

Cheltenham Borough Council Planning Committee

Meeting date: 16 October 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 3 - 10)

To approve the minutes of the meeting held on 18 September 2025

5 Public Questions

6 Planning Applications

6a DEFERRED - 24/00828/TPO - Mitford Lodge, Tivoli Road, Cheltenham (Pages 11 - 18)

This item has been deferred until 20th November 2025.

6b 25/01160/FUL - Swindon Playing Field, Wymans Lane, Cheltenham, GL51 9QP (Pages 19 - 56)

[Planning Application Documents](#)

6c 25/01141/CONDIT - 218 High Street, Cheltenham, GL50 3HF (Pages 57 - 112)

[Variation of Condition Documents](#)

6d 25/01043/FUL - 9 South Bank, Cheltenham, GL51 8DN (Pages 113 - 120)

[Planning Application Documents](#)

6e 25/01260/CONDIT and 25/01281/CONDIT - Glenfall House, Mill Lane, GL54 4EP (Pages 121 - 152)

[25/01260/CONDIT - Variation to Condition Documents](#)

[25/01281/CONDIT - Variation to Condition Documents](#)

7 Appeal Update (Pages 153 - 180)

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



Cheltenham Borough Council Planning Committee Minutes

Meeting date: 18 September 2025

Meeting time: 6.00 pm - 6.37 pm

In attendance:

Councillors:

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

Also in attendance:

Claire Donnelly (Planning Officer), Chris Gomm (Head of Planning) and Simon Aley (Locum Senior Planning Solicitor)

1 Apologies

Apologies were received from Councillor Jan Foster.

2 Declarations of Interest

Councillors Glenn Andrews and Barbara Clark declared an interest in item 6a as trustees of the Cheltenham Trust and confirmed that they would excuse themselves from the meeting during the item.

3 Declarations of independent site visits

The following Councillors attended all sites during Planning View:

- Cllr Adrian Bamford
- Cllr Garth Barnes
- Cllr Barbara Clark
- Cllr Tony Oliver
- Cllr Steve Steinhardt

4 Minutes of the last meeting

The minutes of the meeting held on 21 August 2025 were approved and signed as a correct record.

5 Public Questions

There were two public questions, which were taken as read along with the response.

1.

Question from Richard Lawler to Chris Gomm (Head of Planning) and Chair of Planning – Councillor Garth Barnes

One of the recurring themes raised at the Planning Committee, particularly by objectors, is concern about the scale and size of proposed developments in relation to nearby buildings. I recall one meeting where even the planning officer was unable to confirm the height of the building under consideration.

At present, many of the submitted drawings are marked “not to scale,” and often the space between buildings is not shown accurately. This makes it very difficult for residents to properly judge the impact.

Will the council consider requiring applicants to provide plans on a standardised grid (for example, 1 square = 1 metre), particularly for street scene views? This would allow residents to clearly gauge the width and height of proposed buildings as well as the distances between them.

Response from Chris Gomm (Head of Planning) and Chair of Planning – Councillor Garth Barnes

Thank you for your feedback. The plans and drawings submitted as part of a planning application must be drawn to an identified scale and must also show the direction of north (if applicable); this is a legal requirement of The Town and Country Planning (Development Management Procedure) (England) Order 2015. Our Planning and Validation Officer ensures that this, and other mandatory validation requirements, are met before validating any application.

Plans and drawings which are labelled as ‘not to scale’ must nevertheless be drawn to scale; the applicant cannot ‘opt out’ of this legal requirement. A drawing drawn to scale can be accurately measured using a scale-rule or, if in an electronic format, can be measured using the software available on our public access website.

Supplementary Question

Thank you for clarifying that all drawings are required to be to scale. I note your point that residents can use scale rule or the measuring tools built into the council’s online planning portal. However, the fact that many drawings are also stamped with ‘Not to scale’ creates confusion and most residents are not familiar with scale rules or digital measurement tools. Will the council therefore consider requiring applicants to

provide street scene elevations with clearly labelled dimensions, or a simple meter grid so that residents can easily understand the height and spacing of proposed buildings without needing specialist knowledge or software?

Response from the Chair

Thank you for this interesting question which is clearly of concern to the public. I will ask officers to consider the suggestion and we will provide a written response.

2.

Question from Councillor David Willingham, Ward Member for St. Peters, to Chris Gomm (Head of Planning) and Chair of Planning – Councillor Garth Barnes

In January 2024, Planning Committee approved planning application 21/02832/OUT for Lansdown Industrial Estate; however, at the time of submitting this question, over 19 months after that committee meeting, the decision notice for this application has still not been issued. Given the local blight caused by uncertainty surrounding this application and the problems this is causing for local residents, could the Chair please provide a public response detailing exactly what the problems are with issuing the decision notice for this application?

Response from Chris Gomm (Head of Planning) and Chair of Planning – Councillor Garth Barnes

Thank you for your feedback.

Planning decisions cannot be issued until any associated s106 Agreement has been completed; this is because the s106 Agreement forms an integral part of the planning decision.

In the case of the redevelopment of Lansdown Industrial Estate (application ref. 21/02832/OUT) which the Planning committee resolved to approve at its January 2024 meeting, the permission has not yet been issued because negotiations regarding the content of the s106 Agreement are complex, ongoing and yet to be completed. The reasons for this are as follows:

1. The applicant has confirmed that they are unable to build a standalone new artists' studio due to financial viability issues.
2. Discussions have been ongoing regarding alternative provision for the artists including the possibility of converting an existing building to a studio.
3. The s106 Agreement relating to the redevelopment of Lansdown Industrial Estate will need to be amended to take into account the alternative scheme but those alternative arrangements do not have planning permission.
4. The developer is yet to submit a planning application for the alternative scheme and until they do so (and it is approved) the Lansdown Industrial Estate s106 Agreement cannot be completed (and nor therefore can the planning permission be issued).

It is the view of officers that the matter is taking an excessive amount of time to resolve and as such a final deadline of 24 October 2025 for the submission of the aforementioned planning application (the alternative artists' studio) has been issued. If this deadline is not met officers are minded to refer the planning application back to the November meeting of the Planning Committee; the agent has been made aware of this.

Supplementary Question

I'm here as the county councillor for St. Marks and St. Peters. This application has been made by another local authority, Cheshire West and Chester, and I am flabbergasted that it has taken so long. This delay is impacting the residents of St. Marks. It would be irresponsible for the Highway Authority to spend £0.75m resurfacing Rowanfield Road, which is in a dire state, knowing that part of the road will need to be dug up for the installation of utilities for this development and may be damaged during building works. I'm glad that this application will be brought back to the Committee in November if progress is not made. I ask that the Committee's decision on this application provide assurance to residents and the Highway Authority that the developer will be required to make good any damage caused by the development by resurfacing Rowanfield Road at full width.

Response from the Chair

Thank you for your comments. I will ask officers to confirm how far the planning process is associated with the concern raised and will provide you with a written response.

6 Planning Applications

7 25/00954/LBC - Pittville Pump Room, East Approach Drive, Cheltenham, GL52 3JE

Councillors Andrew and Clark left the meeting.

The Head of Planning introduced the report as published.

In response to Members' questions, officers confirmed that:

- Officers understand that work will be undertaken very soon once the application is determined. They are not aware of how long the work is expected to take but will clarify with Councillor Steinhardt after the meeting.

The matter then went to the vote on the officer recommendation to grant the application.

For: 8

Against: 0

Abstain: 0

Voted UNANIMOUSLY to grant the application.

Councillors Andrew and Clark rejoined the meeting.

8 25/01210/FUL - 41 Hales Close, Cheltenham, GL52 6TE

The Planning Officer introduced the report as published.

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

The objector addressed the Committee and made the following points:

- The proposed development at 41 Hales Close will significantly and negatively impact the safety, character and quality of life for residents on the street.
- The street consists of family homes and is a close-knit community who are concerned that this development may be intended for rental use, as the new owner is understood to be a builder. There is significant concern this will disrupt the established family character and safety of the street and undermine the community spirit that is valued so highly.
- Residents have experienced anti-social and violent behaviour linked to previous short term rentals on the street which has raised fears about potential future disruption. It would be a shame to see the close-knit community undermined by a development not aligned with existing family homes.
- It will also have a crucial impact on light, privacy and the overall quality of life of neighbouring properties. Residents at 9 Fox Grove, and 39, 43 and 45 Hales Close have all expressed strong opposition due to concerns about significant loss of light and privacy. The size of the proposed double storey rear extension will create a repressive feeling of enclosure, particularly affecting 43 Hales Close which directly adjoins it. As a resident with a south facing garden and rooms benefitting from natural light the increased height of the extension and potential for overlooking windows will severely diminish enjoyment of both indoor and outdoor spaces and erode the sense of openness.
- The inclusion of at least three bathrooms upstairs, two of which will be near a thin 1960s built bedroom wall, raises severe concerns about increased noise. Music can already be heard through these walls and additional bathrooms will undoubtedly further intensify disturbance, impacting quality of life.
- Parking and safety is a critical issue and is already a significant problem on the street, exacerbated by the presence of a special educational needs and disabilities (SEND) school. During peak times it is hard to get down the street with residents sometimes needing to leave houses before or after drop off times. The current situation already forces wheelchair and pram users to go onto the road due to vehicles parking on dropped kerbs. Whilst the development plans look good on paper, showing new parking spaces, there are genuine concerns that these will not be able to accommodate multiple vehicles and lead to more cars parking on an already congested street.

- The aesthetics and character of the street are at stake. Currently the semi-detached houses are built in a staggered position and share a uniform design. The proposed extension does not match the established character and will take the development out of alignment of neighbouring houses. Retaining the sympathetic design and existing character of this end of the street is important to residents and one of the primary reasons people have chosen to live there.
- The new owner has not addressed the concerns raised about the development, demonstrating a lack of neighbourly consideration and a lack of respect for the street's character. Residents are not against alterations to residential properties in general but the proposed development is not proportionate to the existing residential homes.
- The proposed development presents significant and unmitigated negative impacts to the community, parking and safety, aesthetic character of the street, and quality of life for longstanding residents. Ask that the Committee consider the concerns raised and refuse the application to preserve the wellbeing and established character of the community and the street.

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

- The objector has eloquently detailed the substantial harm this application will inflict on immediate neighbours and the wider community.
- The application does not comply with Section 12 of the National Planning Policy Framework (NPPF), SD4 of the Joint Core Strategy (JCS), Policy D1 of the Cheltenham Plan, Policies SL1 and SD14.
- The lack of a dropped kerb means off-street parking in front of the property will be an offense under Section 184 of the Highways Act 1980.
- A single storey rear extension, a front extension in keeping with the street scene, and a dropped kerb driveway with adequate off street parking would be acceptable and comply with policy. But this is not what the application presents.
- The two storey section of the rear extension would extend 1.5m into the garden. The additional roof section will extend approximately 2m before sloping down. This is overbearing to neighbouring properties and out of keeping with the character of the street. The privacy and amenity of the neighbouring properties will be impacted to an unacceptable degree, from loss of light to their gardens and properties, and their ability to enjoy their gardens. This contravenes policies SL1 and SD14 and conflicts with Section 12 of the NPPF.
- The proposed front extension is higher, longer, and considerably wider than the existing porch, and extends to the edge of the house on one side. It is overbearing and out of keeping with the staggered street scene and only a reduced height window can be fitted above it. The extension will be visually discordant with the street scene contravening paragraph 135 of the NPPF which requires developments to be sympathetic to the surrounding built environment.
- The floorplan shows three ensuite double bedrooms with showers and no family bathroom. It suggests that future occupancy could total six adults and therefore as many as six cars requiring parking. The application shows two parking spaces being created in front of the house but no dropped kerb. There

is a separate garage with one space in front. Given the amount of people who use their garage for storage, most likely there is off street parking for only three cars.

- The officer's report states that a future application for a dropped kerb will be made, but this was not mentioned when I discussed the application with the officer on 5th September and queried its absence. An application without a dropped kerb should be refused as there is no guarantee that an additional application will be made, and bouncing a vehicle up a kerb and crossing a pavement is an offence under the Highways Act 1980.
- The impact of additional on street parking should be considered for Equality Act issues due to the impact on the Battledown Centre For Children & Families SEND school which uses Barn Field towards the top of Hales Close for pupil drop off and pick up. This requires careful co-ordination, as parking is frequently an issue due to overflow parking from businesses located on Hales Road, and vehicles displaced by Zone 15.
- An application was approved recently to deconvert a residence on Hales Road from flats totalling 5 bedrooms across 4 units back to a single residence (*application 25/00986/FUL*). Even though there was sufficient off street parking for the flats the officer's report included as a determining issue that: "Officers are of the view that a reduction in units is likely to reduce impact on neighbours in terms of noise and disturbance, as a result of a likely reduction in occupiers, visitors and traffic to and from the site". Similar issues should be dealt with consistently across applications and the likely increased level of visitors, occupiers, and traffic which would result from this application would increase the impact on neighbours to an unacceptable degree.
- All the policy conflicts detailed mean this application should be refused.

In response to Members' questions, officers confirmed that:

- Planning permission would not be required for a house of multiple occupation (HMO) with only three bedrooms. The application presented is not for the establishment of a HMO, but is for an extension and should be determined on that basis.
- The applicant would not be required to seek planning permission if a dropped kerb with a permeable surface was being built as this would fall within permitted development (a dropped kerb without a permeable surface would require planning permission). This makes it difficult to add a condition, but an informative could be included to advise the applicant that an application should be submitted, either as a full planning application or as a certificate of permitted development (if the criteria are met). The applicant's agent has confirmed that a subsequent application will be submitted if the use of parking is to go ahead.
- Permitted development would allow a first floor side window to be included only if it is obscure glazed with a high level opening (1.7m above the internal floor level). If a clear window was proposed that would require planning permission.

The matter then went to the vote on the officer recommendation to permit the application.

For: 8
Against: 0
Abstain: 2

Voted to permit the application.

9 Appeal Update

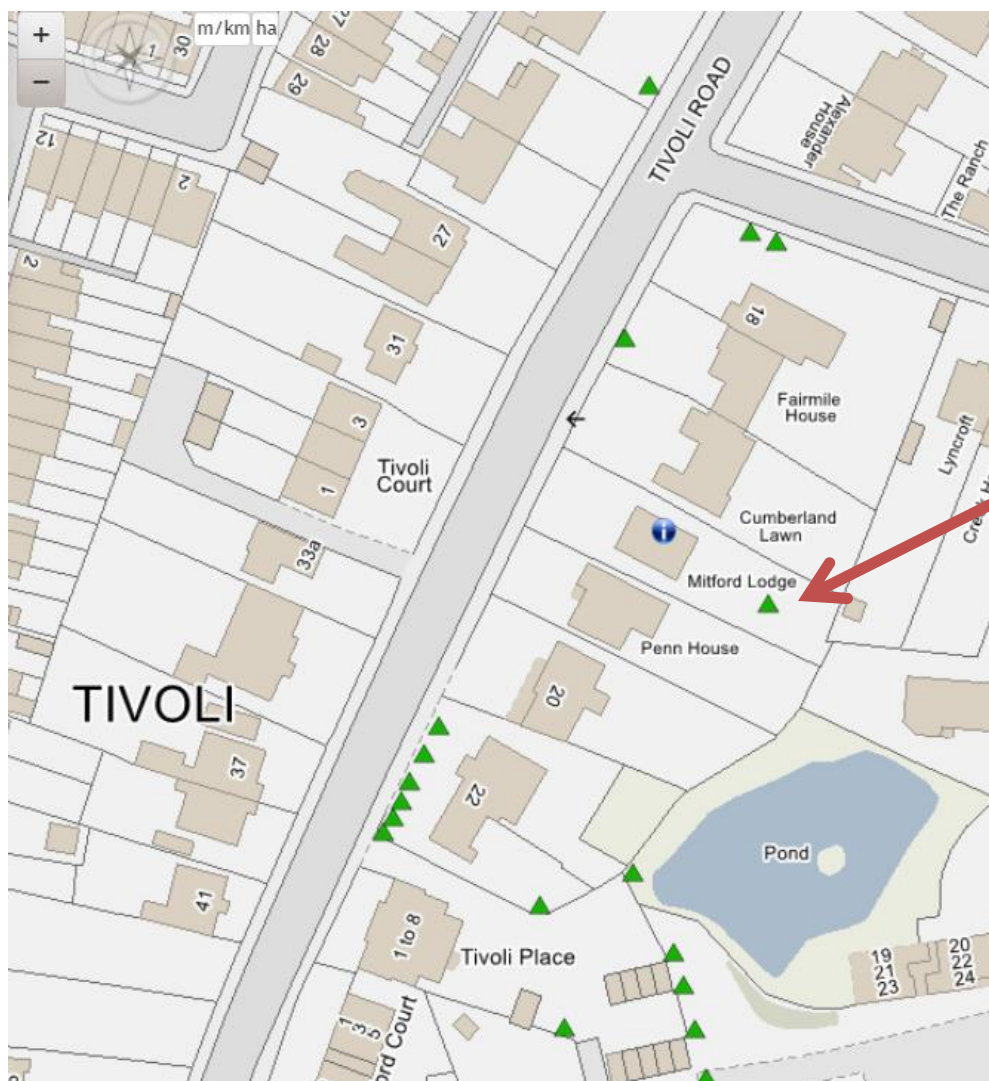
The appeal updates were noted.

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

There were none.

APPLICATION NO: 24/00828/TREEPO		OFFICER: Sam Reader
DATE REGISTERED: 17/7/24		DATE OF EXPIRY: 17/1/24
WARD: Park		PARISH: -
LOCATION:	Rear of Mitford Lodge, Tivoli Road	
PROPOSAL:	TPO to protect one oak tree	

RECOMMENDATION: Confirm without modification



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 Oak tree (*Quercus ilex*) is growing in rear garden of Mitford Lodge. The tree is probably centuries old and its impact on the original setting in the rear of Cumberland Lawn would have been less than in its newer setting (Mitford Lodge is around 20 years old).
- 1.2 The tree dominates the garden and casts shade over this and adjacent gardens at different times of the day. It has been pruned to reduce the overhang over boundaries and crown lifted to reduce the impact of its shade.
- 1.3 The tree bifurcates at around 1.5m to form a multi-stemmed tree. Following extensive pruning works applied for two years ago, the tree has responded with new growth (epicormic) for the first few metres of the stems.
- 1.4 The tree is visible from the road between the houses. Although views are obscured, it is a large and old tree whose size and significance are clear.
- 1.5 Following a Conservation Area tree works notice to remove all but one stem of the tree, considered to be an inappropriate management approach by TOs, a TPO was served to protect it.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Relevant Planning History

23/01673/CACN - T1-Holm Oak. Reduce lateral spread of the complete canopy leaving the height as it is. The point of reduction will be no more than 9m from the centre of the stem.

25/00924/CACN - T1 Large Holm Oak - remove 5 main lower branches, despite a significant reduction in the past, this tree still overpowers the garden casting shade on the house.

3. POLICIES AND GUIDANCE

Town and Country Planning Act 1990

Part 8, Chapter 1 – Trees

Cheltenham Plan

Policy GI2

POLICY GI2: PROTECTION AND REPLACEMENT OF TREES

The Borough Council will resist the unnecessary (Note 1) felling of trees on private land, and will make Tree Preservation Orders in appropriate cases.

For protected trees (Note 2), the Council will require:

- a) any tree which has to be felled to be replaced, where practicable (Note 3); and*
- b) pruning, where it is necessary, to be undertaken so as to minimise harm to the health or general appearance of a tree and to be in conformity with British Standard for Tree Work (BS3998, 2010).*

In cases where trees are not protected by a Tree Preservation Order or by being in a Conservation Area but contribute to the townscape and character of the town, the Council will consider including such trees in a Tree Preservation Order.

4. CONSULTATION RESPONSES

4.1. Two site notices were put up nearby on Tivoli Road. Copies of the provisional order were sent to the tree owner and immediate neighbours.

4.2 The owner objected to the TPO on the grounds that since the TPO was served, they had decided to withdraw their works proposal (25/00924/CACN) and had a new work spec prepared with an alternative contractor.

4.3 The neighbour at Cumberland Lawn echoed this reasoning.

4.3 The neighbour at Penn House replied to highlight:

- the size and dominating nature of the tree
- how the tree blocks light
- a safety concern around a limb overhanging their garden

Their reply went on to support the proposal 25/00924/CACN, saying this would not harm the tree and would make it safer and improve its amenity value.

5. OFFICER COMMENTS

- 5.1 The tree appears to be in good physiological condition, despite thin foliage in the apex of the crown. No defects have been identified or submitted as evidence to support tree works notices by any tree surgeon.
- 5.2 Following extensive pruning in 2023, the tree still dominates the garden but the amount of light reaching the ground has increased and the overhang to neighbours' gardens has decreased. The tree appears to have responded well to this pruning with adventitious growth at the sites of pruning, but has also shown an increase in epicormic growth up the stems of the tree – this may indicate that the previous pruning works were slightly too heavy.
- 5.3 The tree has high amenity value. Although views of the tree are obscured by the houses, it is visible from the street. Its significant age and size should also be taken into account. It is one of the largest holm oaks in the borough and this is likely to correspond to an impressive age.
- 5.4 A threat to the tree has been established - 25/00924/CACN sought to undertake deleterious works not in keeping with BS3998 (2012) that would have drastically reduced the tree's amenity value and shortened its lifespan. Attempts by the Council's Tree Officer to negotiate a more moderate approach to the tree's management, and despite the applicant's tree surgeon recommending against the original work spec, the applicant persisted with their original proposal. Only when a TPO was served did the applicant change their approach to this tree.
- 5.5 Although the owner has now apparently revised their approach to the tree, were the Council to not confirm the TPO, they would lose the right to refuse future applications for tree works – a new TPO would need to be served in order to protect the tree from inappropriate management.

6. CONCLUSION AND RECOMMENDATION

- 6.1 A threat to a high value tree has been established. Therefore, a TPO is expedient and appropriate for this tree. The TPO was the only legal recourse available to the Council to

resist the inappropriate management of the tree. Despite attempts by the TO to negotiate a more moderate approach to the tree, the applicant was unwilling to change their proposal until a TPO was served.

6.2 On this basis the recommendation is to confirm the TPO without modification.

Addenda:

Objections:

Hi Chris and Sam

We have engaged with an alternative local tree specialist company and following a meeting with them, we are formally withdrawing our application ref: 25/00924/CACN.

Their recommendations for the Holm Oak are along the following lines.

- Remove epicormic growth from the main stems to approximately 6.0m above ground level.
- Thin the epicormic growths from 6.0 m to 10.0m by approximately 30%.
- Remove any dead wood which has a diameter greater than 25mm.

We will be engaging with Tree Maintenance to approach you reference the above.

You will receive a separate communication in which we are appealing the TPO decision on the basis that the original reason for it being applied has now been removed.

[tree owner]

...

The appeal is against the TPO being issued not the original application for work (reference: 25/00925/CACN) as this has now been formally withdrawn.

[owner of tree]

Dear Mr Reader

I am writing to object to the Tree Preservation Order on the Oak Tree to the rear of Mitford Lodge.

I understand that the sole reason for this order being made, was, in response to an application made by a Tree Surgeon on behalf of the tree owners to prune this tree. The tree officer, I understand, felt that the proposed pruning would be inappropriate and consequently a Tree Preservation Order was served as the means to prevent this proposed pruning.

I believe that the trees owners have subsequently spoken to a different Tree Care Specialist who has explained the merits of a more arboricultural approach to maintaining this tree and have, as a result, withdrawn the previous application and are in the process of finalising new proposals which should be acceptable to the Tree Officer.

In the light of the above I hope that you will agree that the temporary order is no longer needed, having effectively served its purpose, and, that a permanent order is now, consequently, unnecessary.

I would appreciate it if you could please confirm your receipt of this objection.

Please also find attached copy of the completed information form.

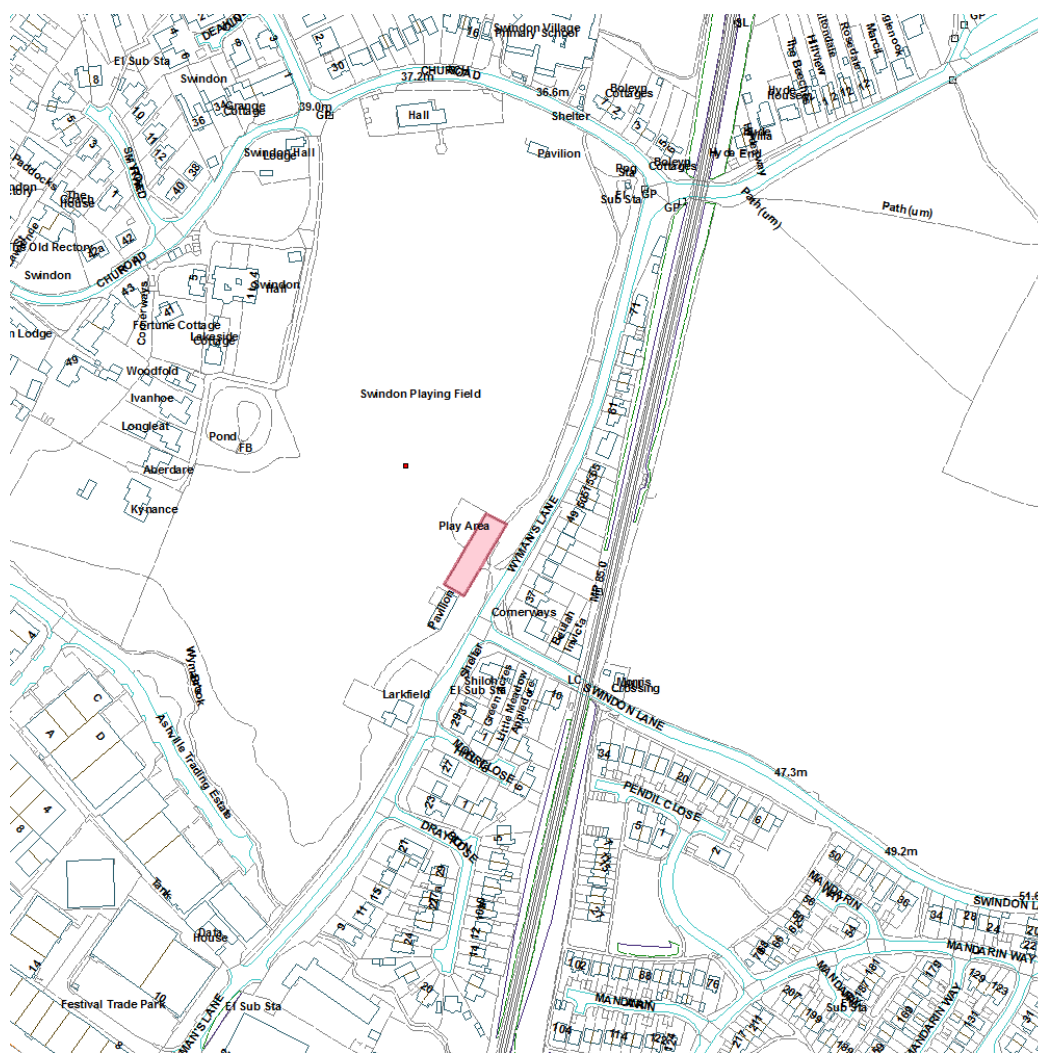
Kind regards

[name withheld]
Cumberland Lawn
Tivoli Road
Cheltenham
GL50 2TF

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APPLICATION NO: 25/01160/FUL		OFFICER: Michelle Payne
DATE REGISTERED: 5th August 2025		DATE OF EXPIRY: 30th September 2025 (extension of time agreed until 17th October 2025)
DATE VALIDATED: 5th August 2025		DATE OF SITE VISIT:
WARD: Swindon Village		PARISH: Swindon
APPLICANT:	Shire Box	
AGENT:		
LOCATION:	Swindon Playing Field Wymans Lane Cheltenham	
PROPOSAL:	Installation of a purpose-built catering trailer, two A-Frame signs and a queue management barrier in the car park for street food vending during the operating hours of 07:00 -18.00. Trailer to be removed from the site outside of these hours.	

RECOMMENDATION: Permit



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 Swindon Playing Field is located to the west of Wymans Lane, within Swindon parish and Swindon Village conservation area, and comprises a large parcel of Public Green Space.
- 1.2 Vehicular access and car parking is provided from Wymans Lane.
- 1.3 The applicant is seeking planning permission for the installation of a purpose-built catering trailer, two A-Frame signs and a queue management barrier within the car park for street food vending during the hours of 07:00 -18.00 (these would be the maximum hours). The trailer would be removed from the site daily outside of these hours. For the avoidance of doubt, it should be noted that although the covering letter that accompanies the application makes reference to a vintage horse box, the horse box does not form part of this application.
- 1.4 The application is before the planning committee at the request of Councillor Clucas for the following reasons:
- *The application states one trailer, but two are mentioned in the letter;*
 - *The opening hours will cross playtimes;*
 - *Parking spaces will be lost;*
 - *If parking space is to be lost, parking will take place on the road, which will cause problems for residents and for other road users;*
 - *It is too close to the play area for safety;*
 - *There is no mention of what food nor how the food will be cooked / power usage or equipment. If a generator is used, that will create noise for local residents living nearby.*
- 1.5 The application has also been objected to by the parish council for the following reasons:
- (1) It is untrue that the car park is quiet. It is often busy. Parking places can be at a premium and manoeuvring can be difficult.*
 - (2) The facility is likely to lead to an increase in rubbish in the area.*
 - (3) There is likely to be an increase in pest issues.*
 - (4) The application is not specific regarding the types of goods to be sold. There is local concern that some activities (e.g. frying) could lead to odours.*
 - (5) The drain in the corner of the park proposed as the site for the trailer is prone to flooding.*
 - (6) It is likely that a generator would be used with attendant problems with noise and fumes.*
- 1.6 The applicant has provided the following additional information which sets out the background to the application:
- In late 2023/early 2024, Cheltenham Borough Council (CBC) identified Swindon Village Park as one of several viable sites that businesses could apply to trade from (as well as Hatherley Park, Hartley Lane and Sandford Park). The purpose of marketing those opportunities was to assess the "viability of our popular parks and gardens to both enhance the current offerings in these locations and also to provide services to communities to allow them to greater enjoy the towns recreational spaces. The Covid Pandemic saw a huge increase in the use of public open spaces and outdoor facilities, a trend which has continued since".*
- 1.7 The applicant has also provided additional information in relation to the types of food and drinks that are proposed to be sold, and this is discussed in the report below.
- 1.8 Members will have the opportunity to visit the site on planning view.

2. CONSTRAINTS AND PLANNING HISTORY

Constraints:

Conservation Area
Principal Urban Area
Public Green Space (GE36)

Planning History:

T697/I	PERMIT	15th July 1980
Erection of a sports pavilion and enlarged car parking facilities		
T697/K	PERMIT	20th April 1982
Erection of a cricket pavilion		
T697/M	PERMIT	5th October 1982
Use of existing sports pavilion as a playgroup for a maximum of 10 children on Monday 10.00am - 12 noon, Tuesday 1.00pm - 3.00pm, Thursday 10.00am - 12 noon and Friday 10.30am - 2.30pm		
T697/O	PERMIT	22nd January 1985
Erection of a cricket pavilion (revised siting)		
T697/P	PERMIT	13th July 1987
Erection of 40 linear metres of 2.44m high chain-link fencing		
88T/697/01/02	PERMIT	30th January 1989
Erection of 40m of 2.44m high chain-link fencing		
89T/697/01/02	PERMIT	17th January 1990
Change of use of part of playing field to a car parking area including means of access		
90T/0697/01/02	PERMIT	6th June 1990
Erection of 25m of chain-link fencing 4m high		
01/00555/FUL	PERMIT	25th June 2001
Build out pavilion facade to take away existing veranda using existing wooden materials		

3. POLICIES AND GUIDANCE

National Planning Policy Framework 2024 (NPPF)

Section 2 Achieving sustainable development
Section 3 Plan-making
Section 4 Decision-making
Section 8 Promoting healthy and safe communities
Section 9 Promoting sustainable transport
Section 12 Achieving well-designed places
Section 16 Conserving and enhancing the historic environment

Saved Cheltenham Borough Local Plan 2006 (CBLP) Policies

GE 1 Public Green Space

Adopted Cheltenham Plan 2020 (CP) Policies

D1 Design
SL1 Safe and Sustainable Living

Adopted Joint Core Strategy 2017 (JCS) Policies

SD4 Design Requirements

SD8 Historic Environment

SD9 Biodiversity and Geodiversity

INF1 Transport Network

Supplementary Planning Guidance/Documents

Swindon Village Conservation Area Character Appraisal and Management Plan (2007)

4. CONSULTATION RESPONSES

See appendix at end of report

5. PUBLICITY AND REPRESENTATIONS

- 5.1 Letters of notification were sent to seven properties opposite the site, a site notice was posted, and an advert published in the Gloucestershire Echo.
- 5.2 30 representations have been received in response to the publicity, 4 in support (including a representation from the applicant) and 26 in objection.
- 5.3 The comments have been circulated in full to Members but the main points are summarised below:

Support:

- Many examples of similar facilities within other parks operating successfully
- Welcome the opportunity to have a hot drink and pastry whilst visiting the park
- Other parks don't have toilet facilities either

Objection:

- Already enough fast food outlets in the area
- Application refers to two units but description and submitted information only relates to one
- Lack of menu detail
- Loss of parking spaces / pedestrian safety / increase in traffic
- Visual impact
- Noise and odour
- Proximity to school and nursery
- Proximity to play area
- No toilet facilities
- Increase in litter
- Would entrance barriers be removed

6. OFFICER COMMENTS

6.1 Determining issues

6.1.1 The key considerations in determining this application relate to the design and siting of the trailer and its impact on the conservation area; any impacts on neighbouring amenity or the wider area; and access and highway safety.

6.2 Design and siting / impact on conservation area

Design and siting

6.2.1 CP policy D1 and JCS policy SD4 require all new development to respond positively to, and respect the character of, the site and its surroundings. The policies reflect the design advice set out at Section 12 of the NPPF.

6.2.2 In this case, the proposed structure is a traditional catering trailer with serving hatch; and externally, has a blue colour finish. The main body of the trailer is 3.68 metres long by 2.02 metres wide and has an overall height from ground level of 2.47 metres. The proposed structure is clearly utilitarian in its appearance.

6.2.3 The proposed trailer would be located in the north-western corner of the car park adjacent to the playground (which is fenced off); utilising two unmarked car parking spaces. The trailer would be brought on to the site in the morning and taken away in the evenings; the trailer is not proposed to be left on site overnight.

6.2.4 As such, from a design perspective, the proposed trailer in terms of its scale, and utilitarian appearance and finish, is considered wholly appropriate for its intended use.

6.2.5 The proposed A boards will be located adjacent to the trailer, with the barrier creating a controlled space for customers to stand in and prevent spillover into vehicle zones. The A boards and barrier are fairly typical of what one might expect to see in association with a catering trailer such as this.

Impact on conservation area

6.2.6 Notwithstanding the above, it is also necessary to assess the heritage impacts of the proposal on the conservation area in which the site is located. JCS policy SD8 requiring development to have regard to valued and distinctive elements of the historic environment and ensure that designated heritage assets and their settings are conserved or enhanced as appropriate to their significance. The policy reflects the requirements sets out at section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

6.2.7 In this regard, given the scale and nature of the proposed structure, its temporary nature, and its positioning within the park, officers are satisfied that the general character and appearance of the wider conservation area would at least be preserved, even if not enhanced.

6.2.8 Even if one were to identify harm to the conservation area, resulting from the siting of the trailer, it could only amount to less than substantial harm, at the lowest end of the scale; and when weighed against the public benefits of the proposal, in accordance with NPPF paragraph 215, the harm would be clearly outweighed by the economic and social benefits of the proposal. NPPF paragraph 85 recognising the need to ensure decisions on planning applications help create conditions in which businesses can invest, expand and adapt; and NPPF paragraphs 96 and 98 highlighting the need to promote social interaction, and provide social and recreational facilities.

6.2.9 Overall, the proposals are therefore acceptable in terms of design and heritage impact.

6.3 Amenity

6.3.1 CP policy SL1 and JCS policy SD14 advise that development will not be supported where it would cause unacceptable harm to the amenity of adjoining land users and the living conditions in the locality. CP paragraph 14.4 advises that, in assessing the impacts of a development, regard will be had to a number of matters including, but not limited to,

potential disturbance from noise, smells, fumes, hours of operation, and traffic and travel patterns.

6.3.2 As previously noted, the application has been objected to on amenity grounds by a number of local residents, and the applicant has responded to the concerns in an attempt to alleviate any fears. In terms of food offering and smells, the applicant is primarily intending to serve hot drinks, pastries and snacks, they do not intend to serve burgers, fries etc. Healthy snacks including fruit, yogurt, granola pots are proposed; with hot food limited to toasted sandwiches, paninis, etc. For the avoidance of doubt, with particular reference to NPPF paragraph 97, this is not a hot food takeaway or fast food outlet.

6.3.3 From a noise perspective, an LPG generator is proposed, which the applicant has advised would operate at approximately 59dB(A) at 7m, reducing to around 43dB(A) by 45m, and be absorbed by ambient background noise. The LPG generator would also result in lower emissions.

6.3.4 Following receipt of the additional information from the applicant, Environmental Health raise no objection to the proposal.

6.3.5 The applicant is intending to provide waste bins for both recyclables and general waste and will remove litter from the site each day. They would also look to possibly incentivise customers who collect litter from the park with a complimentary product (e.g. a free cup of coffee); and support the work of a local volunteer litter picking group.

6.3.6 With regard to the lack of toilets on site for customers, facilities such as this, providing hot drinks and snacks within local parks are not uncommon nowadays, and few if any provide toilet facilities; however, officers are not aware of any problems having occurred as a result of this. The applicant's primary target in terms of customers are those who already visit and use the park, and the nearby school and nursery. For staff working within the trailer only, the applicant has advised that the Council will provide access to toilet facilities, i.e. a key to the toilet in the nursery building.

6.4 Access and highway safety

6.4.1 JCS policy INF1 advises that planning permission will be granted only where the highway impacts of the development are not severe. The policy reflects advice set out within Section 9 of the NPPF.

6.4.2 From a highways perspective, the highway impacts associated with the proposed development have been assessed by the Highways Development Management Team (HDM) at the County Council who raise no objection to the proposals subject to conditions, concluding *"that there would not be an unacceptable impact on Highway Safety or a severe impact on congestion. There are no justifiable grounds on which an objection could be maintained."*

6.4.3 As such, whilst the highway concerns raised by local residents have been duly noted, officers are satisfied that the scheme is acceptable on highway grounds.

6.4.4 As previously noted, the applicant's primary target customers are those who already visit the park and nearby nursery/school; no signage for the trailer will be placed on the roadside.

6.4.5 It is anticipated that the applicant will have a key to the barrier to the car park and it will be opened and closed as they drive in and out of the site. It will not be left open or removed.

6.5 Other considerations

CBC Property comments

6.5.1 The Council's Property team have commented on the application and set out how the proposals align with CBC's strategic priorities and values, highlighting that they will enhance the utility and sustainability of the asset, and deliver measurable community and financial benefits. The introduction of a commercial element within an underutilised area of the park *"will generate additional income, supporting the long-term sustainability of Swindon Village Playing Field and enabling reinvestment into its maintenance and improvement."*

6.5.2 The Council's Green Space Development team, although not formally commenting, have also advised that they are satisfied with the proposal subject to the access through the gap in the barrier to the playground path being kept clear.

Climate change

6.5.3 Whilst there is an expectation that all development proposals seek to address climate change and biodiversity, in this case, given the mobile nature of the trailer and constraints of the site, it is clear that there are very limited, if any, opportunities on this occasion.

Public Sector Equality Duty (PSED)

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

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

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

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

7. CONCLUSION AND RECOMMENDATION

- 7.1 With all of the above in mind, the officer recommendation is to grant planning permission subject to the following conditions:

8. SUGGESTED CONDITIONS

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

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

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- 2 The planning permission hereby granted shall be carried out in accordance with the approved plans listed in Schedule 1 of this decision notice, and the additional information submitted by the applicant in support of the application.

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

- 3 No customers shall be served outside of the following hours:

Monday to Friday – 7.30am to 5.30pm

Saturday – 8:30am to 5pm

Sunday – 9am to 4pm

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

Parish Council*25th August 2025*

The Parish Council objects to the application for the following reasons.

- (1) It is untrue that the car park is quiet. It is often busy. Parking places can be at a premium and manoeuvring can be difficult.
- (2) The facility is likely to lead to an increase in rubbish in the area.
- (3) There is likely to be an increase in pest issues.
- (4) The application is not specific regarding the types of goods to be sold. There is local concern that some activities (e.g. frying) could lead to odours.
- (5) The drain in the corner of the park proposed as the site for the trailer is prone to flooding.
- (6) It is likely that a generator would be used with attendant problems with noise and fumes.

The Parish Council would be happy to engage with the applicant to discuss the application and alternative potential sites.

Ward Councillor – Cllr Flo Clucas*19th August 2025*

Can this application go to Committee please?

My reasons are:

The application states one trailer, but two are mentioned in the letter;

The opening hours will cross playtimes;

Parking spaces will be lost;

If parking space is to be lost, parking will take place on the road, which will cause problems for residents and for other road users;

It is too close to the play area for safety;

There is no mention of what food nor how the food will be cooked / power usage or equipment.

If a generator is used, that will create noise for local residents living nearby.

Environmental Health*21st August 2025*

In relation to 25/01160/FUL, Swindon Playing Field, Wymans Lane, please could I raise the below from Environmental Health.

Environmental protection would recommend that the hours applied for are conditioned-07:00-18:00.

I know the hours would help to control this, but could I ask whether you would be amenable to condition that there is to be no hot food sold from the site, to prevent this from being a kebab style vendor.

27th August 2025

Thank you for providing this further detail.

This has helped to provide further context to the application. Given this, would you be seeking to condition their operational applied to be conditioned-07:00-18:00 please.

GCC Highways Development Management*10th September 2025*

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

The justification for this decision is provided below.

The Highway Authority has undertaken an assessment of the planning application. Based on the analysis of the information submitted the Highway Authority concludes that there would not be an unacceptable impact on Highway Safety or a severe impact on congestion. There are no justifiable grounds on which an objection could be maintained.

The Highway Authority therefore submits a response of no objection.

CBC Property Services

1st October 2025

This proposal represents a strategic enhancement to Swindon Village Playing Field's amenity value, contributing to a more inclusive, vibrant, and welcoming public space. The presence of a mobile coffee vendor will encourage longer dwell times, improve visitor experience, and foster community engagement—supporting Cheltenham Borough Council's commitment to building a better future for everyone in Cheltenham, as outlined in its Corporate Plan 2025–2028.

The proposal directly supports the following Corporate Plan priorities:

Key Priority 1: Securing Our Future

- Utilising underused public space for a flexible, low-impact commercial use contributes to local economic growth and productivity.
- Enhances Cheltenham's appeal as a place to live, work, and visit, supporting local enterprise and hospitality.

Key Priority 2: Quality Homes, Safe and Strong Communities

- Improves the quality and safety of public spaces, encouraging positive community use and social cohesion.
- Supports placemaking efforts that make people feel safer and more connected to their local environment.

Key Priority 3: Reducing Carbon, Achieving Council Net Zero, Creating Biodiversity

- The mobile nature of the horse box vendor allows for minimal infrastructure and environmental disruption.

Key Priority 4: Reducing Inequalities, Supporting Better Outcomes

- Enhances access to amenities for all residents, supporting inclusive use of public space.
- Provides opportunities for social interaction and wellbeing through leisure and cultural engagement.

Key Priority 5: Taking Care of Your Money

- Generates additional income from council-owned assets, supporting financial sustainability.
- Demonstrates a commercially minded approach to asset management, delivering value for money to taxpayers.

This proposal also reflects the Council's guiding principles, including:

- Being commercially minded to maintain financial stability.
- Ensuring the climate emergency agenda is integral to decision-making.
- Being risk aware, enabling innovation in public space management.

In summary, the mobile coffee vendor proposal is well-aligned with Cheltenham Borough Council's strategic priorities and values. It enhances the utility and sustainability of the asset, and delivers measurable community and financial benefits. By introducing a commercial element to an underutilised area, the café will generate additional income, supporting the long-term sustainability of Swindon Village Playing Field and enabling reinvestment into its maintenance and improvement.

APPLICATION NO: 25/01160/FUL		OFFICER: Ms Michelle Payne
DATE REGISTERED: 5th August 2025		DATE OF EXPIRY : 30th September 2025
WARD: Swindon Village		PARISH: SWIND
APPLICANT:	Shire Box	
LOCATION:	Swindon Playing Field Wymans Lane Cheltenham	
PROPOSAL:	Installation of a purpose-built catering trailer, two A-Frame signs and a queue management barrier in the car park for street food vending during the operating hours of 07:00 -18.00. Trailer to be removed from the site outside of these hours.	

REPRESENTATIONS

Number of contributors	30
Number of objections	26
Number of representations	0
Number of supporting	4

21 Dark Lane
Cheltenham
Gloucestershire
GL51 9RN

Comments: 19th August 2025

I live in the village but do not overlook the park. If this is a hot food trailer I object entirely, there are enough fast food outlets within the area. I do not object to a coffee van but I do object to the early opening hours either way. Other park cafes open between 8.30-9am and they are not in a carpark next to a primary school and playgroup facility. I feel it's targeting primary and preschool children and their parents/carers whilst on the school run. Where else is there a food trailer more or less outside a school? The council has many policies on promoting healthy living and on its own website shares the childhood overweight/obesity rates of children (by Year 6) in Gloucestershire. These fluctuate between average and above the national average.

18 Northcroft
The Park
Cheltenham
Gloucestershire
GL50 2NL

Comments: 19th August 2025

Objection to Application PP-14174769 - Swindon Village Park

I wish to object to the above application on the following grounds:

1. Incomplete and insufficient application information

The application refers to two units - a vintage horse box and a traditional catering trailer - but no images are provided of the second horse trailer. This omission prevents the public and decision-makers from properly assessing the visual impact on the conservation area.

The absence of such information is not simply inconvenient; it raises compliance issues under UK planning law:

Town and Country Planning (Development Management Procedure) (England) Order 2015 - Article 7 and Part 1 of the GDPO set out validation requirements.

An application must include all the information necessary to describe the development. This includes plans, elevations, and (where relevant) photographs or visuals to allow officers, consultees, and the public to understand its impact.

Local planning authorities can declare an application "invalid" if required information is missing. If it slips through validation, it can still be refused on the grounds that the proposal's impacts cannot be fully assessed due to lack of adequate detail.

In a conservation area, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty on the council to pay special attention to the desirability of preserving or enhancing the character or appearance of that area. Without images of all proposed structures, that duty cannot be met, which is a valid reason to refuse.

2. Lack of menu detail

The supporting statement refers only to "hot and cold drinks, snacks, and locally sourced baked goods" but does not specify the precise hot food items to be served. This is relevant to assessing potential odour, waste, and litter impacts, and should be provided before determination.

3. Loss of parking spaces

The proposal would remove existing parking spaces. This is of particular concern given Gloucestershire County Council's intention to extend double yellow lines around the nearby school, which will further reduce local parking availability and may create road safety issues.

4. Inappropriate visual impact

The proposed "blue box" catering trailer is not in keeping with the character of the conservation area. As other objectors have noted, such a design is more suited to an industrial setting than a rural community park.

5. Alternative, more appropriate location

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A more sympathetic arrangement would be to site the traditional horse box-style trailer serving tea, coffee, and cakes in the field near the parish council building or St Stephens cricket club. This would integrate better with the park's rural character and reduce visual intrusion on the main public space.

Conclusion

For the above reasons, I respectfully request that the Council refuse this application unless the missing information is provided and the design, siting, and parking issues are addressed in a way that protects both the character and practical use of Swindon Village Park.

21 Drayton Close
Cheltenham
Gloucestershire
GL51 9QB

Comments: 18th August 2025

Entrance to car park limited in width and at a point in Wymans Lane very near to a busy junction with Swindon Lane that gets congested when the level crossing barriers are down. Positioning of this type of trailer in a small parking area which is next to a building housing a children's Pre-school play group and a children's play area, would create an environmental issue with noise and smell from equipment used to supply power to the unit and cooking smells. There is also the sanitary issue as there are no toilets for public use in this park. This small car park gets very congested especially at school drop off and collection times and parking is very limited and would make the entrance even more of a hazard for park users. The use of "A" boards outside of the park to advertise this facility would be a distraction to road users.

49 Wymans Lane
Cheltenham
Gloucestershire
GL51 9QH

Comments: 11th August 2025

Traffic on Wymans Lane is horrendous, trying to get off our drive during peak traffic is bad enough with the train gates etc, this will cause more traffic, plus less parking on school and football days. We already get people parking on grass verges and causing obstructions. It will also encourage more litter around the park. There are 2 playgroups very close too, it really is not a suitable area for this unit!

37 Wymans Lane
Cheltenham
Gloucestershire
GL51 9QH

Comments: 21st August 2025

Regarding planning permission for a catering trailer, to be placed in the Swindon Village car park on Wyman's Lane.

>> We live in a property directly opposite the proposed area where they are proposing a catering trailer to be pitched.

>> We strongly object to this proposal on several different reasons.

>> 1.

>> It is totally untrue that the car park is not used/busy. This car park is very busy on a regular basis. The council has given permission for four football matches to play on the park.

>> Once again the cars and vans spill out onto the grass verges, also parking illegally and extremely dangerously along the public footpath. They even park on the grass verges outside my house, and also the corner grass verge.

>> 2.

>> The car park is very busy at drop off and pick up at school and nursery times, as well as dog walkers which come by cars and vans. This could lead to potential accidents and harm to children with the volume of vehicles.

>> 3.

>> We would be living with continuous compressor noise, and catering smells.

>> There are three waste bins around the car park for dog poo. These bins become overloaded with not only dog poo bags, but some of the drivers bring and clean out their cars. They are also filled with local take away boxes, plastic cups and chicken bones and food strewn around the car park.

>> 4.

>> There are no public toilets in the vicinity, which will increase the park being used for even more toileting.

>> 5.

>> This village park does not require additional services, which would have negative impact mentioned above, but would be spoilt by additional increased traffic coming to the park.

>> Within the proposed area there are options IE: Huntscote Road and Runnings Road and Quat Goose lane have food and drink vans. We also have six food and drinks take-away outlets within half a mile from the proposed area.

>> 7.

>> Whilst on the subject of the car park being busy, we have an ongoing issue with cars arriving at from school time to the early hours of the following morning. These cars park facing the road and their full headlights ON, therefore invading my privacy with my house being lit up. The drivers sit and wait until their customers arrive to do their drug dealing.

>> We received the letter of proposal on the 8th August 2025. The issue already mentioned will have a significant impact on our quality of life, and the park's unspoilt beauty.

>> We strongly object to this proposal for a catering trailer, for the extra traffic.

>> We would be very grateful if this proposal of a catering trailer will be raised at the next parish council meeting please.

>> With kind regards

39 Wymans Lane
Cheltenham
Gloucestershire
GL51 9QH

Comments: 15th August 2025

Living opposite the site entrance, I strongly object to the application for a catering unit to be given permission to use the small parking area already used by locals who need the parking spaces.

The parking area is very full twice a day with school children and nursery children using the facilities to get to and from school, there simply is no extra room for a large catering unit.

Let alone the weekends with football users where the park is so full that drivers are forced to park illegally on the grass verges and road sides.

Traffic is already horrendous during busy periods where getting off the drives has become very dangerous and an unpleasant task. Creating more traffic will only exasperate the already large problem.

Who is the catering unit for ?

I cannot see who would be using this facility. apart from the very busy times the park is so very quiet and does not need any form of catering services. why would locals buy food when we have homes just minuets away!!! Are busy school mum and dads going to stop and buy for the children? Surely this will create chaos for them! The only viable people that will probably buy are the football crowd at weekends but then they have managed for the past 30 yrs without of course!

The smell and noise. I live opposite so it will of course affect me probably more than others and I DONOT want to smell or hear a generator or fried food 7 days a week if i want that I can go and stand outside the other catering unit just 500 yrds up the road (JOES) which caters for the industrial unit quite adequately.

The rubbish, the park already has a litter problem where the locals have to deal with, we do not want more!

What about the barriers, how will they get in and out, will this cause problems with the travellers again because I also would not like them to return and cause mayhem to myself as well as the local community.

The unit is far to big for a small space and I can only see it causing hazardous problems for the users of the park. Nothing about it I can see will enhance the beautiful parks needs.

I forgot about toilets....there are none this will of course create more problems. lease think of the locals who will be affected mostly on allowing this. Seven days all day is really quite absurd for such a small parking area.

43 Wymans Lane
Cheltenham
Gloucestershire
GL51 9QH

Comments: 8th August 2025

We live in a property directly opposite the proposed area that this catering trailer will be pitched.

We strongly object to this proposal on several grounds

1. It is totally untrue that the car park in question is not used. This car park is regularly full, and often over spilling onto Wymans lane. This occurs particularly during the weekend, plus during the football season and always during school drop off and pick up times this often causes illegal and extremely dangerous parking. It also leads to Wymans lane becoming quickly blocked, particularly when the railway crossing barriers are down.
2. As the car park is very busy at drop off and pick up school times with pedestrians and drivers, and the car park narrow, then further reducing space for cars to park or turn round will lead to greater potential of accidents and harm to children and adults
3. We would be living with continuous compressor noises every day of the week
4. We would be subject to smells and increased amounts of rubbish.
5. This quiet village park does not require additional services which will have the negative impacts mentioned above and to be spoilt by additional busyness traffic coming to the park for breakfast and lunch
6. There are no toilets in the vicinity, increasing the possibility of the park being used for toileting
7. The letter regarding this proposal arrived with us 8/8/25, many residents of the village and parents of the children at the local school will be on holiday so unable to respond to this proposal, or may not even be privy to this proposal
8. The issues above will lead to significant impact on our quality of life and the park's unspoilt beauty.

For these reasons we vehemently object to this proposal in its entirety

I am also curious as to whether the parish council have been informed of this proposal

45 Wymans Lane
Cheltenham
Gloucestershire
GL51 9QH

Comments: 14th August 2025

Living opposite the location of the proposed installation, I would like the committee to consider the following when making decisions.

Firstly, whilst the application mentions the car park being under-utilised, this is only true at certain points in the day. At school drop-off/ pickup time, plus all day Saturday and Sunday mornings the carpark is sufficiently used to cause excess traffic to park on

Wymans lane, on verges and pavements. This is, at some point, likely to cause a traffic incident, or worse should the situation be exacerbated by the loss of at least three practical spaces.

There are currently well known traffic issues at the level crossing and park entrance, particularly obvious at present with other road closures. This places a constraint on traffic flow, and is acutely evident at times when emergency service access is required. I believe this installation will cause additional pressure, and potentially delay, public and private traffic flow, but also emergency service progress.

At minimum I would expect a traffic /car park use survey and a traffic/parking management plan to be in place before opening.

Furthermore, the parish council regularly runs litter pick events to ensure the local area remains in a pleasant state. Should the catering trailer be installed this will likely create more litter, creating further pressure on the volunteer lead efforts, potentially resulting in their withdrawal and further burden being placed on the council.

Third, the cricket hut on the park is currently in need of some restoration, and should be considered as a viable alternative, rather than creating an additional temporary structure.

Fourth, the lack of toilet facilities is likely to cause an increase in public urination, and a blight on the park and parish or at worst case indecent exposure cases being brought.

In short. Madness.

47 Wymans Lane
Cheltenham
Gloucestershire
GL51 9QH

Comments: 23rd August 2025

We strongly object to this proposal.

Traffic and parking: Increased traffic congestion, difficulty accessing the carpark, or inadequate parking/turning space as the carpark is used by parents/carers of both the Mary Godwin Playgroup and Swindon Village Primary School for drop offs/pick ups. Increased traffic in the carpark poses increased danger to children arriving/leaving the area. Dog walkers will also be affected as they may not feel that they are able to let their dog off the lead for safely reasons and or an increase in food waste and litter.

Noise and disturbance: Increased noise from customers, equipment, or generators. We live almost opposite the Playing Field entrance/carpark and I feel that this would only add to the noise already created by traffic and congestion. I also think that this proposal may invite some kinds of antisocial behaviour, actions that can cause distress to other people, negatively impacting their quality of life and the community's safety. This may include vandalism, harassment, intimidation, and threatening behaviour.

Waste and environmental issues: Inadequate waste management, litter, or potential for pollution. The Swindon Village Playing Field and main curbed area that runs along Wymans Lane opposite our property can on occasion be littered both sweet wrappers,

drink cans, food wrappers and I feel that this will only increase with the proposed catering trailer.

Loss of amenity: Loss of privacy, increase footfall past our property. The visual impact of the trailer from our property will be compromised for what at present is a lovely view.'

Unpleasant smells would omit from the proposed catering trailer which we would then have to injure especially if our property windows were open.

Highway safety: Any impact on road safety due to the trailer's location or operations.

Wymans Lane can be very busy with traffic queuing at particular times of the day and I feel this will only add more traffic making it increasingly harder for people leaving the carpark on foot proceeding to move onto Wymans Lane. It will also make it harder to leave our driveway onto the Wymans Lane.

Flat 1
Roadlands Greenway Lane
Charlton Kings Cheltenham
Gloucestershire
GL52 6LB

Comments: 18th August 2025

I am looking forward to joining my sister in Swindon Village Park and watching the kids play whilst being able to enjoy a nice cup of coffee.

After reading all the supporting documents associated with this case it seems the applicant is not intending to be a "greasy spoon" but offer hot drinks, cakes and pastries etc to people like us who ALREADY use the park.

Personally I am not a fan of those big burger trucks they have over by B&Q or Wickes. Each to their own, but they are not for me. This doesn't sound like one of those though and appears to be aiming to cater for a different clientele.

I hope so!

They had a box which appears similar to this at Beeches in Charlton Kings which made walking the dog and chatting with friends while the kids played really enjoyable. The one in Sandford Park or by St Luke's Church are nice too. I haven't seen anyone weeing in the bushes in any of those locations despite there being no toilet facilities. Just parents getting a decent dose of caffeine while going about their lives.

Traffic can be very busy on that road, but I would say that is more to do with the railway crossing, the new housing development behind Gallagher Retail and the lengthy closure of the Racecourse Road sending the diversion that way than anything this catering unit may add. I expect the vast majority of its customers will be on foot?

I hope the application is successful and look forward to enjoying a good hot drink and maybe a pastry to destroy my diet with. I'll blame this guy when I go up a dress size.

23 Parkwood Grove
Cheltenham
Gloucestershire
GL53 9JW

Comments: 24th August 2025

Thank you for feedback and comments to date, in light of my application to operate a catering trailer in Swindon Village Park.

I have read all comments with interest and would like to address them where possible directly, to help clear up any ambiguity in the proposal.

I am also considering practical ways to address concerns raised, some of which are detailed below, but additional suggestions are very much welcomed by the community.

In late 2023/early 2024, Cheltenham Borough Council (CBC) identified Swindon Village Park as one of several viable sites that businesses could apply to trade from (as well as Hatherley Park, Hartley Lane and Sandford Park). The purpose of marketing those opportunities was to assess the "viability of our popular parks and gardens to both enhance the current offerings in these locations and also to provide services to communities to allow them to greater enjoy the towns recreational spaces. The Covid Pandemic saw a huge increase in the use of public open spaces and outdoor facilities, a trend which has continued since".

I understand that catering units are now in place and operating in Hatherley Park and Sandford Park, yet Swindon Village Park has no immediate refreshment facilities within the park for park users.

The primarily focus of my business is a tea/coffee/pastries/ snacks trailer.

I do not have a deep-fat-fryer nor intend to serve the likes of burgers/fries - so food smells are expected to be minimal.

Healthy food options will be available: fruit, yoghurt, granola pots and so forth.

Hot food would be of the toasted sandwich / panini variety.

Even though my business owns a vintage horse box, its usage is not part of this application, hence why no images have been provided within the application. The Covering Letter makes reference to ownership of a vintage horse box, but planning sought is for the catering trailer only.

The generator that I will use is LPG and therefore considered to have low emissions.

I am exploring the option of fitting an additional exhaust pipe outlet, which can be mounted above head height to further control the direction and dispersal of any emissions, should this be required.

The LPG generator operates at approximately 59dB(A) at 7m, which decays to around 43dB(A) by 45m and will be absorbed by ambient background noise.

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I am exploring acoustic enclosure options to further help minimise any noise should Environmental Health indicate that it is required.

I will provide waste bins (recyclables and general waste) for customers and will remove litter off-site each day. I will have litter grabbers available and incentivise customers who collect litter from the park with a complimentary product (eg a free cup of coffee). I do not tolerate littering.

I have learnt from the comments posted that there is a local volunteer litter picking group and I welcome the opportunity to support their work eg providing bin bags, litter grabbers and dedicated concessions for these volunteers.

I appreciate and sympathise with all comments about existing traffic/congestion at the site around school drop off and pick up times, and am keen to work with CBC to review how to improve this situation. As part of my street trading licence application I underlined my commitment to supporting any CBC initiatives, eg turning off idling car engines.

My primary target customers are those who already use the park and nursery/school, rather than attracting additional cars to the car park.

I have not requested planning permission for signage on Wymans Lane roadside to point to the catering trailer, so am not directly aiming to attract more vehicles to the site.

The A-boards proposed are for use within the site boundary, not on the roadside. Page one of the Supporting Statement for A-Frame signage states: 'Location: Directly adjacent to the trailer, within the leased/licenced pitch boundary'

I will use barriers and signage to help manage pedestrian footfall safely around the trailer.

The hours submitted cover the maximum potential trading window. As with any new business, I will refine actual days and times based on demand. Sundays, for example, may prove to be wholly commercially unviable to operate.

The barrier to the car park would be opened and closed by myself as I drive in/out of the site. It will not be left open all day or night.

No seating is being provided by myself, thus customers are not expected to linger around the trailer. This is a takeaway establishment.

Cheltenham Borough Council will kindly provide access to toilet facilities for my staff use only.

I trust that this addresses some of the key points raised and demonstrates my commitment to operating a respectful, low-impact, community-focused service. I am happy to provide further details as and when requested.

Shakti
Stantons Drive
Swindon Village Cheltenham
Gloucestershire
GL51 9RL

Comments: 14th August 2025

Whilst I do not live adjacent to the proposed location of this 'food outlet', I can sympathise with those who do. It has been well documented in previous comments the negative aspects should this be allowed to go ahead namely.....

Noise and odours from such an installation

Lack of space in for parking at peak school times

Lack of toilet facilities

The litter issue which always comes with these type of food vans

Possible traffic issues with entry and exit to the car park, particularly when Morris Hill railway crossing is closed.

Basically the last thing we need is another fast food outlet when there are already plenty within 500 metres of this site, with adequate parking, toilet and litter facilities. Don't let this application be approved and create an eyesore in our village facility

2 Mill House Drive
Cheltenham
Gloucestershire
GL50 4RG

Comments: 13th August 2025

Could this application be assessed during term time during the hours of 8:20 - 9:00 and 15:00 - 16:00. When the nursery and school drop off and pick up happens? There have already been near misses with children and cars in that car park adding a cafe to the situation wouldn't be ideal. Yes it may be good during the holidays and weekends but not the term time. When football matches take place cars park all over the place including up swindon lane as the car park fills up.

43 Wymans Lane
Cheltenham
Gloucestershire
GL51 9QH

Comments: 30th August 2025

I notice ***** the vendor has taken the right to reply, from his own comments this siting should be refused due to the decibels stated at under 7m, the desired location puts the generator directly behind the juniors play area and the seats within the area. I also notice from attached consultee comments the parish council have objected but offered consultation with the vendor I assume about using existing infrastructure, although I still feel this small park in a conservation area does not need this facility, surely using current infrastructure should be prioritised over this eye-sore using up valuable parking, having viewed now several of the sites that the supporters have mentioned none are in car parks, most are in existing facilities or purpose built facilities and nearly all operate between 9am -5pm, so why does the vendor wish to operate such a large window and more importantly for these travelling dog walkers and walkers who support and don't even live locally, they already have more than enough green spaces to enjoy a coffee in. Surely we should leave a couple for those who just enjoy a walk.

Comments: 13th August 2025

Planning permission to enhance Swindon village park offering, or an entrepreneurs bank balance.

The entrepreneur has stated this is a quiet village car park, this is anything but the case it is used daily by the parents of Swindon village school and is packed solid at drop off and pick up times, the car park is also so busy many weekends due to the football that cars are often illegally parked on the verges and the pavement outside of the park, causing traffic disruption on an already busy junction due to the railway crossing. Now to the fact you the council are considering granting permission for a street vendor business to have access to a beautiful park (that has not needed this offering in the 30 years that I have lived opposite) the access to 30 free car parking spaces from 7am -6pm Monday- Friday and 8.30am-5pm Saturday and 9am-4pm Sunday as advertised in local media by the vendor but not fully stated in the application, with a very vague innocuous food offering, but has been stated will change in the future to supply what the market requires. How long with this business also being given the vague licence to advertise with 2 A frame boards with no confirmed siting location for these boards, does this unspoilt village park become the equivalent to an all day greasy spoon cafe offering for local traders and local businesses with a beautiful view and free parking, leading to the true users of the park being unable to use the car park. With no toilets again the park has not needed how long before reports of people relieving themselves , and worse unwittingly exposing themselves to dog walkers or worse still children. Then we get to the increase of litter which is already collected on a regular basis I am told by the parish councillors, and I know from experience students doing their DofE award. The location of the proposed siting is also an issue being right beside the junior play area, with potential noise and smell issues to be considered, also I'm sure the location has been chosen for the entrepreneur to discharge his waste down the drain in this corner of the car park, this should not be allowed due to this drain backing up and flooding in heavy rain, and also potential smell issues. I suppose finally and I'm sure I have missed many more issues the fact that this proposed catering wagon looks a right eye sore and is not in keeping with the beautiful park in which it is proposed to sit 7 days a week 365 days a year from the

planning application. I also take issue with the council, having taken a survey of the local residents it appears only residents who overlook the eye sore have received the planning letter and not the whole parish and community that will be effected by this application, I find this an awful derogation of duty to the wider community that use this beauty spot and I may add in a conservation area.

49 Church Road
Swindon Village
Cheltenham
GL51 9QZ

Comments: 16th August 2025

I object to this application on the following material planning grounds:

Highway Safety & Parking (NPPF §111; Cheltenham Local Plan INF1)

- The 30-space car park is already full twice daily during school and nursery pick-ups, and at weekends for sports fixtures. Losing two spaces to a trailer would exacerbate congestion, displace cars onto Wymans Lane (a busy road opposite a railway crossing), and create hazards for children and pedestrians.
- Additional vehicle movements from customers and trailer set-up/take-down further increase safety risks.

Public Health & Amenity (NPPF §185; Local Plan SL1)

- The trailer would sit directly beside the playground and nursery gate, exposing children to cooking smoke, fumes and generator exhaust.
- Fried snacks and baked goods encourage unhealthy eating habits, tempting children walking home from school, nursery, or visiting the playground-contrary to Cheltenham Borough Council's public health aims.

Noise, Litter & Sanitation (NPPF §185; Local Plan SL1)

- Generator noise and congregation of customers would disturb nearby residents and park users.
- With no toilets provided, customers may resort to public urination, adding to sanitation risks.
- No seating or bins are proposed, increasing the likelihood of littering and use of children's play equipment for eating.

Anti-Social & Inappropriate Use of Space (NPPF §92; Local Plan CI1)

- The likely clientele (builders, passing workers, teenage youths) is not appropriate to gather beside a children's playground.
- The park's role as a safe family space would be undermined by commercialisation and unsuitable activity.

Character & Visual Impact (NPPF §130; Local Plan D1)

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- The bright-blue catering trailer is visually intrusive and out of keeping with the natural, rural character of Swindon Village Park.
- Commercialisation of this community facility offers little public benefit beyond Council lease income, while harming the amenity of residents and families.

Alternative Provision

- Multiple food outlets (fast food, supermarkets, industrial estate trailers) exist within 5 minutes' drive, all with better infrastructure and facilities. This location is unnecessary and unsustainable.

Conclusion:

This proposal conflicts with NPPF §§92, 111, 130, 185 and Cheltenham Local Plan policies INF1, SL1, D1 and C11. It would cause harm to highway safety, children's health, residential amenity, sanitation, and the character of Swindon Village Park. I therefore respectfully request that the application be refused.

The Grange
Quat Goose Lane
Cheltenham
Gloucestershire
GL51 9RX

Comments: 24th August 2025

I would like to strongly object to the catering trailer being installed in Swindon Village park. The area where it is proposed to go is a car park and used for school and nursery parking as well as people coming to enjoy the park.

It is also adjacent to the play area and the children should not be exposed to the fumes and noise of this trailer.

As someone who is involved in litter picking in the area the last thing we need is some from another source!

I trust that this application will be refused.

25 Dark Lane
Cheltenham
Gloucestershire
GL51 9RN

Comments: 12th August 2025

This proposal is in a public carpark not a retail site.

Traffic.

Vehicular access is extremely limited at the proposed site with multiple existing users requiring parking and space to manoeuvre safely.

Overspill football player parking on Wymans Lane outside the proposed location already creates danger for pedestrians, cyclists and motorists. The existing parking space is therefore shown to be inadequate.

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Many children walk through here twice a day to school.

The footpath through the park, starting in the carpark, was put in place to allow children to walk safely to school. This proposal goes a long way to negate this.

Young children attending the playgroup will be at risk from traffic caused by this proposal Utility.

There are already 4 catering outlets within 500yards of this location.

Litter is already a problem at this location and this will only make the problem worse.

27 Wymans Lane
Cheltenham
Gloucestershire
GL51 9QD

Comments: 13th August 2025

We would like to object to the planning application to install a catering trailer in the car park by Swindon Village Playing Fields.

We live opposite the beautiful and much appreciated green area which is Swindon Playing Fields. The clue is in the name, this is a leisure facility not a retail park.

The installation of a purpose built catering trailer could not in any respect fulfil a local need or demand or enhance the environment. It would in every respect be a nuisance in a residential area.

Existing Food Facilities

The area is already well served by national take away food outlets ie McDonalds, Greg's, Subway etc and at least 2 purpose built catering outlets. Supply already exceeds demand.

It would in fact be hazardous in several respects.

Traffic

Wyman's Lane is a very busy route providing access to several retail parks and to main roads into Cheltenham and to the M5. The volume of traffic, the level crossing, the Pedestrian Crossing, not to mention frequent road works results in congestion particularly in the area around the entrance to the park. There are no yellow lines in place to restrict parking.

Parking Space

There is restricted vehicle space which would be reduced by a catering trailer and queue management barriers.

The parents of school and playgroup children already struggle to park often using pavement and edges. Where would the A frame signs be displayed? Another obstruction?

Health and Safety

Many children use the area to access the play area and school / playgroups their safety could be at risk.

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Noise and smell from a generator would be a constant irritation.

The smell of cooking seven days a week from 7:00 am till 6:00 pm!
Who exactly is the targeted customer base at these times?

Increased Litter. There is already a problem in the area from take away in the retail park and fly tipping since the recycling centre closed.

No toilets in the area. The park has been used for this by travellers and race goers.

There are other concerns. How would utilities be accessed? How would the Travellers access to the park be restricted. Presumably the yellow height restriction bar would be removed? The possibility of anti social behaviour.

Would this then set a precedent for other unnecessary vending applications?

Invicta
Swindon Lane
Cheltenham
Gloucestershire
GL51 9QQ

Comments: 14th August 2025

Regarding the proposal of a catering trailer in a window playing field car park I consider this to be a terrible idea traffic is already causing long queues forming in this area trying to turn into swindon lane with the railway crossing The car park is regularly full at school drop of times and especially when football is being played with cars parking outside on wymans Lane and swindon lane causing problems for residents lots of children use the park to got to school playgroups and using the swing playing area plus the extra litter this food trailer will generate will be unacceptable litter left in the park and possibly thrown from vehicles on the road and people's gardens I object to this proposal most strongly.

50 Rivelands Road
Cheltenham
Gloucestershire
GL51 9RF

Comments: 15th August 2025

I would love to be able to support this application as I think that a small van to get hot and cold drinks but I can't support this idea. Many of my worries are included by other commenters. One chief worry is the lack of toilet facilities not for the clientèle but for the staff they are suggesting long hours but where would they go which provides hot water for hand washing separate from catering facilities. Where would they place the A frames so they are not a danger to the public if they are placed on Wymans Lane they impact access for push and wheelchairs and could even impact vehicles if they fall. Another thing that worries me is the colour of the van they will be manoeuvring in and out of the

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entrance when it's dark in the winter and I am afraid that there could be accidents as drivers may not see the van as it leaves the park.

I wish they gave better details of the food options to enable people to assess how much the smell would be.

3 Tommy Taylors Lane
Cheltenham
Gloucestershire
GL50 4NR

Comments: 23rd August 2025

I think this would be quite a nice addition to the playing fields really, especially on the school run and weekends. My children no longer attend SVPS but they still use the park. I understand other comments about parking for the school run being carnage already, but I don't think the loss of two spaces in the playing area parking will change this - the road outside the school is the worst, and Seasons have always offered their spaces for parent pick up use and people still ignore that to try and squeeze in closer.

Regarding the offering, I really don't think this will compete with Joe's in Kingsditch for the building trade, and will probably mean that the ice cream van which currently parks illegally and dangerously on the verge outside the play area will now have to move on - maybe a healthier alternative for kids and parents is a good thing.

Beulah
Swindon Lane
Cheltenham
Gloucestershire
GL51 9QQ

Comments: 13th August 2025

From:

To:

Cc:

flo.clucas@btinternet.co

,

cllr.frank.allen@cheltenham.gov.uk

,

cameron.thomas.mp@parliament.uk

Wed, 13 Aug at 16:23

The idea of a catering trailer in the car park in Swindon Village playing field is one of the most absurd applications I have heard off for a long time.

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The playing field car park is intended for local residence and to park their cars whilst taking their children to the swing park.

Secondly, the traffic in the immediate vicinity of the playing field car park is always very busy with traffic trying turn up Swindon Lane and large traffic queues forming.

If this proposal goes ahead there will inevitably be traffic incidence occurring on a regular basis.

The amount of litter this catering van will generate will be unacceptable with litter being thrown from parked vehicles into the road and residence front gardens.

There are more suitable places to site this van in the business park because most of the business this van will generate will be from cars and possibly large vehicles.

I object to this proposal most strongly.

65 Church Road
Swindon Village
Cheltenham
Gloucestershire
GL51 9RE

Comments: 15th August 2025

All the car parking spaces are full at the beginning and end of the school day and reducing the number available will exacerbate the problem in the surrounding area.

The van and its customers would be adjacent to Mary Godwin under fives and the children's playground.

The barriers that have been installed to prohibit caravans from illegally using the playing field would need to be opened and closed after every entry to keep it secure. Otherwise the council will be in danger of having to fund eviction notices and the subsequent clear up operation as has previously happened.

Litter would increase

There are no toilet facilities nearby.

There are already numerous drinks and cafe facilities within half a mile of the park, nearly all with their own parking and toilet facilities

Traffic on Wymans lane is always busy and the railway barriers cause queuing problems.

6 Quat Goose Lane
Cheltenham
Gloucestershire
GL51 9RX

Comments: 26th August 2025

Dear Sir

I wish to place my objections to the installation of a food vending van by Shire Box at the above address in Wymans Lane.

My neighbour and I have been unable to use the on line details given by our Liberal Democrat Councillor. This would be an unwarranted and inappropriate use in an area already struggling with shortage of parking and where there can be little demand for its usage. In close proximity to a school it is hardly a good idea to promote fast food for children when the issue of obesity is already a concern. In what is a conservation area, we already have a problem with litter from take away outlets .

I am asked by my neighbours in Quat Goose Lane, who also have been attempting without success to place their objections, *****.

Yours faithfully

6 Quat Goose Lane. GL51 9RX

105 Mandarin Way
Cheltenham
Gloucestershire
GL50 4RS

Comments: 13th August 2025

While it's theoretically a nice idea I'm afraid I object to this application. The car park is already too small for peak demand - school drop off and pick up times, days when the playing fields are in use - and we routinely see dangerous parking on Wyman's Lane as a result. (As a guess this trailer, plus car, plus queuing area, plus the existing hashed area in front of the gate to the field would mean a third of the car park would be unusable for parking, which is it's primary purpose.) This would make that far worse and would potentially displace cars onto Swindon Lane, which creates far more traffic problems and safety issues for pedestrians, motorists and cyclists. I'd add that getting into and out of the car park is also challenging, requiring a right turn across a busy road. There are regular snarl-ups as traffic queues from the level crossing on Swindon Lane blocking Wyman's Lane and, again, this could add to the problem. Finally on the safety side, the playground is busy and is used and it's hard to see the kind of increase in car park use that would be required to make a catering trailer viable not resulting in increased risk to the families with young children who make use of the playground, not least as they have to cross the car park entrance if they're coming from Wyman's Brook. From a utility perspective there are already other places to buy take away food close by. As others have noted there are also no toilet facilities. I'd always ask whether the catering van will be selling the healthy meals we would want small children to ask for (since it is right next to the playground!) Finally, there have been many instances over the years of illegal occupation of the field by travellers, leading to the introduction of the two overhead barriers. That risk has not gone away, so my challenge would be to ask how that risk will

continue to be mitigated should one of the barriers be removed to allow for a catering van.

49 Church Road
Swindon Village
GL51 9QZ

Comments: 16th August 2025

I am writing to object to this application as someone who grew up in Swindon Village and who still visits regularly with my two-year-old son to see my mother, who lives in the village. I used this park throughout my own childhood, and it saddens me to think that its character and the healthy, family atmosphere could be damaged by a catering trailer.

The park is already busy with families, nursery children and school pick-ups, and the car park is often full at those times as well as at weekends during football matches. Taking away spaces for a food trailer will only make the situation worse, pushing cars into unsafe spots on Wymans Lane, which is already a dangerous road with the railway crossing nearby.

My biggest concern, though, is for the children. The proposed trailer would sit directly beside the playground and nursery entrance. That means young children will be breathing in cooking fumes and generator exhaust while they play. On top of that, the kind of food being sold - fried snacks, cakes and sugary drinks - will tempt children coming out of school and nursery, undermining parents' efforts to encourage healthy eating.

It also doesn't feel right that the type of people most likely to use the trailer - builders, passing drivers, or groups of teenagers - will be gathering at the entrance to a playground. This will put parents like me off using the park, which should be a safe and welcoming space for families. With no toilets, seating or bins provided, it also raises real concerns about litter and sanitation.

There are already plenty of places to buy food and drink nearby - supermarkets, cafés and fast food outlets all within minutes. The park doesn't need this, and the community certainly doesn't benefit from it. The only thing gained is extra income for the Council at the expense of the health, safety and enjoyment of local families.

For all of these reasons, I believe this is the wrong place for a food trailer and I urge the Council to refuse this application.

20 Church Road
Swindon Village
Cheltenham
Gloucestershire
GL51 9QP

Comments: 25th August 2025

I believe this proposal raises several concerns that warrant serious consideration.

Disruption to School Access and Safety - The car park is regularly used by parents and guardians dropping off and collecting children from the nearby nursery and primary school. Introducing a commercial food operation during peak hours risks creating congestion, reducing available parking, and potentially compromising child safety. Increased vehicle and pedestrian traffic around school hours could lead to confusion and unsafe conditions, particularly for younger children.

Undermining Local Community Initiatives - The nearby village hall frequently hosts fundraising events organized by local volunteers, many of which include catering options to support community projects. Allowing a commercial vendor to operate in such close proximity may divert attention and revenue away from these grassroots efforts. These events rely on community participation and goodwill - introducing a competing commercial presence could erode the spirit of local collaboration.

Impact on Park Character and Environment - The park is a cherished green space, and the presence of a catering trailer, signage, and queue barriers would detract from its natural and peaceful setting. Food vending operations often lead to increased litter, noise, and cooking odours, which may disturb park users and wildlife.

Operating Hours and Oversight - Operating from 07:00 to 18:00 daily is a substantial presence in a public park, overlapping with nursery/school and community activities, amplifying the potential for disruption.

The park and its surroundings serve as vital spaces for education, recreation, and community-building - they should not be compromised for commercial gain.

Cornerways
Swindon Lane
Cheltenham
Gloucestershire
GL51 9QQ

Comments: 24th August 2025

We agree with many of the comments by other residents and would like to add the following:

1. We have seen some accidents and numerous near misses on the junction of Wymans Lane and Swindon Lane during the last few years. Increased traffic in and out of Swindon Playing Field would only add to that.
2. The overflow of cars from Swindon Playing Field not only park on the grass verges but also on the left hand side of Swindon Lane leading up to the railway track. They often park right up to our driveways which completely blocks our view of any cars coming from Wymans Lane into Swindon Lane thus making it virtually impossible for us to safely pull out of our driveways onto Swindon Lane as we cannot see approaching traffic until it is too late. We do not have the same problem with cars waiting in line for trains as there is no movement of traffic when the gates are down.

23 Drayton Close
Cheltenham
Gloucestershire
GL51 9QB

Comments: 25th August 2025

Planning Application Reference: 25/01160/FUL

I wish to submit the following objections to the above application:

a. The car park is a facility for the use of people wishing to use the playing fields, the children's play area and the facilities of the pavilion. It was not provided to be a location for a commercial enterprise to set up and deprive users of these facilities.

b. Increased danger to children.

The presence of the catering trailer will encourage more cars into the park increasing the danger to children during the period that the children will be walking into the park and then on to school through the park.

The children are of infant and primary school age and may not be visible to drivers who will be intent on looking for a space to park and may not notice a small child stepping out in front of them or behind them.

More cars will result in more vehicular movements through the entrance and more manoeuvring within the car park.

Children on foot access the park from the public footpath in Wymans Lane. The pedestrian gate into the park is on the South side of the vehicular access into the park. The problem that this creates is that children have to cross the vehicular access into the park to then gain access to the path through the park.

c. The design and dimensions of the car park are unable to lose such a large area, 7.4m x 6.5m, to facilitate the installation of the proposed catering trailer facility.

The parking spaces are not marked or defined in any way.

The minimum size of car parking spaces is normally 4.8m long x 2.4m wide and the clear zone between head on parking bays is normally 6.0m. The ideal minimum width for the Wymans Lane car park should be 15.6m (4.8 + 6 + 4.8) but, unfortunately, it is only 14.8m. The 0.8m difference may not seem a lot but it makes a considerable difference to pedestrians and to vehicles.

A 1.3m wide tarmac footpath runs along the south edge of the parking area. The footpath is not segregated from the parking spaces by a safety barrier with the result that most of the time the pedestrian footpath is used as an extension to the width of the parking area. Pedestrians and cyclists can find themselves being 'nudged' by a car bumper. Most of the time the ends of parked cars overlap most of the width of the tarmac path.

Over a prolonged period, a narrow mud path has been worn into the earth alongside the tarmac path. This helps but even with the additional width of this unofficial path the path width available to pedestrians is still limited and mothers with buggies and toddlers struggle to use the path and frequently have to use the circulation zone between the parking spaces.

d. Safety issues and preventing the use of the parking spaces when the field access gate is not in use.

The proposed application site is indicated in a location that is opposite the 'Keep Clear' hatching in front of the access gate to the field.

The application site extends into the clear zone between the ends of parking spaces and into the turning area next to the Keep Clear zone. This could reduce the area for maneuvering vehicles and would also, when the field access gate is not in use, it would prevent cars from parking over the 'Keep Clear' zone. Cars park over the 'Keep Clear' zone because it is safer for the cars to be in that location than parking in Wymans Lane where they can cause a problem for pedestrians and road users along Wymans Lane.

e. The application is misleading and inaccurate.

The application is for the static catering trailer only and not for the vehicle that will tow it or for any additional vehicles belonging to staff.

As this is an application for a facility the vehicle spaces that will be required to park vehicles associated with that facility should be included in the application. Vehicles

associated with the catering trailer are on site solely to support the catering facility and not to use the playing field and whilst on site they will be depriving other visitors to the park of those spaces and reduce the number of spaces available.

If a consent is granted it should include a requirement that any vehicles associated with the catering facility must vacate the site.

f. The catering trailer will be occupying much needed parking spaces and the size of the 6.5m depth of the proposed area of operation will impact on the circulation and maneuvering of vehicles.

The Wymans Lane car park is not large and whilst there are periods when the car park has only a few spaces occupied, it is frequently full and it is often inadequate for the number of vehicles wishing to park.

When there are no remaining spaces vehicles will park on the 'keep clear' area in front of the access gate to the field and when all spaces are full vehicles will be parked outside the park fence on either side of the access into the park from the Wymans Lane.

The introduction of the Trailer will worsen the situation.

Activities that create the greatest vehicle numbers often take place after school, in the evenings, on public holidays and at weekends. During the Autumn and Winter months with shorter days activities can start earlier to make the most of the daylight.

The increase in vehicles requiring parking spaces are often the result of parents bringing children to train as well as play in matches and as a result the need for more spaces can commence after school and before 6:00 pm during Monday to Friday and throughout the day on Saturday and Sunday.

g. There are also going to be potential safety issues resulting from trying to pack-up a catering trailer and move it off site at a time when there will be a large volume of traffic.

h. The chosen location for the catering trailer would obscure views of one end of the children's play area and would block one of the access points for children to the play area and also block the access for pedestrians onto the field.

This is a safety issue that the trailer would create as it could obscure any views of children within the corner of the play area and screen the access to the play area.

i. The two short paths at each end of the children's play area have an artificial finish to them which is needed to keep children, child buggies, toy scooters and cycles out of the mud of the field. It is important that visitors to the park with small children who wish to access the playing area can see and have access to the two short paths.

There is a muddy margin between the proposed catering trailer site and the fence enclosing the play area. The margin will need to be properly surfaced with a free draining finish if the permission granted.

Paving the margin should be short path that will be hidden and become inaccessible if a catering trailer is installed.

j. The catering trailer should not encourage children to purchase their food from such facilities.

The covering letter mentions collaborating with nearby schools. There is only one and it is unlikely that children that are of infant and junior school age will be allowed to cross the road, walk through the park and buy their snacks and dinners from a catering trailer.

Historically councils have been against encouraging children's reliance on external catering facilities of any kind. Children should be catered for on the premises.

k. Dangers created by the increase in the number of parents cars using Wymans Lane car park to be able to have access the catering trailer when dropping off their child.

Many children and their parents walk to and from the school through the Wymans Lane car park area. Some parents will drive, park and then walk with their children to and from the school. With an increase in the number of cars during adverse weather conditions.

However, many parents drive and park in Church Road, Quat Goose Lane and the Village Hall car park. If those parents are attracted to the catering trailer, to buy a beverage, the increase in the number of cars would add to the vehicles accessing and egressing the Wymans Lane parking area with the potential of adding to the chaos in Wymans Lane and to the traffic issues at the junction of Wymans Lane with Swindon Lane when the barriers on the level crossing in Swindon Lane are down.

l. Detrimental Impact on Site Security and Potential of Removing the Protection of park from occupation by illegal travellers, caravans and the like.

The height of the catering trailer noted in the submitted sheet of measurements is 2.47 metres which is too tall to pass beneath the yellow barrier above the access into the park. The yellow barrier has a clearance of 2.2 metres.

We appreciate that the yellow security barrier is not mentioned in the application but it is much too important in preventing access to illegal caravans, travellers and the like for it not to be a consideration.

The security of the park provided by the yellow barrier must be retained and maintained. The barrier is a very effective deterrent and it should not be revised in any way and there should not be any consideration given to increasing the clearance below the barrier.

The catering trailer will require the barrier to be opened and locked closed after access has been given and also unlocked and locked closed following egress from the site.

Who is going to ensure that this very important security measure is maintained and that it is locked?

m. There is insufficient information provided for people wishing to view and comment on the application and the possible impact that this proposal may have on park users or how the insertion of a static catering facility would be implemented.

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The Cheltenham Borough Council - Street Trading Licensing Policy does not provide enough information to enable the application to be considered and as a result more guidance needs to be provided prior to the application being considered.

People viewing the details of this proposal should be informed on how the occupation of an area of the car park is to be retained solely for the use of the catering trailer?

- The application is for a static catering trailer which is to occupy a specific area of the car park during the hours stated on the application. When the trailer is removed it is assumed that the car parking spaces will be available for public use?
- Would the planning consent and/or the license only allow them to occupy and operate from that specific area of the car park but only if it is available?
- If the trailer arrives in the morning and the spaces are occupied by vehicles what action can the applicants or Cheltenham Borough take?

The design, dimensions and layout of the car park would not support a 6.5m deep trading site being set-up in any other location within the car park.

- Will the applicants require an additional permission to allow them to occupy other areas of the car park, if the specific area is not available?
- If no other vehicles, other than the catering trailer, are allowed to occupy those spaces during the permitted hours for which the application is granted, will a sign be erected to confirm this?
- If the trailer catering operator goes on holiday, or doesn't turn up for a number of reasons resulting in the spaces being vacant, will a notice be put up stating that the spaces can be used?
- When exiting the identified location are the applicants permitted to secure the spaces in any way for the following day thus preventing the spaces from being used when the trailer is not on site?

n. During race week the presence of the catering trailer may attract race-going drivers into the parking area where they may then decide to leave their cars and walk to the race course.

If the application is approved it should not be allowed to operate during those periods when there is racing at Cheltenham race course.

o. There aren't any toilet facilities on the site for the use of staff or customers

Please confirm what the arrangements have been made?

A portable toilet unit would not be acceptable.

p. Seating and People Sitting Cars whilst they consume food and drink:

During busy periods drivers that are not intending to use the field or take part in activities on the field will occupy parking spaces.

There is no indication of seating or tables. Please confirm that seats and tables are not going to be included in the set up.

q. The proposed area would be over a gully that should be kept clear. It is also important that no waste from the catering trailer is connected to gully or poured down any of the gullies.

r. Waste Bins Should be Indicated and a Waste Management proposal should be submitted for comment.

The use of the Park bins should be discouraged.

s. Advertising Boards

It is noted that all advertising will be contained within the boundaries of the proposed site.

Please confirm that there will not be any approvals given at a later date for signage along any of the roads, in the Village Hall car park, or in the entrance to the site from Wymans Lane.

t. Unnecessary facility in a sensitive location

There are a large number of food outlets to choose from within a short distance of the area (fast food, in-store cafés, industrial estate trailers, cafes in builders merchants, coffee outlets,) some within a 5 or 10 minute walk.

u. This will not enhance the visual appearance of the proposed location or the wider area.

v. Nuisance caused by smells in close proximity to the Childrens Play Area.

I therefore request that the application be refused.

Kind regards

West View
Blacksmith Lane
Cheltenham
Gloucestershire
GL52 5JA

Comments: 19th August 2025

Montpellier - Garden Cafe

Prestbury - whiskers cafe

Naunton -Cafe@Naunton

Hatherley - Cobo Coffee

Pittville - The Boat House, The Kiosk and Central cross cafe

Cox's Meadow - The Meadow Cafe

The Burrows - Dug out cafe

To name but a few. What is a Park without these facilities? People like a coffee, cold drinks and snacks etc. It's almost expected as a service.

There are very few parks without these facilities. Why should Swindon Playing field miss out on what clearly everyone wants?

For some parents it may be their 5 minutes of peace with a beverage. Restoring their sanity!

Officer Report

APPLICATION NO: 25/01141/CONDIT	OFFICER: Mr Ben Warren
DATE REGISTERED: 28th July 2025	DATE OF EXPIRY: 22nd September 2025
DATE VALIDATED: 28th July 2025	DATE OF SITE VISIT:
WARD: Lansdown	PARISH:
APPLICANT:	Luxury Leisure
AGENT:	RR Planning Limited
LOCATION:	218 High Street Cheltenham Gloucestershire
PROPOSAL:	Variation of Condition 4 (opening hours) of planning permission 23/00452/COU seeking to extend the opening hours to 24-hour use each day of the week.

RECOMMENDATION: Permit

1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site relates to 218 High Street, a retail unit that was formally occupied by Shoe Zone, now occupied by Admiral Casino. The site lies within Cheltenham's Core Commercial Area and the Central Shopping Area and is within the Central Conservation Area (Old Town Character Area).
- 1.2 Planning Permission was sought in 2023 under planning application reference 23/00452/COU, for a change of use of the ground floor from a retail unit (Class E) to an Adult Gaming Centre (Sui Generis). Associated works and external alterations were also proposed. The application was refused by the Local Planning Authority (LPA) for 3 reasons, these relating to: harm to the retail function of the Central Shopping Area and Core Commercial Area, harm to the conservation area by virtue of the proposed shopfront and signage, and harm to the amenities of neighbouring land users by virtue of a proposed 24 - hour use.
- 1.3 Permission was later granted at appeal (appeal ref: APP/B1605/W/23/3325026), subject to conditions. The condition relevant to this application was condition 4 which imposed restricted opening hours of between 0900 – 0000 on weekdays and Saturdays and 1000-2200 on Sundays. In addition, condition 3 required the submission of an acoustic assessment, which was later discharged under planning reference: 24/00760/DISCON.
- 1.4 The applicant is now seeking consent to vary condition 4 of the permission under section 73 of the Town and Country Planning Act 1990. The proposed change relates to the opening hours, whereby the applicant is again seeking a 24 hour use 7 days a week.
- 1.5 This report should be read in conjunction with the Inspectors appeal decision.
- 1.6 The application is at planning committee at the request of Councillor Collins due to the level of public interest and the concerns raised in response to the public consultation process.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Business Improvement District
Conservation Area
Core Commercial Area
Principal Urban Area
Residents Associations
Central Shopping Area
Smoke Control Order

Relevant Planning History:

23/00452/COU 13th February 2024 REF

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.

24/00509/DISCON 7th May 2024 DISPOS

Discharge of condition 3, acoustic assessment, of planning permission 23/00452/COU

24/00760/DISCON 6th June 2024 DISCHA

Discharge of condition 3 (noise assessment) of granted permission 23/00452/COU.

24/00798/ADV 19th June 2024 GRANT

Erection and display of externally illuminated fascia and projecting signage.

24/01014/FUL 14th August 2024 PER

Installation of 2no. condenser units on rear elevation of the building.

3. POLICIES AND GUIDANCE

National Planning Policy Framework

Section 2 Achieving sustainable development
Section 4 Decision-making
Section 6 Building a strong, competitive economy
Section 7 Ensuring the vitality of town centres
Section 8 Promoting healthy and safe communities
Section 12 Achieving well-designed places
Section 16 Conserving and enhancing the historic environment

Adopted Cheltenham Plan Policies

D1 Design
HE3 Advertisements, Signs and Hoardings in Conservation Areas
SL1 Safe and sustainable living

Adopted Joint Core Strategy Policies

SD2 Retail and City / Town Centres
SD3 Sustainable Design and Construction
SD8 Historic Environment
SD4 Design Requirements
SD14 Health and Environmental Quality
INF1 Transport Network

Supplementary Planning Guidance/Documents

Shopfront design guide (2007)
Climate Change (2022)
The Old Town Central Conservation Area Appraisal and Masterplan (2007)

4. CONSULTATIONS

Consultee comments can be read in the Appendix at the end of this report.

5. PUBLICITY AND REPRESENTATIONS

- 5.1 Letters have been sent to 16 neighbouring land users, a site notice has been displayed and an advert published in the Gloucestershire Echo. In response, 23 letters of objection have been received. The concerns raised have been summarised but are not limited to the following:
- Public safety concerns, including fear of crime and anti-social behaviour
 - Risk to vulnerable individuals and their wellbeing
 - Impact on neighbouring amenity – noise and disturbance
 - Impact on the character of the town centre particularly during late evening and early morning hours.

6. OFFICER COMMENTS

- 6.1 The applicant has submitted an application under Section 73 of the Town and Country Planning Act 1990. The PPG guidance (Paragraph: 013 Reference ID: 17a-013-20230726), sets out how a section 73 application 'can be used to make a material amendment by varying or removing conditions associated with a planning permission. There is no statutory limit on the degree of change permissible to conditions under s73, but the change must only relate to conditions and not to the operative part of the permission.'

- 6.2 As noted in the introduction, planning permission was granted by appeal for the change of use of the building to a gambling centre; the permission has been implemented, and the site is in operation in line with that permission. This application and report only seek to consider the proposed changes to that consent, which in this instance, relates to the opening hours for the gambling centre. The inspector granted permission subject to conditions, one of which restricted the opening hours to 0900 – 0000 on weekdays and Saturdays, and 1000 – 2200 on Sundays. The applicant is now seeking variation of that condition to enable the premises to be open 24 hours a day, 7 days a week. It should be noted that the premise already has a license for a 24-hour use, and this application would seek to align the planning permission with the existing premises license.
- 6.3 As the change only relates to the opening hours, this is the only matter for consideration in this application, and as such, the principle of the use cannot be re-considered. With regards to the proposed change in opening hours, the relevant considerations include impact on neighbouring amenity, public safety and impact on the viability and vitality of the town centre.

Impact on neighbouring amenity

- 6.4 In the original application for the change of use of the site in 2024, the applicant sought a 24-hour use. When considering these hours, the appeal inspector did not consider these hours to be acceptable and stated *'those suggested by the applicant are unacceptable since they are unlikely to be effective in protecting residents' amenities in the early hours of the morning. Rather I shall impose a condition reflecting those imposed in the Ipswich and Golders Green appeal decisions referred to by the appellant. Such opening hours are likely to be more effective in achieving the required protection.'* At the time of the original application and appeal, the submissions were not supported by a noise assessment, something that was deemed necessary by the inspector and was conditioned when allowing the appeal. The noise assessment was later submitted and discharged by the Local Planning Authority under planning ref: 24/00760/DISCON.
- 6.5 Concerns have been raised by local residents, local groups and local businesses with regards to the potential noise implications from the proposed 24-hour use.
- 6.6 This new application *is* supported by a noise impact assessment and discusses the implications of extending the opening hours. This noise assessment has been reviewed by the council's environmental health officer whose comments are *'The applicant has provided a robust noise survey to examine any potential effect from 24 hr opening on nearby property, due to noise from the internal areas, external air conditioning units, and customers arriving and leaving. The assessment indicates that there will be no adverse effect on nearby noise-sensitive properties. Therefore, I have no objection to this application on the grounds of noise and nuisance.'*
- 6.7 The environmental health officer was also able to confirm that since the use became operational there has been only one complaint received, however this related to a faulty intruder alarm. No complaints have been received by the environmental health team with regards to noise and disturbance as a result of the use being operational. They also confirm that no complaints or instances of anti-social behaviour have been referred to them.
- 6.8 It is also important to note that two existing gambling centres, operated by 'Be Lucky' and located on the High Street at 82 -84 High Street and 260 - 264 High Street already operate with 24 hour opening times.
- 6.9 Given all of the above, when considering matters of noise and disturbance on neighbouring amenity, the proposed extension of opening hours, is not considered to result in any unacceptable implications.

Public safety

- 6.10 Concerns have been raised in relation to fear of crime and anti-social behaviour. Similar concerns were raised during the original application which are discussed by the appeal inspector.
- 6.11 The County Council's Crime Prevention Officer has reviewed the application and has provided comments which can be read in the appendix at the end of this report. Their initial response raised a number of queries, to which the applicant has provided a response. The response confirms that the applicant's other venues which operate on a 24 hour basis have a bespoke suite of security measures in place, these depend on the requirements of the site, but the applicant goes on to say *'These measures include; mag lock entry after a set time so that customer have to ring a buzzer to be allowed entry; CCTV coverage – this was a condition of our planning consent which has been discharged and the CCTV plans and provision approved; a PA system which connects through to a central security hub which is staffed on a 24 hour basis by Kirby with the ability to live link to the onsite CCTV. For this site specifically we also engaged MNX security guarding for the Cheltenham festival, although there were no incidents whatsoever.'* The applicant also confirms that no alcohol is served on site and that they do not permit entry to those that appear under the influence of alcohol and intoxicated. The Crime prevention officer has reviewed the applicant's response and has been able to confirm that *'From a Police perspective there have been no Crimes or Incident reports for inside the address'*.
- 6.12 When discussing the potential for anti-social behaviour as a result of the proposed use, the appeal inspector states *'there is no firm evidence before me that this would prove to be the case in practice based on the operation of other such venues'*. In this instance, in some letters of representation received, there is suggestion that such instances have occurred as a result of the use being in operation; however, this is not substantiated with specific evidence. The applicant has responded to this particular point, stating that a specific incident referred to cannot have occurred in their premise, as this is suggested to have taken place at 1:30am, at which time they are not currently open. The applicant also states that there is no record of a police report for this particular incident. With regards to the fear of crime and anti-social behaviour, without any direct evidence that could attribute the use of the site with instances of crime or anti-social behaviour, it would be unreasonable to conclude that the proposed extension of operating hours would result in an increase in crime or anti-social behaviour and therefore, officers do not consider the application to be unacceptable in this regard and therefore share the same view of the appeal inspector on this point.

Impact on the viability and vitality of the town centre

- 6.13 With regards to impact on the viability and vitality of the town centre, as already mentioned, the principle of the use in this location has been established as acceptable by the appeal inspector when granting consent for the change of use. Officers are therefore only considering whether an extension of opening hours would have a harmful impact on the town centre. In this regard, officers raise no concerns.

Other matters

- 6.14 Concerns have been raised by members of the public and in representations from specific organisations with regards to social matters and the potential implications that can or are sometimes linked to a gambling use. Whilst officers can sympathise with some of these issues and can understand the reasons for concern, these are generally moral concerns, and as mentioned, officers are only required to give regards to relevant material planning considerations. Officers are of the same view as the appeal inspector on this matter, whereby these particular issues are not deemed to be material planning considerations. In addition, there are no relevant local or national policies that prevent a gambling use from

being in operation, and it is important to remember that this application is not considering the acceptability of the use, but the acceptability of extended opening hours.

7. CONCLUSION AND RECOMMENDATION

- 7.1 Whilst the concerns raised in the letters of objection, including those of local residents, local groups and local businesses, have been duly noted, when having due regard to the relevant material planning matters, which in this case relates to the acceptability of the proposed extension of opening hours, officers do not consider the proposal to be in conflict with local or national planning policy. As such, officer recommendation is to permit the application, removing the restricted hours of operation condition.
- 7.2 The other remaining conditions have however been amended/updated where necessary and are set out below;

8. CONDITIONS / INFORMATIVES

- 1 The development hereby permitted shall be carried out in accordance with the approved plans listed in condition 2 of the appeal decision notice for 23/00452/COU (Appeal Ref: APP/B1605/W/23/3325026).

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

- 2 The development shall operate in accordance with the Noise Assessment written by Hepworth Acoustics received on 28th July 2025.

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

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.

Appendix 1

Consultee comments

Environmental Health - 12th August 2025

The applicant has provided a robust noise survey to examine any potential effect from 24 hr opening on nearby property, due to noise from the internal areas, external air conditioning units, and customers arriving and leaving. The assessment indicates that there will be no adverse effect on nearby noise-sensitive properties.

Therefore I have no objection to this application on the grounds of noise and nuisance.

Crime Prevention Design Advisor - 18th August 2025

Throughout the supporting document it is mentioned that the company have a central security team, yet only mention of security offered on site mentions staff receiving training from an external company. It would be beneficial to know what additional security measures will be in place for the proposed extra hours?

They also describe the use of Risk Identification Tool, as the company have been operational at this address since 2024 it would be useful to know what Risks have been identified during the current operating hours. As the Admiral Casinos operate over 280 venues across the country and a range of differing operating hours, could the applicant provide more information about the perceived risk following this Change of Condition.

Various licensed premises from the surrounding area have been mentioned to set a precedent for opening hours, yet the application doesn't include any provisions to increase security or offer and information to ensure a safe environment and how they aim to prevent opportunities of crime, ASB or disorder. The Cheltenham Race calendar also has a significant impact on the town and crime figures, most premises understand these problems and increase staffing numbers for customer service and security. It would be useful to know what security provisions will be in place during the Races or other significant events?

The application mentions the nearby night time economy (NTE) and aims to integrate into this further, as most NTE is reliant on the alcohol sales it would be useful to know how staff will be trained to deal with these situations. With 2 employees on duty to maintain a high level of supervision and safety, it would be useful to know how customers are checked for alcohol or drug intoxication?

While researching Admiral Casinos, several locations offered drinks to customers. One of the neighbouring businesses has previously reported how a frustrated customer poured a kettle of boiling water over a machine. To prevent injury or property damage, it would be useful to know what free drinks were provided and if safeguards would be in place to protect staff from attack?

With the number of issues affecting other NTE venues throughout the year and during other major events, it may be worth considering how some of the neighbouring premises listed in the applications have Liquor Licensing Conditions to ensure the correct level of security during the extended hours. Should the application be granted could a condition be added that includes the following requirements.

- o On Fridays, Saturdays, Sundays, Bank Holidays and Cheltenham Festival Race week in March and November each year, when the premises are open beyond 23:00 a minimum of two SIA registered door supervisors shall be employed between the hours of 21:00 and 06:00.

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There are several questions relating to crime and disorder while reviewing this application, as such it would be advantageous to get further information before this application can be decided.

Cheltenham Chamber Of Commerce - 12th August 2025

Objection to Application 25/01141/CONDIT - Admiral Slots, Cheltenham High Street

We at the Cheltenham Chamber of Commerce strongly oppose the application by Admiral Slots (Luxury Leisure) to extend its operating hours to 24 hours a day, seven days per week.

We urge the Council to reject this application in the interest of public safety, wellbeing, and the responsible management of Cheltenham's night-time economy.

Our role as a Chamber of Commerce in Cheltenham is to support and invest in it in ways that elevate the town for local people and visitors alike, and ensure its prosperity for future generations. This application does neither.

Our members have long supported Cheltenham Borough Council and Gloucestershire Police's efforts to reduce late-night crime in the town centre. Allowing this application directly contradicts all efforts made by these public bodies to do just that. In fact, 24/7 opening hours would directly encourage harmful behaviours such as addictive gambling and reckless spending while inebriated which could well have serious negative social consequences.

Beyond this, we understand and are therefore concerned that in just the short time it has been open there has already been evidence of criminal activity linked to the site provided by the Brewery. Continuous opening hours, particularly those late at night, typically correlate with increased criminal activity. Allowing 24/7 opening creates additional opportunities for both crime and anti-social behaviour to take place in our town centre. A matter which will impact other local business and residents living close by.

Speaking of other businesses, the applicant has been somewhat misleading when highlighting other late-night premises locally. The Everlast gym in the Brewery is not a 24 hour business. McDonald's, Burger King, and Dominoes all provide food and so do not have inherent risks of potential harm around addiction, crime, or financial harm.

In summary, we at the Chamber believe this proposal has limited, if any, real community benefit for Cheltenham. Where the applicant has highlighted potential users who could benefit from extended opening hours (e.g. shift workers and chefs) there is little more than anecdotal evidence in support.

We argue that encouraging people to engage in potentially addictive behaviour after midnight is not in the best interests of our community, and in fact is more likely to be a source of mental harm and anti-social behaviours than a benefit.

We strongly urge the Council to reject this application for these reasons.

Kind regards, Michael Ratcliffe MBE
CEO, Chamber of Commerce

Ward Councillors - 13th August 2025

The premise already has ample opening hours to conduct business. Additional unsociable hours will attract antisocial behaviour which will drain public resources and be a risk to local residents, encouraging addiction and exploiting vulnerable people.

Other - 20th August 2025

I am the Rector of St Matthew's and the Minster, Cheltenham. The Minster is Cheltenham's most ancient and historic building. The Parochial Church Council (PCC) of St Matthew's and the Minster are very grateful for the Borough Council's huge investment in the Minster churchyard and 'Minster Quarter' area with the excellent adjacent Minster Exchange building. We are already seeing much less anti-social and criminal behaviour and many more people enjoying the improved facilities in the churchyard.

At a meeting of the Standing and Finance Committee of the PCC last night it was unanimously agreed that we should object formally to the granting of a 24 hour adult gaming licence to 218 High Street, which is adjacent to the Minster churchyard. The premises already has a limited adult gaming licence, but we fear that a 24 hour licence would fundamentally change the atmosphere of the churchyard particularly in the hours of darkness when most anti-social and criminal behaviour in the churchyard takes place.

I would like to formally lodge our objection.

Yours sincerely

The Rev'd Richard Coombs
Rector of Cheltenham

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APPLICATION NO: 25/01141/CONDIT		OFFICER: Mr Ben Warren
DATE REGISTERED: 28th July 2025		DATE OF EXPIRY : 22nd September 2025
WARD: Lansdown		PARISH:
APPLICANT:	Luxury Leisure	
LOCATION:	218 High Street Cheltenham Gloucestershire	
PROPOSAL:	Variation of Condition 4 (opening hours) of planning permission 23/00452/COU seeking to extend the opening hours to 24 hour use each day of the week.	

REPRESENTATIONS

Number of contributors	23
Number of objections	23
Number of representations	0
Number of supporting	0

34 Coburn Gardens
Cheltenham
Gloucestershire
GL51 0GE

Comments: 5th August 2025

I am one of the churchwardens of the Minster with St Matthew. I therefore represent a neighbour and the town centre amenity of the church community in Cheltenham's most ancient and historic building. I am grateful for the Borough Council's huge investment in the Minster churchyard and 'Minster Quarter' area with the excellent adjacent Minster Exchange building. The desire to make this historic town centre area attractive to visitors as well as safe at all times to Minster personnel seems to me not to be in keeping with the granting of a 24 hour adult gaming licence to 218 High Street, another property adjacent to the Minster churchyard. I would like to register my objection that this licence would fundamentally change the atmosphere of the churchyard particularly in the hours of darkness (a problem acknowledged and addressed in the churchyard redevelopment) and will be raising this at the next Standing and Finance Committee meeting so that the Parochial Church Council can also register its formal objection to this proposal. I have no doubt that it will do so. Yours faithfully. *****

11A Merestones Drive
Cheltenham
Gloucestershire
GL50 2SU

Comments: 20th August 2025

Letter attached.

Beech Hurst
The Reddings
Cheltenham
Gloucestershire
GL51 6RT

Comments: 19th August 2025

I object on many levels, a lot of which have been addressed by previous comments and these include:

Location - after all the money that has been invested in that area this seems at complete odds with that and its right by the Minster a place that Cheltenham is proud of.

Safety - Cheltenham Council together with the police are trying to make the streets safer in the early hours.

Cheltenham Pastoral Carer's on the street see so much anger and despair often from drink fueled gambling losses.

Cheltenham's Reputation - this does not fit with Cheltenham at all.

Addiction - This is the biggest part of my objection.

Yours faithfully

Flat 1
208 High Street
Cheltenham
Gloucestershire
GL50 3HF

Comments: 8th August 2025

I strongly oppose Admiral's application for a 24-hour license in Cheltenham. This proposal does not reflect the values of our town and poses a real risk to vulnerable individuals when support services are unavailable. A 24-hour gambling venue will contribute to addiction, antisocial behaviour, and public safety issues. Cheltenham is a community, not a casino strip - and we must protect its residents, not exploit them.

30 Granley Road
Cheltenham
Gloucestershire
GL51 6LH

Comments: 14th August 2025

I strongly object to this application for so many reasons:

1. Cheltenham Borough Council has made significant investment (£millions) into the Minster Project, rejuvenating the area and at the same time tackling much of the

antisocial behaviour. This application is immediately adjacent and adding anti-social hours is likely to have an impact on behaviour. What a waste of taxpayer money that would be.

2. There is extensive research [such as Standard Life Foundation for example] that highlights that these establishments disproportionately impact poorer people and communities. On the same street we have CCP operating and supporting individuals in need, as well as Open Door and several other Cheltenham charities. Cheltenham Borough Council also runs No Child Left Behind which highlights the poverty problem in Cheltenham.

The business can already do good business during its current opening hours. Why would they be extended and able to impact the most vulnerable?

3. Gambling addiction is a problem, and gambling shops help fuel this. There is a "self-exclusion scheme" in place, but assessments of it highlight that it is largely ineffective between sites. We don't need Cheltenham to be part of this problem, and having 24/7 sites just makes the problem worse.

4. There are already crimes directly linked to this premises. See the objection from the Brewery as an example of a direct consequence. Adding anti-social hours when the town centre is quieter, is unnecessary. Not to mention additional inebriation and poor behaviour and other issues.

5. We are a purple flag town for nighttime safety. Why would we jeopardise that with 24/7 establishments that have long been linked to poor behaviour, particularly sited where there has also been a history of poor behaviour? This application feels against the ethos and hard work of the Council teams.

In conclusion, this business has more than enough hours to operate successfully in Cheltenham. The brand has a global turnover over £142million which is obscene, and they don't need more hours here, in order to succeed. This is greed, and their arguments of other late-night establishments are either incorrect [see other objections] or not relevant because they offer a different service such as food which doesn't directly contribute to poor behaviour, inebriation, or addiction. I hope that the Council sees sense!

18 Northcroft
The Park
Cheltenham
Gloucestershire
GL50 2NL

Comments: 13th August 2025

Dear Sir/Madam,

I am writing to formally object to the above application for 24-hour opening at Admiral Slots, 218 High Street. My objection is based on the following legal and planning grounds:

Conflict with Previous Appeal Conditions

Planning permission for this site (APP/B1605/W/23/3325026) was granted on appeal with specific conditions, including:

Prior approval of an acoustic assessment with mitigation measures.

Restricted opening hours: 09:00-00:00 weekdays and Saturdays, 10:00-22:00 Sundays.

The current proposal for 24-hour opening directly contravenes these conditions, representing a material change to the approved development, which cannot proceed without new planning permission.

Residential Amenity and Planning Policy

The appeal decision limited opening hours specifically to protect residential living conditions (Cheltenham Plan 2020, Policy SL1; JCS 2017, Policy SD14). Extending to 24 hours removes these protections and is therefore contrary to these planning policies.

Material Change Not Considered in Appeal

The appeal was assessed on the basis of restricted hours. 24-hour operation was not considered, and the Inspector's conclusions on noise and disturbance cannot be assumed to apply to this proposal. Environmental Health's noise assessment does not override the legally binding conditions set by the appeal.

Enforceability and Precedent

Granting 24-hour operation would undermine the legally enforceable appeal decision and set a precedent for disregarding planning conditions, potentially weakening planning control across Cheltenham town centre.

For these reasons, I respectfully urge the Council to refuse this application in the interest of upholding the previous appeal conditions, protecting residential amenity, and maintaining proper planning control.

Yours faithfully,

18 Northcroft
The Park
Cheltenham
GL50 2NL

135 Village Road
Cheltenham
Gloucestershire
GL51 0AE

Comments: 15th August 2025

My comments are,

That late and overnight gambling will promote criminal activity, and local Police will not have the resources necessary to monitor and police the activities 24 hours a day.

Yours sincerely *****

28 Windermere Road
Hatherley
Cheltenham
Gloucestershire
GL51 3PL

Comments: 7th August 2025

A 24 hour casino license will fundamentally change the dynamic of Cheltenham town centre and is a completely unnecessary addition to the town, save to make the company asking for it more money. With increased anti-social behaviour already, particularly in this area of town which experienced an horrific murder in 2018 which occurred around 10pm, residents living nearby shouldn't have to deal with further fear and risk due to a 24 hour casino. The majority of other locations with longer opening hours cited in the application are not a fair comparison by any stretch of the imagination. I'm also concerned that there's no mention of how they will be ensuring people with gambling issues can self-exclude effectively. The timing of this application is also odd, given the location hasn't even been open for a year yet. Why do they believe Cheltenham needs a 24 hour casino? What demand is there? Police forces are already overstretched and this will put a further strain on resources.

37 Clarence Square
Cheltenham
Gloucestershire
GL50 4JP

Comments: 13th August 2025

Extending the hours of this establishment risks inviting further unpleasant consequences at a time when it is noticeable in the immediate vicinity there is a surfeit of litter, graffiti and antisocial behaviour that affects both the nearby area as well as further afield.

Member Of Parliament For
Cheltenham
House Of Commons
London
SW1A 0AA

Comments: 21st August 2025

Letter attached.

90 Keynsham Road
Cheltenham
Gloucestershire
GL53 7PX

Comments: 15th August 2025

Shocked that anyone could consider 24 hour gambling. So many lives have already been ruined because of similar places. The BBC has shown how poorly monitored they are with insufficiently trained security people. The debt and misery families suffer because of one member's addiction cannot be stressed enough. Unlike alcohol and drug addiction a gambling addiction can be hidden for a long time. It doesn't need to be a sophisticated form of casino for the players to become heavily in debt.

37 Clarence Square
Cheltenham
Gloucestershire
GL50 4JP

Comments: 13th August 2025

We already see many challenges on the High Street of Cheltenham with antisocial behaviour spilling out onto the streets, making it feel, at times, quite an unsafe place to be.

I can't see any benefits to extending the opening hours of a gambling establishment to 24 hours, it helps neither the gamblers themselves nor the general public.

I really hope a bit of common sense is applied in this instance to ensure we don't see a further degradation of the safety and community feel of our special town.

127 Hucclecote Road
GLOUCESTER
GL3 3TS

Comments: 12th August 2025

We definitely do not need a gambling facility in this part of Cheltenham. As a previous Chair of Cheltenham Open Door which operates for disadvantaged and people struggling with addictions and poor mental health a unit like this is another temptation in a poorer part of town. The only people who will gain will be the operators. No concern is shown for the people in Cheltenham already struggling to cope with life. This will be a very bad decision.

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

Comments: 12th August 2025

Objection to Application 25/01141/CONDIT - Admiral Slots, Cheltenham High Street

We are writing to strongly oppose the application by Admiral Slots (Luxury Leisure) to extend its operating hours to 24 hours a day, seven days per week.

1. Evidence of criminal activity linked to the premises

We have already provided police with evidence of an incident at approximately 1:30am in which an individual used multiple stolen bank cards to withdraw cash from one of our cash machines, before immediately entering Admiral Slots to spend the money. This is not an isolated concern - later night hours tend to correlate with higher levels of criminal activity, particularly in vulnerable town-centre areas. Allowing the premises to operate 24 hours will create additional opportunities for crime and anti-social behaviour.

2. Impact on public safety and wellbeing

The types of individuals most likely to use such premises during very late hours are often intoxicated individuals leaving bars/clubs, or people with gambling addictions. Extending hours would directly encourage harmful behaviours - both excessive gambling and reckless spending under the influence of alcohol - and could have serious negative social consequences.

3. Misleading claims regarding other late-night premises:

The applicant lists a number of other town-centre businesses that open late or 24 hours to suggest a precedent. This is misleading for several reasons:

Many of the listed businesses, such as Burger King, McDonald's, and Domino's, provide food, not gambling, and therefore do not carry the same risks relating to addiction, financial harm, and crime.

"Everlast Gyms" at The Brewery Quarter is incorrectly described as open 24 hours. In reality, it operates 6:30am-10pm Mon-Fri, and 8am-6pm Sat-Sun.

The fact that there are other gambling venues open 24 hours (e.g., "Be Lucky") does not mean that it is in the public interest to add more late-night gambling capacity in this high-crime period.

4. Town-centre safety strategy

Cheltenham Borough Council and Gloucestershire Police have worked to reduce late-night crime in the town centre. This proposal runs directly counter to those efforts by increasing the hours of operation of a business type linked to addictive behaviour, money laundering, and street disorder.

5. Limited community benefit

The applicant states that their customers during night hours are often shift workers, taxi drivers, or hospitality staff. However, this is anecdotal and not evidenced beyond a small internal survey. Encouraging these workers to spend time gambling after midnight risks financial and mental harm, with no demonstrable wider community benefit.

Conclusion

In light of the above, granting this application will:

Increase the likelihood of crime, including theft and fraud.

Encourage harmful gambling behaviour, especially amongst vulnerable individuals.

Undermine local public safety objectives.

Set a damaging precedent for more 24-hour gambling venues in the town centre.

We urge the Council to reject this application in the interest of public safety, wellbeing, and the night-time economy's responsible management.

3 - 4 Bath Street
Cheltenham
Gloucestershire
GL50 1YE

Comments: 13th August 2025

For this venue to be open 24hrs will add nothing to the late night environment in Cheltenham town Centre, which is unpleasant enough already. We should not be promoting 24 hour gambling. I see that the premises have provided a "robust" noise survey, as presumably have all other premises. As a town centre resident I can vouch that despite this, the centre is extremely noisy during the night without 24 hour opening. I strongly object to this proposal.

1 Marston Road
Cheltenham
Glos
GL52 3JQ

Comments: 22nd August 2025

Dear Sir/Madam

>

> I wish to register my concern regarding the above planning application.

>

> With the growing awareness of addictions, mental health, financial pressures and family breakdowns not to mention the reputation of Cheltenham I am perplexed by the local council's decision to put this application forward for consideration.

>

> I am aware that gambling is available on line and that not everyone is at risk but why would ANYONE encourage it when so many DO end up suffering in the most dreadful way? So many across all sections of society are vulnerable.

>

> Councillors have a huge responsibility to make prudent decisions on behalf of the local community. After all we pay your salaries and expect people of a high calibre to function at the highest level for the good of everyone in Cheltenham. I do appreciate a lot of these decisions can be around financial aspirations but I feel that something more important is at stake here - people's wellbeing.

>

72 Keynsham Road
Cheltenham
Gloucestershire
GL53 7PX

Comments: 14th August 2025

I am writing to formally object to Admiral Slots application for a 24 hour gambling license. As a long-standing resident of Cheltenham, I have deep concerns about the significant and wide-ranging negative impact that such a facility would have on our town's wellbeing, safety, and character.

First and foremost, the operation of a gambling centre accessible at all hours raises profound concerns regarding the public health of our community. Numerous academic studies and reports from public health bodies have consistently linked problem gambling to an array of negative outcomes, including mental health disorders, depression, anxiety, substance abuse, and family breakdown. The availability of gambling opportunities around the clock, without any restriction, exacerbates the risks for those already vulnerable and makes it easier for susceptible individuals to engage in harmful gambling behaviour.

The World Health Organisation have highlighted gambling addiction as a growing public health crisis, one that disproportionately affects disadvantaged groups and leads to

broader social costs. The unrestricted hours proposed would, in effect, remove natural barriers that encourage responsible gambling, such as closing times or mandated breaks, thereby increasing the risk of harm to individuals and families.

Despite legal age restrictions, it will be possible for minors can gain access to gambling venues, and that exposure to such environments normalises gambling behaviour. The visibility and accessibility of a gambling centre operating at all hours could act as a constant invitation to young people, increasing the likelihood of underage gambling and fostering unhealthy attitudes towards risk and money management from an early age. Our community is home to a significant elderly population, many of whom may be susceptible to isolation, loneliness, and fixed incomes. The presence of a facility that is open at all hours could present a risk to these individuals, who may seek comfort or distraction in gambling, only to find themselves in financial distress or dependent on gambling as a source of social engagement.

Costs to the community, such as increased demand for social services, healthcare, policing, and the impact on local businesses, must be a primary concern in relation to this application.

24 Fairfield Avenue
Cheltenham
Gloucestershire
GL53 7PN

Comments: 15th August 2025

I object very strongly to this proposal for Admiral Slots to extend their opening hours to 24 hours a day. There are so many reasons that this is a very bad idea for Cheltenham.

1. Location:

This site is right next to an alleyway that leads to the Minster and its churchyard/gardens, newly refurbished with much trouble and expense. As one of the Minster Wardens, among others, has said below, it would be an absurd step to approve 24 hour gambling literally around the corner from this newly refurbished asset to the town, when it's known that crime and anti-social behaviour have already resulted from the slots being open for the hours they are.

As other stakeholders in the immediate area have said, it is likely to lead to more crime, trouble, anti-social, and addictive behaviour right in the heart of the town centre, not just in the churchyard but also around the hotel and the shops.

Cheltenham doesn't need a 24-hour gambling facility anywhere, but surely it's an especially bad idea to have it there.

2. Addictive behaviour: this will just promote addictive gambling and the crime associated with it, such as the example cited by other commenters where cash was stolen and immediately used at Admiral Slots. In the middle of the night it will be even easier to commit crime and nuisance behaviour.

3. Cheltenham welfare in general: what kind of town do we want Cheltenham to be? Is this kind of business something we really want to promote, with all the misery associated with gambling? Surely the hours Admiral Slots is already open are absolutely sufficient, and there is no good reason to extend those hours.

4. Many objections have been expressed by others, below, in the most forceful and cogent terms, and I add another voice to theirs. I do hope the council will take all these reasonable and well-founded objections and explanations on board, and refuse the application.

206 High Street
Cheltenham
Gloucestershire
GL50 3HF

Comments: 15th September 2025

Paparritos Ltd
214/216

We strongly object to any operating extension ,
It would be unfair to the Residence NEXT DOOR above.

34 Pilley Lane
Cheltenham
Gloucestershire
GL53 9ER

Comments: 13th August 2025

As a resident of Cheltenham I'm lost as to how this got permission to operate in the first place - the idea of it being open 24 hours would be laughable if it weren't so awful. Gambling addictions have doubled in the last year (source - NHS) and the kind of people who want to gamble at say 0400 are not likely those who have a responsible attitude to their gambling. Public Health England estimates that there are 400 gambling-related suicides each year in England alone, and gamblers often have substance abuse issues as well. These people being encouraged to lose money they can ill afford will only result in even more antisocial behaviour as well as the horrific impact on themselves. Please see some sense and nip this in the bud.

Valentinos Pizzeria
258 High Street
Cheltenham
Gloucestershire
GL50 3HF

Comments: 11th August 2025

I want to object to the application.

This business has not even been open 12 months, it received 83 objections at the initial planning application which shows the strength of objection to it from local residents, now it wants to extend it opening hours which is a kick in the face to the local council.

There have been complaints of noise on the high street from guests at the Premier Inn, where I have stayed on two occasions, so there are already instances of noise occurring.

Also, in the application they state there are two other casino sites open 24/7, a quick look shows no other business have applied for 24/7 opening, so if they are open 24/7 its through a quirk in the planning law, NOT by being granted permission to do so.

269 Old Bath Road
Cheltenham
Gloucestershire
GL53 9EF

Comments: 12th August 2025

I do not understand the need for this. I think it will damage the environment we want to create in Cheltenham. And will have a negative impact on gambling addicts who are surely the only group who need 24/7 access to a gambling business.

28 Windermere Road
Hatherley
Cheltenham
Gloucestershire
GL51 3PL

Comments: 12th August 2025

As a local resident I strongly object to this proposal.



Chris Gomm
Head of Planning
Cheltenham Borough Council
Municipal Offices

By Email

12 August 2025

Dear Chris

REF: 25/01141/CONDIT

I am concerned to read about the renewed proposal for a 24-hour gaming centre at 218 High Street.

While I acknowledge that gambling is a legal activity and gaming centres like the one proposed are permitted in national legislation supported by the Labour Government, I do not believe this proposal will contribute positively to our High Street. It will certainly not promote the sort of atmosphere of High Street prosperity that Cheltenham Borough Council is committed to promote via its adopted policies and corporate plan. This proposal is likely to have the opposite impact on other future potential investment. Of further concern is the fact that the site adjoins an area in which this council has made a substantial investment – The Minster and adjoining High Street premises. This proposal detracts from the work undertaken by the public and private sectors, including the council, to lift this part of the town centre over the past decade. We risk undermining Cheltenham's reputation as a vibrant cultural destination that people actually want to visit and spend time in. It is unlikely to substantially increase employment opportunities.

Furthermore, in my previous role as cabinet member for economic development and wellbeing at Cheltenham Borough Council, I was regularly briefed that there is demand for 'high quality retail' in our town centre. This proposal certainly does not constitute what we are seeking. In cases where there is no demand for high quality retail, in line with the changing nature of town centres, my strongly held view is that the local authority should be promoting changes of use towards residential, to meet our substantial housing need on brownfield sites – particularly for younger people who favour town centre living.

Finally, as a liberal I am of course happy for people to spend their money how they choose in the vast majority of circumstances. However, I am concerned that this sort of gaming centre tends to take advantage of people who suffer from gambling addiction.
I urge the committee to reject this application.

Yours sincerely

Max Wilkinson MP

CF/JHO/P23- 0 136

19 August 2025

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

Dear Ben,

Town and Country Planning Act 1990 (as amended)
Objection to Application ref. 25/01141/CONDIT
218 High Street, Cheltenham, GL50 3HF

I am writing on behalf of 11A Merestones Drive, Cheltenham, GL50 2SU to object application ref. 25/01141/CONDIT for the following development proposals:

“Variation of Condition 4 (opening hours) of planning permission 23/00452/COU seeking to extend the opening hours to 24 hour use each day of the week.”

The objection relates to the following key issues:

1. Impact upon residential amenity
2. Prevention of crime and disorder

This matter is discussed below.

Site Context

The application site comprises an adult gaming centre (AGC) (Sui Generis) located on the ground and first floors of 218 High Street. A public footpath runs along the site's eastern boundary and leads to the Minister to the site rear.

The closest residential properties to the application site are located on the upper floors of 214 & 222 High Street.

The application site is situated within the Core Commercial Area and the Central Shopping Area (CSA) within Cheltenham Town Centre, according to Cheltenham Local Plan Proposals Map (2020).

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Planning Policy Context

The Development Plan that is relevant to the application comprises the Joint Core Strategy (JCS) (adopted 2017) as well as the Cheltenham Local Plan (adopted 2020).

JCS Policy SD4(iii.) states development should avoid or mitigation against unacceptable disturbance via noise and pollution. Furthermore, Policy SD14(2)(i.) states development must cause no unacceptable harm to local amenity including the amenity of neighbouring occupiers.

Cheltenham Local Plan Policy SL1(a) states development must not cause unacceptable harm to the amenity of adjoining land users and living conditions in the locality. Where criterion b) states development must not, by its nature, give rise to crime or the fear of crime nor endanger public safety.

Planning Assessment

The proposals are assessed in turn against the two key issues identified above.

Impact Upon Residential Amenity

Planning permission for application ref. 23/00452/COU for the change of use of premises to an AGC was originally refused in May 2023 for 3 reasons following the receipt of over 80 objections from local residents and businesses. Planning permission was subsequently granted on appeal (ref. APP/B1605/W/23/3325026 – see Appendix A) in February 2024. Condition 4 (subject to this application) restricted the opening hours to the following:

09:00 – 00:00 on weekdays and Saturdays
10:00 – 22:00 on Sundays

It is understood that the appellant sought 24hour daily use of the AGC as part of the appeal, and this was justified by a Noise Impact Assessment. However, the appellant subsequently suggested revised opening hours, which include closing the establishment at 02:00 Monday to Wednesday, 04:00 Thursday to Saturday and 22:00 on Sundays. However, it should be noted that the Inspector at Para 16 of the appeal decision identifies that residents within town centres should “*..reasonably anticipate a level of activity and noise at night normally associated with town centre uses. [But]by the same token, nearby residents in this case could also reasonably expect control to be imposed on a use such as this so that their amenities are not unacceptably harmed at unsocial hours.*” (emphasis added) As such, the Inspector considered the Appellant’s revised opening hours, but instead decided to impose the more restrictive hours within Condition 4. The appeal proposals as well as the Inspector’s comments and reasoning for imposing Condition 4 are a material consideration which carry significant weight in the determination of this application.

This application now seeks to remove these reasonable controls, despite unsuccessfully being able to do so under the appeal and despite the comments noted above raised by the Inspector.



It is understood that this application is accompanied by a Noise Impact Assessment (prepared by Hepworth Acoustics) that concludes “*..that no discernible loss of amenity at local residences is anticipated as a result of the proposed extension of operational hours*” without any form of acoustic mitigation. However, the methodology of this report is unsound since noise measurements were only carried out between 23:00s and 02:00hrs over two weekdays (being 19th & 20th May 2025). Therefore, the noise assessment does not take into account noise from the peak/busiest (weekend) periods, nor noise over a complete nighttime cycle.

The applicant's Noise Impact Assessment goes on to state that there will be no significant noise from customers outside the venue. However, the report includes a multitude of assumptions in reaching this conclusion. Indeed, paras 4.17 to 4.19 state that they have used other Admiral premises to identify that customers “*mostly*” arrive and leave the site alone and in pairs over 15 minute intervals during peak periods. However, each application must be assessed on its own merits and with this in mind, the applicant has presented no evidence to the actual frequency of customers departing the AGC at the application site. Conversely, various comments associated with this application identify there have been multiple noise complaints associated with customers leaving the site.

In addition, it is noted that a Noise Assessment (prepared by Big Sky Acoustics) submitted by a third party objector and in relation to the appeal (see Appendix B) identified that noise sources associated with the AGC use also include gaming machines designed to attract and engage customers. Gaming machines when not in use automatically go into ‘attract mode’ which includes for flashing lights and noise. They also make loud noises during use and on payouts. If these were to be left on throughout the night and in the early hours of the morning, there is an increased chance of unnecessary disturbance towards the neighbouring residential units. Again, the applicant's Noise Impact Assessment fails to take this into consideration.

Finally, it is noted that the applicant has referred to other businesses with extended opening hours along High Street, including the unrestricted AGC at No.260- 264, as precedent to justify its proposal. However, each application must be assessed on its own merits and this only demonstrates that the town centre location can support extended opening hours within reason, as identified by the Inspector as part of the appeal.

In conclusion, it has been shown that the applicant's Noise Impact Assessment fails to demonstrate that the proposed extension of the opening hours will preserve the amenities of the local residents to an acceptable degree. Nevertheless, even if the Noise Impact Assessment is sound, the proposal for 24hour daily use of the AGC has been previously considered at appeal and was deemed unacceptable, despite the appeal being supported by a similar Noise Impact Assessment. As noted above, this material consideration carries significant weight and demonstrates that ultimately, the proposal would result in unacceptable harm to residential amenity and is therefore contrary to Policies SD4 and SD14 of the JCS and Policy SL1 of the Cheltenham Local Plan.

It is also worth noting that the acoustic assessment for the operations of the AGC at the application was approved as part of the discharge of Condition 3 (ref. 24/00 760/DISCON) was based upon



the existing hours stipulated under Condition 4. Therefore, the proposals under this application are contrary to the details approved for Condition 3, and approving it would result in an unworkable planning permission.

Prevention of Crime and Disorder

It is noted that various comments have been submitted relating to the use of the AGC resulting in a rise in crime and antisocial behaviour. This includes evidence from The Brewery linked to criminal activity. This demonstrates that the existing AGC operations are at the very least leading to an increase in the fear of crime which is unacceptable as directed by Cheltenham Local Plan Policy SL1(b). As such, it can be said that the proposal will worsen this issue and fail to prevent crime.

I trust this objection will be given due consideration in the determination of this application. It would be greatly appreciated if you could notify me or my colleague Christian Fisk (christian.fisk@pegasusgroup.co.uk) of any changes to the proposal and your recommendation.

Yours sincerely,



Director

henry.courtier@pegasusgroup.co.uk



APPENDIX A: APPEAL DECISION REF. APP/B1605/W/23/3325026

Appeal Decision

Site visit made on 18 January 2024

by G Powys Jones MSc FRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 13.02.2024

Appeal Ref: APP/B1605/W/23/3325026

218 High Street, Cheltenham, GL50 3HF

The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.

The appeal is made by Mr Ian Miller for Luxury Leisure against the decision of Cheltenham Borough Council.

The application Ref 23/00452/COU, dated 14 March 2023, was refused by notice dated 3 May 2023.

The development proposed is 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.

Decision

1. The appeal is allowed and planning permission is granted for 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 at 218 High Street, Cheltenham, GL50 3HF in accordance with the terms of the application Ref 23/00452/COU, dated 14 March 2023, subject to the conditions set out in the attached Schedule.

Preliminary matters

2. The appeal property is in Cheltenham Town Centre (CTC) and within the Town's designated Central Conservation Area (CA).
3. The appellant submitted amended plans with his appeal documentation, and the Council has had the opportunity to comment on them. I have considered the appellant's proposed amendments under the principles established by the Courts in *Wheatcroft*¹. The plans show modest changes from the originally submitted plans, and I am satisfied that no-one's interests would be prejudiced if I were to consider them as part of the appeal.

Main issues

4. The main issues are: (a) the effect of the proposal on the retail character and vitality of the CTC; (b) whether the proposal would preserve or enhance the character or appearance of the CA, and (c) the effect on neighbouring residential living conditions with specific reference to noise and disturbance.

¹ *Bernard Wheatcroft Ltd v SSE* [JPL, 1982, P37].

Reasons

The Town Centre

5. The appeal property is a vacant shop. The Council does not object to the principle of Adult Gaming Centres (ACG) being established within its town centres. Indeed, the officer report says that 'ACGs are accepted as a main town centre use' and I have not been made aware of any policies, local or national, which distinguishes them specifically as inappropriate or unacceptable uses within the CTC.
6. The Council's concern is directed to a loss of a retail unit and what it regards as a proliferation of similar uses related to gaming and/or gambling in the CTC. It says that there are 9 such establishments in the CTC, of which 3 are sited in the High Street close to the appeal property. The Council considers this to be an overconcentration of such uses, and an additional unit would diminish the essential retail character and vitality of this part of the CTC.
7. The Council has not disputed the appellant's submitted data showing that the vacancy rate of ground floor units in the CTC is markedly less than for the UK as a whole, or that the CTC is comprised of almost 500 commercial units, and that ACGs and similar uses amount to a relatively small proportion² of the total. I saw that the existing level of sui generis uses blended reasonably well with the other uses in this part of the High Street, including many non-retail class E uses and those contained within the Brewery Quarter, and that they contributed to forming a healthy mix of uses within what appeared to me, judging from the footfall and the low number of vacant premises, to be a relatively vibrant centre.
8. The Council says that, although vacant for a lengthy period, the unit was not marketed for a sufficient period of time to appropriately test its attractiveness for a retail use. The evidence from an independent agent shows that it was marketed for about 4/5 months without any realistic retail interest, which in my mind is not an unreasonable length of time for retailers to show at least some interest, if it existed. Irrespective of the Council's view on this aspect, I have not been pointed to any policy requirement for the need for marketing. Moreover, vacant units contribute negatively to the perception of a centre's vitality, as in this case.
9. I conclude that the use is not an inappropriate one within the CTC and it would not materially impinge upon the centre's retail character, its attractiveness or vitality. Accordingly, I find no conflict with the provisions and objectives of policies RT1 & RT2 (a) of the Cheltenham Plan (CP) or policy SD2 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS) directed to ensuring the continued vitality and character of the CTC.

Heritage considerations

10. The appellant's proposals do not materially alter the appearance of the existing shopfront, which is that of a fairly modern retail unit, albeit not reflective of the pleasant design and appearance of the upper parts of the building. The Council says that the existing shopfront does not benefit from a formal planning permission and that, accordingly, it 'has never approved the current

² At 1.9%

appearance'. It strikes me however that the shopfront has been in situ for some time, and there is no evidence before me to suggest that the Council has found it objectionable in the past or attempted to secure its removal using its enforcement powers. The shop front has therefore become an established, and unremarkable feature of the High Street being little different in terms of its appearance to many others in this part of the CTC, including more recent additions.

11. As suggested in the officer report and in the response to consultation from 'Heritage and Conservation', an enhancement may well be the ideal solution. Nevertheless, I am mindful that the statutory test quoted in the officer report³ places preservation on an equal footing with enhancement. I do not therefore consider the appellant's approach to be unacceptable in heritage terms, and the elevational design amendments made to the original submission appear to me to successfully address at least some of the Council's earlier detailed concerns.
12. Having regard to the comments in the officer report as to proposed advertisements, I should clarify that these are not a matter for me but of a separate requirement for consent under the appropriate Regulations.
13. Taking account of the existing shopfront and others in the vicinity of the appeal property, I conclude that the proposed development would, at worse, have a neutral impact on its surroundings. The character and appearance of the CA would thus be preserved. Accordingly, I find no material conflict with those provisions of JCS policy SD8 and CP policy HE3 directed to protecting the Borough's heritage assets from inappropriate development.

Living conditions

14. The appellant does not dispute the presence of residential accommodation in relatively close proximity to the appeal property. The Council's concern is based on the venture's possible effects on those nearby residents' living conditions with particular reference to noise and disturbance. I note however that the Council's Environmental Protection Team (EPT) based its objection on the appellant's initially proposed 24 hr operation. The EPT also commented that it would be willing to review alternative opening hours if put forward by the appellant.
15. In response the appellant has suggested the imposition of conditions. The first, in effect, amounts to a requirement for a noise assessment prior to the operation commencing, whilst the second suggests revised opening hours, which include proposed closing times of 2.00am on 3 days of the week, 4.00am on 3 other weekdays and 10.00 pm on Sundays.
16. To my mind, the main possible sources of disturbance are those emanating from within the premises as a consequence of the operation of the machines and background music. The other concerns the arrival and departure of customers late at night. I acknowledge, however, that this is a use normally acceptable in town centres along with other uses such as bars and nightclubs which may be open late into the night. Residents in town centres could therefore reasonably anticipate a level of activity and noise at night normally associated with town centre uses. By the same token, nearby residents in this

³ Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990

case could also reasonably expect controls to be imposed on a use such as this so that their amenities are not unacceptably harmed at unsocial hours.

17. The appellant has referred to two other appeals within town centres at Ipswich and Golders Green respectively in support of his case⁴. I take a similar view to the Inspectors in those cases that, with appropriate controls and mitigation, the use could be carried out without materially harming the living conditions of nearby residents. Accordingly, on this basis, I conclude that the proposed use would not conflict with the objectives of JCS policy SD14 or CP policy SL1 directed to protecting residential amenity from unacceptable harm.

Conditions

18. The Council's has not provided suggested conditions but has submitted possible subject headings.
19. A condition is imposed to ensure that the development shall be carried out in accordance with the approved plans in the interests of visual amenity and certainty. A condition on materials is unnecessary since the detail is shown on the approved plans.
20. The noise assessment condition suggested by the appellant is imposed, albeit in a modified form, to protect neighbouring residents' amenities.
21. For the same reason, an opening hours condition is imposed. Those suggested by the applicant are unacceptable since they are unlikely to be effective in protecting residents' amenities in the early hours of the morning. Rather I shall impose a condition reflecting those imposed in the Ipswich and Golders Green appeal decisions referred to by the appellant. Such opening hours are likely to be more effective in achieving the required protection.

Other matters

22. I have taken account of all other matters raised in the representations, including the representations made by the Member of Parliament, local councillors, residents, amenity bodies and those representing other interests. I have already addressed the main planning issues raised in the representations.
23. Concerns have been raised about the potential for anti-social behaviour attributed to the proposed use, but there is no firm evidence before me that this would prove to be the case in practice based on the operation of other such venues. I note the concerns relating to the social and other problems sometimes linked with gambling and gaming, and those made on moral grounds and that that this type of use is considered unacceptable in the CTC for these reasons.
24. Whilst some of these concerns are understandable and have legitimacy, planning is concerned with land use matters. As such, the concerns raised are not material to my considerations since national and local planning policies do not prevent adult gaming centres from operating. Also, such matters are regulated by other legislation including the licensing regime.

⁴ APP/R3515/W/23/3319465 & APP/N5090/W/21/3270129

25. No other matter is of such strength or significance as to outweigh the considerations that led me to my conclusions.

G Powys Jones

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 the following approved plans: Drawing Nos: 3499(B)01; 3499(B)02; 3499(B)03; 3499(B)04; 3499(C)01 Rev A & 3499(C)02 Rev A.
3. Prior to the commencement of the use hereby permitted, an acoustic assessment of the anticipated operation of the use together with details of proposed mitigation shall be submitted to the local planning authority for its agreement and approval. The agreed scheme of mitigation shall be fully installed and operational prior to the commencement of the use and thereafter shall be permanently retained.
4. The premises shall not be open to customers other than between the following hours: 0900 – 0000 on weekdays and Saturdays and 1000-2200 on Sundays.



APPENDIX B: NOISE ASSESSMENT (PREPARED BY BIG SKY ACOUSTICS)



218 High Street, Cheltenham, Gloucestershire GL50 3HF
Noise Assessment

PINS Reference:	APP/B1605/W/23/3325026
LPA Reference:	23/00452/COU

Prepared by: Richard Vivian, Big Sky Acoustics Ltd
On behalf of: Fountain Properties Limited
Document Ref: 23101164
Date: 3rd November 2023

Big Sky Acoustics document control sheet

Project title:	218 High Street, Cheltenham, Gloucestershire GL50 3HF Noise Assessment
Technical report number:	23101164
Site visit and noise survey:	23 rd - 24 th October 2023
Submitted to:	Christian Fisk Principal Planner Pegasus Planning Group Limited 21 Ganton Street London W1F 9BN acting on behalf of Fountain Properties Limited
Submitted by:	Richard Vivian Big Sky Acoustics Ltd 60 Frenze Road Diss IP22 4PB 020 7617 7069 info@bigskyacoustics.co.uk
Prepared by:	Richard Vivian BEng(Hons) MIET MIOA MIOL Principal Acoustic Consultant

Document status and approval schedule

Revision	Description	Date	Approved
0	Approved for issue	07/11/23	RV

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1.0 Qualifications and experience

- 1.1 My name is Richard Vivian. I am the founder and director of Big Sky Acoustics Ltd. Big Sky Acoustics is an independent acoustic consultancy that is engaged by local authorities, private companies, public companies, residents' groups and individuals to provide advice on the assessment and control of noise.
- 1.2 I have a Bachelor of Engineering Degree with Honours from Kingston University, I am a Member of the Institution of Engineering & Technology, the Institute of Acoustics and the Institute of Licensing.
- 1.3 I have over thirty years of experience in the acoustics industry and have been involved in acoustic measurement and assessment throughout my career. My professional experience has included the assessment of noise in connection with planning, licensing and environmental protection relating to sites throughout the UK. I have given expert evidence in the courts, in licensing hearings, in planning hearings and inquiries on many occasions.

2.0 Introduction

- 2.1 Big Sky Acoustics Ltd was instructed by Christian Fisk of Pegasus Planning Group Limited, acting on behalf of Fountain Properties Limited, to carry out an assessment of the noise climate around the appeal site at 218 High Street, Cheltenham, Gloucestershire GL50 3HF.
- 2.2 This report was prepared following discussions with the client team, examination of the public planning file, a visit to the appeal site, inspection of the area around the appeal site, and overnight attended noise monitoring at the appeal site.
- 2.3 A glossary of acoustical terms used in this report is provided in Appendix A.
- 2.4 All sound pressure levels in this report are given in dB re: 20µPa.

3.0 Appeal site and surrounding area

- 3.1 The appeal site comprises the ground and first floors of a retail unit at 218 High Street in Cheltenham and was previously used as a retail shoe shop. It is situated within the Central Shopping Area in Cheltenham Town Centre and is within the Central Conservation Area. Application Reference 23/00452/COU was made for the 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. The application was refused.
- 3.2 Immediately to the south of the appeal site is an alleyway leading into the churchyard of Cheltenham Minster. The nearest residential properties are flats above shops on High Street either side of the site, and opposite on the corner of Bennington Street. There appear to be a number of residential windows that overlook the churchyard to the rear of the application site.



Figure 1: The appeal site is on the right. Note the alleyway to the churchyard of Cheltenham Minster.

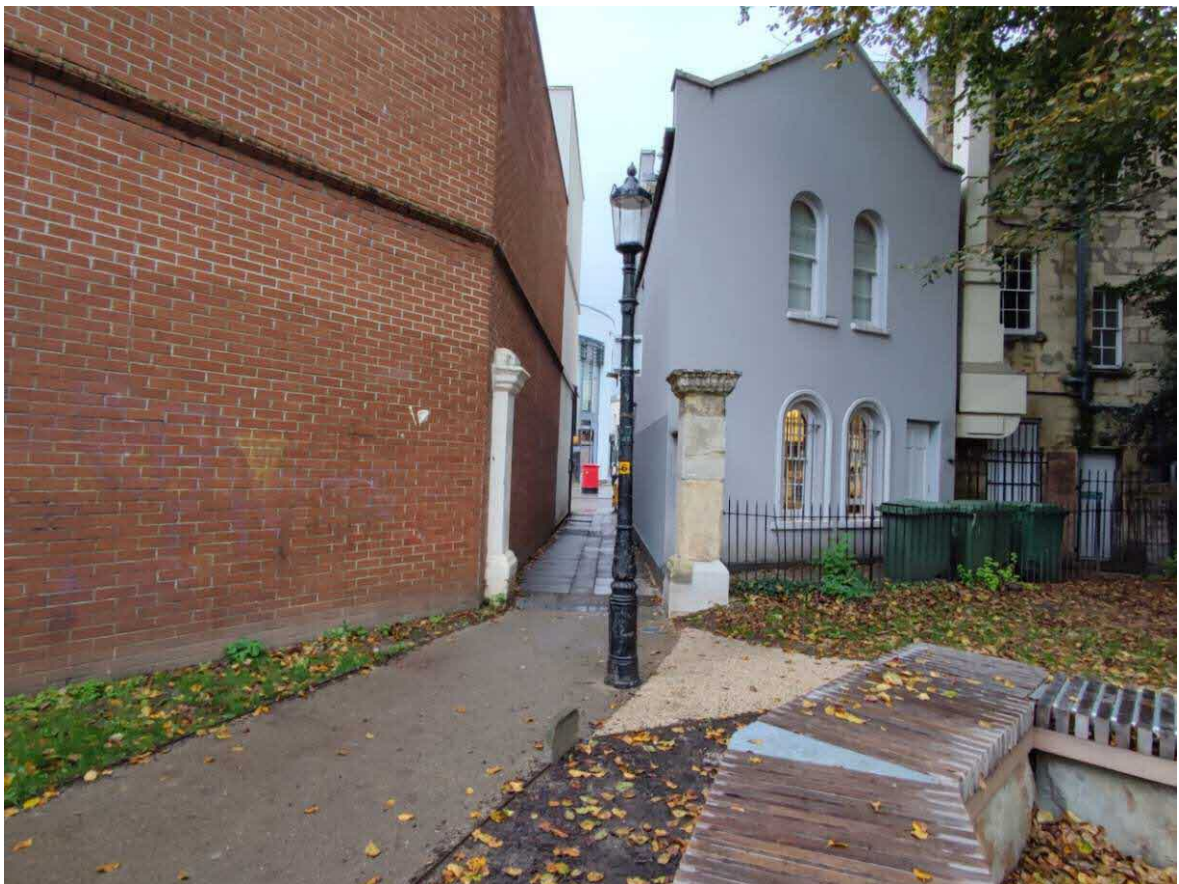


Figure 2: View from the churchyard looking back to High Street. The appeal site is on the left.



Figure 3: Cheltenham Minster which is approximately 40 metres south-west of the appeal site.

- 3.3 Cheltenham Minster is Cheltenham's only surviving medieval building, dating back to the mid-11th century. It is a hugely important heritage site. The surviving medieval masonry and windows are a particular highlight. The churchyard is highly significant, containing Grade II listed walls, gate piers and railings, lamp posts and memorials. The medieval church cross is a scheduled monument of national importance. The church and churchyard have been subject to damage and anti-social behaviour. This has caused lasting damage to the church and heritage assets within the churchyard. As a result, the local community and partners have worked to create Gloucestershire's first Heritage Watch scheme for the area, under the name of Operation Minster. Heritage Watch aims to highlight the historical context of the area, raise awareness locally and encourage the reporting of heritage crimes.
- 3.4 During my site survey I familiarised myself with the immediate area around the application site and also the wider town centre area. The noise climate in the late afternoon and early evening was characterised by pedestrian footfall, buses and local road traffic, and delivery bikes collecting from the various restaurants and fast-food outlets. The area is not served by public transport beyond 23:30 hrs.
- 3.5 It is important when assessing the impact of noise from a change of use to understand the concept of *additional noise* associated with the new use. The incremental change to noise levels caused in an area where there is already established noise and activity could be small, whereas additional noise in an area that is quiet, and has no notable activity at night, could be significant.



Figure 4: Windows of upper floors overlooking the churchyard are in residential use.



Figure 5: Opposite the appeal site the upper floors are in residential use.



Figure 6: Windows above shops immediately to the south of the site indicate residential use.



Figure 7: Residential use above 220 and 222 High Street are structurally connected to the appeal site presenting a higher risk of structureborne sound transmission from the proposed change of use.

- 3.6 Planning application 23/00452/COU was not accompanied by any form of noise impact assessment and failed to demonstrate that no harm would be caused by the proposed use.
- 3.7 Within the Appellants Statement of Case¹ it is written, at paragraph 6.20, that *“Admiral-operated AGCs do not generate levels of noise that have the potential to adversely impact on residential amenity over and above general retail use”*. No qualifying technical data is provided to support this comment. Paragraph 6.20 also comments *“Gaming machines are also designed to produce minimal acoustic output and thus avoid any issues that could cause noise and disturbance for surrounding occupiers”*. This is at odds with my experience of noise from gaming machines that are specifically designed to attract customers: they are programmed to go into an *attract-mode* when not being played and this usually includes both flashing lights and sound effects to draw the prospective player to the machine. They also make noise on payouts. These noise sources have not been assessed in the application and the suggestion that they would not impact with noise above a normal retail use is not qualified by any technical noise measurement data.
- 3.8 The Statement of Case also notes that *“Sound insulation is used within all premises to shield surrounding occupiers from any noise associated with the operation of an AGC and any music played within the premises is always at a background level”*. There is no technical analysis to support this statement either; no measurement of the source level (gambling machines and amplified music), no details of how amplified music noise would be controlled, and there is no assessment of patron noise associated with patrons leaving the site, either to smoke outside, or from patron dispersal from the site. There is no information given about plant, such as air extraction and air conditioning, and no plant noise assessment. There is no detail of the sound insulation works referenced in the Statement of Case, and the original Planning Statement² also lacks any detail. With the closest residential use being structurally connected on the party wall with 220 High Street the specific details of proposed sound insulation works, as well as controls on the noise sources themselves, is an essential requirement when assessing the potential for the harmful impact of noise on existing residents.
- 3.9 In my experience it is highly unusual for any late night use to be applied for without a thorough assessment of the noise impact from the proposed use accompanying the application.
- 3.10 The comments from the Environmental Protection Team are clear in the consultation of 25th April 2023 submitted in response to the original application, that there are residential uses in close proximity and that the type of use, and hours of use, risk a noise impact to these residents. They also comment on the lack of detail regarding plant/equipment.

¹ Statement of Case ref BHPD00503 prepared by Fraser Tinsley of BH Planning And Design Limited, dated June 2023

² Planning & Heritage Statement ref BHPD00503 prepared by Fraser Tinsley of BH Planning And Design Limited, dated March 2023

4.0 Criteria

NPPF

- 4.1 The revised National Planning Policy Framework (NPPF) was updated on 5 September 2023 and sets out the government's planning policies for England and how these are expected to be applied. This revised Framework replaces the previous National Planning Policy Framework published in March 2012, revised in July 2018, updated in February 2019 and revised in July 2021.
- 4.2 References to noise can be found in Section 15 titled "Conserving and enhancing the natural environment". The NPPF states at Paragraph 174 sub-paragraph (e) *"Planning policies and decisions should contribute to and enhance the natural and local environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans"*.
- 4.3 The NPPF states at Paragraph 185 that *"Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should: a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development - and avoid noise giving rise to significant adverse impacts on health and the quality of life; b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason"*.
- 4.4 The comments about *adverse impacts on health and quality of life* are referenced³ to the Noise Policy Statement for England (NPSE) published by the Department for Environment, Food & Rural Affairs in 2010. The NPSE is intended to apply to all forms of noise, including environmental noise, neighbour noise and neighbourhood noise.
- 4.5 The NPSE sets out the Government's long-term vision to *'promote good health and a good quality of life through the effective management of noise within the context of Government policy on sustainable development'* which is supported by the following aims:
- *Avoid significant adverse impacts on health and quality of life;*
 - *Mitigate and minimise adverse impacts on health and quality of life.*
- 4.6 The NPSE defines the concept of a 'significant observed adverse effect level' (SOAEL) as *'the level above which significant adverse effects on health and quality*

³ NPPF at footnote 65

of life occur'. The following guidance is provided within the NPSE: 'It is not possible to have a single objective noise-based measure that defines SOAEL that is applicable to all sources of noise in all situations. Consequently, the SOAEL is likely to be different for different noise sources, for different receptors and at different times. It is acknowledged that further research is required to increase our understanding of what may constitute a significant adverse impact on health and quality of life from noise. However, not having specific SOAEL values in the NPSE provides the necessary policy flexibility until further evidence and suitable guidance is available.'

- 4.7 The Planning Practice Guidance (PPG) on Noise published by Ministry of Housing, Communities & Local Government in March 2014 (last revised on 22 July 2019) is written to support the NPPF with more specific planning guidance on how planning can manage potential noise impacts in new development.
- 4.8 The PPG reflects the NPSE and states at Paragraph 001 that noise needs to be considered when development may create additional noise, or would be sensitive to the prevailing acoustic environment (including any anticipated changes to that environment from activities that are permitted but not yet commenced).
- 4.9 The PPG clarifies at Paragraph 002 that it is important to look at noise in the context of the wider characteristics of a development proposal, its likely users and its surroundings, as these can have an important effect on whether noise is likely to pose a concern.
- 4.10 The PPG expands upon the concept of SOAEL (together with Lowest Observed Adverse Effect Level, LOAEL and No Observed Effect Level, NOEL) as introduced in the NPSE and provides a table of noise exposure hierarchy for use in noise impact assessments in the planning system.
- 4.11 Figure 8 is reproduced from PPG Paragraph 005 and summarises the noise exposure hierarchy, based on the likely average response.
- 4.12 The PPG at Paragraph 005 considers that a noise impact with an effects level which is lower than SOAEL is acceptable but that consideration needs to be given to mitigating and minimising those effects (taking account of the economic and social benefits being derived from the activity causing the noise).
- 4.13 When the significant observed adverse effect level boundary is crossed noise causes a material change in behaviour such as keeping windows closed for most of the time or avoiding certain activities during periods when the noise is present. If the exposure is predicted to be above this level the planning process should be used to avoid this effect occurring, for example through the choice of sites at the plan-making stage, or by use of appropriate mitigation such as by altering the design and layout. While such decisions must be made taking account of the economic and social benefit of the activity causing or affected by the noise, it is undesirable for such exposure to be caused.

Perception	Examples of Outcomes	Increasing Effect Level	Action
No Observed Effect Level (NOEL)			
Not present	No Effect	No Observed Effect	No specific measures required
No Observed Adverse Effect Level (NOAEL)			
Present and not intrusive	Noise can be heard, but does not cause any change in behaviour, attitude or other physiological response. Can slightly affect the acoustic character of the area but not such that there is a change in the quality of life	No Observed Adverse Effect	No specific measures required
Lowest Observed Adverse Effect Level (LOAEL)			
Present and intrusive	Noise can be heard and causes small changes in behaviour, attitude or other physiological response, e.g. turning up volume of television; speaking more loudly; where there is no alternative ventilation, having to close windows for some of the time because of the noise. Potential for some reported sleep disturbance. Affects the acoustic character of the area such that there is a small actual or perceived change in the quality of life	Observed Adverse Effect	Mitigate and reduce to a minimum
Significant Observed Adverse Effect Level (SOAEL)			
Present and disruptive	The noise causes a material change in behaviour, attitude or other physiological response, e.g. avoiding certain activities during periods of intrusion; where there is no alternative ventilation, having to keep windows closed most of the time because of the noise. Potential for sleep disturbance resulting in difficulty in getting to sleep, premature awakening and difficulty in getting back to sleep. Quality of life diminished due to change in acoustic character of the area	Significant Observed Adverse Effect	Avoid
Present and very disruptive	Extensive and regular changes in behaviour, attitude or other physiological response and/or an inability to mitigate effect of noise leading to psychological stress, e.g. regular sleep deprivation/awakening; loss of appetite, significant, medically definable harm, e.g. auditory and non-auditory	Unacceptable Adverse Effect	Prevent

Figure 8: PPG Noise Exposure Hierarchy Table (revision date: 22.07.2019)

4.14 At the highest extreme, noise exposure would cause extensive and sustained adverse changes in behaviour and/or health without an ability to mitigate the effect of the noise. The impacts on health and quality of life are such that,

regardless of the benefits of the activity causing the noise, this situation should be avoided.

Joint Core Strategy

- 4.15 The Joint Core Strategy (JCS) is a partnership between Gloucester City Council, Cheltenham Borough Council and Tewkesbury Borough Council, which sets out a strategic planning framework for the three areas. The JCS 2011-2031 was adopted in December 2017.
- 4.16 Policy SD14 aims to ensure that development does not have any unacceptable impacts on human health or environmental quality, and that where possible it secures benefits. It states that *“High-quality development should protect and seek to improve environmental quality. Development should not create or exacerbate conditions that could impact on human health or cause health inequality”* and continues that a new development must *“i. Cause no unacceptable harm to local amenity including the amenity of neighbouring occupants; ii. Result in no unacceptable levels of air, noise, water, light or soil pollution or odour, either alone or cumulatively; iii. Result in no exposure to unacceptable risk from existing or potential sources of pollution; vii. Have regard to any areas of tranquillity that are identified in adopted or emerging District plans and neighbourhood plans”*.
- 4.17 The JCS is clear that Developers will need to demonstrate how their proposals meet the criteria of Policy SD14 through submission of relevant plans and technical reports having regard to national PPG. Specific assessments, such as an assessment of the impact of development on air, noise or light, may be required.

Cheltenham Plan

- 4.18 The Cheltenham Plan was adopted on 20 July 2020 and runs to 2031. It supports the Joint Core Strategy.
- 4.19 Policy SL1 addresses safe and sustainable living and states that *“Development will only be permitted where it would: a) not cause unacceptable harm to the amenity of adjoining land users and living conditions in the locality (Notes 1 & 2); and b) not, by nature of its size, location, layout or design, give rise to crime or the fear of crime nor endanger public safety; and c) make adequate provision for security and the prevention of crime and disorder including, where appropriate, the incorporation of counter-terrorism measures; and d) accord with Policies SD4 and SD14 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy and the principles of good design embodied within; and e) where appropriate, take account of local models for building socially sustainable communities.”*
- 4.20 The Cheltenham Plan notes at paragraph 14.4 that *“In assessing the impacts of a development including any potential harm, the Council will have regard to matters including loss of daylight; loss of outlook; loss of privacy; and potential disturbance*

from noise, smells, dust, fumes, vibration, glare from artificial lighting, hours of operation, and traffic/travel patterns.”

5.0 The existing noise climate

- 5.1 An attended noise survey was carried out during the evening and night of 23rd October continuing into the morning of 24th October 2023.
- 5.2 Attended surveys can offer significant advantage over unattended surveys as observations can be made and an informed commentary on noise measurement data can also be provided. For example, during the survey the Christmas lights were installed in the High Street resulting in short duration noise incidents as the installation team passed by the site. Because this activity was observed noise measurement data was not reported during this activity.

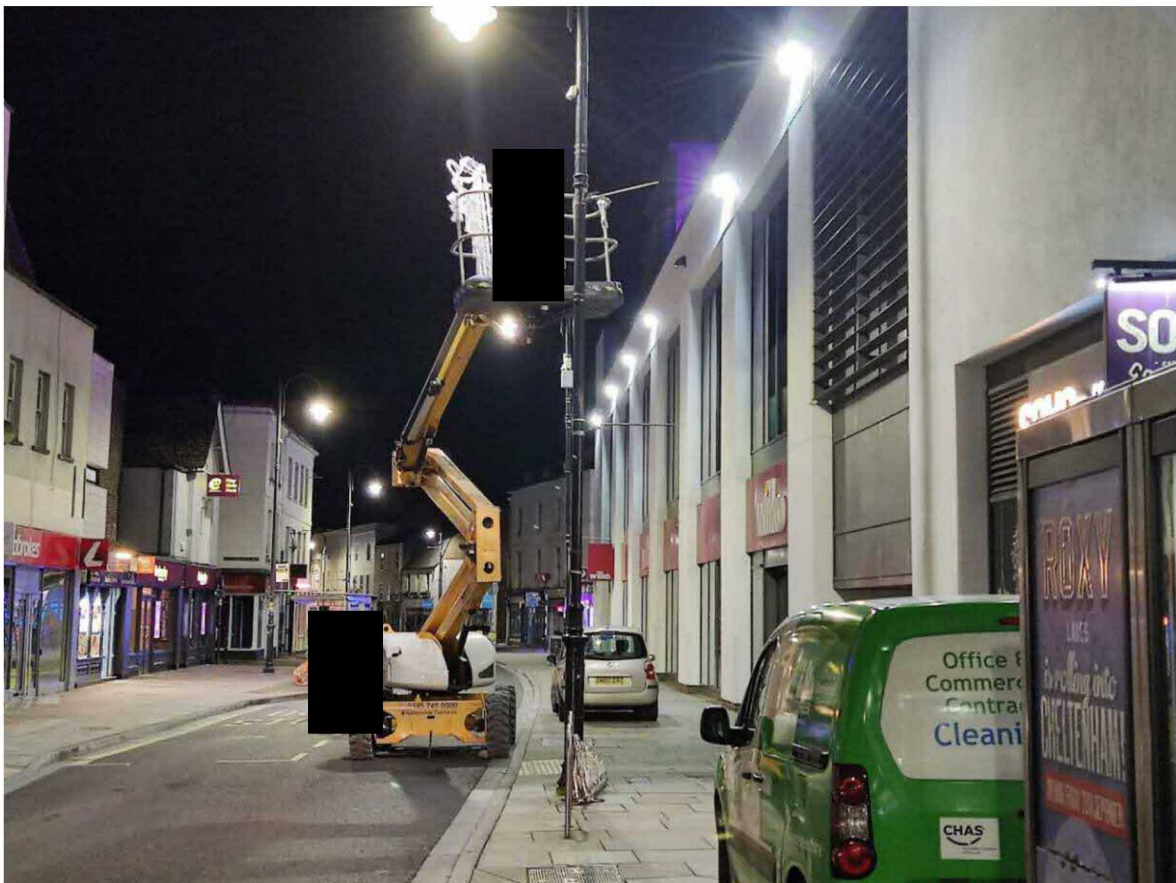


Figure 9: Christmas lights being installed impacting on noise climate at application site between 22:50-23:30

- 5.3 To establish the noise levels at the application site noise measurements were taken both at the front (High Street) and rear (churchyard) of 218 High Street through the night.
- 5.4 Noise measurements were made in continuous samples of 1-second intervals. Measurements included the L_{Aeq} , L_{A90} and L_{Amax} indices which are used to indicate the average noise level sampled over a period, the background noise level, and the

maximum noise level respectively. Simultaneous octave and third-octave frequency spectra were also obtained during the survey. Measurements were taken at 1.5 m above grade level. Measurement duration was 5-minutes per sample. Throughout the course of the survey an outdoor microphone wind-shield was used.

- 5.5 A large amount of noise data were gathered during the survey which is simplified and summarised in this report in the tables and graphs below.
- 5.6 The instrumentation used to carry out the noise measurements is detailed in Appendix C. The calibration of the measuring equipment was checked prior to and immediately following the tests and no signal variation occurred. Calibration of equipment is traceable to national standards.
- 5.7 The weather conditions during the survey are reported in Appendix D.

	Time	L _{Aeq}	L _{AFMax}	L _{A90}	Observations
<u>Front</u>	19:26	64	77	55	General activity with some buses and pedestrians. Footfall equiv 1400ph
	21:38	59	73	49	Still local activity in restaurants and delivery bikes. FF=720ph
	23:31	55	73	45	Betting shops and McDs now shut. No buses. FF=220ph
	2:09	40	48	38	No activity other than a fox
	4:15	39	47	38	None
	8:28	64	81	51	Morning commuters. FF=1280
<u>Rear</u>	19:32	50	65	44	None
	21:44	51	76	47	None
	23:37	47	61	44	Distant low level plant noise noticeable
	2:15	42	55	40	Distant low level plant noise noticeable
	4:20	43	47	42	Distant low level plant noise noticeable
	8:34	46	54	45	Distant low level plant noise noticeable

Figure 10: Measurement data summary. Sound pressure levels in dB re: 20µPa.

- 5.8 Noise levels fall to low levels for a town centre location due to the absence of traffic, including any public transport. On High Street itself the lowest recorded background noise level is 38dB L_{A90}. Although it was expected to be even quieter in the churchyard the baseline noise level at that location was artificially held high by commercial extraction plant operating at the rear of one of the properties on High Street and this plant was not switched off overnight during the survey.

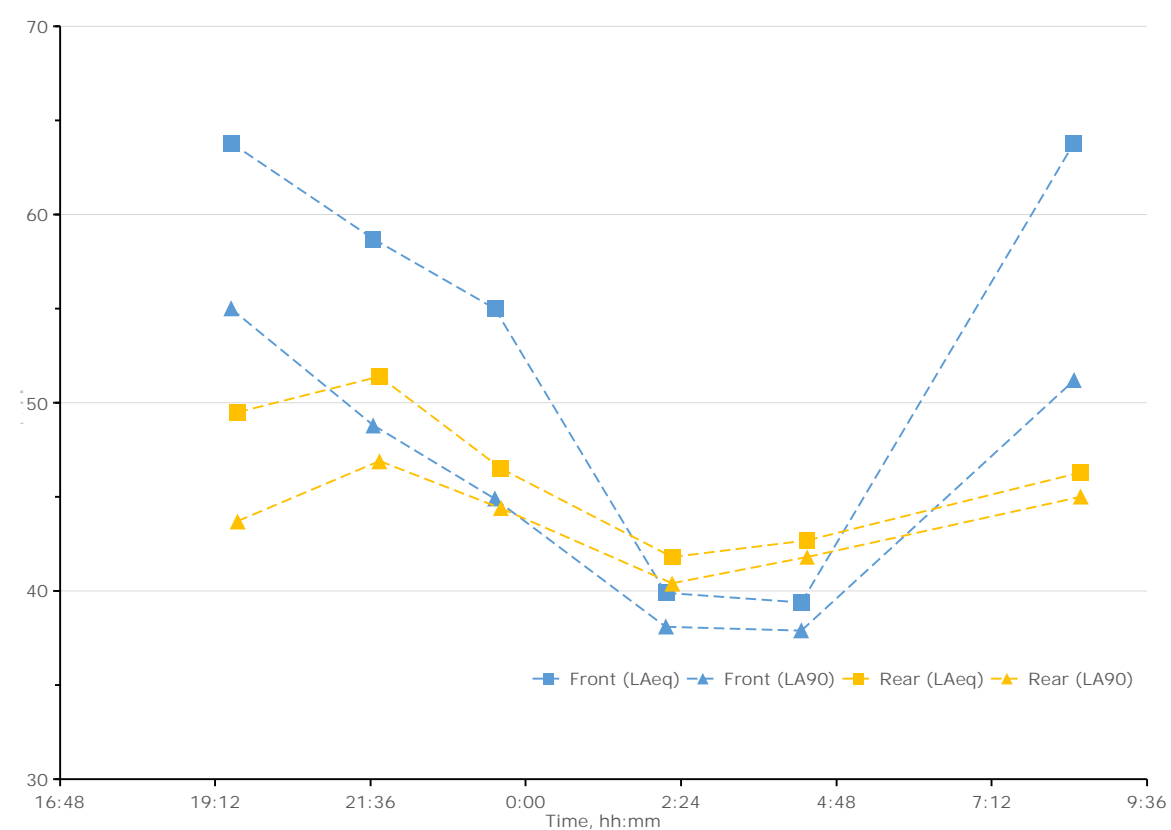


Figure 11: Measurement data points presented graphically. Note how levels drop after midnight then increase as activity builds at the start of the working day.

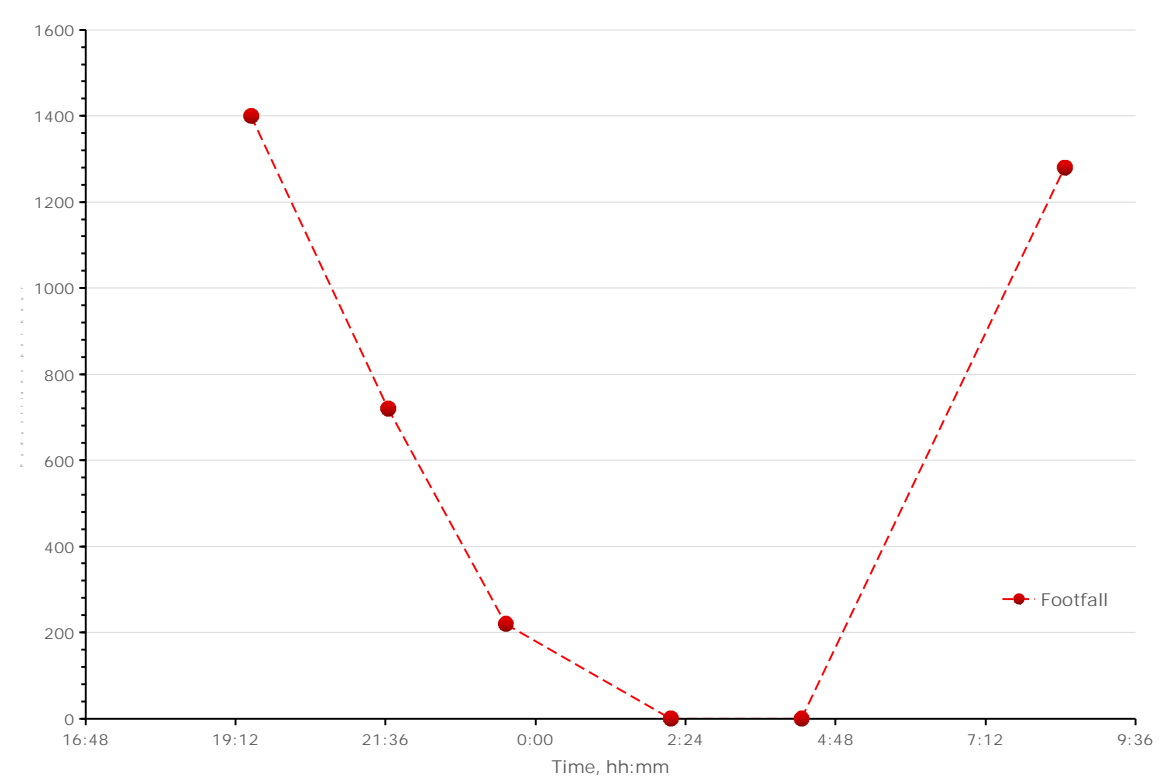


Figure 12: Pedestrian footfall. Note there was no footfall during the survey samples around 02:00 and 04:00hrs, whereas daytime samples indicate footfall exceeds 1200 people per hour going past the application site.

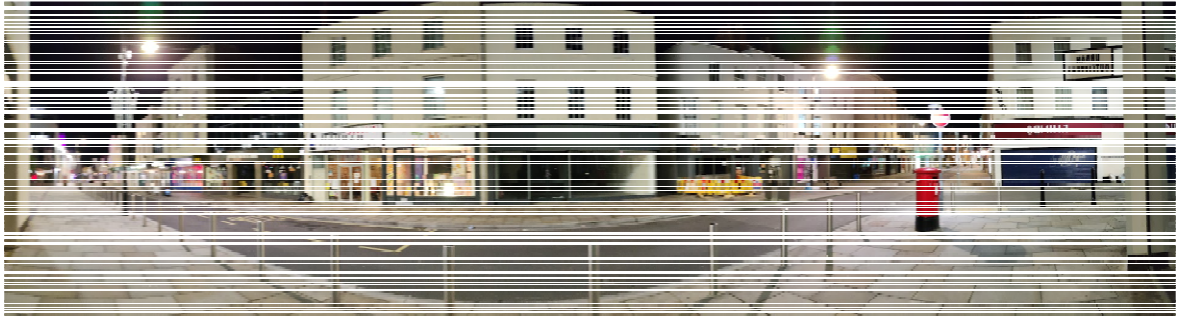


Figure 13: Panoramic view from opposite the appeal site taken at 02:23hrs.



Figure 14: Panoramic view taken from the entrance door of the appeal site at 02:23hrs.

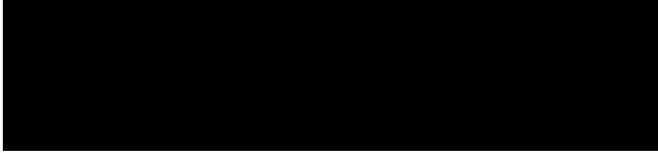


Figure 15: During the measurement taken shortly after 02:00hrs there was no pedestrian activity and the only movement on the street was a fox.

6.0 Conclusions

- 6.1 Big Sky Acoustics Ltd was instructed by Christian Fisk of Pegasus Planning Group Limited, acting on behalf of Fountain Properties Limited, to carry out an assessment of the noise climate around the appeal site at 218 High Street, Cheltenham, Gloucestershire GL50 3HF.
- 6.2 Planning application 23/00452/COU was not accompanied by any form of noise impact assessment and failed to demonstrate that no harm would be caused by noise from the proposed use.
- 6.3 Cheltenham High Street is a busy retail centre during the day, with pedestrian footfalls observed during the survey in excess of 1200 pedestrians per hour passing the appeal site in the morning and in the early evening.
- 6.4 There is activity associated with the various hospitality uses in the area, including restaurants in the new Brewery Quarter development. Activity starts to reduce later in the evening and by 22:00hrs noise levels are falling significantly. It is noted that both the betting shops on the High Street close at 22:00hrs, and by 23:00hrs the McDonalds and Burger King have closed, as have restaurants and bars in this area.
- 6.5 Pedestrian footfall drops significantly at night and during the early hours of the morning there were long periods when there was no activity at all on the High Street.
- 6.6 Within the Appellant's Statement of Case it is written that *"Admiral-operated AGCs do not generate levels of noise that have the potential to adversely impact on residential amenity over and above general retail use"* but this is not qualified by any technical analysis of those noise levels. There will be internal noise in an AGC from the activity associated with this specific use as there would be from a retail shop; there will be background music as you may find in a fashion retail store, there may be plant associated with air-conditioning, and of course there will be customer noise as patrons enter, maybe dwell outside, and also leave the premises and the area. But there will also be additional noise from gaming machines which are designed to attract customers: they are programmed to go into "attract mode" when not being played and this usually includes both flashing lights and noise. They also make noise on payouts. These noise sources have not been assessed in the application and the suggestion that they would not impact above a retail use is not qualified by any technical data. In addition, customers of an AGC need to leave the premises to smoke, and then they may return inside. This creates a higher risk of noise in the street, or in the alleyway and churchyard immediately adjacent to the appeal site, as customers dwell outside smoking.
- 6.7 What is clear is that the use as an AGC does create noise and, in the evening and night, after the surrounding retail uses will be closed, it has been demonstrated from the noise survey data presented in this report that ambient noise levels around the appeal site fall to a low level for a town centre (38dB L_{A90}). Therefore any activity from the proposed use is likely to increase the average noise levels.

- 6.8 It is my professional opinion that the impact of noise from the proposed use has not been assessed and that the proposed use presents a high risk of noise which could impact on residential amenity in the area around the appeal site. The appeal should therefore be dismissed.



Richard Vivian BEng(Hons) MIET MIOA MIOL
Principal Acoustic Consultant, Big Sky Acoustics Ltd

Appendix A - Terminology

Sound Pressure Level and the decibel (dB)

A sound wave is a small fluctuation of atmospheric pressure. The human ear responds to these variations in pressure, producing the sensation of hearing. The ear can detect a very wide range of pressure variations. In order to cope with this wide range of pressure variations, a logarithmic scale is used to convert the values into manageable numbers. Although it might seem unusual to use a logarithmic scale to measure a physical phenomenon, it has been found that human hearing also responds to sound in an approximately logarithmic fashion. The dB (decibel) is the logarithmic unit used to describe sound (or noise) levels. The usual range of sound pressure levels is from 0 dB (threshold of hearing) to 140 dB (threshold of pain).

Frequency and Hertz (Hz)

As well as the loudness of a sound, the frequency content of a sound is also very important. Frequency is a measure of the rate of fluctuation of a sound wave. The unit used is cycles per second, or hertz (Hz). Sometimes large frequency values are written as kilohertz (kHz), where 1 kHz = 1000 Hz. Young people with normal hearing can hear frequencies in the range 20 Hz to 20,000 Hz. However, the upper frequency limit gradually reduces as a person gets older.

A-weighting

The ear does not respond equally to sound at all frequencies. It is less sensitive to sound at low and very high frequencies, compared with the frequencies in between. Therefore, when measuring a sound made up of different frequencies, it is often useful to 'weight' each frequency appropriately, so that the measurement correlates better with what a person would actually hear. This is usually achieved by using an electronic filter called the 'A' weighting, which is built into sound level meters. Noise levels measured using the 'A' weighting are denoted dBA. A change of 3dBA is the minimum perceptible under normal everyday conditions, and a change of 10dBA corresponds roughly to doubling or halving the loudness of sound.

C-weighting

The C-weighting curve has a broader spectrum than the A-weighting curve and includes low frequencies (bass) so it can be a more useful indicator of changes to bass levels in amplified music systems.

Noise Indices

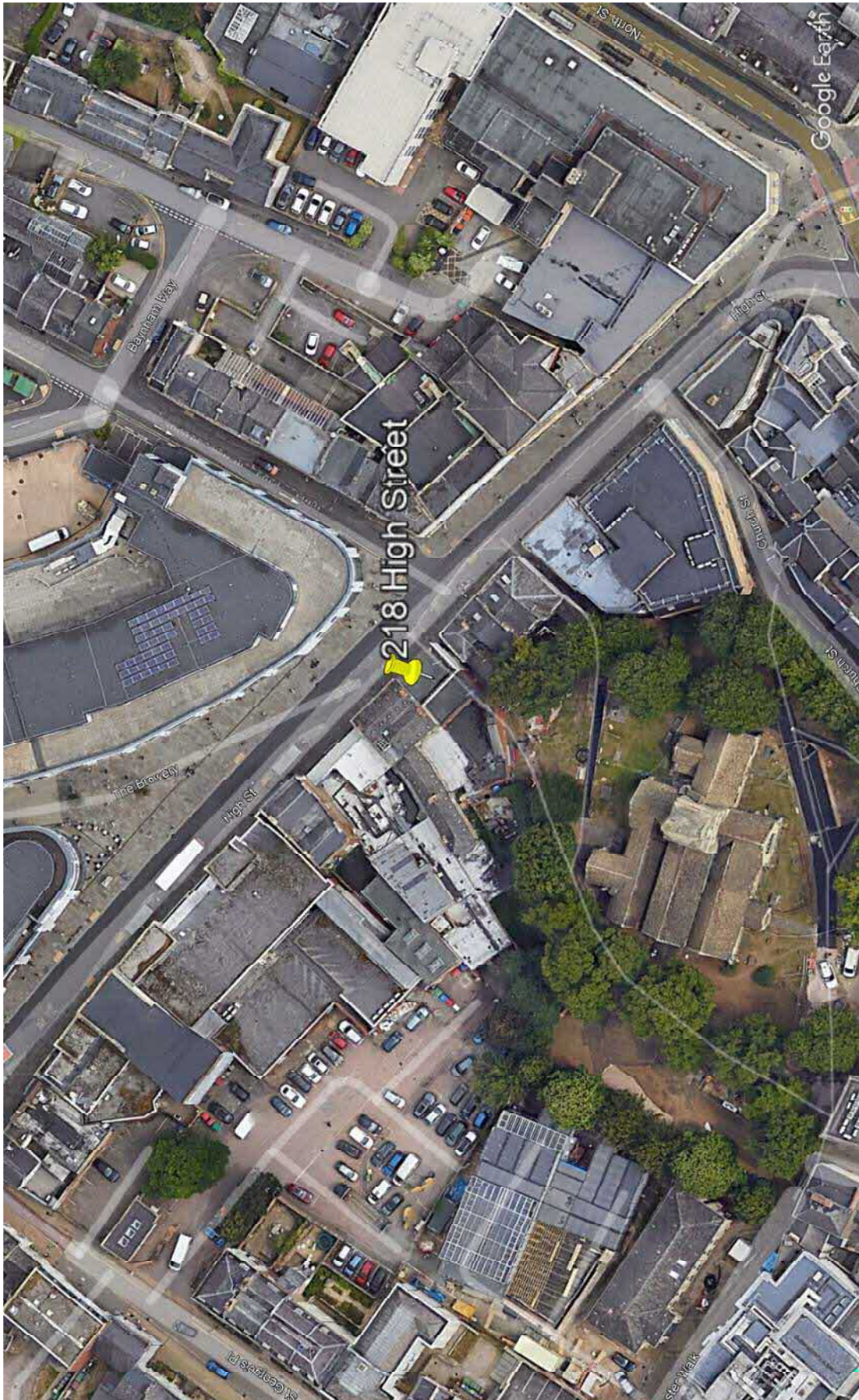
When a noise level is constant and does not fluctuate over time, it can be described adequately by measuring the dB level. However, when the noise level varies with time, the measured dB level will vary as well. In this case it is therefore not possible to represent the noise level with a simple dB value. In order to describe noise where the level is continuously varying, a number of other indices are used. The indices used in this report are described below.

- L_{eq}** The equivalent continuous sound pressure level which is normally used to measure intermittent noise. It is defined as the equivalent steady noise level that would contain the same acoustic energy as the varying noise. Because the averaging process used is logarithmic the L_{eq} is dominated by the higher noise levels measured.
- L_{Aeq}** The A-weighted equivalent continuous sound pressure level. This is increasingly being used as the preferred parameter for all forms of environmental noise.
- L_{Ceq}** The C-weighted equivalent continuous sound pressure level includes low frequencies and is used for assessment of amplified music systems.
- L_{Amax}** is the maximum A-weighted sound pressure level during the monitoring period. If fast-weighted it is averaged over 125 ms, and if slow-weighted it is averaged over 1 second. Fast weighted measurements are therefore higher for typical time-varying sources than slow-weighted measurements.
- L_{A90}** is the A-weighted sound pressure level exceeded for 90% of the time period. The L_{A90} is used as a measure of background noise.

Example noise levels:

Source/Activity	Indicative noise level dBA
Threshold of pain	140
Police siren at 1m	130
Chainsaw at 1m	110
Live music	96-108
Symphony orchestra, 3m	102
Nightclub	94-104
Lawnmower	90
Heavy traffic	82
Vacuum cleaner	75
Ordinary conversation	60
Car at 40 mph at 100m	55
Rural ambient	35
Quiet bedroom	30
Watch ticking	20

Appendix B - Site location



Appendix C - Instrumentation

All attended measurements were carried out using a Cirrus type CR:171B integrating-averaging sound level meter with real-time 1:1 & 1:3 Octave band filters and audio recording conforming to the following standards: IEC 61672-1:2002 Class 1, IEC 60651:2001 Type 1 I, IEC 60804:2000 Type 1, IEC 61252:1993 Personal Sound Exposure Meters, ANSI S1.4-1983 (R2006), ANSI S1.43-1997 (R2007), ANSI S1.25:1991. 1:1 & 1:3 Octave Band Filters to IEC 61260 & ANSI S1.11-2004.

Description

Cirrus sound level meter	type CR:171B
Cirrus pre-polarized free-field microphone	type MK:224
Cirrus microphone pre-amplifier	type MV:200E
Cirrus class 1 acoustic calibrator	type CR:515

The calibration of the measuring equipment was checked prior to and immediately following the tests and no signal variation occurred. Calibration of equipment is traceable to national standards.

Appendix D - Meteorology

	Temperature	Wind speed	Precipitation
At start	14°C	0ms ⁻¹	none
During assessment	10°C	0-3ms ⁻¹	Light rain @ 4:15
At finish	12°C	0-1ms ⁻¹	none
<i>Additional comments: Mild for time of year.</i>			

APPLICATION NO: 25/01043/FUL		OFFICER: Mrs Victoria Harris	
DATE REGISTERED: 4th July 2025		DATE OF EXPIRY: 29th August 2025 Extension of time: 17th October 2025	
DATE VALIDATED: 4th July 2025		DATE OF SITE VISIT:	
WARD: St Marks		PARISH:	
APPLICANT:	Ashleigh Davies		
AGENT:	Agent		
LOCATION:	9 South Bank Cheltenham Gloucestershire		
PROPOSAL:	Proposed two storey side extension.		

RECOMMENDATION: Permit



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site is located on South Bank, within St Marks Ward, and comprises an end-of-terrace, two-storey dwelling with a detached garage to the rear and off-street parking to the side.
- 1.2 The dwelling is constructed in brick, with a pitched concrete-tiled roof and white uPVC windows and doors.
- 1.3 The property is not listed, and the site is not situated within a Conservation Area.
- 1.4 The applicant is seeking planning permission for a two-storey side extension.
- 1.5 The scheme has been revised since the initial submission to address officers' concerns regarding design and parking. The changes made include:
 - The extension has been set back by 1 metre from the principal elevation.
 - One car parking space has been provided beneath the first-floor section of the extension.
 - A new side pedestrian gate has been added.
- 1.6 An extension of time has been agreed to enable full consideration and determination of the application.
- 1.7 The application has been referred to the Planning Committee because the applicant is Councillor Ashleigh Davies.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Principal Urban Area

Relevant Planning History:

00/00055/REM 19th March 2001 APREM

Construction of 60 dwellings and garages and associated highway works (in accordance with agents letter dated 18 October 2000)

98/00312/OUT 30th April 1999 PER

Redevelopment Of Existing Site For Housing (Outline)

98/00380/PO 30th July 1998 REF

Part Redevelopment Of Existing Site For Housing (Outline) (Revised Scheme)

3. POLICIES AND GUIDANCE

National Planning Policy Framework

Section 2 Achieving sustainable development

Section 4 Decision-making

Section 8 Promoting healthy and safe communities

Section 12 Achieving well-designed places

Adopted Cheltenham Plan Policies

D1 Design

SL1 Safe and Sustainable Living

Adopted Joint Core Strategy Policies

SD4 Design Requirements
SD14 Health and Environmental Quality
INF1 Transport Network

Supplementary Planning Guidance/Documents

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

4. CONSULTATIONS

See appendix at end of report

5. PUBLICITY AND REPRESENTATIONS

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

6. OFFICER COMMENTS

Determining Issues

- 6.1** The key considerations for this application are design, impact on neighbouring amenity and sustainable development.

Design

- 6.2** Policy SD4 of the JCS notes how development should “respond positively to, and respect the character of, the site and its surroundings, enhancing local distinctiveness, and addressing the urban structure and grain of the locality”. Furthermore, development “should be of a scale, type, density and materials appropriate to the site and its surroundings”. This is supported through adopted Cheltenham Plan Policy D1 which requires development to ‘complement and respect neighbouring development and the character of the locality.’
- 6.3** NPPF para 135 (c) states decisions should ensure that developments are sympathetic to local character and history...while not preventing or discouraging appropriate innovation or change.
- 6.4** The application proposes a two-storey side extension. The extension is set back by one metre from the front elevation, with a ridge height lower than that of the existing dwelling. Materials are proposed to match those of the existing property.
- 6.5** The extension represents a modest addition in terms of footprint and is considered to sit comfortably within the plot. It is appropriate in scale, form, and design, and clearly reads as a subservient addition.
- 6.6** Overall, the proposal achieves an acceptable form and design and is considered to comply with the requirements of Policy D1 of the Adopted Cheltenham Plan (2020), Policy SD4 of the Adopted Joint Core Strategy (JCS), and the Supplementary Planning Document – Residential Alterations and Extensions (adopted 2008).

Impact on neighbouring property

- 6.7** It is necessary to consider the impact of development on neighbouring amenity. JCS Policy SD14 and Cheltenham Plan Policy SL1 state how development should not cause unacceptable harm to the amenity of neighbouring properties. Matters such as a potential loss of light, loss of privacy, loss of outlook, noise disturbances and overbearing impact will therefore be considered.
- 6.8** It is acknowledged that the proposals will affect a small number of residential properties; however, officers are satisfied that the impact will not be so detrimental as to justify refusal on amenity grounds. The property most likely to be affected is 11 South Bank.
- 6.9** In terms of daylight, sunlight, and outlook, the proposal passes the 45° light test as set out in the 'Residential Alterations and Extensions' Supplementary Planning Document (SPD). Therefore, while the extension will be visible from neighbouring properties, it is not considered to cause unacceptable harm.
- 6.10** With regard to overlooking and loss of privacy, no first-floor windows are proposed in the side elevation. Additionally, the rear first-floor window will be more than 21 metres from the neighbouring dwelling to the rear, exceeding the minimum distance typically sought between directly facing properties.
- 6.11** For the reasons set out above, the proposed development would not cause any unacceptable loss of amenity in respect to privacy, light and outlook. As such, it would comply with policies SL1 of the Cheltenham Plan, policy SD14 of the JCS and the NPPF.

Access and highway issues

- 6.12** Adopted JCS policy INF1 advises that all development proposals should provide for safe and efficient access to the highway network for all transport needs. The policy identifies that planning permission should be granted where the highway impacts of the development would not be severe.
- 6.13** The extension will result in the loss of several off-street parking spaces, including vehicular access to the existing detached garage. However, one off-street parking space will be retained beneath the first-floor section of the extension, and a pedestrian side gate is proposed to allow bicycle access to the garage.
- 6.14** Gloucestershire Highways, acting as the Local Highways Authority, have been consulted on the application and have raised no objection. A condition has been recommended to secure the provision of the pedestrian side gate.
- 6.15** The development is not considered to result in any unacceptable highway safety implications and therefore accords with JCS policy INF1.

Sustainability

- 6.16** Section 14 The NPPF prescribes that the planning system should support the transition to a low carbon future in a changing climate. This is a key theme and objective of the Cheltenham Local Plan. This aim is recognised in Policy SD3 of the JCS, which sets out an expectation that all development should be adaptable to climate change.
- 6.17** The Cheltenham Climate Change SPD (adopted June 2022), sets out a strategy for decarbonising homes over the next decade. For residential alterations and extensions there is an opportunity to improve the environmental performance of a home through the inclusion of technologies and features such as photovoltaics, replacement windows, heat recovery, permeable (or minimal) hard surfaces, works to chimneys, insulation, replacement heating systems (heat pump) and thoughtful kitchen design.

- 6.18** In this instance, a sustainability statement has been submitted outlining key measures. Given the scale of development proposed in this application, the statement is considered acceptable.

Public Sector Equality Duty (PSED)

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

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

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

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

7. CONCLUSION AND RECOMMENDATION

- 7.1** For the reasons outlined above, the proposed development resulting in the extension of the existing dwelling is considered acceptable and in accordance with the relevant policies and guidance. As such, the recommendation is to permit this application, subject to the conditions set out below.

8. CONDITIONS / INFORMATIVES

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

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

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

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

- 3 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).

- 4 Prior to first occupation of the development, the side pedestrian gate shall be provided in accordance with the approved plans. The side pedestrian gate shall thereafter be retained available for such use in accordance with the approved plans at all times.

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

INFORMATIVES

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

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

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

Consultations Appendix

GCC Highways Planning Liaison Officer

25th September 2025 – Gloucestershire County Council, the Highway Authority acting in its role as Statutory

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

The justification for this decision is provided below.

I am now content that the level of car parking for this extension is acceptable based on the revised plans received and forming part of this application, However, by removing the access to the existing garage, the ability to provide covered and secure bicycle storage facilities will also be removed, It is not desirable or practical to wheel a wet and muddy cycle through the ground floor of the dwelling. This can be remedied by the applicant providing a side pedestrian gate onto the footpath to the eastern boundary, which is a publicly maintained highway, to gain access to the rear garden. I will therefore recommend a condition to provide for this.

The Highway Authority has undertaken a robust assessment of the planning application. Based on the analysis of the information submitted the Highway Authority concludes that there would not be an unacceptable impact on Highway Safety or a severe impact on congestion. There are no justifiable grounds on which an objection could be maintained

Conditions

Prior to any above ground works being commenced a pedestrian access gate along the eastern boundary of the site shall be provided and made available for use. The gate shall only be permitted to open inwards and not to open out over the highway.

Reason: In the interests of providing secure and covered bicycle storage facilities.

GCC Highways Planning Liaison Officer

30th July 2025 - Gloucestershire County Council, the Highway Authority acting in its role as Statutory Consultee has undertaken a full assessment of this planning application. Based on the appraisal of the development proposals the Highways Development Management Manager on behalf of the County Council, under Article 18 of the Town and Country Planning (Development Management Procedure)(England) Order, 2015 has no objection subject to conditions.

The justification for this decision is provided below.

I have concerns that this proposal will cease the use of the garage and driveway so that any vehicle associated with this property will have to park on the street. However, I note that this is already occurring in the area also I could not justify a refusal for this development on that matter alone.

By removing the access to the garage, the ability to provide covered and secure bicycle storage facilities will also be removed, It is not desirable or practical to wheel a wet and muddy cycle through the ground floor of the dwelling. This can be remedied by the applicant providing a side pedestrian gate onto the footpath to the eastern boundary, which is a publicly maintained highway, so as to gain access to the rear garden. I will therefore recommend a condition to provide for this.

The Highway Authority has undertaken a robust assessment of the planning application. Based on the analysis of the information submitted the Highway Authority concludes that there would not be an unacceptable impact on Highway Safety or a severe impact on congestion. There are no justifiable grounds on which an objection could be maintained.

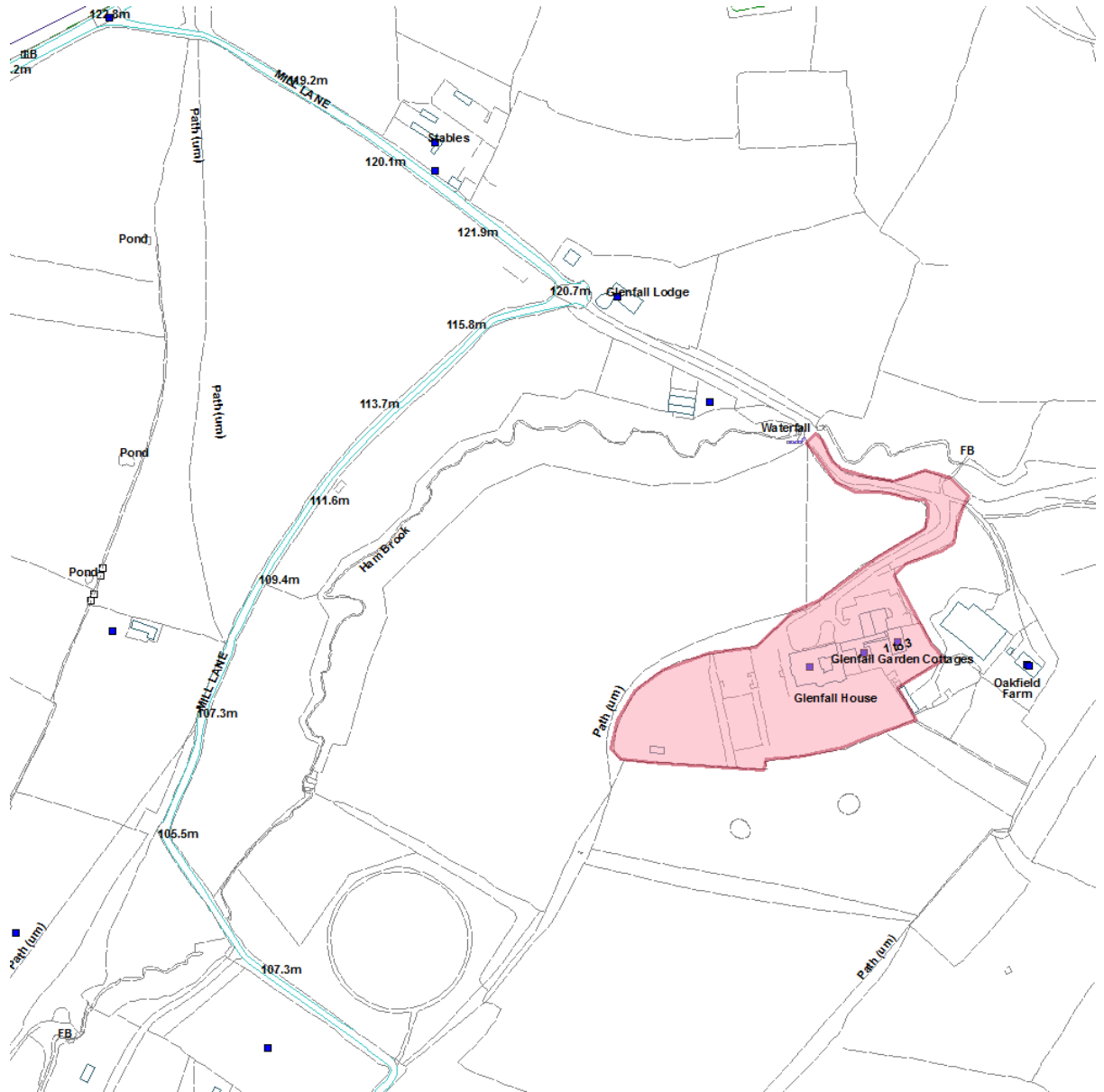
Conditions

Prior to any above ground works being commenced a pedestrian access gate along the eastern boundary of the site shall be provided and made available for use. The gate shall only be permitted to open inwards and not to open out over the highway.

Reason: In the interests of providing secure and covered bicycle storage facilities.

APPLICATION NO: 25/01260/CONDIT & 25/02081/CONDIT		OFFICER: Mrs Lucy White
DATE REGISTERED: 12th August 2025		DATE OF EXPIRY: 11th November 2025/7 th October 2025
DATE VALIDATED: 12th August 2025		DATE OF SITE VISIT:
WARD: Battledown		PARISH: Charlton Kings
APPLICANT:	Mr And Mrs Bunner	
AGENT:	SF Planning Limited	
LOCATION:	Glenfall House Mill Lane Charlton Kings	
PROPOSAL:	<p><u>25/01260/CONDIT</u> Removal of condition 9 and the variation of conditions 5, 6, 8, 10, 12, 17, 20, 26 and 28 of planning permission 23/01424/FUL - approval sought for the removal of the holiday accommodation use restriction, enabling the outbuildings to be used as independent, self-contained dwellings</p> <p><u>25/02081/CONDIT</u> Variation of condition 9 of listed building consent 23/01424/LBC - approval sought for the removal of the holiday accommodation use restriction, enabling the outbuildings to be used as independent, self-contained dwellings</p>	

RECOMMENDATION: Refuse/Refuse



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site currently comprises of the grade II listed Glenfall House and its curtilage listed outbuildings and structures. The majority of the garden curtilage of Glenfall House is a registered Park and Garden; listed for being a good representative example of both a picturesque landscape and an Arts and Crafts garden which retain their layouts and reflect their original design and character. Nearby Glenfall Lodge and the Gate Piers, Gates and Walls to Glenfall Lodge are also grade II listed. Overall, Glenfall House, the Coach House/Stables, the gate piers, gates and walls to Glenfall Lodge and the several other curtilage listed buildings/structures, in combination create a strong group value.
- 1.2 The site is located outside of the Principal Urban Area (PUA) of Cheltenham and wholly within the Cotswolds National Landscape (AONB).
- 1.3 The applications are submitted under section 73 of the Town and Country Planning Act 1990 and section 19 of the Planning (Listed Buildings and Conservation Areas Act) 1990. Application 25/01260/CONDIT seeks approval for the removal of condition 9 and the variation of conditions 5, 6, 8, 10, 12, 17, 20, 26 and 28 of planning permission 23/01424/FUL. Application 25/02080/CONDIT seeks approval for the variation of condition 9 of listed building consent 23/01424/LBC.
- 1.4 For both applications, the proposed amendment to the original planning permission and listed building consent is the removal of the holiday accommodation use restriction imposed on the 5no. accommodation units within the proposed replacement extension/outbuildings. This would enable the units to be occupied as permanent, independent, self-contained dwellings.
- 1.5 The description of development for the original, approved scheme (planning references 23/01424/FUL and 23/01424/LBC) reads as follows:-

Part change of use of principal listed building from hotel/event venue to single dwelling (C3), including removal of extensions/alterations to principal building. Demolition of coach house, stables and 20th century buildings and extensions and replacement with new extension and outbuildings consisting of a leisure building with swimming pool, garage/store, greenhouse and 5no. dwellings to be occupied as holiday accommodation. Internal alterations to listed building and alterations to historic landscaped grounds and kitchen garden.

- 1.6 Condition 9 of 23/01424/FUL reads as follows:-

The 5no. units of holiday accommodation hereby permitted shall be used for holiday accommodation only and shall be used for no other purpose (including any other purpose within Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or any Order revoking and re-enacting that order with or without modification). The 5no. units of holiday accommodation shall not be occupied by any individual, family or group for more than 4 weeks within any 12 month period.

Reason: The use of the buildings as independent, permanent dwellings would need further consideration having regard to the location of the site and to the adopted policies and provisions of the Cheltenham Local Plan (2020) and the Cheltenham, Tewkesbury and Gloucester Joint Core Strategy (2017).

- 1.7 Conditions 5, 6, 8, 10, 12, 17, 20, 26 and 28 of planning permission 23/01424/FUL and condition 9 of listed building consent 23/01424/LBC, include holiday accommodation within their wording and would therefore need to be amended to reflect the proposed unrestricted residential occupation of the units.

- 1.8 This report should therefore be read in conjunction with the officer report that accompanies the original planning and listed building consent applications; albeit the officer recommendation set out within that report was to refuse both applications due to the harmful impact of the proposed development on the significance of the designated heritage assets. Members subsequently resolved to grant consent for the proposed development, subject to a number of conditions.
- 1.9 Although pre-commencement conditions attached to the original planning and listed building consent approvals have been discharged, as far as officers are aware, and as indicated within the current application details, the planning and listed building consent permissions have not yet been implemented.
- 1.10 In November 2024 s73 and s19 applications were submitted for the same proposed amendments to the original planning and listed building consents, but were subsequently withdrawn by the applicant. The applicant did not provide a reason for their withdrawal.
- 1.11 The applications are being determined by the Planning Committee at the request of Councillor Day. The reasons given for the Committee referral are as follows:-

Having read the supporting documents on the website, I believe that there are no planning issues serious enough to warrant refusal and I consider that previous concerns raised by Officers have been adequately addressed within the supporting information.

- *My understanding is that the application to remove the holiday let only occupancy restriction relates solely to the permitted use and involves no changes (internal or external) to the plans previously approved by the Planning Committee*

- *I understand that the Council can only currently demonstrate 2.52 years housing supply and therefore tilted balance applies*

- *Highways consultation on the recent application for additional pitches at Castle Dream Stud also on Mill Lane (by my measurement a 1 minute walk from Glenfall House's entrance) came back no objection. I don't recall Highways objecting to the previous application for permanent pitches at Castle Dream Stud made last year or any questions or debate from Committee members regarding Highways issues when either of the Castle Dream Stud applications were approved.*

- *Having grown up in a rural location myself, I believe that the Highways Officer consulted previously misunderstood how people living in rural locations organise their travel for shopping and other purposes. There's a clear incentive to consolidate trips to minimise the number made – people don't pop in and out several times a day as they tend to do in urban locations.*

- *I believe that any heritage harm is outweighed by the benefits of this application, and it seems to me that the heritage concerns previously raised by the Conservation Officer have been answered and addressed by the supporting statements to this application. I acknowledge that this is a grey area, and consider that it is most appropriate for the members of the Planning Committee to have the final say as, for example, happened with the application concerning 131 Promenade.*

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Area of Outstanding Natural Beauty

Relevant Planning History:

13/02186/PREAPP 3rd March 2014 CLO

Proposed re-modelling of house

15/01926/PREAPP 24th November 2015 CLO

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

20/00792/PREAPP 8th July 2020 CLO

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

22/00947/PREAPP 31st August 2022 CLO

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

78/00036/PO 24th March 1978 REF

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

79/00509/PF 3rd December 1979 PER

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

91/00400/PC 23rd May 1991 PER

Change Of Use To Diocesan Retreat House

91/00953/LA 24th October 1991 PER

Conversion Of Existing Outbuildings To Provide Warden/ Caretaker Accommodation And Additional Guest Accommodation

14/00632/COU 21st July 2014 WDN

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

14/00632/LBC 21st July 2014 WDN

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

20/01918/FUL 14th January 2021 PER

Change of use of Garden Cottages from hotel accommodation (C1) to 3no. dwellings (C3) including external alterations

20/01918/LBC 14th January 2021 GRANT

Change of use of Garden Cottages from hotel accommodation (C1) to 3no. dwellings (C3) including external alterations

21/00656/COU 22nd July 2021 WDN

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

21/00656/LBC 22nd July 2021 WDN

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

23/01424/FUL 21st October 2024 PER

Part change of use of principal listed building from hotel/event venue to single dwelling (C3), including removal of extensions/alterations to principal building. Demolition of coach house, stables and 20th century buildings and extensions and replacement with new extension and outbuildings consisting of a leisure building with swimming pool, garage/store, greenhouse and 5no. new dwellings to be occupied as holiday accommodation. Alterations to historic landscaped grounds and kitchen garden.

23/01424/LBC 21st October 2024 GRANT

Part change of use of principal listed building from hotel/event venue to single dwelling (C3), including removal of extensions/alterations to principal building. Demolition of coach house, stables and 20th century buildings and extensions and replacement with new extension and outbuildings consisting of a leisure building with swimming pool, garage/store, greenhouse and 5no. dwellings to be occupied as holiday accommodation. Internal alterations to listed building and alterations to historic landscaped grounds and kitchen garden.

24/01983/CONDIT 10th March 2025 WDN

Removal of condition 9 and the variation of conditions 5, 6, 8, 10, 12, 17, 20, 26 and 28 of planning permission 23/01424/FUL - approval sought for the removal of the holiday accommodation use restriction of the proposed dwellings

24/02080/CONDIT 10th March 2025 WDN

Variation of condition 9 of listed building consent 23/01424/LBC - approval sought for the removal of the holiday accommodation use restriction of the proposed dwellings

25/00667/DISCON 9th July 2025 DISCHA

Discharge of conditions 3 (design details and demolition statement), 4 (method statement for the removal of internal partitions), 5 (external facing/roofing materials and 6 (details of the interfaces between new and old walls) of listed building consent 23/01424/LBC

25/00668/DISCON 9th July 2025 DISCHA

Discharge of condition 4 (site survey/levels), 11 (design details), 13 (external facing/roofing materials) and 27 (construction management plan) of planning permission 23/01424/FUL.

3. POLICIES AND GUIDANCE

National Planning Policy Framework

Section 2 Achieving sustainable development

Section 4 Decision-making

Section 5 Delivering a sufficient supply of homes

Section 8 Promoting healthy and safe communities

Section 9 Promoting sustainable transport

Section 11 Making effective use of land

Section 12 Achieving well-designed places

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

Section 15 Conserving and enhancing the natural environment

Section 16 Conserving and enhancing the historic environment

Adopted Cheltenham Plan Policies

D1 Design

D3 Private Green Space
 L1 Landscape and Setting
 HE2 National and Local Archaeological Remains of Importance
 BG1 Cotswold Beechwoods Special Area Of Conservation Recreation Pressure
 SL1 Safe and Sustainable Living
 GI2 Protection and replacement of trees
 GI3 Trees and Development

Adopted Joint Core Strategy Policies

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

Supplementary Planning Guidance/Documents

Cheltenham Climate Change (2022)

4. CONSULTATIONS

See appendix at end of report

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	17
Total comments received	0
Number of objections	1
Number of supporting	0
General comment	0

5.1 Letters were sent to 17 neighbouring properties. In addition, site notices were displayed near the site and an advert was placed in the Gloucestershire Echo. In response to this publicity exercise, one representation was received from the adjacent property, Oakfield Farm. The concerns raised are summarised below, though not limited to the following points:

- Planning history includes refusals for new houses on the site, in addition to changes of use and other alterations to Glenfall House and its outbuildings
- Site has transitioned from historic estate to residential conversion, holiday accommodation and mixed-use developments
- In effect, approval is being sought for five dwellings in the Cotswold National Landscape and in a rural location outside of any settlement, thereby contrary to Policy SD7 of the JCS.
- The five independent dwellings could be sold and the site sub-divided, with multiple owners across the site. This would have a negative impact on the integration of the site.

- Proposals would turn this historic house and parkland into a small settlement or hamlet, disregarding the status of the AONB, and with a detrimental impact on its setting and the historic hierarchy between the main house and its environs.
- Application 23/01424/FUL sought to restore the main house and its garden setting and the application relied heavily on this connection. The long term survival and sustainability of the property was secured.
- If Condition 9 is removed, the new dwellings should somehow remain linked/tied and ancillary to the main listed building (Glenfall House) and not sold as independent dwellings, thereby maintaining the overall heritage status and historic integrity of the site
- Income from holiday lets would exceed that generated from shorthold tenancy arrangements
- If approved, the conditions attached to the original planning and listed building consent should be repeated.

6. OFFICER COMMENTS

6.1 Determining Issues

- 6.2** Guidance set out within the National Planning Practice Guidance (nPPG) acknowledges that issues may arise after planning permission has been granted, which require modification of the approved proposals and that where less substantial changes are proposed, an application seeking a minor material amendment can be made under section 73 of the Town and Country Planning Act 1990 (section 19 of the Planning (Listed Buildings and Conservation Areas Act 1990), where there is a relevant condition that can be varied.
- 6.3** If granted, the application results in the issuing of a new planning permission or listed building consent which sits alongside the original permissions which remain intact and un-amended.
- 6.4** There is no statutory limit on the degree of change permissible under s73 or s19, but the changes must only relate to conditions and not to the operative part of the permission and, in the case of a s19 application, the amendment sought should not re-open the entire question of whether listed building consent should have been granted.
- 6.5** In this case, Condition 9 of the original planning permission (24/01983/CONDIT) requires the 5no. residential units located within the approved outbuilding extension to be occupied for holiday accommodation purposes only and for no other purpose falling within Class C3. A number of other conditions also refer to the restricted holiday accommodation use. The description of proposed development for both applications also refer to the proposed holiday accommodation use (....5no. new dwellings to be occupied as holiday accommodation...) .
- 6.6** In light of the above, the main consideration in the determination of this application is the acceptability of removing Condition 9 and allowing an unrestricted residential occupation of the 5no. units within the extension i.e. permanent dwellinghouses occupied independently/privately of the main dwelling (Glenfall House) and that may be sold separately and the site sub-divided accordingly.

- 6.7** Matters relating to the principle of new housing development in this location, highway safety, impact on the significance of the designated heritage assets and the extent to which the proposals would constitute sustainable development will all need to be re-considered.
- 6.8** The acceptability of the design, scale and layout of the proposals, along with their impact on the character and landscape qualities of the Cotswold National Landscape, drainage, trees and climate change, has already been established through the approval of the original schemes. As such, there is no need to revisit these elements of the proposals, other than to assess the potential impact of the approved scheme layout and proposed independent dwellinghouses on the amenities of adjacent land users.
- 6.9 Officer Comments**
- 6.10** The officer (committee) report that accompanies the original planning and listed building consent applications discusses the principle of development, the proposed holiday accommodation use of the replacement curtilage outbuildings and the acceptability, in general, of providing new residential development in this location. Relevant and pertinent sections of the officer report are reproduced in full as follows:-

Principle

(paragraph 6.24) In summary, the site is located outside of the PUA and within the AONB. As such, the principle of new residential development to provide residential holiday accommodation in this location may not be acceptable within the context of Policy SD10. Furthermore, this element of the proposals would not contribute to the Council's housing land supply. However, subject to the approval of appropriate and sympathetic works, there are no concerns regarding the principle of converting the principal listed building to a single dwelling, as Glenfall House was first constructed as a dwelling

Holiday Accommodation/Residential Use

(paragraphs 6.88-6.95) It is necessary to consider the proposed use of the new build element as holiday accommodation; the application having been submitted and determined on this basis.

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

The site is located approximately 4km from the nearest local services and outside of the PUA. There is no development plan policy that directly relates to the provision of holiday accommodation outside of the PUA; although JCS policy SD10 (criterion 5) allows for the sensitive adaptation of an existing vacant or underused building to residential use and this policy is not location specific. Similarly, Policy L2 of the CP allows the conversion of rural buildings to uses other than agriculture subject to various requirements.

It is therefore reasonable to conclude that the appropriate conversion or sub-division of an isolated building in the countryside to residential use is likely to be supported, in principle.

The same support in principle would not apply to new build dwellings or new build holiday accommodation within the countryside.

In this case and mindful of the policy context, officers have had to consider the existing use of the site as a hotel/wedding venue, and thereby the existing use of the site for similar holiday accommodation purposes. The planning history of site indicates other similar recreation/hotel type uses of the property. There are also 3 existing separate dwellinghouses on site (1-3 Glenfall Garden Cottages), plus some residential staff accommodation associated with the existing hotel/wedding venue. The net gain in residential units on site (including the change of use of Glenfall House) would therefore be 3 new dwellings/holiday lets.

Given the rather unique circumstances of this site and its planning history, the principle of the proposed redevelopment of the site and provision of new build residential units/holiday lets in an isolated, rural location outside of the PUA, on balance, is considered acceptable.

However, in accordance with the terms of the application submission and for the reasons set out above, officers would consider it necessary and reasonable to impose a condition restricting the use of the buildings as holiday lets. Should there be any future application to remove or vary this condition, the suitability/use of the buildings in this location as separate, permanent dwellings would be considered at that time.

In addition, the Conservation Officer has raised significant concerns about the further sub-division of the site through the creation of distinct curtilages associated with the residential use of the proposed new outbuildings. Similarly, there was concern raised by the CO over the sub-division of the main house to create separate residential units.

- 6.11** To reiterate, the application site is located approximately 4km from the nearest local services and lies outside of the PUA. As such, it cannot be considered a sustainable location for new residential development. There is no development plan policy that specifically supports new housing development outside of the PUA. However, JCS policy SD10 (criterion 5) allows for the sensitive adaptation of an existing vacant or underused building to residential use, and this policy is not location specific. Similarly, Policy L2 of the Cheltenham Plan supports the conversion of rural buildings to non-agricultural uses subject to meeting certain criteria. The current s73/19 applications (by removing condition 9) propose the construction of 3no. purpose built independent, permanent dwellings, as well as the adaptation of the principal listed building (Glenfall House) to provide 2no. residential units. While the latter 2no. units may align with the provisions of SD10 and L2, the new build element raises concerns regarding sustainability and compliance with development plan policy.
- 6.12** Policy SD10 is consistent with the NPPF in that the principle of new residential development outside of built-up areas is not generally supported, except in specific circumstances, none of which apply to this proposal, aside from the sub-division of the existing building (Glenfall House) to create 2no. dwellings. The site is not allocated for housing and does not qualify as a rural exception site providing affordable homes or a community led project (NPPF paragraph 82).
- 6.13** Paragraph 84 of the NPPF states that planning decisions 'should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply'
- a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;*
 - b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;*
 - c) the development would re-use redundant or disused buildings and enhance its immediate setting;*

d) the development would involve the subdivision of an existing residential building; or

e) the design is of exceptional quality, in that it:

i. is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and

ii. would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.'

6.14 In terms of the new build element, officers consider that none of the exception criteria outlined above are applicable in this case. Additionally, the applicant has not provided sufficient evidence to demonstrate that the removal of the occupancy restriction would meet the requirements of criterion (b), whereas the previously approved scheme with occupancy restriction in place would not. As such, the justification for removing the restriction is not considered robust.

6.15 It is acknowledged that planning permission has already been granted for 5no. holiday lets, 3 of which would be accommodated within the recently approved large extension to the main house. As discussed in the officer report accompanying the approved scheme, the use of the new extension, plus that of the swimming pool, detached garage/store and the proposed converted parts of Glenfall House, falls within Class C3. Essentially, they are all ancillary buildings within the curtilage of a single dwellinghouse.

6.16 The Committee report accompanying the approved scheme discusses the site's planning history and its previous, similar holiday accommodation (C1) use. Officers also noted that planning permission had previously been granted for the conversion of Glenfall Garden Cottages, a curtilage building, into 3 independent dwellings.

6.17 Given the site's unique circumstances and its planning history related to hotel/holiday accommodation use, an exception was made. Officers considered that the use of parts of the proposed new outbuildings as self-contained holiday accommodation units, despite the site being located outside of the PUA, was acceptable on balance. However, following the Planning Committee's decision to overturn of the officer recommendation and resolve to grant planning permission, and in light of the conflict with Policy SD10, a condition was imposed to restrict the use of the 5no. units to holiday accommodation purposes only. This condition, along with all other conditions, was agreed with the Chair and Vice Chair of the Planning Committee prior to the decisions being issued. Furthermore, the application was submitted on this basis, as reflected in the agreed description of the proposed development.

6.18 Since approval for the replacement outbuildings/extensions and holiday accommodation was granted in 2024, nothing has changed in terms of national and local planning policy or site circumstances, to suggest that the restrictive occupancy condition should be lifted.

6.19 Heritage Impacts

6.20 Despite the conflict with local and national planning policy and guidance, additional concerns were also raised by the Conservation officer (CO) during consideration of the approved scheme. The CO highlighted the potential for future sub-division of the grounds to create separate residential curtilages, should the units be occupied as independent dwellings. Such a change in character and use was considered to have a detrimental impact on the significance of the designated heritage assets.

6.21 The CO has been consulted on the current applications and their comments can be read in full in section 4 of the report.

- 6.22** The CO objects to the removal of Condition 9 of 24/01983/CONDIT and the associated variation of other conditions. The proposals are considered to be in conflict with policy SD8 of the JCS which *'requires development to make a positive contribution to local character and distinctiveness, having regard to valued and distinctive elements of the historic environment'*. In summary, the CO considers that the use of the buildings as permanent, independent dwellings would:-
- Remove control over the external appearance of the buildings and loss of visual coherence
 - Ad hoc appearance of new boundary treatment which could vary in materials, height, standards
 - Contrasting private dwellings and external finishes with amenity spaces/curtilages accommodating domestic paraphernalia (washing lines, planting, garden furniture, external lighting etc).
 - Incremental erosion of character, appearance and openness of the site which would be detrimental to the setting of the listed building.
- 6.23** In addition to the concerns outlined above, the layout of the proposed development presents further issues. Although the physical sub-division of the site to create individual plots with defined residential curtilages is not currently proposed, with the possible exception of Units 3 and 5, each dwelling would nonetheless exhibit a degree of individuality, both visually and functionally.
- 6.24** Unit 5, for example, could benefit from access to an external terrace garden adjacent to the swimming pool. This area is enclosed by a low retaining wall, and could easily accommodate the typical domestic garden paraphernalia and structures. Similarly, Unit 3 is fronted by a small terrace garden, enclosed by a curved hedgerow, which could also be used in a domestic manner if independently occupied.
- 6.25** The other 3 proposed dwellings would lack private, external amenity space, and the application does not clarify whether future occupiers of any of the dwellings would have access to other garden, open areas or recreational facilities at Glenfall House. It is assumed they would not. As such, the layout of the proposed development would likely result in harm to the living conditions of the future occupiers of the dwellings due to inadequate external amenity space. This deficiency could also lead to an informal spread of domestic paraphernalia into the shared curtilages and courtyard areas, resulting in further harm to the character and coherence of the site.
- 6.26** Furthermore, the lack of private amenity space could lead to future proposals for more formal sub-division of the site and/or the addition of ancillary outbuildings, garages, structures and new boundary treatment to serve the individual dwellings. For example, refuse and cycle storage facilities and some car parking for the holiday lets are currently located in communal areas within the new extension. Whilst this arrangement may be suitable for short term holiday lets, it is not ideal for permanent, private residential use.
- 6.27** Although Condition 22 of 23/01424/FUL removes permitted development rights (PD) and the local planning authority would retain some control over any future additional development, this condition was imposed with holiday accommodation use in mind. It did not anticipate the potential need for domestic curtilage structures, paraphernalia or sub-division typically associated with permanent, independent dwellings. The removal of PD rights would not prevent the piecemeal introduction of additional structures (if deemed acceptable) nor does it address potential inconsistencies in their appearance or impact on the character of the site.
- 6.28** The submitted details are also unclear on the (allocated) parking facilities for the proposed dwellings. The occupiers of the dwellings would likely want to park cars outside their properties and this is not shown.

6.29 The applicant's rebuttal to the Conservation officer comments has been carefully considered, however the points raised do not alter officers' conclusions regarding the heritage impacts of the proposals. The rebuttal has provided no recognition/acknowledgement that any harm will be caused in relation to the proposed change in occupation. The CO's full response to the rebuttal is included in the Consultations Appendix.

6.30 Impact on neighbouring property

6.31 Section 12 of the NPPF highlights that development should promote a high standard of amenity for existing and future users. This is further emphasised in policy SD14 of the JCS and Cheltenham Plan SL1 which set out the requirement for development not to cause unacceptable harm to the amenity of adjoining land users and the locality.

6.32 The nearest neighbouring property that has potential to be impacted by the proposed development is Oakfield Farm. This property has land and buildings adjoining the south and east application site boundaries. Oakfield Farm is a working farm which houses cattle in close proximity to the east site boundary. An objection to the proposed development has been received on behalf of the occupiers of the farm and a summary of the concerns raised are set out at paragraph 5.1 of the report. The neighbour's concerns have been considered very carefully, the majority of which are addressed elsewhere in the report.

6.33 Given the proximity of Oakfield Farm and potential for noise and disturbance to affect future occupiers of the proposed dwellings, the Council's Environmental Health team (EHO) were consulted. Their response is set out in full within section 4 of the report.

6.34 The EHO raises no concerns in relation to the change in occupier/use of the proposed units. Condition 26 of the original planning permission requires the submission and approval of a noise assessment and sound insulation scheme which should incorporate measures to protect the habitable rooms of the holiday accommodation units from noise generated by the adjacent farm and stable block (e.g. noise from animals/workers, the weaning of cattle and farm machinery). This condition could be re-worded to remove reference to holiday accommodation, as per the terms of the current application.

6.35 Officers concur broadly with the EHO's assessment. Whilst the occupiers of permanent/independent dwellings are more likely to raise noise and pollution complaints, officers do not consider that the use of the units as independent, permanent dwellinghouses would result in a significantly greater harmful impact on the amenities of adjacent land users, nor vice versa.

6.36 With the above in mind, the proposed development is considered to be compliant with adopted CP policy SL1 and adopted JCS policy SD14 in so far as the development would protect the existing amenity of neighbouring land users and the locality.

6.37 However, there is conflict with policies SL1 and SD14 in relation to the impact of the proposals on the living conditions of future occupiers of the dwellings, as discussed at paragraphs 6.21-6.26 of the report.

6.38 Access and highway issues

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

6.40 From a transport perspective, no overriding concerns were raised in respect of the original applications. Although the County Council Highways Development Management Team,

acting as Local Highway Authority (HA) raised no objection to the proposals, officers did consider transport matters more broadly and on balance, the proposed development in this unsustainable location was considered acceptable.

- 6.41** In reaching this conclusion, officers were mindful of the existing/previous use of the site as a hotel/wedding venue which generated traffic movement (varying in intensity) and a reliance on a private car for site access. Although the use of the site as a single dwelling and holiday accommodation would change the purpose and timings of traffic movements to and from the site, the level of traffic movements would not be dissimilar to, or likely greater than, those associated with the previous use of the site. Furthermore, given the nature of the proposed holiday accommodation use, trips to a local food store for example, are likely to be combined with trips to other destinations.
- 6.42** Notwithstanding the above, it was noted in the previous Committee report that, given the rural location of the site, the use of the proposed holiday units as permanent, separate dwelling houses would need further consideration, having regard to the sustainable transport aims of the National Planning Policy Framework set out at paragraphs 114 and 116.
- 6.43** The HA has reviewed the current application, having regard to national and local planning policy and the planning history of the site. In summary, the HA comment on the lack of segregated footways and access to public transport which is unchanged since commenting on the previous applications. In highway safety terms, the HA consider that the development would likely generate an increase in both pedestrian and vehicular traffic, albeit pedestrian traffic is likely to be low due to the distance to local facilities and lack of street lighting and footways etc. There could also be a reduction in highway safety should cars need to pass on the sub-standard local road network.
- 6.44** The HA has transferred the decision on whether the application should be refused on the grounds of its unsustainable location in policy terms, on the local planning authority. Whilst the roads leading to the site are not suitable to serve for the proposed development, the HA considered that any objection on transport/highway safety grounds is unlikely to be supported in the current climate.
- 6.45** Officers have carefully considered the HA response and the proposal's conflict with NPPF paragraphs 114 and 116. Officers conclude that the occupation of the residential units as independent, market dwellings (when fully occupied) would likely generate similar numbers of daily traffic movements (albeit some would be different in purpose) and acknowledge that the impact on the local highway network was deemed acceptable by the HA in respect of the original planning permission.
- 6.46** Officers are also mindful that planning permission was granted for the conversion of Glenfall Garden Cottages from self-contained, hotel accommodation to 3no. independent dwellings (20/01918/FUL). Permission was granted on that occasion, despite an initial objection from the HA for reasons that the site was considered to be an unsustainable location. Following discussions between officers and the HA on traffic movements associated with the planning history of the site, the HA subsequently removed their objection.
- 6.47** In summary, the previous use of the site as a hotel/wedding venue and the 3no. independent dwellings at Glenfall Garden Cottages (fall back scenario), is a material consideration when assessing the highway safety/transport impacts of the proposed market dwellings. On balance, and despite the site's rural and unsustainable location, officers consider that a refusal of the application on highway safety/transport grounds would be difficult to substantiate, but only because there is evidence of the previous use of this site as a hotel/wedding venue generating similar levels and types of traffic movement.

6.48 Sustainability

6.49 The Cheltenham Climate Change SPD (2022), sets out a detailed strategy for decarbonising homes over the next decade. For new residential alterations and development there is an opportunity to improve the environmental performance of a home through the inclusion of technologies and features such as photovoltaics, replacement windows, non-fossil fuel heating and lighting systems, permeable (or minimal) hard surfaces and improved insulation, This is reflected in Policy SD3 of the JCS.

6.50 The original planning application included an Energy and Sustainability Strategy which noted the modest scope for energy efficient improvements to the listed building and set out the various opportunities to reduce energy demand in respect of the new build elements of the scheme. The mitigation measures/statement of intent to be investigated and implemented included:

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

6.51 Given the scale and nature of the proposals, which affect a listed building, the above were considered to demonstrate an acceptable and welcome response to climate change, the Council's SPD guidance and the objectives of Policy SD3 of the JCS. Conditions 24 and 25 of planning permission 23/01424/FUL require the submission and LPA approval of air and/or ground source heat pumps to be installed.

6.52 The measures outlined above are equally applicable to the current proposals and no further information is required.

6.53 Other considerations

6.54 Notwithstanding the recent updates to the NPPF (December 2024) since the earlier grant of planning permission and listed building consent, matters relating to design, scale and layout, landscaping, drainage and flooding, protected species, ecology, (10%) Biodiversity Net Gain and the Public Sector Equality Duty are suitably addressed in the earlier officer report and do not need to be revisited as part of this application.

6.55 The applicant has also entered into a s106 Unilateral Undertaking to secure appropriate mitigation for recreational pressure on the Cotswold Beechwoods Special Area of Conservation (SAC) and the relevant monies and fees have been paid.

7. PLANNING BALANCE AND RECOMMENDATION

7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for development must be determined in accordance with the development plan, unless material considerations indicate otherwise.

- 7.2 The proposed removal of condition 9 would result in the provision of new, purpose-built, market housing outside of the PUA, as well as the adaptation of an existing building to provide independent dwelling units.
- 7.3 There is no development plan policy that supports the provision of new, purpose built, market housing development outside of the PUA or on sites that are not allocated for housing. Affordable housing is not being provided and this is not a rural exception site. However, SD10 (criterion 5) does allow for the sensitive adaptation of an existing vacant or underused building to residential use and this policy is not location specific. Similarly, Policy L2 of the Cheltenham Plan supports the conversion of rural buildings to uses other than agriculture subject to various requirements.
- 7.4 Neither does the NPPF support the principle of new residential development in unsustainable and isolated rural locations other than in specific circumstances, none of which apply to this proposal, other than the proposed sub-division of the existing dwelling. (NPPF paragraphs 82 and 84).
- 7.5 Notwithstanding the above, the policies which are most important for determining this application must be considered out of date due to a shortfall in the Council's five-year supply of housing land. The latest published figure (March 2025) is a 2.69 year supply of deliverable housing land. The proposal has therefore been assessed against the guidance contained within the NPPF. Paragraph 11(d) of the NPPF applies a presumption in favour of sustainable development unless:-
- i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination*
- 7.6 In carrying out an objective assessment of the proposals, in accordance with paragraph 11d of the NPPF, and notwithstanding the conflict with Policy SD10, officers have considered the acceptability of introducing new, purpose built market housing in this location. This assessment includes the impact of the proposals of the amenities of neighbouring land users, highway safety, and the positive contribution the development would make to the Council's five-year supply of deliverable housing land. In this context, the (small) net gain of 2 market dwellings towards meeting the Council's identified housing needs weighs in the overall planning balance.
- 7.7 In this case, there are no compelling reasons to suggest that a departure from the development plan would be acceptable. If approved, the proposals could also set an undesirable precedent for the provision of purpose built and unrestricted housing development outside of the built-up areas of Cheltenham.
- 7.8 In addition, the Conservation officer considers the proposed sub-division of the application site to provide the 5no. new independent dwellings would result in an incremental erosion of the character and visual coherence of the site which would be harmful to the significance (notably setting) of the designated heritage assets.
- 7.9 Concerns have also been raised regarding the lack of private, external amenity space for future occupiers of the proposed dwellings. In addition, there is uncertainty surrounding the provision of adequate parking, refuse and cycle storage for each dwelling. These deficiencies may result to future applications for ancillary outbuildings, structures and

boundary treatments,, as well as the physical sub-division of the site to create separate, distinct residential curtilages.

- 7.10** Officers have also taken account of any wider social, economic and environmental benefits associated with the proposals. However, having assessed the application in accordance with NPPF paragraph 11(d), the 'tilted balance' in favour of sustainable development is not engaged in this case. The identified adverse impacts arising from the proposals are considered to significantly and demonstrably outweigh the benefits.
- 7.11** The recommendation is therefore to refuse both the planning and listed building consent applications for the following reasons.

8. INFORMATIVES / REFUSAL REASONS

Planning - 25/01260/CONDIT

- 1 The application seeks planning permission for the provision of five new self-contained residential units with unrestricted occupancy, three of which would be new build dwellings. The site lies outside the existing built up area of the Principal Urban Area (PUA) of Cheltenham, is not allocated for housing, and does not qualify as a rural exception site providing affordable homes or a community led project. Furthermore, the proposed development is not considered to be of exceptional design quality that reflects the highest standards in architecture. The applicant has not provided substantial evidence to demonstrate that the proposals represent the optimal viable use of a heritage asset or constitute appropriate enabling development to secure the future of designated heritage assets.

The proposed sub-division of the site and the layout of the development would result in inadequate, private external amenity space for future occupiers. Additionally, there is insufficient information on parking provision and the potential for future occupiers to access the wider site and its recreational facilities. Consequently, the proposals would cause unacceptable harm to the living conditions of future residents.

Accordingly, the proposals are in conflict with Section 5 of the NPPF, and Policy SD10 of the adopted Joint Core Strategy (2017) which, other than encouraging the sensitive, adaptive re-use of vacant or redundant buildings, does not support new housing development outside of the PUA. The proposals also conflict with Section 12 of the NPPF, policies D1 and SL1 of the adopted Cheltenham Plan (2020) and Policies SD4 and SD14 of the Joint Core Strategy (2017), which seek to prevent development that would harm the character and appearance of the site, impact human health and well-being, and cause unacceptable harm to the living conditions of future occupiers.

Listed Building – 25/02081/CONDIT

- 1 The proposed development and subdivision of the application site to provide five separate, independent dwellinghouses would result in the incremental erosion of the site's character and visual coherence. This would cause harm to the significance, particularly the setting, of designated heritage assets, namely the Grade II listed Glenfall House and the registered Park and Garden.

Accordingly, the proposals are in conflict with Section 16 of the NPPF and Policy SD8 of the adopted Joint Core Strategy (2017) which seek to conserve and enhance the significance of heritage assets and their settings.

INFORMATIVES

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

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

In this instance, having had regard to all material considerations, the authority cannot provide a solution that will overcome the conflict with the housing policies of the development plan and the harm that would be caused to the significance of the designated heritage assets.

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

Consultations Appendix

Heritage and Conservation (25/01281/CONDIT)

16th September 2025 –

I object to the removal of condition No.9 included in conjunction with app. 23/01424/FUL.

The proposal is to omit the condition regarding the new development (holiday accommodation) and allowing the option of private residential accommodation.

It is contrary to JCT Policy SD10 (Residential Development) as you previously highlight.

The omission of this condition will remove control of the following:

- o The removal of holiday lets will remove the control of the external appearance of the new holiday units their visual unifying and coherence.

- o Boundary treatment will vary in materials, height, standards, and a strong ad-hoc appearance will pursue over an appearance of time.

- o The rural character and distinctiveness will be incrementally eroded with a semi-urban built environment prevailing over a period due to the 'relaxation/removal' of control as the application seeks.

- o The amenity spaces between the buildings will display domestic gardens, washing lines, external lighting, finishes, planting, and furniture paraphernalia etc. with no control of the use of the spaces.

- o The external rural openness and appearance of the units (hanging baskets, external colours, and materials) is likely to result in a slow incremental erosion of character.

The over-riding objection is the likelihood of contrasting private dwellings with the loss of visual coherence which will be detrimental to the character and setting of the listed building.

In addition to the above, in my view the proposal is also contrary to JCT SD8 (Historic Environment) .In particular, Item 2 of the policy states :

'Development should make a positive contribution to local character and distinctiveness , having regard to valued and distinctive elements of the historic environment'.

Heritage and Conservation 25/01281/CONDIT 2

8th October 2025-

I have again studied the Heritage Statement today and previously when initially made available.

I note the agent's comments below which essentially disagree with all my previous comments with no recognition/acknowledgement any harm will be caused in relation to the proposed change of use.

Heritage and Conservation (25/01260/CONDIT)

16th September 2025 –

In conjunction with the application for the removal of Condition 9 of 23/01424/LBC (confirmed previously of not being supported), I have the following comments regarding the proposed amended wording for the following conditions in conjunction with 23/01424/FUL :

Condition 5 - Parking

By virtue of not supporting Condition 9 of 23/01424/LBC (holiday accommodation to residential accommodation) I do not support the proposed amended wording as this relates specially to the proposed change of use.

Condition 6 - Cycle storage
Please see response as above.

Condition 8 - Electric charging points
Please see response to Condition 5.

Condition 10 - Use of garages and storage buildings
Please see response to Condition 5

Condition 12 - Hard surfacing
Please see response to Condition 5

Condition 17 - Bat sensitive lighting plan
Please see response to Condition 5

Condition 20 - External lighting scheme
Please see response to Condition 5

Condition 26 - Noise assessment and sound insulation
Please see response to Condition 5

Condition 28 - Use of facilities of Glenfall House
Please see response to Condition 5

Historic England

10th September 2025 –

Thank you for your letter of 26 August 2025 regarding the above application for listed building consent.

Historic England provides advice when our engagement can add most value. In this case we are not offering advice. This should not be interpreted as comment on the merits of the application.

We suggest that you seek the views of your specialist conservation and archaeological advisers. You may also find it helpful to refer to our published advice at <https://historicengland.org.uk/advice/find/>

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

Parish Council

4th September 2025 –

Objection:

The absence of any sensible access to local facilities on foot, by bicycle or public transport means that the proposal for the site for additional independent dwellings is not sustainable development.

The more limited periods of occupation and lack of societal connection of holiday lets means that access reliant on the private car is less harmful.

However, new permanent dwellings can only be sustainable if access to local facilities can be made without car use. To be reliant on private car use would leave residents isolated from the rest of the Charlton Kings community, reducing social cohesion.

The Committee notes and concurs with the Highways Officer's comments about the unsuitability of the site for new permanent dwellings.

Cotswolds National Landscape Board

14th August 2025 –

Thank you for consulting the Cotswolds National Landscape Board ('the Board') on this proposed development, which would be located within the Cotswolds National Landscape²

In reaching its planning decision, the local planning authority ('LPA') has a statutory duty to seek to further the statutory purpose of conserving and enhancing the natural beauty of the National Landscape.³ This duty should be explicitly addressed within the decision including an explanation of how the LPA considers the duty has been discharged. Further information on this new duty is provided in Appendix 1 below and the Board recommends that, in fulfilling this 'duty to seek to further the purpose', the LPA should: (i) ensure that planning decisions are consistent with relevant national and local planning policy and guidance; and (ii) take into account the following Board publications

- o Cotswolds National Landscape (CNL) Management Plan 2025-2030 ([link](#));
- o Cotswolds AONB Landscape Character Assessment ([link](#)) particularly, in this instance, with regards to Landscape Character Types (LCT) 2 (Escarpment) in which the site is located and 7 (High Wold) from which the site is potentially visible;
- o Cotswolds AONB Landscape Strategy and Guidelines ([link](#)) particularly, in this instance with regards to LCT 2 ([link](#)), including Section 2.2 and LCT 7 ([link](#)), including Section 7.2;
- o Cotswolds AONB Local Distinctiveness and Landscape Change ([link](#)); and
- o Cotswolds National Landscape Board Position Statements ([link](#)) particularly, in this instance, the Housing Position Statement ([link](#)) and its appendices ([link](#)), Tranquillity Position Statement ([link](#)), Landscape-led Development Position Statement ([link](#)) and its appendices ([link](#)) and the Dark Skies and Artificial Light Position Statement ([link](#)) and its appendices ([link](#) 1, [link](#) 2, [link](#) 3).

Due to current development management consultation workload, the Board will not be providing a more comprehensive response on this occasion. This does not imply support for, or objection to, the proposed development.

If you have any queries regarding the information provided in this response, please do not hesitate to get in touch.

APPENDIX 1: THE STATUTORY DUTY ON RELEVANT AUTHORITIES TO SEEK TO FURTHER THE STATUTORY PURPOSE OF THE COTSWOLDS NATIONAL LANDSCAPE, SECTION 245 OF THE LEVELLING UP AND REGENERATION ACT 2023Section 245 of the Levelling Up and Regeneration Act (LURA) 2023¹ places a duty on relevant authorities²to seek to further the statutory purposes of protected landscapes (the 'seek to further' duty). With regards to national landscapes, this requirement has been incorporated into Section 85 of the Countryside and Rights of Way (CROW) Act, which now states:

- o In exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty in England, a relevant authority other than a devolved Welsh authority must seek to further the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty. This replaces the previous version of Section 85 of the CROW Act, which required relevant authorities to have regard to the statutory purpose of national landscapes. Section 245 was inserted into the Levelling Up and Regeneration Bill by the House of Lords as it made its way through Parliament. The Government's Explanatory Notes on the Lords Amendments to the Bill for this Act provide that (emphasis added):

- o The clause strengthens the duty on certain public authorities when carrying out functions in relation to these landscapes to seek to further the statutory purposes and confers a power to make provision as to how they should do this. The 'seek to further' duty is, therefore,

clearly intended to impose new and more onerous requirements with respect to the statutory purposes than existed before. In this regard, the Government's press release, when the Levelling Up and Regeneration Bill became law in October 2023, stated that (emphasis added):

- o The Act will enhance our national network of beautiful, nature-rich protected landscapes that can be enjoyed right across the country.

The 'seek to further' duty is, therefore, clearly intended to ensure that the natural beauty of protected landscapes (including national landscapes) will be enhanced as a result of relevant authorities exercising or performing their functions.

The LURA confers powers on the Secretary of State to make provisions for how a relevant authority is to comply with the 'seek to further' duty, including what the authority may, must or must not do to comply with the duty. It is also anticipated that the Government will provide guidance on how the duty should be applied in due course. However, the duty is not dependent on these provisions or on this guidance - it is in

1 Section 245 of the Levelling Up and Regeneration Act 2023 (link).

2 'Relevant authority', in this context, includes any Minister of the Crown, public body, statutory undertaker or person holding public office.

3 'Protected landscapes' means national parks, the Broads and national landscapes.

4 Section 85 of the Countryside and Rights of Way Act 2000 (link).

5 UK Parliament (2023) Levelling Up and Regeneration Bill - Explanatory Notes on Lords Amendments. Updated version, 12 October 2023. (Link). Page 35.

6 Landmark Chambers (2024) Re: section 245 of the Levelling Up and Regeneration Act 2023. Instructed by the Campaign for National Parks. (Link). Paragraph 6.

7 <https://www.gov.uk/government/news/new-laws-to-speed-up-planning-build-homes-and-level-up> force now, and must be complied with as part of any decision or course of action that has implications for these protected areas.⁸

At the present time, the two most useful reference points relating to the 'seek to further' duty are the advice produced by Natural England⁹ and the legal opinion obtained by Campaign for National Parks (CNP)¹⁰

The Natural England advice states that:

- o The duty to 'seek to further' is an active duty, not a passive one. Any relevant authority must take all reasonable steps to explore how the statutory purposes of the protected landscape (A National Park, the Broads, or an AONB) can be furthered.

- o The new duty underlines the importance of avoiding harm to the statutory purposes of protected landscapes but also to seek to further the conservation and enhancement of a protected landscape. That goes beyond mitigation and like for like measures and replacement. A relevant authority must be able to demonstrate with reasoned evidence what measures can be taken to further the statutory purpose. If it is not practicable or feasible to take those measures the relevant authority should provide evidence to show why it is not practicable or feasible.

- o The proposed measures to further the statutory purposes of a protected landscape, should explore what is possible in addition to avoiding and mitigating the effects of the development, and should be appropriate, proportionate to the type and scale of the development and its implications for the area and effectively secured. Natural England's view is that the proposed measures should align with and help to deliver the aims and objectives of the designated landscape's statutory management plan. The relevant protected landscape team/body should be consulted.

The CNP's legal opinion sets out a number of principles to help ensure compliance with the 'seek to further' duty:¹¹

- (a) The new duties are very broad in scope, applying to "any functions" in relation to, or so as to affect, land in the protected areas. Relevant authorities would do well to assume that if

their decision touches in any way upon an AONB, National Park or the Broads, the relevant duty is engaged.

(b) The duties are pro-active, and not merely an afterthought: the authority must "seek to further" the stated purposes in the exercise of their functions. That means that the duties should be proactively considered as part of any decision to which the duty applies. A failure to consider those duties, or a failure to understand their pro-active and mandatory nature, would be an error of law.

(c) An authority must factor in the relevant duty before the adoption of a proposed policy and not merely as a "rearguard action", following a concluded decision.

(d) It will be important for relevant authorities to record the steps taken by the decision maker in seeking to meet the statutory requirements and demonstrate how the decision complies with the duty.

(e) While there is no obvious requirement to expressly reference the new duties in every decision, they are not merely a box-ticking exercise, and they must be rigorously applied as part of any relevant decision.

(f) General regard to the benefit of protecting these landscapes is not the same as having specific regard to the statutory purposes, by way of conscious approach to the statutory criteria.

(g) These duties are outcome-based: they do not simply require "due regard" to be had to them. If, having considered the implications of a decision, an authority reaches the view that the decision does not "seek to further" the applicable legislative purpose, it would be hard to argue that the decision would in fact be open to the relevant authority: because it would appear to be in breach of the applicable duty. In those circumstances, the decision would need to either be withdrawn or 8 Landmark Chambers (2024) Re: section 245 of the Levelling Up and Regeneration Act 2023. Instructed by the Campaign for National Parks. (Link). Paragraph 2a.

9 This advice (link - Annex 2) was submitted, in December 2023, by Natural England, as a statutory consultee, to the Examining Authority for the examination of the Lower Thames Crossing, which is a Nationally Significant Infrastructure Project (NSIP).¹⁰ Landmark Chambers (2024) Re: section 245 of the Levelling Up and Regeneration Act 2023. Instructed by the Campaign for National Parks. (Link).

11 Landmark Chambers (2024) Re: section 245 of the Levelling Up and Regeneration Act 2023. Instructed by the Campaign for National Parks. (Link). Paragraph 17.modified such that the relevant authority could confidently say that it did seek to further the relevant purpose.

(h) To be clear, however, this does not mean that the duty precludes decisions that are "net harmful" to an AONB, National Park or the Broads: if that were so, the duty would be to "further the purpose" rather than to "seek to further the purpose." But what is required is positive evidence that the relevant authority has, in all the circumstances, sought to further the purpose: not merely through mitigation of harm but by taking all reasonable steps to further the purpose.

(i) As to whether a decision or course of action in fact seeks to further the relevant purpose ... this is a question for the relevant authority in the first instance, subject to challenge on Wednesbury principles. But a positive conclusion that the decision or course of action does seek to further that purpose is clearly required. The legal opinion goes on to pose a number of questions that a relevant authority should ask itself when considering whether it has complied with the duty:¹²

i. What are the required statutory purposes my decision must seek to further?

ii. Does my decision in fact pro-actively seek to further those purposes? If so, how does it do so? If not, how can my decision be modified so that I can confidently conclude that it does seek to further the relevant purposes?

iii. As a matter of best practice, have I recorded how I have concluded that my decision seeks to further the required purposes, which I can produce in the event of a subsequent legal challenge? The legal opinion makes the following additional points:¹³

o [Relevant authorities] would be well-advised not treat the new duties as "business as usual" and to consider the pro-active duties now placed on them to seek to further the purposes of AONBs, National Parks and the Broads. I agree with Natural England that this

means that relevant authorities should ensure, with evidence, that their decisions do all they reasonably can to further the statutory purposes, including going beyond merely mitigating harm. This could include, for example, delivering enhancements to the natural beauty of the area, or creating new opportunities for the understanding and enjoyment of the special qualities of national parks by the public (rather than merely maintaining or supporting existing opportunities). Moreover, if there is an obvious alternative approach that better furthers the statutory purposes and the relevant authority cannot evidence (1) why it cannot reasonably adopt that approach or (2) that its chosen approach also seeks to further the statutory purposes, the decision will be open to legal challenge.

12 Landmark Chambers (2024) Re: section 245 of the Levelling Up and Regeneration Act 2023. Instructed by the Campaign for National Parks. (Link). Paragraph 19.

13 Landmark Chambers (2024) Re: section 245 of the Levelling Up and Regeneration Act 2023. Instructed by the Campaign for National Parks. (Link). Paragraph 21.

NOTES:

1. The name used for the organisation associated with the AONB designation is the Cotswolds National Landscape Board. At times this is abbreviated to National Landscape Board or The Board. The legal name of the organisation remains the Cotswolds Conservation Board but this name is no longer used in most circumstances.

2. Cotswolds National Landscape is the new name for the Cotswolds Areas of Outstanding Natural Beauty (AONB). The new name takes forward one of the proposals of the Government commissioned 'Landscapes Review' to rename AONBs as 'National Landscapes'. This change affects the national importance of AONBs and the fact that they are safeguarded, in the national interest, for nature, people, business and culture.

3. Section 245 (Protected Landscapes) of the Levelling Up and Regeneration Act 2023.

<https://www.legislation.gov.uk/ukpga/2023/55/enacted>

4. The documents referred to in our response can be located on the Cotswolds National Landscape website under the following sections

a. Cotswolds National Landscape (CNL) Management Plan 2023-2025 www.cotswoldsaonb.org.uk/management-plan

b. Cotswolds AONB Landscape Character Assessment www.cotswoldsaonb.org.uk/lca

c. Cotswolds AONB Landscape Strategy and Guidelines www.cotswoldsaonb.org.uk/lsg

d. Cotswolds AONB Local Distinctiveness and Landscape Change www.cotswoldsaonb.org.uk/ldlc

e. Cotswolds National Landscape Board Position Statements www.cotswoldsaonb.org.uk/ps1 www.cotswoldsaonb.org.uk

GCC Highways Planning Liaison Officer

4th September 2025 –

Since the Highway Authority's original response in January a decision has been taken that the LHA will no longer recommend a refusal of an application on the grounds of it being unsustainable development and that decisions on that issue will be left to the LPA.

In this case the situation around the lack of segregated footways and access to public transport etc are unchanged and the ability of the site to be accessible for all as required by the NPPF has not altered, but we will not come to a view as to whether that constitutes unsustainable development or not in policy terms.

In terms of the highway safety issue, whilst it is considered that the development will be likely to represent an increase in both vehicular and pedestrian traffic it is accepted that the numbers of particularly pedestrians, is likely to be low. Considering the lack of facilities for them and there being no street lighting, walking to school or other services, particularly in winter is not likely to be an attractive option. There is likely to be an increase in vehicular traffic although it is accepted that the overall increase will be relatively low in the total number of vehicles but potentially high

in percentage terms. The probability of vehicles meeting and having to reverse to a passing place is low, but it could be argued that any increase in the number of such meetings will in and of itself represent a reduction in highway safety it will need to be determined if that reduction is in and of itself "unacceptable" as required by NPPF.

Recently and anecdotally there appears to have been a change in approach from the Planning Inspectorate where the fact that a road is substandard is not sufficient to justify a refusal and more reliance is being placed on drivers to adjust their driving to the conditions and not expect the delivery of standard road widths, intervisible passing places etc to restrict development.

Whilst the LHA is of the opinion that roads such as this are not suitable to cater for development it seems that any such objection is unlikely to be supported in the current climate. in percentage terms. The probability of vehicles meeting and having to reverse to a

Environmental Health

1st September 2025 –

Use of the site:

This department has no objection to the application to vary the relevant conditions so as to refer to residential property instead of holiday accommodation.

Re-worded conditions: (NB - only conditions 26 and 28 link to Environmental Health matters)

The applicant has put forward a number of re-worded conditions for the site, overall, we are satisfied with the wording, as noted in the submitted "condition letter".

Natural England

28th August 2025 -

Our ref: 523757

Your ref: 25/01260/CONDIT

Planning consultation: Removal of condition 9 and the variation of conditions 5, 6, 8, 10, 12, 17, 20, 26 and 28 of planning permission 23/01424/FUL - approval sought for the removal of the holiday accommodation use restriction, enabling the outbuildings to be used as independent, self-contained dwellings

Location: Glenfall House Mill Lane Charlton Kings

Thank you for your consultation.

Natural England considers that without appropriate mitigation the application would have an adverse effect on the integrity of Cotswold Beechwoods Special Area of Conservation (SAC).

In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required:

- o Signed S.106 financial agreement as mitigation for the Cotswold Beechwoods SAC.

FURTHER CONDITIONS

Removal of Condition: 9 - Based on the information submitted, Natural England has no objection to this condition being removed.

Variation of Conditions: 5, 6, 8, 10, 12, 26, 28 - Natural England has no comments to make regarding the variation of these conditions.

Variation of Conditions: 17 and 20 - These conditions relate to the conditioned requirement for an external lighting scheme. Based on the information submitted, Natural England has no objection to these variations of conditions.

If any of the conditions relate to protected species, please note the following:

We have not assessed this application and associated documents for impacts on protected species.

Natural England has produced standing advice^[1] to help planning authorities understand the impact of particular developments on protected species. We advise you to refer to this advice. Natural England will only provide bespoke advice on protected species where they form part of a Site of Special Scientific Interest or in exceptional circumstances.

Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again. Before sending us any further consultations regarding this development, please assess whether the changes proposed will materially affect any of the advice we have previously offered. If they are unlikely to do so, please do not re-consult us.

APPLICATION NO: 25/01281/CONDIT		OFFICER: Mrs Lucy White
DATE REGISTERED: 12th August 2025		DATE OF EXPIRY : 7th October 2025
WARD: Battledown		PARISH: CHARLK
APPLICANT:	Mr And Mrs Bunner	
LOCATION:	Glenfall House Mill Lane Charlton Kings	
PROPOSAL:	Variation of condition 9 of listed building consent 23/01424/LBC - approval sought for the removal of the holiday accommodation use restriction, enabling the outbuildings to be used as independent, self-contained dwellings	

REPRESENTATIONS

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

Tayler and Fletcher
London House
Bourton-on-the-Water
GL54 2AP

Comments: 3rd September 2025

I write this letter on behalf on ***** of Oakfield House, Mill Lane, Charlton Kings, Cheltenham, Gloucestershire GL54 4EP in relation to the application 25/01260/CONDIT.

The main point of the application is to remove condition 9 which would subsequently cause a variation of the other conditions. Condition 9 of planning permission 23/01424/FUL states

The 5no. units of holiday accommodation hereby permitted shall be used for holiday accommodation only and shall be used for no other purpose (including any other purpose within Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or any Order revoking and re-enacting that order with or without modification). The 5no. units of holiday accommodation shall not be occupied by any individual, family or group for more than 4 weeks within any 12 month period.

Reason: The use of the buildings as independent, permanent dwellings would need further consideration having regard to the location of the site and to the adopted policies and provisions of the Cheltenham Local Plan (2020) and the Cheltenham, Tewkesbury and Gloucester Joint Core Strategy (2017).

This is a fundamental request.

In order to look at the current planning permission that is being requested it is important to understand the planning history. The planning history for Glenfall House reflects a series of developments, conversions, and use alterations over several decades:

The planning portal shows the early modifications (1978-1986) and initial applications included the refused outline planning for a detached house, the permitted development for a cattle building, and various permitted alterations like demolishing chimneys and converting outbuildings for staff and guest accommodation, as well as establishing a retreat house.

In the 1990s (1991-1998) the property underwent extensive changes, including converting outbuildings, building extensions, installing fire safety measures, and further adaptations for retreat purposes, along with some permitted demolition and internal alterations.

By the 2000s to early 2010s further applications involved minor extensions, internal alterations, and the construction of additional facilities supporting its use as a retreat and accommodation site. Certain applications sought to change the use from hotel/retreat to a single dwelling, but some were withdrawn.

Between 2010 and 2020 the property saw applications for detailed works on the listed buildings, including alterations to the main house for event use, conversions of coach houses to residential units, and significant development proposals involving demolitions and new outbuildings for holiday accommodation.

The most recent application under 23/01424/FUL permitted changes to convert the main building from a hotel or event venue to a single dwelling, with associated demolition and construction of new outbuildings. The specific areas can be broken down into 3 main areas:

1. Part change of use of the principal listed building of Glenfall House from a hotel/event venue to single dwelling (C3), including removal of extensions/alterations to the principal building."
2. Demolition of the coach house, stables and 20th century buildings and extensions and replacement with a new extension and outbuildings consisting of a leisure building with swimming pool, garage/store, greenhouse and 5no. dwellings to be occupied as holiday accommodation.
3. The associated internal alterations to listed building and alterations to historic landscaped grounds and kitchen garden.

Thus the overall site has transitioned from a historic estate with various agricultural and retreat uses to more recent proposals focused on residential conversion, holiday accommodation, and mixed-use developments.

Planning permission 23/01424/FUL was granted subject to conditions. Some of these are standard but all conditions have reasons for their imposition.

The current application under 25/01260/CONDIT looks for the "Removal of condition 9 and the variation of conditions 5, 6, 8, 10, 12, 17, 20, 26 and 28 of planning permission 23/01424/FUL - approval sought for the removal of the holiday accommodation use restriction, enabling the outbuildings to be used as independent, self-contained dwellings"

This is in effect looking to construct five dwellings within the Cotswold National Landscape Area, in a rural location outside any settlement which is against Policy SD7:

The Cotswolds Area of Outstanding Natural Beauty (AONB), which states "All development proposals in or within the setting of the Cotswolds AONB will be required to conserve and, where appropriate, enhance its landscape, scenic beauty, wildlife, cultural heritage and other special qualities. Proposals will be required to be consistent with the policies set out in the Cotswolds AONB Management Plan". In our opinion this application looks to turn this historic house and parkland into a small settlement or hamlet, and thus is in our opinion is regarding the status of the AONB (now Cotswold National Landscape Area) and will have a detrimental impact on its setting and the historic hierarchy between the main house and its environs.

The 23/01424/FUL application sought to restore the main house and its garden setting and the application relied heavily on this connection, but the changing of the condition 9

to residential from holiday accommodation, will significantly impact the use of the site, which in our opinion should not be approved, because of the significant implications of the lifting of this condition.

Policy SD8 in regard to the Historic Environment dictates that " Designated and undesignated heritage assets and their settings will be conserved and enhanced as appropriate to their significance, and for their important contribution to local character, distinctiveness and sense of place." In our opinion allowing the lifting of condition 9 in effect allows 5 independent dwellings to be created which can be subdivided and sold. It is our opinion that if the condition to allow residential dwellings is allowed that the new residential dwellings are somehow linked as "ancillary to Glenfall house" and cannot be independent to maintain the overall heritage status that prevails, as this would keep the integrity of the historic nature of the property.

The principal of allowing A Country House and ancillary is noted, but by allowing the use from holiday lets it in our opinion allows a subdivision of the plot in the near future as each property could be sold either leasehold or freehold. This would have a negative impact on the integration of the site with multiple owners having alternative agendas. The prior application allowed the development for the sustainability and long term survival of the property but granting the residential element allows independent dwellings and the division. We therefore suggest that there is a tie between the Main house and the accommodation to prevent any further subdivision. From a financial perspective the income generated from holiday lets, which would appear to be a driver for the properties, would far exceed any income that maybe generated from an assured shorthold tenancy type of arrangement from a residential let. Thus, the proposition to would be less financially viable.

Turning to the variations in the conditions, whilst the application seeks to change the wording from "each unit of holiday accommodation " to " all 5no dwellings within the new extensions and outbuildings" within the application or "for all new dwellings" the conditions were created for a reason. Looking at the variation of some of amendments to each condition we highlight how we think that the simple change affects us as neighbours. (If it were approved, we would not object to the proposed wording in Appendix C presented by SFP in the application as it would mean the conditions would still be required).

The conditions are:

Condition 6

Prior to first occupation of the 5no. units of holiday accommodation hereby approved, secure covered cycle storage shall be provided in accordance with the approved plans. The cycle storage shall thereafter be retained available for such use and in accordance with the approved plans.

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

This will reduce vehicular traffic flow along the narrow access to the property, and one which we share and have full rights of access over.

Condition 10

The garage and store outbuilding hereby approved shall at all times be used for purposes ancillary to the residential use of the dwelling known as Glenfall House and/or for purposes ancillary to the use of the 5no. units of holiday accommodation hereby approved.

Reason: Use of the development as independent residential accommodation or alternative uses would require further consideration having regard to the location of the site and to the provisions of the Cheltenham Plan (2020) and the Joint Core Strategy (2017).

In our opinion this condition must be kept to avoid the division and ensure any change is linked to Glenfall house and not allow any independent dwellings.

Condition 12

Prior to the implementation of any hard surfaces within the site, including driveways, parking and turning areas, footways and patios, details shall be submitted to and approved in writing by the local planning authority. All new hard surfacing areas shall be permeable or drain to a permeable area and shall be carried out in accordance with the approved details and prior to first occupation of the units of holiday accommodation.

Reason: In the interests of the special architectural and historic qualities of the listed building and character of the area, having regard to adopted policy D1 of the Cheltenham Plan (2020) and adopted policies SD4, SD7 and SD8 of the Joint Core Strategy (2017), Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and Historic Environment Good Practice Advice Note 2.

This is important to ensure that any drainage that is created for the development does not affect the neighbouring property of Oakfield Farm.

Condition 17

Prior to first occupation/use of the units of holiday accommodation, swimming pool building and garage/store outbuilding hereby approved, a bat sensitive lighting plan to show lux levels and locations of bat roosting features and a copy of the EPS mitigation licence for bats shall be submitted to and approved in writing by the local planning authority. The bat sensitive lighting scheme shall be carried out and maintained in accordance with the approved details. Bat mitigation and enhancement measures shall also be carried out and implemented as outlined in the (All Ecology) 'Dusk Emergence Surveys for Bats' report, dated 18th August 2023.

Reason: To safeguard important ecological species, having regard to adopted policy SD9 of the Joint Core Strategy (2017) and paragraph 180 of the NPPF (2023).

This is an important condition given the local bat population we are aware of, especially in the rear neighbouring hedge between Glenfall House & Oakfield Farm.

Condition 20

Prior to first occupation/use of the units of holiday accommodation, swimming pool building and garage/store outbuilding hereby approved, a site wide external lighting scheme, including the replacement of existing non-directional floodlights, shall be submitted to and approved in writing by the local planning authority. The scheme shall comply with the requirements of Guidance Note 01/21 on the Reduction of Obtrusive Light, published by the Institution of Lighting Professionals (ILP) (Appendix 2 of the Cotswold Conservation Board's Dark Skies and Artificial Light Position Statement). All external lighting shall be installed and operated in accordance with the approved details.

Reason: In the interest of the conservation and enhancement of the landscape and scenic beauty of the Cotswolds National Landscape, having regard to Policy SD7 of the Joint Core Strategy (2017) and policy CE5 of the Cotswolds AONB Management Plan 2025-2030.

Again this important to use as neighbours as we have enjoyed the dark skies. Please could it be ensured that no directional lighting occurs to the north east towards Oakfield Farm.

Condition 26

Prior to the commencement of any above ground works associated with the construction of the 5no. units of holiday accommodation hereby approved, a noise assessment and sound insulation scheme shall be submitted to and approved in writing by the local planning authority. The sound insulation scheme shall incorporate measures to protect the habitable rooms of the holiday accommodation units from noise generated by the adjacent farm and stable block (e.g. noise from animals/workers, the weaning of cattle and farm machinery). The noise assessment shall be carried out by a suitably qualified

acoustic consultant/engineer and shall take into account the provisions of BS 8233: 2014 "Guidance on sound insulation and noise reduction for buildings". Any acoustic attenuation scheme proposed shall achieve at least the 'reasonable' design range for living rooms and bedrooms set out within the British Standard referenced. The development shall be carried out in accordance with the approved details. The approved scheme for each unit of holiday accommodation shall be implemented prior to the occupation of that unit and shall be maintained as such thereafter.

Reason: To safeguard the amenity of future occupiers of the residential holiday accommodation hereby approved, having regard to adopted policy SL1 of the Cheltenham Plan (2020) and adopted policy SD14 of the Joint Core Strategy (2017). Again this is an important condition to maintain. We have had our cattle in our sheds at Oakfield Farm for over 30years and mitigation measures should be imposed on the development to avoid any future objections to our continued use of farming and the beef rearing in the neighbouring property, but more importantly that any noise generated by the dwellings does not scarce the cattle that neighbour the property.

Condition 28

All leisure facilities hereby approved (swimming pool, gym and tennis court) shall be for the use of the residents of Glenfall House and guests of the 5no. units of holiday accommodation hereby approved and shall not at any time be made available for public use or external hire. There shall be no amplified music played within the leisure facilities between the hours of 22:00 and 09:00 Monday to Sunday.

Reason: To safeguard the amenities of adjacent land users, having regard to adopted policy SL1 of the Cheltenham Plan (2020) and adopted policy SD14 of the
Again this needs to be maintained for the above reasons and to protect our livelihood and cattle from disturbance.

In conclusion the removal of Condition 9 looks to convert what is a single dwelling with ancillary accommodation and holiday accommodation to a number of independent dwellings. If the permission were refused then Glenfall House would most likely be administered under one ownership. If allowed then we believe that the Property would become a more disparate affair, which will eventually lead to multiple ownership and the division of the property thus affecting the heritage asset of Glenfall House. Whilst we do not agree that permission should be allowed for the removal as we believe it is against local policy for development in the open countryside and the Cotswold National Landscape, should it be permitted we suggest a restriction be applied that keeps it as ancillary to the main house and that they cannot be independently sold. This would at least help for the financial upkeep of Glenfall house and avoid the division of what is a heritage assets that in in keeping with it's listed status and that of the environs around it.

Yours sincerely

***** MSc FBIAC FRICS FAAV

Rural Partner

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REPORT OF THE HEAD OF PLANNING ON PLANNING APPEALS

OVERVIEW

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

RECOMMENDATION

To note the contents of the report.

Appeals Received

September/October 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	Written Representation	n/a	Planning ref: 25/00254/FUL Appeal Ref: 25/00015/PP1
K S Service Station Bouncers Lane Cheltenham Gloucestershire GL52 5JF	Installation of digital advertising display	Delegated Decision	Written Representation	n/a	Planning Ref: 25/00998/ADV Appeal Ref: 25/00016/ADV

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 7th October 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					
25/00998/ADV	25/00016/ADV1	KS Service St Bouncers La	Written	25.09.2025	02.10.2025							

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