

Cheltenham Borough Council Planning Committee

Meeting date: 17 April 2025

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 Tony Oliver, Councillor Simon Wheeler, Councillor Suzanne Williams and Councillor Dr Steve Steinhardt

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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 27 March 2025.

5 Public Questions

6 Planning Applications

6a 25/00460/CACN - 71 Leckhampton Road, Leckhampton, Cheltenham, GL53 OBS (Pages 13 - 16)

[Planning Application Documents](#)

6b 25/00358/FUL - 55 Bafford Approach, Charlton Kings, Cheltenham, GL53 9JF (Pages 17 - 20)

[Planning Application Documents](#)

6c 24/00399/FUL - The Folley, Swindon Road, Cheltenham, GL50 4AZ (Pages 21 - 182)

[Planning Application Documents](#)

7 Appeal Update (Pages 183 - 220)

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



Cheltenham Borough Council Planning Committee Minutes

Meeting date: 27 March 2025

Meeting time: 6.00 pm - 6.58 pm

In attendance:

Councillors:

Garth Barnes (Chair), Juan Carlos Garcia Clamp, Glenn Andrews, Adrian Bamford, Jackie Chelin, Jan Foster, Tony Oliver and Suzanne Williams

Also in attendance:

Claire Donnelly (Planning Officer), Chris Gomm (Head of Development Management, Enforcement and Compliance), Michael Ronan (Lawyer), Ben Warren (Senior Planning Officer) and Lara Daniali (Conservation Officer)

1 Apologies

Apologies were received from Councillors Allen, Baker, Clark and Wheeler. Councillors Chelin and Garcia Clamp attended as substitutes.

2 Declarations of Interest

There were none.

3 Declarations of independent site visits

The following Councillors attended sites 6a and 6b during Planning View:

- TBC

Councillor Chelin declared that she had visited the neighbour of site 6b.

4 Minutes of the last meeting

The minutes of the meeting held on 13 February were approved and signed as a correct record.

5 Public Questions

There were none.

6 Planning Applications

7 24/01189/FUL - Cotswold Grange Hotel Pitville Circus Road, Cheltenham

The Senior Planning Officer introduced the report as published. He highlighted that an officer update had been circulated discussing the impact on the Beechwood Special Area of Conservation with an updated recommendation to permit subject to S106 agreement and specified conditions.

There were two public speakers on the item: an objector and the applicant.

The objector addressed the committee and made the following points:

- Representing the residents of Moor Court Drive, all of whom are in objection to the plans and have contributed to the speech.
- Developments should provide an overall benefit to the area, with potential public benefits balanced against and outweighing the many detriments recognised by officers. Residents believe that the detriments have been underplayed, and stated benefits are both exaggerated and do not compensate for the negative impact of the development.
- Moor Court Drive is a quiet, leafy, airy, and attractive residential cul-de-sac. There are no shops, cafes or other hotels nearby to create noise. It is not unusual for the street to be described as a haven. The starting value and amenity of the area for residents is very high.
- Activities within the Cotswold Grange Hotel have previously been contained within the building or within an enclosed courtyard garden, minimising the impact on local residents. This would be fundamentally changed by the proposed development which would leave the street overlooked by an overbearing glass pavilion and first floor terrace. The construction design and material will provide no sound or visual barriers which, along with increased use, will cause significant noise and indoor light disturbance to residents. It will change the nature of the street from being residential to feeling more commercial, which cannot be mitigated by adding conditions.
- The whole building sits within a conservation area, characterised by light, airy space around buildings, and it is contrary to the council's policy to have unacceptable erosion of that space. The proposed development adds the equivalent of a 2-storey house to the street, well beyond the existing build line for the road and infilling to the edge of the property. The design is intrusive, solid and overbearing and will remove the airy feel of the street. The Conservation Officer acknowledges that the proposal is large in relation to the current footprint and that developments in this conservation area are normally set away from existing boundaries. Allowing this development may set a dangerous precedent.

- The rear extension backs on to a residential street and homes rather than a service road. With the new bedrooms looking into the properties opposite.
- The suggested public benefits are economic but are not backed up by data or research and appear to be exaggerated. The claim that an increase of four bedrooms would lead to an increase of four permanent full-time staff is questionable and it is not possible for planning conditions to compel the applicant to make these appointments.
- Further economic benefit for the town would need the additional rooms to bring people to Cheltenham who wouldn't have stayed otherwise. Cheltenham's economic strategy and the Tourism Officer have confirmed that outside of the two main Race meets there is spare capacity in similar hotel rooms within Cheltenham. These rooms will not provide additional revenue for 96% of the year. This modest revenue does not balance the significant negative impact.
- The proposed plans will unnecessarily change a lovely, residential street for the worse forever, with minimal actual public benefit.

The applicant addressed the committee and made the following points:

- He has had the privilege of running and owning Cotswold Grange for the last 18 years. It is a well-established, family-run hotel occupying a beautiful period building dating back to the 1850s. Featuring 20 bedrooms, a bar and function rooms it is one of the last few independently run, boutique hotels in the area and has long been a unique part of Cheltenham's hospitality offering.
- They are committed to carefully restoring and protecting the historic building whilst ensuring it continues to meet the needs of modern guests. A substantial refurbishment in 2015 ensured the period features were preserved. The hotel attracts visitors from around the world who appreciate staying in a hotel with a story, a soul, and a true sense of place. Places like Cotswold Grange survive because of care, dedication and the ability to evolve thoughtfully in a way that respects the building's character, enhances guests' experience and integrates the local community.
- The proposal includes a larger and more flexible function space which will enhance the hotel's current offer, providing a much-needed venue for local events, small celebrations, and cultural gatherings in compliance with the hours outlined in the officer's report. A modest increase of six guest bedrooms will allow the hotel to meet demand whilst maintaining an intimate, personal experience. It will also improve accessibility with a new lift at the main entrance and a fully accessible bedroom.
- With 26 bedrooms, the hotels anticipate over 13k overnight stays annually with the visitors staying projected to spend between £1.5 – £2 million per year, directly benefiting Cheltenham's shops, restaurants and attractions.
- The construction phase will represent a substantial investment to the local economy, and the full-time hotel team will increase from 9 to 13.
- The proposal has been developed in consultation with planning officers, the design review panel and neighbours. Feedback has been listened to, plans adapted, and key requests have been incorporated. The revised proposal places the development more than 21m from the nearest neighbouring property and window placement has been carefully designed to avoid overlooking concerns.

- Important to ensure that independent, characterful places are kept alive in a world in which they are disappearing. The proposal seeks to secure the future of a historic property, ensure that it continues to welcome guests, support local jobs and contribute to Cheltenham's wider visitor economy. Without the ability to adapt businesses struggle and we don't just lose jobs and revenue, we lose a piece of what makes Cheltenham special.

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

- It's good to see where applicants have worked with planning officers to develop a better scheme that serves the area better. The alterations and compromise were highlighted, and the plans were felt to have significantly improved.
- Whilst the addition of a terrace was not generally preferred and was described as conspicuous, it was noted that in this instance this was a good design.
- It was highlighted that owners of listed buildings do need to be able to generate income to maintain these buildings.
- Concern was raised that during construction the laurel hedge would be damaged, which provides an element of privacy for the residents. The rear extension was felt to be acceptable if this hedge was maintained. The applicant was urged to maintain this hedge as far as possible.

The Senior Planning Officer noted that it was not possible to protect the laurel hedge, however, one of the recommended conditions requires the provision of a landscaping plan setting out all landscaping that should be retained as well as additional planting. Once submitted and discharged they would need to comply with this plan, and if any plants and trees die within a set period they would need to be replaced. This would allow some protection for the hedge.

The matter then went to the vote on the officer recommendation to permit subject to S106:

For: 8

Against: 0

Abstentions: 0

Voted unanimously to permit subject to S106.

8 24/01486/FUL -103 Shurdington Road, Cheltenham

The Planning Officer introduced the report as published. She highlighted that an officer update had been circulated regarding the Environment Agency's updated flood risk mapping. The outbuilding remains in flood zone 3, flood zone 2 has been extended and the main dwelling on the site now sits within flood zone 2.

There was one public speaker on the item: an objector.

The objector addressed the committee and made the following points (a printed copy of his speech and a Three Counties flood risk assessment was provided to each Member):

- A number of issues with the application had been raised with officers but responses had not been received or the responses received had been unsatisfactory and shown a lack of duty of care.
- The previous building of a garden house built under permitted development for garden outbuildings should have been subject to full planning.
- Hatherley Brook was described by the applicant as 'a stream' with no history of flooding but another neighbour's representation had noted flooding within the garden of 103 Shurdington Road recently and footage of the brook showed that at its full it was a 'raging torrent'.
- The building would be on flood zone 3 and increase the danger of flooding due to displaced water. Flood resilience measures such as flood protective material had not included in previous building of the garden house.
- The application was incorrectly submitted with trees shown in the wrong places or missing.
- If the annex is being built due to the need for additional space for a family member the applicant could have applied to do a loft conversion with the rear extension as was done at 101 Shurdington Road.
- The Environment Agency requires that developments must consult with planning departments to gain permissions and licences, and permission must be asked if building within 8 meters of a flood defence. This was not followed during the building of the garden house.
- The proposed tin roof does not reflect the character of the surrounding area, with other properties using clay tiles or concrete interlocking. The roof will look like a factory and increase noise for surrounding properties during heavy rain.
- The flood risk assessment used is incorrect as the site plan does not show the rear extension correctly, nor the large, raised patio area which adds to water displacement. An enforcement investigation has been requested.
- Damage to properties has occurred from flooding and been reported to the Environment Agency. A footpath on the Merestones Estate has washed away, and a retaining wall was washed away when South Acre Lodge flooded.
- The elevations included in the application were incorrect and shown as higher against neighbouring land than reality. Drainage was also not identified, and concern was raised that this could lead to the brook being polluted and foul air invading nearby gardens, affecting health and welfare.
- The development could be used as a rental property bringing extra vehicles to the property and leading to increased safety risks. The new garden wall would reduce sight lines and could lead to incidents with a cycle path for the new high school.
- The objector asked for it to be recorded that points 13 to 17 of his objection were not read due to time limits.

In response to Members' questions, officers confirmed that:

- The Environment Agency were consulted, and their response was that the site did not meet their consultation checklist, so they did not provide a detailed response to the consultation. The council's Drainage and Flooding Officer did provide comments and raised that the development is within a functional flood

plain and that the floor levels are not above the estimated flood level. They acknowledged that the building is ancillary so occupants of the annex could evacuate to the main building in case of flooding. If the building roof was lowered it would fall within permitted development rights, which includes no requirement for officers to give regards to flooding.

- The applicant's submission meets the council's validation requirements. Officers have considered the application accurate enough to consider and submit for decision.
- Trees aren't protected, so if they have been removed consent is not required.
- The planning officer did visit the site and did not identify any concerns over loss of amenity. A land level survey was not required for this type of development.

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

- They did not identify any real planning objections to the proposal as it is extending what is already there. As the area to be filled is already hard standing they did not believe this would increase flood risk.

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

For: 5

Against: 0

Abstentions: 3

Voted to permit.

9 24/01872/FUL and LBC - 38, 40, 42 46 London Road, Cheltenham

The Conservation Officer introduced the report as published.

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

For: 8

Against: 0

Abstentions: 0

Voted unanimously to permit and grant.

10 24/01875/FUL and LBC - 2 Montpellier Spa Road

The Conservation Officer introduced the report as published.

In response to Members' questions, officers confirmed that:

- These are Cheltenham Borough Homes properties which are now managed by Cheltenham Borough Council.

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

For: 8
Against: 0
Abstentions: 0

Voted unanimously to permit and grant.

11 Appeal Update

The appeal updates were noted.

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

There were none.

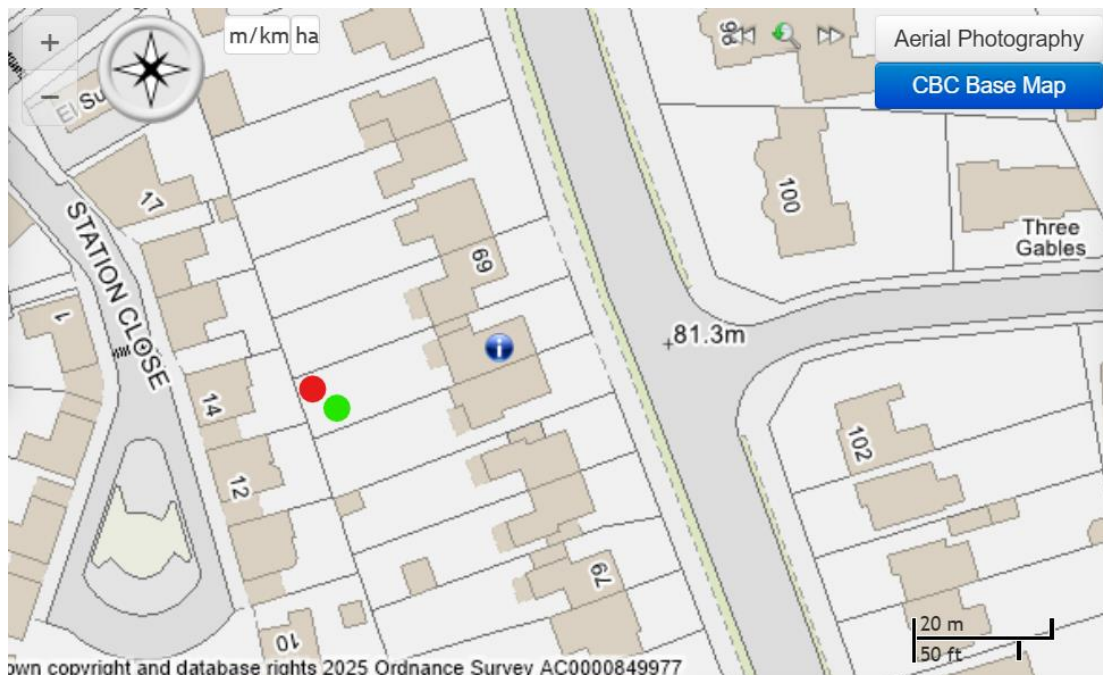
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Officer Report

APPLICATION NO: 25/00460/CACN	OFFICER: Mr Sam Reader
DATE REGISTERED: 19th March 2025	DATE OF EXPIRY: 1 st June 2025
DATE VALIDATED: 20th March 2022	DATE OF SITE VISIT: Several
WARD: Leckhampton	PARISH: Leckhampton With Warden Hill
APPLICANT:	Ms Lucy Knibbs
AGENT:	Kyle Marrett
LOCATION:	71 Leckhampton Road Cheltenham Gloucestershire
PROPOSAL:	One stone pine tree to rear of property - fell to ground level

RECOMMENDATION: No objections

Red dot denotes tree to be removed. Green dot denotes tree to be retained. Note, these are approximate location of tree stems, not crown spread:



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 Proposal to remove one pine tree from the rear garden of 71 Leckhampton Road. Rear garden is approx. 22m long and 9m wide. Tree is one of two stone pines and the tree to be removed is closer to the rear garden wall and overhangs the rear neighbours' back garden (12 and 14 Station Close).

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Conservation Area

Relevant Planning History:

20/00987/CACN 14th July 2020 No Objections

Pine Trees T1 and T2 - crown lift to 3m over decking and shorten some longer branches by 1 meter and crown thin/clean by 20%

22/00044/CACN 17th February 2022 No Objections

Remove two stone pines

3. POLICIES AND GUIDANCE

Local Plan Policy GI2: Protection and Replacement of Trees: The Borough Council will resist the unnecessary felling of trees on private land and will make Tree Preservation Orders in appropriate cases.

Local Plan Policy GI3: Trees and Development: Development which would cause permanent damage to trees of high value will not be permitted.

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

4. CONSULTATIONS

No consultation has been undertaken.

5. PUBLICITY AND REPRESENTATIONS

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

Previous concerns about this tree were:

- Concerns over eventual height and spread of trees
- Resident does not enjoy or value their presence
- Resident suggests species is inappropriate for the site and alternative species may be more suitable

- Concerns of the risk to the Victorian rear wall (between 71 Leckhampton Road and 12 / 14 Station Close) and the main sewer / drain for Leckhampton Road which runs parallel to the wall through the gardens behind Station Close

Previous objection to the removal of both pines was from a Ward member and was focussed on the protection of amenity and wildlife value.

5.1 Comments Received

6. OFFICER COMMENTS

6.1 Determining Issues

This is a Conservation Area Notification of Intent to fell one pine tree in the rear garden of 71 Leckhampton Road. The applicant is an employee of Cheltenham Borough Council, so for the sake of transparency it was appropriate to bring the decision to Committee Members for determination.

Local policy states that the Council will resist the unnecessary removal of private trees and will make TPOs in appropriate cases (Policy GI2 of the Cheltenham Plan).

Previous Committee decision (2022) to issue No Objections to removal of both trees has now elapsed but trees and site have not changed, nor has local or national policy.

6.2 The site and its context

The tree is situated at the end of the rear garden of 71 Leckhampton Road, roughly to the north of another stone pine. Currently the tree is roughly 6-7m tall with an approximate overall crown spread of 5m. Both trees are stone pine (also called umbrella pine due to their upswept form). They are an evergreen species, native to the Mediterranean and much used for shade and amenity value in towns and coastal regions (they are also the source of pine nuts). They occasionally shed heavy, fist-sized cones. Both of these trees are approximately 25 years old and therefore far from their mature height and spread which could be twice their current size in UK conditions. Reducing the size of the crown of these trees is a limited management method given that only green growth can be removed – it would be difficult to retain their original, pleasing visual amenity should height and spread reduction be undertaken. We estimate that these trees are growing 15cm annually. The tree proposed for removal is growing across the boundary to the west (and to a lesser extent to the north). Should these trees be removed, the retained silver birch, of approximate equal height, will become more apparent. However, this tree has grown in the shade of the pines and its growth and form has been suppressed resulting in a somewhat drawn-up appearance.

6.3 Design and layout

The trees currently have a natural and pleasing aspect but will grow out of proportion to the garden over time, probably within ten to twenty years. The shade cast, as well as tree debris, will increase as the trees continue to grow. Whilst only part of the crown of one tree is visible (with difficulty) from Leckhampton Road itself, they add to the arboricultural

fabric of this part of the conservation area. The current deteriorating state of the decking in the garden of 71 Leckhampton Road is contributed to by the shade and debris drop (including bird droppings) from the trees.

6.4 Impact on neighbouring property

Properties to the north and west will be most affected by the shade cast by these trees, and 12 and 14 Station Close no doubt receive the most debris from them (needles, cones etc). It's not easy to predict future structural damage to boundary walls and infrastructure.

6.5 Access and highway issues

N/A

6.6 Sustainability

The trees have good form, and if left could likely grow to be fine handsome trees. They of course have the benefits of providing wildlife habitat and contributing to the green infrastructure of the area (temperature reduction, carbon storage etc). This species of tree probably has less wildlife value than many native species but it appears that, for example, small birds do adapt to make use of non-native tree species.

The trees probably have around 5-10 years useful life expectancy before one or both grow too large for the garden.

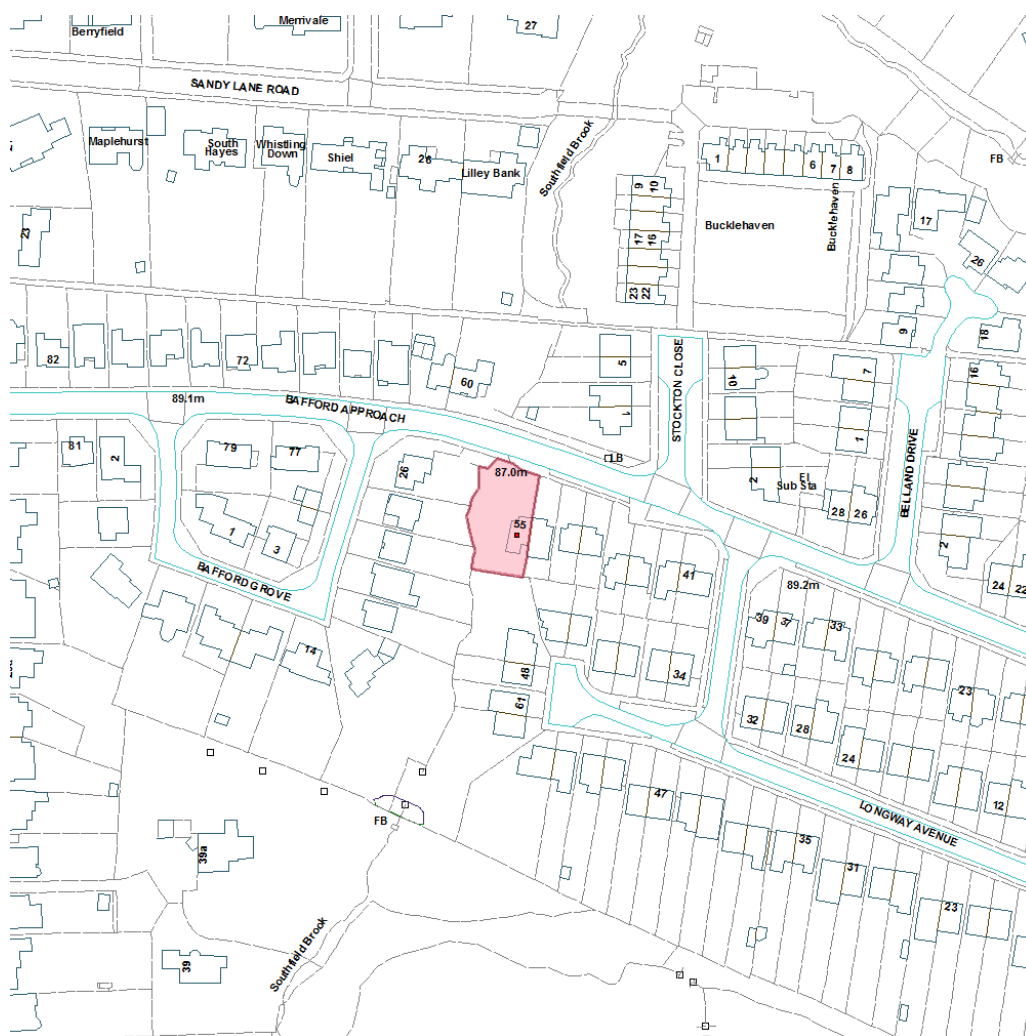
6.7 Other considerations

7. CONCLUSION AND RECOMMENDATION

- 7.1** This is currently a fine tree but with limited public visual amenity. Previously both trees were proposed for removal and Planning Committee voted to issue a decision of No Objections. This decision has now elapsed (by just over 1 year). Although the loss of the pine would be regrettable, the limited retention span before it outgrows the garden, coupled with its limited public visibility makes a Tree Preservation Order inappropriate. On balance, the Trees Section has no objections to its removal. Given the lack of change in local or national policy relating to tree protection since the previous proposal to remove both pines, the Council's position should be unchanged.

APPLICATION NO: 25/00358/FUL		OFFICER: Michelle Payne
DATE REGISTERED: 8th March 2025		DATE OF EXPIRY: 3rd May 2025
DATE VALIDATED: 8th March 2025		DATE OF SITE VISIT:
WARD: Charlton Park		PARISH: Charlton Kings
APPLICANT:	Dr John Boyes	
AGENT:		
LOCATION:	55 Bafford Approach Cheltenham Gloucestershire	
PROPOSAL:	Replace existing damaged under window fascia/cladding and gutters to front of house, and extend cladding across a portion of the ground floor.	

RECOMMENDATION: Permit



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site is located on the south side of Bafford Approach, within Charlton Kings parish, and comprises a semi-detached, two storey property.
- 1.2 The property is largely faced in brick, with sections of horizontal white wood/uPVC cladding to the front elevation under the windows, and white rainwater goods. It is noted that the windows in the property have already been replaced with dark framed/black windows.
- 1.3 The applicant is seeking planning permission to replace the existing damaged white fascia/cladding and gutters to front of house with vertical black uPVC cladding, and to extend the cladding across a portion of the ground floor.
- 1.4 The application is before the planning committee as the applicant's partner is an elected Cheltenham Borough Councillor.

2. CONSTRAINTS AND PLANNING HISTORY

Constraints:

Principal Urban Area
Smoke Control Order

Planning History:

CB14874/00

14th January 1980

PERMIT

2-Storey Extension

3. POLICIES AND GUIDANCE

National Planning Policy Framework 2024 (NPPF)

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

Adopted Cheltenham Plan 2020 (CP) Policies

D1 Design
SL1 Safe and Sustainable Living

Adopted Joint Core Strategy 2017 (JCS) Policies

SD4 Design Requirements
SD14 Health and Environmental Quality

Supplementary Planning Guidance/Documents

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

4. CONSULTATIONS

Building Control

10th March 2025

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

Parish Council

18th March 2025

No objection.

5. PUBLICITY AND REPRESENTATIONS

- 5.1 Letters of notification were sent to seven neighbouring properties. No representations have been received in response to the publicity

6. OFFICER COMMENTS

6.1 Determining issues

6.1.1 The main consideration when determining this application relates to design and the impact of the proposals on the street scene.

6.2 Design and impact on street scene

6.2.1 CP policy D1 requires development proposals to complement and respect neighbouring development and the locality. The policy is generally consistent with JCS policy SD4 and advice set out within Section 12 of the NPPF. Additional design guidance for domestic properties is set out within Council's adopted 'Residential alterations and extensions' SPD.

6.2.2 The proposed alterations will undoubtedly alter the appearance of the property within the street scene, but are not considered harmful. A number of other properties along this stretch of the road have been altered or extended in some way over the years, some having replaced their cladding with render, with others having installed timber/timber effect cladding and rendered over the facing brick; indeed, the adjoining property has been amended in this way. As such, officers are satisfied that the resultant dwelling will not appear out-of-keeping, or particularly at odds with its context.

6.2.3 Together with the previously installed dark framed windows, the proposed changes will give the property a more contemporary appearance, whilst maintaining the general character of the property and its neighbours.

6.2.4 The proposals are therefore acceptable from a design perspective.

6.2.5 It is noted that no objection has been raised by local residents or the parish council in response to the consultation exercise.

6.3 Other considerations

Amenity

6.3.1 CP policy SL1 advises that development will only be permitted where it will not cause unacceptable harm to the amenity of adjoining land owners or the locality; these requirements are reiterated in JCS policy SD14. In this case, given the nature of the proposals, officers are satisfied that there are no amenity concerns arising from the proposed alterations.

Climate change

6.3.2 The adopted Climate Change SPD provides guidance on how applicants can successfully integrate a best-practice approach towards climate change and biodiversity in all new development proposals. Whilst in this case the application is not supported by a Sustainability Statement or Climate Change Checklist, and no specific low carbon technologies are proposed, given the very limited scope of development proposed, this is acceptable on this occasion.

Public Sector Equality Duty (PSED)

6.3.3 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.

6.3.4 In this case, having considering the merits of the planning application, this authority is satisfied that the proposed development meets the requirements of the PSED. Due regard has been had to the nine protected characteristics recognised within the PSED, and officers are satisfied that no-one has been discriminated against in the determination of this application.

7. CONCLUSION AND RECOMMENDATION

- 7.1 With all of the above in mind, the proposals are considered to be acceptable, and the officer recommendation is to grant planning permission subject to the following standard conditions:

8. 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.

INFORMATIVE

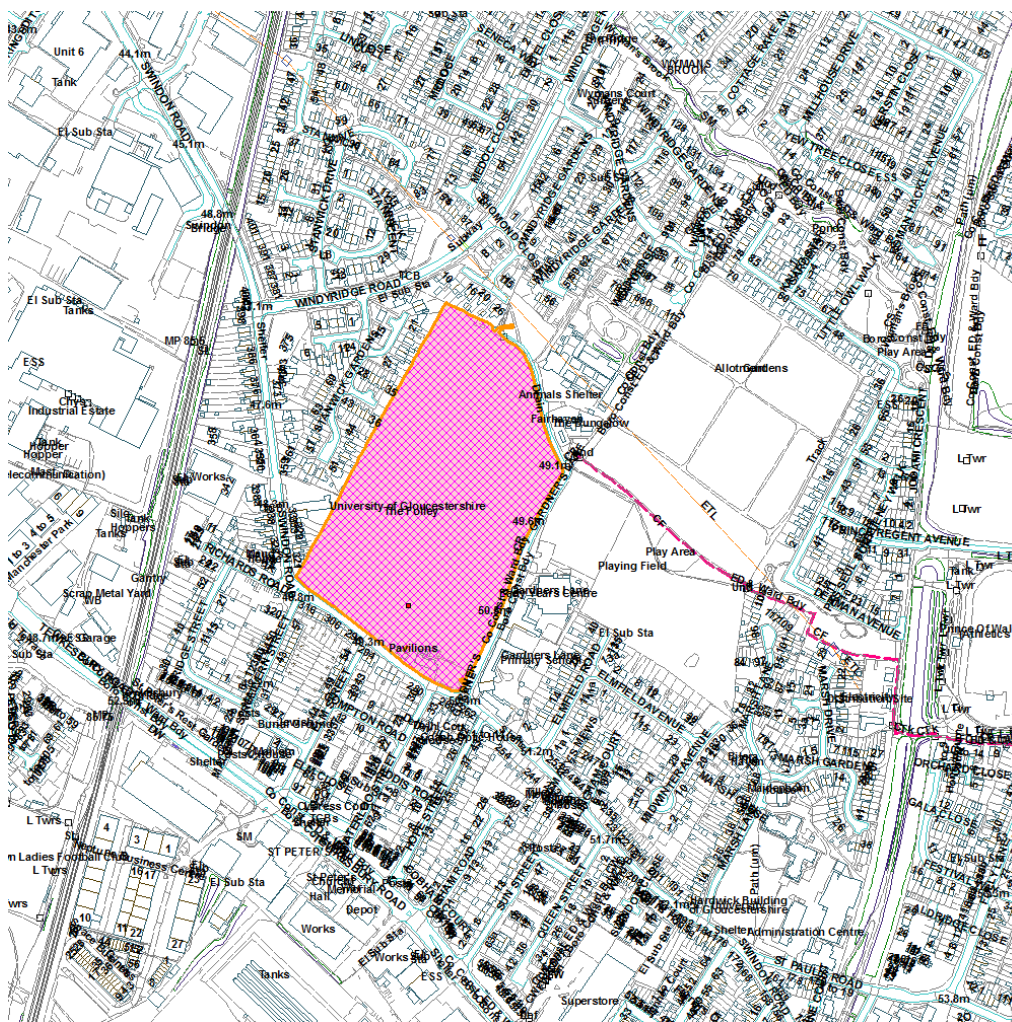
- 1 In accordance with the requirements of The Town and Country Planning (Development Management Procedure) (England) Order 2015 and the provisions of the NPPF, the Local Planning Authority adopts a positive and proactive approach to dealing with planning applications and where possible, will seek solutions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

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

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

APPLICATION NO: 24/00399/FUL		OFFICER: Michelle Payne
DATE REGISTERED: 8th March 2024		DATE OF EXPIRY: 7th June 2024 (extension of time agreed until 23rd December 2024)
DATE VALIDATED: 8th March 2024		DATE OF SITE VISIT:
WARD: Swindon Village		PARISH:
APPLICANT:	Aster Homes Ltd.	
AGENT:	Black Box Planning	
LOCATION:	The Folley Swindon Road Cheltenham	
PROPOSAL:	Development comprising the erection of 122no. dwellings along with associated access, infrastructure, landscaping, open space and car park.	

RECOMMENDATION: Permit subject to a s106 agreement



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site is located to the north of Swindon Road within the Principal Urban Area and comprises some 6.18 hectares of land. The site is not subject to any other designation.
- 1.2 The site comprises a single field owned by the University of Gloucestershire, the site having formally been used for sports provision for the university, but now vacant. The Planning Statement that accompanies the application stating, *“The ongoing investment programme by the University including in its sports related courses has meant sports provision is now focused at the Oxstalls Campus, Oxstalls Sports Park and The Park Campus”*. The site includes a derelict pavilion building and changing building with an associated car park; and is enclosed along the street frontages by palisade fencing, and not publicly accessible.
- 1.3 The site is bound by residential properties in Stanwick Gardens to the west, with residential properties opposite the site on Swindon Road. Additional residential properties in Thomond Close and Windyridge Gardens, together with Cheltenham Animal Shelter lie to the north of the site. To the east, Gardner’s Lane runs adjacent to the boundary with Gardners Lane Primary School and Early Years Centre beyond. There are a number of mature trees and hedges along the site boundaries.
- 1.4 The application seeks full planning permission for a new residential development comprising the erection of 122no. low carbon dwellings along with associated access, infrastructure, landscaping, open space and car park. The applicant, Aster Homes Ltd, are proposing a mixed tenure affordable scheme comprising shared ownership homes (offering a route to affordable home ownership), together with homes for social rent. Aster Homes Ltd are part of Aster Group, a housing association.
- 1.5 In addition to drawings, the application has been accompanied by a number of detailed reports and statements some of which have been revised/addended during the course of the application; all of the documents have been available to view on the Council’s website (and marked superseded where appropriate).
- 1.6 The application is before the planning committee at the request of Councillor Flo Clucas for the following reasons:
 - Increase in traffic on an already extremely busy highway, Swindon Rd;
 - The difficulties caused for traffic in relation to the railway bridge;
 - Access and egress from the site;
 - Access and egress from school;
 - Impact on Animal Shelter;
 - Loss of green space;
 - Impact on amenity for local people;
 - Impact on wildlife.
- 1.7 Revised plans have been submitted during the course of the application, and these are addressed in the report below.
- 1.8 Members will have the opportunity to visit the site on planning view.

2. CONSTRAINTS AND PREVIOUS APPLICATIONS

Constraints:

Airport Safeguarding over 45m
Honeybourne Line
Principal Urban Area
Smoke Control Order

Previous applications:

CB18622/00

REFUSE

4th August 1988

Outline Planning Permission For Residential Development

CB18622/01

REFUSE

5th May 1992

Erection Of 350 - Place Student Residence, Replacement Sports Pavilion, Car, Coach And Cycle Parking And Ancillary Works

Officer comment: It is noted in the objections that reference is made to the above refusals of planning permission for the development of the site in 1988 and 1992, suggesting that they provide a clear reason for refusal; however, these decisions were made over 30 years ago and given the significant changes to planning policy that have since taken place, both nationally and locally, these previous refusals are largely immaterial in the determination of this application, which must be considered in the context of the current development plan.

3. POLICIES AND GUIDANCE

National Planning Policy Framework 2024 (NPPF)

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 2020 (CP) Policies

D1 Design

D3 Private Green Space

HE1 Buildings of Local Importance and Non-Designated Heritage Assets

HE2 National and Local Archaeological Remains of Importance

BG1 Cotswold Beechwoods Special Area Of Conservation Recreation Pressure

SL1 Safe and Sustainable Living

GI2 Protection and replacement of trees

GI3 Trees and Development

CI1 Securing community infrastructure benefits

CI2 Sports and open space provision in new residential development

CI4 Broadband provision

Adopted Joint Core Strategy 2017 (JCS) Policies

SP1 The Need for New Development

SP2 Distribution of New Development

SD3 Sustainable Design and Construction

SD4 Design Requirements

SD8 Historic Environment

SD9 Biodiversity and Geodiversity

SD10 Residential Development

SD11 Housing Mix and Standards

SD12 Affordable Housing

SD14 Health and Environmental Quality

INF1 Transport Network

INF2 Flood Risk Management

INF3 Green Infrastructure

INF4 Social and Community Infrastructure

INF5 Renewable Energy/Low Carbon Energy Development
INF6 Infrastructure Delivery
INF7 Developer Contributions

Supplementary Planning Guidance/Documents

Cheltenham Climate Change SPD (2022)

4. CONSULTATION RESPONSES

See Appendix at end of report

5. PUBLICITY AND REPRESENTATIONS

- 5.1 Letters of notification were sent to 141 neighbouring properties on receipt of the application. In addition, site notices were posted in various locations around the site, and an advert published in the Gloucestershire Echo.
- 5.2 Additional consultation was carried out on receipt of the revised plans, where deemed necessary.
- 5.3 In response to the publicity, a total of 59 representations have been received; 57 in objection, and two in support. A petition with 92 signatures has also been received.
- 5.4 The comments have been circulated in full to members but the main objections are summarised below:
 - Loss of green space
 - Impact on wildlife
 - Insufficient local infrastructure and amenities
 - Increase in traffic and pollution – cumulative effects
 - Impact on air quality
 - Highway safety
 - Impact on privacy and light to neighbouring properties
 - Flood risk
 - Increase in noise and disturbance to residents, the Animal Shelter, and neighbouring school, particularly during construction
 - Lack of communication and transparency
 - Previous applications refused
 - Overdevelopment
 - Potential increase in crime and anti-social behaviour
 - Loss of view
 - Devaluation in property
- 5.5 Members should note that the representations include a joint objection from Richard Gibson, CBC Head of communities, wellbeing & partnerships, and Adam Reynolds, CBC Green Space Manager.
- 5.6 The applicant also undertook their own consultation exercise prior to the submission of the application, and the application is accompanied by a detailed Statement of Community Involvement. A drop-in exhibition was held in the school hall at Gardner's Lane Primary School on 11th January 2024, with invitations sent to more than 850 addresses within the vicinity of the site; the event was attended by 88 people. The drop-in exhibition was supported by a number of stakeholder meetings before and after the drop-in event, a leaflet advertising the consultation, feedback forms, a press release, and a dedicated consultation website.

6. OFFICER COMMENTS

6.1 Determining issues

6.1.1 The key issues in determining this application are:

- the principle of development in terms of the proposed residential use and the loss of the existing playing pitch/green space;
- design and layout;
- sustainability and climate change;
- impact on the historic environment;
- access, parking and highway impacts;
- impact on the amenity of neighbouring land users;
- drainage and flooding;
- trees and landscaping;
- ecology and biodiversity net gain; and
- s106 obligations.

6.2 Policy Background / Principle of Development

6.2.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for development must be determined in accordance with the development plan, unless material considerations indicate otherwise. This is reiterated in NPPF paragraph 48.

6.2.2 For Cheltenham, the development plan comprises the 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). Material considerations include the National Planning Policy Framework 2024 (NPPF), and Planning Practice Guidance (nPPG).

6.2.3 Paragraph 11 of the NPPF sets out a presumption in favour of sustainable development which in decision-taking 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 [the] Framework that protect areas or assets of particular importance provides a strong 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 [the] Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.*

6.2.4 It should be noted that paragraph 11d) was explicitly updated in the latest revision to the NPPF to direct developments to sustainable locations and ensure the provision of affordable homes.

Principle of redeveloping the site for residential purposes

6.2.5 In Cheltenham, the housing policies (those most relevant to this application) are out-of-date as the Council is currently unable to demonstrate a five-year supply of deliverable housing sites (the latest published figure in January 2025 being just 2.52 years), and the 'tilted balance' in favour of granting permission is therefore engaged.

6.2.6 Notwithstanding the housing policies being out-of-date, as previously noted, the application site is sustainably located within the Principal Urban Area, wherein JCS policy SD10 (and the NPPF) supports new housing development on previously developed land. The site is also located within a predominantly residential area.

6.2.7 The proposed development would result in the welcome provision of an additional 122no. affordable housing units in this highly sustainable location and will make a valuable contribution to the borough's housing stock, helping to alleviate the acute shortfall. This matter carries significant weight in the determination of this application.

6.2.8 Moreover, throughout the NPPF, emphasis is given to new development optimising the potential of the site; policy SD10 also requires new residential development proposals to *"seek to achieve the maximum density compatible with good design, the protection of heritage assets, local amenity, the character and quality of the local environment, and the safety and convenience of the local and strategic road network."*

6.2.9 As such, officers are satisfied that the general principle of developing the site for residential purposes in this location is acceptable. That said, it is still necessary to assess the proposals against the other policies within the NPPF.

Loss of existing playing pitch/green space

6.2.10 Notwithstanding the above, it is important to recognise that the proposed development would result in the loss of the existing playing pitch on site and Sport England (SE) which is a statutory consultee has objected to the proposed development on these grounds. SE's detailed comments can be read in full in the consultations appendix at the end of this report.

6.2.11 SE's default policy is:

to oppose the granting of planning permission for any development which would lead to the loss of, or prejudice the use of:

- *all or any part of a playing field, or*
- *land which has been used as a playing field land remains undeveloped, or*
- *land allocated for use as a playing field*

unless, in the judgement of Sport England the development as a whole meets with one or more of five specific exceptions.

6.2.12 In addition, NPPF paragraph 103 advises that:

Planning policies should be based on robust and up-to-date assessments of the need for open space, sport and recreation facilities (including quantitative or qualitative deficits or surpluses) and opportunities for new provision. Information gained from the assessments should be used to determine what open space, sport and recreational provision is needed, which plans should then seek to accommodate.

6.2.13 Paragraph 104 goes on to state that:

Existing open space, sports and recreational buildings and land, including playing fields and formal play spaces, should not be built on unless:

- a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*
- b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*
- c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.*

6.2.15 In their initial response, SE advised that they had consulted with several national governing bodies of sport (NGBs), which had potential to be interested in the site, and summarised their comments; these were England Lacrosse, (EL), the Rugby Football Union, (RFU), The England and Wales Cricket Board/Gloucestershire Cricket Foundation, ECB/GCF and the Gloucestershire County Football Association/the Football Foundation GCFA/FF. The comments can be read in full in the Appendix to this report and it is not considered necessary to repeat them here.

6.2.16 SE has stated that “*The planning consultants fail to understand the National Planning Policy Framework (NPPF) paragraph 102 by trying to draw a distinction between private and publicly available playing fields. The NPPF does not draw any distinctions between them.*”

6.2.17 As initially submitted, the application proposed to retain a playing pitch on site for children’s/youth sport provision, together with a pavilion and car parking; however, the pavilion failed to incorporate any changing facilities, and its ability to be a sports pavilion was questioned by SE, together with the size of the pitch. SE also noted that no mitigation was proposed for the loss of the rest of the playing field site.

6.2.18 As a consequence, the scheme was amended to omit the sport provision from the proposal, but to provide a new community park, and a package of sport mitigation in the form of securing a community use agreement (CUA) for facilities at The Park Campus; however, SE maintained their objection as they consider the proposed mitigation package, while having some merit, fails to fulfil the requirements of NPPF paragraph 103, as it does not re-provide the lost playing field area in terms of quantity and quality, nor meet any of the exceptions.

6.2.19 In addition to the above, during the course of the application, a new Playing Pitch Strategy (PPS) was agreed by the Cabinet in July 2024. The PPS recommends that the use of The Folley site is protected for sporting activities; and, as previously noted, a joint objection from the Council’s Head of communities, wellbeing & partnerships, and Green Space Manager has been received. Additional comments from the Green Space team have been received.

6.2.20 The applicant’s agent has responded to the objection/comments in a letter dated 25th February 2025. With regard to the PPS, the letter states:

The greenspace consultation response starts by placing emphasis on the 2024 PPS assessment and recommendation to protect The Folley. However, as set out in our previous letter dated 05th November 2024, the PPS presents an unrealistic analysis and recommendation for The Folley. The greenspace consultation response somewhat creates the perception that the development proposal at The Folley would result in the loss of 3no. adult football pitches, a mini 7 v 7 football pitch, two rugby

pitches and a cricket pitch. It is readily apparent that this is not the case for the reasons as follows.

The site is privately owned and disused. As confirmed by the PPS assessment 2024 The Folley is not available for community use, and moreover is unmarked, and therefore delivers 0 (zero) match equivalent sessions in the Borough. No sport has taken place on the site for a number of years and GCFA/FF note within the Sport England (SE) letter dated 25th March 2024 that 'the current facilities at the site are at the end of life and would need improving, including the pitches.' The site also has a secure boundary with palisade fencing and locked gates, and thus has no public access currently for either sport uses, or general public greenspace uses. Development of the site as proposed will not, therefore directly result in any tangible loss of playing pitches or match equivalent sessions within the Borough. On the contrary the proposed scheme will deliver a significant net increase in public greenspace for new & existing residents.

Turning to the specifics of each sport referred to in the greenspace response, regarding rugby, aerial photography evidence shows The Folley being laid out with two rugby pitches in 2007 (17 years ago) with one pitch marked in 2019 (6 years ago). The RFU response as incorporated within the Sport England (SE) letter dated 25th March 2024 specifically targets off-site mitigation towards floodlit pitches in the local area, noting a deficit in both Cheltenham Borough and Tewkesbury. The proposed development does not result in loss of any floodlight pitches so the mitigation measures sought are not reasonably related or proportionate to the proposed development.

Regarding cricket, the English Cricket Board's response (incorporated within the Sport England letter dated 25th March 2024) confirms there is no evidence of cricket having been played on the site for 19 years. Furthermore, the 2017 PPS made no reference to cricket in relation to The Folley. The 2024 PPS is thus unreasonable in reintroducing the concept of cricket at this site, and the development proposal would not result in loss of a cricket pitch. Accordingly, mitigation measures are not directly or reasonably related.

With regard to football, the original application plans incorporated formal sport (85m x 61m pitch area to provide 2 x mini soccer pitches or 1 x youth football pitch) in order to respond directly to an identified need in the PPS. The subsequent consultation response from Sport England dated 25th March 2024 (including comments from the Gloucestershire FA and Football Foundation) did not support the provision of pitch space at The Folley as part of the development proposals.

6.2.21 The letter goes on to state in relation to the proposed sports mitigation:

The greenspace consultation response considers the proposed mitigation measures as insufficient. This position fails to consider that the proposal will increase match equivalent sessions for mini pitches in the Borough in the form of securing a community use agreement (CUA) at The Park (PPS Site ID 61). The CUA (in an agreed form between the parties) will increase match equivalent sessions (MES) at The Park from 2.5 to 12 MES, and will deliver upon a requirement of the PPS described as 'imperative' by safeguarding use of this currently unsecured site for the club (PPS Para 2.18), consistent with the recommendations for football within the PPS 2024. The greenspace response also appears to query the quality of the pitches at The Park Campus when the 2024 PPS seeks to 'maintain pitch quality' (PPS, page 82). The greenspace response also suggests that ancillary facilities are being marketed, but in any event the signed heads of terms for the Community Use Agreement between the parties would secure the requisite ancillary facilities alongside the pitches.

The position of the Council's greenspace team is therefore focused not on preventing the development of The Folley but rather seeking financial contributions to off-site projects. It is the applicant's position that the provision of over 2 hectares of new public open greenspace on the site including a community park area, LEAP and trim trail, in combination with the sports provision secured at The Park via a Community Use Agreement provides an ample response to greenspace provision. Accordingly, no other financial obligations towards greenspace provision are necessary to make the proposal acceptable in planning terms having regard to the CIL regulations. Indeed, by comparison to a number of other recently approved development proposals in the Borough, it is clear that the proposed development at The Folley is more than adequately addressing green space provision, exceeding the open greenspace requirements of the Six Acre Standard within an affordable led housing scheme.

It is recognised that the Council's greenspace team has aspirations to delivery new 3G playing pitches in the Borough, but respectfully, to seek contributions from this development proposal is needed to make the proposal acceptable in planning terms.

The proposal is securing an unequivocal substantial public benefit with increased provision of green recreation space in the community, thus promoting physical, mental and social well-being. The new community park will have a transformative impact on the character and sense of place along Swindon Road, promoting social cohesion and sense of pride in the community. The new park will provide an area which is accessible to all age groups, thus responding directly to requests made through the public consultation undertaken at the pre-application stage for a more inclusive public space to benefit all members of the local community.

6.2.22 In taking all of the above into account, on balance, officers consider the provision of housing to outweigh the loss of the playing pitch, particularly given the current under supply of housing land. Whilst it is acknowledged that the NPPF does not draw any distinction between private and publicly available playing fields, and the PPS recommends that The Folley site is protected for sporting activities, the site is currently secured by palisade fencing and has not been used for sport for a number of years. Officers also consider the provision of the publicly accessible open space has the significant potential to provide for an enhancement to this part of the town; one that is accessible by all. The extent of public green space proposed is considered more than ample.

6.2.23 As such, it would not be appropriate to secure additional financial contributions through the s106 as these are not considered necessary to make the proposal acceptable in planning terms.

6.2.24 Putting the loss of the playing pitch to one side, officers have also considered the proposals in relation to CP policy D3 which advises that *"The development of private green areas, private open spaces and private gardens which make a significant contribution to the townscape and environmental quality of Cheltenham will not be permitted."* CP paragraph 5.19. sets out the factors that will be taken into account in determining whether a green space has significant value, these include the spacious character of the town, the quality of the local townscape, the established character of the locality, the setting of important buildings, and important landmarks, views and vistas.

6.2.25 In this case, officers do not consider the site to make so significant a contribution that it should remain undeveloped, particularly given the proposed use of the site for housing. In accordance with the latter part of CP policy D3, the proposals have taken account of the scale and location of existing buildings within or adjacent to the site, mature trees are to largely be retained, and new and enhanced landscaping is proposed, to include the provision of an area of high quality, public green space (currently, the site is not publicly accessible and is secured by palisade fencing).

6.2.26 It is acknowledged that the previous refusals of planning permission found that the site made a significant contribution to the character of the town but, as previously noted, given the length of time that has passed and the need to determine this application in the context of the current development plan, officers are satisfied that, on the merits of this scheme, the loss of the green space is acceptable in principle.

6.3 Design and layout

6.3.1 Chapter 12 of the NPPF places great emphasis on the importance of design in decision making, and states at paragraph 131 that *“Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”*.

6.3.2 Paragraph 135 of the NPPF requires decisions on planning applications to ensure that new developments *“will function well and add to the overall quality of the area...; are visually attractive...; are sympathetic to local character...including the surrounding built environment...whilst not preventing or discouraging appropriate innovation or change (such as increased densities); establish or maintain a strong sense of place...; optimise the potential of the site...; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users”*.

6.3.3 Local design requirements are set out in CP policy D1 and JCS policy SD4, with all new development required to adequately reflect principles of urban and architectural design, to complement and respect neighbouring development and the character of the locality, and to avoid causing harm to the architectural integrity of the building or group of buildings, or the unacceptable erosion of open space around the existing building.

6.3.4 Additional guidance of some relevance to this application can be found in the Council’s SPD relating to development on garden land and infill sites, which sets out that various elements combine to create the character of an area and include grain, type of building, location of buildings within the block or street, plot widths and building lines.

Layout

6.3.5 The Design and Access Statement (DAS) which accompanies the application sets out how the layout evolved during the design process, albeit as previously noted, changes have been made during the course of the application. The DAS sets out the key aspects that the architects were keen to enhance or retain; namely the openness on Swindon Road and the mature trees, and pedestrians connections through to Windyridge Road/Wymans Court and to Elmfield Park. The proposals also seek to reinforce the existing buffer zone along the eastern boundary to provide improved separation between the school and the site, and to create a new buffer along the western edge to provide privacy and security to existing neighbours. The housing has also been developed to comprise three character areas, to provide architectural interest across the site.

6.3.6 Vehicular access to the site would be provided via a single access point on Swindon Road, with the existing access to the site in Gardner’s Lane retained for access to the car park. The Planning Statement that accompanies the application sets out that the new access point on Swindon Road *“seeks to optimise highway safety and also retention of existing trees along the Swindon Road frontage”*.

6.3.7 A network of pedestrian footways and cycleways would provide safe and attractive links through the site to and from neighbouring developments to encourage walking and cycling opportunities.

6.3.8 The revised layout provides for an area of high quality, public green space fronting Swindon Road and now incorporates a Locally Equipped Area of Play (LEAP), benches for rest/recreation, a trim trail, and circular pedestrian routes. It is hoped that the new 'community park' would have a transformative impact on the character and sense of place along Swindon Road and create a more inclusive public space of benefit to all members of the local community.

6.3.9 The proposed housing is proposed to the rear (north) of the site. The majority of buildings proposed are two storeys in height, with some limited single storey buildings. The general scale of the buildings is considered to be appropriate in this context and generally consistent with nearby developments. Accommodation across the site comprises 1no. two bedroom bungalow, 6no. one bedroom maisonettes, 52no. two bedroom houses, 36no. 3 bedroom houses, 26no. four bedroom houses, and 1no. five bedroom house.

6.3.10 Each dwelling would benefit from a minimum of one car parking space, up to a total of three spaces for the five-bedroom home and the larger four bedroom homes. Secure and covered cycle parking for each dwelling would also be provided for all units. The car park would provide 40no. parking spaces, including three disabled spaces and 4 motorcycle parking bays.

6.3.11 High quality landscaping is proposed throughout the site, including the significant green landscape buffers, which would help to soften the development, and allow for the majority of the existing mature trees. Although the proposals would result in the loss of 5no. existing trees, as revised, the scheme proposes some 190no. new trees as part of the wider landscaping scheme.

6.3.12 SuDS infrastructure comprising two detention basins and a pump compound would be located to the north-east of the site.

6.3.13 With reference to the Architects Panel comments that *"The layout is an efficient use of space but we are concerned that it doesn't make for the more engaging plan form"*, revisions have been sought to ensure that more of the houses address the main spine road. The replacement of the sports pitch with the area of open green space also addresses their concerns in relation to the quantum of public open space.

Design

6.3.14 The buildings themselves take a relatively traditional pitched roof form which is considered to be appropriate for the context. Externally, a fairly simple palette of materials is proposed, primarily comprising pink pastel multi-brick, buff brick and dark grey brick together with a dark grey/brown brick to provide darker brick panel surround front door areas. Additional interest to the street scene and facades would be provided by contrasting running course panels, window surrounds and heads/cills. The Architects Panel, whilst noting that the design of the dwellings is very simple, welcome the aesthetics of the scheme and the interest provided by the varying brick colours and varying coursing patterns as well as the render panels.

6.3.15 Officers are satisfied that such a simple but varied palette of materials would ensure that overall the development would have a coherent appearance and create an identity of its own, whilst responding to nearby developments.

6.4 Sustainability and climate change

6.4.1 In addition to the afore-mentioned design policies, JCS policy SD3 requires new development to be designed and constructed to maximise the principles of sustainability; with development proposals required to *"demonstrate how they contribute to the aims of*

sustainability” and “be adaptable to climate change in respect of the design, layout, siting, orientation...”

6.4.2 The policy also requires major applications to be accompanied by an Energy Statement that indicates the methods used to calculate predicted annual energy demand and association annual Carbon Dioxide (CO₂) emissions.

6.4.3 JCS paragraph 4.4.11 goes on to advise that:

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

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

6.4.5 The policy and SPD reflects advice within the NPPF at paragraph 161 which states that:

The planning system should support the transition to net zero by 2050 and take full account of all climate impacts including overheating, water scarcity, storm and flood risks and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.

6.4.6 NPPF paragraph 164b) goes on to state that new development should be planned for in ways that *“can help to reduce greenhouse gas emissions, such as through its location, orientation and design. Any local requirements for the sustainability of buildings should reflect the Government’s policy for national technical standards”*.

6.4.7 The Energy and Sustainability Strategy (ESS) that accompanies the application sets out at paragraph 4.4.3 that *“The residential units show a planning stage estimate of 61% carbon savings over the regulatory requirement set out in Part L 2022”* of the Building Regulations.

6.4.8 The ESS sets out the strategy as follows:

- Fabric efficiency;
 - Demanding wall, floor and roof U-values;
 - High performance doors/glazing;
 - Sealing of party walls;
 - Adoption of construction detailing to minimise linear thermal bridging normally caused by penetrations to the insulating layer;
 - Demanding air tightness levels.
- Hot water efficiency;
 - Tap flow rates with appropriate controls;
 - Managed shower flow rates.
- Electrical efficiency;
 - LED lighting throughout;
 - Energy labelled white goods where provided;

- Controls on external lighting to switch automatically when not required;
 - Controlled ventilation fan power.
- Heating and hot water efficiency;
 - Programmable heating controls;
 - Waste-water heat recovery;
 - Hot water storage with low heat losses.
- Apply renewable energy;
 - Air source heat pumps for each unit.

6.4.9 The ESS is thorough and adequately responds to climate change matters, and is sufficient to demonstrate compliance with policy SD3, the SPD, and the NPPF.

6.4.10 Whilst it is regrettable that solar photo-voltaic technology is not specifically proposed at this time, the ESS sets out that the scheme has been designed so that the roofs are unencumbered, avoiding dormer windows and roof hips, so that solar PV can be introduced either at outset or a later date. It is important that the scheme achieves a high level of sustainability while remaining a viable and deliverable development.

6.5 Impact on the historic environment

6.5.1 JCS policy SD8 requires both designated and undesignated heritage assets and their settings to be conserved and enhanced as appropriate to their significance, and is consistent with paragraph 210 of the NPPF. Additionally, section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, requires special regard must be paid to the desirability of preserving the setting of nearby listed buildings. CP policies HE1 (Buildings of Local Importance and Non-Designated Heritage Assets) and HE2 (National and Local Archaeological Remains of Importance) are also relevant.

6.5.2 The application is accompanied by a Heritage Assessment which has been reviewed by the Conservation Officer (CO). Although a degree of visibility exists along Waterloo Street between the application site and the Grade II* listed St. Peter's Church and adjacent Grade II listed War Memorial on Tewkesbury Road, and the proposed development would impact upon the wider setting of these listed buildings, given the built-up context of the area, the CO is satisfied that there would only be a limited impact upon the setting of the church, and no harm would occur to its significance.

6.5.3 The CO does reference the existing pavilion building on site (which is deemed to be a non-heritage asset given its age, local historic interest, and the contribution it makes to the character and appearance of the area) and suggest that there would be a preference to retain it, they do acknowledge that the building overall has limited significance and therefore, whilst its loss would be regrettable, do not raise an in-principle objection to its demolition. That said, they do recommend a condition that requires the permanent record of the structure and setting to be made, and deposited with Historic England.

6.5.4 The Heritage Assessment has also been reviewed by the County Archaeologist (CA) who has advised that the County Historic Environment Record shows no known heritage assets to lie within the site, which it is situated on the outskirts of the historic town. However, as the site appears to have largely remained as open space throughout the post-medieval period to present, there has been little archaeological investigation close to the site, but more recent discoveries on the outskirts of Cheltenham have revealed a large distribution of settlement sites particularly from the late prehistoric period to medieval periods. The CA therefore requested that the results of a geophysical survey and trial trench evaluation be submitted prior to determination of the application in order to establish the presence and significance of archaeological remains impacted by the proposals.

6.5.5 A Geophysical Survey Report was subsequently carried out, the results of which show a number of features of likely post-medieval date such as possible land drains in the area

of glasshouses in the centre of the site, earlier field boundaries and ridge and furrow remains. There are a few features of unknown origin which could be archaeological interest such as a small enclosure and several linear features. Following a review of the report, the CA considers it unlikely that archaeological remains of such significance are present within the site which would preclude development, and therefore recommends that further archaeological investigation can be secured by condition.

6.6 Access, parking and highway safety impacts

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

6.6.2 The above policy generally reflects the advice set out within the NPPF at Section 9 which states at paragraphs 115-118:

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

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

116. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.

117. Within this context, applications for development should:

- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;*
- b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;*
- c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;*
- d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and*
- e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.*

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

6.6.3 From a highways perspective, the access, parking and highway safety impacts associated with the proposed development have been assessed by the Highways Development Management Team (HDM) at the County Council, as the Highway Authority acting in its role as statutory consultee, and their full comments can be read in the Appendix below.

On Site Highway Matters

6.6.4 As previously noted, vehicular access to the site would be provided via a single access point on Swindon Road, with the existing access to the site in Gardner's Lane retained for access to the car park. The new access point is supported by HDM.

6.6.5 A network of pedestrian footways and cycleways would provide safe and attractive links through the site to and from neighbouring developments to encourage walking and cycling opportunities.

6.6.6 Each dwelling would benefit from a minimum of one car parking space, up to a total of three spaces for the five-bedroom home and the larger four bedroom homes. The car park would provide 40no. parking spaces, including three disabled spaces and 4 motorcycle parking bays. HDM are satisfied with the level of on-plot parking now proposed. Secure and covered cycle parking for each dwelling would also be provided for all units.

6.6.7 HDM also support the *“significant changes to both the internal layout and individual plot positions to provide a safer and enhanced environment for future residents as detailed on the revised master plan 2103-TDS-XX-XX-DR-A-0010.Rev.9.”*

Off-site pedestrian improvements

6.6.8 Eleven off-site pedestrian improvements are proposed that would assist routes to/from the bus stop locations on A4019 when crossing Swindon Road and via Malvern Street and Waterloo Street. These works could be secured by condition to specifically remove potential conflict at the Elm Street junction that has substandard footway width on the eastern side. The locations include:

- Crossing Malvern Street near Swindon Road
- Crossing Bridge Street near Malvern Street
- Crossing Malvern Street near Elm Street
- Crossing Elm Street near service road
- Crossing Waterloo Street near A4019 Tewkesbury Road
- Crossing Service Road near Waterloo Street
- Crossing Addis Road near Waterloo Street
- Crossing Compton Road near Waterloo Street
- Crossing Waterloo Street near Swindon Road
- Crossing Swindon Road near Waterloo Street

Wider Highway Impacts

6.6.9 Gloucestershire County Council has concluded that the traffic movements associated with the 122 homes proposed at The Folley, taken together with other growth across Cheltenham, will lead to unacceptable harm/impacts to the road network. GCC are satisfied however that this harm can/will be adequately mitigated by proposed improvement works to Junction 10 of the M5 motorway and associated works (these being the subject of a

recent as-yet-undetermined Development Consent Order – examiners recommendation to the Secretary of State is scheduled June 2025) and therefore have requested a financial contribution of circa £492K towards the Junction 10 improvement works.

6.6.10 The council is not free to secure financial contributions as it sees fit. Planning obligations such as the aforementioned £492K must meet all of the tests set out in Regulation 122 of The Community Infrastructure Levy Regulations 2010 (as amended) to be eligible and legitimate. These legislative tests are repeated as policy tests in the National Planning Policy Framework and are as follows:

A planning obligation must be:

1. necessary to make the development acceptable in planning terms;
2. directly related to the development; and
3. fairly and reasonably related in scale and kind to the development.

6.6.11 There has been close engagement with the county council in respect of proposed s106 requests related to the Junction 10 improvement works and whilst the challenge of funding is clearly understood, as the decision taker the local planning authority must be confident that it is acting reasonably in the application of the s106 tests and within the context of the NPPF.

6.6.12 The information that the council has received to-date fails to demonstrate that the above tests have been met. It has not been demonstrated by the county council that a financial contribution is necessary to make the development acceptable in planning terms nor that it is directly related to the development in question.

6.6.13 To meet the NPPF and s106 tests, it must be demonstrated that the impact of the proposed development will be 'severe' in the event that the Junction 10 works are not forthcoming. The evidence that has been submitted is generalised and high level in context and relates to the need for the J10 improvements in a broad sense (which is not disputed and indeed the council supports this long-needed transport intervention); it fails however to deal with the site-specific impacts and characteristics of The Folley proposals and fails to show how it is 'directly related' to the development. Furthermore, it is unclear how the requested £492k 'fairly and reasonably' relates in scale and kind to the development. A financial contribution intended to mitigate an impact must be proportionate and directly related to the degree/severity of that impact; it cannot be applied in a manner which is tantamount to a 'roof tax' which is calculated to address a funding shortfall. There must be a clear correlation between the level of impact and level of financial contribution requested; this has not been demonstrated to the council's satisfaction.

6.6.14 To conclude, it has not been demonstrated that the requested financial contribution meets the Regulation 122 tests and as such it has not been formally requested by officers. The committee is entitled of course to reach a different conclusion regarding this matter and the county council's case for requesting the financial contribution is appended to this report.

6.6.15 As a consequence of the financial contribution towards Junction 10 improvement works failing to meet the Regulation 122 tests, the Grampian condition suggested by HDM which seeks to restrict occupancies on the dwellings until the motorway junction upgrade has been completed is unreasonable.

6.7 Impact on the amenity of neighbouring land users

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

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

6.7.2 JCS policy SD14 reiterates this advice and also seeks to ensure high quality developments that “*protect and seek to improve environmental quality*”. In addition, NPPF paragraph 135f) also highlights the need to ensure that developments achieve a high standard of amenity for both existing and future users.

Privacy, outlook and daylight

6.7.3 The concerns raised by the adjacent residential occupiers have been duly noted; however, officers are satisfied that the proposed development of the site would not result in any unacceptable harm in terms of privacy, outlook or daylight. As previously noted, despite some suggestion otherwise, the majority of the buildings across the site are two storeys in height, with a limited number of single storey buildings. There are no three storey buildings proposed.

6.7.4 With regard to privacy, there are no first-floor windows within 10.5 metres of the site boundaries (the minimum distance normally sought) that would overlook neighbouring properties. Many of the properties would be side on to the boundary with only bathroom windows which can be reasonably assumed to be obscurely glazed. Where plots 49 and 50 would have their rear elevations facing the boundary, with first floor bedroom windows, a distance of approximately 15 metres to the boundary is achieved. Moreover, in terms of outlook, views of the proposed development would be softened by the additional planting proposed to the site boundaries. All of the dwellings are set away from the boundaries.

6.7.5 Officers are also satisfied that no significant loss of daylight would occur, nor overshadowing of existing residential gardens.

Noise

6.7.6 From a noise perspective, the application is accompanied by a Noise Impact Assessment which considers the impacts on future occupiers of the development. The assessment has been reviewed by the Environmental Health team (EH) who raise no objection to the proposals, subject to a condition requiring adherence to the recommendations in section 7 of the report in relation to additional noise protection measures to protect residents from potential noise disturbance at the nearby Cheltenham Animal Shelter (CAS). This should address the concerns raised by CAS in relation to future noise complaints.

6.7.7 The concerns raised by local residents and CAS in relation to noise and disturbance during construction are noted and understood; however, some noise and disturbance during the construction phase of the development is inevitable and is not a reason to refuse development proposals. The developer will need to adhere to the accepted hours of work set out by EH which are 7:30am to 6pm Monday to Friday, and 8am to 1pm on Saturdays, with no working on Sundays and/or Bank Holidays. Ultimately, this would be a matter for EH to enforce, to ensure that the impact is minimised and controlled where possible. A Construction Management Plan or Construction Method Statement could be suitably secured by condition to ensure that suitable provision is made for the parking of site operatives, storage of plant and construction materials, abnormal loads or unusually large vehicles and the control of dust and other air-borne pollutants, etc.

6.7.8 It is not considered that noise levels from future occupiers of the site would be detrimental to the enjoyment of the existing residential neighbours. The concerns raised by CAS in relation to fireworks have been duly noted but are not a material consideration in

the determination of this application. Additional detail in relation to the proposed air source heat pumps can be secured by condition.

Adjacent school

6.7.9 The proposed development would undoubtedly have an impact on the adjacent school. However, at present the school has no on-site car parking for staff or visitors, and the proposals include the provision of a car parking facility for the school which will improve security and safety for staff and their vehicles and reduce roadside parking. The school have also commented that *"The school is currently under subscribed and the proposed development is likely to provide homes for families that would attend and raise numbers thus, through funding from GCC, benefitting the provision for all in the school."* As such, officers are satisfied that the proposed development would have the potential to result in a significant positive impact on the school.

Air quality

6.7.10 Environmental Health have advised that there is a Nitrogen Dioxide (NO₂) tube at Gardner's Lane Primary School, and that the average for 2024 was well below the maximum allowance of 40 micrograms per cubic meter (µg/m³) for the annual mean concentration of nitrogen dioxide (NO₂) in the UK. It is however recommended that an Air Quality Assessment be secured by condition.

6.7.11 Overall, on balance, the proposed development is therefore considered to be acceptable on amenity grounds.

6.8 Drainage and flooding

6.8.1 Adopted JCS plan policy INF2 advises that development proposals must avoid areas at risk of flooding, and must not increase the level of risk to the safety of occupiers of a site, the local community or the wider environment either on the site or elsewhere. Additionally, where possible, the policy requires new development to contribute to a reduction in existing flood risk; and to incorporate Sustainable Drainage Systems (SuDS) where appropriate.

6.8.2 The policy is consistent with NPPF paragraph 181 which states that when determining planning applications, the local planning authority should ensure that flood risk is not increased elsewhere.

6.8.3 The site is located within Flood Zone 1, and the Environment Agency's online flood risk service advises that the surrounding area is at a low risk of surface water flooding.

6.8.4 The application has been accompanied by a Flood Risk Assessment and Drainage Strategy (FRA) which has been reviewed by the County Council as the Lead Local Flood Authority (LLFA) who are a statutory consultee for surface water flood risk and management. Again, their comments can be read in full in the appendix below.

6.8.5 Overall, the LLFA are satisfied with the proposed drainage strategy, and raise no objection. Although they note that the FRA fails to address historic flood records of properties flooding in Stanwick Gardens, the LLFA recognise that this has been *"previously managed by means of a bund and filter drain along the northwestern boundary"* and that these *"measures are designed to prevent flows from the site flowing overland to Stanwick Gardens."* They go on to note that *"managing all flow from property roofs to the attenuation ponds and... addressing site levels will prevent overland flows from the site towards Stanwick Garden"* and so previous flood risks to Stanwick Gardens should be managed by the development of the site.

6.8.6 The LLFA are satisfied with the level of detail supplied with the application, and do not consider it necessary to secure any additional detail by condition; the FRA was updated in response to the amended site layout. A condition has been added which requires the development to be carried out in accordance with the submitted FRA and accompanying plans.

6.8.7 Officers are therefore satisfied that the proposed development is acceptable in relation to flooding and drainage and is compliant with JCS policy INF2 and the relevant paragraphs of the NPPF.

6.8.8 It should be noted that Severn Trent Water has also confirmed that they have no objection, subject to conditions.

6.9 Trees and landscaping

6.9.1 CP policies GI2 and GI3 seek to resist the unnecessary felling of trees, and the planting of replacement trees, where practicable.

6.9.2 In this regard, the proposals have been reviewed by the Trees Officer (TO) who initially objected to the removal of trees T2 – T5 and a TPO was subsequently served to protect these trees (24/00815/TREEPO).

6.9.3 In their more recent comments, although maintaining their objection to the removal of T2 - T5, the TO does commend the applicant's commitment to additional planting around the site to make the streets feel more tree-lined, whilst still seeking further improvements to the scheme.

6.9.4 In their final comment, the TO concludes that *"the revised landscape design broadly addresses the concerns previously raised."*

6.9.5 In relation to the removal of the (now) TPO'd trees, whilst officers acknowledge their removal is regrettable, on balance, their removal to facilitate the new entrance to the site is considered acceptable, given the extent of tree planting and landscaping proposed throughout the site. In total, as revised, 190 new trees are proposed.

6.10 Ecology and biodiversity net gain

6.10.1 JCS policy SD9 seeks to ensure that all development, wherever possible, makes a positive contribution to biodiversity and geodiversity, and that important habitats and species are protected. Where developers are unable to avoid harm to biodiversity, mitigation measures should be incorporated into the design of the development. The policy reflects the advice set out within the NPPF at paragraph 187.

6.10.2 A minimum biodiversity net gain (BNG) of 10% is now a statutory requirement for major developments, and the mandatory BNG condition is applicable to this development.

6.10.3 The application is accompanied by an Ecological Impact Assessment (EclA) which has been reviewed by the Council's Ecologist (CE); the BNG assessment within the report has been updated based on the revised landscape proposals, and to include a proposed habitat plan. The application has also been commented on by Natural England and a shadow Habitats Regulations Assessment has been submitted during the course of the application, and subsequently adopted.

Protected species

6.10.4 The EIA sets out that a desk study, extended habitat survey, a Badger survey, and bat activity surveys were undertaken. The results are summarised below:

- The Preliminary Roost Assessment found that the existing pavilion buildings on site had the potential to have high suitability for roosting bats. A number of trees along the site boundaries also contained features which were potentially suitable for roosting bats. However, emergence surveys of on-site buildings and trees recorded no emergences/re-entries of bats, confirming a likely absence of roosting bats.
- At least 7 species of bat were recorded commuting/foraging on site by automated detectors; Pipistrelle bats being those most frequently recorded, accounting for over 91% of the automated records. Across all the surveys, activity was highest along the eastern boundary. The highest average monthly activity was recorded along the southern boundary with over a thousand passes per night being recorded. Limited activity was recorded away from the site boundaries.
- A likely inactive Badger sett with two entrances was found to be present in a mound in the northern corner of the site. Subsequent checks found that there was no evidence of the sett being active.
- Hedgehogs are known to occur nearby and are likely to use the site. In addition, a fox was seen on site and it appeared likely that a fox was using the space underneath the porch of one of the pavilion buildings for resting. The habitats on site were deemed unsuitable for Hazel Dormouse.
- The trees around the site could be used by a range of tree/shrub nesting species and birds' nests were observed during the survey.
- GCER reports show that slow worm have been recorded on land to the north of the site so it is likely that small numbers of reptiles could use the tall ruderal vegetation and log piles adjacent to the northern boundary or adjacent to gardens.
- The site provides limited suitable terrestrial habitat for amphibians, though it is possible that the log and brash piles could be used by amphibians. The nearest mapped pond is 300m away so it is considered very unlikely that Great Crested Newt would utilise the site.
- The habitats on the site are widespread and unlikely to be used by invertebrates of conservation concern.

6.10.5 The CE has reviewed the revised EclA and other revised documentation, and their comments can be read in full below. In summary, they comment:

- The change from the open space on this site being a playing field to a community park area, the increase in street tree provision and tree planting in the community park area, and the integration of more scrub and meadow areas is supported.
- An updated ecology report with the results of an updated badger survey is required prior to commencement.
- A precautionary method of working statement is required to ensure there are strict precautions in place for protected species on the site, as the ecology and bat surveys were completed over a year ago.
- Details of bird, bat, insect and hedgehog boxes for ecological enhancement is required.
- An updated Lighting Plan will be required.

6.10.6 Officers are satisfied that all of the required information can be secured by condition.

Biodiversity net gain (BNG)

6.10.7 The mandatory biodiversity (net) gain (BNG) condition applies to this development and therefore a Biodiversity Gain Plan will be required to be submitted and agreed prior to commencement of any works.

6.10.8 The CE notes that the BNG Assessment and biodiversity metric calculate a 14.88% gain in area habitat units, and the trading rules are met. The mandatory biodiversity net gain condition has therefore been met. The Biodiversity Gain Plan must outline how a 10% net gain in biodiversity will be achieved (using the statutory biodiversity metric). The plan and the metric must reflect the finalised proposals for the site, including the finalised plans for SUDs/detention basin provision.

6.10.9 As the proposals are deemed to be 'significant' gains in biodiversity according to guidance provided by the Department for Environment, Food & Rural Affairs (DEFRA) (2024), a s106 will be required to secure the delivery of the measures outlined in a Habitat Management and Monitoring Plan (HMMP) to be submitted post-determination.

6.10.10 A detailed soft landscaping scheme is also required.

6.11 s106 obligations

Affordable housing

6.11.1 Paragraph 61 of the NPPF states that to support the government's objective of significantly boosting the supply of homes, it is important that the needs of groups with specific housing requirements be addressed. Within this context, paragraph 63 goes on to state that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies.

6.11.2 In Cheltenham, outside of Strategic Allocation sites, JCS policy SD12 seeks the provision of a minimum of 40% affordable housing in new residential developments of 11 dwellings or more.

6.11.3 In this case, as previously noted, the applicant is proposing a wholly affordable scheme (100%), and the additional affordable housing provision is welcomed.

6.11.4 The affordable housing provision has been amended during the course of application in liaison with the Council's Housing Enabling Officer, whose detailed comments are set out in full in the Appendix below. It is not considered necessary to repeat the comments here but, in summary, the officer supports the proposed development and recognises that the proposals "*largely comply with CBC's adopted policies relating to affordable housing.*"

6.11.5 The agreed affordable housing mix comprises 53no. social rented homes, and 69no. shared ownership homes.

Education and libraries

6.11.6 JCS policy INF6 states that where site proposals generate infrastructure requirements, new development will be served and supported by adequate on and/or off-site infrastructure and services which are fairly and reasonably related to the scale and type of development proposed. Regard to the cumulative impacts on existing infrastructure and services must also be considered. Planning permission should only be granted where sufficient provision has been made to meet the needs of new development and/or which are required to mitigate the impact of the development upon existing communities.

6.11.7 In addition, JCS policy INF7 advises that financial contributions will be sought through the s106 and CIL mechanisms as appropriate. The s106 mechanism being used to secure site-specific obligations.

6.11.8 Gloucestershire County Council have commented on the proposed development and set out the infrastructure and services requirements for education and libraries provision arising from the development and the contributions required to make the development acceptable in planning terms.

6.11.9 The contributions sought by the County are £473,473.33 towards secondary education (ages 11-16), £91,629.25 towards secondary education (ages 16-18), and £23,912.00 towards improvements to existing library provision. No contribution towards primary education is required as there is adequate space capacity.

6.11.10 The necessary education and libraries contributions are required to be secured via the s106 agreement as there are no formal mechanisms or agreed financial arrangements currently in place between CBC (as CIL Charging Authority) and GCC to fund the required strategic (education and libraries) infrastructure from CIL.

Highways

6.11.11 The following Highways contributions are also required:

(1) Specific Purpose - Travel Plan Monitoring Fee

Contribution – £10,000

Trigger – Prior to occupation

Retention Period – N/A

(2) Specific Purpose - Travel Plan Deposit / Development / Incentives / Marketing if implemented by the applicant

Contribution – £43,908

Trigger – Prior to first occupation

Retention Period – 10 years from date of first occupation

Cotswold Beechwoods Special Area of Conservation

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

6.11.13 CP policy BG1 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 and the effects cannot be mitigated. All development within the borough that leads to a net increase in dwellings will be required to mitigate any adverse effects.

6.11.14 Without appropriate mitigation, the proposed development would be likely to have a significant effect on the Cotswold Beechwoods SAC (either alone or in combination with other development) through increased recreational pressure, as a result.

6.11.15 In this case, financial contributions would be sought in accordance with the abovementioned mitigation strategy, at a rate of £673 per dwelling.

Other S106 obligations

6.11.16 Other obligations to be secured via the s106 agreement include, but may not be limited to, Biodiversity Net Gain delivery, and management and maintenance of the public open space, and LEAP.

6.12 Other considerations

Minerals and Waste

6.12.1 The conditions suggested by the GCC Minerals and Waste team have been added.

Public Sector Equality Duty (PSED)

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

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

6.12.3 In this case, having considering the merits of the planning application, this authority is satisfied that the proposed development meets the requirements of the PSED.

6.12.4 Due regard has been had to the nine protected characteristics recognised within the PSED, and officers are satisfied that no-one has been discriminated against in the determination of this application. All representations received in response to the publicity exercise have been duly noted and taken into account.

7. SUMMARY AND RECOMMENDATION

7.1 Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise.

7.2 Furthermore, paragraph 11 of the National Planning Policy Framework 2024 sets out a presumption in favour of sustainable development which in decision-taking 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 [the] Framework that protect areas or assets of particular importance provides a strong 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 [the] Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.*

7.3 In Cheltenham, the housing policies (those most relevant to this application) are out-of-date as the Council is currently unable to demonstrate a five-year supply of deliverable housing

sites, the latest published figure (January 2025) being just 2.52 years, and as such the 'tilted balance' in favour of granting permission is engaged. Whilst the site to which this application relates is not allocated for housing, it is sustainably located within the Principal Urban Area, in a predominantly residential area.

- 7.4 The proposed development would result in the welcome provision of an additional 122no. affordable housing units in this highly sustainable location and make a valuable contribution to the borough's housing stock, helping to alleviate the acute shortfall. This is a matter that carries significant weight in the determination of this application.
- 7.5 Notwithstanding the above, the proposed development would result in the loss of an existing playing pitch and Sport England (SE) as a statutory consultee has objected to the proposed development on these grounds. This is a matter that carries significant weight however, on balance, it is not considered that the loss of the playing pitch constitutes a matter which 'significantly and demonstrably outweighs the benefits' (as explained elsewhere in this report and which notably include the significant public benefits associated with the provision of 122 affordable homes).
- 7.6 Whilst it is acknowledged that the NPPF does not draw any distinction between private and publicly available playing fields, and the Playing Pitch Strategy (2024) recommends that the use of The Folley site is protected for sporting activities, the site is currently secured by palisade fencing and has not been used for sport for a number of years.
- 7.7 Putting the loss of the playing pitch to one side, officers have also considered whether the site makes so significant a contribution to the townscape and environmental quality of the town that it should remain undeveloped. In this regard, and particularly given the proposed use of the site for affordable housing, officers are satisfied that the loss of the green space is acceptable in principle. The proposals have taken account of the scale and location of existing buildings adjacent to the site, mature trees are to largely be retained, and new and enhanced landscaping is proposed, to include the retention of an area of high quality, public green space.
- 7.8 Although it is acknowledged that previous refusals of planning permission found that the site made a significant contribution to the character of the town, a considerable length of time has since passed, and this application must be determined in the context of the current development plan.
- 7.9 The application proposes the erection of low carbon, timber framed homes, the majority of which are two storeys, with some limited single storey dwellings; and the general scale of the buildings is considered to be appropriate in this context and largely consistent with nearby developments. The buildings themselves take a relatively traditional pitched roof form which is again considered to be appropriate in this context. Externally, a fairly simple palette of facing materials is proposed, primarily comprising pink pastel multi-brick, buff brick and dark grey brick together with a dark grey/brown brick to provide darker brick panel surround front door areas.
- 7.10 The application is accompanied by an Energy and Sustainability Strategy (ESS) which provides a thorough and suitable response to climate change matters. The ESS sets out the residential units show a planning stage estimate of 61% carbon savings over the regulatory requirement set out in Part L 2022 of the Building Regulations. Each dwelling would be provided with an air source heat pump. Electric vehicle charging points would also be required.
- 7.11 The proposed development has been assessed by the Highways Development Management Team (HDM) at the County Council, as the Highway Authority acting in its role as statutory consultee. HDM raise no highway objection subject to a number of conditions and financial obligations, concluding that "*Based on the analysis of the information*

submitted and GCC's own wider cumulative assessment, we conclude that if adequate improvements are made to the network, there would not be an unacceptable cumulative severe impact, and in those circumstances, there would be no justifiable grounds on which an objection could be maintained."

- 7.12 For the reasons set out at paragraphs 6.6.9 – 6.6.15, the financial contribution requested by HDM towards the Junction 10 improvement works, and associated Grampian condition, is not being sought by officers.
- 7.13 The site is located within Flood Zone 1, and the Environment Agency's online flood risk service advises that the surrounding area is at a low risk of surface water flooding. The application has been accompanied by a Flood Risk Assessment and Drainage Strategy (FRA) which has been reviewed by the Lead Local Flood Authority (LLFA) as a statutory consultee for surface water flood risk and management. Overall, the LLFA are satisfied with the proposed drainage strategy, and raise no objection. Previous flood risks to Stanwick Gardens should be managed by the development of the site. Severn Trent Water has also confirmed that they have no objection, subject to conditions.
- 7.14 The application is accompanied by an Ecological Impact Assessment which has been reviewed by the Council's Ecologist; the BNG assessment within the report has been updated based on the revised landscape proposals, and to include a proposed habitat plan. The Ecologist has reviewed the revised EclA and other revised documentation, and the ecological impacts of the proposed development have been found to be acceptable subject a number of conditions.
- 7.15 A minimum biodiversity net gain (BNG) of 10% is now a statutory requirement for major developments, and the mandatory BNG condition is applicable to this development; a Biodiversity Gain Plan would therefore be required to be submitted and agreed prior to commencement of any works. The submitted BNG Assessment and biodiversity metric calculate a 14.88% gain in area habitat units, and the trading rules are met. The mandatory biodiversity net gain condition has therefore been met.
- 7.16 With regard to the heritage impacts of the development, the submitted Heritage Assessment has been reviewed by the Conservation Officer and the County Archaeologist. The Conservation Officer, in acknowledging a degree of visibility exists along Waterloo Street between the application site and the Grade II* listed St. Peter's Church and adjacent Grade II listed War Memorial on Tewkesbury Road, is satisfied that there would only be a limited impact upon the setting of the church, and no harm would occur to its significance. In addition, whilst not raising in-principle objection to the existing pavilion building which is deemed to be a non-designated heritage asset, they do recommend that a permanent record of the structure and setting to be made, and deposited with Historic England. From an archaeology perspective, the County Archaeologist is satisfied that any further archaeological investigation could be secured by condition.
- 7.17 With all of the above in mind, taking into account all of the economic, social, and environmental aspects of the application, and paragraph 11d) of the NPPF, on balance, officers are satisfied that the proposed development is one that should be supported.
- 7.18 As such, the officer recommendation is to grant planning permission subject to a signed s106 legal agreement, and the schedule of conditions below. The applicant's written agreement to the terms of the pre-commencement conditions would need to be secured.
- 7.19 It must be noted that should Members be minded to grant planning permission contrary to Sport England's statutory objection, then the Town and Country Planning (Consultation) (England) Direction 2021 requires the application to be referred to the Secretary of State, via the National Planning Casework Unit.

8. CONDITIONS

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

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

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

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

- 3 Prior to the commencement of development, a Construction Management Plan or similar shall be submitted to and approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the construction period and shall provide details of:

- a) hours of operation;
- b) parking of vehicles of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
- c) routes for construction traffic and appropriate signage;
- d) any temporary access to the site;
- e) locations for loading / unloading and storage of plant, waste and construction materials;
- f) method of preventing and dust mud being carried onto highway;
- g) measures to protect vulnerable road users (cyclists and pedestrians);
- h) any necessary temporary traffic management measures
- i) arrangements for turning vehicles;
- j) arrangements to receive abnormal loads or unusually large vehicles
- k) methods of communicating the construction management plan to staff, visitors and neighbouring residents and businesses;
- l) highway condition survey;
- m) control measures for dust and other air-borne pollutants;
- n) measures for controlling the use of site lighting whether required for safe working or for security purposes; and
- o) any generators that will be used at any time during the build phase.

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

- 4 Prior to the commencement of development, including all site clearance and vegetation removal, an updated walkover survey of the site shall be undertaken by a suitably qualified ecologist and an update to the Ecological Impact Assessment (EclA) shall be submitted to and approved in writing by the Local Planning Authority. The updated EclA shall confirm (or otherwise) whether there has been a significant change to the site since the most recent surveys in 2024 and whether further surveys for protected, priority or locally notable species or habitats are required. In particular this shall confirm the status of the site with regards to the inactive badger sett present.

Reason: To ensure legal and policy compliance with regards to protected species, in particular the Protection of Badgers Action (1992) and habitats, as well as to invasive plant species.

- 5 Prior to the commencement of development, including all site clearance and vegetation removal, a method statement for a Precautionary Method of Working (PMW) with respect to legally protected species shall be prepared by a suitably qualified ecological consultant and submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in full accordance with the approved method statement.

Reason: To ensure the safeguarding of legally protected and priority species, having regard to policy SD9 of the Joint Core Strategy (2017), the 1981 Wildlife and Countryside Act (as amended), and the 2017 Habitats Regulations. Approval is required upfront to ensure the safeguarding of protected species.

- 6 Prior to the commencement of development, an Ecological Mitigation and Enhancement Strategy (EMES) shall be submitted to and approved in writing by the Local Planning Authority. The EMES shall include details of the provision of integral bird (50no.), bat (50no.), insect (50no.) and hedgehog (40no.) boxes, and the location, specification, height and orientation of these features shall be shown on a plan. The bird boxes must include bricks or tiles for swift and house sparrow. The development shall thereafter be carried out in full accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the development delivers a biodiversity net gain on site, having regard to policy SD9 of the Joint Core Strategy (2017), and Schedule 7A of the Town and Country Planning Act 1990.

- 7 Prior to the commencement of development, a Habitat Management and Monitoring Plan (HMMP) shall be submitted to and approved in writing by the Local Planning Authority. The HMMP shall be prepared in accordance with the approved Biodiversity Gain Plan and include:
- (a) a non-technical summary;
 - (b) the roles and responsibilities of the people or organisation(s) delivering the HMMP;
 - (c) the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan;
 - (d) the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development; and
 - (e) the monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to the Local Planning Authority.

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

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

All habitat creation and enhancement works set out in the approved HMMP shall be carried out no later than the first planting season following first occupation of the building or the completion of the development whichever is the sooner, and a completion report evidencing the completed habitat enhancements, shall be submitted to and approved in writing by the Local Planning Authority. The created and/or enhanced habitat specified in the approved HMMP shall be managed and maintained in accordance with the approved HMMP.

Monitoring reports shall be submitted to the Local Planning Authority in writing in accordance with the methodology and frequency specified in the approved HMMP.

Reason: To ensure the development delivers a biodiversity net gain on site, having regard to policy SD9 of the Joint Core Strategy (2017), and Schedule 7A of the Town and Country Planning Act 1990.

- 8 Prior to the commencement of development, drawings of the following off-site works shall be submitted to and approved in writing by the Local Planning Authority:

Works Description – Identified on drawing 230290-RAP-XX-XX-DR-TP-6000

- Implementation of pedestrian walking route improvements including but not limited to;
- Widening of the existing central reserve to accommodate an uncontrolled staggered pedestrian facilities at Swindon Road / Malvern Street.
- Drop kerbs and tactile paving at various locations listed below—
 - o Crossing Malvern Street near Swindon Road
 - o Crossing Bridge Street near Malvern Street
 - o Crossing Malvern Street near Elm Street
 - o Crossing Elm Street near Service Road
 - o Crossing Waterloo Street near A4019 Tewkesbury Road
 - o Crossing Service Road near Waterloo Street
 - o Crossing Addis Road near Waterloo Street
 - o Crossing Compton Road near Waterloo Street
 - o Crossing Waterloo Street near Swindon Road
 - o Crossing Swindon Road near Waterloo Street
- Upgrading of the path linking Gardener's Lane and Thomond Close and to the development to a 4m shared use pedestrian & cycle route with appropriate street lighting.

The development shall not be occupied until those works have been completed as part of a S278 agreement in accordance with the approved details.

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

- 9 Prior to the commencement of development, full details of a hard and/or soft landscaping scheme for that phase shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall identify all walls, fences, trees, hedgerows and other planting which are to be retained, and provide details of all new walls, fences, or other boundary treatments; finished ground levels; new hard surfacing of open parts of the site which shall be permeable or drained to a permeable area; a planting specification to include [species, size, position and method of planting of all new trees and shrubs]; and a programme of implementation.

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

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

Reason: In the interests of the character and appearance of the area, having regard to adopted policies D1, G12 and G13 of the Cheltenham Plan (2020), and adopted policies SD4 and INF3 of the Joint Core Strategy (2017). Approval is required upfront because the landscaping is an integral part of the development and its acceptability.

- 10 Prior to the demolition of the building known as the 'Pavilion' a permanent record of the structure and setting shall be made to Historic England's Level 3 standard. Once

completed, the record shall be submitted to and approved in writing by the Local Planning Authority and deposited with the Gloucestershire Historic Environment Record and retained in perpetuity.

Reason: To ensure that an appropriate record is made of the historic building fabric that would be affected by the development in the interests of the historic environment, having regard to Policy SD8 of the Joint Core Strategy 2017, Chapter 16 of the National Planning Policy Framework and Historic Environment Good Practice Advice (note 2).

- 11 Prior to the commencement of development, the applicant, or their agents or successors in title, shall secure the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has first been submitted to and approved in writing by the Local Planning Authority.

Reason: To enable the recording of any archaeological remains that may be destroyed by ground works, having regard to adopted policy HE2 of the Cheltenham Plan (2020) and adopted policy SD8 of the Joint Core Strategy (2017).

- 12 Prior to the commencement of development within each phase, the following information for that phase shall be submitted to and approved in writing by the Local Planning Authority:

(a) a full site survey showing:

- i) the datum used to calibrate the site levels;
- ii) levels along all site boundaries at regular intervals;
- iii) levels across the site at regular intervals;
- iv) finished floor levels or other datum of adjacent buildings; and
- v) cross section drawings clearly showing existing ground levels in relationship with the finished floor and eaves levels of adjacent buildings

(b) full details showing:

- i) the proposed finished floor level of all buildings and ground levels including hard surfaces; and
- ii) cross section drawings showing the proposed finished floor and eaves levels of all buildings and ground levels including hard surfaces.

The development shall thereafter be implemented strictly in accordance with the agreed details.

Reason: To ensure a satisfactory relationship between the proposed development and adjacent buildings and land, having regard to adopted policies D1 and SL1 of the Cheltenham Plan (2020) and adopted policies SD4 and SD14 of the Joint Core Strategy (2017).

- 13 Prior to the commencement of development, an Air Quality Assessment shall be submitted to and approved by the Local Planning Authority. If the assessment indicates that air quality is likely to affect this proposed residential development then a detailed scheme for protecting the future residential occupiers of the development from the effects of nitrogen dioxide/airborne particulate matter arising from an increase in road traffic shall subsequently be submitted to and approved in writing by the Local Planning Authority. All works which form part of the approved scheme shall be completed prior to the occupation of the building hereby approved, and thereafter maintained for the lifetime of the development.

Reason: To safeguard the amenity of future occupiers of the development, having regard to adopted policy SL1 of the Cheltenham Plan (2020) and adopted policy SD14 of the Joint Core Strategy (2017).

- 14 Prior to the commencement of development (excluding demolition, site clearance and initial ground investigation works), details of the access(es) into the site, together with parking and turning area(s) [including details of lines, widths, levels, gradients, cross sections, drainage and lighting] shall be submitted to and approved in writing by the Local Planning Authority.

The development shall not be occupied until the access(es) into the site, together with parking and turning area(s) within the site have been laid out in accordance with the approved details. These area(s) shall thereafter be retained and not be used for any other purpose for the life of the development.

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

- 15 Prior to the commencement of development, a detailed Site Waste Management Plan (SWMP) or equivalent shall be submitted to and approved in writing by the Local Planning Authority. The SWMP must identify: - the specific types and amount of waste materials forecast to be generated from the development during site preparation and demolition and construction phases; and the specific measures will be employed for dealing with this material so as to: - minimise its creation, maximise the amount of reuse and recycling on-site; maximise the amount of off-site recycling of any wastes that are unusable on-site; and reduce the overall amount of waste sent to landfill. In addition, the SWMP must also set out the proposed proportions of recycled content that will be used in construction materials. The development shall be fully implemented in accordance with the SWMP unless otherwise agreed in writing by the Local Planning Authority.

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

- 16 Prior to the commencement of development, details of any proposed external lighting shall be submitted to and agreed in writing by the Local Planning Authority. The details shall include a lux level contour plan, and seek to ensure no light spill outside of the site boundaries. The lux contour plan shall show lux levels at frequent intervals (lux levels at 0, 0.2, 0.5, 1, 1.5, 2, 3, 4, 5 lux and higher are particularly useful) and extend outwards to additional levels (above the pre-existing background light level) of zero lux. The lux contour levels shall be superimposed on a site plan which includes all land that is affected by raised light levels (including potentially land outside the red line planning application area) and shall reflect the use of any proposed mitigation, e.g visors. All external lighting shall thereafter be implemented and maintained in accordance with the approved details.

Reason: To safeguard the amenities of the area and avoid light pollution, and to ensure that foraging and commuting of bats is not discouraged in this location, whilst providing adequate safety and security, having regard to adopted policy SL1 of the Cheltenham Plan (2020), adopted policies SD9 and SD14 of the Joint Core Strategy (2017), and the requirements of the 1981 Wildlife & Countryside Act (as amended).

- 17 Prior to the commencement of any works above ground level, full details of the provision made for facilitating the management and recycling of waste generated during occupation shall be submitted to and approved in writing by the Local Planning Authority. This must include details of the appropriate and adequate space and infrastructure to allow for the separate storage of recyclable waste materials. The management of waste during occupation must be aligned with the principles of the waste hierarchy and not prejudice the local collection authority's ability to meet its waste management targets. The development shall be fully implemented in accordance with the approved details unless

otherwise agreed in writing by the Local Planning Authority. The refuse and recycling storage facilities shall be maintained for this purpose thereafter.

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

- 18 The development shall be carried out in accordance with the plans as described in in the submitted Flood Risk and Drainage Statement (Infrastruct CS Ltd, ref. 4829-FILL-ICS-XX-RP-C-07.001 revision A, dated November 2024).

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

- 19 The development shall be carried out in accordance with the recommendations in section 7 of the submitted Noise Impact Assessment (Acoustic Consultants Ltd, Report Ref. 10652/BL/SF, dated February 2024) for the set plots to have the additional noise protection measures built into the construction to protect future residents from potential noise disturbance.

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

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

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

- 21 The following elements of the scheme shall be installed, implemented or carried out in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority:

- a) Windows;
- b) External doors; and
- c) Rainwater goods;

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).

- 22 Prior to installation of the proposed air source heat pumps (ASHPs), details of the type/model, location and predicted noise levels shall be submitted to and approved in writing by the Local Planning Authority. The ASHPs shall be installed prior to first occupation of each dwelling in accordance with the details approved. The ASHPs shall be retained as such thereafter unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To safeguard the amenities of future occupiers and neighbouring properties, and to reduce carbon emissions, having regard to adopted policies D1 and SL1 of the

Cheltenham Plan (2020), adopted policies SD3, SD4 and SD14 of the Joint Core Strategy (2017) and guidance set out in Cheltenham Climate Change SPD.

- 23 Prior to first occupation of the development, access, parking and turning facilities shall be provided in accordance with Drawing No. 2103-TDS-XX-XX-DRA-0010.Rev.9.

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

- 24 Prior to first occupation of the development, visibility splays shall be provided from a point 0.6m above carriageway level at the centre of the access to the application site and 2.4 metres back from the near side edge of the adjoining carriageway, (measured perpendicularly), for a distance of 43 metres in each direction measured along the nearside edge of the adjoining carriageway and offset a distance of 0.75 metres from the edge of the carriageway. These splays shall thereafter be permanently kept free of all obstructions to visibility over 0.6m in height above carriageway level.

Reason: In the interests of highway safety for pedestrians and all other users, having regard to adopted policy INF1 of the Joint Core Strategy (2017).

- 25 Prior to first occupation of the development, visibility splays shall be provided from a point 0.6m above finished surface level at the centre of the various internal roads and footway locations as shown on Drawing No. 230290-RAP-XX-XX-DRTP-3202 / P03. These splays shall thereafter be permanently kept free of all obstructions to visibility over 0.6m in height above finished surface level.

Reason: In the interests of highway safety for pedestrians and all other users, having regard to adopted policy INF1 of the Joint Core Strategy (2017).

- 26 Prior to first occupation of the development, sheltered, secure and accessible bicycle parking shall be provided in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority. The cycle storage area shall be maintained for this purpose thereafter.

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

- 27 Prior to first occupation of the development, details of a Homeowner's Information Pack resource providing information on recreation resources in the locality shall be submitted to and approved in writing by the Local Planning Authority. The pack should reference local and regional recreation opportunities.

Each household shall be provided with an approved Homeowner Information Pack on first occupation.

Reason: To assist in mitigating any impacts the proposed development may cause to designated landscape areas having regard to adopted policy BG1 of the Cheltenham Plan (202), and adopted policy SD9 of the Joint Core Strategy (2017).

- 28 The approved Residential Travel Plan dated February 2024 shall be implemented and monitored in accordance with the regime contained within the plan and for a period of 10 years from first occupation of the development unless otherwise agreed in writing by the Local Planning Authority.

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

INFORMATIVES

- 1 IMPORTANT: BIODIVERSITY NET GAIN CONDITION - DEVELOPMENT CANNOT COMMENCE UNTIL A BIODIVERSITY GAIN PLAN HAS BEEN SUBMITTED TO (AS A CONDITION DISCHARGE APPLICATION) AND APPROVED IN WRITING BY CHELTENHAM BOROUGH COUNCIL.

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

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan in writing.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Cheltenham Borough Council. There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply. If the onsite habitats include irreplaceable habitats (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitats) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans. Advice about how to prepare a Biodiversity Gain Plan and a template can be found at <https://www.gov.uk/guidance/submit-a-biodiversity-gain-plan>.

Information on how to discharge the biodiversity gain condition can be found here: <https://www.cotswold.gov.uk/planning-and-building/wildlife-and-biodiversity/biodiversity-net-gain-bng/>

30-year Habitat Management and Monitoring Plan templates can be found here: <https://publications.naturalengland.org.uk/publication/5813530037846016>

- 2 The applicant/developer is reminded that the recommended hours of work during the construction phase of the development are 7:30am to 6pm Monday to Friday, and 8am to 1pm on Saturdays, with no working on Sundays and/or Bank Holidays.
- 3 The applicant/developer is reminded that under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended) it is an offence to (amongst other things): deliberately capture, disturb, injure, or kill great crested newts; damage or destroy a breeding or resting place; intentionally or recklessly obstruct access to a resting or sheltering place. Planning permission for a development does not provide a defence against prosecution under this legislation. Should great crested newts be found at any stage of the development works, then all works should cease, and a professional and/or suitably qualified and experienced ecologist (or Natural England) should be contacted for advice on any special precautions before continuing, including the need for a licence.
- 4 It is strongly recommended that the applicant/developer make contact with Severn Trent Water and look to submit a Development Enquiry for the site; this will discuss the drainage proposals for site, and if any issues, look to resolve them. You can visit their website: <https://www.stwater.co.uk/building-and-developing/overview/new-site-developments/developer-enquiries/> and follow the application form guidance to begin this process.

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

Contact the Highway Authority's Legal Agreements Development Management Team at highwaylegalagreements@gloucestershire.gov.uk allowing sufficient time for the preparation and signing of the Agreement. You will be required to pay fees to cover the Council's costs in undertaking the following actions:

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

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

- 6 The development hereby approved includes the construction of new highway. To be considered for adoption and ongoing maintenance at the public expense it must be constructed to the Highway Authority's standards and terms for the phasing of the development. You are advised that you must enter into a highway agreement under Section 38 of the Highways Act 1980. The development will be bound by Sections 219 to 225 (the Advance Payments Code) of the Highways Act 1980.

Contact the Highway Authority's Legal Agreements Development Management Team at highwaylegalagreements@gloucestershire.gov.uk. You will be required to pay fees to cover the Council's cost's in undertaking the following actions:

Drafting the Agreement
Set up costs
Approving the highway details
Inspecting the highway works

You should enter into discussions with statutory undertakers as soon as possible to co-ordinate the laying of services under any new highways to be adopted by the Highway Authority. The Highway Authority's technical approval inspection fees must be paid before any drawings will be considered and approved. Once technical approval has been granted a Highway Agreement under Section 38 of the Highways Act 1980 must be completed and the bond secured.

- 7 It is expected that contractors are registered with the Considerate Constructors scheme and comply with the code of conduct in full. The CMP should clearly identify how the principal contractor will engage with the local community; this should be tailored to local circumstances. Contractors should also confirm how they will manage any local concerns and complaints and provide an agreed Service Level Agreement for responding to said issues. Contractors should ensure that courtesy boards are provided, and information shared with the local community relating to the timing of operations and contact details for the site coordinator in the event of any difficulties. This does not offer any relief to obligations under existing legislation.
- 8 Sustainable drainage arrangements should be provided to ensure that surface water from the driveways and/or vehicular turning areas do not discharge onto the public highway.

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

- 9 This planning permission is subject to section 106 legal agreements and should be read in conjunction with those agreements.

Consultation responses**Ward Councillor - Councillor Flo Clucas****15th March 2024**

Can the above application go to full committee please.

My reasons are:

Increase in traffic on an already extremely busy highway, Swindon Rd;

The difficulties caused for traffic in relation to the railway bridge;

Access and egress from the site;

Access and egress from school;

Impact on Animal Shelter;

Loss of green space;

Impact on amenity for local people;

Impact on wildlife.

27th August 2024

I note that the decisions of Planning Inspectorate, confirmed by planning decisions are not noted in the reports. I find that of concern.

The decision by the Inspectorate, conformed by consent not being granted, was that the area was a valued open space, in an area where open space was extremely limited. That and other comments, I will leave you to look up.

The Community values this as a Community asset and notes both the impact on wildlife and on local people in the area.

It is also of concern that no mention is made of the traffic impact on roads already overloaded.

The trees are protected, but they must continue so to be.

I would be grateful if my comments could be added to the application as I am not in favour of it.

18th November 2024

My objections still stand. The revised documents do not show, either, the pitches being retained. They should be for the community.

The issues in relation to environmental land loss for wildlife and local residents is not addressed sufficiently.

The website keeps crashing, so local residents find it difficult to access, as I did.

Access and egress for the site is not clear.

Ward Councillor - Councillor Tabi Joy**3rd April 2024**

There has been significant pressure on roadways and infrastructure in this area, which has dense existing housing already in place and very few green spaces to meet residents' needs. Unfortunately the bus services, particularly for schools, are struggling to meet existing user demand, so any suggestion here that sustainable transportation options will be 'encouraged' can't be meaningfully supported in reality. There will be continuing strong reliance on cars, which will mean heavier traffic as well as air and noise pollution.

The loss of the sports field and open space is one that cannot be fully compensated for, even with provisions made to create a smaller community pitch. There are increased flooding risks associated with development on green spaces, which will become a more significant problem in time to come. Rainwater runoff is absorbed for the most part in green spaces around Cheltenham, and there will need to be a far stronger commitment to mitigation if this site is developed, particularly since it's likely that the community pitch will be compromised in bad weather.

This space is not appropriate for development when brownfield sites are preferable, particularly when they do not contribute to urban sprawl in the manner that this does. The housing crisis does not lie in a lack of buildings, but in the policies that keep homes affordable for a range of demographics. There are measures presently being taken to revitalise our town centre through

redevelopment of empty commercial properties or flats for first-time buyers and couples without children, which are more fit for meeting the social and economic needs that we're seeing materialising post-covid.

This development is unfortunately not making best use of Cheltenham's town-centre culture or the opportunities we have to realise more intuitive housing options, but is eradicating elements of its irreplaceable social capital instead.

11th September 2024

There isn't sufficient investment in surrounding infrastructure to alleviate the inevitable pressure on roadways and amenities that will come from this development. While the government's assessment of surface water flood risk is Low, there has been little monitoring of the absorption of water served by the existing site of 6.21 hectares lawn, as well as the long-term effect of heavily concreting over the grass, even taking into account proposed detention basins. Would the historic ditch system be updated and maintained as part of development in order to address the medium-risk of overland flood flows?

The underlying sand and gravel beneath Cheltenham can present a higher risk of potholes and sinkholes. Pressure on roadways will exacerbate this. This needs to be taken into account since the weight of new buildings and cars across the site will have a tangible impact on underlying geological structure, even if it's not immediately apparent.

In terms of nature, the fact that this space is an expansive corridor for wildlife to utilise to avoid death and injury along busy roadways means that it will be difficult to carry these full amenities over to a substantial housing site with little active travel provision (which has been noted within Sports England's objection to the site designation change). There has been mention of artificial grass pitches on site which would be highly polluting and would fail to provide the surface water absorption previously provided by lawn. We do not have adequate information on the long-term effects of large-scale artificial grass, but the fact that it creates urban heat traps as well as shedding incalculable amounts of microplastics pollution suggests that this is not a sustainable option.

The proximity of the Folley site to the Kingsditch Trading Estate is also a cause for concern, since that space is heavily overbuilt and offers nothing in the way of urban nature corridors. The Folly could be vital mitigation for urban heating as well as wildlife support if given the right investment.

Swindon Village is facing substantial development for new housing over the next few years, and the pressure on the space will increase significantly. The loss of irreplaceable green space, even if the community has been cut off from utilising it, still have manifest effect on neighbouring residents, and little has been done to consult with them or include them in decision-making processes beyond cursory attempts at awareness-raising exercises.

Building Control

25th March 2024

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

Gloucestershire District Licencing Officer (Great Crested Newts)

3rd April 2024

I have reviewed the above application in regard to the risk to great crested newts. It is considered that the proposed development would present a low risk to great crested newts and/or their habitats. However, as the development is within the amber Impact Risk Zone, as modelled by district licence mapping, I recommend that the following informative should be attached to planning consent:

"The applicant is reminded that, under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended), it is an offence to (amongst other things): deliberately capture, disturb, injure, or kill great crested newts; damage or destroy a breeding or resting place; intentionally or recklessly obstruct access to a resting or sheltering place. Planning permission for a development does not provide a defence against prosecution under this legislation. Should great crested newts be found at any stage of the development works, then all works should cease, and a professional and/or suitably qualified and experienced ecologist (or Natural England) should be contacted for advice on any special precautions before continuing, including the need for a licence."

The district licence scheme also remains open as an option for the applicant. More info can be found at: www.naturespaceuk.com

Cheltenham Civic Society

25th March 2024

SUPPORT WITH COMMENTS

We welcome the provision of affordable housing. The community engagement appears to have been good.

Our concerns include the absence of community greenspace within the scheme. We would also like to see more street trees.

The houses are described as being PV ready. It would be better if the PVs could be installed as part of the plan, so enabling all residents to benefit for reduced energy bills.

In terms of materials, we have doubts about the dark brick and would prefer to see tones similar to the Cheltenham brick which is a feature of the neighbouring areas.

This development will put more pressure on what is already a busy and at times congested road. Could the junction with Swindon Road be improved, possibly with a roundabout?

We would recommend the developers implementing an EV car sharing scheme to reduce the need for car ownership for future residents (and their neighbours).

17th December 2024

SUPPORT

We continue to support the development of this area with a substantial amount of affordable housing but with significant reservations about this scheme:

- re the provision of affordable housing, we note the Housing Enabling Officer's comments about housing mix and hope the developers will take this into account.
- the roofs should have PVs installed, rather than merely being PV ready. This would ensure full compliance with council's own Climate Change SPD and reduce the costs of those living in the new homes.
- while we welcome the increase in the number of street trees in the revised plans, there is a still too much hard standing.
- there is potential to slightly increase the density by including some terraces (rather than the semi-detached and detached houses proposed) which would also enable more green space to be provided.

Our other comments made at the time of the previous version of this application also still stand: about the suitability of some materials, the implications for traffic on and access to Swindon Road, and recommendation for an EV car sharing scheme.

Architects Panel

29th April 2024

Design Concept: The site is located within the PUA of Cheltenham. The Design and Access Statement explains that the site is private land owned by the University of Gloucestershire and as such it doesn't provide any public amenity beyond a visual amenity to the public.

Detail Design: The development is for a significant number of houses on a site that is in a very sustainable location. The layout is an efficient use of space but we are concerned that it doesn't make for the more engaging plan form.

The site analysis within the DAS highlighted some key points that don't appear to have translated into the final scheme.

Beyond the sports pitch retained at the front of the site and the detention basins there is little in the way of public open space. The space along the north west boundary is a particular concern given that large elements of it will be defined by the gable end of properties or their fencing.

Within the Design and Access Statement there are some initial studies considering alternative layouts which the panel felt could have created a more interesting scheme.

The re-provided sports facility although described as a 'Sports Pavilion' is little more than a storage area with limited catering facilities and wcs. The location of the sports facility and the associated parking the other side of the access road to the sports pitch is a concern given the number of dwellings being served by a single point of access.

The design of the dwellings is very simple but the interest provided by the varying brick colours and varying coursing patterns as well as the render panels is welcomed.

Whilst the aesthetics of the scheme are welcomed and the sustainability of the site is accepted the layout currently fails to create a development with much character.

Recommendation: Not Supported.

Wild Service

4th July 2024

Thanks for forwarding the updated EclA and the sHRA. My first requirement prior to determination given in my response of 10th June 2024 has now been addressed. The second requirement concerning the payment in line with the Cotswold Beechwoods SAC Recreation Mitigation Strategy still applies.

Sport England

2nd April 2024

Thank you for consulting Sport England on the above application.

Sport England – statutory consultee role and policy

We understand that you have consulted us as a statutory consultee in line with the above Order. Therefore, we have considered the application in light of the National Planning Policy Framework (NPPF), in particular paragraph 103, and Sport England's Playing Fields Policy, which is presented within our 'Playing Fields Policy and Guidance Document': www.sportengland.org/playingfieldspolicy

Sport England's policy is to oppose the granting of planning permission for any development which would lead to the loss of, or prejudice the use of:

- all or any part of a playing field, or
- land which has been used as a playing field land remains undeveloped, or
- land allocated for use as a playing field

unless, in the judgement of Sport England the development as a whole meets with one or more of five specific exceptions. The exceptions are provided in the Annex to this response.

The proposal and impact on playing field

The proposal is for housing on a playing field which is one proposing to retain one pitch and car parking and a 'sports facility, away from the pitch.

Pre-application

The planning consult Conor Flangan sought pre-application advice on the first of April 2022 on a housing proposal for the site which included 2 artificial grass pitches. We responded stating that the proposal would be a statutory objection. See Annex B It is disappointing there was no further pre-application dialogue.

Assessment against Sport England's Playing Fields Policy and NPPF

We note on page 85 of the Design access Statement there is the following statement:

The sports provision of this application is covered within a separate Sports Provision Design document.

We note that this document and the D and A were only uploaded 3 days ago and Sport England was not notified of this, we only found out while doing a final check of the submission on CBC's website.

The sport facility/pavilion does not include any changing and is therefore not considered to be a sports pavilion. The fact that the 'pavilion' is not located adjacent to the pitch, also raises questions on its ability to be a sports pavilion.

The proposal to have a sports pitch of an area 85 x 61, which the architects call an under 16/15 football pitch. Unfortunately, they are not quite correct. The area required is 97 x 61m which includes the run-off area. They mention that the area could also accommodate two 5-a-side pitches, this has not been proven.

Since the pre-application advice was sought Cheltenham Borough Council as commissioned a new playing pitch strategy, PPS, which is in the final stages of completion, and it should be adopted in the early summer of this year. The applicants state on p8 of the Sports Provision Design document, that this along with the sports provision building, pavilion is to be offered to a local club.

The car park appears to be on the large size if it is only to accommodate a single pitch/2 5 sides pitches and is not conducive to promoting active travel.

We note that there is no offsite contributions towards built facilities, in order to create a sustainable development.

The Folly is mentioned in two places in the PPS: in table 3.4 and in paragraph 5.13. In the later the PPS states the following:

There is also one site that has been identified as previously having rugby union pitches marked out on them but no longer do. The site isn't disused and could provide pitches again in the future should there be sufficient demand to do so.

Sport England have consulted with several national governing bodies of sport, (NGBs), which may have an interest in this site: England Lacrosse, (EL), the Rugby Football Union, (RFU), The England and Wales Cricket Board/Gloucestershire Cricket Foundation, ECB/GCF and the Gloucestershire County Football Association/the Football Foundation GCFA/FF. I have summarised their comments below:

EL:

The proposal does not impact on Cheltenham Lacrosse Club but may impact on the university's lacrosse club and American Football Club.

We suggest clarification is sought on whether the university's American Football and Lacrosse clubs are to be disadvantaged by the loss of the site or whether they are to remain. If they are to remain, they will need a club house.

RFU:

The RFU have considered the application and are unable to find within the documents the proposed mitigation for the loss of 2 x marked Rugby pitches, it notes the inclusion of one Sports pitch but this pitch would not achieve world Rugby Law 1 pitch dimensions and is not shown as marked for Rugby.

The Emerging PPS in Cheltenham shows that there is a deficit of floodlight pitches (approx. 4 pitches) within the borough, within the surrounding borough (Tewkesbury) where there is significant latent demand, there is a further undersupply of floodlight pitches (approx. 15 pitches)

The RFU would be keen to work with the applicant to agree suitable offsite contributions for the loss of marked rugby pitches at the folly site.

The RFU therefore at this stage objects to the application and look forward to working with the applicant moving forwards.

Sport England also notes the lack of response with the planning statement regarding the lack of mitigation for rugby and notes the findings in the emerging PPS regarding rugby deficit.

ECB/GCF:

They note that cricket is not currently played on the site, the emerging PPS has identified that more cricket pitches are needed. Therefore, they are not supportive of the proposal until the PPS has been finalised and the needs of sport have been confirmed.

Sport England notes that historical aerial photographs show that cricket was played on this site in the past. There were 5 wickets marked out on a square circa 2006.

GCFA/FF:

Although historically, the site has been used by a number of football clubs, the main user has been the University of Gloucestershire. In recent years, this site hasn't been used as the university has developed other sites which their sport department uses. However, community football has also used this site in the past. The current facilities at the site are at the end of life and would need improving, including the pitches.

There was no mitigation plan set out in the planning portal for the loss of this site as it was declared 'unused' and as such, the FF would seek to understand how the applicant is intending to offset the loss of playing field land from this development.

The current Playing Pitch Strategy (PPS) (which is currently in development and not adopted by the council yet) is showing that football Natural Turf Pitches (NTPs) in Cheltenham are catered for in the area however, 3G provision is showing a shortfall. Therefore, the FF propose that any mitigation for the loss of this site to be offered as 'off site contribution' towards sports playing fields weighting heavily towards 3G provision when considering football.

Sport England notes the comments GCFA/FF that there is a need for mitigation for the loss of the playing field.

The planning consultants fail to understand the National Planning Policy Framework (NPPF) paragraph 102 by trying to draw a distinction between private and publicly available playing fields. The NPPF does not draw any distinctions between them.

The site is currently used as playing fields. The Planning consultants fail to address paragraph 103 of the NPPF or Sport England's planning policy exceptions.

The emerging PPS is showing a deficit in existing sports facilities as indicated above but the PPS is not finished a comment made by the ECB/GCF. Sport England feels this planning application is therefore premature, as the site may be required to be retained for sport.

Notwithstanding this the applicants have only retained a single pitch and no mitigation for the loss of the rest of the playing field site.

Sport England's position

Given the above, Sport England raises a statutory objection to the application because it is not considered to accord with any of the exceptions to our Playing Fields Policy or paragraph 103 of the NPPF.

Potential to overcome the statutory objection

Sport England would suggest that the applicants withdraw the current application and wait till the PPS is adopted then meet with CBC officers, NGBs and Sport England to see if there is a solution which meets the NPPF, CBC's planning policies and the PPS.

Determining the application

Should the local planning authority be minded to approve this application contrary to Sport England's statutory objection, then the Town and Country Planning (Consultation) (England) Direction 2021 requires the application to be referred to the Secretary of State, via the National Planning Casework Unit.

If this application is to be presented to a Planning Committee, we would like to be notified in advance of the publication of any committee agendas, report(s) and committee date(s).

26th November 2024

Thank you for re-consulting Sport England with additional information for the above application.

We have reviewed the submitted documents, and we are pleased to see that our comments along with GFA/FF regarding the proposed football provision on site has been removed.

However, the mitigation package which has been proposed, while has some merit does not fulfil the requirements of the NPPF paragraph 103, as it does not re-provide the lost playing field area in terms of quantity and quality.

We would draw your decision to two recent appeals: APP/P4605/W/24/3342499 and APP/W4325/W/23/3329105 which deal with the issues of replacement quantity and quality. We are attaching the decision documents for your ease.

For Clarity Sport England's position

Given the above, Sport England maintains a statutory objection to the application because it is not considered to accord with any of the exceptions to our Playing Fields Policy or paragraph 103 of the NPPF.

Potential to overcome the statutory objection

Sport England would suggest that the applicants withdraw the current application and meet with CBC officers, NGBs and Sport England to see if there is a solution which meets the NPPF, CBC's planning policies and the PPS.

Determining the application

Should the local planning authority be minded to approve this application contrary to Sport England's statutory objection, then the Town and Country Planning (Consultation) (England) Direction 2021 requires the application to be referred to the Secretary of State, via the National Planning Casework Unit.

If this application is to be presented to a Planning Committee, we would like to be notified in advance of the publication of any committee agendas, report(s) and committee date(s).

GCC Section 106 Officer

29th August 2024

Please see response in document tab.

Gloucestershire Wildlife Trust

8th April 2024

I am writing to set out Gloucestershire Wildlife Trust's (GWT) comments on the above application.

This proposal presents an opportunity to provide benefits for biodiversity in this urban area. We are therefore pleased to see that most of the trees on site would be retained and that new infrastructure to support biodiversity would be integrated, including bat boxes. This proposal presents an opportunity to provide benefits for biodiversity in this urban area. We are therefore pleased to see that most of the trees on site would be retained and that new infrastructure to support biodiversity would be integrated, including bat boxes. However, improvements should be made prior to these proposals going any further.

The site is positioned in the middle of several areas of core habitat, as per Gloucestershire's Nature Recovery Network (NRN) and includes an area of medium priority woodland habitat. In relation to this, we would like to see two things included within the proposals. The first is that

the opportunity to extend habitats, in line with the local NRN is optimised (as per para 185 (a) of the NPPF). There is minimal planting planned for the medium opportunity woodland area of the site, with trees mainly being retained, and this area of habitat could be enhanced and extended.

The proposals could also go further to improve connectivity across the site. There are seemingly plans for only one line of individual trees to cross the site from west to east, with no pockets of planting within the area of the site assigned to housing. Ensuring that GI is better integrated across the whole site, rather than being limited to certain areas of it, will help to create a development that better supports wildlife and the wellbeing of existing and future residents.

Given that this development would significantly reduce the level of natural drainage within an urban area, more should be done to integrate natural, multifunctional, drainage solutions, into the scheme.

We note that the EIA mentions a homeowner pack, informing residents on the sensitivities of the Cotswold Beechwood SAC and how to reduce their impact. The cumulative impact of high levels of planned development in the area will lead to increasing recreational pressure across a number of sites that are important for wildlife and biodiversity, not just the Cotswold Beechwoods, including SSSI's and local nature reserves. We would therefore ask that the homeowner pack is extended to provide broader information, helping to educate residents on why it is important to reduce their impact at sites that are important for wildlife and how to do so (ie by sticking to paths, keeping dogs on leads where possible etc). We would be happy to discuss this further.

We note that Natural England have responded to the consultation to request that a habitat regulations assessment (HRA) is carried out, as the application could have potential significant effects on the Cotswold Beechwoods SAC, which we would be interested to view.

To address some of the comments made, the developer may find it useful to refer to the Building with Nature green infrastructure standards. This will ensure the green infrastructure is delivered to a high standard, providing multifunctionality and connectivity benefits as mentioned above, and we would propose getting this site Building with Nature Accredited.

Clean Green Team

10th April 2024

Response available to view in documents tab.

Heritage and Conservation

22nd October 2024

The proposed development impacts upon the setting of the Grade II* listed St. Peter's Church and immediately adjacent Grade II listed War Memorial, with a degree of intervisibility between the sites along Waterloo Street. Whilst in the wider setting of the designated heritage assets, the application site does not form part of the Church or Memorial's significance (given physical distance and the land not being associated with the Church/Memorial). Given the built-up context of the area, there would be a limited impact upon the setting of the Church and thus no harm would occur to its significance.

The site has limited potential for archaeological remains, with no record nor evidence of an archaeological remains on the site. However given the potential of any remains, if required, a suitably worded condition as to secure a geophysical survey prior to development would suffice.

With respect to the pavilion, as the submitted heritage assessment asserts, this building is considered to be a non-designated heritage asset (NDHA) given the age, local historic interest as well as the contribution to the character and appearance of the area. Given this contribution,

there would be a preference in the retention of the pavilion. Notwithstanding the physical condition of the building, whilst the pavilion is identified as NDHA, it has overall limited significance, given this, and whilst the loss of any heritage asset is regrettable, if it cannot be retained as part of the development scheme, the demolition does not raise an objection. If the application is to include the loss of the building, the following condition is advised upon any grant of planning permission:

Prior to the demolition of the building known as the 'Pavilion' a permanent record of the structure and setting shall be made to Historic England's Level 2 standard. Once completed the record shall be deposited with the HER and retained in perpetuity.

Reason: In the interests of the historic environment, having regard to Policy SD8 of the Joint Core Strategy 2017, Chapter 16 of the National Planning Policy Framework and Historic Environment Good Practice Advice (note 2).

Active Travel England

13th March 2024

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

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

County Archaeology

28th March 2024

Thank you for consulting the archaeology department on this application. The county Historic Environment Record shows no known heritage assets to lie within the proposed development site and it is situated on the outskirts of the historic town. The site appears to have remained largely as open space throughout development in the post-medieval period to present though historic maps depict a building/glasshouses within the centre of the site in the early-mid 20th century and the site of a pavilion has existed in the south-east corner of the site since c. 1910.

A Heritage Assessment has been submitted with the application which summarises "a limited potential for archaeological remains of prehistoric and/or Romano-British date to be encountered within the Site." It should be noted however that there has been little archaeological investigation close to the site but more recent discoveries on the outskirts of Cheltenham have revealed a large distribution of settlement sites particularly from the late prehistoric period to medieval periods. The Heritage Assessment reports the presence of made ground ranging from depths of 0.2-1.3m across the site which has the potential to bury archaeological remains beneath and states that a geophysical survey would provide additional information on the potential for previously unrecorded remains within the Site. It also states that the pavilion has a degree of historical and architectural interest as a rare pre-war sporting structure and recommends a level 3 building record is made prior to its demolition (you should discuss the principle of its demolition with the Conservation Officer).

As this is a reasonable size of development, I agree with the conclusion of the Heritage Statement that the results of geophysical survey should help to identify sites of archaeological interest within the site but this should also be ground-truthed by trial trench evaluation as geophysical survey results cannot be wholly relied upon to identify archaeological remains within a site.

The National Planning Policy framework states:-

200. In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

201. Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

As archaeological remains are regarded as heritage assets, in line with the NPPF I recommend that the results of geophysical survey and trial trench evaluation are made available prior to determination of the application in order to establish the presence and significance of archaeological remains impacted by the proposals. I also advise the applicants to provide more information on the depth of construction in relation to the made-ground deposits.

I will be happy to advise further following receipt of the additional information requested.

3rd July 2024

Thank you for consulting the archaeology department on the additional information submitted with the application and I note the submission of the geophysical survey report.

The results from the geophysical survey show a number of features of likely post-medieval date such as possible land drains in the area of glasshouses in the centre of the site, earlier field boundaries and ridge and furrow remains. There are a few features of unknown origin which could be archaeological interest such as a small enclosure and several linear features. As I mentioned in my earlier advice, geophysical survey on its own is not wholly reliable and should be ground-truthed by trial trench evaluation. On the basis of the Desk Based Assessment and geophysical survey results however I consider it unlikely that archaeological remains of such significance are present within the site which would preclude development. I therefore recommend that further archaeological investigation can be made a condition of planning permission and should include a programme of archaeological investigation (trial trench evaluation followed by any necessary mitigation) and a level 3 building recording of the pavilion prior to its demolition, due to its historical and architectural interest as a rare pre-war sporting structure. You may wish to use the following conditions:-

"No development to which this permission (or consent) relates shall commence until an appropriate programme of historic building recording and analysis has been secured and implemented in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority. The development shall be carried out at all times in strict accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Local Planning Authority."

Reason: To ensure that an appropriate record is made of the historic building fabric that may be affected by the development, in accordance with paragraph 211 of the National Planning Policy Framework

And

'No development shall take place within the application site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority'.

Reason: It is important to agree a programme of archaeological work in advance of the commencement of development, so as to make provision for the investigation and recording of any archaeological remains that may be destroyed by ground works required for the scheme. The archaeological programme will advance understanding of any heritage assets which will be lost, in accordance with paragraph 211 of the National Planning Policy Framework

Natural England**15th March 2024**

Response available to view in documents tab.

7th February 2025

Response in documents tab.

21st February 2025

Response in documents tab.

Severn Trent Water Ltd**3rd April 2024**

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

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

Reason

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

NOTE: we would strongly recommend the Developer/Applicant to make contact with STW and look to submit a Development Enquiry for this development site; this will discuss the drainage proposals for site, and if any issues, look to resolve them. It is best to visit our website: <https://www.stwater.co.uk/building-and-developing/overview/new-site-developments/developer-enquiries/> and follow the application form guidance to begin this process.

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

Minerals And Waste Policy Gloucestershire**9th April 2024**

Response available to view in documents tab.

17th March 2025

Comment available to view in documents tab.

Gloucestershire Centre for Environmental Records

15th March 2024

Report available to view in documents tab.

Housing Enabling

24th April 2024

Response available to view in documents tab.

11th September 2024

Response in documents tab.

4th December 2024

Regarding the revised planning documentation submitted relating to the 122 affordable homes at the Folley (Planning Application reference 24/00399/FUL), I have nothing further to add to my previous comments (dated 10.09.24), as I can't immediately see any substantive changes to the scheme from an AH perspective- with one exception.

Specifically, it would be really helpful if the applicant added a more detailed housing mix table to planning drawing- 'Site Masterplan- Tenure Clustering', drawing reference 2103-TDS-XX-XX-DR-A-0016-REV 5. Currently, the attached scheme proposals show the tenures (indicated by colour), however, the table in the top left of the planning drawing does not clearly translate this colour-coded proposal into a simple table format.

Moving forwards, it would be helpful if the applicant provided a breakdown of the unit sizes, types, tenures and occupation on this masterplan within a table (that uses the same presentation format used within my latest (Sept 24') published comments.

I appreciate that the applicant has submitted separate information covering the types and tenures of the affordable homes, but it is difficult to picture how this will map onto a scheme without being able to see the plan. As I'm sure you are aware, this is common practice across all affordable housing schemes that we deal with and will help members to better understand the nature of affordable housing accommodation that is being offered on this scheme.

I attach my previous comments to give an indication of what I'm looking for in terms of the table.

Trees Officer

5th April 2024

The arb report appears to be incomplete - although the filename is marked "AIA, method statement and TPP", it lacks much of this information. It doesn't currently have a map with tree numbers marked up so making any real assessment of what has been submitted relies on assumptions and guesswork. This should be remedied at the earliest possibility.

The removal of Ts 2-5 appears wholly unnecessary when access points could be created to the east or west of that group of trees. This proposed removal is not supported by the Trees Section and alternative access arrangements should be proposed in revised plans.

The landscape design needs some further consideration. Although the buffer planting around the site appears generous, the streets could not reasonably be described as tree-lined - this is mandated in national policy.

NPPF para 136 states:

...Planning policies and decisions should ensure that new streets are tree-lined...

Also further consideration should be given to species selection - planting aspen (or any poplar) near roads and houses is not advisable. Planting large growing species (e.g. beech) to the east and south of houses (Swindon Road, Stanwick Gardens, Thomond Gardens) backing onto the site should be reconsidered. Trees in the Folley have historically caused conflict with these neighbouring communities and so care should be taken over any planting proposals. Buffer planting to the east may require further thought as well. Planting walnut and cherry in the shade of larger trees may prove unsuccessful. Beech and lime may well fair better but perhaps a wiser approach would be to plant trees that will provide understorey (yew, holly etc) with occasional larger growing trees to provide succession to the existing trees. As such, revised landscape plans should be submitted.

To avoid conflict between both retained and newly planted trees and the proposed built environment, foundation depths and designs should be submitted and approved by Building Control.

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

11th July 2024

The submission of the complete documents is welcomed by the Trees Section.

In an email from the agent, an allusion to advice from Highways regarding the preferred access arrangements is noted by the Trees Section. However, the removal of Ts 2-5 is in direct conflict with Policy GI3 of the Cheltenham Plan:

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

Therefore, the Trees Section maintains its objection to the proposed access arrangement of the scheme in its current iteration. It should be noted that a TPO was served to protect those trees, and other trees around the site. The TPO was met with no objections within the allocated consultation period.

30th August 2024

As before, the Trees Section maintains its objection to the removal of Ts 2-5.

The revised documents do not include landscape details so no assessment can be made of that aspect of the scheme.

6th December 2024

As before, the Trees Section maintains its objection to the removal of Ts 2-5.

The revised landscaping makes some further commitment to planting around the site to make the streets feel more tree-lined. This should be commended.

Some improvements to the scheme could still be made. Plots 18-33 have only one tree and this may feel like a stark contrast for this section of the development. Turkish hazel is a potentially large growing tree so may be unsuitable to plant to the western border of the site where it could dominate the boundary and cause conflict with neighbouring properties. It is also not a shade tolerant species so where it is proposed for planting in the shade of existing trees (e.g. to the northeast of the site), it will not thrive. Similarly, black birch, downy birch, sweet gum and honey locust are also not shade tolerant so should not be planted in the shade of existing trees. Honey locust may not be a suitable species for what are relatively small front gardens (e.g. Plot 118) as they can produce an unruly and spreading, open-formed tree. Similarly, Turkish hazel has the potential to become too large (e.g. Plots 89-94). Trees at the following plots are unspecified: 7, 8, 9, 13, 27, 40, 44, 52, 68, 83 to 87, 97 and 100. This should

be remedied so that the landscape plan can be assessed properly. Planting cherry adjacent to Detention Basin 1 may prove unsuccessful as these will not thrive in very wet soil.

Whilst these adjustments are made, it would be worth noting that CBC would also not support a single species to be planted in front gardens of plots (i.e. changing honey locust and Turkish hazel for Himalayan birch would be inappropriate) as this would discourage biodiversity and resilience.

3rd February 2025

Notwithstanding the Trees Section's previous advice to avoid planting shade intolerant species in the shade of larger trees and to avoid planting large growing species to the west of the site where they may cause conflict with adjacent properties (although screening will of course become more important should the application be permitted), the revised landscape design broadly addresses the concerns previously raised.

GCC Highways Development Management

19th April 2024

Response available to view in documents tab.

23rd July 2024

Comment available to view in documents tab.

4th February 2025

Response in documents tab.

Environmental Health

4th April 2024

In relation to application reference 24/00399/FUL for The Folley, Swindon Road, Cheltenham please can the following be added from Environmental Health:

Conditions:

a) 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.

b) No development shall take place 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:

- 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
- measures for controlling the use of site lighting whether required for safe working or for security purpose
- if any generators will be used at any time during the build phase

c) For the applicant to adhere to the recommendations in section 7 of the Acoustic Consultants Ltd noise impact assessment for this site (Report Reference: 10652/BL/SF // dated: 21/02/24) for the set plots to have the detailed additional noise protection measures built into the construction to protect the residents from potential noise disturbance at the nearby Cheltenham Animal Shelter.

d) Prior to approval, please can the applicant submit further information in writing as to how the sports pitch will be utilised - this would need to be in writing and detail the sports the pitch will be used for, if it is external hire only, how this will be managed, the times of use for the pitch, how the times of use will be managed/controlled and any other information relating to the use of this pitch. This document will also specify if the applicant is intending on installing any external lighting for the sports pitch or the associated car park with cycle storage? If so, the EH team may at a later date require a condition requiring a lighting impact assessment to be submitted for prior approval.

Queries:

e) Will the applicant be utilising ASHP or GSHP in order to heat the residential homes or any of the sports facilities buildings? If so, the EH team may at a later date require further acoustic information on these installations and may not be able to provide full support until the assessments are reviewed and approved.

GCC Lead Local Flood Authority (LLFA)

19th March 2024

The proposal is for development in flood zone 1. The development will enable surface water drainage to be restricted to 15 l/s for all events, this compares to a greenfield QBAR rate of 21.1 l/s. Flows will be controlled by a Hydrobrake and volumes attenuated in 2 attenuation basins providing capacity for 1:100 events plus a 45% allowance for climate change over the lifetime of the development. The discharge will be to a Severn Trent surface water sewer that flows in a northerly direction. This approach satisfies the requirements of a SuDS and the LLFA has no objection to it.

The FRA fails to address directly historic flood records indicating property flooding in Stanwick Gardens. This has been previously managed by means of a bund and filter drain along the northwestern boundary. Such measures are designed to prevent flows from the site flowing overland to Stanwick Gardens. The development, by managing all flow from property roofs to the attenuation ponds and through addressing site levels will prevent overland flows from the site towards Stanwick Garden and so the flood risks that have caused issues in Stanwick Gardens previously should be managed by the development of the site.

The LLFA have no objection to the proposal and believe that detail supplied with the application is adequate such that there would be no benefit in drainage conditions provided that development follows the plans as described in Flood Risk and Drainage Statement published by Infrastruct CS Ltd ref 4829-FILL-ICS-XX-RP-C-07.001 at draft issue dated 13/02/2024.

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

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

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

6th March 2025

Subsequent amendments to the proposal have an insignificant impact on the proportion of impermeable area of the site and previous comments about the drainage strategy remain valid. The LLFA have no objection to the proposal and believe that detail supplied with the application is adequate such that there would be no benefit in drainage conditions provided that development follows the plans as described in Flood Risk and Drainage Statement published by Infrastruct CS Ltd ref 4829-FILL-ICS-XX-RP-C-07.001 at revision A dated 12/11/2024.

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

NOTE 2: 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.

Parks and Landscapes Division

11th September 2024

I have noted this on the design statement changes document.
https://publicaccess.cheltenham.gov.uk/online-applications/files/CEE7100943BCA44BEF48455437A37A0D/pdf/24_00399_FUL-STATEMENT_OF_DESIGN_CHANGES-1517454.pdf

'The area to the west of the sports pitch has been marked as potential 'Park/Natural Play or similar.' It is the intention to work collaboratively with Officers to agree the open space/play solution for this area, to be shown on updated landscape plans prior to determination'

Has any more detail come through about this?

As the number of dwellings on this site is 122, they need to incorporate at least a LAP and if they can't incorporate a LEAP on site they need to contribute to offsite provisions at Elmfield playing field near the allotments within 400m of the development. Also, as part of the FiT standards they should be contributing to a multi-use games area.

<https://fit.viewcreative.agency/content/files/Guidance-for-Outdoor-Sport-and-Play-England.pdf>

More guidance on play provision is in this document.
https://www.cheltenham.gov.uk/download/downloads/id/6480/open_space_standards_paper.pdf

I've seen that county highways have commented on improving the cycle access to the northern boundary connecting Gardners Lane to Thomond Close and connecting to the site. This 120m link will become a very busy and will need resurfacing and widening to 3m. It should incorporate street lighting and bollards to prevent vehicles.

The self-binding gravel path running through Elmfield playing field to Denman Avenue and the Honeybourne Line cycle route is 2m wide. The council would be open to widening it to 3m if funding came available. This is about 230m long. The community have express support for this and lighting to be incorporated along the route. Any lighting would need to be adopted by the county council.

26th November 2024

As it stands, the proposal isn't acceptable on play provision grounds.

Play provisions.

The development doesn't provide play provisions in line with Guidance for Outdoor Sport and Play: Beyond the Six Acre Standard. The standards state that a development of this size should provide a LAP, LEAP and contributions to an offsite multi use games area. The current

proposal identifies a LAP which is in line with the standards, but we'd need more details on the playground design to fully understand the provision. There's no detail on the fencing around the LAP, but it should be metal bow top or similar. Robinia play equipment would be supported, but the detailed proposal should consider a harder wearing safety surface like wetpour, around the main units for accessibility and usability. Because the LAP is located near existing residential properties, we would advise moving it slightly further away, may be just over the path in the Community park area.

The proposal also mentions 'potential outdoor gym equipment'. Are pieces of outdoor gym equipment proposed or not? We wouldn't object to outdoor gym equipment, but we need more details to be able approve it.

There are no proposals for a LEAP and just an outdoor gym, doesn't constitute a LEAP. Looking strategically at play provisions in the area, Elmfield playing field playground is within 400m of the development and could be upgraded to a LEAP to offset the need for one on the Folley development. The level of contribution towards upgrading Elmfield playground could be agreed as part of a S106 agreement.

There is no mention of contributions towards multi use games facilities. There are no multi use games areas within 700m of this development or Elmfield playing field and previous consultations in the area have expressed the need for one. There isn't enough space in Elmfield playing field for a multi use games area (recommended minimum size 23m x 14m) and we'd support the developer constructing one on the Folley, instead of contributing to an offsite facility. This offsetting of the multi use games area contribution could be integrated into the S106 agreement. The multi use games area could be landscaped into the Community park area of the Folley proposal.

Here are some more comments regarding the surround area and site landscaping.

- The developer should undertake a design risk assessment based on the proximity of the SuDs basins to footpath and cycle paths, and consider installing fencing rather than a timber knee rail.
- The cycling paths and exit routes should be a minimum of 3m wide and should have some bollards to prevent vehicles going through.
- I've seen county highways team have commented on improving the cycle and pedestrian provisions along the northern boundary connecting Gardners Lane to Thomond Close and connecting to the site. This will become a very busy route to the shops and should be resurfaced and widened to 3m. It should incorporate street lighting and bollards to prevent vehicles.
- The self-binding gravel path running through Elmfield playing field to Denman Avenue and the Honeybourne Line cycle route is 2m wide. The council would be open to widening the 230m long route to 3m and tarmacing it, if funding came available. The community have expressed support for this improvement and additional lighting. Any lighting would need to be adopted by the county council. This would create a traffic free route to the station and the town centre.'

27th January 2025

CBC Ecologist

3rd December 2024

I have reviewed the revised Ecological Impact Assessment (EcIA) (Nicolas Pearson Associates, June 2024), the revised Statutory Biodiversity Metric (Nicolas Pearson Associates, October 2024), the previous ecology comments (Wild Service, June 2024) and the revised site masterplan (2103-TDS-XX-XX-DR-A-0010).

The following comments need to be addressed to continue the assessment of the BNG proposal for this site.

The whole of the community park area appears to be planned to be Other Neutral Grassland in moderate condition, with a twice annual cut and collect for management.

The applicant needs to consider whether this area is going to function well as a community park if it is only mown twice a year. Visually and practically a twice annual mow is not conducive to the areas' use by the public for play and exercise. It will likely need much more regular mowing for this, and if a high frequency mowing regime is required, it is unlikely to reach moderate condition as Other Neutral Grassland. It is more likely a Modified Grassland habitat classification would be appropriate here.

The Local Area for Play (LAP) needs to be input to the biodiversity metric as a separate classification to grassland.

The biodiversity metric is incomplete without the SUDS feature(s) being included as an appropriately classified separate habitat. If proposals for these features of the site are finalised the biodiversity metric needs to reflect this.

The delay in habitat creation column in the biodiversity metric has not been completed for any of the proposed habitats. This needs to reflect the delay between the site being cleared for development and the new habitat proposals being installed. For a development this size a 2-year delay would be expected.

The revised EcIA refers to a plan to create tussocky grass with scrub along the boundaries of the site for reptile habitat. This is welcomed but the classification of the tussocky grass habitat in the biodiversity metric needs to be clarified or amended. Tussocky grass will not match the description of Other Neutral Grassland in moderate condition as once developed it will not be species rich. Tussocky grass usually consists of coarse grass species which out-compete the forbs one might expect to see in Other Neutral Grassland.

The revised EcIA (Nicolas Pearson Associates, June 2024) states the BNG calculation for area habitats is 14.11% net gain, with >120 new trees planted. The biodiversity metric shows a 20.85% net gain calculation, with 151 new trees (input as 58 small poor condition non-native, and 93 small moderate condition native). The most recent covering letter (Black Box Planning, 5th November 2024) states the BNG calculation is 20% net gain, with 160 trees. The Soft Landscaping Plan sheet 1 of 8 (Swan Paul, Feb 2024) shows 160 proposed trees on it. The EcIA needs updating to reflect the same calculation as the biodiversity metric (once this is revised addressing the above comments). The small discrepancy between the tree numbers in the biodiversity metric and the landscaping plan needs to be addressed.

A post-development habitat plan needs to be included in the revised EcIA showing where different habitat classifications have been made, in response to the above comments.

22nd January 2025

I have reviewed the Revised Ecological Impact Assessment (EcIA) (Nicolas Pearson Associates, December 2024), the revised Statutory Biodiversity Metric (Nicolas Pearson Associates, December 2024), the Shadow Habitats Regulations Assessment (HRA) (Nicolas Pearson Associates, December 2024), and the revised landscape masterplan (SPP333-90-001 REV K).

The change from the open space on this site being a playing field to a community park area is supported. There is an increase in street tree provision and tree planting in the community park area which is more in line with the site's partial location in the medium priority woodland zone of the Gloucestershire Nature Recovery Network. The integration of more scrub and meadow areas is also supported.

The Shadow HRA is supported, but Cheltenham Borough Council defers to Natural England for their final comment on this application before adopting the Shadow HRA.

An updated ecology report with the results of a pre-works update badger survey must be submitted prior to commencement.

A precautionary method of working statement must be submitted prior to commencement to ensure there are strict precautions in place for protected species on this site, as the ecology surveys were completed over a year ago. The bat surveys are over a year old so special precautions need to be in place for the demolition of buildings and felling of trees with bat roost potential so that the proposed works can continue lawfully.

Provision of bird, bat, insect and hedgehog boxes for ecological enhancement is conditioned below. Emphasis on appropriate orientation and location of these features is included in the condition. Bird boxes should be installed to face between north and east to avoid direct sunlight and heavy rain. Bird boxes should be erected out of the reach of predators. For small hole-nesting species bird boxes should be erected between two and four metres high. Bat boxes should face south, between south-east and south-west. Bat boxes should be erected at a height of at least four metres, close to hedges, shrubs or tree-lines and avoid well-lit locations. Ideally existing mature trees on the site should be utilised for placement of these enhancements. Otherwise, properties facing the ecological boundaries where orientation is appropriate for the species will be accepted.

A finalised Lighting Plan is conditioned. This must reflect the latest design and layout of the site.

The mandatory biodiversity (net) gain (BNG) condition applies to this development; therefore, a Biodiversity Gain Plan must be submitted prior to commencement if this application is approved. The BNG informative must be added to the decision notice of this planning application if it is deemed approved.

The BNG Assessment and biodiversity metric calculates a 14.88% gain in area habitat units, and the trading rules are met. The mandatory biodiversity net gain condition has therefore been met. The Biodiversity Gain Plan required under the statutory biodiversity gain condition must outline how a 10% net gain in biodiversity will be achieved (using the statutory biodiversity metric). The Plan and the metric must reflect the finalised proposals for the site, including the finalised plans for SUDs/detention basin provision. The Plan will not be approved if it does not reflect the finalised proposals for the proposed development.

A Habitat Management and Monitoring Plan (HMMP) is conditioned.

The proposals are deemed to be 'significant' gains in biodiversity according to the guidance provided by the Department for Environment, Food & Rural Affairs (DEFRA) (2024), therefore a S106 will be required to secure the delivery of the measures outlined in the HMMP to be submitted post-determination.

See "significant on-site enhancements" workings from Cheltenham Borough Council below. This proposals' assessment passes 4/5 of the "significant" criteria, therefore the proposals are deemed to be significant.

"Significant" criteria 1-5 as per DEFRA guidance found: Make on-site biodiversity gains as a developer - GOV.UK	This development: 24/00399/FUL
1. Habitats of medium or higher distinctiveness	50% medium distinctiveness
2. Habitats of low distinctiveness which create a large number of biodiversity	Yes

units relative to the biodiversity value of the site before development	
3. Habitat creation or enhancement where distinctiveness is increased relative to the distinctiveness of the habitat before development	Yes
4. Areas of habitat creation or enhancement which are significant in area relative to the size of the development	Yes
5. Enhancements to habitat condition, for example from poor or moderate to good	No

Conditions outlined above and outlined in the previous ecology comments (Wild Service, June 2024) are provided below if this proposal is granted planning permission.

Ecology report

Prior to the commencement of the development hereby approved, an update walkover survey of the site shall be undertaken by a suitably qualified ecologist and an update of the Ecological Impact Assessment (EclA) will be submitted to Cheltenham Borough Council for written approval. The updated EclA shall confirm (or otherwise) whether there has been a significant change to the site since the most recent surveys in 2024 and whether further surveys for protected, priority or locally notable species or habitats are required. In particular this shall confirm the status of the sites with regards to the inactive badger sett present.

Reason: To ensure legal and policy compliance with regards to protected species, in particular the Protection of Badgers Action (1992) and habitats, as well as to invasive plant species.

Guidance: the Chartered Institute of Ecologists and Environmental Managers (CIEEM) Advice Note on the lifespan of Ecological Reports and Surveys [Advice-Note.pdf \(cieem.net\)](#) states that reports over 12 months old will require updating.

Precautionary Method of Working (PMW)

Prior to the commencement of development hereby approved, including all site clearance and vegetation removal, a method statement for a Precautionary Method of Working (PMW) with respect to legally protected species shall be prepared by a suitably qualified ecological consultant and submitted to and approved in writing by the Local Planning Authority.

The development shall be carried out in full accordance with the approved method statement.

Reason: To ensure the protection of legally protected and priority (Section 41) species which are a material planning consideration. And to demonstrate compliance with the 1981 Wildlife & Countryside Act (as amended) and the 2017 Habitats Regulations.

Guidance: According to paragraph 180 (page 52) of the National Planning Policy Framework (2023), 'Planning policies and decisions should... limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.' Reason: To conserve legally protected bats and other nocturnal wildlife.

Ecological Mitigation & Enhancement Strategy (EMES)

Prior to the commencement of the development hereby approved the applicant shall submit an Ecological Mitigation & Enhancement Strategy (EMES). This shall include details of the provision of integral bird (50No), bat (50No), insect (50No) and hedgehog (40No) boxes. The bird boxes must include bricks or tiles for swift and house sparrow. The location, specification, height and orientation of these features shall be shown on a site plan.

The development shall be carried out in full accordance with the approved details or any amendments agreed in writing by Cheltenham Borough Council.

Reason: (1) The Natural Environment and Rural Communities (NERC) Act 2006 (Section 40) obliges the LPA ‘... in exercising its functions, [to] have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity’. In order to discharge its biodiversity duty, the LPA must satisfy itself that all developments deliver ecological enhancement wherever reasonably possible; (2) Ecological enhancement is a requirement of the revised National Planning Policy Framework (2023) which states (in paragraph 180) that ‘Planning policies and decisions should contribute to and enhance the natural and local environment...’. And (3) Policy SD9 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (2017) which encourages new development to: “contribute positively to biodiversity and geodiversity whilst linking with wider networks of green infrastructure. For example, by incorporating habitat features into the design to assist in the creation and enhancement of wildlife corridors and ecological steppingstones between sites”.

Lighting Plan

Prior to the commencement of the development hereby approved, details for any proposed external lighting shall be submitted to and agreed in writing by the Local Planning Authority. Development shall be undertaken in accordance with the approved details. This shall include a lux level contour plan, and shall seek to ensure no light spill outside of the site boundaries. The lux contour plan shall show lux levels at frequent intervals (lux levels at 0, 0.2, 0.5, 1, 1.5, 2, 3, 4, 5 lux and higher are particularly useful) and extend outwards to additional levels (above the pre-existing background light level) of zero lux. The lux contour levels shall be superimposed on a site plan which includes all land that is affected by raised light levels (including potentially land outside the red line planning application area) and shall reflect the use of any proposed mitigation, e.g visors.

Advice note: Lux Levels on natural habitats potentially used by nocturnal species such as bats and badgers, not previously exposed to increased light levels, will receive approximate lux levels of between 0.1 (typical moonlight/cloudy sky) and 10 (sunset) lux [‘Bats and Artificial Lighting at Night’ ILP Guidance Note update released - News - Bat Conservation Trust](#) Increasing lux levels in these natural habitats is likely to cause disturbance, therefore the implementation of visors etc as mitigation is strongly advised.

Guidance: According to paragraph 191 of the National Planning Policy Framework (2023), ‘Planning policies and decisions should... limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.’

Reason: To conserve legally protected bats and other nocturnal wildlife complying with the 1981 Wildlife & Countryside Act (as amended).

Soft Landscape Plan

Prior to the commencement of the development hereby approved, a finalised soft Landscape Plan including a planting schedule, shall be submitted to and approved in writing by Cheltenham Borough Council.

The development shall be carried out in full accordance with the details submitted or any amendments approved in writing by the Council.

Reason: to comply with the revised National Planning Policy Framework (NPPF, 2023). The NPPF states in paragraph 180 (d) on page 50 that “Planning policies and decisions should contribute to and enhance the natural and local environment by... minimising impacts on and providing net gains for biodiversity...” and in paragraph 185 (b) “To protect and enhance biodiversity and geodiversity, plans should...identify and pursue opportunities for securing measurable net gains for biodiversity”.

Habitat Management and Monitoring Plan (HMMP)

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

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

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

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

No occupation shall take place until:

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

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

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

Reason: To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990.

GCC Highways Development Management

17th January 2025

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

The justification for this decision is provided below.

The County Council has recently undertaken a new traffic modelling assessment (GC3M) of the cumulative traffic impacts of Joint Core Strategy (JCS) allocated housing and employment sites, in the absence of the proposed M5 Junction 10 package of works. This shows there would be a very severe impact throughout Cheltenham.

The existing JCS allocations at West Cheltenham and North-West Cheltenham are unable to fully mitigate their severe cumulative traffic impacts on the links between the A40 and A4019 and they are reliant on completion of the M5 Junction 10 scheme for the relief it provides in order to fully build out their sites. The proposed package of works enables the redistribution of a significant amount of strategic traffic travelling via M5 Junction 11, the A40, Princess

Elizabeth Way, Old Gloucester Road, Gloucester Road and north Cheltenham due to the restricted movements at M5 J10.

The cumulative impacts of future developments beyond 2040 would be mitigated to a great extent by the provision of the all movements M5 Junction 10, the ancillary A4019 improvements and the Cheltenham Western Link Road, which have been proposed in a recent Development Consent Order application to the Government. (A decision concerning the DCO is expected in Summer 2025).

It should be noted that 'The Folley' proposal is not an allocated site within the current JCS but nevertheless the anticipated wider cumulative impacts, with additional traffic from this site, would worsen in the event that the M5 Junction 10 proposals do not come forward.

The original (GCTM) traffic modelling assessment to calculate the without DCO maximum development capacity did not include this application site, and in the current Local Plan period the acceptable level of housing growth for Cheltenham Borough as a whole has been calculated as 1711 units prior to the Junction 10 package of measures being delivered. Although the developer has undertaken their own assessment of local traffic impacts, the Statement does consider the significant highway mitigation schemes from adjacent committed development sites that are not yet consented will be beneficial to this site in the long term.

Further work is ongoing to consider other scenarios which may allow this limit to be increased slightly and the County Council will report to the LPA's as soon as that work is complete. The calculations continue to exclude the 122 units proposed and therefore the LPA would need to either reallocate part of the total capacity from the committed developments, or condition this development's commencement should this application be approved.

Some of the prospective developers in the area correctly point out that their schemes have a lesser impact at M5 Junction 10, when compared to other committed development proposals. However, this is a misunderstanding of the benefits of the Junction 10 package which will provide relief capacity for local roads elsewhere on the network, such as the A40 Arle Court, Benhall roundabout, Princess Elizabeth Way, Coronation Square, Kingsditch roundabout etc, rather than solely benefiting the strategic road network.

Currently, the nearby junction of Kingsditch Lane, Wymans Lane and Swindon Road is heavily congested and has a relatively high road safety casualty rate. This is proposed to be improved as part of the allocated Elms Park development (16/02000/OUT). In particular, the developers propose replacing the existing double mini roundabout with new traffic signals (PJA drawing 1041-109) and replacing the Kingsditch Road / A4019 roundabout with a large signalised junction (PJA drawing 1041-104). Both the M5 Junction 10 and Elms Park packages include a range of public transport and active travel improvements that will enhance the A4019 corridor and surrounding network which will benefit potential residents travelling to the centre of Cheltenham (PJA drawings 1041-105 and -106), but all current mitigation measures remain subject to LPA or Government consent.

The only major strategic issue which remains unresolved is the narrow road bridge over the rail line on Swindon Road, which is a significant impediment to increasing walking and cycling between the application site and the employment / retail uses to the west. It would not be proportionate to expect this site to resolve the bridge issue, however one-way traffic signalisation might be considered in the future to allow a wider pedestrian margin over the bridge when capacity has been increased on the A4019. So, there is the prospect that a significant proportion of the strategic highway and transportation issues that surround this application site can be mitigated by wider strategic improvements, however, the Junction 10 scheme currently has a significant funding gap which needs to be addressed to ensure delivery.

This consultation response is given on the basis that GCC expects the Elms Park and West of Cheltenham allocated sites to be determined during 2025 and therefore any additional capacity that is identified would be taken up by the allocated sites. However, if those sites are not consented, this recommendation conditions the extent of development that will be permitted without said mitigation(s).

Policy INF1, 6 and 7 of the JCS all reference cumulative traffic impacts. It is very important that the impacts of smaller, piecemeal development are considered through the development management process and that those sites make a proportionate contribution to resolving these strategic problems. Therefore, the County Council recommends that if the LPA support housing development on this site, it makes a contribution towards the costs of the M5 Junction 10 package of works in line with the contributions that are proposed by nearby sites. The funding apportionment methodology identifies a contribution of £4036.14 / per residential unit for the allocated sites in this area, which would equate to £492,409.00 for this application site.

These contributions are of course subject to the viability of the development, (JCS Policy INF7), which may be an issue where there are exceptional development costs, such as a high proportion of affordable housing. In addition to the contribution to the wider scheme, if this site is supported, it would seem prudent to recommend a planning condition concerning the associated mitigation if in the event the Elms Park site does not come forward, however that can be considered nearer to the determination of this application.

The NPPF (December 2024) Paragraph 58 requires that any contribution be;

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

In considering these tests, it is important to note that the Joint Core Strategy policy INF6 references cumulative impact and then goes on to reference the above tests. In terms of the tests and whether the M5 Junction 10 package is necessary to make the development acceptable, GCC's own assessment is that the residual cumulative impact of the wider JCS proposals (as defined by Para 11 of NPPF December 2024), includes a range of severe impacts at various locations if the M5 Junction 10 package does not come forward:

- Increased congestion and journey times causing rat running onto inappropriate routes
- Increased congestion at junctions/links resulting in additional vehicular emissions impacting air quality and linked to this queuing and congestion making walking and cycling less attractive due to increased vehicle emissions in the locality
- Blocking back through key junctions caused by junctions operating above their theoretical capacity.
- Increased congestion and journey times having a negative impact on journey times for local and strategic public transport routes, again making these modal choices potentially less attractive.
- Increased congestion/volume of traffic hindering pedestrian and cyclists crossing the highway safely

In respect of the tests and whether the contribution would be fair and directly related, GCC have recently consulted on a methodology for the apportionment of Junction 10 costs. This methodology uses traffic modelling to determine site specific impacts from allocated sites at the hotspots in Cheltenham. That apportionment did not include this site, so in order to fully align with the tests, GCC will need to undertake a site-specific assessment in order to determine how a contribution would be directly related to this site and fairly apportioned. This

should not prevent determination of the application, as the contribution rate is unlikely to be significantly different from the figure mentioned above, calculated by referencing the adjacent Elms Park development rate that is providing significant local mitigation.

The JCS policy deals with the issue in more detail, at INF1 it states that “where severe impacts that are attributable to the development are considered likely, including as a consequence of cumulative impacts, they must be mitigated to the satisfactions of the Local Planning Authority in consultation with the Highway Authorities and in line with the Local Transport Plan”. Furthermore, Policy INF6: Infrastructure Delivery states “Where infrastructure requirements are generated as a result of individual site proposals and/ or having regard to cumulative impact, new development will be served and supported by adequate and appropriate on- and / or off-site infrastructure and services. Planning permission will be granted only where sufficient provision has been made for infrastructure and services (together with their continued maintenance) to meet the needs of new development and / or which are required to mitigate the impact of new development upon existing communities”. Lastly INF7 states that “Arrangements for direct implementation or financial contributions towards the provision of infrastructure and services required as a consequence of development, including its wider cumulative impact, and provision where appropriate for its maintenance, will be negotiated with developers before the grant of planning permission.” Financial contributions will be sought through the S106 and CIL mechanisms as appropriate.

Regarding the site detail, further to the submission dated 22nd July 2024, the applicant has made significant changes to both the internal layout and individual plot positions to provide a safer and enhanced environment for future residents as detailed on the revised master plan 2103-TDS-XX-XX-DR-A-0010.Rev.9.

On-plot parking provision has been reduced where possible with all units having secure and covered cycle storage which is to be supported by a proactive Travel Plan to sustain alternative mode transport solutions for future residents within this wholly ‘affordable homes’ development.

Eleven off-site pedestrian improvements are to be introduced that will assist routes to/from the bus stop locations on A4019 when crossing Swindon Road and via Malvern Street and Waterloo Street. These works are to be secured by condition to specifically remove potential conflict at the Elm Street junction that has substandard footway width on the eastern side. The locations listed below are indicated on plan 230290-RAP-XXXX-DR-TP-6000.

- Crossing Malvern Street near Swindon Road
- Crossing Bridge Street near Malvern Street
- Crossing Malvern Street near Elm Street
- Crossing Elm Street near service road
- Crossing Waterloo Street near A4019 Tewkesbury Road
- Crossing Service Road near Waterloo Street
- Crossing Addis Road near Waterloo Street
- Crossing Compton Road near Waterloo Street
- Crossing Waterloo Street near Swindon Road
- Crossing Swindon Road near Waterloo Street

Following the conclusion of discussions with CBC’s Green Space Development Team, it has been determined that the existing footpath between the Animal Centre at the end of Gardener’s Lane and Thomond Close, be improved to a 4m shared use pedestrian and cycle track with appropriate street lighting provided. This will then positively connect with the site’s active travel route between plots 52-54 and SUDS basin 1 leading north to the shops and bus services on Windyridge Road.

Both these sustainable mode requirements need to be secured by planning condition to be provided within a Highways Section 278 agreement for completion prior to first occupation of the site in line with Joint Core Strategy INF 1.

Based on the analysis of the information submitted and GCC's own wider cumulative assessment, we conclude that if adequate improvements are made to the network, there would not be an unacceptable cumulative severe impact, and in those circumstances, there would be no justifiable grounds on which an objection could be maintained. If the developer does demonstrate viability issues concerning the proposed M5 J.10 and ancillary works contribution, then this recommendation can be revisited in line with the provisions of INF7.

Planning Obligations - S106 Site Specific Mitigation

The applicant should provide the following planning obligations through a suitable legal mechanism.

(1) Specific Purpose - Travel Plan Monitoring Fee

Contribution – £10,000

Trigger – Prior to occupation

Retention Period – N/A

(2) Specific Purpose - Travel Plan Deposit / Development / Incentives / Marketing if implemented by the applicant

Contribution – £43,908

Trigger – Prior to first occupation

Retention Period – 10 years from date of first occupation

(3) Specific Purpose – Cheltenham Borough Network Mitigation To mitigate against the cumulative impact of additional vehicle movements across the Cheltenham Borough local highway network, where it will be alleviated by the 'M5 Junction 10 All Movement Improvement scheme and A4019 ancillary works', and where the proposal will reduce the total 1711 unit committed development capacity.

Contribution - £4036.13/ unit (122) = £492,407.86

Trigger – Initial 30% prior to commencement = £147,722.86. Balance at 70% occupation or 2 years. = £344,685

Retention Period – 10 years from date of first occupation

Conditions

Conformity with Submitted Details (Multiple Buildings)

The Development hereby approved shall not be occupied until the access, parking and turning facilities has been provided as shown on drawing 2103-TDS-XX-XX-DRA-0010.Rev.9.

REASON: To ensure conformity with submitted details.

Site Area to be adopted

No development shall commence (excluding demolition, site clearance and initial ground investigation works) until details of the access(es) into the site, together with parking and turning area(s) [including details of lines, widths, levels, gradients, cross sections, drainage and lighting] have been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the access(es) into the site, together with parking and turning area(s) within the site have been laid out in accordance with the approved details. These area(s) shall thereafter be retained and not be used for any other purpose for the life of the development.

REASON: In the interests of highway safety

Provision of Vehicular Visibility Splays – Primary Access at Swindon Road

The development hereby approved shall not be occupied until visibility splays are provided from a point 0.6m above carriageway level at the centre of the access to the application site and 2.4 metres back from the near side edge of the adjoining carriageway, (measured perpendicularly), for a distance of 43 metres in each direction measured along the nearside edge of the adjoining carriageway and offset a distance of 0.75 metres from the edge of the carriageway. These splays shall thereafter be permanently kept free of all obstructions to visibility over 0.6m in height above carriageway level.

REASON: In the interests of highway safety for pedestrians and all other users.

Provision of Vehicular and Pedestrian Visibility Splays within the site

The development hereby approved shall not be occupied until visibility splays are provided from a point 0.6m above finished surface level at the centre of the various internal roads and footway locations as defined on drawing 230290-RAP-XX-XX-DRTP-3202 / P03. These splays shall thereafter be permanently kept free of all obstructions to visibility over 0.6m in height above finished surface level.

REASON: In the interests of highway safety for pedestrians and all other users.

Highway improvements - Offsite works (Details not provided)

The Development hereby approved shall not commence until drawings of the offsite works comprising:

Works Description – Identified on drawing 230290-RAP-XX-XX-DR-TP-6000 - Implementation of pedestrian walking route improvements including but not limited to;

- Widening of the existing central reserve to accommodate an uncontrolled staggered pedestrian facilities at Swindon Road / Malvern Street.
- Drop kerbs and tactile paving at various locations listed below–
 - o Crossing Malvern Street near Swindon Road
 - o Crossing Bridge Street near Malvern Street
 - o Crossing Malvern Street near Elm Street
 - o Crossing Elm Street near Service Road
 - o Crossing Waterloo Street near A4019 Tewkesbury Road
 - o Crossing Service Road near Waterloo Street
 - o Crossing Addis Road near Waterloo Street
 - o Crossing Compton Road near Waterloo Street
 - o Crossing Waterloo Street near Swindon Road
 - o Crossing Swindon Road near Waterloo Street
- Upgrading of the path linking Gardener's Lane and Thomond Close and to the development to a 4m shared use pedestrian & cycle route with appropriate street lighting. Have been submitted to and approved in writing by the Local Planning Authority; and no properties shall be occupied until those works have been completed as part of a S278 agreement in accordance with the approved details.

REASON: To promote sustainable travel and healthy communities

Bicycle Parking

The Development hereby approved shall not be occupied until sheltered, secure and accessible bicycle parking has been provided in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority. The storage area shall be maintained for this purpose thereafter.

REASON: To promote sustainable travel and healthy communities

Residential Travel Plan

The Residential Travel Plan hereby approved, dated February 2024 shall be implemented and monitored in accordance with the regime contained within the Plan and for a period of 10 years from first occupation unless otherwise agreed in writing.

REASON: To reduce vehicle movements and promote sustainable access.

Construction Management Plan

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

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

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

Grampian Condition – Cumulative Mitigation of the Strategic Network

No dwellings in the development hereby permitted shall be occupied until the 'M5 Junction 10 All Movements Improvement Scheme and A4019 ancillary works', or an alternative scheme that provides equal or greater benefit, has been completed, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To restrict impact and harm until suitable mitigation is delivered.

Informatives

Works on the Public Highway

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

Contact the Highway Authority's Legal Agreements Development Management Team at highwaylegalagreements@gloucestershire.gov.uk allowing sufficient time for the preparation and signing of the Agreement. You will be required to pay fees to cover the Council's costs in undertaking the following actions:

Drafting the Agreement

A Monitoring Fee

Approving the highway details

Inspecting the highway works

Planning permission is not permission to work in the highway. A Highway Agreement under Section 278 of the Highways Act 1980 must be completed, the bond secured and the Highway

Authority's technical approval and inspection fees paid before any drawings will be considered and approved.

Highway to be adopted

The development hereby approved includes the construction of new highway. To be considered for adoption and ongoing maintenance at the public expense it must be constructed to the Highway Authority's standards and terms for the phasing of the development. You are advised that you must enter into a highway agreement under Section 38 of the Highways Act 1980. The development will be bound by Sections 219 to 225 (the Advance Payments Code) of the Highways Act 1980.

Contact the Highway Authority's Legal Agreements Development Management Team at highwaylegalagreements@gloucestershire.gov.uk. You will be required to pay fees to cover the Council's costs in undertaking the following actions:

- Drafting the Agreement
- Set up costs
- Approving the highway details
- Inspecting the highway works You should enter into discussions with statutory undertakers as soon as possible to co-ordinate the laying of services under any new highways to be adopted by the Highway Authority. The Highway Authority's technical approval inspection fees must be paid before any drawings will be considered and approved. Once technical approval has been granted a Highway Agreement under Section 38 of the Highways Act 1980 must be completed and the bond secured.

Construction Management Plan (CMP)

It is expected that contractors are registered with the Considerate Constructors scheme and comply with the code of conduct in full. The CEMP should clearly identify how the principal contractor will engage with the local community; this should be tailored to local circumstances. Contractors should also confirm how they will manage any local concerns and complaints and provide an agreed Service Level Agreement for responding to said issues. Contractors should ensure that courtesy boards are provided, and information shared with the local community relating to the timing of operations and contact details for the site coordinator in the event of any difficulties. This does not offer any relief to obligations under existing Legislation.

No Drainage to Discharge to Highway

Sustainable drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.

8th April 2025

I can confirm the evidence we have is from the work undertaken via the GC3M model for all allocated sites. These modelling results show severe impacts on the local network based on a cumulative assessment. The Folley was not included within this assessment because it is not an allocated site, but background growth is included within the model.

This cumulative assessment approach is wholly in line with the JCS policies INF1, INF6 and INF7. The cumulative approach is further supported by Planning Practice Guidance :-

"It is important to give appropriate consideration to the cumulative impacts arising from other committed development (ie development that is consented or allocated where there is a reasonable degree of certainty will proceed within the next 3 years). At the decision-taking stage this may require the developer to carry out an assessment of the impact of those adopted Local Plan allocations which have the potential to impact on the same sections of transport network as well as other relevant local sites benefitting from as yet unimplemented planning approval."

The details of this approach was included within the HDM comments for this application.

In addition, the approach for funding in our view meets the tests of The NPPF (December 2024) Paragraph 58 requires that any contribution be;

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

The evidence for this approach is provided in the attached technical note and the GC3M modelling outputs which clearly indicate that the network results in an unacceptable impact above the deadweight level (1,711) when the cumulative impact is considered.

Should the application be approved without a contribution towards the M5 J10 the scheme may be placed in jeopardy and will result in a reduction of the 1,711 deadweight for the allocated sites.

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APPLICATION NO: 24/00399/FUL		OFFICER: Ms Michelle Payne
DATE REGISTERED: 8th March 2024		DATE OF EXPIRY : 7th June 2024
WARD: Swindon Village		PARISH:
APPLICANT:	Aster Homes Ltd.	
LOCATION:	The Folley Swindon Road Cheltenham	
PROPOSAL:	Development comprising the erection of 122no. dwellings along with associated access, infrastructure, landscaping, open space and car park.	

REPRESENTATIONS

Number of contributors	60
Number of objections	58
Number of representations	0
Number of supporting	2

The Lodge
31 Church Road
Swindon Village Cheltenham
Gloucestershire
GL51 9QP

Comments: 20th November 2024

The Folly is a much needed green space for sport and wildlife.
The local infrastructure is not sufficient to support the development.
There are already significant traffic issues and delays with existing usage. The increase in cars from the proposed new houses will exacerbate the traffic issues and increase pollution.
This will bring no benefit to existing residents, road users or wildlife.

33 Howell Road
Cheltenham
Gloucestershire
GL51 0EE

Comments: 12th February 2025

Additional housing in this area will add further pressure to the GP Practices, whom are already struggling with service provision. A new GP Practice is urgently needed in this area of Cheltenham before more houses are built.

20 Stanwick Gardens
Cheltenham
Gloucestershire
GL51 9LF

Comments: 8th September 2024

As a resident of Stanwick Gardens, I strongly object to the proposed development of 122 dwellings at The Folly for several reasons, which I outline below:

Impact on Privacy and Light: The proposed development is in close proximity to existing homes, including mine. The construction of new buildings, especially three-storey dwellings, will result in a significant loss of privacy, overshadowing, and a reduction in natural light for current residents. Many of us purchased our properties due to the tranquility and privacy offered by the green space, which this development will greatly diminish.

Traffic Congestion and Safety Risks: Swindon Road is already heavily congested, particularly near Gardener's Lane and Waterloo Road, which poses safety risks, especially with a primary school and nursery nearby. The additional traffic generated by 122 new dwellings will exacerbate these issues, increasing the risk of accidents. Past planning applications in this area have been rejected due to similar concerns, which have only worsened. This is in addition to the already approved development at Manor Road which will also contribute to increase in traffic congestion in the same area.

Environmental Impact and Loss of Green Space: The Folly is a critical green space that serves as a habitat for diverse wildlife, including protected species such as bats, as well as foxes, hedgehogs, owls, and badgers. This development would destroy these natural habitats, significantly reducing local biodiversity and altering the character of our community. Green spaces like The Folly are essential within urban settings to maintain ecological balance and quality of life.

Insufficient Infrastructure and Amenities: Local infrastructure, including roads, schools, and healthcare facilities, is already operating at or beyond capacity. The proposal does not include adequate plans to enhance these services to accommodate the additional residents. The strain on local amenities will reduce access and quality for current and future residents.

Flood Risk: The Folly and surrounding areas have a known history of flooding, notably in 2007 and 2012. Developing this green space, which acts as a natural drainage area, will increase the risk of flooding for both new and existing properties, posing unacceptable safety hazards and potential property damage.

Noise, Pollution, and Disturbance: The proposed development will significantly increase noise levels and air pollution, especially during the construction phase, disrupting the peaceful nature of the area. This is of particular concern for residents and the nearby Cheltenham Animal Shelter, which relies on a calm environment for the care and rehoming of vulnerable animals.

Lack of Proper Communication and Transparency: Communication regarding the planning and progress of this development has been inadequate, with notices placed in obscure locations, such as on trees near the Animal Shelter, where they are unlikely to

be seen. This lack of transparency has caused distress among local residents, who feel excluded from the decision-making process.

Previous Rejections and Unchanged Circumstances: Previous applications for this site were rejected due to concerns over traffic, flooding, and the impact on local wildlife. None of these issues have been addressed or mitigated in the current proposal. The high-density nature of the proposed development is incompatible with the character of the surrounding area.

Impact on Air Quality and Pollution: The increase in traffic and construction will contribute to higher levels of air and noise pollution, negatively impacting the health and wellbeing of the local community.

Conclusion:

In conclusion, the proposed development at The Folly is unsuitable due to its adverse effects on privacy, traffic congestion, wildlife, local infrastructure, flood risk, air quality, and the overall character of the area. We urge the planning authorities to reject this application and prioritize the protection of our green spaces, wildlife, and quality of life for existing residents.

Thank you for considering our objections. We hope these points will be given serious attention in the decision-making process.

32 Linwell Close
Cheltenham
Gloucestershire
GL50 4SD

Comments: 5th December 2024

Dear Sir/Madam (to whom it may concern)

Ref: 24/00399/FUL The Folley, Swindon Road Cheltenham - proposed planning for 122 dwellings and infrastructure.

The residents of the surrounding area object strongly to the above proposal because they care about the area they live in and want to preserve it for future generations. Signatures have been collected as many of the elderly residents have no access to the Internet but wanted their objections to be registered. A local online petition was also raised, and signatures are increasing daily.

Please find attached files for both ,on line and hand collected signatures.

This is the link to the petition for your perusal

<https://chnng.it/CWxflc5cb>

Please take a few minutes out of your day to read the responses ,although I have attached them to this email .

The residents, particularly on Swindon Road, are also very concerned that many of them have not been kept fully informed or received any correspondence, and even at this

stage, they were unaware of the situation. Those who attended the meeting at Gardeners Lane felt their concerns were not taken seriously at the time.

Comments from elderly and disabled residents were:

Poor road infrastructure, lack of safe crossing areas, and speed of traffic. Narrowness of the roads and the rail bridge . Some residents have had to wait in excess of 20 minutes to be able to cross the road or surrounding junctions.

Planning permission was declined in March 1993 by the Planning Inspectorate for a number of reasons, including the importance of Greenland in an already highly populated area. Since then, the surrounding area has continued to be developed. Report attached.

Please consider the following:

Are the residents' concerns and objections being taken into account?

The effects on local organisations, schools, and added pressure on public services, etc. The University's Hardwick Campus is less than a 1/4 mile away and is being considered for additional housing. The Manor Road development is also in full swing with continued expansion.

Expand Cheltenham, but please don't turn this area into an overpopulated ghetto.

I have all the hard copies of the above information if you would like it presented in person.

Yours sincerely

***** (on behalf of the residents).

Comments: 27th November 2024

The Folley, a green space cherished by many local residents and was host to various sporting activities, is under threat. A revised planning application, Ref No: 24/00399/FUL, proposing 122 new dwellings has been submitted to Cheltenham Council. This land not only serves as a leisure space but is also a habitat for badgers, slow worms, bats, and foxes. Several trees on this property hold a preservation order, emphasising its significance as an ecological refuge within Cheltenham.

The current road infrastructure around The Folley is already struggling. Narrow pavements and lack of sufficient road safety measures pose constant concerns, especially for Gardeners Lane schoolchildren and the elderly. One resident said on many occasions she has had to wait for more than 20 minutes to cross the busy Swindon Road as there are no safe places to cross and drivers don't stop. An influx of traffic from 122 new homes, without outlined traffic management or access information, will only exacerbate these risks.

Moreover, this development will inevitably increase noise and air pollution levels. This poses problems for both the local school and the Cheltenham Animal Shelter in the immediate vicinity. Furthermore, the proposed development threatens to strip away our green space, which is essential for community wellbeing and local biodiversity.

This development risks irreplaceable losses to our community and the future generations. I, along with many local residents, believe it's crucial to preserve The Folley and voice our concerns about this development. Petition signatures will be submitted directly to the planning department.

391 Swindon Road
Cheltenham
Gloucestershire
GL51 9LB

Comments: 9th September 2024

I would like to object to this planning proposal.

Swindon road is already a busy thorough fare with vehicles, large and small, using it to traverse between the Tewkesbury road, the retail park, towards the race course and various other routes. The lower end of Swindon road is a massive pinch point for vehicles and has been for some time. Any further addition to traffic will just create more pollution and more hold ups.

With the current building of the Manor road development, GCC/CBC/Developers of the Manor road new estate have already shown their true colours of what they think of the local community by causing major grid lock to local roads, long term traffic delays and diversions (with date extensions). Mauds Elm which already has a planning permission applied for, will add much more noise and traffic from the stages of development through to when those residents move in.

Will Aster care about the current residents and community if this application is approved?

The Folly is a green and peaceful area and should be left that way. If this application gets approved, the wildlife habitats will be destroyed in an instant. You only need to look at the mature hedgerows that were ripped out along the manor road site and also on the Old Gloucester road housing development.

Once the habitat is lost, so is the wildlife.

Ref access/egress to the development versus foot traffic along Swindon road. If the developer is trying to promote walking, would it not be more prudent to have a raised footpath with markings across the vehicle entrance where the pedestrian would have priority to cross the road instead of a car entering/exiting? Are the pedestrians travelling up Swindon road towards Cheltenham coming 2nd place to the car? It's metres from a school.....!!

The RTP gives an insight into what is hoped will happen, but in real life terms, nobody will bicycle to get their weekly shop. A bus route does not go past this development. What strategies does the developer have to mitigate HMO and the problems that will occur with lack of parking spaces? Will this be written in to the title deeds?

The RTP is a model that needs to be remodelled to fit the 21st century real life reality, where people will walk to a car and not the described fable.

Comments: 25th March 2024

I object to this planning proposal.

It appears that the proposed building on the roundabout at Mauds Elm has not been taken into account by the company trying to build on the Folley. By adding even more houses to this area will increase the amount of traffic to an already busy road and adjoining streets.

No amount of paragraphs in the traffic assessment with positive wording of cycling and walking will stop people using their cars for shopping or commuting.

The lower end of Swindon road (where the road goes over the railway line) is a major pinch point for traffic, and there are queues daily at certain times of the day which the traffic count would not have taken into consideration.

With regard to the proposed 122 dwellings with 189 parking and visitor spaces, what is the reasoning behind the parking allocation figures? Typically nowadays households have multiple vehicles so where would these be parked? The maths here doesn't add up. This would potentially push any overspill parking onto already busy residential roads (or newly landscaped grassed areas). You only have to look at the dire parking efforts on Swindon Road where houses have multiple vehicles and inadequate parking available. Local Amenities are close by, but most doctors surgeries and schools already have full books, so where are these people going?

This is currently a green space, it needs to be kept that way.

1 Royal Mews
Suffolk Square
Cheltenham
Gloucestershire
GL50 2DR

Comments: 10th September 2024

There isn't sufficient investment in surrounding infrastructure to alleviate the inevitable pressure on roadways and amenities that will come from this development. While the government's assessment of surface water flood risk is Low, there has been little monitoring of the absorption of water served by the existing site of 6.21 hectares lawn, as well as the long-term effect of heavily concreting over the grass, even taking into account proposed detention basins. Would the historic ditch system be updated and maintained as part of development in order to address the medium-risk of overland flood flows?

The underlying sand and gravel beneath Cheltenham can present a higher risk of potholes and sinkholes. Pressure on roadways will exacerbate this. This needs to be taken into account since the weight of new buildings and cars across the site will have a tangible impact on underlying geological structure, even if it's not immediately apparent.

In terms of nature, the fact that this space is an expansive corridor for wildlife to utilise to avoid death and injury along busy roadways means that it will be difficult to carry these full amenities over to a substantial housing site with little active travel provision (which has been noted within Sports England's objection to the site designation change). There has been mention of artificial grass pitches on site which would be highly polluting and would fail to provide the surface water absorption previously provided by lawn. We do not have adequate information on the long-term effects of large-scale artificial grass, but the fact that it creates urban heat traps as well as shedding incalculable amounts of microplastics pollution suggests that this is not a sustainable option.

The proximity of the Folley site to the Kingsditch Trading Estate is also a cause for concern, since that space is heavily overbuilt and offers nothing in the way of urban nature corridors. The Folly could be vital mitigation for urban heating as well as wildlife support if given the right investment.

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Swindon Village is facing substantial development for new housing over the next few years, and the pressure on the space will increase significantly. The loss of irreplaceable green space, even if the community has been cut off from utilising it, still have manifest effect on neighbouring residents, and little has been done to consult with them or include them in decision-making processes beyond cursory attempts at awareness-raising exercises.

1 Stanwick Gardens
Cheltenham
Gloucestershire
GL51 9LF

Comments: 22nd November 2024

I think this is dafter than having an enclosed football field. Apparently the original fence on Swindon road is going to be removed . Therefore there could be children playing alongside a busy. Soon to get busier with traffic from the Swindon village development and even busier if this gets the go ahead main road. Who actually thinks these things up? I also think it could well become a meeting point feral kids.

Comments: 16th March 2024

*****44 stanwick gardens. We are totally against this for the following reason. Firstly the Swindon road isn't as safe as portrayed in the survey. They have only put reported accidents. If this gets the go ahead the Swindon road will become dangerous around this part of the road. Seven roads entering it in a few hundred metres is excessive. The football field is too near the road the chances of balls flying over the perimeter fence is dangerously high. The bridge over the railway is already a bottle neck. The new development along manor road will already add more traffic, we don't need any more. The influx of 500+ more people isn't feasible as the amenities will not be enough to cope with them all. Schooling, doctors, dentists etc. are already full. The noise and light pollution is not acceptable. Our privacy will vanish. 2 previous proposals have been turned down due to the extra traffic entering Swindon road. This should be rejected too.

18 Northcroft
The Park
Cheltenham
Gloucestershire
GL50 2NL

Comments: 30th January 2025

Hi,

Just a quick question: With regards to this application and its public space component will the site be adopted by the council or will the residents of the new development be paying to maintain it? I can't see it in the documents?

What I am getting at is can the council condition the terms under which the management company if there is to be one is set up so that this site does not join the national

FirstPort scandal?

kind regards

Comments: 29th January 2025

Objection to Planning Application 24/00399/FUL - The Folley, Swindon Road

Dear Cheltenham Borough Council Planning Department,

I write to object to planning application 24/00399/FUL on the following grounds:

1. Loss of Protected Playing Fields

Sport England has lodged a statutory objection to this development as it fails to re-provide the lost playing fields in terms of both quantity and quality, in violation of Paragraph 103 of the National Planning Policy Framework (NPPF). The proposed mitigation is inadequate and does not meet any exceptions under Sport England's Playing Fields Policy. If the council proceeds with approval, it must refer the case to the Secretary of State.

2. Failure to Meet Local and National Sports Policy

The site was previously used for multiple playing pitches and sports activities. The developer has not demonstrated that there is excess playing field provision in the area, nor has it replaced the lost facilities with equivalent or better alternatives. Recent planning appeals (APP/P4605/W/24/3342499 & APP/W4325/W/23/3329105) reinforce that failure to meet these standards is grounds for rejection.

3. Loss of Green Space and Community Benefit

Despite the developer's claim of delivering a "Community Park," this is not a like-for-like replacement for the lost sports fields. The site was not allocated for development in the Cheltenham Local Plan and was only made available due to a private sale, not as a strategic housing allocation. The proposed play area and tree planting do not compensate for the loss of the larger, open recreational space that previously existed.

4. Traffic and Parking Concerns

The area already experiences significant congestion and parking issues. The addition of 122 homes, without a sufficient traffic impact assessment, will worsen road safety and accessibility.

Housing Need vs. Appropriate Development

While I acknowledge the need for additional housing in Cheltenham, this should not come at the expense of careful, sustainable planning. The argument that we must accept development "no matter what" ignores critical issues such as location, infrastructure, and long-term impact on the community.

Firstly, new housing should be appropriately located to minimise strain on infrastructure and local services. The proposed development at the Folley risks exacerbating pressures on roads, schools, healthcare, and drainage systems, which are already under strain. Without a clear plan for mitigating these impacts, this development would be irresponsible.

Secondly, Cheltenham has alternative sites that are better suited for housing growth. The focus should be on brownfield regeneration within the town centre and other areas with strong transport links and existing infrastructure. A well-planned approach that prioritises high-density, well-connected housing is more effective than ad hoc development that places additional pressure on suburban areas.

While this site is designated as 100% affordable housing, affordability alone does not justify poor planning. Delivering genuinely affordable homes must go hand in hand with ensuring access to transport, schools, healthcare, and employment opportunities. If new housing is placed in locations where infrastructure cannot support it, it risks isolating residents and creating long-term issues rather than solving the housing crisis.

Finally, allowing developments like this one outside of a strategic planning framework undermines Cheltenham's Local Plan and sets a dangerous precedent. Planning decisions should be based on a coherent, sustainable strategy-not short-term pressure to approve housing at any cost. A plan-led approach ensures that housing is delivered in a way that benefits both current and future residents without compromising essential services and green space.

Conclusion

This application fails to meet planning policies on playing fields and green space. I urge the council to reject this proposal and seek a solution that maintains Cheltenham's sports provision while supporting sustainable, well-planned development in line with the town's broader housing and conservation strategy.

Yours sincerely,

21 Stanwick Gardens
Cheltenham
Gloucestershire
GL51 9LF

Comments: 16th November 2024

I previously objected in March and said in my comment then about the houses at the back the only ones that will be over looked as the others are side on, this hasn't been changed on the plans. Traffic is extremely busy already in the area and down side streets this will but more pressure on the roads. There is wildlife living in the folly which will get distributed if the land is built on.

Comments: 17th March 2024

1. Road access in a already busy built up area.
2. The houses at the back face on to residents houses my house being one, over looking to my garden, these are going to be three story this will affect light and privacy. Why can't they be side ways on like all the others.

4. There is wildlife living on this land bats and foxes.
5. Flood issues back in 2007 and 2012 our house was affected by this.
6. The affect and noise for the animals at the animal shelter especially around bonfire night more residents setting off fire works nearby.
7. The extra pressure this will have on school spaces, doctors and dentists if there is more residents in the area when there is already a struggle to places.

32 Linwell Close
Cheltenham
Gloucestershire
GL50 4SD

Comments: 28th September 2024

: Unrealistic number of houses proposed.

: Swindon Road ,oversubscribed area which has congestion problems and the infrastructure isn't suitable for additional traffic. Including the proposed exit and entrance between two busy junctions leading to Tewkesbury Road.

: Narrowness of lanes on Swindon Road, pot holes need attention.

: Swindon Road Bridge too narrow, causing congestion unable to cope with two vehicles passing opposite. The bus service and frequent large goods vehicles use this road to access Kingsditch . Bridge foot path also too narrow only allowing single person crossing and is used by cyclists and mobility scooters because of the narrowness of the bridge and high traffic flow.

: Impact on wildlife and long established Animal shelter, due to pollution and noise levels during and after build.

: Proximity to Gardeners Lane school, again the impact on the children's health and well being due to dust, and air/noise pollution.

: Additional pressure on services ie; doctors, dentists etc

: No A & E services at Cheltenham General Hospital to cover current population .

: Increase crime rates and degradation, with fly tipping and graffiti which is already increasing since the appointment system came into force .

: Noise and light pollution from the proposed football pitch (ie: floodlights and people playing on there) and cars etc at the new junction.

: Checking into Covenant to check right of use if building is allowed on the Folly.

: Drainage and sewage as flooding problem there.

12 Marsh Lane
Cheltenham
Gloucestershire
GL51 9JB

Comments: 5th December 2024

GCC Highways report dated 24th July 2024 - The highways officer addresses residents concern about increased traffic by concluding that there is projected to be an extra trip every 8 minutes, within acceptable variations. This calculation appears, wading through the jargon, to be based on development size, parking provision and the likely social demographic of residents. This would appear, to a lay person, to be an under calculation. The Department of Transport - National Road Traffic Projections 2022 section 3.23 Figure 7 uses resident numbers to calculate vehicle trips, calculating that there will be 16 trips per adult resident per week (employment, leisure, social visits, children transportation, deliveries and trades persons)

This equates to 2,400 extra trips per week, 343 per day. There will be very few of these trips between the hours of 10pm and 6pm, leaving 16 hours of vehicle movement. The net result is 1 trip every 3 minutes, over twice that amount estimated by the GCC Highways officer.

As many of these trips will be condensed into a few hours at the beginning and end of each working day during the week, when there is also the maximum movement of pedestrians (particularly school children) and cyclists, this is a concern.

It is requested that the highways officer further comment on the above figures/calculation and whether he remains unconcerned about the volume of additional traffic movements the residential site will generate to an already over burdened minor urban road.

Comments: 5th December 2024

GCC Highways report dated 22nd July 2024 - The officer reported that there had been no collisions on the site frontage but three incidents to the SE - car v parked car, car v pedal cyclist and 2 car shunt in traffic queue. The concluded inference that there was not a safety issue, the causation pattern being a failure to observe other road users.

Many local residents have commented that the volume and speed of traffic along Swindon Road in general, including close to the site access, is becoming more dangerous.

On the 24th October 2024 an 8 year old girl was struck by a passing vehicle close to the site and was taken to hospital. As it was a hit and run by a transit van a police incident number was issued (87?). In light of this incident, and that this is in effect a fresh consultation, the highways officer should be reconsulted for comment and the incident included to be considered by planning committee.

In addition, on the 4th July 2024 a cyclist was struck by a lorry further on Swindon Road, albeit away from the site entrance. This was declared as a serious incident involving a road closure for some time whilst the cyclist was rescued by an air ambulance.

This is further evidence to support residents' view that Swindon Road is becoming a dangerous road for residents and cyclists (narrow pavements and no cycling provision) due to the volume and speed of traffic. The highways officer should also be consulted re the safety of pedestrians along Swindon Road on the narrow pavements approaching the site and that there is no protection/provision for cyclist along this road

Comments: 3rd December 2024

Swift nests (bricks/boxes) - The installation of swift nests in all new developments of this size is currently being considered by the House of Lords. After a few amendments it will go to the House of Commons for debate/ratification.

It has cross party support and is very likely to become planning law in 2025, that is by the time construction commences assuming planning permission is granted.

In anticipation of this new planning law it is suggested that this is a mandatory requirement for this development.

It is anticipated that the law will specify nests built within the brickwork to avoid them being removed if only boxes are affixed to the outside of each property. Therefore, any planning permission should specify nests within the brickwork rather than boxes.

Comments: 10th September 2024

On the previous consultation re this development I submitted a comment as 'neutral'. I now wish to change this to 'objection'.

All the approach roads to this site continue to have a 7.5 tonne weight limit from Marsh Lane, all along Swindon Road to the recycling centre, and along Windyridge Gardens.

Since the first application the same landowner, University of Gloucestershire, have submitted a pre planning application for the Hardwick Campus, including Hardwick Green, seeking approval of 69 homes. This has been approved in principal by CBC and the land is up for sale on this basis.

This site is 250m along Swindon Road from The Folley. A further 800m to the east, effectively along the same continuous road, the council have approved 147 homes on the North Place site.

Should this development be approved that will 338 homes to be built on a single mile of urban road, in one of the most densely populated areas of Cheltenham. Hardwick Campus, including Hardwick Green, and North Place are within the St Paul's ward. The Folley site is on the very boundary of St Paul's ward. This will be a considerable strain on already poor amenities with a considerable increase in traffic. I know of local residents who will not walk along Swindon Road due to the narrow pavements and the constant flow of traffic at speeds greater than 30 mph within an arm's width.

Development on this site has been declined twice before due to the increase in traffic volumes. There is no mitigation, other than house building targets, to take a different view now.

In 2024, CBC commissioned a highly visible, full length wall mural along Swindon Road on the approach and near to the site advising drivers of the health risks to children/families due to running/idling vehicle engines. This is clear evidence that CBC recognise that the current vehicle traffic along Swindon Road is a health hazard to local residents.

Should approval be given that would three major developments of housing within a space of a few months all within one mile of each other, in a single area of Cheltenham, along one main arterial road/direction. There is not a single benefit for the existing local residents represented as an increase in amenity (there is already a football pitch on

Elmfield Park adjacent), plus the loss of green space here and at Hardwick Green will contribute negatively to well being, townscape, bio net diversity and air quality due to increased traffic volumes throughout the day, including weekends

Comments: 10th April 2024

This location was refused planning permission for development in both 1988 and 1991. My understanding is that on both occasions this was due to increased traffic concerns. These reasons should be reviewed to ascertain whether they still apply.

Since 1991, the Kingsditch Industrial estate, Gallagher retail park and CBC's re cycling centre have all developed significantly. Residents from the north/west of Cheltenham use Swindon Road to access the facilities resulting in Swindon Road bearing more traffic. Swindon Road is an unclassified road meaning that it (should) be "of very low significance and to be only of very local importance". In my opinion it currently exceeds this classification and adding 120 homes will have an obvious impact further.

Swindon Road has a 7.5 ton weight limit - this starts at the eastern end at Marsh Lane - depicted in a red circle not a red triangle meaning that it is a mandatory limit not a warning. There are no exceptions depicted. There is no bus route along this stretch to The Folley. It was decommissioned many years ago, although the bus stops remain, presumably due to the weight limit.

At the east end, this limit starts by the re cycling centre access, which has a sign for those leaving the site "HGV's must turn left". I believe that the Ubico lorries follow this instruction both in and out of the site. The railway bridge is probably the principal reason, though the weight limit continues beyond the bridge along Swindon Road, and also into Windyridge Road

Access to the site from the north would be via Windyridge Road/Swindon Lane, which also has a 7.5 ton weight limit, excepting buses, coaches and for access (to existing houses one would presume for the Ubico refuse collections). Windyridge Road has two bridges which provide pedestrian underpasses. They are not constructed to withstand sustained heavy vehicles that would be required for the development.

The applicant should adhere to the 7.5 ton weight limit at all times to access the site. Should they not be able to do so it would suggest that the location is not suitable for a development of this magnitude.

In 2023, planning was granted to The Petersfield Partnership to develop the Saracens football ground for sports and community use, a project that will cost in excess of £1m. This site is about half a mile away. Saracens run many teams across all age groups and gender. They are very much in need of a second pitch. Should the proposal go ahead Saracens should be offered first refusal on the football pitch/facility. To offer this to team/club outside of the St Peter's are would undermine the project, which has been endorsed by CBC, the local MP and with government funding.

Finally, there is no 'community hub' within the proposal, which is an outdated practice for new housing developments. Studies and statistics show that communities of this size benefit greatly from having somewhere residents can meet, undertake activities of celebrate a particular occasion. To not make provision for such a facility will isolate the

residents within the estate. I would suggest that one dwelling is set aside as a community hub.

79 Marsh Lane
Cheltenham
Gloucestershire
GL51 9JE

Comments: 8th February 2025

122 houses means at the very least 122 cars with most homes nowadays having 2 cars with some having more. If they're student houses they can have up to 5 or 6. This means at a minimum 122 with potentially up to around 250+ cars trying to get out of ONE exit onto the Swindon Road. This is frankly ridiculous and will cause mayhem, especially considering new homes will also be built opposite at Mauds Elm. Another exit, potentially through to Windyridge Road simply has to be considered to make this feasible.

46 Marsh Lane
Cheltenham
Gloucestershire
GL51 9JB

Comments: 5th September 2024

I oppose this development on the grounds that it will increase traffic and parking in the Swindon Road and surrounding area to a level with which the infrastructure cannot cope. There can be little faith in any level of mitigation promised by relevant council departments concerning road safety and parking. Traffic, parking and associated road safety concerns have been present and unaddressed by CBC for many years in this area as the residents and users of roads including and off of Swindon Lane can readily testify. Parking is wholly insufficient for residents and further exacerbated by the unmanaged utilisation of on street parking by Royal Mail workers, Uni of Glos students and other people working in the town centre. Roads are very narrow with limited vision at junctions. There are many families with young children in the area and a busy primary school, road safety compromised by heavier traffic and dangerous parking will be a significant issue.

Loss of green and community space should also be of serious concern. This development cannot be considered if isolation when it is likely that Hardwicke Green on Swindon Road will also be lost to development in the near future. Loss if the Folley would represent a huge reduction in the amount of green space in the Swindon Road area reducing biodiversity, wildlife corridors and space for recreation and wellness activities including sports.

4 Stanwick Gardens
Cheltenham
Gloucestershire
GL51 9LF

Comments: 16th November 2024

Ref the Folley planning 24/00399/ful

I see from the letter dated 5/11/24 ref 22224 nothing much has changed, Cheltenham may need more housing but the road systems in this area are just not suitable because the side roads off Swindon Road are narrow and the bridge over the railway in Swindon Road is very narrow and dangerous, having just lived through the months of congestion and chaos caused by the building behind Sainsbury's, building 122 houses will mean at least 122x vehicles this next to a school and Animal Shelter is ludicrous. I really think the planner need to re think this application. We already suffer from motorists who use Swindon Road and Windyridge road like a racing track making it difficult for the many elderly people and dog walkers to cross the roads. I for one do not want to sit in queues of traffic polluting the atmosphere just so that more green spaces can be slaughtered. PLEASE rethink this application it must not happen

Comments: 20th March 2024

I object to the building of houses on the Folley for the following reasons

Danger to the school

It will upset the Animals in the shelter

Cause traffic problems in an already congested area

More pollution

Reduce the value on the local property which is around the Folley

Altogether a total folly

Elmfield
Dark Lane
Cheltenham
Gloucestershire
GL51 9RN

Comments: 21st March 2024

I object to the proposal for the following reasons:-

- Surrounding roads are already busy and access from the site to the A4019 is difficult. It is impossible to turn into Elm Street if someone is waiting to turn out of it due to the narrowness of the road. This access is however the most sensible due to the traffic lights that control the Tewkesbury Rd junction. Waterloo St is often congested and traffic struggles to flow due to parked cars. The narrow railway bridge restricts the other main access and reduces the road to single file if encountering a large vehicle - this happens frequently due to it being a bus route and its proximity to the Recycling Centre and numerous commercial units. The bridge also forms part of the signposted route to the Racecourse during large Race Meetings.
- Local roads will also be taking heavier traffic once the already permitted developments at Maud's Elm and Swindon Farm have been completed.

- Highway and pedestrian safety - increased traffic will impact on children and parents attending the school adjacent to the site as well as staff and visitors to the Animal Shelter.
- Construction noise and ongoing noise (vehicles etc) from the developed site will negatively impact the animal shelter.
- It is a shame to lose this open space which adds character to this residential area.

27 Stanwick Gardens
Cheltenham
Gloucestershire
GL51 9LF

Comments: 8th September 2024

To all concerned,

As a long-standing resident of Stanwick Gardens, I would like to object to the proposed Folly housing development due to its adverse effects on nearby residents. Please find below a summary of my objections:

1. The proposed boundary encroaches too closely to the rear of our properties, jeopardising our quality of life with increased noise levels and diminished natural light. Numerous Stanwick Gardens residents purchased our properties for the privacy and tranquillity of our gardens and the serene view of greenery that the playing field behind provides, which we fear will be lost if this development proceeds. Furthermore, the anticipated rise in noise pollution poses a significant concern for local residents, particularly the elderly, and the potential for an increase in crime is concerning. This is also one of the few local remaining green areas in this part of Town. This green area is a wonderful place for local wildlife to be based; which in the current day and age is a rarity. This would remove this safe space for this wildlife to roam freely and be part of our local communities.
2. The proposed housing development's excessive density on a constrained plot of land will exacerbate traffic congestion in an already densely populated and busy area. Placing the entrance near a local primary school and nursery heightens safety concerns. The anticipated surge in traffic resulting from this development is substantial and unwelcome. We have already seen the additional congestion the closure of Manor Road has caused to the local area. This has caused additional traffic in residential areas, additional pollution and a negative impact on the local businesses as people try to avoid visiting the area.
4. The field behind the residents' houses has previously experienced flooding, and could still hold the potential to flood again, posing significant risks if a new housing development is constructed. This could lead to property damage, financial losses and safety hazards for both current and future residents, placing a strain on local infrastructure.
5. Existing residents already face a shortage of local amenities, which will only be exacerbated by the addition of hundreds of new residents.

6. I have now been made aware the Hardwicke sight is also up for sale. When developments are approved for this sight this will cause additional traffic on a part of town this is already over subscribed and under pressure. This causes me great worry as this is already a residential area with lots of children using the pathways to get to and from local Schools and amenities.

7. I am also aware of proposed building work in the Mauds Elm area; which is close to this proposed sight. Once again this will add more people to an already densely populated area; putting additional pressures on local amenities and traffic. I am also aware that Stagecoach don't provide a Bus Service on Swindon Road which is alarming based upon the population of this local area.

I trust that these comments will be given serious consideration during the discussion of the proposals.

Wellesley Cottage
Wellesley Road
Cheltenham
Gloucestershire
GL50 4LD

Comments: 1st February 2025

While development of this site is welcomed, the fact that it is to comprise of 122 shared-ownership and affordable homes is a significant concern. St Paul's has a significantly higher proportion of social housing compared to other areas of Cheltenham. This is a large and potentially delightful area and the development could be very appealing, but the much-needed improvement of St Paul's will be far better achieved if home owners can be attracted into the area. The current social problems in St Paul's are well known and centre around the existing social housing, and we need to move away from this historic social make-up of the area.

328 Swindon Road
Cheltenham
Gloucestershire
GL51 9JZ

Comments: 4th December 2024

The number of houses planned will mean an increase in population of at least double who will almost certainly have two cars. Most will have children so it will probably mean a total of around 500 new residents. That will add to the already very busy and dangerous traffic in Swindon Road. It is an everyday occurrence to witness speeding between Maud's Elm Roundabout and the narrow bridge at the end of the road if a boy racer sees the road clear ahead when there is a possible gap and it is not unusual to see cars overtaking on a narrow road but more often than not there are traffic jams thanks to those who want to use side roads to get onto the Tewkesbury Road but are held up each way. As other people have said, the junction from Gardner's Lane onto the main Swindon Road is a blind turn from both directions and being adjacent to Gardner's Lane Primary

School is a cause for concern. Waterloo Street and Elm Street have non-stop traffic to access Tewkesbury Road and last year I was nearly run over by a car suddenly reversing as I tried to cross Elm Street, saved only because a pedestrian on the other side who yelled at the driver. The only access to Cheltenham Animal Shelter is Gardner's Lane and it will severely affect them.

The welfare of the animals at Cheltenham Animal Shelter will be seriously undermined and wildlife on the Folly will be lost which includes bats, (a protected species), foxes and birds. So much of our wildlife is in danger of becoming extinct and the loss of so many trees would be a disaster, not just because they are lovely to look at but we rely on them for producing oxygen and improving air quality, reducing pollution, and providing essential habitats for wildlife.

The development at Maud's Elm, if it ever takes place, has already been a concern for residents who are unable to park in the vicinity causing many to pave or gravel their small front gardens that has increased the risk of flooding as the drains can't cope. There have been many accidents in the 19 years I have lived in this road. My garden wall has been knocked down twice and I believe a house on the corner of Elm Street has a constant problem with their wall.

The loss for many of the view to the hills, the increase of traffic on an already busy road, the loss of trees to make way for a road, the fact that there is no bus service along this road and that there is a weight restriction on the railway bridge although we constantly have huge HGV's that are the length of 3 houses whose SatNav has sent them in the wrong direction, turning around Maud's Elm Roundabout and going back towards the bridge - never understood why this happens.

I strongly object to this development and the possible loss of one of our last green spaces. Is Pittville Park going to be next on the list??

6 Stanwick Gardens
Cheltenham
Gloucestershire
GL51 9LF

Comments: 25th March 2024

I object for the following reasons:-

1. INCREASE IN TRAFFIC

Swindon Road is already an extremely busy highway, this will only get worse when the new developments at Maud's Elm and Swindon Farm are built. The Planning Authority decided back in 1988 that the road had reached its capacity, the only thing that has altered since then is a vast increase in vehicles.

2. INCREASE IN STREET PARKING

Insufficient parking planned on the proposed site (189 spaces) We could see an increase of 250+ cars on this land, this will result in parking on the newly created green areas of the development and surrounding roads, causing a problem for residents of the area and people wishing to use the school, early learning centre, animal shelter and allotments..

3. LOSS OF GREEN SPACE

The Folley is a Landmark giving much character to the area.

4.ANIMAL SHELTER

The development will be too close and cause a lot of distress to the animals.

5.WILDLIFE

Loss of habitat for many Mammals and Birds, including bats, foxes, hedgehogs and more..

The reasons given for previous applications being refused still stand and are more relevant than ever today.

Whilst there is a need for affordable housing THE FOLLEY is NOT the place for it.

GardnersLane Primary School
Cheltenham
GL519hy

Comments: 25th July 2024

The proposed development will have a direct impact on the school.

The school is located directly adjacent to the proposed site.

School leaders have met with developers to understand the development and the proposed facilities that are included.

At present our school has no on site car parking for staff or visitors. The developers have included a car parking facility that it has been agreed will be for the school in term time. This will provide security and safety for staff and their vehicles and reduce congestion on roadside parking. The school is currently under subscribed and the proposed development is likely to provide homes for families that would attend and raise numbers thus, through funding from GCC, benefitting the provision for all in the school.

The school has raised concerns regarding the increase in traffic and the safety of pupils and families at both pick up and drop off times but we have been reassured that these aspects will be carefully considered by Highways and that sufficient measures be in place to mitigate these risks.

1 Courtenay Street
Cheltenham
Gloucestershire
GL50 4LR

Comments: 7th February 2025

I don't think it would be necessary or helpful to repeat the words of many other objecting comments but I agree with them completely. The area already has limited parking and insufferable congestion for residents without the addition of more cars on the road. In St Pauls we are already at risk of ground water flooding (in cellars) and cannot afford more green spaces to be built on that help keep this flood risk at bay.

There are plenty of sub-standard and empty home in St Pauls that cannot be renovated or are struggling due to limited tradespeople parking permits (that are affordable) or affordable options for waste removal such as skips. It would be wholly unfair for residents

to have to then suffer large developers being granted this ability to build where we have been restricted.

If this application is granted, the decision would have to come under scrutiny of the planning inspectorate as it would be a blatant disregard for the residents valid concerns and one would have to wonder what motivation the planning department had to approve it. Particularly in an area of Cheltenham that suffers from increased crime rate and a disproportionately higher level of affordable housing compared to the rest of Cheltenham.

Make renovating ex-HMO and empty homes more accessible to homeowners (trade parking, waste, planning) before allowing low quality homes with exploiting buying schemes to take over our green spaces.

166 Swindon Road
Cheltenham
Gloucestershire
GL51 9EY

Comments: 30th November 2024

I think the proposed development provides a significant enhancement to the existing site. The current site is a very large playing field, secured exclusively for the use by Uni of Gloucestershire. The grass is kept permanently short, with a circa 8ft green palisade fence around the perimeter of the site and a derelict looking building along Swindon Road. Currently the site is completely inaccessible to local residents and provides zero benefit or use to local residents. The site currently looks grim and unappealing as you pass along Swindon Road, if anything detracting from the area, and giving a run down ghetto feel.

The current site is highly unlikely to provide any ecological habitat, due to the fact it is a large open field, with the grass kept permanently short. The only habitat will be around the perimeter of the site, which looks to be getting enhanced by the plans.

Reviewing the recent proposal, it looks like the originally proposed playing field along Swindon Road, is to be replaced with an open use park with frontage along Swindon Road, and all the housing set back. This is a significant improvement, both over the originally submitted plans, and the current site. This will actually provide some green open space for use by local residents, that is currently lacking. This park will provide a much more inviting and enhanced appearance along Swindon Road.

I doubt the development will significantly increase local traffic. Whilst there is a fairly steady flow of traffic along Swindon Road, I believe it is actually people using the road as a rat run, rather than local residents. I suspect a lot of the traffic is going to the Swindon Road tip. With the imminent closure of the tip, I anticipate the traffic flows along the road will significantly reduce. I don't generally ever have an issue driving along the road at any time of day, and I doubt the development will alter it that much. The biggest issues are the road bridge over the railway line, and the double mini roundabouts at Swindon Village. If S106 contributions could be sought to improve these, then that would be an improvement. Additionally, if S106 contributions could be sought to improve and re-tarmac the pavements along Swindon Road that have been allowed to fall into disrepair by the council, that would be a significant improvement.

I don't really understand the point of the 40 space car park to the southeast of the site, I highly doubt anyone will be driving to visit the park, the parking just detracts from the site, particularly being prominent along Swindon Road. That said, when the permit parking

schemes were introduced some years ago, the staff from the Royal Mail, who used to park up near the Royal Mail, were pushed to parking further along Swindon Road and the side streets beyond where the scheme ended, clogging these areas. If there is to be a car park, maybe you can seek that it is used by Royal Mail staff, keeping them off the rest of the streets. If there is to be a car park, it definitely should be free to park, and not pay and display, as this would render the car park pointless, everyone would just park on the side streets.

I like that the layout plans for the housing match the historic Victorian vernacular of the area, with terraced houses running along parallel side and end streets, with gardens backing onto themselves. Much more in keeping than the horrible 20th century cul-de-sac developments to the west of the site such as Stanwick Gardens. I would like to see the properties matching the Victorian vernacular being terraced rendered bay fronted, with sash windows, recessed front doors and slate gable roofs, when the full plans are developed.

53 Stanwick Gardens
Cheltenham
Gloucestershire
GL51 9LF

Comments: 9th December 2024

The traffic in this area is becoming a big problem and it's going to become much worse, especially with the development at Sainsbury's. This needs to be considered when looking at the Folley development.

I'm also concerned about anti-social behaviour, we've already had letters about this and I'm sure it will get much worse if the Folley went ahead. Very worrying for residents and not to mention the potential for house prices to fall.

Thanks for taking these comments into consideration,

Comments: 4th December 2024

OBJECTION TO THE PLANNING PROPOSAL FOR THE FOLLEY DEVELOPMENT

I strongly object to the proposed development on the Folley site. This plan is not only ill-conceived but clearly prioritizes profit for developers who have no stake in the local community over the well-being of those who live here.

TRAFFIC

The current traffic situation in the area is already intolerable. Swindon Road, particularly near St Paul's and Kingsditch, has become severely congested, with journey times tripling over the past five years. The Elmfield area is equally problematic, with its narrow roads frequently clogged by parked cars and insufficient space for passing vehicles, creating dangerous conditions for both drivers and pedestrians.

The strain on traffic will only worsen with the planned developments near Sainsbury's and Maud's Elm, oh and not to mention the development that's OPPOSITE?? Adding yet another housing development in this area-where most households are likely to own more

than one vehicle-will push the local infrastructure beyond breaking point. Accessing the Town Centre near the post office and exiting the town, particularly via the narrow Kingsditch bridge, is already a nightmare and will become both impossible and hazardous. The risks to pedestrians, especially children, navigating these narrow pathways amidst increased traffic are simply unacceptable.

AMENITIES

Local amenities are already under enormous pressure. It is nearly impossible to secure an appointment at St Paul's Medical Centre, and access to dentists is equally limited. Introducing additional housing developments along this already overstretched corridor will only exacerbate these problems, further diminishing the quality of life for current residents.

IMPACT ON EXISTING PROPERTIES

This development poses numerous risks to existing properties. Myself and my neighbors are deeply concerned about:

- Loss of privacy: The proposed development is far too close to existing homes, effectively encroaching on residents' back gardens.
- Noise pollution: Increased traffic and construction will result in persistent disturbances.
- Risk of flooding: Removing the green space will significantly increase the likelihood of flooding in the area, a risk that cannot be ignored.
- Property devaluation: The combination of reduced privacy, increased noise, and potential flooding is likely to lower property values, negatively impacting homeowners.

Additionally, there are already concerns about anti-social behavior in the surrounding area. This development risks exacerbating those issues.

PREVIOUS REFUSALS

This site has twice been refused planning permission due to traffic concerns-at a time when there were fewer vehicles on the road. How can it possibly be considered a viable option now, with traffic significantly worse and set to worsen further with additional developments?

LOSS OF GREEN SPACE

This development will result in the loss of one of the few remaining green spaces in an already crowded residential area. In a neighborhood dominated by housing, this green space provides an essential breathing zone, contributing to the physical and mental well-being of the community. Green spaces are not just aesthetic; they play a crucial role in supporting local wildlife, including birds, hedgehogs, and other species that rely on these habitats. Removing this space will irreparably harm the biodiversity of the area and deprive residents of a vital connection to nature.

CONCLUSION

The proposal to build on this site flies in the face of common sense and disregards the well-being of local residents. The answer is clear: do not build on this site.

Listen to the community, heed the warnings from Sport England, and prioritize the needs of residents over developer profits.

This development is neither sustainable nor in the best interest of the area or community. Reject it.

51 Stanwick Gardens
Cheltenham
Gloucestershire
GL51 9LF

Comments: 26th November 2024

Additional letter attached.

Comments: 2nd April 2024

Letter attached.

49 Stanwick Gardens
Cheltenham
Gloucestershire
GL51 9LF

Comments: 18th March 2024

To All concerned,

We have had a lot of difficulty in accessing your website with the proposed plans for the development of the Folley and feel this

We are worried about the development of the Folley and the amount of houses to be built on the Folley Playing Fields. The public access is already very difficult and very congested. Parking is also at a premium on all the surrounding streets and roads. The amount of houses planned will also create more noise pollution and havoc in such a concentrated area. We feel that this not only poses a hazard to other motorists but also to pedestrians and pupils as there is a primary school so close to the proposed development site and the animal shelter parking and access. This is such a major concern.

Quite a few Stanwick Gardens properties back onto the Folley. This will impact privacy and create extra noise pollution. We appreciate there is a need for housing but I am sure there are more appropriate sites than building on the Folley. Many people in Stanwick gardens bought their properties for the outlook and privacy and are not very happy with the proposed development. I was also under the impression by previous attempts to build on this site conflicted with policies BE5, GE2, BE21, GE6, GE8, GE4 and BE18 and therefore refused due to Cheltenham Borough Council Local Planning because of inadequate off street parking. Apparently the committee decided to refuse the previous application as the land was not allocated for development citing that it would result in a noise nuisance to future residents.

The development of the Folly playing field will also impact the welfare of the wildlife that can be seen on the playing fields. We also have pipistrelle bats which are a protected species. It will be rather a shame that all this will be lost for a development that could probably be sited elsewhere with less impact to residents and wildlife.

I hope these comments are taken into serious consideration when discussing the proposals.

Kind regards

46 Stanwick Gardens
Cheltenham
Gloucestershire
GL51 9LF

Comments: 29th March 2024

Planning application CB18622/00 submitted on 23 May 1988 was rejected for a number of reasons:

1. The Folley makes a significant contribution to the character of the town which, if planning were approved, would seriously erode the attractiveness and character of the locality.

2. Highway Safety. Under Local Plan Policy TP1:

The proposed development will not be permitted where it would endanger highway safety, directly or indirectly, by: (a) creating a new access, altering an access or increasing the use of an existing access on to the main highway network, or at other points where it would be hazardous to highway users, unless a satisfactory improvement has been carried out.

The local infrastructure is already beyond broken. Gardeners Lane School cannot possibly welcome an additional 100/200 children and nor can St Pauls Medical Centre welcome a further 300+ not forgetting the additional occupiers of the Maud's Elm development. If the children are not attending a school on their doorstep then the nearest school/medical facility will require the use of transport.

Many residents of Stanwick Gardens and Thomond Close purchased their properties for the peace, security and scenic views all of which will be lost or watered down. The proposed closeness of the new dwellings will result in a loss of light, privacy and peace but, instead of the current scenic views will have the outlook of a brick wall to look forward to.

The number of open spaces being lost and the speed in which it is happening results in spaces of this size going from small and insignificant to small but very significant. Noise pollution to the Animal Shelter, Gardeners Lane School and local residents will increase. And wildlife habitat will be lost.

Comments: 22nd March 2024

The proposal to develop The Folley into residential housing is opposed for the following reasons.

1. Previous planning applications have been rejected. One of those rejections was for an application submitted over 36 years ago, in 1988. The conclusion of that rejection was, "the increase in traffic would pose a significant risk to pedestrians, cyclists and motor vehicles, the junction to Swindon Road was substandard and that Swindon Road had already reached its capacity and therefore could not accommodate further increases in traffic flow. In the 36 years since that rejection, the only thing that has changed is the increase in traffic.
2. Planning has already been approved for a development at Maud's Elm with traffic joining directly on to the Swindon Road roundabout which is situated on a blind bend.
3. The 300 metres either side of Gardiners Lane School already has 11 junctions joining onto Swindon Road. Most, if not all, are struggling to cope with the current volume of traffic. Many of these roads are used as rat run short cuts in order to access the main Tewkesbury Road ring road.
4. A number of incidents have occurred and residents along that stretch of Swindon Road have suffered damage to their properties as a consequence of traffic attempting to join/exit from/to these junctions due to the tight/narrow entry/exit points.
5. Parking is already an issue with occupants along that stretch of Swindon Road some are already parking their vehicles in Stanwick Gardens and likely other roads in the area. The likelihood of parking restrictions being placed along that stretch of Swindon Road will only exacerbate the situation.
6. Construction is likely to take several years to complete. Hundreds, probably more, industrial vehicles will need to use Swindon Road as an access point. The road is already in serious disrepair and is, as pointed out in the 1988 rejection, of substandard quality and therefore not fit to take such heavy volumes of traffic.
7. The Swindon Road Bridge is extremely narrow, pedestrians walking across the bridge already run a gauntlet of cars and vans that often force their way across. The narrowness of the bridge results in many vehicles riding the kerb resulting in many near misses to pedestrians using the path. With the potential of hundreds of industrial vehicles using this bridge there is a very significant risk to any pedestrian crossing at the same time.
8. The Tewkesbury Road carriageway is already earmarked for a significant increase in traffic flow upon the completion of the developments already approved at the Runnings and between the M5 and Uckington. Traffic already backs up significantly on this Ariel route during peak times, usually coinciding with school timetables. As a consequence, traffic from all of these developments will seek alternate routes, as they already do, further increasing traffic on Swindon Road and surrounding route adding further traffic to an already congested and dangerous road.
9. Any increase in traffic will be detrimental to pupils using Gardeners Lane School in noise levels, increased traffic and traffic pollution. This an early learning centre and

infants school where pupils are obviously of an age where pollution is more likely to affect their respiratory systems.

10. The proposal to include a cycle lane along the boundary of the Stanwick Gardens fence line to emerge onto the footpath directly adjacent to the Swindon Road roundabout is ill thought out. The apex of that the footpath is on a blind bend and the footpath itself wholly inadequate for the use of both pedestrian and cyclist. The fact that there is a proposal for a cycle path will only encourage cyclists to make use of that path and thus to the illegal use of any pavement the cycle path joins. The fact that the path emerges on a blind bend straight onto a heavily used road will force cyclists to make use of a pavement that can barely accommodate pedestrians and even less so for parents with children/pushchairs. There is already an increasing number of occasions where pedestrians are forced onto the road in order to allow others to pass. Further danger will be experienced where cyclists emerge from the cycle path directly at a blind bend into the path of pedestrians coming round the same bend but in the opposite direction.

11. 122 2/3 bedroom dwellings are proposed, each dwelling is likely to include 2 cars. With the addition of the traffic emerging from the Maud's Elm development there is the potential for an additional 400/500 vehicles per morning/evening journey. With any housing estate there will also be an increase in ancillary traffic from visitors, deliveries and utilities further increasing/hindering traffic flow.

12. Contrary to the suggestion that the sports field is no longer in use, it has been, for many years, and still was in use until late 2023. The field ceased use at the same time as the planning application was proposed. Has Sport England been approached for approval to discontinue the Folley as a sports/recreation field? The proposal for the site of the new sports field will be in the footstep of the current sports field which was used for games of rugby only. Incidences of rugby balls landing on the main road don't exist as there is little need to kick a rugby ball except after a conversion. However, as a football pitch, this likely to change as a football ball is, as a general rule, kicked, posing a risk to traffic and players retrieving miss-kicked balls.

13. The current sports field was used by Gloucester University and was heavily used, especially during the summer months. Sports undertaken since the closure of the field is now at The Oxstalls in Gloucester. The knock on to the closure is an increase in traffic on Swindon Road with players and spectators now driving to the new site.

14. Noise pollution and traffic pollution for current residents of surrounding dwellings, the Animal Shelter and Gardeners Lane School will increase during both day and night. Whilst single ground source heat pumps are relatively quiet, when used as a single pump, the more you add the louder it becomes. With 122 pumps being added there is an obvious risk of debilitating background hum, especially during winter months.

15. The proposal to include a cycle path along the boundary fence line of Stanwick Gardens includes lighting to illuminate the path. Low level lighting or not this will have a light pollution effect on every bedroom situated at the rear of Stanwick Gardens as those lights are to remain on throughout the night. Noise pollution is highly likely from pedestrian traffic during dark hours.

16. The positioning and proximity of the proposed dwellings is an issue with both overshadowing and rear view privacy. Notwithstanding the majority of dwellings are proposed to be side on there are many that will be face on with direct line of sight to

Stanwick Gardens upper floor bedrooms. Dependant on the positioning of the side on dwellings there is still an issue with angled viewing again directly into upper floor bedrooms.

17. Gloucester University are currently responsible for the maintenance of the fences running along the Stanwick Gardens, Swindon Road and Thomond Close boundaries and are responsible for all the trees within the Folley. Residents of those areas have not been advised what proposals are in place to repair or replace the current dilapidated fences whether they will be of a security standard similar to the current security fences used around the bulk of the Folley. There is also concern over who will be responsible for future maintenance of those fences and for how long. This concern includes all the trees within the site one of which was blown over recently and the rest being old and in need of some maintenance.

18. Much of the literature promoting the uniqueness of Cheltenham is on its heritage including views and open space the use of this open space will destroy the view of not only one of the few remaining sites of outstanding beauty but will remove a significant open space. It will also remove a wildlife habitat that is currently occupied and used by several species. Far from this field no longer being viable for sports this can be solely placed on the shoulders of the current owners through their failure to promote or even offer the use of the field outside of the University campus activities.

19. During periods of heavy rain, occurring more often due to effects of climate change, a number of properties sited in Stanwick Gardens have suffered flooding. A field the size of the Folley acts as a natural drainage system in the main. Concreting over a sizable portion of the field will remove this natural drainage and poses a higher risk of flooding. Coupled with the poor maintenance of the current drains along Swindon Road flooding is more likely to occur than not.

36 Stanwick Gardens
Cheltenham
Gloucestershire
GL51 9LF

Comments: 18th November 2024

Again another comment, why are the proposed new builds so close to the boundaries of properties in Stanwick gardens and Thomond cl this will have a massive effect on or privacy and any natural light would be lost with the newbuilds so close to existing houses.

Comments: 30th August 2024

Proposed new houses are so close to the boundaries of houses in Stanwick Gardens, our privacy will be severely affected, our living room window is only just over a meter from boundary and any new builds would be able to look directly into our front room, and will have a big impact on any natural light. Also with the amount of wildlife in the folly recently we have also seen and heard an owl.

Comments: 15th March 2024

We are residents in Stanwick Gardens, our house faces onto the Folly.
There are a few concerns regarding your proposed development.

1 Our living room window faces directly into the Folly so concerned about what our view might be, we enjoy views of the field and surrounding hills
this will have an impact on us. Also any natural light we get will be impacted, personally think the development is too close to existing property's that border the folly, impacting our privacy.

2 Trees in the folly directly next to our boundary really need work, if left to grow they hit our roof
the university have taken care of this for a number of years. Who is or would be responsible in the future?

3 Concerned of Noise and anti social behaviour with a new park, as there is already a park across the road, we currently live in a very quiet area!
as this might affect the value of our property.

4 There are also a number of Bats that we enjoy watching from our front room window. As you know they are a protected inc including their roosts.

5 The folly is also home to lots of urban wildlife, there is a family of foxes currently living there we also have seen badgers.

6 Also the impact of extra traffic in the surrounding area which is already very busy, especially with the close proximity to a primary school, the Swindon road is a very busy road, the impact of another junction will make it even more dangerous.

28 Stanwick Gardens
Cheltenham
Gloucestershire
GL51 9LF

Comments: 18th March 2024

To whom it may concern,

Reference: 24/00399/FUL

We reside in Stanwick Gardens and object to plans to develop the Folly for the reasons below:

1. The sheer number of houses planned to be crammed onto a relatively small plot of land will increase traffic in an already busy and built up area. The junction from Gardener's Lane onto the main Swindon Road is a blind turn from both directions. As there is no alternative route into the Folly, this poses hazards to motorists and pedestrians. This turning is adjacent to Gardener's Lane Primary School and should be a major cause for concern for the safety of pupils walking to and from school. Swindon Road is already a busy main road leading into town and Waterloo Street and Elm Street, which are both residential streets and opposite Gardener's Lane, are frequently used as

cut throughs to access the Post Office on the shop front as well as the Tesco superstore on Tewkesbury Road. Gardener's Lane is also the only road used to access Cheltenham Animal Shelter. The extra traffic this will bring to the local area will be significant and not a positive addition.

2. Impact of potential development for residents of Stanwick Gardens, Thomond Close and the animal shelter. The boundary for the proposed Folly development is very close to the back gardens of many of these residents which will impact on living, light and noise levels. Many residents enjoy looking out from their back gardens into green space and being surrounded by quiet and they now face the prospect of losing that right. If the build goes ahead, the noise disruption to these residents will be high. You must also consider the welfare of the animals at Cheltenham Animal Shelter. Most of these animals are looking to be re-homed and come with a range of needs due to this fact. Forcing the noise of 122 dwellings upon them is wholly unfair and will be anxiety-inducing. The shelter is also used as a boarding facility. These animals also have a right to quiet which this development will not bring them.

3. Impact on existing wildlife on the Folly. You will displace existing wildlife who choose to reside there: bats, foxes, birds. We should be trying to increase biodiversity and green space, not remove it. Sometimes planting a tree back to compensate for the loss of wildlife which has established itself over many years just doesn't cut it. I would please ask you to take these and others' points into careful consideration. Previous planning permission to develop on the Folly has been rejected and I do not see why reasons would change now to grant this build.

Yours faithfully,

***** (residents of 28 Stanwick Gardens)

27 Stanwick Gardens
Cheltenham
Gloucestershire
GL51 9LF

Comments: 26th March 2024

To all concerned,

As a long-standing resident of Stanwick Gardens, I would like to object to the proposed Folly housing development due to its adverse effects on nearby residents. Please find below a summary of my objections:

1. The proposed boundary encroaches too closely to the rear of our properties, jeopardising our quality of life with increased noise levels and diminished natural light. Numerous Stanwick Gardens residents purchased our properties for the privacy and tranquility of our gardens and the serene view of greenery that the playing field behind provides, which we fear will be lost if this development proceeds. Furthermore, the anticipated rise in noise pollution poses a significant concern for local residents, particularly the elderly, and the potential for an increase in crime is concerning.

2. The proposed housing development's excessive density on a constrained plot of land will exacerbate traffic congestion in an already densely populated and busy area.

Placing the entrance near a local primary school and nursery heightens safety concerns. The anticipated surge in traffic resulting from this development is substantial and unwelcome.

4. The field behind the residents' houses has previously experienced flooding, and could still hold the potential to flood again, posing significant risks if a new housing development is constructed. This could lead to property damage, financial losses and safety hazards for both current and future residents, placing a strain on local infrastructure.

5. Existing residents already face a shortage of local amenities, which will only be exacerbated by the addition of hundreds of new residents.

I trust that these comments will be given serious consideration during the discussion of the proposals.

Sincerely

26 Stanwick Gardens
Cheltenham
Gloucestershire
GL51 9LF

Comments: 29th March 2024

We strongly object to the proposed plans for housing development in the Folley.

Having lived in the area for 20 years, we have enjoyed and appreciated the green spaces surrounding us, and are disappointed to hear about the potential loss of these. The pleasant views and calming nature have made this location a wonderful place, and the destruction of this would be extremely displeasing.

Has the risk of flooding and threat to wildlife also been taken into consideration? This seems to have been overlooked..

The environment has provided privacy for residents within the area which was a key reason for us moving here in the first place. We feel that noise levels will consequently increase as a result of the developments disrupting the quality of life for many of us which I am very unhappy about. I am also concerned about the potential rise of antisocial behaviour in an area which has been peaceful and quiet for us.

There isn't a clear explanation about the space between our gardens and the developments, as well as the decisions regarding the trees, I haven't found this to be clear?

There are many pedestrians including young children in the area attending the school, so there is a lot of traffic on the roads currently! There will be an increased amount of congestion which further raises health and safety concerns for all - it feels as if this has just been ignored? Local services have already found themselves under constraints due to growing demand and pressure - this will reduce quality and availability of care for residents as well as create a barrier for accessing facilities.

We do hope that these points are taken into account, and once again emphasise the fact that we strongly object to the proposed plans.

22 Stanwick Gardens
Cheltenham
Gloucestershire
GL51 9LF

Comments: 24th November 2024

The revised plans show only that they have removed the proposed football pitches to put a play area instead. As per my comments in March and many others that I have read that seemed to be the least of anyone's concerns. It is far more about the increase in volume of traffic, how with weight restrictions on bridges they are going to access the area with lorries and trucks, amenities available to new and existing residents, impact on the properties backing onto and what is going to be done to ensure privacy is not lost, but to name a few of the original comments. Maybe the comments people have made are not clear enough for the company. I don't quite see how changing a football field to a park area is going to address any of the other issue, all of which are far more important. To allow this application to be approved would be letting down exiting residents in the area and creating more issues.

Comments: 29th March 2024

As stated by many others there are several reasons we object:

Wildlife - the land is and has been for decades an area that inhabits and has encouraged a large range of animals including foxes, bats, owls, hedgehogs, badgers and many more and these will not return with the proposed development, another green space lost.

Traffic - as many have already raised the access for this site for both in and out of the site exits onto Swindon Road which is an already extremely busy road, with a school situated on the opposite corner and on a blind spot, causing safety issue to not only other car users but to all cyclists and pedestrians. The increased level will be unacceptable to the local community.

Building/suppliers lorries - how are these planned access for, there is a weight restriction on the bridge on both Swindon Road & Swindon Lane along with height restrictions on bridges at Hyde Lane and Lower end of the High Street, with narrow roads surrounding the whole area, that are already struggling to cope and in poor condition.

During races in Cheltenham, as residents you already can not move easily and with another 200 plus cars, this is increasing congestion yet again

Other proposed sites - there is already a proposal for buildings on Maud's Elm by CBH, which also sits to Swindon Road therefore creating even more traffic and congestion.

Another proposed site over by Manor Road, Swindon Village which will be 3 phases.

Amenities - What new amenities are going to be located in the area, dentists, doctors, local shop, school all of which these properties will need and all of which are already full

Pollution - increase in noise & air pollution

Flooding - the area is susceptible to flooding and did in 2007 & 2012, impacting the existing properties, if you build will be nowhere for this water to go, proposing a bigger risk for both existing and new properties

Affordable - you state they are affordable what is this value, as far as I can see they will not be within the grasp of many

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Existing Properties - the distance between the existing boundary to new is very small, existing properties will lose privacy and light. Have increased noise and disturbance as a result of building both during and after. Will fencing on existing properties be replaced to counteract some of this? Many of the new builds are planned to be 3 storey so when look out your window look straight into someone's house or garden, no privacy. Why do you have to build in an already built up area where the road infrastructure (which can't be made bigger) and local amenities can not support it and are already at maximum capacity.

21 Stanwick Gardens
Cheltenham
Gloucestershire
GL51 9LF

Comments: 15th November 2024

Nothing hasn't changed since my last objection back in March.
Haven't addressed about increasing traffic and junction too close to other junctions including the school and access to the Animal Shelter.
The car park will be fill with other residents before school staff start their shift so where they going to park? On Gardener lane?
The plot at the bottom of the folley is facing onto our property so lack of privacy to us?
Need to persevere the green space for wildlife.
Lack of services nearby ie doctors surgery!
This latest changes and closing time is very short for the residents to act upon(only 3 weeks is a bloody joke).

Comments: 16th March 2024

- 1: new junction to the housing estate will be nightmare due to being close to Waterloo road and gardeners lane junction with a bend of the Swindon road which will be blindspot
- 2: we do know that we do have wildlife in the folly ground with foxes and bat's
- 3: bottom of the new housing estate, houses are facing towards to our property plus its three storey high(higher height than ours) so it will block our views and lack of privacy. Also their boundary is closer to our boundary and yet rest of the housing estate got bigger space between the boundaries
- 4: with 122no new properties with average 2 to 3 cars per household would possibly create another 250+vehicles to already busy traffic in our area.
- 5: concerns on road between the changing rooms and the sport field(are they expected sport people walking across the road close to junction in their boots with studs? Surely safety is top priority
- 6: lack of green space
- 7: would school and doctors surgery plus other services cope with extra local people

8: would animal shelter cope with the noisy building work?

20 Stanwick Gardens
Cheltenham
Gloucestershire
GL51 9LF

Comments: 28th March 2024

Regarding the proposed housing development we feel it will put too much traffic on an already busy Swindon Road.

It is quite difficult at times to drive from Gardeners Lane onto Swindon road with the restricted view to the right.

Also it is busy with pedestrians who use the school. Any access to the proposed sight is a hazard to all concerned.

The Folly has in the past badly flooded at times especially in 2007 when many of the properties backing onto the field were badly flooded throughout the ground floors of their houses. Drainage has always been a problem in this area.

There is also Cheltenham Animal Shelter near the proposed site which will be impacted greatly with extra noise and traffic.

We are not in favour of this proposed build.

Regards

53 Windyridge Gardens
Cheltenham
Gloucestershire
GL50 4SY

Comments: 2nd April 2024

As residents of Windyridge Gardens for 46 years, we object to the proposed development of The Folley, for the following reasons.

We feel the existing roads around this area will not cope with the increase in traffic.

Planning permission was refused for this site in 1988, as Swindon Road had already reached capacity. Traffic has increased considerably since then. Swindon Road is a narrow, extremely busy road, so the proposed development will put more traffic onto this already well used route in and out of the town centre. This site is not the only development in this area as CBH are planning to build at Mauds Elm only metres away, and Persimmon are building on Manor Farm, Swindon Village. Therefore there would be a huge increase in traffic using Swindon Road. Also the narrow railway bridge is already a danger to vehicles and pedestrians.

The proposed walkways through to Thomond Close leading to the shops on Windyridge Road are, we feel unnecessary. The Wymans Brook estate was built with lots of alleyways/ratruns that can, and have been, used for criminal activity. For security reasons these should not be added to. This could also lead to more noise for existing residents.

We know the site has had flooding issues, looking at the drainage plans, it appears that the surface water is to run in the direction of Windyridge Gardens, through residents

garage block, could this mean more flooding in Windyridge Gardens if this overloads the system.

The infrastructure will not be able to cope with this development, as schools in the area are already at capacity. There will be parking issues in the surrounding roads as these exist now, as people park on residents' hard standing, to go to the school and The Animal Shelter as travelling down Gardners Lane is so difficult already with parked vehicles.

Cheltenham Animal Shelter
Gardners Lane
Cheltenham
Gloucestershire
GL51 9JW

Comments: 2nd April 2024

As a Charity of 99 years standing, over 60 of which have been on this site in Gardners Lane, Cheltenham Animal Shelter (CAS) has a number of concerns about the proposed new housing development on the Folley playing field.

- 1) Up until this week no one has made contact with us to discuss the impact it would have on our two very busy businesses - the Charity rescue and rehoming work, CAS, and the associated vet practice, CASvet. These are both very busy operations at the heart of the local community with a regular flow of traffic up and down Gardners Lane already.
- 2) In conjunction with the above, the plan to have a cycle way crossing on the only blind bend in Gardners Lane opposite the allotment entrance seems to us to be a badly thought out and dangerous proposal.
- 3) General traffic around the area is a major concern with only one proposed exit from the 122 dwelling proposal just a few metres to the west of the Gardners Lane junction onto Swindon Road. No mini roundabout is proposed. Gardners Lane remains the only access to and from CAS and CASvet. Even exiting this junction for my staff and our customers is quite dangerous even now with poor visibility to the west.
- 4) Offroad parking is a concern as parking for many of the dwellings is restricted to one space. We feel that that is not necessarily enough and inevitably parking will take place in Gardners Lane and the surrounding residential streets causing potential road blocks, and problems - Elm Street already suffers with this problem.
- 5) We currently have huge concerns about access for emergency vehicles and other delivery vehicles to our site if more traffic clogs up and parks in Gardners Lane
- 6) Widening the catchment area brings in to play the somewhat narrow railway bridge further down Swindon Road towards the industrial estate which could be used daily by a further 150-200 cars? This is quite a dangerous narrow bridge.
- 7) Generally we take measures to keep the noise of our animals as low as we can and I hope that local residents feel that they do not get disturbed too much - that said we would be disappointed if the new residents on the proposed development were to start complaining about noise from our site which we foresee could happen despite us being where we are for many years before the new houses are built
- 8) We are told that noise monitoring has taken place but we were not asked about or involved in this. The construction noise over the estimated two years of development will create substantial noise itself and will no doubt add extra challenges to our work in trying to rehabilitate many of our animal residents.

- 9) Conversely fireworks are a huge problem for us and disturb our animals and cause much stress and suffering to them on a regular basis. This can result in difficulty with feeding and extra cleaning required as a result of the very stressed and agitated animals . With 122 new houses with gardens we fear the firework problem will only escalate.
- 10) We concur with many local residents in sharing concerns for the potential disturbance and loss of natural wildlife such as bats and foxes who inhabit the Folley. These will be lost forever.

The above are just some of our concerns which we hope the planners take in to consideration when looking at the proposed development . We agree that good affordable housing is required in Cheltenham but are not sure whether the site identified at the Folley is really the best place to put it as it will impact hugely on our two businesses and many of the local residents in the surrounding area. Traffic, noise and parking remain huge concerns.

29 Marsh Drive
Cheltenham
Gloucestershire
GL51 9LN

Comments: 10th September 2024

I'm concerned because of the impact along Swindon Road that will have a significant knock-on effect on Marsh Lane and Marsh Drive. People parking on the curb makes it a blind corner, and any increase in traffic will bring commuters to a complete standstill.

We have seen the volumes of traffic increasing significantly over the 45 years that we've lived here - there have been promises to improve existing roadways which have not materialised. More housing, even in another ward, will impact us significantly, and any changes need to include residents across the surrounding area who will be affected by large developments.

43 Medoc Close
Cheltenham
Gloucestershire
GL50 4SP

Comments: 9th December 2024

Planning Department
Cheltenham Borough Council

Dear Sir/Madam,

I am writing to formally object to the proposed development of "affordable and social housing" on the Folly Rugby Ground in Swindon Road, Cheltenham. As a local resident, I believe this development poses significant issues for the community and exacerbates longstanding challenges in the area. Below are the key points of objection, supported by historical and current evidence, which I urge the Council to consider carefully:

1. Previous Planning Context and Local Deprivation

A prior application by the University to build student accommodation for 350 students on this site was rightly rejected by the State Inspector, who cited the existing deprivation in the area and the detrimental impact such development would have. The Inspector highlighted the role of Cheltenham Borough Council (CBC) in contributing to these issues through poor planning decisions, urging corrective action.

Despite these recommendations, no substantial improvements have been made. Instead, further developments and expanded waste facilities have worsened living conditions. This failure to address deprivation undermines public trust in CBC's planning policies and calls into question the suitability of further housing in this already overburdened ward.

2. Overdevelopment and Impact on Housing Quality

The Wymans Brook estate stands as a cautionary example of overdevelopment. The developer exceeded the permitted density, and the Council failed to take corrective action. This pattern of unregulated development has led to:

- o Increased strain on infrastructure and services.
- o Depressed property values in St. Peter's Ward compared to other areas of Cheltenham.
- o A growing disparity in living standards, reinforcing the stigma of deprivation.

The clustering of "affordable" and social housing in specific wards, such as St. Peter's, perpetuates inequality. To ensure fairness and integration, such housing must be distributed across Cheltenham, not concentrated in already disadvantaged areas.

3. Loss of Green Space and Community Resources

The Folly Rugby Ground serves as an essential green space for the local community, offering recreation and relief from urban density. Its loss would deprive residents, especially children, of a vital resource. Studies consistently show that access to green spaces improves physical and mental well-being.

The relentless infill of green spaces with concrete developments leaves no room for community growth or unforeseen emergencies. These actions erode the area's identity, contributing to feelings of neglect and abandonment among residents.

4. Infrastructure and Environmental Strain

The area's infrastructure is already under considerable pressure. Adding further housing would exacerbate:

- o Traffic congestion: Heavy goods vehicles (HGVs) cause daily disruptions and safety hazards to pedestrians using the road to the school with vehicles parking on the pavement waiting for access to businesses, particularly near Elmfield School. Also the narrow hump-back bridge poses dangerous conditions for pedestrians of all ages, and wheel chair users, and there are reports of vehicles' wing mirrors striking pedestrians, when passing over it.
- o Drainage and sewage issues: The area has a history of sewage leaks, which could worsen with additional housing, undermining previous flood prevention efforts by Severn Trent.

o Road safety: The recent accident involving a child near Elmfield School underscores the dangers of increased traffic in an area ill-equipped to handle it.

These issues highlight the Council's failure to prioritize resident safety and infrastructure adequacy in its planning.

5. Social and Economic Consequences

The Council's continued clustering of social housing in St. Peter's Ward fosters segregation and stigmatization. Residents face limited opportunities due to the area's poor reputation, affecting their education, employment, and quality of life.

By contrast, areas like Leckhampton and Charlton Kings benefit from superior amenities, schools, and infrastructure. The Council must adopt equitable planning practices to ensure all wards receive fair investment and opportunities.

6. Legal and Ethical Responsibility

The Council has a duty of care to address residents' concerns and ensure planning decisions are made in the public interest. The following points require urgent consideration:

- o Duty to consult: Residents must be meaningfully consulted, and their objections must influence planning outcomes.
- o Balanced development: Future housing must be equitably distributed across Cheltenham to avoid perpetuating social and economic disparities.
- o Adherence to safety standards: The Council must address existing safety and traffic issues before introducing further developments.

Conclusion

The proposed development on the Folly Rugby Ground is ill-conceived and disregards the welfare of the local community. It would exacerbate existing issues of deprivation, overburden infrastructure, and eliminate a vital community resource.

I urge Cheltenham Borough Council to reject this application and instead focus on balanced, thoughtful planning that uplifts all wards equally. I also recommend revisiting the State Inspector's advice, ensuring it informs future development decisions.

I look forward to receiving confirmation of my objection and your response to the points raised.

Yours faithfully

Comments: 27th March 2024

I was wondering if you would have time to look at the proposed development for 122 houses on this site The Folly Swindon Rd/ Gardeners Lane please? (Plans below)
I'm concerned about this going ahead for a few reasons...

Environmental, safety & humanitarian reasons

The total loss of all our 'Green' spaces causing more pooling of rain water & flooding! The gardeners lane entrance to Elmfield park is impassable in winter & wet weather due to

lack of drainage surely more buildings would only worsen this issue? Elmfield Park is a well used and loved park they will try to build on that next!

There are 2 families of foxes the vixens are seen regularly playing with their fox cubs on the Folly let alone other birds and wildlife that live there!

Extra pollution from traffic in a small area right close to Gardeners Lane School & nursery which is nowhere near big enough to take the children of 122 more families. I went to the school myself it's not very big!

The extra volume of traffic on a narrow, already very busy Swindon Road that is a blind bend at the junction with Gardeners Lane. It can only be a risk to life especially when school opens & closes.

I live on Wymans Brook they are gradually taking every spare scrap of land possible [ie 3/4 of the allotments] turning it into housing estates of poor quality that will end up like a shanty town!

We've already had the eyesore of the 5G mast stuck on the corner of Windyridge Rd even though we opposed it, it still went ahead. They could have easily put it on the council ground or industrial area and not smack in the middle of houses! No doubt lowering the value, I would not want it outside my home

I feel that this would not happen in Charlton Kings, Prestbury, Swindon village, Battledown, Leckhampton or other similar areas !!!! I believe it has been refused before and strongly feel this is 'Over development' and is just about financial gain!

Please help to keep some of our area green We DONOT want to live in a concrete jungle
Thankyou for your time

I have contacted my local Cheltenham & Tewkesbury MPs and was suggested I forward my thoughts to you

43 Medoc Close
Wymans Brook
Cheltenham
GL50 4SP

266 Swindon Road
Cheltenham
Gloucestershire
GL51 9JP

Comments: 9th September 2024

I am objecting to the proposed development of 122 properties within the Folley playing fields on Swindon Road.

My objections are the following,

- . An increase in congestion on the surrounding roads; Swindon Road, Waterloo Street, Elm Street etc.
- . An increase of vehicles entering Swindon Road from already high-risk junctions which incorporate blind turns (Gardeners Lane, Waterloo Street, and Elm Street onto Swindon Road).
- . Impact on wild-life and nearby animal shelter.

- . An increase in demand on already struggling infrastructure such as schools and doctors.
- . "People will use be encouraged to use bikes" as told to me when I voiced my concerns at the meeting is not a sufficient excuse to squash concerns about rising traffic.
- . Manor Road closure due to the Road works taking place has confirmed to me and most people living around the roads mentioned above that it cannot take an increase in traffic. Its been a nightmare.
- . Reading one report it mentions that only 3 accidents have happened on the Swindon Road. I can assure you there have been many many accidents. Ive gone out to more than 3 this year alone.
- . Effect on mental health due to the loss of green space.

280 Swindon Road
Cheltenham
Gloucestershire
GL51 9JR

Comments: 28th March 2024

We are residents of Swindon Road & wish to object to this proposed development.

As a resident of the area for many years including many happy childhood memories. The Folley has always been a fantastic safe space for St Peters. It would be a tremendous shame if St Peters was to lose this area of space for yet more housing which alternatively could be put to better use to serve the community better, keeping it as a open space for all to enjoy.

Alternatively The Folley offers fantastic opportunities as a green space for dog walkers, outdoor exercising, new cycle paths, footpaths, new shrub areas, wildlife areas, extra planted tree's, park benches, & sports facilities which would alleviate weight from Elmfield Park.

While there's a need for extra housing, there's also a need to maintain natural beauty, once its gone, its gone. The Folley is a area which doesn't need or require planned housing development which will only add potential pollution, noise, & anti-social behaviour.

This proposal will worryingly also add extra, heavier traffic on an already busy Swindon Road. We live on the corner of Swindon Rd & Waterloo St. The Traffic is regulary busy, whatever time of the day. I found their assesments of Swindon Rd astonishing & in fact were the opposite of what we experience. It's to my amazement that any section of this road hasn't been reduced to a 20mph speed limit or had any plans to install speed bumps considering the volume of pedestrians/cyclist's & a children's school which is at full capacity.

The junction of Swindon Rd/Waterloo St is a an accident waiting to happen, due to it's horrendous blind spots. We hear foul language, shouting, cars horns & tyre screeching frequently throughout the day due to many near misses. We've recently applied for a Dropped Kerb & the proposal of the site entrance sits potenially opposite of our driveway.

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The impact this could have on our Entry/Exit points of our property weigh heavily, adding another junction opposite increases all of the roads current hazardous issues & provides extra significant challenges for the animal shelter, allotments, the school, all road users, our family & local residents.

I've personally witnessed wild animals like foxes, bats & hedgehogs who continue to occupy this beautiful area of land. There's already planned development on the corner of Richards Rd/Swindon Rd to alleviate the housing crisis.

It is of my assessment this proposal doesn't meet, need or fit the requirement's of St Peters, it's residents, the school or its surrounding areas. It is unreasonable to build on every green space available, the Folley MUST remain as it is.

325 Swindon Road
Cheltenham
Gloucestershire
GL51 9LB

Comments: 26th March 2024

Hello Flo

Thank you for your leaflet posted through my door, regarding the proposed development on the Folley

Increase in traffic on an already busy road, where traffic calming is already required to make crossing safe for residents, also the already planned building of new accommodation on the corner of Richards Road/Swindon Road, will add to that increase. There is already an issue around residents having somewhere to park their cars along this stretch of road.

The roads around this area are not suitable for increased traffic usage and the railway bridge will definitely cause more problems/congestion.

Access /exit from proposed works will greatly add to problems for the school/animal shelter/allotments,

Loss of green space, I believe that the land at the Folly was bought by Rev Francis Close, for use by the college students, according to the History of Cheltenham Schools, I have also heard that there are plans to build on the green space by the Hardwick Campus, so eating into more green space, hardly producing a green, environmentally friendly environment.

The building on the Folley, will also impact on the varied wildlife that is seen around the area, and closes off a wildlife corridor.

Flooding already happens on areas of the Folley, and installation of balance ponds creates its own problems.

Sorry for the moan, I hope this does go to a full planning committee, and environmental issues etc can be addressed.

Yours

1 Stanwick Drive
Cheltenham
Gloucestershire
GL51 9LG

Comments: 19th November 2024

Looking at the revised plans, which appears to have just taken away the sports pitch!! Still a very high number of properties in this small area which is unacceptable to the volume of traffic this will create. The roads around it are not suitable for this amount of additional traffic.

On Stanwick Drive the parking of vehicles, cars, vans and lorries is increasing at such a rate and is often dangerous, this is certainly not going to help this.

To develop this land may help with social housing, but it will make this area unpleasant for many many people.

TOO MANY PROPERTIES CREATING TOO MUCH TRAFFIC IN AN AREA NOT SUITABLE.

Comments: 15th April 2024

This proposed development at the Folley is shameful!

Firstly to keep taking away all the Green spaces is sad and unacceptable.

Secondly- It is far too many dwellings and as many others have stated not enough parking spaces.

I.e - 52 x 2 bedrooms homes with 1 parking space says it all.

We live in Stanwick Drive and the increased parking on all the roads around us and traffic over the years is unsustainable .

This development will increase the traffic in all areas. As previously stated Swindon Road and all the surrounding areas are far too congested already and the Railway Bridge just ridiculous.

There are more and more houses being built and industrial development in this area, but NOTHING is done or improved with the roads.

These are just a few, but the main reasons, why I STRONGLY OBJECT to this development.

1 Royal Mews
Suffolk Square
Cheltenham
Gloucestershire
GL50 2DR

Comments: 28th March 2024

As an activist, I wish to raise my objections to the proposed development in this area.

The communities in Swindon Village and neighbouring St. Pauls have enjoyed this green space for many years. During a time in which we are suffering multiple hazards to health

and wellbeing alongside a rapid decrease in biodiversity, the last thing we need is for it to be stripped away.

Residents have all witnessed this land being used by wild animals such as hedgehogs, foxes and bats, whose lives will be severely impacted by the removal of a natural habitat.

Aster have provided reassurances that their work will be eco-safe. However, at the present moment, I don't see the sense in claiming this development will be "in response to the climate emergency" when it includes a large car park as well as 250+ parking spaces.

The impact on local communities by the inevitable increase in traffic is also worth noting. These new homes would be situated directly next to a school and an allotment - it's doubtless they would be affected by noise and air pollution, as well as the increase in traffic.

The housing crisis deserves action, but that action ought to be driven by the needs of existing communities. More work needs to be done to protect existing housing and make it more affordable and sustainable.

I have passed on my concerns to the Aster Group and hope to start a dialogue, aiming to mitigate harm. It is my opinion that these planned developments should not go ahead; or, if they do go ahead, that they should be under considerable scrutiny.

Comments: 27th March 2024

As a Green Party activist and candidate to represent Swindon Village at borough council, I wish to raise my objections to the proposed development in this area.

The communities in Swindon Village and neighbouring St. Pauls have enjoyed this green space for many years. During a time in which we are suffering multiple hazards to health and wellbeing alongside a rapid decrease in biodiversity, the last thing we need is for it to be stripped away.

Residents have all witnessed this land being used by wild animals such as hedgehogs, foxes and bats, whose lives will be severely impacted by the removal of a natural habitat.

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The impact on local communities by the inevitable increase in traffic is also worth noting. These new homes would be situated directly next to a school and an allotment - it's doubtless they would be affected by noise and air pollution, as well as the increase in traffic.

The housing crisis deserves action, but that action ought to be driven by the needs of existing communities. More work needs to be done to protect existing housing and make it more affordable and sustainable.

I have passed on my concerns to the Aster Group and hope to start a dialogue, aiming to mitigate harm. It is my opinion that these planned developments should not go ahead; or, if they do go ahead, that they should be under considerable scrutiny.

19 Cleaveland Street
Cheltenham
Gloucestershire
GL51 9HL

Comments: 10th September 2024

I am very concerned about this development and its impact on traffic levels in the area, especially those residents on Marsh Lane and the connected streets.

I know that the green space bordered by Marsh Lane and Swindon Road is owned by the University, but for as long as I have lived in Cheltenham this has been used by the general public and it would be a great loss of an open space.

Finally, if this is given the green light, what are the prospects of the large playing field adjacent to Gardener's Lane Primary School as I think that this is also owned by the University.

I know that there is a massive need for new housing, but green spaces within urban areas are also crucial.

42 Medoc Close
Cheltenham
Gloucestershire
GL50 4SP

Comments: 16th November 2024

The suggestion that it's important there is not an overprovision of parking from the traffic SME is insensitive and does not take into account that many properties will be multi-occupancy and people will need to travel to work in different locations not just the town centre and it is totally unrealistic as is demonstrated by surrounding area to assume no dwellings will have more than 1 vehicle per household (and no visitors /visiting tradespersons or delivery drivers, shopping deliveries etc). The folley serves as both floodplain and protection against heat island effect both have which are able to be demonstrated and the land flooded multiple times including most notably in 2007, along with surrounding houses. Surely concreting over this land will adversely affect neighbouring residents from a pollution perspective, from a traffic perspective, a heat island perspective and increase local flood risk. Nearby Tewkesbury road has some of the worst air quality in Cheltenham and Wymans Brook is saved from this only by presence of green spaces. Getting rid of the largest green space in Cheltenham other than Pitteville at the same time as significant development is also happening the other side of wymans brook at the end of Tommy Taylors Lane and Manor road (which notably significantly exacerbated traffic and pollution problems) is going to have a permanent detrimental affect on surrounding areas and residents health at a time where there are concerns about climate change. The idea that ensuring "no over provision of parking" is

in any way beneficial for climate change mitigation is laughable. Others have mentioned a lack of tree screening between properties. Small trees at the ends of gardens increase air quality, provide privacy and help biodiversity.

As others have mentioned before where the estate is due to pop out onto Swindon Road is already an accident blackspot (next to a school!) and this can be evidenced by the house on the corner of Elm Street having damage to its border wall from multiple vehicle impacts. The local school uses the Folley for parking but even with that the road to the animal shelter is often nearly impassible from parked cars throughout the day (not just at pick-up / drop off time).

8 Addis Road
Cheltenham
Gloucestershire
GL51 9BL

Comments: 10th September 2024

I am concerned about increased traffic in an already densely populated area. Swindon Road regularly experiences fast, heavy traffic which already poses a danger to pedestrians, especially near Gardners Lane School. This is not an area that can safely tolerate more vehicles.

Increased traffic would also negatively impact on noise and air quality, which is already a concern in the area. Children are particularly vulnerable to the health impacts of polluted air and more traffic in this area would mean more harmful emissions in close proximity to a primary school and children's centre.

The loss of green space would have several negative impacts. It is well documented that lack of green spaces in an area directly contributes to lack of physical and mental wellbeing in the local population. The current playing fields offer cooling protection from extreme heat and flood protection from extreme rainfall. Urban heat island effect and flood risk both present a threat to local residents.

The loss of wildlife habitat for the buzzard and foxes regularly seen on the site would also be felt by local residents and would be especially unfortunate at this time of biodiversity crisis. The Tree Equity Score puts St Peters as the most depleted area in Cheltenham for tree canopy cover.

The Folley land was originally gifted to benefit young people through sport and education. This proposed development would add to existing traffic issues in the area whilst also depriving us of a valuable local amenity.

22 Westdown Gardens
Cheltenham
Gloucestershire
GL52 6AY

Comments: 14th September 2024

I object to this application because of loss of the valuable green space that the planned development would cause.

There is already a lack of quality green space in this area of our town, as shown on the CBC green space strategy map. Our green space in Cheltenham must be preserved. This site sadly is inaccessible to the public, so local residents and visitors are unable to enjoy the many potential social and immediate health benefits of spending time in open green space.

However this site value has significant environmental value. Our green spaces are natural flood defences due to soil drainage, they mitigate the impacts of climate change by regulating temperatures in built up areas and soaking up carbon emissions, and they are home to plants and wildlife which boost the town's biodiversity.

Our community needs more green spaces, not less.

57 Somerset Avenue
Cheltenham
Gloucestershire
GL51 8BD

Comments: 2nd September 2024

I have a plot on Midwinter Allotments and regularly take my pets to Casvets, so I have seen first hand how bad traffic can get, especially around school times. Adding housing there would make the current residents, and regular visitors' lives difficult. There are also so few green spaces in Cheltenham, why cut another one? Building over the field would mean we lose the trees and wildlife (bats, foxes, birds of all kinds).

191 Swindon Road
Cheltenham
Gloucestershire
GL51 9HZ

Comments: 2nd December 2024

As previously noted, the volume of traffic running through Swindon road is at what I would consider a hazardous level. The risk of an accident due to the hazards arising from the increased volume of traffic on a narrow road with a school situated on the perimeter of the proposed site is extremely high.

The current volume of traffic forces vehicles to create rat runs down Waterloo Street, Sun street, Queen street and Elm street which are consistently blocked with traffic trying to get in and out of the Tewkesbury road. These roads cannot take any more volume of

traffic that will inevitably come from any more homes in this area. As a resident of Swindon road for 30 years I have seen the gradual increase in the volume of traffic and witnessed multiple road accidents due to this increase of volume. The cars are wider than they were 30 years ago and the roads are just too small.

Comments: 2nd September 2024

Swindon Road and surrounding areas cannot cope with any more traffic. This would cause a serious danger around Gardeners Lane school. School drop offs and collections causes parking on pavements and street corner, creating multiple hazards and safety concerns. Parking is at premium across this area forcing people to park in a dangerous way. Access in and out of Queen Street, Waterloo Street and Hope street is hazardous with the existing level of traffic today, with poor visibility . There is also a weight restriction on Swindon Road, so how would all the materials and machinery get to the site. There is already a development site on the Mauds Elm site on the same road.

25 Dark Lane
Cheltenham
Gloucestershire
GL51 9RN

Comments: 1st December 2024

Having viewed and considered the recent additional information in relation to this application I am pleased to offer my support to the comments made by Sports England. There is also nothing to address concerns in respect of traffic either on the site or in Swindon Road, particularly in respect of the nearby railway bridge. It is reasonable to expect the applicant to address these issues.

Comments: 30th April 2024

There have been previous applications for this site and these have been refused. The reasons for these previous rejections remain the same. There are serious existing issues with traffic in Swindon Road, not least the dangerous railway bridge with no separate pedestrian and cyclist bridge. There is a high density development already approved at 320 Swindon Road which will further exacerbate existing traffic issues.

This sports ground is within walking distance of Francis Close Hall, University of Gloucestershire, accessible to students without use of vehicles. An important sport asset for the University whose use could easily be expanded to encompass the wider community as part of the curriculum.

The University have already closed their swimming pool at Hardwicke Hall, the loss of this playing field would be yet another degrading of the facilities available to students.

325 Swindon Road
Cheltenham
Gloucestershire
GL51 9LB

Comments: 1st September 2024

Our objection to this proposal is the impact this will have on the surrounding area
The impact on flora/fauna and lack of green space
This will also have an impact on the loss of openness, and the view to the hills beyond, so eroding a sense of open space
The increase of traffic on an already busy road, with the plans showing a pedestrian area/secondary rd, exiting onto a blind corner
Trees that will be felled to make way for a roadway, not taking into account the light pollution of those living opposite said opening
This development will also diminish daylight into existing properties
Will impact on the school, animal shelter and allotments, as the access rd is narrow
There is no bus service along this rd and a weight restriction is on the railway bridge
Rds in this area are already narrow and congested, with little parking available for existing residents
I believe similar applications prior to this have been rejected, as should this.

363 Swindon Road
Cheltenham
Gloucestershire
GL51 9LB

Comments: 25th November 2024

This is the last of the green space in this over populated area. Once you build you can never get it back!
I live on the Swindon rd and the tragic is very bad. We don't need more!

4 Farriers Close
Cheltenham
Gloucestershire
GL51 9JA

Comments: 30th August 2024

The council needs to stop building on green spaces which are vital for mental health, wellbeing and local biodiversity. The council has climate goals it needs to meet and need to start thinking about the residents of st Paul's and this area. Additionally, car parking is difficult in this area and adding 122 new homes will make this already busy area difficult to access.

21 Marsh Drive
Cheltenham
Gloucestershire
GL51 9LN

Comments: 8th September 2024

On behalf of myself and my husband we object to this proposed development due to the obvious increase in traffic on Swindon Road which is already at saturation point, particularly when this development is considered in conjunction with the proposed residential development at Maud's Elm for CBH and what we understand further residential development on the Hardwicke campus site.

We presume that a TIA has been produced by consultants on behalf of the developer which are notoriously biased in favor of the developers .

Any TIA for the proposed development should be considered in conjunction with associated TIA,s produced for the development at Maud's Elm and potentially for the potential development at the Hardwicke Campus.

Finally, should construction works overlap for the three residential developments under the forgoing this would result in absolute chaos for the residents in the area.

211 Swindon Road
Cheltenham
Gloucestershire
GL51 9HZ

Comments: 9th September 2024

We strong object to this development, mainly for the following reasons:

1) Traffic: Swindon Road cannot cope with an increased traffic as it is already at capacity. Even Cheltenham is becoming busier, which is in turn creating extra pollution, noise and safety concerns. This proposed development has a direct knock on effect which contributes to this disturbance, and overall annoyance.

2) Wildlife & Greenery: We are currently in a climate crisis and have been constantly losing green spaces across Cheltenham, even Gloucestershire. If this development goes ahead, we have lost yet another green space for children and our future children's children to enjoy and this will instead become yet another housing development which the average person cannot afford.

3) Safety: Furthermore, it's directly on an already busy enough main road, which is sometimes prolific to fast and unsafe drivers. The development will be causing a concern for future children, pets and overall safety for all those who live on Swindon Road and surrounding areas. It should be a safe green space for the schools, dog walkers and more to enjoy. We actively promote walking and getting outside to improve mental health, which everyone will suffer with at one point in their lives, yet we are considering more

unaffordable houses on an already dangerous main road to further distress those who already live here.

14 Marsh Drive
Cheltenham
Gloucestershire
GL51 9LN

Comments: 9th September 2024

I object to this planning permission as I feel it will have a hugely negative impact on the area and in particular the level of traffic. The roads surrounding the proposed development are already congested enough during peak hours. The average household in the UK has 1.3 cars and therefore there's the potential for an addition 158 cars on one small and poorly maintained portion of road.

Although the reports state that the safety of the road currently is average, the addition of that amount of cars will inevitably create much more accidents. The roads currently and also planned are not fit for the proposed purpose. The roads surrounding are narrow due to cars parked in the street and not maintained sufficiently by the council.

I also feel that the development will affect the local animals as there's lots of wildlife whose homes will be encroached on.

29 Manser Street
Cheltenham
Gloucestershire
GL50 4HG

Comments: 28th March 2024

I object to this as the road is absolutely terrible as it is and adding more houses will only make this worse, the field is outstanding and to ruin it by putting more houses there is wrong, I also see lots of wildlife in there, this will also cause disruption to the animal shelter also the people who live opposite and on the side of the folly, making the roads more dangerous than they already are, not every field has to be built on!!!!

50 Rivelands Road
Cheltenham
Gloucestershire
GL51 9RF

Comments: 16th November 2024

As many others have stated the impact of this on existing residents will outweigh any benefits. The school next door will bear the brunt with increased risk of serious accidents and increased rates of respiratory illnesses. The increase in traffic on roads not designed for the volume exacerbated by this development. The developers will encourage the residents to walk the phrase fat chance comes to mind. The loss of green space will

mean that something which improves air quality and mental health is gone for ever. What steps are there to keep these houses affordable in 5 years they will be sold to landlords and there will still be no affordable housing in Cheltenham. If the developers think that by leaving a small amount of green space that will placate people they are wrong that doesn't deal with many of the issues about this site causing concern

Comments: 23rd April 2024

In this area of Cheltenham there is already very little green space left. The proposed development will impact this but also increase the traffic in an area which is already congested (the railway bridge is already too narrow to cope). What about the impact on the animal shelter and the school. Please reject this application to keep some greenspace available for people in this area

53 Stanwick Gardens
Cheltenham
Gloucestershire
GL51 9LF

Comments: 4th December 2024

OBJECTION TO THE FOLLEY DEVELOPMENT

I strongly agree with the concerns already raised about this development. Three separate developments on one road, in such a small area, are completely unnecessary and unsustainable. This is going to cause so many problems to the 1000s of residents that live here.

Traffic

- The Kingsditch area and Swindon Road are already overwhelmed, with 5-minute journeys now taking 20 minutes.
- Elmfield's narrow roads are not equipped to handle any additional traffic, creating dangerous conditions for residents and road users.

Impact on Homes

- Noise pollution will increase significantly, and homes in Stanwick Gardens will lose privacy.
- Flooding risks will rise with the loss of green space, further threatening local properties.
- House prices are likely to decline due to these issues and an expected increase in anti-social behavior, which the police have already had to address in this area.

Lack of Amenities

- The area is already overstretched, with it being nearly impossible to get a doctor or dentist appointment. This development will only make things worse for existing residents.

Rejected Twice Already

- This land has been refused for development twice before for valid reasons. Those reasons are even more relevant now due to worsening traffic and infrastructure issues.

This development is impractical, harmful, and ignores the concerns of the community that lives here. Please listen to the residents and reject this proposal.

20 Cromwell Road
Cheltenham
Gloucestershire
GL52 5DW

Comments: 4th December 2024

Posted on behalf of Chair and Vice- Chair of Cheltenham and District Allotment Holders' Association (both Midwinter Allotment holders)

This revision does not address the issues raised in our previous objection (and in the comments of others), particularly the safety aspect.

The proposed vehicle exit from the development has not been moved and if it remains in the position shown there will be 4 side roads joining the main busy Swindon Road in a very short distance, with no clear visibility to the corner. If the vehicle exit is moved to the existing roundabout at Maud's Elm it would be a lot safer for both road users and pedestrians.

At the other end of the site it shows a footpath exiting on the corner opposite the allotment site and park entrances which is a blind corner. Traffic for the Animal Shelter and allotments often has difficulty passing here, especially as cars also park along Gardners Lane. Cars also use the allotment entrance to turn around and there are also bikes and pedestrians using the gateway to the park so the current proposed footpath position will not be a safe exit for bikes and pedestrians from the development. Moving this exit along the road where it is straight and gives clearer visibility in all directions would make it safer for all concerned, and adding a crossing would be even better.

Comments: 10th September 2024

Posted on behalf of Chair and Vice- Chair of Cheltenham and District Allotment Holders' Association (both Midwinter Allotment holders)

6,Arle Close,
Cheltenham,
GL51 8JZ
10th September 2024.
Your Ref: 24/00399/FUL.

Dear sir,

The planning development at the Folly. I use Gardeners Lane on a daily basis, and turn right at the end onto Swindon Road with a blind bend in the road to my right giving about twenty meters of vision when turning , specially now with electric bikes doing in excess of thirty MPH. (I know this because they have over taken me when I am doing thirty MPH.) Sooner or later there will be a death.

That junction for Gardeners Lane and the one your proposing will have the same situation, but on their left side. There are peak times at that location, is already overwhelmed, start of school and end of school, combined with a constant traffic from the animal shelter and to add to the mix about 200 cars to and fro to the midwinter allotment daily.

The new development may look nice on paper, as Wymans Brook was when first built every house had two parking bays, now take up the two plus three others parked on the road making it difficult for emergency vehicles to get through, have the planners not learnt from previous situation, or is it intended to build the slums of the future.

The school in Gardeners Lane, the staff use the folly for parking as the road is completely full plus there own small car park, where are they going to park on the roads of the new estate? Or leave the school and go to another with parking.

Yours sincerely,

(Chairman Cheltenham and District Allotment Holders Association)

(Vice Chairman, Cheltenham and District Allotment Holders' Association)

266 Swindon Road
Cheltenham
Gloucestershire
GL51 9JP

Comments: 27th November 2024

I object to planning application: 24/00399/FUL

After reviewing the revised plans, I see no substantial changes that have considered the previous concerns voiced by local citizens. The only change of note is the addition of a new park; We have a park located at Elmfield, and this has consistently been left to decay and is a hot spot for vandalism and anti-social behaviour.

A lot of the recent objections were in relation to the increase amount of traffic this development would bring on an already congested and dangerous road. The entry into this new development would be put between Waterloo Road & Elm Street; Extremely busy roads where entering and exiting them is already a nightmare. Next to Elm Street, you also have Gardner's Lane Road, which to exit onto the Swindon Road, is already a blind corner. Couple the above points up and add the traffic light crossing into the mix, I feel this is only adding fuel to the fire in a location for concern that has been raised many times.

There is already a lot of land within Cheltenham that has been used recently for new developments. We simply do not need another green space in this beautiful town being destroyed in what some would call 'Progress', as we all know this is for financial gain and not the betterment of this town.

Considering my points above, the destruction to wildlife, and the agreement in principle that this field was to only ever be used for sport activities, I strongly object to any plans to develop this land.

51 Stanwick Gardens

Cheltenham GL51 9LF

24 NOVEMBER 2024

Planning: Place and Communities Cheltenham Borough Council

P.O. Box 12 Municipal Offices Promenade

Cheltenham Glos GL50 1PP

Dear Sir or Madam

Re: 24/00399/FUL The Folley

Dear Sir or Madam

I have looked at the revised planning application and have the following comments.

I might add that I agree with previous objections and would like those and the comments below taken as further objections from myself.

Two main comments on the letter of Conor Flanagan – he appears to suggest that the type of housing, quality and quantity should fit well within a “modest value area of Cheltenham”. So are we to be faced (literally) with perhaps modest quality housing? What actually will happen is that the value of our already “modest value of etc.” houses we live in will decrease – estate agents have confirmed that to me. That is a major concern to existing residents and should be taken into account. I would prefer to keep my valuation as it is.

The other comment concerns the opening up of The Folley at the front facing Swindon Road. He says the appearance at the moment is “hostile” Hostile? No, the frontage is safe – always has been even before the University gave up on it – no-one ran out into the road. Remove the fencing and create a dangerous frontage. I note on the revised plan that some existing trees will be removed – that is not acceptable either.

My points were made in my previous letter however I note now that more trees are to be added to the open space between the boundaries of Stanwick Gardens and this development – so less light for us, more leaves in the autumn for us, more roots extending into our narrow gardens and perhaps penetrating our foundations. Sorry not acceptable. Push those houses if they must be built over to the Gardner’s Lane side. Then upset the school and the allotment owners and the Animal Rescue Centre further, reduce the actual number of houses permitted, forbid all cars on the estate and then see if Aster think it is worth their while to pursue this.

You must consider the impact of pollution in this area, the impact of increased traffic on an already congested area and the implications to all existing users - drivers, children, cyclists, pedestrians – then but especially when CBC finally build on the Maud’s Elm site.

Use the brown field sites first.



51 Stanwick Gardens

Cheltenham

GL51 9LF

27 March 2024

Planning: Place and Communities Cheltenham Borough Council

P.O. Box 12 Municipal Offices Promenade

Cheltenham Glos GL50 1PP

Dear Sir or Madam

Re: 24/00399/FUL

CONTEXT: The houses in Stanwick Gardens which have a boundary with The Folley were built with their living areas at the back of the properties. i.e. overlooking The Folley. The visual outlook following this new development will be on brick walls and roads. Whether these new houses will be attractive is unknown. For Stanwick Gardens read S.G.

OBJECTIONS: The largest houses (6/7 occupants) are I believe the nearest to S.G. boundaries. The distance from the boundary varies from a mere 8 metres to 11 metres.

The development has been positioned well towards S.G. whilst the "open space" is on the Gardner's Lane side which is not overlooked and is wooded. Bungalow constructions or the football pitch would have been more considerate options.


Trees: The developers say they will plant trees as "barricades". There are trees already on S.G. side. No more may be wanted by existing residents. Trees do grow....they block light and cause problems with roots and leaves.

Fences: The developer plans to erect a 1.8 metre fence to aid privacy and security to S.G. on the boundary of their development. This could block light to our properties and particularly gardens.

Disturbance: Houses have one or two parking spaces. Most households run 2 (sometimes more) cars depending on the number and age of occupants. So, shortage of car parking per house. 122 houses, possibly over 300 cars using the estate. Add noise of delivery vans, lorries, weekly rubbish collections, visitors etc this adds up to constant noise and worse POLLUTION.

Street Lighting: light pollution will affect S.G. accommodation especially bedrooms.

Roads: These run off a main road and face S.G. houses – cars in winter from 4.00pm through the night and early morning will cause more noise and pollution day and night.

Flooding: S.G. boundary gets flooded on the The Folley side when there is heavy rain. Has this been addressed? Will the developed field be able to absorb the excess run off? .

Traffic: Gardner's Lane: During term time is used as a car park – single lane option. This is the access road to the Aspire Foundation, the Animal Shelter and Midwinter Allotments. 122 houses and their cars - more parking may impede emergency vehicles should they be needed.

Swindon Road: The exit road from the development is onto Swindon Road where it is quite narrow. The road would cut the pavement – issues for pedestrians.

This is a very busy road. The development will cause more delays and more problems on the railway bridge. Kingsditch Lane is a nightmare now. Traffic from 320 Swindon Road when completed will further add to the chaos and pollution. Elms development will impact too on routes into Cheltenham centre.

At night car headlights from cars exiting will shine into the houses on Swindon Road.

Increased traffic and the proximity to Gardeners Lane School could impact on the safety of the children and parents plus those from the Foundation. The extra pollution may well impact on the health of the children.

A cycle path exits the development just near the corner of Swindon Road (Maud's Elm end).

Potentially this is another hazard for pedestrians and for traffic coming up from Kingsditch Lane.

LOSS OF GREEN SPACE (in situ since 1880's)

The Folley is home to foxes, a huge bird population, bats and hundreds of seagulls. The developers say biodiversity will be given – beg to differ – it's already there. The development is a threat to biodiversity. The developers further suggest that people from Cheltenham will use the green space – they have Pittville and Elmfield parks much nearer!

A football pitch is close to Swindon Road. Will the boundary trees be cut down? Will there be measures to stop balls flying over onto the road? Is there enough parking for all? Is there a plan in place to maintain the pitch and sports changing areas?

Unlike other developments being planned elsewhere there is no community facility which might have benefited the entire area.

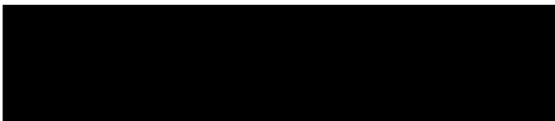
There will be an impact on the school – places will also be needed when 320 Swindon Road is finished.

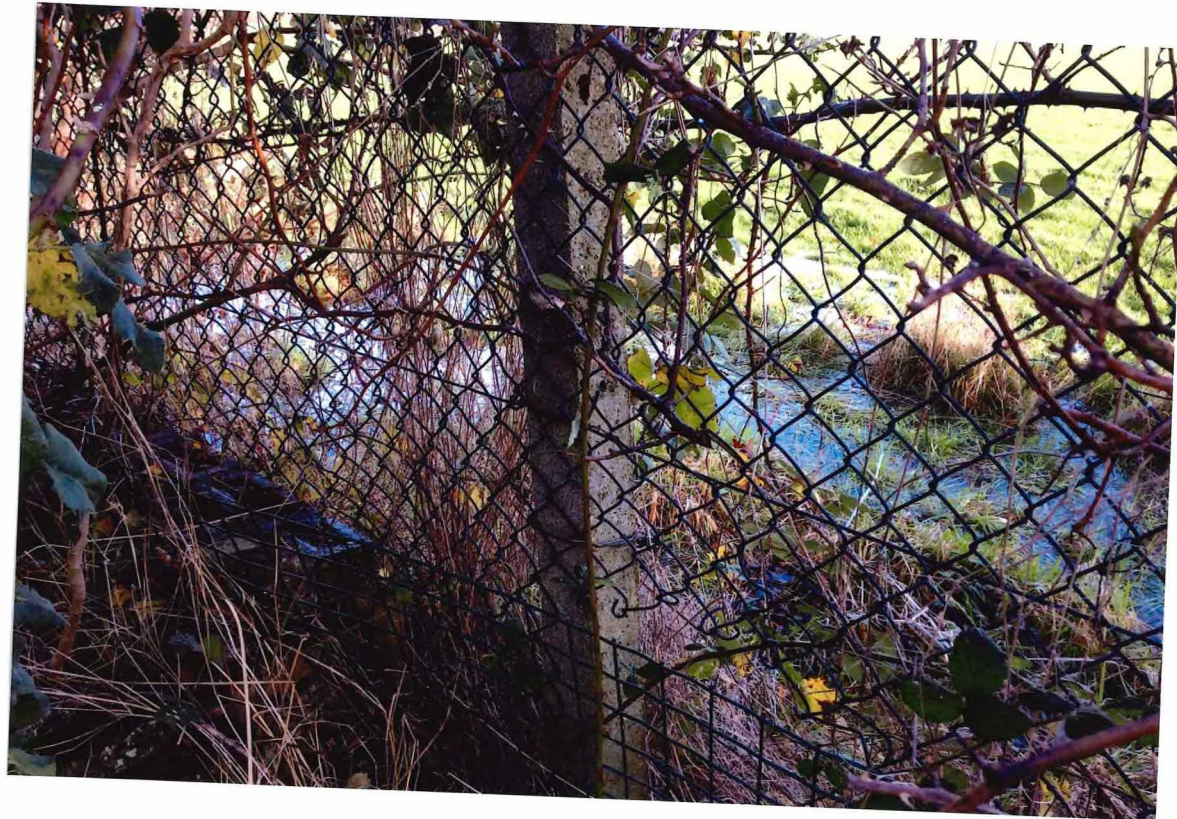
There will be an impact on health facilities – difficult now.

Policing may be over stretched to cover yet another new area.

My opinion: The "Amenity" has too many houses, not enough parking spaces, houses, road cycle paths sited inconsiderately, traffic implications for all users, increased light and air pollution, no local social facilities, no environmental advantages, no help with health facilities, a loss of a beautiful green space which could be used more sympathetically for the entire area.

Yours faithfully





Feb 2024.

Water Runoff boundaries of
50 + 51 Stanwick Grds

The Folley Page 143d Cheltenham

Planning Application for 122 dwellings Ref No: 24/00399/FUL.

The revised planning application has been submitted to Cheltenham Council.

We object to this revised application on the following grounds. (Closing Date 5th December 2024)

No traffic management or access information for HGV vehicles has been provided for the proposed build.

Danger to human life due to narrow paths and the current daily volume of traffic, increasing during race meets. Road infrastructure currently insufficient for purpose.

Significant noise and air pollution in an already populated area in close proximity to Gardners Lane School.

There is significant loss of sport pitches , which are needed for local clubs and people.

There would be a significant loss of wildlife habitat and wildlife: (no proposed rehoming or provision has been included in the application)

With 4300 homes to be built on the adjacent Elm Park development, the loss of The Folley open green space, which is a vital mental , emotional and physical asset for local people will be hugely damaging.

There is concern that the increase in traffic on an extremely busy road, which is already a traffic accident area, will lead to more damage and potential injury.

We the undersigned object to this planning proposal.

NAME.

ADDRESS.

37	STANWICK DRIVE
37	" "
40	" "
42	Stanwick Drive
44	" "
44	" "
45	" "
24	" "
38	" "
23	

NAME

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ADDRESS

29 STANWICK DRIVE

56 STANWICK DRIVE

3 DISTON CLOSE

3 DISTON CLOSE

52 STANWICK DRIVE

32 Stanwick Drive

47 STANWICK DRIVE

47 STANWICK DRIVE

55 STANWICK DR.

25 STANWICK DRIVE

18 Stanwick Drive, Chelt

26 " " " "

~~27 Stanwick Drive, Chelt~~

27 Stanwick Drive, Chelt.

8 STANWICK DRIVE CHELT

31 STANWICK DR CHELT.

31 STANWICK DRIVE, CHELT

59 STANWICK DRIVE CHELT

35 STANWICK DRIVE

The Folley Swindon Road Cheltenham.

Objection Petition

Planning Application for 122 dwellings Ref No: 24/00399/FUL.

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Danger to human life due to narrow paths and the current daily volume of traffic increaseing during race meets. Road infrastructure currently insufficient for purpose

Significant noise and air pollution in an already populated area in close proximity to Gardeners Lane school .

There is significant loss of sports pitches, which are needed for local clubs and people

There would be a significant loss of wildlife habitat and wildlife; (no proposed re homing or prevision has been included in the application).

With some 4300 homes to be built on the adjacent Elms Park development, the loss of the Folley open green space, which is a vital mental, emotional and physical asset for local people will be hugely damaging ;

There's concern that the increase in traffic on an extremely busy road which is already a traffic accident area, will lead to more damage and potential injury.

We the undersigned object to this planning proposal :

Name	Surname	Address	Signed
		PENDERYAN CHURCH STREET NEWENT GL8 1JA	
		FIDDLERS GREEN LANE	
		ALVERTON DRIVE	
		WILEY CRES GL53 9ET	
		GL20 6DA	
		18 Wigeon Lane GL20 7RS	
		— " —	
		3 Distel Close Wymans Brook GL50 4SN	
		WYMAN'S BROOK	
		44 COURTNEY CLOSE GL20 5FB	
		12. Meadow Green Lane	
		23 Wymans Lane	
		236 FINCHWOOD LANE PROSSER WAY CHILTERN	
		=	
		GL50 4PB	
		GL51 4SA	
		GL54 5ET	
		GL51 0UG	

NAME

SURNAME

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SIGNED

1, LINGDALE
RD
CHELTENHAM

15 PEREGRINE
ROAD

67 ST Michaels
Road

53 WARDS
UP HATH
CHELTENHAM

30 Dunster Road
Cheltenham.

THREE TREES
TOSYFIELD
BISHOPS CLEEVE

GL51 19P

GL50 4SP

GL50 4SP

GL5 4SP

57 MEDOC CLOSE
GL50 4SP

7C STANWICK
GL51 DRIVE

77. Stanwick
Drive

GL51 6RZ

GL3 25P

GL3 25P

GL3 3UG

GL51 6DE

[illegible]

[illegible]

Name	Surname	Address	Signed
		11. THOMAS	
		389 Swindon Road	
		377 SWINDON RD	
		SWINDON ROAD	
		345 ROAD	
		397 SWINDON RD	
		481 Swindon Rd	
		381 SWINDON RD	
		373 A SWINDON RD	
		367 Swindon Rd	
		339 SWINDON RD	
		Swindon Rd	
		SWINDON RD	
		SWINDON RD	
		SPRUCK GARDEN	
		THOMOND CLOSE	
		Thomond Close	
		THOMOND CLOSE	
		THOMOND CLOSE	
		2 THOMOND CLOSE	

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Name	City	State	Postal Cod	Country	Date	Comment
	Barnsley	England	S70	UK	#####	"The whole area is to congested as it is. We
	Cheltenham	England	GL51 9LH	UK	#####	"Building house's on green space will displac
	Cheltenham	England	GL50 4Sp	UK	#####	"I am totally against this 112 housing projec
	glos	England	g l519jp	UK	#####	"I'm against the development. The road just
	Cheltenham	England	GL50	UK	#####	"The roads around here are manic during ru
	Gloucester		GL4	UK	#####	"I am opposed to development of all our gre
	Falmouth	England	tr11 3lq	UK	#####	"As important as it is to build new and affor
	Cheltenham	England	GL504SG	UK	#####	"You are not building a school or doctors for
	stroud	England	gl5 3px	UK	#####	"Our green spaces must be protected. Ther
	Cheltenham	England	GL50	UK	#####	"I'm not opposed to housing but I am oppos
	GLOUCEST	England	GL504SD	UK	#####	"The Folley, a green space cherished by mar
	Cheltenham	England	gl519lf	UK	#####	"The Folley backs on to the back of our hou
	Gloucester		GL4	UK	#####	"God help us. The Russians are threatening
	Cheltenham	England	GL50	UK	#####	"This area is important to local residents an
	Cheltenham	England	GL50	UK	#####	"We must fight for these green spaces and t
	Cheltenham	England	gl50 4rt	UK	#####	"Green spaces need to be protected for wilk

ce all the wildlife in the area. With no new roads or infrastructure these houses will only add to the already cl
t for numerous reasons! Excess traffice on already too busy inadequate roads, not enough child spaces at the
: cannot take the amount of traffic this will bring. Side Roads are already struggling and there are a couple of d
ish hours, the infrastructure can not cope with more traffic! With the other new developments in Swindon villi

dable housing we also need to protect our green spaces. This green space provides essential habitats to wildli
r the people who will be living there!!! The schools are already full!!! Build proper infrastructure!!!!!!"

sed to the overcrowding of an already highly populated area . Hence turning it into a ghetto ,with additional st
ry local residents and host to various sporting activities, is under threat.This land not only serves as a leisure sp
se and we are the only houses at the back that will be over looked as looking at plans the other houses will be
World War 3 and the builders want to build in every green inch of this country. We need to address the issue
d local wildlife in an area that is built up and congested. There are better brownfield sites in Cheltenham that

school, entrance on an already dangerous bend on a narrow road! loss of green space, environmental issues dangerous junctions as it is. The loss of green space is just heartbreaking also the loss of wildlife if this goes ahead it's going to bring carnage! The green space is beautiful and home to so much wildlife, we need to save some life, as well as provides an outdoor space for us to enjoy, play and exercise in. We do not need to squeeze cooking

rain on the local services that are already struggling. With no A & E in Cheltenham it is not suitable. By all means space but is also a habitat for badgers, slow worms, bats, and foxes. Several trees on this property hold a preservation side on when I asked if this can be changed no one has wanted to listen. The traffic is also a massive problem in

like excess air pollution, flooding and the poor wildlife that live in and around the folley why are they not protected. The amount of cars this development will bring is more than the Swindon Road can cope with."

tie cutter houses into the smallest of gaps, changing the landscape for generations to come and creating congestion

ervation order, emphasising its significance as an ecological refuge within Cheltenham. Too many green spaces in an already busy built up area with side roads full of parked cars. The wildlife is also at risk we have bats and f

oxes living in the folly. I am against this going ahead."

Name	City	State	Postal Cod	Country	Signed On
	se			UK	#####
	Cheltenham	England	GL50	UK	#####
	Cheltenham	England	GL50	UK	#####
	glos	England	g l519jp	UK	#####
	Cheltenham	England	GL50 4RS	UK	#####
	Cheltenham	England	GL50 4SD	UK	#####
	Cheltenham	England	GL52	UK	#####
	Cheltenham	England	GL519lf	UK	#####
	Cheltenham	England	GL50 4SD	UK	#####
	Cheltenham	England	GL51 9LF	UK	#####
	Cheltenham	England	GI50 4SS	UK	#####
	Mexborou	England	S64	UK	#####
	Cheltenham	England	GI50 4SP	UK	#####
	Plymouth		PL4	UK	#####
	Cheltenham	England	GL51	UK	#####
	Southamp	England	SO45	UK	#####
	Cheltenham	England	GL51 9LH	UK	#####
	Cheltenham	England	GL51	UK	#####
	Cheltenham	England	GL50 4Sp	UK	#####
	Cheltenham	England	GI504sp	UK	#####
	CHELTENH	England	GL504SP	UK	#####
	Cheltenham	England	GL51	UK	#####
	Gloucester		GL4	UK	#####
	Ormskirk	England	L39	UK	#####
	Gloucester		GL4	UK	#####
	Cheltenham	England	gl50 3je	UK	#####
	Royal Lean	England	CV31	UK	#####
	Newbury	England	RG20	UK	#####
	Cheltenham	England	GL51	UK	#####
	Cheltenham	England	GL50 4RT	UK	#####
	Cheltenham	England	GL50 4SS	UK	#####
	Cheltenham	England	GI50 4ss	UK	#####
	Gloucester	England	GL1	UK	#####
	Gloucester		GL4	UK	#####
	Cheltenham	England	GL504SS	UK	#####
	Lutterwort	England	le17 4db	UK	#####
	Rochdale	England	OL11	UK	#####
	Cheltenham	England	GL51	UK	#####
	Cheltenham	England	GL52	UK	#####
	Gloucester	England	GL4	UK	#####
	Kiddermin	England	DY10	UK	#####
	Cheltenham	England	GL51	UK	#####
	Gloucester		GL3	UK	#####
	Wolverhampton		WV1	UK	#####
	Gloucester	England	GL1	UK	#####
	Cheltenham	England	GL50	UK	#####
	Cheltenham	England	GL51	UK	#####
	Bristol		BS1	UK	#####
	Chazelles		16380	France	#####

Birmingham	B5	UK	#####
Bristol England	Bs15 3ju	UK	#####
Great Maln England	GL20 8ep	UK	#####
Glasgow Scotland	G42	UK	#####
Cheltenham England	GL51 9JB	UK	#####
Glasgow Scotland	G32	UK	#####
Gloucester	GL3	UK	#####
Gloucester	GL4	UK	#####
Gloucester	GL1	UK	#####
Cheltenham England	GL53	UK	#####
Tewkesbur England	GL20	UK	#####
Cheltenham England	GL51	UK	#####
Cheltenham England	GL51	UK	#####
Cheltenham England	GL51	UK	#####
Cheltenham England	GL52	UK	#####
Birmingham England	B11	UK	#####
Cheltenham England	GL50	UK	#####
Cheltenham England	GL52	UK	#####
Cheltenham England	GL504pb	UK	#####
Gloucester England	GL2	UK	#####
Cheltenham England	GL50	UK	#####
Gloucester England	GL4	UK	#####
Cheltenham England	GL50	UK	#####
Cardiff Wales; Cyr	CF24	UK	#####
Gloucester	GL1	UK	#####
Cheltenham England	GL51	UK	#####
Cheltenham England	GL50 4RH	UK	#####
Wittenbach	9300 Sweden		#####
Salisbury England	SP5	UK	#####
Minehead England	TA24	UK	#####
Cheltenham England	GL51	UK	#####
Gloucester	GL3	UK	#####
Cheltenham England	GL50 4SD	UK	#####
Cheltenham England	GL50	UK	#####
Cheltenham England	GL51 7HB	UK	#####
Cheltenham England	GL51	UK	#####
Gloucester England	GL3	UK	#####
Cheltenham England	GL51 0WG	UK	#####
Leeds England	LS8	UK	#####
Cheltenham England	GL51	UK	#####
Gloucester	GL4	UK	#####
Swindon	SN2	UK	#####
Cheltenham England	GL51	UK	#####
Gloucester England	GL4	UK	#####
Gloucester England	GL4	UK	#####
Telford England	TF7 5TH	UK	#####
Cheltenham England	GL50	UK	#####
Gloucester	GL1	UK	#####
Birmingham England	B19	UK	#####
Gloucester	GL4	UK	#####

Gloucester	GL1	UK	#####
Gloucester England	GL4	UK	#####
Gloucester	GL4	UK	#####
Royal Leam England	CV31	UK	#####
Cheltenham England	GL51	UK	#####
Portsmouth England	PO13 9RY	UK	#####
Hull England	HU13 9DS	UK	#####
Cheltenham England	GL53	UK	#####
Cheltenham England	GL51	UK	#####
Whitchurch England	SY13	UK	#####
Tewkesbury England	GL20	UK	#####
Gloucester	GL1	UK	#####
Cheltenham England	GL504SU	UK	#####
Cheltenham England	GL52	UK	#####
Frome England	BA11	UK	#####
Witney England	OX28 5BU	UK	#####
Garsington England	OX44	UK	#####
Cheltenham England	GL50	UK	#####
Cheltenham England	GL50 4SZ	UK	#####
Cheltenham England	GL50	UK	#####
Cheltenham England	GL51	UK	#####
Cheltenham England	GL50	UK	#####
Cheltenham England	GL51 9JZ	UK	#####
Treorchy Wales; Cyr	CF42	UK	#####
Cheltenham England	GL50	UK	#####
Cheltenham England	GL50	UK	#####
Cheltenham England	GL50 4GF	UK	#####
Newport Wales; Cyr	NP19	UK	#####
Cheltenham England	GL51	UK	#####
Alfreton England	DE55	UK	#####
Edinburgh Scotland	eh151le	UK	#####
Gloucester England	GL1	UK	#####
Swindon	SN1	UK	#####
Gloucester	GL1	UK	#####
Cheltenham England	GL52 5AA	UK	#####
Gloucester England	GL2	UK	#####
Cheltenham England	gl51 9je	UK	#####
Madrid	28019	Spain	#####
Cardiff Wales; Cyr	CF24	UK	#####
Cheltenham England	GL51 9bd	UK	#####
City of We England	W2	UK	#####
Camden	NW1	UK	#####
Cheltenham England	GL51 9lf	UK	#####
Cheltenham England	GL54 4LX	UK	#####
Cheltenham England	GL50 4SP	UK	#####
George Town	11060	Malaysia	#####
Poortvliet Nebraska	4693EG	US	#####
Northampton	NN3	UK	#####
Cheltenham England	GL52	UK	#####
Hereford England	HR1	UK	#####

Cheltenham	England	GL504sy	UK	#####
Gloucester		GL	UK	#####
Buitenpost		9285VZ	Netherlands	#####
Cheltenham	England	GL59jz	UK	#####
Welling	England	DA16	UK	#####
Stroud	England	GL5	UK	#####
Newbury	England	RG14 7HW	UK	#####
Saint-Pierre-d'Albigny		73250	France	#####
Cheltenham	England	GL51	UK	#####
Liverpool			UK	#####
Cheltenham	England	GL50	UK	#####
Cheltenham	England	GL50 4TA	UK	#####
Cheltenham	England	GL51	UK	#####
Newport	Wales; Cymru	NP19	UK	#####
Corsico		20094	Italy	#####
Cheltenham	England	GL51 7EF	UK	#####
Gloucester	England	GL1	UK	#####
Cheltenham	England	GL51	UK	#####
Cheltenham	England	GL50 4SY	UK	#####
Gloucester	England	GL50	UK	#####
Gloucester	England	GL4	UK	#####
Cheltenham	England	GL50 4SR	UK	#####
Cheltenham	England	GL53	UK	#####
Gloucester	England	GL4	UK	#####
Chepstow	Wales; Cymru	NP16	UK	#####
Gloucester	England	GL1	UK	#####
Cheltenham	England	GL50	UK	#####
Cheltenham	England	GL504BL	UK	#####
Cheltenham	England	gl504sq	UK	#####
Cheltenham	England	GL52	UK	#####
Kensington		W8	UK	#####
Cheltenham	England	GL53	UK	#####
Cheltenham	England	GL51	UK	#####
Hospitalet de Llobregat		8905	Spain	#####
Cheltenham	England	GL51	UK	#####
Hamburg		20144	Germany	#####
Camden	England	NW1	UK	#####
Cheltenham	England	GL50	UK	#####
Cheltenham	England	GL51 9BX	UK	#####
Cheltenham	England	GL50	UK	#####
Cheltenham	England	GL504SG	UK	#####
Cheltenham	England	GL50	UK	#####
Cheltenham	England	GL50	UK	#####
Birmingham	England	b14 7sr	UK	#####
Cheltenham	England	GL51	UK	#####
Bristol	England	BS16	UK	#####
Cheltenham	England	GL50 4Su	UK	#####
Nurnberg		90443	Germany	#####
Camden	England	NW5	UK	#####
Cheltenham	England	GL519ju	UK	#####

Calvia	7196	Spain	#####
Cheltenham England	GL50 4RH	UK	#####
Cheltenham England	GL53	UK	#####
	WA2	UK	#####
Tewksbury England	GL207rx	UK	#####
Stroud England	GL5 3px	UK	#####
Gloucester England	GL28eb	UK	#####
Bargoed Wales; Cyr	CF81	UK	#####
Mouroux	77120	France	#####
Cheltenham England	GL50	UK	#####
Gloucester	GL1	UK	#####
Cheltenham England	GL51	UK	#####
Gloucester	GL4	UK	#####
Gloucester England	GL504RH	UK	#####
Gloucester	GL4	UK	#####
Gloucester England	GL51	UK	#####
Upper Riss England	GL54	UK	#####
Cheltenham England	GL50 4RF	UK	#####
Santiago		Chile	#####
Gloucester Wales; Cyr	GL4	UK	#####
Gloucester England	GL4	UK	#####
Gloucester England	GL3	UK	#####
Gloucester	GL2	UK	#####
Gloucester	GL4	UK	#####
Gloucester England	GL4	UK	#####
Gloucester England	GL4	UK	#####
Montevideo		Uruguay	#####
Gloucester England	GL51 9HX	UK	#####
Cheltenham England	GL53	UK	#####
Cheltenham England	GL519JP	UK	#####
Widnes	WA8	UK	#####
Gloucester	GL3	UK	#####
Gloucester England	GL2	UK	#####
Cheltenham England	GL51 9LF	UK	#####
Gloucester England	GL3	UK	#####
Slough	SL1	UK	#####
Stroud	GL5	UK	#####
Cheltenham England	GL51	UK	#####
Cheltenham England	GL50 4lh	UK	#####
Georgetown		Malaysia	#####
Szatymaz		Hungary	#####
Camden England	NW1	UK	#####
Coventry	CV1	UK	#####
Cheltenham Wales; Cyr	NP11	UK	#####
Cheltenham England	GL50	UK	#####
Cheltenham England	GL50 4RS	UK	#####
Cheltenham England	GL52	UK	#####
Munich	81667	Germany	#####
Cheltenham England	GL50	UK	#####
Gloucester	GL2	UK	#####

Newport	Wales; Cyr	NP10	UK	#####
e Charlton Kings		gl526pu	Portugal	#####
a Cheltenham	England	GL51	UK	#####
o Gloucester	England	GL4	UK	#####
n Cheltenham	England	GL50	UK	#####
Cheltenham	England	GL51	UK	#####
V Gloucester		GL4	UK	#####
x Gloucester		GL4	UK	#####
e Cheltenham	England	GL50	UK	#####
Gloucester	England	GL3	UK	#####
Gloucester		GL1	UK	#####
Palma		7600	Spain	#####
a Cheltenham	England	GL52 2JW	UK	#####
H Gloucester		Ggl4 4nr	UK	#####
r Cheltenham	England	GL519JB	UK	#####
Birmingham	England	B13	UK	#####
a Northampton		NN1	UK	#####
e Gloucester	England	GL3	UK	#####
f Bromsgrov	England	B61	UK	#####
Camden	England	NW1	UK	#####
Cheltenham	England	GL51	UK	#####
Gloucester		GL4	UK	#####
Cheltenham	England	GL51 0lw	UK	#####
c Gloucester	England	GL4	UK	#####
J Cheltenham	England	GL51	UK	#####
y Cheltenham	England	GL51	UK	#####
n Cheltenham	England	GL50 4SZ	UK	#####
a Cheltenham	England	GL51	UK	#####
e Cheltenham	England	GL51	UK	#####
Gothering	England	GL52 9EY	UK	#####
e Gloucester		GL4	UK	#####
r Cheltenham	England	GL52 3DU	UK	#####
Cheltenham	England	GL50 4RH	UK	#####
Cheltenham	England	GL504TE	UK	#####
Ware	England	SG12	UK	#####
g Tuffley	England	GL4 0LS	UK	#####
y Cheltenham	England	GL510ej	UK	#####
l Fulham	England	W12	UK	#####
k Worcester	England	WR8 0BS	UK	#####
r Swindon		SN1	UK	#####
a Chadlingto	England	OX7 3LQ	UK	#####
Cardiff	Wales; Cyr	CF24	UK	#####
l Norton	England	GL2 9NE	UK	#####
i Evesham	England	WR11	UK	#####
Ampney C	England	GL7 5TE	UK	#####
Swindon		SN1	UK	#####
Cirenceste	England	GL7 1JP	UK	#####
Gloucester	England	GL2 2ar	UK	#####
Tetbury	England	GL8 8SR	UK	#####
Broadway	England	WR12	UK	#####

Cheltenham	England	GL53 9AJ	UK	#####
Swindon		SN3	UK	#####
Gloucester		gl1	UK	#####
Cheltenham	England	GL51	UK	#####
Gloucester		GL7	UK	#####
Tewkesbury	England	GL20 8TQ	UK	#####
CHELTENH	England	GL54 5HL	UK	#####
Cheltenham	England	GL51	UK	#####
Highworth		sn6	UK	#####
Cheltenham	England	GL52 5QG	UK	#####
Cheltenham	England	GL50	UK	#####
Gloucester	England	GL11	UK	#####
Gloucester		GL2	UK	#####
Cheltenham	England	GL53 7RR	UK	#####
Tewkesbury	England	GL20	UK	#####
Tewkesbury	England	GL20	UK	#####
Long Hanborough	England	OX29 8JN	UK	#####
Kempsey	England	GL7 4EQ	UK	#####
Woodman	England	GL52 9PX	UK	#####
Worcester	England	WR5 2DJ	UK	#####
Bishops Cleeve	England	GL52 8SZ	UK	#####
Gloucester		GL4	UK	#####
Cheltenham	England	GL53 0QA	UK	#####
Upton	England	CH49	UK	#####
Swindon	England	SN1 4LU	UK	#####
Swindon	England	SN1 4LE	UK	#####
Cheltenham	England	GL51	UK	#####
Cheltenham	England	GL51 7ET	UK	#####
Bishops Cleeve	England	GL52 8BY	UK	#####
Tetbury		GL8	UK	#####
Kempsey	England	WR5 3NN	UK	#####
Cheltenham	England	GL51 0qg	UK	#####
Cheltenham	England	GL51	UK	#####
Cheltenham	England	GL52 8BY	UK	#####
Poultton		FY6	UK	#####
Cirencester	England	GL7 1EF	UK	#####
Shilton		CV7	UK	#####
Cheltenham	England	gl53 8ah	UK	#####
Witney	England	Ox28 1ep	UK	#####
Cheltenham	England	GL50	UK	#####
Cheltenham	England	GL52 8SZ	UK	#####
Stroud	England	GL5 1UN	UK	#####
Croydon	England	CR0	UK	#####
Cheltenham	England	GL52 6SB	UK	#####
Cheltenham	England	GL514TX	UK	#####
Chipping Norton		OX7	UK	#####
Cheltenham	England	GL50	UK	#####
Swindon		SN4	UK	#####
Cheltenham	England	GL50	UK	#####
Minety	England	SN16 9RQ	UK	#####

Cheltenham England	GL529QD	UK	#####
Cheltenham England	GL52 6BE	UK	#####
Cheltenham England	GL52	UK	#####
Harvington England	WR11 8PU	UK	#####
Cheltenham England	GL51	UK	#####
Newent England	GL18 4HN	UK	#####
Droitwich England	WR9 8TQ	UK	#####
Gloucester England	GL4 6UG	UK	#####
Cheltenham England	GL51	UK	#####
Cheltenham England	GL52 3JT	UK	#####
Cheltenham England	GL52 8EL	UK	#####
Birmingham England	B28	UK	#####
Gloucester England	GL6 8JW	UK	#####
Cheltenham England	GL50	UK	#####
Tewkesbury England	GL20 7RL	UK	#####
Cheltenham England	GL522SG	UK	#####
Gloucester England	GL28AY	UK	#####
Cheltenham England	gl516dz	UK	#####
Coleford England	GL16 8NB	UK	#####
Callow End England	Wr2 4tl	UK	#####
Gloucester England	gl1 4nt	UK	#####
Malvern England	WR14	UK	#####
Cheltenham England	GL52	UK	#####
Cheltenham England	GL50	UK	#####
Monmouth Wales; Cymru	NP254HZ	UK	#####
Cinderford England	gl143ae	UK	#####
Marston England	SN6 6LL	UK	#####
Hereford	HR8	UK	#####
Gloucester	GL1	UK	#####
Cinderford England	GL14	UK	#####
Cheltenham England	GL52 8tf	UK	#####
Great Malvern England	WR14	UK	#####
Stratford-upon-Avon England	CV37	UK	#####
Cheltenham England	GL52	UK	#####
Cheltenham England	GL53	UK	#####
Gloucester	GL3	UK	#####
Stratford-upon-Avon England	GL19 4RA	UK	#####
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Tewkesbury England	GL20	UK	#####
Gloucester	GL4	UK	#####
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Evesham England	WR11	UK	#####
Gloucester	GL1	UK	#####
Cirencester	GL7	UK	#####
Cheltenham England	GL53	UK	#####
Coleford England	GL16 8PU	UK	#####
Church Wootton Bassett England	OX7 6SJ	UK	#####
Elkstone England	GL539PL	UK	#####
Carterton England	OX18 3RJ	UK	#####
CHELTON ENGLAND	GL52 8NU	UK	#####

Gloucester	GL2	UK	#####
Cheltenham England	GL53 9AE	UK	#####
Gloucester	GL1	UK	#####
Swindon England	sn3 1dd	UK	#####
Gloucester	GL1	UK	#####
Gloucester England	GL2 4RU	UK	#####
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Cheltenham England	GL50 2RE	UK	#####
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Cheltenham England	GL50 3PR	UK	#####
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Stroud England	GL5 1JW	UK	#####
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Bishops Cl: England	GL52 8AT	UK	#####
Gloucester	GL4	UK	#####
Cheltenham England	GL52	UK	#####
Winstone England	GL7 7JZ	UK	#####
Cheltenham England	GL51	UK	#####
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Hereford England	HR4 0HX	UK	#####
Evesham England	WR11	UK	#####
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Stroud England	GL6 7 JQ	UK	#####
Chipping Norton	OX7	UK	#####
Cheltenham England	GL53	UK	#####
c Ross on w: England	HR9 5TG	UK	#####
g Cheltenham England	GL52 8YU	UK	#####
c Cheltenham England	GL51	UK	#####
v Cheltenham England	GL53	UK	#####
e Chipping Norton	OX7	UK	#####
P Witney England	Ox28 1hn	UK	#####
n Charlton England	SE78JQ	UK	#####
u Cheltenham England	GL52 3JA	UK	#####
n Gloucester	GL4	UK	#####
r Newent England	gl18 1pw	UK	#####
t Swindon England	SN3 1BQ	UK	#####
r Cheltenham England	gl50 4rt	UK	#####
n Cheltenham England	GL51 9JB	UK	#####
: Tewkesbur England	GL20 6EG	UK	#####
e Cheltenham England	GL52 5LX	UK	#####
r Bordeaux	33000	France	#####
a Cheltenham England	GI51 3ay	UK	#####
g Walthams: England	E17	UK	#####
Bristol England	BS35	UK	#####
n Burnham-on-Sea	TA8	UK	#####

Gloucester England	GL1 3LG	UK	#####
Dartmouth England	TQ6 9JQ	UK	#####
Birmingham	B1	UK	#####
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Gloucester England	GL3 3RQ	UK	#####
Gloucester	GL4	UK	#####
Swindon. England	SN3 6HQ	UK	#####
Cheltenham England	GL54	UK	#####
Evesham England	wR11 3er	UK	#####
Worcester England	WR5 3FR	UK	#####
Sedgeberr England	Wr117fj	UK	#####
Gloucester England	GL2 2gq	UK	#####
Faringdon	SN7	UK	#####
Cheltenham England	GL51	UK	#####
Milton Key England	MK10	UK	#####
Pamber Hc England	RG26 3EL	UK	#####



Page 166 The Planning Inspectorate

An Executive Agency in the Department of the Environment and the Welsh Office

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GTN 1374

David Hicken Associates
Chartered Town Planners
Southgate House
High Banks
Loose
MAIDSTONE Kent
ME15 0WQ

Your Ref: MFP/1875/1879

Our Refs:
T/APP/B1605/E/92/809137/P5
T/APP/B1605/A/92/208356/P5
T/APP/B1605/A/92/208355/P5

Date:

12 MAR 93

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78, SCHEDULE 6;
PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990,
SECTION 20 AND SCHEDULE 3

APPEALS BY CHELTENHAM & GLOUCESTER COLLEGE OF HIGHER EDUCATION
APPLICATION NOS: CBC 0184/00; CB 18624/03; CB 18622/01

1. As you know, I have been appointed by the Secretary of State for the Environment to determine the above mentioned appeals. These appeals are against the failure of the Cheltenham Borough Council to determine, within the prescribed periods, applications for:

A. conservation area consent for the demolition of the chapel, 2 lecture rooms, student union, 2 storage buildings and double garages, plus alteration works associated with the erection of a new Central Complex;

B. planning permission for the erection of a Learning Centre building and for the erection of a Central Complex building including lecture rooms, hall and student union facilities, plus the provision of parking, landscaping and ancillary works;

both on land at The Park Campus, The Park, Cheltenham; and

C. outline planning permission for the erection of a 350 place student residence and a replacement sports pavilion, plus the provision of car, coach and cycle parking and ancillary works;

on land at The Folley, Swindon Road, Cheltenham.



APPEAL A : THE PARK : CONSERVATION AREA CONSENT

38. As I have already indicated, no significant objection to the demolition of the existing teaching and student union buildings within the College Campus at the Park was raised at the inquiry. They comprise a number of small modern structures of no architectural merit, which are insignificant in relation to the Campus as a whole and in views from outside it. They add nothing, I conclude, to the present character or appearance of the conservation area.

39. Policies 118 and 119 of the adopted Local Plan say that permission to demolish buildings in a conservation area, which are not of the 19th century or earlier and therefore making a contribution to the area, will not normally be given until detailed development proposals have been approved and contracts signed for that development. That latter point echoes the advice in Circular 8/87.

40. I have already decided, in relation to Appeal B, that the Central Complex should be granted planning permission and that the replacement of the existing buildings would enhance the conservation area. Subject, therefore, to conditions tying the consent to the letting of a contract for redevelopment, and to protect visually significant trees close to the existing buildings, I conclude that consent to demolish would be consistent with the Local Plan and would thus be appropriate.

APPEAL C : THE FOLLEY : OUTLINE PLANNING PERMISSION

41. From my visit to the site and its surroundings and from my consideration of the evidence and representations, I have come to the conclusion that the main issues in this appeal are:

- a] whether the proposed development would result in a loss of a significant open space, such as to erode the visual amenities of the locality to an unacceptable degree; and whether the need for student accommodation outweighs any harm so caused;
- b] whether a safe visibility splay can be achieved at the junction of Gardners Lane and Swindon Road, having regard to the effect on trees;
- c] whether the proposed development would result in an overdevelopment of the site, such as to significantly diminish the working and learning environment of the nearby schools and animal shelter, having regard particularly to traffic congestion and daylighting.

rationalisation plans. As a material consideration, I note that Policy GE2 of the draft replacement Local Plan would permit the loss of open spaces if it is development essential to the town for which there is no acceptable alternative. Unlike the situation at The Park in Appeal B, I am not convinced that the proposed development has to be provided on this site, which is not directly related to College teaching premises. I heard evidence, for example, that there are alternative sites which may be able to be developed in Cheltenham, although I note that the Council have not identified any in the draft Local Plan. It is also relevant that the urgency to build new flats has partly created in the short term by the disposal policy being followed by the College with respect to existing student accommodation.

X 47. I conclude, therefore, that the proposed development would result in a loss of a sense of openness which would be significant for the town, such as to erode the visual amenities of the locality to an unacceptable degree; and that the need for student accommodation does not outweigh the harm so caused. That loss would not be in accord with Policy 103 of the Local Plan - nor the principles of Planning Policy Guidance Note 17, which stresses the value of open space in urban areas, even if it is not accessible to the public for active recreation.

Other issues

48. My conclusions on the first issue raise matters of principle which inevitably must lead to the application being refused planning permission. I turn, therefore, more briefly to the other issues.

49. On my second issue, access to the development would be via the existing Gardners Lane, a private track serving the present pavilions, two schools and a day centre, and an animal welfare centre. Visibility at the junction with Swindon Road (a local distributor carrying a significant volume of traffic) is sub-standard. It is proposed to limit the additional traffic (and hence the number of parking spaces) to the flats by enforcing a ban on students having cars whilst in residence. That is the subject of College regulations and a S.106 unilateral obligation, completed before the end of the inquiry [Doc.49]. It is also proposed, as a part of the development, to improve the width and surfacing of Gardners Lane and to improve the visibility at the Swindon Road Junction by opening up the corner and demolishing an existing high fence.

50. However, in order to achieve a full standard of 4.5m x 90m it would be necessary to fell existing trees along Swindon Road, trees which make a significant contribution to the character of the area. It would, however, be possible to keep the trees within the splay (as can be permissible within the County Council's standards). That would result in a clear

visibility of 2.4m x 60m and intermittent visibility beyond that. The Council are opposed to this, pointing to the danger of cyclists and other road user being hidden from view behind the trunks.

51. The improvements to the access are to be welcomed, and the limitations on vehicular use from a car ban (the pavilion replacement would not necessarily benefit from that but that access exists now in a more dangerous form) would limit the risk for car users. However, it is College policy, in pursuit of their environmental strategy, to encourage cycling between campus and residences. Cycle racks are to be provided. Although, therefore, there are benefits to existing users from a realigned (if still sub-standard) access, I remain concerned that slower moving cyclists using the junction would be at some risk if the trees remain within the visibility splay. To lose the trees would be very damaging to the character of the area.

52. I conclude, therefore, that a safe visibility splay would not be achieved at the junction of Gardners Lane and Swindon Road, having regard to the effect on trees.

53. Turning to my third issue - of overdevelopment - the improved Gardners Lane includes a proposals (also covered by the S.106 undertaking) to provide dedicated parking spaces for the staff of the school and day centre - who currently park on the lane. There is concern that that would still result in congestion at peak times of the school day, when that potential problem is added to the limited turning facilities provided for coaches at the lane end. On balance, I regard the package of improvement to be of benefit rather than a harm. The limited use of the pavilion by traffic, the new car parking spaces, the improved road surfacing and separate footpaths - all point to a better situation than now, without congestion given the differing times of use of the various users of Gardners Lane.

54. A final point of concern, to Elmfield School, is the effect of the flats on daylighting and sunlighting within the classrooms across the lane. The classrooms rely on light from the west only and their existing levels of illumination are limited. However, that is partly due to the existing trees along Gardners Lane which would mostly remain, with the flats beyond. A thorough analysis of the daylighting and sunlighting levels to be expected from two alternative forms of flat development has been carried out by the appellant's architect, using the latest guidance from the Building Research Establishment. From that and my own assessment on site, I am satisfied that there would be no significant loss of daylight, view of the sky or sunlight within the Junior School classrooms.

55. I conclude, therefore that the proposed development would not result in an overdevelopment of the site, such as to significantly diminish the working and learning environment of

the nearby schools and animal shelter, having regard particularly to traffic congestion and daylighting.

Overall Conclusion

56. The adopted Local Plan seeks to secure the retention of important open spaces in Cheltenham. I regard the survival of an uninterrupted view across The Folley as being an essential part of such a space. In addition, development of the scale proposed for students would (despite measures to alleviate overdevelopment, traffic congestion and conflict) result in an unsafe access to Swindon Road. I find no other material considerations which offset those harmful effects.

57. In arriving at my decision to dismiss this appeal, I have had regard to all the other matters raised at the inquiry and in representations to me, including noise from the animal shelter affecting the residents of the flats, and noise from the flats affecting the schools. Those potential problems could be alleviated by the detailed design of the flats. However, neither that, nor any other of the matters raised, are of such weight as to affect my decision.

FORMAL DECISIONS : APPEALS A & B: THE PARK

58. For the reasons given above and in exercise of the powers transferred to me I hereby allow Appeal A and grant conservation area consent for the demolition of the chapel, 2 lecture rooms, student union, 2 storage buildings and double garages, plus alteration works associated with the erection of a new Central Complex, on land at The Park Campus, The Park, Cheltenham; in accordance with the terms of the application (No. CBC 0184/00) dated 13 December 1991 and the plan (Dwg.No. CC.L.01.05.A) submitted therewith, subject to the following conditions:

1. the works hereby permitted shall be begun before the expiration of 5 years from the date of this letter;

2. the demolition hereby permitted shall not be undertaken before a contract for the carrying out the works of redevelopment of the Central Complex site has been made and for which planning permission has been granted under reference CB.18624/03;

3. the demolition hereby permitted shall not be carried out until measures for the protection of trees to be retained on the Central Complex site or adjacent to it have been implemented, in accordance with details to be submitted to and approved by the local planning authority before such measures are taken and in accordance with the advice in BS.5837:1991 or any British Standard as shall supercede it.

The Folley Page 171 d Cheltenham

Planning Application for 122 dwellings Ref No: 24/00399/FUL.

The revised planning application has been submitted to Cheltenham Council.

We object to this revised application on the following grounds. (Closing Date 5th December 2024)

No traffic management or access information for HGV vehicles has been provided for the proposed build.

Danger to human life due to narrow paths and the current daily volume of traffic, increasing during race meets. Road infrastructure currently insufficient for purpose.

Significant noise and air pollution in an already populated area in close proximity to Gardners Lane School.

There is significant loss of sport pitches , which are needed for local clubs and people.

There would be a significant loss of wildlife habitat and wildlife: (no proposed rehoming or provision has been included in the application)

With 4300 homes to be built on the adjacent Elm Park development, the loss of The Folley open green space, which is a vital mental , emotional and physical asset for local people will be hugely damaging.

There is concern that the increase in traffic on an extremely busy road, which is already a traffic accident area, will lead to more damage and potential injury.

We the undersigned object to this planning proposal.

NAME.

ADDRESS.

37	STANWICK DRIVE
37	" "
40	" "
42	Stanwick Drive
44	" "
44	" "
45	" "
24	" "
38	" "
23	

NAME

Page 172

ADDRESS

29 STANWICK DRIVE

56 STANWICK DRIVE

3 DISTON CLOSE

3 DISTON CLOSE

52 STANWICK DRIVE

32 Stanwick Drive

47 STANWICK DRIVE

47 STANWICK DRIVE

55 STANWICK DR.

25 STANWICK DRIVE

18 Stanwick Drive, Chelt

26 " " " "

27 Stanwick Drive, Chelt

27 Stanwick Drive, Chelt.

8 STANWICK DRIVE CHELT

31 STANWICK DR CHELT.

31 STANWICK DRIVE, CHELT

59 STANWICK DRIVE CHELT

35 STANWICK DRIVE

The Folley Swindon Road Cheltenham.

Object of Petition

Planning Application for 122 dwellings Ref No: 24/00399/FUL.

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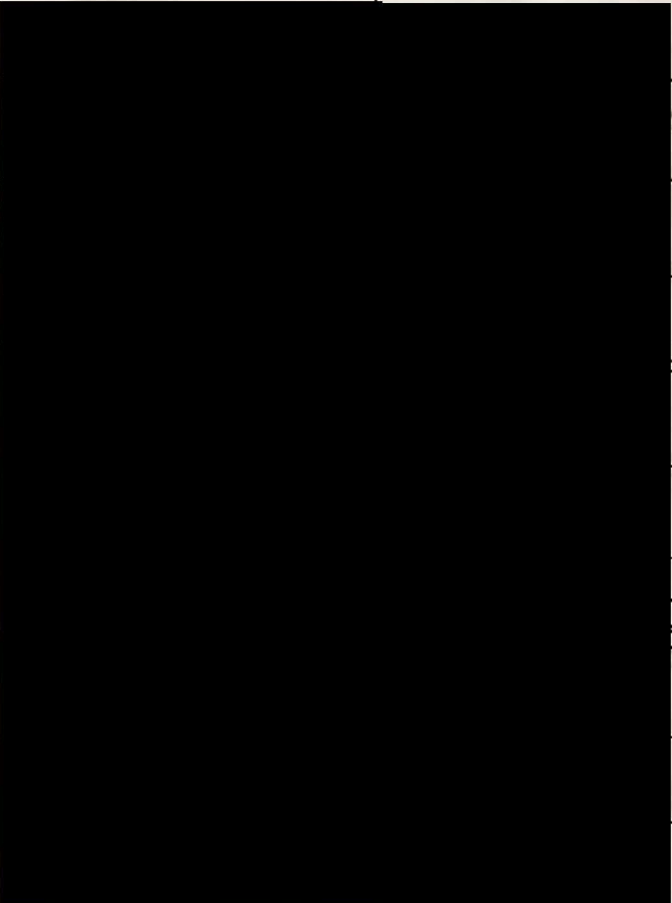
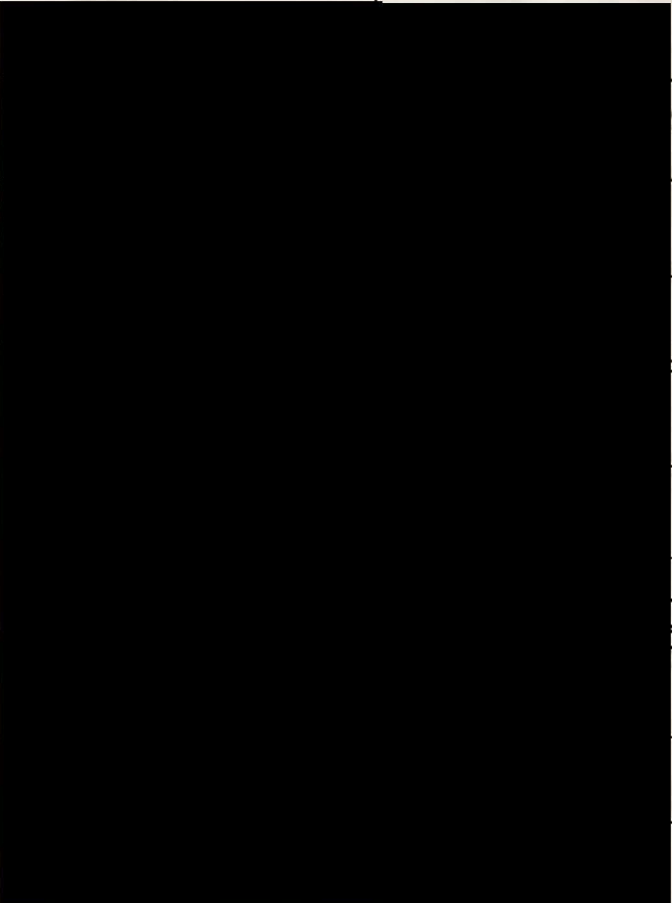
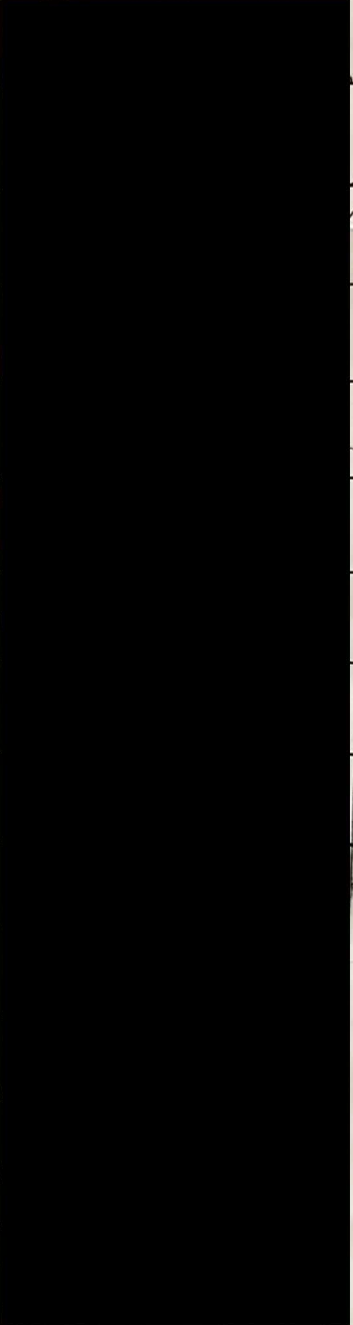
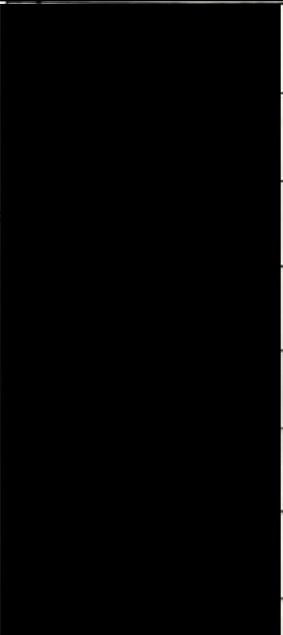

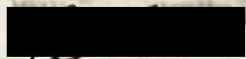

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There would be a significant loss of wildlife habitat and wildlife; (no proposed re homing or provision has been included in the application).

With some 4300 homes to be built adjacent Elms Park development, the loss of the Folley open green space, which is a vital mental, emotional and physical asset for local people will be hugely damaging;

There is concern that the increase in traffic on an extremely busy road which is already a traffic accident area, will lead to more damage and potential injury.

We the undersigned object to this planning proposal:

Name	Surname	Address	Signed
		244 SWINDON ROAD GL51 9N	
		2, Elm Close GL51 9BZ	
		TOWNSEND ST CHERT.	
		GL51 9AH 23 Sun St	
		Townsend St. Chert. GL51	
		Townsend St Chertent	
		GL51 9AH Chert.	
		GL50 4RN	
		GL51 941D	
		GL51 9hd	
		Townsend St Chert.	
		GL51 9BH	
		GL51 0PD	
		GL51 941	
		 GL51 9AH	

Name	Surname	Address	Signed
		PENDERYAN CHURCH STREET NEWENT GL8 1JA	
		FIDDLERS GREEN LANE	
		ALVERTON DRIVE	
		WILEY CRES GL33 9ET	
		GL20 6DA	
		18 Wigeon Lane GL20 7RS	
		— " —	
		3 Distel Close Wymans Brook GL50 4SN	
		WYMAN'S BROOK	
		44 COURTNEY CLOSE GL20 5FB	
		12. Meadow Green Lane	
		23 Wymans Lane	
		236 FINCHWOOD LANE PROSSER WAY CHILTERN	
		=	
		GL50 4PB	
		GL51 4SA	
		GL54 5ET	
		GL51 0UG	

NAME	SURNAME	Page 176S	SIGNED
		1, LANGDALE RD CHELTENHAM	
		15 PEREGRINE ROAD	
		67 ST Michaels Road	
		53 WARDS UP HATH CHELTENHAM	
		30 Dunster Road Cheltenham.	
		THREE TREES TOSYFIELD BISHOP'S CLEEVE	
		GL51 19P	
		GL50 4SP	
		GL504 SP	
		GL5 4SP	
		57 MEDOC CLOSE GL50 4SP	
		76 STANWICK GL51 DRIVE	
		77. Stanwick Drive	
		GL51 GR2	
		GL3 25P	
		GL3 25P	
		GL3 3UG	
		GL51 6DE	

[illegible]

[illegible]

Name	Surname	Address	Signed
		11. THOMAS	
		389 Swindon Road	
		377 SWINDON RD	
		SWINDON ROAD	
		345 ROAD	
		397 SWINDON RD	
		481 Swindon RD	
		381 SWINDON RD	
		373 A SWINDON RD	
		367 Swindon Rd	
		339 SWINDON Swindon Rd	
		SWINDON RD	
		Swindon RD	
		SPRUCK GARDEN	
		THOMOND CLOSE	
		THOMOND CLOSE	
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		2 THOMOND CLOSE	

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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

March/April 2025

Address	Proposal	Delegated or Committee Decision	Appeal Type	Anticipated Appeal Determination Date	Reference
44 Springfield Close The Reddings Cheltenham Gloucestershire GL51 6SF	Erection of 1 metre high fence to side boundaries of front garden (revised scheme to previously refused application ref. 23/01566/FUL) (retrospective)	Delegated Decision	Written representation (Householder)	n/a	Planning Ref: 24/00828/FUL

Appeals being processed

Address	Proposal	Delegated/Committee Decision	Appeal Type	Outcome	Reference
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	Appeal now Withdrawn.	Planning ref: 23/02152/CLPUD Appeal ref: 24/00012/PP1
Little Duncroft Evesham Road Cheltenham Gloucestershire GL52 3JN	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).	Committee Decision	Written Representation	Not Decided	Planning ref: 24/00471/FUL Appeal Ref: 24/00019/PP1

70 Promenade Cheltenham Gloucestershire GL50 1LY	Erection of various signage (3no. logos, 1no. clock sign, 1no. door handle sign and 1no. projecting sign).	n/a	Written representations	n/a	23/01325/ADV and 23/01325/LBC Planning ref: 24/00022/LISTB1 24/00023/ADV1
Holly Blue House London Road Charlton Kings Cheltenham Gloucestershire GL54 4HG	Proposed first-floor extension.	n/a	Written representations (Householder)	n/a	Planning Ref: 24/01692/FUL Appeal Ref: 25/00003/PP1
Little Duncroft Evesham Road Cheltenham Gloucestershire GL52 3JN	Unauthorised building and use	n/a	Written representations (Enforcement)	n/a	Enforcement Ref 24/00103/DCBPC Appeal Ref: 25/00005/ENFAPP
5 Merriville Gardens Cheltenham Gloucestershire GL51 8JD	Proposed alterations and extensions to existing house (part retrospective).	n/a	Written Representations	n/a	Planning Ref 24/01900/FUL Appeal Ref 25/00004/PP1

Land Opposite Ham Close And Adjacent To Ham Road Charlton Kings Cheltenham Gloucestershire	Outline application for the erection of up to 5no. self build dwellings and associated infrastructure, with all matters reserved for future consideration.	n/a	Written representations	n/a	Planning Ref: 24/01123/OUT Appeal Ref: 25/00006/PP1
2 Kingscote Road East Cheltenham Gloucestershire GL51 6JS	Proposed dormer roof extension to existing garage to convert into ancillary bedroom accommodation.	n/a	Written representations	n/a	Planning ref: 12/01703/FUL Appeal Ref:

Appeals Decided

Address	Proposal	Delegated/Committee Decision	Appeal Type	Outcome	Reference
Adey Innovation Ltd Gloucester Road	Demolition of the existing office building and erection of a 66 bedroom care home for older people (Use Class C2) including associated access, parking and landscaping.	Delegated Decision	Appeal Hearing (25.01.23)	Appeal Allowed	Planning ref: 21/02700/FUL Appeal Ref: 22/00027/PP1
The Hayloft The Reddings	Conversion of the existing dwellinghouse into 9 self-contained apartments, and associated works	Committee Decision	Written Representation	Appeal Allowed	Planning ref: 22/00749/FUL Appeal Ref: 22/00028/PP1

159 High Street	Proposed installation of 1no. new BT Street Hub, incorporating 2no. digital 75" LCD advert screens, plus the removal of associated BT kiosk(s) on Pavement Of Winchcombe Street Side Of Hays Travel 159 High Street	Delegated Decision	Written Representation	Appeal A and Appeal B Dismissed	Planning ref: 22/00322/ADV and FUL Appeal ref:22/00021/PP1 and 22/00022/ADV1
3 Apple Close, Prestbury	Replacement of existing conservatory with single storey rear extension. Increase in ridge height to facilitate loft conversion with rear dormer.	Delegated Decision	Written Representation	Appeal Allowed	Planning ref: 22/01145/FUL Appeal Ref: 23/00003/PP1

37 Market Street	Proposed side and rear extensions (revised scheme following refusal of application ref. 21/02361/FUL	Committee Decision	Written representations	Appeal Allowed Appeal Costs (Allowed)	Planning Ref: 22/00708/FUL Appeal Ref: 23/00004/PP1
Brecon House Charlton Hill Cheltenham Gloucestershire GL53 9NE	Construction of a paragraph 80 dwelling, estate management building, and associated landscaping, ecology enhancements,	Committee Decision	Appeal Hearing (date 22/03/23)	Appeal Hearing Dismissed	Planning ref: 21/02755/FUL Appeal ref: 23/00001/PP1
30 St Georges Place	Conversion to form 7no. dwellings, together with extensions and construction of new mansard roof	Delegated Decision	Written representations	Appeal Allowed	Planning ref: 22/00839/FUL appeal ref: 23/00002/PP1

10 Suffolk Road	First floor extension at rear of 10 Suffolk Road on top of existing kitchen roof, comprising of 1 new bedroom and ensuite bathroom (revised scheme 22/00966/FUL)	Delegated Decision	Written Representations Householder Appeal	Appeal Dismissed	Planning ref: 22/01340/FUL Appeal ref: 23/00011/PP1
101 Ryeworth Road	Erection of two storey and single storey rear extensions and single storey front extension.	Non-Determination	Written Representation	Appeal Dismissed	Planning ref: 22/01162/FUL Appeal Ref: 23/00006/PP2

o/s 195 High Street Cheltenham	Proposed installation of 1no. new BT Street Hub, incorporating 2no. digital 75" LCD advert screens, plus the removal of associated BT kiosk(s)	Delegated Decision	Written Representation	Appeal A Dismissed Appeal B Dismissed	Planning Ref: 22/00328/ADV and FUL Appeal Ref: 23/00013/PP1 23/00014/ADV1
o/s 23 and 23 A Pittville Street	Proposed installation of 1no. new BT Street Hub, incorporating 2no. digital 75" LCD advert screens,	Delegated Decision	Written representation	Appeal A Dismissed Appeal B Dismissed	Planning ref: 22/00326/ADV and FUL Appeal Ref: 23/00015/PP1 23/00016/ADV1
St Edmunds, Sandy Lane Road	Conversion and extension of an existing coach house/garage to a single dwelling with new access off Sandy	Delegated Decision	Written Representation	Appeal Decision Dismissed Cost Decision Dismissed	Planning ref: 22/02064/FUL Appeal Ref: 23/00008/PP1

Telecommunications Mast And Cabinet CLM26321 Glenfall Way	Proposed 5G telecoms installation: H3G 16m street pole and additional equipment cabinets	Delegated Decision	Written Representation	Appeal Dismissed	Planning ref: 22/02190/PRIOR Appeal Ref: 23/00018/PP1
4 Dymock Walk	Application for prior approval for the construction of one additional storey atop the existing dwelling (increase in height of 2.13 metres)	Delegated Decision	Written representation (Householder)	Appeal Dismissed	Planning ref: 22/01075/FUL Appeal ref: 23/00019/PP1
28 Westdown Gardens	Erection of detached garage (revised scheme to ref: 21/01789/FUL)	Delegated Decision	Written Representations Householder Appeal	Appeal Dismissed	Planning ref: 22/01679/FUL Appeal ref: 23/00012/PP1
129 – 133 Promenade	Retention of existing temporary marquees at 125, 127, 129, 131 further two year period and 133 Promenade,	Committee Decision	Written representation	Appeal Dismissed	Planning ref: 22/01373/FUL Appeal Ref: 23/00007/PP1

4 Red Rower Close	Two storey and single storey extension to the front and loft extension and dormer	Delegated Decision	Written representation	Appeal Dismissed	Planning Ref: 23/00361/FUL Appeal Ref: 23/00021/PP1
Land Adjoining Leckhampton Farm Court Farm Lane Leckhampton Cheltenham Gloucestershire	Residential development of 30 no. dwellings (Class C3); vehicular, pedestrian and cycle access from Church Road; pedestrian and cycle access from Farm Lane; highways improvement works; public open space,	Delegated Decision	Appeal Hearing (Date of hearing 18 th July 2023 (rescheduled for 12th July 2023))	Appeal Allowed	Planning Ref: 21/02750/FUL Appeal Ref: 23/00010/PP1
53 Alstone Lane	Erection of a single storey dwelling on land to rear of the existing property	Delegated Decision	Written representation	Appeal Dismissed	Planning ref: 22/02201/FUL Appeal ref: 23/00017/PP1

201 Gloucester Road	Installation of raised, split level patio area with boundary treatments (Retrospective).	Delegated Decision	Written representation	Appeal allowed	Planning Ref: 22/00022/PP1 Appeal ref: 23/00022/PP1
8 Imperial Square	Proposed change of use from C3 (dwelling house) to mixed use of C1 (hotel) and E (bar and restaurant).	Delegated Decision	Written representation	Appeal allowed	Planning ref: 22/00334/COU Appeal ref: 23/00009/PP3
Land Adj Oakhurst Rise	Outline application for residential development of 25 dwellings - access, layout and scale not reserved for subsequent approval	Committee Decision	Written representation	Appeal Dismissed	Planning ref: 22/00112/OUT Appeal Ref 23/00020/PP1
Telecommunications Mast And Cabinet CLM24981 Princess Elizabeth Way	Proposed 5G telecoms installation: H3G 20m street pole and additional equipment cabinets	Delegated Decision	Written representation	Appeal Dismissed	Planning ref: 22/01937/PRIOR Appeal ref: 23/00026/PP1

6 Marsh Lane	Change of use from a single dwelling (Class C3) to a four bed House in Multiple Occupation (HMO) (Class C4)	Delegated Decision	Written Representation	Appeal Allowed Costs Decision Allowed	Planning Ref: 22/01864/COU Appeal Ref: 23/00027/PP1
Telecommunications Mast And Cabinet Prestbury Road Cheltenham Gloucestershire	Proposed 5G telecoms installation: H3G 15m street pole and additional equipment cabinets	Delegated Decision	Written representation	Appeal Dismissed	Planning Ref: 23/00431/PRIOR Appeal Ref: 23/00029/PP1
218 High Street	Change of use of the ground floor from a retail unit (Class E) to an Adult Gaming Centre (Sui Generis) and first floor to associated storage and staff area with external alterations and associated works	Delegated Decision	Written representation	Appeal Allowed	23/00452/COU Appeal Ref: 23/00028/PP1

1 Michaelmas Lodge Lypiatt Terrace Cheltenham	Use of area of land for vehicle parking	Delegated Decision	Written Representation	Appeal Allowed	Planning ref: 23/00262/Cleud Appeal Ref: 23/00023/PP1
Land at Shurdington Rd	Full planning application for residential development comprising 350 dwellings, open space, cycleways, footpaths, landscaping, access roads and other	Committee Decision	Written Representation (New procedure Change now a hearing date is 4th July 2023)	Appeal Allowed	Planning ref: 20/01788/FUL Appeal ref: 23/00005/PP1

10 Selkirk Street	Erection of 1no. three storey self-build dwelling on land adjacent to 10 Selkirk Street	Committee Decision	Written representation	Appeal Dismissed	Planning Ref 22/01441/FUL Appeal Ref: 23/00030/PP1
Eagle Star Tower Montpellier Drive Cheltenham Gloucestershire	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	Delegated Decision	Written Representation	Appeal Dismissed	Planning Ref: 23/01347/CLPUD Appeal ref: 23/00031/PP1
12 Pilford Road Cheltenham	Erection of a Garden Room	n/a	Written Representation (Enforcement)	Appeal Dismissed	Planning ref: 23/00001/DCUA Appeal ref: 23/00025/ENFAPP

Harwood House 87 The Park Cheltenham Gloucestershire GL50 2RW	Proposed replacement of brick boundary wall with an overlap wooden feather-edge fence (retrospective)	Delegated Decision	Written Representation	Appeal Dismissed	Planning ref:23/00929/FUL Appeal ref: 24/00010/PP1
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44 Springfield Close The Reddings Cheltenham Gloucestershire GL51 6SF	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	Delegated Decision	Written Representation	Appeal Dismissed	Planning ref: 23/01566/FUL Appeal Ref: 24/00008/PP1
Hilltop Stores Hilltop Road Cheltenham	Demolition of existing retail unit and erection of 2no. dwellings (revised scheme following withdrawal of application ref. 22/01728/FUL)	Delegated Decision	Written Representation	Appeal Dismissed Costs Application Dismissed	Planning ref: 23/01137/FUL Appeal ref: 24/00007/PP1

278 Old Bath Road	Dropped kerb to provide access from Kenneth Close, and hard standing to facilitate off street parking (Resubmission of planning ref: 23/00481/FUL)	Delegated Decision	Written Representation	Appeal Dismissed	Planning ref: 23/02056/FUL Appeal ref: 24/00009/PP1
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
22 Dinas Road Cheltenham Gloucestershire GL51 3EW	Proposed installation of a static home at rear of property.	Delegated Decision	Written Representation	Appeal Dismissed	Planning ref: 24/00637/FUL Appeal Ref: 24/00015/PP1
Stansby House The Reddings Cheltenham Gloucestershire GL51 6RS	Erection of 2no. detached dwellings following demolition of existing buildings	Delegated Decision	Written Representation	Appeal Dismissed	Planning ref: 23/01538/FUL Appeal Ref: 24/00013/PP1
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	Appeal Allowed Costs Appeal Allowed	Planning ref: 23/01678/CLEUD appeal ref: 24/00001/PP1
3 Regent Street Cheltenham Gloucestershire GL50 1HE	Retain existing exterior facade paint colour. (Retrospective)	Delegated Decision	Written Representation	Appeal Dismissed	Planning ref: 24/00271/LBC appeal ref: 24/00014/PP1

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	Appeal A and B Dismissed	Planning Ref: 24/00440FUL and LBC Appeal Ref: 24/00017/PP1 and 24/00018/LISTB1
14 Suffolk Parade Cheltenham Gloucestershire GL50 2AB	Proposed demolition of existing stores and officing at rear of 14 Suffolk Parade, and construction of detached 2 bedroom coach house dwelling (with pedestrian access off Daffodil Street)	Delegated Decision	Written representation	Appeal allowed	Planning ref: 24/00079/FUL Appeal Ref: 24/00016/PP1
60 Severn Road Cheltenham Gloucestershire GL52 5PX	Two storey side extension, loft conversion, and front porch (revised scheme following refusal of application ref. 24/00909/FUL)	Delegated Decision	Written representation	Appeal Dismissed	Planning ref: 24/01502/FUL Appeal Ref: 24/00020/PP1

Flat 3 6 Jenner Walk Cheltenham Gloucestershire GL50 3LD	Proposed replacement of existing timber windows with UPVC windows	Delegated Decision	Written representation	Appeal Dismissed	Planning ref: 24/00895/FUL Appeal Ref: 24/00021/PP1
3 Pittville Crescent Lane Cheltenham Gloucestershire GL52 2RA	Proposed wooden garden shed, and retention of new boundary fence (part retrospective)	Committee Decision	Written representation (householder)	Appeal Allowed	Planning Ref: 24/00631/FUL Appeal ref: 25/00002/PP1
9 Pumphreys Road Charlton Kings Cheltenham Gloucestershire GL53 8DD	Proposed two storey and single storey rear extension	Delegated Decision	Written representation	Appeal Allowed	Planning Ref: 24/01667/FUL Appeal Ref: 25/00001/PP1

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

LEGAL CHALLENGES

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

Authorised By: Chris Gomm 8th April 2025

Application No.	Appeal Ref	Site Address	Appeal Type	Start Date	Questionnaire	Statement	Final Comments	Decision	Date of Decision	Costs Deci	Hearing Date	Costs awarded
23/01678/CLEUD	24/00001/PP1	The Forge Branch Road	Written	03.01.2024	17.01.2024	06.02.2024		Allowed	19.12.2024	Allowed		
22/01681/FUL	24/00002/PP1	Rotunda Tavern 3 Montpellie	Written	05.02.2024	12.02.2024	11.03.2024	25.03.2024	Dismissed	11.07.2024	n/a		
	24/00003/ENFAPP	System Error	System Error									
	24/00004/ENFAPP	System Error	System Error									
23/00230/DCUA	24/00005/ENFAPP	125 - 133 Promenade	Written	22.02.2024	07.03.2024	04.04.2024	25.04.2024					
23/00596/FUL	24/00006/PP1	Land Adj to 1 Coltham Fields	Written	05.03.2024	12.03.2024	09.04.2024	23.04.2024	Dismissed	19.07.2024			
23/01137/FUL	24/00007/PP1	Hilltop Stores, Hilltop Road	Written	13.03.2024	20.03.2024	17.04.2024	01.05.2024	dismissed	10.06.2024	Refused		
23/01566/FUL	24/00008/PP1	44 Springfield Close	Written	25.03.2024	01.04.2024			dismissed	13.05.2024			
23/02056/FUL	24/00009/PP1	278 Old Bath Road	Written	11.04.2024	18.04.2024			dismissed	18.06.2024			
23/00929/FUL	24/00010/PP1	Harwood House, 87 The Parl	Written	11.04.2024	18.04.2024			dismissed	08.05.2024	n/a		
23/02033/FUL	24/00011/PP1	21 Glebe Road, Cheltenham	Written	12.04.2024	19.04.2024			dismissed	19.06.2024			
23/02152/CLPUD	24/00012/PP1	8 Imperial Square, Cheltenham	Written	07.05.2024	21.05.2024	18.06.2024	09.07.2024	Withdrawn	17.02.2025			
23/01538/FUL	24/00013/PP1	Stansby House, The Redding	Written	12.06.2024	19.06.2024	17.07.2024	31.07.2024	Dismissed	26.09.2024			
24/00271/LBC	24/00014/PP1	3 Regent Street, Cheltenham	Written	19.06.2024	26.06.2024	24.07.2024	07.08.2024	Dismissed	20.12.2024			
23/00637/FUL	24/00015/PP1	22 Dinas Road, Cheltenham	Household	08/07/2024	15/07/2024			Dismissed	25.09.2024			
24/00079/FUL	24/00016/PP1	14 Suffolk Parade	Written	21.08.2024	28.08.2024	25.09.2024	09.10.2024	Allowed	14.07.2025			
24/00440/FUL	24/00017/PP1	78 Hewlett Road	Written	19.09.2024	26.09.2024	24.10.2024	07.11.2024	Dismissed	20.12.2024			
24/00440/LBC	24/00018/LISTB1	78 Hewlett Road	written	19.09.2024	26.09.2024	24.10.2024	07.11.2024	Dismissed	20.12.2024			
24/00471/FUL	24/00019/PP1	Little Duncroft, Evesham Roæ	Written	26.09.2024	03.10.2024	31.10.2024	14.11.2024					
24/01502/FUL	24/00020/PP1	60 Severn Road, Cheltenham	HAS	20.11.2024	27.11.2024			Dismissed	14.03.2025			
24/00895/FUL	24/00021/PP1	Flat 3, 6 Jenner Court	Written	26.11.2024	03.12.2024	03.01.2024	17.01.2024	Dismissed	26.03.2025			
23/01325/LBC	24/00022/LISTB1	70 Promenade Cheltenham	Written	04.12.2024	11.12.2024	08.01.2025	22.01.2025					
23/01325/ADV	24/00023/ADV1	70 Promenade Cheltenham	Written	04.12.2024	11.12.2024	08.01.2025	22.01.2025					

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Application No.	Appeal Ref	Site Address	Appeal Type	Start Date	Questionnaire	Statement	Final Comments	Decision	Date of Decision	Costs Deci	Hearing Date	Costs awarded
24/01667/FUL	25/00001/PP1	9 Pumphreys Road	HAS	07.01.2025	14.01.2025	n/a	n/a	Allowed	31.03.2025			
24/00631/FUL	25/00002/PP1	3 Pittville Crescent Lane	HAS	16.01.2025	23.01.205	n/a	n/a	Allowed	27.03.2025			
24/01692/FUL	25/00003/PP1	Holly Blue House	HAS	21.01.2025	28.01.2025	n/a	n/a					
24/00103/DCBPC	25/00005/ENFAPP	Little Duncroft Evesham Rd	written	31.01.2025	14.02.2025	14.03.2025	04.04.2025					
24/01900/FUL	25/00004/PP1	5 Merriville Gardens	HAS	11.02.2025	18.02.2025	n/a	n/a					
24/01123/OUT	25/00006/PP1	Land opposite Ham Close	written	13.03.2025	20.03.2025	17.04.2025	01.05.2025					
24/01703/FUL	25/00007/PP1	2 Kingscote Rd East	HAS	26.03.2025	02.04.2025	n/a	n/a					

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Appeal Decision

Site visit made on 18 February 2025

by **A O'Neill BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 25th March 2025

Appeal Ref: APP/B1605/W/24/3354175

Flat 3, 6 Jenner Walk, Cheltenham, Gloucestershire GL50 3LD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Miss Charlotte Heath against the decision of Cheltenham Borough Council.
 - The application Ref is 24/00895/FUL.
 - The development proposed is described as: Replacement of existing timber windows with UPVC windows
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of the proposal differs from the application form to the decision notice. That above has been taken from the decision notice, which is a more concise description of the proposal and removes superfluous text from that set out in the application form.
3. The appeal site is located between two Grade II listed buildings. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires special regard be given to the desirability of preserving the setting of listed buildings. The submitted Planning Officer's Report identifies the impact of the proposals on the setting of listed buildings as a key issue. However, the report does not include an assessment of this issue.
4. The main parties were given the opportunity to comment on the effect of the appeal proposal on listed buildings during the appeal process. Comments were submitted by the appellant, which I have taken into my reasoning.

Main Issues

5. Having regard to the above, the main issues are whether the proposal would:
 - preserve or enhance the character or appearance of the Cheltenham Central Conservation Area (CA); and
 - preserve the setting of the Grade II listed buildings known as 4 Jenner Walk and 6 Jenner Walk.

Reasons

Conservation Area

6. The appeal site is within the Old Town Character Area of the CA. The statutory duty set out in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area.
7. The Old Town Character Area encompasses the historic core of Cheltenham's layout and street pattern. It covers the retail core of the town along the High Street and residential, industrial and commercial development in adjoining streets. The Central Conservation Area Old Town Character Area Appraisal and Management Plan 2007 identifies that the architecture of the Character Area contributes significantly to its character and appearance. Furthermore, it highlights the importance of Regency architecture to the area.
8. Jenner Walk is a short, narrow street accessed from St George's Place, which links to the High Street. Number 6 Jenner Walk is a Regency style house, separated into flats. The properties on either side of the appeal site, numbers 4 and 8 Jenner Walk, are Regency houses and are Grade II listed buildings. Although built more recently, 6 Jenner Walk was designed to look like the adjacent buildings. As such, the appeal property makes a positive contribution to the character and appearance of the CA.
9. All of the existing windows in the front elevation of 6 Jenner Walk are single glazed, timber framed sash windows. The windows are consistent in terms of their frame sizes, glazing bars and reveal depths. The existing windows in the rear elevation of the appeal property also have a similar appearance in terms of their materials, frame sizes and reveal depth. This consistency in the appearance of the windows is a further positive contribution to the character and appearance of the appeal building and the CA.
10. The proposal is for the replacement of 3 single glazed wooden sash windows with 3 UPVC double glazed sash windows on the first floor front elevation and the replacement of 2 wooden sash windows with UPVC double glazed casement windows on the first floor rear elevation.
11. The appellant states that the proposed UPVC windows have been designed to appear the same as the existing windows. The Council's case is that UPVC windows have features which differentiate them from timber frames. The Council contends that UPVC windows have thicker frames and that double glazing can be more noticeable due to a 'double reflection' effect.
12. From the submitted plans it is difficult to determine how the proposed windows would appear in comparison to the existing windows. The plans lack details showing, for example, the proposed width of the frames and glazing bars and they do not show the proposed depth of reveals.
13. The appeal proposal would result in changes to only the first floor windows in the front and rear elevations of 6 Jenner Walk. I am not satisfied therefore, that the proposed development, based on the submitted plans, would maintain the consistent appearance of the windows of 6 Jenner Walk.

14. The evidence refers to other UPVC windows in the surrounding area. On my site visit I did see other buildings in the vicinity of the appeal property, including on Jenner Walk, which have UPVC windows. However, in these cases, I observed that all windows within an elevation were UPVC and so the uniformity of the building's appearance is maintained. In any event, the presence of other UPVC windows does not justify the appeal development in light of the harm I have found.
15. The appeal proposal would thus fail to preserve or enhance the character and appearance of the CA. As such, it conflicts with Policies SD4 and SD8 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2017 (JCS) and Policy D1 of the Cheltenham Plan 2020 (CP). Together these policies require development be designed to respect the architectural integrity of the site and its surroundings, whilst having appropriate regard to the historic environment and ensuring that designated heritage assets are conserved and enhanced.

Setting of Listed Buildings

16. The appeal property is located between two Grade II listed buildings known as 4 Jenner Walk and 8 Jenner Walk. Mindful of the statutory duty set out in s66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), I have had special regard to the desirability of preserving the setting of these listed buildings.
17. The listing descriptions for both buildings highlight the significance of their original sash windows. Together, numbers 4, 6 and 8 Jenner Walk have a consistent appearance in terms of their front elevation windows. The windows are all timber framed with similar depth reveals, frame sizes and glazing bars. As such, the appeal property makes a positive contribution to the setting of the two listed buildings.
18. As discussed above, the submitted plans do not contain enough detail to determine whether the proposed UPVC windows would have a similar appearance to the existing windows of the appeal property. Given 6 Jenner Walk was designed to look like the adjacent listed buildings, a change to the appearance of its windows would detract from their setting.
19. Therefore, the proposal would fail to preserve the setting of the Grade II listed buildings known as 4 Jenner Walk and 8 Jenner Walk. As such, it would conflict with Policy SD8 of the JCS and Policy SD4 of the CP which require development to have appropriate regard to the historic environment and to conserve and enhance the settings of designated heritage assets.

Heritage Balance

20. Taking all of the above into account, I find the harm to the CA and the setting of the listed buildings to be less than substantial, but nevertheless of considerable importance and weight. Paragraph 215 of the National Planning Policy Framework states that less than substantial harm to the significance of a designated heritage asset should be weighed against the public benefits of the proposed development.
21. It is suggested that the proposed UPVC windows would improve energy efficiency in the appeal property. Whilst general improvements to the housing stock may be of some limited public benefit, this matter does not outweigh the great weight that should be given to the assets' conservation.

22. The appellant also states that UPVC windows are required to resolve damp conditions caused by condensation on the existing windows, which is affecting their health. There are other means by which condensation can be managed. However, even if that were not to be the case, this is not sufficient to outweigh the harm I have found to the CA and the setting of the listed buildings.

Conclusion

23. I therefore conclude that the proposal would fail to satisfy the requirements of the Act, paragraph 215 of the Framework, and it would not be in accordance with the development plan, when read as a whole. For the reasons given above, and having considered all matters raised, the appeal is dismissed.

A O'Neill

INSPECTOR



Appeal Decision

Site visit made on 18 March 2025

By G Powys Jones MSc FRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 March 2025

Appeal Ref: APP/B1605/D/24/3356696

3 Pittville Crescent Lane, Cheltenham, GL52 2RA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Bradley Jacklin against the decision of Cheltenham Borough Council.
 - The application Ref is 24/00631/FUL.
 - The development is a wooden garden shed and a boundary fence.
-

Decision

1. The appeal is allowed, and planning permission is granted for a wooden garden shed and a boundary fence at 3 Pittville Crescent Lane, Cheltenham, GL52 2RA in accordance with the terms of the application, Ref 24/00631/FUL, subject to the condition that the garden shed development hereby permitted shall be clad in natural timber and be carried out in accordance with the following approved plans: 3PCL-EWC-011 and the unreferenced dimensioned plan showing floor plan and elevations.

Preliminary matters

2. In the interests of clarity, I have used the description of the development utilised by the Council in its decision notice, rather than that in the application form. The garden shed is still to be built, but the fence subject of the appeal has been erected. The appellant wishes to retain the fence, and I shall proceed on this basis.
3. The application was originally due to be determined by officers but was transferred to Planning Committee at the request of the local ward councillor. I have been provided with the minutes of the Planning Committee which provides an account of the discussion at Committee.
4. The Council raise no objection to the proposed shed, but objects to the retention of the fence. I see no good reason to object to the erection of the shed.

Main Issue.

5. This is the effect of the fence on the character and appearance of the surrounding area.

Reasons

6. In 2023 planning permission was granted for alterations and extensions to the appeal property, which is a detached dwelling. This also involved the relocation of

the access and parking area from the side of the house to the front. To provide privacy and security to the side gardens, the appellant erected a fence said to be 1.8m high, manufactured in a composite material. As officers clarify in their report on the application, the fence, given its location at the back of footway, should be no higher than 1m high under permitted development rights, or no higher than 1.4m, which was the height of the replaced fence. Officers clarify that either way, there would be no control on materials.

7. The acceptability of the fence is a matter of subjective judgment, and I see from the representations made that public opinion is divided, but with more against than in favour. I note also that members of Planning Committee disagreed with the views of its officers, who recommended approval in their comprehensive report.
8. I saw a wide variety of fences and means of enclosure in the surrounding area comprised of brick, painted render, concrete blocks and timber fencing of various types. I also saw a great variation in the height and condition of the various means of enclosure. Some fences looked in relatively poor condition.
9. Viewed when approaching the site from the Windsor Street direction, I consider the erected fence fits into its visual context reasonably successfully. Otherwise, because of twists in the road and the screening afforded by intervening buildings and structures, the fence is sheltered from view from most parts of Pittville Crescent Lane. It was only when standing or walking close to it that the fence's regularity of form and its composite nature became apparent. I did not consider the fence's height to be excessive. The preference stated by some that a more sustainable material should be used is noted, but as pointed out by officers, there would be no impediment to the use of the chosen material had the fence been erected as a replacement and built 400mm or so lower.
10. I conclude that the fence has limited and very localised effects and does not materially harm the character and appearance of its surroundings. Whilst the site is close to the boundaries of the Pittsville Character Area of the Central Conservation Area, the fence does not materially affect its setting. Accordingly, no conflict arises with the provisions and objectives of policy D1 of the Cheltenham Plan (CP) and policy SD4 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS) directed to ensuring that new development should complement and respect the character of the locality and the site's surroundings.

Conditions

11. The Council has suggested the imposition of some conditions in the event of planning permission being granted. Since the development as described has been commenced, there is no need for the normal time-limiting condition.
12. It is however necessary that the shed development is carried out in accordance with the approved plans, and a condition to this effect is imposed in the interests of certainty. For the avoidance of doubt and in the interests of amenity the condition also refers to materials.

Other matters

13. All other matters raised have been considered, including the references to the *National Planning Policy Framework*, and all comments made by the public have

been taken into account. No other matter is of such strength or significance as to outweigh those considerations that led to my conclusions.

14. Accordingly, the appeal is allowed, subject to conditions.

G Powys Jones

INSPECTOR

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Appeal Decision

Site visit made on 18 March 2025

By G Powys Jones MSc FRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 March 2025

Appeal Ref: APP/B1605/D/24/3357759

9 Pumphreys Road, Charlton Kings, Cheltenham, GL53 8DD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Matthew Dean against the decision of Cheltenham Borough Council.
 - The application Ref is 24/01667/FUL.
 - The development proposed is a two storey and single storey rear extension.
-

Decision

1. The appeal is allowed, and planning permission is granted for a two storey and single storey rear extension at 9 Pumphreys Road, Charlton Kings, Cheltenham, GL53 8DD in accordance with the terms of the application, Ref 24/01667/FUL, subject to the conditions set out in the accompanying Schedule.

Main Issue.

2. This is the effect of the proposals on the living conditions of the neighbouring residents at 8 Pumphreys Road with reference to outlook and daylight.

Reasons

3. In common with the other properties sited on the southern frontage of Pumphreys Road, the appeal property is a semi-detached dwelling. The appellant seeks to extend at the rear, in a similar fashion to the extensions carried out next door at No 8, albeit that the main roof would be of a different design. The Council has no objection to the intrinsic design of the proposal, and I have no reason to disagree with the officer assessment in this regard.
4. The Council's concerns centre on a single ground floor window inserted in No 8's rear single storey extension which faces west, towards the appeal proposal. The officer report relies in part on an earlier officer report prepared for a previous application which says that:

This neighbouring property appears to have a kitchen window to the side; however, the use of this window has not been possible to confirm.

5. No further investigations appear to have been made by officers in considering the latest application. The appellant says that the window of concern to the Council is one of 3 glazed openings serving a large open plan kitchen/dining room in No 8. Since I was not asked to visit No 8 internally, I am not able to verify this. However, what I saw from the appeal property's garden was not inconsistent with the

appellant's account. In this regard another window at ground floor level is situated in the same elevation as the window of concern. A larger glazed opening has been inserted in the southern elevation of No 8's single storey extension, albeit this opens out into a conservatory.

6. The window of concern is close to the common boundary with the appeal property. The boundary however is demarcated by a solid timber fence and the outlook currently available from No 8 from this window is very restricted because of the fence's height and position. The proposal would not make matters materially worse in terms of the outlook available from No 8 through this particular window.
7. The fence also affects the amount of light entering No 8 through this window. However, based on what I saw, the affected space within No 8 has other light sources, including one from directly south. I am not therefore persuaded that the Council's objection for this reason has been or is justified.
8. I therefore conclude that the proposed extension would not materially harm the living conditions of the residents at No 8. Although not decisive in my considerations I note that No 8's residents, on being consulted formally at application stage, did not object to the proposal.
9. Accordingly, no conflict arises with the provisions and objectives of policy SL1 of the Cheltenham Plan (CP) and policy SD14 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS) directed to ensuring that new development should not unacceptably harm the amenity of neighbouring occupants or adjoining land users.

Conditions

10. The Council has suggested the imposition of some conditions in the event of planning permission being granted.
11. It is necessary that the development is carried out in accordance with the approved plans, and a condition to this effect is therefore imposed in the interests of certainty.
12. A condition in respect of materials is imposed in the interests of visual amenity.

Other matters

13. All other matters raised have been considered and taken into account, including the references to the *National Planning Policy Framework* and the Council's Supplementary Planning Document relating to Residential Alterations and Extensions. Other development plan policies were also referred to, but I consider those to which I have referred to be the most relevant having regard to the main issue identified. No other matter is of such strength or significance as to outweigh those considerations that led to my conclusions.
14. Accordingly, the appeal is allowed, subject to conditions.

G Powys Jones

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1043-01; 1043-02A; 1043-03 & 1043-04.
- 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those of the existing dwelling.

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