

Cheltenham Borough Council Planning Committee

Meeting date: 19 June 2025

Meeting time: 6.00 pm

Meeting venue: Council Chamber - Municipal Offices

Membership:

Councillor Frank Allen (Vice-Chair), Councillor Glenn Andrews, Councillor Adrian Bamford, Councillor Garth Barnes (Chair), Councillor Barbara Clark, Councillor Jan Foster, Councillor Iain Dobie, Councillor Tony Oliver, Councillor Dr Steve Steinhardt, Councillor Simon Wheeler and Councillor Suzanne Williams

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Contact: democraticservices@cheltenham.gov.uk

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Agenda

1 Apologies

2 Declarations of Interest

3 Declarations of independent site visits

4 Minutes of the last meetings (Pages 3 - 24)

To approve the minutes of the meeting held on 22 May 2025.

To approve the minutes of the Extraordinary meeting held on 29 May 2025.

5 Public Questions

6 Planning Applications

6a 24/01868/FUL - 151 Prestbury Road, Cheltenham, GL52 2DU (Pages 25 - 74)

[Planning Application Documents](#)

6b 24/02082/FUL - The Garden House, West Drive, Cheltenham, GL50 4LB (Pages 75 - 154)

[Planning Application Documents](#)

6c 25/00446/CONDIT - Castle Dream Stud, Mill Lane, Charlton Kings, Cheltenham, GL54 4EP (Pages 155 - 198)

[Condition Application Documents](#)

6d 25/00520/FUL - 18 Bournside Road, The Park, Cheltenham, GL51 3AH (Pages 199 - 234)

[Planning Application Documents](#)

7 Appeal Update (Pages 235 - 270)

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



Cheltenham Borough Council Planning Committee Minutes

Meeting date: 22 May 2025

Meeting time: 6.00 pm - 7.34 pm

In attendance:

Councillors:

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

Also in attendance:

Nicole Golland (Principal Planning Officer), Claire Donnelly (Planning Officer), Chris Gomm (Head of Planning), Victoria Harris (Planning Officer), Charlotte Lockwood (Lawyer)

1 Apologies

There were none.

2 Appointment of Vice Chair

Councillor Frank Allen was appointed as Vice Chair of the Committee.

3 Declarations of Interest

There were none.

4 Declarations of independent site visits

The following Councillors attended site 7a and 7c during Planning View:

- Councillor Barnes
- Councillor Bamford
- Councillor Clark
- Councillor Foster

- Councillor Oliver
- Councillor Wheeler

Councillor Steinhardt declared that he had visited sites 7a, 7b and 7c, and was familiar with 7d.

5 Minutes of the last meeting

The minutes of the meeting held on 17 April were approved and signed as a correct record.

6 Public Questions

There were none.

7 Planning Applications

8 24/01599/FUL - St Edward's School, Cirencester Road, Charlton Kings, Cheltenham, GL53 8EY

The Planning Officer introduced the report as published.

There were two public speakers on the item: an objector, and the ward member.

The objector addressed the committee and made the following points:

- Representing the concerns of residents from Randolph Close and St Judes Walk. Whilst the report suggests that revisions have been made to address issues raised by residents, these do not go far enough or address the fundamental issues.
- The proposed block is 9.2m high and 47m long, standing at 5.2m higher than the existing single storey building. This existing building is already visible above our wall and level with our bedroom windows. As the building sits on elevated ground this will raise the property to 4m above surrounding properties. Even though the 21m rule has been adhered to due to the length and size of the property this will be of little significance.
- The report suggests the build is in keeping with the character of the development, but this is misleading as on the north side near residential homes where this building is proposed all buildings are single story or at a lower level to respect the lie of the land and residents nearby.
- Serious concerns remain about light pollution which have not been resolved in the report.
- There has been no attempt to soften the build with any form of screening. In contrast, a recent build at Leckhampton High sits comfortably in its location, surrounded by trees and with a flat eco-friendly roof. This report states that the lack of green credentials is unfortunate, but this should not be acceptable in 2025.

- The school's heritage statement fails to acknowledge that a 200+ years old wall borders our homes.
- The new building will block sunlight into our homes during the winter months.
- When the owner of Alpha Schools visited our home to view the impact of the proposal, he was open to the suggestion of lowering the build. The Planning Officer also visited our home and acknowledged that the application will have a detrimental impact.
- The school has tried to raise support through emails and coffee mornings but only one response in support was submitted.
- Students will be vulnerable in this locality from the unsafe environment on the south side of the school.
- We do not believe this application complies with policies SD14 or SL1.
- We meant for this to be our forever home, which we have worked hard for. We deserve to feel safe and relaxed in our homes, not overshadowed by a dominating structure looming above us. This building does not sit comfortably in the proposed space. We, as residents, want St. Edwards to progress, provide better working environments, and keep students safe. But we strongly believe this can and should be achieved without ruining the lives and homes of neighbouring residents.
- We ask that this application be deferred so that meaningful discussions can take place, particularly around height, massing, and proximity to our family homes.

Councillor Harvey, as Ward Member, addressed the committee and made the following points:

- This submission would have benefitted from pre-application advice from CBC, but the applicant failed to seek any.
- I would like you all to consider refusing this application for the following reasons. JCS Policy SD3– Sustainable Design and Construction, states that *“Any development must demonstrate how it will contribute to the aims of sustainability and be expected to be adaptable to climate change in respect of design, layout, siting, orientation and function”*. The Cheltenham Climate Change SPD was adopted in June 2022 and sets out a strategy for decarbonising buildings over the next decade. Key points say that the SPD will be *“at the heart of our planning process”* and furthermore states that *“How successful applicants align with the SPD will be a material consideration in the determination of planning applications by the local planning authority.”* As a council we are serious about the climate emergency and mitigation that this authority is putting in place needs to be supported across all council areas, especially planning. The report states that *“this submission has not included any details or information as to how the building would meet the aims of the Council by way of the inclusion of low carbon features and technologies. The lack of a sustainability statement is unfortunate”*. I think that is being generous. This is too large a submission to not take into account this supplementary planning advice.

- JCS Policy SD14 – Health and Environmental Quality states that *“Development must protect the amenity of existing and future users and residents, including in terms of light, privacy, outlook, noise and air quality”*. This proposal fails to protect the amenity of neighbouring residents due to its height and size, increase in noise pollution, loss of light and outlook for neighbouring properties, and a profound negative impact on mental wellbeing. This is not a minor infringement — it’s a wholesale loss of residential amenity for the families most affected and reflects negatively in a Grade II Star setting.
- Local Plan Policy SL1 – Safe and Sustainable Living states that *“Development should not cause unacceptable harm to the amenity of adjoining land users or the surrounding neighbourhood, including in terms of noise, privacy, daylight, outlook and the general character of the area”*. This building dominates a quiet residential setting and introduces school-scale infrastructure in the tightest, most sensitive part of the site. The scale and massing are completely out of character with surrounding two-storey homes. The proximity and elevation worsen the effect on daylight and sense of enclosure, especially for garden use. The sense of visual intrusion and skyline loss are highly damaging and create a perception of being boxed in — which is a clear breach of amenity protection under SL1.
- NPPF Section 12 – Achieving Well-Designed Places states that plans should:
 - Ensure developments are sympathetic to local character,
 - Create places with a high standard of amenity for existing and future users, and
 - Refuse development of poor design that fails to reflect local context or causes significant harm

This proposal fails to reflect local character — its bulk, scale, and mass are alien in a domestic, residential setting. Amenity is reduced, not enhanced — particularly in terms of visual dominance, noise, and light pollution. No genuine alternative layouts or meaningful mitigation (e.g., green roof, reduced western mass) have been explored, which amounts to a failure of thoughtful, contextual design. As per Para 134, development of *“poor design that fails to take the opportunities available for improving the character and quality of an area”* should be refused.

- I urge the committee to ask yourselves whether this scheme genuinely reflects fair, balanced, and respectful planning so close to a residential community.

In response to Members’ questions, officers confirmed that:

- The telegraph pole reviewed at planning view is approximately half the height of the proposed building, so the building will stand 1.8m higher than the top of the pole to act as a reference point.
- A sustainability statement was not submitted with the application and the inclusion of solar panels was not discussed during negotiations.
- Details of the planned window glazing has not been provided. One of the recommended conditions covers materials so this could include a window specification as well.

- The proposal will not add any additional pupils to the school but will relocate classes from unsuitable spaces within the listed building to the new block. This will also provide more flexibility to the teaching timetable.
- There were no discussions held prior to the application being submitted. Plans were revised after the planning officer responded to the application with recommendations.
- No objection was raised by the parish council.
- It is not possible to condition measures to reduce the carbon footprint as there are no proposals to add conditions to. It's not possible to add a condition for them to submit details of low carbon materials.
- A condition has been recommended for landscaping details, but this is unlikely to add additional screening due to the parking spaces along the boundary wall.
- It is not possible to control or enforce the internal lighting management to reduce light pollution, but the external lighting details will need to be submitted to and agreed by the council. This will consider both the location and the timing for external lighting.
- The lack of accessibility features such as lifts would be covered by Building Control rather than through a planning application. There will be accessible classrooms on the ground floor.

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

- The lack of accessibility or sustainability features, the lack of a sustainability report, loss of privacy, and failure to introduce mitigating factors to address neighbouring properties concerns were raised as potential reasons to reject the application. The benefits to the school from the change were also felt not to be significant.
- It is very disappointing that a sustainability statement has not been submitted so the Committee are not able to discuss these matters. Consideration should be given to how we have reached this point in the process without a statement. There was uncertainty whether the lack of sustainability measures would be sufficient to reject the application.
- It was felt that from the garden very little of the building would be visible, but it was acknowledged that it will be significantly visible from the bedroom windows. However, within planning law no one is entitled to a view, and the proposal was not felt that it met the requirements to be classed as overbearing. Concern was raised that a rejection on this basis would be overturned at appeal.
- Privacy would not be impacted due to the distance of the building from neighbouring properties and the upper floor windows being obscured. Loss of privacy was also not raised as a concern by residents.
- It was highlighted that the application was not ideal, and the Committee would have preferred significant differences to reduce the imposing nature of the proposal. Sustainability measures, a more beautiful design and sinking of the building were all suggested but it was recognised that the Committee's role is not to redesign proposals but to consider the application before them. Overall,

it was felt that no planning rules had been broken, and the loss of amenity was at an acceptable level.

- Rejection of the application on the grounds of SD14 was considered, based on the unacceptable harm to local amenity caused by the overriding effect of light pollution, and overbearing height of the building in comparison to the boundary wall.

The Head of Planning clarified that internal accessibility issues are matters entirely controlled by building regulations. These are not planning issues so cannot be used as reasons for approval or rejection of an application.

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

For: 6 (with Chair's casting vote)

Against: 5

Abstentions: 0

Voted to permit.

9 25/00315/FUL - 5 Cheviot Road, Prestbury, Cheltenham, GL52 5HG

The Head of Planning introduced the report as published.

There were no public speakers on the item.

In response to Members' questions, officers confirmed that:

- There are further buildings in the vicinity associated with CBC that have not been insulated, but the application represents the current phase of work.

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

- Insulation provided to properties within a Member's ward had seen significant improvements. Some concern was raised that the outside of the insulation is a very thin scrim of hard material which can be easily damaged, but this was not seen as a reason to object.

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

For: 10

Against: 0

Abstentions: 0

Voted UNANIMOUSLY to permit.

10 25/00457/FUL - Farleigh, Sandy Lane Road, Cheltenham, GL53 9DA

The Planning Officer introduced the report as published.

There were two public speakers on the item: the applicant, and the ward member.

The applicant addressed the committee and made the following points:

- My wife and I want to improve our house, which had been empty for a considerable time before we bought it. Our plans will modernise the property and improve living conditions.
- The property has suffered condensation and damp, opening up and increasing the roof space will improve this issue.
- It is very popular to convert roof spaces in bungalows to increase room space but in order to do this for our property we need to increase the roof height. This is a modest increase rather than a full 2 storey extension.
- We are not increasing footprint and have been mindful of our neighbours' privacy, opting not to put windows at the back of the extension. Instead, we have chosen roof lights placed at a distance as not to cause unacceptable loss of privacy.
- We will also be improving the landscape outside.
- Overall, we want to update the property and bring it in line with modern living standards to make it a suitable family-size home for now and the future. We have worked with the architect and local planning officer, who has considered our plans and recommended them for approval.

Councillor Harvey, as Ward Member, addressed the committee and made the following points:

- This is the second application tonight that has taken no regard to the Climate Supplementary Planning Document (SPD). This was introduced 3 years ago and at the heart of our planning process successful applicants should have taken the SPD into account. I'm disappointed that this has not been taken into account in officers' recommendations tonight.
- I wasn't allowed to circulate my reasons for refusal on legal advice.
- Residents have asked me to comment not because of intrusion by windows, loss of view, or loss of privacy. Their concern is that the mass being increased to the south of them will cast a shadow across neighbouring gardens. They will lose sunlight and the amenity of sitting in their garden to enjoy the sunshine.
- I understand why the property owners wish to make these changes, but I equally understand why other local residents are concerned. The proposal will overshadow their properties and be overbearing.

The Head of Planning clarified that the SPD does set out a number of approaches, including actions for reducing carbon emissions and introduction of renewable energy. However, it encourages those measures but does not demand them. It has

the full weight of a supplementary planning document, but it does not set out any categorical fixed policies that must be complied with. It is a guidance document that encourages developers to follow this approach. As a planning authority we are not in a position to insist that certain measures are put in place.

In response to Members' questions, officers confirmed that:

- There was no parish council objection.
- The roof of the property to the south of the applicant is significantly higher than the current proposal but the exact measurements are not currently available.

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

- Normally solar PV would be a desirable inclusion but for this type of development the financial benefits would be very slim, making it an unreasonable expectation.
- The additional roof height does not seem significant and as the property is set back significantly from the road it would not be visible so could not be considered out of character for the area.
- No major planning reasons were identified for rejection.

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

For: 10

Against: 0

Abstentions: 0

Voted UNANIMOUSLY to permit.

11 25/00577/FUL - Imperial Garden, Promenade, Cheltenham, GL50 1QB

The Head of Planning introduced the report as published.

There were no public speakers on the item.

In response to Members' questions, officers confirmed that:

- Unable to confirm whether the hydrotreated vegetable oil (HVO) will include palm oil. The application does state that the oil will be sustainably sourced.
- The less than substantial harm identified in the report is the harm on the settings of the listed building, and harm to the conservation area. Whilst this harm is minor it does still need to be justified and outweighed by the public benefits.
- Not aware of any issues being caused by soil compaction needing to be assessed by the case offer. A condition for the application is that land needs

to be returned to its former condition post deconstruction, included ground and flower beds.

- The ice rink uses real ice.

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

- The economic benefit the ice rink brings to the town is impressive and is one of the town's best features in the winter.
- Pleased that they are still looking at the climate implications of the power supply. Currently not sustainable. Interested to see how investigations into surplus supply are harnessed.
- Disappointed that the mains supply recommendation has not been completed as it has been discussed for many years.
- Concern was raised that as winters continue to become milder it will use more energy to freeze the ice and increase emissions. An alternative roller rink would use less energy.
- The re-turfing of Imperial Gardens has shown deterioration over the years. Soil compaction is a concern, especially as the winter is when local gardens would normally regenerate. One Member was minded to refuse on ecological grounds. They noted that council officers do a fantastic job in ensuring the surface is repaired to their satisfaction, but another 3 years of this structure will worsen issues that are emerging. Concerns were raised that the council may need to completely re-do the garden after this period.
- Another Member felt that the heritage and amenity for the community meant that the economic benefits outweighed the inadequacies.

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

For: 8

Against: 1

Abstentions: 1

Voted to permit.

12 Appeal Update

The appeal updates were noted.

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

There were none.

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Cheltenham Borough Council Planning Committee Minutes

Meeting date: 29 May 2025

Meeting time: 3.00 pm - 4.40 pm

In attendance:

Councillors:

Frank Allen, Glenn Andrews, Adrian Bamford, Garth Barnes (Chair), Barbara Clark, Jan Foster, Tony Oliver, Dr Steve Steinhardt, Simon Wheeler and Suzanne Williams

Also in attendance:

Paul Instone (Consultant Planning Officer), , Tracey Birkinshaw (Director of Community & Economic Development), Chris Gomm (Head of Planning), Cheryl Lester (Legal officer), Karen Hanchett (Gloucestershire Highways Officer) and Ewan Wright (Senior Housing Strategy & Enabling Officer)

1 Apologies

Apologies were received from Councillor Dobie.

2 Declarations of Interest

Councillor Allen declared that he had attended a meeting with Swindon Parish Council discussing Elms Park in summer 2024. He did not express a position at the meeting and was not predetermined on the item.

3 Declarations of independent site visits

The following Councillors attended the site during Planning View:

- Councillor Allen
- Councillor Bamford
- Councillor Barnes
- Councillor Clark
- Councillor Foster

- Councillor Oliver
- Councillor Steinhardt
- Councillor Wheeler

Councillor Andrews confirmed that he had attended the site independently.

4 Public Questions

There were none.

5 Planning Applications

6 16/02000/OUT - Elms Park, Tewkesbury Road

The Planning Officer introduced the report as published. He confirmed that as a cross-boundary planning application Tewkesbury Borough Council had resolved to accept the officer's recommendation with one amendment earlier in the day. Tewkesbury Borough Council's Planning Committee had resolved that the word cooking should be inserted into condition 49 – Energy Supply condition, to read "*No dwelling hereby permitted shall be connected to mains gas supplies for any purpose of domestic hot water or space heating or cooking.*" This resolution was now recommended to Committee to ensure consistent planning conditions. He outlined the additional representations, clarifications, corrections and additional changes including to conditions 4a, and 54 provided to Committee in the update report in advance of the meeting.

There were four public speakers on the item: an objector, the applicants' representative, a parish council representative, and a ward member.

The objector addressed the Committee and made the following points:

- They are the owners of Fairfield, which has been their family home for more than 30 years and is identified in the submission being considered as third-party land. This was not discussed with them prior to submission. They believe that they are being misrepresented and take strong exception to their property's inclusion without their consent. They require that it be removed from the application, including under the label of third-party land.
- They received a representation from the applicants in 2009, inviting them to enter into an option agreement, as well as an agreement under which they would promote the property. They declined both and advised that whilst they had no issue with the property being developed at some future time, they had no interest in participating in such development themselves. Their position was, and remains, simply to sell the property at a time that suits them and relocate. They were told a head of terms would be drafted to reflect that. They are not property developers, and do not want to participate in any

development activity. They were approached again in 2015 and communicated that their position regarding the property had not changed.

- Between the two visits, they were invited into the Tewkesbury Council offices to discuss development interest. At the meeting they informed the council that whilst they would cooperate with preparation of development plans in general, they would not support any request for development approval that included their property whilst they owned it. Today's request for approval has caused alarmed. They have confirmed no change to their position upon email request on a number of occasions since.
- They have also been approached by several land agents over the years and have responded in the same way to all of them.
- They found out about today's planning submission a week ago, when a neighbour phoned to alert them that their property was specifically identified in the supporting document. They obtained a copy and read through it with increasing alarm. When they spoke to the planning officer, they made him aware of their concerns. He informed them he was producing an update to his document and would attempt to address the concerns, but they have not seen the update.
- They realise that the property is small and may be considered insignificant. But, if the generators of the document had wanted to include it in their submission, they should have talked to them about it first. It is their family home, and they do not consent to its inclusion.
- They added that they had applied to speak at the Planning Meeting that was held in Tewkesbury, but the request was denied.

The applicants' representative addressed the Committee and made the following points:

- This is a landmark meeting, twenty years in the making. The Joint Core Strategy (JCS) established North West Cheltenham as a fundamental strategic allocation, as such the principle of development at Elms Park is consistent with the development plan. The recommendation for approval is an especially important step on the way to delivering this plan-led new community.
- They thanked officers for their work and for the thorough, accurate and objective report.
- For a project of this scale, it is inevitable that it has taken time to appraise and refine the proposals. Throughout the applicants have had an open mind as to how they could respond to various comments and requests from consultees.
- The housebuilders have committed over £10m to get to this point. Their focus being on fulfilling policy requirements and requests from consultees. Notably, the applicants will provide much of the investment needed to deliver Elms Park and facilitate the delivery of other development parcels. They seek only to ensure that all parts of the allocation contribute their fair and reasonable share to the infrastructure costs. They do not prejudice or compel third party landowners in any way.

- Elms Park will also make a significant contribution to the M5 Junction 10 shortfall funding, and they have been working closely with the Development Consent Order (DCO) team to ensure compatibility with their scheme.
- It is worth noting some of the key elements:
 - Elms Park represents a £2.5Bn investment in the area;
 - It will contribute £300m a year into the sub-regional economy, creating and supporting over 8,000 new jobs, with 30 apprenticeships a year during construction over 20 years;
 - Over 4,000 new homes will be built, providing for a new community of around 9,000 residents, many of whom will already be living in the area;
 - 35% of the new homes will be affordable, to a mix agreed with Housing Enabling Officers;
 - This will include at least 200 bungalows or ground floor maisonettes, along with retirement and extra-care accommodation;
 - Approximately £50m will be spent providing new schools, including a secondary school and two primary schools on-site;
 - Approximately £25m will be spent on Community Infrastructure, including a 6 GP Healthcare Centre, Neighbourhood and Local Community Centres delivered on-site;
 - A Sports-Hub containing new facilities for cricket, football, tennis and an all-weather 3G pitch will be provided on-site along with significant contributions to local rugby and hockey clubs;
 - A Transport-Hub, including a 350 space Park & Ride interchange with new bus services and EV charging stations;
 - Tens of kilometres of new on-site and off-site cycleways and footpaths;
 - New power and water supplies and a completely new foul drainage network;
 - A new Sustainable Urban Drainage network that will clean and control surface water flows, ensuring that the current greenfield run-off rates will be maintained.
- Over 45% of the site will provide new Green Infrastructure, including play spaces, parks, allotments, orchards, new wetlands, grasslands, hedgerows and woodland. This will conserve the key existing habitats for wildlife and provide substantial improvements and new habitats, especially along the River Swilgate corridor. Both developers are committed to the Homes for Nature scheme and its many positive measures for nature conservation. The new green spaces have been designed to buffer the existing villages and ensure that the setting of nearby Listed Buildings and Conservation Area are respected.
- Elms Park will be a sustainable development, built to Future Homes Standards, Zero Carbon Ready and compliant with local climate change guidance.
- Both the applicants are recognised as 5-Star Home Builders Federation (HBF) house builders, ensuring build quality throughout their developments. They

are committed to bringing forward Elms Park as a well-designed, sustainable and healthy place where the new community can thrive.

A representative of Swindon Parish Council addressed the Committee and made the following points:

- They recognise the need for new housing in Cheltenham and believe that North West Cheltenham is a solid option to bring in extra capacity for the growing community.
- It is disappointing that it has taken so long to reach the current point. The JCS period is nearly three-quarters of the way through, and the application has only reached outline permission for what is meant to be the major piece of Cheltenham's housing strategy. The Parish Council recognises the part they have played in this given their desire to shape the development to minimise impact on the local community. They ask the local planning authority (LPA) to consider different engagement models when bringing forward detailed applications for Elms Park and major urban extensions in the future.
- They also highlighted challenges they have faced with engaging on this application. The last time the developers or their agents formally reached out to the Parish Council was over 8 years ago - even though the Parish Council have tried numerous times to reach out to the developers with their concerns and suggestions. They strongly urge the developers and the LPAs to setup a regular engagement forum to allow them to provide input and feedback.
- They are not here to try and stop this development, they recognise the need for it and want to make it a success. The Parish Council believe their local knowledge and knowhow can help achieve this and smooth the development process.
- They would also like to raise issues with the LPA's process. The CBC Planning portal is not fit for purpose; many residents still can't access key documents, an issue that had occurred again that morning.
- The Parish Council hasn't been notified properly about updates to the application, which makes it hard for busy councillors to provide the careful, considered feedback this process deserves. These failures are unacceptable for such an important planning application. They request that this Committee instigate an investigation into what's gone wrong to ensure it doesn't happen again.
- They acknowledged the work of the planning team – especially the planning officer, who has helped bring this application to the current point.
- On traffic and transport: They support the proposed Grampian condition – limiting the numbers to being no more than 260 homes before interim measures at M5 Junction 10 are in place, 1,711 new homes before the full scheme kicks off, and 3,327 dwellings before the scheme is finished. However, these conditions are based on modelling undertaken by Gloucestershire Highways, which falls outside the planning application consultation process. As such, they haven't been able to scrutinise these independently. Traffic modelling is very sensitive to its starting assumptions, and best practice would include sensitivity modelling to look at any potential

cliff-edge effects. As they don't know if that has been done, they ask the Committee to modify the proposed Grampian condition to limit the total number of new homes to 1,711, until robust evidence can be provided and scrutinised by the public.

- On services: They have serious concerns about the lack of detail on how services like schools and healthcare will be phased. While they support the planning officer's recommendation to attach condition 2 requiring detailed phasing information, the provision of this information needs to be sooner. All detailed information must be provided and committed to before the next full application for the next Elms Park phase because there is no spare local primary school capacity and secondary school capacity, as opposed to within three years.
- On construction: They are also very worried about the impact of construction on residents and the local economy. In Phase 1A alone, the lengthy and unpredictable road closures have caused significant congestion, led to a 20%–30% drop in customers for local businesses, and even forced one local business into administration. Right now, GCC Highways doesn't carry out any impact assessment for these major, planned road closures. The LPA and GCC need to develop an overarching framework for Elms Park that clearly outlines how road closures during construction will be managed, so that the impact on community and local businesses is minimised.
- As a parish they believe there's still a lot to do to fully optimise Elms Park and these issues should be addressed in the detailed full planning applications for each phase. They believe that the current outline application is the best that can be achieved at this point—and it is acceptable with the proposed conditions, along with the changes they have outlined.
- They recognise the urgent need for new homes, and the certainty that this planning application will provide in terms of 5-year land supply, avoiding future speculative applications that sap resources from all local councils. The community needs certainty, and they feel the best way to provide that is to move forward with Elms Park. They look forward to working together to get this right for the community.

Councillor Clucas, as Ward Member, addressed the Committee and made the following points:

- She has been involved in the application since 2013 and has seen the significant work that has been undertaken in relation to the council's housing needs for the 5-year land supply. It is good to see so many interested parties represented today.
- She commented on one aspect of the application in relation to Junction 10 . The report confirms that the redevelopment of the junction and connecting road has not been confirmed by the Government. The £71m funding has also not yet been allocated to the project. In this report developers are being asked to contribute around £20m but this still leaves a significant shortfall.
- If agreed the current conditions will allow around 1000 properties to be built before J10 is finally confirmed. This will treble the size of Swindon Village and

leave inadequate access and egress for those living there. Government statistics from 2021 showed that for every 1000 homes then there were 1200 vehicles. Can the roads cope?

- Current access to Swindon Village, the Swindon Farm site, is from Tewkesbury Road, through a new roundabout constructed at the top of Manor Road. Manor Road is a small, very thin local road for residents - it is not a major highway. She understands that the roundabout is deemed to be a temporary structure, and access to the village will again change. Those who have seen the traffic up and down that road will understand the issue residents have had. It has been a nightmare. What about Brockhampton Lane – it is just that - totally inadequate for access to the site for construction vehicles. Quat Goose Lane has been designated through the JCS as a road specifically for local traffic allowing only buses, bikes and local residents to use it so cannot be used for access or egress. This will leave Manor Road. If a serious incident occurs how will emergency services be able to attend?
- The lack of emphasis in this application on emergency service provision is a significant problem. Why has a police station not been included in the community facilities?
- The application before you admits that J10 is needed, and that traffic will be affected. It states that: *“It is agreed by National Highways and the County Highways Authority that the implementation of the Junction 10 upgrade will release the capacity to support the JCS growth.”* And, *“Conversely, both National Highways and the County Highways Authority agree that this application site, alongside other Strategic Allocations (namely West Cheltenham) cannot be delivered without severe cumulative impacts arising on the Strategic Highway Network and the Local Highways Network respectively. This application alongside West of Cheltenham Strategic Allocation applications are unable to mitigate their severe cumulative traffic impacts and they are reliant on delivery of the M5 Junction 10 scheme and the relief it provides in order to fully build out their sites.”* Agreeing to build homes before the confirmation of J10 funding has come forward from developers and the Government is not a supportable position. She asked the Committee to consider deferring the application until the Government has confirmed the funding for J10 , or to a condition preventing building of new homes until such confirmation is forthcoming. This should require government funding to be made, not just promised, indicated or discussed.
- We also must consider emergency service access. With narrow lanes, construction traffic, and no confirmed infrastructure upgrades there is a risk of delays for fire services, ambulances, and police. We risk losing the trust of residents if this is not taken forward.

In response to Members' questions, officers confirmed that:

- Anyone can put a planning application in for land, regardless of ownership. However, they would not be able to build on the land unless the owner chose to sell it.
- In terms of Junction 10 there are two planning conditions – 19 and 20. Condition 19 is derived from consultation response from National Highways

and is to control severe highways impact on the strategic road network. It states that no more than 3,327 dwellings and 43,400sqm of commercial floorspace shall be occupied until Junction 10 works are complete. National Highways believe that this was an appropriate amount of development that could take place before there was severe impact on the network. Condition 20 refers to the local highways network and was requested by the county highways authority who are concerned with the severe impact on local roads. That requires that prior to the commencement of the Junction 10 works, no more than 1,306 dwellings and 7,261sqm of Class E floorspace shall be occupied. That allows development to come forward a bit sooner as it is a prior to commencement trigger. It is about certainty of the contract, so once works on Junction 10 begin there will be a known development timescale for that and funding in place to provide security of works being completed.

- The establishment of a community liaison group would not be provided through a condition but would be a planning obligation. It is fully envisaged that the group and a community development officer will be in place before construction commences. The exact terms and contracts for how the organisations work will be finalised through the S106 agreement. The groups will have an important role in helping existing residents through the construction process, ensuring they are aware of when noisy works are taking place and managing complaints. Those community liaison groups will then be in place as the new community develops and comes forward. We hope that those community liaison groups will then facilitate the groups that take over the community centres, pavilions and sports hub. It will be a long-term project and a mechanism in place from commencement of development and through almost the first decade as the community is built. This will support the aim of creating a sustainable community in terms of social cohesion and a sense of place.
- The planning obligation and heads of terms how the community liaison group will work will be put in place before the permission for the outline agreement is granted and S106 will be advertised online, as required by law. It is anticipated that it will be a year or two before construction starts on site as design codes will need to be agreed and reserved matters applications submitted. There is scope to introduce community engagement mechanisms before any construction commences, we would anticipate Swindon and Uckington Parish Councils will be included in these mechanisms.
- We are currently waiting for the Secretary of State's decision on Junction 10 works. There is an indication that this may be received by the 5 June.
- The objector was not able to speak at Tewkesbury Borough Council as much like Cheltenham Borough Council and so the situation here, there are speaking slots and there is only one for objectors and one for supporters. Somebody had already registered at Tewkesbury Borough Council in the slot to object and so there that slot was taken.
- Officers are aware that Members have received letters from the Office of Police and Crime Commissioner (OPCC) regarding the lack of a community

police station within the plans. The contents of report and recommendations remain unchanged.

- The land use and access parameter plan specifies vehicle access to the site will be primarily obtained from three access points, all on Tewkesbury Road. These will be opposite Homecroft Drive, opposite the Civil Service Club and the stub by Sainsbury's. The site will be built out from south to north from that point. Trigger points have been identified for when these roadworks need to be in place based on significant traffic modelling.
- Access on Manor Road, serving Swindon Farm, was always intended to be a secondary access rather than a main access to the site. This will be secured through future reserved matters and future design codes. Access from Swindon Village via Quat Goose Lane will be for bus services and emergency vehicle access.
- A construction environmental management plan, as detailed in condition 10, will need to be discharged as part of the application. We would expect that access would not be through residential routes. The county highways authority will be included in the consultation of this plan and will work closely with the street works team to ensure that construction takes place in the most appropriate way. This will include ensuring that construction access is taken from the A road rather than narrow roads in Manor Farm.
- The site is relatively flat but with some landforms and heights above existing levels which will create gradient fluctuations across the site. Carrying out substantial earth movement work creates both ecological and resource implications for the scheme. Topography will also create a sense of place and add interest to the street scene. The highest buildings will be along Tewkesbury Road, which is relatively flat, so there will not be a sudden gradient change.
- Sports England are not financially contributing to the sports facilities but have been extensively involved in the consultation as a statutory body to identify what is required on site. This has included consideration of the modelled demography of the population and the quality of existing facilities in the area. The applicants will be paying for the sports facilities and there is no gap in funding.
- A Member's comment that more objectors should be allowed to speak on a scheme of this size was noted but it was highlighted that this was a point on the constitutions of both the individual councils.

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

- The principle of development on this site has been established for a considerable time as part of the Joint Core Strategy. The application will provide much needed housing and gives the Committee the opportunity to endorse over 4000 homes to add to the council's 5-year supply, which will hopefully prevent developers challenging the supply and putting in applications that are unsatisfactory.
- A refusal would expose the council to appeal.

- The application will provide 35% affordable homes built to a standard that accords with the supplementary planning document on climate change, including the provision of heat pumps and solar panels. It will provide sustainable, good homes for the people of Cheltenham, alongside opportunities of work, and contribute to the economy. It will substantially increase the population of Cheltenham, making Cheltenham viable and bringing widespread benefits, buying goods and services within the Cheltenham area. Whilst there are issues with the application, as there always are, the Member would be proud to have the scheme as a legacy for the council.
- Also, the contribution to M5 Junction 10 was hugely important.
- Praise was given to the planning officer for the detailed and thorough report and the impressive detail contained in the conditions. The speakers were also thanked for their valuable input.
- That this application marks the start of a new chapter in Cheltenham and was exactly what Cheltenham needs. It proposes a huge number of services, including the provision of schools, GPs, the health centre, and dental suite. The community spaces were also praised. Often a lack of community is seen in the modern era, the play areas and sports facilities will be of huge benefit in this. It was positive that many of the services are included within the first phase of development, which will therefore be of beneficial to existing and as well as the developing communities..
- Concern was raised over traffic ultimately being the big sticking point, with lanes not adequate for the number of vehicles that can be expected to be seen and the uncertainty around the Junction 10 improvement works Government funding. The importance of the improvement works to alleviate these problems were highlighted and the funding provided through the application to improve the road network through S106 was noted. Traffic mitigation for Swindon Village has been a long running concern. It was trusted that officers would ensure conditions are put in place to stop Swindon Village being used for access during construction. Highways England and the Government were urged to recognise that the Junction 10 works are of national strategic importance.
- The need to improve engagement with local parish councils and ward members was raised and it was noted that the applicants' website was disappointing as it lacked documents and consultation responses.
- Whilst there were reservations around the loss of countryside, the need for housing was felt to outweigh the loss alongside the efforts to maintain a proportion of green space, including the protection of a significant number of hedgerows and trees and the provision of allotments and set back from Swindon Village. The phasing was praised with the infrastructure going in first.
- The housing is needed and 70% of the affordable housing will be social rent and there will be four/five bed houses not just flats.

- The comprehensive nature of the community that was being built – including provision for youth, the elderly, GPs, community spaces, and sports facilities was praised.
- The nature of the landscape around Cheltenham means that there is no other suitable land for a development of this size to be built.

The matter then went to the vote on the officer recommendation to permit subject to conditions and s106 as set out in the report and update report, and including the verbal update to condition 49:

For: 10

Against: 0

Abstentions: 0

Voted UNANIMOUSLY to permit subject to conditions and s106.

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

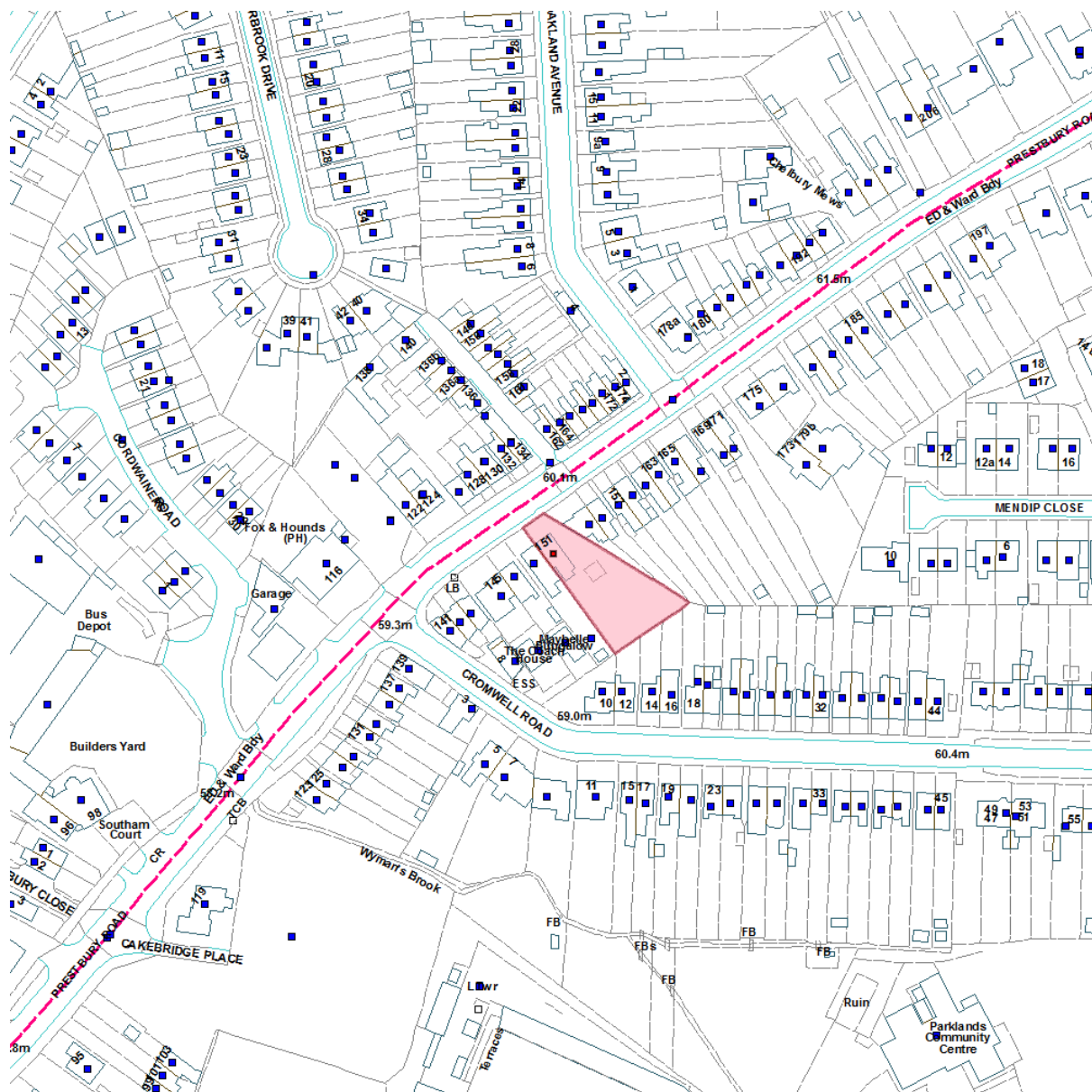
There were none.

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Committee Officer Report

APPLICATION NO: 24/01868/FUL	OFFICER: Ms Nicole Golland
DATE REGISTERED: 12th November 2024	DATE OF EXPIRY: 7th January 2025
DATE VALIDATED: 12th November 2024	DATE OF SITE VISIT:
WARD: Oakley Ward	PARISH:
APPLICANT: Mr Alex Bumpstead	
AGENT:	
LOCATION: 151 Prestbury Road Cheltenham Gloucestershire	
PROPOSAL: Erection of 1no. dwelling with associated works and landscaping.	

RECOMMENDATION: Permit



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The back land site is bounded by residential dwellings to the north, east and south. The site is wholly located within the Borough's designated Principal Urban Area (PUA).
- 1.2 The site is occupied by a semi-detached, two storey dwelling dating from the early part of the 20th Century that sits within a plot measuring circa 875 sqm. The existing dwelling is of a modest size and appearance and has recently been granted planning permission to be extended. These works have been completed.
- 1.3 The site was cleared of trees prior to submission of the proposal. The site is flood zone 1 (lowest risk of flooding) and is outside of any conservation area.
- 1.4 The applicant proposes to erect a single storey dwelling.
- 1.5 Following the previous refusal, of a two-storey dwelling, the applicant undertook a pre application. Officers advised keeping the dwelling single storey and providing landscaping along the boundary. The applicant has listened to the officer advice and submitted a scheme that officers find acceptable.
- 1.6 The applicant revised the plans during the course of the application, making the footprint of the new dwelling smaller and pulling it away from the boundary.
- 1.7 The application has been called to Planning Committee by Councillor Hay, as Ward Member for Oakley. Reason:

"The reasons are loss of amenity, size of the footprint, proximity to houses"
- 1.8 The term 'eco dwelling' was removed from the description of development, as whilst positive, the climate change measures are similar to all new dwellings in Cheltenham.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Principal Urban Area

Relevant Planning History:

24/01243/PREAPP 21st August 2024 CLOSED

Proposed 2 bed single story dwelling with off road parking on land to the side and rear of 151 Prestbury Road.

23/02085/FUL 29th February 2024 PER

Single storey rear extension

24/00103/FUL 1st March 2024 PER

Dropped kerb and permeable driveway.

24/00507/FUL 17th May 2024 REF

Erection of 1no. eco-friendly dwelling with associated works and landscaping.

3. POLICIES AND GUIDANCE

National Planning Policy Framework

Section 2 Achieving sustainable development

Section 4 Decision-making

Section 5 Delivering a sufficient supply of homes

Section 11 Making effective use of land

Adopted Cheltenham Plan Policies

D1 Design

SL1 Safe and Sustainable Living

Adopted Joint Core Strategy Policies

SD3 Sustainable Design and Construction

SD4 Design Requirements

SD9 Biodiversity and Geodiversity

SD10 Residential Development

SD14 Health and Environmental Quality

INF1 Transport Network

Supplementary Planning Guidance/Documents

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

Climate Change (2022)

4. CONSULTATIONS

CBC Ecologist

21st January 2025 -

The Preliminary Ecological Appraisal & Biodiversity Net Gain Assessment (Sharpe Ecology, January 2025) appropriately describes the ecological features of the site and mitigation required. Ecological enhancements to the site are proposed which is supported and conditioned below.

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 (Sharpe Ecology, January 2025) calculates a -83.94% loss in area habitat units, and the trading rules are not met. The mandatory biodiversity net gain condition has therefore not been met and off-site biodiversity units must be purchased to satisfy this condition prior to commencement of the development should the development be granted planning permission. 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) and include proof of purchase of off-site biodiversity units from a suitable provider.

As the development is entirely within the curtilage of a private garden, a Habitat Management and Monitoring Plan (HMMP) and S106 is not required with respect to biodiversity gains achieved by this proposed development. The statutory biodiversity gain condition still applies.

The following conditions should be applied if this application is deemed approved:

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 2No integral bird boxes, 1No integral bat box, and 1No integral insect box. The bird boxes must include bricks or tiles for swift and house sparrow. All species boxes should be integral to the building where possible. 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".

Soft Landscape Plan

Prior to the commencement of the development hereby approved, a soft Landscape Plan including a planting schedule, shall be submitted to and approved in writing by Cheltenham Borough Council. The landscaping plan must include 2No trees to replace the tree habitat lost prior to development.

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".

CBC Ecologist

15th April 2025 -

The updated Preliminary Ecological Appraisal & Biodiversity Net Gain Assessment (Sharpe Ecology, April 2025) still appropriately describes the ecological features of the site and mitigation required. Ecological enhancements to the site are proposed which is supported and conditioned below.

The mandatory biodiversity (net) gain (BNG) condition still 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 updated BNG Assessment and biodiversity metric (Sharpe Ecology, April 2025) calculates a -39.69% loss in area habitat units, and the trading rules are not met. The mandatory biodiversity net gain condition has therefore not been met and off-site biodiversity units must be purchased to satisfy this condition prior to commencement of the development should the development be granted planning permission. 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) and include proof of purchase of off-site biodiversity units from a suitable provider.

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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".

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Cheltenham Civic Society

17th December 2024 -

OBJECT

There were mixed opinions on the design, but it was agreed that this proposal represents overdevelopment of the site.

We would like more details of the eco credentials they are claiming beyond complying with current building regs. (NB the drawing refers to a ground source heat pump but the text to an air source heat pump, whose location is not explained).

The unimaginative landscaping with non-native ornamental shrubs (laurel and photinia) will mean there would be no bio-diversity net gain.

Planting with native species (hawthorn, holly, mountain ash or hornbeam) would encourage wildlife.

CBC Ecologist

26th November 2024 -

The ecology comments for 24/01243/PREAPP on this site included a request for an Ecological Impact Assessment (EclA). One has not been submitted so the ecological impact of this proposal cannot be assessed currently.

A Biodiversity Net Gain (BNG) assessment was also requested under the mandatory BNG regulations. A small sites biodiversity metric (SSBM) has been submitted, but no accompanying report has been submitted.

Vegetation clearance including tree felling has taken place on this site prior to this application being submitted. Schedule 14 of the Environment Act (2021) (Biodiversity Gain as a condition of Planning Permission) states that:

"If—

(a) a person carries on activities on land on or after 30 January 2020 otherwise than in accordance with—

(i) planning permission, or

(ii) any other permission of a kind specified by the Secretary of State by regulations, and

(b) as a result of the activities the biodiversity value of the onsite habitat referred to in paragraph 5(1) is lower on the relevant date than it would otherwise have been, the pre-development biodiversity value of the onsite habitat is to be taken to be its biodiversity value immediately before the carrying on of the activities."

As such, the SSBM for this application must contain all habitats including trees on the site pre-clearance. As there is no accompanying report with the SSBM, there are some outstanding queries on the BNG calculation made and potentially some amendments to the SSBM required depending on the outcomes of the queries.

Tab 5 of the SSBM (Archie Yearp, November 2024) records 7 trees on the site baseline, but the Arboricultural Survey, Impact Assessment and Protection Plan (Arb assessment) (MHP Consultants, April 2024) records 5. Does the SSBM account for the trees removed from the site prior to submission of this application?

Tab 5 of the SSBM records 3 trees as being retained on the site post-development, but the Arb Assessment states 5 trees as retained post-development. Can this be clarified?

Tab 5 of the SSBM records 30 new trees planted on site post-development. These are all (but one) shown vaguely on the Proposed Site plan (dwg no: 151a-01-PS) along the proposed boundary hedgerow. If these trees are planted within the hedgerow, then they need to be removed from tab 5 of the SSBM as individual trees and captured in tab 6 of the SSBM in a proposed 'hedgerow with trees' habitat. This is how the habitat would be classified under UKHab.

The proposed tree species and hedgerow to be planted consist of non-native species. The benefits of native planting cannot be understated with regards to biodiversity, and these benefits will be realised locally and later Cheltenham-wide. The applicant is strongly encouraged to change the planting scheme from non-native to native.

Architects Panel

4th April 2025 - Design Concept:

The principle of developing a dwelling on the site is acceptable.

Design Detail:

The panel had comments on an earlier scheme which was two storeys in height and were pleased to see that a single storey scheme was now being proposed.

However, there were some concerns with the proposed scheme.

The elevations appear to be overly tall with a significant ceiling height. The dwelling doesn't relate to the garden space to the southeast, with only tall slot windows being proposed on this elevation consequently the living spaces only relate to a narrow central courtyard which will be heavily shaded a lot of the time due in part to the height of the building surrounding it.

It is not evident that it would be possible for a car to turn around within the site as such it would not be possible for a vehicle to leave the site in a forward gear.

Recommendation:

Not supported in its current form.

GCC Highways Planning Liaison Officer

1st May 2025 –

The revised proposals still do not comply with Manual for Gloucestershire Streets (page 48) and subsequent addendum regarding the minimum provision of 2 off-street car parking spaces for the existing 4 bedroom dwelling.

No.151 was permitted a driveway frontage construction under application 24/00103/FUL measuring 5.6m deep by 5.4m wide to adequately provide two car parking spaces and meet the dimensions required to maintain appropriate access to the front door for mobility impaired users (page 51). The new application reduces the frontage proposal width to below the approved dimensions specified and it will therefore no longer be able to accommodate 2 vehicles. The remaining width will be

only 2m and significantly less than the 3.5m dimension proposed on the submitted drawing. See images 1 and 2 below.

The proposal can easily be amended to provide a single parking space to the side of the existing dwelling and a length of shared driveway to the new dwelling which would be considered acceptable and allow gating of the new dwelling if required for privacy.

Tree Officer

19th November 2024 - The eco-friendly ambitions of the project would be better served with greater diversity of species in the planting. Furthermore, limiting the new trees planting to cherry laurel and Photinia is in effect planting hedging. Neither species makes a particularly good tree as is commonly understood by the term. They are prone to spreading, shrubby forms with modest amenity value. It would therefore be preferable for the landscape proposals to reflect a more mixed variety of tree species with a few trees with greater amenity value.

Reason: to ensure the planting of suitable trees as per Para 136 of the NPPF.

Drainage And Flooding

15th November 2024 - There are no objections to the application with regards to flooding and drainage provided that a condition for a sustainable drainage (SUDS) is attached to mitigate the impact of impermeable surfaces. Guidance on the surface water drainage scheme requirements are included below:

A sustainable surface water drainage plan should be provided detailing how surface water on the site will be disposed with flood risk mitigated to both the proposed site and any neighbouring/downstream properties. Water quality will also need to be considered. Rainwater collection/re-use and the use of permeable surfaces are recommended, as per the Cheltenham Climate Change SPD.

The onsite surface water drainage system must be designed to accommodate up to and including the 1% (1 in 100) annual exceedance probability (AEP) rainfall event (including a 40% allowance for climate change). An exceedance surface water route plan for flows greater than the above rainfall events should be submitted, identifying the surface water flow routes through the site should the capacity of the drainage system be exceeded. As per the SUDS hierarchy, infiltration should be initially considered and soil maps (<https://www.landis.org.uk/soilscapes/>) indicate there may be good infiltration rates at this site. Evidence of BRE 365 infiltration testing should be provided if soakaway/infiltration devices are proposed, so that a site specific infiltration rate is used in the design. If infiltration is not considered feasible, onsite attenuation will be required prior to controlled discharge off the site, not exceeding the (Qbar) greenfield runoff rate.

5. PUBLICITY AND REPRESENTATIONS

Letters were sent to 13 properties surrounding the site, this occurred twice following the submission of revised drawings.

7 objections and 1 neutral comment have been received.

Full comments should be read online. The objections raise the below themes;

- Landscaping Care: Concern over the maintenance and care of landscaping on the property edge.
- Property Scale: Concerns regarding the large scale of the proposed development.
- Sound and Light Pollution: Objections to the noise and light pollution the development would bring, particularly from the car parking area.

- **Overbearing and Overshadowing:** The development will create an oppressive environment and cause overshadowing, leading to a loss of daylight and sunlight for neighbouring properties.
- **Privacy Loss and Overlooking:** The development will result in a loss of privacy, with windows overlooking neighbours' homes, particularly due to the removal of trees earlier in the year.
- **Parking Area Location:** Objection to the placement of the parking area, as its proximity to the back garden raises concerns about privacy and noise.
- **Removal of Privacy 153 Prestbury Road:** The removal of vegetation has exposed windows, particularly the bathroom window at 153, compromising privacy.
- **Outlook and Visual Impact:** The development will have a negative visual impact, creating an overbearing environment.
- **Pollution:** Concerns about the impact of noise, air, and light pollution, especially from car movements, on health and well-being.
- **HMO Concerns:** Worries that the development may become a House of Multiple Occupation (HMO), which could negatively affect the area and lead to anti-social behaviour and parking pressure.
- **Security Risks:** The development could increase security risks by providing easier access to neighbouring properties.
- **Drainage and Ground Stability:** Concerns about flooding and ground instability, with the proposed development not meeting the required Sustainable Drainage Systems (SuDS).
- **Environmental Impact:** The removal of trees earlier this year has harmed the site's environmental value, and the landscaping plan does not adequately address biodiversity loss.
- **Sustainability Issues:** The eco-friendly focus of the development has decreased, with more emphasis on commercial gain than sustainability.
- **Traffic Concerns:** Increased traffic on the road due to the development is also a concern.
- **Historic Boundary Dispute:** A neutral comment is made regarding a past boundary fence dispute between 149 and 151 Prestbury Road.

6. OFFICER COMMENTS

Determining Issues

- 6.1** The main considerations in relation to this application are the principle of development, design and layout, the impact of the proposal on neighbouring amenity, parking and highway safety, sustainability and impact on the Beechwoods SAC.

Principle

- 6.2** In terms of principle, JCS policy SD10 relates to residential development and advises how housing development and conversions to dwellings will be permitted on previously developed land in the Principal Urban Area (PUA). The application site is located within an existing residential area, with access to local amenities and public transport links. The site is therefore in a sustainable location and is therefore considered to be compliant with adopted JCS policy SD10.
- 6.3** Additionally, the NPPF (2025) states at paragraph 125 (d) specifically stating decisions should “promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively.” The thrust of national policy is clear that sites such as this should be supported for housing.
- 6.4** Given the above, the general principle of a dwelling on the plot is acceptable.

Design and layout

- 6.5** Section 12 of the NPPF refers to achieving well designed spaces and states that planning decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.
- 6.6** Adopted Cheltenham Plan Policy D1 requires new development to adequately reflect principles of urban and architectural design; and to complement and respect neighbouring development and the character of the locality. Furthermore, JCS policy SD4 relates to design, and identifies considerations to include context and character, legibility and identity, amenity and space.
- 6.7** Further detail can also be found in Cheltenham's Supplementary Planning Document – Development on Garden Land and Infill Sites. This document sets out various elements that are considered to create the character of an area and includes grain, type of building, location of buildings, plot widths and building lines.
- 6.8** The proposed development is for a single storey flat roof dwelling that would be positioned in the middle of the site, close to the boundaries with Nos. 12, 14 and 16 Cromwell Road and 153 Prestbury Road. To the west is the garden of no.149 Prestbury Road and beyond this a bungalow known as Maybelle.
- 6.9** Para 135 (c) of the NPPF states proposals should be “sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change”. The proposed dwelling has a contemporary form and design and is proposed to be brick and render with black window frames. Whilst different to surrounding dwellings, it does use brick similar to the neighbouring terraces, and it is considered an innovative response to the site.
- 6.10** It is clear that the surrounding context has seen various forms of infill and back land development in recent times, given this surrounding context, officers consider the site could be appropriate for infill development.
- 6.11** Whilst it is acknowledged the footprint of the dwelling is large and objectors feel it should be reduced. Unlike the previous refusal the scheme is now single storey and it retains a sensible garden around the property and the scheme has been reduced in scale. Further, over time the landscaping will limit the visibility of the scheme from surrounding properties.
- 6.12** Overall officers feel the proposal achieves an acceptable design.

Impact on neighbouring property

- 6.13** It is necessary to consider the impact of development on neighbouring amenity. JCS Policy SD14 and Cheltenham Plan Policy SL1 state how development should not cause unacceptable harm to the amenity of neighbouring properties. Matters such as a potential loss of light, loss of privacy, loss of outlook, noise disturbances and overbearing impact will therefore be considered.
- 6.14** In terms of sunlight and impact on any habitable space, due to the position of the proposal within the plot and single storey scale, the proposal will not result in any loss of light to any habitable rooms and is therefore acceptable in this regard.
- 6.15** The single storey proposal has a boundary fence supported by landscaping around the edge. Consequently, the future occupiers could not peer into the neighbouring gardens or properties from the dwelling. These details will be secured further via condition.
- 6.16** In terms of outlook, residents neighbouring the proposed development will now see a built structure in what was an empty space was previously. However, they will primarily see the top of the building and its flat roof. The proposal does not block any protected landscape views. Over time, as landscaping matures, the dwelling is expected to blend well into its

surroundings. Therefore, it is concluded that the proposal does not negatively impact the outlook for the surrounding properties.

- 6.17** Nearby 'Maybelle' was permitted under 18/00741/FUL for a similar single storey dwelling, to the rear of properties along Prestbury Road, the current proposal is 3.5m in height and 'Maybelle' is 3m in height. As such, this single storey dwelling is similar to other schemes deemed acceptable previously.
- 6.18** The proposal is 1.4m from the tip of No. 153's garden. However, given its single storey height it is not considered overbearing as the wider parts of No. 153's garden are less impacted. The proposal is 15.4m from No. 153 Prestbury Roads rear, but as can be seen this is a similar distance deemed acceptable for the nearby Maybelle single storey dwelling. The proposal is 4.4m from the boundary of the gardens along Cromwell Road. However, given the proposal is single storey it is not considered to be overbearing or cause overshadowing.
- 6.19** Privacy was mentioned with regards to a bathroom window at no. 153 Prestbury Road, however the ability to look into this window would be very limited given it faces onto a driveway currently, in any event bathroom windows would normally be expected to have an element of privacy i.e a blind or window film. This window being exposed to the driveway is not considered a reason to refuse the scheme.
- 6.20** Objectors raised concerns with regards to noise, light, air pollution and impact on their health and wellbeing both from construction and occupation of the new dwelling. It is not considered and new residents living within a single dwelling would cause any more noise than the surrounding homes. It is not considered the future occupiers would create substantial light pollution given the nature of the surrounding residential uses already where people may erect lights in their garden or turn on lights inside without drawing their curtains. The level of noise from very few cars entry the driveway is not considered harmful. Whilst construction works can be noisy this is managed outside of the planning process and builders must behave in a sensible way to ensure they minimise distribution.
- 6.21** Overall, while it is appreciated neighbours have concerns regarding the development, it is considered the single storey dwelling does not create any harm to neighbouring amenity to sustain a refusal on these grounds.

Landscape & Trees

- 6.22** The application site has been cleared of trees. The removal of these trees was lawful as they were not protected.
- 6.23** The Tree Officer advised; The eco-friendly ambitions of the project would be better served with greater diversity of species in the planting. Furthermore, limiting the new trees planting to cherry laurel and Photinia is in effect planting hedging. Neither species makes a particularly good tree as is commonly understood by the term. They are prone to spreading, shrubby forms with modest amenity value. It would therefore be preferable for the landscape proposals to reflect a more mixed variety of tree species with a few trees with greater amenity value.
- 6.24** Therefore, a landscape condition has been added to allow offers to secure the detail of the exact species proposed.
- 6.25** The boundary between the site and Cromwell Road properties proposes substantial planting. A planning condition has been added to this recommendation ensuring the planting is protected and has the best chance to establish.

Highways

- 6.26** Gloucestershire County Council as the Local Highways Authority were consulted on this application, and their detailed comments can be read above. The applicant provided tracking for within the site to show how the new parking spaces worked. The Local Highways Authority raised no concerns to these new spaces. However, they sought two parking spaces to the front of 151 Prestbury Road or one at the side in addition to one at the front to serve the existing dwelling. Having visited the site, it can be seen two cars can easily park at the front of 151 Prestbury Road. The Highways Officer was not agreeable with these spaces as they felt the spaces weren't big enough. But this is not considered a reason for refusal as one space in this sustainable location would be acceptable. Whilst comments regarding the increased traffic from the site are noted, the movements associated with the new dwelling are not considered to amount to significant harm to the highway network, and therefore do not merit a refusal on highway grounds.
- 6.27** The development is not considered to result in any unacceptable highway safety implications, and is considered to achieve a suitable access, parking provision and appropriate provision of cycle storage facilities. The development therefore accords with JCS policy INF1.

Sustainability

- 6.28** JCS policy SD3 requires new development to be designed and constructed to maximise the principles of sustainability. Development proposals are required to demonstrate how they contribute to the aims of sustainability and shall be adaptable to climate change in respect of the design, siting, orientation and function of buildings and outside space.
- 6.29** Further supporting text which discusses JCS policy SD3 identifies how the design of development should first identify measures to reduce overall energy demand before the use of renewable energy technologies. It is noted that this can be achieved through the choice of building fabric and construction techniques, optimising solar gain, natural lighting and ventilation to reduce the need for heating, cooling and lighting. It also suggests that design measures should seek to use energy more efficiently, such as increasing levels of insulation and improved air-tightness.
- 6.30** It is also important to note that Cheltenham has adopted a new Supplementary Planning Document – Cheltenham Climate Change (2022) which is therefore relevant to the considerations of this application. This SPD sets out a strategy for how buildings should respond to the climate change and biodiversity crisis and sets out how applicants can successfully integrate a best practice approach towards climate and biodiversity in their development proposals.
- 6.31** The application is supported by a sustainability statement which demonstrates how the proposal addresses climate change key features;
- Orientation has been considered in the design for solar gain and natural ventilation.
 - A combination of solar panels and air source heat pumps are used for energy generation.
- 6.32** Officers also note that current building regulations will require the installation of an Electric Vehicle Charging point which will also contribute to the sustainability of the proposal.
- 6.33** Officers consider that the sustainability checklist has been appropriately considered in the design and layout of this proposal. Overall, given the scale of development, which is for one infill residential development, officers consider the identified measures to be acceptable, and the development to be compliant with JCS policy SD3 and the adopted Climate Change SPD.

Drainage

- 6.34** The application site is wholly located in flood zone 1 and is therefore not considered to be susceptible to flood risk, nor is there any reason to suggest that the proposed development would result in any flooding implications, or unacceptable surface water issues for neighbouring properties. The development is therefore considered to be acceptable and accords with JCS policy INF2. A condition has been added requesting a sustainable drainage system.
- 6.35** Ground stability was raised by a neighbour, but structural matters are dealt with under Building Regulations.

Impacts on Beechwoods Special Area of Conservation (SAC)

- 6.36** 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).
- 6.37** Cheltenham plan policy BG1 states that development will not be permitted where it would be likely to lead directly or indirectly to an adverse effect upon the integrity of the European Site Network and the effects cannot be mitigated. All development within the Borough that leads to a net increase in dwellings will be required to mitigate any adverse effects. Without appropriate mitigation, the proposed development is likely to have a significant effect on the Cotswold Beechwoods SAC (either alone or in combination with other development) through increased recreational pressure.
- 6.38** In this instance, the application has paid £673 via a unilateral undertaking to cover SAC.

Biodiversity

- 6.39** As of 2nd April 2024, all minor developments for new housing requires a mandatory 10% requirement for Bio-diversity Net Gain. The Council Ecologist has reviewed the submitted information and provided detailed comments. Initially, further and revised information was required and was later received. Additionally, a new metric was submitted following making the footprint of the building smaller. The Councils Ecologist has confirmed that the latest information is acceptable, and the proposal achieves the necessary 10% gain for BNG. The proposal is therefore acceptable in this regard, subject to conditions which have been added.

Other considerations

- 6.40** Public Sector Equality Duty (PSED) As set out in the Equalities Act 2010, all public bodies, in discharging their functions must have “due regard” to this duty. There are three main aims:
- Removing or minimising disadvantages suffered by people due to their protected characteristics;
 - Taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people; and
 - Encouraging people with certain protected characteristics to participate in public life or in other activities where participation is disproportionately low.
- 6.41** Whilst there is no absolute requirement to fully remove any disadvantage, the duty is to have “regard to” and remove OR minimise disadvantage and in considering the merits of this planning application the planning authority has taken into consideration the requirements of the PSED. In the context of the above PSED duties, this proposal is considered to be acceptable.

- 6.42** Concerns in relation to the dwelling being an HMO cannot be considered; the Local Planning Authority must determine the application before them.
- 6.43** Objectors are also concerned that the new dwelling creates an access into gardens and potential burglary. It is not considered the private garden proposed next to the new dwelling would be any more vulnerable to crime than existing dwellings in the area.
- 6.44** The comments regarding the boundary between 149 and 151 Prestbury Road are a civil matter outside of planning.

7. PLANNING BALANCE AND CONCLUSION

- 7.1** Decisions on planning applications must be made in accordance with the development plan, unless material considerations indicate otherwise. The proposal can be considered as policy compliant in terms of the principle of a dwelling on the site, design, impact on neighbouring amenity, parking and highway safety, impact on the Beechwoods SAC, BNG and sustainability; in accordance with the development plan. Additionally, as Cheltenham does not have a five year housing land supply, consideration is given to NPPF paragraph 11d) which requires where housing policies are out-of-date (as is the case in Cheltenham) development proposals for housing must be approved without delay unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this 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.
- 7.2** The development has the clear public benefit of providing one dwelling to Cheltenham's housing stock, whilst modest, it is a contribution, nonetheless. Further, bungalows provide a different offering to the housing stock as they are not often built by larger developers. Additionally, the construction of the dwelling will provide a number of jobs during construction.
- 7.3** In this case, having particular regard as required by the NPPF to making effective use of land, whilst neighbours will see the proposed development and its slightly larger than other infill schemes in this area, officers are satisfied any adverse impacts resulting from the scheme are clearly outweighed by the benefits of providing an additional dwelling in a sustainable location and making effective use of land. Officers can find no sufficient grounds on which to refuse the proposal, consequently officer recommendation is to permit the application subject to the below 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.
- 3 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 2No integral bird boxes, 1No integral bat box, and 1No

integral insect box. The bird boxes must include bricks or tiles for swift and house sparrow. All species boxes should be integral to the building where possible. 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: To ensure that the development delivers ecological enhancement, and contributes positively to biodiversity and geodiversity, having regard to policy SD9 of the Joint Core Strategy (2017).

- 4 Prior to the commencement of development, a surface water drainage scheme, which shall incorporate Sustainable Drainage System (SUDS) principles and appropriate flood risk management, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include a programme for implementation of the works; and proposals for maintenance and management. The development shall not be carried out unless in accordance with the approved surface water drainage scheme.

Reason: To ensure flood risk management and sustainable drainage of the development, having regard to adopted policy INF2 of the Joint Core Strategy (2017). Approval is required upfront because the design of the drainage is an integral part of the development and its acceptability.

- 5 No external facing or roofing materials shall be applied unless in accordance with:
 - a) a written specification of the materials; and/or
 - b) physical sample(s) of the materials.

The details of which shall have first been submitted to and approved in writing by the Local Planning Authority.

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

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

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

Any trees or plants indicated on the approved scheme which, within a period of five years from the date of planting, die, are removed or become seriously damaged, diseased or dying shall be replaced during the next planting season with other trees or plants of a location, species and size which shall be first agreed in writing by the Local Planning Authority. All hard landscape works shall be permanently retained in accordance with the approved details [delete if not appropriate].

Reason: In the interests of the character and appearance of the area, having regard to adopted policies D1, GI2 and GI3 of the Cheltenham Plan (2020), and adopted policies SD4 and INF3 of the Joint Core Strategy (2017). Approval is required upfront because the landscaping is an integral part of the development and its acceptability.

- 7 Prior to first occupation of the development, parking and turning facilities shall be provided in accordance with the approved plans. Such areas shall not be used for any purpose other than the parking and turning of vehicles and shall remain free of obstruction for such use at all times.

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

- 8 The following elements of the scheme shall not be installed, implemented or carried out unless in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority:

- a) Air Source Heat Pumps
- b) Solar PV panels

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

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APPLICATION NO: 24/01868/FUL		OFFICER: Ms Nicole Golland
DATE REGISTERED: 12th November 2024		DATE OF EXPIRY : 7th January 2025
WARD: Oakley Ward		PARISH:
APPLICANT:	Mr Alex Bumpstead	
LOCATION:	151 Prestbury Road Cheltenham Gloucestershire	
PROPOSAL:	Erection of 1 no. eco-friendly dwelling with associated works and landscaping (revised scheme 24/00507/FUL)	

REPRESENTATIONS

Number of contributors	8
Number of objections	7
Number of representations	1
Number of supporting	0

18 Cromwell Road
Cheltenham
Gloucestershire
GL52 5DW

Comments: 2nd December 2024

This plot was designed to be a garden for an Edwardian property, and is not suitable for any new build. The proposed dwelling will have an adverse effect on houses in Presbury road and Cromwell road. The developer states that it will blend in seamlessly with the architectural style of the local area, we beg to differ. The single storey property is far too close to the boundaries of houses in Cromwell road. This will cause overshadowing, loss of light and noise disturbance.

16 Cromwell Road
Cheltenham
Gloucestershire
GL52 5DW

Comments: 4th April 2025

Dear Nicole

We can see on the portal that the consultation date is now set at Tuesday 15 April. Can we ask why this has been extended from Thursday 3 April?

Our comments added on Sunday 30 March included a number of questions. Can you confirm when and through which channel these will be answered?

Additional and/or revised drawings have been added by the Applicant to the portal on 1 April and 2 April, which seem to directly respond to public or consultee comments that have been added in recent days - it seems a bit of a one sided process that the applicant is allowed to respond on an ongoing basis to comments/concerns raised?

Page 42

The Architect Panel comment that we highlighted had been added to the wrong planning application has now been added to the 'Documents' section of the correct application. However, can we request it be added to the 'Comments' section of the application where it is more suited.

We note that there are dates against consultees, what are these and are these made visible to the public? We note that the ward councillors are listed as a consultee on this application but we're not listed on the previous refused application, is there any reason for this?

We look forward to your response to the above.

Comments: 30th March 2025

We continue to strongly object to the application for a development on this site for the reasons highlighted in our previous responses.

In relation to the applicant's newly submitted drawings, we also make the following points.

The applicant's claim that 'this single storey proposal reduces the visual impact from the street scene' is totally invalid. As drawing 151a-01-PS shows, the proposed building is not visible from Prestbury Road so has no impact on any street scene at all.

However, as the elevations in drawing 151a-01-ELE show, the proposal continues to have an overbearing impact on the neighbouring properties given it is a back garden development with a style and materials totally out of keeping with the adjacent areas. Therefore, the applicant's view that the proposed design '...aids privacy of the neighbouring properties...' is, in our view, incorrect.

The applicant claims the habitat is being enhanced by '...retaining existing Silver Birch trees and additional Silver Birch trees for continuity of the site'. The only retained trees shown on drawing 151a-01-SLP is one existing Silver Birch and two other trees which are not Silver Birch. There are no additional Silver Birch trees shown on the plan as being added. The applicant's claim of additional Silver Birch trees is therefore wrong.

Drawing 151a-01-SLP also describes three species of trees that the applicant says will be planted. We challenge this view, given that two of the species listed - P2 and P3 - are defined as an evergreen hedge and evergreen shrub and cannot be considered as trees at all.

The proposed species are non-native and will not encourage biodiversity

The applicant's claims regarding planting to '...enhance the habitat and soften the site' also need to be viewed in the context of the applicant's decimation of the site in early 2024, prior to the initial planning proposal for the site. This has been highlighted by us, and others, in previous comments. Photographs have also previously been provided to highlight this.

The applicant's elevation drawings (151a-01-ELE) show no windows on Elevation B and Elevation C. However, the overall Elevation Plan on this drawing shows windows are included in these areas. Elevation C also seems to be exactly the same as that

previously submitted as part of this application but simply with the addition of our garden fence. We continue to be concerned there will be line of sight from the proposed development into our home, especially from our first floor and second floor bedrooms.

We note the applicant has included a total area plan (151a-01-AR) in the new set of drawings. From this, the new design looks to fill a similar, if not larger, area than the previous design. However, it is difficult to assess this accurately given an area plan was not provided in the initial drawings for this application.

The addition of solar panels on the roof concerns us regarding glare into our property.

The applicant continues to claim this development is helping Cheltenham Borough Council achieve its housing target. However, as a two-bedroom, single property, we fail to see how this claim is true. We feel the numerous multiple house and large scale developments that have been completed and/or are underway in the Cheltenham Borough Council area (including a number in recent years on Prestbury Road) are better suited to meeting these targets. The fact that this application is proposed in a back garden site, which is totally out of keeping both architecturally and contextually for the area, deems it completely unsuitable.

Additional points

We would like confirmation from Cheltenham Borough Council as to why the applicant has not been required to submit a new planning proposal for this new design. We assume the new design has been submitted due the original design submitted for this application (ref: 24/01868/FUL) being deemed unsuitable and should therefore be formally refused, and a new planning application submitted. Please can it be explained why application 24/01868/FUL has not been refused?

We would also like to understand how the applicant has been informed of the need to submit a new design. We can only assume there is dialogue taking place between the applicant and the planning department at Cheltenham Borough Council. As council tax payers and members of the community that will be directly impacted by any development we feel that the developers have been given advice that could be perceived to be advantageous to them while we are only able to respond/comment on the proposals via the planning portal. As we believe the private developer is not intending to live in this property, it feels unfair and disappointing to us, as council tax payers, that the applicant is being offered advice that could potentially have a massive impact on those of us who live here.

We were surprised that the Architect Panel had not submitted a comment to this application. However, we have now seen that the panel's comment made on 19 February 2025, in which it continues to be unsupportive of the application, has been added to the wrong application on the portal. We assume this is an error made by the planning team.

We also do not feel there has been an adequate response to the Architect Panel's concerns listed to the first application for the site (ref: 24/00507/FUL) in that '...the site is simply not adequate to accommodate a dwelling of this scale' and their question as to '...whether this is a site or not', and their concern as to '...the impact on the neighbouring properties amenity space'. Please can we be provided with a response to these concerns.

We also note that the Cheltenham Civic Society view that '..this proposal represents overdevelopment of the site'.

We assume all consultants will be invited to give comments on the new drawings.

The Prestbury Road/Cromwell Road neighbourhood community

As a more general point, we would like to point out the detrimental outcome that consent for the building of any property on this back garden site would have on the local community.

16 Cromwell Road has been our family home for 18 years. Other families adjacent to the proposed site have lived here longer than us. We love living here and we enjoy the community feel of living alongside our neighbours, who have become friends..

Any planning consent that may be given for any type of development on this back garden site would effectively tear the community apart. You may be aware that three families who are adjacent to the site have already put their homes up for sale. If any planning consent is given, we would put our house up for sale and would move away. We are aware others would do likewise.

This effectively means that any planning consent that may be granted would, in our view, show Cheltenham Borough Council to be putting the commercial gain of private developers who are not from Cheltenham and do not plan to live here above the long standing community value that many families in Cromwell Road and Prestbury Road place on living here. While this information may not directly apply to the actual planning application that has been presented, we feel strongly that those who are responsible for reviewing this application should be fully aware of this situation.

Comments: 2nd December 2024

We strongly object to this planning application for the reasons outlined below.

Loss of privacy

The proposed development will result in a significant loss of privacy for us given there would be direct line of sight from the proposed development into our house, specifically a bedroom on the first floor. We believe this is the case from Elevations C and F on the drawing submitted by the applicant on 26 November

Loss of privacy is magnified by the close proximity of the proposed dwelling to the boundary of our back garden.

The applicant's proposal references the use of envelope windows to add natural light and privacy to the bedrooms and bathroom. This would not protect our privacy in our own home and garden, especially given all bedrooms in the proposed development have windows facing our property.

We do not believe we should be expected to make arrangements to protect our own privacy as a result of the proposed development. This point of objection links to the Human Rights Act (and in particular Protocol 1, Article 1), which states that a person has

the right to peaceful enjoyment of all their possessions, which includes the home and other land.

Privacy has already been lost due to the applicant's removal of the trees from the site earlier this year. The properties on Prestbury Road now have a direct line of sight into our kitchen, a first floor bedroom and our garden. This situation will not be remedied by any landscaping the applicant is proposing.

Loss of light

The proposed development will result in overshadowing of, and loss of daylight/sunlight into, our garden and potentially our house. We note that the applicant has not submitted a daylight or sunlight report as part of the planning application. We expect the planning committee will require the applicant to submit a daylight/sunlight report prior to any decision being made.

Outlook

We are aware we cannot object to the development based on the impact on our view. However, outlook is a separate issue. In terms of outlook, we object that the proposed development would have an adverse overbearing effect that would result in an unduly oppressive living environment for us

Pollution - noise, air and light

The proximity of the proposed development to our house and garden provides serious concerns regarding noise. The development itself is close to our boundary and the lawn/rear garden of the proposed development backs onto our garden. We are also concerned by the noise pollution caused by vehicles given that the proposed development has provision for four car parking spaces.

Air pollution is also a serious concern in relation to the proximity of the parking area and the number of cars. One of the family members in our property is asthmatic and the impact of the vehicle fumes on the health of this individual would be a risk.

We have serious concerns of the light pollution relating to the car parking - the headlights of cars driving into the proposed development would shine directly into our house. We also have concerns regarding the light pollution caused by the proposed development's unnatural internal and external lighting.

The design of the building and character of the area

As with our objection to the applicant's previous application for this site, we continue to object to this new application in relation to the design of the building and character of the area. In point 3.19 on Page 9 of the applicant's original Planning Statement, the applicant shares a view that 'this visually contained garden does not in our opinion make any particular contribution to the townscape or environmental quality of the borough'. We believe this statement to be totally disrespectful and somewhat arrogant. In the applicant's own words, the proposal is for a development in a contained garden - as a contained garden site, we fail to see how any development on the site could make any contribution to the townscape or environmental quality of the borough. Instead, it would simply have a severely negative impact on those of us living in the immediate area.

In addition, the applicant's Planning Statement (point 3.20 on Page 9) states 'The impact on the character of the area is considered negligible and not untoward given the variety of building styles, ages and materiality in the vicinity'.

In the same point in the Planning Statement, the applicant claims 'The proposal ultimately makes good use of an underutilized plot in a predominantly built-up residential area'.

These claims brush over the fact that it is actually a back garden of the family home at 151 Prestbury Road. Similarly, all of the other 'plots' behind the houses on Prestbury Road and Cromwell Road are back gardens which are used by, and add massive social and community value to, the people living in the properties. We disagree with the applicant's claim that the 'impact on the character of the area' can be considered negligible given the proposed development would have a hugely negative impact on our community..

In the applicant's new planning application statement, there are references to the proposed development enhancing the streetscape and promoting a cohesive streetscape. We fail to see how this is the case given the application is for a back garden development, which is totally out of keeping with the area where there are no other back garden developments.

Planning history

The applicant's original Planning Statement references three properties (143-147 Prestbury Road, The Coach House and 8 Cromwell Road) that they claim were permitted 'effectively for backland residential development in some form'. We do not believe these are suitable precedents or comparable to the applicant's proposed development. 143-147 Prestbury Road were developed as houses as a change of use from a 'brownfield' building (a fireplace factory/shop), The Coach House is a single level property with no sight over neighbouring gardens/buildings, and 8 Cromwell Road is based on a main road and does not back on to, or have oversight of, gardens of other properties.

The applicant's original planning statement also references the space between no's 171 and 175 and no's 177 and 179 on Prestbury Road, and claims this space is 'for driveways providing access to the two dwellings directly behind'. This is also not a comparable precedent given the building it provides access to was predates the properties on Prestbury Road or Cromwell Road.

Parking - the positioning of spaces

The position of the car parking is a massive concern - we have raised objections above regarding the noise, air and light pollution that the cars would bring. The position of the car parking magnifies these impacts. The spaces of the proposed development are situated a significant way down the site and very close to our back garden.

We do not believe there are any other instances of car parking provision at the back of any of the houses on Prestbury Road or Cromwell Road - all parking for current houses is to the front of the properties and adjacent to the main roads.

The provision of four car parking spaces is also at odds with the current Cheltenham Borough Council Local Plan (Page 76, point 15.2), which states: 'Generally the best-to-worst modes of transport for the environment are as follows:

- walking and cycling
- ultra-low emission vehicles
- buses and trains (depending on fuel)
- motorcycles
- shared cars

single-occupant cars'

Parking - the number of spaces

The proposal includes four car parking spaces, which is excessive for a two bedroom property. This also makes us believe the applicant is planning to market the property with more than two bedrooms, which is at odds with the information provided by the applicant in the 'Application for Planning Permission' document.

House of multiple occupation

In relation to the parking provision, we are also concerned that the applicant is actually planning a house of multiple occupation (HMO).

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A number of properties on Cromwell Road and Prestbury Road have been broken into in recent years with the perpetrators gaining access to the properties via back gardens. This proposed development will increase the risk of additional break-ins by giving easier access into adjoining properties.

Drainage and ground stability

Regarding 'Prevention of Flooding', the applicant's Sustainability Statement says 'All hard surfaced areas will be permeable, and rainwater collected wherever possible as illustrated on the accompanying drawings'. This seems a weak and unsubstantiated view that the proposed development would not cause any flooding issues to surrounding properties.

The size and layout of the proposed development leave us extremely concerned of the risk of flooding as a result of the new development.

We do not feel the proposed development meets the requirements of sustainable drainage systems (SuDS), which, following a review by the Department for Environment, Food and Rural Affairs ("DEFRA") in 2023, are expected to become mandatory in 2024 on all new developments.

Part H of the England and Wales Building Regulations define that 'when using a soakaway for rainwater, it must be located over five meters from a building, and two and a half meters from a boundary'. We do not see how this is possible on the current proposed development given its suggested position within the site is so close to the boundary of our property and that of the other neighbours.

At the very least, we would expect that the applicant is required to carry out a detailed investigation and reporting into the risk of flooding. Given the scale of the proposed development, we would also expect this investigation and reporting to be extended to

cover the impact of the proposed works on the stability of our property, other properties and the surrounding areas.

Environmental claims and landscaping

The applicant's claim (in point 3.22 on Page 9 of the original Planning Statement) that 'the potential environmental impact has been considered from the outset' is followed by an admission that 'the loss of the existing garden land is regrettable'.

In relation to Ecology & Biodiversity, the applicant's new sustainability statement states: 'The removal / pruning of some of the existing trees within the site has already been undertaken'.

'To mitigate this loss, additional planting is proposed as set out on the submitted landscape plan. This will provide opportunities for birds to nest and forage'.

This is a woeful misrepresentation of the work the applicant carried out in the back garden of 151 Prestbury Road (the site of the proposed development) earlier this year - all trees and plants were removed to the detriment of the wildlife and natural environment. The environmental, wildlife and natural value of the garden space of 151 Prestbury Road, which was built up over many, many, many years, was removed by the applicant in just a few days. We are aware this is not governed by any formal planning requirement but we continue to be surprised and disappointed that the applicant carried out this action without any prior consultation with, or notification to, us and the other neighbours to the site.

We added photographs to our objection to the previous development and would ask that these are referred to in relation to this new application. (The pictures below show the stark difference between the view from, and into, our back garden due to the applicant's removal of the trees. The photo on the left shows the tree coverage before removal and the photo on the right shows the current situation).

We note the comments of the Ecologist in relation to the Ecological Impact Assessment (EclA), Biodiversity Net Gain (BNG) Assessment and the small sites biodiversity metric (SSBM). The Ecologist also highlights the situation regarding the 'Vegetation clearance including tree felling has taken place on this site prior to this application being submitted' and the need for 'the SSBM for this application must contain all habitats including trees on the site pre-clearance'. In our view, this confirms the flagrant disregard the applicant has shown towards the environmental, wildlife and natural value of the garden space.

The removal of the existing trees, plants and natural environment already carried out on the site also seems to disregard 'Policy D3: Private Green Spaces' of the Cheltenham Borough Council Local Plan, which was adopted in July 2020 and states 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. Proposals for development within extensive grounds of large properties will need to take account of the scale and location of existing buildings within or adjacent to the site, the main features of the site itself, and where appropriate, will be required to:

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The applicant's sustainability statement also says: 'To mitigate this loss, additional planting is proposed as set out on the submitted landscape plan. This will provide opportunities for birds to nest and forage'.

However, this is not in line with the comments from the Tree Officer on 19 November: 'The eco-friendly ambitions of the project would be better served with greater diversity of species in the planting. Furthermore, limiting the new trees planting to Cherry Laurel and Photinia is in effect planting hedging. Neither species makes a particularly good tree as is commonly understood by the term. They are prone to spreading, shrubby forms with modest amenity value. It would therefore be preferable for the landscape proposals to reflect a more mixed variety of tree species with a few trees with greater amenity value'.

We also note the Ecologist comments in relation to the applicant's proposal.

Given the site has remained unchanged for 8-9 months, we would expect all of the relevant environmental and ecological assessments to be carried out. We also believe a relevant wildlife survey needs to take place to ensure there are no breaches of the Wildlife and Countryside Act.

Further explanation required

In point 4.3 on Page 12 of the applicant's original Planning Statement, the applicant states: 'The site is suitable, available and development is achievable now; making a more effective use of previously developed land'.

We still do not believe land on which the development is proposed has been 'previously developed'. Please can the applicant provide further information about the previous developments on this land?

An emphasis on the eco-friendly nature of the development

The applicant's original proposal was for an 'eco-friendly dwelling'. The same level of eco-friendly focus does not seem to be of such importance in the new proposal. In our view, this highlights the applicant's focus on commercial gain rather than providing a development with true sustainability credentials.

In conclusion

The applicant claims this planning proposal is suitable in that it supports the Joint Core Strategy's (JCS) identification of the housing requirement in Cheltenham.

The JCS references 'a housing requirement of at least 10,917 new homes for Cheltenham and seeks to ensure sufficient housing is brought forward to assist with employment growth'. Given this application is for a single dwelling, we do not believe the applicant's claim that this proposed development supports this requirement is justified in any way at all. It is a single dwelling that will have an adverse impact on the surrounding area (for the reasons listed in this objection), while adding little, if anything at all, to the housing requirement or employment growth.

As we have highlighted in our feedback, the applicant's reference to the planning history and precedent set by specific properties in the area is totally incorrect.

The emphasis of the eco-friendly design contradicts the overall negative impact of the proposed development both from an environmental and social/community aspect. In the

proposal, the applicant admits (point 3.22 on Page 9 of the Planning Statement) 'the loss of the existing garden land is regrettable' - this is an interesting admission. The objections we have raised in terms of pollution (air, light and noise), the detriment to the natural environment of the site and the unsuitable use of the site, totally outweigh any perceived value that the reduced eco credentials of the actual building. The negative impact of the proposed development on the social/community aspect of the surrounding properties also outweighs the eco-nature of the development.

As referenced earlier, 'Policy D3: Private Green Spaces' of the Cheltenham Borough Council Local Plan, which was adopted in July 2020., states 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. Proposals for development within extensive grounds of large properties will need to take account of the scale and location of existing buildings within or adjacent to the site, the main features of the site itself, and where appropriate, will be required to:

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The same Local Plan also references Para. 53 of the National Planning Policy Framework, which states 'Local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area'.

Given these policy/framework statements, we fail to see how any development of the proposed site can be approved.

We therefore object to this application and request the Council to turn down the application.

Comments: 1st December 2024

We strongly object to this planning application for the reasons outlined below.

Loss of privacy

The proposed development will result in a significant loss of privacy for us given there would be direct line of sight from the proposed development into our house, specifically a bedroom on the first floor. We believe this is the case from Elevations C and F on the drawing submitted by the applicant on 26 November

Loss of privacy is magnified by the close proximity of the proposed dwelling to the boundary of our back garden.

The applicant's proposal references the use of envelope windows to add natural light and privacy to the bedrooms and bathroom. This would not protect our privacy in our own home and garden, especially given all bedrooms in the proposed development have windows facing our property.

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We do not believe we should be expected to make arrangements to protect our own privacy as a result of the proposed development. This point of objection links to the Human Rights Act (and in particular Protocol 1, Article 1), which states that a person has the right to peaceful enjoyment of all their possessions, which includes the home and other land.

Privacy has already been lost due to the applicant's removal of the trees from the site earlier this year. The properties on Prestbury Road now have a direct line of sight into our kitchen, a first floor bedroom and our garden. This situation will not be remedied by any landscaping the applicant is proposing.

Loss of light

The proposed development will result in overshadowing of, and loss of daylight/sunlight into, our garden and potentially our house. We note that the applicant has not submitted a daylight or sunlight report as part of the planning application. We expect the planning committee will require the applicant to submit a daylight/sunlight report prior to any decision being made.

Outlook

We are aware we cannot object to the development based on the impact on our view. However, outlook is a separate issue. In terms of outlook, we object that the proposed development would have an adverse overbearing effect that would result in an unduly oppressive living environment for us

Pollution - noise, air and light

The proximity of the proposed development to our house and garden provides serious concerns regarding noise. The development itself is close to our boundary and the lawn/rear garden of the proposed development backs onto our garden. We are also concerned by the noise pollution caused by vehicles given that the proposed development has provision for two car parking spaces.

Air pollution is also a serious concern in relation to the proximity of the parking area and the number of cars. One of the family members in our property is asthmatic and the impact of the vehicle fumes on the health of this individual would be a risk.

We have serious concerns of the light pollution relating to the car parking - the headlights of cars driving into the proposed development would shine directly into our house. We also have concerns regarding the light pollution caused by the proposed development's unnatural internal and external lighting.

The design of the building and character of the area

As with our objection to the applicant's previous application for this site, we continue to object to this new application in relation to the design of the building and character of the area. In point 3.19 on Page 9 of the applicant's original Planning Statement, the applicant shares a view that 'this visually contained garden does not in our opinion make any particular contribution to the townscape or environmental quality of the borough'. We believe this statement to be totally disrespectful and somewhat arrogant. In the applicant's own words, the proposal is for a development in a contained garden - as a contained garden site, we fail to see how any development on the site could make any contribution to the townscape or environmental quality of the borough. Instead, it would simply have a severely negative impact on those of us living in the immediate area.

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In addition, the applicant's Planning Statement (point 3.20 on Page 9) states 'The impact on the character of the area is considered negligible and not untoward given the variety of building styles, ages and materiality in the vicinity'.

In the same point in the Planning Statement, the applicant claims 'The proposal ultimately makes good use of an underutilized plot in a predominantly built-up residential area'.

These claims brush over the fact that it is actually a back garden of the family home at 151 Prestbury Road. Similarly, all of the other 'plots' behind the houses on Prestbury Road and Cromwell Road are back gardens which are used by, and add massive social and community value to, the people living in the properties. We disagree with the applicant's claim that the 'impact on the character of the area' can be considered negligible given the proposed development would have a hugely negative impact on our community.

In the applicant's new planning application statement, there are references to the proposed development enhancing the streetscape and promoting a cohesive streetscape. We fail to see how this is the case given the application is for a back garden development, which is totally out of keeping with the area where there are no other back garden developments.

Planning history

The applicant's original Planning Statement references three properties (143-147 Prestbury Road, The Coach House and 8 Cromwell Road) that they claim were permitted 'effectively for backland residential development in some form'. We do not believe these are suitable precedents or comparable to the applicant's proposed development. 143-147 Prestbury Road were developed as houses as a change of use from a 'brownfield' building (a fireplace factory/shop), The Coach House is a single level property with no sight over neighbouring gardens/buildings, and 8 Cromwell Road is based on a main road and does not back on to, or have oversight of, gardens of other properties.

The applicant's original planning statement also references the space between no's 171 and 175 and no's 177 and 179 on Prestbury Road, and claims this space is 'for driveways providing access to the two dwellings directly behind'. This is also not a comparable precedent given the building it provides access to was predates the properties on Prestbury Road or Cromwell Road.

Parking - the positioning of spaces

The position of the car parking is a massive concern - we have raised objections above regarding the noise, air and light pollution that the cars would bring. The position of the car parking magnifies these impacts. The spaces of the proposed development are situated a significant way down the site and very close to our back garden.

We do not believe there are any other instances of car parking provision at the back of any of the houses on Prestbury Road or Cromwell Road - all parking for current houses is to the front of the properties and adjacent to the main roads.

The provision of car parking spaces is also at odds with the current Cheltenham Borough Council Local Plan (Page 76, point 15.2), which states: 'Generally the best-to-worst modes of transport for the environment are as follows:

walking and cycling

ultra-low emission vehicles

buses and trains (depending on fuel)
motorcycles
shared cars
single-occupant cars'

House of multiple occupation

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Given these policy/framework statements, we fail to see how any development of the proposed site can be approved.

We therefore object to this application and request the Council to turn down the application.

14 Cromwell Road
Cheltenham
Gloucestershire
GL52 5DW

Comments: 2nd April 2025

We continue to strongly object to this application for development of this site and our previous comments from the earlier application remain valid.

We would strongly like to stress the following and urge the planning office to reject the application :-

1. The application does not enhance the streetscape as it is a back garden development and is out of keeping with surrounding properties.
2. The development does not go towards resolving Cheltenham's housing targets considering there are many developments in the very near vicinity and a major development underway not far away in the town centre.
3. The proposed development is imposing on all surrounding properties (including the recently developed 151 Prestbury Road) and will overlook all neighbouring properties with direct eye lines into rooms. This will further impact our privacy.

4. The site has previously been identified as not even being "a site for development" as commented by the Architects panel.
5. The Cheltenham Civic Society have also commented previously that this development represents a overdevelopment of the site.
6. Whilst the shape of the new design is different, the total area it occupies is potentially greater than the previous design.
7. The applicant has made no attempt to improve on the planting of suitable trees to obscure the development and encourage biodiversity back to previous levels.
8. Parking is still unsuitable
 - a. Noise, light and pollution from vehicles will impact neighbouring properties
 - b. Not enough turning space for any vehicles, meaning the potential for them to be reversed onto the busy main road (Prestbury Road)
9. Concerns over glare from the solar panels on the proposed development.

In addition we are concerned about the following:-

1. This new design has been proposed after the initial expiry date. Was the initial design rejected by the planning office and if it was, why hasn't a new application been raised ?
2. We would also like to understand how the applicant has been informed of the need to submit a new design. We can only assume there is dialogue taking place between the applicant and the planning department at Cheltenham Borough Council. We really hope that the developers have not been given advice that could be perceived to be advantageous to them.
3. Since this new design has been raised and consultation letter sent out, further documents have been uploaded by the applicant which seem to be in response to initial replies.

As a final comment we would like to stress that the Planning office does not underestimate the impact this is having on the neighbouring properties and community. From the time that the garden and trees were devastated by the Applicant and through this whole process of potentially having an ugly, overbearing property visible from your own has caused substantial stress and worry.

The site is clearly not fit for such a development and once again urge the planning office to reject this and any such development on the site that proposes a property in a back garden.

Comments: 2nd December 2024

In response to the planning application statement we feel that there are numerous erroneous claims contained within that we would like to challenge. It also seems that the applicants have spent little time considering the content of the application as there is even a section containing the instruction of what to write within it, which has not been removed !

Site and Context

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The planning application states that it presents an opportunity to enhance the streetscape with a new, appropriately scaled dwelling. We would strongly challenge this for two reasons:-

1. The dwelling cannot be seen from the street and therefore cannot enhance the streetscape and its modern exterior does nothing to enhance the Edwardian architecture and surrounding gardens.

2. We would also challenge the 'appropriately scaled' dwelling. The application goes on to say that by changing the design to a single storey they have significantly reduced the mass and visual impact.

Revised Proposal

=====

This new planning application has in reality a much larger footprint than the original and the living area is disproportionate to quantity and size of bedrooms. We believe that size and placement of the snug-cinema room is in fact a third bedroom by stealth, therefore the applicants have ignored the concerns for scale.

Within the same section of the revised design, states the use of red brick to "blend seamlessly with the architectural style of the local area", however its design does not reflect the Edwardian architecture which surrounds it, and we would challenge that it does not blend seamlessly but is in fact in complete contrast to from an aesthetics point of view.

Whilst recognising parking allocation, we would again challenge that visitors would need to park in nearby streets which are already troublesome with parking off the road on grass verges on Prestbury Road and over drop kerbs blocking access in Cromwell Road. This will only become even more untenable when the new builds on Prestbury Road are complete.

There is not a precedent for back garden developments in the immediate area on Prestbury Road or Cromwell Road, and likewise for parking in gardens or behind properties.

With regards to landscaping and environmental considerations we would urge that the planning office consider the tree officer and ecologist comments about landscaping and habitat.

Design and Impact Considerations

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As previously stated in the context section, this new design adds nothing to streetscape and does not visually integrate into the surrounding area. Its scale also is far greater than the likes of Maybelle and the Coach House.

It is stated that "the reduced height of the structure eliminates concerns of overlooking and overshadowing". Although the new proposal is a single storey dwelling, it will still be of a height and size which will be seen and felt at ground level from our property. This is a major concern for us in both terms of outlook and privacy; the outlook will have an adverse overbearing effect that would result in an unduly oppressive living environment both with our garden and in our home for our family and similarly for our neighbours and any future residents. The sheer size and close proximity will create nothing short of a claustrophobic living environment.

Planning and Policy Compliance

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We would disagree that the development respects local context and scale as detailed previously. We would also extremely disagree that the revised design avoids any adverse impact on the light, privacy, and amenity of neighbouring properties. Once again, this seems an arrogant claim by the applicants.

Consultation and Feedback

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Although the applicants claim this new proposal meets community expectations, the community that we know and are part of would vehemently disagree and this shows no sensitivity to us or the local context but just screams profit.

Therefore, we strongly object to the proposal for the erection of one eco-friendly dwelling with associated works and landscaping (revised scheme) at 151 Prestbury Road, Cheltenham, Gloucestershire (re: 24/01868/FUL) for the reasons stated previously and below:

The planning application proposes a smaller two bedroom home which we still fully believe is of a scale, size and placement that is inappropriate to the garden plot that it intends to develop and occupy and therefore will impact our family, our neighbours and our community in an unjustifiable and indefensible manner.

As originally stated in our previous objection, the Cheltenham Borough council document, Development on garden land and infill sites in Cheltenham, states that 'a key consideration when assessing planning applications, is the impact that the new development will have on the amenities of residents' and 'amenity is generally taken to mean the enjoyment of a property and the elements of that property that provide comfortable and convenient living conditions'.

Elements of amenity which are listed in the document are:

- Sunlight and over shadowing
- Daylight
- Loss of privacy and outlook
- Noise disturbance from vehicles and other sources
- Disturbance from smells, dust, fumes, vibration
- Glare from artificial lights
- An over bearing impact due to the bulk and/or proximity of buildings
- A cramped plot with insufficient amenity space either in absolute terms or in relation to the size of the dwelling (applies to new and existing dwellings)

Whilst living in our home we have enjoyed extremely comfortable and convenient living conditions associated with the amenity list above, in not only our home but also its location and surroundings having lived here for a lengthy period of time. I would also suggest that our neighbours have similar feelings to their homes. (However, it is worth mentioning that it was significantly better prior to the culling of the garden).

Unfortunately, we still vehemently feel that these elements of amenity will be strongly, if not extremely compromised and untenable to live with for the following reasons:

1. Sunlight and overshadowing/daylight - whilst recognising that the revised proposal is a single storey dwelling, we are concerned that the proposed tree planting positioning will overhang neighbouring properties and will potentially overshadow and cause damage to fences and outbuilding. Any re-planting needs to be well within the boundary of the existing plot being developed, but currently this is not the case.

There is no mention of a protection order being put in place for this new planting so there would be no stopping any new resident removing them at any point in time.

2. Loss of privacy and outlook - Please see comments within the Design and Impact Considerations section above.

In regard to privacy, our living areas (bedrooms, bathrooms, kitchen and a reception room) will be in direct eye line of any resident living in the new proposed dwelling, residents will have clear views into our home resulting in both intended and unintended visual intrusion.

Any privacy that is proposed with new planting will take a number of years to establish. This is not acceptable, and we feel that we should not have to make adjustments as a consequence which may in turn further affect daylight into our home. Our garden will also be overlooked and due to the small size of our plot we cannot do anything to aid our privacy i.e., we cannot move to another part of the garden.

The planning application states that envelope windows will be installed but what will stop any future residents replacing these with larger windows?

It must also be said, how will any future residents of such a proposed dwelling, in that placement, on that plot feel about being overlooked themselves? Surely the number of windows looking onto their property from a 360-degree perspective would make them feel as though they too were living in a goldfish bowl or arena?

3. Noise disturbance from vehicles and other sources -Noise pollution is also a major area of concern as at least two vehicles will essentially be driving into the middle of gardens and towards the rear of our property; they will essentially be driving into the centre of garden space close to our home and garden and will definitely be within in earshot and realistically could be at any time of day or night.

4. Disturbance from smells, dust, fumes, vibration - this links to aforementioned points in relation to vehicular access to the property. The fact that potentially at least two cars, with their associated fumes and pollution, are going to be driving into the centre of the plot close to our boundary is of specific concern as a family member is asthmatic and another has medical history associated with the lungs. There is no way for us adapt our living to negate this.

Again, the impact of potential smells (and disturbance) from fires, home cooking, BBQs, animals, waste etc. in such close proximity to our home should not be overlooked in relation to our current comfortable living conditions.

5. Glare from artificial lights - another major concern is light pollution from outdoor lights which may be on twenty-four hours a day.

6. An over bearing impact due to the bulk and/or proximity of buildings - as previously stated in relation to the outlook, the extremely close proximity of such a large building will have an adverse overbearing effect, that would result in an unduly oppressive living environment both through our garden and in our home. It feels untenable to live with and will definitely impact among other things mental health and wellbeing.

7. A cramped plot with insufficient amenity space either in absolute terms or in relation to the size of the dwelling (applies to new and existing dwellings) - whilst recognising the size of the garden and the temptation to develop it there is also a sense of claustrophobia encroaching from the left of the proposed dwelling where garages, a fireplace factory and showroom have been replaced by residential dwellings resulting in a heavily populated area which this development will add to. It must be noted though that these residential developments that have replaced 'brownfield' predeveloped sites have not impacted surrounding properties in the same way that this proposal does.

The following also needs to be taken into consideration:

1. Ecology and biodiversity environmental claims and landscaping - Please see our previous comments in relation to the impact on ecology, biodiversity and wildlife. We fully agree and support the comments already submitted by the Tree Officer and the Ecologist as part of this current application. We would like to see the mentioned reports.

The application also states that 'Given the central urban location which is within the short distance of a main vehicle thoroughfare into the town, the site has limited ecological value as supported by the available environmental records on recent applications in the vicinity.' As per our previous objection, we would challenge how up to date and therefore accurate the current GCER report for planning applications is; as we have seen among other things in our garden (this list is not all inclusive): an otter, frogs, woodpigeons which nested, mated and lived in the trees which have been removed, the occasional house sparrow all of which are on the legally protected species list in the aforementioned GCER report (with the exception of the otter but it is a protected species); without the other abundance of birds including robins, various tits, magpies, mating blackbirds and mammals including hedgehogs, squirrels and foxes.

2. Planning history

We are concerned that the misleading nature of the neighbouring backland developments statements from the previous planning application may be taken into consideration.

Please see our comments from our previous planning objection in relation to this topic.

3. The design of the building and the character of the area

As previously detailed, we do not believe the character of the proposed dwelling is in keeping with the surrounding properties.

Whilst we recognise that Cheltenham has always been seen as innovators in town planning and architecture over the previous centuries, it has also been respectful of its history. Is it not appropriate to keep, cherish and celebrate the Edwardian architecture and keep the new innovations in architecture to an appropriate area for urban development where this style is more fitting?

4. Parking/Access

Please see our earlier comments in relation to parking and access.

5. Security

A number of properties in Cromwell Road, including our own, and no doubt several on Prestbury Road have been burgled causing great distress. This development, further opens the rear of the properties and gives easy access to such criminal behaviour.

6. Drainage and ground sustainability

Whilst there are no objections to the application with regards to flooding and drainage, provided that a condition for a sustainable drainage (SUDS) is attached to mitigate the impact of impermeable surfaces. We would expect that the comments made by Drainage and Flooding are adhered to, as we are extremely concerned about the risk of flooding due to the new development.

7. Architects Panel Comments

We would like to draw your attention to the comments from 29th April 2024 where the Architects Panel questioned whether this is even a site or not. The impact on the neighbouring properties amenities and the small amount of amenities space that is left for No.151 Prestbury Road is a concern.

There is a concern that the site is simply not adequate to accommodate a dwelling of this scale (taking into consideration that the footprint is larger than the original proposed plan). The property is set close to the rear boundary of the site and as such this has not been addressed.

In conclusion:

We strongly object to the plans for an eco-dwelling in the garden of 151 Prestbury Road for the following reasons:

- Sunlight and over shadowing /daylight will be compromised
- Loss of privacy
- Outlook and visual impact
- Glare from artificial lights
- Undue multi-sensory disturbance and intrusion.
- Increased pollution
- An over-bearing impact due to the bulk and/or proximity of buildings
- Unsuitable parking
- Potential flooding and ground instability
- Health and well-being of our family and neighbours

We stand by our original statement that we irrevocably believe that there will be nothing but adverse impacts which in line with 'Policy D3: Private Green Spaces' will 'cause harm to the local area' and affect the long-term health and well-being and living conditions of our family and our neighbours whilst doing nothing to solve the housing shortfall or improve the town landscape.

Therefore, we respectfully urge the Council to dismiss this application as inappropriate.

12 Cromwell Road
Cheltenham
Gloucestershire
GL52 5DW

Comments: 4th April 2025

In relation to the applicant's revised and 'revised' revised drawings I continue to strongly object.

1: Please refer to all comments made against previous revisions which all continue to apply.

2: The applicant's claim that revised proposal reduces the visual impact is not valid. The building is not visible from Prestbury Road so has no impact on any street scene. It does however have a huge adverse impact on the adjoining properties and community of residents.

3: The updated drawings show the proposed elevation will continue to have an overbearing impact on the area and all residents and properties adjacent to the proposed development in the garden of 151 Prestbury Road. The proposed design continues to be juxtaposed in style, design and materials to the surrounding properties. It looks like a military bunker.

4: The claim that the proposal aids privacy of neighboring properties is invalid. The proposed development destroys the privacy of all neighboring properties, the occupants of which will have direct line of sight into the rear upstairs rooms of mine and other adjoining properties. As per previous comments made, this will have a negative impact on wellbeing and ability to utilise the rear rooms of my property.

5: The claim the applicant is enhancing the habitat by retaining existing Silver Birch trees and additional Silver Birch trees for continuity of the site is inaccurate. The only Silver Birch trees shown on drawing are the remaining ones, so the applicant's claim of additional Silver Birch trees is a lie since there is no additional Silver Birch tree in the proposal that doesn't exist today.

6: The applicant was also instructed in a previous tree report to erect a protective barrier around the remaining trees in the garden before further work in the garden took place. There are still no protective barriers erected, and as the Planning Officer has seen from the videos provided to her, the applicant and his workforce were actively scraping at the roots of the remaining trees with the digger bucket. These trees were situated far away from the extension of the existing property of 151 Prestbury Road and therefore there is no reasoning or justification for these actions other than a deliberate attempt to damage the remaining trees.

7: The trees in the revised proposal are classed as hedges and are non-native which will not encourage biodiversity and will not provide adequate screening. The loss of existing habitat and screening has been evidenced in many photos provided to the Planning Officer. It is unclear which (if any) of these photos have been passed to the Panel for consideration and it would therefore be helpful for the Planning Officer to reference which specific photos etc. have been supplied to the panel BEFORE they made their comments. This would give assurance that all evidence supplied to the Planning Officer has been passed on to the Panel for consideration.

8: The different elevations shown in the revised drawings are inconsistent in relation to windows. It is not clear which is correct or accurate. The letterbox style windows further add to the juxtaposed design and make the proposed dwelling look like a military bunker.

9: There is no proof due to lack of/and inconsistency of dimensions provided that the area of the new drawings is smaller than the previous revision. It looks slightly larger.

10: I could be wrong, but it is my understanding that the acceptable distance between the rears of buildings is 22m in the case of 2 storey developments and 28m for 3 storey developments. Although single storey houses or bungalows are single storey, it is my understanding they should preferably be designed so as to allow for the possibility of future extensions and therefore should still allow for 22m between the rear of builds. Based on the revised drawings, and the distance between the rear of my property and my rear boundary, the proximity of the proposed dwelling will be less than 22m.

11: The solar panels on the roof will create glare the adjoining properties.

12: There have been multiple large housing developments on Prestbury Road in recent months, with a further development literally just across the road from 151 Prestbury Road in progress as we speak. These developments have provided multiple properties with a mix of housing types that support Cheltenham Borough Councils housing target. The applicants claim that they are helping to meet this target with a 2-bedroom dwelling in isolation built in the back garden of an existing property is totally invalid.

13: The architects on the Panel (based on their comments) don't support the development, and don't agree that the back garden of 151 Prestbury can be considered a site - it is a rear garden.

14: The change/movement of the boundary between 149 Prestbury Road and 151 Prestbury Road I raised in previous comments has not yet been addressed despite providing evidence that this boundary has been moved.

15: Some of the Panel comments have been posted on the older proposal, therefore it is not clear whether the Panel have actually reviewed and commented on the most recent revisions of the proposal. Furthermore, there have been multiple revisions of the proposal allowed by the Planning Officer in this consultation period, and I have seen the plans being updated as Public comments have been made. Why has this been allowed instead of refusing the application based on the outcome of the Consultation the applicant

required to re-submit? It is now not clear what Panel members have seen and commented on, and what evidence they have actually been provided. I would therefore ask that this is taken to committee to ensure that the residents objecting to this proposal have the opportunity to walk through all the reasons for objection and ensure the Panel have seen all evidence provided with the appropriate context given alongside it to ensure that evidence provided has not been filtered or mis-represented.

16: What ongoing dialogue is the applicant having with the Planning Officer and Cheltenham Borough Council? As residents, we are only given the opportunity to comment on submitted designs. It appears the developer is receiving inside assistance as part of an ongoing dialogue to get these plans approved by hook or by crook, which is prompting the multiple revisions of the drawings being submitted within a single consultation period. As a taxpayer and for all the reasons outlined above it is unclear why a developer who is non-local and does not intend to live in the property or live in Cheltenham is receiving such advantageous treatment. There is a declining level of transparency in this process.

Comments: 3rd December 2024

Planning objection - 151 Prestbury Road

I strongly object to this planning application for the reasons outlined below.

Site and Context

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As per the same comments made by 14 Cromwell Road, the planning application states that it presents an opportunity to enhance the streetscape with a new, appropriately scaled dwelling.

- The dwelling cannot be seen from the street and therefore cannot enhance the streetscape and its modern exterior does nothing to enhance the Edwardian architecture and surrounding gardens.

- I would also challenge the 'appropriately scaled' dwelling. The application goes on to say that by changing the design to a single storey they have significantly reduced the mass and visual impact.

The Architects Panel Comments from 29th April 2024 where the Architects Panel questioned whether this is even a site or not. The impact on the neighboring properties amenities and the small amount of amenities space that is left for No.151 Prestbury Road is a concern. There is a concern that the site is simply not adequate to accommodate a dwelling of this scale (taking into consideration that the footprint is larger than the original proposed plan). The property is set close to the rear boundary of the site and as such this has not been addressed.

The applicant's reference to the planning history and precedent set by specific properties in the area is totally incorrect and is dangerously misleading.

ADDITIONALLY, the boundary line between 149 and 151 Prestbury Road was altered during the summer with the erection of new fencing by the applicant - this is evidenced in photos sent to the planning officer in the summer showing the before and after position of the fenceline and may lead to dispute at some point in the future.

Revised Proposal

=====

As per the same comments made by 14 Cromwell Road:

When measuring the drawings, the new planning application proposes a much larger footprint than the original and the living area is disproportionate to quantity and size of bedrooms. The statement that this is a scaled down proposal is misleading given the size of the footprint is actually larger than the original proposal.

It is my belief that the snug-cinema room is an attempt to make provision for a third bedroom by stealth.

Within the same section of the revised design, states the use of red brick to "blend seamlessly with the architectural style of the local area", however its design does not reflect the Edwardian architecture which surrounds it, and it does not blend seamlessly but is in fact in complete contrast to from an aesthetics point of view.

This is also contradicted elsewhere in the proposal where it mentions the main structure and facing building materials will be either Timber or Masonry.

Whilst recognizing parking allocation, I would challenge that visitors would need to park in nearby streets which are already troublesome with parking off the road on grass verges on Prestbury Road and over drop kerbs blocking access in Cromwell Road. This will only become even more untenable when the new builds on Prestbury Road are complete.

I am already directly impacted by parking pressures everyday with strangers cars either parking across my driveway making it difficult and unsafe to maneuver out, or with cars being abandoned outside by strangers and left for months as is currently the case making it difficult and unsafe for workmen and delivery drivers to pull outside my property when needed and having no contact to politely ask to move.

There is not a precedent for back garden developments in the immediate area on Prestbury Road or Cromwell Road, and likewise for parking in gardens or behind properties.

Design and Impact Considerations

=====

As per the same comments made by 14 Cromwell Road:

As previously stated in the context section, this new design adds nothing to streetscape and does not visually integrate into the surrounding area. Its scale also is far greater than the likes of Maybelle and the Coach House.

It is stated that "the reduced height of the structure eliminates concerns of overlooking and overshadowing". Although the new proposal is a single storey dwelling, it will still be of a height and size which will be seen and felt at ground level from our property. This is a major concern in both terms of outlook and privacy; the outlook will have an adverse

overbearing effect that would result in an unduly oppressive living environment within the garden and in the home and similarly for neighbours and any future residents.

From a statement of personal impact, the scale and positioning of the proposed dwelling very close to the rear of my property will create a claustrophobic, overbearing and oppressive environment which will have an adverse impact on my wellbeing.

Planning and Policy Compliance

=====

I disagree that the development respects local context and scale as detailed previously. I also disagree that the revised design avoids any adverse impact on the light, privacy, and amenity of neighbouring properties for the reasons given further down.

Consultation and Feedback

=====

I dispute the applicants claim this new proposal meets community expectations as the community that we know and are part of would vehemently disagree and this shows no sensitivity to us or the local context. The applicant has repeatedly demonstrated that they are not willing to follow planning guidance set out in previous specialist reports.

Drainage

=====

I am extremely concerned about the risk of flooding and subsidence.

How will drainage conditions, controls and safeguards to prevent flooding, subsidence and any other adverse impact to the neighbouring properties be guaranteed and enforced?

The applicant has already demonstrated unwillingness to abide by conditions in other specialist reports such as the tree report requiring protective boundaries to be in place before further work is conducted (see photos sent to planning office of the applicants' workforce directly scraping at the tree roots of the remaining trees with the digger in the summer)!!

Loss of Privacy

=====

My previous objection and comments still stand on this point and have not changed.

The proposed development will result in a significant loss of privacy. There is a direct line of sight from the proposed development into my house from the rear bedroom into my first floor bedrooms. This impact of the loss of privacy is increased by the close proximity of the proposed dwelling to my boundary fence and property.

Privacy has already been lost due to the applicant's removal of the trees from the site earlier this year together with the new extension granted at 151 Prestbury Road earlier this year. Nearly the whole rear of the extension is glass construction providing a wide-open view of the rear of the properties on Cromwell Road. The properties on Prestbury

Road now have a direct line of sight into our kitchen, first floor bedroom and our garden. This situation will not be remedied by any landscaping the applicant is proposing.

From a statement of personal impact, if this development gets planning approval to go ahead, I will no longer be able to feel at peace and freely able to use the rooms in my own property as a result of the loss of privacy at the rear of the property that the development will bring.

I will not be able to use either of the two rear first-floor rooms without being overlooked by the occupants of the proposed dwelling, and will not be able therefore to ever feel relaxed in my own home or garden as a result.

As per the comments made by number 14 Cromwell Road also:

Any privacy that is proposed with new planting will take a number of years to establish.

I should not have to make adjustments as a consequence which may in turn further affect daylight into our home. My garden will also be overlooked and due to the small size of our plot cannot do anything to aid privacy i.e., we cannot move to another part of the garden.

The planning application states that envelope windows will be installed but what will stop any future residents replacing these with larger windows?

Adverse Environment Impact

=====

The details of the proposed dwelling are not consistent with its claim to be to be an 'eco-friendly swelling.' The destruction of the established wildlife habitat by the developers already contradicts the stated ambition of this development. Additionally, the provision for multiple car parking contradicts this stated intent and is not consistent the current Cheltenham Borough Council Local Plan. The NET impact on the environment if allowing this proposal to proceed is adverse.

Furthermore the applicant has not complied with the comments in the original tree report since the last application was being considered that required protective boundaries to be placed around the trees before any further work was carried out. A video of the applicants' workforce repeated digging right at the rear of the boundary and scraping at the roots of the tree bordering the boundary in the summer using a small digger have already been supplied to the planning officer and can be emailed again if required.

Comments by the Ecologist Consultee indicate inconsistencies in the proposal with regards to the number of trees. This may indicate the applicant intended/intends to remove the remaining existing trees that they were observed scraping away at the roots with the digger in the summer. The Tree officer indicates the proposed 'trees' planting as actually hedging and may not be suitable for the site and selection of a native species would have significantly greater positive impact.

The scale of the loss of habitat and tress has already been evidenced by photos and web link sent to the planning officer in relation to the previous application with the tree report only having been submitted only after mass removal of habitat and displacement of aquatic/birds/wild-life. Development on the site will only guarantee this wildlife will not return to the area.

Overshadowing/Loss of natural daylight and sunlight

=====

My previous objection and comments still stand on this point and have not changed.

The proposed development will result in overshadowing of, and loss of daylight/sunlight into, my garden and potentially my house. The applicant has not submitted a daylight or sunlight report as part of the planning application. I expect the planning committee will require the applicant to submit a daylight/sunlight report prior to any decision being made.

Light Pollution/Noise Pollution

=====

The area at the rear of the properties between Cromwell Road and Prestbury Road is generally very dark at night once the natural light fades and un-interrupted by artificial light. See photos emailed to the planning officer evidencing the level of light at night as seen from my first-floor.

The concentration of light emitted by households in the evening on both Cromwell Road and Prestbury Road is mitigated by the distance that exists between the households currently. The proximity of the proposed dwelling right in the centre of the affected properties on Prestbury Road and Cromwell Road would introduce a substantial amount of near constant light pollution into this environment.

The area at the rear of the properties between Cromwell Road and Prestbury Road will be permanently impacted if this proposal is given permission to proceed given the overbearingly close proximity to our properties on Cromwell Road and other neighboring properties. This may displace the remaining wildlife that still uses the boundary fence as 'wildlife motorway' at night since the trees were culled.

A major concern is light pollution from the internal and external lighting of the proposed dwelling, the occupants of which may have lights on round the clock. This has concern has already been realised in part extension granted at the existing 151 Prestbury Road earlier this year. Nearly the whole rear of the extension is glass construction (5 door/panel width across) with bright interior lights providing a wide-open view out onto the rear of the properties on Cromwell Road. The applicant has left the interior lights of this property permanently switched on for months which has introduced a high level of new light pollution in the area. See photos sent to planning officer showing the impact this has when the natural light fades. This is bad enough but if permission is granted for this proposed dwelling the light entire area will be significantly and permanently impacted by the introduction of light from interior lighting, exterior lighting, cars headlights etc. of the proposed new dwelling.

I would additionally like to add, that the planning application and drawings do not describe the driveway lighting that will be installed along the driveway down through the middle of the garden which will further add to the light pollution and 'illumination' of the area which is currently extremely dark at night.

Headlights of vehicles coming down the proposed driveway from Prestbury Road will also shine directly into the rear first-floor rooms of my house and that of my neighbours which will cause significant light disturbance.

I am also concerned by the noise pollution caused by vehicles given that the proposed development has provision for two car parking spaces.

From a statement of personal impact, I would no longer be able to use the rear rooms of my property without being adversely impacted by light pollution.

House of Multiple Occupation

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I remain concerned that the applicant is actually planning a house of multiple occupation (HMO) for the same reasons set out in my objection to the previous planning application. This has not been addressed in this proposal.

For all the reasons above I strongly object to this proposal.

153 Prestbury Road
Cheltenham
Gloucestershire
GL52 2DU

Comments: 8th May 2025

Hi Ms Nicole Golland,

I have read the letter from Gcc highways dated 1st May.

Please can you refer to the comments we have already made regarding the flow of traffic and parking next to our garden fence and the impact to our family.

The extra vehicle along side 151 Prestbury Road as per Gcc highways proposal, along with cars for the erection of a new eco friendly dwelling will mean increased traffic, noise and light pollution.

As stated before we are a family who suffer from asthma and I would like the arrangement for parking and movement of traffic to be reviewed and taken in to consideration as there will undoubtedly be an effect to our health.

Thanks

Comments: 13th April 2025

Hi Ms Golland

We have just reviewed the new drawings / traffic tracking documents uploaded on the 1 & 2 April.

We would like to understand why the corner of the building at point A + B is so much closer to our boundary than any other aspect of the building in relation to surrounding boundaries. We would like you to review this and request a fair and equal distance from our property to that of other neighbours if planning is permitted.

We object to the new amended plans as none of our comments have been taken in to consideration. We highlighted the close proximity of the building in relation to our boundary and no changes have been made. We also highlighted the concerns we have regarding the movement of cars alongside our garden fence, we have never had traffic or parking on the other side of our fence, it stops at the side of the house on the current drive of 151. We have young children and strongly object to this movement of cars. The

tracking document only reinforces the potential impact to us with regards to environmental and noise/light pollution.

We would like you to object to the movement of cars and sit them at the existing driveway at 151, there is plenty of parking space for a couple of cars in the existing driveway, the previous owners had 3 cars in this area in the past. There is no need for cars to drive down to the front of this new house alongside the length of our garden fence. They can be parked in the driveway adjacent to 151 and a foot path down to the property would be adequate. This would ensure no environmental or noise/light pollution or health impact to our family of asthmatics. The driveway to the front door seems a luxury for residence of 151A which would come at a huge cost to us at 153.

I would like to understand why the owners of 151 (the developers of this application) have decided to create a driveway adjacent to the boundary of our house at 153 as appose to their own property at 151, this seems selfish in my opinion. They obviously want to ensure minimal impact to their residence at 151, suggesting they are fully aware of the impact that it will cause and would prefer to burden us with this at 153. There is nobody currently living at 151 and as I understand it, it will become a rental property for several years. If plans for a driveway are permitted despite our objection, then can you suggest that the driveway sits adjacent to the boundary of their own property at 151 and not our property at 153. A high wall and trees should be added to reduce the environmental and light/noise pollution that we will incur. If there is a concern about space for the movement of vehicles then the garden at 151 which is owned by the developers can be reduced to accommodate. Every attempt to minimise the disruption to our family and reduce potential health, noise, light pollution should be made. We have not seen any evidence of this to date and I am conscious you are soon to make a decision.

Comments: 1st December 2024

We have reviewed the new plans, we do not object to the building of a single story property. Providing care is given to planting trees as per plans, in order to support bio-diversity and the privacy of neighbouring properties is respectfully considered. Having someone take care of this space, will be an improvement on the current waste land that we are living next to.

We do object to the scale of the property within the space, it still looks too big in relation to the surrounding outdoor areas. The current proposal provides very limited distance from the building itself to the neighbouring properties, particularly ours.

The position/proximity of the property in relation to our garden fence (especially the front left) looks too close currently, almost touching distance. There appears to be a grass areas acting as a buffer between the proposed property and 151 Prestbury Rd, the same is true of the neighbouring properties on Cromwell Rd. There is no buffer proposed between the property and our house or garden, we will not be shielded from additional sound or light pollution.

The area of our garden closest to the property could potentially be shaded in parts due to the close proximity and the building will undoubtedly present a dominant structure directly visible from our garden if it is not set back further. We often BBQ in this area, something future occupants may not be happy about if their office and front door are positioned so close. They will not be able to open windows on the side closest to our garden. If

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planning is approved, we would like to request a high wall be built to minimise visibility of the building from our property and to improve privacy. Along with low-mid level trees as proposed.

We are happier with the proposal for a reduction of 2 car parking spaces, aligning to the number of vehicles previously occupying the driveway area of 151 Prestbury Road. However, we object to the position of the parking area. The flow of traffic will need to travel close to our boundary if the parking area is proposed halfway along our garden. Currently cars are parked adjacent to our house, they do not travel beyond the rear of our house, certainly not alongside our garden and they can't be seen from our dining room window. If parking sits in a position beyond the rear of our house, the movement of cars will be visible and audible from our dining room window and kitchen back door and windows. The fumes and noise created from cars moving and turning in this space so close to our house needs to be considered. Lights from vehicles will also be seen from the doors & windows occupying the rear of our house. Parking for cars should remain in the current position to reduce the impact to our house. A grass area has been proposed to minimise impact to 151 Prestbury Rd but has not been considered on the side closest to our property. If planning is approved, we would like a buffer to be introduced and would like to request a high wall be built to minimise visibility of cars close to our property to improve privacy. Along with low-mid level trees as proposed.

Plants were removed from the area alongside our garage/utility room without notification, this has exposed a window in our utility room reducing privacy which now overlooks a bathroom window on 151 Prestbury Rd and a driveway. We would like to request trees be replaced in this area to restore privacy.

149 Prestbury Road
Cheltenham
Gloucestershire
GL52 2DU

Comments: 4th April 2025

Good morning,

I have read all the comments and objections to this development and the related renovations of 151 Prestbury Road, and feel that I have to redress the balance.

My husband and I have lived at 149 for 44 years this coming Easter, and as we adjoin 151, we share a 100 foot boundary or thereabouts, as it says on the deeds. During the majority of our time here, the neighbouring garden and fence between us has been the bane of our lives as both were increasingly neglected by first one set of neighbour and then the next, as the size of the garden overwhelmed them. Trees and weeds migrated into our garden - as did the rats. It became a losing battle to keep the weeds and seedling trees out of our garden, and the neglected pond smelled dreadfully. Despite our many requests over the years, the overhanging trees were never pruned or looked after in anyway.. They gradually blocked the morning sunlight, and became hazardous to our safety as branches used to regularly fall into our garden during stormy weather. We gradually lost interest in gardening. However, our enthusiasm has been renewed and we now spend most of our time out there, weather permitting. We have regained our sunlight and we can see blue sky again!

Having lived here for so long, we have seen many changes, corner shops have disappeared, the pub has gone - but such is life. Despite comments to the contrary, there

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have been garden developments. Maybelle cottage, and the Coach House come to mind. I have to admit, we had misgivings about both, but find they have no impact on our daily lives at all.

Change is not always a bad thing...

We have followed the additional changes to the plans and we have no strong objections.

Yours sincerely

149 Prestbury Road
GL52 2DU

Comments: 4th December 2024

We have read the objections put forward by 12 Cromwell Road and feel that some of the comments made about the boundary between our property, 149 Prestbury Road and number 151, need clarifying. I refer to the comment about moving the boundary by the erection of the new fence. (Apparently with photos to back it up). My husband and I have lived at number 149 for 43 years. During that time, we have had two sets of neighbours at 151, both sets refused to maintain their boundary fence, a broken-down paling fence, with gaps and rotting posts that had been reinforced with concrete - which was crumbling when we moved in. Having young children, for safety's sake, we erected our own fence on OUR land. With the erection of a new fence our aging fence was no longer needed and was dismantled. This can be borne out by the Hawthorne hedge that we planted (instead of one panel of fencing) to mark the boundary between the two properties.

162 Prestbury Road
Cheltenham
Gloucestershire
GL52 2DP

Comments: 3rd December 2024

We strongly object to the proposed building at 151. In this very populated area, it feels unnecessary to add in another building into what is essentially someones garden. The implications of extra traffic and cars on this road, which is already very busy, is also something we feel strongly about.

24 Cromwell Road
Cheltenham
Gloucestershire
GL52 5DW

Comments: 2nd December 2024

The proposed development is not in keeping with current properties in the area and is far too big for the site.

A single storey dwelling makes more sense but not one the size of the proposed.

I am still concerned about the visual impact for our neighbours ands feel the site is being over developed.

therefore I cannot support this application

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APPLICATION NO: 24/02082/FUL		OFFICER: Mr Ben Warren	
DATE REGISTERED: 17th December 2024		DATE OF EXPIRY: EoT 23rd June 2025	
DATE VALIDATED: 17th December 2024		DATE OF SITE VISIT:	
WARD: Pittville		PARISH:	
APPLICANT:	Mr And Mrs Brydon		
AGENT:	Void Projects		
LOCATION:	The Garden House West Drive Cheltenham		
PROPOSAL:	Forming new plot from garden of the Garden House for construction of new House, with vehicle access from Wellington Lane.		

RECOMMENDATION: Permit Subject to S.106



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site relates to The Garden House, a detached two storey property located in a prominent plot on the corner of Central Cross Drive and Wellington Square. The site is located in an existing residential area within Cheltenham's Principal Urban Area (PUA). The site is also located within Cheltenham's Central Conservation Area and Pittville Character Area. A number of listed and locally indexed buildings are in close proximity to the site.
- 1.2 The applicant is seeking planning permission for the formation of an additional plot and construction of new dwelling in the garden of the application site. The application proposes vehicular access from Wellington Lane and pedestrian access from West Drive, with a separate detached garage building.
- 1.3 During the course of the application process, a number of revised plans and additional information has been submitted in response to the comments and concerns of officers, consultees and local residents.
- 1.4 The application is at planning committee at the request of Councillor Tooke due to the level of local interest in the application.
- 1.5 An extension of time has been agreed to allow for the submission of revised plans, re-consultation and determination of the application at planning committee.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Airport Safeguarding over 45m
Conservation Area
Principal Urban Area
Residents Associations

Relevant Planning History:

24/01067/PREAPP 10th July 2024 CLO

Construction of two dwellings in garden of existing house.

02/00536/CACN 8th May 2002 NOOBJ

Reduce height of 6 Lawson Cypress by between 33% and 50% and reduce height of Prunus (all in rear garden)

09/01848/CACN 4th January 2010 NOOBJ

Rear garden: Purple Plum - reduce to below telephone wire. Cypress screen - reduce to below wire. Cypress next to telegraph pole - fell

11/01143/FUL 5th October 2011 PER

Demolition and reconstruction of garage

14/00310/CACN 27th March 2014 NOOBJ

Reduction in height and removal of one tree to various Lawson and Leyland Cypress trees as per attached plan

79/01280/PF 18th September 1979 PER

Conversion of property to 2 no self contained dwellings

79/01281/PF 11th December 1979 PER

Outline application to erect single storey dwelling

23/01667/CACN 6th October 2023 NOOBJ

T1: Conifer Group. Reduce by 50% and trim back from house, leaving suitable green growth.

T2: Ash: remove to ground level.

3. POLICIES AND GUIDANCE

Section 2 Achieving sustainable development
Section 4 Decision-making
Section 9 Promoting sustainable transport
Section 11 Making effective use of land
Section 12 Achieving well-designed places
Section 14 Meeting the challenge of climate change, flooding and coastal change
Section 15 Conserving and enhancing the natural environment

Adopted Cheltenham Plan Policies

D1 Design
SL1 Safe and Sustainable Living
GI2 Protection and replacement of trees
GI3 Trees and Development
BG1 Cotswold Beechwoods Special Area of Conservation Recreation Pressure

Adopted Joint Core Strategy Policies

SD3 Sustainable Design and Construction
SD4 Design Requirements
SD8 Historic Environment
SD9 Biodiversity and Geodiversity
SD10 Residential Development
SD14 Health and Environmental Quality
INF1 Transport Network
INF2 Flood Risk Management

Supplementary Planning Guidance/Documents

Development on garden land and infill sites in Cheltenham (2009)
Climate Change (2022)

4. CONSULTATIONS

See appendix at end of report

5. PUBLICITY AND REPRESENTATIONS

- 5.1 Upon validation of the application, 8 neighbouring land users we sent a direct letter of notification, two site notices were displayed (one on West Drive and one on Wellington Lane). In addition, a notice was published in the Gloucestershire Echo.
- 5.2 On two further occasions, upon receipt of revised plans, letters were again sent to the adjoining land users, and any local resident who had commented on the application. In addition, revised plan site notices were also put up on West Drive and Wellington Lane.
- 5.3 In total, 35 letters of representation have been received in response to the above consultation process. 26 letters of objection, 6 letters of support and 3 general comments were received.
- 5.4 The concerns raised in the letters of objection have been summarised but are not limited to the following:
 - Access and highway safety concerns from use of Wellington Lane
 - Impact on neighbouring amenity - loss of privacy
 - Environmental impact - loss of trees, loss of open garden land, impact on wildlife
 - Unacceptable design

- Impact on conservation area
- Drainage capacity concerns in Wellington Lane.
- Permission would set a precedent for future development
- Scale of development and site layout

5.5 The reasons given in the letters of support are summarised but are not limited to the following:

- Support for the principle of a new dwelling
- Support of the amended design and subdivision of site for just one additional dwelling

6. OFFICER COMMENTS

6.1 Determining Issues

6.2 The main considerations in relation to this application are the principle of development, design and layout, impact on heritage assets, the impact of the proposal on neighbouring amenity, parking and highway safety, sustainability, flooding and drainage, impact on trees, Bio-diversity Net Gain (BNG), Ecology and impact on the Beechwoods SAC.

6.3 Planning history and site context

6.4 As existing, the application site benefits from an existing vehicular access, driveway and off-road parking, accessed from West Drive. The site also has a dropped kerb on Central Cross Drive providing access to existing garages. The existing building on the site is a reasonably large two storey detached property with a pitched roof and is finished in redbrick. The existing building is sat in a large plot, much larger than any of the plots in the immediate locality. The plot is noted as being a 'significant neutral building/space' in the Pittville Character Area Management Plan. A number of trees are located within the site and within the highway verge running just outside the site boundary.

6.5 In terms of context and neighbouring development, the properties immediately to the east are pairs of semi-detached two storey dwellings which sit in uniform plot sizes. To the south, properties consist of detached and semi-detached properties, some of which are grade II listed. The immediate property to the south, known as 'Rosehill House', is an infill development, built within the grounds of 'Eastholme', a Grade II listed building (Planning ref: 00/01262/FUL and 01/00198/FUL)

6.6 This planning application follows the submission of a formal pre-application to the Local Planning Authority (LPA) under reference 24/01067/PREAPP, where advice was sought in respect of the redevelopment of the site for two additional dwellings. In summary, the LPA's response supported the subdivision of the existing plot, but only considered this to be appropriate for one additional dwelling rather than two.

6.7 Principle

6.8 Paragraph 11 of the NPPF sets out a '*presumption in favour of sustainable development*' and makes clear that development proposals that accord with an up-to-date development plan should be approved without delay.

6.9 Where housing policies are out-of-date (including situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites), the NPPF is quite clear that development proposals should be approved without delay unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the NPPF policies as a whole, or specific NPPF policies provide

strong reason for refusal. At the time of considering this application Cheltenham cannot currently demonstrate a 5-year housing land supply, and therefore this presumption in favour of sustainable development is triggered.

- 6.10 As the council cannot currently demonstrate a 5-year housing land supply, paragraph 11 d) is applicable to this application. Paragraph 11 d) states that permission should be granted unless:
- i) The application of policies in the Framework that protect areas or assets of particular importance provides a strong reason for refusing the development; or
 - ii) Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework.
- 6.11 JCS policy SD10 relates to residential development and advises how housing development and conversions to dwellings will be permitted on previously developed land in the Principal Urban Area (PUA). The application site is located within a built-up area of Cheltenham, adjacent to existing residential development, with access to local amenities and public transport links. The site is therefore in a highly sustainable location, is considered to be appropriate for residential development and is compliant with adopted JCS policy SD10.
- 6.12 In this instance, the protected asset referred to in 11 d) i) is the designated heritage assets, these being the conservation area and the setting of nearby listed buildings.
- 6.13 Given the above, there is no fundamental reason to suggest that the principle of a dwelling on this site would be unacceptable, subject to all other material considerations, which are discussed below.
- 6.14 **Design, layout, landscaping and impact on designated heritage assets**
- 6.15 Section 12 of the NPPF refers to achieving well designed spaces and states that planning decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.
- 6.16 Adopted Cheltenham Plan Policy D1 requires new development to adequately reflect principles of urban and architectural design; and to complement and respect neighbouring development and the character of the locality. Furthermore, JCS policy SD4 relates to design, and identifies considerations to include context and character, legibility and identity, amenity and space.
- 6.17 Further detail can also be found in Cheltenham's Supplementary Planning Document – Development on Garden Land and Infill Sites. This document sets out various elements that are considered to create the character of an area and includes grain, type of building, location of buildings, plot widths and building lines.
- 6.18 Whilst the existing building is not listed or locally listed, the site is located within the conservation area and is noted as being a 'significant neutral building/space' in the Pittville Character Area Management Plan, as such, policy SD8 of the JCS is applicable to this application. The policy states how 'Designated and undesignated heritage assets and their settings will be conserved and enhanced as appropriate to their significance'. Section 16 of the NPPF also echoes the importance of conserving and enhancing heritage assets.
- 6.19 The application proposes the subdivision of the existing plot and the erection of a two - storey detached dwelling, located to the south of the existing building (The Garden House), a separate detached garage building is also proposed. The proposed site layout

includes a pedestrian access from West Drive, with the vehicular access, off road parking and garage access via Wellington Lane.

- 6.20 As originally submitted, officers raised a number of concerns with the proposed development in terms of its scale, form and the general design approach for the development. Similar concerns were also raised in a number of representations received from local residents and also in comments received from Cheltenham's Civic Society and Cheltenham's Architects Panel. Following various discussions with the applicant's agent, a revised proposal was submitted. Further revised plans and details were also later provided for consideration in response to further comments. The officer comments below discuss the latest and most recently submitted revised plans.
- 6.21 The proposed sub-division of the plot allows sufficient space for the siting of a new dwelling and garage building, whilst provided suitable private amenity space for the new dwelling and the retention of a good size plot and private garden for the existing dwelling (The Garden House).
- 6.22 In terms of the site layout and position of development, the proposed dwelling would sit further forward in its plot (towards West Drive/Wellington Square) than that of the immediate neighbour to the south (Rosehill House). However, Rosehill House was built in the garden of Eastholme, a Grade II listed building and therefore was presumably designed to read as a subservient coach house/mews development. Due to the corner plot position of The Garden House, the rear garden and proposed new plot has a frontage on to West Drive and therefore presents very differently in the street scene to that of Eastholme. As proposed, the new dwelling would broadly align with the frontage buildings to the south of the site, although would be slightly further back in its plot, as demonstrated on the proposed block plan. It is the view of officers that the placement of the proposed dwelling would respect the historic and established building line of properties on Wellington Square. Officers consider the position and placement of the proposed dwelling to be acceptable in this context.
- 6.23 In terms of design, officers are fully supportive of a modern/contemporary design approach for infill development in this location and felt that a pastiche form of development would be inappropriate. Whilst a modern design approach was welcomed, officers did not consider the overall form, design or use of materials of the proposal, as originally submitted, to be appropriate. Officers concluded that the development failed to achieve a sufficiently high standard of design that was deemed necessary for this sensitive location and therefore was considered to be harmful to the design and character of the area. In response to officer's comments/concerns, revised plans were submitted for consideration.
- 6.24 The revised proposal is still for a two-storey property, but with a gable roof form facing West Drive/Wellington Square and Wellington Lane. In terms of scale, the revised proposal is considered to be of an acceptable size, would sit appropriately in its plot and would sit comfortably within the street scene. The revised design includes large ground floor openings, and first floor recessed balconies at the front and rear. The proposed materials include facing brick work, slate roof tiles, with dark coloured windows and doors. In addition, tiled cladding is now proposed and replaces timber cladding previously proposed. Both officers and local residents considered the use of timber cladding to be inappropriate in this context. Overall, officers are now satisfied that the amended dwelling achieves an acceptable form and appearance, achieving a good quality design, that will read as an honest modern addition to the street scene.
- 6.25 The proposed site layout shows the retention of the brick wall facing West Drive/Wellington Square, with only a minor alteration to allow for the insertion of pedestrian access. The retention of the boundary wall is important and helps maintain the existing character of the street scene. In terms of impact on the street scene, the

retention of established trees within the site, the presence of established street trees in the grass verge on West Drive and the proposal of pleached trees along the southern and western boundaries, allows for a good level of screening, softening any impact of the new development on the street scene, wider conservation area and setting of nearby listed buildings. Nevertheless, even without this level of screening, the proposal is not considered to be harmful to the character of the area.

- 6.26 With regards to the placement of the garage building; its position has been re-sited in order to address highway safety matters, which are discussed in more detail below. The amended position of the garage building is considered to be acceptable for a modest single storey ancillary building. In addition to the changes to the dwelling, the scale, form and design of the proposed garage building has also been amended. Officers felt that the garage, as originally proposed, was too large, needed to be reduced in size and needed to be simplified in order to read as a modest ancillary building for this in-fill development. The latest plans show a simple flat roof design with green roof, finished in facing brickwork. The scale, design and appearance of the garage building is now considered acceptable.
- 6.27 The proposed materials are generally acceptable in principle, however specific material details would be necessary and therefore a condition is recommended.
- 6.28 The plans show the provision of both bin and bike storage, as well as a store for heat pumps at the rear of the garage building, this provision and its location is acceptable. With regards to landscaping, the overall provision is acceptable, however specific planting details have not been provided, as such, a detailed hard and soft landscaping condition is considered necessary.
- 6.29 Having considered all of the above, in its revised form, officers consider the proposal to be of an acceptable scale, form and design, and will not result in harm to the character of the conservation area or to the setting of nearby listed buildings. As such, it is the view of officers that the proposal is compliant with Cheltenham Plan policy D1, JCS policy SD4 and SD8, and Cheltenham's SPD – Development on Garden Land and infill sites.
- 6.30 Due to the sensitive location of the site, any further development could have a harmful impact on the design/character of the area, as such, officers recommend a condition that removes permitted development rights for any further extensions/additions.
- 6.31 Impact on neighbouring amenity**
- 6.32 It is necessary to consider the impact of development on neighbouring amenity. JCS Policy SD14 and Cheltenham Plan Policy SL1 state how development should not cause unacceptable harm to the amenity of neighbouring properties. Matters such as a potential loss of light, loss of privacy, loss of outlook, noise disturbances and overbearing impact will therefore be considered.
- 6.33 Concerns have been raised by local residents with regard to impact on neighbouring amenity. The neighbouring land users that have the most potential to be directly impacted by the proposed new dwelling are Rosehill House to the south of the site, and number 82 and 84 Evesham Road to the east of the site.
- 6.34 With regards to impact on Rosehill House, the proposed dwelling is positioned to the north of this neighbouring property/site but the proposed two storey dwelling is set away from the shared boundary with this property. Given the position of the proposed new dwelling within the plot, no concerns are raised with regards to overshadowing or a loss of light to Rosehill House. Furthermore, given the position of windows in Rosehill House, which face east and west, no concerns are raised regarding a loss of outlook. In terms of privacy, the amended design shows high level windows on the side elevations and will therefore maintain privacy for this neighbouring site.

- 6.35 In terms of impact on the properties to the east, given their relationship with the development site and distance away, no concerns are raised with regards to a loss of light, loss of outlook or overshadowing impact. With regards to privacy, upper floor rear elevation openings and a recessed balcony are proposed on the eastern elevation and would face towards the rear gardens of number 82 and 84 Evesham Road. However, these openings and balcony achieve distances of approximately 10 metres to the edge of Wellington Lane, 16 metres to the rear boundary of the properties on Evesham Road and in excess of 34 metres to the rear elevations of those properties; the development therefore exceeds the minimum distances of 10.5 metres to the shared boundary and 21 metres between upper floor windows that face each other, as required in policy SL1 of the Cheltenham Plan. The proposed front (west elevation) will overlook the garden area associated with the new dwelling and the highway of West Drive beyond, as such, no privacy issues are raised.
- 6.36 Due to the amended scale of the proposed garage, its position within the plot and its relationship with neighbouring land users, officers do not raise any amenity concerns as a result of this proposed ancillary building.
- 6.37 Due to the close proximity of the development to existing residential properties, officers consider it necessary for details of a construction management plan, that includes a scheme to control noise and dust to be necessary and therefore a condition has been attached.
- 6.38 To ensure neighbouring privacy is maintained, officers recommend two conditions; one requires the upper floor side elevation windows to be obscurely glazed and high-level opening only, and the other restricts the insertion of any further openings in the side elevations of the property.
- 6.39 Whilst the concerns of neighbours have been duly noted, based on the revised proposals, and with conditions attached, officers consider the scheme to be acceptable in terms of impact on neighbouring amenity. The proposal is therefore considered to comply with adopted Cheltenham Plan (2020) policy SL1 and adopted JCS policy SD14.
- 6.40 Highway considerations**
- 6.41 Gloucestershire County Council as the local Highways Authority were consulted on this application, their detailed comments can be read in the appendix at the end of this report. Whilst no objection to the principle of the development was raised, concerns regarding the placement of the garage and access implications on Wellington Lane were raised. The highways officer requested that the garage be set back from the Wellington Lane highway by 5 metres so as to ensure no highway safety/access issues. Concerns from local residents were also raised with regards to the suitability of using Wellington Lane as the access for a further dwelling.
- 6.42 In response to the highways officer's comments, revised plans now show the proposed garage repositioned, set away from the boundary with Wellington Lane. The highways officer was re-consulted, they raise no objection to this revised proposal, subject to a condition which requires visibility splays to be provided.
- 6.43 The development is not considered to result in any unacceptable highway safety implications, is considered to achieve a suitable access, parking provision and appropriate provision of cycle storage facilities. The development therefore accords with JCS policy INF1.
- 6.44 In the comments from Gloucestershire Highways, they state that as the proposal results in a net increase in residential units, a financial contribution for improvements to Junction 10 of the M5 motorway is required. This would need to be secured via a S.106 agreement.

6.45 The Section 106 tests state the following requirements:

1. The obligation must be necessary to make the development acceptable in planning terms.
2. It must be directly related to the development.
3. It must be fairly and reasonably related in scale and kind to the development.

6.46 The test for refusing on highway grounds is set out within paragraph 116 of the NPPF, "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or if the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios."

6.47 Additionally, INF1 of the Joint Core Strategy (JCS) states, "Planning permission will be granted only where the impact of development is not considered to be severe. Where severe impacts attributable to the development are likely, including those resulting from cumulative impacts, they must be mitigated to the satisfaction of the Local Planning Authority in consultation with the Highway Authorities and in line with the Local Transport Plan." This requirement to have regard to cumulative impact is reiterated in INF6 and INF7 of the JCS.

6.48 Upon considering the cumulative impacts, it is not believed that the traffic generated from one additional dwelling would create an unacceptable impact on highway safety or the road network under any reasonable scenario. Therefore, the financial obligation is not necessary to make the development acceptable.

6.49 Whilst it could be argued that the payment requested is directly related to the development, no evidence has been presented to the Local Planning Authority demonstrating how such a small number of vehicle trips would justify the level of payment towards infrastructure improvements at Junction 10. It is also felt that this payment is not fairly or reasonably related to the small scale of this development. Consequently, the Local Planning Authority has not requested contributions for Junction 10 for this application.

6.50 Sustainability

6.51 JCS policy SD3 requires new development to be designed and constructed to maximise the principles of sustainability. Development proposals are required to demonstrate how they contribute to the aims of sustainability and shall be adaptable to climate change in respect of the design, siting, orientation and function of buildings and outside space.

6.52 Further supporting text which discusses JCS policy SD3 identifies how the design of development should first identify measures to reduce overall energy demand before the use of renewable energy technologies. It is noted that this can be achieved through the choice of building fabric and construction techniques, optimising solar gain, natural lighting and ventilation to reduce the need for heating, cooling and lighting. It also suggests that design measures should seek to use energy more efficiently, such as increasing levels of insulation and improved air-tightness.

6.53 It is also important to note that Cheltenham has adopted a Supplementary Planning Document – Cheltenham Climate Change (adopted June 2022) which is therefore relevant to the considerations of this application. This SPD sets out a strategy for how buildings should respond to the climate change and biodiversity crisis and sets out how applicants can successfully integrate a best practice approach towards climate and biodiversity in their development proposals.

- 6.54 The application is not supported by a sustainability statement however, specific low carbon technologies and sustainability features are detailed on the proposed plans. This includes the addition of solar panels on the southern roof slope of the main dwelling, the use of heat pumps, the installation of a green roof for the new garage and the use of water butts. Officers also note that current building regulations will require the installation of an Electric Vehicle Charging point which will also contribute to the sustainability of the proposal.
- 6.55 Overall, given the scale of development, which is for one infill residential development, officers welcome the proposed measures and consider the development to be compliant with JCS policy SD3 and the newly adopted Climate Change SPD.
- 6.56 Flooding and drainage**
- 6.57 The application site is wholly located in flood zone 1 and is therefore not considered to be susceptible to any flood risk. In addition, the site is identified as being at very low risk of surface water flooding as per the Government's long term flood risk mapping.
- 6.58 Concerns have been raised by various residents regarding the foul and surface water drainage capacity in Wellington Lane and the impact this additional dwelling would have on the existing infrastructure. Comments were received from Severn Trent who requested the submission of further details. The Council's drainage engineer has also reviewed the application and whilst no objection was raised to the development, the officer considered revised/additional information was necessary. The drainage engineer suggested that the surface water should be discharged to the separate connection in West Drive and only the foul should be discharged to the existing combined sewer in Wellington Lane. The full comments of the Council's drainage officer and Severn Trent can be read in full in the appendix at the end of this report.
- 6.59 Revised plans and a drainage strategy has been submitted, both the Council's drainage officer and Severn Trent have reviewed these details and consider the proposals to be acceptable, subject to a condition which requires the submission, approval and implementation of a SUDs scheme.
- 6.60 Having secured the revised/additional information, the development is considered to be acceptable in drainage terms and accords with JCS policy INF2.
- 6.61 Trees**
- 6.62 The application site benefits from a number of established trees, there are also significant trees close to the boundary of the site and in the nearby highway verge. These trees are protected by their position within the conservation area. The tree officer has reviewed the latest plans and raises no objection, subject to the works being carried out in accordance with the tree protection measures specified within the support Arboricultural impact Assessment. An appropriate condition is therefore recommended.
- 6.63 With the condition attached, the application would be acceptable in terms of impact on trees and therefore complies with Cheltenham Plan policies GI2 and GI3.
- 6.64 Impacts on Beechwoods Special Area of Conservation (SAC)**
- 6.65 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).
- 6.66 Cheltenham plan policy BG1 states that development will not be permitted where it would be likely to lead directly or indirectly to an adverse effect upon the integrity of the

European Site Network and the effects cannot be mitigated. All development within the Borough that leads to a net increase in dwellings will be required to mitigate any adverse effects. Without appropriate mitigation, the proposed development is likely to have a significant effect on the Cotswold Beechwoods SAC (either alone or in combination with other development) through increased recreational pressure.

- 6.67 The Council has undertaken an Appropriate Assessment and considers the measures set out in the Mitigation Strategy necessary to provide adequate mitigation to address the impacts of the proposal. With regards to mitigation, the applicant can either enter into a S106 agreement for a contribution to the measures in that strategy or the applicant can provide their own bespoke strategies to mitigate the impacts the proposed development will cause.
- 6.68 In this instance, the applicant has opted to enter into a S106 agreement and make the contribution of £673 per additional dwelling. As such, the application is considered to be acceptable in terms of SAC mitigation.
- 6.69 **Bio-diversity Net Gain and Ecology**
- 6.70 As of 02 April 2024, all minor developments for new housing requires a mandatory 10% Bio-diversity Net Gain and is therefore applicable to this application.
- 6.71 The Council's ecologist confirms that the proposed development achieves a net loss in area habitats of 10.75% and as such the trading rules have not been met. As the 10% gain cannot be achieved onsite, off-site biodiversity units will need to be purchased. A pre-commencement condition by way of an informative is therefore required. The applicant will need to formally discharge this condition by submitting the relevant application and providing the gains plan which demonstrates that the necessary credits have been purchased.
- 6.72 The ecologist also confirms that as the development is entirely within the curtilage of a private garden, a Habitat Management and Monitoring Plan (HMMP) and S106 is not required with respect to biodiversity gains achieved by this proposed development.
- 6.73 With regards to trees, the tree officer has reviewed the application, no objection is raised. New landscaping proposals will be provided and confirmed via the discharge of condition process.
- 6.74 The Council's ecologist confirms that the on-site enhancement for birds and bats is proposed and supported. A condition is recommended.

6.75 **Other considerations**

Public Sector Equality Duty (PSED)

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

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

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

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

7. CONCLUSION AND RECOMMENDATION

- 7.1 As already noted, the council cannot currently demonstrate a 5 year housing land supply and therefore the housing policies are out-of-date, with this being the case the NPPF requires development proposals to be approved without delay, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits of the scheme, when assessed against the NPPF policies as a whole, or specific NPPF policies provide a strong reason for refusing the application
- 7.2 In this instance the benefit of the scheme would be a contribution of an additional residential dwelling to Cheltenham’s much needed housing stock.
- 7.3 In its revised form, for the reasons discussed in the report, officers consider the site layout, scale, form and design of the proposed development to be acceptable and do not consider the development to be harmful to any designated heritage assets. The proposal is also considered to be acceptable in terms of impact on neighbouring amenity, BNG, ecology, impact on trees, drainage, and access and highway safety.
- 7.4 With the above in mind, with regards to impact on heritage assets and paragraph 11 d) i) of the NPPF, no harm is identified and therefore there is no strong reason for refusing the application. Furthermore, officers do not consider that the development would result in any adverse impacts that would outweigh the benefits of the scheme.
- 7.5 Officer recommendation is to grant planning permission, subject to a s.106 agreement with respect to the Beechwoods SAC, and the conditions set out below. Agreement to the pre-commencement conditions has been sought.

8. CONDITIONS / INFORMATIVES

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

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

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

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

- 3 No external facing or roofing materials shall be applied unless in accordance with:
 - a) a written specification of the materials; and/or
 - b) physical sample(s) of the materials.

The details of which shall have first been submitted to and approved in writing by the Local Planning Authority.

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

- 4 Prior to the commencement of development, a surface water drainage scheme, which shall incorporate Sustainable Drainage System (SUDS) principles and appropriate flood risk management, shall be submitted to and approved in writing by the Local Planning Authority.

The scheme shall include a programme for implementation of the works; and proposals for maintenance and management. The development shall not be carried out unless in accordance with the approved surface water drainage scheme.

Reason: To ensure flood risk management and sustainable drainage of the development, having regard to adopted policy INF2 of the Joint Core Strategy (2017). Approval is required upfront because the design of the drainage is an integral part of the development and its acceptability.

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

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

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

Reason: In the interests of the character and appearance of the area, having regard to adopted policies D1, GI2 and GI3 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.

- 6 Prior to the commencement of the development hereby approved the applicant shall submit an Ecological Mitigation and Enhancement Strategy (EMES). This shall include details of the provision of 2No bird, 2No bat, and 1No insect 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: In the interest of bio-diversity and ecological enhancement having regard to Adopted Joint Core Strategy SD9 and section 15 of the NPPF.

- 7 Prior to first occupation of the development, refuse and recycling storage facilities shall be provided in accordance with the approved plans and shall be retained as such thereafter.

Reason: In the interests of sustainable waste management and recycling, having regard to Policy W36 of the Gloucestershire Waste Local Plan.

- 8 Prior to first occupation of the development, secure covered cycle storage shall be provided in accordance with the approved plans. The cycle storage shall thereafter be retained available for such use in accordance with the approved plans at all times.

Reason: To 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).

- 9 Notwithstanding the submitted details, the Air Source Heat Pumps (ASHP) shall be installed in accordance with the Schedule 2, Part 14, Class G of The Town and Country Planning (General Permitted Development) (England) Order 2015 (As Amended), unless in accordance with details which shall have first been submitted to and approved in writing by the local planning authority. The details shall include acoustic information relating to the operation of the ASHP and should relate to the closest noise receptors, in line with MCS020 assessment.

The air source heat pumps shall be installed prior to first occupation of each dwelling and maintained as such thereafter.

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

- 10 Prior to the commencement of development, a construction management plan shall be submitted to and approved in writing by the Local Planning Authority. The construction plan shall include measures to control noise, dust, vibration and other nuisance during the demolition and/or construction phase. No demolition or construction shall be carried out unless in accordance with the approved details.

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

- 11 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and/or re-enacting that order), the first floor side elevation windows; shall at all times be glazed with obscure glass to at least Pilkington Level 3 (or equivalent) and shall be non-opening unless the parts of the window which can be opened are more than 1.7 metres above floor level of the room that the window serves.

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

- 12 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and/or re-enacting that order with or without modification), no additional windows, doors and openings shall be formed in the upper floor of the side elevations; without express planning permission.

Reason: Any further openings require detailed consideration to safeguard the privacy of adjacent properties, having regard to adopted policy SL1 of the Cheltenham Plan (2020) and adopted policy SD14 of the Joint Core Strategy (2017).

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

Reason: Any further extension or alteration requires further consideration to safeguard the amenities of the area, 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).

- 14 The development shall be carried out in accordance with the details of the Arboricultural Impact Assessment, produced by Tree Frontiers and received on 13th December 2024.

The tree protective measures specified on the tree protection plan drawing (ref: 862876-556-DRW-TPP) contained within the Arboricultural Impact Assessment, shall be implemented prior to the commencement of works and shall remain in place until the completion of the construction process.

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

- 15 The development hereby approved shall not be occupied until visibility splays are provided from a point 0.6m above carriageway level at each side of the vehicular access to the application site and 2.0 metres back from the near side edge of the adjoining carriageway, (measured perpendicularly), for a distance of 2.0m metres in each direction measured along the nearside edge of the adjoining 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).

INFORMATIVES

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

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

In this instance, the authority sought revisions and additional information in response to comments and concerns relating to scale, form, design, drainage, BNG and ecology, trees, access and highway safety, and neighbouring amenity;

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

- 2 **IMPORTANT: BIODIVERSITY NET GAIN CONDITION - DEVELOPMENT CANNOT COMMENCE UNTIL A BIODIVERSITY GAIN PLAN HAS BEEN SUBMITTED (AS A**

CONDITION DISCHARGE APPLICATION) TO AND APPROVED 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-netgain-bng/30-year Habitat Management and Monitoring Plan templates](https://www.cotswold.gov.uk/planning-and-building/wildlife-and-biodiversity/biodiversity-netgain-bng/30-year-Habitat-Management-and-Monitoring-Plan-templates) can be found here:

<https://publications.naturalengland.org.uk/publication/5813530037846016>

- 3 The site has protected trees around the periphery of the site, in neighbouring plots and on the street, as such, foundation depths and details must conform to NHBC guidelines to avoid potential damage from subsidence in the future. Building Control should be consulted by the applicant for further details.
- 4 It should be noted that pressure for inappropriate pruning or removal of retained trees will be resisted by CBC in their powers to administer the Conservation Area regulations.
- 5 The applicant obtaining a section 184 licence. The construction of a new access will require the extension of a verge and/or footway crossing from the carriageway under the Highways Act 1980 - Section 184 and the Applicant is required to obtain the permission of Gloucestershire Highways on 08000 514 514 or highways@gloucestershire.gov.uk before commencing any works on the highway. Full Details can be found at www.gloucestershire.gov.uk .
- 6 Sustainable drainage arrangements shall be provided to ensure that surface water from the driveway 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.

Appendix 1 – Consultee comments

Drainage And Flooding - 11th April 2025

No change to previous comments following revised plans. Matters relating to surface water drainage are acceptable for planning stage provided that a SUDS condition is attached so the resulting design can be reviewed and approved.

Matters relating to foul drainage still require confirmation from Severn Trent that the reported issues with the sewer in Wellington Lane have been remediated.

Drainage And Flooding - 18th March 2025

As discussed, the revised drawing now shows two acceptable options which is sufficient to address surface water matters for planning permission (as they have confirmed an acceptable alternative if their preferred option isn't possible). A SUDS condition is requested so the resulting design can be reviewed and approved.

Drainage And Flooding - 17th March 2025

The revised drainage strategy and design and access statement have not confirmed that surface water will be drained (via attenuation) to the surface water sewer on West Drive if infiltration testing shows that a soakaway to the design flood event is not feasible. They still imply that the combined sewer will be used if a soakaway is not possible. Disposal of surface water to the combined sewer will not be accepted, as there is a surface water sewer on West Drive which is higher in the sustainable drainage hierarchy.

Confirmation from Severn Trent is still required regarding accepting an additional foul connection to the combined sewer. The sewer only serves properties that back onto Wellington Lane, so an additional dwelling foul discharge is not considered insignificant given the issues reported with the sewer.

Drainage And Flooding - 22nd January 2025

Additional information is requested before planning permission is granted.

For surface water, BRE365 infiltration testing is required to prove feasibility of the proposed soakaway for surface water drainage, and so a site-specific infiltration rate is used in the design. The soakaway needs to be designed for the 1 in 100 rainfall event with a 40% allowance for climate change. To account for silting of the base of the soakaway overtime, the design should include pre-treatment to reduce sediment and either a safety factor as per Table 25.2 of the SUDS manual, or infiltration from the sides only in calculations as per BRE 365 guidance. If the requested infiltration testing shows that a soakaway is not feasible, disposal of surface water to the combined sewer will not be accepted, as there is a surface water sewer on West Drive which is higher in the sustainable drainage hierarchy. Attenuation will be required prior to discharge offsite so that peak flows to the surface water sewer do not exceed the QBAR greenfield runoff rate.

For foul water, The request by Severn Trent to delay the decision of this planning application until they have provided further comment following their investigation is supported, as the foul/wastewater network at this location is relatively small and therefore increased loading from an additional dwelling could exacerbate the flooding issues relating to the sewer described in public comments.

Tree Officer - 25th April 2025

The Trees Section acknowledges that re-siting the garage further into the garden may be in response to other consultee comments. However, doing so will reduce the available leisure space at the property and this is likely to lead to increased pressure to prune or remove trees that would otherwise have been given the opportunity to reach their full canopy potential. If the garage must be re-sited in this way, it should be noted that pressure for inappropriate pruning or removal of retained trees will be resisted by CBC in their powers to administer the Conservation Area regulations.

The Trees Section's previous comments still apply:

The scheme is not so different that new tree information needs to be submitted - the tree protection plan can still be implemented. However, it would benefit the applicant to provide new tree details (species, size, location, pit details) in order to ensure appropriate selections are made.

It should also be noted that on a site that has trees around the periphery, neighbouring and on the street, foundation depths and details must conform to NHBC guidelines to avoid potential damage from subsidence in the future. Building Control should be consulted by the applicant for further details.

Tree Officer - 13th March 2025

The scheme is not so different that new tree information needs to be submitted - the tree protection plan can still be implemented. However, it would benefit the applicant to provide new tree details (species, size, location, pit details) in order to ensure appropriate selections are made.

It should also be noted that on a site that has trees around the periphery, neighbouring and on the street, foundation depths and details must conform to NHBC guidelines to avoid potential damage from subsidence in the future. Building Control should be consulted by the applicant for further details.

Tree Officer - 31st December 2024

The Trees Section does not object to this scheme. It would benefit the applicant to provide new tree details (species, size, location, pit details) in order to ensure appropriate selections are made.

Cheltenham Civic Society - 22nd January 2025

OBJECT

It is regrettable to lose the green space. According to the Pittville Character Appraisal, 'The presence of wide and frequently tree lined streets, extensive green open spaces which form public gardens and areas of parkland, sizeable private gardens and building plots combine to create a sense of spaciousness and grandeur' (emphasis added)

There were also grave concerns about the proposed design which is unsympathetic to the Pittville character area of the Central Conservation area. As well as the style of the building, we object to the location of the house so far back on the plot, and the large proportion of the plot which would be built on, due to the separate garage building.

Any new building on this plot should be of exemplary design, and should also align with the house immediately to the north and incorporate the garage

The pleached trees shown on the proposed plan should be used as a hedge rather than dotted around.

CBC Ecologist - 12th March 2025

The Preliminary Ecological Appraisal (PEA) and Biodiversity Net Gain (BNG) Assessment (Sharpe Ecology, March 2025) appropriately describes the ecological features of the site and mitigation required. On-site enhancement for birds and bats is proposed which is supported. The mandatory biodiversity gain 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

The BNG Assessment and biodiversity metric calculates a -10.75% loss in area habitat units.

The mandatory biodiversity net condition has therefore not been met and off-site biodiversity units must be purchased to satisfy this condition prior to commencement of the development should the development be granted planning permission. 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) and include proof of purchase of off-site biodiversity units from a suitable provider.

As the development is entirely within the curtilage of a private garden, a S106 is not required with respect to biodiversity gains achieved by the proposed development. The statutory biodiversity gain condition still applies.

The following conditions must be applied to the development if it is approved:
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 2No bird, 2No bat, and 1No insect 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".

Soft Landscape Plan

Prior to the commencement of the development hereby approved, a 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".

CBC Ecologist - 13th January 2025

The Preliminary Ecological Appraisal (PEA) and Biodiversity Net Gain (BNG) Assessment (Sharpe Ecology, December 2024) appropriately describes the ecological features of the site and mitigation required. On-site enhancement for birds and bats is proposed which is supported.

The mandatory biodiversity gain 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 6.16% loss in area habitat units and 71.88% loss in hedgerow habitat units. The mandatory biodiversity net condition has therefore not been met and off-site biodiversity units must be purchased to satisfy this condition prior to commencement of the development should the development be granted planning permission. 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) and include proof of purchase of off-site biodiversity units from a suitable provider.

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biodiversity and geodiversity, plans should...identify and pursue opportunities for securing measurable net gains for biodiversity".

Building Control - 19th December 2024

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

GCC Highways Planning Liaison Officer - 29th April 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 applicant has amended the proposals as shown on drawing 656/ P/ 03. Rev.F to provide sufficient space to prevent obstruction of the public highway to the satisfaction of the Highway Authority Based on the analysis of the information submitted the Highway Authority concludes that there would not be an unacceptable impact on Highway Safety or a severe impact on congestion. There are no justifiable grounds on which an objection could be maintained.

Conditions

Provision of Pedestrian Visibility Splay

The development hereby approved shall not be occupied until visibility splays are provided from a point 0.6m above carriageway level at each side of the vehicular access to the application site and 2.0 metres back from the near side edge of the adjoining carriageway, (measured perpendicularly), for a distance of 2.0m metres in each direction measured along the nearside edge of the adjoining 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.

Informatives

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

No Drainage to Discharge to Highway Sustainable drainage arrangements shall be provided to ensure that surface water from the driveway 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

GCC Highways Planning Liaison Officer - 27th March 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 recommends that this application is refused.

The justification for this decision is provided below.

The changes dated 6th March submitted by the applicant to enlarge the garage structure as shown on drawing 656/ P /03. Rev.D will require any vehicle to wait wholly within the extents of the public highway and therefore create an obstruction to all users of Wellington Lane in contradiction to Manual for Gloucestershire Streets.

The Highway Authority concludes that there would be an unacceptable impact on Highway Safety and conflict to provide safe and suitable access for all existing users and therefore recommends that this application is refused

GCC Highways Planning Liaison Officer - 28th 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 contribution.

The justification for this decision is provided below.

The principle of development at this location is considered acceptable with all access from Wellington Lane based on its proximity to established public transport services to the east on Evesham Road and distance to the town centre. Two areas of concern should be noted by the applicant.

1) Regarding compliance with the Manual for Gloucestershire Streets that requires the garage door to be able to be opened with a vehicle parked in front. Minor repositioning of the garage 1.0m further into the site will permit independent access for a cycle to be used for sustainable travel. The parking depth should measure 6.0m from the back of highway to the garage frontage.

2) Observations indicate that although at the end of the lane access may be restricted by other vehicles parked in front of garages. Visibility must be provided to ensure the safety of other road users. This will require the minor amendment of the proposed boundary wall to provide a 2m splay in both directions.

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 for nearby strategic sites.

The funding apportionment methodology identifies a contribution for all other nonstrategic proposals to the north of the A4019 at a rate of £4,036.13 per residential unit, therefore for this site a contribution of totalling £ 4036.13 is required. The LPA should note that any dwelling unit(s) if approved subsequently reduces the calculated 1711 dwelling capacity before the J10 package of works are completed.

Both these minor concerns can either be resolved prior to determination by the LPA with revised drawings or the suggested conditions be attached to ensure the development will not create any significant highway concerns and subsequently there could be no justifiable grounds on which an objection could be maintained.

Cheltenham Civic Society - 26th March 2025

OBJECT

We repeat our objections to several aspects of this scheme for the same reasons that we objected to the previous version:

- It will lead to a regrettable loss of green space. According to the Pittville Character Appraisal, 'The presence of wide and frequently tree lined streets, extensive green open spaces which form public gardens and areas of parkland, sizeable private gardens and building plots combine to create a sense of spaciousness and grandeur' (emphasis added).
- While the new design is slightly less intrusive, it remains unsympathetic to the Pittville character area of the Central Conservation area. It uses an incongruous and rather heavy-handed architectural style, with an inappropriate palette of materials and colours (for example, timber cladding has no parallels in the architecture of this part of the Conservation Area).
- We object to the location of the house so far forward on the plot, and the large proportion of the plot which would be built on, due to the separate garage building. In our view, the house should also align with the house immediately to the north and incorporate the garage. In summary we think the new proposals still fail to meet the fundamental test of Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, which places a DUTY on everyone, including local planning authorities to pay special attention to the desirability of preserving (i.e. making no worse) or enhancing (i.e. improving further) the character or appearance of conservation areas. This duty is not negotiable yet seems sometimes to be downplayed by CBC or ignored.

Looking at the new drawings, we see something that was not apparent at an earlier stage: residential accommodation is to be provided above the garage. Effectively this means that the development is for two homes, not one. Because of this, and because of the very different design now proposed, this is a materially different scheme. In our view, therefore, this should have been re-advertised as a wholly new application.

Architects Panel - 3rd February 2025

Design Concept:

The panel agreed that the site has the potential to be a development site.

Design Detail:

The site is within a conservation area and there are several listed buildings within the locality.

Generally, the surrounding properties are larger detached or semidetached dwellings in reasonable sized plots.

The proposed plot has been limited in size presumably to protect the character of the space around the existing dwelling on the site.

However consequently the footprint of the proposed dwelling and associated garage looks to be an over development of the proposed plot.

The proposed scheme doesn't appear to relate to either West Drive or Wellington Lane. Whilst it is accepted that a contemporary design could work well in this location it was felt that the current design was harmful to the wider street scene. It does not relate to or enhance the surrounding context of the site in anyway.

The design of the garage is not in keeping with any of the surrounding properties or the proposed dwelling.

There are some anomalies on the drawings with windows appearing on the elevation and section but not on plan.

Recommendation:

Principle of a development on the site is supported but current scheme is not supported

Gloucestershire Centre For Environmental Records - 20th December 2024

Report available on public access

Severn Trent Water Ltd - 14th April 2025

I can confirm that we are happy for the previous drainage condition we requested to be discharged and can accept a foul only connection to the combined sewer in Wellington Lane.

The surface water drainage strategy is also acceptable as it is not connecting to the combined water sewer.

Severn Trent Water Ltd - 30th December 2024

With reference to the above planning application - although we have not been consulted on this planning application, we would please ask that the following drainage condition and drainage comments are taken into consideration.

The Company's observations regarding sewerage are as follows.

Severn Trent requests that any approval be conditioned as follows:

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

Reason

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

SITE SPECIFIC COMMENTS: We are currently investigating the performance of the sewer in Wellington Lane, and if possible, would please request an extension in time to allow us to provide more accurate drainage comments on this planning application 24/02082/FUL that hasn't yet been determined.

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

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

Suggested Informative - affected sewers and water mains

Before undertaking any work on site, all applicants must determine if Severn Trent has any assets in the vicinity of the proposed works. This can be done by accessing our records at www.digdat.co.uk

Severn Trent Water advise that even if our statutory records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under The Transfer of Sewer Regulations 2011.

Our records indicate that there are assets that may be affected by this proposal and as such the applicant must contact Severn Trent before any work takes place.

Public sewers and Water mains have statutory protection and may not be built close to, or diverted without consent, consequently you must contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the proposed building.

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APPLICATION NO: 24/02082/FUL		OFFICER: Mr Ben Warren
DATE REGISTERED: 17th December 2024		DATE OF EXPIRY : 11th February 2025
WARD: Pittville		PARISH:
APPLICANT:	Mr And Mrs Brydon	
LOCATION:	The Garden House West Drive Cheltenham	
PROPOSAL:	Forming new plot from garden of the Garden House for construction of new House, with vehicle access from Wellington Lane.	

REPRESENTATIONS

Number of contributors	36
Number of objections	26
Number of representations	3
Number of supporting	6

82 Evesham Road
Cheltenham
Gloucestershire
GL52 2AH

Comments: 11th April 2025

This revised proposal has a significantly negative impact on our property.

1. The garage is now two stories and backs directly on to Wellington Lane thereby reducing the turning space for vehicles - which was already severely restricted in the narrow lane and is directly opposite our garage which is in regular use.
2. Adding a balcony to the East elevation will result in a significant reduction in privacy to not only our garden but also they will be able to directly see into our home.
3. There is no short-term screening of the first floor windows of this revised development further eroding our privacy. The trees will take many years to mature.
4. The trees and shrubs that were in the lane have been removed. Has this been approved? The mature tree housed nesting birds and bats.
5. Wellington Lane is not the most suitable access point for this development because of its poor condition and narrowness of the road and therefore not suitable for large construction vehicles.

Comments: 18th March 2025

We object to this development because not only is it not in keeping with the Regency architecture of the area, but Wellington Lane itself is also a narrow, fragile and well used road.

It would make more sense to access the proposed development via West Drive. Heavy vehicles could cause enormous damage to Wellington Lane as well as cause difficulty for existing residents use of the Lane.

For example, we have to park our cars in the Lane as we were refused permission for a driveway at the front of our property - on the basis that this was a conservation area. It appears that in preparation for this development hedges have already been ripped up and a tree cut down in Wellington Lane already negatively impacting wildlife.

Comments: 4th January 2025

This proposed development is not in harmony with the conservation area. The proposal is too big and quite ugly.

Access to the proposed building through Wellington Lane seems wrong. The Lane is narrow where two vehicles struggle to pass each other, it has no turning places and is in a very poor state of repair.

We require daily access to our garage (which would be opposite the proposed development). With the numerous problems with waste water and the sewerage system in 2024 we were frequently unable to access our property through Wellington Lane.

As well as the properties on Wellington Square, untreated sewage has also entered the basement flat in 40 Evesham Road due to the constraints of the current system

To remove the red brick wall on Wellington Lane, which is a haven for wildlife with trees and bushes where birds nest every year, would be an environmental tragedy.

84 Evesham Road
Cheltenham
Gloucestershire
GL52 2AH

Comments: 6th January 2025

We write with reference to a planning application-see reference above.

We reside at 84,Evesham Road, which will be directly impacted by this new planning application should it go ahead.

We have the following concerns regarding the proposal to build a substantial dwelling immediately behind our premises.

- 1). The design is not in keeping with the surrounding properties within the designated conservation area.
- 2). We would like to know why there seems to be no access onto West Drive, as it would much more suitable than using the very narrow Wellington Lane.
- 3). The drainage system in Wellington Lane is very old, and has seen frequent collapse during the time we have been in residence here.
- 4). Together with our neighbours, we park vehicles in Wellington Lane at the rear of our properties, so are concerned about the extra vehicular traffic.
- 5). We are also extremely concerned that further development could take place within the grounds of The Garden House if this planning proposal is allowed to go ahead.

We look forward to hearing from your departments.

Yours Sincerely, *****

The Old Rectory
Wellington Square
Cheltenham
Gloucestershire
GL50 4JZ

Comments: 4th January 2025

I am writing in response to the above planning application and wish to register my objection in the strongest terms for the reasons outlined below.

1. Privacy

The proposed development sits well forward of our neighbouring property, Rosehill Cottage and will directly overlook our house and specifically the north facing section will look into our lounge (with large Gothic bay windows), study, garden and indeed our upstairs bathroom. This is exacerbated by the bizarre decision to remove the only screening trees. Whilst new trees have been proposed the net impact (as per the Conservation objections) will be negative and will take years to grow and rely on any new owners to maintain.

2. Heritage

The proposed house design and massing are not at all appropriate within the street. Although design is subjective, the proposed property will stand out for all the wrong reasons as an eyesore or "carbuncle" as someone well known may remark! In no way is this "...preserving or enhancing the character or appearance of that area" outlined in the Listed Buildings & Conservation act.

The proposed property will have a negative impact on the conservation area and indeed the Old Rectory itself. When approaching Wellington Square from West drive the garden area of the Garden House and Rosehill cottage (as it is set back) contributes positively to the conservation area and Old Rectory. Why on earth would anyone propose the massing and design in the forward part of the garden? (aside from purely commercial reasons..). It is worth noting that we frequently have pedestrians pointing, talking and taking photos of the Old Rectory as they, we assume, enjoy the surrounds and appreciate the Old Rectory Gothic architecture and design. Whilst it may not be to everyone's taste it is a unique property that would be significantly impacted by the proposed property if it is located set forward of Rosehill cottage.

3. Conservation

The proposed property and mass require the removal of a substantial amount of trees (as above to include screening trees that today provide privacy) which not only impacts on the visual impact but importantly hosts a variety of animals. We have seen foxes (even a blind albino one in the garden), squirrels, owls as well as a myriad of different bird species.

4. Wellington Lane and access

When there are already 2 access points for the Garden House why add a 3rd?

The proposed access is a narrow lane with no turning head. Even for cars this requires a 5 point turn already. Lorries and any construction vehicles would not be able to turn around. Cars regularly park on the unrestricted roadside reducing the carriageway width, again, making it unsuitable for larger vehicles.

Critically we have experienced prolonged issues with the sewage system despite the intervention of Severn Trent. Any proposal would require a thorough review of the causal factors as any additional burden in the narrow lane can only worsen an existing and consistently reoccurring problem.

In summary the proposed property significantly impacts us directly and the wider community. It appears to be in conflict and contrary to the aims of a Conservation area containing numerous listed buildings. We are not wholly opposed to a property per se, indeed, if this proposal was of an appropriate design and quality plus, in proportion and sited in line with Rosehill Cottage (that includes an integrated not separate garage) using a less impactful footprint on the flora and fauna then it could be acceptable.

The Old Rectory
Wellington Square
Cheltenham
Gloucestershire
GL50 4JZ

Comments: 21st March 2025

Objection for ***** - Old Rectory, Wellington Square

Planning Application: The Garden House, The Grove, West Drive, Cheltenham Ref: 24/02082/FUL

We are writing in response to the above planning application.

We have looked at the revised proposals online and wish to register my objection in the strongest terms for the reasons outlined below. Whilst we are not anti development and the proposal design has improved vs the original design, the revised proposed is, astonishingly, even larger than the previous proposal and does not address our fundamental issues regarding privacy, heritage, conservation and access.

1. Privacy

The proposed development sits well forward of our neighbouring property, Rosehill Cottage and will directly overlook our house and specifically the north facing section will look into our lounge (with large Gothic bay windows), study, garden and indeed our upstairs bathroom. This is exacerbated by the bizarre decision to remove the only screening trees. Whilst new trees have been proposed the net impact (as per the Conservation objections) will be negative and will take years to grow and rely on any new owners to maintain. In addition, balconies have been added. Why on earth exacerbate an issue even further.

2. Heritage

The proposed house massing is not at all appropriate within the street.. The proposal states it is "unapologetically contemporary". What legacy would it leave in a heritage conservation area containing numerous listed adjacent buildings? In no way is this "...preserving or enhancing the character or appearance of that area" outlined in the Listed Buildings & Conservation act.

The proposed property will have a negative impact on the conversation area and indeed the Old Rectory itself. Contrary to their letter the new development will stand out when approaching Wellington Square from West drive and look completely out of place. As before, why would anyone propose the massing and design in the forward part of the garden? (aside from purely commercial reasons..). As noted before, we frequently have pedestrians pointing, talking and taking photos of the Old Rectory as people, we assume, enjoy the surrounds and appreciate the Old Rectory Gothic architecture and design. Whilst it may not be to everyone's taste it is a unique property that would be significantly impacted by the proposed property if it is located set forward of Rosehill cottage. A compromise is for a property to be developed in line with Rosehill cottage thus note impacting the listed Glenmore Lodge or indeed the Old Rectory.

3. Conservation

The proposed property and mass require the removal of a substantial amount of trees (as above to include screening trees that today provide privacy) which not only impacts on the visual impact but importantly hosts a variety of animals. We have seen foxes (even a blind albino one in the garden), squirrels, owls as well as a myriad of different bird species.

The amended development cause a loss of green space, the development still comprises over development of this constrained plot with the loss of the extensive private garden. The Character Area Appraisal notes that sizeable private gardens help "create a sense of spaciousness and grandeur" in the Conservation Area and reducing the extent of this garden will erode that specific character trait. This is exacerbated by the enlarged coach house dominating the rear lane.

4. Wellington Lane and access

When there are already 2 access points for the Garden House why add a 3rd?

The proposed access is a narrow lane with no turning head. Even for cars this requires a 5 point turn already. Lorries and any construction vehicles would not be able to turn around. Cars regularly park on the unrestricted roadside reducing the carriageway width, again, making it unsuitable for larger vehicles.

Critically we have experienced prolonged issues with the sewage system despite the intervention of Severn Trent. This issue remains open with Severn Trent.

In summary the proposed property significantly impacts us directly and the wider community. It appears to be in conflict and contrary to the aims of a Conservation area containing numerous listed buildings. We are not wholly opposed to a property per se, indeed, if this proposal was of an appropriate design and quality plus, in proportion and sited in line with Rosehill Cottage (that includes an integrated not separate garage) using a less impactful footprint on the flora and fauna then it could be acceptable. In the meantime we urge you to again refuse this application. Thanks

6 Old Lodge Court
Wellington Square
Cheltenham
Gloucestershire
GL50 4JT

Comments: 30th December 2024

Letter attached.

Wellington House
Wellington Square
Cheltenham
Gloucestershire
GL50 4JZ

Comments: 2nd January 2025

I write as a concerned neighbour to object to the proposed development at The Garden House within the Pittville Conservation Area. My objections are based on the following planning considerations:

1. Impact on Conservation Area Character

The proposed building's design, scale, and materials are inconsistent with the historic character of the Pittville Conservation Area. This modern, forward-sited development would harm the established aesthetic of the area and fail to enhance or preserve its unique architectural heritage. A lower-profile, set-back, more sympathetically designed structure would be more appropriate.

2. Inappropriate Access via Wellington Lane

The proposed access through Wellington Lane is unsuitable. The lane is narrow, lacks adequate turning space, and is surfaced with fragile materials not designed to accommodate heavy construction vehicles or increased traffic. This raises concerns about potential damage to the road surface and subsurface utilities, including shallow water and sewer pipes.

3. Inadequate Drainage Infrastructure

The local drainage system is already under huge strain, with recent flooding incidents affecting numerous properties. The proposed development risks exacerbating these issues by adding to the existing load on the sewers. A thorough assessment by Severn Trent Water should precede any approval to ensure the area can cope with additional demand or set conditions of work to be undertaken to support the additional requirements.

4. Protection of Historic Features and Wildlife

The proposed development threatens the historic boundary wall along Wellington Lane, which may have heritage value and contributes to the character of the area. Additionally, the loss of green space and vegetation will negatively impact local wildlife, including nesting birds, hedgehogs, and other species.

I urge the Council to consider these points carefully and reject the application in its current form. Should a revised application be submitted, it must demonstrate full compliance with conservation area guidelines, including high-quality, context-sensitive design and a more suitable access arrangement.

The Old Rectory
Wellington Square
Cheltenham
Gloucestershire
GL50 4JZ

Comments: 22nd April 2025

We are writing in response to the above planning application.

We have looked at the latest revised proposals online and wish to register my objection in the strongest terms for the reasons outlined below. As we have stated previously, we are not anti development however the latest proposal does not address our fundamental issues regarding privacy, heritage, conservation and access. The key issue is massing and location which we, and others, have raised consistently. Until this is resolved and any development potentially lines up with the Rosehill House footprint then the issues of privacy, heritage and conservation will all negatively impact us and the Old Rectory as below.

1. Privacy

The proposed development sits well forward of our neighboring property, Rosehill Cottage and will directly overlook our house and specifically the north facing section will look into our lounge (with large Gothic bay windows), study, garden and indeed our upstairs bathroom. This is exacerbated by the bizarre decision to remove the only screening trees. Whilst new trees have been proposed the net impact (as per the Conservation objections) will be negative and will take years to grow and rely on any new owners to maintain. In addition, balconies have been added. Why on earth exacerbate an issue even further.

2. Heritage

The proposed house massing is not at all appropriate within the street.. The proposal states it is "unapologetically contemporary". What legacy would it leave in a heritage conservation area containing numerous listed adjacent buildings? In no way is this "...preserving or enhancing the character or appearance of that area" outlined in the Listed Buildings & Conservation act.

The proposed property will have a negative impact on the conversation area and indeed the Old Rectory itself. Contrary to their letter the new development will stand out when approaching Wellington Square from West drive and look completely out of place. As before, why would anyone propose the massing and design in the forward part of the garden? (aside from purely commercial reasons..). It is worth noting that we frequently have pedestrians pointing, talking and taking photos of the Old Rectory as people, we assume, enjoy the surrounds and appreciate the Old Rectory Gothic architecture and design. Whilst it may not be to everyone's taste it is a unique property that would be significantly impacted by the proposed property if it is located set forward of Rosehill cottage.

3. Conservation

The proposed property and mass require the removal of a substantial amount of trees (as above to include screening trees that today provide privacy) which not only impacts on the visual impact but importantly hosts a variety of animals. We have seen foxes (even a blind albino one in the garden), squirrels, owls as well as a myriad of different bird species.

4. Wellington Lane and access

When there are already 2 access points for the Garden House why add a 3rd?

The proposed access is a narrow lane with no turning head. Even for cars this requires a 5 point turn already. Lorries and any construction vehicles would not be able to turn around. Cars regularly park on the unrestricted roadside reducing the carriageway width, again, making it unsuitable for larger vehicles.

Critically we have experienced prolonged issues with the sewage system despite the intervention of Severn Trent. Any proposal would require a thorough review of the causal factors as any additional burden in the narrow lane can only worsen an existing and consistently reoccurring problem

70 Whitethorn Drive
Prestbury
Cheltenham
Gloucestershire
GL52 5LL

Comments: 20th March 2025

I would like to offer my support for the current design. Having a single house on the garden plot, rather than two or more dwellings will mean less traffic coming down Wellington Lane. Although the design is not in the regency style the more modern design does not look out of place in the current surroundings.

Western Lodge
West Drive
Cheltenham
Gloucestershire
GL50 4LB

Comments: 6th January 2025

Good morning Planning

We live in West Drive, near Dunalley School, and I refer to the proposed new house build in the garden of The Garden House in West Drive:

Whilst we don't have an objection in principle to this development, we do think that the design is very ugly and would detract from the overall aspect of Wellington Square.

Regards

***** WesternLodge)

Royal Mews
St Georges Place
Cheltenham
Gloucestershire
GL50 3PQ

Comments: 24th March 2025

Additional letter attached

Comments: 20th January 2025

Letter attached.

18A Wellington Square
Cheltenham
Gloucestershire
GL50 4JS

Comments: 7th January 2025

Dear Sir or Madam,

The proposed dwelling in the Garden of Garden House, at corner of West Drive and Central Cross Drive poses a real threat to the Pittville conservation area. The existing garden of the property is a green oasis within this conservation area which only enhances the area's character and the setting of the nearby listed buildings. Its loss would detract from the historic and environmental value of the site.

Access to Wellington Lane will disrupt existing users, particularly residents whose homes depend on this narrow and constrained route. Increased traffic and potential conflicts will have a detrimental impact on their quality of life. Residents of the area value restrictions on development in conservation areas, which protect the historic character. While sensitive development may be acceptable, this proposal fails in this regard. It would negatively affect the whole of the Pittville neighbourhood.

There are additional concerns the development such as this could set a precedent for future redevelopment of Garden House and the wider area of the Pittville Estate.

Many thanks.

The Old Rectory
Wellington Square
Cheltenham
Gloucestershire
GL50 4JZ

Comments: 26th March 2025

Objection for ***** - Old Rectory, Wellington Square

Planning Application: The Garden House, The Grove, West Drive, Cheltenham Ref: 24/02082/FUL

We are writing in response to the above planning application.

We have looked at the revised proposals online and wish to register my objection in the strongest terms for the reasons outlined below. Whilst we are not anti development and the proposal design has improved vs the original design, the revised proposed is, astonishingly, even larger than the previous proposal, adds a second floor to the garage and does at all address our fundamental issues regarding privacy, heritage, conservation and access.

1. Privacy

The proposed development sits well forward of our neighboring property, Rosehill Cottage and will directly overlook our house and specifically the north facing section will look into our lounge (with large Gothic bay windows), study, garden and indeed our upstairs bathroom. This is exacerbated by the bizarre decision to remove the only screening trees. Whilst new trees have been proposed the net impact (as per the Conservation objections) will be negative and will take years to grow and rely on any new owners to maintain. In addition, balconies have been added. Why on earth exacerbate an issue even further.

2. Heritage

The proposed house massing is not at all appropriate within the street.. The proposal states it is "unapologetically contemporary". What legacy would it leave in a heritage conservation area containing numerous listed adjacent buildings? In no way is this "...preserving or enhancing the character or appearance of that area" outlined in the Listed Buildings & Conservation act.

The proposed property will have a negative impact on the conversation area and indeed the Old Rectory itself. Contrary to their letter the new development will stand out when approaching Wellington Square from West drive and look completely out of place. As before, why would anyone propose the massing and design in the forward part of the garden? (aside from purely commercial reasons..). As noted before, we frequently have pedestrians pointing, talking and taking photos of the Old Rectory as people, we assume, enjoy the surrounds and appreciate the Old Rectory Gothic architecture and design. Whilst it may not be to everyone's taste it is a unique property that would be significantly impacted by the proposed property if it is located set forward of Rosehill cottage. A compromise is for a property to be developed in line with Rosehill cottage thus note impacting the listed Glenmore Lodge or indeed the Old Rectory.

3. Conservation

The proposed property and mass require the removal of a substantial amount of trees (as above to include screening trees that today provide privacy) which not only impacts on the visual impact but importantly hosts a variety of animals. We have seen foxes (even a blind albino one in the garden), squirrels, owls as well as a myriad of different bird species.

The amended development cause a loss of green space, the development still comprises over development of this constrained plot with the loss of the extensive private garden.

The Character Area Appraisal notes that sizeable private gardens help "create a sense of spaciousness and grandeur" in the Conservation Area and reducing the extent of this garden will erode that specific character trait. This is exacerbated by the enlarged coach house dominating the rear lane.

4. Wellington Lane and access

When there are already 2 access points for the Garden House why add a 3rd?

The proposed access is a narrow lane with no turning head. Even for cars this requires a 5 point turn already. Lorries and any construction vehicles would not be able to turn around. Cars regularly park on the unrestricted roadside reducing the carriageway width, again, making it unsuitable for larger vehicles.

Critically we have experienced prolonged issues with the sewage system despite the intervention of Severn Trent. This issue remains open with Severn Trent.

In summary the proposed property significantly impacts us directly and the wider community. It appears to be in conflict and contrary to the aims of a Conservation area containing numerous listed buildings. We are not wholly opposed to a property per se, indeed, if this proposal was of an appropriate design and quality plus, in proportion and sited in line with Rosehill Cottage (that includes an integrated not separate garage) using a less impactful footprint on the flora and fauna then it could be acceptable. In the meantime we urge you to again refuse this application. Thanks

PS Also note that they have already cleared the trees/shrubs at the back in Wellington Lane. is this permitted in a conservation area?

Amberley House
Clarence Square
Cheltenham
Gloucestershire
GL50 4JP

Comments: 14th January 2025

I am a resident of Clarence Square, and like many others, I find myself in the region of The Garden House site and Wellington Square in general many times a week as I walk my dog to and from Pittville Park.

Having looked closely at the application and the proposal to build this very poorly designed house within the protected area, I am compelled to write and object.

The outstanding area of Pittville is precious not only to those that live there but to many people who visit our wonderful squares. The historic and considered tone of the area is to a large extent set by the quality of the architecture and the green spaces that help define them.

The design and position of the proposed new build is a low-grade clash to all that this conservation area stands for. Surely a much higher quality of building design should be a pre-requisite of any planning decision and if it is felt by the council that a building must be built in this rare open space, it should be far less prominently situated.

I feel especially concerned for the owner of Rosehill Cottage whose property would be overshadowed and hugely disadvantaged by the unnecessarily overbearing size, poor design and forward position of the proposed property.

Westwood
Wellington Square
Cheltenham
Gloucestershire
GL50 4JZ

Comments: 20th March 2025

The revised proposal is a vast improvement on the previous submission and much more coherent and attractive design. Whilst our preference would be to see a traditional, period grand villa on the site, we appreciate that this approach is not currently favoured by the planning department. As a more modern building, the design sits quite well into the surroundings without being overtly obvious or dominating.

It is noted that the main house has been moved further away from the closest building and that the plot has been made larger to accommodate this move. The use of reclaimed local bricks, slate, timber and natural organic materials help the building blend into the surroundings. Splitting the living space between two buildings and giving green space all around the house enhances the setting and the proposed planting should mitigate our original concerns over wildlife habitats.

Any building occupying this plot should be substantial so as to fit with the scale of the other period villas and grand houses, it should not be seen as just "in fill" or an apology for its existence. On this point the proposed house could be lacking a little in scale, presence and grandeur.

Our previous comments regarding the drainage and access to the site during construction are still relevant to this revised proposal. Hopefully these concerns can be mitigated with an agreed construction plan and confirmation from Severn Trent that any solution will not compromise the current infrastructure at times of high demand.

This site has always had the potential for a much higher density development and we feel this proposal would secure the site as a single dwelling and therefore protect a much larger area of green space, wildlife and not dramatically increase traffic movements.

Comments: 10th February 2025

Customer requested removal of comments from portal by email dated 14.04.2025

Westwood Wellington Square Cheltenham Gloucestershire GL50 4JZ
(Objects)

Comment submitted date: Mon 30 Dec 2024

Reasons for objection and comments:

The building and its position:

The building is not in keeping with the historic regency environment and is detracting from the period architecture and is at odds with its surroundings.

We are not against a more modern, but attractive design, but it should sit better in its surroundings when situated in such a historically sensitive area.

This is a very special and unique plot, and if a new home is to be built here, it would be wonderful to have something created that is well designed, attractive and gives pleasure to those who live in it and around it for generations to come.

Above all it should sit in harmony with its surroundings and not detract from the regency architecture and design legacy that makes Pittville and Cheltenham of special historical interest and a very special place to live and visit.

Wellington Lane access:

A large part of Wellington Lane is not suitable for construction vehicles and such traffic would destroy the already delicate road surface and risk damage to the existing services which we know are very fragile.

A large part of Wellington Lane only has a very thin layer of old worn-out tarmac laid straight onto earth with no aggregate substrate or hardcore underneath. The services are shallow and only sitting in sand, clay and soil without adequate support.

After the work is complete reinstatement of the road in Wellington Lane could be a condition of any planning decision.

Sewer and Drains:

Most of the properties along the lane have suffered from flooding in recent years due to the sewer/drain not being adequate for the purpose.

Adding another property will likely cause more flooding and issues with the old drain/sewer system.

Beyond the proposed new sewer connection point it is old clay pipe of a much smaller diameter which is also suffering from root ingress and movement.

Again, part of any planning decision should be to upgrade the downstream sewer / drain with a larger diameter pipe to match the one upstream. This is currently a bottle neck, and it should be upgraded to prevent further flooding of the neighbouring houses.

There is a separate rainwater drain to the front of the property in Wellington Square and it may be more appropriate to route the rain water into this rain water drain. This is the drain that currently serves the eastern side of Wellington Square and outside the Garden House.

Comments: 30th December 2024

Customer requested removal of the below comment by email dated 08.02.2025

Reasons for objection and comments:

The building and its position:

The building is not in keeping with the historic regency environment and being so high and far forward is detracting from the period architecture and is at odds with its surroundings.

We are not against a more modern, but attractive design, but it should not dominate its surrounds when situated in such a historically sensitive area.

Any proposed building on this plot should be lower and sit back further from Wellington Square so as not to affect the view and standing of the existing buildings. We would suggest that the building line of Rosehill House be continued, but not exceeded with any proposed building on this site.

The proposed building appears to have been designed with little consideration for its own aesthetics or its suitability for the location.

This is a very special and unique plot, and if a new home is to be built here, it would be wonderful to have something created that is well designed, attractive and gives pleasure to those who live in it and around it for generations to come.

Above all it should sit in harmony with its surroundings and not detract from the regency architecture and design legacy that makes Pittville and Cheltenham of special historical interest and a very special place to live and visit.

Wellington Lane access:

A large part of Wellington Lane is not suitable for construction vehicles and such traffic would destroy the already delicate road surface and risk damage to the existing services which we know are very fragile.

The road surface and subsurface are very old and not suitable for heavy vehicles.

A large part of Wellington Lane only has a very thin layer of old worn-out tarmac laid straight onto earth with no aggregate substrate or hardcore underneath. The services are shallow and only sitting in sand, clay and soil without adequate support.

Construction vehicles could use the existing entrances into The Garden House and reinstate their own garden and boundary wall after the work is complete or perhaps reinstatement of the road in Wellington Lane could be a condition of any planning decision.

Sewer and Drains:

Most of the properties along the lane have suffered from flooding in recent years due to the sewer/drain not being adequate for the purpose.

Adding another property will likely cause more flooding and issues with the old drain/sewer system.

Beyond the proposed new sewer connection point it is old clay pipe of a much smaller diameter which is also suffering from root ingress and movement.

Again, part of any planning decision should be to upgrade the downstream sewer / drain with a larger diameter pipe to match the one upstream. This is currently a bottle neck, and it should be upgraded to prevent further flooding of the neighbouring houses.

The proposed drawings show a rainwater soak away, stating that the ground is sand. It cannot be presumed that the ground is sand as there are many seams of clay in the surrounding area and water could be trapped and may not freely drain if clay is present in this area. Suitable trial pits and investigations should be undertaken. I fear a soak away may contribute further to some of the flooding issues experienced in the area.

There is a separate rainwater drain to the front of the property in Wellington Square and it may be more appropriate to route the rain water into this rain water drain. This is the drain that currently serves the eastern side of Wellington Square and outside the Garden House.

Historic Wall & Vehicular Access:

We wonder about the history of the brick wall facing Wellington Lane. It could possibly be of special historic interest and part of the original estate which should be protected. This should be investigated prior to any permission to dismantle or destroy this beautiful historic structure.

There have been suggestions that it would be better to relocate the proposed garage entrance to the end of Wellington Lane where there is no wall, and only sheets of rusty corrugated steel. This would preserve the wall and make the opening less awkward for the neighbouring access and garages. However, there are some doubts that this area is within the curtilage of The Garden House.

Historically Wellington Lane continued further past the Garden House towards Central Cross Drive. In more recent times, the end of Wellington Lane was blocked with temporary obstacles and vegetation allowed to grow. What was previously part of Wellington Lane is now being shown on the planning applications as part of the grounds of The Garden House. It may be that there is a lack of clear title and ownership of this area, and this would preclude an alternative entrance at the end of Wellington Lane, however this suggested alternative access should be explored.

We still believe that an alternative access route other than Wellington Lane would be more suitable whilst preserving the wildlife and green space that will be destroyed if this proposed access is approved. The thick vegetation is frequently used for nesting and roosting birds, including owls. Badgers, foxes, hedgehogs and many insects and other wildlife use this vegetation and the open lawn areas.

Further Consultation and Planning Committee

A planning application of this importance should go before the planning committee and should allow for further consultation. It would be interesting to have the views of organisations such as Cheltenham Civic Society, Friends of Pittville, Historic England and other organisations that work in the interest of pursuing good design and preservation of our environments.

Flat 4
107 London Road
Cheltenham
Gloucestershire
GL52 6HL

Comments: 20th March 2025

As I have previously mentioned, that my focus is on the Wellington Lane access regarding its poor condition and fragile sewers. Also the narrowness of the lane, resulting in occasional damage to the garages doors when vehicle's have being turning around, some of which have been the doors to the garages I have been renting for 22 years. This would now be my only concern if the construction was to go ahead, regarding construction vehicles accessing Wellington Lane, and I believe that this may need to be researched in detail.

However, regarding the the revised and much improved plan for the design of the proposed dwelling i find the design refreshing, with the use of reclaimed and reusable materials, and potentially more attractive in design, to blend in with the neighbouring architecture.

If this plan for this development was to proceed, and as a single dwelling with access from WellingtonLane, it would be of very little disruption, once construction is completed . It would still offer the greenery and wildlife, within the plot and not have serious consequences to Wellington Lane either, whereas a site of multiple dwellings would disrupt on many factors, including the neighbouring surroundings, and the services that supply the neighbouring properties, such as the sewerage systems and water supply. As I have mentioned, my biggest concern would be construction vehicles in Wellington Lane ,with its poor condition.

Comments: 4th January 2025

Firstly I would like it known that I no longer live in Wellington Square, but I currently rent garages in Wellington Lane (north), and I have been renting garages here continuously for nearly 22 years since April 2003. Over the last 2 decades I have seen for myself, and liaising with current and previous owners of the neighbouring properties, the serious problems that have occurred with the aging Victorian sewers, the rainwater drainage problems, incurring flooding and sewerage in basements of the neighbouring properties, and the poor and weak road surface in Wellington Lane (north), that has never been maintained by the Highways Agency, and is currently a thin layer of fragile tarmac on top of earth, for the majority of the length of the lane

Also Wellington Lane (north) is narrow, and does not have any turning areas, and over the last 22 years, I have seen several garage doors damaged by turning vehicles, including my own, as the end of the lane is a cul- de -sac.

Beyond the cul-de-sac there is a conservation area where the trees and wildlife would be heavily affected, if the proposed access to The Garden Cottage was constructed here. This also asks the question, why does the access have to be from Wellington Lane, when The Garden house hosts 2 Exits already.

As for the construction of the new build and proposed materials, it would have to fit in with the neighbouring heritage, and I am aware it will divide opinion, amongst the local residents, who will voice their opinions, but my knowledge is mainly centred around

Wellington Lane, and over the last 22 years, I have seen the consequences of its poor aging and very weak condition.

9 Wellington Square
Cheltenham
Gloucestershire
GL50 4JU

Comments: 2nd January 2025

We are writing in regards to the above planning application. We have many concerns regarding this application which we feel will have a negative impact on the setting of our neighbourhood as it is not of an appropriate manner and style in keeping with the other residences of the area. The garden space is within a conservation area and we are keen to protect this rather than encourage large building works that will pose a threat to the green space and could place additional pressure on drainage systems that already struggle.

In addition this building would have a negative impact on the nearby properties, creating more traffic on which is already a very busy school route and creating a large, highly visible building that does not sit discreetly and in harmony with the other adjacent buildings.

We would propose that a building that is smaller, discrete and in keeping with the historic character of the other properties in the area may be more acceptable.

Westbury
Wellington Square
Cheltenham
Gloucestershire
GL50 4JZ

Comments: 20th April 2025

We wish to object to this application.

We have already stated our objections on the grounds of drainage and access through Wellington Lane they are based on fact and recent history and will not repeat them here. These points apart, the acceptability of the proposal rests on the design and it's suitability in the Pittville conservation area. This is inevitably a matter of the tastes and personal preferences of those commenting. It is fair to summarise many of the submissions as saying there is little objection to a new build property per se but the plans proposed fall short of the level of character demanded by the setting. There is a variety of opinion as to what might be acceptable to those commenting , ranging from reproduction Regency to outstanding modern. This proposal is inadequate on all counts. There is virtually no positive support for the design from the comments made which span the gamut from unacceptable banality to (at best) a grudging acquiescence.

This is an exceptional site and it deserves something better than that which is proposed.

April19 2025

Comments: 19th March 2025

Apologies, my previous comment was incomplete. the full final section is as below:

3.Drainage

There has been regular flooding of the lower ground floors and gardens of many properties backing onto Wellington Lane North at times of heavy rain when the system is under maximum pressure. Our own property suffered with backed up rainwater and domestic effluent as recently as September last year and I know many of my neighbours were similarly affected. It is clear that the current sewer cannot cope with the high levels of demand that seem to be occurring with increased frequency. Severn Trent are currently investigating the causes but it may well be that the substantial reduction (by about 85% in the maximum flow that the sewer can accommodate, in a section downstream of The Garden House, is a major factor.

We remain gravely concerned that drainage from this proposed development will give rise to an even greater level of flooding than has occurred previously. Approval of the proposal should be contingent on a guarantee from Severn Trent that the drainage infrastructure will be capable of sustaining the extra peak volumes without the danger of overload and the concomitant flooding of properties upstream.

*****8

March18th 2025

Dear “Planning team”.

I am writing this in response to receiving notification of a proposed planning application, namely ref:-34/02082/FUL from other locals that share our opinion on this.

Put simply, my wife and I both object to this application for a variety of reasons.

First off, our main reason would be the proposed vehicular access via Wellington Lane. We have a very good and, we hope, understandable reason, which in simple words is based on the “fact” that we were interested in buying the “adjacent” property “to the proposed site”.

We pulled out from this, purely because of the ONLY “vehicular access” being available was from Wellington Lane!

The other reasons are as follows, The Garden House is a “wonderful” property “as it stands”, and we would have wanted to buy it “as it is” and only if we had a “little” more revenue! We knew that its “true value”, purely due to its location and attractiveness would be a seven figure sum! We also know that the addition to the drainage system, purely due to the increase in residential use is likely to cause severe problems. Having built four times in our lifetime, and renovated others, even though I am a retired Chief Engineer, we know about these problems, and the work involved just trying to put them right! There are other reasons, but we feel we have given enough for a “sensible” decision to be made on this.

[REDACTED] currently living in 6 Old Lodge Court, “Wellington Square”, Cheltenham. GL50 4JT.


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Our Ref: 17936
Your Ref : 24/02082/FUL

20 January 2025

Mr Ben Warren
Cheltenham Borough Council
Municipal Offices Promenade
Cheltenham
Gloucestershire
GL50 9SA

Dear Mr Warren,

Re: - The Garden House, The Grove, West Drive, Cheltenham 24/02082/FUL

I write regarding the above referenced planning application on behalf of the residents listed at the conclusion of this letter.

I am instructed to review the planning application as submitted on behalf of Mr and Mrs Brydon for development described as

“Forming new plot from garden of the Garden House for construction of new House, with vehicle access from Wellington Lane”.

I am familiar with the site and its environs and have viewed the site from public vantage points within Wellington Square and Wellington Lane. I set out below detailed representations having regard to national and local policy.

1 Site

- 1.1 The application site relates to part of the garden currently serving The Garden House, the red line site boundary extends to circa 626 m2. The curtilage of the Garden House extends to in total Circa 1900 m2. The plot occupies around 1/3rd of the existing garden area.
- 1.2 The applicant is seeking planning permission for the erection of a detached two storey dwelling with separate double garage. The material palette proposes a brick façade under metal standing seam pitched roof covering to the dwelling and a mixture of brick and timber cladding to the walls of the garage under pitched ‘green’ roof covering. Vehicular access is proposed via a new opening within the eastern boundary wall to Wellington Lane. A new pedestrian access is proposed to Wellington Square.


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- 1.3 Foul drainage discharges to Wellington Square shown as connecting to a combined sewer within Wellington Lane. Surface water drainage is shown as discharging to a soakaway located between the proposed dwelling and the southern boundary.

2 Constraints

- Conservation Area
- Principle Urban Area
- Listed Buildings

3 Relevant Planning History

- 24/01756/FUL - Proposed new dwelling with vehicle access from Wellington Lane. WITHDRAWN- No information available online.
- 79/01281/PF - Outline application to erect single storey dwelling – PERMIT
- 79/01280/PF - Conversion of property to 2 no self-contained dwellings – PERMIT

4 Policies and Guidance

National Planning Policy Framework (Dec 2024)

Section 2 Achieving sustainable development.

Section 4 Decision-making

Section 5 Delivering a sufficient supply of homes.

Section 11 Making effective use of land.

Section 12 Achieving well-designed places.

Section 12 Achieving well-designed places.

Section 16 Conserving and enhancing the historic environment.

Cheltenham Plan (Adopted 2020)

D1 Design

D3 private Green Space

L1 Landscape AND Setting

G12 Protection and replacement of trees

G13 Trees and development.

Adopted Joint Core Strategy Policies

SP1 The Need for New Development

SP2 Distribution of New Development

SD3 Sustainable Design and Construction

SD4 Design Requirements

SD8 Historic Environment

SD9 Biodiversity and Geodiversity


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SD10 Residential Development
SD11 Housing Mix and Standards
SD14 Health and Environmental Quality
INF1 Transport Network

Supplementary Planning Guidance/Documents
Development on garden land and infill sites in Cheltenham (2009)
Pittville Character Area Appraisal
Cheltenham Climate Change SPD

5 Determining Issues

5.1 The main issues may be summarised as follows:-

- Principle of development
- Design and Layout
- Impact upon neighbouring amenity
- Impact on the conservation area /wider setting of listed buildings
- Highway safety
- Impact upon trees
- Drainage capacity and suitability of surface water drainage system.

Dealing with each issue in turn :-

6 Principle

6.1 Adopted JCS Policy SD 10 supports new housing development where development comprises infilling within the existing built-up area within the Principal Urban Area (PUA). Caveat (6) the policy requires that :
“development should 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” [emphasis added]

6.2 The application site is located within the PUA in a sustainable location. It is therefore acknowledged that subject to compliance with caveat (6) the principle of a new dwelling in this location is acceptable (subject to consideration of all relevant local and national policies as a whole).

7 Design and Layout

7.1 Notwithstanding my conclusion that the principle of a new dwelling in this location


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could be acceptable, it remains to be considered whether the development ‘as proposed’ is acceptable having regard to caveat (6) of policy SD10 and other relevant local and national policies.

- 7.2 The proposed design and massing (save for the use of brick) fails to draw any design references from the locality, the resultant proposal is neither high quality modern architecture nor good quality pastiche.
- 7.3 The design and massing constitute a discordant feature within the street. The main elevation (facing Wellington Square) does not ‘Read’ as the primary elevation, thus giving the visual impression that the building is turning its back on the primary road frontage. In contrast the neighbouring property (Rosehill Cottage), is set well back from Wellington Square, but still ‘reads’ as having a frontage to Wellington Square.
- 7.4 Whilst the use of brickwork is justified (subject to appropriate colour and texture), the use of standing seam metal roofing is something of an oddity which adds nothing to the overall design. The reference to the use of a similar roof covering upon the outbuilding within the garden of Glenmore Lodge is misleading, as the standing seam roofing in that case is not visible from surrounding vantage points and is not ‘read’ as a metal pitched roof covering.
- 7.5 The overall composition of the proposal is one of a commercial building lacking any reference to the local vernacular styles within Wellington Square, Wellington Lane or West Drive.
- 7.6 The site is located within a designated conservation area. Paragraph 215 of The Framework requires that:
“where development will lead to less than substantial harm to the significance of the designated asset, this harm should be weighed against the public benefits” .
- 7.7 In this case the only public benefit is that of providing a single new dwelling (making a very minor contribution to Cheltenham’s housing stock). This must be weighed against the impact upon the conservation area, wider setting of nearby listed buildings, amenity of neighbours and other matters set out elsewhere within this representation.
- 7.8 It is noted that the first-floor plan does not indicate all window openings indicated upon the elevations.
- 7.9 I conclude that when applying the planning balance this weighs against this current proposal. The application is thus contrary to NPPF Para 215 and JCS Policy SD8.

8 Impact upon neighbouring amenity

- 8.1 The proposed dwelling sits well forward of the neighbouring property (Rosehill Cottage). Furthermore, the majority of trees lining the southern boundary (dividing the site from Rosehill Cottage) are proposed to be removed, leaving the only private outside area serving Rosehill Cottage exposed to overlooking from the new dwelling.
- 8.2 Guidance confirms that window to window separation distances should exceed 21 metres, and furthermore residential amenity should be protected. In this case the window-to-window separation distance is less than 17 metres and the first floor south facing bedroom windows within the proposed dwelling overlooks the private amenity area serving Rosehill. See Figure 1 - Window to window

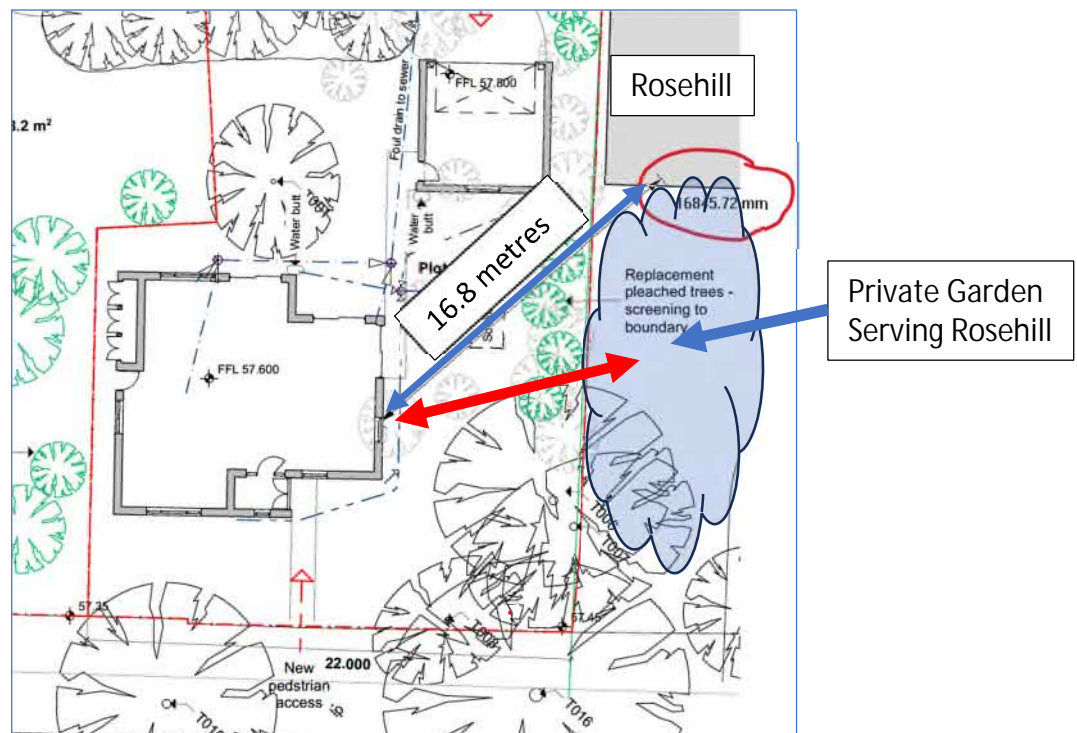


Figure 1 - Window to window separation.

- 8.3 Whilst it is noted that new pleached tree screening is proposed (to replace the trees to be removed along the southern boundary), these will take some time to become established and will be entirely reliant upon the future occupiers to maintain. From the elevated first floor windows, the new planting will not afford protection or screening to the west facing windows within Rosehill Cottage or its private garden area.
- 8.4 The proposed dwelling will thus have an unacceptable impact upon the amenity presently enjoyed by the occupiers of Rosehill Cottage. As a property with limited


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outside space this elevates the importance of maintaining some level of privacy and protection from overlooking (or a perception for being overlooked). Contrary to LP Policy D1 and JCS Policy SD4 and SD10

9 Impact on the conservation area /wider setting of listed buildings

9.1 Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that:

“special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area”.

9.2 The proposal is not supported by a heritage impact assessment. Notwithstanding the lack of appropriate assessment. I conclude, having regard to my findings at paragraph 7 above that the proposed development will have an unacceptable impact upon the conservation area and wider setting of listed buildings (particularly The Old Rectory).

9.3 When approaching Wellington Square from West Drive. The garden area serving The Garden House contributes positively to the setting of the wider conservation area and the Grade II listed Old Rectory. The construction of a large two storey dwelling set well forward on the plot will impact views of The Old Rectory as they open up when approaching from the north, furthermore the development of circa 1/3rd of the garden area will remove what is a green oasis which positively contributes to the conservation area.

9.4 As outlined above, while the principle of development in some form is acknowledged, the negative impacts associated with the current proposal weigh heavily against this current scheme. The submitted proposal fails to preserve or enhance the conservation area and is thus contrary to S72(1) of the Act and Section 16 of the Framework.

10 Highway safety

10.1 The proposed access is via a new pedestrian and vehicular drive to Wellington Lane. Wellington Lane is a single carriageway access lane originally designed as a service lane. The lane is not subject to any parking controls and lacks turning facilities to allow vehicles to enter and leave the lane in a forward gear. Increased traffic movements associated with an additional dwelling will increase the traffic load upon an already congested lane to the detriment and potential danger of existing users.

10.2 Parking within the lane reduces the effective width of the highway. It is reported to me that residents with access drives and garages served via Wellington Lane frequently experience disruption due to vehicles restricting access.


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- 10.3 Garden House already has 2 x access points (1 x to West Drive and a 2nd access to Central Cross Drive). If a dwelling were deemed acceptable in this location, then it makes more sense to access the site via one of the access vehicular access points, rather than forming a new access onto an already restricted rear lane which lacks adequate turning facilities.
- 10.4 The submitted proposal will not provide safe and convenient access to the highway network, access to the site is constrained due to the lack of an appropriate turning area at the northern end of Wellington Lane.
- 10.5 The constrained access arrangement will hinder access for emergency vehicles/removal lorries/delivery vehicles etc and the lane is unsuited to serve as the primary access serving new development. Contrary to JCS Policy INF1

11 Impact upon trees

- 11.1 It is noted that the proposed scheme necessitates the removal of a substantial number of trees to facilitate the development. The loss of trees (particularly along the southern boundary) significantly exacerbates amenity concerns for neighbouring occupiers, and these impacts cannot be adequately mitigated through the provision of new pleached tree planting.
- 11.2 It is noted that Tree T001 (Category B – Walnut) is proposed to be retained. The proposed dwelling is sited unacceptably close to this retained tree, at a distance of just 4.5 metres. The tree is currently approximately 7 metres tall, however, mature Walnut trees reach a height of 30 metres with a canopy spread of up to 15 metres.
- 11.3 The future growth potential of this tree, coupled with its proximity to the proposed dwelling, is likely to create pressure for its removal due to concerns from future occupants. This would further degrade the biodiversity of the site. Contrary to Local Plan Policy D3, G12, G13 and JCS Policy INF3

12 Drainage capacity and suitability of surface water drainage system.

Foul Drainage

- 12.1 My instructing clients have reported that the combined sewer system within Wellington Lane is operating beyond capacity, leading to frequent blockages, service disruptions, and, under extreme conditions, basement flooding. Residents are


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understandably concerned that adding the load of an additional property to this already overburdened system will exacerbate existing issues. I am informed that Severn Trent are aware of pre-existing issues in this location.

12.2 While I recognise that this is a technical matter for the water authority to address when an application to discharge is submitted, I strongly encourage you to consult with Severn Trent at this stage (prior to the determination of this application) to ensure that the site can be adequately serviced.

12.3 It is noted that Severn Trent Water Authority (STW) have formally responded to your council confirming that capacity issues are being investigated. I recommend that determination of this application be deferred until such investigations have been concluded and STW are able to confirm whether the site can discharge the existing foul sewer or clarify to what extent the system requires upgrading prior to commencement of development.

Surface Water Drainage

12.4 The submitted proposal indicates that surface water is to discharge to a soakaway. However, the application is not accompanied by a drainage strategy, making it impossible to evaluate whether the proposed soakaway system would function effectively in this location.

12.5 A comprehensive drainage strategy must include on-site percolation testing to assess subsoil porosity and, subject to satisfactory test results, ensure that the soakaway is appropriately designed and sized. Without a suitable drainage strategy, it would be premature and unsafe to determine this application. Contrary to JCS Policy INF2

13 Summary

The submitted planning application has been subject to detailed review and assessment. My instructing clients are not opposed to new development; indeed, it is acknowledged that the principle of development in this location could be acceptable, provided it is subject to appropriate design, siting, access, landscaping and massing.

An appropriate form of development could be a modest single storey dwelling of a design appropriate to this sensitive site within the conservation area. (accessed via one of the existing access points to Wellington Square or Central Cross Drive).

Re-siting the proposed dwelling to the eastern boundary (Wellington Lane) coupled with reduced mass and footprint would help maintain the openness of the site, alleviate



concerns regarding overlooking and amenity issues, and reflect a type of development more consistent with the historic pattern of development along Wellington Lane.

As currently submitted, the application, due to its impact on amenity, size, massing, access, design, and siting, conflicts with both Local and National Policy. Furthermore, the scheme lacks sufficient technical input to demonstrate that the proposal can be adequately drained (both foul and surface water) without increasing flood risk or overburdening existing systems.

In conclusion, I urge your authority to refuse planning permission for the reasons outlined in this letter.

Yours sincerely

For and on behalf of Evans Jones Ltd

D Jones

David Jones MRTPI. MRICS

Managing Director

Tel. 03450096986

E-mail: david.jones@evansjones.co.uk

Representations on behalf of: -

- [REDACTED] of Glenmore Lodge, Wellington Square
- [REDACTED] of The Old Rectory Wellington Square
- [REDACTED] of Westbury, Wellington Square
- [REDACTED] of Wellesley House, Wellington Square
- [REDACTED] of Daylesford, Wellington Square
- [REDACTED] of Harwood, Wellington Square
- [REDACTED] of Wellington House
- [REDACTED] of 40 Evesham Road

[REDACTED]
The Old Coach House
Wellington Road
GL52 2AF
[REDACTED]

Date 12th March 2025

Re: Planning application Reference 24/02082/FUL. Forming new plot in the Garden House, West Drive, Cheltenham for the construction of a new house with vehicle access from Wellington Lane.

Dear Mr Warren,
Please find attached the following.

- 1. Comments concerning the use of Wellington Lane as the point of access to the Garden House during the period of the construction of a new house as outlined in the planning application 24/02082/FUL. The comments have also been placed in the Public Comment Section of the application.**
- 2. Photographs which help to explain why Wellington Lane should NOT be used as the point of access for lorries and heavy machinery during the construction of a new property in the garden of the Garden House.**

A hard copy is supported by this email from [REDACTED] at [REDACTED] which might make circulation of documents, if required, easier for you. He has not been able to attach or copy photographs into the comments section of the planning application 24/02082/FUL. I give you full permission to address any communication by email, or telephone or in writing to [REDACTED] His communication details are [REDACTED] mobile phone: [REDACTED] Address Honeystones, Wellesley Road, Pittville, Cheltenham, GL50 4LD.

Yours sincerely,

[REDACTED]
Head of Planning Mr Ben Warren
Planning: Place and Growth
Cheltenham Borough Council
P.O. Box 12
Municipal Offices
Promenade
Cheltenham

Use of Wellington Lane as access to the Garden House. Reference 2/02082/FUL

My original objections to the building of a new property in the grounds of the Garden House were based on issues which are external to the site. These key issues remain, and as a result of Gloucestershire's Highways Development Management's document of the 28th of January are now more important for the Planning Officer to review.

- 1. Problems resulting from access to the Garden House via Wellington Lane (North) during the construction period.**
- 2. Existing problems with drains and sewers in Wellington Lane and flooding of properties facing on to Wellington Square.**
- 3. The need for re-assurance from the developers that they will be responsible for funding any upgrade that may become essential to repair damage caused to properties in Wellington Lane and its sub-surface infrastructure because of heavy vehicles during the construction period.**

The Highways Development Management in their letter of 28th January states that "the principle of development at this location is considered accessible with all access from Wellington Lane based on its proximity to established public transport services to the East on Evesham Road and distance to the town centre".

It is of grave concern that there is no reference in that document to the existing structural problems in Wellington Lane. There are more crucial factors to consider at this site than proximity to established public transport services and nearness to the town centre.

The suggestion that access during construction should be from Wellington Square, West Drive/Central Cross Drive is not based on nimbyism but on the possibility of damage to Wellington Lane's substructure and associated buildings.

There is the real potential that heavy vehicles especially those carrying concrete along this narrow lane could further damage the substructure (much of which is sand) and buildings.

If Wellington Lane remains as the key access route to the Garden House, then it is imperative that planning permission should only be granted subject to the developers agreeing to pay for any upgrades to properties and infrastructure should damage occur during the construction period.

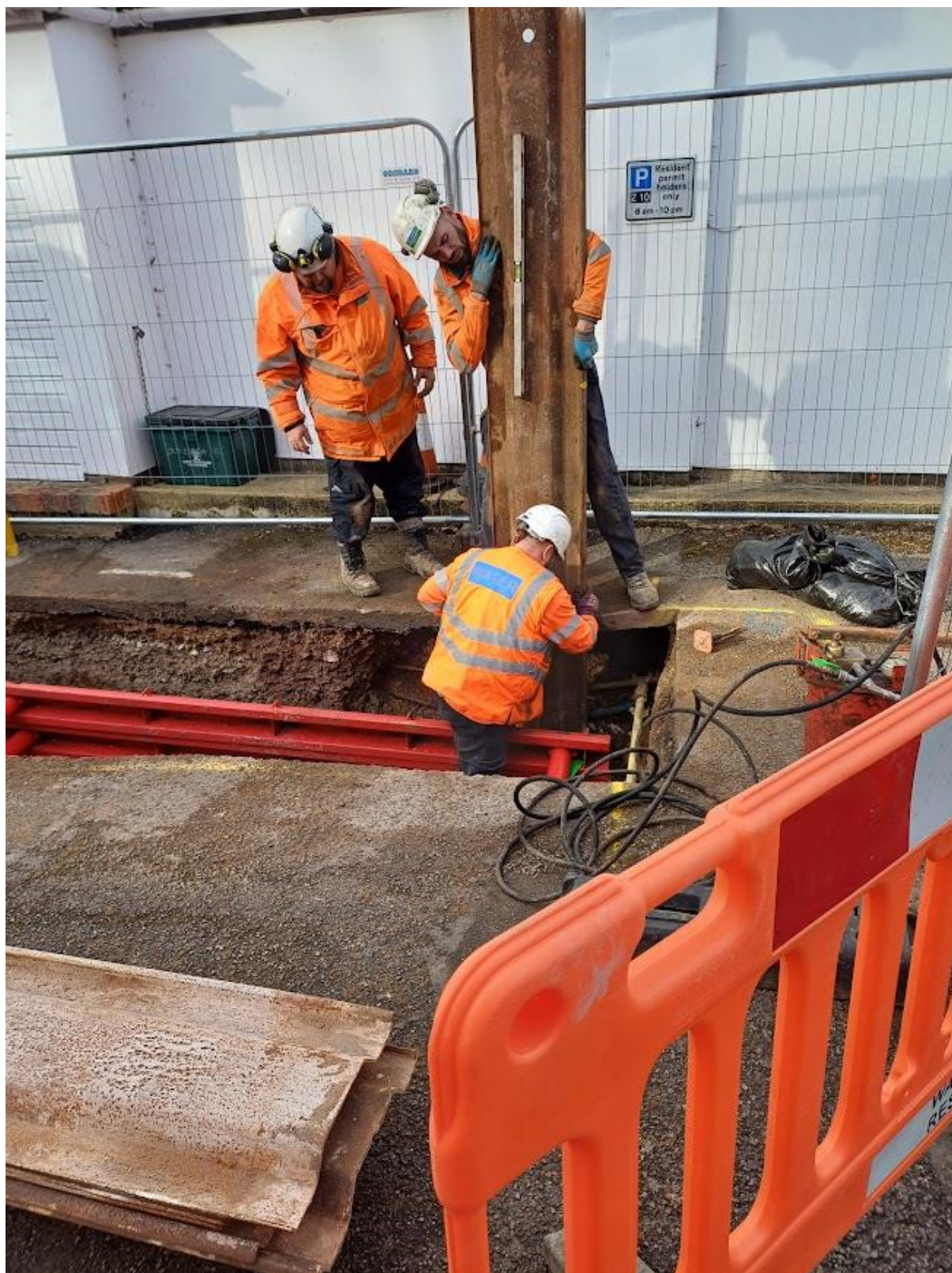
To ensure the safety of The Old Coach House during a lengthy period in 2024 Severn Trent Water engineers conducted a detail survey and as a result were required to drive metal sheets to a considerable depth to support the foundations. This one part of the project caused considerable concern and stress to me as well as costing many thousands of pounds for Severn Trent Water to implement. The point must be made that the sub-structure in Wellington Lane is vulnerable and needs to be protected.

I wonder to what extent there is communication between Severn Trent Water and Gloucestershire Highways. I would hope that both parties have discussed the issues I have referred to. Severn Trent Water would certainly not wish for damage to occur to the extremely expensive improvements to the sewage system which runs parallel to the entire length of Wellesley Lane, West side.

A hard copy of these comments has been sent to the Head of Planning, Mr Ben Warren, along with a number of photographs which support the claim that using Wellington Lane for access to the Garden House is flawed. The photographs clearly illustrate the level of engineering required to ensure the safety of the substructure and buildings in the event of any collapse of sub surface material. These were taken in Wellington Lane outside The Old Coach House in 2024. The decision to use the lane during the construction period must come with a guarantee from the developers to pay for any damage that might occur during construction of the new property in the Garden House as well as during a period after construction if damage deemed to be caused the developers use of the lane.

Submitted by [REDACTED] The Old Coach House, Wellington Lane,
GL52 4AF

An email with the photographs has also been sent to Mr Warren allowing him to circulate the photographs to interested parties.







From: [REDACTED]
Sent: 13 March 2025 14:26
To: dccomments@cheltenham.gov.uk
Subject: Re: Planning Application 24/02082/FUL

Dear Mr Warren,

I delivered a hard copy of the attached documents and photographs earlier today. The main reason for doing that is that I could not find a way to attach the photographs to the Public Comments made in relation to the planning application. I have also listed the photographs below. I have attached the photographs so that you can circulate them to interested parties and members of your Planning Team.

Yours sincerely,

[REDACTED]

Photograph 1

Collapse of substructure outside The Old Coach House, Wellington Lane.

Photograph 2

Thin layer of tarmac. Unable to support heavy lorries and machinery during building in the Garden House

Photograph 3

Service pipes entering The Old Coach House are close to the surface and again only protected by a thin layer of tarmac.

Photograph 4

The engineering work required to protect the foundations of The Old Coach House during relining of the sewer in Wellington Lane.

Photograph 5

Highlights the difficult and expensive work required to protect the substructure and foundations outside the Old Coach House, Wellington Lane.

[REDACTED]
The Old Coach House
Wellington Road
GL52 2AF
[REDACTED]

Date 12th March 2025

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Yours sincerely
[REDACTED]
[REDACTED]

Head of Planning Mr Ben Warren
Planning: Place and Growth
Cheltenham Borough Council
P.O. Box 12
Municipal Offices
Promenade
Cheltenham

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To ensure the safety of The Old Coach House during a lengthy period in 2024 Severn Trent Water engineers conducted a detail survey and as a result were required to drive metal sheets to a considerable depth to support the foundations. This one part of the project caused considerable concern and stress to me as well as costing many thousands of pounds for Severn Trent Water to implement. The point must be made that the sub-structure in Wellington Lane is vulnerable and needs to be protected.

I wonder to what extent there is communication between Severn Trent Water and Gloucestershire Highways. I would hope that both parties have discussed the issues I have referred to. Severn Trent Water would certainly not wish for damage to occur to the extremely expensive improvements to the sewage system which runs parallel to the entire length of Wellesley Lane, West side.

Photographs have been submitted by email and by direct submission to the Planning Department, Cheltenham. These clearly illustrate the level of engineering required to ensure the safety of the substructure and buildings in the event of any collapse of sub surface material. They were taken in Wellington Lane outside The Old Coach House in 2024. The decision to use the lane during the construction period must come with a guarantee from the developers to pay for any damage that might occur during construction of the new property in the Garden House as well as during a period after construction if damage deemed to be caused the developers use of the lane.

Submitted by [REDACTED] The Old Coach House, Wellington Lane, GL52 4AF

This text has also been submitted in the Comments Section of the Planning Application
2/02082/FUL

Photograph 1

Collapse of substructure outside The Old Coach House, Wellington Lane.

Photograph 2

Thin layer of tarmac. Unable to support heavy lorries and machinery during building in the Garden House

Photograph 3

Service pipes entering The Old Coach House are close to the surface and again only protected by a thin layer of tarmac.

Photograph 4

The engineering work required to protect the foundations of The Old Coach House during relining of the sewer in Wellington Lane.

Photograph 5

Highlights the difficult and expensive work required to protect the substructure and foundations outside the Old Coach House, Wellington Lane.



COLLAPSE OF SUBSTRUCTURE OUTSIDE
THE OLD COACH HOUSE WELINGTON
LANE

①



THIN TARMAC LAYER.

(2)

UNABLE TO SUPPORT HEAVY
LORRIES AND MACHINERY
DURING BUILDING IN GARDEN HOUSE

SEWAGE PIPES CLOSE TO
SURFACE PROTECTED BY A
THIN LAYER OF TACMAC

(3)



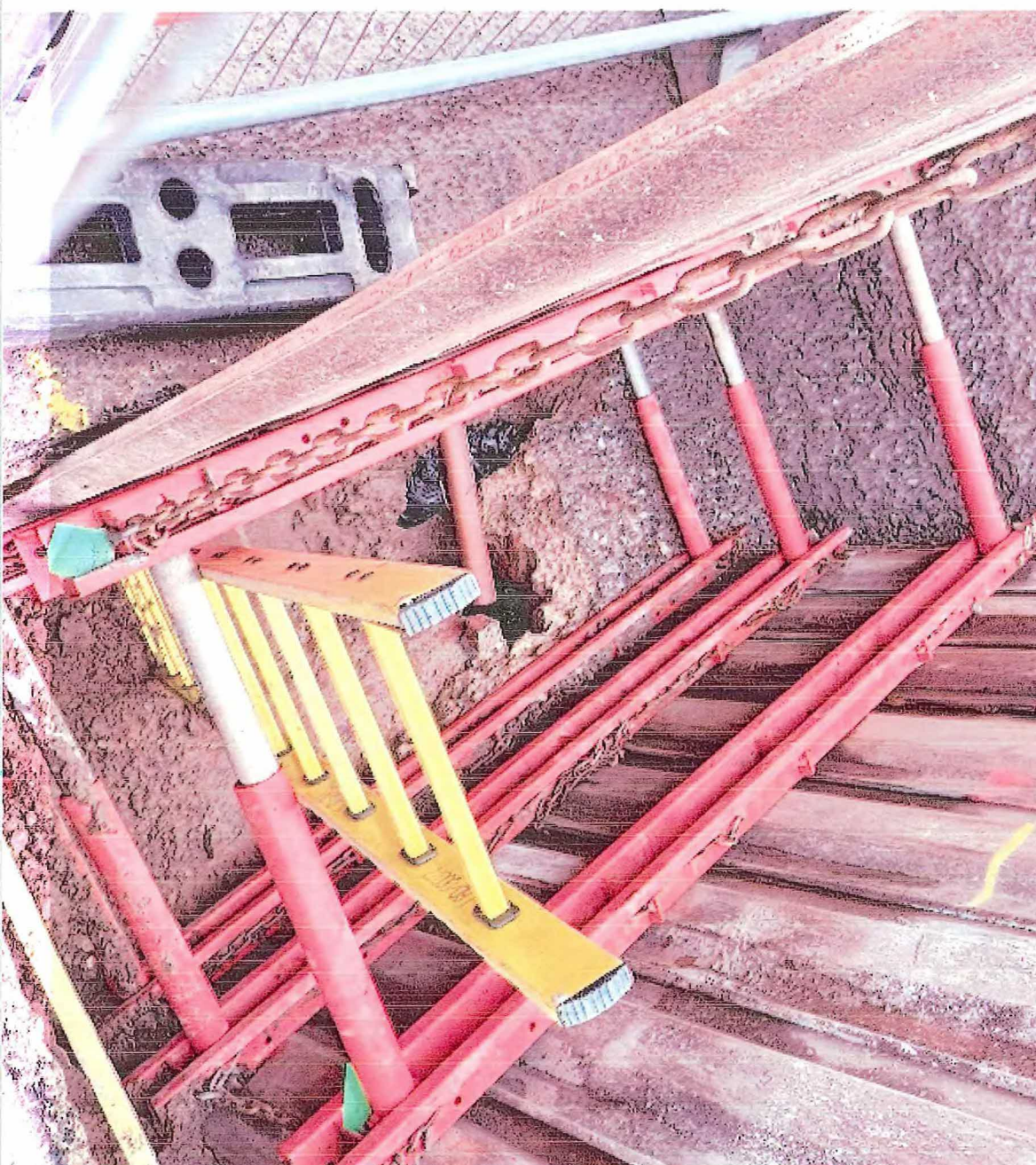
ENGINEERING WORK REQUIRED TO
PROTECT THE FOUNDATIONS OF THE
OLD COACH HOUSE DURING RELINING
OF THE SEWER

(4)



DIFFICULT AND EXPENSIVE (5)
WORK REQUIRED TO PROTECT
SUBSTRUCTURE. CLEARLY, THAT
WELLINGTON LANE (NORTH) HAS A
VULNERABLE SUB-STRUCTURE





Our Ref: 17936
Your Ref: 24/02082/FUL
24 March 2025

Mr Ben Warren
Cheltenham Borough Council
Municipal Offices Promenade
Cheltenham
Gloucestershire
GL50 9SA

Dear Mr Warren,

Re: The Garden House, The Grove, West Drive, Cheltenham – 24/02082/FUL

I write regarding the above referenced planning application on behalf of the residents listed at the conclusion of this letter. This letter has been prepared following submission of revised proposal plans and updated supporting documentation. I am instructed to review the amendments made to the planning application as submitted on behalf of Mr and Mrs Brydon for development described as:

This letter should be read together with my letter dated 20/01/2025. The following additional representations address solely design changes made to the scheme. In all other regards the representations relating to foul and surface water drainage, impact upon conservation area, impact upon trees, biodiversity and access all remain relevant representations which apply equally to the revised proposal.

“Forming new plot from garden of the Garden House for constructing of new House, with vehicle access from Wellington Lane.”

The amendments made to the scheme are summarised as follows:

- The design of the proposed dwelling has been substantially altered, although the proposal remains of a contemporary form albeit with significant amendments to that originally proposed.
- Increasing the size red line boundary of the application site.
- Increasing the overall built form on site (original comprising House – Circa 208m² + garage of 28m², now increased to House Circa 180m² plus separate coach house of Circa 126 m² (measured GIA) . (excluding the proposed bike, bin and plant room)
- The revised proposal represents an increase floor area of around 30%
- Increasing the size of the first-floor balcony on the west elevation and adding a balcony to the east elevation.
- Inclusion of a Coach house/garage (with west facing balcony at upper floor level).
- Adding timber cladding to the south, west and east elevations

- Changing the proposed style and material (plain tile)
- Changing the position of the front door so it faces west.
- Provision of a separate small building for cycle, bin storage and plant room
- Increasing the built form of the garage to provide a study on ground floor and creating a second storey for a bedroom/workroom
- Positioning the garage closer to Wellington Lane.
- Submission of a drainage strategy

Polices and Guidance

National Planning Policy Framework (Dec 2024) (NPPF)

- Section 2 Achieving sustainable development.
- Section 4 Decision-making
- Section 5 Delivering a sufficient supply of homes.
- Section 11 Making effective use of land.
- Section 12 Achieving well-designed places.
- Section 16 Conserving and enhancing the historic environment.

Cheltenham Plan (Adopted 2020)

- D1 Design
- D3 private Green Space
- L1 Landscape AND Setting
- G12 Protection and replacement of trees
- G13 Trees and development.

Adopted Joint Core Strategy (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
- SD14 Health and Environmental Quality
- INF1 Transport Network

Supplementary Planning Guidance/Documents

- Development on garden land and infill sites in Cheltenham (2009)
- Pittville Character Area Appraisal
- Cheltenham Climate Change SPD

Determining Issues

To avoid repetition, this letter is focused solely on the amendments made to the proposal. The comments on the principle of development are unchanged. The main issues may be summarised as follows:

- Design, layout and siting.
- Impact Upon Neighbouring Amenity
- Impact on Conservation Area/Wider Setting of Listed Buildings
- Impact Upon Trees
- Drainage
- Highway access and parking

The constraints, planning history and policies/guidance set out in the previous representation are unchanged.

Design and Layout

The proposed design overall does not constitute a material improvement upon the original submission. Whilst the main house has marginally been reduced in size, the scale and massing are such that it would still constitute a prominent and discordant feature when viewed from Wellington Square and West Drive.

As set out within the previous representation the principle of some form of development is not opposed. However, the scale, massing and siting of this scheme on balance negatively impact the conservation area and wider setting of listed buildings in the area. A modest one- and one-half storey height building set well back in the plot (addressing Wellington Lane) or a modest single storey dwelling sited as per the revised proposal could (subject to detailed design) comprise an appropriate form of development in this location.

The dwelling as proposed is primarily clad with timber to the south, west and east elevations. It is notable that no other building in the surrounding area has substantial areas of timber cladding.

Existing properties in the area comprise quite a varied mix of styles and finishes, we thus question both the suitability (from a design ethos) and durability of timber cladding in this location. There are no timber clad design references within the environs of the site and whilst not opposing good quality modern design, this proposal does not meet the high bar required for good quality architecture within a designated conservation area. The proposal will neither preserve nor enhance the conservation area and will negatively impact the setting of the listed buildings in the wider setting of the application site.

Visual impact of a building of this massing and siting (Fronting West Drive) will create a building which is visually jarring in the street, negatively impacting the conservation area.

Further, the proposed garage is now a two-storey structure with all of the constituent elements allowing for the garage to be easily converted to a separate dwelling. To facilitate accommodation within rear and upper parts of the garage, the garage structure has been lengthened and widened. It now fronts the rear lane, removing any on-site vehicle parking.

Car parking is now solely provided within the proposed garage. Noting that the vast majority of occupiers rarely use garages, this will place additional parking load upon the public highway. Furthermore, the proposal makes no provision for visitor parking thus exacerbating parking pressure on the already congested rear lane.

Whilst the design ethos constitutes an improvement upon the previous submission, the fact remains that the scale, massing and siting coupled with the two-storey height garage constitute a form of development which is out of keeping with the historic pattern of development in the area. As per our previous submissions, we acknowledge that a modest dwelling of high quality design positioned in line with Rosehill House fronting Wellington Lane may be capable of being satisfactorily assimilated into the area, however the scheme as now proposed whilst of improved design remains unsatisfactory due to its scale massing and siting upon the application site.

On balance the proposal remains contrary to JCS policy SD8 and NPPF section 12.

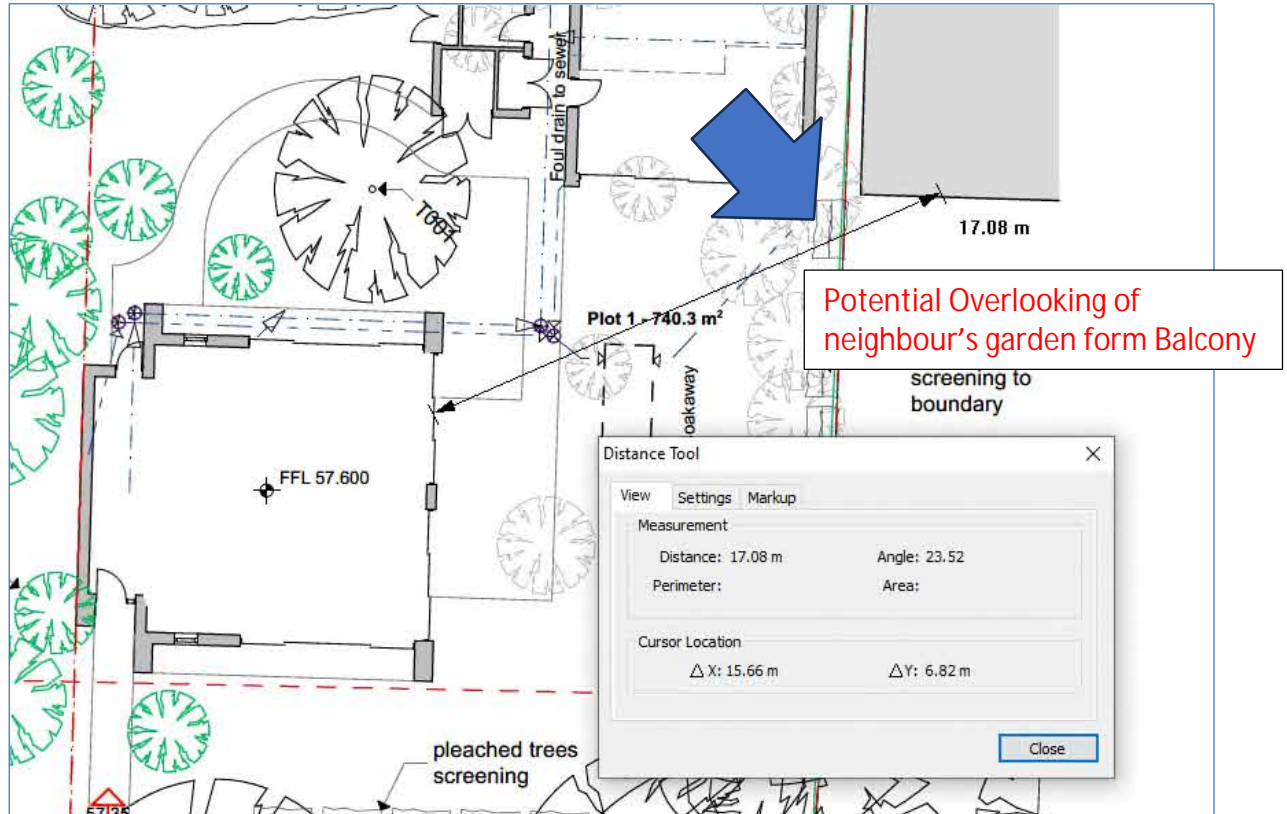
Impact Upon Neighbouring Amenity

The proposed fenestration retains windows overlooking the neighbouring property, furthermore a balcony is proposed upon the west facing elevation of the Coach House.

The window-to-window separation distance remains below 21m (the standard required for separation between opposing windows). In addition, the scheme now includes front and rear balconies to the main dwelling and a west facing balcony serving the upper floor of the coach house/garage accommodation. Balconies increase both the risk and perception of being overlooked and are not acceptable upon such a constrained site.

This is shown in Figure 1 - Window to Window separation. It is acknowledged that the design and access statement indicates that the south facing windows are to be obscure glazed, however, the risk remains that overlooking, will still occur when the windows are open.

In addition, the scheme now includes a balcony to the west facing elevation of the Coach house. As indicated within Fig 1 below, users of the balcony could overlook the private amenity of the neighbouring property, thus negatively impacting the amenities presently enjoyed by the occupiers of that property.



The boundary planting proposed (pleached tree screening) is noted, these will take time to become established and are reliant on future occupiers to maintain. From the elevated first floor windows/balcony, the new planting will not afford protection or screening to the private amenity areas of Rosehill Cottage.

Even with the changes, the proposed dwelling will still have an unacceptable impact upon the amenity presently enjoyed by the occupiers of Rosehill. As a property with limited outside space, this elevates the importance of maintaining some level of privacy and protection from overlooking (or a perception of being overlooked).

Impact on the Conservation Area

The Design and Access Statement includes a section headed 'Heritage & Conservation Area' however this fails to adequately describe the significance of the Conservation Area, only giving a brief overview of the area, nor does it make reference to the nearby listed buildings.


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No assessment has been made of the development impact and whether the proposal will cause harm to designated Heritage Assets. The proposed dwelling is not 'in keeping' with other dwellings in the surrounding area. This is reflected in the Pittville Character Area Appraisal and Management Plan (Character Area Appraisal) which references the predominate materials used for buildings in this part of the Conservation Area, (namely brick and render). Timber cladding is not a suitable external finish in this location and further degrades the design quality.

The amended scheme does not address the proposed loss of green space, the development still comprises over development of this constrained plot with the loss of the extensive private garden. The Character Area Appraisal notes that sizeable private gardens help "create a sense of spaciousness and grandeur" in the Conservation Area and reducing the extent of this garden will erode that specific character trait. This is exacerbated by the enlarged coach house dominating the rear lane.

While the principle of development is acknowledged, when the benefits are weighed against the dis-benefits, the negative impacts of the development weigh heavily against the revised scheme. It remains that the only public benefit is the provision of a single dwelling, which makes a limited contribution to Cheltenham's housing stock and is thus contrary to the Section 16 of the Framework.

Highway Safety

The revised information shows that the site is still reliant on Wellington Lane at the rear for vehicular access. The Design and Access Statement mentions the concerns over increased traffic during construction phase but does not address the issues of access to serve the proposed development. The increased traffic movements and lack of on-site parking (other than within the garage) will increase congestion onto a single carriage access lane which lacks turning facilities. This will lead to conflict for road users to the detriment of the settled community in the area.

As the changes to the development still result in constrained access and safety issues, it is unsuitable to serve as the primary vehicle access to the site and is contrary to JCS policy INF1.

Impact Upon Trees

As with the previous drawings, tree 001 (Category B – Walnut) is proposed to be retained. When including the newly proposed hard landscaping and internal path, the works will be closer to this tree than the previous development. The hard landscaping around the dwelling will be 3.7m away from the tree and the path, at its closest point, will be circa. 1.6m away. As stated in the previous objection, the tree is currently approximately 7m tall but could reach a height of 30m with a canopy spread of up to 15m.

The proposed build form will put increased pressure on the tree and future occupiers are likely to seek removal of the tree due to its potential growth and proximity. Should the tree be removed, this would further degrade the biodiversity of the site, contrary to Cheltenham Plan policies D3, G12, G13 and JCS policy INF3

Drainage

It is acknowledged that a surface water drainage strategy drawing has been submitted with the revised documents, but this does not adequately address the drainage issues on site. The notes in the drawing state that “design is to be confirmed by onsite percolation testing” (emphasis added). The figures provided in the strategy are based on assumptions rather than known infiltration rates. As the percolation testing has not been conducted, there is no evidence to demonstrate that the system proposed would function effectively and no guarantee that it has been appropriately designed and sized. (or indeed providing any comfort that the scheme could be implemented)

The Design and Access Statement further states that the testing of surface drainage would be conducted during construction, at which point it may be too late for any meaningful changes to be made should the test results be negative.

The strategy provided is also contrary to the comments from the Council’s drainage and flooding department on 22 January 2025, who stated that: BRE365 infiltration testing is required to prove feasibility of the proposed soakaway. Without this testing, it would be premature to determine this application as there is no evidence that the surface water drainage can be accommodated.

Regarding foul drainage, it is noted that Severn Trent Water have not commented on the development at this time, it is thus unknown whether the foul drainage network can accommodate the additional load from the new development. The Design and Access Statement indicates that there has been communication with Severn Trent Water, but without the details of this communication, it remains an unknown factor.

Summary

The submitted revisions have been subject to detailed review and assessment. As currently submitted, the revisions do not adequately address the issues on amenity, size, massing, access, design and siting raised in the previous representation and remain in conflict with Local and National Policy. Furthermore, the proposal lacks sufficient technical input to demonstrate that the proposal can be adequately drained (foul or surface water).

In conclusion, I urge your authority to refuse planning permission for the reasons outlined in this letter.

Project
ManagementPlanning
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SurveyingDisabled
Access

Yours sincerely

For and on behalf of Evans Jones Ltd

David Jones MRTPI. MRICS

Managing Director

Tel. 03450096986

E-mail: david.jones@evansjones.co.uk

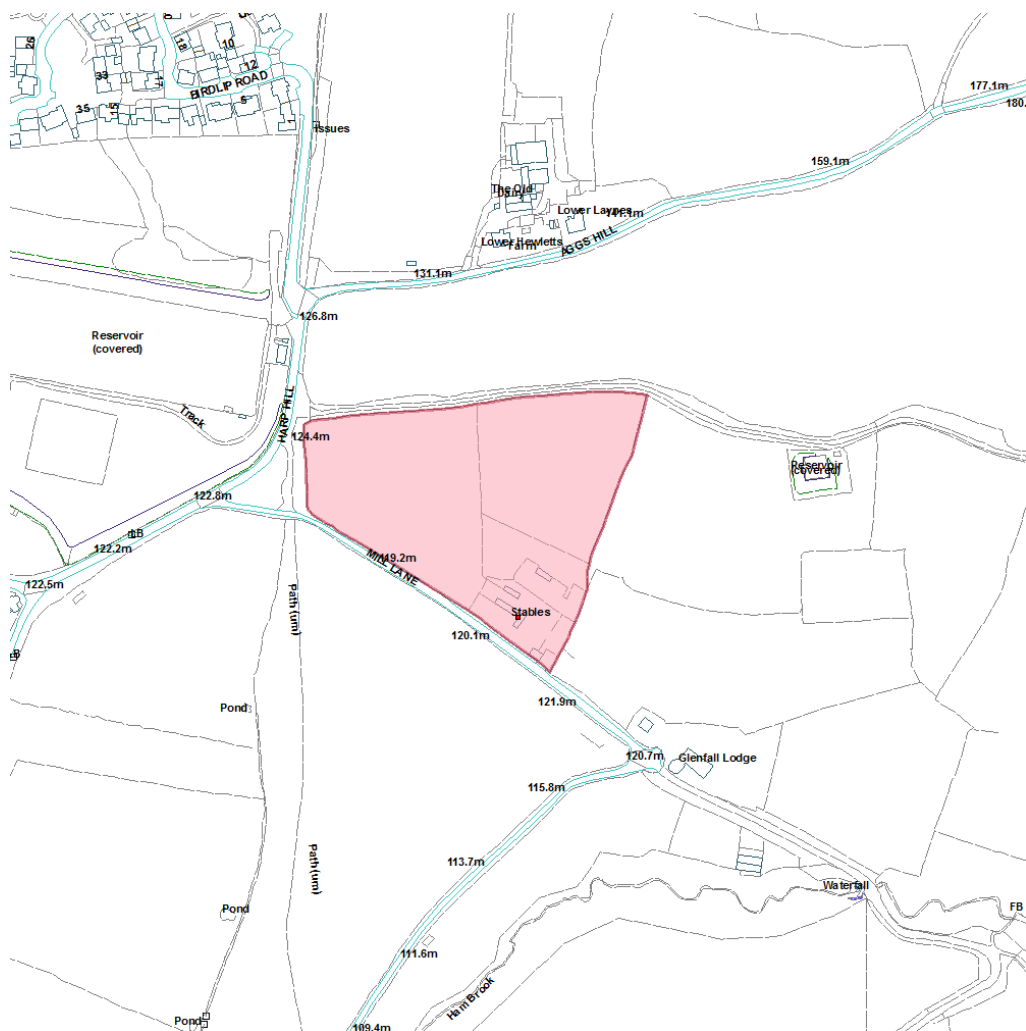
Representations on behalf of:

- [REDACTED] of Glenmore Lodge, Wellington Square
- [REDACTED] of The Old Rectory, Wellington Square
- [REDACTED] of Westbury, Wellington Square
- [REDACTED] of Wellesley House, Wellington Square
- [REDACTED] of Harwood, Wellington Square
- [REDACTED] of Wellington House
- [REDACTED] of 40 Evesham Road
- [REDACTED] of Daylesford Wellington Square
- [REDACTED] of Wellington Square

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APPLICATION NO: 25/00446/CONDIT		OFFICER: Michelle Payne
DATE REGISTERED: 19th March 2025		DATE OF EXPIRY: 14th May 2025
DATE VALIDATED: 19th March 2025		DATE OF SITE VISIT:
WARD: Battledown		PARISH: Charlton Kings
APPLICANT:	Mrs J Cox	
AGENT:		
LOCATION:	Castle Dream Stud Mill Lane Charlton Kings	
PROPOSAL:	Variation of conditions 1 (approved plans) and 3 (occupancy) of planning permission ref. 22/01935/FUL to allow for additional occupancy; condition 3 to be amended to read 'No more than 2 pitches comprising 4 mobile homes and 2 touring caravans shall be occupied on the site, and no more than 2 touring caravans for travelling shall be stored on the site, at any time'.	

RECOMMENDATION: Permit subject to conditions



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site is located to the north east side of Mill Lane, and the junction with Harp Hill. The site lies within the Cotswolds National Landscape (former AONB) and outside of the Principal Urban Area (PUA) of Cheltenham.
- 1.2 Planning permission (ref. 22/01935/FUL) was granted by the planning committee in September last year for a material change in use of the land for the keeping of horses with stables and the stationing of caravans for residential use (two mobile homes and a touring caravan) with associated development (hard standing (including storage of 1-2 touring caravans for travelling), utility block, dog run, fencing and gates) on a permanent basis.
- 1.3 The planning permission was granted subject to the following conditions:

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

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

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

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

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

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

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

Reason: To preserve the landscape character, and conserve the dark skies, of the Cotswolds National Landscape, having regard to policies SD4 and SD6 of the adopted Joint Core Strategy (2017), paragraph 185(c) of the National Planning Policy Framework (2023), and policy CE5 of the Cotswolds National Landscape Management Plan 2023-2025.

- 1.4 A permanent permission was granted following the grant of three earlier temporary permission (refs. 10/01839/COU, 13/01459/COU and 17/00129/FUL): the 2010 application having been allowed on appeal in September 2011. To reiterate, for the avoidance of doubt, the site now benefits from planning permission for the permanent occupation of the site by

Gypsies and Travellers. It is therefore recommended that this report be read in conjunction with the officer report which accompanied the earlier (approved) application which, for ease of reference, is attached to this report as Appendix 2.

- 1.5 This application is seeking a variation of conditions 1 (approved plans) and 3 (occupancy) of the most recent planning permission to allow for additional occupancy; with condition 3 amended to read 'No more than 2 pitches comprising 4 mobile homes and 2 touring caravans shall be occupied on the site, and no more than 2 touring caravans for travelling shall be stored on the site, at any time'.
- 1.6 The application is made under section 73 of the Town and Country Planning Act 1990 which allows for conditions associated with an existing planning permission to be varied or removed. Should permission be granted, the new permission sits alongside the original permission, which remains intact and unamended.
- 1.7 The application is before the planning committee due to an objection from the Parish Council. The Parish Council's main concern relates to foul drainage for the site; their full response can be found in the consultations appendix (Appendix 1) at the end of the report.
- 1.8 The application has also been called-in to the planning committee by Cllr Day whose full comments can again be found in the consultations appendix; the reasons for the request are briefly summarised below:
 - Site is located within the AONB
 - Potential highway issues
 - Considerable public interest
- 1.9 Members will have the opportunity to visit the site on planning view.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Area of Outstanding Natural Beauty

Relevant Planning History:

10/01839/COU

REFUSED

10th February 2011

Change of use from agricultural to residential occupation by a gypsy family with the stationing of two caravans and erection of an ancillary "day room" building and construction of new access, hardstanding and associated landscaping. Retention of stable building for the purpose of keeping horses ***ALLOWED ON APPEAL***

12/00271/CLPUD

CERTIFICATE ISSUED

29th March 2012

Vehicular access and permeable hardstanding

13/01459/COU

PERMIT

6th August 2014

Change of use of land for the permanent residential occupation by a traveller family, retention of day room, hardstanding, access, fencing, stables and use of associated land for keeping of horses

17/00129/FUL

PERMIT

26th April 2017

Change of use of land for the permanent residential occupation by a traveller family, provision of day room, retention of hardstanding, access, fencing, stables and use of associated land for keeping of horses

22/01935/FUL

PERMIT

20th September 2024

Material change in use of land for mixed use for the keeping of horses with stables and the stationing of caravans for residential use with associated development (hard standing, utility block, dog run, fencing and gates) (retrospective)

3. POLICIES AND GUIDANCE

National Planning Policy Framework 2024 (NPPF)

Section 2 Achieving sustainable development

Section 4 Decision-making

Section 8 Promoting healthy and safe communities

Section 9 Promoting sustainable transport

Section 11 Making effective use of land

Section 12 Achieving well-designed places

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

Section 15 Conserving and enhancing the natural environment

Adopted Cheltenham Plan 2020 (CP) Policies

D1 Design

GI2 Protection and replacement of trees

GI3 Trees and Development

Adopted Joint Core Strategy 2017 (JCS) Policies

SD3 Sustainable Design and Construction

SD4 Design Requirements

SD6 Landscape

SD7 The Cotswolds Area of Outstanding Natural Beauty

SD9 Biodiversity and Geodiversity

SD10 Residential Development

SD11 Housing Mix and Standards

SD13 Gypsies, Travellers and Travelling Showpeople

SD14 Health and Environmental Quality

INF1 Transport Network

INF2 Flood Risk Management

Supplementary Planning Guidance/Documents

Cotswolds National Landscape Management Plan (2023 – 2025)

Planning Policy for Traveller Sites (2015)

4. CONSULTATION RESPONSES

See Appendix 1

5. PUBLICITY AND REPRESENTATIONS

- 5.1 Letters of notification were sent to 68 nearby properties on receipt of the application, and a site notice was posted in proximity to the site.
- 5.2 In response to the publicity, 25 representations have been received in objection to the proposal. The representations have been circulated in full to Members but the main concerns/comments relate to:
 - Impact on AONB
 - Sewerage
 - Traffic/highway safety
 - Noise and light pollution

- Devaluation of neighbouring properties
- Removal of trees and hedgerow
- New gate has been installed

6. OFFICER COMMENTS

6.1 Determining issues

6.1.1 The key consideration in determining this application is the acceptability of increasing the number of mobile homes and touring caravans on the site as an amendment to the previously approved scheme, principally in terms of landscape impact, and highway matters. The permanent use /occupation of the site by Gypsies and Travellers now firmly established.

6.2 Principle / policy background

6.2.1 Paragraph 61 of the NPPF highlights the importance of ensuring *“that a sufficient amount and variety of land can come forward where it is needed [and] that the needs of groups with specific housing requirements [including travellers] are addressed...”*.

6.2.2 Planning Policy for Traveller Sites (PPTS) updated in December 2024 sets out how travellers' housing needs should be assessed, and that *“The Government’s overarching aim is to ensure fair and equal treatment for travellers”*. In this regard, the Strategic Land Use Team (SLU) were consulted on the previous application, and set out that a new Gypsy and Traveller Accommodation Assessment (GTAA) was undertaken in November 2022, which covers the period 2021-2041. The GTAA recommends that there is an accommodation need for 6 pitches within the 2021-26 period and a further accommodation need of 3 pitches within the period of 2026-41. The Council has a duty to meet this need. Two of the six required pitches in the period 2021-26 have been provided through the grant of a permanent permission on this site.

6.2.3 SLU also highlighted that the GTAA recognises that there are no authorised Gypsy/Travellers sites within the borough, and therefore it would not be possible for the current, or additional, occupiers of the site to move to other suitable accommodation within Cheltenham. No other sites were identified as being readily available for such land use through the Council's 2023 'Call for Sites' for Gypsy, Roma, Traveller & Travelling Showpeople.

6.2.4 As such, whilst this application does not propose additional pitches, in itself, there is no fundamental reason to suggest that the ongoing permanent residential occupation of this site by a greater number of occupants of gypsy or traveller origin would be unacceptable in principle. The additional occupants are members of the applicant's family.

6.3 Landscape

6.3.1 As previously noted, the application site is sensitively located within the Cotswolds National Landscape (former AONB) and therefore adopted JCS policies SD6 and SD7 are pertinent.

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

6.3.3 Policy SD7 goes on to state that *“All development proposals within the setting of the Cotswolds AONB will be required to conserve and, where appropriate, enhance its*

landscape, scenic beauty, wildlife, cultural heritage and other special qualities. Proposals will be required to be consistent with the policies set out in the Cotswolds AONB Management Plan.”

6.3.4 Additionally, NPPF paragraphs 187 and 189 require decisions on planning application to contribute to and enhance the natural and local environment, with ‘great weight’ to be given to conserving and enhancing landscape and scenic beauty in AONBs.

6.3.5 With reference to the above policies, officers are satisfied that only limited harm to the landscape would be caused by the proposed changes to the approved layout. Although the wider site covers some 2.4 hectares, the additional mobile homes / caravans will be tightly grouped together on only a relatively small portion of the site. No additional hardstanding is proposed. It is acknowledged that a mobile home has been installed adjacent to Mill Lane which is more visible in public views but the visual harm to the wider landscape is limited in its extent, and outweighed by ongoing unmet need for Gypsy and Traveller accommodation within the borough.

6.3.6 Former pole-mounted floodlighting on the site has been removed.

6.4 Highways

6.4.1 The site has been previously found to be acceptable from a highways perspective and officers are satisfied that the limited additional occupation of the site would not result in any severe impact on the highway network; a view which is shared by the Highways Officer.

6.4.2 Whilst reference has been made to a recent application at Glenfall House, which was objected to on highways grounds, each application must be determined on its own merits, and the two sites / proposals are not directly comparable.

6.5 Other considerations

Sewerage

6.5.1 Concerns have again been raised in relation to the septic tank on site, suggesting that effluent leaks out on to the adjacent road; however, there is no evidence to support these claims, and the Council’s Private Sector Housing team who are responsible for such matters have confirmed that there have not been any complaints made to them since an earlier file was closed in April 2023. Additionally, officers having visited the site on a number of occasions have not witnessed any problems.

Devaluation of neighbouring properties

6.5.2 The impact of a development on neighbouring property values (a purely private interest) is not a material consideration in determining an application for planning permission.

Removal of boundary hedgerow and installation of new gate

6.5.3 It is noted on site that a small section of boundary hedgerow adjacent to Mill Lane has been removed, and a timber gate installed within an existing fence; however, these works do not require the benefit of planning permission; the works falling within Schedule 2, Part 1, Class B of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Public Sector Equality Duty (PSED)

6.5.3 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.

6.5.4 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.

6.5.5 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. CONCLUSION AND RECOMMENDATION

- 7.1 Whilst the development results in some limited permanent harm to the AONB, and the site is not particularly well served in terms of access to local amenities; the site now benefits from a permanent grant of planning permission and provides for two pitches which contribute towards the accommodation needs identified within the GTAA. The Council has a duty to meet this need.
- 7.2 Officers therefore consider that any additional harm arising from the installation of additional mobile homes / touring caravans on the site, for occupation by members of the applicant's family, is outweighed by the ongoing unmet need for gypsy and traveller accommodation within the borough. The extent of hardstanding will not be increased.
- 7.3 As such, on balance, the recommendation is to grant planning permission subject to the amended schedule of conditions set out below.
- 7.4 Furthermore, if the application were to be refused, members are reminded that there is currently no alternative provision for gypsy and traveller accommodation within the borough, and the Inspector in the 2010 appeal decision stated that *"Eviction from a site which meets all of their requirements, with no prospect of anywhere else to go, would amount to interference with their rights under Article 8 of the European Convention of Human Rights (ECHR)."*

8. SUGGESTED SCHEDULE OF CONDITIONS

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

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

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

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

- 3 No more than 2 pitches comprising 4 mobile homes and 2 touring caravans shall be occupied on the site, and no more than 2 touring caravans for travelling shall be stored on the site, at any time, in accordance with Drawing No. 00446.02: Proposed Site Layout Plan.

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

- 4 No additional external lighting shall be installed on site unless in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority. All lighting shall be limited to low-level, down-facing lights to minimise overspill and light pollution.

Reason: To preserve the landscape character, and conserve the dark skies, of the Cotswolds National Landscape, having regard to policies SD4 and SD6 of the adopted Joint Core Strategy (2017), paragraph 185(c) of the National Planning Policy Framework (2024), and policy CE5 of the Cotswolds National Landscape Management Plan 2023-2025.

Consultation responses**Building Control***31st March 2025*

No comment.

Cotswolds National Landscape Board*8th April 2025*

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

In reaching its planning decision, the local planning authority (LPA) has a duty to seek to further the statutory purpose of conserving and enhancing the natural beauty of the National Landscape. This duty should be explicitly addressed within the decision including an explanation of how the LPA considers the duty has been discharged. Further information on this duty is provided in Appendix 1 below and the Board recommends that, in fulfilling this 'duty to seek to further the purpose', the LPA should: (i) ensure that planning decisions are consistent with relevant national and local planning policy and guidance; and (ii) take into account the following Board publications:

- Cotswolds National Landscape Management Plan 2025-2030;
- Cotswolds AONB Landscape Character Assessment (link) particularly, in this instance, with regards to Landscape Character Types (LCT) 2 Escarpment and 7 High Wold;
- Cotswolds AONB Landscape Strategy and Guidelines particularly, in this instance, with regards to LCT 2, including Section 2.1 and LCT 7, including Section 7.1;
- Cotswolds National Landscape Climate Change Strategy;
- Cotswolds AONB Local Distinctiveness and Landscape Change; and
- Cotswolds National Landscape Board Position Statements particularly, in this instance, with regards to The Keeping of Horses and Ponies (link), and Dark Skies and Artificial Light Position Statement and its appendices.

Due to the current development management consultation workload, the Board will not be providing a more comprehensive response on this occasion. This does not imply support for, or objection to, the proposed variation of condition.

Parish Council*14th April 2025*

Objection:

The Committee regards the giving permission for application 22/1935/FUL deeply regrettable, given that the development very clearly neither enhances nor conserves the Cotswolds National Landscape.

Notwithstanding that regret, given the history of sewage effluent leaking from the site onto Mill Lane, presumably from either an overflowing cesspool or an inadequate septic tank drainage field, it is imperative that a thorough assessment is made of the site's foul drainage system.

No consent for an expansion of the occupancy of the site should be made until there is adequate foul drainage in place to cope with such.

Ward Councillor – Cllr Day*16th April 2025*

Further to my email last week, in view of the considerable public interest in this application and the number and consistency of the objections made to date, I would like to call the above application re Castle Dream Stud to committee.

My reasons are that this is in the AONB which sets a high bar for development to be permissible. There are potential Highways issues given that Highways recently objected to a

similar application at Glenfall House which is also located on Mill Lane a short distance away from Castle Dream Stud.

There is considerable public interest in this application. As well as the significant number of objections submitted to date (and I am aware of at least 2 more that I believe are on their way) the ability of the septic tank/sewage system to cope with more development is an issue that most of the objections have raised and I believe should be addressed. If not, the reasons why should be explained, and the Committee seems to me to be the best forum to do that.

I would like to draw your attention to the Parish Council's comments:

"The Committee regards the giving permission for application 22/1935/FUL deeply regrettable, given that the development very clearly neither enhances nor conserves the Cotswolds National Landscape.

Notwithstanding that regret, given the history of sewage effluent leaking from the site onto Mill Lane, presumably from either an overflowing cesspool or an inadequate septic tank drainage field, it is imperative that a thorough assessment is made of the site's foul drainage system.

No consent for an expansion of the occupancy of the site should be made until there is adequate foul drainage in place to cope with such."

I am hoping that the Planning Committee will decide that this is an application they would like to decide given that they approved the original application only last September (if I recall correctly) and the current application could have been incorporated into that one.

I am picking up a lot of disenchantment with the way the planning system is seen to be operating regarding applications such as this, and I think that making the decision at Committee given the added transparency and democratic accountability it brings is the most appropriate way of deciding this application.

Please can you confirm receipt of this email. I would also appreciate it if you could let me know whether the decision will be taken to committee as I am receiving a considerable amount of enquiries from residents about this application.

Environmental Health

17th April 2025

In relation to application reference 25/00446/CONDIT for Castle Dream Stud, Mill Lane, Charlton Kings, Cheltenham there are no objections from Environmental Health.

GCC Highways Development Management

23rd April 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. The justification for this decision is provided below.

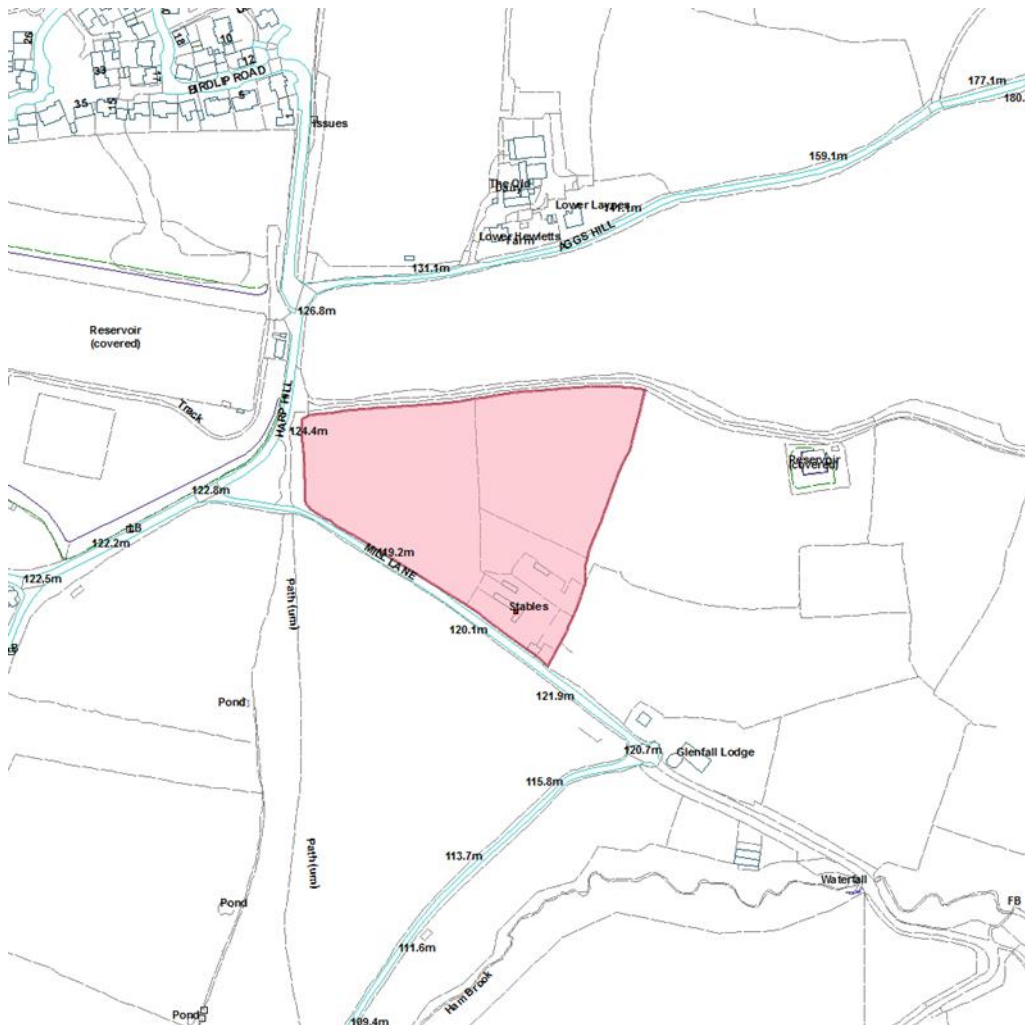
Whilst Mill Lane would not normally be considered to provide a safe and suitable access to serve residential development it appears the previous planning history of the site has precluded any objection to the use of the site for the purposes proposed here.

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

The Highway Authority therefore submits a response of no objection.

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

RECOMMENDATION: Permit subject to conditions



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1. DESCRIPTION OF SITE AND PROPOSAL

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

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

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

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

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

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

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

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

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

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

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

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

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

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Cotswolds National Landscape

Relevant Planning History:

10/01839/COU

REFUSED

10th February 2011

Change of use from agricultural to residential occupation by a gypsy family with the stationing of two caravans and erection of an ancillary "day room" building and construction of new access, hardstanding and associated landscaping. Retention of stable building for the purpose of keeping horses ***ALLOWED ON APPEAL***

12/00271/CLPUD

CERTIFICATE ISSUED

29th March 2012

Vehicular access and permeable hardstanding

13/01459/COU

PERMIT

6th August 2014

Change of use of land for the permanent residential occupation by a traveller family, retention of day room, hardstanding, access, fencing, stables and use of associated land for keeping of horses

17/00129/FUL

PERMIT

26th April 2017

Change of use of land for the permanent residential occupation by a traveller family, provision of day room, retention of hardstanding, access, fencing, stables and use of associated land for keeping of horses

3. POLICIES AND GUIDANCE

National Planning Policy Framework 2023 (NPPF)

Section 2 Achieving sustainable development

Section 4 Decision-making

Section 8 Promoting healthy and safe communities

Section 9 Promoting sustainable transport

Section 11 Making effective use of land

Section 12 Achieving well-designed places

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

Section 15 Conserving and enhancing the natural environment

Adopted Cheltenham Plan 2020 (CP) Policies

D1 Design

GI2 Protection and replacement of trees

GI3 Trees and Development

Adopted Joint Core Strategy 2017 (JCS) Policies

SD3 Sustainable Design and Construction

SD4 Design Requirements

SD6 Landscape

SD7 The Cotswolds Area of Outstanding Natural Beauty

SD9 Biodiversity and Geodiversity

SD10 Residential Development

SD11 Housing Mix and Standards

SD13 Gypsies, Travellers and Travelling Showpeople

SD14 Health and Environmental Quality

INF1 Transport Network

INF2 Flood Risk Management

Supplementary Planning Guidance/Documents

Cotswolds National Landscape Management Plan (2023 – 2025)

Planning Policy for Traveller Sites (2015)

4. CONSULTATION RESPONSES

See appendix at end of report

5. PUBLICITY AND REPRESENTATIONS

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

6. OFFICER COMMENTS

- 6.1 Determining issues

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

6.2 Principle of development / policy context

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

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

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

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

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

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

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

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

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

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

6.2.7 Adopted JCS policy SD13 states that:

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

- i. Proposals on sites in areas of sensitive landscape will be considered in accordance with Policy SD6 (Landscape Policy) and Policy SD7 (The Cotswolds Area of Outstanding Natural Beauty). In all other locations the proposal must not have an unacceptable impact on the character and appearance of the landscape and the amenity of neighbouring properties, and should be sensitively designed to mitigate any impact on its surroundings.*
- ii. The site has safe and satisfactory vehicular and pedestrian access to the surrounding principal highway network.*
- iii. No significant barriers to development exist in terms of flooding, poor drainage, poor ground stability or proximity to other hazardous land or installation where other forms of housing would not be suitable.*
- iv. The site is situated in a suitable location in terms of access to local amenities, services and facilities, including schools, shops, health services, libraries and other community facilities.*
- v. The site can be properly serviced and is supplied with essential services, such as water, power, sewerage and drainage, and waste disposal. The site should also be large enough to enable vehicle movements, parking and servicing to take place, having regard to the number of pitches/plots on site, as well as enabling access for service and emergency vehicles, including circulation space along with residential amenity and play areas.*

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

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

6.3 Design, layout and landscape impact

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

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

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

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

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

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

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

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

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

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

6.4 Access and highway safety

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

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

6.4.3 Notwithstanding the above, officers acknowledge that the site is not well served in terms of access to local amenities, and that occupiers will likely be reliant on the use of a motor vehicle; however, in an appeal decision (Appeal ref. APP/B3030/W/22/3304814) on

a site identified as being located away from facilities necessary for day to living, the Inspector, whilst acknowledging that the occupiers of the site *“would be permanently reliant on the private car rather than sustainable transport to reach services and facilities. Walking to the local bus stop would not necessarily be safe, given the absence of street lighting and pavements”* and that only a limited bus service was available, found that *“Given the size of the site and the number of pitches proposed, this would have no more than a moderate adverse effect.”* Officers are therefore satisfied that that same applies here.

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

6.5 Drainage, flooding and servicing

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

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

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

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

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

6.6 Other considerations

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

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

Public Sector Equality Duty (PSED)

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

- Removing or minimising disadvantages suffered by people due to their protected characteristics;

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

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

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

7. CONCLUSION AND RECOMMENDATION

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

permission, not the occupiers' personal circumstances, a condition restricting the permission to a personal one, was not reasonable or necessary. Instead, they imposed a condition which limited the occupancy of the site to Gypsies and Travellers in general. The condition was not linked to Gypsies and Travellers as defined in Annex A of the PPTS, as the Court of Appeal in Smith *"held that the exclusion of Travellers who have ceased to travel permanently is discriminatory and has no legitimate aim."*

- 7.9 The Inspector in the appeal decision referenced at paragraph 6.4.3 above also found that circumstances existed which justified a permanent permission without a temporary or personal condition; finding that harm in relation to location and access to services, and the effect on the character and appearance of the area, would be clearly outweighed by the significant weight afforded to the benefits of the additional pitches given that there was a unmet need and a lack of alternative sites.
- 7.10 To reiterate, officers therefore recommend that planning permission be granted on a permanent and non-personal basis, subject to the conditions below. To grant a further temporary, personal consent would result in ongoing uncertainty to the applicant and would also mean that the Council still has an unmet need.

8. SUGGESTED SCHEDULE OF CONDITIONS

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

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

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

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

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

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

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

Reason: To preserve the landscape character, and conserve the dark skies, of the Cotswolds National Landscape, having regard to policies SD4 and SD6 of the adopted Joint Core Strategy (2017), paragraph 185(c) of the National Planning Policy Framework (2023), and policy CE5 of the Cotswolds National Landscape Management Plan 2023-2025.

CONSULTATIONS APPENDIX**Cotswolds National Landscape Board****1st December 2022**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21st March 2024 – revised comments

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

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

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

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

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

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

Parish Council
1st December 2022

Objection:

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

26th March 2024 – revised comments

Objection:

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

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

Tree Officer
23rd November 2022

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

6th March 2024 – revised comments

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

Contaminated Land Officer
29th November 2022

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

5th March 2024 – revised comments

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

Building Control
14th November 2022

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

6th March 2024 – revised comments

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

Strategic Land Use Team
7th August 2024

The National Planning Policy Framework (NPPF)

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

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

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

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

Joint Core Strategy (JCS)

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

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

Gloucestershire Gypsy, Traveller and Travelling Showpeople Accommodation Assessment

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

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

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

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

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

Summary

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

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

APPLICATION NO: 25/00446/CONDIT		OFFICER: Ms Michelle Payne
DATE REGISTERED: 19th March 2025		DATE OF EXPIRY : 14th May 2025
WARD: Battledown		PARISH: CHARLK
APPLICANT:	Mrs J Cox	
LOCATION:	Castle Dream Stud Mill Lane Charlton Kings	
PROPOSAL:	Variation of conditions 1 (approved plans) and 3 (occupancy) of planning permission ref. 22/01935/FUL to allow for additional occupancy; condition 3 to be amended to read 'No more than 2 pitches comprising 4 mobile homes and 2 touring caravans shall be occupied on the site, and no more than 2 touring caravans for travelling shall be stored on the site, at any time'.	

REPRESENTATIONS

Number of contributors	25
Number of objections	25
Number of representations	0
Number of supporting	0

Glenfall Lodge
 Mill Lane
 Charlton Kings
 Cheltenham
 Gloucestershire
 GL54 4EP

Comments: 14th April 2025

We strongly object to this application. It is a expanding eyesore development not in keeping with this AONB designated area. This site, to our understanding, was to accommodate a single Traveller family. It appears this is now evolving into a permanent Travellers camp. We have justifiable concern as to the continually expanding development at the location, all with retrospectively granted planning permission.

There are potentially further issues with the site's ability to handle the sewage waste generated, accompanied with the increased traffic in a narrow lane. This lane is often obstructed with vehicles parked at a recently erected gate separate to the main entrance. This also without planning permission. Mill lane is narrow with no lighting, thereby causing an additional hazard and difficulty to passing motorists.

There are also implications of devaluation to neighbouring properties and increasing noise and light pollution impacting on the surrounding wildlife.

Based on the history of regular retrospective planning applications and approvals at Castle Dream, we feel extremely concerned for the lasting damage to this AONB.

298 London Road
Charlton Kings
Cheltenham
Gloucestershire
GL52 6YF

Comments: 14th April 2025

Attn: Ms Michelle Payne

Objections to the above:

Site was originally temporary without planning permission in an area of AONB.

The current entrance is not in keeping with AONB.

There are more mobile/touring homes on site than plan shows.

Ongoing raw sewage problems, Septic tank continues to leak on to Mill Lane , across the road into field of Public footpath.

Trees and hedgerow are being cut down from Mill Lane entrance to allow for these large homes to access the site.

A new gate entrance has been put in place? This is increasing traffic problem with parking on the road.

Other trees and shrubs on boundary areas are being cut down to allow light to homes or is it for other reasons?

Currently refuse bins are outside the gates, overflowing with household rubbish tipping on to grass verges.

Rat boxes left outside site, are these maintained?

There are no horses or stables on this site.

The road and access is unsuitable for touring caravans.

Thank you

Regards

Hillview House
Hambrook Street
Charlton Kings Cheltenham
Gloucestershire
GL52 6LW

Comments: 7th April 2025

I object to the proposal for more caravans and mobile homes to be put on this site. It is an area of outstanding natural beauty and should not be developed into a campsite, this will destroy the character of the area. I also object to the raw sewage that already runs from this site over Mill Lane and into the water ways. More mobile homes and caravans would mean more waste pouring across the road when it rains. The current owner just allows their waste to drain from a pipe into the drain in the road and it is a health hazard. When passing the property there have been vehicles exiting the gates and speed in a very aggressive manor along this quiet country lane. More development would mean

more traffic in an area that is not suitable for extra traffic. The traffic and infrastructure is not adequate for this many dwellings.

I am also very concerned about the impact on the environment. The current owners have failed to deal properly with sewage from current mobile homes and there is not the infrastructure for more. The site is also small and the entrance on the winding country lane and not suitable for this much traffic and number of dwellings.

This area is also prone to flooding and more buildings would make the problem worse added to that the sewage mixed with the flood water and it becomes an environmental and health hazard.

15 Briarbank Rise
Charlton Kings
Cheltenham
Gloucestershire
GL52 6XR

Comments: 10th April 2025

I wish to oppose the plans for more mobile homes and caravans to be located on this site for the following reasons:

- the site is in the Cotswold AONB, an area which should attract the highest level of environmental protection. The current Government's build, build, build agenda does not extend to AONBs;
- the site has already been allowed to grow from one stable block, to accommodation to allow the supervision of the 'Stud's' alleged animal residents, to a caravan site. Where will it end?
- greater occupancy of the site would increase the outflow of sewage across Mill Lane and onto the neighbouring land. Is this not a health hazard?
- the Lane is not really built for yet more vehicle movements.

Past objections to the growth of this site have fallen on deaf ears, increasing local disillusionment with the current planning rules and processes and causing people to disengage from them. That's a slippery slope for local democracy.

4 Carisbrooke Drive
Charlton Kings
Cheltenham
Gloucestershire
GL52 6YA

Comments: 15th April 2025

As at the time of the previous application regarding this site, I again object strongly to this retrospective request for planning permission, for the following reasons:

1. This development should not be taking place within an AONB.
2. Mobile homes and touring caravans are types of dwellings that are completely incompatible with the character of this area.
3. If granted, it would open the floodgates to other, similar, applications.
4. Sewage disposal onto Mill Lane is and would continue to be a problem.

5. More traffic would be generated in Mill Lane, which is narrow and already struggles with the volume of traffic using it.

Although mindful of the fact that comments should be confined to planning matters, I do want to mention that this applicant has not been entirely straight and honest in the past about the proposed use of the land, and there has been a concealment of their true intentions.

4 Carisbrooke Drive
Charlton Kings
Cheltenham
Gloucestershire
GL52 6YA

Comments: 15th April 2025

I strongly object to this application. The site is within the Cotswold AONB, and as such should be protected from unnecessary or inappropriate building additions.

Mill Lane is a narrow country lane, already over used traffic wise and in a fragile state following severe subsidence and frequent flooding. It is a popular walking route, and already the presence of large vehicles along tight bends poses a threat to pedestrians. The approach roads (Glenfall Way and Ham Road) are narrow and winding, and regularly jammed with school traffic.

The current outflow of sewage across the road should be seen as a red flag, as there is clearly an insufficiency of mains sewage drainage. Adding more caravans and mobile homes to this site is hardly going to improve things.

It is the AONB status which should prevail here. The importance of these diminishing areas cannot be over stated.

Wadleys Farm
Ham Lane
Charlton Kings
GL52 6NJ

Comments: 17th April 2025

Letter attached.

Wadleys Farm
Ham Lane
Charlton Kings
Cheltenham
GL52 6NJ

Comments: 17th April 2025

Letter attached.

Glenfall House
Mill Lane
Charlton Kings
Cheltenham
Gloucestershire
GL54 4EP

Comments: 15th April 2025

In March 2024 we commented on Planning Application Ref 22/01935/FUL by stating:
"We write to object once again to the retrospective planning application at Castle Dream Stud. The reasons why this should not be granted are numerous and founded in planning law."

We appear to be experiencing some sort of Groundhog Day with regard to Castle Dream Stud and its approach to developing the site and obtaining planning permission. Whilst we would like to think there is some validity in writing to object, it seems a pointless exercise as it appears to have so far been ignored wholeheartedly. Regardless, these are our reasons for objecting:

1. Environmental issues due to a drainage problem resulting from the occupation of the site which floods the lane with foul smelling waste water.
2. Access issues due to the occupants cutting an access gate into the high fence on Mill Lane and parking on the lane by said gate. Additional permanent dwellings here will further exacerbate highways issues in what is a distinctly rural setting.
3. The site being extremely detrimental to its AONB setting. The retrospective application demonstrates that the applicant has no regard for planning authority and 'does first, asks for permission later'. There really seems to be no point in having a designated AONB or any form of planning process at all if this application is approved, what is there to stop the same process (build first, ask permission afterwards) happening time and again? Should we all adopt this strategy and have a flagrant disregard for any planning rules and the AONB? In Dec 2022 we also wrote to express our concerns and objected stating we 'understand the need for the family to have a site and we do not object to this being on Mill Lane in principle. However, we would very strongly request that the permission, should it be granted, is very tightly controlled using appropriate conditions and that these take into account the points raised above.' This has not happened and we have no confidence in any further development of this site being enforced if CBC do not object to this application. We were specifically told by CBC enforcement officers in 2022 that by granting a permission at this site it would allow for greater control and enforcement of future detrimental development by the council. Now is the time for the council to say enough is enough at this location. It is time to put the AONB first.

Regardless of whether there is a need for a particular type of dwelling, the planning department and council need to make sure it is in an appropriate setting. In this case it most definitely is not the appropriate setting for additional housing. Further dwellings will cause additional erosion to the integrity of the rural setting and AONB and will be detrimental to the Cotswold natural landscape, dark skies and cause highways issues.

The AONB will be further adversely affected by this change and permission should not be granted.

Ham Stud
Ham Road
Charlton Kings
Cheltenham
Gloucestershire
GL52 6ND

Comments: 15th April 2025

I object to this application for the following reasons

1. Sewage and polluted water are permanently running across the road.
2. Traffic on Mill Lane and Ham Road has already increased due to ongoing work on the collapsed bridge on the A40 and will be further increased by the development at the junction of Greenway Lane and Harp Hill and the proposed developments at Glenfall House and on Harp Hill.
3. The extra traffic is already making Mill Lane dangerous for pedestrians, Cyclists and Horse riders (of which there are many in the area)

I feel that to double the number of mobile homes on the site would add to the problems of sewage and traffic on Mill Lane.

The Willows
Ham Square
Cheltenham
Gloucestershire
GL52 6NF

Comments: 15th April 2025

We strongly object to this application.

Mill Lane is a narrow lane used by walkers, runners, cyclists and horse riders and this application would lead to an increase in traffic on this already busy lane.

Sewage already flows out of this site across the road and is a health hazard, more mobile homes will only add to this problem.

This site is in the Cotswold National Landscape (AONB) which is designated to conserve and enhance the natural beauty of the area, mobile homes are not in keeping with this.

Court Lodge
Ham Road
Charlton Kings
Cheltenham
Gloucestershire
GL52 6ND

Comments: 16th April 2025

Cheltenham Borough Council (CBC) have not adequately executed their responsibility as a planning authority. CBC have not addressed previous objections to planning applications as evidenced by the same objections being raised in this planning process. I understand that this planning process is not a review of CBC's performance. However, I want to state on record that CBC's execution of its planning process is not fit for purpose. The process last time round has not resulted in the issues raised in neighbours' objections being adequately addressed - or addressed at all for that matter. The continuing issues that were highlighted in the previous planning application and on which I base this objection are:

1. The environment. Inadequate provisions are in place or planned to deal with waste water. This continues to lead to the uncontrolled flow of effluent from the site;
2. Traffic flow. Mill Lane is a narrow country road with a mix of pedestrian, cycle, horse and powered traffic. The current lack of traffic management arrangements - the national speed limit applies with no traffic-calming - is inadequate to protect the safety and enjoyment of the more vulnerable categories of road user. Adding more vehicles, and particularly commercial vehicles, will only worsen the experience for all road users.
3. AONB. There is an assumption in the minds of local people if not in law, that CBC will act in a planned and effective way to protect and enhance the natural environment. This assumption is surely strongest with regards to our AONB and yet the lack of due process and the willingness to repeatedly entertain retrospective requests for planning consent indicate a rather weak commitment to our AONB. The poet laureate, Simon Armitage, provides a vision for our AONBs in the poem Fugitives (<https://www.shropshirehills-nl.org.uk/our-work/national-landscapes-family/fugitives-by-simon-armitage>). It's a vision that I would like to see underpin the decision on this planning application.

3 Natton Cottages
Ham Lane
Cheltenham
Gloucestershire
GL52 6NJ

Comments: 16th April 2025

Dear Ms Payne,

Re- Application No: - 25/00446/CONDIT - Variation to Planning Permission
22/01935/FUL

I confirm objection to the above application as the Planning Permission referred to - 22/01935/FUL was an extension, which was only to 26th April 2024 - see Planning Officers notes on this application.

The original Planning Application to develop the site back to when it was just a stable and fields, was refused, together with a requirement to demolish a stable block put up WITHOUT planning permission.

There is a consistent failure of both planners and CBC to enforce this original decision to protect the Area of Outstanding Beauty from development. Indeed all notable dates relating to this site have passed by without action and this failure has led to a precedence of creating a two-tier Planning Permission system, which is democratically unacceptable to the people who do follow the system and mostly accept planner decisions.

No doubt, the additional caravans etc. are already on site and once again, this is/ will be a fait accompli retrospective application.

The fact that the existing arrangements for sewerage containment has failed to cope with current site residents with sewerage running over Mill Lane through which vehicles and walkers have had to pass, certainly will not stand up to any additional use.

It is noted an additional side gate has been put in and on a number of occasions; a vehicle has been parked outside causing a blockage on a 60mph road.

The test for this site has to be - if it were as originally - just fields - and a planning application was submitted to develop it for housing, given all the protections that are supposed to be on the AONB - would this be permitted?

The second test has to be - if this site were just developed by a builder and built on with any building type without permission - would this be permitted?

If the answer to both the above is NO - which it should be - then this application must be rejected and steps taken to enforce the very original application which was rejected at that time.

I also note that Cotswolds National Landscape have commented and no doubt, all their guidance etc. will be taken into consideration, and ignored as usual!

The strength of feeling about this site is more about the way valid residents comments have been ignored especially with the basic objection being to the way this and other applications and decisions have been made effectively outside the normal Planning Rules related to the AONB on what should still be fields.

What strong safeguards are going to be put in place this time to stop yet further development and further retrospective applications for this site?

Or is the right thing going to be done at last this time and this application both turned down and enforcement action taken.

More than sufficient time has elapsed that a proper site should have been found by now, to provide a proper infra- structure for travelling caravans - as this certainly is not and never has been it.

12 Hambrook Street
Charlton Kings
Cheltenham
Gloucestershire
GL52 6LW

Comments: 10th April 2025

Dear Sirs

My attention has recently been drawn to this application and I strongly object to the proposal for the following reasons:-

1. The land is in an area of outstanding natural beauty and inappropriate for the proposed use.
2. The current use as Stables causes sewerage to flow across the road which is hazardous.
3. The access is from a narrow country lane unsuitable for such heavy traffic which will only increase.
4. This area is already prone to flooding and the existing drainage is unsuitable for the present use let alone for further additional dwellings.
5. Mill Lane is already used by commuters avoiding traffic jams on other routes so further traffic would exacerbate the problem even more.
6. The lane is used by many pedestrians who already have difficulty avoiding traffic due to the lack of width.

Overall I consider the proposal to be totally inappropriate and out of keeping within the area.

87 Ryeworth Road
Charlton Kings
Cheltenham
Gloucestershire
GL52 6LS

Comments: 9th April 2025

This is the AONB. The plans are completely against all things that the AONB stands for.

Overley Villa
26B Bafford Lane
Cheltenham
Gloucestershire
GL53 8DL

Comments: 8th April 2025

I object to the proposal for more mobile homes on this site on the basis that the current people living here do not deal with the waste sewage from the properties already there. Raw sewage runs across the road and there is constant dripping waste from a pipe off

the property into an open drain in Mill Lane. This is a health hazard. I have reported it to our local councillor on a number of occasions but to date nothing has been improved. The site is an Area of Outstanding natural beauty and I can't see that this proposal is right for the area. The Sewage issue really needs to be dealt with.

107 Ryeworth Road
Charlton Kings
Cheltenham
Gloucestershire
GL52 6LS

Comments: 9th April 2025

The effluent / raw sewage already seeping down from the "stud" farm is appalling and will only get worse if permission is granted for more accommodation. Mill Lane is well used by walkers and cyclists. We should not have to navigate our way through human waste / stinking water. Even driving past, you have to close your car windows as the splash can cover the car, particularly on a rainy day. It truly is a blot on the landscape already and I urge you to refuse the application. It stinks.

Overley Villa
26B Bafford Lane
Cheltenham
Gloucestershire
GL53 8DL

Comments: 8th April 2025

I strongly object to the proposal. The travellers cause raw sewage to run over the road. They also cause a nuisance. When they don't pay council tax why are we funding them?

240A London Road
Charlton Kings
Cheltenham
Gloucestershire
GL52 6HS

Comments: 13th April 2025

I object to the proposal as this is an AONB. This has gone from one family living on the site to the possibility of six families. This will massively increase the volume of vehicles using this already busy narrow lane. Furthermore there has been an issue of smelly very unpleasant effluent running across Mill Lane, a health hazard to all that use the lane.

18 Ham Close
Charlton Kings
Cheltenham
Gloucestershire
GL52 6NP

Comments: 15th April 2025

I strongly object to the application on the grounds that:-

1. there are frequent issues with sewage waste seeping from Castle Dream Stud, across Mill Lane and into adjacent fields which is particularly unpleasant and odious during the drier months and which would only get worse with higher occupancy of the site.
2. Mill Lane is a narrow and windy country lane which is used by cyclist, walkers and horse riders. The proposal lends to increasing traffic and obstruction to the road, making it more hazardous for those of us who wish to enjoy our countryside

37 Beeches Road
Charlton Kings
Cheltenham
Gloucestershire
GL53 8NL

Comments: 14th April 2025

I am objecting to this planning proposal on the following grounds:

Inadequate provision for the disposal of human waste

There is already raw sewage on Mill Lane, apparently flowing from this site. This poses a health hazard to individuals (possibly including those who live on the site) and wildlife. The addition of further units on this site without adequate provision for the hygienic disposal of waste must be opposed, no matter how few traveller pitches there are in the Borough.

132 Ryeworth Road
Charlton Kings
Cheltenham
Gloucestershire
GL52 6LY

Comments: 9th April 2025

This will further degrade an ANOB and put more traffic on an unsuitable road.

1 Hartlebury Way
Charlton Kings
Cheltenham
Gloucestershire
GL52 6YB

Comments: 13th April 2025

I am very concerned at the retrospective planning after four large mobile homes have been installed at Castle dream stud.

We have very few areas of Areas of Outstanding Natural Beauty (AONBs) in the U.K. And the Mill lane statuses should be protected for following reasons.

The impact of the mobile homes, includes habitat loss and fragmentation, visual disturbance, increased traffic. The potential for pollution from waste and runoff and the sewage run off has already become an issue and major health hazard for 2 years now with no attempt to rectify the situation by the land owners.

Planning regulations in AONBs are designed to minimize these effects, and so far planning has failed the ANOB status.

The negative environmental impacts caused by the current Mobile homes are as follows.

Habitat Loss and Fragmentation:

Constructing mobile home sites, even if compact, can lead to the loss of natural habitat of existing ecosystems, impacting wildlife.

Visual Impact:

Mobile homes, especially if not carefully designed and sited, can detract from the natural beauty and visual integrity of the AONB landscape. The landowners have attempted to remedy this by removing an important "wildlife full" original hedges and erecting a fence with dangerous pedestrian gate.

Increased Traffic:

The presence of mobile homes has lead to increased traffic, which can cause noise pollution, air pollution, and have damaged to fragile habitats along roads. The drainage ditch has now collapsed several times and had to be dug out in the adjacent farmland to relieve the lane from flooding. It's deep and open on the opposite roadside, hedges have been destroyed while attempting to install further mobile homes.

Pollution:

Mobile homes can contribute to pollution through waste disposal (including greywater and sewage), potential chemical releases from building materials, and the runoff of fertilisers and pesticides if the area is used for gardening or agriculture. Sewage has already been an issue as previously mentioned.

Water Quality:

The discharge of wastewater from mobile homes can impact water quality, potentially harming aquatic life and impacting the natural beauty of lakes, rivers, and streams, we have several water courses that can now be potentially contaminated very near by.

Planning authorities responsible for this AONB have failed to monitor the impact of the already situated mobile homes and their associated environmental impact with no planning consent including the removal of an ancient hedgerow replacing it with a closed board fence with an entrance gate that dangerously opens onto a lane directly onto traffic with no walkway.

Glenfall Cottage
Ham Lane
Cheltenham
Gloucestershire
GL52 6NJ

Comments: 17th April 2025

As a relatively new member of this community, I am disappointed to see the lack of regard for other neighbours historical comments linked to the same address. Reading historical objections it appears that there is a complete lack of respect for planning laws particularly linked to AONB law / policy. Things appear to be done with no regard to law and are then approved in retrospect. Planning laws are in place for a reason - to control unwanted development, particularly in areas that need the most protection linked to the wildlife, flora and fauna that inhabit that area.

I object to this application for the following reasons:

1. There is Sewage and dirty water running across the Mill Lane constantly from Castle Dream Stud causing a hygiene and pollution issue. If the owner cannot maintain what is on the site already then no more development should be permitted.
2. Since moving in last August, the level of traffic on Mill Lane and Ham Road has really increased (and this will worsen as the development at the junction of Greenway Lane and Harp Hill takes shape as well as further permitted building on Harp Hill). The lane is very very narrow - there are already bad bottle necks on a regular basis. Adding further dwellings will only increase the traffic. The condition of the lane is already compromised due to too much traffic. The increased traffic has caused higher risk to pedestrians, Cyclists and Horse riders (of which there are many in the area). It is only a matter of time until there is a nasty accident on the lane.
3. The site being extremely detrimental to its AONB setting. Castle Dream Stud is in no way in keeping with local properties. From what I can read this was initially supposed to be a temporary permission for the person applying. Adding more to this seems in complete contradiction to AONB and general planning law. The retrospective application demonstrates that the applicant has no regard for planning authority and seeks forgiveness rather than permission. I agree with other comments which make the point that there really seems to be no point in having a designated AONB or any form of planning process at all if this application is approved, what is there to stop the same process (build first, ask permission afterwards) happening time and again? Should we all adopt this strategy and have a blatant disregard for any planning rules and the AONB?

The Wedge
Ham Court Ham Road
Charlton Kings Cheltenham
Gloucestershire
GL52 6ND

Comments: 14th April 2025

I am commenting to object to this proposal for several reasons.

Firstly, there is no existing sewage/water regulations in the existing static caravans and the sewage pours across Mill Lane into the opposite field which is used constantly for walkers and dog owners.

Secondly, the traffic on Mill Lane has become insupportable - it is used as a rat run to Grenfell Primary school with parents (and delivery drivers) speeding down this tiny and twisty lane causing havoc. There has already been incidences of dogs paws run over, kids in pushchairs and cyclists abused by drivers. the speed limit is 60 which is ludicrous. 20 mph should be mandatory. So more building at Castle Stud would increase traffic already at breaking point. And "Stud" indicates horses and there are none on this property. I understand the residents also pay no tax. How is this??

Lastly, there are suspicions of puppy farming on this property. At 6am one morning, I saw a man come out of a side gate carrying a landry basket full of puppies which he put in his parked car blocking Mill Lane. He then shoved the mother in the car and took off - I had to stop behind his car so saw clearly what went on. Other people have seen dogs come and go and there used to be a peacock kept as a pet there that has also disappeared. Please look into this.

ref 25/00446/CONDIT.

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POSTAL

M 17 APR 2025

SERVICES

WINDLEYS FARM,

HAM LANE,
CHARLTON KINGS.

15-4-25.

Dear Mr. Payne,

I object to this application as it is trying to increase the density of occupation on an already over occupied site, which seems to get bigger year by year. A maximum number should be agreed with the Council and should then be rigorously enforced, which it never has been.

Environmental Health has been informed on many occasions about the foul smelling overflow from the site on to Mill Lake, turno effect, and if the septic tank cannot cope at present, allowing some cars and residents on to the site will make the situation far worse.

I think this present application needs careful consideration and should be rejected.

Yours sincerely,

[REDACTED]

P.S. This morning water is draining across Mill Lake and there has been no rain!

Ref. 25/00446/CONDIT

Wadleys Farm,
Ham Lane,
Charlton Kings.
GL52 6NJ
14th April '25.

Dear Madam,

I am totally opposed to the change of conditions imposed on Castle Dream Stud, Mill Lane, Charlton Kings.

In my view the original site should be sacrosanct with no further intrusion into the hillside above the site which is within the Former AONB - Natural Landscape.

The proposed change of condition would penetrate the hillside by approx. 15 metres and would be visible from several well-trodden public rights of way. It would in no way enhance the beauty of this area. Indeed the mobile home sited alongside Mill Lane is very visible and certainly not enhancing the area/environment.

Any further hardstanding would not improve the drainage in this area, with water

often draining into the Page 197 already from the site, as it is today.

There appears to be only one septic tank shown on the submitted diagram. Not surprising that already grey and smelly water drains into Mill Lane. A further mobile home for increased occupancy of the site, plus all the touring caravans (are these needed?) should not be allowed, in my view, for health reasons as there seems to be no further sewage disposal arrangements. The present ones don't seem to be adequate for the occupants already there.

Overall the enlargement of this site should be totally out of the question and in no way is acceptable in the Cotswolds where the enhancement of the area should be paramount.

Please reject this application and say, "Enough is enough" - already the site is over developed as it is today.

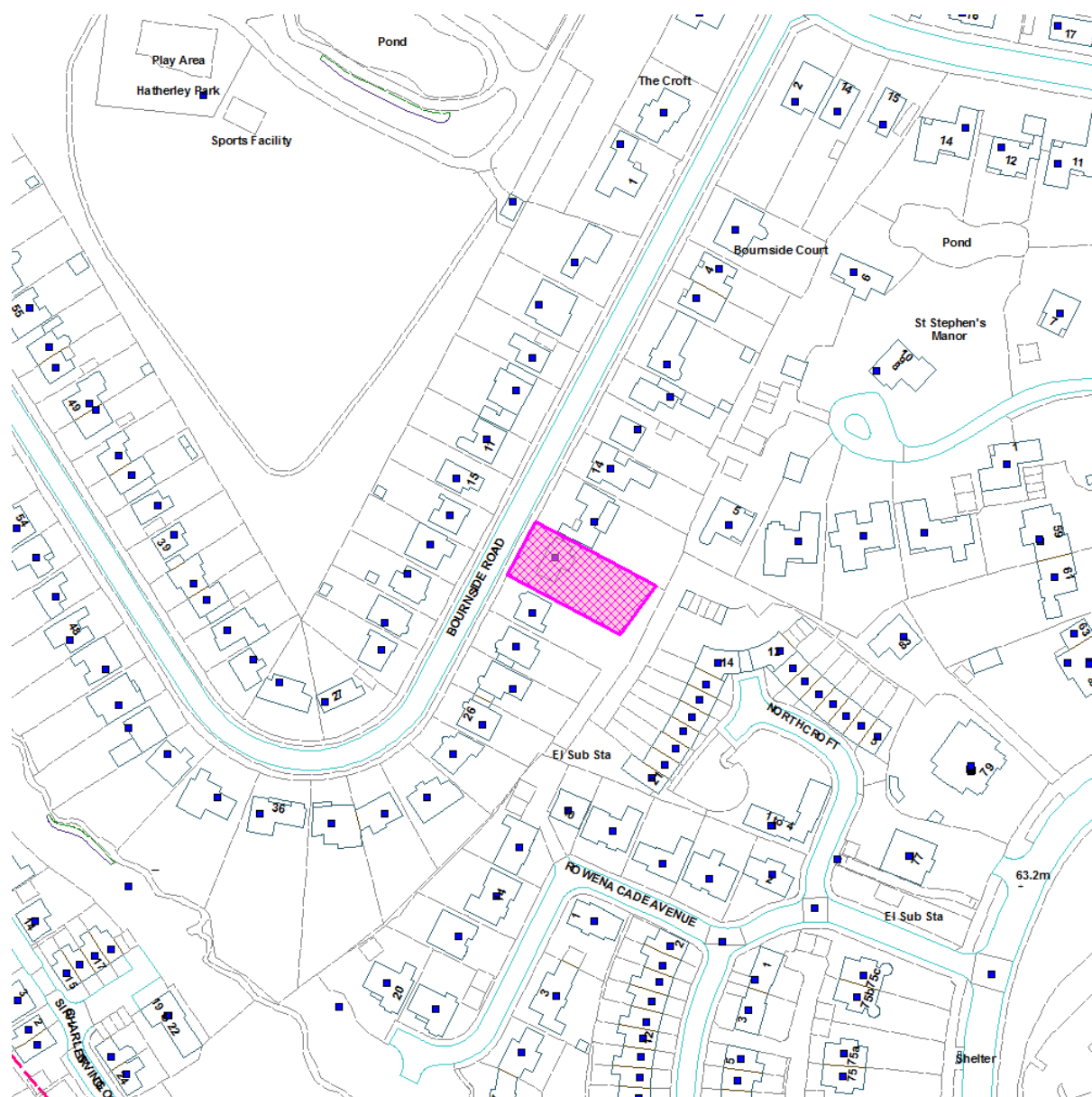
Thank you for the opportunity to give my opinions & air my views.

Yours faithfully,

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APPLICATION NO: 25/00520/FUL		OFFICER: Mrs Victoria Harris
DATE REGISTERED: 28th March 2025		DATE OF EXPIRY: 23rd May 2025
		Extension of time: 23.06.2025
DATE VALIDATED: 28th March 2025		DATE OF SITE VISIT:
WARD: Park		PARISH:
APPLICANT:	Mr Shaun Packe	
AGENT:	Blueprint	
LOCATION:	18 Bournside Road Cheltenham Gloucestershire	
PROPOSAL:	Proposed two storey side and rear extension, single storey rear extension, re model and dropped kerb.	

RECOMMENDATION: Permit



This site map is for reference purposes only. OS Crown Copyright. All rights reserved Cheltenham Borough Council 100024384 2007

1.1 DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site is located on Bournside Road, within Park Ward, and comprises a detached two-storey dwelling within a good-sized plot. The dwelling is faced in brick, with a hipped, concrete-tiled roof, and white uPVC windows and doors.
- 1.2 The dwelling is not listed, and the site is not located within the Conservation Area.
- 1.3 The applicant is seeking planning permission for a two-storey side and rear extension, single-storey rear extension, extension and conversion of the existing side garage, and extension of the existing roof. The dwelling will be modernised with new windows and doors, and the existing brickwork will be clad in white/cream render and neutral/cream composite weatherboard, a new dropped kerb is proposed to allow a double access driveway with extended gravel driveway.
- 1.4 The scheme has been revised since the initial submission to address officers and neighbouring properties concerns relating to design and impact on amenity. The changes that have been made include:
- alterations of roof design; hipped flat roof changed to a pitched roof
 - width of Juliet window reduced in size
 - width of two-storey side extension reduced
 - rear conservatory removed
 - cladding colour changed from tea green to neutral/cream tone
 - front porch removed
- 1.5 An extension of time has been agreed to allow for the consideration and determination of the application.
- 1.6 The application has been brought to Planning Committee at the request of Councillor Chelin for the following reasons: overdevelopment, streetscape and privacy.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Airport Safeguarding over 45m
Principal Urban Area
Residents Associations

Relevant Planning History:

20/01595/TPO 25th September 2020 PER

T1: Horse chestnut: Remove snapped limb that was damaged in high winds and reduce by 3-4 metres to take wind loading out of them. T2 and 3: Horse chestnut: Reduce by 3-4 metres

3. POLICIES AND GUIDANCE

National Planning Policy Framework

Section 2 Achieving sustainable development
Section 4 Decision-making

Section 8 Promoting healthy and safe communities
Section 12 Achieving well-designed places

Adopted Cheltenham Plan Policies

D1 Design
SL1 Safe and Sustainable Living
GI2 Protection and replacement of trees
GI3 Trees and Development

Adopted Joint Core Strategy Policies

SD4 Design Requirements
SD14 Health and Environmental Quality
INF1 Transport Network

Supplementary Planning Guidance/Documents

Residential Alterations and Extensions (2008)

4. CONSULTATIONS

See appendix at end of report

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	9
Total comments received	18
Number of objections	12
Number of supporting	6
General comment	0

- 5.1** The application has been publicised by way of letters sent to 9 neighbouring residential addresses. Following the public consultation period, 18 responses have been received; 12 in objection and 6 in support of the proposal.
- 5.2** The application has been revised; on receipt of the revisions, neighbours were notified of the changes by way of a letter, objections have still been raised to the development in its revised form.
- 5.3** The comments received have been summarised below, and include but are not limited to the following:
- overdevelopment
 - impact on street scene and surrounding area
 - loss of light
 - loss of view of trees
 - loss of privacy
 - design
 - reduction of space between properties
 - proposed materials and colour not in keeping with existing house
 - views of the conservation area will be impacted
 - impact on noise
 - no objection
 - improvement, both for the street and long-term future of the property
 - pleased to see the proposed revisions
 - significant improvement to the existing dwelling
 - good design

6. OFFICER COMMENTS

6.1 Determining Issues

- 6.2** The key considerations for this application are design and impact on neighbouring amenity and sustainable development.

6.3 The site and its context

- 6.4** The existing building is a detached two-storey dwelling with hipped roof and includes projecting two-storey bay windows to the front. The existing building is finished in brick, concrete roof tiles, white windows and doors and has a single-storey garage to the side.

- 6.5** In terms of context, the surrounding properties are all detached two-storey dwellings. The street scene is varied in design with a number of nearby properties being the subject of various extensions and modernisation works. Of particular note is the immediate property to the west of the application site, number 15 Bournside Road, which has recently undergone significant extensions and alterations to the property. The property has also been modernised, which resulted in rendering and black cladding of the property. Other nearby properties have also been extended in various forms and include two-storey side and rear extensions and additions.

6.6 Design and layout

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

- 6.8** NPPF para 135 (c) states decisions should ensure that developments are sympathetic to local character and history...while not preventing or discouraging appropriate innovation or change.

- 6.9** The application proposes two-storey side and rear extensions, single-storey rear extension, the extension and conversion of the existing side garage, and the extension of the existing roof. The proposed works also include the modernisation of the property by proposing a render and cladded finish to the external elevations, with white vertical sash windows to the front and white windows and doors to the rear, and grey tile roof.

- 6.10** The proposed extensions are reasonably modest additions in terms of their footprint and are considered to sit comfortably within the plot. The proposed extensions and alterations result in a significant change in the design and appearance of the dwelling; however, the design is not out of context given works undertaken at neighbouring properties. Officers consider the scale and form of the proposed extensions to be acceptable for this site and consider the resulting design and appearance to be appropriate for a modernised property in this location.

- 6.11** The overall roof ridge height will be increased, despite the increase in height the proposal would not significantly alter or harm the character or appearance of the wider street scene. Properties in Bournside Road vary in form, height and design, allowing scope for properties, such as the application site, to be extended, remodelled and modernised without causing unacceptable harm to the character the street scene.

- 6.12** It is recognised that the proposed side extension will reduce the gap between the property and its neighbour, whilst the gap between the properties will be reduced there is a defined

and clear gap between the two properties to allow a view through to the rear. A gap will still be retained, and therefore there is no terracing effect, helped by the fact the first-floor part is set back 1.2 metres from the principal elevation.

- 6.13** Overall, the proposal achieves an acceptable form and design and is considered to be compliant with the requirements of the Adopted Cheltenham Plan (2020) policy D1, adopted JCS policy SD4 and the Supplementary Planning Document – Residential Alterations and Extensions (adopted 2008).

6.14 Impact on neighbouring property

- 6.15** It is necessary to consider the impact of development on neighbouring amenity. JCS Policy SD14 and Cheltenham Plan Policy SL1 state how development should not cause unacceptable harm to the amenity of neighbouring properties. Matters such as a potential loss of light, loss of privacy, loss of outlook, noise disturbances and overbearing impact will therefore be considered.
- 6.16** It is acknowledged that the proposals will impact on a small number of residential properties; however, officers are satisfied that any such impact will not be so detrimental as to warrant a refusal on amenity grounds. The property's that will be most affected is 16 and 20 Bournside Road.
- 6.17** In terms of daylight and/or sunlight, and outlook, 20 Bournside Road does not have any windows to the side elevation and the two-storey side extension does not extend beyond the rear building line of 20 Bournside Road. The rear extension is set in from the side boundaries and passes the 45° light test set out within the 'Residential alterations and extensions' SPD. Therefore, whilst of a considerable size, no harm is caused by the proposal.
- 6.18** Regarding overlooking and loss of privacy, no first-floor windows are proposed in the side elevations of the proposed extensions. Whilst the rear extension has a large Juliet window, this would generally look into the host dwellings garden. In addition, the large Juliet window will be more than the 10.5 metre minimum distance normally sought to the rear boundary, and 21 metres between dwellings which face each other.
- 6.19** For the reasons set out above, the proposed development would not cause any unacceptable loss of amenity in respect to privacy, light and outlook. As such, it would comply with policies SL1 of the Cheltenham Plan, policy SD14 of the JCS and the NPPF.

6.20 Access and Highway issues

- 6.21** Adopted JCS policy INF1 advises that all development proposals should provide for safe and efficient access to the highway network for all transport needs. The policy identifies that planning permission should be granted where the highway impacts of the development would not be severe.
- 6.22** A new dropped kerb is proposed.
- 6.23** Gloucestershire Highways as the Local Highways Authority have been consulted on this application and no objection has been raised. A condition has been suggested to ensure surface water is drained to a suitable outfall. Given the extended gravel driveway can be constructed under permitted development, a condition is not considered reasonable and an informative has been added.
- 6.24** The development is not considered to result in any unacceptable highway safety implications and therefore accords with JCS policy INF1.

6.25 Sustainability

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

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

6.28 In this instance a sustainability statement has been submitted which details key measures, given the scale of development proposed within this application this is considered to be acceptable.

6.29 Other considerations

Trees

6.30 There are several large trees to the rear of the site, the Trees Officer has been consulted and no objections have been submitted.

Public Sector Equality Duty (PSED)

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

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

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

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

7. CONCLUSION AND RECOMMENDATION

7.1 For the reasons set out above, the proposed development resulting in the extension and modernisation of the existing dwelling is considered to be acceptable and would be in accordance with the relevant policies and guidance. The objectors’ concerns have been noted and considered throughout the application process, however it is considered that the proposed development is appropriate when assessed against relevant planning policies.

7.2 As such, the recommendation is to permit this application subject to the conditions set out below.

8. CONDITIONS / INFORMATIVES

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

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

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

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

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

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

INFORMATIVES

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

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

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

- 2 The Local Highway Authority has no objection to the above subject to the applicant obtaining a section 184 licence. The construction of a new access will require the extension of a verge and/or footway crossing from the carriageway under the Highways Act 1980 - Section 184 and the Applicant is required to obtain the permission of Gloucestershire Highways on 08000 514 514 or highways@gloucestershire.gov.uk before commencing any works on the highway. Full Details can be found at www.gloucestershire.gov.uk.
- 3 In accordance with Section 163 of the Highways Act 1980 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.

Consultations Appendix

Tree Officer

20th May 2025 - The Trees Section has no objections to this scheme.

GCC Highways Planning Liaison Officer

23rd April 2025 - Response in documents tab.

Building Control

4th April 2025 - This application will require Building Regulations approval. Please contact Cheltenham and Tewkesbury Building Control on 01242 264321 for further information.

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APPLICATION NO: 25/00520/FUL		OFFICER: Mrs Victoria Harris
DATE REGISTERED: 28th March 2025		DATE OF EXPIRY : 23rd May 2025
WARD: Park		PARISH:
APPLICANT:	Mr Shaun Packe	
LOCATION:	18 Bournside Road Cheltenham Gloucestershire	
PROPOSAL:	Proposed two storey side and rear extension, single storey rear extension, re model and dropped kerb.	

REPRESENTATIONS

Number of contributors	18
Number of objections	12
Number of representations	0
Number of supporting	6

17 Bournside Road
Cheltenham
Gloucestershire
GL51 3AL

Comments: 19th May 2025

(REF:- 25/00520/FUL). 18 Bournside Road

We appreciate the effort of the revised planning application which has been updated from the original proposal.

The removal of porch and columns
Toned down colour of weatherboard to a neutral palette
Additional change to Hip Roof design

Unfortunately, this does not change the over development on this plot and the effect on the street scape and surrounding neighbourhood.

This still leaves little more than a corridor pathway at the side of the properties of the new large extension. This will also rob neighbours and public of sunlight in the evenings and much-loved views of preserved listed trees growing at the back of no.18 on the border of a conservation area.

Old Trees have already been felled in No.18's back garden in preparation for the proposed extension which may alter the water table to an area already prone to water logging and flooding.

At the rear of No.18 this 3 story house will have a massive impact on neighbours' privacy to the sides and rear of the property and looks more like an additional floor than a modest loft conversion.

Although the roof design has been revised in the new submission the roof height appears much higher than previously. According to the submitted streetscape plan / drawing

which is difficult to gain any accuracy with the scale provided and no horizontal scale supplied.

The existing symmetrical classic design of No.18 , much admired by the public will be lost forever with this proposed over development.

The overall floor space proposed in this build is nearly three times that of the original floor plan.

Being on the cusp of a conservation area and possibly being included in this area in the future, surely this classical house of this 1950's design should be preserved and not be redesigned beyond recognition. Space is surely needed to appreciate architecture at its best as specified in the Local government recommendations of buildings and alterations. If we are to avoid , the affect of terracing between existing houses.

It is surely against the local and national housing policy for the above reasons. This may become a trend or template for future planning applications within a classic 1950's tree lined road.

I would request this application is rejected.

Comments: 21st April 2025

I wish to object to the proposed application (REF:- 25/00520/FUL). 18 Bournside Road

1. The changes from classical original brick built 1950 design to a "New England" style, no other property of this type or design is in the road.
2. Increased size of development will change the street view significantly to the detriment of the other houses in Bournside Road .with an excessive Increase in size to the original house.
3. Will reduce 25% of available light for the neighbours.
4. This is a complete overdevelopment of the building both in height and width.
5. Addition of a Third Floor will affect overall street view and privacy of neighbours.
6. Conversion of a loft space as another floor as living space with bathroom and other rooms adds to the over development.
7. The Ability to view directly into neighbours' properties due to the greater height plus balcony to the rear of the building.
8. Reduction of space between adjacent properties. This exceeds the recommend planning limit of approval
9. External Light Green Cement board cladding proposed colour is not in keeping with any other property in the road.
10. Suggested Choice of roofing material and colour is not in keeping with existing houses built in the Road.

By approving the proposed application, it will change the whole character and privacy of Bournside road, to the detriment of the local community and citizens who reside as neighbours and the general community.

It is surely against the local and national housing policy for the above reasons. This may become a trend or template for future planning applications within a classic 1950's tree lined road.

I would request this application is rejected.

15 Northcroft
The Park
Cheltenham
Gloucestershire
GL50 2NL

Comments: 21st April 2025

I am concerned at the scale of extension here with ensuing loss of privacy for properties to the rear. In particular the attic conversion doors/balcony will overlook neighbouring properties' gardens, and more concerningly directly in to bedrooms. This is less of an issue in the summer as there is currently foliage partially obscuring the view, but in the winter there is a direct line of sight in to other properties.

I am happy to support extension and modernisation, but this is direct visual intrusion on an unacceptable level. A dormer window, or even regular windows would reduce the impact. The scale of the current plans effectively creates a large viewing platform affecting many surrounding properties, and I would be grateful if this could be reconsidered.

16 Bournside Road
Cheltenham
Gloucestershire
GL51 3AH

Comments: 21st May 2025

Ref.25/00520/FUL. SUPPORT

Re. Your letter 8th May 2025 - Revised Plans - 18 Bournside Road.

Having seen the proposed revisions, we see no objection to the development.

20 Bournside Road
Cheltenham
Gloucestershire
GL51 3AH

Comments: 17th May 2025

Summary

I appreciate the effort the owners of No. 18 Bournside Road have made to update the original proposal. However, it unfortunately does not resolve the fundamental issues of overdevelopment and loss of privacy.

Response to specific claims

Claim 1: "The width of the side extension has been substantially reduced to provide a full 1 metre side access along the boundary with no 20... This will further improve the sense of space between the buildings and materially reduce build mass..."

Answer 1: This change reduces the building's width by 30 cm (the gap to the boundary has increased from 0.7 metres to 1 metre), which is less than 12 inches. The 30 cm reduction in width is negligible, representing a decrease of less than 2% in the building's width. It is unlikely that a passerby would perceive the change in width as 'substantially reduced' or detect an 'improved sense of space' or possibly even notice a change.

Claim 2: "The previously proposed rear conservatory has been removed to further reduce massing and development density between Numbers 18 and 20."

Answer 2: It is the three-story extension that contributes to the massing and development density, not the rear conservatory. Therefore, removing the rear conservatory does not reduce the massing or density of the development.
Reducing the extension to a single-story garage would reduce the massing and development density.

Claim 3: "The width of the Juliet window has been significantly reduced to minimise perception of overlooking and reduce the visual appearance of a third story at the rear"

Answer 3: The remaining full-height Juliet balcony and window continue to create the visual impression of a third story at the rear. This full-height Juliet balcony does not reduce the potential for overlooking the neighbours' gardens. The neighbouring gardens are long and have clear, line of sight views to the 3rd floor bedroom with the Juliet balcony.

Claim 4: The Mocked-up streetscape shows how the street will look after the extensions are added

Answer 4: The mock-up streetscape has a vertical scale but lacks a horizontal one. A disclaimer states, 'Illustration purposes only to depict street scene variation,' indicating an issue with the horizontal scale because it has been omitted. The horizontal gaps between some houses seem too large, suggesting a different scale in these areas. It is puzzling why the architect would provide a vertical scale while omitting the horizontal one. The streetscape also omits depth and the side of buildings giving a spaciousness to the layout that doesn't reflect reality. An accurately scaled streetscape would be beneficial. However, the absence of the horizontal scale, depth, and the inclusion of the disclaimer limit its value.

Objections

The essence of the original objections remains. All objections are referenced against the Cheltenham Local Development Framework, specifically the Supplementary Planning Document - Residential Alterations and Extensions.

1. Overdevelopment

The build maximises the size of the house that can be constructed, constrained only by the property boundaries.

The Residential Alterations and Extensions framework states in 2.0; 2. Subservience

An extension should not dominate or detract from the original building, but play a 'supporting role'. Generally, the extension should not be higher than the original. A well-designed extension is normally set back from the main elevation...

The large three-story extension to number 18, which increases the width of the house to its boundaries and the height of the house to the street maximum, does not fulfil a supporting role, as recommended by the local Development Framework. The overall usable floor space in the proposed build is still nearly three times that of the original house and the balance of the original symmetrical design is lost.

The Residential Alterations and Extensions framework states in 2.0; 3. Maintain spaces between buildings

Cheltenham has a reputation as a spacious town. This spaciousness derives from the spaces at the front, back and at the sides of buildings. Glimpses of trees, gardens and surrounding hills are essential if the spacious character of the town is to be maintained. The Council will maintain such spaces between buildings to prevent a terracing effect between existing houses. This may mean that a gap can only be partially closed.

The new extension will reduce the gap between No. 18 and the boundary with No. 20 from 4.3 metres currently to 1 metre, for the full height of the extended house and obstructing 24 square metres of view from the street to the rear. The view from the street of the listed Horse Chestnut trees at the rear of both houses will be significantly restricted by both the scale and depth of the extension, meaning that the trees at the rear of the houses will only be visible if one stands directly in front of the gap between the houses. The bottom of the rear gardens marks the edge of the Cheltenham Central Conservation Zone. The views from the Conservation Zone, through the current gap between 18 Bournside Road and 20 Bournside Road to Hatherly Park, will also be severely impacted. As the Residential Alterations and Extensions framework says the spaces between houses are essential and the loss of space between the two houses is not preserving this space, deemed essential in the guide.

A single-story extension to the side would maintain the symmetry and preserve the views from the street to the Horse Chestnut trees and from the conservation area to the park.

2. Attic as a Third Floor

The Residential Alterations and Extensions framework states in 3.4 Extending into the roof space

Loft conversions should not have the appearance of an extra storey on top of the house - a dormer window should always be set within its roof. This is because the original character of the building could be affected; there could be overlooking of neighbouring properties and the character of the street would be altered if all properties increased their storey height.

The loft conversion still appears as an extra floor because it features vertical sections that create the illusion of walls, specifically with the tall glass doors of the Juliet balcony. This directly conflicts with the Residential Alterations and Extensions guide 3.4, which states that a loft conversion should not have the appearance of an extra floor.

The roof shape has been altered, resulting in a change to the balcony's shape. The Juliet balcony is no longer as wide as it was previously; however, it appears to occupy approximately a third of the roof face, enhancing the appearance of an extra floor.

Replacing the Juliet balcony with flush or Dormer windows will allow light into the room, provide a view of the hills, and prevent the conversion from resembling an additional floor.

3. Juliet Balcony

The Residential Alterations and Extensions framework states in 3.2 Rear Extensions, Design Principles

Balconies can affect a neighbour's privacy. The council will require careful consideration of the location and design of any balcony to avoid this problem.

In section 4. Maintain Privacy, it states

Balconies can threaten the privacy of neighbours but skilful design can prevent overlooking across a boundary.

The view from the newly designed Juliet balcony, three floors up, will be terrific; however, the Juliet balcony still infringes on the right to Privacy of at least five neighbours. None of the houses on the northeast side of Bournside Road have a Juliet or any other type of balcony; this would be the first and a significant change to the skyline facing the Cheltenham Central Conservation Zone.

The council's guidelines clearly state that balconies must not compromise a neighbour's privacy or overlook adjoining properties. This amended proposal violates both guidelines. Due to the length of the neighbouring gardens, it is impossible to design the balcony to prevent the occupier from overlooking the boundary.

By removing the Juliet balcony and replacing it with skylights or small dormer windows, we can eliminate the risk of neighbours losing their privacy. The occupier would use these windows primarily for light or to look outside (such as to check the weather), rather than sitting around with the windows open to enjoy the view over to the hills (and unfortunately the neighbouring gardens and the neighbours).

Comments: 18th April 2025

A. Introduction

I object to the proposed extension at 18 Bournside Road (Planning Application Reference: 25/00520/FUL) on the grounds that it is contrary to the Cheltenham Local Development Framework SPD, the Residential Alterations and Extensions (RA&E) guidance, and the National Planning Policy Framework (NPPF). The proposal would result in significant harm to the character and amenity of the area, specifically through loss of daylight, loss of privacy, overdevelopment, and harm to the established streetscape.

A.1 Context

The Cheltenham Local Development Framework Supplementary Planning Document Residential Alterations and Extensions (RA&E) document states in its Introduction "Cheltenham has an image of an elegant, spacious town with groups of well-proportioned buildings set in generous gardens, with open space extending into the heart of the town. The spaces between the houses, the greenery and the nature of the front boundary fences, walls, hedges (or the lack of them) all contribute to this character... Good design is as essential here as it is in the historic parts of the town."

The northern part of Bournside road is probably the best example of 1950's housing conforming to this image in Cheltenham. If you walk from the northern tip of Bournside road down to the bend in the road with the house from the Butterflies TV series, there are 30 detached houses, in Spring the road is lined with blossom trees and daffodils (planted by residents in the verges), the detached houses are all different, individually designed and as you walk down there are large gaps between the houses at first floor level with views through to the large horse chestnut trees to the east and to the trees in Hatherly park to the west. This part of the road implements this planning goal perfectly - (albeit with one exception at present). The proposed changes to number 18 conflicts with the Planning Office's stated goals and the conflicts are explained below.

The relevant National Planning Policy Framework (NPPF) document, paragraph 135c) states "Planning policies and decisions should ensure that developments are sympathetic to local character and history, while not preventing or discouraging innovation or change (such as increased densities)." This development is not innovative, does not increase the number of families living in the house and is not sympathetic to local character or history. Hence, it does not comply with the requirements of the National Planning Policy Framework.

A.2 Poor Design

The proposed development extends the whole width of the plot and increase the size of the current house threefold. The overall character does not reflect the original house nor its setting. The only aim that it satisfies is getting as much house as possible on the plot to the detriment of good design and the character of the area.

B. Streetscape

B.1 Maintain space Between Buildings

The RA&E design principle 3 is Maintain Spaces Between Building. This design constraint states Cheltenham has a reputation as a spacious town. This spaciousness derives from the spaces at the front, back and at the sides of buildings. Glimpses of trees, gardens and surrounding hills are essential if the spacious character of the town is to be maintained. The Council will maintain such spaces between buildings to prevent a terracing effect between existing houses (which would also undermine the road's low-density characteristics). This may mean that a gap can only be partially closed.

28 of 30 properties along this part of the road maintain large gaps between them at first-floor level, establishing a clear pattern of development. The planning guides state this is a desirable goal.

The RA&E states "The space between ... houses is essential. But the sense of space can be completely lost when ... owners decide to create two storey extensions."

Combine this with the requirements of CP7 that development will only be permitted where it c) "complements and respects neighbouring development and the character of the locality."

Therefore, we have one requirement to maintain spaces between buildings and another requirement to respect the characteristics of the neighbourhood which is characterised by detached houses with large spaces between them at first floor level. The proposed development does not maintain the required space between itself and the neighbour's building at the first-floor level and will reach to 60cm of the boundary.

Hence, the 2 extra floors on top of the proposed garage should not be permitted, at least at its current size.

B.2 Subservience

The RA&E design principle 2 is Subservience. "An extension should not dominate or detract from the original building, but play a supporting role."

The proposed development is increasing floor space by nearly 3x, dominating the original building by adding a garage with two more floors on top of it and an extension at the rear. This will be an overbearing property and represents over-development of the site.

The original building is a symmetrical red brick detached property, the proposed design lacks symmetry and appears to be designed to maximise living space, rather than to complement the existing streetscape. It doesn't fit in.

B.3 Maintain Character

The R&E design principle 1 is Maintain Character. The characteristics of the house and its settings should influence the extension. The principle states "As a rule, if there is an established pattern of acceptable design features in the street, you should aim to use them in your project." The established pattern of acceptable design features in the street is clearly defined and visible. This part of Bournside road with over 30 houses along a straight stretch of road, has a clear streetscape identity. The proposed design doesn't fit in with this streetscape identity because:

1. It is oversized for the plot width - the other houses all look proportionally balanced within their plot - it would constitute overdevelopment of the space.
2. It won't have space between the buildings, preventing views from the street to the trees, and eroding the road's sense of low-density housing.

There was one house approved along this stretch of road, which is viewed as filling its plot and it does not have sufficient space between it and its neighbours, so it can be deemed similar to this proposed development. The planning officer explained in his report that he approved that build because...

"The design results in a contemporary take on the existing general style. It is not overtly contemporary, but it could be considered as a representation of a twenty first century update to the basic design. The two neighbours who have written in clearly consider that it is not appropriate in the street but there are clear variations within the houses in Bournside Road and this would simply be yet another."

If the planning committee is considering the same logic for this proposal, may I ask you to also consider the following:

1. If it is a twenty first century update to the basic design, then it is not representative of the streetscape (which is not a 21st century streetscape). And therefore, doesn't comply with the streetscape requirement.
2. If it is considered just yet another variation in the style of houses, then which houses is it being compared with - the houses along Bournside road from the bend to the northern tip are all of a similar age and style forming a consistent streetscape. Hence if you compare it to these it would fail. The houses around the corner and down the hill are a mix of housing styles. But this part of the road cannot be physically viewed at the same time as the part of the road where the proposed build is, therefore, they form two distinct

and separate streetscapes. And you should compare the proposed development to houses in the same streetscape because this is where it will have the impact.

The proposed development represents over development of the plot.

Approving the development will harm the character and appearance of the area. And it will make it harder to deny other similar requests to build properties which don't support the streetscape.

C. Loft Conversion

The RA&E states "Loft conversions should not have the appearance of an extra storey on top of the house - a dormer window should always be set within its roof. This is because the original character of the building could be affected; there could be overlooking of neighbouring properties ..."

C.1 When is a loft an Extra Floor?

A loft conversion can look like an extra floor if it has the following characteristics:

- A large flat roof to increase headroom across the floor
- Vertical sections giving the impression of walls (in this case floor to ceiling glass doors)
- Loss of original sloping roof features
- Large glass windows making the room inside visible
- Juliet balconies

The proposed development has all these features in its proposed loft conversion. The reason it makes it look like a separate floor is because that is exactly what this proposal is - it is creating a separate floor, rather than just converting a loft to an accessible space. The purpose of the Dorner windows is to bring light into the room. The purpose of large sliding glass doors is to extend the room into the outside space. It is this expansion of the space into the outside that causes the privacy and noise concerns. With just Dorner windows for light, this risk disappears.

C.2 Impact on Privacy

The risk of the separate floor is explicitly stated in the guidance, there can be overlooking of neighbour's properties, which leads to a loss of their privacy.

The large glass doors and Juliet balcony exacerbate this loss of privacy. An upstairs bedroom window is typically looked out of when opening curtains and checking for rain. A Juliet balcony typically has chairs beside it for drinking tea during the day and wine in the evening and watching the world go by through the window, meaning many hours can be legitimately spent at the window. This 'Eye of Sauron', with its full height opening glass doors, from the height of 3 floors will see in all the neighbours' gardens, and in the gardens in the properties at the rear, as well as living rooms and bedrooms of the houses at the rear of the property.

I've checked other properties in the neighbourhood and found some around Hatherly Park with Juliet balconies. Can I point out the people living in homes with gardens overlooking Hatherly Park do not expect to have privacy in their gardens since they are overlooked by a public park, hence Juliet balconies are acceptable there. But, people who already have privacy in their gardens, their private amenity space, expect it to be maintained and not lose the right to a neighbour's extension or loft conversion.

Also, the flat roof could be used as a balcony in the future, with its corresponding loss of neighbour's privacy. This adds another reason to deny the proposed loft conversion.

C.3 Impact on Noise

The proposed loft conversion creates one of the largest rooms in the house with large opening floor-to-ceiling glass doors and a Juliet balcony which overlook neighbours' gardens and directly into the bedrooms of the houses behind. This would be an ideal room for parties and social gatherings with access to fresh air, light and views with the space to entertain. From the outside it will look exactly like a third-floor room. The RA&E clearly states noise should be considered too. Parties and social gatherings in this room would be both visible and heard across the neighbourhood to the rear.

C.4 Potential Counter Arguments

We imagine the following counter arguments:

1. The council has already approved house x on Bournside road with a Juliet balcony;
 - 1a. This is irrelevant, the purpose of the Planning guidance is to introduce a set of design constraints we can follow. If one counter example is allowed to form the basis of approval, then every design constraint can be ignored.
 - 1b. The National guidelines and the local guidelines do not provide for guidelines to be ignored based on a counter example.
 - 1c. I've checked other properties in the neighbourhood and found some properties which back on to Hatherly Park with Juliette balconies. Can I point out the people living in homes with gardens overlooking Hatherly Park do not expect to have privacy in their gardens since they are overlooked by a public park, hence Juliette balconies are acceptable there. But people who already have privacy in their gardens, their private amenity space, expect it to be maintained and not lose their right to privacy for a neighbour's extension or loft conversion.
2. The loft conversion looks like a loft from the front, it only looks like a 3rd storey floor from the rear.
 - 2a. The rear of the house, with its extra floor, is visible to neighbours, and the houses on the estate at the rear and will be visible from the public road there too.
 - 2b. For this to be a valid reason to accept the loft conversion, would mean the rights of neighbours are different from the rights of the man in the street and would ignore the rights of neighbours to privacy and protection from noise via the planning guidance.

C.5 Recommendation on the Loft Conversion

The loft conversion removes the neighbour rights to privacy, increases the risk of noise and explicitly breaches RA&E guidance.

We ask the loft conversion in its current form to be rejected and believe the proposed conversion should comply with the guidance by removing the flat roof, the Juliet balcony and replacing the sliding glass doors with Dorner windows.

D. Access to Daylight

The RA&E lists 5 basic design principles the extension must comply with; Number 5 is Ensure adequate daylight.

Adding a garage with two additional floors above it, the first floor and a second floor in the roof requires a larger roof and the house will block 25 percent more light than the current house does, with an adverse impact on neighbouring properties (including the ones in Northcroft behind the back garden) and their gardens. The loss of light will have an impact on the neighbours' gardens and make our pathway from the front of the house to the rear much darker, possibly damper and risks introducing a wind tunnel effect.

It would be appreciated if the committee requested a sunlight and daylight assessment to determine the impact of this proposed build on neighbours' properties.

E. Summary

The National Policy Planning Framework states in paragraph 135:

Planning policies and decisions should ensure that developments:

a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

c) are sympathetic to local character and history, including the surrounding built environment and landscape setting...

d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

f) 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.

I explicitly ask the planning authority to refuse this proposal on the grounds that it is contrary to local and national planning policy and would result in significant harm to the character and amenity of the area and adversely impact neighbours' rights to privacy and protection from noise.

23 Bournside Road
Cheltenham
Gloucestershire
GL51 3AL

Comments: 20th May 2025

Response to the Revised Planning Application

I appreciate the attempts made by No 18 to revise their original plans, I am afraid it does not go far enough to reduce the overall gross over development of the site, my original objections still stand. In addition, these are my comments on the revisions:

1) Alteration to Roof Design.

The revision has just made the roof look even bigger, looking at the street scene plan it looks even higher than the original plans too.

2) Reduction of Rear Juliet Window

Whilst there has been a reduction in the size of the window, it is on the 3rd floor addition which in its self-causes an evasion of privacy to the neighbours.

3) Increased Side Access/Spacing Between Properties

My understanding is that the revised spacing is merely 30mm which really is an immaterial reduction.

4) Removal of Rear Conservatory

This is also immaterial as this could be added at a later date & does not really contribute to any significant reduction to the overall mass development.

5) Adjustment of Cladding Colour and Extent.

Again the colour is really insignificant as this could be changed at a later date, you will note from the street scene that was provided with the update, that there are significant changes to the character of the building, the Cheltenham Plan 5.8 advises that you would be expected to use materials which match the original building, this is not the case. The original brickwork is a feature that needs to be maintained, to ensure that the house retains its 1950' character & remains in keeping with the other houses on Bournside Road.

6) Removal of Front Porch and Column Posts

This is a welcome amendment.

I cannot see that the amended plans have changed the overall mass of the development, I certainly would not say it is visually in tune with the varied character of Bournside Road. I have lived in Bournside Road for over 30 years the character of this road needs to be preserved for future generations, we must not allow such mass development to be permitted, I therefore object to this application.

Comments: 21st April 2025

I object to the proposed extension at 18 Bournside Road (Planning Application Reference: 25/00520/FUL) on the grounds that it is contrary to the Cheltenham Local Development Framework SPD, the Residential Alterations and Extensions (RA&E) guidance, and the National Planning Policy Framework (NPPF). The proposal would result in significant harm to the character and amenity of the area, specifically through loss of daylight, loss of privacy, overdevelopment, and harm to the established streetscape.

The relevant National Planning Policy Framework (NPPF) document, paragraph 135c) states "Planning policies and decisions should ensure that developments are sympathetic to local character and history, while not preventing or discouraging innovation or change (such as increased densities)." This development is not innovative, does not increase the number of families living in the house and is not sympathetic to local character or history. Hence, it does not comply with the requirements of the National Planning Policy Framework.

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The RA&E design principle 2 is Subservience. "An extension should not dominate or detract from the original building, but play a supporting role;"

The proposed development is increasing floor space by nearly 3x, dominating the original building by adding a garage with two more floors on top of it and an extension at the rear. This will be an overbearing property and represents over-development of the site.

The original building is a symmetrical red brick detached property, the proposed design lacks symmetry and appears to be designed to maximise living space, rather than to complement the existing streetscape. It doesn't fit in.

Bournside Road comprises houses of individual character built in the 1950's, it is a highly sought after road because of the beautiful, designed houses it is very important that we retain the character of the houses on this road.

This proposal fails to respond & respect positively to the character of the site & its surrounding & provide extensions that do not harm the architectural integrity of the building. The proposal would disproportionately increase the width & size of the house, to 3x its original size & is totally out of keeping to other properties in Bournside Road. The addition of a third floor is unacceptable as it infringes the privacy of the neighbours & is an unnecessary addition to an already overdeveloped proposal.

As per The Cheltenham Plan 5.8 Extensions to existing buildings need to be carefully designed to respect the character & scale of the existing building, they would normally be expected to use materials which match the original building.

This proposal completely contravenes the above, I also strongly object to the loss of the original brickwork which is proposed to be replaced with cedar tea green weatherboard & render, this is not in keeping with the present style of the property or other properties on Bournside Road.

24 Bournside Road
Cheltenham
Gloucestershire
GL51 3AH

Comments: 21st May 2025

Although we were really pleased to see the modifications to the original plan and appreciate the effort involved to produce and communicate these, unfortunately, the plans still show a house that is oversized for the streetscape; this is particularly in width, taking up the whole width of the plot apart from a metre gap on one side and in height. If the extension was not at first floor level over the garage, and the roof wasn't so high it would blend in much better with the houses around it.

Comments: 21st April 2025

I object to the proposed extension for the following reasons:

Overdevelopment of the plot - The plan shows an extension that extends to the whole width of the plot and increases the size times three. It dominates the original in size and 'the loft conversion' creates a separate floor which would impact neighbours' privacy.

Overall Design - The plan is not in keeping with the original house nor the houses around it, bar one (i.e. the black and white house, which we do not believe, should be used as a precedent as it does not seem to comply with local and national planning policies from my understanding of the documents available.)

The proposed extension does not complement in terms of style or materials - 'New England' composite cladding, dark roof tiles and a porch with pillars are not 'sympathetic to local character and history', including the surrounding built environment and landscape setting. Indeed, this road is a proposed extension to the Cheltenham Conservation Area and as such is particularly important.

I could not see any detailing regarding a front gate, wall or fence. Have these been made available as these should also be in keeping with the character of the area?

30 Bournside Road
Cheltenham
Gloucestershire
GL51 3AH

Comments: 21st April 2025

I object to the proposed extension at 18 Bournside Road (Planning Application Reference: 25/00520/FUL) on the following grounds:

It is contrary to the Cheltenham Local Development Framework SPD, the Residential Alterations and Extensions (RA&E) guidance, and the National Planning Policy Framework (NPPF). The proposal would result in significant harm to the character and amenity of the area, specifically through loss of daylight, loss of privacy, overdevelopment, and harm to the established streetscape.

The proposed changes to number 18 is not sympathetic to local character and history of Bournside Road and is not sympathetic to local character or history. The proposed build will result in over development of the plot. The developed property will triple the size of the existing house.

The original character of the original house is lost with the cedar tea green weatherboard.

The overdevelopment, width wise and height wise of the plot will lead to overfill and loss of the good design and the character of properties of the area.

Bournside Road has already sadly seen overdevelopment of several plots due to lack of public neighbourhood awareness and resultant lack of objections. This has already resulted in the loss of the wonderful character of the 1950's road made famous by the much-loved Butterflies television series. The plot overdevelopment into another carbuncle of a property, grandly overshadowing and visually shrinking neighbouring original properties on the road due to the unnecessary three storey overdevelopment.

This proposal represents a further example of oversized development detriment to the character of this very loved residential road.

Yours sincerely

30 Bournside Road
Cheltenham
GL51 3AH

68 St Stephens Road
Cheltenham
Gloucestershire
GL51 3AE

Comments: 21st May 2025

As a resident of nearby St Stephens Rd I frequently walk down Bournside Road and have been aware of No. 18 for a number of years. The property sits in a large plot of land and has so much potential, and it is such a shame to have seen it sitting empty and become increasingly rundown.

As someone who lives in a property that has benefitted from substantial renovation, I've been watching the proposal for 18 Bournside Road with interest. The revised plans look great, it's clear that a lot of care and thought has gone into them, and the result would be a huge improvement, both for the street and long-term future of the property.

I'm very supportive of this application. Bringing a neglected property back to life through renovation should be encouraged, and I look forward to seeing this home fully restored and occupied once again.

19 Bournside Road
Cheltenham
Gloucestershire
GL51 3AL

Comments: 21st May 2025

We are pleased to see the proposed revisions to the existing plans for 18 Bournside Road.

Therefore, we have no objection to the revised development.

The property has lain empty for over a decade in our lovely street and we look forward to seeing it come back to life.

22 Bournside Road
Cheltenham
Gloucestershire
GL51 3AH

Comments: 21st May 2025

Having previously objected to this planning application on the grounds of invasion of privacy and unacceptable and invasive use of space, I find the alterations for the subsequent application in no way addresses the issues I raised!

The reduction in the sideways extension is minimal and the inclusion of the balcony will still be, in my view, voyeuristic!

The size and extent of the rebuild smacks of greed and has no consideration for the neighbours right of privacy and the general ambience of Bournside Road. In my opinion, if planning permission is granted, then this will result in a plethora of similar outsize rebuild requests and an unacceptable change to what is a picturesque and leafy location. I sincerely hope that common sense prevails and this application is rejected and a more acceptable plan is produced for genuine consideration.

Regards,

22 Bournside Road

Comments: 21st April 2025

I believe that this planning application is neither in keeping with the aesthetics of and privacy aspects of our beautiful road. It appears to me that the application has been made for the maximum possible room space for financial gain rather than housing necessity and has no consideration for the surrounding dwellings. If built as planned, the rear aspect of the property will result in an invasion of privacy of a number of houses and in particular, the proposed balcony attached to the roof interior development will be unacceptably voyeuristic! I wish to object in the strongest sense and hope that the planners reject this application in favour of something more acceptable both in size and keeping with more consideration for the ambience of the location and the well being of the residents. Thank you for your understanding.

30 Bournside Road
Cheltenham
Gloucestershire
GL51 3AH

Comments: 13th May 2025

Having viewed the revised planning application, we are pleased to see that the applicant has considered many of the objections that were raised with the original application in the updated proposal presented.

Comments: 21st April 2025

I am writing to object to the proposed extension at 18 Bournside Road (Planning Application Reference: 25/00520/FUL) on the following grounds:

This development would lead to further detrimental erosion of the established streetscape and character of Bournside Road, in particular the visual space between houses and the associated vistas and greenery. This would not be in line with the principles stated in the Cheltenham Development Framework and local planning guidance.

The large total size of the proposed extension is NOT subservient to the house being extended.

The current proposed attic room effectively creates a three storey building with oversized windows at the rear, which are over proportioned and unsympathetic to the original roof, and also represent an unnecessary invasion of the privacy of the neighbouring houses and those to the rear of the property.

This proposed, over proportioned extension needs to be reduced in size. It currently represents an attempt to push the local planning criteria beyond reasonable limits of interpretation. Allowing this cumulative, negative impact, detrimental trend to continue to occur will result in Bournside Road becoming an increasingly built up urbanisation with little visual space between oversized houses. This would make a mockery of a planning process that should be aimed at controlling overdevelopment in residential roads in Cheltenham and complying more with the Cheltenham plan framework's principles.

Finally, I should add that I am not generally against house extensions on this road and acknowledge the benefits that sympathetic extensions can bring to the road as a whole, in addition to the benefits to the relevant house owners. Indeed, back in 2010, and of relevance to this objection, we submitted our own planning application to add a second storey to the side and rear of our current house at 30 Bournside Road. This was designed to be sympathetic to the original house character and was within the original house's footprint. However, this application was refused by Cheltenham Council at that time, based on its proposed size. However, during the period since then, the applications for house extensions on this road that have been agreed have incrementally and gradually become bigger and bigger in size, to the extent that recent agreed ones now make our past refused extension definitely modest in comparison. Therefore, I suggest that a key strategic question that the planning committee need to give adequate consideration to with this application is - for how long will the local planning process enable the incremental increasing size of non subservient house extensions on Bournside Road be allowed to continue, together with the associated cumulative negative impact on the streetscape of this, for now, still lovely Cheltenham residential road? Further supporting a continuation of this development trend surely undermines the strategic intentions and principles within the Cheltenham planning framework and therefore local residents faith and confidence in the planning process involved.

Yours sincerely

30 Bournside Road
Cheltenham
GL51 3AH

30 Bournside Road
Cheltenham
Gloucestershire
GL51 3AH

Comments: 21st April 2025

The proposal represents a significant addition to the original dwelling in terms of size and scale representing what appears to be a near 50% increase in size and scale compared to the original dwelling, and a significant erosion to the character of the existing dwelling. It should be noted that this proposal appears to represent the largest increase in size and scale over the original dwelling when compared to the extensions implemented by all the immediate neighbours. Furthermore, the proposal incorporates no step down from the existing dwelling as such this does not represent a subservient design in this case, causing significant conflict with relevant design policies.

The proposed rear roofline appears unsympathetic to the existing hip roofline in terms of pitch and shape as such to cause a conflict with the design guide. The proposed design of the dormer does not reflect the character of the original dwelling, and it would appear out of context.

Reducing the physical space between the proposed property and boundary line of 20 Bournside road to be less than a metre following the two-storey part of the side extension will cause the sense of space to be lost and produce a terracing appearance between the two properties, causing visual harm to the street scene.

Materials are completely out of context with the existing dwelling, conflicting with relevant design policies.

Whilst there has been an accumulation of larger modern extensions being approved along this road over the current local plan period, somewhat eroding the original character of the street scene, approving an extension of this size and scale would signify an increasingly weakened ability for the council to constrain cumulative negative harm caused to local street scenes. As such an increasingly negative precedent would be set for all other proposals within the local area, weakening the integrity of relevant design policies within this local authority.

Therefore, it is necessary for this proposal to be significantly reduced in size and scale as an absolute minimum, otherwise the current proposal would cause significant harm to relevant design policies and should be refused.

30 Bournside Road
Cheltenham
GL51 3AH

6 Banady Lane
Stoke Orchard
Cheltenham
GL52 7SJ

Comments: 21st May 2025

We met the applicants when they moved into Stoke Orchard in 2016. They are a lovely couple who quickly became part of the Stoke Orchard community regularly attending events at the local community centre and helping out when we held street parties for VE Day 75 and the Kings Coronation to name two.

We believe whilst they loved living in Stoke Orchard their heart was always set on moving closer to the town they adore, Cheltenham, and this dream came true when they found the property at 18 Bournside Road.

I visited the property on Bournside just after the applicants purchased it and it was clear from the start, that whilst the property needed a lot of work to modernise it, it would be their 'forever' home.

The applicants passion to make the Bournside property their dream home was evident to me from the moment I set foot in the house.

I have seen the plans and believe they will significantly improve what is a very run down and neglected property. I also think the applicants design will compliment the other varied properties on Bournside Road.

The applicants are definitely community focussed and will be a great asset to the road and wider area.

10 Bournside Road
Cheltenham
Gloucestershire
GL51 3AH

Comments: 22nd April 2025

See my comments submitted 21st. April

Comments: 21st April 2025

Having studied the plans for the proposed development the resultant building will, in my opinion, conflict with the general appearance of the road in which the majority of the houses are spaced out. The planned white render and tea green weatherboard will result in a garish appearance more in keeping with a seaside property. How sad that perfectly acceptable red bricks will no longer be visible. The character of the road in which most of the properties were built in the 1930s and 50s will be eroded.

24 Marsh Lane
Cheltenham
Gloucestershire
GL51 9JB

Comments: 21st May 2025

I am writing in strong support of the revised planning application for 18 Bournside Road. While I am not a direct neighbour, I've lived in Cheltenham for 10 years and frequently run through this road on my way to the beautiful Hatherley Park. I know the applicants personally, and I'm aware of the huge efforts they have made to follow the planning process and respond constructively to neighbour and planning officer feedback. Their approach has been transparent, proactive, and respectful throughout.

I'm a graphic designer by profession, and as such, I have a trained eye for proportion, balance, and visual harmony. From that perspective, this proposal represents exactly the kind of high-quality, design-led enhancement that should be welcomed in a diverse and forward-looking town like Cheltenham.

*

I also find the tone and language used in some of the public objections troubling. Inflammatory, insulting, and assumptive rhetoric have no place in a constructive planning dialogue. Comments should be factual, respectful, and rooted in planning considerations, not based on repetition, red herrings or pressure tactics. Misusing the public forum in this way undermines the integrity of the consultation process and risks setting a damaging precedent for future applications.

I trust the council will see past the noise and assess this application on its planning merits. It is a well-considered proposal that reflects responsible home improvement, and deserves fair consideration.

20 Bournside Road
Cheltenham
Gloucestershire
GL51 3AH

Comments: 18th May 2025

Response to the Revised Planning Application.

I recognise and appreciate that No. 18 has revised their original plans, for the "extension" of their property, to try and accommodate some of the objections raised to their planned changes.

Unfortunately, many of these changes appear to be cosmetic, which are appreciated, but are not addressing the significant issues with the building mass, loss of privacy, and the

loss of space between No. 18 and No. 20 Bournside Road, which affects the "streetscape" of the northern part of Bournside Road.

Proposed Changes and Claims by No.18 Bournside Road

1. Alteration to Roof Design

Examining the newly provided streetscape diagram, the roof changes appear to have significantly increased the roof height, particularly with the "pitched" roof design. The total floor space does not appear to have decreased; only the detailed usage of the space has changed, ie more storage. This revised roof design does not appear to reduce overall massing and visual bulk, as indicated by No. 18. This is an extremely large loft conversion that will visually appear bulky, overdeveloped, and will impact available light.

2. Reduction of Rear Juliet Window

I recognise that the width of the Juliet balcony has been reduced as a consequence of the roof change. A Juliet balcony, regardless of its size, on a roof will give the appearance of a third floor. In this case, since the Juliet balcony occupies a third of the large pitched roof facing the garden, it resembles a Juliet balcony on a sizable third floor.

The cladding appears to highlight certain aspects of the house, namely between the upper and lower windows, at the front of the gym, and at the back of the ground floor. This cladding on the third level at the back will almost certainly draw attention to the Juliet balcony and the visual aspect of the third floor. The Juliet balcony and the loss of the original sloping roof features are in direct conflict with the RA&E, which states, "Loft conversions should not have the appearance of an extra storey on top of the house - a dormer window should always be set within its roof."

Due to the third-floor appearance, this loft conversion directly conflicts with RA&E principle 2 of subservience, as it not only increases the building footprint to the width of the entire plot but also significantly increases the height of the building to add a third floor.

A dormer window on a smaller roof would fit in with the RA&E recommendations.

The Juliet balcony not only lets in light but also provides a fantastic view across gardens to the hills. However, this will remove the privacy that people have a right to.

Notably, this Juliet Balcony directly overlooks the land at the bottom of the garden to No.18, which according to the Site/block plan on the portal belongs to No. 20 - see the Site/Block plan on the planning portal. The Juliet balcony directly overlooks the garden of No. 20 Bournside Road and should not be allowed.

3. Increased Side Access / Spacing Between Properties

The proposed width of the house, along the garage and utility room, has been reduced by 0.3 of a metre, increasing the gap between the extension and the boundary from 0.7 metres to 1 metre. This represents a reduction of less than 2% of the entire extension; this reduction is not "substantial" (meaning large in size, number, or amount), as claimed. The small gap between the two houses, both in width and height, is likely to create a wind tunnel between the buildings. Others on the road who have experienced the same issue have brought it to our attention through their own experiences.

No. 18 has stated that the changes will provide "a generous 2.4 metre gap between the proposed side elevation at Number 18 and the existing elevation at Number 20". The current gap between No.18 and the boundary is 4.3 metres, which is generous. The newly proposed gap between No.18 and the boundary, to 1 metre (a change of 0.3 metres), is not significant and is not a "generous" gap.

Hence, it does not satisfy the RA&E framework section 2.0;3, which states This spaciousness derives from the spaces at the front, back and at the sides of buildings. Glimpses of trees, gardens and surrounding hills are essential if the spacious character of the town is to be maintained.

The view from Bournside Road between Nos. 18 and 20 of the listed Horse Chestnut trees at the rear of both houses will be significantly restricted. To note, the edge of the Cheltenham Central Conservation Zone is at the bottom of both rear gardens. Hence, the views from the Conservation Zone, through the current gap between 18 Bournside Road and 20 Bournside Road to Hatherly Park, will also be significantly impacted.

It's not only the gap between houses that matters; the new extension's three floors also increase the mass between the houses. The 0.3 meters increase in gap will provide very little "additional light between houses," as suggested.

5. Adjustment of Cladding Colour and Extent and the Removal of Front Porch and Column Posts

It is great to see these changes. I don't think they go far enough for the house to blend in with the other houses on the road, especially since there is still plenty of cladding on the proposed extension, particularly at the back, which emphasises the perception of a third floor.

29 Bournside Road
Cheltenham
Gloucestershire
GL51 3AL

Comments: 22nd April 2025

I am objecting to this proposal on the grounds of overdevelopment and erosion of street character and landscape.

I have been living on Bournside Road for 7 years now and in that time have seen a huge amount of development, more than half of which I would call excessive and not in keeping with the charming character of the road. We have extended our own property recently and it was of paramount importance to us to maintain our homes original features and character and also not make it 'too much house' for the plot and overshadow our neighbours homes and gardens.

The proposed development of 18 Bournside Road seems to have little intention of keeping any of the existing property and its features. It is one of the most beautifully symmetrical properties on Bournside Road, standing in a large plot of land, benefitting

from a huge amount of 'breathable' space around it. The new proposed development will erode all of this beauty and character and significantly gobble up the surrounding space to the detriment of all of those who live around it.

This proposal represents a significant overdevelopment of this plot and will set a detrimental precedent for future developments of which there will be many. I would urge full consideration to be given to protect the charm and character of Bournside Road - as many residents have already done so with their developments.

18 Bournside Road is a beautiful property which stands within a large plot of land. It has plenty of scope to create a more considerate, yet modern dwelling fit for this century whilst still paying full consideration to its character and that of the streetscape and surroundings.

21 Bournside Road
Cheltenham
Gloucestershire
GL51 3AL

Comments: 21st May 2025

We have seen the revised planning application for 18 Bournside Road and wish to comment further.

In our previous objections, a High Court judgment we quoted included the conclusion of the Judge about the necessity to not regard neighbours as only those living in adjacent properties etc. The neighbourhood and its existing character are very important. We do not understand how such a seemingly important judgment was not taken on board by this Planning Department who maintain that they are not required to put up planning proposal notices on this road or to notify more than the immediate neighbours and so did not do this with this application.

The gap between between 18 and 20 Bournside Road

We see just how little the distance between the two houses has been increased 18 Bournside Road has been increased. in fact, the distance from the new garage wall wall to the fence has increased only from 0.7m to 1.0m. In other words- by the length of a school ruler. Not much can fit along that width, in fact.

However, more importantly is the great reduction in space between 18 and 20 resulting from the the proposed three storey side extension which will have the effects previously mentioned which includes the 'massing' effect visually and the loss of light.

Roof Design

'Summary of Amendments to Revised Planning application 25/00520/FUL: 1. Alteration to Roof Design

'The steeped and angled height reduction over the side extension means this will now read visually as a two-storey addition (with just storage space to the loft conversion) further eliminating any appearance of a third -storey to the front elevations'.

Comment:

What is meant by 'just storage space' in such a huge increase in house size (something like 3x the original) is not clear but this very high angled roof above it means that the storage space is very large, as seen on the plans, so that with the addition of a dormer window or roof light any time in the future it has great potential as a further 'attic' room. Attic spaces should, therefore, be replaced by Dormer windows or windows in line with the angle of the roof. This would remove objections about invasion of privacy.

Changes in the appearance of the planned house alterations.

The removal of the columns at the front door and the Tea Green New England type cladding on the front elevation are an improvement, although the neutral/cream tone, at least, of cladding has been used over rather extensive areas- including on the second floor (or third floor- as both have been used to describe the third storey) around the very large Juliet window- which can hardly be described as being anything other than substantial. Privacy of those around has, again, not been the prime consideration but this is not the reason for installing a Juliet balcony. Rather it is so that anyone using that room will enjoy the views - especially in the late Autumn to early Spring.

Cladding on so many areas in an urban house is contentious- especially if it does not blend with the styles of houses in this section of the road. It has been tried once before and does stand out as being not in keeping with the style and building materials of this road.

There is no respect for the fact that this house stands out on the road in both style and extremely fine brickwork- despite being constructed in the 1950s. It is altogether as if, without actually demolishing this house, it is to be rebuilt.

The huge scale of the height of the roof, the very large three storey side extension and the virtual filling of the width of the site, and the effects on neighbours of lack of privacy from the 'attic' Juliet balcony and being too close to 20 Bournside Road, along with the obliteration of most of the brickwork with cladding and rendering means that we remain opposed to the present plans.

Comments: 20th April 2025

Objections to proposed alterations in appearance, size and side extension to 18 Bournside Road (Planning Application Reference: 25/00520/FUL)

I have lived on this road since August 1985- firstly at no. 74 and, since 2003, at 21 Bournside Road. Of course, ***** and I have seen many changes to properties- over the last decade in particular. Apart from one property, on our stretch of Bournside Road from its junction with Hatherley Court Road to the Bournside Road bend, which was allowed to have an outer appearance completely at variance with those of the other houses, extensions etc have been sympathetic, at least, to the essentially 1950s houses. People have managed to achieve their aims for larger houses without wanting to make dramatic departures from the overall feeling of the road. This is a leafy and very much loved road. Now there is the plan for 18 Bournside Road. This house is considered by very many of us as being special- it stands out as being unpretentious but so very lovely in architecture as it stands there. Yes, it is too small inside for modern day living so, when I first spoke to the new owners and was unsurprised to hear that they wished to expand it, I said all of this and hoped that their plans would be sympathetic. They are far from that.

The plans show a huge house occupying almost all of the width of the plot and it is, indeed, perhaps only about 60 cm from the boundary with 20 Bournside Road. There is also an extension into the back garden which has a third floor in the roof with a design which removes privacy from neighbouring gardens. There will be a three floor extension between 18 and 20 Bournside Road- where there was no extension before. This is

achieved by extending the roof line from the house to make a third floor for this new extension to accommodate an en-suite for Bedroom 1. The property will not keep its brickwork appearance but will be partly rendered. Very sad but even sadder is the idea to clad it as if it was a New England House on a distinctly non-New England road. Cedral Lap Fibre Cement cladding C76 Tea Green.....

As much house as possible is planned regardless of its impact on others and the character of the house, as it has at the moment, completely lost- even to the loss of the stone mullions

As for the effect of the planned extensions/alterations on 20 Bournside Road in particular, as we look across we can clearly imagine it. We leave it to them to state the obvious but lack of privacy, light, overdevelopment come to mind instantly.

We live backing on to the park and it is true that many houses have loft conversions with Juliet balconies. However, looking out onto the Park is hardly the same as spending your time looking out onto neighbours' back gardens since there is, realistically, nowhere else to look since the houses on the side of no. 18 tend to have very tall trees behind them and three storey houses backing onto them- without Juliet balconies as it happens- no doubt a planning restriction for privacy of Bournside Road houses! So not only are adjacent neighbours affected by a Juliet balcony and long windows/glass doors on no.18 but so are people in their bedrooms in the houses behind them.

It seems that people require so very much in their houses these days but to intend to build such an out of scale, overbearing property with no regard to the context of the locality is just far beyond what would be reasonable for this charming and well-built brick property. A gym could well have been accommodated in a garden studio/office....which are all the rage these days anyway.

In a case at The Royal Courts of Justice before The Hon. Mr. Justice Holgate on 3 February 2022

Between:

CAB HOUSING LIMITED Case No: CO/2763/2021 Claimant

- and -

(1) THE SECRETARY OF STATE FOR LEVELLING UP, HOUSING AND COMMUNITIES

(2) LONDON BOROUGH OF BROXBOURNE

etc., with which you will be far more familiar than we are, where different defendants were seeking clarification about aspects of The Town and Country Planning (General Permitted Development) (England) Order 2015 :

First, are the claimants correct in saying that a planning authority's control of impact on amenity limited to effects on properties contiguous with, or abutting, the subject property and are those effects limited to overlooking, privacy and loss of light? Alternatively, does that control embrace impact upon all aspects of the amenity of neighbouring premises, as the Secretary of State contends? Second, is the authority's control of the external appearance of the subject dwelling limited to the "design and architectural features" of its principal elevation and any side elevation fronting a highway, and is it further limited to the effects of those matters upon the subject dwelling itself? The claimants contend for that interpretation and they say that the authority is not allowed to consider the effects of external appearance upon any property outside the subject dwelling. Alternatively, is the correct interpretation, as the Secretary of State contends, that the control covers (1) all aspects of the external appearance of the proposed development, and not simply the two elevations specifically referred to in AA.2(3)(a)(ii)) and (2) impact upon other premises, and not simply the subject dwelling itself?

Paragraph 102: The Hon. Mr. Justice Holgate:

1. I summarise the court's main conclusions on the interpretation of Class AA of Part 1 of Schedule 2 to the GPDO 2015:

(i) Where an application is made for prior approval under Class AA of Part 1 of Schedule 2 to the GPDO 2015, the scale of the development proposed can be controlled within the ambit of paragraph AA.2(3)(a);

(ii) In paragraph AA.2(3)(a)(i) of Part 1, "impact on amenity" is not limited to overlooking, privacy or loss of light. It means what it says;

(iii) The phrase "adjoining premises" in that paragraph includes neighbouring premises and is not limited to premises contiguous with the subject property;

(iv) In paragraph AA.2(3)(a)(ii) of Part 1, the "external appearance" of the dwelling house is not limited to its principal elevation and any side elevation fronting a highway, or to the design and architectural features of those elevations;

(v) Instead, the prior approval controls for Class AA of Part 1 include the "external appearance" of the dwelling house;

(vi) The control of the external appearance of the dwelling house is not limited to impact on the subject property itself, but also includes impact on neighbouring premises and the locality.

When the one existing house on this stretch of Bournside Road was originally going to be entirely rendered but the plans changed to cladding, the Inspector said that black larch cladding was 'not considered particularly harmful to the street scene; to the front elevation,'. Why not? Many of us think otherwise. The interesting thing is that, at that time, the views of people living on this stretch of road in general were not sought- we did not even know that this was going to happen. Paragraph 102 : 1(iii) and 1(vi) show the need to inform more than next neighbours if impact on neighbouring premises and locality is to be judged. Surely this is down to more than a CBC Inspector's opinion as we live here. Thinking about a planning inspector's decision on the existing cladded house, the Inspector said that there were only 2 objections- hardly surprising if most of us had no idea of what was happening. It is not democratic when we are cut out of decision making by being kept uninformed. On top of which, some of us are reaching, or are, at advanced ages with health issues and may be unwilling to do what we are doing- raise our heads above the parapet and cause issues with a new neighbour when we feel that our voices will not be heard anyway.

Now we have the situation where the applicants can quote the cladded house and say that their house is not setting a precedent. Can you imagine this being allowed on Regency, Victorian and Edwardian houses on pleasant roads in Cheltenham? Why aren't 1950s houses given the same consideration? How can the tastes of an individual be allowed to affect the road so drastically? The Judge's rulings give the answer to this in that you are allowed to stand back and refuse aspects of an application if they are not desirable.

Please turn down this application and ask them to have more regard for the general 1950s architecture of the road, the house itself (definitely!) and for neighbours regarding scale and privacy.

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

June/July 2025

Address	Proposal	Delegated or Committee Decision	Appeal Type	Anticipated Appeal Determination Date	Reference

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
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

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)	n/a	Written Representations (Householder)	n/a	Planning Ref: 24/00828/FUL Appeal Ref: 25/00008/PP1
52 River Leys Cheltenham Gloucestershire GL51 9RY	Erection of a single dwelling, alongside a parking area, private amenity space and landscaping, alterations to a single dwelling driveway and private amenity space.	Delegated Decision	Written representation	n/a	Planning ref: 25/00245/FUL Appeal Ref: 25/00009/PP1

Calder Greenway Lane Charlton Kings Cheltenham Gloucestershire GL52 6LB	Roofing works for roof for Calder and Crossways flats.	Delegated Decision	Written Representation	n/a	Planning ref: 24/01798/LBC Appeal Ref: 25/00010/LISTB1

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
2 Kingscote Road East Cheltenham Gloucestershire GL51 6JS	Proposed dormer roof extension to existing garage to convert into ancillary bedroom accommodation.	Delegated Decision	Written representation	Appeal Dismissed	Planning ref: 12/01703/FUL Appeal Ref:25/00007/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	Appeal Dismissed	Planning ref: 24/00471/FUL Appeal Ref: 24/00019/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 10th June 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	Allowed	06.06.2025			
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	Dismissed	03.06.2025			
24/00828/FUL	25/00008/PP1	44 Springfield Close	HAS	08.04.2025	15.04.2025	n/a	n/a					
25/00245/FUL	25/00009/PP1	52 River Leys	written	20.05.2025	27.05.2025	24.06.2025	08.07.25					
24/01798/LBC	25/00010/LISTB1	Calder, Greenway Lane	Written	03.06.2025	10.06.2025	08.07.2025	22.07.2025					

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Appeal Decision

Site visit made on 21 May 2025

By G Powys Jones MSc FRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 June 2025

Appeal Ref: APP/B1605/D/25/3361667

2 Kingscote Road East, Cheltenham, GL51 6JS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Ashley Gibbons against the decision of Cheltenham Borough Council.
 - The application Ref is 24/01703/FUL.
 - The development proposed is described as proposed dormer roof extension to existing garage to convert into ancillary bedroom accommodation.
-

Decision

1. The appeal is dismissed.

Main Issues

2. These are the effects of the proposals on: (a) the character and appearance of its surroundings and (b) the living conditions of the neighbouring residents at 17 Wards Road with reference to privacy.

Reasons

Character and appearance

3. The appeal property, a detached brick-built dwelling, stands at the junction of Kingscote Road East (KRE) and Wards Road. Its double garage is set to the rear of the dwelling and fronts KRE which is a typical suburban street comprised of a mixture of house types. The garage has an internal set of steps leading to a storage area in the roof space. The appellant intends inserting two large flat roofed dormer structures either side of the garage's roof ridge to create more headroom for the living space and bedroom proposed at first floor level. Some skylights are also proposed in the flat roofed dormer. A shower room and toilet would be provided downstairs.
4. The existing building was extended in 2006 or thereabouts by the addition of a pitched roof. It is prominent in the street because of its frontage position and enlarged size, and rather utilitarian appearance, typical of a large garage. The introduction of the two large dormer structures which would occupy most of the space on either side of the roof would transform the appearance of the building. The result would be a very unattractive and ugly box-like structure which, in my view, would appear incongruous and harm the suburban characteristics and appearance of the street.

5. In the grounds of appeal the appellant offered to reduce the size of the dormers. However, that is not a matter for my consideration since I am required to determine the appeal on the basis of the presented plans subject of the Council's determination.
6. I conclude that the proposed development by reason of its poor design and incongruous appearance in a prominent location in the street would harm the character and appearance of its surroundings. Accordingly, a material conflict arises with those provisions 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.

Living conditions

7. I was not asked by the Council to visit a neighbouring property, so my assessment of this aspect is based on what I could see from the street outside.
8. The appellant says that there is already a level of mutual overlooking at the rear of Wards Road from the neighbouring upper windows and that a conservatory built at the rear of 17 Wards Road has an effect on their amenities. I could not see the conservatory in the light of the presence of intervening structures when viewed from the street.
9. However, one of the windows proposed in the rear dormer would be sited close to the appeal property's shared boundary with No 17 and on the basis of the application of basic geometry, No 17's rear garden and some of its rear windows would be clearly overlooked from this window at relatively close quarters. Although I note that No 17's residents have not objected to the proposal, planning is concerned with ensuring that residential amenities are maintained and not harmed. I could not conclude with any degree of certainty that would be the case here, since the extent of any overlooking already experienced would be intensified.
10. I therefore conclude that the proposed extension would harm the living conditions of the residents at No 17 by reason of an increased loss of privacy. Accordingly, a 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.

Overall conclusions

11. I have found against the appellant on both main issues. Accordingly, the appeal is dismissed.

G Powys Jones

INSPECTOR



Appeal Decision

Site visit made on 1 May 2025

by **Laura Cuthbert BA(Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 06 June 2025

Appeal Ref: APP/B1605/W/24/3350209

Little Duncroft, Evesham Road, Cheltenham, Gloucestershire GL52 3JN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs J Lawrence against the decision of Cheltenham Borough Council.
 - The application Ref is 24/00471/FUL.
 - The development is use of garage building as a standalone residential property with external cladding, easterly facing window, roof lights and boundary fencing.
-

Decision

1. The appeal is allowed and planning permission is granted for use of garage building as a standalone residential property with external cladding, easterly facing window, roof lights and boundary fencing at Little Duncroft, Evesham Road, Cheltenham, Gloucestershire GL52 3JN in accordance with the terms of the application, 24/00471/FUL, subject to the conditions in the attached schedule.

Preliminary Matters

2. In the banner heading above, I have deleted the words 'retention', 'retrospective' and 'resubmission' from the description of development as these relate to the merits or purpose of the appeal case, rather than the description of development.
3. The relevant planning history includes an earlier approval for the erection of a detached double garage with WC, gym and internal access to the roof space above¹. A 1.5 metre high timber boundary fence with landscaping adjacent to Evesham Road was also granted. A condition of that permission restricted the use of the outbuilding to ancillary accommodation associated with the existing dwelling. However, when the outbuilding was built in 2023, it was not built in accordance with the approved plans. Notably, a first floor two-bedroom apartment was incorporated, and the outbuilding is currently being advertised on Airbnb.
4. In light of the planning history of the site, and as confirmed by my site visit, the building itself is already in situ. Therefore, the application is partly retrospective. I also noted on site that whilst the appeal proposal involved the erection of a 1.8m fence, since the determination of the appeal application, the appellant has reduced the height of the fence down to 1.5m, to align with the previously consented arrangement. I have determined the appeal on this basis.
5. I am also aware of associated enforcement appeals, which are related to the unauthorised building and use as an Airbnb. These were submitted after the appeal before me now. For clarification, I am dealing with the description of development

¹ Application Reference 21/02763/FUL

as set out in the banner heading above, under Section 78 of the Town and Country Planning Act 1990.

6. A Unilateral Undertaking (UU) dated 11 June 2024 was submitted with the application to secure the necessary contributions towards Strategic Access Management and Monitoring (SAMM), as well as Suitable Alternative Natural Greenspace (SANG) in regard to the Cotswold Beechwoods Special Area of Conservation (SAC). This will be addressed further in my decision.

Main Issues

7. The main issues are the effect of the proposal on:
 - the character and appearance of the area: and
 - the integrity of the Cotswold Beechwoods SAC.

Reasons

Character and Appearance

8. The appeal site relates to a detached outbuilding, situated in the front garden associated with the existing property known as Little Duncroft. The appeal site is situated in a predominately residential area which runs along Evesham Road.
9. The character and grain of the surrounding area is varied, with some variation in the plot sizes and spaces between dwellings, including that of the recently constructed houses to the south. I observed that there is no dominant architectural style, with the local vernacular comprising an eclectic mix of built form, heights, materials and architectural composition. There was also a number of examples where plots had or have permission to be sub-divided, as well as existing frontage development with dwellings positioned behind. These all add to the variety of character and plot sizes in the area.
10. Due to the variation in the area, the sub-division of the plot would not be contrived, as alleged by the Council, nor would the position of the dwelling, forward of the existing dwelling of Little Duncroft, be particularly incongruous to the area. Furthermore, the layout of the site, with the position of the private garden area to the front of the proposal, would also not be inconsistent with the variation of built form and patterns of development that I observed. The resultant plot size of the proposal, as well as the reduced plot size of Little Duncroft, would be comparable to those in the surrounding residential area, and sensitive to the character of the locality. It would also be respectful of the building line along Evesham Road, with the proposal sitting on the same building line as the adjacent properties to the south. Therefore, the development would be respectful of the neighbouring development and would be a complementary addition to the area, respectful of the character and appearance.
11. It is appreciated that the building is larger, in both footprint and height, than that of the previously approved garage and that the windows in the west and east elevation are also different from those previously approved. However, the overall scale of the development is appropriate to the character of the locality and the design and size of the windows are sensitive to the local distinctiveness of the area. Furthermore, the use of cladding on the proposal is suitable, as cladding is

already used on some of the other new or extended dwellings in the area. Therefore, the materials are sensitive to its surroundings.

12. I note the concerns raised by the Council with the 1.8m fence which was originally proposed along Evesham Road. However, as already mentioned, the boundary fence would now be 1.5m in height, which would be appropriate in the streetscene. The 1.8m fence is still shown on the proposed site layout plan² so a condition would be attached for this element of the proposal to be omitted. Furthermore, in order to alleviate the impact of the new fence, a condition would be attached which would require a new hedge to be planted on the inside edge of the fence.
13. The Council have drawn my attention to the 'Development on Garden Land and Infill Sites in Cheltenham Supplementary Planning Document' (the SPD) (June 2009) which sets out 'guidance on layout and development patterns stating that the layout of development plays an important role in defining the character of an area including the grain, building lines and type of building'. However, the SPD also states that 'responding to character is not simply about copying or replicating what already exists in an area.....Change itself is not to be considered a bad thing automatically but change that results in harm to the character or amenity of an area will normally be unacceptable'. For the reasons set out above, I am satisfied that in these circumstances, the proposal would be in accordance with the SPD as it would complement and respect the character of the street and would not cause harm to the character and appearance of the area.
14. Therefore, the development, for the reasons set out above, would not harm the character and appearance of the area. It would be in accordance with Policy D1 of the Cheltenham Plan (2020) and Policy SD4 of the Gloucester, Cheltenham, and Tewkesbury Joint Core Strategy 2011-2031 (2017) which both seek to ensure that development will only be permitted where it complements and respects neighbouring development, the character of the locality, and enhances local distinctiveness. It would also be in accordance with guidance set out in the SPD, as well as Section 12 of the National Planning Policy Framework (2024) which seeks good design sympathetic to the local area.

Cotswold Beechwoods SAC

15. The site is within a zone of influence of the Cotswold Beechwoods SAC, which is afforded protection under the Conservation of Habitats and Species Regulations 2017 (as amended). The Cotswold Beechwoods SAC is mainly designated for its woodland flora and is very popular with visitors. Its qualifying features include Asperulo-Fagetum beech forests and Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia).
16. As set out in the Site Improvement Plan for the Cotswold Beechwoods SAC, public use of the Beechwoods has grown considerably over recent years and damage is becoming more widespread due to an increase in recreational pressure, for example by visitors walking, biking or exercising their dogs. That damage is likely to increase as more houses and holiday accommodation are built, leading to more visitors to the SAC.
17. It is therefore necessary for me, as the competent authority, to conduct an Appropriate Assessment in relation to the effect of the development on the integrity

² Drawing No 21-336/04

of the SAC. The evidence before me is clear that the proposal would have a likely significant effect on the SAC due to an increased disturbance through recreational activity from future occupiers of the dwelling. I must therefore consider whether measures could be put in place to avoid or mitigate these impacts.

18. To mitigate this effect, the Council have worked with neighbouring local authorities and Natural England to prepare the Recreation Mitigation Strategy for the Cotswold Beechwoods SAC (Mitigation Strategy) (Footprint 2022). Mitigation involves both SAMM and SANG contributions. In regard to SAMM, the per dwelling cost is £193. In regard to SANG, this will be at a standard rate of £480 per dwelling. Developer contributions for both SAMM and SANG will be collected through planning obligations through Section 106 agreements ('S106') or unilateral undertaking (UU).
19. As mentioned above, a UU has been submitted, which has secured the relevant combined mitigation contribution of £673.00 to cover both SAMM and SANG.
20. NE have been consulted accordingly. It is content that the mitigation measures set out above are sufficient to ensure that any adverse impacts on the integrity of the Cotswold Beechwoods SAC and its qualifying features can be avoided. NE also confirms that it is content that these measures can be secured by way of the UU. The Council have also now confirmed that they are no longer pursuing the second reason for refusal in relation to the SAC and that they are also satisfied that the UU secures the required mitigation measures.
21. Furthermore, I consider that the contribution is directly related to the appeal scheme. In addition, as it relates to a standard charge based on the scale of residential development proposed, I consider it to be fairly and reasonably related in scale and kind to the development. Therefore, the UU would meet the requirements of the Framework.
22. In view of the above, I am satisfied that the mitigation measures set out above can be appropriately secured by way of the UU. These mechanisms would enable the delivery of proportionate and relevant mitigation and are capable of being enforced. I therefore find within my AA that, with the provided mitigation, the proposal would not have an adverse effect on the integrity of the Cotswold Beechwoods SAC. The development would therefore comply with the Habitat Regulations.
23. The proposal would also comply with Policy BG1 of the Cheltenham Plan in this respect, which states that in order to retain the integrity of the Cotswold Beechwoods SAC, all development within the borough that leads to a net increase in dwellings will be required to mitigate any adverse effects.

Other Matters

24. The existing occupants of the neighbouring house to the south, Daneway House, have raised concerns in regard to the development and the impact it would have on their living conditions. They state that the front garden associated with the proposed dwelling would afford clear sight lines into their bedrooms on the east facing front elevation. However, this area is already garden land associated with Little Duncroft. The proposal would not result in any additional nor harmful levels of overlooking than the lawful situation. The clear glazed rooflights which would be on

the south elevation would be 1.7m above the floor levels of the rooms that they serve so would not offer harmful levels of overlooking.

25. Due to the position of the building within the plot, its height and the relationship with Daneway House and other neighbouring dwellings, the proposal would not result in any unacceptable loss of light, loss of outlook or loss of privacy. I also note the Council did not raise any objections to the development on the basis of the living conditions of existing occupants of neighbouring properties. I have no reason to come to a different conclusion on this matter.
26. The Highway Authority have raised concerns regarding the ownership of the access drive to serve the proposal. However, I note from the plan provided by the appellant that the public highway runs up to the redline boundary of the appeal site so 'there should be no doubt that the appellant can appropriately access the site', as submitted by the appellant. The Council have not provided any evidence to counteract this plan. Based on the evidence before me, I do not consider that it has been demonstrated that any alleged problems regarding land ownership and the access drive would prevent the development from being carried out.

Conditions

27. Even though the building is in situ, its use as a separate residential dwelling has not yet commenced, therefore, a condition setting a time limit for the commencement of the development is required by statute. It is necessary that there is a condition requiring the development to be carried out in accordance with the approved plans for certainty. As alluded to above, I have included a clause on the plans condition which omits consent to the 1.8m fence on the site layout plan.
28. In order to safeguard the privacy of the existing occupants of neighbouring dwellings, a condition which removes permitted development rights in relation to additional windows, doors and openings is considered necessary and reasonable. The provision of the necessary parking and turning facilities is also considered reasonable in the interests of highway safety and to ensure adequate car parking is provided.
29. To ensure the adequate provision and availability of cycle parking, a condition which secures the provision of secure cycle storage is considered necessary. In the interests of sustainable waste management and recycling, a condition requiring a scheme for the provision of refuse and recycling storage facilities is reasonable.
30. Finally, as already alluded to, in the interests of the character and appearance of the area, a condition which requires a hedge to be planted along the western side of the eastern boundary fence is considered both reasonable and necessary. I have amended this condition slightly to clarify that a 1.5m fence shall also be erected along this boundary.

Conclusion

31. The appeal scheme would comply with the development plan and as such, having considered all other matters raised, the appeal is allowed, subject to the conditions set out in the attached schedule.

Laura Cuthbert

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos 21-336 01 A , 21-336 03 E and 21-336 04 C, except in respect of the 1.8m high timber fence shown on plan 21-336 04 C.
- 3) Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and/or re-enacting that order with or without modification), no additional windows, doors and openings shall be formed in the building without express planning permission.
- 4) Prior to first occupation of the development, parking and turning facilities shall be provided in accordance with the approved plans. Such areas shall not be used for any purpose other than the parking and turning of vehicles and shall remain free of obstruction for such use at all times.
- 5) Prior to first occupation of the development, secure covered cycle storage shall be provided on site in accordance with details which shall have first been submitted to and approved in writing by the local planning authority. The cycle storage shall thereafter be retained available for such use in accordance with the approved details at all times.
- 6) Prior to first occupation of the development, a scheme for the provision of refuse and recycling storage facilities shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented in accordance with the approved details prior to first occupation of the development and shall be retained as such thereafter.
- 7) Notwithstanding the submitted drawings, a 1.5m timber fence shall be erected along the eastern boundary and a hedge shall be planted adjacent to the east boundary fence. It shall comprise of either Beech and Hornbeam whips, a Broadleaf Mixed Species hedge or an alternative species which, prior to planting shall have been agreed in writing by the local planning authority. The hedge/plants shall be 1.5 metres minimum in height when first planted and shall be planted during the next immediately available planting season following the date of this planning permission. The hedge shall be maintained for 5 years after planting and should any part of the hedge be removed, die, be severely damaged or become seriously diseased within this period it shall be replaced with hedge as originally required to be planted by this condition.