

Cheltenham Borough Council Planning Committee

Meeting date: 18 September 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

Phone: 01242 264 246

Agenda

1 Apologies

2 Declarations of Interest

3 Declarations of independent site visits

4 Minutes of the last meeting (Pages 5 - 14)

To approve the minutes of the meeting held on 21st August 2025.

5 Public Questions

6 Planning Applications

6a 25/00954/LBC - Pittville Pump Room, East Approach Drive, Cheltenham, GL52 3JE (Pages 15 - 24)

[Listed Building Consent Documents](#)

6b 25/01210/FUL - 41 Hales Close, Cheltenham, GL52 6TE (Pages 25 - 42)

[Planning Application Documents](#)

7 Appeal Update (Pages 43 - 88)

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



Cheltenham Borough Council Planning Committee Minutes

Meeting date: 21 August 2025

Meeting time: 6.00 pm - 7.35 pm

In attendance:

Councillors:

Frank Allen (Vice-Chair), Adrian Bamford, Garth Barnes (Chair), Barbara Clark, Jan Foster, Iain Dobie, Dr Steve Steinhardt, Suzanne Williams and Jackie Chelin

Also in attendance:

Chris Gomm (Head of Planning), Michelle Payne (Senior Planning Officer), Ben Warren (Senior Planning Officer) and Simon Aley (Locum Senior Planning Solicitor)

1 Apologies

Councillors Andrews, Oliver and Wheeler sent apologies. Councillor Chelin was present as a substitute.

2 Declarations of Interest

Councillor Clark declared an interest in 25/00380/FUL Pittville Pump Rooms, as a trustee on the Cheltenham Trust Board, and said she would leave the Chamber for that item.

Councillor Steinhardt declared an interest in 25/00788/FUL Scout Headquarters, Leckhampton Road as his son is a scout leader elsewhere in Cheltenham. It was agreed that this does not constitute a prejudicial interest, and he was therefore not required to leave the Chamber for that item and was allowed to remain and vote.

3 Declarations of independent site visits

Councillor Clark had visited the following sites:

- 25/00637/FUL 11 Hamilton Street
- 25/00848/FUL The Nurseries, Kidnappers Lane
- 25/00788/FUL Scout Headquarters, 207 Leckhampton Road

4 Minutes of the last meeting

The minutes of the meeting held on 17 July were approved as a true record and signed accordingly.

5 Public Questions

There were none.

6 Planning Applications

7 25/00380/FUL - Pittville Pump Room, East Approach Drive, Cheltenham, GL52 3JE

Councillor Clark left the Chamber.

The planning officer presented the application as set out in the report, with a recommendation to permit, subject to conditions.

There were no public speakers.

In response to Members' questions, the officer confirmed that:

- he could not say what type of food trailer would be permitted at the site, and some would clearly be considered inappropriate in this setting, but could confirm that the conservation officer will need to see the details before the food trailer is agreed;
- it would not be appropriate for the discharge of conditions application, with regard to the trailer details and implementation of cladding works, to come back to Planning Committee for review, as this function lies with officers. If Members are concerned about an inappropriate trailer or unattractive cladding being allowed, they should not vote in support of the application, but officers are confident that these matters can be dealt with by condition, whilst allowing the applicant a degree of flexibility;
- when originally submitted, the application lacked detail and justification around the economic impact of not having a trailer providing refreshment on the Trust's ability to maintain the building and retain the visitor asset. Officers sought further information and were advised that the café had provided vital income for the Trust to maintain the building, and helped as an income stream for other Trust-run buildings and events around the town. In addition, with a lot of planned maintenance required for the Pittville Pump Rooms, some of its usual functions may be out of action, and income from the trailer is likely to help make up some of the short term loss;

- the applicant's submission states the intention to put tables and chairs out each day, either on the hardstanding or under the portico of the main frontage of the Pump Rooms. No permanent seating or covered area is proposed.

Debate

In debate, Members made the following points:

- Section 16 of the NPPF is concerned with conserving and enhancing the historic environment, and not knowing the full intention of the applicant regarding the type of vehicle and the positioning of the tables and chairs adjacent to a Grade 1-listed building is worrying – the council should be trying to preserve the outlook to the very best of its ability;
- when the original café application came before the committee, a strong economic case was made for retention of the facility constructed during the pandemic. Although it was relatively well obscured from most aspects it was not permitted, and since then, the Trust has been looking for ways to minimise the substantial loss of income. Although the lack of detail is a concern, the Trust cannot propose anything more minimal than this, and residents and visitors enjoy having a refreshments area in this location;
- although serious consideration needs to be given to the cladding and the design of the trailer, it is crucial that the Trust gets the support it needs to maintain, fund and supervise the Pump Rooms with minimal impact on its heritage and appearance, and the proposal is therefore worth supporting;
- people want the Pump Rooms to be a destination, not just a postcard view. The trailer will add social value, and while it is a poor alternative to a permanent café, it should be supported.

Vote on officer recommendation to permit

6 in support, 1 against, 1 abstention

PERMIT

Councillor Clark returned to the Chamber.

8 25/01013/FUL - 2-20 Grevil Road, 44-64 Orchard Way and 210-228 Arle Road, Cheltenham

The case officer presented the application as set out in the report, with a recommendation to permit.

There were no public speakers, no questions and no debate on this item.

Vote on officer recommendation to permit

9 in support – unanimous

PERMIT

9 25/00637/FUL - 11 Hamilton Street, Charlton Kings, Cheltenham, GL53 8HN

The officer presented the application as set out in the report, with a recommendation to permit, subject to conditions.

Public Speaker, in objection

The neighbour began by saying that residents and businesses were in favour of development of the site, but 29 households had objected due to serious concerns about the impact of the proposal on their lives, mainly around parking:

- Hamilton Street is short and narrow, with insufficient on-road parking for existing residents, who compete daily with staff and customers of the Six Ways businesses. Despite campaigning, no solutions have been implemented, and a further 12 homes with no additional parking will exacerbate an already dire situation. This point was raised in the highways report of 16 May, but the report of 05 August states that the plans are acceptable, given the sustainable location;
- most residents own cars, and with protected bin store access, there will be room for only six cars outside the development, in conflict with Gloucestershire County Council parking standards;
- lack of spaces and very tight parking cause many issues, including the road being used as a rat run especially during rush hour; residents forced to park a considerable distance from their homes; dangerous and illegal parking and reversing; road blockages due to deliveries and unloading; and pavement parking which forces wheelchair and pushchair users and people with walking aids into the road. 12 extra households without parking provision will make the situation more difficult and dangerous for everyone.

In addition, she said that:

- neighbours regard the current application as overdevelopment, and not in keeping with the locality;
- privacy will be severely impacted, particularly for residents of Oakland Street;
- the proposal is contrary to the Local Plan, Supplementary Planning Document, and GCC Manual for Streets.

She ended by reiterating that residents are not opposed to redevelopment of the site but urge decision-makers to consider the severe highways issues and hold out for a more suitable proposal that sits comfortably in the locality and limits negative impacts to create a safe, functioning, living environment for all.

Questions

In response to Members' questions, the officer confirmed that:

- the second highways comment raised no objection, noting that drivers currently park on the highway and the proposal will not create a situation that doesn't already exist. The fact that drivers park over drop kerbs was not specifically addressed, and highways officers did not give any indication of where cars should be parked instead;
- although the dropped kerbs may appear to be just low kerbs, they were assessed by highways officers and a traffic consultant as dropped kerbs; drivers

should not park their cars across them, but the realistic situation is that they do already, and this will not change as a result of the proposed development;

- the proposal provides 17 secure, integral cycle parking spaces for 12 apartments;
- there is a regular bus service between Six Ways and the town centre;
- she was unable to comment whether or not highways officers conducted a site visit when assessing the application;
- it is not possible to include a condition removing the right of residents to apply for parking permits in the area.

Debate

A Member started the debate with the following comments:

- although it can be argued that redevelopment of the original buildings is the best option for site, it could be done more sensitively, for example with fewer dwellings, more back bin storage and, critically, more consideration of highways issues;
- highways comments do not match the reality of the site, and with no space provided for cars, and the parish council's comments that the street is used as a rat run, the impact on traffic in the area will be immense, both during office hours and at night;
- it is disappointing that the impact of this on wheelchair and pushchair users and other people with disabilities does not appear to have been addressed in the report – the pavements will be impassable and not helped by the proposal;
- the lack of affordable housing is also disappointing and a disservice to younger residents or anyone trying to get a foot on the property ladder.

For these reasons, the Member suggested that the decision should be deferred. The Head of Planning said that the only planning reason for deferral is lack of sufficient information to make a decision, which isn't the case here; it cannot be implemented simply because the committee doesn't want to make the decision.

Another Member welcomed the proposal to redevelop the site, which would improve its appearance and provide homes, but shared the disappointment with highway comments, saying that parking is already a huge problem for residents in the area and with no mitigation, the proposal will make matters much worse. She wasn't happy with these aspects of the overall proposal but was concerned that deferral would achieve nothing.

The legal officer confirmed this, saying that disappointment with highways comments were not grounds for deferral.

In further comments, Members said:

- the decision is clear cut – Members must weigh up the impact on the local environment and whether they are comfortable with parking issues against the desperate need for housing; deferral will make no difference;
- a stronger transport assessment and further traffic consideration from the developer, justifying the highways response, would be helpful. Substantial

discussions between the applicant and officers must have taken place but there is no evidence of this in the planning documents or the report;

- voting against the application on highways grounds or for a deferral will have the same effect: the applicant will be able to submit a revised scheme, taking Members' comments into account;
- Members should have all the information they need to make a decision, but in this case they don't, which is why deferral is a better option – to allow the applicant to provide further information.

The Chair could see no reasons for deferring, which should always be a last resort. He agreed that officers will have already had extensive discussions with the applicant and have provided all the information they feel members need in the report.

Vote on move to defer

1 in support, 8 in objection

NOT CARRIED

The debate continued with the following comments from Members:

- the layout suggests that the accommodation proposed is likely to be suitable for young people starting on or moving up the property ladder – a group of people who are currently suffering greatly in Cheltenham, with a shortage of suitable accommodation. In view of the council's stated aims to make more accommodation available, it would be bizarre if the planning committee rejected a good application which will help the situation;
- it is an exaggeration to say the traffic impact will be immense – people living here are quite likely to walk, cycle, or use the bus. Members need to balance scare stories about traffic with the acute need for accommodation – it would not look good for the council if this scheme was to be rejected on highways grounds;
- there are excellent public transport links, and we all need to move towards a culture where public transport is used more. While sympathising with car owners already living in this location, would anyone with a car consider moving here, in view of the lack of parking?
- the town needs more homes and this site needs to be redeveloped, but it is a fantasy to suggest that the proposal won't have a significant impact, and we kid ourselves by calling it sustainable development. There are better ways to provide affordable housing and more places for young people to live, without impacting on an existing neighbourhood. We are a council of balance, we don't have to maximise development of every site if the impact on the locality will be severe, and a rational, balanced approach to this application is needed.

The case officer returned to an earlier Member comment, saying that the application is accompanied by Transport Note 3, relating to the pre-app and previous scheme and providing details of discussions with highways officers referred to in the report. She said the previous scheme was for seven new houses, and highways officers suggested at the pre-app stage that no additional parking was needed as the number of vehicles associated with the existing commercial use, if operational, was equivalent to what would be created by seven new dwellings. She said the

application moved forward with the conversion scheme on that basis, with the accommodation now proposed across the site expected to result in the same level of parking demand. She said it would be difficult to show a severe impact on parking as a result of the scheme.

The Member apologised for not having noted the transport assessment and withdrew his previous comments.

A Member felt that there was a difference between seven houses and 12 apartments, and regretted the lack of reassurance that highways officers had actually visited the site to carry out their assessment, and the fact that a highways officer wasn't present to answer questions on this highly emotional decision. The Chair confirmed that highways officers had been invited to the meeting but were unavailable.

Vote on officer recommendation to permit

6 in support, 1 in objection, 2 abstentions

PERMIT

10 25/00848/FUL - The Nurseries, Kidnappers Lane, Leckhampton, Cheltenham, GL53 0NR

The case officer presented the application as set out in the report, with a recommendation to permit, subject to conditions.

The Chair expressed disappointment that the Member who called the application in was not present to explain the reasons for the call-in.

Public Speaker

Landscape architect, in support

The speaker said he has 35 years' professional experience and is familiar with the area, the local green space and the value attached to it, considering the open rural character and visual amenity to be enhanced by the present equestrian land use. He made the following points:

- replacing the existing stable block, which is in a poor state of repair and detracts from local visual amenity, provides an opportunity to enhance the landscape, the proposed building having a smaller footprint and lower ridge and eaves height, and better aligning with the existing settlement pattern on Kidnappers' Lane. It will maintain recognisable equestrian characteristics, will not introduce any new features or activities likely to cause harm to the landscape character or character of the wider local green space, and the smaller footprint provides an uplift in biodiversity net gain;
- in visual terms, the new stable block is orientated to avoid disruption of views towards Leckhampton Hill and the escarpment, particularly from Kidnappers' Lane. It aligns with the existing backdrop of established vegetation at the field boundary adjacent to residential properties, which already partly screens views towards the hill, and from Kidnappers' Lane the vegetation forms a backdrop against which the narrow side profile of the stable will be seen;

- the location and orientation of the proposed stable will not interfere with general views from the Public Rights of Way (PROW) in the field, with users retaining clear views along the route in both directions.

He hoped that Members would support the recommendation to permit the scheme.

Questions

In response to Members' questions, the officer confirmed that:

- no discussion took place with the applicant about redeveloping the existing stable block structures; officers only considered the scheme as proposed;
- regarding the PROW, the team at Gloucestershire County Council was consulted and provided a generic response. This was forwarded in full to the applicant's agent, who advised that the PROW would not be impacted, and there was no need to divert or extinguish them. He was aware, however, that if a PROW was impacted even on a temporary basis, advice from the county must be sought;
- the NPPF states that any development in local green space needs to be considered in line with greenbelt policy, except for grey belt (previously developed) land. This site is not considered as grey belt and the application was therefore assessed as greenbelt development;
- any suggestion or supposition that the proposed development would block the viewpoint allowing further development to be inserted behind the stable block was speculation and could not be taken into account;
- the proposed hardstanding will be permeable;
- the area currently occupied by the old stable block and hardstanding will be returned to green land when the stable is demolished – this is conditioned to happen within one calendar month.

Debate

There was no further debate.

Vote on officer recommendation to permit

9 in support - unanimous

PERMIT

11 25/00788/FUL - Scout Head Quarters, 207 Leckhampton Road, Cheltenham, GL53 0AL

The officer introduced the application as set out in her report, recommending that permission be granted, subject to conditions.

The Chair repeated his concern that the Member who called the application in to committee wasn't in attendance.

Public speakers

Neighbour, in objection

The neighbour began by saying that he and other neighbours whose properties back onto the site have no objection to a new scout hut, recognising that the current building is outdated and needs replacing. They are, however, concerned about the siting of the proposed building and the potential for noise and disruption:

- the proposed building is substantially larger than the existing, and although the consultant has advised that the intensity of use won't increase, the scout trustees have stated that, while the building will be used first and foremost for scouting, they anticipate higher levels of usage, from inclusive youth programmes to other local organisations which lack suitable venues. This raises serious concerns for residents, increasing the potential for noise and late night activities. The planning officer has said that permission is recommended subject to conditions, but there appears to be no mention of this in the report. Residents request, therefore that consideration is given to a condition regulating use of the premises;
- a major concern for neighbours is that the new building is proposed just 5 feet from their rear fences, with the drop to Leckhampton Hill held in place by a substantial retaining wall. They would therefore request that the new building is stepped back by a couple of feet. The trustees have stated that there will be a significant gap between the new hut and the retaining wall, larger than the existing gap, but there doesn't appear to be any mention of this in the report or conditions. Neighbours request that steps are taken to ensure that this happens

Resident, in support

Speaking as a trustee of the scout group and a parent, the speaker made the following comments:

- the development is necessary to continue the provision of a valuable service. The scout hut has served the community for over 50 years, benefitting thousands of children and community groups. The building is dilapidated, poorly insulated, and lacking modern facilities, including accessibility features; redevelopment will address these issues and provide valuable services for years to come;
- the scout group is a responsible neighbour, and although in place long before the adjacent houses, has made every effort to respect neighbours' interest, with no noisy or late-night activities, and actively encouraging participation at events. Neighbours have been extensively consulted on the proposed design, resulting in fewer windows facing their properties, more sound insulation, and the increase in height kept to a minimum of 20cm;
- the proposed development has broad community support, with more than a hundred children enrolled at any one time, all supportive of the proposal. Responses in support outweigh those in objection, and the planning consultant who has supported preparation of the application on a pro bono basis is a resident of Leckhampton Views.

Questions

There were no Member questions

Debate

Members made the following comments:

- the report is balanced, reasonable and rational, and there are no planning grounds to refuse the application;
- the importance of the scout movement cannot be overstated, with children and young people on the streets susceptible to crime, and a lack of third party community spaces in the town. This proposal is absolutely necessary to allow the scouts to continue their important work;
- the small increase in height will not impact views – although this is not a planning consideration.

The Chair said everyone endorsed the importance of the scouting movement.

Vote on officer recommendation to permit

9 in support – unanimous

PERMIT

12 Appeal Update

An Appeals Update had been circulated and was noted by Members.

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

There was no other business.

Officer Report

APPLICATION NO: 25/00954/LBC	OFFICER: Mr Peter Ashby
DATE REGISTERED: 20th June 2025	DATE OF EXPIRY: 15th August 2025
DATE VALIDATED: 20th June 2025	DATE OF SITE VISIT: 20th August 2025
WARD: Pittville	PARISH: -
APPLICANT:	Cheltenham Borough Council
AGENT:	-
LOCATION:	Pittville Pump Room East Approach Drive Cheltenham
PROPOSAL:	Removal of existing deck to the main floor, installation of a new floor deck.

RECOMMENDATION: Grant



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 Pittville Pump room was constructed 1825-30 by the architect John Forbes. It is one of the finest buildings in Cheltenham and is constructed in ashlar stone over brick with a prominent slate and copper dome.
- 1.2 The building is situated in a prominent and slightly elevated setting within Pittville Park (Grade II Registered Park and Garden) as well as within a Conservation Area. Being of the highest heritage significance and incorporating wide-ranging heritage value, it is designated Grade I, and as such is in the top 2.5 % of listed buildings.
- 1.3 The application involves the strengthening of supporting sleeper walls within the existing floor void and the replacement of the existing floor deck in the principal area.
- 1.4 In 2023, the Pump Room was closed following a plasterwork survey indicating the building was unsafe, due to cracks and delamination of the internal plasterwork. Repairs were undertaken to address the defects throughout the main hall, ceilings and dome by specialist conservators and the building was made safe and reopened in 2024.
- 1.5 The proposed floor strengthening work will enable high level access via a Mobile Elevating Work Platform (MEWP) to high level internal historic fabric throughout the Pump Room main hall. This is required to conduct condition surveys, close-up inspections and conservation monitoring of historic fabric. Previously, this was only possible with extensive platform scaffolding, which being both costly and time-consuming has meant access has been infrequent. With the use of the MEWP, an essential biennial close-quarter plasterwork survey and remedial work will be delivered effectively with flexible access to localised areas of disrepair as they arise. The floor strengthening will allow for effective delivery of repairs and maintenance to the Pittville Pump Room, ensuring its longevity in terms of both building condition and safe use of the building.
- 1.6 Access via a MEWP is deemed too heavy for the existing floor loading.
- 1.7 The proposed scope of works includes three stages – a) Removal and disposal of the existing floor deck in the main hall, b) Floor strengthening works in the floor void including installation of further joists and building up of sleeper walls. c) Installation of a new floor deck.
- 1.8 The application is before the Planning Committee because Cheltenham Borough Council is the applicant.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Conservation Area
Listed Buildings Grade 1
Principal Urban Area

Relevant Planning History:

24/01008/PREAPP 2nd October 2024 CLO

Future of the Orangery at the Pump Room expiring on 1st November 2024 - Siting of catering van for cafe use and retention of existing storage and toilet facilities in car park. An extension of time on the temporary consent is required.

07/00362/LBC 25th May 2007 GRANT

New gates and railings at East Approach entrance and West approach entrance to Pittville Pump Rooms and park

07/01529/LBC 22nd January 2008 GRANT

Removal of maple boarding on battens laid over original pine boarding and replacement with oak boarding on plywood underlayment over pine boarding, with reinstatement of existing heating system to Main Hall and Spa Room and addition of solar panel assembly mounted on external parapetted flat roof over Oval Room

19/00485/LBC 4th June 2019 GRANT

To remove asbestos cement promenade tiles from the flat roof to the rear of the Pittville Pump Rooms 1960 extension, repair existing asphalt covering and overlay with liquid applied waterproof membrane colour to match existing, renew 10 nr circular skylights using white GPP to match existing profiles, with triple skin polycarbonate skin to adjacent existing leads and copper flashings to suit

20/01702/LBC 21st December 2020 GRANT

Investigate survey to open up three sections of the balcony

20/01899/LBC 29th April 2021 DISPOS

Installation of 8no. speakers located under the colonnade to supply music and announcements to the colonnade area of the Pump Rooms.

21/00579/LBC 21st May 2021 GRANT

To replace six cracked and unsafe slabs like for like

21/01391/DISCON 23rd June 2021 DISCHA

Discharge of conditions 3 (Details of materials) of planning permission 21/00579/LBC to replace 6 cracked slabs

21/01687/LBC 17th September 2021 GRANT

Installation of new gates and railings at East and West Approach Drives and associated alterations, and restoration of c19th steps to the front of the Pump Rooms

21/01687/FUL 17th September 2021 PER

Installation of new gates and railings at East and West Approach Drives and associated alterations, and restoration of c19th steps to the front of the Pump Rooms

21/01874/LBC 1st November 2021 GRANT

Removal of defective insulation and roof covering on the balcony, timber repairs, repointing of stone steps, addition of rodding point

21/02449/DISCON 8th November 2021 DISCHA

Discharge of conditions 3 (Repair and maintenance works) and 4 (Roofing material) of listed building consent ref. 21/01874/LBC

21/02560/FUL 23rd February 2022 WDN

Installation of 2 no. temporary buildings and associated services for a period of 3 years on existing hardstanding adjacent to the Pittville Pump Room, to comprise a storage unit and public WC unit to be associated with the existing outdoor cafe and associated events.

21/02560/LBC 22nd November 2021 NOTREQ

Installation of 2 no. temporary buildings and associated services for a period of 3 years on existing hardstanding adjacent to the Pittville Pump Room, to comprise a storage unit and public WC unit to be associated with the existing outdoor cafe and associated events.

21/02618/FUL 3rd December 2021 WDN

Proposal to retain the current temporary Orangery structure on a permanent basis

21/02618/LBC 25th November 2021 NOTREQ

The proposal seeks to retain the current temporary structure and confirms the layout and arrangement within the application for further detail (retrospective)

22/00340/LBC 22nd April 2022 GRANT

Various repairs works

22/01439/FUL 21st October 2022 REF

Temporary change of use of land for up to two years for the siting of an orangery structure to be used as a cafe and the siting of ancillary toilets and storage facility

23/00372/FUL 16th June 2023 PER

Temporary change of use of land for up to 20 months for the siting of an orangery structure to be used as a cafe and the siting of ancillary toilets and storage facility (Revised submission to 22/01439/FUL)

25/00380/FUL 22nd August 2025 PER

Temporary change of use of land for the siting of a trailer/vehicle as a servery and retention of ancillary mobile toilets and store, plus over-cladding of toilets and store.

3. POLICIES AND GUIDANCE

National Planning Policy Framework

Section 2 Achieving sustainable development

Section 3 Plan-making

Section 4 Decision-making

Section 16 Conserving and enhancing the historic environment

Adopted Cheltenham Plan Policies

D1 Design

Adopted Joint Core Strategy Policies

SD3 Sustainable Design and Construction

SD8 Historic Environment

4. CONSULTATIONS

Gloucestershire Centre For Environmental Records

27th June 2025 - Report available to view in documents.

Historic England

28th August 2025 - Thank you for your letter of regarding further information on the above application for listed building consent. On the basis of this information, we offer the following advice to assist your authority in determining the application.

“Following our site visit last week, we can confirm that it is very unlikely that the retained pine floor under the existing floor finishes is original and judging from the underside appearance and board widths is likely to be 19th or early 20th century. Its contribution to overall significance of the Pump Rooms is relatively low.

Given that the proposals provide an opportunity to replace the existing light floor finish with something more befitting and recognising the rationale for the new floor to gain easier access for ceiling repairs, its loss is justified.

There was discussion over the treatment of the floor edges, where a gap is required for tolerances and whether beading would be the most appropriate solution. We consider that beading may appear untidy and this could only be used along straight edges and not around columns. Therefore, a similar solution to that used for the existing modern floor would be satisfactory.

Subject to suitable sample for the floor finish to be agreed, we support the proposals, recognising the purported benefits of the scheme”.

Planning Legislation & Policy Context

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

When considering the current proposals, in line with paragraph 207 of the NPPF (December 2024), the significance of the asset requires consideration. The significance of materials that make up the existing floor of the Grade I building needs to be properly understood.

Paragraph 212 states that in considering the impact of proposed development on significance, great weight should be given to the asset's conservation and that the more important the asset the greater the weight should be. The Pittville Pumproom is Grade I, a heritage asset of the highest significance. Paragraph 213 goes on to say that clear and convincing justification is needed if there is loss or harm.

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

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

Recommendation

Historic England has no objection to the application on heritage grounds. We consider that the application meets the requirements of the NPPF, in particular paragraph numbers 212 and 213. In determining this application you should bear in mind the statutory duty of section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.

Your authority should take these representations into account in determining the application. If there are any material changes to the proposals, or you would like further advice, please contact us. Please advise us of the decision in due course.

Historic England

8th July 2025 - Thank you for your letter of 23 June 2025 regarding the above application for listed building consent. On the basis of the information available to date, we offer the following advice to assist your authority in determining the application.

Historic England Advice

Significance of Designated Heritage Assets

Pittville Pump room of 1825-30, with restorations and alterations of 1949-60 was designed by John Forbes for William Pitt. Considered to be the finest in Cheltenham and constructed in ashlar over brick with slate roof and copper dome, the details based on Stuart and Revett's engravings of the Temple of Illissus.

It is situated in Pittville Park (Grade II Registered Park and Garden) and the Cheltenham Conservation Area. Being of the highest heritage significance and holding wide-ranging heritage value, it is designated as grade I, and as such is in the top 2.5% of listed buildings. Therefore, greater weight should be given to its conservation. The National Planning Policy Framework (NPPF) defines 'conservation' as 'the process of maintaining and managing change to a heritage asset in a way that sustains and, where appropriate, enhances its significance'.

Summary of proposals.

The application proposes the replacement of the existing floor deck in the main part of the pump rooms.

Impact of the Proposed Development

While the submitted Heritage Statement does not provide a proportionate account of the significance of the Grade I building, we understand that the existing top floor layers are modern and were overlayed over what may be the original pine floor. This work was approved in 2008 (ref: 07/01529/LBC). Some further investigation into the significance of this floor construction would be useful to inform the impacts. The existing cross sections show that the supporting brick walls, upon which the floor joists are laid, are supported on concrete foundations, which may indicate that the entire floor construction has been replaced, although possibly re-using the historic floor boards?

The proposed replacement floor deck would be composed of three layers to match the existing depth of the existing floor, with two layers of flooring grade plywood finished with solid oak floorboards. The loss of potential historic fabric could be harmful to significance and given the Grade I status of the Pump Rooms, it is highly sensitive to change.

The proposed strengthening of the brick support walls with ply sheathing is unlikely to have an adverse impact, although without indication of whether the floor void is already, or would be vented, the use of ply may not be the best long-term solution, if this were to be prone to condensation. Your Building Control colleagues may be able to provide some technical advice on this.

Subject to samples, a replacement of a modern oak floor finish would have minor visual impact.

Planning Legislation & Policy Context

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

When considering the current proposals, in line with paragraph 207 of the NPPF (December 2024), the significance of the asset requires consideration. The significance of materials that make up the existing floor of the Grade I building needs to be properly understood.

Paragraph 212 states that in considering the impact of proposed development on significance, great weight should be given to the asset's conservation and that the more important the asset the greater the weight should be. The Pittville Pumproom is Grade I, a heritage asset of the highest significance. Paragraph 213 goes on to say that clear and convincing justification is needed if there is loss or harm.

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

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

While we are persuaded of the justification to replace the existing floor, which will provide easier and less costly access to repair the higher levels and ceilings of the main space, there is some uncertainty to the heritage values associated with the existing pine floor, which was retained when the floor was last replaced.

While we do not object to oversailing this floor finish with the new floor, which would also protect it, we would be concerned over its loss, if it is discovered that it was the original finish. Therefore, a solution that retains this should be sought.
Recommendation

Historic England has concerns regarding the application on heritage grounds. We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 212 and 213 of the NPPF. In determining this application you should bear in mind the statutory duty of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.

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

Building Control

30th June 2025 - This application may require Building Regulations approval. Please contact Cheltenham and Tewkesbury Building Control on 01242 264321 for further information.

5. PUBLICITY AND REPRESENTATIONS

- 5.1** A site notice was posted on 3rd July 2025 and a notice published in the Gloucestershire Echo on the same day.
- 5.2** No representations have been received.

6. OFFICER COMMENTS

- 6.1** Unfortunately, there are no as-built records of the original flooring so it is unknown what the original flooring would have been. Current records are not conclusive of the current flooring material, though at least the top and middle layer have been replaced within the last twenty years.
- 6.2** According to a previous Listed Building Consent application (07/01529/LBC), in 2008 the pine layer was overlaid with maple. The application proposed replacement of the maple with plywood and oak on top. From previous inspection of the existing floor deck through small access panels, the existing floor deck is made up of a layer of oak. Below is either two layers of plywood or a layer of plywood followed by the red pine.
- 6.3** The condition of the current floor is deteriorating with some localised splits in places and has been sanded and resealed several times over the years.
- 6.4** The proposed replacement floor deck is composed of three layers to match the existing depth of the deck, with two layers of flooring grade plywood followed by solid oak floorboards on top.
- 6.5** A discreet access hatch flush to the new floor deck will be installed to provide access limited to contractors as access the spa well as needed. This will significantly improve the safety of access and egress to the well.
- 6.6** It is proposed that a small oak perimeter skirting will be carefully installed in addition to the existing early/original skirting board to be retained. The purpose of the perimeter skirting is to cover the expansion/movement gap which is necessary for this type of flooring. The current flooring has no expansion gap and is infilled with cork, which is not considered best practice.
- 6.7** The materials of the floor strengthening works within the void will match existing, such as new timber joists and new brickwork to build up a brickwork sleeper wall as fully detailed within the structural engineer's application drawings. New plywood sheathing will be introduced into the floor void to strengthen the existing timber stud walls. The floor strengthening work will not be visible during everyday use of the building once complete. The sleeper wall works will be entirely covered by the new flooring deck.
- 6.8** The floor strengthening will improve access and enable high level internal access via a MEWP. This will ensure the recommended biennial plasterwork survey and repairs can be conducted comparatively easily and swiftly. The use of the MEWP will also allow for any other high-level maintenance and repair work required, which could include, though is not limited to, cleaning, redecoration, chandelier cleaning and inspections, and internal timber repairs (to dome windows).
- 6.9** By undertaking the flooring works, the original fabric that contributes to the building's significance will be more readily accessible and appropriately conserved. All building fabric will be protected throughout the works.
- 6.10** Historic England raised concerns that the flooring directly under the existing floorboards may be worthy of retention. However, a site visit took place on 20th August and the underside of the floor was inspected which addressed their previous concerns. Historic England have subsequently confirmed they have no adverse comments regarding the application.

7. CONCLUSION AND RECOMMENDATION

- 7.1 The proposed works are justified to enable conservation of the high-level historic fabric of the building via MEWP access. The works allow for effective delivery of repairs and maintenance to the Pittville Pump Room. This will ensure its longevity in terms of both building condition, historic high-level fabric and safe use in the future.
- 7.2 The MEWP access will ensure a safe, working from height platform and comply with current Health and Safety Legislation whilst also ensuring the interior of the building remains a safe environment for all users of the building.
- 7.3 In view of the above, provided the conditions are complied with and forthcoming details and approved, it is recommended listed building consent is granted.

8. CONDITIONS

- 1 The listed building consent 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 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 The listed building consent 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 In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority and development shall be halted on that part of the site affected by the unexpected contamination. An investigation and risk assessment must then be undertaken in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR11 and a remediation scheme, where necessary, also submitted. Following completion of measures identified in the approved remediation scheme, a verification report shall be submitted to and approved in writing by the Local Planning Authority before development can recommence on the part of the site identified as having unexpected contamination.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with adopted policy SD14 of the Joint Core Strategy (2017).

- 4 Prior to the commencement of development, including any works of demolition or site clearance, a Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority.

The approved method statement shall be adhered to throughout the development process and shall, where necessary:

- i) specify the type and number of vehicles expected during the construction of the development;
- ii) allocate space for the parking of vehicles for site operatives and visitors;
- iii) allocate space for the loading and unloading of plant and materials;

- iv) allocate space for the storage of plant and materials used in constructing the development;
- v) specify the intended hours of construction;
- vi) specify measures to control the emission of noise, dust and dirt during construction;
- vii) provide for wheel washing facilities; and
- viii) specify the access points to be used and maintained during the construction phase.

Reason: To minimise disruption on the public highway and to adjacent land users, and accommodate the efficient delivery of goods and supplies during the course of the construction works, having regard to adopted policy INF1 of the Joint Core Strategy (2017). Approval is required upfront because without proper mitigation the works could have an unacceptable highway impact during construction.

- 5 Prior to the commencement of works, details of the proposed oak floorboards (length, thickness, width and finish) and a sample board, together with edge skirting cover trim, shall be submitted to and approved in writing by the Planning Authority.

Reason: In the interests of the special architectural and historic qualities of the Listed Building, having regard to Policy SD8 of the Joint Core Strategy 2017 and Section 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, Chapter 16 of the NPPF 2024.

APPLICATION NO: 25/01210/FUL		OFFICER: Miss Claire Donnelly
DATE REGISTERED: 2nd August 2025		DATE OF EXPIRY: 27th September 2025
DATE VALIDATED: 2nd August 2025		DATE OF SITE VISIT:
WARD: Battledown		PARISH: n/a
APPLICANT:	Mr Ellis	
AGENT:	WH Architects Ltd	
LOCATION:	41 Hales Close Cheltenham Gloucestershire	
PROPOSAL:	Single storey front extension, rear single storey and two storey extension, internal alterations and fenestration amendments	

RECOMMENDATION: Permt



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application relates to 41 Hales Close; a two storey semi-detached, residential dwelling. The application property, and adjoining property, is set back in the street scene given its location at the end of the residential cul-de-sac of Hales Close. The site does not fall within a conservation area or Parish Council.
- 1.2 The applicant is seeking planning permission for a single storey front extension and single storey and two storey rear extension and associated alterations.
- 1.3 This application follows a recently withdrawn application proposing two storey front and rear extensions. The application was withdrawn following concerns raised with the scale of the extensions, impact on the character of the property and street scene, and impact on neighbouring amenity. This application has considerably scaled back the proposed extensions to address concerns raised during the previous application.
- 1.4 The application is at planning committee at the request of Councillor Day for the following reasons:
 - Design is overbearing and out of keeping with the existing street scene and neighbouring properties one of which is attached,
 - proximity of single storey rear extension to neighbouring boundary and windows resulting in loss of light,
 - Loss of privacy to the two neighbouring properties,
 - Inadequate provision of parking for three double bedrooms with en-suites which would accommodate 6 adults,
 - Parking pressure on Hales Close.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Airport Safeguarding over 45m
Principal Urban Area

Relevant Planning History:

97/00313/PF 22nd May 1997 PER

Erection Of Porch And Garage ***Issued Under Delegated Authority 13 May 1997***

25/00641/FUL 13th June 2025 WDN

Single storey and two storey front extensions, single storey and two storey rear extensions, internal alterations and fenestration amendments.

3. POLICIES AND GUIDANCE

National Planning Policy Framework

Section 2 Achieving sustainable development

Section 4 Decision-making

Section 8 Promoting healthy and safe communities

Section 12 Achieving well-designed places

Adopted Joint Core Strategy Policies

SD3 Sustainable Design and Construction

SD4 Design Requirements

SD14 Health and Environmental Quality

INF5 Renewable Energy/Low Carbon Energy Development

Cheltenham Plan Policies

D1 Design

SL1 Safe and Sustainable Living

Supplementary Planning Guidance/Documents

The Cheltenham Climate Change SPD (adopted June 2022)

Residential Alterations and Extensions (2008)

4. CONSULTATIONS

See appendix at end of report

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	10
Total comments received	8
Number of objections	8
Number of supporting	0
General comment	0

- 5.1 The application has been publicised by way of letters sent to ten neighbouring addresses. Following the statutory public consultation period, eight responses have been received all of which object to the proposed development.
- 5.2 The comments received have been summarised and include, but are not limited to, the following:
- The front extension extends beyond the current building line of neighbouring properties,
 - Extensions large in comparison to min dwelling,
 - Impact on street scene,
 - Loss of light,
 - Visual impact,
 - No parking provision,
 - Parking pressure on Hales Close,
 - Use of property as HMO,
 - Loss of sunlight in garden,
 - Two storey extension overbearing and large in scale,
 - Overlooking and loss of privacy,
 - Impact on living conditions,
 - Scale of extensions are extensive.

6. OFFICER COMMENTS

6.1 Determining Issues

- 6.2 The application proposes a single storey front extension and two storey and single storey rear extension; the key considerations for this application are design, and impact on neighbouring amenity, as well as sustainable development.

6.3 Design

- 6.4 Policy SD4 of the JCS and policy D1 of the Cheltenham Plan require development to be of a high standard of architectural design that responds positively to and respects the character of the site and its surroundings. This draws from paragraph 135 of the NPPF which seeks development to add to the overall quality of the area, be visually attractive, sympathetic to local character and create places that are safe, inclusive, accessible, with a high standard of amenity.
- 6.5 The Council's Supplementary Planning Document: Residential Alterations and Extensions set out five basic design principles; maintain character, subservience, ensure adequate daylight, maintain space between buildings and maintain privacy. The document emphasises the importance of later additions achieving subservience in relation to the parent dwelling setting out an extension should not dominate or detract from the original building but play a supporting role.
- 6.6 The proposed front extension would replace the existing front porch addition; however the replacement would be larger than the existing. The proposed front extension would be approximately 1.2 metres greater in depth (total 2.8 metres projection), and 3.1 metres greater in width (total 6.7 metres width) than the existing front porch. The front extension would have a lean-to roof and be finished in materials to match the parent dwelling. It is acknowledged by officers that the front extension is a relatively large addition to the parent dwelling. However, in this instance the front extension is considered to be acceptable. Given the set back of the property, the extension would not project forward of the neighbouring property to the west and therefore would not be forward of the main building line of Hales Close. As such, whilst the extension has a greater depth than the existing porch, the extension is considered to be an acceptable scale and design for its location. The extension would still clearly read as a subservient addition, would sit comfortably within the plot and would not dominate or detract from the parent dwelling. As such, officers consider that the proposed front extension is acceptable in this instance given there would not be an unacceptable impact on the street scene, host dwelling or wider area.
- 6.7 To the rear, a part single storey, part two storey extension is proposed. The single storey rear extension would project approximately 3.3 metres beyond the rear elevation of the parent dwelling and extend the full width of the property. The extension would sit comfortably in the plot. The roof form would be a lean-to and hipped roof form and finished in materials to match the existing dwelling. The two-storey extension would sit above the single storey extension however it would extend approximately 1.5 metres beyond the rear elevation of the original dwelling and approximately 6.6 metres in width; ensuring part of the original elevation remains exposed. The roof of the extension is a double pitch, gable ended extension. The rear extensions would ensure the original form of the parent dwelling would not be lost, achieving a subservient addition, complying with the design advice set out within the aforementioned SPD.
- 6.8 The front and rear extensions are considered to be acceptable forms of development that would ensure the character and form of the parent dwelling would not be lost, dominated or detracted from. Furthermore, whilst concerns have been raised from objecting residents with regards to the front extension harming the street scene and parent dwelling, officers consider in this instance, the application property can accommodate the scale of the extension proposed and would not harm the character of the dwelling or wider area. In addition, the rear extensions are modest in scale and therefore considered appropriate forms of development and additions to the parent dwelling.
- 6.9 It is therefore considered that the extensions comply with the design advice set out within the Council's Residential Alterations and Extensions SPD, and the requirements of JCS policy SD4, Cheltenham Plan policy D1 and section 12 of the NPPF.

6.10 Impact on neighbouring property

6.11 Policy SD14 of the JCS and policy SL1 of the Cheltenham Plan require development not to cause unacceptable harm to the amenity of adjoining land users; this echoes section 12 of the NPPF which requires development to be of a high standard of amenity for existing and future users.

6.12 A number of neighbour objections raise concerns with regards to a loss of light, loss of privacy, overbearing impact, and overlooking. The impact of the extensions has been fully considered, with the relevant light tests carried out.

6.13 Two storey rear extension

6.14 The two-storey rear extension would project 1.5 metres beyond the rear elevation, and therefore is a small addition to the existing dwelling. The relevant 45 degree light test has been carried out to assess the impact on the neighbouring property. It is noted that the rear ground floor window which serves a living room of the adjoining property, no. 43 Hales Close, is to be most impacted by the proposed development given the location of the extensions. The proposed extension would pass the 45 degree light test. Whilst officers acknowledge that the neighbouring property would notice the extension, when assessed against the relevant policies there would not be an unacceptable loss of light to windows serving habitable rooms. Furthermore, given its projection of 1.5 metres this scale of development is not considered to be overbearing or result in a loss of outlook.

6.15 The first floor extension proposes 2no. new first floor rear windows. The windows would achieve the required distance of 10.5 metres from window to boundary for new upper floor windows. As such, given the development achieves this distance, there would therefore not be a loss of privacy to the property to the rear of the site, no. 9 Foxgrove Drive.

6.16 A number of comments have been made with regards to new windows installed in the side elevations of the first floor extension. The development does not propose new side facing windows as part of this application, Permitted Development would allow new upper floor side facing windows to be installed, however any new window would need to be obscure glazed and high level opening, otherwise planning permission would be required.

6.17 It is considered that the first floor rear extension, given its scale and form, would not result in unacceptable harm to the amenity of adjoining land users therefore complying with the relevant amenity policies.

6.18 Single storey rear extension

6.19 The single storey rear extension would have a maximum height of approximately 3.6 metres, and minimum height of approximately 2.8 metres due to the pitched roof design. The relevant 45 degree light test has again been carried out on the neighbouring ground floor rear window of no. 43 Hales Close. The extension would pass the light test, ensuring there would not be an unacceptable loss of light to the neighbouring property.

6.20 Officers are also mindful that the single storey rear extension is only slightly larger than the limits of permitted development.

6.21 An existing outbuilding lies on the boundary of the site with the neighbouring property to the west, no. 39 Hales Close, and therefore the proposed extension would not impact upon this property.

6.22 As such, the single storey rear extension would comply with the relevant policies, and would not harm the existing amenity of adjoining land users to a level that would warrant refusal.

6.23 Single storey front extension

6.24 The proposed front extension would be sited to the northern part of the site, adjacent to no. 39 Hales Close. It is noted this property has 2no. openings; a window and door. The proposed extension would extend approximately up to, and partly in front of the door. However, the 2no. openings do not serve habitable rooms that are afforded protection. As such, there would not be a loss of light to this property.

6.25 This element of the scheme would also comply with the relevant policies in terms of protecting the amenity of adjoining land users.

6.26 **Other considerations**

6.27 Parking and Access

6.28 The property currently benefits from a single garage and off-street parking space in front of the garage which is located to the east of the site, at the end of the cul-de-sac. A number of objections/concerns have been raised with regards to a lack of parking and pressure on existing off street parking within the Close as a result of the proposed extensions. The proposed development would not see an increase in the number of bedrooms, and the dwelling is to remain as a single residential dwelling. The application has been submitted showing 2no. off street parking spaces on the proposed block plan; it has been confirmed that whilst a dropped kerb is not shown on the drawings, this would be sought via a separate application.

6.29 Whilst the concerns raised from local residents have been noted by officers, given the nature and scale of the development, and no intended increase in occupants of the dwelling, parking is not a requirement and therefore is not considered to be a reason to refuse the proposed development.

6.30 Use

6.31 It is noted that a couple of neighbouring residents have raised concerns over the future use of the property. The applicant's agent has confirmed that the dwelling would not be used as a HMO and would remain as a dwelling used by a single family. The internal layout of a dwelling is not a requirement for planning and therefore whilst the first floor internal layout would be reconfigured to create 3no. ensuite bedrooms officers can only determine the application as submitted, which in this instance is the acceptability of extensions to an existing dwelling.

6.32 Sustainable development and climate change

6.33 Policy SD3 of the JCS requires development to demonstrate how they will contribute to the aims of sustainability and be expected to be adaptable to climate change in respect of design, layout, siting, orientation and function. The Cheltenham Climate Change SPD (adopted June 2022), sets out a strategy for decarbonising homes over the next decade.

6.34 For residential alterations and extensions there is an opportunity to improve the environmental performance of a home through the inclusion of technologies and features. The application proposes small extensions to the existing dwelling, therefore providing little opportunity to include low carbon features or technologies. Whilst technologies or features could be retrofitted to the property, unfortunately the development does not include such measures.

6.35 Protected Species

6.36 Whilst records show important species or habitats have been sighted near to the application site in the past, it is not considered that the scale or nature of the proposed development would have a harmful impact on these species.

6.37 Public Sector Equality Duty (PSED)

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

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

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

In the context of the above PSED duties, there is no reason to believe that the proposed development would result in a disadvantage to anyone with protected characteristics. The development seeks extensions to an existing private residential dwelling and therefore officers are satisfied that due regard has been given to the PSED duties.

7. CONCLUSION AND RECOMMENDATION

- 7.1 The proposed development is of a scale and form that achieves an acceptable design in relation to the parent dwelling, and would ensure that there would not be an unacceptable loss of amenity to the three adjoining properties. The development therefore accords with the relevant policies and guidance.
- 7.2 Concerns have been raised by eight neighbouring residents which relate to design and amenity, as well as parking and use of the building. Whilst these concerns have been taken into consideration during the application process, when the development is weighed against relevant policies and guidance, the scheme is considered to be acceptable.
- 7.3 As such, for the reasons set out above, officers recommendation is to permit this application.

8. SUGESTED 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 All external facing and roofing materials shall match those of the existing building unless otherwise first agreed in writing by the Local Planning Authority.

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

INFORMATIVES

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

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

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

Consultations Appendix

Gloucestershire Centre For Environmental Records

19th August 2025

Report available in documents.

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APPLICATION NO: 25/01210/FUL		OFFICER: Miss Claire Donnelly
DATE REGISTERED: 2nd August 2025		DATE OF EXPIRY : 27th September 2025
WARD: Battledown		PARISH:
APPLICANT:	Mr Ellis	
LOCATION:	41 Hales Close Cheltenham Gloucestershire	
PROPOSAL:	Single storey front extension, rear single storey and two storey extension, internal alterations and fenestration amendments	

REPRESENTATIONS

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

16 Hales Close
Cheltenham
Gloucestershire
GL52 6TF

Comments: 1st September 2025

My objections based on the current plan, is does the proposed change to the porch advance it to the front of the current building line with regard to the neighbouring properties.

With regard to the rear of the property, if the proposed build has a significant impact on the adjoining properties and their right to privacy, then this is something which needs to be addressed.

20 Hales Close
Cheltenham
Gloucestershire
GL52 6TF

Comments: 26th August 2025

This proposal is still disproportionately large compared to the footprint of the plot and allowing it to pass would set a worrying precedent, primarily because of the impact on street scene, light in neighbours' gardens, visual impact and parking.

Street scene - the existing porch was built on the original footprint. Extending as per the proposal would look at odds with our property, number 18 and number 16 and those properties immediately either side.

Neighbours' rear light and visual impact - I agree with the existing comments about light being lost as a result of the ground floor extension - why has it got a pitched roof? That makes it a visual eyesore and sunlight blocker for the immediate neighbours. A flat roof would minimise visual impact.

Parking - agree with comment that ANY new development should consider off road parking. Yet this proposal does not include any plans to create more spaces. Three ensuite bedrooms (why three ensuites for a house of this size?) suggests the occupants will not be children, which in turn suggests they will all have cars, (which also suggests a HMO).

If bedroom and ensuite maximisation is the goal here - as it seems to be - has utilising available loft space been considered?

45 Hales Close
Cheltenham
Gloucestershire
GL52 6TE

Comments: 20th August 2025

My rear garden has a secluded seating area that is not overlooked by any property. The proposed two story rear extension would dramatically reduce the afternoon/evening time my garden would receive direct sunlight. Moreover it would be overbearing to look at a wall and apex roof instead of a clear view of the sky. If the proposed two story extension was granted, it could have retrospectively side windows fitted, that would look directly in my secluded part of my garden and in part of my lounge.

I feel that it should be mandatory to have additional parking on the plot as a part of ANY extension to the property. There is a care home, a private medical centre and a private dentist, all of which use Hales Close for parking (since the introduction of zone 15 parking).

When individuals park in the turning area and when they park on the pavement, it forces anybody in a wheelchair or anybody pushing a pram in to the road. Also this means for example, that the recycling vehicle and other are forced to reverse down Hales close. I do have a photo of the current parking situation, without anybody living at 41, but I can not see how to upload it.

9 Foxgrove Drive
Cheltenham
Gloucestershire
GL52 6TQ

Comments: 26th August 2025

Letter attached.

18 Hales Close
Cheltenham
Gloucestershire
GL52 6TF

Comments: 1st September 2025

The revised application being proposed for changes to 41 Hales Close is an improvement but still lacks some of the required considerations for further alterations that would be in the best interest of the wider neighbourhood and most definitely for immediate and adjoining neighbours.

I am not opposed to the dwelling being extended, allowing for reasonable adjustments that can improve the existing house that fits the needs of the vendor. I believe its a nice opportunity to make some improvements. However, the decision to submit an objection really comes down to the proposed size of the extensions. I offer the following insights and constructive feedback for consideration:

1. At the front of the property, the proposed extension extends beyond that of the front porch extension of the neighbouring property. This does not feel in keeping with the rest of the neighbourhood. If you look down the whole street, the proposed forward position of the extension would make it the most advanced out of any of the existing properties. If it was a detached property then perhaps the individualistic design would be more acceptable but as these are semi-detached houses (which were purpose built in pairs), I feel there are more considerations to make for adjoining neighbours, principally as those who will feel the largest impact in terms of reduced natural light at the front and back. The size of the extensions as proposed will alter and impact the street both practically and aesthetically. The semi-detached houses in the street are originally built in a staggered formation. This deliberate layout from the developer offers the best privacy and light considerations as the staggered positions massively improve the aspects for neighbours. The proposed changes will impact and alter what the original developer had in mind and what existing residents appreciate and have always benefited from.
2. From a privacy perspective, the existing dwellings are positioned adequately from the curb and do not encroach on opposite dwellings. Bringing the front edge of a building too far forward will affect the privacy of neighbours. One side of the street is North facing at the back meaning the sun is prominent at the front of the house. It is common for residents to sit out in the front garden space and still retain some privacy. This will be reduced should a dwelling be brought too far forward towards the curb. This is especially the case with front facing windows. The privacy aspects are bi-directional too with views from the street and opposite houses towards the property as well as outwards.
3. Loss of light will occur with the size of the proposed extensions. This will mostly affect the immediate neighbours on either side of the property (front and back) especially as the plans are for a 2 storey extension.
4. There are some big Parking concerns. The plans do not suggest any obvious changes to the front aspects to accommodate Parking. The first application neglected any mention of parking too. Please can the planning committee advise here and clarify if the parking is being factored in at all as part of formal planning permissions e.g. any requests for a drop in the current curb? There are already several dropped curbs for driveways but where there isn't the existing cars are already filling the street each day. The plans suggest a large dwelling extension to accommodate with additional bedrooms and ensuites. This suggests there will either be a full household or perhaps visitors to the dwelling. As part of the planning, would it be prudent to also understand the use of the dwelling? Is this

going to be a family home with multiple adults or will the property be utilised for another purpose? Primarily, I'm really wondering what the parking needs are going to be based on the inhabitants of the property. I'd be grateful if this factor is not overlooked when considering the application. Please could some clarity be provided around the number of additional cars and therefore potential parking and traffic considerations that will need to be made? The street is fairly narrow outside the property and as it stands there are no or limited dedicated parking spaces. Existing cars are already parked within the street but adding more at the same end of the street would make things more congested so understanding any plans around parking too alongside the proposal would be beneficial.

In conclusion, I am not against some development of the property. I can understand the vendor desiring to make some alterations and remain supportive of reasonable changes. I feel that for the benefit of the neighbourhood, it would be in the best interest to review the size and dimensions of the extensions being proposed to ensure they are sympathetic enough to provide for the vendor's needs whilst ensuring the dwelling remains in keeping with the entire neighborhood. The existing sympathetic designs of the houses are the reasons the existing neighbours reside in the street/area. Retaining the character of this end of the street is important. The existing character has existed and been retained since the houses were built in the 1960's. Those with extensions have been achieved with sympathetic designs in keeping with the street and with the considerations and needs of all neighbours. For example, my house has a single conservatory extension at the rear of the property. This will have already changed the light for the neighbouring properties. If a 2 storey extension had been built then it would have been to the detriment of the immediate neighbours and would invade their privacy. I believe single storey extensions on these houses and in this street would provide space and extend the property size, without disturbing as much of the natural light. It would be great that any future alterations compliment and enhance the street and do not upset the balance of the neighbourhood. I trust the committee and planners will find a solution that meets the needs of the applicant and is in keeping with the street.

39 Hales Close
Cheltenham
Gloucestershire
GL52 6TE

Comments: 29th August 2025

In regard to the plans for this development, we are concerned with the impact that the extension to the back of the property would have on the privacy of our garden. In fact, a double extension in a space of that size affects the privacy of all the neighbouring houses around it.

The plans do not include any windows on the side of the upper extended building but this could be retrospectively added which is a big concern for us as it would completely overlook our property.

A development of this size would have an effect on the overall landscape of the street, increasing the amount of traffic and vehicles needing a place to park. In our opinion there needs to be some consideration for the additional requirement for parking.

The development is not in keeping with the existing properties on the street and takes it out of alignment with the neighbouring houses.

43 Hales Close
Cheltenham
Gloucestershire
GL52 6TE

Comments: 26th August 2025

I am writing to express an objection to the proposed front and back single and two-storey extensions to my neighbouring semi-detached house.

Despite reducing from the original plans submitted, the size and scale of the works planned at 41 Hales Close, particularly at the rear of the property, will undoubtedly have a negative impact on mine and my families enjoyment of our property and will significantly infringe upon mine and neighbours' privacy. The substantial size of the rear extensions present a significant concern.

The proposed rear extensions will result in the loss of light to my back garden and south facing rooms. The size and positioning of the extension will inevitably block a significant amount of sunlight, particularly in the evening as the sun sets. This loss of natural light will absolutely diminish the enjoyment and usability of both my outdoor and indoor spaces, especially affecting the light in our kitchen, living room and bedrooms. The increased height and potential for overlooking windows and overshadowing will directly impact the seclusion I currently enjoy in both my home and garden. The nature of the proposed extensions will create an oppressive sense of enclosure to the side of my property, diminishing the feeling of openness and light.

I am also concerned about the lack of adequate parking. Our road is already subject to significant parking pressures due to its narrow width and the presence of multiple dropped kerbs. The proposed development, particularly with the two-storey extensions in the back, looks intended to house many visitors, further exacerbating the existing parking issues. This will inevitably lead to increased congestion, difficulties in accessing our own properties, and potential safety hazards.

In conclusion, I would urge the Planning Committee to carefully consider the significant negative impacts that this proposed development will have on the privacy and amenity of mine and others property, the loss of light to my garden, the existing parking situation, and the overall character of our street. I believe the proposal is unsympathetic to its surroundings and would result in a detrimental living environment for neighbouring residents. I would welcome the planning committee to visit the street and our property and get a feel for the impact a development of this nature would have.


22 Hales Close
Cheltenham
Gloucestershire
GL52 6TF

Comments: 31st August 2025

My objection to the current plan would be based on the 2 storey rear extension, given the impact that this would have on neighbours. It would change the feeling of their back garden and restrict the light.

The 2nd is relating to the increase in cars for the household without any provision for an extra space.

We would also raise a question with regard to the extension at the front, as this appears to be a long way in front of the existing building line for properties 41-45 Hales Close.


9 Foxgrove Drive
GL52 6TQ

Subject: Objection to Planning Application 25/01210/FUL - Property at 41 Hales Close

Dear Sir/Madam,

I am writing to formally object to the proposed building plan for the property located at 41 Hales Close, which directly backs onto my property at 9 Foxgrove Drive. Having carefully reviewed the plans, I have significant concerns regarding the proposed extensions, particularly the two-story rear extension, and the detrimental impact this will have on my privacy both inside and outside my home.

The proposed two-story rear extension is of a considerable size and scale that I believe is overbearing and out of proportion with the existing properties in our immediate vicinity. Its proximity to my property will inevitably lead to a significant loss of privacy within my home. The rear of the extension will likely offer direct and intrusive views into my living areas, bedrooms, and other private spaces, fundamentally compromising my right to enjoy my home without constant overlooking.

Furthermore, the substantial size of the rear extension will have a severe impact on the privacy I currently enjoy in my back garden. The increased height and bulk of the structure will create a looming presence, making my garden feel enclosed and overlooked. This will significantly diminish my ability to relax and enjoy my outdoor space in private. The sense of being constantly observed will be deeply unsettling and will negatively affect my quality of life.

In addition to the impact on my property, I also echo the concerns raised by my neighbours regarding the lack of adequate parking on their already congested road.

In conclusion, I strongly urge the Planning Department to consider the significant negative impact this proposed development will have on my privacy, both indoors and outdoors, the loss of light to my property, and the overall amenity of the area. The scale of the proposed rear extension is excessive and will create an unacceptable living environment for me. I respectfully request that you refuse this planning application to protect the privacy and well-being of neighbouring residents.

Thank you for your time and careful consideration of my objections.





REPORT OF THE HEAD OF PLANNING ON PLANNING APPEALS

OVERVIEW

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

RECOMMENDATION

To note the contents of the report.

Appeals Received

August/September 2025

Address	Proposal	Delegated or Committee Decision	Appeal Type	Anticipated Appeal Determination Date	Reference
The Langton Horse 189 - 191 London Road Charlton Kings Cheltenham Gloucestershire	T1 Beech (nearest hotel building)- Reduce one branch to 2m; T2 Beech (further from building) -Fell and replant	Delegated Decision	Appeal Fast Track Written	n/a	24/02067/TPO

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
19 Beaumont Road Cheltenham Gloucestershire GL51 0LP	Vehicular access and hardstanding.	Delegated Decision	Written Representation	n/a	Planning ref: 25/00324/CLPUD Appeal ref: 25/00012/PP1

1 Croft Avenue Charlton Kings Cheltenham Gloucestershire GL53 8LF	Erection of building to rear to provide 1no. one bedroom holiday cottage	Delegated Decision	Written Representation	n/a	Planning ref: 25/00655/FUL Appeal ref: 25/00013/PP1
Penrose House 30 Sydenham Road North Cheltenham Gloucestershire GL52 6EB	Single storey extension and loft conversion.	Delegated Decision	Written representation (Householder)	n/a	Planning ref: 25/00618/FUL Appeal Ref: 25/00014/PP1
34 Churchill Drive Charlton Kings Cheltenham Gloucestershire GL52 6JJ	Erection of 2no. 1- bedroom dwellings to the rear of 34 Churchill Drive.	Delegated Decision		n/a	Planning ref: 25/00254/FUL Appeal Ref: 25/00015/PP1

Appeals Decided

Address	Proposal	Delegated/Committee Decision	Appeal Type	Outcome	Reference
Adey Innovation Ltd Gloucester Road	Demolition of the existing office building and erection of a 66 bedroom care home for older people (Use Class C2) including associated access, parking and landscaping.	Delegated Decision	Appeal Hearing (25.01.23)	Appeal Allowed	Planning ref: 21/02700/FUL Appeal Ref: 22/00027/PP1
The Hayloft The Reddings	Conversion of the existing dwellinghouse into 9 self-contained apartments, and associated works	Committee Decision	Written Representation	Appeal Allowed	Planning ref: 22/00749/FUL Appeal Ref: 22/00028/PP1

159 High Street	Proposed installation of 1no. new BT Street Hub, incorporating 2no. digital 75" LCD advert screens, plus the removal of associated BT kiosk(s) on Pavement Of Winchcombe Street Side Of Hays Travel 159 High Street	Delegated Decision	Written Representation	Appeal A and Appeal B Dismissed	Planning ref: 22/00322/ADV and FUL Appeal ref:22/00021/PP1 and 22/00022/ADV1
3 Apple Close, Prestbury	Replacement of existing conservatory with single storey rear extension. Increase in ridge height to facilitate loft conversion with rear dormer.	Delegated Decision	Written Representation	Appeal Allowed	Planning ref: 22/01145/FUL Appeal Ref: 23/00003/PP1

37 Market Street	Proposed side and rear extensions (revised scheme following refusal of application ref. 21/02361/FUL	Committee Decision	Written representations	Appeal Allowed Appeal Costs (Allowed)	Planning Ref: 22/00708/FUL Appeal Ref: 23/00004/PP1
Brecon House Charlton Hill Cheltenham Gloucestershire GL53 9NE	Construction of a paragraph 80 dwelling, estate management building, and associated landscaping, ecology enhancements,	Committee Decision	Appeal Hearing (date 22/03/23)	Appeal Hearing Dismissed	Planning ref: 21/02755/FUL Appeal ref: 23/00001/PP1
30 St Georges Place	Conversion to form 7no. dwellings, together with extensions and construction of new mansard roof	Delegated Decision	Written representations	Appeal Allowed	Planning ref: 22/00839/FUL appeal ref: 23/00002/PP1

10 Suffolk Road	First floor extension at rear of 10 Suffolk Road on top of existing kitchen roof, comprising of 1 new bedroom and ensuite bathroom (revised scheme 22/00966/FUL)	Delegated Decision	Written Representations Householder Appeal	Appeal Dismissed	Planning ref: 22/01340/FUL Appeal ref: 23/00011/PP1
101 Ryeworth Road	Erection of two storey and single storey rear extensions and single storey front extension.	Non-Determination	Written Representation	Appeal Dismissed	Planning ref: 22/01162/FUL Appeal Ref: 23/00006/PP2

o/s 195 High Street Cheltenham	Proposed installation of 1no. new BT Street Hub, incorporating 2no. digital 75" LCD advert screens, plus the removal of associated BT kiosk(s)	Delegated Decision	Written Representation	Appeal A Dismissed Appeal B Dismissed	Planning Ref: 22/00328/ADV and FUL Appeal Ref: 23/00013/PP1 23/00014/ADV1
o/s 23 and 23 A Pittville Street	Proposed installation of 1no. new BT Street Hub, incorporating 2no. digital 75" LCD advert screens,	Delegated Decision	Written representation	Appeal A Dismissed Appeal B Dismissed	Planning ref: 22/00326/ADV and FUL Appeal Ref: 23/00015/PP1 23/00016/ADV1
St Edmunds, Sandy Lane Road	Conversion and extension of an existing coach house/garage to a single dwelling with new access off Sandy	Delegated Decision	Written Representation	Appeal Decision Dismissed Cost Decision Dismissed	Planning ref: 22/02064/FUL Appeal Ref: 23/00008/PP1

Telecommunications Mast And Cabinet CLM26321 Glenfall Way	Proposed 5G telecoms installation: H3G 16m street pole and additional equipment cabinets	Delegated Decision	Written Representation	Appeal Dismissed	Planning ref: 22/02190/PRIOR Appeal Ref: 23/00018/PP1
4 Dymock Walk	Application for prior approval for the construction of one additional storey atop the existing dwelling (increase in height of 2.13 metres)	Delegated Decision	Written representation (Householder)	Appeal Dismissed	Planning ref: 22/01075/FUL Appeal ref: 23/00019/PP1
28 Westdown Gardens	Erection of detached garage (revised scheme to ref: 21/01789/FUL)	Delegated Decision	Written Representations Householder Appeal	Appeal Dismissed	Planning ref: 22/01679/FUL Appeal ref: 23/00012/PP1

129 – 133 Promenade	Retention of existing temporary marquees at 125, 127, 129, 131 further two year period and 133 Promenade,	Committee Decision	Written representation	Appeal Dismissed	Planning ref: 22/01373/FUL Appeal Ref: 23/00007/PP1
4 Red Rower Close	Two storey and single storey extension to the front and loft extension and dormer	Delegated Decision	Written representation	Appeal Dismissed	Planning Ref: 23/00361/FUL Appeal Ref: 23/00021/PP1
Land Adjoining Leckhampton Farm Court Farm Lane Leckhampton Cheltenham Gloucestershire	Residential development of 30 no. dwellings (Class C3); vehicular, pedestrian and cycle access from Church Road; pedestrian and cycle access from Farm Lane; highways improvement works; public open space,	Delegated Decision	Appeal Hearing (Date of hearing 18 th July 2023 (rescheduled for 12th July 2023))	Appeal Allowed	Planning Ref: 21/02750/FUL Appeal Ref: 23/00010/PP1
53 Alstone Lane	Erection of a single storey dwelling on land to rear of the existing property	Delegated Decision	Written representation	Appeal Dismissed	Planning ref: 22/02201/FUL Appeal ref: 23/00017/PP1

201 Gloucester Road	Installation of raised, split level patio area with boundary treatments (Retrospective).	Delegated Decision	Written representation	Appeal allowed	Planning Ref: 22/00022/PP1 Appeal ref: 23/00022/PP1
8 Imperial Square	Proposed change of use from C3 (dwelling house) to mixed use of C1 (hotel) and E (bar and restaurant).	Delegated Decision	Written representation	Appeal allowed	Planning ref: 22/00334/COU Appeal ref: 23/00009/PP3
Land Adj Oakhurst Rise	Outline application for residential development of 25 dwellings - access, layout and scale not reserved for subsequent approval	Committee Decision	Written representation	Appeal Dismissed	Planning ref: 22/00112/OUT Appeal Ref 23/00020/PP1
Telecommunications Mast And Cabinet CLM24981 Princess Elizabeth Way	Proposed 5G telecoms installation: H3G 20m street pole and additional equipment cabinets	Delegated Decision	Written representation	Appeal Dismissed	Planning ref: 22/01937/PRIOR Appeal ref: 23/00026/PP1

6 Marsh Lane	Change of use from a single dwelling (Class C3) to a four bed House in Multiple Occupation (HMO) (Class C4)	Delegated Decision	Written Representation	Appeal Allowed Costs Decision Allowed	Planning Ref: 22/01864/COU Appeal Ref: 23/00027/PP1
Telecommunications Mast And Cabinet Prestbury Road Cheltenham Gloucestershire	Proposed 5G telecoms installation: H3G 15m street pole and additional equipment cabinets	Delegated Decision	Written representation	Appeal Dismissed	Planning Ref: 23/00431/PRIOR Appeal Ref: 23/00029/PP1
218 High Street	Change of use of the ground floor from a retail unit (Class E) to an Adult Gaming Centre (Sui Generis) and first floor to associated storage and staff area with external alterations and associated works	Delegated Decision	Written representation	Appeal Allowed	23/00452/COU Appeal Ref: 23/00028/PP1

1 Michaelmas Lodge Lypiatt Terrace Cheltenham	Use of area of land for vehicle parking	Delegated Decision	Written Representation	Appeal Allowed	Planning ref: 23/00262/Cleud Appeal Ref: 23/00023/PP1
Land at Shurdington Rd	Full planning application for residential development comprising 350 dwellings, open space, cycleways, footpaths, landscaping, access roads and other	Committee Decision	Written Representation (New procedure Change now a hearing date is 4th July 2023)	Appeal Allowed	Planning ref: 20/01788/FUL Appeal ref: 23/00005/PP1

10 Selkirk Street	Erection of 1no. three storey self-build dwelling on land adjacent to 10 Selkirk Street	Committee Decision	Written representation	Appeal Dismissed	Planning Ref 22/01441/FUL Appeal Ref: 23/00030/PP1
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 Allowed	Planning ref: 24/00471/FUL Appeal Ref: 24/00019/PP1
70 Promenade Cheltenham Gloucestershire GL50 1LY	Erection of various signage (3no. logos, 1no. clock sign, 1no. door handle sign and 1no. projecting sign).	Delegated Decision	Written Representation	Appeal A Dismissed Appeal B Dismissed	23/01325/ADV and 23/01325/LBC Planning ref: 24/00022/LISTB1 24/00023/ADV1
Little Duncroft Evesham Road Cheltenham Gloucestershire GL52 3JN	Unauthorised building and use	n/a	Written representations (Enforcement)	Enforcement appeal now withdrawn.	Enforcement Ref 24/00103/DCBPC Appeal Ref: 25/00005/ENFAPP

Rotunda Tavern Montpellier Street Cheltenham Gloucestershire GL50 1SX	Air conditioning unit to rear of building and unauthorised canopy	n/a	Appeal Inquiry (date 14 th October 2025) Enforcement notice now withdrawn 02.07.25	Enforcement notice now withdrawn	Enforcement ref: 23/00139/DCUALB Appeal Ref:25/00011/ENFAPP
Calder Greenway Lane Charlton Kings Cheltenham Gloucestershire GL52 6LB	Roofing works for roof for Calder and Crossways flats.	Delegated Decision	Written Representation	Appeal Withdrawn 09.07.25	Planning ref: 24/01798/LBC Appeal Ref: 25/00010/LISTB1
44 Springfield Close The Reddings Cheltenham Gloucestershire GL51 6SF	Erection of 1 metre high fence to side boundaries of front garden (revised scheme to previously refused application ref. 23/01566/FUL) (retrospective)	Delegated Decision	Written representation	Appeal Dismissed	Planning Ref: 24/00828/FUL Appeal Ref: 25/00008/PP1
Holly Blue House London Road Charlton Kings Cheltenham Gloucestershire GL54 4HG	Proposed first-floor extension.	Delegated Decision	Written representation	Appeal Dismissed	Planning Ref: 24/01692/FUL Appeal Ref: 25/00003/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.	Delegated Decision	Written Representation	Appeal Dismissed	Planning Ref: 24/01123/OUT Appeal Ref: 25/00006/PP1
5 Merriville Gardens Cheltenham Gloucestershire GL51 8JD	Proposed alterations and extensions to existing house (part retrospective).	Delegated Decision	Written Representation	Appeal Dismissed	Planning Ref 24/01900/FUL Appeal Ref 25/00004/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	Appeal Allowed	Planning ref: 25/00245/FUL Appeal Ref: 25/00009/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 9th September 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, Households		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 Road	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	Dismissed	11.06.2025			
23/01325/ADV	24/00023/ADV1	70 Promenade Cheltenham	Written	04.12.2024	11.12.2024	08.01.2025	22.01.2025	Dismissed	11.06.2025			

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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	Dismissed	30.07.2025			
24/00103/DCBPC	25/00005/ENFAPP	Little Duncroft Evesham Rc	written	31.01.2025	14.02.2025	14.03.2025	04.04.2025	Withdrawn	16.06.2025			
24/01900/FUL	25/00004/PP1	5 Merriville Gardens	HAS	11.02.2025	18.02.2025	n/a	n/a	Dismissed	15.08.2025			
24/01123/OUT	25/00006/PP1	Land opposite Ham Close	written	13.03.2025	20.03.2025	17.04.2025	01.05.2025	Dismissed	12.08.2025			
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	Dismissed	24.07.2025			
25/00245/FUL	25/00009/PP1	52 River Leys	written	20.05.2025	27.05.2025	24.06.2025	08.07.25	Allowed	29.08.2025			
24/01798/LBC	25/00010/LISTB1	Calder, Greenway Lane	Written	03.06.2025	10.06.2025	08.07.2025	22.07.2025	Withdrawn	09.07.2025			
23/00140/DCUALB	25/000011/ENFAPP	3 Montpellier Street	Inquiry	23.06.2025	07.07.2025	04.08.2025	25.08.2025	Withdrawn	02.07.2025		14.10.2025	
25/00324/CLPUD	25/00012/PP1	19 Beaumont Road	written	03.07.2025	17.07.2025	14.08.2025	04.09.2025	Dismissed	11.08.2025			
25/00655/FUL	25/00013/PP1	1 Croft Avenue	written	22.07.2025	29.07.2025	26.08.2025	09.09.2025					
25/00618/FUL	25/00014/PP1	30 Sydenham Road North	HAS	01.09.2025	08.09.2025							
25/00254/FUL	25/00015/PP1	34 Churchill Drive	written	05.09.2025	12.09.2025	10.10.2025	24.10.2025					

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Appeal Decision

Site visit made on 20 March 2025 by S Indermaur

Decision by A Walker MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th August 2025

Appeal Ref: APP/B1605/D/25/3360038

5 Merriville Gardens, Gloucestershire, Cheltenham GL51 8JD

- 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 Eddie Olczak against the decision of Cheltenham Borough Council.
 - The application Ref is 24/01900/FUL.
 - The development proposed is alterations and extensions to existing house (part-retrospective).
-

Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matter

3. The appeal scheme would appear to have been submitted as an evolution of the design approach for development as an alternate to the previously refused planning application. Concerns over the impacts on character and appearance of the area remain.
4. Part of the works within this proposal have been carried out and therefore part of the proposal is retrospective and during the site visit I observed this part of the completed works. The appeal has therefore been considered on a part retrospective basis and part on the proposed drawings.

Main Issue

5. The main issue is the effect of the proposal on the character and appearance of the host dwelling and locality.

Reasons for the Recommendation

6. The appeal property is a gabled roof detached bungalow with a rendered façade located at the end of a cul-de-sac. There are a mix of detached and semi-detached two storey houses with varied roof types in the surrounding area. However, the property is located on a street characterised by detached and semi-detached bungalows in brick, with the majority of these properties exhibiting hipped roofs and small flat roofed entrances and a fairly consistent roofline. The host property is located at the end of a junction and next to the boundary of another bungalow

which does not share a similar design to the host street scene. The dwelling therefore occupies a prominent corner plot, visible from two roads.

7. The form of the roof would be at odds with the those found in the street scene. Whilst the front elevation of the new roof would be pitched, it would be a steeper angle to that of the hipped roofs on neighbouring properties. Furthermore, the first-floor element would be clad in grey composite cladding to the rear and one side, with a flat green roof atop. Even if the appeal property has a mixture of pitched and flat roof, the large aspects of flat roof would appear as jarring when compared with the small flat roofs positioned over the porches that are exhibited on the other bungalows within the street scene.
8. Together the combination of the gable to part hip roof and large areas of flat roof has significantly altered the pre-existing roofscape, creating a development with a top-heavy disjointed appearance. Although some of the bungalows in the vicinity appear to have been extended and altered, this does not appear to be in the form of an additional storey. Overall, the alterations in design and added bulk to the roofscape would cause harm to the architectural integrity of the dwelling and would undermine the contribution made by the consistency in rooflines to the street scene. Furthermore, due to the positioning of the appeal property, the incongruity would be very prominent from multiple vantage points.
9. The appellant has made references to multiple examples of approved planning applications and development that involve roof alterations with some similar aspects to the proposal. These examples are not located within the same street scene as the appeal property and I have not been provided with full details of the circumstances and context in each instance. Nevertheless, all of the examples presented to me appear to respect the architectural integrity of their host dwelling, or in the case of the new buildings, have a more coherent and uniform design than the appeal proposal. In any event, each case must be considered on its own merits and this matter is given limited weight.
10. For the reasons outlined above, the proposal would cause harm to the character and appearance of the area. In this regard, the proposal would conflict with Policy D1 of the Cheltenham Plan (2020) and Policy SD4 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (2017) (JCS). Together, these Policies state that development will only be permitted where it complements and respects the character of the locality and adequately reflects principles of urban and architectural design.
11. Policy SD4 of the JCS requires development which includes extensions and does not state that it is only relevant for large scale development. As such this Policy, specifically the section on context, character and sense of place is relevant to the proposal.
12. The proposal would also conflict with the guidance set out in Supplementary Planning Document: Residential Alterations and Extensions (2008). This states that extensions must be of a style, form and design that is appropriate and respectful to the character of the locality and the appearance of your existing house.
13. There would also be conflict with the National Planning Policy Framework which seeks to ensure development is sympathetic to local character and visually attractive.

Other Matters

14. I have taken account of the letters of support of the proposal; however, they do not outweigh the significant harm identified. I acknowledge the appellant's intention to reduce the massing by altering the existing flat roof into a pitch style and that the rebuild may be challenging and costly, however, these matters do not outweigh the harm identified.
15. Whilst the introduction of a green roof adds an element of sustainability to the overall design, it would not mitigate the harm identified by way of harm to the character and appearance of the area.

Conclusion and Recommendation

16. The proposal would conflict with the development plan read as a whole and there are no material considerations that justify granting permission. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

S Indermaur

APPEAL PLANNING OFFICER

Inspector's Decision

17. I have considered all the submitted evidence and my representative's report and on that basis the appeal is dismissed.

A Walker

INSPECTOR

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Appeal Decision

Site visit made on 24 June 2025

by **K Townend BSc MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 12th August 2025

Appeal Ref: APP/B1605/W/25/3361502

Ham Road, Charlton Kings, Cheltenham GL52 6ND

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
- The appeal is made by Mr Howard on behalf of LivedIn against the decision of Cheltenham Borough Council.
- The application Ref is 24/01123/OUT.
- The development proposed is outline application for the erection of up to 5no. self-build dwellings and associated infrastructure.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The planning application was submitted in outline with all matters reserved. The Council determined the application on that basis. I have therefore taken any indication of reserved matters shown on the submitted drawings to be illustrative.
3. Two signed Unilateral Undertakings have been submitted with the appeal in respect of ensuring the proposed dwellings are provided as self-build units and in respect of a financial contribution towards mitigating the effect on the Cotswold Beechwoods Special Area of Conservation. These are matters which I will return to.

Main Issues

4. The main issues are:
 - the effect of the development on the character and appearance of the Cotswolds National Landscape; and
 - the effect of the proposal on the integrity of the Cotswold Beechwoods Special Area of Conservation.

Reasons

National Landscape

5. The appeal site lies outside the Cheltenham Principal Urban Area (PUA). It also lies within the Cotswolds National Landscape (the NL) (formerly the Area of Outstanding Natural Beauty).
6. I accept that the PUA runs along Ham Road and includes the housing on the opposite side of the road. Furthermore, the PUA is the area where development is expected to be focused. The site is close to services and facilities, including bus

stops. The local school is on the same side of the road as the appeal site and separated by an open field. However, for planning purposes the site lies in the countryside. The village of Ham lies beyond the appeal site. Albeit close to Cheltenham, and with little separation between the built form, the village of Ham has a distinct character and is clearly not part of the PUA.

7. Policy SD7 of the Gloucester, Cheltenham and Tewksbury Joint Core Strategy 2011-2031 (the CS) requires all development within the setting of the NL to conserve and, where appropriate, enhance its landscape, scenic beauty, wildlife, cultural heritage, and other special qualities.
8. Paragraph 189 of the National Planning Policy Framework (the Framework) advises that great weight should be given to conserving and enhancing landscape and scenic beauty in NLs which have the highest status of protection in relation to these issues. It also advises that the scale and extent of development in these areas should be limited.
9. Section 245 of the Levelling Up and Regeneration Act 2023 (the LURA) amended the duty in the Countryside and Rights of Way Act 2000 in relation to NLs to require relevant authorities, in exercising or performing any functions in relation to, or so as to affect, land in a NL to seek to further the purpose of conserving and enhancing the natural beauty of it.
10. The LURA has imposed a more rigorous requirement than that set out in Policy SD7 of the CS. However, there would be overlapping considerations between the requirements of the LURA and the policies, and the policies remain broadly consistent with the thrust of the LURA.
11. The Cotswolds National Landscape Management Plan 2023-2025 (the MP) identifies the special qualities of the NL as, amongst other matters, the limestone geology, the Cotswold escarpment, including views from and to the NL, the flower-rich grasslands, and ancient broadleaved woodlands. The tranquillity of the area, extensive dark skies, distinctive settlements, and accessibility of the landscape are also part of the special qualities that are key components of the natural beauty of the NL.
12. In so far as it is relevant to the appeal, I consider the character of the landscape is, in part, derived from the hills and open countryside around Cheltenham. Albeit only a small section of the NL, the appeal site forms an area with this local character and the site has some, albeit only limited numbers, of the special qualities of the NL identified in the MP. The site currently makes a locally important, positive, contribution to the landscape and scenic beauty of the NL. It also forms an important part of the green gap between the PUA and the village of Ham which is already reduced on the opposite side of the road.
13. The MP acknowledges that some development will occur in the NL. Policy CE10 of the MP requires development to have regard to, and help deliver, the purpose of conserving and enhancing the natural beauty of the NL. The Policy requires a landscape-led approach which includes, amongst other matters, the need to address the natural beauty as a primary consideration, reflect and enhance the character of the local area, avoid adverse effects where possible and, if adverse effects cannot be avoided then minimise them, and deliver substantially more beneficial effects than adverse effects. The MP and the objectives of the NL are

not to prevent development but to ensure that any development contributes positively.

14. The submitted Landscape & Visual Appraisal (the LVA), amongst other matters, provides information on the landscape setting and the landscape character assessment areas. The key characteristics of the landscape character areas which cover the appeal site include gently undulating landscapes, woodland, small pasture fields, and neutral grasslands.
15. Although the LVA suggests that the site lacks a coherent composition, due to its close location with the urban edge, it also accepts that the susceptibility to change is medium, the value is high, and the overall sensitivity is high. The appellant's latest response has now changed the sensitivity to medium, the landscape value to medium and the landscape capacity to low/medium. Nevertheless, the site is still sensitive and of value.
16. For the purpose of considering the effect of the development on the NL, the LVA also identifies the Zone of Theoretical Visibility, key viewpoints, provides the authors opinion on the effect on each of the viewpoints, and a summary of the effect of the development on the NL and the wider landscape. Seven viewpoints were identified which are either specific points from where the development would be visible or are representative views.
17. The LVA notes that the proposed dwellings would be visible from Ham Road at viewpoints 2 and 3, albeit this would be restricted during the summer months by the existing trees. Nevertheless, there would be clear views of the development, especially from the access into the site. Although the views of the development would be, from certain angles, seen with the housing opposite and with the street lighting and footway at the front of the site, the existing view of the open countryside, the field, and the hills beyond, would be disrupted by the proposed development. The LVA assesses the significance of the effect on these two viewpoints as major/moderate, without mitigation.
18. The LVA also recognises that the appeal proposal would be visible from along the Public Right of Way (PROW) near to the site. There would be prolonged and extensive views which, when leaving Cheltenham, are currently views over the countryside and towards the hills, with little built development visible and filtered by vegetation. The change would be noticeable and add further built form. I acknowledge that the views of users of the PROW heading towards Cheltenham would also see the housing on the opposite side of Ham Road. Nevertheless, based on the indicative plans and the suggestions within the submitted documents the proposed development would not be comparable to the type of residential properties that are close to the site. The LVA sets the effect on this viewpoint, without mitigation, as major/moderate.
19. The development is assessed as having a negligible or minor effect on the other four viewpoints and, having viewed the site from these points, I have no reason to disagree.
20. Mitigation measures are recommended in the LVA which include the retention and filling out of the trees and hedges along the site boundaries, additional ornamental planting, the use of green roofs, setting the built form back from the boundary and the use of materials that reflect local vernacular. The LVA suggests that these

measures would reduce the effect of the development to minor, that the effects are localised and limited, and result in a small magnitude of change.

21. However, the development would still result in minor negative effects on a number of viewpoints. The existing trees and hedges along the boundary currently allow for views into and across the site and the retention of this landscaping would not substantially reduce the views. Additional tree and shrub planting may further screen the development but the opportunity for this would be limited by the provision of an internal access driveway and the proposed houses. The width of the site would not allow a similar depth of tree belt as those identified by the appellant in the Design and Access Statement. Moreover, the landscaped boundary would not screen the development from the access point.
22. The restriction on the height of the dwellings would limit their visibility and would allow views of the hills. However, even with a limited height the development would not retain the sense of openness or the gap between the PUA and the village of Ham, neither would it provide a transition between urban fringe and the rural area. The use of green roofs would not add any visual benefits as the roofs of the development would not form a significant part of the view of the site from any of the affected viewpoints. The development would still be likely to be prominent in views from the PROW and, to a lesser extent, from Ham Road. These views would be appreciated by local residents and by visitors due to the proximity to the PROW.
23. The proposal would result in housing on a site which is currently devoid of development. It would change the site from part of the unspoiled natural environment within the NL to built development. Although I find that the effect would be moderate to minor, rather than the major asserted by the Council, there would be adverse effects on the views, especially from viewpoints 2, 3 and 4. The adverse effects would, in my judgement, not be outweighed or mitigated by the benefits of the indicative design, layout and landscaping.
24. I am mindful of the outline nature of the proposal and that there would be an ability to further consider the layout, scale, and appearance at the reserved matters stage. I also acknowledge that there is other residential development in the immediate area with a modern housing estate on the opposite side of the road. Nevertheless, the proposal is indicated as single storey, flat-roofed houses, of modern architecture and that these factors are required to minimise the visual harm. These indicative elements would result in development that is distinctly different to the other housing in both the PUA and the village of Ham.
25. That there are currently less views over the appeal site than the field between the school and this site does not weigh in favour of the proposal. The reduction in the number of dwellings from the previous scheme is also not a material factor in favour of the current appeal. Furthermore, that the site only has some of the special qualities of the NL and some of the key characteristics of the landscape character type would not reduce the effect of the development on those qualities it does have. Even if I were to accept that the site is at the lower end of a scale of sensitivity when compared to other parts of the NL, it is still sensitive.
26. The appeal site is materially different to the three sites referred to by the appellant¹ which were either previously developed land or substantially enclosed by existing

¹ Council reference 24/00519/FUL, Council reference 22/02101/FUL and Appeal reference APP/B1605/W/21/3273053

built development. It is also materially different to the appeal at Little Sparrows² which was near to a site of 'institutional scale' and prominent built form, as well as the modern fringe of the village, which altered the landscape context of the site. Moreover, that appeal was determined prior to the changes brought about in the LURA. Although there are similarities with that appeal, in regard to the limited views available, the limited special qualities of the NL within the appeal site, and that the effect would be limited and localised, there would remain an impact of the development and I find that, in this case, the proposal would cause material harm to the beauty of the NL.

27. I acknowledge that innovative designs are supported by Policy CE3 of the MP, however, this support is for developments that conserve natural beauty which the appeal would not. Furthermore, the support in Policy CE12 is for windfall housing for a specific local housing need supported by a neighbourhood plan or affordable housing need. The proposal is based on a district wide general need for housing, including self-build dwellings, rather than a local need specific to this part of Cheltenham. I do not find any specific support for the scheme within policies CE3 or CE12 of the MP.
28. The visual harm of the proposed development would, in my judgement, not conserve or enhance the landscape and scenic beauty, neither would it further the purpose of conserving and enhancing the natural beauty of the NL. The site does not currently detract from the NL and the proposal would be harmful development. Even if the development would enhance the ecological value of the site, and even though the site is only a small part of the NL, the development would not enhance the visual value.
29. Moreover, even if I were to accept the conclusions of the LVA, that the development would have a minor level of effect on the NL, this would fall short of the requirement in the LURA for development to further the purpose of conserving and enhancing the natural beauty.
30. For the above reasons, I find that the scheme would have an adverse effect on the character and appearance of the Cotswolds National Landscape. Consequently, the proposal would be contrary to Policies SD6, SD7 and SD10 of the CS and Policy L1 of the Cheltenham Plan, adopted 2020. Collectively these policies seek to conserve and, where appropriate, enhance the landscape, scenic beauty, wildlife, cultural heritage and other special qualities of the NL, protect the landscape character for its own intrinsic beauty, require development to have regard to the local distinctiveness and character of the different landscapes, seek to restrict development outside of the defined settlements, and seek to ensure that development would not harm the setting of Cheltenham including views into or out of areas of acknowledged importance.
31. For the same reasons, the proposal would conflict with paragraph 189 of the Framework, which states that great weight should be given to conserving and enhancing landscape and scenic beauty in National Landscapes. The development would also conflict with the advice in the Framework which seeks to ensure that development is sympathetic to the landscape setting, contributes to and enhances the natural and local environment by, amongst other matters,

² APP/Q3115/W/20/3265861

protecting and enhancing valued landscapes and recognises the intrinsic character and beauty of the countryside.

Special Area of Conservation

32. The appeal site lies within the zones of influence for the Chilterns Beechwoods Special Area of Conservation (SAC) and the effect of the development on the SAC was included as a reason for refusal. The appeal scheme would result in a net increase in residential accommodation which could result in adverse effects upon the integrity of the SAC through increased recreational use.
33. A signed and dated unilateral undertaking has been provided by the appellant which would secure a financial contribution payable to the Council, prior to the commencement of development.
34. As the competent decision-making authority, if I had been minded to allow the appeal, I would need to examine these matters further and undertake an Appropriate Assessment of the implications of the appeal scheme upon the SAC. However, as I am dismissing the appeal on other main issues, the outcome of an assessment would have no bearing on the overall outcome of the appeal. Therefore, it is not necessary for me to consider this further.

Other Matters

35. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 ('the Act'), requires the decision maker, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest. The designated heritage assets, in this case, are Ivy Court, Ham Court and wall, and Court Barn, which are all Grade II Listed Buildings.
36. Ham Court and Wall and Court Barn are accessed off the driveway immediately to the side of the appeal site. Ham Court is a large property set within landscaped grounds. The significance of these buildings, in part, derives from their architecture, age and relationship with each other and the village. The setting in which these buildings are experienced includes the appeal site as it forms part of the landscape and open countryside around the properties. There would be some intervisibility between the site, Ham Court, and Court Barn and the site would be seen within the same views as the listed buildings. Nevertheless, the appeal site is not a significant element of the setting of any of these listed buildings. Moreover, it would be possible, subject to the final details of layout, scale, and design, to detail a scheme that would not harm the significance that the appeal site makes to the setting of these listed buildings or how the public appreciates them.
37. The significance of Ivy Cottage comes from its timber framed building material and its historic value to the village. The setting in which Ivy Court is experienced is contained by the boundary treatments. The significance of the setting derives from the buildings immediately around it and its relationship with the village. It is separated from the appeal site by intervening buildings and fields. The containment and intervening landscaping would limit the opportunity for views of the appeal site and Ivy Court together. As such, the proposal would preserve the way the setting of this listed building is experienced and therefore preserve the significance of the listed building.

38. For these reasons, I find no harm to the setting of the designated heritage assets and the appeal proposal would preserve the setting of the listed buildings. I have had regard to the Act as detailed above.
39. The proposal would provide five additional self-build plots. The Housing and Planning Act 2016 sets out that local planning authorities have a duty to grant planning permission in respect of enough serviced plots of land to meet the demand for self-build and custom housebuilding in the authority's area arising in each base period.
40. The appellant's evidence provides details of the shortfall in self-build plots in Cheltenham and the Council has not sought to challenge this evidence or provide any alternative supply or demand figures. I have no evidence that the Council is achieving the requirement to provide self/custom build permissions, and I give substantial weight to the proposed five units to assist in this. Moreover, the Council acknowledged the benefits of self-build units.
41. A completed Unilateral Undertaking has been provided by the appellant to bind the construction of the proposed dwellings as self-build units. This complies with the statutory tests, and I am satisfied that the agreement would provide sufficient assurance in binding the self-build method of construction.

Planning Balance

42. There is no dispute between the main parties that the Council is unable to demonstrate a five-year supply of deliverable housing land. On the basis of the information submitted at appeal, its latest information indicates a supply of only 2.52 years, which is a substantial shortfall. Furthermore, the Housing Delivery Test indicates that the delivery of housing was less than 75% of the housing requirement over the three year period up to March 2023.
43. There is also no reference to self/custom build housing within the CS or the Cheltenham Plan. Having regard to the importance attached to the provision of this form of development in the Framework and due to there being no relevant development plan policies paragraph 11d) also applies.
44. Policies SD6, SD7 and SD10 of the CS and Policy L1 of the Cheltenham Plan are the most relevant in considering the proposal. As far as the policies seek to limit development in the countryside to that which protects its character and seek to protect landscape character, including the NL, they are broadly in accordance with the Framework which seeks to ensure that development contributes to and enhances the natural and local environment, by recognising the intrinsic character and beauty of the countryside and the importance of NLs. Policy SD10 does not seek to prevent all development outside of settlements. Moreover, the adopted policies are broadly consistent with the Framework as a whole.
45. I have given the conflict with the local policies, in regard to the effect on the NL, significant weight in this appeal. Consequently, the proposed development would conflict with the development plan as a whole.
46. The proposal would accord with the advice in the Framework which seeks to boost the supply of housing and recognises the important contribution small and medium sized sites make to meeting the housing requirement of an area. The site would also be deliverable within a short timeframe and contributes towards self/custom

build housing in accordance with the Framework. It would also be in a location that is accessible to services and facilities so as not to rely wholly on the use of the private car and would provide biodiversity and environmental enhancements through the use of low energy construction and fittings.

47. However, although I afford significant weight to the provision of new houses and self-build dwellings, as only five dwellings are proposed these benefits are limited when weighing the merits of the scheme. I therefore afford significant weight to the limited benefit the development would make to addressing the housing shortfall and to the provision of self/custom build housing.
48. The proposal would also provide biodiversity and ecology improvements to which I give limited weight in favour of the development.
49. On the other side of the balance, the proposal would result in environmental harm from the effect of the development on the NL. Although this does not constitute a strong reason to refuse the application, the development would result in harm to the NL, and I have given this harm significant weight in the balance.
50. In my judgement the benefits of the proposal would be limited to moderate and would not outweigh the harm I have identified to the NL. Consequently, the presumption in favour of sustainable development as set out in paragraph 11d) of the Framework does not apply.

Conclusion

51. There are no material considerations to indicate that the decision should be made otherwise than in accordance with the development plan. For the reasons set out above, I therefore conclude that the appeal should be dismissed.

K Townend

INSPECTOR



Appeal Decision

Site visit made on 19 August 2025

by **R J Redford MTCP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 29th August 2025

Appeal Ref: APP/B1605/W/25/3365765

52 River Leys, Cheltenham, Gloucestershire GL51 9RY

- 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 Roger Poolman of Palmtrees Estates Ltd against the decision of Cheltenham Borough Council.
 - The application Ref is 25/00245/FUL.
 - The development proposed is the erection of a single dwelling, alongside a parking area, private amenity space and landscaping, alterations to a single dwelling driveway and private amenity space.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of a single dwelling, alongside a parking area, private amenity space and landscaping, alterations to a single dwelling driveway and private amenity space at 52 River Leys, Cheltenham, Gloucestershire GL51 9RY in accordance with the terms of the application, Ref 25/00245/FUL, subject to the conditions in the attached schedule.

Background and Main Issue

2. The Council has confirmed that during the appeal process the appellant has paid the necessary mitigation contribution towards the impact of the proposal on the Cotswold Beechwoods Special Area of Conservation, therefore it no longer wishes to defend the associated reason for refusal. An appropriate assessment (AA)¹ was undertaken during the application process, and I am satisfied nothing has changed since the AA was completed and the mitigation contribution paid.
3. Therefore, the main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

4. The appeal site is on River Leys. This is an established residential estate located between Hayden Road and Tewkesbury Road. The purposeful layout of the estate means that there is a reasonable regularity to the distance between rear and side elevations and the surrounding roads, including those properties adjacent to Hayden Road. However, although the appeal site is also adjacent to Hayden Road, it is set back from the rest of the River Leys properties by a parking area lined by mature trees.
5. The site consists of an end terrace, 2-storey dwelling which has a rear and side garden as well as a parking area to the front. It is of a similar functional design as the other properties on River Leys. To the rear of the appeal site is a 2-storey hotel,

¹ As required by Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (Habitat Regulations)

which is largely screened from River Leys and Hayden Road by a dense, mature hedge.

6. The proposal would create a new, 2-storey, 2-bedroom dwelling to the side of the donor dwelling. It would follow the building line, and roof and eave height of the terrace the donor dwelling is part of but would be wider than that property and have a rear dormer. Nevertheless, its form, scale and design would be in keeping with the existing properties as would the external finishes.
7. Although wider, this would be read in context of the minor differences between all the properties on River Leys, which include but are not limited to rear dormers, varying heights, projection from neighbouring properties and external finishes. Therefore, the proposal, although not identical would not be out of character and would not cause harm to the appearance of the donor dwelling, the terrace, or the wider surrounding area.
8. It would be closer to the boundary with Hayden Road than other properties on River Leys, but the visual separation created by the parking area means the extension of the building line towards Hayden Road would not be visually obvious. Further, there are other pockets of development along Hayden Road which are closer to the back of the pavement than River Leys. The hedge between the River Leys and hotel extends the full length of the rear boundary of the appeal site thus prevents any views through it. This means that the proposal would not be out of character when considering Hayden Road as a whole and would not cause any visual enclosure of existing sight lines.
9. Accordingly for the reasons given above, the proposed development would not harm the character and appearance of the area. This would comply with Policy D1 of the Cheltenham Plan, Policy SD4 of the Joint Core Strategy insofar as they require new development to respect the character of its surroundings. It would also align with the guidance set out in the Council's Supplementary Planning Document 'Development on garden land and infill sites in Cheltenham'.

Other Matters

10. It is noted that no harm has been identified in relation to living conditions, highway safety, parking, cycle and refuse storage, garden space and landscaping, sustainability, flooding, drainage, ecology, and health and safety matters.
11. The planning application associated to this appeal was submitted post 2 April 2024 therefore the Biodiversity Net Gain (BNG) Regulations must be applied. The Council have confirmed the proposal would result in a 52.81% gain in habitat and so the proposal would exceed the required 10% gain. There is nothing before me to conclude otherwise.

Conditions

12. The Council has suggested several conditions which I have considered against advice in the National Planning Policy Framework (the Framework) and Planning Practice Guidance. As a result, I have amended them for consistency and clarity.
13. In addition to the standard time limit condition (1), I have imposed condition 2 requiring the development to be carried out in accordance with the approved plans as this provides certainty. Conditions 3 and 4 have been imposed in the interest of the character and appearance of the development and surrounding area. Condition

5 is imposed to ensure appropriate flood risk management and drainage can be secured.

14. To ensure an appropriate level of ecological enhancement condition 6 has been imposed. The appellant is also reminded of their duties under paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990, that planning permission granted for the development of land in England is deemed to have been granted subject to the biodiversity gain condition which must be discharged before the development can begin. This is a statutory requirement but taking into account the small size of the proposal and the gain possible, it is not necessary or reasonable to also condition a Habitat Management and Monitoring Plan as proposed by the Council.
15. It is necessary for details of any refuse, recycling, and cycle storage to be submitted as they are to the front of the dwelling and so can impact the character and appearance of the area. The Council had proposed conditions for compliance on these matters, but within its evidence it is clear there is requirement for additional details to be submitted, and I conclude similarly so have imposed conditions 7 and 8. Condition 9 has been added to ensure appropriate car parking is retained, and due to the constraints of the site it is necessary to control permitted development rights with condition 10.
16. Conditions 4, 5, and 6 are required to be pre-commencement as it is fundamental to have these details agreed upfront prior to any works commencing on the appeal site. The Appellant has agreed to this.

Conclusion

17. For the reasons given above the appeal scheme would comply with the development plan when read as a whole and there are no sufficiently weighted material considerations, including the Framework, which would indicate a decision otherwise. The appeal is, therefore, allowed.

RJ Redford

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: 24.041.03 Rev D; 24.041.03.5 Rev D; 24.041.05 Rev D; 24.041.04 Rev C; and 24.041.06 Rev B.
- 3) The external materials of the development hereby permitted shall match those used on 52 River Leys, unless specified on the approved plans.
- 4) No development shall take place until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include but are not limited to:

- all walls, fences, trees, hedgerows, and other planting which are to be retained;
- 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;
- an implementation programme; and
- a scheme of management and maintenance including a replacement plan for any trees or plants removed, uprooted, destroyed, or die or becomes seriously damaged or defective for 5 years from the date of planting.

The landscaping works shall be carried out in accordance with the agreed implementation programme. The completed works shall thereafter be managed and maintained in accordance with the approved scheme of management and maintenance.

- 5) No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and appropriate flood risk management, has been submitted to and approved in writing by the local planning authority. The scheme shall include but is not limited to:
- a programme of implementation of works; and
 - a scheme of management and maintenance.

The development shall be carried out in accordance with the agreed implementation programme. The sustainable drainage system shall thereafter be managed and maintained in accordance with the approved scheme of management and maintenance.

- 6) No development shall take place until an Ecological Mitigation and Enhancement Strategy (EMES) has been submitted to and approved in writing by the local planning authority. The EMES shall include but is not limited to:
- the provision of 1No bird (for swift and house sparrow), 2No bat, and 1No insect boxes;
 - a plan showing the location, specification, height, and orientation of these features;
 - an implementation programme; and
 - a scheme of management and maintenance.

The EMES shall be carried out in accordance with the agreed implementation programme and thereafter managed and maintained in accordance with the approved scheme of management and maintenance.

- 7) The development hereby permitted shall not be occupied until cycle storage facilities have been installed in accordance with details that shall first have been submitted to and approved in writing by the local planning authority, and those facilities shall thereafter be retained for the storage of cycles.

- 8) The development hereby permitted shall not be occupied until refuse and recycling storage facilities have been installed in accordance with details that shall first have been submitted to and approved in writing by the local planning authority, and those facilities shall thereafter be retained for the storage of refuse.
- 9) The development hereby permitted shall not be occupied until the car parking has been laid out in accordance with the approved plans and made available for use. The car parking shall then be kept available at all times for the parking of the occupants of the new dwelling and their visitors, and for no other purpose.
- 10) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extensions, garages, sheds, outbuildings, fences, gates or walls shall be erected within the curtilage of the new dwellinghouse.

END OF SCHEDULE

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