in the report. It is also important to note that, whilst the proposed development has been reviewed by three different Conservation Officers during the course of the application, the comments and concerns raised by each previous officer were carefully considered by the conservation officer reviewing the final scheme revisions submitted in July.

- 1.9** Various supporting documents accompany the application, including a Heritage Impact Assessment, (AONB) Landscape and Visual Impact Assessment, Ecological Appraisal, Energy Statement and Design and Access/Planning Statement; some of which were updated in response to the final scheme revisions.
- 1.10** The applications were referred to the Planning Committee for determination by Councillors Baker and Fisher. The reasons given for a Committee determination (should officers be minded to refuse planning and listed building consent) are as follows:-

This application relates to a significant heritage asset but as with all such assets we must consider how they can evolve in terms of their use and be enhanced in terms of their carbon footprint and bio-diversity contribution at the same time ensuring the historic fabric of the building is maintained and protected. In addition the application delivers potentially significant benefits to our local tourism economy, any decision will be a balanced one and I therefore feel if the officer is minded to refuse, the application is referred to the committee.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Area of Outstanding Natural Beauty

Relevant Planning History:

13/02186/PREAPP 3rd March 2014 CLO

Proposed re-modelling of house

15/01926/PREAPP 24th November 2015 CLO

Change of use from conference centre to hotel and events venue, with various internal and external works

20/00792/PREAPP 8th July 2020 CLO

Change of use of event venue to a total of 9 residential dwellings. Conversion of (listed) main Glenfall House building into three large dwellings and conversion of the Coach House into four smaller dwellings

22/00947/PREAPP 31st August 2022 CLO

Demolition of outbuilding, alterations to existing house and new residential development

78/00036/PO 24th March 1978 REF

Glenfall House Harp Hill Cheltenham Gloucestershire - Outline Application To Erect 1 No Detached House

78/00037/PF 24th March 1978 PER

Erection Of Building To House Cattle

79/00509/PF 3rd December 1979 PER

Change Of Use/ Conversion Of Private House Into A Convent; Construction Of Sacristy And Cloister And Internal Alterations; Conversion Of Stable To Convent Accommodation.

86/00830/LA 28th August 1986 PER

Demolition Of Unwanted Chimneys And Rebuild Of In-Use Chimneys In Accordance With The Revised Details Contained In Your Letter Received On 13th August 1986

87/00116/LD 26th March 1987 PER

Demolition Of Conservatory/Glass House

91/00400/PC 23rd May 1991 PER
Change Of Use To Diocesan Retreat House

91/00953/LA 24th October 1991 PER
Conversion Of Existing Outbuildings To Provide Warden/ Caretaker
Accommodation And Additional Guest Accommodation

91/01082/LA 21st November 1991 PER
Minor Alterations and Conversion Works For Use As Retreat House

92/00951/PF 19th November 1992 PER
Alterations To Existing Forecourt And Proposed Car Park

93/00587/PF 29th July 1993 PER
Erection Of Single Storey Extension To North Face Of South Wing

93/00590/LA 29th July 1993 PER
Erection Of Single Storey Extension To North Face Of South Wing

94/00492/LA 28th July 1994 PER
Conversion Of Ex Boiler Room In Basement To Quiet Room/Crypt Chapel

94/00577/PF 28th July 1994 PER
Part Conversion And Extension Of Stables Annexe To Provide Ensuite Bathrooms To
Guest Bedrooms

94/00581/LA 28th July 1994 PER
Part Conversion And Extension Of Stables Annexe To Provide Ensuite Bathrooms To
Guest Bedrooms

94/00735/LA 15th September 1994 PER
Dismantling Of Glazed Canopy To Existing Garage And
Formation Of Screen Wall To Garage Forecourt

95/00586/LA 11th September 1995 WDN
Erection Of A Garden Pavilion As Retreat Building

95/00595/PF 24th August 1995 PER
Erection Of A Garden Pavilion As Retreat Building

95/00970/PF 18th January 1996 PER
Conversion And Extension To Stables Annexe To Provide 4 No. Ensuite Bathrooms To
Existing Guest Bedrooms ***S.106 Obligation Completed 30 Jul 97***

95/00973/LA 18th January 1996 PER
Conversion And Extension To Stables Annexe To Provide 4 No. Ensuite Bathrooms To
Existing Guest Bedrooms

96/00261/PF 25th April 1996 PER
Erection Of Garden Pavilion As Retreat Building

98/01078/PF 10th December 1998 PER
Extension To Provide Accommodation For Management And Staff

14/00632/COU 21st July 2014 WDN

Change of use of Glenfall House and adjoining coach house from hotel/retreat (C1) to one single dwelling (C3) and separation of existing staff dwelling from main house to create an independent dwelling (C3) including formation of new access onto existing driveway. Various external and internal alterations to listed building including demolition of a storage barn and removal of modern annex extension to listed coach house.

14/00632/LBC 21st July 2014 WDN

Change of use of Glenfall House and adjoining coach house from hotel/retreat (C1) to one single dwelling (C3) and separation of existing staff dwelling from main house to create an independent dwelling (C3) including formation of new access onto existing driveway. Various external and internal alterations including the demolition of a storage barn and removal of a modern annex extension to listed coach house, the removal of two internal historic walls on ground floor to form new kitchen, removal of modern stud walls on the upper floors and an external spiral staircase.

16/00391/CLEUD 11th March 2016 WDN

Currently property is registered as conference centre and hotel, we are in the process of purchasing the property, and will be running it as a conference and banqueting venue, as soon as the sale completes, we require to have permission to start certain works immediately, due to the fact that the property has been empty for 2 years, and certain areas are now in need of repair to stop any further deterioration of the properties. We will be wanting to treat and repair the damp within the Coach house; and then redecorate internally We will be wanting to repair the roof parapets and rainwater downpipes and hoppers on the main building, along with redecoration of the areas where the repair work has taken place. We will also want to re decorate the property inside and outside once the repair works have been done

16/01389/LBC 4th October 2016 GRANT

Alterations of GF and FF of main house to make an events venue. (removal of walls/addition of stud partition walls)

21/00656/COU 22nd July 2021 WDN

Change of use of Hotel letting rooms in Coach House to 4 residential dwellings

21/00656/LBC 22nd July 2021 WDN

Change of use of Hotel letting rooms in Coach House to 4 residential dwellings

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

D3 Private Green Space

L1 Landscape and Setting

HE2 National and Local Archaeological Remains of Importance

BG1 Cotswold Beechwoods Special Area Of Conservation Recreation Pressure
SL1 Safe and Sustainable Living
GI2 Protection and replacement of trees
GI3 Trees and Development

Adopted Joint Core Strategy Policies

SD3 Sustainable Design and Construction
SD4 Design Requirements
SD6 Landscape
SD7 The Cotswolds Area of Outstanding Natural Beauty
SD8 Historic Environment
SD9 Biodiversity and Geodiversity
SD10 Residential Development
SD14 Health and Environmental Quality
INF1 Transport Network
INF2 Flood Risk Management

Supplementary Planning Guidance/Documents

Cheltenham Climate Change (2022)

4. CONSULTATIONS

See appendix at end of report

5. PUBLICITY AND REPRESENTATIONS

| | |
|-------------------------|-----------|
| Number of letters sent | 5 |
| Total comments received | 13 |
| Number of objections | 3 |
| Number of supporting | 9 |
| General comment | 1 |

5.1 Letters were sent to 5 neighbouring properties. In addition, site notices were displayed at the site and within the local area and an advert published in the Gloucestershire Echo. The neighbour notification process was repeated for the revised schemes submitted.

5.2 A total of 13 representations were received (3 in objection, 9 in support, plus 1 general comment). The comments and concerns raised in relation to both the original proposals and subsequent revised schemes, in summary, are as follows:-

- Size, scale and massing of proposed development is out of character with the current environment and setting
- Impact on the operation and amenities of neighbouring farm – noise and disturbance, ASHP plant noise, fireworks, excessive lighting, proximity of proposed extension to stable block on adjacent land, impact on the welfare of horses within the stable block
- Impact of existing farm operations on the amenities of occupiers of the proposed dwellings – noise, disturbance and odour pollution, leading to possible future complaints against the farm owners
- The existing stables, Coach House and motor garage should not be demolished as they are evidence of the historic evolution of the site and have become part of the landscape

- De-cluttering and excessive tree and landscaping removal should be avoided to protect the character of the site and AONB
- Proposed holiday lets could become long terms lets or sold as separate dwellings.
- Natural water well located under proposed area for solar panels
- Solar panels located adjacent to livestock route on adjoining land
- Historic stables could be undermined by proposed extension building
- Increase in traffic along access track which is used by livestock
- Bats within the site – trees and outbuildings – would be affected by construction works
- Potential for less traffic using the access track
- Glenfall House in need of sympathetic restoration and modernisation. Existing outbuildings detract from main house
- Proposals would result in much needed investment in this building for the future
- Drainage routes under the proposed garage/store outbuilding
- Proposals would support the local hospitality industry

6. OFFICER COMMENTS

6.1 Determining Issues

6.2 The key issues are (i) the principle of demolition of listed buildings and other structures, (ii) principle of new residential development in this location, (iii) the design, scale and layout of the proposals, including the listed building alterations, and their impact upon the historic fabric and significance of the listed building; (iv) impact on the setting and character of the listed park and gardens, (v) parking, access and any highway safety implications, (vi) impact on the amenities of adjoining land users, (vii) drainage and flooding, (viii) impact on existing trees within and adjacent the site and (ix) ecology, protected species and recreational pressure on the Beechwoods SAC.

6.3 Principle of Development/Planning Policy Context

6.4 The relevant policy documents are the adopted Cheltenham Plan (2020) (CP), the adopted Joint Core Strategy (2017) (JCS) and the NPPF (2023). Policies D1, SL1, BG1, G12 and G13 of the CP and policies SD4, SD6, SD7, SD8, SD9, SD10, SD14 and INF2 of the JCS are most relevant.

6.5 The application site is located outside of the Principal Urban Area (PUA) of Cheltenham and wholly within the Cotswolds National Landscape (AONB); Landscape Character Type 2 (Escarpment) and Landscape Character Area 2c (Escarpment: Coopers Hill to Winchcombe). Other than the site's location within the AONB, the application site does not fall within any other statutory landscape or environmental designations. The Environment Agency's (EA) Flood Map indicates that the site is at low risk of flooding (Flood Zone 1).

6.6 This is a brownfield site and therefore 'previously developed land' as defined by the NPPF. The site is located outside of the PUA, some 4 kilometre distance from the nearest local services in Charlton Kings where there is access to a wide range of day-to-day

services such as shops, schools, amenities and employment opportunities. The nearest residential/built up areas are Ham and the Battledown Estate. There are also a number of regular bus services serving Glenfall Road, Ham Road and London Road. However, given the distance and otherwise remote location of Glenfall House, the site cannot be considered a sustainable location for new residential development, in the context of the NPPF.

- 6.7** Within the PUA the principle of new residential development on previously developed land is supported by Policy SD10 of the Joint Core Strategy (JCS). Housing development on other sites, will only be permitted where it meets certain exception criteria; one of which relates to there being other specific exceptions/circumstances defined in district or neighbourhood plans (Criterion 4).
- 6.8** SD10 Criterion 5 also sets out that proposals involving the sensitive, adaptive re-use of vacant or redundant buildings will be encouraged, subject to the requirements of other development plan policies, including JCS policy SD8.
- 6.9** Paragraph 11 of the NPPF sets out a '*presumption in favour of sustainable development*' and makes it clear that development proposals that accord with an up to date development plan, should be approved without delay.
- 6.10** Paragraph 11 of the NPPF states '*Plans and decisions should apply a presumption in favour of sustainable development...and for decision making this means approving development proposals that accord with an up-to-date development plan*'. Where policies which are most important for determining the application are out-of-date, the NPPF at paragraph 11(d) advises that planning permission should be granted '*(i) unless the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole*'. This is referred to as the 'tilted balance' in favour of sustainable development.
- 6.11** The protected areas or assets referred to at (i) above are, in this case, the listed building(s) and park and garden and the AONB.
- 6.12** Footnote 7 of paragraph 11 of the NPPF explains further that for applications involving the provision of housing, relevant policies must be considered out of date in situations where the local planning authority cannot demonstrate a five year supply of deliverable housing.
- 6.13** Cheltenham Borough Council is currently unable to demonstrate a five-year supply of housing land and at the time of writing the latest published figure is 4.84 years.
- 6.14** The proposals include the creation of 1no. single dwelling within the main house and 5no. units of holiday accommodation. In normal circumstances, holiday accommodation does not contribute to the Council's 5 year housing land supply figures. The one proposed single dwelling (although a small contribution) would go towards alleviating the current shortfall and as such is a material consideration in the determination of this planning application.
- 6.15** As mentioned above, the application site is designated land and lies wholly within the AONB. Paragraph 182 of the NPPF states that '*great weight should be given to conserving and enhancing the landscape and scenic beauty in Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues*'. The scale and extent of development within the AONB should therefore be limited and proposals for development considered carefully.
- 6.16** The above is consistent with Policy SD7 of the JCS which states that all development proposals in or within the setting of the Cotswolds AONB will be required to conserve and,

where appropriate, enhance its landscape, scenic beauty, wildlife, cultural heritage and other special qualities. Proposals will also be required to be consistent with the policies set out in the Cotswold AONB Management Plan.

6.17 Policy CE1 of the Cotswolds AONB Management Plan 2025-30 requires:

1. Proposals that are likely to impact on, or create change in, the landscape of the Cotswolds AONB, should have regard to, be compatible with and reinforce the landscape character of the location, as described by the Cotswolds Conservation Board's Landscape Character Assessment and Landscape Strategy and Guidelines.

2. Proposals that are likely to impact on, or create change in, the landscape of the Cotswolds AONB, should have regard to the scenic quality of the location and its setting and ensure that views - including those into and out of the AONB - and visual amenity are conserved and enhanced.

6.18 Policy CE3 of the Cotswold Management Plan emphasises the importance of maintaining local distinctiveness and respecting local settlement patterns through appropriate design.

6.19 Policy CE6 states that proposals that are likely to impact on the historic and cultural heritage of the Cotswolds AONB should have regard to these features and seek to conserve and enhance them. This should include respecting historical features, buildings, sites, layout and context, including the relationship between the existing feature or settlement and the landscape.

6.20 Paragraph 131 of the NPPF sets out that good design is a key aspect to achieving sustainable places, and creating better places in which to live. Paragraph 135 goes on to set out that development should add to the overall quality of the area, be visually attractive, and be sympathetic to local character. Policy SD4 of the JCS and Policy D1 of the Cheltenham Plan require development to be of a high standard of architectural design that responds positively to and respects the character of the site and its surroundings.

6.21 Given the context and sensitivity of the site, regard must also be given to the legal and policy context as it applies to heritage assets. Paragraph 16(2) of the Planning (Listed buildings and Conservation Area) Act 1990 requires local planning authorities to have special regard to the desirability of preserving the special architectural or historic interest of listed buildings and their setting.

6.22 Section 16 of the NPPF sets out the importance of conserving and enhancing heritage assets. Paragraph 192 of the NPPF advises that in determining planning applications, local planning authorities should take into account:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation

- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and

- the desirability of new development making a positive contribution to local character and distinctiveness

6.23 Similarly, Policy SD8 of the Joint Core Strategy requires development to make a positive contribution to local character and distinctiveness, having regard to the valued elements of the historic environment. It states how '*Designated and undesignated heritage assets and their settings will be conserved and enhanced as appropriate to their significance*'.

6.24 In summary, the site is located outside of the PUA and within the AONB. As such, the principle of new residential development to provide residential holiday accommodation in

this location may not be acceptable within the context of Policy SD10. Furthermore, this element of the proposals would not contribute to the Council's housing land supply. However, subject to the approval of appropriate and sympathetic works, there are no concerns regarding the principle of converting the principal listed building to a single dwelling, as Glenfall House was first constructed as a dwelling.

6.25 The impact of the proposals on the significance of the designated heritage assets, the AONB, and the other merits of the proposals are discussed in full below.

6.26 Design, Layout and Heritage Impact

6.27 Scheme Proposals and Revisions

6.28 The proposals are extensive and include the part change of use of the principal listed building from a hotel/wedding venue to a single dwelling (C3) and the demolition of all existing, curtilage buildings and structures within the grounds of Glenfall House. The timber cabin located in the far corner of the grounds and a number of smaller incidental garden structures would remain. The existing historic curtilage buildings include a former coach house, former stables and early c20th motor garage, along with remnants of the walled garden and its associated garden structures, all of which are considered to be curtilage listed buildings.

6.29 The July 2024 revised scheme shows that the existing curtilage listed buildings would be replaced by a two storey extension to the main house, which would accommodate 2no. two storey dwellings (1 x 3 bed and 1 x 2bed), 1no. 2 bed apartment, garages, leisure facilities, refuse and ancillary storage facilities. A single storey, hipped roof swimming pool building and associated plant would be attached to the end of the proposed extension via a single storey link. The swimming pool building would sit noticeably forward of the principal, north elevation of the listed building. This would result in a large S-shaped building range attached to the listed building. A first floor overhang within the extension would provide vehicular access to the rear of the extension for parking and access to the proposed holiday accommodation and its parking areas. The proposed extension would be faced in red brick under a slate tiled pitched roof with flat roofed dormer windows to both front and rear roof slopes.

6.30 The ground floor of the west wing of the extension attached to the main house would accommodate the garaging, refuse and recycling stores and plant room for the main house. It would also provide the access for the upper floor apartment. The remainder of the extension accommodates the 2no. two storey dwellings plus a ground floor gym.

6.31 A detached, pitched roof garage/store outbuilding positioned behind the south elevation of the proposed extension range is also proposed along with a plant (ASHP) enclosure adjacent to the swimming pool building and (east) site boundary. This element of the proposals also includes a raised, walled garden terrace, presumably to be used in association with the leisure facilities.

6.32 Various internal and external works to the principal listed building are proposed, including the sub-division of the main house to provide 2no. two storey, 2 bed dwellings and the removal of later c20th additions, plant and other physical building alterations.

6.33 The erection of a greenhouse/orangery and tennis court with the landscaped gardens, in the location of an historic tennis court, are also proposed.

6.34 The application details, and description of development indicate that the 5no. new dwellings proposed would be occupied as holiday accommodation and not as independent, separate dwellings. The applicant has confirmed that the other proposed facilities i.e. swimming pool, gym, gardens and tennis court, would be used by both the

occupiers of the main house and the holiday accommodation units. The application has been determined on this basis.

6.35 Note that the total number of existing dwellings on site (excluding the staff accommodation associated with the existing hotel use) is 3; 1-3 Glenfall Garden Cottages.

6.36 Heritage Impacts

6.37 The acceptability of the proposed demolition works to the listed building and curtilage listed structures and the corresponding impacts on the setting, character and appearance of the listed building(s) and registered park and garden are key to the considerations of this application; since these drive the remainder of the proposals.

6.38 During pre-application discussions in 2022 (in relation to a similar scheme), the Conservation officer (CO) concluded that, although the proposed demolition and internal works to the main house were acceptable in principle, the proposed wholesale demolition of the curtilage listed outbuildings would result in harm to significance, by virtue of removing an element of the historic evolution of the estate. The proposed demolition of the historic outbuildings was therefore considered unacceptable and the applicant advised that the reuse of the historic parts of these service outbuildings should be fully explored.

6.39 Notwithstanding the above concerns, the CO recognised that the existing visual relationship between the north elevations of Glenfall House and the outbuildings is problematic due to poor separation distance, similar height and colour of facing materials. As such, some suggestions for restoring the character of the outbuildings were given.

6.40 The location, scale and massing of the pre-application proposals for replacement buildings were also considered unacceptable and resulted in an intensification of bulky built form, lacking subservience to Glenfall House and competing visually with the principal north elevation, regardless of the more open front courtyard setting proposed at that time.

6.41 The CO also raised concerns from a heritage perspective, about the proposed units of accommodation and sub-division within the main house, which the CO considered should remain ancillary only to the residential use of the main dwelling.

6.42 By contrast, having assessed the current application, the CO agrees broadly with the findings of the applicant's updated and more comprehensive Heritage Impact Assessment in that the outbuildings are identified as having "*a low level of significance, diminished further as a result of the substantial alterations and extensions, which themselves now adversely affect the setting the listed building*". The CO comments that the submitted documents now provide a better understanding of the significance of the curtilage listed structures and, on that basis, justification for the proposed demolition works in principle. However, the CO makes it very clear that although all the existing outbuildings are considered to have a low level of significance, the demolition of these outbuildings is still considered to result in a degree of harm.

6.43 Paragraph 206 of the NPPF states, "*Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.*" NPPF paragraph 208 states, "*Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.*"

6.44 The applicant has identified the public benefits of the proposals (as required by NPPF paragraph 208). The benefits in this case are considered to be securing the removal of

modern interventions to the main house, returning it back to a private dwellinghouse, repairs and renovation to the roof, removing the water tank, repairs to stucco and internal architectural features, conservation of the registered garden and its garden structures. These are recognised as public benefits (for the purposes of para 208) and must be given weight. Members are reminded that the assessment of public benefits required by paragraph 208 is a separate exercise to the overall planning balance considerations and those of paragraph 11(d) of the NPPF.

6.45 Despite the various scheme revisions, and whilst the principle of demolition of the curtilage listed buildings may be acceptable, the CO maintains their concerns over the scale, massing and layout of the proposed development that would replace the curtilage listed buildings.

6.46 The various earlier scheme submissions are summarised as follows:-

6.47 Original scheme received 5th September 2023

Roughly L-shaped, two storey extension from west elevation of listed building, continuing south as far as the southern site boundary with Oakfield Farm. Stable block on adjoining land located within 2 metres of the two storey side (south) elevation of the proposed extension. Extension faced in brick under a predominantly pitched roof with slate tile covering and dormer windows.

Detached, two storey swimming pool and leisure building located forward of the principal north elevation near the entrance drive.

Various internal and external alterations to the main house, plus removal of some later additions and plant. Erection of a greenhouse within the walled garden and tennis court within the landscaped grounds.

5no. residential units proposed – 3 no. first floor apartments above ground floor garages (1 x 1 bed & 2 x 2 bed) and 2no. 2 bed converted dwellings within main house.

6.48 Revised Scheme received 2nd April 2024

Layout similar but the proposed two storey extension is shown rendered with a hipped roof. Alterations made to fenestration and garage entrance features

Leisure/swimming pool building reduced in overall size/footprint and now single storey in height. Relocated slightly further south away from entrance drive towards the Oak tree.

5no. residential units proposed – 2no. 2 bed first floor apartments, 1 no. 2 bed two storey dwelling and 2no. converted dwellings within main house

The other elements of the proposed development were unchanged.

6.49 May/June 2024 Draft Schemes

Revised, draft schemes were also submitted and discussed in May 2024. The revisions included a new courtyard layout, with L-shaped extension and attached swimming pool/leisure building. Some of the ground floor garaging within the extension was replaced by 2 storey dwellings. A first floor overhang allowed vehicular access to the holiday accommodation and outbuilding. Red brick replaced the previous rendered external finish, with dormer windows re-instated within the pitched slate roofs.

A detached, single storey pitched roof garage/store outbuilding adjacent to the southern site boundary was also added.

The above revisions had not been previously suggested by officers or discussed with the applicant.

The location of proposed solar panels and design of the greenhouse and tennis court were also amended.

6.50 An earlier draft iteration showed a detached, two and single storey swimming pool building and two storey L-shaped range; the gap between opening up views from the main house to the Oak tree.

6.51 Conservation Officer - Final Comments

6.52 The Conservation officer's comments on the final scheme submitted in July 2024 is set out in full below. The revised scheme responds to some of the concerns raised by officers during the course of the application and thereby incorporates some of the requested changes. However, there are a number of aspects that have not been adequately addressed.

6.53 The CO's comments on all previous submitted schemes are set out in full within the consultation section at the end of the report.

Glenfall House 23/01424/LBC

Drawings 13th May 2024

Greenhouse

Brochure details of the greenhouse have been submitted. The overall scale and design is considered acceptable in principle with respect to scale design and materials, notwithstanding the need for more detailed drawings including sections the profile of glazing and samples of materials. The indicative elevations/site plan demonstrate the greenhouse would be aesthetically acceptable and appear subservient within the overall context of the group of heritage assets.

Proposed tennis court

The principle of reinstating a tennis court in the location of an historic tennis court is acceptable. Details of the Pladex tennis court, in green, with mesh and obelisks post fencing are acceptable. The proposed tennis court would be visually recessive (a purple/blue surface would not be appropriate) and appropriate to the historic context.

Revisions made 30th July 2024

The proposed removal of the historic extensions to the main house are acceptable, as are the proposed internal alterations to Glenfall House.

Garage Store Building

The garage /workshop is reduced in size by 1m and is now timber clad to ensure simplicity and status of workshop building. The change to red brick is welcome, as is the timber cladding.

Outbuildings

Demolition of the existing outbuildings represents an opportunity to create clear hierarchy of buildings across the site, with the main house retaining visual prominence. Whilst it is accepted that the standing group of curtilage listed buildings are of low significance and that as a result of change over time the current outbuildings lack cohesion, this does not in itself justify the extent of the proposed footprint of the apartment range.

The existing outbuildings (considered curtilage listed), whilst of low significance, form part of the historical significance of the Glenfall estate. Albeit that the standing buildings are much evolved, visually they read as service buildings, set back from the south elevation of Glenfall House allowing the listed building to retain prominence and are illustrative of the evolution of the country estate.

The latest proposals comprise a substantial L-shaped two storey building to the east of the listed building, with a single storey leisure building attached at the rear of the range and a greenhouse and garage to the east of the south lawn.

There are several direct heritage benefits, as set out on page 24 of the Heritage Statement, these are acknowledged and welcome. It would have been pertinent to update the Heritage Impact Statement in light of the revised proposals, in line with paragraph 200 of the NPPF. An elevation of the swimming pool elevation is also required to assess the scheme and officers await this drawing, in order to assess the proposal.

Timber cladding of the garage is welcome and the slight reduction in the scale of the garage block, on balance, would be acceptable, on the basis that the attached range is reduced in size as discussed below.

To create a sense of a 'service courtyard' the proposed apartment buildings should be scaled back with the L-shaped service range reduced in length and, ideally, in height to 1.5 storeys, such that the range presents within the group of buildings as a visually recessive element within the setting of Glenfall House.

The single storey 'break' between the main house and the new development is acceptable and the introduction of hipped roofs and the arched garage openings is welcome. Brick has been re-introduced as a contrasting material, which is also welcome. The Leisure building would read better within the scheme if it was separated from the main range and relocated back to the north-east but not linked. There is an opportunity to open-up the view of the oak tree from main house by re-siting of the leisure building and/or removal of the arch feature on the main range, this opportunity has not been harnessed under the latest scheme drawings (although this was presented on an earlier version of the proposals).

Officers previously advised that the proposed two-storey range should be reduced to 1.5 storey and that the overall design should reflect an ancillary building, with simple fenestration and a less domestic appearance. This has been achieved, to a degree, and in principle the thrust of the design and enclosing the courtyard could be supported. However, the scale and length of the range cannot be supported. The overall footprint and of the proposal, including the leisure building, would be larger than the listed building, this coupled with the scale and minimal set back from the rear building line would result in a set of buildings that compete visually and therefore would not be subservient to the heritage asset.

The principle of demolition of the curtilage buildings has been accepted on the basis that new development coming forward mitigates heritage harm. Whilst the scheme includes direct heritage benefits, these would not balance out the level of harm to significance that would occur as a result to an unacceptable impact on the setting of Glenfall House (grade II listed), Glenfall lodge (grade II listed), Gate Piers, Gates and Walls to Glenfall House (grade II) Rose Gate (grade II listed) and Glenfall House Registered Park and Garden

(grade II). As a group these assets relate visually to each other and their settings overlap. The heritage context is therefore rich and all assets are of high significance.

The proposal cannot be supported in its current form. There are significant concerns regarding the scale, massing, design and layout of the proposed attached outbuildings. The main range of outbuildings component of the proposal cannot be supported, on the basis that by virtue of an unacceptable impact on the setting of heritage assets, the proposal would fail to preserve the special historic and architectural interest of heritage assets. The level of harm would be at the higher end of the 'less than substantial' scale, engaging paragraph 208 of the NPPF and contrary to policy SD8 of the Joint Core Strategy.

The revised proposals July 2024 cannot be supported from a heritage perspective as it stands.

- 6.54** Officers acknowledge that the proposals include the demolition of several, poorer additions to the main house and some derelict structures within the grounds. Equally, it is largely accepted that the footprint of the proposed new build elements does not differ substantially when compared with the footprint of existing buildings to be demolished. In this respect, the applicant has helpfully provided a site plan on which the footprint of the existing curtilage buildings is superimposed. Furthermore, the area of proposed built form does not extend significantly further within the site.
- 6.55** The applicants' efforts in engaging with officers in seeking to address officer concerns is fully acknowledged and appreciated. The application process has necessitated protracted discussions and negotiation over a long period, plus a number of site visits accompanied by conservation and planning officers.
- 6.56** Unfortunately, whilst there has been improvement to certain design and layout elements, the revised scheme has not addressed the fundamental concerns over the cumulative effects of the size, scale, massing, layout and subservience of the new build elements and the resultant harm to the significance (setting) of the designated heritage assets. The proposed two storey extension, which adopts a continuous S shaped footprint, extends approximately 74 metres in continuous length and some 41 metres in length north/south with a maximum height of approximately 8.5 metres. The proposed detached garage/store outbuilding is located in close proximity to the rear, south elevation of the extension and has a footprint of 75 sq. metres and height of 5.2 metres.
- 6.57** Whilst the thrust of the design and enclosing the courtyard could be supported by the CO, the scale and length of the range cannot. The overall footprint of the proposed extension, including the leisure building, would be larger than the listed building. This, coupled with the scale and minimal set back from the rear building line, would result in a set of buildings that compete visually and therefore would not be subservient to the designated heritage asset. On heritage grounds, officers are therefore unable to fully support the proposed development.
- 6.58** The proposed works are not considered to sustain the designated heritage assets, and cause harm to their significance. The extent of harm is considered to be at the upper end of 'less than substantial', as defined by the NPPF (2023). It is not considered there are meaningful public benefits that might outweigh this harm. The proposed works do not therefore comply with Sections 16 and 66 of the Planning (Listed Building and Conservation Area) Act 1990, Chapter 16 of the National Planning Policy Framework and Policy SD8 of the Joint Core Strategy 2017.
- 6.59** Civic Society

- 6.60** The Civic Society has raised an objection to the proposals. Although supportive of the proposed internal works to the main house and re-instatement of the Arts and Crafts style garden, concerns are raised over the wholesale demolition of the ancillary buildings, particularly the historic stables and coach house, which would be replaced by '*bland modern buildings*'.
- 6.61 Impact on neighbouring property**
- 6.62** Section 12 of the NPPF highlights that development should promote a high standard of amenity for existing and future users. This is further emphasised in policy SD14 of the JCS and Cheltenham Plan SL1 which set out the requirement for development not to cause unacceptable harm to the amenity of adjoining land users and the locality.
- 6.63** The nearest neighbouring property that has potential to be impacted by the proposed development is Oakfield Farm, which has land and buildings adjoining the south and east application site boundaries. Oakfield Farm is a working farm which houses cattle in close proximity to the east site boundary. Representations have been made the occupiers of the farm holding in respect of both the original and revised schemes. The concerns raised focus on the proximity of the stable block on adjoining land, the welfare of livestock, noise and disturbance affecting the future occupiers of the proposed holiday accommodation and the potential for future complaints against the farm. These concerns have been considered very carefully and the Council's Environmental Health team (EHO) consulted on each of the submitted schemes. The EHO responses are set out in full at the end of the report.
- 6.64** In summary, the EHO has no objection to the proposed development subject to the imposition of a number of conditions relating to the type/model, location and predicted noise levels of the proposed ground and air source heat pumps, a sound insulation scheme for the proposed residential units and a construction environmental management plan. A condition is also required to limit the use of the proposed leisure facilities by the residents of Glenfall House and guests of the holiday lets only and not by the general public or external hire. A condition preventing the use of amplified music within the leisure facilities after 22:00 hours should also be added.
- 6.65** Subject to the above conditions, which are all considered reasonable and necessary in this case, the proposed development (as revised) would not result in significant harm to the amenities of adjoining land users. Officers consider that the revised layout (i.e. re-positioning of the proposed two storey extension away from the site boundary and adjacent stable block and the location of the additional outbuilding adjacent to the southern site boundary address officers concerns in relation to any potential, significant harmful impact upon the amenities of users of the adjacent stables.
- 6.66** Officers are also mindful that there are three existing separate dwellings (1-3 Glenfall Garden Cottages) on site which are located closer to the neighbouring farm buildings than the 2 nearest proposed dwellings (units 3 and 5). There do not appear to have been any complaints made against the farm by the occupiers of the existing three dwellings.
- 6.67** Similarly, the (revised) solar panels on the southern roof slope of the proposed outbuilding and the ground mounted solar panel array on the edge of the walled garden along the southern site boundary do not give rise to significant amenity concerns in relation to adjoining land users.
- 6.68** With all of the above in mind, the proposed development is considered to be compliant with adopted CP policy SL1 and adopted JCS policy SD14 which require development to protect the existing amenity of neighbouring land users and the locality and those of future occupiers.

6.69 Access and highway issues

6.70 Adopted JCS policy INF1 advises that all development proposals should provide for safe and efficient access to the highway network for all transport needs. The policy identifies that planning permission will be granted where the impact of the development on the highway network will not be severe. The policy reflects the advice set out within Section 9 of the NPPF.

6.71 The proposed main vehicular access via Mill Lane would remain largely unaltered but with some re-alignment of the main drive within the front curtilage. Dedicated parking areas and some garaging are shown for both the main house and 5 proposed residential units. Although not indicated on the site plan, there is no reason to suggest that EV charging points could not also be provided for all proposed units.

6.72 The applicant sets out transport related matters within the covering Planning Statement, albeit the information provided is brief.

6.73 The County Council Highways Development Management Team, acting as Local Highway Authority (HA) was consulted on the proposals, including the revised schemes submitted. In summary, the HA raise no objection to the proposed development. The HA offered no comment on the revised proposals.

6.74 Notwithstanding the above response from the HA, officers have considered transport matters more broadly. The application site is located over 3.5km from the nearest local services. Access to these facilities is likely to be solely by car and there are no public transport options available. The proposals do not therefore promote sustainable travel choices or provide suitable access for all users. However, the proposed development in this location is, on balance, considered acceptable from a transport perspective and the proposed access and parking arrangements suitable. In reaching this conclusion, officers have been mindful of the existing use of the site as a hotel/wedding venue which will generate traffic movement (varying in intensity) and a reliance on a private car for site access.

6.75 Although the use of the site as a single dwelling and holiday accommodation may change the purpose and timings of traffic movements to and from the site, the level of traffic movements would not be dissimilar to those associated with the current use of the site.

6.76 Furthermore, given the nature of the proposed holiday accommodation use, trips to a local food store for example, are likely to be combined with trips to other destinations. Holiday accommodation, by its very nature, is often located in more remote, countryside locations.

6.77 Note that, given the rural location of the site, the use of the proposed holiday units as permanent, separate dwelling houses would need further consideration, having regard to the sustainable transport aims of the National Planning Policy Framework set out at paragraphs 114 and 116.

6.78 Sustainability

6.79 The Cheltenham Climate Change SPD (2022), sets out a detailed strategy for decarbonising homes over the next decade. For residential alterations and extensions there is an opportunity to improve the environmental performance of a home through the inclusion of technologies and features such as photovoltaics, replacement windows, heat recovery, permeable (or minimal) hard surfaces, works to chimneys, insulation, replacement heating systems (heat pump) and thoughtful kitchen design. This is reflected in Policy SD3 of the JCS.

6.80 The application includes an Energy and Sustainability Strategy (relating to the scheme layout as first submitted). Given the listed status of the retained, converted building, the

document notes the modest scope for energy efficient improvements. However, there are clear opportunities to reduce energy demand in respect of the new build elements of the proposals. Various mitigation measures/statement of intent are proposed to proportionately combat climate change. The measures to be investigated and implemented include:

- Replacement of primary heat source (biomass wood pellet boiler system) with electric heat pump system (site is not on the main gas grid) – resulting in 69.8% reduction in primary energy demand and a 17% reduction in carbon dioxide emissions
- Installation of ground source heat pump and air source heat pump systems for domestic heating
- Roof mounted solar panels and ground mounted PV array
- Removal of energy inefficient later additions to main house
- Heat recovery system for swimming pool
- Natural ventilation techniques (other than building regulation requirements for bathrooms, kitchens and mechanical ventilation needs of the swimming pool)

6.81 Given the scale and nature of the proposals, which affect a listed building, it is considered that the above demonstrates an acceptable and welcome response to climate change, the Council's SPD guidance and the objectives of Policy SD3 of the JCS

6.82 Other considerations

6.83 Drainage and Flooding

6.84 The application site lies within Flood Zone 1 and therefore the potential flood risk is low. There appear to be no water courses within the site.

6.85 The Local Lead Flood Authority (LLFA) has reviewed the submitted Flood Risk Assessment (FRA). A number of queries and requests for further information were made; in relation to the surface water discharge strategy, soakaways, discharge rates, climate change allowances and exceedance flow plans. In summary, the information submitted is considered insufficient for this type of development and does not meet the standards required for sustainable drainage. The LLFA's comments are set out in full at the end of the report.

6.86 Unfortunately, the revised schemes submitted do not address the LLFA's concerns and no further drainage documentation was provided.

6.87 Holiday Accommodation/Residential Use

6.88 It is necessary to consider the proposed use of the new build element as holiday accommodation; the application having been submitted and determined on this basis.

6.89 There is much case law on whether such a use falls within Class C1 or Class C3. This will be a matter of fact and degree and dependent on the characteristics of the holiday accommodation use proposed and site characteristics. In this case, the 5 new residential units are considered to fall within Class C3 and range from a two bedroom apartment to a two storey, three bedroom residential unit. As indicated on the site plan submitted, other than perhaps unit 5, the proposed residential units would have no obvious separate residential curtilage but would benefit from the use of the wider grounds and site

amenities. The applicant has confirmed this arrangement. If the dwellings were to be privately owned, the situation may be very different.

- 6.90** The site is located approximately 4km from the nearest local services and outside of the PUA. There is no development plan policy that directly relates to the provision of holiday accommodation outside of the PUA; although JCS policy SD10 (criterion 5) allows for the sensitive adaptation of an existing vacant or underused building to residential use and this policy is not location specific. Similarly, Policy L2 of the CP allows the conversion of rural buildings to uses other than agriculture subject to various requirements.
- 6.91** It is therefore reasonable to conclude that the appropriate conversion or sub-division of an isolated building in the countryside to residential use is likely to be supported, in principle. The same support in principle would not apply to new build dwellings or new build holiday accommodation within the countryside.
- 6.92** In this case and mindful of the policy context, officers have had to consider the existing use of the site as a hotel/wedding venue, and thereby the existing use of the site for similar holiday accommodation purposes. The planning history of site indicates other similar recreation/hotel type uses of the property. There are also 3 existing separate dwellinghouses on site (1-3 Glenfall Garden Cottages), plus some residential staff accommodation associated with the existing hotel/wedding venue. The net gain in residential units on site (including the change of use of Glenfall House) would therefore be 3 new dwellings/holiday lets.
- 6.93** Given the rather unique circumstances of this site and its planning history, the principle of the proposed redevelopment of the site and provision of new build residential units/holiday lets in an isolated, rural location outside of the PUA, on balance, is considered acceptable.
- 6.94** However, in accordance with the terms of the application submission and for the reasons set out above, officers would consider it necessary and reasonable to impose a condition restricting the use of the buildings as holiday lets. Should there be any future application to remove or vary this condition, the suitability/use of the buildings in this location as separate, permanent dwellings would be considered at that time.
- 6.95** In addition, the Conservation Officer has raised significant concerns about the further sub-division of the site through the creation of distinct curtilages associated with the residential use of the proposed new outbuildings. Similarly, there was concern raised by the CO over the sub-division of the main house to create separate residential units.
- 6.96** Landscape and Visual Impact
- 6.97** The site is located wholly within the Cotswold National Landscape. Given the sensitive location of the site the applicant has carried out a Landscape and Visual Assessment (LVA) of the proposals. This document describes the landscape character and setting of Glenfall House and gardens and identifies various viewpoints from which the potential landscape visual impact is assessed.
- 6.98** The Cotswold National Landscape Board were consulted on the proposed development, LVA and subsequent scheme revisions. The Board has no objection to the principle of the change of use from a wedding venue with hotel accommodation to a private dwelling with ancillary leisure uses and holiday let accommodation. No objection is also raised to the re-instatement of the grounds and the proposed demolition works. However, some initial concerns were raised regarding the proposed design of the replacement buildings, notably the swimming pool/leisure building and their impact on the natural beauty of the AONB.
- 6.99** In summary, the Board concluded that the change to the immediate landscape character would be low and would result in a beneficial landscape effect and any change beyond the grounds is assessed as negligible. Views of the site are limited and filtered by natural

vegetation. As such, the character of the site and immediate landscape would be retained. The proposals would therefore result in a slight beneficial visual effect, where seen. However the Board considered that there would be an adverse impact on dark sky quality, having regard to paragraph 185 of the NPPF. The application lacks details on internal and external proposed lighting and the swimming pool building incorporates extensive glazing, leading to light spillage. The re-design of this building was therefore suggested.

6.100 In response to the above concerns the revised scheme(s) include changes to the elevation and roof treatment of the swimming pool building. The Board subsequently withdrew their objection, subject to the imposition of their suggested condition to secure the subsequent approval of an external lighting scheme.

6.101 Ecology, BNG, Environmental Impact and Protected Species

6.102 The applicant has carried out a Preliminary Ecological Appraisal (PEA), including a bat survey of the existing buildings and Great Crested Newt survey. These documents have been reviewed by the Council's Ecologist (EO).

6.103 The EO comments that the bat surveys confirm that the roof of the main house and the coach house provide roosting habitat for bats. These roosts would be disturbed and in the case of the coach house, lost as a result of the proposed development. As such, an EPS mitigation licence from Natural England would need to be obtained. Otherwise, the bat mitigation measures outlined within the PEA, are considered appropriate.

6.104 The survey recommendations for ecological mitigation and enhancement and sensitive strategies for external lighting are therefore supported and could be secured by appropriately worded conditions.

6.105 It is recognised that a minimum 10% biodiversity net gain (BNG) is now mandatory for all major developments; unless certain exemptions apply. If a planning application for a development was made before day one of mandatory BNG on 12 February 2024, the development is exempt from BNG. In this case, the planning application was received in September 2023.

6.106 Nonetheless, the submitted BNG report demonstrates that the development could achieve over 10% net gain for linear and area habitats. Again, this could be delivered and maintained as part of any subsequent approved landscaping scheme.

6.107 GCER records also show that important species or habitats have been sighted on or near the application site in the past, including bats. The submitted PEA is an appropriate assessment of the impact on these protected species.

6.108 Habitats Regulations Assessment/ Cotswolds Commons and Beechwoods Site of Special Scientific Interest (SSSI) and Special Area of Conservation (SAC)

6.109 Policy BG1 of the Cheltenham Plan relates to the Cotswold Beechwoods Special Area of Conservation (SAC) – recreation pressure. It 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 (alone or in combination), and the effects cannot be mitigated.

6.110 Therefore, in order to retain the integrity of the Cotswold Beechwoods Special Area of Conservation (SAC) all development within the borough that leads to a net increase in dwellings will be required to mitigate any adverse effects.

6.111 The application 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).

6.112 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.

6.113 Therefore, the Council, as the responsible authority, has undertaken an Appropriate Assessment (under the Habitats Regulations 2017) and considers the measures set out in the Mitigation Strategy necessary to provide adequate mitigation to address the impacts of the proposal. The applicant can therefore either enter into a s106 contribution of £673 per new dwelling to contribute to the measures in that strategy or propose on or off-site mitigation. There are no opportunities for on-site mitigation and the applicant has opted to make the s106 contribution of £673. Subject to completion to the s106, the proposal will not adversely affect the integrity of the Cotswold Beechwoods SAC.

6.114 There is currently dispute between officers and the applicant as to the number of existing dwellings on site. Discussions on this matter are on-going, but in any event, the minimum net gain in dwellings would be one dwelling.

6.115 A Unilateral Undertaking to secure appropriate SAC mitigation has not been signed and completed by the applicant or the relevant monies and fees paid.

6.116 Trees and Landscaping

6.117 All trees on site are protected by virtue of a blanket TPO (TPO721). The Council's Trees Officer (TO) has therefore undertaken a thorough review of the proposed tree and soft landscaping proposals and considered the Arboricultural Impact Assessment submitted. His comments on the submitted scheme(s), are set out in full in the consultation section of this report.

6.118 No overriding concerns are raised, albeit a suitable method statement (conforming to BS5837) to describe the resurfacing of the drive should be submitted, to avoid root damage to TPO'd trees. The TO considers that the planting scheme, although generous, lacks detail (species, tree size, pit details). A subsequent detailed landscaping scheme could be secured by condition and should include the recommendations made by the arborist to mitigate for the loss of T8.

6.119 Public Sector Equality Duty (PSED)

6.120 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.

6.121 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.

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

7. CONCLUSION AND RECOMMENDATION

- 7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for development must be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 7.2 The proposed internal alterations and removal of later c20th additions to the principal listed building are considered broadly acceptable; other than some Conservation Officer reservations about the further sub-division of the main house to provide separate residential units. Whilst the principle of the demolition of the outbuildings is also considered acceptable, this would cause a degree of harm to the significance of the principal listed building, Glenfall House.
- 7.3 The applicant's efforts in trying to produce a mutually acceptable scheme are acknowledged. However, whilst there has been improvement made to certain design and layout elements, the revised scheme has not addressed the fundamental concerns over the cumulative effects of the size, scale, massing, layout and subservience of the new build elements and the resultant harm to the significance (setting) of the designated heritage assets. On heritage grounds, officers are therefore unable to fully support the proposed development.
- 7.4 The proposed surface water drainage strategy is considered insufficient for the type and scale of development proposed. The proposals do not therefore adhere to the design guides and standards for sustainable drainage.
- 7.5 Subject to conditions, there are no significant neighbour amenity or highway safety and transport related concerns and suitable landscaping and tree protection could be secured through the submission of a detailed landscaping scheme and method statement.
- 7.6 The use of the proposed residential units as holiday accommodation is, on balance, acceptable. However, the use of all of the units as permanent, separate dwelling houses is unlikely to be supported in this location and would require further consideration. A condition restricting the use to holiday accommodation would therefore be necessary.
- 7.7 In carrying out an objective assessment of the proposals (in line with NPPF paragraph 11d), officers have had to balance any potential adverse impacts of the proposals on the character of the site and wider locality (AONB) and the significance of the designated heritage assets, the amenities of neighbouring land users and highway safety implications, against any benefits that the scheme might bring. In this case, the benefits include the one additional dwelling to alleviate the Council's current housing supply shortfall position and the various heritage benefits set out at paragraph 6.44, plus any wider economic or social benefits that the scheme might bring in terms of the rural, tourist economy and employment opportunities during the construction phase. The proposed holiday let accommodation would not contribute to the Council's 5 year housing land supply figures.
- 7.8 Within the context of paragraph 11(d) of the NPPF, and having considered the impact of the development on the significance of designated heritage assets and the AONB there are identified clear reasons for refusing the application and the adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits.
- 7.9 The recommendation is therefore to refuse both planning and listed building consent for the following reasons.

8. CONDITIONS / INFORMATIVES / REFUSAL REASONS

Planning – 23/01424/FUL

- 1 Glenfall House, Glenfall Lodge and the Gate Piers, Gates and Walls to Glenfall Lodge are all Grade II listed. The gardens of Glenfall House are also a Grade II listed registered park and garden. Overall, Glenfall House, the coach house/stables, the gate piers, gates and walls to Glenfall Lodge, in combination create a strong group value. The site is located outside of the Principal Urban Area of Cheltenham (PUA) and wholly within the Cotswolds National Landscape (AONB).

Sections 66 and 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 require the local planning authority, when considering whether to grant planning permission for development that affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting.

The proposed two storey extension, which adopts a continuous S shaped footprint, extends approximately 74 metres in continuous length and some 41 metres in length north/south with a maximum height of approximately 8.5 metres. The proposed detached garage/store outbuilding is located in close proximity to the rear, south elevation of the extension and has a footprint of 75 sq. metres and height of 5.2 metres. By virtue of their overall size, design, scale, massing and layout, these elements of the proposals are not considered to be subservient in scale or appearance to the principal listed building and compete visually with it. As such, their cumulative impact would harm the setting of the principal listed building, Glenfall House, and thereby its significance.

The proposed development is not considered to sustain the designated heritage assets, and causes harm to their significance. Having regard to paragraph 208 of the NPPF, the extent of harm is considered to be less than substantial, but there are not considered to be any meaningful public benefits that might outweigh this harm.

The proposed development is therefore contrary to Policy D1 of the Cheltenham Plan (2020), Policies SD4 and SD8 of the Joint Core Strategy (2017), Sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Section 16 of the National Planning Policy Framework (2023) and the Historic Environment Good Practice Advice (note 2).

- 2 The proposed surface water drainage strategy is insufficient for the type and scale of development proposed. The proposals do not therefore adhere to the design guides of the Non-Statutory Technical Standards for Sustainable Drainage and the CIRCA SuDS Manual.

The proposed development is therefore contrary to adopted policy INF2 of the Joint Core Strategy (2017) and Section 14 of the NPPF.

- 3 The proposed development, by virtue of resulting in a net increase in dwellings, would result in an adverse effect on the integrity of the Cotswold Beechwoods SAC; however, no mitigation has been proposed to address the impacts of the proposal on the SAC. Without appropriate mitigation, the proposed development is likely to have a significant effect on the Cotswold Beechwoods SAC through increased recreational pressure.

The proposed development is therefore contrary to adopted policy BG1 of the Cheltenham Plan (2020) and the aims of The Conservation of Habitats and Species Regulations 2017.

Listed Building Consent – 23/01424/LBC

- 1 Glenfall House, Glenfall Lodge and the Gate Piers, Gates and Walls to Glenfall Lodge are all Grade II listed. The gardens of Glenfall House are also a Grade II listed registered park and garden. Overall, Glenfall House, the coach house/stables, the gate piers, gates and walls to Glenfall Lodge, in combination create a strong group value. The site is located outside of the Principal Urban Area of Cheltenham (PUA) and wholly within the Cotswolds National Landscape (AONB).

Sections 66 and 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 require the local planning authority, when considering whether to grant planning permission for development that affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting.

The proposed two storey extension, which adopts a continuous S shaped footprint, extends approximately 74 metres in continuous length and some 41 metres in length north/south with a maximum height of approximately 8.5 metres. The proposed detached garage/store outbuilding is located in close proximity to the rear, south elevation of the extension and has a footprint of 75 sq. metres and height of 5.2 metres. By virtue of their overall size, design, scale, massing and layout, these elements of the proposals are not considered to be subservient in scale or appearance to the principal listed building and compete visually with it. As such, their cumulative impact would harm the setting of the principal listed building, Glenfall House, and thereby its significance.

The proposed development is not considered to sustain the designated heritage assets, and causes harm to their significance. Having regard to paragraph 208 of the NPPF, the extent of harm is considered to be less than substantial, but there are not considered to be any meaningful public benefits that might outweigh this harm.

The proposed development is therefore contrary to Policy D1 of the Cheltenham Plan (2020), Policies SD4 and SD8 of the Joint Core Strategy (2017), Sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Section 16 of the National Planning Policy Framework (2023) and the Historic Environment Good Practice Advice (note 2).

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 authority cannot provide a solution that will overcome the harm caused to the significance of the listed building.

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

CASE OFFICER: Mrs Lucy White

AUTHORISING OFFICER:

DATE:

Consultations Appendix

Historic England

19th August 2024 -

Thank you for your letter of 14 August 2024 regarding further information on the above application for listed building consent. On the basis of this information, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation adviser.

It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals. However, if you would like detailed advice from us, please contact us to explain your request.

Heritage and Conservation 1

15th February 2024 -

Re: Conservation comments 23/01424/FUL & 23/01424/LBC - Glenfall House, Mill Lane, Charlton Kings, Cheltenham

The proposed works are for a part change of use of principal building from hotel/event venue to single dwelling (C3), including removal of extensions/alterations to principal building. Demolition of coach house, stables and 20th century buildings and extensions and replacement with new outbuildings consisting of garaging, holiday let apartments (C1), leisure building (including swimming pool) and a greenhouse. Internal alterations to listed building and alterations to historic landscaped grounds and kitchen garden.

Glenfall House is a grade II listed building set within a grade II listed registered park and garden. The proposed works are for the demolition of various outbuildings, internal and external alterations to existing house and new residential development.

There are main issues to consider are the impact of the proposed development on the grade II listed house, its associated curtilage listed buildings and the grade II listed registered park and garden.

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 72(1) states, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area and para 16(2), which requires local planning authorities to have special regard to the desirability of preserving the special architectural or historic interest of listed buildings and their setting.

A core principle of the National Planning Policy Framework 2023 (NPPF) is heritage assets 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 203 of the NPPF, which requires the significance of heritage assets to be sustained and enhanced, with paragraph 205 requiring great weight be given to the asset's conservation.

Advice regarding demolition was previously given under pre-application 22/00947/PREAPP. The current application provides justification for demolition and shows a denser form of development.

The existing historic outbuildings, which include the former coach house, former stables and early c20th motor garage, along with remnants of the walled garden and associated structures, are considered curtilage listed buildings. The submitted supporting documents identify the low level of significance of these outbuildings, diminished further as a result of the

substantial later alterations and extensions, which themselves now adversely affect the setting of the listed building. These conclusions are agreed with.

While the outbuildings can be considered to have a low level of significance, the demolition of these outbuildings is still considered to result in a degree of harm. Regarding harm paragraph 206 of the NPPF states, "Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification." and paragraph 208 of the NPPF states, "Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use."

The supporting documents are considered to provide clear and convincing justification for demolition and directly address the public benefits of the proposal, they include: Improvements to the setting of the listed Glenfall House; Securing the removal of modern interventions to the house associated with its earlier commercial and institutional uses; Returning it back to a private dwelling; Repairs and renovation of the roof, removing the water tank, repairs to the stucco and internal architectural features; Conservation of the registered garden and the various garden structures within it; Securing the long-term future maintenance of the listed buildings on the site; Helping to secure a viable long term future use for the place. It is recognised these are notable public benefits that need to be given significant weight.

The proposed internal alterations to listed building, including removal of extensions/alterations predominantly affect later, less sensitive areas of Glenfall House. The proposed works are not objected.

The proposed solar panels to Glenfall House are considered prominently visible on the south elevation from the South Lawn. It is advised these are removed because of their harmful visual appearance. Alternative locations for ground mounted solar panels were discussed on site and a location identified to the south of the existing hedge located to the south of Glenfall on its southern boundary along the line of what appears to be an historic ha-ha. The application should be amended to address this concern.

There are concerns over the proposed development, which are considered a backward step over the submitted pre-application proposal, over which concerns were also raised. As submitted there are concerns over the cumulative impact of the location, scale, massing, detailing and creation of separate curtilages of the proposed outbuildings. It is considered significant amendment is required to address these concerns. As submitted the development proposal cannot be supported on heritage grounds.

Concern is raised over the location, scale and massing of the proposed Leisure Building. It should be noted the existing garage building is considered to have a built form that is overly bulky and visually intrusive within the setting of Glenfall House and its gardens. The proposed Leisure Building insufficiently addresses this, it being considered to exacerbate the impact of built form through its scale and massing and forward projection toward the Existing Drive, with the result it is visually intrusive and therefore incongruous. It is considered it needs to be more discreet, i.e. set away from the Existing Drive and have a meaningful overall reduction in its scale and massing to address this concern.

One but not the only consideration is the bulk to the Leisure Building as a result of it being one and a half storeys in height. The increased height of the façade to accommodate additional internal habitable floorspace adding additional massing to it. Consideration should be given to the Leisure Building being a true single storey building with rooms in the roof. If such an approach it taken it is not advisable raise the ridge height to create a steeper pitch to accommodate additional floorspace as this will just transfer the massing to the roof.

The proposed Garage Block / Holiday Let Apartment is almost an 'L' shaped building, attached to north wing of Glenfall House and creating an enclosure to the Walled Garden. A general concern is raised that, cumulatively with the Leisure Building, it creates substantial built form within the immediate setting of Glenfall House. In trying to address the harm caused to the setting by the existing outbuildings harm is created elsewhere.

While there is a general concern over the scale and massing of the proposed Garage Block / Holiday Let Apartment, specific concern is raised over its width, which is wider than the north façade of the south wing of Glenfall House. Its built form is considered to be insufficiently broken up. This concern is exacerbated by its openness from the Drive and the Proposed Courtyard, which results in it being highly visible. A concern is also raised over the visual appearance of the Garage Block, the openings of which give it a modern character, out of keeping with its historic context.

The proposed attachment of the Garage Block to Glenfall House needs more careful consideration. As proposed the connection is too heavy and considered to detract from the appearance of the listed building. If a physical connection to Glenfall is going to be acceptable, the link needs to be lighter, through a reduction in its scale and massing such as a more significant set back and set down, having a true single storey (not one and a half as proposed), use of a hipped roof and/or use of materials such as a glazed link. It is advised separation between is more desirable.

It should also be noted, any loss of the northern section of the existing hedge between the South Lawn and the Walled Garden would raise concerns as it would result in the garage block becoming more prominent in the context of the listed building and from the south lawn. It is considered the existing hedge needs to remain unaltered to provide a strong edge between the proposed Garage Block and Glenfall House.

The proposed use of gable ends on the ends of the proposed outbuildings result in a prominent and bulky addition to the first floors/roofs. It is advised the scale and massing is addressed through an amendment showing the removal or reduction of the prominence of the gables, achieved through, for example, the introduction of hipped roofs to reduce massing and to loosely reflect the hipped roof of Glenfall. The buildings need to appear as discreet as possible. Two gables facing onto the courtyard creates a unwelcomely strong visual feature

It is generally considered the fenestration to the outbuildings is excessive and overly domestic in character, having a domestic appearance rather than service outbuildings that are ancillary and subservient to the main house. It is advised significant revision of the number and type of fenestration is required.

The proposed use of oriel windows as a feature on the gable ends is considered to be an overly decorative feature that will draw the eye. It is important the outbuildings reflect their low hierarchical status and not draw attention away from the main house. It is advised the oriel windows be removed.

Concern is raised over the proposed use of powder coated aluminium windows. These are considered to have a heavy appearance that would be out of keeping with the character and appearance of Glenfall House. It is advised timber or lightweight steel window be used.

Little detail of the appearance of the Greenhouse has been submitted within the application. It is therefore not possible to comment on this other than in generalisations. The principle of a greenhouse in this location may raise concerns. It is prominently located within the Walled Garden and its appearance is not characteristic of a greenhouse that would be found within an historic walled garden.

Typically historic greenhouses would be attached to buildings or garden walls. Further details of the proposal will need to be submitted as part of this application to allow proper consideration of its impact, although it is advised it is attached as a lean-to, to a building or garden wall.

It is advised the amendments to the Drive be more carefully considered. The proposed Realigned Drive leading to the proposed Courtyard should have a different surface treatment to define it as a secondary access to avoid it competing with the drive accessing the Main House Forecourt.

There appears to be proposed piers and what may be a barrier or similar such feature located adjacent to the Main House Forecourt and the Drive Realigned. It is unclear what this feature is. Clarification is required. Concern would be raised if it is some form of barrier or gate as this would be an incongruous feature within such a location. If this is the case it should be removed from the development proposal.

The principle of reinstating a tennis court in the location of an historic tennis court is acceptable. However, it is difficult to comment on these aspects of the works as little information has been submitted.

It was previously advised in pre-application 22/00947/PREAPP "A tennis court with, for example, modern surfacing and a tall fence may appear out of keeping within the curtilage of the listed building, which is comprised of a registered park and garden. Further details of the historic tennis court and what is proposed to be reinstated need to be submitted within any application. Careful consideration will need to be given to how the works will affect the heritage assets."

Further details have not been forthcoming and given the sensitivity of the site it is not considered these details can be dealt with by condition. Further details taking into consideration the above concerns will need to be submitted or this element of the proposal should be withdrawn. As submitted the lack of information regarding the reinstated tennis court is considered grounds for refusal.

As submitted it appears separate holiday lets with their own enclosed garden curtilages and parking are being proposed. The subdivision of the site through the creation of distinct curtilages associated with the proposed outbuildings raises significant concern. This subdivision is unwelcome and considered to harm the wider curtilage of Glenfall.

It is advised the use of means of enclosures, including new hedges, gates and separate parking areas to service the outbuildings is avoided. It is important there is a strong sense of connection between the outbuildings and Glenfall House and that separate curtilages subdividing the main curtilage are not created.

In conclusion, less than substantial harm has been identified as a result of the proposed demolition of the existing outbuildings. The requirements of paragraphs 206 and 208 of the NPPF need to be carefully considered. There are clear public benefits to the general principle of the development proposal which need to be weighed against the harm that would be caused as a result of the demolition of the existing outbuilding which have a low level of significance, substantially compromised by later alterations.

Notwithstanding the issue of demolition, the proposed outbuildings are not considered to sustain the affected designated heritage assets as a result of cumulative concerns over their proposed location, scale, massing, detailing and the creation of separate curtilages. The proposed works do not therefore comply with Section 16 of the Planning (Listed Building and Conservation Area) Act 1990, Chapter 16 of the National Planning Policy Framework and Policy SD8 of the Joint Core Strategy 2017.

Heritage And Conservation 2

26th April 2024 –

23/01424/LBC Part change of use of principle building from hotel/event venue to single dwelling (C3), including removal of extensions/alterations to principal building. Demolition of Coach House, stables and C20 buildings and extensions and replacement with new outbuildings consisting of garaging, holiday let apartments (C1), leisure building (including swimming pool) and a greenhouse, internal alterations to listed building and alterations to historic landscaped grounds and kitchen garden.

This a joint application with 23/01424/FUL

SITE

Glenfall House is a grade II listed building and set within a grade II listed registered park and garden.

COMMENTS ON THE PROPOSAL

In May 2022 a pre-application enquiry was submitted, 22/00947/PREAPP for the demolition of outbuilding, alterations to existing house and new residential development, which was dealt with by a previous Conservation Officer who has now left Cheltenham Borough Council. It was concluded that;

The principle of the proposed demolition works is considered unacceptable and would not be supported should an application(s) be submitted. Similarly, and notwithstanding the above, there are significant concerns regarding the design, scale, massing, subservience, layout and use of the proposed new build elements of the scheme. These elements of the proposals would also not be supported should an application be submitted in their current form.

The applicant is urged to re-consider the adaptation and conversion of existing listed curtilage buildings/structures to accommodate the ancillary uses proposed. In August 2023 a full planning application 23/01424/FUL and listed building consent application 23/01424/LBC were submitted, which are the current applications we are now dealing with. In February 2024 comments were made by the previous Conservation officer who was dealing with the scheme and has since left Cheltenham Borough Council. Based on his comments and advice a revised scheme has now been submitted for assessment.

Demolition of outbuildings

Comments made by the previous conservation officer were;

Advice regarding demolition was previously given under pre-application 22/00947/PREAPP. The current application provides justification for demolition and shows a denser form of development.

The existing historic outbuildings, which include the former coach house, former stables and early c20th motor garage, along with remnants of the walled garden and associated structures, are considered curtilage listed buildings. The submitted supporting documents identify the low level of significance of these outbuildings, diminished further as a result of the substantial later alterations and extensions, which themselves now adversely affect the setting of the listed building. These conclusions are agreed with.

While the outbuildings can be considered to have a low level of significance, the demolition of these outbuildings is still considered to result in a degree of harm. Regarding harm paragraph 206 of the NPPF states, "Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification." and paragraph 208 of the NPPF states, "Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use."

The supporting documents are considered to provide clear and convincing justification for demolition and directly address the public benefits of the proposal, they include: Improvements to the setting of the listed Glenfall House; Securing the removal of modern interventions to the house associated with its earlier commercial and institutional uses; Returning it back to a private dwelling; Repairs and renovation of the roof, removing the water tank, repairs to the stucco and internal architectural features; Conservation of the registered garden and the various garden structures within it; Securing the long-term future maintenance of the listed buildings on the site; Helping to secure a viable long term future use for the place. It is recognised these are notable public benefits that need to be given significant weight.

I concur with the above, therefore the demolition of the outbuildings is acceptable.

Proposed internal alterations

Comments made by the previous conservation officer were;

The proposed internal alterations to listed building, including removal of extensions/alterations predominantly affect later, less sensitive areas of Glenfall House. The proposed works are not objected.

Again, I agree with this, therefore the proposed internal alterations are acceptable.

Proposed Solar Panels

It was previously advised that the proposed solar panels on the south elevation roof should be removed from the application as they would be prominently visible from the south lawn, due to the harmful visual appearance. It was also advised that an alternative location should be sought for the ground mounted solar panels, which was discussed on site with the previous conservation officer.

Revisions have now been made; with regards to the ground mounted solar PV panels, it has been proposed to relocate them behind the walled garden hedge, which is acceptable.

The panels that have been relocated on the west facing roof slope of the main house will not be visible at all behind the high parapet, this is acceptable.

However, the revised proposed site plan 2682-2101 Rev C indicates that there are still solar PV panels on a south facing roof elevation, which are also apparent on Proposed main house elevations 2682-2123 Rev C where they are clearly seen on south elevation section JJ drawing. These solar PV panels should be omitted from the scheme.

Proposed leisure building

Comments made by the previous conservation officer were;

Concern is raised over the location, scale and massing of the proposed Leisure Building. It should be noted the existing garage building is considered to have a built form that is overly bulky and visually intrusive within the setting of Glenfall House and its gardens. The proposed Leisure Building insufficiently addresses this, it being considered to exacerbate the

impact of built form through its scale and massing and forward projection toward the Existing Drive, with the result it is visually intrusive and therefore incongruous. It is considered it needs to be more discreet, i.e. set away from the Existing Drive and have a meaningful overall reduction in its scale and massing to address this concern.

One but not the only consideration is the bulk to the Leisure Building as a result of it being one and a half storeys in height. The increased height of the façade to accommodate additional internal habitable floorspace adding additional massing to it. Consideration should be given to the Leisure Building being a true single storey building with rooms in the roof. If such an approach is taken it is not advisable to raise the ridge height to create a steeper pitch to accommodate additional floorspace as this will just transfer the massing to the roof.

Revisions have been made to the leisure building following on from the comments made by the previous conservation officer. The height of the building has been reduced by 2m on the section which houses the pool, and over 1m on the southern end, which is now visually expressed as a single storey building. The overall footprint of the building has also been reduced in both length and width and it has also been positioned further south, which helps to alleviate the intrusiveness on the existing driveway.

Further concerns raised by the previous conservation officer was the potential to light spill from the leisure building. With the reduction in size and height, the amount of elevation glazing and glazing within the roof any light spill should be reduced. However, one element which is raising a concern is the amount of solar PV panels to the southern roof elevation, which has been increased with the revisions made. Previously there was one row of panels, now there are two rows which completely covers the whole of the roof elevation. Whilst the principle of solar panels on the building is considered acceptable as this is a new build, there will be a visual impact on the heritage asset where they can be viewed. To minimise this impact the number of solar panels should be reduced to what was proposed previously, one row. If the plan is amended indicating this the proposed leisure building will be acceptable.

Proposed greenhouse

Comments made by the previous conservation officer were;

Typically, historic greenhouses would be attached to buildings or garden walls. Further details of the proposal will need to be submitted as part of this application to allow proper consideration of its impact, although it is advised it is attached as a lean-to, to a building or garden wall.

Little detail of the appearance of the Greenhouse has been submitted within the application. It is therefore not possible to comment on this other than in generalisations. The principle of a greenhouse in this location may raise concerns. It is prominently located within the Walled Garden and its appearance is not characteristic of a greenhouse that would be found within an historic walled garden.

Whilst there is no actual design / drawing submitted of the greenhouse, details are offered of the proposed style / design in the revised covering letter dated 28th March 2024. I can comment that whilst I agree with the previous comments made by the conservation officer, that greenhouses were often attached to a wall as a 'lean-to', I would not object to the proposed, but this would be dependent on the size, style / design that is submitted and we require these details in order to make a thorough assessment of the proposal.

Proposed tennis court

Comments made by the previous conservation officer were;

The principle of reinstating a tennis court in the location of an historic tennis court is acceptable. However, it is difficult to comment on these aspects of the works as little information has been submitted.

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It was previously advised in pre-application 22/00947/PREAPP "A tennis court with, for example, modern surfacing and a tall fence may appear out of keeping within the curtilage of the listed building, which is comprised of a registered park and garden. Further details of the historic tennis court and what is proposed to be reinstated need to be submitted within any application. Careful consideration will need to be given to how the works will affect the heritage assets."

Further details have not been forthcoming and given the sensitivity of the site it is not considered these details can be dealt with by condition. Further details taking into consideration the above concerns will need to be submitted or this element of the proposal should be withdrawn. As submitted the lack of information regarding the reinstated tennis court is considered grounds for refusal.

I agree with the above comments, that in principle of reinstatement of the tennis courts is acceptable. Details have been offered in the revised covering letter dated 28th March 2024, however this is just one example. Further details are required in order to make a full assessment of the proposal.

Proposed driveway

Comments made by the previous conservation officer were;

It is advised the amendments to the Drive be more carefully considered. The proposed Realigned Drive leading to the proposed Courtyard should have a different surface treatment to define it as a secondary access to avoid it competing with the drive accessing the Main House Forecourt.

There appears to be proposed piers and what may be a barrier or similar such feature located adjacent to the Main House Forecourt and the Drive Realigned. It is unclear what this feature is. Clarification is required. Concern would be raised if it is some form of barrier or gate as this would be an incongruous feature within such a location. If this is the case it should be removed from the development proposal.

Within the revised covering letter dated 28th March 2024, it is suggested that a cobbled buffer strip and edging detail are proposed to delineate the service yard from the main approach. I agree with the earlier comments made by the previous conservation officer that there should be a variation in surface treatment between the driveway to the main house and the courtyard, thoughts should be given to this, and revisions made to address this.

With regards to the comments made previously regarding the proposed piers, which may accommodate some sort of barrier, the revised covering letter dated 28th March 2024 goes on to say; "Only one gate is proposed at the entrance to the main drive, where there is a fork to the adjacent farm. This is for security purposes as the primary gates at the entrance to the estate are on a shared access and not secure. A gate to the house is essential as the property has had several uninvited trespassers in recent months. Police references can be provided, if required".

This is acceptable; however, we will require a clear plan indicating where the gate is to be located.

Proposed landscaping

Comments made by the previous conservation officer were;

It is advised the use of means of enclosures, including new hedges, gates and separate parking areas to service the outbuildings is avoided. It is important there is a strong sense of connection between the outbuildings and Glenfall House and that separate curtilages subdividing the main curtilage are not created.

As submitted it appears separate holiday lets with their own enclosed garden curtilages and parking are being proposed. The subdivision of the site through the creation of distinct curtilages associated with the proposed outbuildings raises significant concern. This subdivision is unwelcome and considered to harm the wider curtilage of Glenfall.

Revisions have been made to address the above concerns, along with the proposed planting scheme this is now considered to be acceptable.

Proposed development of garaging and apartments

Comments made by the previous conservation officer were;

There are concerns over the proposed development, which are considered a backward step over the submitted pre-application proposal, over which concerns were also raised. As submitted there are concerns over the cumulative impact of the location, scale, massing, detailing and creation of separate curtilages of the proposed outbuildings. It is considered significant amendment is required to address these concerns. As submitted the development proposal cannot be supported on heritage grounds.

The proposed Garage Block / Holiday Let Apartment is almost an 'L' shaped building, attached to north wing of Glenfall House and creating an enclosure to the Walled Garden. A general concern is raised that, cumulatively with the Leisure Building, it creates substantial built form within the immediate setting of Glenfall House. In trying to address the harm caused to the setting by the existing outbuildings harm is created elsewhere.

While there is a general concern over the scale and massing of the proposed Garage Block / Holiday Let Apartment, specific concern is raised over its width, which is wider than the north façade of the south wing of Glenfall House. Its built form is considered to be insufficiently broken up. This concern is exacerbated by its openness from the Drive and the Proposed Courtyard, which results in it being highly visible. A concern is also raised over the visual appearance of the Garage Block, the openings of which give it a modern character, out of keeping with its historic context.

The proposed attachment of the Garage Block to Glenfall House needs more careful consideration. As proposed the connection is too heavy and considered to detract from the appearance of the listed building. If a physical connection to Glenfall is going to be acceptable, the link needs to be lighter, through a reduction in its scale and massing such as a more significant set back and set down, having a true single storey (not one and a half as proposed), use of a hipped roof and/or use of materials such as a glazed link. It is advised separation between is more desirable.

The proposed use of gable ends on the ends of the proposed outbuildings result in a prominent and bulky addition to the first floors/roofs. It is advised the scale and massing is addressed through an amendment showing the removal or reduction of the prominence of the gables, achieved through, for example, the introduction of hipped roofs to reduce massing and to loosely reflect the hipped roof of Glenfall. The buildings need to appear as discreet as possible.

Two gables facing onto the courtyard creates a unwelcomely strong visual feature. It is generally considered the fenestration to the outbuildings is excessive and overly domestic in character, having a domestic appearance rather than service outbuildings that are ancillary and subservient to the main house. It is advised significant revision of the number and type of fenestration is required.

The proposed use of oriel windows as a feature on the gable ends is considered to be an overly decorative feature that will draw the eye. It is important the outbuildings reflect their low hierarchical status and not draw attention away from the main house. It is advised the oriel windows be removed.

Concern is raised over the proposed use of powder coated aluminium windows. These are considered to have a heavy appearance that would be out of keeping with the character and appearance of Glenfall House. It is advised timber or lightweight steel window be used.

Revisions have now been made to the garage block and apartments based on previous comments and advice. It is acknowledged that the recent revisions made have gone some way to address the concerns raised by the previous conservation officer, in that, the proposed new garaging and apartments have been broken up to an extent to alleviate the mass and scale. The new development has also been set back from the main house by introducing a single storey garage, which adjoins the two buildings. The openings to the garage block has now been revised to a more traditional opening 'style' which is more in-keeping and sympathetic to the surroundings, and hipped roofs have been introduced to reduce massing.

Whilst the above revisions have been made, the proposed scheme has taken a step back again. The revised proposals are now for a two-storey building that takes architectural detailing and a style from the main house, with chimneys, parapets, traditional sash windows and canopies over the entrance doorways. All of these elements form features from domestic dwellings with the overall appearance being an extension to the main house. There is no ancillary definition between the new development and historic building, apart from the garage openings. Notwithstanding the design there is also no subservience, and the increase to two-storey has again increased the scale and massing.

It has been made clear throughout the pre-application process and the submission of the full and listed building consent applications that there were concerns regarding the design, subservience and the scale and massing. Again, cumulatively with the proposed leisure building, substantial built form is proposed within the setting of Glenfall House, which cannot be supported in its current proposal due to the 'less than substantial harm' that would be caused to the heritage asset and its setting.

The principle of the proposed scheme has been accepted, however, the design of the garaging and apartments will need to be revised again, for officer's support to be forthcoming. The heritage team want to support the application and would be happy to discuss a revision again. Looking at all of the proposed designs for this building, throughout the pre-application process and the submission of full applications, I can confirm the following;

- The break between the main house and the new development is acceptable.
- The introduction of hipped roofs are acceptable.
- The arched garage openings are acceptable.
- It would be preferable for the proposed materials for the garaging / apartments differs from the main house to ensure a contrast. The previously proposed material was brick this should be re-introduced.
- Whilst keeping the proposed layout for the new development, which is now acceptable, the proposed two-storey development should be reduced to 1.5 storey.
- Dormer windows would be acceptable but kept to a minimum.
- The overall design should reflect an ancillary building, with simple fenestration / doors etc.

Heritage And Conservation 3

9th September 2024 –

Glenfall House 23/01424/LBC

Drawings 13th May 2024

Greenhouse

Brochure details of the greenhouse have been submitted. The overall scale and design is considered acceptable in principle with respect to scale design and materials, notwithstanding the need for more detailed drawings including sections the profile of glazing and samples of materials. The indicative elevations/site plan demonstrate the greenhouse would be aesthetically acceptable and appear subservient within the overall context of the group of heritage assets.

Proposed tennis court

The principle of reinstating a tennis court in the location of an historic tennis court is acceptable. Details of the Pladex tennis court, in green, with mesh and obelisks post fencing are acceptable. The proposed tennis court would be visually recessive (a purple/blue surface would not be appropriate) and appropriate to the historic context.

Revisions made 30th July 2024

The proposed removal of the historic extensions to the main house are acceptable, as are the proposed internal alterations to Glenfall House.

Garage Store Building

The garage /workshop is acceptable in size by 1m and is now timber clad to ensure simplicity and status of workshop building. The change to red brick is welcome, as is the timber cladding.

Outbuildings

Demolition of the existing outbuildings represents an opportunity to create clear hierarchy of buildings across the site, with the main house retaining visual prominence. Whilst it is accepted that the standing group of curtilage listed buildings are of low significance and that as a result of change over time the current outbuildings lack cohesion, this does not in itself justify the extent of the proposed footprint of the apartment range.

The existing outbuildings (considered curtilage listed), whilst of low significance, form part of the historical significance of the Glenfall estate. Albeit that the standing buildings are much evolved, visually they read as service buildings, set back from the south elevation of Glenfall House allowing the listed building to retain prominence and are illustrative of the evolution of the country estate.

The latest proposals comprise a substantial L-shaped two storey building to the east of the listed building, with a single storey leisure building attached at the rear of the range and a greenhouse and garage to the east of the south lawn.

There are several direct heritage benefits, as set out on page 24 of the Heritage Statement, these are acknowledged and welcome. It would have been pertinent to update the Heritage Impact Statement in light of the revised proposals, in line with paragraph 200 of the NPPF. An elevation of the swimming pool elevation is also required to assess the scheme and officers await this drawing, in order to assess the proposal. Gate location details are also required to assess the proposal.

Timber cladding of the garage is welcome and the slight reduction in the scale of the garage block, on balance, would be acceptable, on the basis that the attached range is reduced in size as discussed below.

To create a sense of a 'service courtyard' the proposed apartment buildings should be scaled back with the L-shaped service range reduced in length and, ideally, in height to 1.5 storeys, such that the range presents within the group of buildings as a visually recessive element within the setting of Glenfall House.

The single storey 'break' between the main house and the new development is acceptable and the introduction of hipped roofs and the arched garage openings is welcome. Brick has been re-introduced as a contrasting material, which is also welcome. The Leisure building would read better within the scheme if it was separated from the main range and relocated back to the north-east but not linked. There is an opportunity to open-up the view of the oak

tree from main house by re-siting of the leisure building and/or removal of the arch feature on the main range, this opportunity has not been harnessed under the latest scheme drawings (although this was presented on an earlier version of the proposals).

Officers previously advised that the proposed two-storey range should be reduced to 1.5 storey and that the overall design should reflect an ancillary building, with simple fenestration and a less domestic appearance. This has been achieved, to a degree, and in principle the thrust of the design and enclosing the courtyard could be supported. However, the scale and length of the range cannot be supported. The overall footprint and of the proposal, including the leisure building, would be larger than the listed building, this coupled with the scale and minimal set back from the rear building line would result in a set of buildings that compete visually and therefore would not be subservient to the heritage asset.

The principle of demolition of the curtilage buildings has been accepted on the basis that new development coming forward mitigates heritage harm. Whilst the scheme includes direct heritage benefits, these would not balance out the level of harm to significance that would occur as a result to an unacceptable impact on the setting of Glenfall House (grade II listed), Glenfall lodge (grade II listed), Gate Piers, Gates and Walls to Glenfall House (grade II) Rose Gate (grade II listed) and Glenfall House Registered Park and Garden (grade II). As a group these assets relate visually to each other and their settings overlap. The heritage context is therefore rich and of all assets are of high significance.

The proposal cannot be support in its current form. There are significant concerns regarding the scale, massing, design and layout of the proposed attached outbuildings. The main range of outbuildings component of the proposal cannot be supported, on the basis that by virtue of an unacceptable impact on the setting of heritage assets, the proposal would fail to preserve the special historic and architectural interest of heritage assets. The level of harm would be at the higher end of the 'less than substantial' scale, engaging paragraph 208 of the NPPF and contrary to policy SD8 of the Joint Core Strategy. The revised proposals July 2024 cannot be supported from a heritage perspective as it stands.

The Gardens Trust

13th February 2024 -

The Garden Trust, as Statutory Consultee for Planning Applications that may impact on Listed or Registered parks, gardens and landscapes, has notified The Gloucestershire Gardens and Landscape Trust (GGLT) to respond on its behalf.

The proposal is of particular interest to GGLT, as it was through the action of the Trust that the Arts and Crafts terrace and other key features were recognised, and resulted in its being Listed.

It is considered that these proposals by Yiangou Architects should be welcomed as Glenfall House and its immediate setting has had a rather chequered recent history. This proposal which recasts the house and reinterprets the currently outworn associated buildings should maintain the character, quality and presence of this heritage asset into the future.

The immediate garden setting and its impact and use of the wider landscape setting is being refreshed and its quality in terms of materials and detailing maintained. However, one observation that should be considered is moving the proposed replacement tennis court further South and which could reduce its visual impact. This should include assessing the impact of its surrounding netting (if used) and the view from the croquet lawn and the West front of Glenfall House over the restored pergola.

Parish Council 1

8th November 2023 –

No objection.

Parish Council 2

2nd September 2024 –

The Committee does not object to this application and notes its acceptance by the Cotswold National Landscape Board and Natural England's comments on wildlife.

Cotswold Conservation Board (Cotswold National Landscape) 1

9th November 2023 - Letter available to view in documents tab.

Summary – no objection in principle but concerns raised over proposed internal and external lighting and impact on dark skies

Cotswold Conservation Board (Cotswold National Landscape) 2

1st May 2024 - Response available to view in documents tab.

Cotswold Conservation Board (Cotswold National Landscape) 3

5th September 2024 –

Thank you for consulting the Board on the latest round of revised drawings for the above application. The Board has no further comments on the revised drawings, but our comments contained within our response dated 30 April 2024 regarding the conditioning of a site-wide lighting scheme including the replacement of the non-directional floodlights agreed to by the applicant still stand.

Natural England

25th April 2024 –

Our Reference: 473544

Application No: 23/01424/FUL

Proposed Development: Part change of use of principal building from hotel/event venue to single dwelling (C3), including removal of extensions/alterations to principal building. Demolition of coach house, stables and 20th century buildings and extensions and replacement with new outbuildings consisting of garaging, holiday let apartments (C1), leisure building (including swimming pool) and a greenhouse. Alterations to historic landscaped grounds and kitchen garden.

Location: Glenfall House Mill Lane Charlton Kings.

Thank you for your consultation.

Despite the proximity of the application site to a European Site -i.e. the Cotswold Beechwoods SAC, the consultation documents provided do not include information to demonstrate that the requirements of regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended) have been considered by your authority, i.e. the consultation does not include a Habitats Regulations Assessment. Natural England advises that a Habitat Regulations Assessment is required as the proposal has the potential to impact the RAMSAR/SAC.

It is Natural England's advice that the proposal is not directly connected with or necessary for the management of the European site. Your authority should therefore determine whether the proposal is likely to have a significant effect on any European site, proceeding to the Appropriate Assessment stage where significant effects cannot be ruled out. Natural England must be consulted on any appropriate assessment your authority may decide to make. Please note that the usual 21 day deadline will apply on receipt of the consultation.

Tree Officer 1

15th November 2023 –

A suitable method statement (conforming to BS5837) to describe the resurfacing of the drive should be submitted. These works will be within the root protection area of T9 and due care should be given to avoid damaging the roots of these trees.

The planting scheme, although generous, lacks detail (species, tree size, pit details). A landscape plan should be submitted to include such details and should include the recommendations made by the arborist to mitigate for the loss of T8.

Foundations of new buildings should be designed to account for the proximity of retained trees. Building Control can be consulted to provide further advice.

It should be noted that trees on site are protected by virtue of TPO721.

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

Tree Officer 2

30th August 2024 –

As before, the revisions do not appear to increase any impact on trees and the tree protection plan previously submitted appears to still be valid. However, the documents requested by the Trees Section previously are yet to be submitted. Without these documents, the scheme cannot be properly assessed.

GCC Local Flood Authority (LLFA) 1

2nd November 2023 –

I refer to the notice received by the Lead Local Flood Authority (LLFA) requesting comments on the above proposal. The LLFA is a statutory consultee for surface water flood risk and management and has made the following observations and recommendation.

Flood Risk

The Flood Risk Assessment (FRA) shows that the site is in flood zone 1 and is shown to be at low risk according to the Risk of Flooding from Surface Water map.

Surface water management

Discharge strategy

The Application Form states that surface water will be discharged to a Main Sewer but the FRA and Landscape Strategy (23029.101-E) suggest soakaways will be used. This should be clarified.

The geology of the site is mudstone/siltstone, which is generally not conducive for infiltration. If soakaways are being proposed then infiltration tests should be carried out and submitted to show it will be viable.

If infiltration isn't possible or infiltration tests have not been carried out then an alternative strategy to either discharge into a watercourse or a nearby surface water sewer should be provided.

Discharge rates

If discharging surface water offsite, the rate should be given and should be as close as reasonably practicable to the greenfield runoff rate for QBar.

Drainage strategy and indicative plan

The Landscape Strategy plan does show the location of some soakaways but, as explained above, no information has been provided to show that these will function. The surface water drainage should ensure the development does not increase the rate and volume of surface water leaves the site (and where possible reducing the discharge rate to as close as possible to the greenfield runoff rate) in rainfall events up to and including the 1 in 100 year rainfall event plus climate change and without flooding on site in a 1 in 30 year rainfall event. This may require attenuation in the form of Sustainable Drainage Systems (SuDS), which should be shown on a layout plan and the capacity of any features given based on suitable calculations.

Where required, water quality will need to be managed through passing surface water through SuDS before being discharged off site.

Climate Change

It is estimated that climate change will bring a 40% increase in the peak rainfall intensity. This will need to be incorporated into the drainage design.

Exceedance Flow Plan

Where surface water will flow when the design of the drainage is exceeded should shown, however, this will depend on the final topography of the site and can be provided with a detailed design condition.

LLFA Recommendation

While some information has been given on the drainage, it is insufficient for this type of application and doesn't demonstrate the proposal meets the design guides of the Non-Statutory Technical Standards for Sustainable Drainage and the CIRIA SuDS Manual.

NOTE 1 :The Lead Local Flood Authority (LLFA) will give consideration to 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.

GCC Local Flood Authority (LLFA) 2

22nd August 2024 -

I refer to the notice received by the Lead Local Flood Authority (LLFA) requesting comments on the above proposal. The LLFA is a statutory consultee for surface water flood risk and management and has made the following observations and recommendation.

There does not appear to be any further information on the surface water drainage strategy in the latest plans submitted. The LLFA has no further comments to make beyond those made on 02 November 2023.

NOTE 1 :The Lead Local Flood Authority (LLFA) will give consideration to 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.

Environmental Health 1

22nd November 2023 –

In relation to 23/01424/FUL & 23/01424/LBC, Glenfall House, Mill Lane, Charlton Kings, GL54 4EP, please find the below response from Environmental Health.

Environmental Health Conditions:

1. Details of the type/model, location and predicted noise levels of the proposed air source heat pumps (ASHPs) shall be submitted to and approved in writing by the local Planning authority, prior to installation. Any ASHP installed shall be in accordance with the details approved. The ASHPs shall be retained and maintained as such thereafter unless otherwise first agreed in writing by the Local Planning Authority.

2. Details of the type/model, location and predicted noise levels of the proposed ground source heat pump (GSHP) shall be submitted to and approved in writing by the local Planning authority, prior to installation. Any ASHP installed shall be in accordance with the details approved. The ASHPs shall be retained and maintained as such thereafter unless otherwise first agreed in writing by the Local Planning Authority.

3. No development shall begin until a sound insulation scheme has been submitted to and approved by the Local Planning Authority. The scheme should incorporate how to protect the habitable rooms in the residential units of the proposed development from the noise from the nearby working farm, which may include the use of equestrian stables, noise from animals/workers, and weaning of cattle, for example.

The noise assessment shall be carried out by a suitably qualified acoustic consultant/engineer and shall take into account the provisions of BS 8233: 2014 "Guidance on sound insulation and noise reduction for buildings", any acoustic attenuation scheme designed for this property shall achieve at least the 'reasonable' design range for living rooms and bedrooms from the British Standard referenced. The approved scheme shall be implemented prior to the commencement of the use and be permanently maintained thereafter.

- o Bedrooms (night time - 23.00 - 07.00) 30 dB LAeq (individual noise events should not normally exceed 45 dB L_{Amax,F} by more than 15 times)
- o Living Rooms (daytime - 07.00 - 23.00) 35 dB LAeq

4. No development shall take place, including any works of demolition, until a construction management plan or construction method statement has been submitted to and been approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the construction period. The statement shall provide for:

- 24 hour emergency contact number
- 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 - measures to protect vulnerable road users (cyclists and pedestrians)
- any necessary temporary traffic management measures - arrangements for turning vehicles

- arrangements to receive abnormal loads or unusually large vehicles - methods of 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
- demolition method statement
- measures for controlling the use of site lighting whether required for safe working or for security purposes.

5. All leisure facilities are for the use of the residents of Glenfall House and guests of the holiday lets only and not for public use or external hire.

6. There is to be no amplified music within the leisure facilities after 22:00.

Informatives:

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

Environmental Health 2

23rd May 2024 –

I have no reason to object or be concerned by the installation of a solar array. They are silent in operation and don't produce anything that would affect anyone living around the site. The aesthetic appeal of such a facility is outside my remit.

Environmental Health 3

22nd August 2024 –

In relation to application reference 23/01424/FUL (and 23/01424/LBC) for Glenfall House, Mill Lane, Charlton Kings, Cheltenham, GL54 4EP please can the following be added from Environmental Health:

Conditions:

1. Details of the type/model, location and predicted noise levels of the proposed air source heat pumps (ASHPs) shall be submitted to and approved in writing by the local Planning authority, prior to installation. Any ASHP installed shall be in accordance with the details approved. The ASHPs shall be retained and maintained as such thereafter unless otherwise first agreed in writing by the Local Planning Authority.
2. Details of the type/model, location and predicted noise levels of the proposed ground source heat pump (GSHP) shall be submitted to and approved in writing by the local Planning authority, prior to installation. Any ASHP installed shall be in accordance with the details approved. The ASHPs shall be retained and maintained as such thereafter unless otherwise first agreed in writing by the Local Planning Authority.
3. No development shall begin until a sound insulation scheme has been submitted to and approved by the Local Planning Authority. The scheme should incorporate how to protect the habitable rooms in the residential units of the proposed development from the noise from the nearby working farm, which may include the use of equestrian stables, noise from animals/workers, and weaning of cattle, for example.
4. The noise assessment shall be carried out by a suitably qualified acoustic consultant/engineer and shall take into account the provisions of BS 8233: 2014 "Guidance on sound insulation and noise reduction for buildings", any acoustic attenuation scheme designed for this property shall achieve at least the 'reasonable' design range for living rooms and bedrooms from the British Standard referenced. The approved scheme shall be

implemented prior to the commencement of the use and be permanently maintained thereafter.

- Bedrooms (night time - 23.00 - 07.00) 30 dB LAeq (individual noise events should not normally exceed 45 dB LAmax,F by more than 15 times)
- Living Rooms (daytime - 07.00 - 23.00) 35 dB LAeq

5. No development shall take place, including any works of demolition, until a construction management plan or construction method statement has been submitted to and been approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the construction period. The statement shall provide for:

- 24 hour emergency contact number
- 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 - measures to protect vulnerable road users (cyclists and pedestrians)
- any necessary temporary traffic management measures - arrangements for turning vehicles
- arrangements to receive abnormal loads or unusually large vehicles - methods of 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
- demolition method statement
- measures for controlling the use of site lighting whether required for safe working or for security purposes

6. All leisure facilities are for the use of the residents of Glenfall House and guests of the holiday lets only and not for public use or external hire.

7. There is to be no amplified music within the leisure facilities after 22:00.

Informative:

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

GCC Highways Planning Liaison Officer

17th November 2023 - Letter available to view in documents tab.

Summary - no objection raised subject to conditions

Ecologist 1

31st May 2024 -

We have reviewed the Ecological documents and our response with regards to Ecology is provided below.

The bat surveys confirmed that the roof of the main house provides roosting habitat for common pipistrelle (summer day roosts) and Myotis bats (maternity and satellite roosts); and that the coach house provides roosting habitat for common pipistrelle bat (summer day roost). The Myotis roosts will be subject to disturbance and the common pipistrelle roosts

will be lost during the development proposals, Therefore works cannot legally proceed until an EPS mitigation licence from Natural England is obtained as stated in the bat report. The bat survey information in terms of bat activity across the site will be used to inform lighting plans to ensure they are designed to minimise disturbance to roosting and foraging bats. Appropriate bat mitigation is detailed in the bat report.

Precautionary measures for nesting birds, badgers, reptiles, amphibians and hedgehogs are also outlined in the report.

The BNG report demonstrates that the development can achieve over 10% net gain for linear and area habitats.

Requirements prior to determination:

none

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

1. Bat mitigation and enhancement to be undertaken as outlined in the Bat Report of All Ecology. Bat sensitive lighting plan to show lux levels and locations of bat roosting features to be submitted to the LPA for review and approval prior to commencement. A copy of the EPS mitigation licence for bats to be submitted to the LPA prior to commencement.

2. Ecological Management Plan and Landscape and Ecological Management Plan (LEMP) to be submitted to the LPA for review and approval prior to commencement to demonstrate that the positive BNG predicted for linear and area habitats can be achieved over the 30 year period. LEMP to show locations of wildlife features including bat/bird boxes, log piles, hedgehog passes etc (These two documents can be combined if preferred)

3. Other mitigation and enhancement recommendations for protected species (in particular, nesting birds, badgers, hedgehogs, reptiles, amphibians) as outlined in the Ecological Appraisal and Great Crested Newt Survey reports by All Ecology are to be followed. In addition, any fencing is to have hedgehog access gaps fitted at base to ensure that the habitat remains permeable to this species.

National Planning Policy Framework (NPPF) and Local Plan Policy (Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011 - 2031) (adopted December 2017)) Context:

- NPPF Para 180 - 194 (Conserving and Enhancing the Natural Environment), National Planning Policy Framework1
- SD9 Biodiversity and Geobiodiversity
- INF3 Green Infrastructure

In England, biodiversity net gain (BNG) is 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>

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)
- Conservation of Habitats and Species Regulations 2017

Page 106

- Natural Environment and Rural Communities (NERC) Act 2006
- Protection of Badgers Act 1992

Ecologist 2

27th August 2024 –

I have reviewed the revised Proposed Site Plan (dwg no: 2682-2105 REV E) against the previous LPA Ecologist's comments (May 2024), the Preliminary Ecological Appraisal (All Ecology, April 2023), the Bat Emergence survey results (All Ecology, August 2023), and the Great Crested Newt survey results (All Ecology, July 2023). I'm satisfied the changes shown on the revised site plan do not trigger the need for further comment beyond the previous LPA Ecologists recommendations. The conditions applied previously must still be applied.

Cheltenham Civic Society

17th November 2023 - OBJECT

We welcome the proposals for the main house.

In principle, we support the reconfiguring of outbuildings but not the wholesale demolition of all the ancillary buildings. We are concerned about the potential loss some of the historic outbuildings such as the coach house and stables, to be replaced by bland modern buildings. The comments of the planning officer and conservation officer about the previous application regarding these buildings are as relevant to this scheme too.

We echo the concerns raised by the AONB about the potential for light pollution.

We welcome the plans for re-instatement of the Arts and Crafts style garden.

Minerals And Waste Policy Gloucestershire

9th November 2023 - Letter available to view in documents tab.

| | |
|---|--|
| APPLICATION NO: 23/01424/FUL | OFFICER: Mrs Lucy White |
| DATE REGISTERED: 19th October 2023 | DATE OF EXPIRY : 18th January 2024 |
| WARD: Battledown | PARISH: CHARLK |
| APPLICANT: | Mr And Mrs D Bunner |
| LOCATION: | Glenfall House Mill Lane Charlton Kings |
| PROPOSAL: | Part change of use of principal listed building from hotel/event venue to single dwelling (C3), including removal of extensions/alterations to principal building. Demolition of coach house, stables and 20th century buildings and extensions and replacement with new extension and outbuildings consisting of a leisure building with swimming pool, garage/store, greenhouse and 5no. new dwellings to be occupied as holiday accommodation. Alterations to historic landscaped grounds and kitchen garden. |

REPRESENTATIONS

| | |
|---------------------------|-----------|
| Number of contributors | 13 |
| Number of objections | 3 |
| Number of representations | 1 |
| Number of supporting | 9 |

Mulberry House
Daisy Bank Road
Cheltenham
Gloucestershire
GL53 9QQ

Comments: 10th November 2023

I live on Leckhampton hill and Glenfall house is clearly visible from our garden. I have also attended an event at Glenfall. Glenfall is an historic building that is in much need of sympathetic restoration. The proposed plans will not only achieve this but will also support the local hospitality industry with carefully considered holiday lets and leisure facilities. I fully support this application.

1 Viburnum Close
Cheltenham
Gloucestershire
GL50 2RL

Comments: 8th November 2023

We have visited Glenfell House a couple of times in the past. The plans presented here look fantastic and will restore Glenfell house to its former glory whilst equally modernising the property. The vision and thought that has gone into the plans submitted are to be commended.

15 Nicolson Close
Innsworth
GL3 1DN

Comments: 28th October 2023

I have visited Glenfall House in the past. Passionate about British buildings not going into a state of disrepair, these plans provide an opportunity to restore it to a family home and protect Glenfall House for the future. I am impressed with the plans especially the changes to the outbuildings, so Glenfall House can continue to be enjoyed for future generations.

57 Shaw Green Lane
Cheltenham
Gloucestershire
GL52 3BS

Comments: 16th November 2023

I rent a stable and land adjacent to Glenfall House . Whilst I understand that property needs to be maintained, I strongly object to the building proposal.

The site of the new buildings are against the stable building that I rent. The building works will cause significant stress to my horse along with all the other livestock on the farm.

If the buildings do go ahead, I can't imagine that any holiday makers would want to be sited directly next to a working farm which includes cattle, goats, dogs, cats and horses, farm machinery being used early in the morning and late at night along with the usual dust/fly/excrement that are all part of farm life. This is before the nightmare of sharing a single track entrance on horseback with the increase of construction vehicles during any works and then the potential for extra traffic if the proposal goes ahead.

I would be willing to talk to a planning officer to share my concerns and point out just how close the building would be .

Glenfall Lodge
Mill Lane
Charlton Kings Cheltenham
Gloucestershire
GL54 4EP

Comments: 5th April 2024

Having been a member of the family that previously owned Glenfall House, we strongly support this application. Since owning this property and now living in Glenfall Lodge for the last 44 years, we have sadly watched Glenfall House constantly deteriorate in condition.

What is currently proposed will restore this property back to its former glory and more. Much to the benefit of the surrounding neighbours and local area. The adjacent farm will also benefit with far less traffic using the drive.

Comments: 28th October 2023

The house was formerly owned and occupied by my family and we are still immediate neighbours, living at Glenfall Lodge.

Homes like Glenfall are notoriously difficult to maintain so the focus on restoring the key heritage assets, namely the main house and gardens, is wonderful to see. We are delighted with the change of ownership and the commitment of the new owners to overseeing the much needed investment in the fabric of Glenfall House.

In addition removal of the ugly, poor quality outbuildings and the grotesque asbestos garaging, and their replacement with new more visually pleasing and in keeping structures is very positive for the curtilage and future of the house. In our view the submitted plans strike a necessary balance between returning Glenfall to its former glory and providing a way for it to continue in 21st century.

5 The Old Marketplace
Andoversford
GL54 4AY

Comments: 28th October 2023

We have visited Glenfall House for events in the past and always thought it would be amazing to restore it to a family home.

The plans look great, especially the changes to the car park and outbuildings.

5 Whalley Farm Cottage
Whittington
Cheltenham
GL54 4HA

Comments: 31st October 2023

Glenfall House is close to where I reside, and I've had the opportunity to work on and around this premises for several years.

I commend anyone who is willing to spend the time and money to improve these large, old properties.

The plans look very positive as they focus on restoring the main house, and removing the much altered and run-down outbuildings which detract from the setting overall.

I wish the owners good luck in their endeavours.

21 Princes Street
Cheltenham
Gloucestershire
GL52 6BE

Comments: 3rd September 2024

Having previously raised significant objections to the plans based around the treatment of areas adjoining the adjacent farm, there are improvements in the design proposals.

The key items to seek consideration by the planners should be:

1. There are significantly more bat related activity in the areas around Glenfall House than are captured in the survey. We understand there to be roosting in boundary trees and hedges which would be affected by construction work.
2. There are drainage routes from the farm in front of the stables which would go under the proposed new garage/store/bike shed. These are operating drains and will need to be included in any plans by Glenfall House.
3. The Environmental Health report identifies that noise surveys around the boundary and from the Heat Pumps will need to be assessed for the new buildings, the impact of this plant running adjacent to a farm should also be included as the adjacent sheds house livestock.
4. A condition to prevent fireworks use would be welcomed as this has been a significant problem for the farm in terms of nuisance to livestock and horses when used in the past.
5. It should be noted that there is a natural well under the proposed solar panels running along the outside hedge adjacent to the stables and that any solar panels that may be located there do not have a detrimental effect of the livestock route immediately in front of them.

Comments: 17th April 2024

Objection to the planning application.

Further to our previous comments on the applications, these are in relation to the revised application.

1. Solar panels located to the south of the walled garden.
 - a. These appear to be an afterthought to the benefit of the applicant without due regard to their neighbour.
 - b. The placement of these is immediately adjacent to a farm livestock route and will be both distracting and detrimental to the livestock moving along the farm spaces by reflecting light and shadows which will be likely to make them jumpy and liable to be startled.
 - c. I believe that the sighting of these panels in this location will also result in a reduction in efficiency due to shading and interference from bushes and trees on the farm side of the boundary.
 - d. These solar panels should be located in an alternative location that will not cause harm or distress to livestock or farm animals using the farm livestock route.
 - e. There is an open well in the space of the proposed solar panels and no mention of this is contained in the plan.
2. The location of the proposed apartment 4 and garage workshop under.
 - a. The part of the development immediately adjacent to the stables and farm is a significant increase in massing and bulk by the boundary of a working farm and its adjacency, whilst reduced slightly still presents a significant change of use to the area proposed for development.

b. There should be protections at least put in place to protect the livelihood of the farm and restrictions placed to ensure that the development use does not cause distress or harm to the livestock and animals.

c. Whilst the building has been moved slightly, this is still a significant massing of what was there previously.

d. As stated in the previous objection, there is drainage from the farm buildings that crosses the boundary to Glenfall house that will need to be maintained in the new development.

3. Air source heat pump location.

a. I could not see a background noise assessment in the application.

b. The location proposed is immediately adjacent to the boundary with Oakfield farm and the noise generated by the heat pumps will be intrusive to the farm on a 24/7 basis. They are very likely to have a detrimental effect on the farm livestock with the startup and running routines. There is a significant amount of other wildlife like bats and hedgehogs that will be also affected that are present in the spaces around Glenfall House and Oakfield Farm.

c. There is no information with regards to the actual equipment proposed or attenuation to be provided.

d. With the current proposed position, it appears to have been placed in the most convenient space for Glenfall House with no regard for their neighbour.

4. Impact on wildlife and farm animals.

a. There are significant numbers of bats evident on the farm side of the boundary particularly around the older structures on the farm side in the stables and other outbuildings. They are regularly spotted at dusk by occupiers and visitors to the farm.

b. In the undergrowth and environs around the farm buildings there are wildlife that will be disturbed and affected by construction activities in adjacent spaces.

c. The construction works will have a detrimental effect on the livestock and animals during construction and a mitigation plan is essential to avoid distress and disruption to the workings of the farm. This includes the construction traffic that will be using the access route to Glenfall Farm.

Comments: 13th November 2023

We rent stables and land from Oakfield Farm.

We have significant concerns on this development and wish to strongly object to this application.

1. There is a significant development on the boundary of Oakfield Farm both in terms of proposed buildings and in terms of the nature of the development. The new buildings are drawn as being constructed on the boundary between Glenfall House and Oakfield Farm against the location of the historical stables (that were originally part of the Glenfall Estate). Just the construction of these will cause significant risk of harm to the historic stables as well as distress and potential harm to the animals and stock on the farm itself.

2. The new buildings proposed have significant massing and increase in size to both the current and pre-application discussions and are completely out of character with the current environment.

3. There is a bat survey that has been completed, it should also be noted that there is a significant bat presence in the stables we rent and the adjacent historical building which is used currently for housing goats on the farm.

4. It is highly likely that there is drainage from the stables across the farm boundary onto the Glenfall House land that will need to be maintained and consideration of this will need to be maintained.
5. There is farm machinery and plant that operates in the immediate adjacency to the proposed development and we currently access and care for our horses anytime between the hours of 0600 and 2200.
6. The stables appear to not be correctly located on the documents submitted on the planning application and the gable end of the stable block sits on the immediate boundary and is at significant risk of undermining by the proposed construction.
7. With the proposed units and use of the proposed buildings, it is an almost certainty that if constructed, the occupants will seek to complain about normal farm activities which is completely detrimental to the normal operations of a farm and be of a detrimental nature to the livelihood of the farm.

We would welcome a visit from the planning officer to Oakfield Farm.

6 Leckhampton Rise
Cheltenham
Gloucestershire
GL53 0AP

Comments: 7th November 2023

As frequent visitors to Glenfall House for various occasions, we wholeheartedly support the proposed plans to restore the estate to its former glory. The thoughtful consideration put into the design, emphasising sustainability, and preservation of the historic landscape is commendable. We look forward to seeing this beautiful property thrive once again.

Belmont
102 Arle Road
Cheltenham
Gloucestershire
GL51 8LD

Comments: 2nd November 2023

This is exactly what this property needs, having done work on this house I realise what is involved in maintaining such a large old property. I'm delighted to see the plans that give it much needed investment for the future and restore the most important historic elements and features. Really is great to see that this isn't going to be left to fall into disrepair as unfortunately so many do, when they are of this nature.

10 Leckhampton Rise
Cheltenham
Gloucestershire
GL53 0AP

Comments: 6th November 2023

We have visited Glenfell House a couple of times for parties and events in the past. The plans presented here look fantastic and will restore Glenfell house to its former glory whilst equally modernising the property. The vision and thought that has gone into the plans submitted are to be commended.

3 Natton Cottages
Ham Lane
Cheltenham
Gloucestershire
GL52 6NJ

Comments: 7th November 2023

Dear Sir / Madam,

Having read all that is proposed for the above property, there is quite a bit to commend the plans for this historic building which does need further restoration. However, there are a few things which in my view need further consideration both in terms of Environmental concerns and to ensure minimum impact on neighbours of this business.

1) The demolition of the coach house, stables and motor garage is not acceptable both in terms of the Environment where yet further resources are to be used as well as the historic aspect of these buildings. Indeed part of the history of the house is that it has been built up over the years and has reached where it is and should be left alone. It does appear that incomers to the AONB and particularly where older properties are purchased just want to urbanise the area which has already led to the destruction of some historic bits in the immediate vicinity. The secret in moving to this area is to learn to work with what is there and especially to maintain the outer appearance which has now become part of the landscape. This comment also applies to garden walls which have also become part of this building.

2) The proposal for building closer to the boundary with the farm is of considerable concern especially for the farmer. Previous experience of allowing 'residential' building to be built closer to factories or commercial buildings or in this case a farm could no doubt, lead in the future to complaints about natural farming smells and possible unwarranted enforcement action to get these reduced even though this is what occurs in the countryside. The livelihood of the farmer must be protected from such future unwarranted actions and the applicant if they are allowed to build must accept conditions that the location could be subject to the activities of the farm and accept these are part of the rural landscape and activity. Indeed the use of the term 'Farmyard Clutter' does demonstrate a complete absence of knowledge of what does go on at a farm and in the countryside. The use of the word DECLUTTER is also in terms of the greenery in the grounds -does not bode well for what should be sympathetic restoration and working with what is there.

3) Noise from Events/ Entertainments - the previous owners caused considerable nuisance especially during the summer with the playing of loud music and loud voices coming through speakers. What is NOT realised for this area is that sound travels exceeding well and even though trees are supposed to dampen excessive sound - this does not work for music. On one occasion when we and adjacent neighbours were trying to enjoy our gardens in the summer, the 'music' was such that at over half a mile away - it caused a vibration in our cloakroom which is set in the middle of the house! People up and over one mile away were also significantly disturbed. The repetition of the music was particularly irritating. Due to this, Environmental Health had to be asked to intervene - very much so that when the Glenfall Hotel was contacted - We were advised that 'they had a licence and could do what they like! To save future problems occurring and obviously future expense for enforcement - please can Environment Health be consulted to ensure this does not happen in future and to ensure this business does NOT impose unwanted intrusion on the lives of its neighbours!

4) The Grounds - given that there has been unwarranted Clear Felling of trees and shrubs at other locations in this AONB area and despite what appears assurances that 'sympathetic' restoration would be done - the use of the word DECLUTTER as above does not instil one that a sense of responsibility will be applied when this is done. The conditions surrounding this part of the proposal must be made as clear as possible of what can and cannot be done. Indeed in the immediate area and beyond there is a diversity of wildlife which uses all the area and if 'over tidying' is done this will have a more wide spread detrimental effect on the AONB environment. Indeed some trees which were requested to be felled because they were not 'natural' but had been there for a long time - 60 - 100 years, are used by owls, hawks and other bird life. Happily, these are still in place.

Finally, it is again of concern that the area AONB, is used, but then seems to be ignored where convenient or inconvenient especially outside of this property (Glamping is not acceptable in this respect). It must be asked though whether this is Development by the back door as what happens if the business changes course - and whether the apartments then become available for long term rent or purchase. This particular aspect must be addressed by planners please who in this case have largely got it right in terms of what would be most suitable for this area.

Yours faithfully,

Oakfield Farm
Mill Lane
Charlton Kings
Cheltenham
Gloucestershire
GL54 4EP

Comments: 3rd September 2024

Letter attached.

Comments: 28th August 2024

Letter attached.

Comments: 17th April 2024
Letter attached.

Comments: 15th April 2024
Letter attached.

Comments: 6th November 2023
Letter attached.

6 November 2023

Cheltenham Borough Council
Planning
Municipal Offices
Promenade
Cheltenham
GL50 9SA

Strensham Business Park
Strensham
Worcester
WR8 9JZ

T: 01684 853400

enquiries@carverknowles.co.ukwww.carverknowles.co.uk

Dear Mrs White,

RE: PLANNING APPLICATION 23/01424/FUL AT GLENFALL HOUSE, MILL LANE, CHELTENHAM, GL54 4EP

APP 23/01424/FUL: Part change of use of principal building from hotel/event venue to single dwelling (C3), including removal of extensions/alterations to principal building. Demolition of coach house, stables, and 20th century buildings and extensions and replacement with new outbuildings consisting of garaging, holiday let apartments (C1), leisure building (including swimming pool) and a greenhouse. Alterations to historic landscaped grounds and kitchen garden.

I am writing on behalf of My Client, ██████████ of Oakfield Farm, Mill Lane, GL54 4EP. My clients live adjacent to the Glenfall House and own the surrounding land and have instructed me to write to **OBJECT** to the proposed development at Glenfall House on the basis that the development is not appropriate development adjoining to their property which is an Agricultural Unit.

██████████ farm an area extending to approximately 250ac from Oakfield Farm. The farm surrounds Glenfall House and a map of the area is enclosed withing Appendix 1 of this letter.

██████████, together with their family have been farming Oakfield Farm for 2 generations and run both a beef suckler herd and commercial beef herd. Typical numbers on the holding are circa 20 breeding cows plus calves and approximately 100 store cattle which range in age and size. ██████████ operates a commercial business on the site and makes haylage from the land whilst also putting natural fertiliser (muck) back on the land.

██████████ in principle have no objection to the redevelopment of Glenfall house and they would be in favour of the conversion of the main house back into a private residence. This is mainly due to issues with the livestock welfare which was put at risk by firework displays completed by the wedding venue. However, the proposed siting of the new leisure facilities and holiday lodges are extremely close to the working farm yard and it is considered that the location is not feasible without suitable mitigation to reduce the impact of noise and odours, without such mitigation it is considered that the 2 uses will clash which undoubtedly will impact the leisure facilities and demand for the holiday lets.

As is the nature of an agricultural unit, the work is unsociable and naturally causes odours and noise and it is not considered that a leisure facility adjacent to this environment is suitable.

The applicant is aware that Glenfall House is currently used as guest accommodation with the outbuildings used for 'ancillary use linked to the predominant use of the property'. However, the



principal house is significantly further from the livestock buildings than the existing or proposed outbuildings and leisure centre.

Glenfall House is described on Tripadvisor as a *'historic country manor on the outskirts of Cheltenham'*. It is reasonable to suggest that guests expect a level of luxury accommodation with such accommodation. By returning the principal house to a single dwelling, the guest accommodation will be moved to the proposed outbuildings and thus considerably closer to the farm. This increased proximity of the guest accommodation to the livestock buildings is likely to be in direct conflict as guests will have an expectation of peaceful enjoyment. They will not expect to be residing near to a loud and potentially smelly cattle barn or to be woken early by the sounds of tractors or other large machinery.

The site elevations below are taken from the documents submitted with the planning application and demonstrate that the proposed holiday let accommodation is shown directly adjacent to the 'farm barns', with the bedroom to Apartment 4 adjacent to the barn.



The 'farm barns' referred to above are used both as equestrian stables and for the breeding of pedigree goats. Typically, the goats and horses will be cared for outside of typical working hours (9-5), which can mean that there will be activity on site between 6am and 8am daily. Typically, animals will be mucked out, fed, let out and in the case of the horses, possibly ridden. All of this is likely to cause considerable noise and odour at a time when guests, who would be approximately 5m from the stables would be expecting quiet.

The proposed leisure building is due to be located further west closer to the commercial livestock barns. The livestock barn is approximately 7m from the boundary between the two properties. Whilst during the summer months, cattle will predominantly be out grazing, all cattle will be housed during the winter (typically October – April). When cattle are housed daily activities include cleaning of cattle houses, bedding, feeding and welfare checks and all of these activities create considerable noise, odour as well as potentially being undertaken at unsociable hours.

In addition to the regular activities, throughout the year [redacted] will have other significant events;

- **Weaning of cattle** – this is a number of times throughout the year and is from both stock purchased from the agricultural market or from within the Suckler Herd. Typically this creates noise which can be throughout the night and for a number of days.
- **Calving** – Calving will predominantly be undertaken in the spring but involves unsociable checking of cattle and can involve vets visits throughout the night if there is a requirement for difficult calving.
- **Manure Spreading** – during the summer [redacted] will spread the manure from over winter housing on the land at Oakfield Farm. This is often over a number of days (potentially a week) and can result in considerable odour.

Whilst it is acknowledged that these factors have no bearing on the site where the development is proposed, it is considered that the proposed use of the site is not suitable given the surrounding environment which does not lend itself to guest accommodation and leisure facilities.

Further to this, the use of the leisure facilities does not appear clear within the application. The application does not appear to clarify if the Leisure Facilities will be open to the general public or restricted to use by Residents at Glenfall house guest houses. The potential use by the general public would have an increase in the quantity of traffic which uses the access track (shared with my client) and it would be favourable if the use was clarified and conditioned.

In addition to this, there is no mention of the hours of use for the leisure facilities, as with the use, I think this information would be useful and if conditioned could mitigate against potential conflict as a result of unsociable agricultural work undertaken on my client's land which may clash with use of the leisure facility.

Furthermore, having reviewed the Application and the pre-application advice it is noted that within the pre-application advice it was stated that *'The proposed demolition works would not be supported if submitted as part of an application'* and that *'consideration should be given to restoring part of the character of the coach house, stables and motor garage.'* Despite this advice, the applicant appears to have submitted an application to demolish the entire range of outbuildings. The proposed buildings have been moved and located extremely close to the boundaries of a working agricultural farm and we do not consider that the intended use of these buildings is sustainable in the proposed location. If the existing outbuildings were to be redeveloped, they would be located further away from the agricultural yard and the impact of noise and odour would be mitigated by the distance. The redevelopment of these buildings is also supported by the pre-application advice the applicant received.

In conclusion, the demolition of the existing buildings and moving the guest accommodation and leisure facilities adjacent to a working farm is considered to be unsustainable with the two uses being in conflict. Whilst my client is happy to support the restoration of Glenfall House into a private residence, it is felt that the redevelopment of the existing outbuildings would be favourable and would mitigate against the impact of a leisure facility against an adjoining agricultural unit. It would also be requested that there is clarity over who will use of the proposed leisure centre and the hours of use. We would request that these would be conditioned to ensure that the use does not result in the intensification of the access track.

Yours sincerely



Josh Balsdon BSc (Hons) MRICS FAAV

CARVER KNOWLES

email: joshbalsdon@carverknowles.co.uk

Encs.



Reference number
23/01424/ FUL
23/01424/ LBC

Page 120

Oakfield Farm
Mill Lane
Charlton Kings
Cheltenham
Gloucestershire
GL54 4EP

Dear Lucy White

29th August 2024

Following onto our letter dated August 2024. Enclosed is a photograph of a bat which fell out of an ivy covered tree onto Oakfield farm property, just by the gate into the stableyard on 22.8.2024. Just before the horse ladies were leaving at 8.15pm. They picked it up and it flew away.

There is a colony of pipistrelle bats in a red brick building, where our goats go out for summer grazing. There is cladding on the inside of the roof and it's been undisturbed for over 30 years and they're in there.

There are 10 entrance holes, all with no cobwebs on. We regularly see them come and go from this building. We see bats all the time in the evenings Spring, Summer and autumn.

So they very likely could be in the holly trees and ivy all around the stableyard, boundary trees and ivy, and surrounding area to Glenfall House and our farm.

Bats, hedgehogs, Saballows, all these mammals and birds need very careful consideration.

This development will have massive impact on the environment, the wildlife that live here as well as longterm impact to us, and our animals and livelihood for years to come.

Yours Sincerely





Reference number
23/01424/FUL
and
23/01424/LBC

Page 122

Oakfield Farm
Mill Lane
Charlton Kings
Cheltenham
Gloucester
GL54 4EP

Dear Lucy White

August 2024

As you are aware we are a working livestock farm.
We are referring to reference numbers above

What is going to be done about the historic drainage system that goes past and through our stable block into Glenfall Houses land, if this dug up or damaged, nothing has been stated about historic drainage in the plans.

How will this be addressed.

Regarding the removal of Holly trees and the wire fence attached to it. This is going to have a dramatic visual impact on us and our farm buildings for years to come. At the moment the holly trees provide adequate screening.

There are bats roosting in ivy and buildings around the farm.

Close board fencing needs to be put up while trees are growing. It will take years for holly to grow.

Windows to the holiday lets need to be only facing Glenfall Houses side, NOT THE SIDE TO OUR FARM AND FARM BUILDINGS. This could cause repercussions, noise, smell etc.

There will be a dramatic change to the landscape, when these trees are removed.

This must not cause financial impact to us at all, as this is not our development.
We live and work here.

Yours Sincerely





Oakfield Farm
 Mill Lane
 Charlton Kings
 Cheltenham
 Gloucestershire
 GL54 4EP
 16th April 2024

Dear Lucy White

This letter is an additional and continuation letter to the previous one we have sent dated 12th April 2024

Reference numbers 23/01424/FUL and 23/01424/LBC regarding planning proposals at Glenfall House GL54 4EP.

Before you go ahead and give planning consent of any kind for Glenfall House and its planning proposals, and the demolition of a lot of listed existing buildings.

As you are aware, we are a working livestock farm, and horses. Have you considered that our animals are not going to be at risk from stress, or harm or be frightened, or injured by all this demolition and construction work, and from the noise of the proposed venues, if this work goes ahead.

As reiterated in our previous letter expressing our concerns of the previous wedding venue and what went on.

Have the developers considered their impact on our business and animals. Will there be loud music which terrified animals or fireworks again. Fire works should not be let off in fields with horses and livestock, and also around farm buildings which contain livestock. We are all of these things.

We are literally over the hedge, right next door, a hand shake away.

What will be the effect on livestock, in barns close to the LBC, and swimming pool, noise of pumps from the

swimming pool.

Page 124

The highways department need to be informed of the security gates installation. Will that cause build up of traffic if the gates fail to open.

We need 24/7 access to our only entrance for ourselves, horse clients, delivery lorries, cattle lorries emergency services and vets.

Also the traffic could build up along the driveway blocking access to the other people who own the field with horses, along the Glenfall Drive.

There could be a backlog of traffic onto the road of Mill Lane, on a sharp bend. This road is extremely busy and can't really take the amount of traffic that goes along it now. Let alone if the proposed LBC and other buildings goes ahead.

The sightings of Solar panels could cause injury to our horse clients animals, have been put right on the boundary of Glenfall House and our fence line where horses are led out of their stables to go out into their fields, and back in again.

We also use this access for our livestock too.

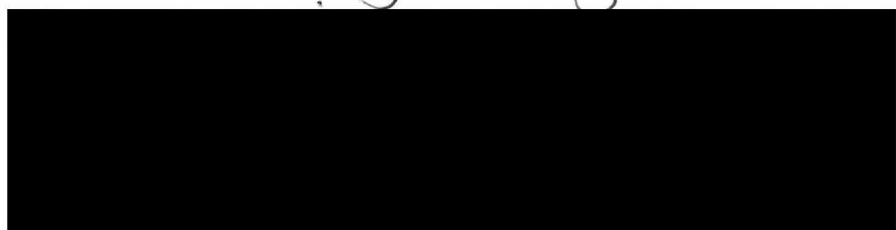
Why can't it just be used as a hotel, like when The Diocese of Gloucester had it.

They didn't know we were here and we didn't know they were there.

You are still moving proposed developments closer to our livestock.

Please can you come and see where we are

We look forward to hearing from you.





Oakfield farm
Mill Lane
Charlton Kings
Cheltenham
Gloucestershire
GL54 4EP
12th April 2024

Dear Lucy White

I am one of the three farmers that live at Oakfield farm, Mill Lane, Charlton Kings, Cheltenham, Gloucestershire, GL54 4EP, and am writing on behalf of the rest of my family.

I am writing to you regarding the planning proposal at Glenfall House, Mill Lane, Charlton Kings, Cheltenham, Gloucestershire, GL54 4EP.

Reference number 23/01424/FUL
and 23/01424/LBC

Oakfield has always been a working livestock farm and we keep and breed both cattle and goats at this premises, we also have horse liverys.

Our livestock and horses are housed, and kept in fields so very very close to the proposed new development of Glenfalls LBC. We have concerns, that said development is too close to livestock and wildlife.

I am requesting you to come and see for yourself exactly where our livestock and horses are kept. As certain animals are in their permanent fields, etc and cannot be moved to other facilities.

In 2015 when Glenfall House changed hands, it became a wedding venue. I wrote to the council expressing our concerns for our livestock and horses. Re - LOUD MUSIC, etc No one from the council came to see us.

THEN IN 2021 THE VENUE HAD THE FIREWORKS

2.7.21 The previous owners had a loud live band playing music, it was extremely loud. I went out to feed my goats, it should have only taken 15-20 minutes.

I stayed there for 3 1/2 hours because, one goat had jumped out of his pen into the next pen. Left his friend on his own, all four animals that were there were petrified. I stayed with the single goat to keep him from hurting himself.

They are housed in the stable block that is 2-3 1/2 feet away from Glenfalls Red Brick Boundary Wall, of the Walled Garden.

On 4.8.21 there was the firework incident. We had to get animal trading standards **Page 126** and when the organisers of the fireworks set up their display, they could see our cattle, in the fields that surround Glenfall House and garden.

We couldn't move our cattle because a bull was with them, we had to be responsible in keeping him and his cows in fields that were away from other neighbouring farmers cattle.

When the fireworks went off, it was evening and it was DARK.

My goats and their kids ran out of their stable and fled up their paddock. The cattle started to stampede and nearly went through some horse paddock fencing.

My husband managed to climb into the firing range in Glenfalls lower garden. He shouted at them to STOP! It was horrendous, I'll never forget it. No animal should be put through that kind of stress.

The next morning I picked up in our surrounding fields 16 cardboard tubes from the firework display.

Two days later the firework organisers came up to G.H and first of all they asked us if we wanted G.H to have fireworks again. We said NO, and we managed to get them to come and see how close our animals are to this venue. They were surprised how close livestock were to venue.

Also when Glenfall House was a wedding venue, we had to go and ask them to turn down or turn off their loud music, as they had gone over their time line of 11:00 PM one occasion it was 11:40 PM. At the time the owner of Glenfall House was never there when a function was on. The music was weekend after weekend after weekend.

Restrictions of event music of any kind, live band or otherwise must be put in place and the use of fireworks PROHIBITED for this proposed development and developments that may arise in the future, regarding ALL THE BUILDINGS at Glenfall House and its LBC. Whether for entertainment or for residential use.

I'm concerned for the wellbeing of our animals, our livery clients horses and our wildlife that **Page 127** around the farm, if certain buildings are demolished at Glenfall House.

There are pipistrel bats that have been here ever since we have been at Oakfield. I've had one roost on my back door, so I used our front door till it flew away. They've been in my kitchen, also one came down the flue of my Rayburn and I rescued it and let it go.

The bats came out in February this year and I see them on a regular basis at dusk flying around our farm.

There is an abandoned red brick building, with a black roof, they may be roosting in there. That's probably proposed for demolition, it's next to their greenhouse. I know bats are protected.

There are also breeding colonies of hedgehogs on our farm and stable yard area. The stable yard area is next to the proposed development LBC of Glenfall House.

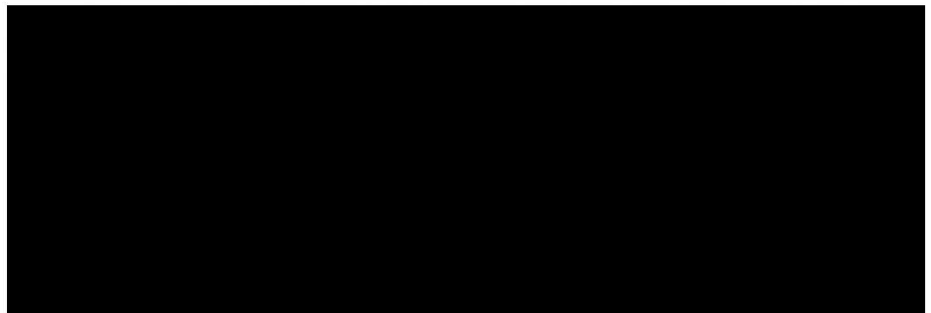
There could possibly be hedgehogs in the areas of rough abandoned ground, of said LBC area.

The Oak tree in the proposed LBC has a preservation order on it; that could also be a home to bats.

I'm led to believe Glenfall House was a listed building, and so are other buildings near it. The motor house is listed.

I hope the LBC if it's approved is adequately sound proofed, as when the motor house was used for events, the music was extremely loud, as I don't think that has any sound proofing.

I'm concerned that this LBC is even closer to our livestock, than when Glenfall House was, as when it was a wedding venue.



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| | | |
|---|--|--|
| APPLICATION NO: 23/01424/LBC | | OFFICER: Mrs Lucy White |
| DATE REGISTERED: 19th October 2023 | | DATE OF EXPIRY : 14th December 2023 |
| WARD: Battledown | | PARISH: CHARLK |
| APPLICANT: | Mr And Mrs D Bunner | |
| LOCATION: | Glenfall House Mill Lane Charlton Kings | |
| PROPOSAL: | Part change of use of principal listed building from hotel/event venue to single dwelling (C3), including removal of extensions/alterations to principal building. Demolition of coach house, stables and 20th century buildings and extensions and replacement with new extension and outbuildings consisting of a leisure building with swimming pool, garage/store, greenhouse and 5no. dwellings to be occupied as holiday accommodation. Internal alterations to listed building and alterations to historic landscaped grounds and kitchen garden. | |

REPRESENTATIONS

Number of contributors **2**
 Number of objections **1**
 Number of representations **0**
 Number of supporting **1**

Oakfield Farm
 Ham Road
 Charlton Kings
 Cheltenham
 Gloucestershire
 GL54 4EP

Comments: 28th August 2024

Letter attached

Holly Blue House
 Daisy Bank Road
 Cheltenham
 Gloucestershire
 GL53 9QQ

Comments: 30th October 2023

I have looked at the plans for restoring and enhancing Glenfall House. As a local resident and frequent visitor to the property in its present form - a run down, muddled collection of unimpressive buildings that pay no attention to the primary house's obvious original charm and historic value - I'm delighted to support this application. The only building of genuine note is the house itself, which is in need of substantial restoration, care and attention. The various outbuildings are of little practical use and stand in the way of

restoring the house to its former glory. I consider that this town, and county, needs owners with the vision and means to restore genuine residential gems that raise the bar. Part restored, part modernised, in a sensitive way, they add considerable value to this area as a whole. And will only attract further investment in preserving and enhancing residential stock in need of considerable work. If this plan is approved - with all reasonable safeguards - we can expect more buildings of architectural and historic value to be restored. If not, it sends the contrary message and dis-encourages people to restore and modernise - without which there can be no progress. Each new generation must be able to add to the history of any building.

Reference number
23/01424/FUL
and
23/01424/LBC

Page 131

Oakfield Farm
Mill Lane
Charlton Kings
Cheltenham
Gloucester
GL54 4EP

Dear Lucy White

August 2024

As you are aware we are a working livestock farm.
We are referring to reference numbers above

What is going to be done about the historic drainage system that goes past and through our stable block into Glenfall Houses land, if this dug up or damaged, nothing has been stated about historic drainage in the plans.

How will this be addressed.

Regarding the removal of Holly trees and the wire fence attached to it. This is going to have a dramatic visual impact on us and our farm buildings for years to come. At the moment the holly trees provide adequate screening.

There are bats roosting in ivy and buildings around the farm.

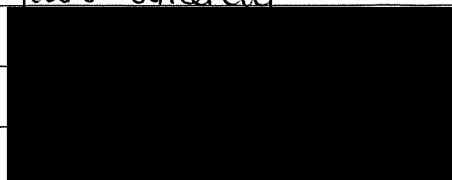
Close board fencing needs to be put up while trees are growing. It will take years for holly to grow.

Windows to the holiday lets need to be only facing Glenfall Houses side, NOT THE SIDE TO OUR FARM AND FARM BUILDINGS. This could cause repercussions, noise, smell etc.

There will be a dramatic change to the landscape, when these trees are removed.

This must not cause financial impact to us at all, as this is not our development.
We live and work here.

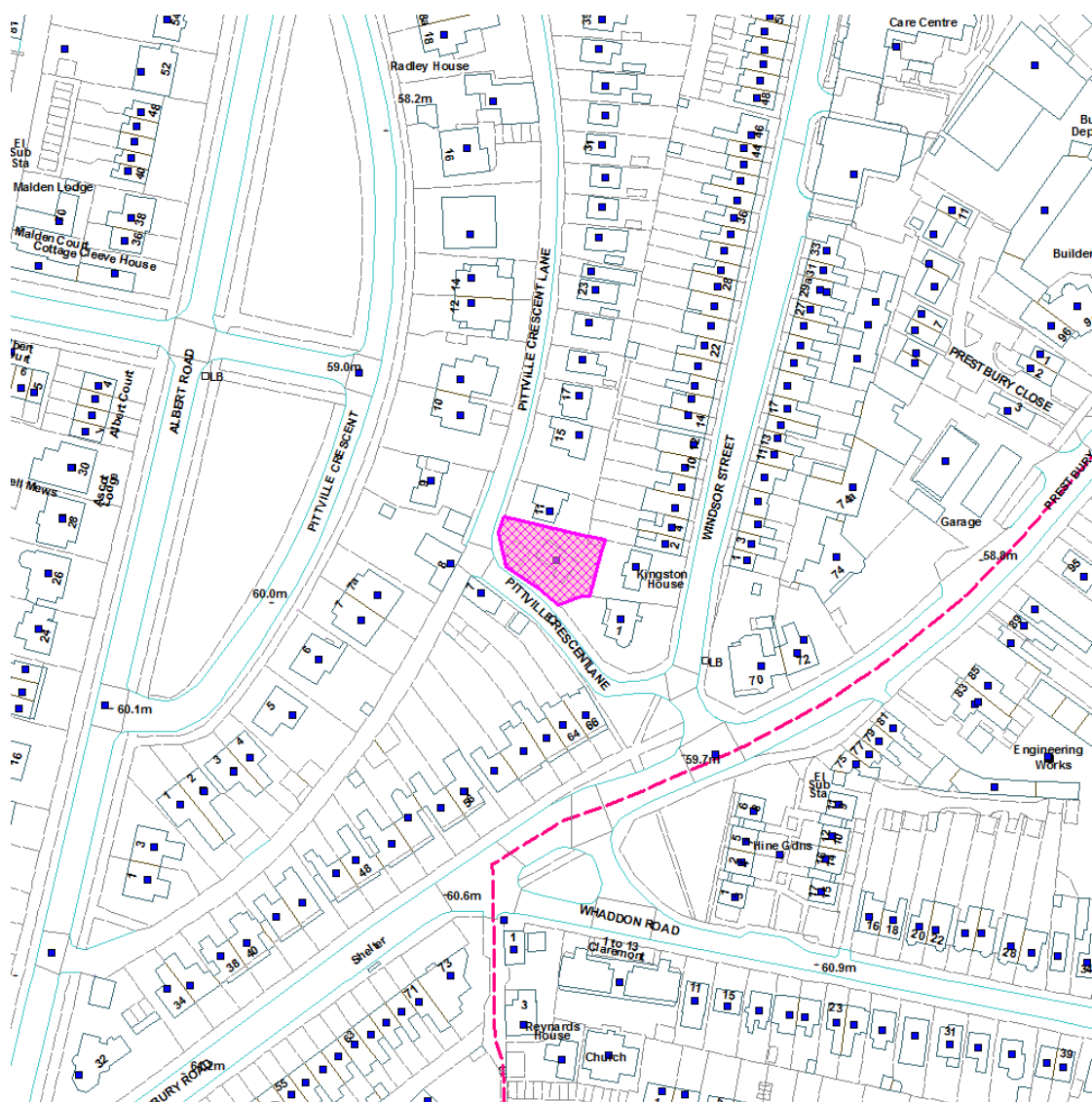
Yours Sincerely



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| | |
|---|---|
| APPLICATION NO: 24/00631/FUL | OFFICER: Miss Claire Donnelly |
| DATE REGISTERED: 13th April 2024 | DATE OF EXPIRY: 8th June 2024 |
| DATE VALIDATED: 13th April 2024 | DATE OF SITE VISIT: |
| WARD: Pittville | PARISH: n/a |
| APPLICANT: | Mr Bradley Jacklin |
| AGENT: | n/a |
| LOCATION: | 3 Pittville Crescent Lane Cheltenham Gloucestershire |
| PROPOSAL: | Proposed wooden garden shed, and retention of new boundary fence (part retrospective) |

RECOMMENDATION: Permit



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application relates to 3 Pittville Crescent Lane; a two storey, detached, residential dwelling located within a residential area. The application dwelling has been recently updated and extended including alterations to the western boundary. The site falls within the Pittville Ward and is not in a conservation area, however falls just outside of the Pittville Character Area of Cheltenham's Central Conservation Area.
- 1.2 The applicant is seeking planning permission for the siting of a garden shed and new boundary fence.
- 1.3 During the course of the application, the applicant added the proposed boundary fence to the application already submitted for the shed. The proposed fence has already been erected and therefore is seeking retrospective planning permission for this element.
- 1.4 Planning permission is required for the shed as it is sited forward of the principal elevation of the main dwelling. The fence requires planning permission as it exceeds the height of the existing fence is higher than the limits set out within the limits of permitted development.
- 1.5 The application is at planning committee at the request of Councillor Tooke, for the following reasons:
 - The fence is not compliant with the fence agreed in the original planning permission.
 - Lack of enforcement action on retrospective works.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Principal Urban Area
Residents Associations

Relevant Planning History:

99/50290/FUL 18th November 1999 PER
Single storey domestic extension

22/02122/FUL 10th February 2023 PER
Two storey side and rear extensions and new vehicular entrance with dropped kerb

23/00359/FUL 21st April 2023 PER
Two storey/single storey side and rear extensions and new vehicular entrance with dropped kerb (revised scheme following grant of planning permission ref. 22/02122/FUL)

3. POLICIES AND GUIDANCE

National Planning Policy Framework

Section 2 Achieving sustainable development
Section 4 Decision-making
Section 8 Promoting healthy and safe communities
Section 12 Achieving well-designed places
Section 16 Conserving and enhancing the historic environment

Adopted Joint Core Strategy Policies

SD3 Sustainable Design and Construction
SD4 Design Requirements
SD8 Historic Environment
SD14 Health and Environmental Quality

Cheltenham Plan Policies

D1 Design

SL1 Safe and Sustainable Living

Supplementary Planning Guidance/Documents

The Cheltenham Climate Change SPD (adopted June 2022)

Residential Alterations and Extensions (2008)

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

4. CONSULTATIONS

Building Control

7th May 2024

No comment

Tree Officer

19th April 2024

The Trees Section has no objections to this proposal.

5. PUBLICITY AND REPRESENTATIONS

| | |
|-------------------------|-----------|
| Number of letters sent | 6 |
| Total comments received | 23 |
| Number of objections | 15 |
| Number of supporting | 6 |
| General comment | 2 |

- 5.1 The application has been advertised by way of letters sent to six neighbouring addresses and a site notice has been displayed near to the application site given the sit falls just outside of the conservation area. Following the statutory consultation period, twenty-three responses have been received.
- 5.2 Of the twenty-one responses, fifteen are objections, six are in support, and there are two general comments.
- 5.3 The objections have been summarised below:
- Height of fence has impact on street,
 - Height of fence is unacceptable,
 - Materials used for the fence are not appropriate,
 - Fence not in-keeping with surroundings,
 - Fence has a negative visual impact on, and detracts from the area,
 - Fence has intrusive design,
 - Fence is higher than previous fence,
 - Fence exceeds height of permitted development,
 - Relocation of Leylandii and impact on neighbouring property in terms of loss of light to garden therefore impact on plants to grow, and impact on foundations of boundary wall,
 - Varies from original planning permission.
- 5.4 The comments in support have been summarised below:
- The works have enhanced the property,
 - Fencing is in-keeping given different styles in the area,

- Lots of different heights of fence/boundaries in the area
- Smart/contemporary fence design,
- Section where the boundary has been removed has improved visibility and wider area.

5.5 The neutral comments received have been summarised below:

- No objection to shed however would rather it was relocated,
- Fence is in situ,
- Works have improved the property.

6. OFFICER COMMENTS

6.1 Determining Issues

6.2 The application proposes a new shed, and the retention of a front boundary fence; the key considerations for this application are design and impact on the adjacent conservation area, impact on neighbouring amenity and sustainable development.

6.3 Design

6.4 Policy SD4 of the JCS and policy D1 of the Cheltenham Plan require development to be of a high standard of architectural design that responds positively to and respects the character of the site and its surroundings. This draws from paragraph 135 of the NPPF which seeks development to be visually attractive and sympathetic to local character.

Shed

6.5 The proposed shed would be of a typical shed design and would have a footprint of 2.3 metres by 3.5 metres, with a pent roof of a maximum height of 2.5 metres. The shed is to be sited to the eastern side of the property; permission is required as it is to be sited slightly forward of the principal elevation of the main dwelling. However, its siting would not be forward of surrounding buildings and therefore sits comfortably and appropriately within the plot and in the wider street context. The shed is considered to be of an acceptable scale, form and design, and siting within the plot.

Fence

6.6 As set out in the introduction, the proposed fence has been erected prior to seeking the relevant consents. As such, the fence was added to this application and is seeking retrospective consent. Permission is required for the fence as it has been erected at a height higher than the previous fence, and also exceeds the limits of permitted development, which allows a 1 metre high fence to be built without the need for planning permission.

6.7 The application property occupies a corner plot on Pittville Crescent Lane; the site itself is not within the Conservation Area, Pittville Crescent Lane forms the boundary of the Pittville Character Area of Cheltenham's Central Conservation Area. The site is relatively prominent being on a corner plot however Pittville Crescent Lane is a small road serving a small number of properties. To the south, a service lane serving the rear of a number of properties runs from Albert Road to the application site; to the north, the road widens serving a number of residential properties.

6.8 The proposed fence replaces an existing 1.4 metre high fence on the southern (front) boundary, which increases in height to 1.8 metres on the western (side) boundary. The property has recently been extended and upgraded (planning permission ref. 22/02122/FUL and revised scheme ref. 23/00359/FUL). As part of the upgrades to the property, the western part of the existing fence has been removed. The proposed fence now extends on

the southern boundary, halfway along the existing detached garage. The proposed fence has been erected to a height of 1.8 metres at a length of 19 metres, including a pedestrian gate along the southern (front) boundary. The material of the fence is brown composite panels, hung as horizontal slats.

- 6.9 The proposed composite material is not a 'traditional' material used for fences; normally boundary fences would be a feather edge type, timber design. However, there is a variety of materials used for boundary treatments in the vicinity of the site; brick walls, rendered walls, and timber fences. The proposed fence material could be considered as relatively harsh due to the composite nature of the material; however, officers are mindful that this material could have been used to replace the existing 1.4 metre high fence without the need for planning permission.
- 6.10 With regards to the height of the fence, officers acknowledge that the fence is higher than the previous fence, therefore has a greater visual impact; furthermore, the proposed use of material contributes to its impact. As set out above, the existing fence could have been replaced with a composite material to the existing height, and therefore in this instance the main consideration is the additional 0.4 metres height of the fence. It is also acknowledged that the width is also greater, as a previous vehicular access point has been closed and replaced with a pedestrian gate.
- 6.11 The surrounding area lacks a uniform site layout, property style or property design. It is also noted that there are examples of high boundary treatments along Pittville Crescent Lane which face the highway; these examples vary in type and design. As such, the principle and design of the fence is considered to be acceptable in this location given that the boundary would not be out of character with the surrounding area.
- 6.12 On balance, whilst it is acknowledged that the fence has changed the character of the property visually, however given the improvements that have taken place on the site by removing the western fence and opening up and improving the design of this corner, the relevant permitted development fall-back position when considering material use, and the location of the site and the surrounding character, the proposed fence is considered to be acceptable in terms of design in this instance. Furthermore, as the site falls outside of the conservation area, and given the location of the site, the proposal would not harm the character of setting of the conservation area in this instance.
- 6.13 Impact on neighbouring property**
- 6.14 Policy SD14 of the JCS and policy SL1 of the Cheltenham Plan require development not to cause unacceptable harm to the amenity of adjoining land users; this echoes section 12 of the NPPF which requires development to be of a high standard of amenity for existing and future users.
- 6.15 A number of neighbour comments have been received following the public consultation period; a summary of comments received are set out above. The main objections raised relate to design and visual impact.
- 6.16 The impact on neighbouring amenity has been assessed; it is considered that there would not be an unacceptable impact on amenity in terms of a loss of light or loss of privacy as a result of the proposed development.
- 6.17 One neighbour has raised an objection to the relocation of planting shown on the proposed plan with regards to a loss of light and impact on an existing boundary wall foundations. The proposed planting does not require planning permission, and therefore whilst the comments are noted, officers cannot control the planting of vegetation.

6.18 As such, with regards to an impact on neighbouring amenity, there are no concerns that the proposed fence or siting of the garden shed would impact upon the amenities of adjoining land users.

6.19 **Sustainability**

6.20 Given the nature of the proposed development, officers acknowledge that there is little opportunity to include low carbon features or technologies as part of the application. As such, in this instance, officers have not requested that a sustainability statement be submitted.

6.21 **Other considerations**

6.22 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.

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

7. CONCLUSION AND RECOMMENDATION

7.1 Taking all of the above into consideration and duly noting the comments raised by neighbouring residents; it is acknowledged that the proposed fence has a greater visual impact than the previous fence due to the increase in height and material used; it is considered however, that improvements have been made to the site and the proposed fence, given its location and character of the site and its surroundings, is considered to be acceptable. No concerns are raised with regards to the proposed siting of a garden shed.

7.2 Officers recommendation is to therefore permit this application subject to the suggested conditions below.

8. SUGGESTED CONDITIONS

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

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

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

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

INFORMATIVES

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

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

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

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|---|---|
| APPLICATION NO: 24/00631/FUL | OFFICER: Miss Claire Donnelly |
| DATE REGISTERED: 13th April 2024 | DATE OF EXPIRY : 8th June 2024 |
| WARD: Pittville | PARISH: |
| APPLICANT: | Mr Bradley Jacklin |
| LOCATION: | 3 Pittville Crescent Lane Cheltenham Gloucestershire |
| PROPOSAL: | Proposed wooden garden shed, and retention of new boundary fence (part retrospective) |

REPRESENTATIONS

| | |
|---------------------------|-----------|
| Number of contributors | 23 |
| Number of objections | 15 |
| Number of representations | 2 |
| Number of supporting | 6 |

Brook House
49 Pittville Crescent Lane
Cheltenham
Gloucestershire
GL52 2RA

Comments: 16th July 2024

The work done at the property has positively enhanced an existing 'out of character' property. I have no objection to the height of the fencing which is in keeping with many of the garden boundaries along the road. The boundary is clean and smart. The improved visibility along re-opened boundary is an enormous benefit to cyclists and drivers and the new driveway is a great improvement to an area where parked cars repeatedly encroached upon the junction.

56 Prestbury Road
Cheltenham
Gloucestershire
GL52 2DA

Comments: 30th June 2024

The new fence is not appropriate for the area in terms of height and materials used. The location borders a conservation area with many listed buildings. The frontages of houses in the adjacent streets are subject to strict controls which maintain a character of the area. The new fence does not fit this character. The previous fence was lower wooden construction and should be restored.

66 Prestbury Road
Cheltenham
Gloucestershire
GL52 2DA

Comments: 14th July 2024

I have seen the posted notice regarding the fence at this address, my property is one of the only properties to directly overlook this address and what has been erected gives me no cause for concern, I support the property owner with the application.

2 Windsor Street
Cheltenham
Gloucestershire
GL52 2DE

Comments: 24th June 2024

I have two areas of concern with this application

Firstly and most importantly the retrospective application for the fence. This varies from the original planning in that it is a composite material which is not in keeping with the area of historic buildings and detracts from the aesthetic of the conservation area that it abuts. The fence is 1.8 metres tall and is within 1 metre of the footpath therefore is outside the permitted size. This is a flagrant disregard of planning policy in the UK. The previous boundary was in compliance with planning rules and in keeping with the surrounding area.

My second objection is the relocation of the Leylandii - these fast growing trees are likely to grow quickly and to remove water from the surrounding soil. This will directly lead to a deterioration in the light levels in my garden and the ability for both myself and my neighbour to grow successfully in our own garden area. My garden is surrounded by a brick wall which exists on the plans I have from pre-1900 and I am concerned that dehydration of the surrounding soil will damage the foundations of the walls. If these are currently planted in the position of the proposed development they should be removed rather than moved to an area where they will cause loss of light and possible subsidence of a historic garden wall.

Kingston Cottage
7 Pittville Crescent Lane
Cheltenham
Gloucestershire
GL52 2RA

Comments: 7th July 2024

Living opposite, I'm not up to date with all the laws of heights and colours but without doubt the current owner has improved the property since taking it on. It might not suit everybody but sometimes you have to look at before and after. I believe the property has been upgraded for sure.

Laburnum Cottage
11 Pittville Crescent Lane
Cheltenham
Gloucestershire
GL52 2RA

Comments: 18th July 2024

(Neutral) No objections to the proposed garden shed . If it could be seen from pavement, it could be hidden behind some screening and planting .

Before the property was sold ,the perimeter fencing was replaced with timber .

I do feel that this did look more unobtrusive , but the composite fencing is here now , and , in the scheme of things , we've all got worse things to worry about .

I'd prefer not to have the shed located, alternatively, along our garden boundary , as we already have 2 garden buildings along 2 of our boundaries, and after the extension built by the applicant , we are feeling really quite hemmed in .

I'm sure that a common sense solution can be reached .

1 Pittville Crescent Lane
Cheltenham
Gloucestershire
GL52 2RA

Comments: 23rd July 2024

Letter attached.

Comments: 2nd May 2024

Letter attached.

12 Windsor Street
Cheltenham
Gloucestershire
GL52 2DE

Comments: 23rd June 2024

The previous fence was low and subservient to the existing building whereas the new proposed (but in actual fact already built) fence and additional entrance with gate and new pillars are very high and above the threshold requiring planning consent. In addition they are on one of the principal elevations of the property - which detracts from the property and is both unsightly and also not in keeping with the proximate conservation area.

97 Elm Grove Road
London
SW13 0BX

Comments: 24th July 2024

Having grown up in the neighbourhood it is sad to see that the character of the area has been compromised by such an unsightly fence. The cheap plastic looking materials used are ugly and totally inconsistent with those used at surrounding properties. The fence needs to be a natural wooden construct to be in keeping. The material used combined with its disproportionate height gives the impression of a "compound" rather than a peaceful walkway towards Pittville Park. It is extremely sad to see that the aesthetic value of the lane has been destroyed by the construction of this fence.

36 Windsor Street
Cheltenham
Gloucestershire
GL52 2DE

Comments: 8th July 2024

The new composite fencing structure and concrete posts to the realigned boundary of the property is much higher, and more intrusive, than the original low timber fence. It is not sympathetic to the established local character of the road and the surrounding period properties of the nearby conservation area.

The new gate and posts situated in the original driveway obscure the original front entrance and elevation. Moving the main entrance to the main part of Pittville Crescent Lane has led to loose gravel on the road and a reduction in the number of public parking spaces. This has added to the difficulties of football fans, park users and now-since the new nearby parking zone was introduced- also commuters, when trying to find somewhere to park.

18 Windsor Street
Cheltenham
Gloucestershire
GL52 2DE

Comments: 17th July 2024

The fence that was previously there was significantly lower and the materials were in keeping with those used in other properties in the area, i.e. not garish composites. As a result, the new fence stands out like a sore thumb as soon as one enters Pittville Crescent Lane from Windsor Street. In addition, the gate and new pillars are very high and above the threshold requiring planning permission. The overall effect does not integrate with the 'feel' of the area, and on these grounds I object to granting retrospective planning approval.

26 Windsor Street
Cheltenham
Gloucestershire
GL52 2DE

Comments: 30th June 2024

The fence erected at this property on its main frontage is above the height permitted. In addition the vast majority of houses in this area and the adjoining conservation area have open front gardens marked either by railings or a low wall. The green and open impression this gives is in contrast to the height, design and materials used here. Something like the previous lower wooden fence should replace it.

2 Little Cleevemount
Cheltenham
Gloucestershire
GL52 3HT

Comments: 30th June 2024

My daily walk takes me past this property, I find the fence to be totally out of character with the area and my fear is that if action is not taken by the planning authorities a precedent will be established.

The material used is not what is permitted and the height is beyond the permitted measurement for a boundary fence facing the roadway.

31 Brookbank Close
Cheltenham
Gloucestershire
GL50 3NN

Comments: 4th July 2024

Pittville Crescent Lane was a modest suburban street until the re-orientation of no 3 was changed, whereby the original frontage became the rear garden. This garden has now been bordered by an extraordinary boundary fence, the composition of which is unnatural and matches absolutely nothing, by way of colour, or materials to the general landscape. It looks more like the boundary of a prison yard and certainly nothing of a domestic nature. The pavement is now uneven and unsightly.

As planning permission was flouted over the fence I am concerned now about the shed sitting on the boundary with No 1. although the height is correct I am concerned that it will be heightened when built to use as another of the owners airb&b rentals. The shed's closeness to their wooden fence could constitute a fire hazard, and cause dampness as well as noise for its other immediate neighbours

The Lodge
19A Pittville Crescent
Cheltenham
Gloucestershire
GL52 2QZ

Comments: 10th July 2024

No problem with application for a shed at the property. Most people have one and in fact there is a chicken coop next door which is lovely. Wish I could have some eggs. The Fence in question I also have no problem with as its brown and looks like wood. There are numerous different styles of fence, hedge and walls in our neighbourhood. Some are much higher than this fence. Mine dates back to 1861 and is much higher. The family who renovated this house have done a fantastic job with it. The new drive replaced an old and dilapidated boundary fence which was bigger than the current replacement around the corner. The result is better visibility and safety all round for pedestrians and drivers. Parking is better too and the drive can accommodate 3 vehicles which previously would have been on the road. It disappoints me when neighbours choose to look at the negative instead of the positive. Lets make Cheltenham a better place for us all to live together peacefully.

58 Windsor Street
Cheltenham
Gloucestershire
GL52 2DE

Comments: 23rd June 2024

The fencing has already been erected and is not the height nor style in keeping with all the surrounding properties and is in effect an eyesore.

3 Pittville Crescent Lane
Cheltenham
Gloucestershire
GL52 2RA

Comments: 1st August 2024

A neat wood colour fence, lower than most rear walls in the same road (classified as a Highway) and only marginally higher than fence and wall erected in same road based on plans passed last year by Council

8 Windsor Street
Cheltenham
Gloucestershire
GL52 2DE

Comments: 16th July 2024

I wish to lodge my objection to the ill considered 'proposed' fencing at 3 Pittville Crescent Lane. I say 'proposed' as the unauthorized fence has already been in place for some time, thus the retrospective application.

In my view the excessive height of this fence, and the use of unsightly composite materials wholly detract from the general character of this area.

The vast majority of houses in Windsor Street, Pittville Crescent Lane and general surrounding areas are fronted with either iron railings, low walls or timber fences and in some cases hedging. While we accept the property at No 3 is not necessarily in keeping with the primarily Victorian properties around, a similar form of low boundary treatment would at least not only be subservient to the building but also offer some form of continuity with the neighbouring properties.

The dominant current /proposed plastic fencing appears inappropriate to the property and the area, giving the impression more of an industrial compound than a residential boundary.

57 Pittville Crescent Lane
Cheltenham
Gloucestershire
GL52 2RA

Comments: 7th July 2024

The property is greatly improved which our street has needed Support as great to see investment in our area and this wood-look fence blends with other 1.8m fences but will remain in good appearance due to its make up

No objection to shed

Delighted that original driveway was removed as cars going in and out of this corner property always caused conjecturing and traffic issues on this short narrow stretch of Pittville crescent lane

2 Evesham Road
Cheltenham
Gloucestershire
GL52 2AB

Comments: 8th July 2024

I walk this way most days - the owner has done a great job of updating this house and tidied up the corner with a smart new boundary fence - the development design is contemporary and smart - and this property adds the general ambiance of the area - a definite improvement over the tired look previously

62 Windsor Street
Cheltenham
Gloucestershire
GL52 2DE

Comments: 18th July 2024

The request for a retrospective retention of the fence is unacceptable: the fence is higher than the original plan and it is made of a composite material vs wood as originally stated. Welcome upgrades have been made but most of this build has been 'retrospective' and in keeping with that is a further application for moving the garden shed which prompts the question to the council: is it ok to build anything and then ask for permission after? Leylandii are a principal cause of neighbour disputes, strains the water table and should not be encouraged in a city environment.

14 Windsor Street
Cheltenham
Gloucestershire
GL52 2DE

Comments: 23rd June 2024

The new boundary fence to no 3 Pittville Crescent Lane is extremely ugly and not in keeping with the area. Made of a composite material, it differs from the original planning application which was for a timber fence, which would be more harmonious with the surrounding properties. To meet the various highway laws, it should also be lower. On these grounds, I wish to make an objection to the retrospective planning application for the fence.

54 Windsor Street
Cheltenham
Gloucestershire
GL52 2DE

Comments: 28th June 2024

The fencing arrangement as completed, unlike original proposal, completely alters the orientation of the house to face the main part of the lane, (unlike the original house which faced the link road joining the main part of the lane to Windsor Street). It has created a private parking area for the property including garage open onto the main lane which prevents that stretch being used as public street parking.

Given the lane is heavily used for street parking during football matches and races, this can only add to parking pressure outside other properties as well as there being greater safety risks due to the occupiers cars reversing out on the corner.

I suspect there was a reason when the initial planning consent for the property was granted that it was orientated to include generous off street parking which had minimal impact on the highway. That surely would still apply

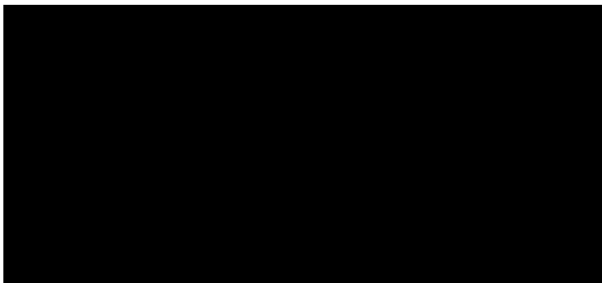
Head of Development Management

Proposed wooden garden shed at 3 Pittville Crescent Lane
Ref: 24/00631/FUL

I wish to state the following objections to this development:-

1. This appears to be an ambitious project for a garden shed. Especially as the plot has been extensively developed leaving minimal garden space.
2. Given the advertisements on Air B&B for this property, I fear that this project will be made available for paying guests.
3. In the planning application it states no electrical installation proposed in the shed. I fear that further unauthorised development will take place after planning permission has been granted.
4. The proximity of the shed to the boundary fencing, raises the question whether sufficient space remains for routine maintenance.
5. It is important that guttering should be provided to prevent overspill onto the fence, & thence to my property.

Would you be kind enough to de-identify my identity for public viewing



1 Pittville Crescent Lane
Cheltenham
GL52 2RA
21st July 2024

Head of Development Management

Retrospective planning application for fencing
at 3 Pittville Crescent Lane Ref: 24/00631/FUH

Further to my letter of 1st May 2024, including photographic evidence, which I wish to be included with this planning application.

I wish to object to the planning application for fencing at this property. This is a quiet residential area and there seems no reason for a fence of this height, which I understand has breached planning regulations. I fear this property will become a commercial development. It is a means of hiding further changes to the site from public gaze. Further more, the quality of this fence is contrary to the original planning consent which specified wooden fencing.

The fencing at this height depends upon the erection of pillars to support the gateway which is of a concrete construction and is again totally out of keeping with this residential environment.

In making these objections to the local authority I am relying upon its ability to uphold planning legislation which exists to protect the environment which I and others have enjoyed for many years.

Would you be kind enough to detent my identity for public viewing



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|---|--|
| APPLICATION NO: 24/01323/FUL | OFFICER: Miss Claire Donnelly |
| DATE REGISTERED: 7th August 2024 | DATE OF EXPIRY: 2nd October 2024 |
| DATE VALIDATED: 7th August 2024 | DATE OF SITE VISIT: |
| WARD: Hesters Way | PARISH: n/a |
| APPLICANT: | Cheltenham Borough Council |
| AGENT: | Adapt Architects Ltd |
| LOCATION: | 1 Howell Road Cheltenham Gloucestershire |
| PROPOSAL: | External wall insulation to properties, rendered finish with brick SLP to provide quoins and soldier course to front window at Howell Road, Numbers: 1,3,5,7,9,11 and 17, Lipson Road, Numbers 2,4,6,8,16,20,22,26,30,32,34,36,38,40,42,44,48, 50,52,54,56,58,60,62,64,68,70 and 72. |

RECOMMENDATION: Permit



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application relates to a number of addresses on Lipson Road and Howell Road, specifically twenty-eight properties on the Western side of Lipson Road and seven properties on the eastern side of Howell Road.
- 1.2 The applicant is seeking planning permission for the addition of external insulation to the identified properties with a render and brick slip finish. The submitted drawings also include the proposal of the replacement of the front canopies to all properties.
- 1.3 The application is at planning committee as Cheltenham Borough Council is the applicant and the landowner of the properties the application relates to.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Principal Urban Area
Smoke Control Order

Relevant Planning History:

There is no relevant planning history that relates to this application.

3. POLICIES AND GUIDANCE

National Planning Policy Framework

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

Adopted Joint Core Strategy Policies

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

Cheltenham Plan Policies

D1 Design
SL1 Safe and Sustainable Living

Supplementary Planning Guidance/Documents

The Cheltenham Climate Change SPD (adopted June 2022)
Residential Alterations and Extensions (2008)

4. CONSULTATIONS

There are no consultation responses for this application.

5. PUBLICITY AND REPRESENTATIONS

- 5.1 The application has been publicised by way of 4 no. site notices displayed on Lipson Road and Howell Road. Following the statutory consultation period, no responses have been received from the public.

6. OFFICER COMMENTS

- 6.1 **Determining Issues**

- 6.2 The key considerations for this application are design, impact on neighbouring amenity and sustainability.
- 6.3 **Design and sustainability**
- 6.4 Policy SD4 of the JCS and policy D1 of the Cheltenham Plan require development to be of a high standard of architectural design that responds positively to and respects the character of the site and its surroundings. This draws from paragraph 135 of the NPPF which seeks development to be visually attractive and sympathetic to local character.
- 6.5 Policy SD3 of the JCS requires development to demonstrate how they will contribute to the aims of sustainability and be expected to be adaptable to climate change in respect of design, layout, siting, orientation and function. The Cheltenham Climate Change SPD (adopted June 2022), sets out a strategy for decarbonising homes over the next decade. For residential alterations and extensions there is an opportunity to improve the environmental performance of a home through the inclusion of technologies and features.
- 6.6 The application proposes the installation of external insulation with a rendered finish and brick slip detailing to the front corner and above the front ground floor window of all buildings. Details of the materials have been requested, however unfortunately specific material details have not been submitted, and therefore details of the brick slip have been requested by way of condition.
- 6.7 The dwellings are semi-detached, with a red-brick finish and pitched, tiled roofs and are in the ownership of Cheltenham Borough Council.
- 6.8 The proposed external insulation would be approximately 100mm in depth, therefore resulting in a nominal increase in depth of the buildings. A supporting statement sets out that an external insulation system has been chosen over an internal insulation as *'disruption to the residents will be limited and the external insulation systems reduce the risk of creating consequential damp and mould problems'*. Officers note that only selected addresses are to have the insulation added, and therefore in some instances one of a pair of semi-detached properties would be altered. The depth of the insulation is small, however it is likely that the addition could be noticeable. Furthermore, the properties are to have a rendered finish; again, one of a pair of semi-detached properties would be rendered with the other left as original; red brick.
- 6.9 The proposed installation of external insulation will improve the thermal efficiency of the properties, therefore meeting the aims of Cheltenham Borough Council following the declaration of a climate emergency and targeting net carbon zero by 2030. The project is being supported by the Government's Social Housing Decarbonisation Fund. As such, the proposed works have environmental benefits that comply with the relevant policies and guidance.
- 6.10 Officers acknowledge that as a result of the proposal there will be a visual change to the properties included in this application, both due to the nature of the external insulation and the use of render. However officers note that there is render and lighter colour brick used on Lipson Road, and therefore the use of render would not be out of character in the street.
- 6.11 Whilst there would be a visual change to the properties as part of this application due to the materials and addition of the insulation, when taking into consideration the environmental, and wider benefits of the proposal in terms of sustainability, the scheme is considered to be acceptable in this instance. As such, the proposal is considered to comply with the relevant design policies and would meet the aims of the Council in terms of sustainability and Climate Change.
- 6.12 The submitted drawings also include the proposal of the replacement of the front canopies to all properties. The canopies would be a 'pre-formed dual pitch with open apex'. The

design, scale and form of the canopies are considered to be acceptable and would not result in harm to the character of the main dwelling.

6.13 Impact on neighbouring property

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

6.15 Following public consultation, no concerns have been raised from neighbouring residents. The impact on neighbouring amenity has been considered. The insulation would have an approximate depth of 100mm and therefore the impact on adjoining properties that are not being altered would be very limited. As such, given the nature of the proposed works, there are no concerns that there would be an unacceptable in terms of a loss of light, loss of privacy or loss of outlook as a result of the proposed works.

6.16 The proposal would therefore comply with the relevant policies in terms of protecting neighbouring amenity.

6.17 Other considerations

6.18 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.

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

7. CONCLUSION AND RECOMMENDATION

7.1 Taking the above into consideration, the proposed works are considered to be acceptable in terms of design and meeting the aims of Cheltenham’s Climate Change SPD and Council targets in terms of sustainability. Furthermore, there are no concerns relating to an impact on neighbouring residential amenity.

7.2 As such, officers’ recommendation it to permit this application subject to the suggested conditions below.

8. SUGGESTED CONDITIONS

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

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

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

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

- 3 No external brick slips shall be applied unless in accordance with:

- a) a written specification of the materials; and/or
- b) physical sample(s) of the materials.

The details of which shall have first been submitted to and approved in writing by the Local Planning Authority.

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

INFORMATIVES

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

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

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

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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

August/September 2024

| Address | Proposal | Delegated or Committee Decision | Appeal Type | Anticipated Appeal Determination Date | Reference |
|--|--|---------------------------------|--|---------------------------------------|-------------------------------|
| 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 |

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|---|---|---------------------------|-------------------------------|------------|---------------------|
| <p>Little Duncroft Evesham Road Cheltenham Gloucestershire GL52 3JN</p> | <p>Change of use of garage building as a standalone residential property. Retention of external cladding, easterly facing window, roof lights and boundary fencing (part retrospective), (Resubmission of planning application 23/01739/FUL).</p> | <p>Committee Decision</p> | <p>Written representation</p> | <p>n/a</p> | <p>24/00471/FUL</p> |
| | | | | | |

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 |

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|--|--|--------------------|-------------------------|-------------|--|
| 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 |
| 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 representations | Not decided | Planning ref: 24/00079/FUL Appeal Ref: 24/00016/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 |

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|--------------------------|---|--------------------|------------------------|---------------------------------|--|
| 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 |

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|--|--|--------------------|--------------------------------|--|--|
| 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 |

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|-------------------|--|--------------------|---|------------------|--|
| 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 |

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|-------------------------------------|--|--------------------|------------------------|--|---|
| 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 |

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|---|---|--------------------|---|------------------|--|
| 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 |

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|-------------------|---|--------------------|------------------------|------------------|--|
| 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 |
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| 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 |

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|---|---|--------------------|------------------------|--|--|
| 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 |

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| 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 |

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|------------------------|---|--------------------|---|------------------|--|
| 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> |

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|--|---|---------------------------|-------------------------------|-------------------------|--|
| <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> |

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|---|---|---------------------------|-------------------------------|---|--|
| <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> |

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|---|---|--------------------|------------------------|------------------|--|
| 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 |
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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 10th September 2024