

Cheltenham Borough Council Planning Committee

Meeting date: 20 November 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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Agenda

1 Apologies

2 Declarations of Interest

3 Declarations of independent site visits

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

To approve the minutes of the meeting held on 16 October 2025.

To approve the minutes of the Extraordinary meeting held on 21 October 2025.

5 Public Questions

6 Planning Applications

6a 25/01031/CONDIT - Land Adjoining Leckhampton Farm Court, Farm Lane, Leckhampton (Pages 25 - 108)

[Planning Application Documents](#)

6b 25/00650/OUT - Land On The South Side Of Glenfall Way, Charlton Kings (Pages 109 - 270)

[Planning Application Documents](#)

7 Appeal Update (Pages 271 - 298)

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



Cheltenham Borough Council Planning Committee Minutes

Meeting date: 16 October 2025

Meeting time: 6.00 pm - 7.40 pm

In attendance:

Councillors:

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

Also in attendance:

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

1 Apologies

Apologies were received from Councillors Jan Foster and Suzanne Williams.

2 Declarations of Interest

There were none.

3 Declarations of independent site visits

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

- Councillor Frank Allen
- Councillor Garth Barnes
- Councillor Barbara Clark
- Councillor Dr. Steve Steinhardt
- Councillor Simon Wheeler

Councillor Dr. Steve Steinhardt confirmed he had visited site 6e.

Councillor Adrian Bamford confirmed he had visited sites 6b and 6d.

4 Minutes of the last meeting

The minutes of the meeting held on 18 September 2025 were approved and signed as a correct record.

5 Public Questions

There were none.

6 Planning Applications

7 DEFERRED - 24/00828/TPO - Mitford Lodge, Tivoli Road, Cheltenham

This item was deferred until 20 November 2025 by officers.

8 25/01160/FUL - Swindon Playing Field, Wymans Lane, Cheltenham, GL51 9QP

The Senior Planning Officer introduced the report as published.

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

The objector addressed the Committee and made the following points:

- Objecting for the following reasons: –
 - The validity of the application. The application refers to two catering units, a vintage horse box and a catering trailer but has only provided an image of one unit. Which unit is proposed is a material matter as it will affect how the site looks and functions within the conservation area. The application should not have been validated without this information. The application also lacks detail on what food will be served and how it will be prepared. The applicant posted a public comment after validation providing further information which was not revalidated or consulted upon. Yet, this information has been reflected in the planning assessment and underpins environmental health's lack of objection. Why is a comment being relied upon when it is not part of the validated application pack?
 - Impartiality and independence. The council's property services department identified Swindon Village Park as one of several sites it wished to commercialise through mobile trading opportunities. When the applicant responded to this initiative, the same department, who would ordinarily receive income from a license, provided a strongly supportive consultancy response. They described it as a "strategic enhancement that delivers measurable community and financial benefits" and emphasised the corporate plan and commercial return to the council. This response has also been featured prominently in the planning assessment. Why was such promotional language accepted in a planning context when the department providing stands to benefit commercially from the outcome? The tone and content of the response

risks compromising the appearance of impartiality that the planning process depends upon.

- Licensing and joined up governance. Any trading from council owned land also requires a street trading consent under the council's own policy. That process normally includes consultation with planning, environmental health and highways. While there's no legal requirement for the process to operate in reverse, good governance would expect planning to seek licensing's view when the same issues overlap. Why has the recommendation been made without advice from the very team responsible for assessing whether trading at this location is safe or consistent with council policy?
- Equality and fairness. The planning assessment states simply that the public sector equality duty has been met but provides no explanation as to how. There is no analysis on whether charging for refreshments in what has always been free community space might disadvantage those on low incomes. The law requires that due regard be given to these issues. Why was no equality assessment carried out before recommending approval? Swindon Village Park has always been a free and inclusive space where families can enjoy the same facilities regardless of income. Introducing a paid food outlet changes the balance and creates a commercial zone within what was a shared public amenity, effectively turning part of the park into a pay-to-participate area.
- Even within the park this is the least suitable location – besides the play area and over a drain known to flood. It is next to St. Mary Godwin's under fives playgroup and will cause the loss of two parking spaces. Why is it being placed in the most sensitive and heavily used corner of the site.
- This application is not just about a catering trailer. It is about the importance of process. Why should residents have confidence in a recommendation that relies on unvalidated information and internal advocacy from the landowning department? Given property services direct role in identifying and promoting this site, should they not properly have been treated as a co-applicant rather than as a consultee?

In response to Members' questions, officers confirmed that:

- The planning committee operates entirely separately from the council as a whole, so members of the planning committee are free to make a decision today based on the planning merits of the application. As is the case officer in reaching their recommendation.
- The report does make reference to mention of a vintage horse box in the submission but this doesn't form part of the application. It was included in the applicant's statement as he also owns a vintage horse box. If at any time in the future this horse box was to become part of this venture a new application would need to be submitted. This application is only considering the catering trailer.
- The trailer is a temporary structure that will be removed from the site every day, so it has not been necessary to look into detailed drainage matters.
- As addressed in the officer report the trailer isn't equipped with a deep fat fryer or similar. Food served will be cold snacks, tea, coffee and hot snacks in

the line of bacon sandwiches. There will not be fried or cooked food prepared on the site.

- Highways were consulted on the application and were aware of the objections raised. They were satisfied that it is not going to cause any issues in terms of highway safety.

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

- Members were concerned about the parking spaces and the inability to reserve them, however that is not a consideration for the planning committee.
- There are many free to use public spaces in Cheltenham where commercial ventures are present, but that continue to be free to use. For example, the space behind Cheltenham Town Hall and around Pittville Pump Room. The presence of a snack bar was not felt to make this a commercial space, and it was felt that this would be a useful addition to Swindon Village Park.
- Concern was raised over the noise caused by the generator. It was highlighted that residents value Swindon Village Park as a tranquil area in a very busy part of Cheltenham. It was suggested that, if the application is granted, due consideration should be given to mitigating noise where possible.
- It was also recommended that if the application be granted further engagement should be carried out with the parish council and applicant.
- As people are already bringing coffees to the park with them, this should not add to litter around the site. Instead, it would be enhancing the site and making it more accessible for the people who want to use it.

The Senior Planning Officer confirmed that environmental health had been consulted on the application in regards to noise and they are happy with the anticipated noise from the generator and its impact on local residents and the locality in general.

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

For: 8

Against: 0

Abstain: 1

Voted to grant the application.

9 25/01141/CONDIT - 218 High Street, Cheltenham, GL50 3HF

The Senior Planning Officer introduced the report as published.

There were two public speakers on the item: an objector, and the applicant's representative.

The objector addressed the Committee and made the following points:

- The appeal decision that permitted Admiral's adult gaming centre subject to this application carries significant weight as the planning inspectors who made the decision were operating at the highest level of government. Paragraph 16 reads: "Residents of 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 case could also reasonably expect controls to be imposed on a use such as this so that their amenities are not unacceptably harmed". The inspector imposed the current hours in order to protect the amenities of residents and therefore Admiral's proposal for an unrestricted gambling use is unreasonable and expressly against the inspector's judgment.

- Admiral is seeking to justify its 24-hour proposal through the introduction of a noise impact assessment that had not been included in the original application or the appeal. However, a noise impact assessment was submitted by a third party during the appeal. It comprehensively considered 24-hour gambling and came to the conclusion that the impact of noise from the proposal presents a high risk. Paragraph 22 of the inspector's decision says: "I have taken into account all other matters raised in the representations". This would have included the noise impact assessment that formed part of the appeal and would have informed the decision that restricted opening hours were necessary. The new noise impact assessment does not amount to new evidence other than the inclusion of noise data from the now operating unit. The methodology behind the new assessment is inadequate as it only carried out surveys between 11pm and 2am over a Monday and Tuesday, far outside Admiral's peak trading gambling hours.
- Whilst the officer's report makes references to other 24-hour commercial units operating in the town centre, it is a fundamental principal of planning decisions that each application has to be assessed on its own merits.
- The conditions suggested by the appellant are unacceptable since they are unlikely to be effective in protecting residents immediately in the early hours of the morning. Restrictions of opening hours are likely to be more effective, as recognised by the inspector.
- The 24-hour gambling operation of Admiral's adult gaming centre was comprehensively considered as part of the appeal and it is not right for the local planning authority to go against the inspector's decision to impose restrictive opening hours. It would also be contrary to the Cheltenham Plan policy SL1 and Joint Core Strategy (JCS) policy SD14.
- Numerous public objections have been submitted on the basis of noise, including an objection from the MP. Strongly urge the committee to refuse the application.

The applicant's representative addressed the Committee and made the following points:

- Luxury Leisure is the market leading operator of adult gaming centres in the UK with over 280 premises. The vast majority of these premises are in defined retail locations, very often with residential dwellings directly above the adult gaming centre premises and which operate 24-hours a day.
- The principle of an adult gaming centre use is already established and two other adult gaming centres already operate 24-hours a day in the immediate vicinity, as well as other late-night uses.
- The hours of use were restricted because at that time a noise impact assessment was not submitted and the inspector copied hours of use permitted at an Admiral site in Ipswich. Since then, noise conditions have been discharged, and the Ipswich site has been granted 24-hour consent with

the Suffolk constabulary confirming that there has been no crime or antisocial behaviour associated with adult gaming centre use in Ipswich town centre.

- The application site has been operating successfully since 2 December 2024 without incident. The site managers have a good relationship with local police and doors are locked at 9pm, with customers individually allowed in after camera review. Additional security was employed during the Cheltenham Festival and no incidents occurred.
- No objections to the proposal have been received from environmental health officers or the Gloucestershire constabulary. The crime prevention officer has reviewed the proposal in detail and has confirmed that there have been no crimes or incident reports associated with the premises.
- The proposal for 24-hour use fully complies with the National Planning Policy Framework, and the adopted local plan policies SD2, SD4 and SD14.
- As a licensing authority Cheltenham Borough Council granted a 24-hour operating licence on the 5 August 2024 where the four licensing objectives of prevention of crime and disorder, public safety, prevention of public nuisance, and the protection of children from harm were considered in detail. At that time a local risk assessment was also considered by the council to identify any local risks. There is no crime or antisocial behaviour associated with the extended hours of use.
- It is well established that the planning system should not duplicate other statutory regulatory controls or be used to sidestep or circumvent the requirements of the licensing regime.
- There is no harmful noise impact or loss of amenity. The submitted noise impact assessment confirms that 24-hour trading is not an inherently noisy activity through trading noise breakout or in relation to the comings and goings of customers. There are no adverse impacts and there is no evidence of any antisocial behaviour being exacerbated by such users.
- The applicant has extensive social responsibility procedures that are and will continue to be implemented at the premises. These include a 21 person headquarter team that looks after security and compliance with at least three members being ex-military and police. A strict Think 25 policy is operated and is regularly independently tested. The company invests heavily in staff training and all staff complete conflict management training. The company participates in nationwide self-exclusion schemes. A minimum of two staff are always on duty. Alcohol is not served or consumed at any adult gaming centre premises and those under the influence of alcohol cannot enter the premises. There are stringent policies to remove and refuse those who appear intoxicated through either alcohol or drugs. These procedures form part of the licensed conditions and code of practice.
- All stores are fitted with extensive CCTV and are equipped with the latest HD cameras and digital recording equipment. CCTV can be viewed and reviewed remotely by key managers and security staff and is monitored live with two-way audio communication with staff inside the premises.
- Luxury Leisure are part of the walk safe space network providing safe places for women and vulnerable people using the walk safe app to seek refuge when in need.
- Adult gaming centres are low stake venues where the emphasis is on providing fun in a safe, friendly and social environment and the majority of

customers are regulars who visit for the social engagement as much as to play games.

- As the largest agency operator in the UK, the Gambling Commission expects Luxury Leisure to have the highest standards, the company has never had a licence revoked and is a socially responsible national multiple operator with an excellent covenant.
- The objector's comments relate to the previous appeal which has been decided. The information provided in the current noise assessment has been reviewed in detail by environmental health officers and they have confirmed that there is no noise impact over a 24-hour period of trading.

In response to Members' questions, officers confirmed that:

- The material difference between the current committee decision and that made by the appeal inspector is that the applicant had not submitted a noise assessment at that time as part of the package of the application. The inspector's decision to restrict hours and grant the application was under the condition that a noise assessment be submitted to the council for the environmental health team to review and agree the noise implications within those hours. The new application is supported by a revised noise impact assessment that supports 24-hour use. Environmental health reviewed this assessment and have raised no objection. Without this supporting information the officer's recommendation would have been different as there would not have been evidence to go against the appeal inspector's decision.
- The committee should not feel obliged to grant the application based on precedence as each planning application is considered on its own merits. The report references other 24-hour use premises in the vicinity for the committee to note rather than as a determining factor. The committee's decision will also not set a precedent for the future.
- The exact number of residential properties is not known but there are residents living in the same building, so they are close. Currently no noise complaints have been received in relation to the adult gaming centre. The only report has been in relation to a fire/intruder alarm being activated by accident, rather than in response to the use or users.
- The officer was not able to confirm whether the noise assessment was carried out on a Monday and Tuesday night. He noted in the past environmental health have requested additional assessments to be carried out if they feel they do not have sufficient or representative data. In this case they were satisfied with the assessment provided and raised no objections to the application.
- The most recent application for an adult gaming centre the committee have reviewed was for this premises in 2023. The officer is not aware of any other applications coming to the committee. The two existing 24-hour use premises were approved in approximately 2007 and 2012 and are not believed to have come to the planning committee.
- It is difficult to comment on how many 24-hour use premises are in Cheltenham, but there are other business types open in the early hours of the morning.
- It is not possible for the committee to introduce a condition that would put a time limit on their approval, as this would need to be justified based on a planning reason. Where temporary applications have been granted in the

past, such as the ice rink, these have been submitted as temporary applications. The introduction of a trial period would instead be for operational reasons. There is also no way for the council to rescind a planning application that has been granted if issues emerge. However, if there are complaints these can be reviewed by the licensing committee at the end of the license period or can be brought back to a licensing panel if serious issues arise.

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

- One Member stressed that their experience of Cheltenham and relatives experience with gambling establishments gave them a strong case to object to the application on both noise and economic vitality concerns. The ludicrous methodology used for the noise assessment was highlighted but due to environmental health's lack of objection it was noted that a refusal on noise grounds would likely lose at appeal. Concern was raised about the impact on the economic vitality of the town and the applicant's representative's statement that people would go to these establishments at midnight for social occasions was challenged. The longer hours were to enable the company to profit more from people's addictions. Gambling shops take away from the economic vitality of the town, sucking in money and sapping business from the town centre. The Member argued that there was a strong case to be made against the application from the overriding principles of the Joint Core Strategy (JCS) and National Planning Policy Framework (NPPF).
- The Chair advised that moral indices are not an appropriate basis when dealing with planning applications.
- A Member noted that on the basis of gambling and noise this application could be said to go against section 8 of the NPPF which says that decisions should promote healthy and safe communities. However, the Chair's advice was noted.
- A Member noted that as ward member for the area he is aware there are a good few residents in the vicinity. He highlighted that none of these residents have complained about the 24-hour adult gaming centre a few doors down the road from these premises, including those living closer to that establishment. He also noted that the town centre is generally a lot quieter than it has been in the past. It is difficult to object on the 24-hour basis because of the existence of a similar premises in such close vicinity and because the gambling establishment already exists on the site, so he will support the application reluctantly.
- It was noted that if noise issues do arise then these can be reviewed through the licensing process.
- One Member stated that they would abstain due to the impact on Cheltenham, which they felt the proposed premises did not represent. It was highlighted that Cheltenham was very different to Ipswich, and is a beautiful town with culture at the heart of the town centre. They also highlighted that the need for ex-police and military staff challenged the statement that intoxicated people were not permitted in the venue.

The Senior Planning Officer advised Members that they need to be mindful in identifying harm to the viability and vitality of the centre as it would have to be evidenced to be as the result of the extended opening hours. Use of the building as an adult gaming centre has already been approved and the appeals inspector has

stated that this is not an inappropriate use within the town. Refusal would need to be specifically relating to the hours rather than the use.

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

For: 4

Against: 2

Abstain: 3

Voted to permit the application.

10 25/01043/FUL - 9 South Bank, Cheltenham, GL51 8DN

The Head of Planning introduced the report as published.

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

For: 9

Against: 0

Abstain: 0

Voted UNANIMOUSLY to grant the application.

11 25/01260/CONDIT and 25/01281/CONDIT - Glenfall House, Mill Lane, GL54 4EP

The Senior Planning Officer introduced the report as published. Following a letter sent to Members by the applicant the day before, the officer clarified that:

- Two of the proposed holiday units do involve the subdivision of part of the main house. The remaining three would be accommodated in the proposed extension and will be purpose-built units.
- Regarding the use of the proposed units. The officer has checked email correspondence with the applicant from July 2024. The description of development had changed during the course of determining the original application following the submission of revised proposals. At that time officers had sought clarification on the revised occupancy of the five units as short-term private lettings or rented properties and as staff accommodation, as opposed to all five being holiday lets as originally proposed. At no time previously had there been any proposal or suggestion that the units were intended to be occupied as permanent independent dwellings. The application was first submitted and was determined on the basis of it being holiday accommodation. It was this departure from the description of the development plus various revisions to the design and layout of the scheme that required the 3-week re-consultation exercise that is referred to in the letter.
- The applicant's comments about future occupiers being able to use the garden and recreational facilities at Glenfall House have also been noted but

this would rely on the agreement of the owners of Glenfall House. In officer's opinion a condition requiring that this arrangement remains in place in perpetuity would be unreasonable and would not pass the relevant NPPF tests. In contrast to holiday let visitors it also seems unlikely that occupiers of the proposed separate dwellings would be allowed extensive access to the private gardens and other facilities at Glenfall House.

- On the matter of replacement dwellings. There are currently three small units within the modern outbuilding on site, known as Glenfall Garden Cottages. This building had previously been subdivided into three small self-contained units which were used in association with the previous hotel use at Glenfall House. Minimal alterations were required to the building to provide the three independent dwellings which were approved in 2021.
- Policy SD10 of the JCS does not support new housing development outside of the Principal Urban Area (PUA). Whilst the subdivision of the main house to provide two new dwellings would be generally supported by SD10 and, subject to other wider considerations, the remaining three units would be purpose-built new dwellings and would be in conflict with SD10. Similarly, there is no development plan policy that specifically relates to replacement dwellings outside the Principal Urban Area or in the Cotswold National Landscape (AONB). Whether the three new build dwellings would be regarded as replacement dwellings for the small garden cottage units is a matter of judgement and each application is always considered on its own merits. In this case the size, scale, layout and form of the proposed new dwellings within the extension differ substantially from the existing garden cottage conversion, and the proposed development has a greater impact on the character of the site and significance of the designated heritage assets. Therefore, approved residential conversion works under policy SD10 do not necessarily then allow the replacement of those dwellings.
- When considering the original application officers were very clear in the accompanying officer report that an exception was being made in this case in terms of the acceptability of the new build holiday accommodation units being provided outside the PUA. Their acceptability in principle was based solely on the previous hotel use and activities associated with the site, and importantly the occupation of the units being restricted to holiday accommodation purposes only.
- Noting the change in residential occupation type, there are no significant neighbour amenity concerns and whilst acknowledging the unsustainable location of the site, road widths and lack of footways, the Highways Authority has on this occasion raised no objection and left sustainability matters to planning officers. On balance and despite the site's rural and unsustainable location, officers consider that a refusal of the application on highways grounds would be difficult to substantiate, only because there is evidence of the previous use of the site as a hotel and wedding venue having generated similar numbers of traffic movement.
- Aside from the conflict with housing policy, of particular concern is the impact of subdividing the site to provide the five permanent dwellings on the

significance of the listed building and registered park and garden, notably their setting. The conservation officer has raised a number of concerns in this regard despite permitted development rights having been removed. These concerns include the potential for piecemeal erection of curtilage structures, formation of separate curtilages, new boundary treatments and landscaping, and the typical domestic paraphernalia associated with permanent dwellings. Potential inconsistencies in the external appearance of the dwellings, particularly if they are under separate ownership, is also of concern, and not all of these works would require planning permission. Fundamentally this could lead to the incremental erosion of the site's character and visual coherence in historic heritage terms. Glenfall House itself could lose some of its identity and status as the principal listed building on site in that it would be surrounded by and physically attached to a group of separate dwellings within a subdivided site.

- Having assessed the applications in accordance with paragraph 11d of the NPPF, including the contribution of two additional dwellings towards alleviating the housing shortfall, the identified adverse impacts of the proposals are considered to significantly and demonstrably outweigh the benefits on this occasion. The recommendation is therefore to refuse both applications for the reasons set out in the officer report and as amended in the updated officer report circulated earlier in the day.

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

The applicant's representative addressed the Committee and made the following points:

- A year ago this committee unanimously approved an identical form of unit with the only difference being how the five secondary units would be occupied. That restriction as holiday lets was a result of the description of development and was not imposed by the committee because of specific debate. The minutes confirm the committee agreed any harm was outweighed by the significant public benefits, including enhancement of the main listed building, removal of harmful additions, reinstatement of original features, and a more rational layout that enhances the setting.
- Last year's report also states that the appropriate conversion or subdivision of an isolated building in the countryside to residential use is likely to be supported. It went on to say that given the rather unique circumstances of this site and its planning history, the principle of the proposed redevelopment and provision of new build residential units/holiday lets in an isolated rural location outside the principal urban area on balance is considered acceptable.
- Given the high praise given to the identical physical development we do not understand how changing how the five small units are occupied could tip the scale so far the other way as to now make the development unacceptable.
- The letter sent to Members explained why this application is necessary, why the previous submission to make this change was withdrawn, and how

concerns about amenity for future residents is not an issue with access to the grounds like many other similar situations.

- In reality the heritage concerns would or could not occur as the building is listed and in the national landscape. The building has no permitted development rights and permission is needed for any changes to affect the external appearance. Condition 22 removes permitted development rights for all boundary treatments and structures like sheds and garages. Condition 15 requires sign-off of hard and soft landscaping, walls and fences. The council has full control over these things.
- Planning cannot control ownership. The applicants have no intention of selling any part of the site and there's no greater risk of separate ownership. Site subdivision is not proposed.
- Outdoor furniture is used for holiday lets just as it is for dwellings and these things are not development and do not require permission.
- The three existing units are unsympathetic to the building, which is harmful to the setting. They will be replaced by a building that enhances the setting. These are replacement dwellings. The other two units occupy part of the retained extension to the main house and the conversion or subdivision of that is also supported by policy.
- This will increase dwellings where supply is well below the required 5-year land supply. The report confirms that holiday lets do not contribute to housing supply, so the existing permission actually creates a net loss of three dwellings. The benefit of five extra dwellings should therefore be given significant weight as inspectors have consistently done.
- This proposal still provides much needed architectural and visual cohesion that restores the role outbuildings play in the setting of the main house and restores the integrity and appearance of the main house. There are other benefits to sustainability to landscape, trees, drainage and ecology.
- Believe this proposal complies with policy and does not cause the harm the report suggests it does. Even if that harm did occur, is it so great as to outweigh what the committee previously approved as significant and demonstrable benefits? There are strong and sound planning reasons to approve these applications, especially as conditions continue to give the council full control over how the buildings and grounds will look in their much enhanced state.

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

- In the unusual position of asking the committee to approve an increase of housing supply in an area of outstanding natural beauty (AONB). One of my main priorities as a ward councillor is to protect fields in the AONB from being built over. When an opportunity presents itself to increase the council's housing supply, which is well short of the 5-year target, with no physical changes to designs previously approved my appeal to the committee is to take that opportunity.

- I believe this is also the majority view of my residents, who are very sensitive to development in the AONB. The application has received a single public objection. In contrast an application to build on a field in the Battledown AONB currently under consideration by officers has received 89 objections from residents. This speaks volumes about the type of development residents deem acceptable or unacceptable.
- The officer's report states that matters relating to highway safety, the principle of new housing development and impact on heritage assets need to be reconsidered. The no objection from Highways reports that recent experience with the planning inspectorate has shown that an assessment that a road is substandard is not sufficient to justify refusal. No objection was made either by Highways or the committee to either of the Castle Dream Stud applications, only a stones throw away from Glenfall House. The inspector who determined the nearby Oakley Farm appeal found that the highways impact was not severe enough to warrant refusal. The fastest route to Oakley Farm heading south out of Cheltenham is down either Mill Lane or Greenway Lane and must have formed part of the inspector's consideration.
- Regarding the principle of new housing development. The application states that there are no physical changes to the approved plans. It is a wording change to remove the holiday occupancy only restriction. The committee previously approved the new build development of large detached contemporary houses at Cromwell Court, also in the AONB and around half a mile from Glenfall House. Homes in this development are currently being marketed at prices ranging from £2.45-2.75 million. Given this approval, struggling to understand how this application for much more affordable housing is not acceptable, not least because of the difficulties the council is experiencing in achieving its affordable housing targets.
- On heritage matters. It is far from clear how a wording change to the permitted use can result in any harm, never mind harm that outweighs the benefits of an increase in the supply of relatively affordable homes. Members approved the application for 129-133 Promenade, which is a grade II starred listed building. The approved structures which will be filled with tables, chairs and other necessities for running a restaurant will block the view of the building in a very visible location. In that case Members decided the economic benefits outweighed the heritage concerns. In this case the benefits of the increase in housing supply clearly outweigh any heritage concerns. Although I do not believe there is any heritage harm as the application is for a wording change only.
- Members will have read the application, covering letter, heritage statement and rebuttal of the conservation officer's comments prepared by experts with extensive experience of listed building planning applications. Members should carefully consider these documents, in particular the rebuttal statement. They contain statements of fact regarding planning rules and what is and is not a relevant planning matter, not subjective opinion. It is regrettable that opportunity was not taken to issue a rebuttal to the rebuttal statement either in

the officer's report or as a separate document. This suggests that the points made are not disputed.

In response to Members' questions, officers confirmed that:

- Officers did have regard to paragraph 11d of the NPPF, which is set out in the conclusion of the Committee report, but in this case do not consider that the benefits of the contribution of two dwellings to the housing land supply shortfall outweigh the heritage concerns and the other matters raised, or the conflict with planning policy.
- As holiday accommodation and with permitted development rights removed it is far less likely that there would be more subdivision of these plots. The change to permanent dwellings increases the likelihood that occupiers would want their own garden area, washing lines, and domestic paraphernalia such as small curtilage structures, sheds and outbuildings. There is concern around parking provision as this is currently shown in shared areas. Future occupiers may wish to park outside their own houses, for example. Refuse facilities are also shared and in the courtyard of Glenfall House and within the ground floor of one of the extension units. Matters like this could lead to incremental changes. There may also be future modifications to facing materials, exterior painting and things attached to the buildings, satellite dishes for example. If these properties are in private ownership the likelihood is far greater than if it was a managed holiday let scheme.

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

- During a site visit that morning there was clear signs of demolition and scaffolding over Glenfall House despite the suggestion that no work had been undertaken.
- Whilst it was being suggested that this was merely a change of name from holiday accommodation to residential accommodation, it was clear that this was a more fundamental change with a small hamlet being established in an area of open countryside. They thanked the officer for an excellent report and clear explanation of the greater risks associated with residential accommodation.
- A Member noted that whilst he had been very pleased with the work being carried out on Glenfall House in the last application, for example the removal of the water tank from the roof and changes that would bring the house closer to its original design, they had not been completely happy with the changes to the stables. It was disappointing historically to lose them, although they recognised they were not suitable for use in their current state and the new designs were in keeping with what was wanted.
- Members commented that it was uneconomic to run small hotels and that it was important that the scheme was financially viable to ensure that this wonderful building could be preserved into the future. Concern was raised that if the applications were not granted the building could become empty and derelict.

- Another Member noted that this had also been the argument for the inclusion of the holiday lets in the first application and it felt like this change moves the goalposts and the financial argument could be used to justify further changes in the future.
- Given that the council regularly receive complaints about Airbnbs taking up housing stock, it was felt it was refreshing for a chance to see holiday lets being moved into residential use. Particularly given the housing shortage.
- There is no major material difference to the approved application aesthetically speaking and as the units are on the side of Glenfall House that is not visible from the garden, the change will not have a big impact.
- Given these applications did not represent a significant change to the approved application and the tilted balance in support of development, one Member felt that the council's objection was not clear enough to support refusal of the applications.

The Senior Planning Officer clarified the following points:

- The new extension replaces the curtilage listed buildings that are being demolished. The officer's recommendation on the previous application was an on balance decision in terms of the acceptability of including holiday accommodation only within the extension, not permanent, separate residential dwellings.
- Previously and in relation to this application there has been no information submitted and no financial viability assessment carried out to demonstrate that holiday lets and/or permanent dwellings are needed to financially maintain the listed building. Although the applicants have mentioned viability, they have not provided any evidence to substantiate this.

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

For: 3

Against: 5

Abstain: 1

Voted against the officer recommendation to refuse the application. The committee then voted to delegate authority to the Chair and Vice Chair of the Committee to agree conditions.

12 Appeal Update

The appeal updates were noted.

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

There were none.

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Cheltenham Borough Council Planning Committee Minutes

Meeting date: 21 October 2025

Meeting time: 2.30 pm - 3.22 pm

In attendance:

Councillors:

Frank Allen (Vice-Chair), Adrian Bamford, Garth Barnes (Chair), Barbara Clark, Dr Steve Steinhardt and Simon Wheeler

Also in attendance:

Nicole Golland (DM Manager), Tracey Birkinshaw (Director of Planning and Building Control), Chris Gomm (Head of Planning), Karen Hanchett (Gloucestershire Highways), Cheryl Lester (Legal officer), Chris White (Viability Consultant) and Ewan Wright (Senior Housing Strategy & Enabling Officer)

1 Apologies

Apologies were received from Councillors Glenn Andrews, Iain Dobie, Jan Foster, Tony Oliver and Suzanne Williams.

2 Declarations of Interest

There were none.

3 Declarations of independent site visits

The following Councillors attended the site during Planning View:

- Councillor Frank Allen
- Councillor Garth Barnes
- Councillor Barbara Clark
- Councillor Dr. Steve Steinhardt
- Councillor Simon Wheeler

4 Public Questions

There were none.

5 Planning Applications

6 22/01817/OUT - Land to South of Old Gloucester Road Cheltenham

The DM Manager introduced the report and update report as published. She noted the following correction to the officer's recommendation in the report, which should read:

“B completion of a S106 obligation and/or other legal document to deliver the infrastructure and other mitigation, as set out in this Report at paragraphs 7.330-7.331 and for alterations to s106 heads of terms as may be agreed under delegated authority given to the Head of Planning (CBC)/Director of Growth (TBC) in consultation with the Chairman and Vice Chairman of the Planning Committee.”

The officer noted that there was also an error in the Golden Valley SPD checklist, the contents are correct, but it is mislabelled South instead of North.

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

The applicant's representative addressed the Committee and made the following points:

- Director at Savills and the planning advisor to MLPL and Revantage for the outline application.
- The application is the culmination of seven years work through a comprehensive pre-application process and then the determination period once the application had been submitted. Through close collaborative working with officers, statutory consultees and the neighbouring developers within the West Cheltenham allocation, proposals have been developed which:
 - o Will deliver a significant proportion of the new homes anticipated in the Golden Valley supplementary planning document (SPD) through a high quality and sustainable mixed-use development;
 - o Will connect to the other land within the allocation and will help facilitate the delivery of the allocation as a whole; and
 - o Will provide the majority of the supporting community infrastructure and open space for the allocation, benefiting not only the new residents but the existing residents of the wider communities on the western side of Cheltenham.
- The application proposals include the provision of up to 1,100 homes. This will include mix of different house types, sizes and tenures to meet the diverse need for housing.
- The new homes will meet modern fabric standards for energy efficiency to reduce heating demands. Solar panels will be provided on suitable roof spaces to generate electricity on site. All homes with parking will have electric car charging points, and there will be no gas connection on site - the homes will be heated with air source heat pumps. The new market and affordable

homes provided through the development would therefore be modern, energy efficient and consequently have lower running costs for the new residents.

- Our clients, the other developers within the allocation and council officers have put in a great deal of effort to ensure a collaborative and coordinated approach to the master planning of the allocation. The allocation wide Illustrative Masterplan and Infrastructure Delivery Plan (IDP) will ensure that all of the necessary infrastructure is delivered in the right location regardless of landownership and in a timely fashion. You will be able to see from the IDP that MLPL and Brighton STM are making a significant contribution to the wider infrastructure needs of the allocation. The application is making a significant contribution to the M5 Junction 10 improvements work – at a cost of over £5m. This application is also absorbing the full cost of all the additional odour mitigation works required to deliver the allocation. This is not a cost that is being split between the landowners/developers and impacting their viability. It is being funded in full – to the tune of approximately £4.5m – by MLPL and Brighton STM.
- Alongside the new homes, the development will deliver the social infrastructure to provide for the day-to-day needs of the new residents and help foster a strong community spirit. There is a community hub at the heart of the site which is expected to incorporate a shop, café and other facilities. As part of the community hub the development will provide a doctors' surgery, the details of which have been coordinated with the NHS so that the surgery is sized to meet the needs of all new residents across the allocation. There is a new primary school site located adjacent to the community hub and well connected through the active travel network to the homes that it will serve.
- In relation to open space, the application proposals include a wide range of leisure and recreation provision including the majority of the land needed to deliver the new playing pitches and the changing facilities. It will incorporate new parks, destination children's play spaces, and allotments for residents with green fingers. Importantly it will provide the 21 hectares of Suitable Alternative Natural Greenspace (SANG) required to minimise the impact of the increased population on the Cotswold Beechwood SAC. All of this is being delivered on site and will provide a valuable recreational resource for existing and new residents.
- In summary, the application proposals will deliver an attractive and sustainable development with new homes, facilities and open spaces, whilst also delivering the infrastructure needed across the wider allocation.

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

- Here as a representative of Springbank, a neighbouring community that stands to be directly affected by this application. Springbank is a proud, tight-knit area that looks out for each other. But it is also a community that's faced long standing challenges: overstretched services, not enough accessible green space, and a lack of genuinely affordable housing. These aren't just planning issues—they are daily realities for many of the residents. This application is a rare opportunity - a chance to deliver real, lasting benefit to communities that have gone without for too long. We support this application and respectfully urge the committee to approve it.

- One of the most important elements is the large amount of green space being proposed. Open areas throughout the site, recreation grounds, and sports pitches. In Springbank we know how vital that is. When you don't have a garden or when money is tight, safe public spaces make all the difference. It supports mental health, helps families stay active, gives young people something positive to do, and builds community pride. They are not a luxury, they are essential – they are where people meet, children play and where memories are made. Especially important in places where private outdoor spaces are out of reach.
- We also welcome the provision of a new GP surgery and a community hub. Our local health services are already under huge pressure. We regularly hear from residents who can't get appointments—who travel too far or wait too long. A new GP surgery can ease that burden, not just for new residents but for the wider area too.
- The community hub is where local life happens. A place for groups, childcare, learning, advice, events. In Springbank we understand this, our own community group is at the heart of the neighbourhood. These kinds of facilities don't just support residents; they knit a community together. But they must come early, not as an afterthought.
- Support the focus on affordable housing because in Springbank this is a crisis we live with every day. Young people forced to leave, families stuck in unsuitable homes, older residents with no downsizing options. This development must deliver a real mix of homes so that Cheltenham can remain inclusive, and fair.
- This application has the potential to make a real difference, not just for future residents but for communities like Springbank. Please approve this application so those who need it most can truly benefit.
- I want to thank St. Modwen's and MLPL and their team for the years of engagement, community events, and community conversations. They haven't been able to deliver every view or wish, but they have listened and this application is better because of that. Urge the committee to approve this application. Like the recent Golden Valley decision, this is an opportunity for generational change—a development that can make a real difference.

In response to Members' questions, officers confirmed that:

- The public rights of way have been used as a constraint in their design access statement to align them with where the green spaces are being put. Currently those rights of way are not always accessible, in the future they will be more formal in nature but will coincide with green spaces. Important to remember that this is an outline application so the committee can only judge by what is in the illustrative masterplan and design access statement but officers envision in the reserved matters those public rights of way coming forward in alignment with those documents which currently show them as part of green space, which will be functional and usable rather than back alleys.
- Reserved matters can be called to the planning committee if there is a reason to do so. That is entirely within Members' gift in the future.
- The Golden Valley SPD is incredibly ambitious in terms of the level of employment that it seeks at this site. Mainly intended that along the main street there would be a significant amount of mixed use. However, that is not the application being considered or what the applicant proposes. When

considered by officers they were mindful that the tilted balance does apply because the council does not have a 5-year housing land supply. Therefore, the considerable amount of accommodation proposed was felt to offset that this did not comply with the SPD in terms of employment. Important to remember that this application supports the HBD Southern Parcel which does not have some of the infrastructure but has an incredible amount of space designated as employment space. It is not unrealistic to consider in the future that if you lived in this scheme, you could seek employment in the lower part of this allocation. The allocation as a whole is providing a significant amount of employment, but this application does lack what the SPD was seeking to its detriment, but on the whole officers have found it to be acceptable.

- There are three specific conditions listed in the recommendation relating to odour mitigation. These were created with the applicant supported by a local planning authority employed external odour specialist. These very specific conditions essentially stop the applicant occupying beyond a certain number of dwellings before these works are carried out. It is in their interest to complete them as soon as possible to prevent the site stagnating. Those conditions not only require the work to be carried out, but also for them to be validated to prove they work and that the elements that need to be taken out of the odour zone have been removed. Officers are satisfied that these conditions are strong enough and provide enough incentive to ensure the work is carried out swiftly. Last week the applicant also provided a supplementary letter providing Members and officers with additional assurance of their commitment to carrying out these works and bringing the site forward.
- For the infrastructure for individual applications, we can only require them to mitigate the impacts of their own scheme. However, in this case this scheme is also mitigating the impact in terms of healthcare provision for the wider allocation and providing additionality. Following conversations with the NHS, the officer does not believe that the GP surgery is considered to provide additionality for the wider area but that does not mean that in the future those living in other communities couldn't register with that GP surgery. The system does not restrict them from doing so.
- A condition on the recommendation is that reserved matters will align with their energy strategy which includes certain targets, including the provision of solar panels. Some dwellings may not lend themselves to the use of solar panels and it might be that a more fabric first approach is taken for these buildings, such as the provision of air source heat pumps. Solar panels will be included where it is suitable to achieve these energy targets. This will be scrutinised at the reserved matters stage which may lead to orientation or layouts being adjusted to provide more solar panels, if it is felt that on balance this will achieve these targets. Condition is there to ensure the reserved matters stand up to those standards.
- Each application is very different, so the decisions made on this application will not set a standard or precedent. Extensive conversations have taken place on the viability review, with push back from officers and discussions between the council and applicant's viability consultants. Due to the extent of the infrastructure that this application will provide and the considerable J10 contribution, unfortunately they cannot achieve the 35% affordable housing target. Alongside these costs there are a suite of active travel works including

quite extensive road works along Old Gloucester Road among others and large junctions and roads within the site itself. The GP surgery, primary school and sports pitches are also heavy in land consumption as is the introduction of Suitable Alternative Natural Green Space (SANG), which the application provides on-site. This means that the applicant has far less deliverable land available for housing, which has resulted in lower provision of affordable housing. Assure Members that a robust assessment has occurred, and the recommendation is the best outcome that officers could achieve.

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

- This is a really critical application and an important planning opportunity for Cheltenham. It provides a significant J10 contribution and will help with the 5-year housing land supply. Whilst it is unfortunate that this will not provide the desired level of affordable housing, that is justified by the reasons outlined by the officer. The work that has gone into the application will deliver what is needed for the future.

The matter then went to the vote on the officer recommendation to delegate authority to the Head of Planning to permit the application subject to:

- A. the conditions as set out or substantially similar as may be agreed under delegated authority given to the Head of Planning (CBC)/Director of Growth (TBC) and;
- B. completion of a S106 obligation and/or other legal document to deliver the infrastructure and other mitigation, as set out in this Report at paragraphs 7.330-7.331 and for alterations to s106 heads of terms as may be agreed under delegated authority given to the Head of Planning (CBC)/Director of Growth (TBC) in consultation with the Chairman and Vice Chairman of the Planning Committee.
- C. In the event that the S106 obligation and/or other legal document remains unsigned nine months after this resolution, that the application is reviewed by the Head of Planning (CBC)/Director of Growth (TBC) in consultation with the Chairman and Vice Chairman of the Planning Committee, and if no progress is being made delegated authority is given to the Head of Planning (CBC)/Director of Growth (TBC) to refuse the application in the absence of an agreed S106 Agreement.

For: 6

Against: 0

Abstain: 0

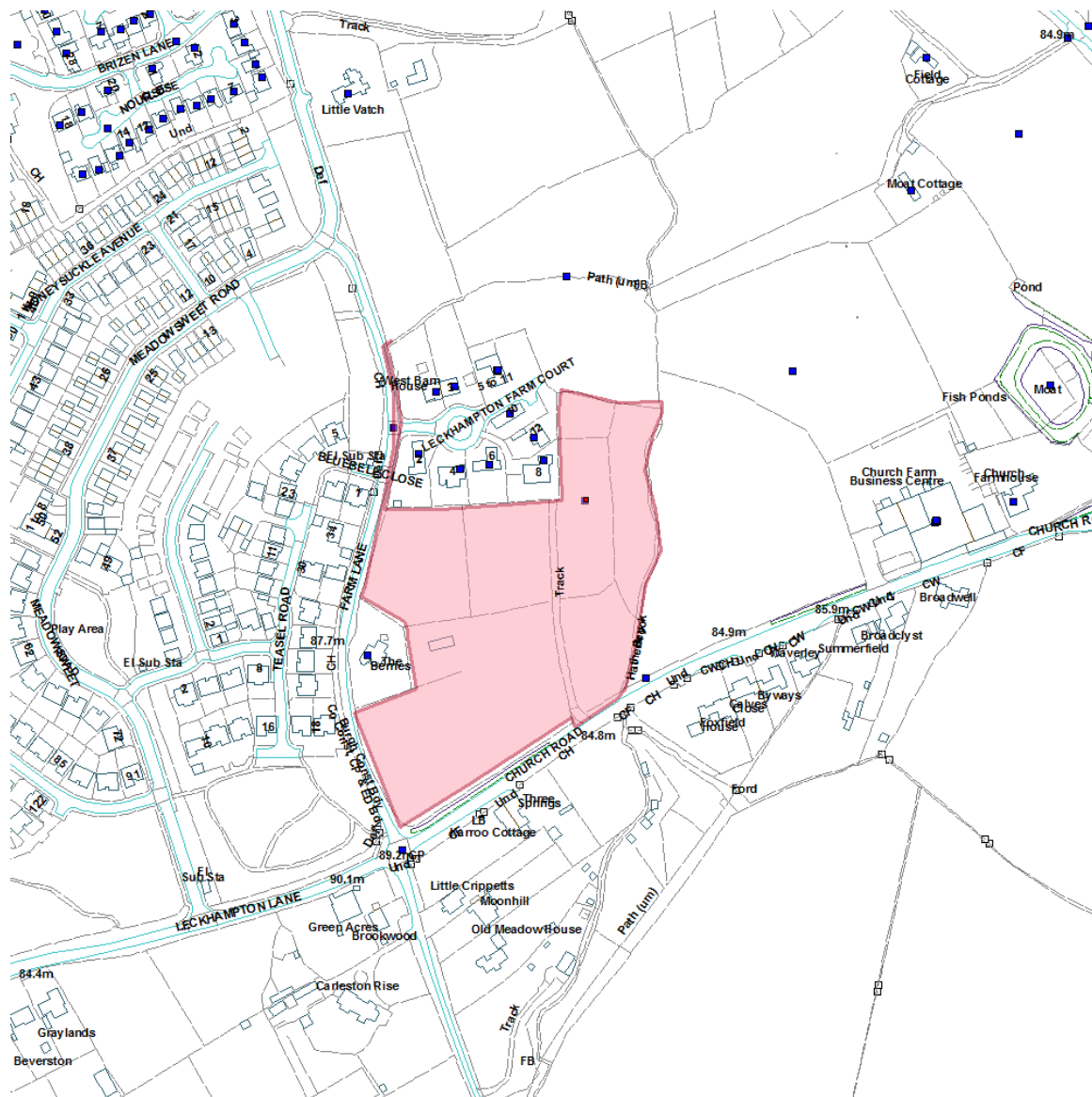
Voted UNANIMOUSLY for the Officer's recommendation.

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

There were none.

APPLICATION NO: 25/01031/CONDIT	OFFICER: Mr Ben Warren
DATE REGISTERED: 5th July 2025	DATE OF EXPIRY: EoT agreed 24 th November 2025
DATE VALIDATED: 5th July 2025	DATE OF SITE VISIT:
WARD: Leckhampton	PARISH: Leckhampton With Warden Hill
APPLICANT:	New Dawn Homes Ltd
AGENT:	
LOCATION:	Land Adjoining Leckhampton Farm Court Farm Lane Leckhampton
PROPOSAL:	Variation of condition 2 (approved plans) of planning permission 21/02750/FUL to allow for change in house types/design and associated site layout changes.

RECOMMENDATION: Permit subject to a 106 Obligation



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site relates to a parcel of land, with an approximate size of 2.84 hectares, and is located to the northeast of the junction between Church Lane and Farm Lane in Leckhampton. This road junction forms the edge of the Cheltenham administrative boundary. Land to the west is within the Tewkesbury Borough and consists of a newly completed Redrow housing development known as Brizen View. To the north of the application site is a small residential cul-de-sac known as Leckhampton Farm Court, some of which are Grade II listed and further north is the newly constructed Leckhampton High School. A single detached dwelling known as The Berries is located on the western boundary of the application site, accessed via Farm Lane.
- 1.2 The Hatherley Brook runs north to south along the eastern boundary of the application site, as does an existing Public Right of Way (CHL14). The site is covered by a TPO and is occupied by numerous orchard trees. To the south of the site is Church Road which forms the edge of the Cotswold National Landscape (CNL) and of the Green Belt. To the north-west and west of the site is land which is allocated as Local Green Space.
- 1.3 Planning Permission was sought in 2021 under planning application reference 21/02750/FUL, for the erection of 30 dwellings with associated works including access, pedestrian and cycle links, highway improvements, public open space, landscaping, orchard planting, children's play space, and surface water attenuation. The application was refused by the Local Planning Authority (LPA) for two reasons, these relating to: harm to the setting of the AONB now CNL, by virtue of the proposed location of development and poor layout and design of development. The second refusal reason related to the lack of a suitable S.106 agreement to secure the affordable housing provision and contributions towards education and libraries.
- 1.4 The LPA's decision was appealed, and the Inspectors decision was to grant planning permission subject to conditions and S.106 legal agreements (appeal ref: APP/B1605/W/23/3317851).
- 1.5 Redrow Homes, the applicant for the scheme allowed at appeal, has since sold the site, the applicant for this new application is New Dawn Homes Ltd. It is understood from the applicant that Redrow Homes have not given permission to New Dawn Homes Ltd to use their approved house types, and as such, New Dawn Homes have been required to submit a new application. New Dawn Homes is therefore seeking consent to vary condition 2 (the approved plans) of the permission under section 73 of the Town and Country Planning Act 1990. The proposed changes relate to the house types and design, with associated layout changes.
- 1.6 This report should be read in conjunction with the Inspectors appeal decision and the officer report for the LPA's original decision which are attached as appendices 2 and 3.
- 1.7 The application is at planning committee at the request of Councillor Horwood whose main concern relates to the environmental impacts of the development. Councillor Horwood also referred the application to committee based on the concerns raised by the Parish Council, these relating to an increase in scale of dwellings, sewer capacity issues, design and materials for proposed dwellings and due to a change in affordable housing offering, a potential increase in the price of such units.
- 1.8 It should be noted that an earlier Section 73 application (25/00636/CONDIT) was withdrawn following a number of concerns raised by officers. This new submission is submitted with amendments to the scheme that have sought to address the issues previously raised.
- 1.9 Whilst some unauthorised site clearance has taken place, the development is not considered to have commenced in development terms.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Tree Preservation Order

Relevant Planning History:

16/00450/PREAPP 6th October 2016 CLO

Residential development and associated works

20/02233/PREAPP 16th July 2021 CLO

Erection of 42 new dwellings

21/02750/FUL 14th December 2022 REF

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, landscaping, orchard planting and children's play space; surface water attenuation and other associated works

25/00440/AMEND 1st April 2025 PAMEND

Non-material amendment to planning permission ref. 21/02750/FUL for the conversion of the planning permission from an unphased permission into a phased permission through the addition of the submitted phasing plan to the approved plans schedule and the addition of a planning condition which reads-The development hereby permitted shall be carried out in phases in accordance with the submitted phasing plan 32042 PL-03.

25/00636/CONDIT 17th June 2025 WDN

Variation of condition 2 (approved plans) of planning permission 21/02750/FUL to allow for change in house types/design and associated site layout changes.

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 13 Protecting Green Belt land

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

BG1 Cotswold Beechwoods Special Area Of Conservation Recreation Pressure

SL1 Safe and Sustainable Living

GI1 Local Green Space

GI2 Protection and replacement of trees

GI3 Trees and Development

CI1 Securing community infrastructure benefits

CI2 Sports and open space provision in new residential development

Adopted Joint Core Strategy Policies

SP1 The Need for New Development

SP2 Distribution of New Development

SD3 Sustainable Design and Construction

SD4 Design Requirements

SD5 Green Belt
SD6 Landscape
SD7 The Cotswolds Area of Outstanding Natural Beauty
SD8 Historic Environment
SD9 Biodiversity and Geodiversity
SD10 Residential Development
SD11 Housing Mix and Standards
SD12 Affordable Housing
INF1 Transport Network
INF2 Flood Risk Management
INF3 Green Infrastructure
INF4 Social and Community Infrastructure
INF6 Infrastructure Delivery
INF7 Developer Contributions

Supplementary Planning Guidance/Documents

Cotswolds National Landscape Management Plan 2025 - 2030
Climate Change (2022)

4. CONSULTATIONS

See appendix at end of report

5. PUBLICITY AND REPRESENTATIONS

5.1 17 Letters have been sent to neighbouring land users and site notices have been displayed near to the site. This process was repeated on receipt of revised plans. In total 5 letters of objection have been received; the concerns have been summarised but are not limited to the following points:

- Foul water/sewage capacity issues
- Flood risk and surface water drainage issues
- Loss of privacy
- Location of affordable housing units
- Design and material concerns
- Traffic and highway capacity concerns
- Scale of development
- Environmental impacts

6. OFFICER COMMENTS

6.1 Determining Issues

6.2 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.'

6.3 As noted in the introduction, planning permission has been granted by appeal for the erection of 30 dwellings on this site, the permission being extant. The principle of developing the site for housing has therefore already been established as being acceptable, as such, the considerations of this application relate to the acceptability of the proposed changes in terms of design and layout, impact on the Cotswold National Landscape (CNL), impact on the Green Belt, impact on amenity, flooding and drainage, parking and highway safety,

climate change and sustainability, environmental impacts, impacts on the Beechwoods SAC and Biodiversity Net Gain (BNG).

- 6.4 As originally submitted a number of concerns were raised by officers, consultees and residents, these concerns were relayed to the applicant, and a suite of revised plans have been submitted in response to those concerns.

6.5 **Design and layout**

- 6.6 Having considered the plans originally submitted as part of this application, officers raised a number of concerns relating to site layout, the scale of the proposed dwellings, proposed landscaping works and the overall design and appearance of the proposed dwellings. Revised plans have been submitted in response to the concerns raised.

- 6.7 With regards to site layout, officers raised concerns regarding the proposed re-orientation of certain plots which resulted in exposed rear gardens and was generally considered to result in a poor layout of development. Issues were also raised regarding the enclosure of a protected mature tree within a private garden which is discussed later in the report. Amendments to the site layout have been made, and the revised layout is now considered to be acceptable.

- 6.8 Officers raised concerns with the scale of the proposed dwellings, namely with regards to the heights of the development where the new house designs had a higher ridge and eaves height than that of the consented scheme; officers considered this to be unacceptable as it would have a greater impact on its surroundings in this sensitive location. Revised plans show the eaves and ridge heights of the dwellings have now been reduced, the eaves and ridge heights now broadly matching that of the consented scheme. Officers also suggested that the proposed dwellings should look to include a hipped roof form to ensure the scale/bulk of development was not significantly increased. Whilst different design ideas, including a part hipped roof form were discussed and considered, the proposed house designs have retained a fully pitched roof with gable ends. It has however been demonstrated that in most cases the overall width of the proposed dwellings would now be less than that of the permitted scheme and as such the overall scale and bulk of the dwellings is not dissimilar to the approved development. It is also duly noted that this roof form would reflect that of the Leckhampton Farm Court development to the north and would therefore be in keeping with its context. As amended, the scale and form of development is now considered to be acceptable.

- 6.9 With regards to the proposed house designs and proposed materials as originally submitted, whilst officers felt the quality of design was good and could be appropriate in certain locations, officers did not consider the overall design, appearance and use of materials to be appropriate for this sensitive site. Significant amendments have been made, a variation in house types across the site is now proposed and the palette of materials has been amended. The proposed house types are either proposed to be finished in a red brick or reconstituted Cotswold stone. The red brick finish is the same as that previously approved in the consented scheme, whilst the Cotswold stone finish picks up on the facing materials of the Leckhampton Farm Court development to the north. All house types include grey windows and doors. Overall, officers consider the amended house types to achieve a high standard of design and appropriate use of materials for its location and context.

- 6.10 Officers identified a distinct lack of new tree planting across the proposed site layout when compared with the approved scheme, this has been addressed in the revised plans and officers are satisfied that the exact details can be secured through the detailed landscaping proposals required by condition.

6.11 Impact on Cotswold National Landscape (CNL) and Green Belt.

- 6.12 In the inspector's decision, when considering the planning balance and specifically the impact on the CNL and the site as a valued landscape, they state:

'The Framework does not state such landscapes should be immune from development, but rather that they should be protected and enhanced. In my opinion, and in the light of this guidance, the harm I have identified runs contrary to the need for protection, and so should be afforded great weight in the decision-making process. I am mindful though that the trees around the site and the scale of the development, although not allaying it, nonetheless reduce the magnitude of harm to the valued landscape.'

They then go on to say:

'I therefore recognise the great level of protection afforded to a valued landscape but I am also aware that I have found the shortfall in housing land supply to be very large, and demonstrates a pressing and urgent need. On balance, the harm identified, even taking all the areas of harm together, does not significantly and demonstrably outweigh the benefit of providing these houses in the face of such a shortfall. As a result, I conclude that planning permission should be granted.'

- 6.13 With permission granted and remaining extant, the consideration of this revised proposal is whether the proposed changes would have any greater impact on the CNL than that already approved, and if so, whether this greater impact would amount to a level of harm that provides a strong reason for refusal, or would significantly and demonstrably outweigh the benefits of the scheme, as required by paragraph 11d) of the NPPF.
- 6.14 As already discussed in this report, the number of dwellings remains the same as that of the permitted scheme, the general layout also reflects that of the permitted scheme, and having sought revisions, the overall scale of dwellings is broadly similar, although different in form to that of the consented scheme. It is also important to note that some of the dwellings have a lesser width than that of the consented scheme which results in an increase in the space and gaps between the dwellings, thus allowing for increased views through the site and an increased sense of space throughout the development. Given the changes proposed, officers do not consider the proposed amendments to amount to any greater harm to the CNL than that of the consented scheme.
- 6.15 With regards to the Green Belt, for the same reasons discussed above, officers do not consider the proposed amendments to be harmful to the Green Belt and is therefore acceptable in this regard.

6.16 Environmental Impacts

- 6.17 For similar reasons to those discussed under the heading 'Impact on Cotswold National Landscape (CNL) and Green Belt' above, officers do not consider the proposed development would have any greater ecological impacts than that of the consented scheme and as such the proposal remains acceptable in this regard. This is however subject to a number of relevant ecology related conditions which were imposed by the inspector and are again suggested for this application.

6.18 Impact on neighbouring property

- 6.19 As can be seen in the submitted overlay plan, the proposed site layout broadly reflects that of the approved scheme, and whilst there are some changes to the position of dwellings and their orientation due to house type changes, these amendments are not considered to have any greater impact on neighbouring amenity in terms of any loss of light, loss of outlook or overbearing impact.

6.20 A concern has been raised by a resident in the Leckhampton Court development to the north of the site which relates to a loss of privacy as a result of accommodation being provided within the roof space of some of the dwellings, this being facilitated by the addition of rear dormers. The plots where this is most relevant are plot number 20 and 21, which are positioned on the shared boundary with numbers 6 and 8 Leckhampton Farm Court. However, the orientation of these proposed dwellings means that neither of the elevations which include the dormers face towards the shared boundary with 6 and 8 Leckhampton Farm Court, and the dormers will either face east or west. In this orientation officers do not consider any unacceptable overlooking or loss of privacy would occur.

6.21 Overall, officers do not consider the proposed amendments to result in any unacceptable neighbouring amenity issues.

6.22 **Drainage and Flooding**

6.23 Whilst the proposed site layout changes within this application are relatively minor, some initial concerns were raised by the Council's drainage officer with regards to some of the drainage related information provided within this submission. Drainage and flood risk is also a concern raised in the objections received from the local residents and in comments from the Parish Council.

6.24 The drainage officer's comments have been addressed in the form of revised plans and revised information submitted. The drainage officer confirms the scheme is acceptable subject to the submission of a detailed drainage strategy to be secured via condition as per the extant permission. As such, with regards to drainage and flooding, this revised proposal is acceptable. The Local Lead Flood Authority (LLFA) raise no objection to the minor changes proposed.

6.25 Concerns have also been raised by residents and by the Parish Council with regards to current sewage capacity issues, these issues are suggested to have occurred since the development of the Redrow site to the west was completed. This section 73 application does not seek to increase the number of dwellings from that already approved and as such, there is unlikely to be a significant increase in pressure on the sewage network as a result of the proposed changes. Having said that, comments have been sought from Severn Trent (ST) on this particular matter, and their full comments can be read in the appendix at the end of this report. In summary, ST confirm that the foul drainage design is in line with the existing approved strategy and as such have no further comment to make. However, they do go on to say that they are aware of the issues raised by the Parish Council but also confirm there are no performance issues indicated in the network and investigations are therefore ongoing.

6.26 **Impact on Trees**

6.27 As originally submitted, a concern was raised by the tree officer as detailed in their comments which can be read in the appendix at the end of this report. The main concern was with regards to plot 17 and an existing pear tree being enclosed within a private garden. The applicant has addressed this concern in the revised site layout plan.

6.28 The tree officer highlights some other concerns regarding proximity of plots to existing trees and the planting of new hedging near existing trees, however it is also acknowledged by the tree officer that this is a situation already approved in the extant scheme. The tree officer highlights the need for a suitable surface water drainage strategy to ensure no harm to protected trees will occur and for a detailed arb method statements to be submitted. All this information is captured by way of suggested conditions; these conditions already having been attached to the inspector's approval.

6.29 With the conditions attached, the proposed amendments are considered to be acceptable with regards to the protection of existing trees.

- 6.30 It is duly noted that following the grant of planning permission and before the appropriate pre-commencement conditions were discharged, some trees have been unlawfully removed from the site. This matter is being dealt with by the Council but is not directly relevant to the acceptability of the changes sought through this Section 73 application.

6.31 Access and highway issues

- 6.32 Whilst no changes are proposed to the site access, minor layout and parking changes are proposed and as such Gloucestershire Highways as the Local Planning Authority were consulted on this application. No objection or concerns have been raised and as such the proposed amendments are considered acceptable in this regard.

6.33 Sustainability

- 6.34 With regards to sustainability and climate change, the officer's report which accompanied the council's refusal of the original application confirmed that there would be no gas connection to the site and each dwelling would be served by an Air Source Heat Pump (ASHP) and EV charging point. Sustainability and climate change was not discussed in the Inspectors decision, nor were any relevant conditions attached to their decision.
- 6.35 In this instance the applicant has confirmed that there will be no gas connection to the site and no gas boilers will be installed. However, ASHPs are not proposed, and instead Solar Panels are proposed for each unit and would support an all-electric heating system. They also confirm that the proposed dwellings will comply with the latest standards in energy saving, including additional insulation and airtightness and that EV Chargers will be installed in line with the latest building regulation requirements.
- 6.36 Officers consider the proposed approach in this amended scheme to be acceptable in addressing climate change and the measures to be an acceptable alternative to that suggested in the extant permission. With the agreement of the applicant, two relevant conditions have been added which prohibits the installation of a gas supply to the site and requires the installation of the solar panels before occupation of the dwellings. This would go beyond that of the inspector's decision where no relevant conditions were attached.

6.37 Affordable housing and developer contributions

- 6.38 The original permission achieved a policy compliant affordable housing provision of 40% which equated to 12 affordable dwellings; this revised proposal achieves the same level of provision. The housing enabling officer has confirmed that following some amendments, the proposed mix of affordable dwellings and their design is acceptable and meets with the Council's current needs. A new S.106 agreement is not required in this regard as there is an appropriate Section 73 Clause within the original agreement which means the commitment is carried across to any subsequent permission, however a deed of variation is necessary to formalise the changes within this submission.
- 6.39 The Inspectors decision also secured financial contributions towards education and libraries via a S.106 agreement with Gloucestershire County Council. Again, as this agreement includes a section 73 clause, this commitment is also carried across to this scheme, if approved.

6.40 Other considerations

- 6.41 As this is a Section 73 application, the applicant is exempt from the mandatory BNG requirement for a 10% gain. However, it is important to note that new landscaping and planting is proposed as part of the site redevelopment and the exact details will be dealt with by way of the discharge of condition process.

- 6.42 As this application does not result in an increase in residential units beyond that already approved, there will be no increased pressure on the Beechwood's Special Area of Conservation, as such, no further mitigation beyond that already secured by the original consent is necessary, however as there is no relevant section 73 clause within the original Unilateral Undertaking either a deed of variation is required or a new Unilateral Undertaking is required. This needing to be dealt with before a decision can be issued.

7. CONCLUSION AND RECOMMENDATION

- 7.1 At the time of considering this application, the council cannot currently demonstrate a 5 year housing land supply and therefore the housing policies of the development plan are out-of-date. This was also the case previously and was discussed in the Council's officer report and in the Inspectors decision for the extant scheme. With this being the case, the NPPF requires development proposals to be approved without delay, unless a strong reason for refusing development has been identified (NPPF para 11 d) i), or, any adverse impacts of doing so would significantly and demonstrably outweigh the benefits of the scheme (NPPF para 11) d) ii), when assessed against the NPPF policies as a whole.
- 7.2 With regards paragraph 11 d) i), in this instance, the protected assets, or assets of particular importance relates to the CNL and Green Belt.
- 7.3 Paragraph 11 d) ii) of the NPPF requires any harm to be weighed against the public benefits of the development, and consideration given to whether any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies of the framework as a whole. In this instance, the main benefits of the scheme include:
- the provision of 30 residential units to Cheltenham's much needed housing stock,
 - the provision of 12 affordable housing units,
- 7.4 Having considered all of the above, officers do not consider the proposed changes to the permitted scheme provide a strong reason for refusal or to result in a level of harm that would significantly and demonstrably outweigh the benefits of the scheme, as such, the tilted balance in favour of sustainable development is engaged.
- 7.5 With the above in mind, officer recommendation is to permit the application subject to conditions as set out below. As a section 73 application results in a new decision that sits alongside the original consent, it is necessary to repeat all relevant and necessary conditions from the original consent. The conditions reflect those of the conditions imposed by the planning inspector when allowing the appeal, however two further conditions are suggested which relate to sustainability and climate change.
- 7.6 The applicant has confirmed their agreement to the relevant pre-commencement conditions and the two further conditions.
- 7.7 The officer recommendation is subject to a deed of variation with respect to the existing affordable housing S.106 agreement, and either a deed of variation for the existing Unilateral Undertaking with respect to recreational pressures on the Beechwoods SAC, or the submission of a new Unilateral Undertaking.

8. CONDITIONS / INFORMATIVES

- 1 The planning permission hereby granted shall be begun not later than the expiration of three years from the date of the original decision, planning ref: 21/02750/FUL. For the avoidance of doubt this date is 12th September 2023.

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 on the decision notice for 21/02750/FUL, unless amended by approved plans listed in Schedule 1 of this decision notice.

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

- 3 Prior to the commencement of development, and notwithstanding any details on the approved plans, drainage plans for the disposal of foul and surface water flows, together with a SuDS Strategy document, a SuDS management and maintenance plan and a timetable for the implementation of the works shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details and timetable, and thereafter retained, and managed and maintained in accordance with the approved SuDS management and maintenance plan.

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

- 4 Prior to the commencement of development, a Construction Environmental Management Plan (CEMP) for the development shall be submitted to and approved in writing by the Local Planning Authority. The approved CEMP shall be adhered to and implemented throughout the construction period in accordance with the approved details.

Reason: To ensure the protection of biodiversity on the site during construction, in accordance with adopted policies SD9 and INF3 of the Joint Core Strategy (2017) and the NPPF.

- 5 Prior to the commencement of development, a Landscape and Ecological Management Plan (LEMP) for the development shall be submitted to and approved in writing by the Local Planning Authority. The LEMP should include a 5-year management plan and link with the habitats described in the Biodiversity Net Gain report/calculations. The development shall be implemented in accordance with the approved details, and managed in accordance with the approved management plan.

Reason: To ensure the protection of biodiversity on the site during construction, in accordance with adopted policies SD9 and INF3 of the Joint Core Strategy (2017) and the NPPF.

- 6 Prior to the commencement of development, details of a Construction Management Plan (CMP) shall be submitted to and approved in writing by the Local Planning Authority. The construction phase shall then be undertaken in accordance with the methodology in the approved CMP.

Reason: To ensure the protection of biodiversity on the site during construction, in accordance with adopted policies SD9 and INF3 of the Joint Core Strategy (2017) and the NPPF.

- 7 Prior to the commencement of development, a site investigation and risk assessment in accordance with the recommendations in the Geotechnical and Geoenvironmental Interpretative Report (dated November 2021) shall be submitted to and approved in writing by the Local Planning Authority, together with details of any remediation that is necessary and a timetable for its implementation. The works shall then be undertaken in accordance with the approved recommendations and timetable.

Reason: To ensure the protection of biodiversity on the site during construction, in accordance with adopted policies SD9 and INF3 of the Joint Core Strategy (2017) and the NPPF.

- 8 Prior to the commencement of development, and notwithstanding any details on the approved plans, details of a hard and soft landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall identify all trees, hedgerows and other planting which are to be retained, and provide details of all new walls, lighting columns, fences, or other boundary treatments; new hard surfacing of open parts of the site which shall be permeable or drained to a permeable area; a planting specification to include species, size, position, method of planting and tree pits of all new trees and shrubs; and a timetable for its implementation.

All hard and/or soft landscaping works shall be carried out in accordance with the approved details within the approved timetable. Any trees or plants on the approved scheme which, within a period of 10 years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season with other trees or plants of a location, species and size which shall be first agreed in writing by the Local Planning Authority.

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

- 9 Prior to the commencement of development an Arboricultural Method Statement and a Tree Protection Plan, shall be submitted to and approved in writing by the Local Planning Authority. The Tree Protection Plan shall include measures and practices to protect the trees to be retained during the construction phase (including how hardsurfacing, roads/paths, and services are going to be laid within the vicinity of retained trees) and also after the construction period has finished. The approved tree protection measures and practices for the construction phase shall be in place during that period, and the approved tree protection measures for after the construction phase shall be in place prior to the first occupation of any dwelling and thereafter retained.

Reason: To safeguard the existing tree(s) in the interests of visual amenity, having regard to adopted policies G12 and G13 of the Cheltenham Plan (2020). Approval is required upfront to ensure that important trees are not permanently damaged or lost.

- 10 Prior to the commencement of development an Arboricultural Monitoring scheme and a Post-development Arboricultural Management Plan (detailing management prescriptions for a 30-year period) shall be submitted to and approved in writing by the Local Planning Authority. The trees shall then be managed and monitored in accordance with the approved Arboricultural Monitoring scheme and Post-development Arboricultural Management Plan.

Reason: To safeguard the existing tree(s) in the interests of visual amenity, having regard to adopted policies G12 and G13 of the Cheltenham Plan (2020). Approval is required upfront to ensure that important trees are not permanently damaged or lost.

- 11 Prior to the commencement of development, a Landscape Maintenance and Management Plan (LMMP) for the development shall be submitted to and approved in writing by the Local Planning Authority. The plan will describe how the hard and soft landscaping will be managed by the site's owners and subsequent beneficiaries of the planning permission and stipulate how the continuation of the LMMP by future site, or homeowners is entered into.

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

- 12 Prior to any construction works above slab level, and notwithstanding any details on the approved plans, details and samples of any external facing or roofing materials to be used shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be undertaken in accordance with the approved details and samples only.

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).

- 13 Work during the construction phase shall not take place on Sundays or Bank Holidays, and otherwise shall be within the following times only: 0800h - 1800h Monday - Friday and 0800h - 1300h Saturdays.

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).

- 14 No development shall take place within the application site other than site clearance works necessary to enable a geophysical survey, until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation informed by the geophysical survey, which has been submitted to and approved in writing by the Local Planning Authority.

Reason: It is important to agree a programme of archaeological work in advance of the commencement of development, so as to make provision for the investigation and recording of any archaeological remains that may be destroyed by ground works required for the scheme. The archaeological programme will advance understanding of any heritage assets which will be lost, in accordance with Adopted Cheltenham Plan Policy HE2 and paragraph 211 of the National Planning Policy Framework.

- 15 No dwelling shall be occupied until the pedestrian link along Farm Lane as shown on drawing R406/06 Rev C (under planning ref:21/02750/FUL) has been constructed and completed.

Reason: To ensure a safe and suitable access to the development is provided and maintained in the interests of highway safety, and in order to achieve sustainable development having regard to adopted policy INF1 of the Joint Core Strategy (2017).

- 16 No dwelling shall be occupied until the means of access for vehicles, pedestrians and cyclists has been constructed and completed as shown on drawing R406/05 Rev C (under planning ref:21/02750/FUL).

Reason: To ensure a safe and suitable access to the development is provided and maintained in the interests of highway safety, and in order to achieve sustainable development having regard to adopted policy INF1 of the Joint Core Strategy (2017).

- 17 No dwelling shall be occupied until sheltered, secure and accessible bicycle parking has been provided for that dwelling in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. The approved cycle parking shall thereafter be kept available for the parking of bicycles only.

Reason: To promote sustainable travel and healthy communities, and ensure the adequate provision and availability of cycle parking, having regard adopted policy INF1 of the Joint Core Strategy (2017), and paragraphs 115 and 117 of the National Planning Policy Framework (2024).

- 18 No dwelling shall be occupied until details have been submitted to and approved in writing by the Local Planning Authority of
- a) a Travel Information Pack, and
 - b) a Home Owner Information Pack that presents informal recreation opportunities concerning public space nearby, a short drive away by car or bus, and further afield, together with details of how these documents will be delivered to all initial and subsequent occupiers, and how they will be updated over time. These documents with the approved wording shall then be submitted to all initial and subsequent occupiers, and updated in accordance with the approved approach.

Reason: to help avoid disturbance to wildlife and encourage awareness of these sites' sensitivities of the Cotswold Beechwoods SAC.

- 19 Notwithstanding any details on the approved plans, no external lighting shall be installed unless its siting, scale and luminance has been first submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the character and appearance of the area with regard to Cheltenham Plan policies D1, L1 and SL1, adopted JCS policies SD6, SD7, SD9 and SD14, and the Cotswolds National Landscape Management Plan 2025 - 2030.

- 20 No dwelling hereby permitted shall be connected to mains gas supplies.

Reason: To ensure that the development contributes towards the mitigation of Climate Change, having regard to Strategic Objective 6, policies SD3 and INF5 of the Joint Core Strategy (2017) and the guidance set out in Cheltenham Climate SPD (adopted 2022).

- 21 Prior to first occupation of the relevant dwellings hereby approved, solar PV panels shall be installed in accordance with the approved drawings. The solar PV panels shall be retained as such thereafter unless otherwise first agreed in writing by the local planning authority.

Reason: To ensure that the development contributes towards the mitigation of Climate Change, having regard to Strategic Objective 6, policies SD3 and INF5 of the Joint Core Strategy (2017) and the guidance set out in Cheltenham Climate SPD (adopted 2022).

INFORMATIVES

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

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

In this instance, the authority sought revisions to the site layout to address comments and concerns relating to drainage and trees, revisions to the scale, form and design of the proposed dwellings to address officer concerns. Additional information was also sought with regards to sustainability and climate change measures.

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

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

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

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

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

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

- 4 This permission is granted pursuant to Section 73 of the Town and Country Planning Act 1990. The obligations contained in the Section 106 agreement dated 5 July 2023 between (1) CHELTENHAM BOROUGH COUNCIL, (2) REDROW HOMES LIMITED and (3) MARTIN DAWN (LECKHAMPTON) LIMITED (in liquidation), obligations contained in the Section 106 dated 5 July 2023 between (1) MARTIN DAWN (LECKHAMPTON) LIMITED (in liquidation), (2) REDROW HOMES LIMITED and (3) GLOUCESTERSHIRE COUNTY COUNCIL, and Section 106 Unilateral Undertaking dated 10 August 2023 given by (1) REDROW HOMES LIMITED and (2) MARTIN DAWN (LECKHAMPTON) LIMITED (in liquidation) to CHELTENHAM BOROUGH COUNCIL (including any variations made by deed of variation) relating to planning application reference 21/02750/FUL (PINS appeal reference APP/B1605/W/23/3317851), shall continue to apply to this varied permission

Consultations Appendix

Parish Council - 10th October 2025

The Parish Council objects to this application as there is no evidence of a suitable solution to the foul water drainage system independent of the current plan to connect to the Redrow development system, which is known to have longstanding unresolved problems.

Parish Council - The Parish Council objects to this application as there is no evidence of a suitable solution to the foul water drainage system independent of the current plan to connect to the Redrow development system, which is known to have longstanding unresolved problems.

Also the choice of finishing materials is not in keeping with the area.

Drainage And Flooding - 17th September 2025

The applicant has provided further detail on exceedance flowpaths and has now routed surface water through the ponds for water quality purposes. Therefore, there are no objections to the change in layout and finer details of the drainage design can be addressed as part of the drainage condition.

Drainage And Flooding - 25th July 2025

The exceedance flood flowpath on the road by plots 19 and 20 has been reversed to flow against the natural/existing gradient of the land. This implies that the changes also include a change to the proposed site levels.

Otherwise there are no objections to the change in layout, but the following matters will need to be addressed as part of the drainage condition.

Some of the attenuation tanks and surface water sewers have been moved into back gardens which is not considered best practice. Maintenance access and easements will need to be detailed if the SUDS features are to remain in these areas.

The revised drainage scheme does not currently provide water quality mitigation as low flows now bypass the ponds. This will need to be rectified under the drainage condition.

GCC Local Flood Authority (LLFA) - 24th July 2025

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

As described in the document "Drainage strategy including SuDS and Water Management Statement Approval 21/02750/FUL", the proposed change in the layout of the site will result in relatively minor changes to the surface water drainage strategy that can be addressed through the discharge of Condition 3. However, the Surface Water Management Drainage Strategy plan

showing these changes (131-20; July 2025) also includes a change to the pipe network that will

result in the detention basins no longer having any impact on water quality.

The LLFA has no objections to the principle of the change in layout and considers them minor enough to be addressed through condition 3, however, doesn't recommend the plan schedule is

changed from "Surface Water Drainage Strategy DR-C-1002-P07" because the latest plan won't

address water quality.

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

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the above proposal. The LLFA is a statutory consultee for surface water flood risk and management and has made the following observations and recommendation.

As described in the document "Drainage strategy including SuDS and Water Management Statement Approval 21/02750/FUL", the proposed change in the layout of the site will result in relatively minor changes to the surface water drainage strategy that can be addressed through the discharge of Condition 3. However, the Surface Water Management Drainage Strategy plan

showing these changes (131-20; July 2025) also includes a change to the pipe network that will

result in the detention basins no longer having any impact on water quality.

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changed from "Surface Water Drainage Strategy DR-C-1002-P07" because the latest plan won't

address water quality.

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

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

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

Severn Trent Water Ltd - 6th August 2025

As the foul drainage design is in line with the original approved strategy, Severn Trent have no additional comment to make but we would like to make you aware of the concerns raised to ourselves about sewer performance in the area. Please find attached correspondence from the Parish Council, I would add that although there are no performance issues indicated on the network, investigations are ongoing into the concerns raised and at present the underlying cause has not been identified or removed.

The changes to the surface water strategy should be agreed with the LLFA/LPA/EA.

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

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

Suggested Informative - affected sewers and water mains

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

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

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

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

GCC Highways Planning Liaison Officer - 6th August 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 proposed changes from the approved scheme are detailed on drawing 131-05-A and relate to slight variation in house type and location within their plot. There are no changes to the estate road layout or access.

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.

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 proposed changes from the approved scheme are detailed on drawing 131-05-A and relate to slight variation in house type and location within their plot. There are no changes to the estate road layout or access.

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

The Highway Authority therefore submits a response of no objection.

Social Housing – 29th October 2025

Full response available to view in public access.

Social Housing - 18th August 2025

Full response available to view in public access.

Social Housing - 31st July 2025

Full response available to view in public access.

Tree Officer - 10th October 2025

The arrangements around T7 are now acceptable, although it would be preferable not to plant a hedge within the RPA of this tree.

Siting Plot 12 so close to a protected tree is far from ideal but it is accepted that a previous approved scheme has already set a precedent for this. However, channelling waste water through the RPA of this tree (or any protected tree) should be avoided. It would be preferable for a revised surface water drainage strategy to be submitted to this effect. If this is not possible, a detailed arb method statement would need to be submitted to demonstrate that these works can be completed without damage to the tree and its roots.

Tree Officer - 29th August 2025

The arrangements around T7 are still not acceptable. Although the revised plans are to site this tree outside of gardens, it will still overhang them in an inappropriate way, leading to conflict with the residents and pressure for removal of the tree. The plans should be revised to give this tree the space it deserves or the application should be refused. The pears on this site are protected by TPO and make up the last remains of a traditional orchard. In order for the site to be successfully developed without irreplaceable harm to these green infrastructure assets, due consideration should be afforded to them. It's noted that no new arb details have been submitted.

Tree Officer - 10th July 2025

The sensitivities of the site should be given due consideration. Changes to the previously approved design and layout should be reflected in an updated tree survey, arb impact assessment and tree protection plan (to BS5837:2012). New landscape plans will also be required.

One obvious new consideration from the illustrative plans is T7. Enclosing this large, mature pear in the garden of Plot 17 is likely to lead to continuous conflict between tree and owner and this should be avoided. The previously approved scheme afforded this tree more space by fencing it off as part of a public space / SUDS area. Although the increased soil moisture may not be ideal for a pear, this approach was preferable to recontextualising the tree in an inadequately sized garden space.

Note that the plans are now out of date as protected trees which should have been retained have been removed without prior application to this Council. The plans should reflect this.

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



Appeal Decision

Hearing held on 12 July 2023

Site visit made on 12 July 2023

by JP Sargent BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 September 2023

Appeal Ref: APP/B1605/W/23/3317851

Land north of Church Road, Leckhampton GL51 3GS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (the Act) against a refusal to grant planning permission.
 - The appeal is made by Redrow Homes Ltd against the decision of Cheltenham Borough Council.
 - The application Ref 21/02750/FUL, dated 9 December 2021, was refused by notice dated 14 December 2022.
 - The development proposed is a residential development of 30 dwellings (Class C3); vehicular, pedestrian and cycle access from Church Road; pedestrian and cycle access from Farm Lane; highways improvement works; public open space, landscaping, orchard planting and children's play space; surface water attenuation and other associated works.
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Decision

1. The appeal is allowed and planning permission is granted for Residential development of 30 dwellings (Class C3); vehicular, pedestrian and cycle access from Church Road; pedestrian and cycle access from Farm Lane; highways improvement works; public open space, landscaping, orchard planting and children's play space; surface water attenuation and other associated works, at land adjoining Leckhampton Farm Court, Cheltenham, GL51 3GS in accordance with the terms of the application, Ref 21/02750/FUL, dated 14 December 2021, and the conditions in the Conditions Schedule below.

Main Issues

2. The main issues with this scheme are
 - a) whether the development accords with the spatial strategy for the distribution of housing;
 - b) whether it would preserve the landscape and scenic beauty of the Cotswolds Area of Outstanding Natural Beauty (AONB) and preserve the character and appearance of the area;
 - c) its effect on ecology, including the Cotswold Beechwoods Special Area of Conservation (SAC);
 - d) whether the nature and distribution of affordable housing is acceptable, and
 - e) if harm would be caused by any or all of the above, whether that would be outweighed by material considerations.

Reasons

Spatial strategy

3. Policy SP2 in the *Gloucester, Cheltenham and Tewkesbury Joint Core Strategy* (the JCS) broadly aims to focus development in built-up areas, allocated sites and designated urban extensions. JCS Policy SD10 says that housing development will be permitted on a list of locations, including on allocated sites and on previously developed land in the Principal Urban Areas of Cheltenham and Tewkesbury. Policy SD10(4) goes on to say that on other sites, housing will only be permitted if it accords with one of 4 specific criteria.
4. On its western side, the appeal site abuts Farm Lane, which at this point forms the boundary between the boroughs of Cheltenham and Tewkesbury. On the opposite side of that lane are the recent housing developments of Brizen Park and Brizen View (which I shall collectively term the Brizen Farm development). These are in a Principal Urban Area within Tewkesbury borough, though on the ground appear as part of the built-up area of Cheltenham. However, while the appeal site is therefore very close to that Principal Urban Area, separated by only a narrow lane, it nonetheless lies outside of the Principal Urban Areas of both Cheltenham and Tewkesbury. It is also unallocated and not in a designated urban extension, while the development accords with none of the criteria given in JCS Policy SD10(4).
5. Moreover, locating in Principal Urban Areas can be assumed to ensure residents would enjoy a greater choice of alternative transport modes to services and facilities. The site is close to the school, and access there and to whatever services lay beyond would be enhanced by a pavement the appellant is proposing along part of Farm Lane. However, the most recent version of the *Leckhampton and Warden Hill Neighbourhood Plan* shows the site as being just over 1000m from any shops that serve the neighbourhood area, and I consider the pavement along Church Road to the nearest shop is narrow in places. Therefore, while some residents may not find walking such distances a problem, I consider many may look upon a round trip of 2km to be too far or too unattractive to walk. On balance, I therefore find this location would offer limited choices of alternative transport modes, resulting in a reliance on private motorised vehicles. Whilst it may not be as far from services as the Brizen Farm development that does not lead me to different findings.
6. Accordingly, I conclude the scheme would be contrary to the spatial strategy, with limited alternative modes of transport available for future residents, and so would conflict with JCS Policies SP2 and SD10 and guidance in the *National Planning Policy Framework* (the Framework).

Character and appearance

7. The appeal site contains no buildings apart from a dilapidated shed, and comprises an overgrown orchard with numerous old fruit trees, most of which are subject to a Tree Preservation Order (TPO). Its western and southern boundaries are strongly defined by dense hedging and scrub along Farm Lane and Church Road respectively, while a woodland is on the east side and a modern housing development around Leckhampton Farm Court is to the north.
8. It forms part of a wedge of land (the wedge) that is constrained between the Brizen Farm development to the west, the village of Leckhampton to the east,

and the built-up area of Cheltenham to the north. Much of this wedge comprises Local Green Space, paddocks or playing fields, and so has an open, undeveloped character, maintaining its historic rural nature. The site is not in the Local Green Space while the wedge has no specific status in the adopted development plan other than being outside of the Principal Urban Areas. Moreover, the site is subject to no other specific development plan or national landscape designation.

9. To the south, the land rises steeply up to the Cotswolds escarpment, and offers a high level of public access through a widely used footpath network and vantage points. From not just the escarpment itself but also from the slopes, there are impressive views over Cheltenham along the Severn valley and across to the hills in Wales. Church Road, as it passes the appeal site, forms the boundary to the AONB beyond. The scenic and landscape beauty of this area lies, to a great extent, in its pleasing pattern of fields, woodland and rocky outcrops, and the dominant effect of the escarpment. This is emphasised all-the-more as it abuts the built-up area of Cheltenham and the expansive and relatively flat valley floor of the Severn.
10. The proposal comprises 30 dwellings arranged to either side of a central spine road. Strong emphasis has been placed on retaining the trees across the site, especially those that are protected, resulting in open space being intended in the north-west corner, along the Church Road frontage to the south, and down the eastern boundary. Accordingly, as the site's area is just under 3ha, the scheme has a density in the region of 10 dwellings per hectare. It would be removing from this undeveloped orchard some boundary planting and would be reducing the extent of open grassland, while it would be introducing a small suburban housing estate, with its associated hard-surfacing, lighting and other paraphernalia.
11. The presence of the Brizen Farm development means the proposal would not have an effect on the wider rural landscape to the west. However, it would diminish the extent of the wedge, particularly as it would be narrowing its southern boundary, and so reducing its integration and visual link to the countryside on the opposite side of Church Road.
12. The Framework states that decisions should contribute to and enhance the natural environment by, amongst other things, protecting and enhancing valued landscapes (paragraph 174). There is no definition in the Framework as to what constitutes '*a valued landscape*'. However, in this regard reference was made to an appeal from 2016 (Document LPA2 which I shall refer to as the 2016 appeal), and that sought permission for a larger housing development (650 dwellings plus other elements on a 31.7ha site) at the northern end of the wedge. I understand that at that time the Brizen Farm development had not been built but Tewkesbury Borough Council had indicated it was minded to approve it, and so the Secretary of State no doubt gave it appropriate weight. The school may also have been built since then, but otherwise the character of the wedge was similar to what is now before me.
13. In that decision the Inspector (the previous Inspector), in his report, described that site as being in a '*memorable landscape*' due to its mosaic of uses, its varied topography, its history and its network of footpaths, fields and mature vegetation. No doubt taking these criteria into account, he then went on to conclude that the scheme before him would lead to a loss of '*a valued*

landscape’ (paragraph 264) and this he identified as one of its adverse effects (paragraph 307). These views were shared by the Secretary of State who, despite describing it as a *‘locally valued landscape’* in paragraphs 19 and 32 of his decision, nonetheless concluded in paragraph 20 that the development of the site would harm the character and appearance of the area through the loss of *‘a valued landscape’* and, in paragraph 33, confirmed he agrees with the conclusions in paragraph 307 of the previous Inspector’s report.

14. When assessing what constitutes a valued landscape I consider that a single field or site should be viewed as part of a landscape rather than being assessed as a landscape in its own right. Moreover, in any such landscape there will be areas that contribute more positively than others to its overall value, while parts will add to the value in different ways.
15. From the submissions before me it is not totally clear what either the previous Inspector or the Secretary of State considered the extent of the valued landscape to be. The previous Inspector spelled out that the landscape value of the site was due not to its visual relationship to the AONB but rather to its own intrinsic charm (paragraph 260), while the Secretary of State accepted the scheme would not harm the structural elements of the wider contextual landscape character, such as the nearby AONB. Moreover, I am aware that the wedge, even then, had a constrained character, and so it is unlikely the previous Inspector and the Secretary of State were taking into account the countryside outside of the AONB to the west of what is now the Brizen Farm development. It is therefore fair to assume the valued landscape that both the previous Inspector and the Secretary of State found would be harmed was contained within the wedge, rather than included any wider landscape.
16. Overall, I share the views of the characteristics of the wedge identified by the previous Inspector, considering its mosaic of uses, its history and its network of footpaths, fields and mature vegetation are positive attributes. I therefore have no basis to depart from the findings of the Secretary of State. Consequently, as it would be within the constrained area of the wedge, I am of the view that the appeal site too is within a valued landscape.
17. The scheme would be introducing a suburban development into this wedge of open land that runs into Cheltenham. More particularly, it would result in a housing development in this historic orchard that would fragment its extent and scale, and change its context. Although much of the boundary planting would remain, the development would be apparent from a short length of the public footpath that runs to the north of the site, with housing replacing and impeding not only the trees and grassland in the foreground, but also the longer views of the escarpment beyond. As a result, it would cause some harm to the countryside character of this path, and so detract to a degree from the enjoyment of its users.
18. Furthermore, the new access would open up views into the development, thereby reducing the rural nature of Church Road. On Farm Lane there is already an awareness of the Brizen Farm development, and the appeal proposal is showing only one dwelling near to the carriageway. However, the creation of the pavement link would also allow the housing to be apparent, meaning the character of that rural lane would also be harmed. Indeed, while the retention of much planting round the site would soften the impact of the

scheme, it would not be concealed totally when looking from surrounding land, and there would still be an awareness of the development.

19. Therefore, mindful it is outside of the settlement boundary, and even taking into account the suggested conditions, I consider the scheme would cause harm to the character and appearance of the countryside. Moreover, this encroachment of suburban form into the wedge would fail to protect or enhance the valued landscape.
20. However, the Local Green Space is currently defined to a great extent by the escarpment to the south and otherwise by the development around. As such, whilst there may be an awareness of this proposal, I consider the recreational value of the Local Green Space would not be unduly harmed.
21. Turning to the effect on the AONB, in paragraph 176 the Framework states that

'Great weight should be given to enhancing landscape and scenic beauty in ... Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues'.

As the site is outside of the AONB it will not directly affect the landscape and scenic beauty 'in' that area. Indeed, while I had no evidence to explain why the boundary was drawn where it was, it is of note that, although immediately adjacent, the site was not included in the AONB when that was designated.

22. However, Framework paragraph 176 goes on to say

'The scale and extent of development within [Areas of Outstanding Natural Beauty] should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas'.

This is therefore requiring development outside of an Area of Outstanding Natural Beauty, but nonetheless within its setting, to have regard to the designated area. However, it does not impose upon the setting the same level of protection as is confirmed within the Area of Outstanding Natural Beauty itself. Moreover, it does not preclude new development in the setting or state that adverse impacts must always be avoided. Rather, it accepts that adverse impacts can be acceptable if minimised.

23. This position is broadly supported by JCS Policy SD7, which says

'All development proposals within the setting of the Cotswolds AONB will be required to conserve and, where appropriate, enhance its landscape, scenic beauty, wildlife, cultural heritage and other special qualities'.

I take the reference to 'its' in the second line of that extract to be referring to the designated AONB rather than the setting.

24. The setting of an Area of Outstanding Natural Beauty is not defined. However, it was nonetheless agreed that the development would be within the setting of the AONB and I share this view. Furthermore, as it would be immediately adjacent to the boundary, I consider its relationship to the AONB would be different to that of the scheme subject of the 2016 decision.
25. From Crippetts Lane, near to its junction with Church Road, the site would remain substantially concealed by boundary planting, even in winter months.

Given this, and mindful too of the prominence of the Brizen Farm development at that junction, the scheme would not have a harmful effect. From the south side of Church Road, although the development would be visible I consider any adverse impacts would be minimised by the retention of boundary planting and from this viewpoint its effects would not be so noticeable as to compromise the landscape and scenic beauty of the AONB.

26. Leckhampton Hill and Devil's Chimney on top of this escarpment are popular viewpoints, being the destination for a number of footpath routes and having an array of benches that allow an appreciation of the expansive panoramic views over Cheltenham and across the Severn valley. The appeal site is a relatively small element of the overall view, with much of the middle-distance being taken up by the built-up area of Cheltenham. Moreover, it is some distance away, and even after the scheme was implemented, it would be cradled by trees, especially on its eastern side, that would conceal the development to some extent in these longer views. From where it could be seen, and although separated by the trees along Farm Lane, it would be set against the much larger Brizen Farm development, which is a relatively striking and unbroken mass of new housing when seen from this point. Moreover, the retention of many of the trees on the site would mean they continued to play any softening role they might now have on that neighbouring residential scheme. As such, when taking into account the proposed retention of planting, I consider any impact of the scheme on the landscape and scenic character of the AONB from these viewpoints would be minimised.
27. Seen from the top of Crippetts Lane, again the site would be viewed very much in the context of the dominant Brizen Farm development and once more would be a small part of an expansive view and some distance from the viewer.
28. When on the footpath running down Leckhampton Hill towards the church, the appeal scheme would be closer and the views less extensive, and so it would be more apparent. However, once more it would be against the Brizen Farm development, while the lower angle would mean the screening effects of the trees would be improved.
29. Therefore, when taking into account the proposed retention of planting, I accept that there would be a change to the view from inside the AONB. However, being visible, and even introducing some change, does not necessarily equate to unacceptable conflict with Framework paragraph 176. Given its size, the distances involved, the planting to be retained and the scheme being in the context of the built-up area of Cheltenham in general and the striking Brizen Farm development in particular, I consider any impact the proposal may have on the AONB would not harm its landscape and scenic beauty.
30. It was also contended that Framework paragraph 176 should be engaged because the proposal would impede views of the AONB from within its setting. I accept there would be an effect in this regard when looking from the footpath to the north of the site. However, built form in the setting of the AONB would often impede views of the AONB from somewhere and to some extent. Furthermore, such a consequence does not affect the landscape and scenic beauty 'in' the AONB, and does not have adverse impacts 'on' the designated area. Rather, its effects relate solely to the setting, which of course is outside of the designated area and not a part of it. As such, I consider Framework

paragraph 176 does not apply to such harms. In any event, the effect on the views of the AONB from that footpath would be minimised by the extent, siting and height of the northernmost terrace in the scheme and, to my mind, would not have an appreciable effect on the appreciation of the landscape and scenic beauty of the AONB by its users. As such, I am not satisfied the scheme would conflict with Framework paragraph 176, even if I had found differently concerning the application of that paragraph to views towards the AONB from within the setting.

31. Accordingly, whilst I have not found the adverse effects on the AONB would conflict with paragraph 176 of the Framework, I nonetheless conclude the development would detract from the character and appearance of the countryside, and cause harm to a valued landscape, in conflict with JCS Policies SD4 (which requires development to respond positively to its context) and SD7, *Cheltenham Plan* Policy D1, which requires development to complement the locality, and guidance in paragraph 174 of the Framework. It would also conflict with Policy LWH5 in the Neighbourhood Plan, though this plan has not yet been 'made' and so the weight it is afforded is reduced accordingly.

Natural environment

32. Numerous old pear trees are now on site that can be defined as forming 2 traditional orchards (although in some submissions they are considered to form a single large one) and fall under the definition of a Priority Habitat in the *Natural Environment and Rural Communities Act 2006*. The protection of biodiversity is a theme running through the Framework. In paragraph 179 it states that plans should promote the conservation, restoration and enhancement of priority habitats, while paragraph 174(a) seeks the protection and enhancement of biodiversity sites and paragraph 180 says that development resulting in the loss or deterioration of irreplaceable habitats should be refused.
33. The site is identified on the Green Infrastructure list in the Neighbourhood Plan, and so under Policy LWH4 its role should be positively considered. The site is also in the Cotswold Nature Improvement Area, as identified by the Gloucestershire Natural Capital Mapping Project (the Project).
34. These fruit trees are of a value in their own right, and also for the biodiversity they accommodate. This is reflected in the Project identifying it as an ecosystem of greater importance than much of the agricultural land around. Moreover, they also represent a key element of the history of the area, which has been known for its orchards. However, these fruit trees appear to be unmanaged, and there is no public access to the land. Therefore, in the absence of proper husbandry, it cannot be assumed their lifespan or their benefits to the community will be maximised.
35. The appeal scheme seeks to safeguard the orchard trees, with the north-west corner and the southern band remaining free from new houses and used as open space. Any development in these areas would be limited to paths, and, to the south, the play area, the access road and the SuDS ponds. Furthermore, protective measures are to be placed around the trees to mean they would not be subject to climbing or other damage from users of those areas. The trees would also remain protected by the TPO in place on the site.

36. The development would change the context of the orchard by putting it in proximity to housing. It would also introduce much more activity within the orchard, as residents would walk and play among the trees. However, mindful the orchard would be proactively managed, on the evidence before me I am not satisfied that it would be harmed to any material degree, either directly through construction for example, or indirectly as a result of subsequent activity. Therefore, its value as a priority habitat would not be diminished, and the trees' contribution to the history of the area would be protected. Indeed, while I have little before me to show that if the appeal was dismissed the future of the fruit trees would be secured, with suitable management it is realistic to consider that through this scheme the orchard trees could be conserved and enhanced.
37. Down the eastern side of the site is a dense area of woodland around a stream. I have no reason to consider the habitat this creates would be compromised unacceptably by the development.
38. As it is a relatively unmaintained site with little public access on the edge of the built-up area, it is to be expected that it contains an appreciable variety and diversity of wildlife, which uses the land as either habitat or for foraging. Indeed it was said that numerous protected species were found on the site. I recognise too that it is a significant part of the connection between the wedge and the AONB to the south. However, whilst accepting there would be a loss of habitat and foraging, I have no basis to find that any harm to the protected species would be unacceptable. Furthermore, while I note the value of the site identified by the Project, I am aware that is not part of the development plan and carries no statutory weight in that regard. Therefore, when taking into account the Biodiversity Net Gains proposed, I have insufficient grounds to consider I can resist the scheme on this basis. Similarly, whilst the Biodiversity Net Gain maybe relatively low, that of itself is not unacceptable in the current planning policy context.
39. The site is 4.7km from the Cotswold Beechwoods Special Area of Conservation (the SAC). This comprises attractive, floristically rich, beechwoods that are vulnerable to damage from visitor pressures. Therefore, given the closeness of the site, the development could have a likely significant effect on the integrity of the SAC, whether alone or in combination with other plans and projects.
40. In coming to this view, I have had regard to the extensive nearby public footpath network, in both the Local Green Space and the AONB, that is available for use by residents of the scheme for recreation and is much nearer to their homes than the SAC. However, even accounting for this, the attractiveness of the beechwoods and their proximity means they would still draw recreational pressure from residents. As a result these alternative options may reduce the scheme's impact on the SAC but would not mean there would be no likely significant effect on its integrity.
41. To address this, 3 areas of mitigation have been proposed. The first is the delivery of on-site green space. This though is not extensive, and whilst it would no doubt be much used by the future residents, it would not fulfil the same recreational needs as the SAC as it would not allow lengthy walks or a sense of remoteness that I anticipate would be found in the woods. Secondly, householder packs are proposed that would inform the residents about the beechwoods and how they should be visited. On the evidence before me

though I consider this places a great deal of weight on the householders being aware of the packs, noting their contents and responding suitably. As a result, although they would be of some assistance in this regard, I consider these 2 areas of mitigation would not be sufficient, even if taken together, to allay my concerns.

42. However, there is also now a further requirement for financial contributions to be provided. These would be to fund Strategic Access Management and Monitoring measures, such as management, education and awareness monitoring, and Sustainable Alternative Natural Greenspace. The monies are to be secured through a Unilateral Undertaking the appellant has submitted (dated 10 August 2023), and I have no basis to consider the Council would not then use the money responsibly for the purpose it was given.
43. I therefore conclude that, when considered in combination with other plans and projects, the development would adversely affect the integrity of the SAC, but this would be suitably mitigated by the measures secured under the submitted Unilateral Undertaking and proposed conditions. As such, the scheme would not conflict with the Regulations or the Framework, which seek to protect the SAC from adverse effects on its integrity.
44. Accordingly, I therefore conclude that the development would not have an unacceptable effect on biodiversity, whether on the site or nearby, and so would not conflict in this regard with the Framework or the emerging Neighbourhood Plan.

Affordable housing

45. The number and nature of affordable houses in the scheme was deemed satisfactory by the Council, and I have no reason to conclude differently. Whilst they would be grouped at the northern end, and would comprise smaller units, it appears they would be equal to that of the market housing elsewhere on the site in terms of appearance, build quality and materials. Moreover, the scheme is not large, and so this distribution would not be unsatisfactory. The affordable units would not have a view towards the AONB, but neither would all the market houses. In any event, some would overlook the attractive pond feature with the footpath beyond, whilst others would sit in the general streetscape of a housing scheme. They would also not look onto the play area, but only a few properties would, and the play area could be accessed by a short walk along estate roads that would be relatively quiet.
46. Overall, I therefore conclude the affordable housing would be suitably integrated into the estate as a whole, and so would not conflict with Policies SD4 and SD12 in the JCS, which require inclusive design with such housing being seamlessly integrated into, and distributed throughout developments, and paragraph 92 of the Framework, which seeks inclusive places.

Other matters

47. I consider visibility from the access would be satisfactory, and the traffic flows associated with the scheme would not compromise highway safety on Church Road, Farm Lane or any of the other lanes and road junctions in the vicinity. I also have no reason to find the site cannot be suitably drained.
48. As well as the Unilateral Undertaking concerning the SAC monies, an agreement under section 106 of the Act (dated 5 July 2023) was also

submitted. This not only secures the affordable housing, but also addresses the delivery and maintenance of on-site open space. I consider the requirements of both of these legal obligations satisfy Regulation 122 in the *Community Infrastructure Levy Regulations 2010* and so are reasonable, necessary and justified. While the Council has said it is 'unfortunate' that there is no indexation clause in the Unilateral Undertaking, the implications of this are not sufficient to render the Undertaking unacceptable. Although reference was made to overstretched health facilities nearby, there was neither evidence nor planning policy support for contributions to address those areas.

49. Leckhampton Farmhouse is a Grade II listed building that stands just to the north of the site. Its significance lies, in part, in its setting that reflects its rural origins. This though has already been compromised to some degree, most notably by the Leckhampton Farm Court development adjacent. Mindful of this, and noting the separation between the listed building and the northernmost terrace now proposed, I consider that what is before me would not harm the significance of Leckhampton Farmhouse. Various other listed buildings were also cited in the area, but the development would not be within their settings, and so again would not harm their significance.
50. I was told of commitments the appellant had given in the past about the site, but they do not affect the planning merits of this case.

Other considerations and the Planning Balance

51. I have therefore found development plan conflict in relation to the spatial strategy with regard to the proposal's location outside of the Principal Urban Areas and its access to services. There is also harm to the character and appearance of the area, mindful that I have considered it to be within a valued landscape. However, section 38(6) of the *Planning and Compulsory Purchase Act 2004* says development should be in accordance with the development plan 'unless material considerations indicate otherwise', and this is reaffirmed in the Framework. Therefore, whilst the development plan has primacy in decision-making, there are situations where material considerations could indicate a decision that was otherwise than in accordance with the plan. In this regard a number of such considerations have been offered by the appellant.
52. Principally, attention is drawn to paragraph 11(d) in the Framework. This says that where the development plan policies that are most important in determining the application are deemed to be out-of-date planning permission should be granted unless one of 2 scenarios are applicable.
53. The first of these is in Framework paragraph 11(d)(i), which says permission should not be granted if the application of policies in the Framework that protect areas or assets of particular importance (listed in Framework Footnote 7) provide a clear reason for refusing the development. It was contended that the effect on the AONB and also on the priority habitat site and the irreplaceable habitat would mean this paragraph was applicable, as these were listed in the Footnote. However, as I have found that none provides a clear reason for refusing the development then I consider they do not result in the application of that paragraph.
54. The second scenario is in Framework paragraph 11(d)(ii) and says permission should not be granted if the adverse impacts of doing so would significantly and demonstrably outweigh the benefits - often referred to as 'the tilted

balance'. As the Council accepts that it can show a housing land supply of 2.9 years, below the 5 years required in the Framework, I consider that the policies relating to the location of housing are deemed out-of-date and so this 'tilted balance' is engaged.

55. In terms of the benefits, and starting with the Council's housing land supply shortfall, I share the view of the Inspector in the Oakley Farm appeal (the Oakley Farm decision APP/B1605/W/21/3273053 dated 5 October 2022) and find it is very large, and demonstrates a pressing and urgent need. This scheme would therefore make a notable contribution to addressing this shortfall.
56. Furthermore, it would also contribute to reducing the shortage of affordable dwellings, while there would be economic benefits through the construction period, and subsequently as the new residents used local shops and facilities. I have found too that the scheme is likely to preserve the historic orchard, open it up for community enjoyment, and deliver biodiversity benefits. These factors are given appreciable weight in favour of the scheme.
57. The appellant has drawn attention to the delivery of the footpath along Farm Lane and the desire lines for pedestrians across the site to Church Road, but I am aware of no pressing need for these in the absence of the development and so afford them limited weight. The scheme would also bring payments under the legal obligations but those are needed to make it acceptable in planning terms, so have a neutral weight in my decision-making. Finally, how any New Homes Bonus would deliver a benefit relevant to this specific scheme is unclear.
58. Turning to the weight to be given to the areas of harm, it is often necessary for sites to be developed outside the Principal Urban Areas to meet a shortfall in housing land supply. Moreover, in such instances the development would often be changing an area of countryside to a housing estate, and the development would, in all probability, be generally further from local services when compared to houses in the Principal Urban Area. As a result, these are not harms that, collectively, outweigh the benefits.
59. However the additional concern I have found arises from this site being in a valued landscape. The Framework does not state such landscapes should be immune from development, but rather that they should be protected and enhanced. In my opinion, and in the light of this guidance, the harm I have identified runs contrary to the need for protection, and so should be afforded great weight in the decision-making process. I am mindful though that the trees around the site and the scale of the development, although not allaying it, nonetheless reduce the magnitude of harm to the valued landscape.
60. I therefore recognise the great level of protection afforded to a valued landscape but I am also aware that I have found the shortfall in housing land supply to be very large, and demonstrates a pressing and urgent need. On balance, the harm identified, even taking all the areas of harm together, does not significantly and demonstrably outweigh the benefit of providing these houses in the face of such a shortfall. As a result, I conclude that planning permission should be granted.
61. In this regard I recognise similarities and differences between my position and the 2016 decision. As stated above, I too defined the wedge as being a valued

landscape while the 2016 decision was made against the backdrop of the Council being *'about 2 years short of an identified 5-year housing land supply'*, so therefore having a supply of about 3 years. However, in that case there were further harms, namely the severe residual cumulative transport impacts and the scheme prejudicing the possible designation of the Local Green Space, and these would have provided greater weight against any benefits that existed.

62. I have also noted the Oakley Farm decision but, as that Inspector was at pains to make clear, it was based on the very specific circumstances of that case, including the site characteristics, which are unlikely to be replicated elsewhere. Therefore, beyond sharing the view on the scale of the housing land shortfall, I have given that decision little weight.
63. It was said that Leckhampton has been subject to much housing over recent years. However, this may well be because it is one of the few places around Cheltenham that is not designated as Green Belt and so is one of the limited areas where development of this nature is possible. To my mind though, whilst I acknowledge these concerns, they are not a reason to dismiss the scheme or to assess the 'tilted balance' differently.

Conditions

64. The general commencement condition should be imposed [Condition 1]. For the avoidance of doubt the approved plans should be specified [2] and the development should be in accordance with them unless otherwise required by subsequent conditions.
65. Having regard to the character and appearance of the area, the materials should be approved [12]. Mindful of the effect on the SAC, Householder Information Packs should be provided to inform about recreation [18]. In order to safeguard the character and appearance of the area and have regard to biodiversity, there should be agreement of
- a Construction Environmental Management Plan [4]
 - a Landscape and Ecological Management Plan [5]
 - landscaping details [8]
 - tree protection methods and practices during and after construction, including how the trees to be retained will be safeguarded when forming pathways, roads and services that would run through or close to their root protection areas [9];
 - tree management details including an Arboricultural Monitoring scheme and a Post-development Arboricultural Management Plan [10];
 - a Landscape Maintenance and Management Plan [11] and
 - lighting details [19].
66. To ensure the site is adequately drained a drainage scheme, together with a SuDS strategy, management and maintenance programme should be approved [3], and contamination should be addressed along the lines of the scheme already submitted [7]. Whilst the contamination measures can be in accordance with the submitted GCL Geo-technical and Geo-environmental

Interpretative Report I am aware that is now nearly 2 years old and so will need to be revisited. If any contamination is found on the site outside of that identified, other legislation will require it being addressed and so a further condition is not required.

67. To protect neighbouring living conditions a Construction Management Plan should be agreed [6] and the hours of construction work limited [13]. In the interests of accessibility the pavement to Farm Lane [15], the access to Church Road [16] cycle storage [17] and Travel Packs [18] should all be provided. A condition relating to archaeological investigation is also justified [14].
68. Many of the suggested conditions involved lengthy lists of what was required for the plan or scheme in question. However, I have felt it is not necessary to include those, as the precise contents of the plans or schemes could be subject to discussion between the parties to ensure relevance. I also consider elements of the suggested landscaping condition were more akin to informatives, and so again have not been justified.
69. Given other requirements, there is now no need for a condition relating to electric charging points.
70. Many of the conditions require agreement of matters 'pre-commencement'. This is justified though because the matters in question will either influence how the development is undertaken or safeguard what could otherwise be lost.

Conclusion

71. Accordingly, I conclude planning permission should be granted.

JP Sargent

INSPECTOR

Conditions Schedule

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) Unless otherwise modified under the conditions below, the planning permission hereby granted shall be carried out in accordance with drawings and plans listed in the Plan Schedule below.
- 3) Prior to the commencement of development, and notwithstanding any details on the approved plans, drainage plans for the disposal of foul and surface water flows, together with a SuDS Strategy document, a SuDS management and maintenance plan and a timetable for the implementation of the works shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details and timetable, and thereafter retained, and managed and maintained in accordance with the approved SuDS management and maintenance plan.
- 4) Prior to the commencement of development, a Construction Environmental Management Plan (CEMP) for the development shall be submitted to and approved in writing by the Local Planning Authority. The approved CEMP shall be adhered to and implemented throughout the construction period in accordance with the approved details.
- 5) Prior to the commencement of development, a Landscape and Ecological Management Plan (LEMP) for the development shall be submitted to and approved in writing by the Local Planning Authority. The LEMP should include a 5-year management plan and link with the habitats described in the Biodiversity Net Gain report/calculations. The development shall be implemented in accordance with the approved details, and managed in accordance with the approved management plan.
- 6) Prior to the commencement of development, details of a Construction Management Plan (CMP) shall be submitted to and approved in writing by the Local Planning Authority. The construction phase shall then be undertaken in accordance with the methodology in the approved CMP.
- 7) Prior to the commencement of development, a site investigation and risk assessment in accordance with the recommendations in the Geotechnical and Geoenvironmental Interpretative Report (dated November 2021) shall be submitted to and approved in writing by the Local Planning Authority, together with details of any remediation that is necessary and a timetable for its implementation. The works shall then be undertaken in accordance with the approved recommendations and timetable.
- 8) Prior to the commencement of development, and notwithstanding any details on the approved plans, details of a hard and soft landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall identify all trees, hedgerows and other planting which are to be retained, and provide details of all new walls, lighting columns, fences, or other boundary treatments; new hard surfacing of open parts of the site which shall be permeable or drained to a permeable area; a planting specification to include species, size, position, method of planting and treepits of all new trees and shrubs; and a timetable for its implementation. All hard and/or soft landscaping works shall be carried out in accordance with the approved details within the approved timetable. Any trees or plants

on the approved scheme which, within a period of 10 years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season with other trees or plants of a location, species and size which shall be first agreed in writing by the Local Planning Authority.

- 9) Prior to the commencement of development an Arboricultural Method Statement and a Tree Protection Plan, shall be submitted to and approved in writing by the Local Planning Authority. The Tree Protection Plan shall include measures and practices to protect the trees to be retained during the construction phase (including how hardsurfacing, roads/paths, and services are going to be laid within the vicinity of retained trees) and also after the construction period has finished. The approved tree protection measures and practices for the construction phase shall be in place during that period, and the approved tree protection measures for after the construction phase shall be in place prior to the first occupation of any dwelling and thereafter retained.
- 10) Prior to the commencement of development an Arboricultural Monitoring scheme and a Post-development Arboricultural Management Plan (detailing management prescriptions for a 30-year period) shall be submitted to and approved in writing by the Local Planning Authority. The trees shall then be managed and monitored in accordance with the approved Arboricultural Monitoring scheme and Post-development Arboricultural Management Plan.
- 11) Prior to the commencement of development, a Landscape Maintenance and Management Plan (LMMP) for the development shall be submitted to and approved in writing by the Local Planning Authority. The plan will describe how the hard and soft landscaping will be managed by the site's owners and subsequent beneficiaries of the planning permission and stipulate how the continuation of the LMMP by future site, or homeowners is entered into.
- 12) Prior to any construction works above slab level, and notwithstanding any details on the approved plans, details and samples of any external facing or roofing materials to be used shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be undertaken in accordance with the approved details and samples only.
- 13) Work during the construction phase shall not take place on Sundays or Bank Holidays, and otherwise shall be within the following times only: 0800h – 1800h Monday – Friday and 0800h – 1300h Saturdays.
- 14) No development shall take place within the application site other than site clearance works necessary to enable a geophysical survey, until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation informed by the geophysical survey, which has been submitted to and approved in writing by the Local Planning Authority.
- 15) No dwelling shall be occupied until the pedestrian link along Farm Lane as shown on drawing R406/06 Rev C has been constructed and completed.
- 16) No dwelling shall be occupied until the means of access for vehicles, pedestrians and cyclists has been constructed and completed as shown on drawing R406/05 Rev C.

- 17) No dwelling shall be occupied until sheltered, secure and accessible bicycle parking has been provided for that dwelling in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. The approved cycle parking shall thereafter be kept available for the parking of bicycles only.
- 18) No dwelling shall be occupied until details have been submitted to and approved in writing by the Local Planning Authority of
 - a) a Travel Information Pack, and
 - b) a Home Owner Information Pack that presents informal recreation opportunities concerning public space nearby, a short drive away by car or bus, and further afield,together with details of how these documents will be delivered to all initial and subsequent occupiers, and how they will be updated over time. These documents with the approved wording shall then be submitted to all initial and subsequent occupiers, and updated in accordance with the approved approach.
- 19) Notwithstanding any details on the approved plans, no external lighting shall be installed unless its siting, scale and luminance has been first submitted to and approved in writing by the Local Planning Authority.

Plan Schedule

Site Location Plan-32042 PL-01-B
 Constraints and Opportunities Plan-32042 CON-01-E
 Existing Site Section-32042 ES-01
 Housetype Planning Drawing Warwick (Plots 12-13)-32042 HT-WARWICK-01
 Housetype Planning Drawing Harrogate (Plots 5, 8)-32042 HT-HARROGATE-01
 Housetype Planning Drawing Hampstead (Plots 2, 3) - Elevations-32042 HT-HAMPSTEAD-01.1
 Housetype Planning Drawing Hampstead (Plots 2, 3) - Floor Plans-32042 HT-HAMPSTEAD-01.2
 Housetype Planning Drawing Hampstead (Plot 11) - Elevations-32042 HT-HAMPSTEAD-02.1
 Housetype Planning Drawing Hampstead (Plot 11) - Floor Plans-32042 HT-HAMPSTEAD-02.2
 Housetype Planning Drawing Richmond (Plots 1, 4, 6, 9) - Elevations-32042 HT-RICHMOND-01.1
 Housetype Planning Drawing Richmond (Plots 1, 4, 6, 9) - Floor Plans-32042 HT-RICHMOND-01.2
 Housetype Planning Drawing Wye (Plot 30)-32042 HT-WYE-01
 Housetype Planning Drawing Chew (Plot 27)-32042 HT-CHEW-01
 Housetype Planning Drawing Single Garage-32042 HT-SGAR-01
 Housetype Planning Drawing Warwick (Plots 18-19)-32042 HT-WARWICK-02-A
 Housetype Planning Drawing Shaftesbury (Plots 7, 22) - Floor Plans-32042 HT-SHAFTESBURY-01.1-A
 Housetype Planning Drawing Shaftesbury (Plots 7, 22) - Elevations-32042 HT-SHAFTESBURY-01.2-A
 Housetype Planning Drawing Harrogate (Plot 21)-32042 HT-HARROGATE-02-A
 Housetype Planning Drawing Harrogate (Plot 10)-32042 HT-HARROGATE-03-A
 Housetype Planning Drawing Harrogate (Plot 20)-32042 HT-HARROGATE-04-A
 Housetype Planning Drawing Leadon (Plots 23-26)-32042 HT-LEADON-01-B
 Housetype Planning Drawing Tavy (Plot 16-17)-32042 HT-TAVY-01-A
 Housetype Planning Drawing Severn (Plot 15)-32042 HT-SEVERN-01-A
 Housetype Planning Drawing Severn (Plot 29)-32042 HT-SEVERN-02
 Housetype Planning Drawing Yeo (Plots 14, 28)-32042 HT-YEO-01-A
 Adoptable Construction Details-R406/24
 Adoptable Drainage Details-R406/25
 Longitudinal Sections-R406/26
 Tree Constraints Plan 12914_P08-D
 Orchard Path Plan R406/32
 Planning Layout-32042 PL-03-H
 Materials Layout-32042 PL-04-D
 Boundary Treatments Plan-32042 PL-05-D
 Car Parking Plan-32042 CP-01-E
 Refuse and Recycling Strategy Plan-32042 RS-01-C
 Street Scenes and Site Section-32042 SS-01-C
 Proposed Site Access Arrangements-R406/05-C
 Farm Lane Pedestrian Link-R406/06-C
 Engineering Layout-R406/21-A
 General Arrangement-R406/22-A
 Lighting Lux Plan-R406/23-A
 Impermeable Areas and Catchments DR-C-1001-P07
 Surface Water Drainage Strategy DR-C-1002-P07
 Exceedance Flow Paths DR-C-1003-P07
 Foul Water Drainage Strategy DR-C-1004-P07
 Illustrative Landscape Masterplan 20-03-PL-201-I

APPEARANCES

FOR THE APPELLANT:

C Flannagan	Planning consultant
C Goodman-Smith	Ecology consultant
D Manley KC	Counsel instructed on behalf of the appellant
J Pratt	Arboricultural consultant
P Richards	Landscape consultant
D Trundle	Planning consultant

FOR THE LOCAL PLANNING AUTHORITY:

N Gillett	Principal Planning Officer for the Council
Dr E Pimley	Ecology consultant
S Ryder	Landscape consultant
H Waller	Barrister instructed by the Council

INTERESTED PARTIES:

C Braunholtz	Local resident
Cllr M Horwood	District Councillor for Leckhampton Ward
Dr A Mears	Local resident
K Pollock	Local resident

DOCUMENTS SUBMITTED AT OR AFTER THE HEARING

BY THE APPELLANT

- APP1: Bundle of the plans subject of the appeal.
- APP2: Selection of photographs showing existing and expected views of the site
from Viewpoints 10, 16, 17 & 18.
- APP3: Natural England's response to the planning application.
- APP4: Comments on the effect on the hedgerow along Farm Lane
(dated 18 July 2023).
- APP5: Comments on Cllr Horwood's submissions (dated 3 August 2023).
- APP6: Comments on Natural England's response (dated 4 August 2023).
- APP7: Signed Unilateral Undertaking dated 10 August 2023.
- APP8: Comments on Local Planning Authority's email of 16 August 2023
(dated 24 August 2023).

BY THE LOCAL PLANNING AUTHORITY:

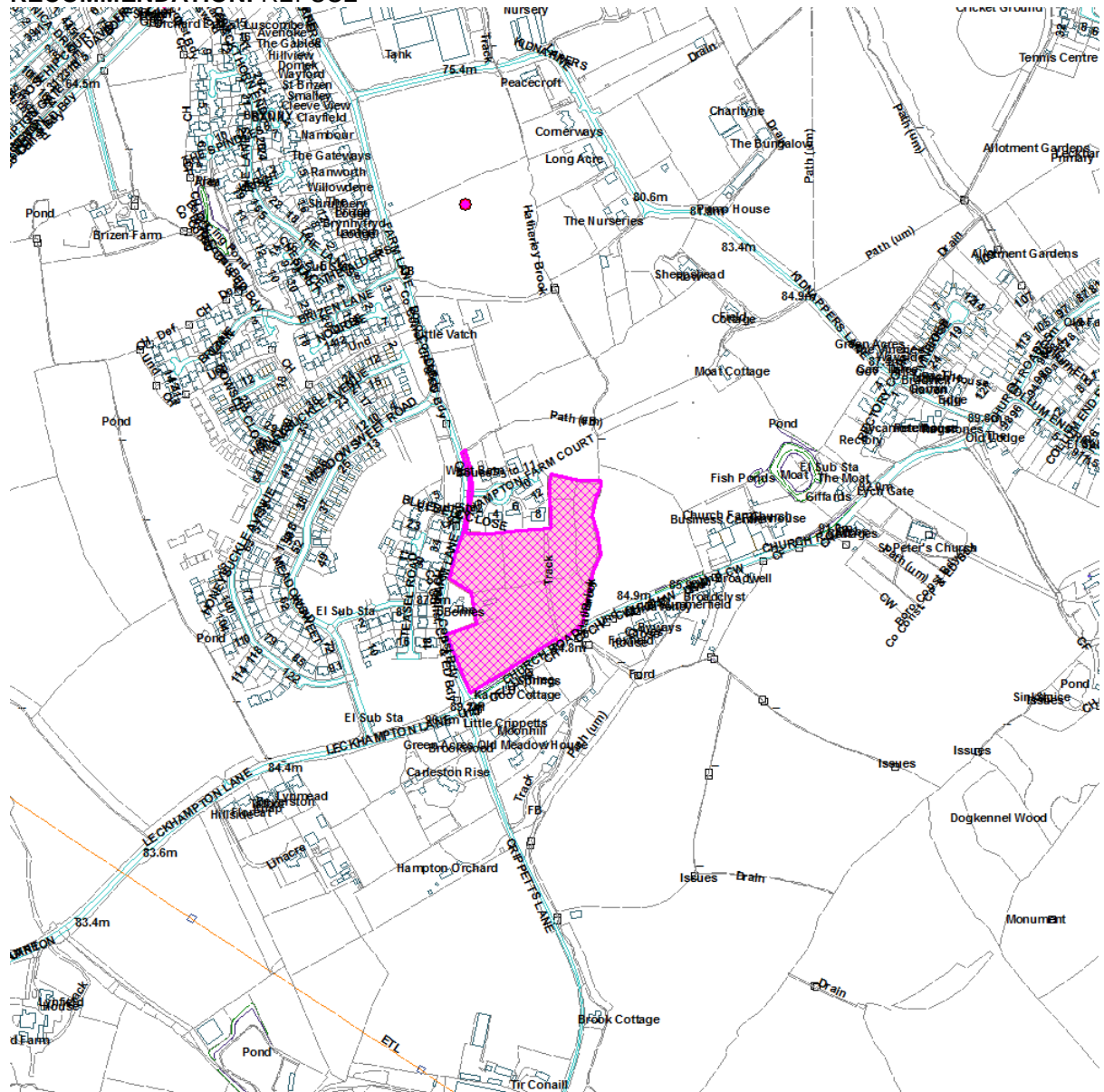
- LPA1: Statement of Case by Ewan Wright.
- LPA2: The Secretary of State decision (dated 5 May 2016) and the associated report from the Planning Inspector for appeal APP/B1605/W/14/3001717 at Kidnappers Lane, Leckhampton.
- LPA3: Judgement of *Stroud District Council v SSCLG & Gladman Developments Limited [2015] EWHC 488 (Admin)*.
- LPA4: *Cotswold Beechwoods SAC Recreation Mitigation Strategy*.
- LPA5: Comments on the draft Unilateral Undertaking concerning SAC payments (dated 16 August 2023).

BY OTHER PARTIES

- OP1: Statement by Dr Adrian Mears CBE.
- OP2: Comments from Cllr Horwood (dated 18 July 2023).
- OP3: Comments from Natural England concerning the Cotswold Beechwoods
(dated 19 July 2023).

Delegated Officer Report

APPLICATION NO: 21/02750/FUL	OFFICER: Mrs Emma Pickernell
DATE REGISTERED: 14th December 2021	DATE OF EXPIRY: 15th March 2022
DATE VALIDATED: 14th December 2021	DATE OF SITE VISIT:
WARD: Leckhampton	PARISH: Leckhampton With Warden Hill
APPLICANT:	Redrow Homes Ltd
AGENT:	Black Box Planning
LOCATION:	Land Adjoining Leckhampton Farm Court Farm Lane Leckhampton
PROPOSAL:	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, landscaping, orchard planting and children's play space; surface water attenuation and other associated works

RECOMMENDATION: REFUSE

1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site is an irregular shaped parcel of land of some 2.84 hectares located to the east of Farm land the north of Church Road. The site is located adjacent to the administrative boundary between Tewkesbury Borough Council (TBC) and Cheltenham Borough Council (CBC). To the west of the site, within TBC land, is the Brizen View development which is nearing completion. To the north of the application site is a cul-de-sac; Leckhampton Farm Court, which comprises a small number of dwellings, the majority of which are detached and some of which are grade II listed. Beyond this is the new Secondary School. On the east side of Farm Lane immediately adjacent to the application site is The Berries, a detached dwelling.
- 1.2 The site itself is free of buildings apart from a derelict agricultural buildings towards the west of the site. The site is covered by a TPO and is occupied by numerous orchard trees. The Hatherley Brook runs along the eastern boundary of the site. To the south of the site is Church Road which forms the edge of the Cotswold Area of Outstanding Natural Beauty and of the Green Belt. To the north-west and west of the site is land which is allocated as Local Green Space.
- 1.3 Planning permission is sought for the erection of 30 dwellings. These would be accessed from Church Road where a gated access exists, albeit overgrown. A central road would lead into the site with a small spur to the east serving two detached dwellings. Three spurs lead to the west which would serve a total of 11 detached dwellings. The road continues towards the north eastern part of the site which provides a mixture of detached, semi detached, terraced dwellings and flats, including 12 affordable dwellings. In total the scheme would provide 12 affordable dwellings and 18 open market dwellings.
- 1.4 The scheme includes a play area towards the south western corner of the site, suds attenuation ponds distributed through the site and areas of open space.
- 1.5 The house types proposed are similar to those within the Redrow element of the Brizen Park scheme. The material palette comprises red brick and render elevations with slate grey forticrete roof tiles.
- 1.6 Cllrs Nelson and Horwood originally requested a committee decision on this application, however they have since confirmed that in the event of a recommendation of refusal they would not wish the application to be determined at committee.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

250 Metre Land Fill Boundary
Land Allocated for Mixed Use
Airport Safeguarding over 45m
Indicative Area for Secondary School
Tree Preservation Order

Relevant Planning History:

20/02233/PREAPP 16th July 2021 CLO
Erection of 42 new dwellings

3. POLICIES AND GUIDANCE

National Planning Policy Framework

Section 2 Achieving sustainable development
Section 4 Decision-making
Section 5 Delivering a sufficient supply of homes

Section 8 Promoting healthy and safe communities
Section 9 Promoting sustainable transport
Section 11 Making effective use of land
Section 12 Achieving well-designed places
Section 13 Protecting Green Belt land
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
BG1 Cotswold Beechwoods Special Area Of Conservation Recreation Pressure
SL1 Safe and Sustainable Living
GI1 Local Green Space
GI2 Protection and replacement of trees
GI3 Trees and Development
CI2 Sports and open space provision in new residential development

Adopted Joint Core Strategy Policies

SP1 The Need for New Development
SP2 Distribution of New Development
SD3 Sustainable Design and Construction
SD4 Design Requirements
SD5 Green Belt
SD6 Landscape
SD7 The Cotswolds Area of Outstanding Natural Beauty
SD8 Historic Environment
SD9 Biodiversity and Geodiversity
SD10 Residential Development
SD11 Housing Mix and Standards
SD12 Affordable Housing
SD14 Health and Environmental Quality
INF1 Transport Network
INF2 Flood Risk Management
INF3 Green Infrastructure
INF7 Developer contributions

Supplementary Planning Guidance/Documents

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

4. CONSULTATIONS

GCC Local Flood Authority (LLFA)

10th January 2022 - I refer to the notice received by the Lead Local Flood Authority (LLFA) requesting comments on the above proposal. The LLFA is a statutory consultee for surface water flood risk and management and has made the following observations and recommendation

Flood Risk

The Flood Risk Assessment and Drainage Strategy (M43174-JNP-XX-XX-RP-C-1001; December 2021) shows that the majority of the site is in flood zone 1 with only a small strip of land on the eastern boundary where the Hatherley Brook is, shown to be in flood zone 2 or 3.

This same area of land is also the only part of the site shown to be at risk of flooding from surface water according to the Risk of Flooding from Surface Water map.

Surface water management

Discharge strategy

Infiltration tests have shown that infiltration not be a suitable option for managing surface water.

Instead, the proposal is to have two outfalls discharging into the Hatherley Brook, which is in line with the discharge hierarchy.

Discharge rates

Surface water will be discharged from the site at a controlled rate of 2.7 l/s, approximately equal to the greenfield runoff rate for QBar. This serves as the runoff volume control as well.

Drainage strategy and indicative plan

A number of Sustainable Drainage Systems (SuDS) will be used including permeable paving, underground attenuation tanks and attenuation basins. It has been shown that the drainage will function without flooding in rainfall events up to and including the 1 in 100 year rainfall event plus climate change.

The attenuation basins will be constructed to have 1 in 3 side slopes, in accordance with the CIRIA SuDS Manual (C753). This will aid maintenance as well as entrance and exit of the basins. They, along with the permeable paving, will provide some management of water quality and could provide some amenity and biodiversity benefits to the development.

A maintenance schedule has been provided as well as potential management arrangements.

This should be determined prior to the occupation of the site, which can be ensured through the use of a condition.

Climate Change

The effects of climate change has been incorporated into the design of the drainage by simulating an increase in peak rainfall intensity of 40%, in line with the latest guidance from the Environment Agency.

Exceedance flow plan

A flow route plan has been provided for events that exceed the design of the drainage where surface water develops on site. This shows that water will flow across and off site following the contours of the highways.

LLFA Recommendation

The LLFA has no objections to the proposal, subject to the following condition to determine the maintenance and management arrangements for the drainage.

Condition: No development shall be brought in to use/occupied until a SuDS management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime, has been submitted to and approved in writing by the Local Planning Authority. The approved SUDS maintenance plan shall be implemented in full in accordance with the agreed terms and conditions.

Reason: To ensure the continued operation and maintenance of drainage features serving the site and avoid flooding.

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

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

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

7th September 2022

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

The Flood Risk Assessment has been updated to reflect the change in layout and the LLFA still recommends a condition for a maintenance and management plan for the surface water drainage.

Since the LLFAs previous response a nearby resident has provided photos of surface water accumulating on the site at the location of dwellings 21 and 22. To ensure this is sufficiently dealt with, without putting these properties at risk or displacing the water and causing a nuisance to the properties north of the site on Leckhampton Farm Court, it is recommended that a more detailed plan is provided of this northern boundary with an explanation of how surface water will be prevented from accumulating here. It is recommended that this is provided prior to approval as it could affect the layout of the site or the drainage strategy.

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

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

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

15th October 2022

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

Following the evidence of surface water accumulating along the northern boundary of the site, a detailed plan of the ground level along this boundary should be provided along with a detailed design of the surface water drainage. This should demonstrate that water will not accumulate along this border post development or be displaced onto neighbouring properties.

LLFA Recommendation

Condition:

No development shall commence on site until a detailed Sustainable Drainage System (SuDS) Strategy document has been submitted to and approved in writing by the Local Planning Authority, this should be in accordance with the proposal set out in the approved submission (Surface Water Drainage Strategy; M43174-JNP-92-XX-DR-C-1002-P07). The SuDS Strategy must include a detailed design of the surface water drainage as well as proposed site levels along the border to Leckhampton Farm Court properties to ensure surface water will not accumulate in this region. The SuDS Strategy must also demonstrate the technical feasibility/viability of the drainage system through the use of SuDS to manage the flood risk to the site and elsewhere and the measures taken to manage the water quality for the life time of the development. The approved scheme for the surface water drainage shall be implemented in accordance with the approved details before the development is first put in to use/occupied.

Reason: To ensure the development is provided with a satisfactory means of drainage and thereby preventing the risk of flooding. It is important that these details are agreed prior to the commencement of development as any works on site could have implications for drainage, flood risk and water quality in the locality.

Condition:

No development shall be brought in to use/occupied until a SuDS management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime, has been submitted to and approved in writing by the Local Planning Authority. The approved SUDS maintenance plan shall be implemented in full in accordance with the agreed terms and conditions.

Reason: To ensure the continued operation and maintenance of drainage features serving the site and avoid flooding

NOTE 1 :

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

NOTE 2 :

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

NOTE 3:

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

GCC Highways Planning Liaison Officer

27th April 2022

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.

The proposal seeks planning permission for a 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, landscaping, orchard planting and children's play space; surface water attenuation and other associated works at Land Adjoining Leckhampton Farm Court Farm Lane Leckhampton Cheltenham Gloucestershire. A Transport Assessment has been prepared PFA Consulting in support of the application.

The Highway Authority has considered potential works towards surface level improvements for Farm Lane, however seeking such a level of mitigation would prove unreasonable in reflection of the scale of the present proposal and the predicted impact on the surrounding highway network.

Site Access

The proposed access arrangements are considered suitable in reflection of the outputs of an ATC survey carried out at the frontage of the site. The resulting visibility splays of 2.4m x 60m either side of the edge of the carriageway based on Manual for Streets parameters for Stopping Sight Distance as set out in the Manual for Streets 2 for 85th percentile speeds of 38.9mph (62.6kph) eastbound and 38.6mph (62.1kph) westbound are considered appropriate and achievable within public highway.

Internal Layout

The proposed streets within the proposal create a low-speed environment which includes measures to prioritise walking and cycling movements. Road 1 and 2 require turning heads, which can be addressed at a later stage. Car and bicycle parking provision is agreed including electric vehicle provisions, but some refinement of details on these points is required so conditions are proposed to address this. No Road Safety Audit has been presented at point, but it will need to be submitted at a later stage which could influence some alterations to the development design.

Off-site Highway Works

The proposed off-site highway works encompass the construction of a footway on the east side of Farm Lane between the site and the existing footway to the north, to encourage pedestrian connectivity to the future High School Leckhampton, bus stops along the A46 Shurdington Rd and additional services and facilities within walking distance to the site.

Overall, the proposal is considered to be acceptable and proposes suitable mitigation through offsite improvements. On this basis, the Highway Authority would not wish to object subject to conditions be attached to any permission granted. 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

Highway improvements

The Development hereby approved shall not be occupied until the highway improvements works comprising of Pedestrian Link along Farm Lane as shown on drawing R406/06. Have been constructed and completed.

Reason: To ensure the safe and free flow of traffic onto the highway.

Completion of Vehicular Access – Shown on the approved plans

The development hereby approved shall not be occupied until the means of access for vehicles, pedestrians and cyclists have been constructed and completed as shown on drawing R406/05.

Reason: In the interest of highway safety.

Bicycle Parking

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

Reason: To promote sustainable travel and healthy communities.

Electric Vehicle Charging Points (Residential)

Before first occupation, each dwelling hereby approved shall have been fitted with an Electric Vehicle Charging Point (EVCP) that complies with a technical charging performance specification, as agreed in writing by the local planning authority. Each EVCP shall be installed and available for use in accordance with the agreed specification unless replaced or upgraded to an equal or higher specification.

Reason: To promote sustainable travel and healthy communities.

Construction Management Plan

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

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

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

Provision for street tree planting

No works or development shall take place until full details of all proposed street tree planting, root protection systems, future management plan, and the proposed times of planting, have been approved in writing by the local planning authority, and all tree planting shall be carried out in accordance with those details and at those times.

Reason: To ensure the continued wellbeing of the trees in the interests of the amenity and environmental quality of the locality.

Informatives

Works on the Public Highway

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

Contact the Highway Authority's Legal Agreements Development Management

Team at highwaylegalagreements@gloucestershire.gov.uk allowing sufficient time for the preparation and signing of the Agreement. You will be required to pay fees to cover the Councils costs in undertaking the following actions:

Drafting the Agreement

A Monitoring Fee

Approving the highway details

Inspecting the highway works

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

Highway to be adopted

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

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

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

You should enter into discussions with statutory undertakers as soon as possible to co-ordinate the laying of services under any new highways to be adopted by the Highway Authority.

The Highway Authority's technical approval inspection fees must be paid before any drawings will be considered and approved. Once technical approval has been granted a Highway Agreement under Section 38 of the Highways Act 1980 must be completed and the bond secured.

Street Trees

All new streets must be tree lines as required in the National Planning Policy Framework. All proposed street trees must be suitable for transport corridors as defined by Trees and Design Action Group (TDAG). Details should be provided of what management systems are to be included, this includes root protections, watering and ongoing management. Street trees are likely to be subject to a commuted sum.

Impact on the highway network during construction

The development hereby approved and any associated highway works required, is likely to impact on the operation of the highway network during its construction (and any demolition required). You are advised to contact the Highway Authorities Network Management Team at Network&TrafficManagement@gloucestershire.gov.uk before undertaking any work, to discuss any temporary traffic management measures required, such as footway, Public Right of Way, carriageway closures or temporary parking restrictions a minimum of eight weeks prior to any activity on site to enable Temporary Traffic Regulation Orders to be prepared and a programme of Temporary Traffic Management measures to be agreed.

Protection of Visibility Splays

The applicant's attention is drawn to the need to ensure that the provision of the visibility splay(s) required by this consent is safeguarded in any sale of the application site or part(s) thereof.

Construction Management Plan (CMP)

It is expected that contractors are registered with the Considerate Constructors scheme and comply with the code of conduct in full, but particularly reference is made to "respecting the community" this says:

Constructors should give utmost consideration to their impact on neighbours and the Public Informing, respecting and showing courtesy to those affected by the work; Minimising the impact of deliveries, parking and work on the public highway; Contributing to and supporting the local community and economy; and Working to create a positive and enduring impression, and promoting the Code.

The CEMP should clearly identify how the principle contractor will engage with the local community; this should be tailored to local circumstances. Contractors should also confirm how they will manage any local concerns and complaints and provide an agreed Service Level Agreement for responding to said issues.

Contractors should ensure that courtesy boards are provided and information shared with the local community relating to the timing of operations and contact details for the site coordinator in the event of any difficulties. This does not offer any relief to obligations under existing Legislation.

No Drainage to Discharge to Highway

Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway.

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

Tree Officer

11th January 2022

The CBC Tree section maintains it's significant concerns regarding the proposed development at this location.

Whilst it is much appreciated that the latest proposal involves the retention of all the mature pear trees and much other vegetation on site would be retained as a part of green open space, it is considered that even with recommended "buffer/barrier" planting within the orchard and adjacent to other retained pears, their future prospect would rely on the such planting succeeding and being effective and deterring human interaction. In several instances where development is adjacent, such a protection form would not be feasible. Many/most of these old pear trees are in a highly vulnerable structural condition. There are many cavities, cracks, seams etc within their trunks. Experience has shown that development and future occupancy pressure could likely to contribute to an accelerated structural and biological decline (not to mention the risk posed to adjacent people and property as a result of their retention).

The whole of G3 has been regarded as "a "veteran group" as well as 7 other individual pear trees. This gives these trees special status as mentioned in NPPF para 180C "development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists". Whilst this area has been left as open space a pedestrian footpath is proposed to be created within the Root Protection Area of 2 veteran trees.

Other trees, not formally recognised as "veteran" are to become built up adjacent by roads, dwellings etc. It is not considered that these trees would likely survive new pressures in the longer term should this proposal proceed.

Whilst there has been reference to a landscape strategy, there are few details and insufficient attention has been given as to how these fragile trees could be protected in the longer term (ie following occupation of the dwellings).

The "woodland" adjacent to the stream banks has not been thoroughly addressed. Whilst some thinning works are proposed, the presence of such a watercourse and adjacent trees would require a bespoke short, medium and long term management plan so as to ensure the area is retained in an acceptably safe condition as well as to continue to provide arboricultural amenity.

16th September 2022

The Aug 2022 Tree Protection and Management Plan (heads of Terms Supporting Information) is a well thought out and detailed document. It describes in broad terms conditions which would be further developed as a part of any Tree Protection Plan, Method Statement and Management Plan set of conditions which could be attached to any Planning permission.

It contains many thoughtful ideas to enhance the perceived value of trees such as benches for sitting in high profile areas, interpretative boards explaining the on-site natural heritage, visually smart barriers to help protect trees in high profile locations etc.

The Heads of Terms for the Management Plans for the orchard and veteran trees are appropriate, but any detailed Management Plan must take advice from a suitably qualified and experienced Veteran Tree and Orchard specialist.

It is noted that the main body of the orchard (G3) is initially marked as being composed as a Veteran Tree Group but the later submitted Raven veteran tree assessment excludes this group and specifically nominates 7 trees as veterans. These trees have all been given appropriate "buffer zoning" excluding development and the Management Plan alludes to buffer planting to exclude human interaction with these very delicate and valuable trees.

Whilst such human exclusion measures can be put in place in line with formally approved documentation, enforcement of such planting retention can be difficult in several years time as 30 families settle into the estate and children and dog walkers etc want to use these apparent leisure/open spaces. The overwhelming majority of the existing pear trees are in a very vulnerable (to human interaction) condition. Attention of vandals and children wanting to climb, dog wee etc will be harmful to their condition. It is vital that deterrent planting and other landscaping to make the area into a permanent exclusion zone, is successful. It is noted that there is a large new housing estate on the other side of Farm Lane. It is anticipated that there will likely be significant interaction between this proposed small estate and the much larger estate to the west. The proposed hoggin path through the orchard from the proposed development to Farm Lane will help facilitate this and could introduce significant extra pedestrian traffic and the associated pressures. The creation of this path needs to be undertaken by hand and under strict arboricultural supervision.

Indeed implementation of any planning permission must be under the regular and close observation of suitably qualified and experienced arboriculturist.

It is pleasing to note that advice would be taken from the Glos Orchard Group regarding the planting of new traditional Gloucestershire/regional fruit species. It is noted that there are no self-sown apple/pear trees regenerating naturally from existing pears. Such a planting scheme may be the only way to secure longevity of the area to grow old/traditional species. It is noted that there is to be proposed planting between the site and 8 Leckhampton farm Court. Special consideration of this needs to take place as there is (apparently) significant standing water in the area for long periods of time especially during winter months.

Appropriate species should be selected which should not only tolerate such standing water for long periods, but the standing water may also reflect the presence of heavy clay.

Any/all tree planting and indeed foundation detail must take account of this so that no claims of root related subsidence are claimed as new trees grow.

It is noted that the proposed foul sewer avoids all trees of significant value.

It is noted that Trees 13 + 14 and to a lesser extent 16 are to be on the side of the proposed access into the site. Realistically, it is not thought it appropriate to retain such trees in such a location due to understandable safety concerns. The trees have been described as being in "fair" and "poor/fair" condition-ie they are delicate and could be prone

to total or partial collapse. To introduce a new access road immediately adjacent to the canopy and have the pedestrian walkway under the canopy will likely lead to unwelcome calls for heavy pruning/removal. It is recommended that the proposed access route is reconsidered so that it is completely away from the crowns and root protection areas of all trees BS 5837 (2012) Category A + B trees. It may be preferable to remove T13 and move the access route away from T's 14 + 16 so as to decrease potential impact. Whilst it would be regrettable to remove T13, on site observations note its much reduced vitality and it is unlikely that such a vulnerable tree would survive any adjacent development.

It is also noted that veteran tree T7 is somewhat separated by an access road from the adjacent orchard. Traditional road construction practices will likely significantly damage/destroy underground mycelial networks which in this instance of veteran trees are likely to be very old and highly developed. This road construction type should be modified or moved so as to have a negligible impact on underground rooting and mycelial activity. Appropriate robust protection during the course of construction should be installed prior to any construction which should protect the underground links between this tree and other trees within the larger G3 group. Barrier planting and new old variety fruit/pear planting should take place adjacent.

Should development be permitted, please could a tree pruning proposal be conditioned. The trees outside the orchard are not currently subject to a Tree Preservation Order. Should permission be permitted, it is intended that all suitable trees will be placed under such protection.

Contaminated Land Officer

6th September 2022

Contaminated land:

Historic maps show part of the site as being historic landfill as well as areas of the site being recorded as potentially contaminated due to historic use, this is most likely due to the previous use of the site being farm land and an orchard.

As a result, a full and intrusive site survey would need to be undertaken prior to the build commencing. This is due to our records showing landfill at this site and the potential of contamination. As the application is for residential units with gardens, the survey is to check on the extent of any possible contamination and the extent of any remedial work which may need to be undertaken to ensure the safety of future receptors. The contaminated land survey will need to be made available to this department for review and we may at that stage put forward further conditions to ensure recommendations from the survey are adhered to which would mitigate the transfer of any known contamination on human receptors.

Severn Trent Water Ltd

21st December 2021

Thank you for the opportunity to comment on this planning application. Please find our response noted below:

With Reference to the above planning application the company's observations regarding sewerage are as follows.

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

- o The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority, and
- o The scheme shall be implemented in accordance with the approved details before the development is first brought into use. This is to ensure that the development is provided

with a satisfactory means of drainage as well as to prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution.

Social Housing

21st January 2022

Comment available to view in documents tab.

2nd November 2022

Comment available to view in documents tab.

Summary of comments:

Following on from this Officer's previous comments dated 21/01/2022, the proposed quantum, affordable housing mix and affordable housing tenures proposed are both acceptable to this officer and consistent with the Council's policy position, as found within JCS Policy SD12: Affordable Housing. Notwithstanding this point, as set out below, the proposed location and distribution of the affordable housing element of this scheme falls significantly short of meeting JCS Policy SD12: Affordable Housing in terms of evenly distribution affordable housing throughout the development scheme. The proposed affordable housing provision (Plots 14-17 & 23-30) are confined exclusively to the right side of the scheme, which cannot be described as "seamlessly distributed" throughout the development scheme as per JCS Policy SD12: Affordable Housing. Thus, whilst the affordable housing mix and tenure are acceptable, this officer objects to proposed distribution of the affordable housing units. This officer is opening to work with the applicant to find a reasonable solution to this issue.

Public Rights Of Way Department – Gloucestershire County Council

22nd December 2021

This planning application has been forwarded for the attention of the Area Public Rights of Way Officer for further investigation. They may respond in further detail.

Unless the Officer has responded in full, the following must be strictly observed: -

1) No change to the surface of the public right of way can be approved without consultation with the County Council and there must be no interference with the public right of way, either during development or once it has been completed, unless:-

a) The development will temporarily affect the public right of way; then the developer must apply and pay for a temporary closure of the route to us in Public Rights of Way (preferably providing a suitable alternative route); if any utilities are going to cross or run along a PROW then a section 50 license needs be sought and granted - via GCC Streetworks department. Information regarding section 50 Licenses and an application form can be found at: <https://www.gloucestershire.gov.uk/highways/highways-licences-permits-and-permissions/>

b) If the development will permanently affect the public right of way, then the developer must apply for a diversion of the route by the Planning Authority under the Town and Country Planning Act 1990 as part of the planning application process. No development should take place affecting the route of the path prior to the confirmation of a TCPA path diversion order.

2) Additionally:-

a) There must be no encroachment on the width of the public right of way.

b) No building materials may be stored on the public right of way.

c) Vehicle movements during construction should not unreasonably interfere with the use of the public right of way by walkers, etc., and the developer or applicant is responsible for safeguarding the public use of the way at all times.

d) No additional temporary or permanent barriers (e.g. gates, stiles, wildlife fencing) may be placed across the public right of way and no additional gradients or structures (e.g. steps or bridges) are to be introduced on any existing or proposed public rights of way without the consent of the county council.

It is important to note the Definitive Map is a minimum record of public rights of way and does not preclude the possibility that public rights exist which have not been recorded or that higher rights exist on routes shown as public footpaths and bridleways.

2nd September 2022

Good afternoon,

We have not previously been consulted on this application, whilst we have no objections, the wording within the design and access statement appears misleading on page 12, under the heading 'Pedestrian and Cycle Access' - which then goes on to state 'There is a Public Right of Way to the east of the site which provides access to various village facilities including playing fields and beautiful country walks', which is in reference to Public Right of Way CHL 14, please note this is a footpath limited to the use by foot and not by cyclists.

Please Note:

1) No change to the surface of the public right of way can be approved without consultation with the County Council and there must be no interference with the public right of way, either during development or once it has been completed, unless:-

a) The development will temporarily affect the public right of way; then the developer must apply and pay for a temporary closure of the route to us in Public Rights of Way (preferably providing a suitable alternative route); if any utilities are going to cross or run along a PROW then a section 50 license needs to be sought and granted - via GCC Streetworks department. Information regarding section 50 Licenses and an application form can be found at: <https://www.gloucestershire.gov.uk/highways/highways-licences-permits-and-permissions/>

b) If the development will permanently affect the public right of way, then the developer must apply for a diversion of the route by the Planning Authority under the Town and Country Planning Act 1990 as part of the planning application process. No development should take place affecting the route of the path prior to the confirmation of a TCPA path diversion order.

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c) Vehicle movements during construction should not unreasonably interfere with the use of the public right of way by walkers, etc., and the developer or applicant is responsible for safeguarding the public use of the way at all times.

d) No additional temporary or permanent barriers (e.g. gates, stiles, wildlife fencing) may be placed across the public right of way and no additional gradients or structures (e.g. steps or bridges) are to be introduced on any existing or proposed public rights of way without the consent of the county council.

It is important to note the Definitive Map is a minimum record of public rights of way and does not preclude the possibility that public rights exist which have not been recorded or that higher rights exist on routes shown as public footpaths and bridleways.

GCC Community Infrastructure Team

21st January 2022

comment available to view in documents tab.

Historic England

10th January 2022

Thank you for your letter of 15 December 2021 regarding the above application for planning permission. On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

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

County Archaeology

6th January 2022

Thank you for consulting the archaeology department on this application.

The county Historic Environment Record informs that the proposed development site does not contain any known heritage assets. A Scheduled Monument lies approx. 190m to the east of the site which is a medieval moated site with fishponds. Just to the south is the possible site of a medieval deer park, mapped from aerial photography and marked on the 1835 tithe map as "Lower Park" which is immediately west of the Grade II* manor house known as Leckhampton Court (NHLE no. 7606) where further earthworks and ditches may relate to medieval settlement.

There has been a large number of archaeological investigations surrounding the site which the Desk Based Assessment submitted with the application provides further detail on but includes Neolithic to early Bronze Age flint scatters, an early Bronze Age enclosure and possible cremation and late Iron Age/Romano-British settlement and enclosures. Based on these investigations the assessment considers there to be a moderate potential for the site to contain archaeological remains from the prehistoric to Roman periods.

I consider there to be a relatively high potential for archaeological remains to be present within the proposed development site, based on the extent of recorded remains from nearby investigations. The extent of such remains and relative significance however has not been established. I therefore recommend that further archaeological investigations in the form of evaluation through geophysical survey and trial trench excavation needs to be carried out before I am able to advise further on the significance of heritage assets with archaeological interest that may be impacted by the proposals. This is in line with the policies as set out in the National Planning Policy Framework.

Due to the nearby Scheduled Monument I also recommend that the views of Historic England is sought so they can advise on the impact of the development on the setting of designated heritage assets.

I will be happy to advise further once I am in receipt of this additional information.

30th March 2022

Further to my previous advice on this application, the applicant's archaeological consultant has issued a statement outlining the vegetative and ecological constraints within the site which will limit the accessible areas for archaeological evaluation. For this reason I advise that the archaeological investigation work and any subsequent mitigation can be made a condition of planning permission. To facilitate the archaeological work I recommend that a condition based on model condition 55 from Appendix A of Circular 11/95 is attached to any planning permission which may be given for this development, ie;

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

Reason: It is important to agree a programme of archaeological work in advance of the commencement of development, so as to make provision for the investigation and recording of any archaeological remains that may be destroyed by ground works required for the scheme. The archaeological programme will advance understanding of any heritage assets which will be lost, in accordance with paragraph 205 of the National Planning Policy Framework

I have no further observations.

9th September 2022

Thank you for consulting the archaeology department on the additional details submitted with the application. I can advise that I have no further comments to make from those made previously, for a programme of archaeological investigation to be made a condition of planning approval.

Natural England

20th July 2022

Thank you for consulting NE. This proposal is:

o in the 15.4km recreational Zone of Influence of the Cotswold Beechwoods SAC

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

It is Natural England's advice that the proposal is not directly connected with or necessary for the management of the European site. Your authority should therefore determine whether the proposal is likely to have a significant effect on any European site, proceeding to the Appropriate Assessment stage where significant effects cannot be ruled out.

Please reconsult NE when the Habitat Regulations Assessment has been completed. We will respond to the consultation in full at this stage. NE will not be checking the LPA's website for updates. Re-consultation is therefore necessary to reactive this case with NE. Please note that our statutory response period for proposals effecting SSSI's (including European sites) is 28 days, therefore a 28 day deadline will apply on receipt of the consultation.

13th September 2022

Comment available to view in documents tab.

Environment Agency

16th September 2022

Letter available to view in documents tab.

Architects Panel

6th January 2022

Design Concept

The panel had no objection to the principle of this residential development and welcomed the design approach which "takes its lead from the established green infrastructure, ensuring that it remains part of the fabric of the proposal and the dominant feature of the site". The density of the development is relatively low compared to adjoining development sites which ensures an attractive landscape proposal and quality amenity spaces are provided.

However, the panel questioned the access road layout which appears to anticipate applications in the future for further denser developments. This should be avoided. Earlier scheme site plans included in the D&A statement offered a more appropriate access road layout.

Design Detail

The design of individual dwellings follow Redrow house design types that are tried and tested and as part of the overall site layout are acceptable. However, the panel was particularly concerned that the applicants were not adequately addressing sustainability issues. The D&A statement plays lip service to the issue and does not offer an effective sustainability strategy.

In 2019, Cheltenham Borough Council declared a climate emergency, this was followed by a pledge of Carbon Neutrality by 2030 and backed up by the Carbon Neutral Cheltenham: Leadership Through Stewardship report [referred to as CNC]. Developments of this scale must look to provide renewable energy from sustainable sources to meet the Council targets. It is primarily due to the lack of a convincing sustainable design strategy that the panel concluded this scheme could not be supported.

Recommendation

Not Supported

Gloucestershire Centre For Environmental Records

6th January 2022

Report in documents tab

John Mills Cotswold Conservation Board

20th January 2022

Comment available to view in documents tab.

In summary the comment requests additional information and objects to the proposal.

18th October 2022

Letter available to view in documents tab.

In summary the comment states that original concerns have not been addressed and maintains objection to the proposal.

CBC Waste Team

17th December 2021

- 1 Pathway Pathways need to be of hard standing
- 2 Bins Locations If private dwellings residents would need to be informed that due the ownership would be for them to present on the kerbside for 7am on the morning of collection unless communal properties.
- 3 Road Layout Ideally off road parking is advisable with a space for refuse and recycling trucks that is to be kept free on collection days. Ideally on the highway a turning circle is recommended. The road will need to with stand 26 tonnes and until the road is finished Ubico and CBC can not be held responsible for any damage. If access is not permitted whilst the road is still being finished then all properties would need to present at the nearest adopted highway on collection day
- 4 Presentation Points (if single dwellings) The properties would need a position near the kerbside to present bins, boxes, caddy's and blue bags that would avoid blocking access to the pathway or driveways.
- 5 Storage of bin and boxes for single dwellings Property's need adequate space to store bins and boxes off the public highway when not out for presentation
- 6 Communal If any of the property's are to be communal then a bin shed will need to be planned. The bin shed needs to be of adequate size to house all the receptacles needed for the occupancy. Ideally the bin shed should be no further than 30 metres away from the adopted highway as per the planning guidance document, and the pathway leading to the bin shed must be of hard standing

Building Control

17th December 2021

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

Parish Council

17th January 2022

Response on CF5 application v06 17Jan.doc.pdf see in documents tab.

9th September 2022

The Parish Council maintains its strong objection to this proposal. There have been very few revisions at all by the applicant that answer the concerns in our previous submission. As well as this further response, we are also now able to submit the professional Landscape Character Assessment Update and evaluation of Landscape Value just completed by Lepus Consulting following 2021 Landscape Institute published guidance on the assessment of landscape value for areas lying outside national landscape designations. The assessment study area includes the Local Green Space but also the application site. We previously raised specific concerns many of which have been supported or reinforced since our response by other evidence including the Lepus study:

1. Immediate proximity to the AONB and impact on the view from Leckhampton Hill and the valued landscape

We are pleased that the expert Landscape and Visual Matters report by Stuart Ryder recommends refusal and that the Cotswold Conservation Board also object to this application which they point out is "directly adjacent" to the AONB boundary and visible from "multiple viewpoints within the AONB" including the iconic view from the Devil's Chimney.

The applicant, by contrast, repeatedly and obviously wrongly seeks to present the landscape as urban - their revised Design & Access Statement says that the existing Redrow development "Brizen View, a new residential development currently under construction, announces the arrival into a more urban environment. The site lies just after

this transition, on Church Road” (Revised Design & Access Statement p6). We reject this obviously spurious argument and agree with the Board that the application “downplays the potential adverse landscape and visual impacts on the Cotswolds AONB”.

The applicant also repeatedly presents the new High School Leckhampton site as effectively urban development, ignoring the fact that it will be very largely green playing fields.

We agree with the Board’s view that this site is in exactly the kind of AONB setting to which Paragraph 176 of the NPPF applies and that “the potential impact of the proposal on the Cotswolds National Landscape has not been adequately assessed”. We see no modifications by the applicant that address this concern. The board requested further information to allow them to fully assess any potential adverse impact of the proposal, particularly in views to and from the Cotswold escarpment, which are one of the ‘special qualities’ of the Cotswolds National Landscape, those being the features of the AONB that makes the area so outstanding that it is in the nation’s interest to safeguard it.”

We pointed out in our earlier submission the applicant themselves admitted “adverse” effects and note that Stuart Ryder confirms that “the overall visual effects on views from the National Landscape are considered as Minor, Adverse at Year 1 and Year 15 – Applicant LVIA (page 76). This is recognising that there is no conserving or enhancement of the quality of the views” in contravention of NPPF paragraph 176 and Cheltenham Policy L1.

Even the photomontages the applicant has now supplied in response to the Board’s request - although they use very wide angles which minimise visibility and magically blend the proposed development into the landscape quite differently to Redrow’s real development next door - actually demonstrate this adverse impact by showing how prominent this concentrated development will be in the immediate foreground of iconic views from the Devil’s Chimney and the Cotswold Way (viewpoint 17).

We agree with the Board’s reminder that Mr Justice Ouseley’s 2015 judgement in the High Court clarifies that “harm 1 to land outside the designated AONB, for example views of new development in the context or backdrop of the AONB” is a “separate material consideration” and their citation of Policy SD7 of the JCS which requires development proposals within the setting of the AONB to conserve and, where appropriate enhance its landscape and to be consistent with the AONB Management Plan 2018-23, in which Policy CE1 addresses views into and out of the AONB and the need for proposals to reinforce their landscape character.

Cheltenham Plan Policy L1 also applies as explained in paragraph 7.5 which specifies the “need to protect views into and out of acknowledged areas of importance such as.. the AONB”.

It is important to note that the site was assessed as of high visual sensitivity during the JCS process and that since 2 sensitivity was considered to increase with proximity to the AONB at the south of the map (below), it can be assumed that the site (marked) is the most sensitive part of all:

[plan omitted but available to view in documents tab]

The JCS inspector concluded that this was not an area appropriate for development in contrast to the northern fields which were subsequently earmarked for development under Cheltenham policy MD4 .

This view is also reinforced by the Parish Council's own professional Landscape Character Assessment and evaluation of Landscape Value carried out by Lepus Consulting - which we also now submit in evidence. Importantly this new study postdates the Redrow development west of Farm Lane and the new High School Leckhampton which was substantially complete when the study was carried out. It again strongly reinforces this view that this site is part of a highly valued landscape that features (amongst other important qualities):

- "A strong landscape pattern in many parts of the study area, created by the vegetated historic field boundaries;
- A sense of visual unity created by the consistent pattern of grasslands combined with vegetated field boundaries and watercourses;
- Part of the setting to the designated landscape of the Cotswolds Area of Outstanding Natural Beauty (AONB). The study area lies at the footslopes of the escarpment to the Cotswolds Hills, which allows opportunities for views towards and from the ridgeline and to appreciate this geomorphological feature, one of the identified Special Qualities of the Cotswolds AONB.
- The study area has strong visual connectivity with the nationally important landscape and forms part of the transitional landscape between the designation and the suburban edge of Cheltenham"

Viewpoint 11 on p101 of the Lepus report specifically highlights the area of green fields including this application site and describes how "the field parcels and treed character of the study area between Leckhampton Court Farm and Burrows Field create a soft transition between the designated landscape of the Cotswold Hills and the development edge of southern Cheltenham".

They conclude: "This assessment has found the landscape of the study area is highly valuable under the majority of the indicators of landscape value set out in the LI LGN21 Guidelines. This conclusion is supported by numerous other previous assessments of the value and sensitivity of the landscape as well as in the comments from Planning Inspectors made during the preparation of the Local Plans for Cheltenham and the Joint Core Strategy."5

2. Importance in mitigating the impact of the Redrow housing estate west of Farm Lane

The Lepus Landscape Character assessment confirms what is obvious to any lay person from Leckhampton Hill: that the Farm Lane Redrow development is a prominent urban incursion into this valued landscape. But this should not be used as the applicant argues for more urban development, Rather it is a clear reason to protect what remains.

But NPPF paragraph 185 warns against the "cumulative effects" of development on locations, including on the natural environment.

Cheltenham Plan paragraph 185 is equally clear in the context of the AONB: "The council considers it particularly important to protect the scarp as the dominant feature of Cheltenham's setting and is concerned at the cumulative effect of even small-scale development and of development in new locations within the AONB" and then explicitly links this to JCS Policy SD7 and the AONB Management Plan which protect views out of as well as into the AONB.

3. The protected old pear orchard and ecological sensitivity along Hatherley Brook

The applicant has not modified the layout of the proposal at all in response to concerns from both ourselves and the author of the ecological assessment Dr Pimley who notes the very high ecological value of the boundary hedgerows and treelines,, brook and woodland

and the two traditional orchards designated as Priority Habitats and so protected under legislation including the Natural Environment and Rural Communities Act 2006 (NERC Act). Trees on the site include ecologically important mature specimens and 27 with bat roosting potential.

The GCER report lists 24 internationally legally protected species, a further 11 nationally legally protected and priority species and an additional rare and locally important species in the immediate vicinity of the site. This is clearly a site of very high ecological importance.

Gloucestershire Nature Partnership's Natural Capital mapping shows the whole site has importance as a site of 6 significance for biodiversity and woodland habitat connectivity and parts have significance for nature resilience and as part of the locally designated Cotswold Scarp Nature Improvement Area, illustrated in their latest mapping below:

[plan omitted but available to view in documents tab]

The presence of the traditional orchards on site is particularly important. As the UK Biodiversity Action Plan (BAP) guidance made clear it is not just the orchards themselves that have to be protected: "The wildlife of orchard sites 7 depends on the mosaic of habitats they encompass, including fruit trees, scrub, hedgerows, hedgerow trees, non-fruit trees within the orchard, the orchard floor habitats, fallen dead wood and associated features such as ponds and streams." The connectivity between the brookline, shrubs and hedgerows and the orchards are therefore an important part of the ecological value of this site.

The NERC Act contains a statutory duty on every public authority to "have regard.. to the purpose of conserving 8 biodiversity". Traditional orchards are listed as a Habitat of Principal Importance in Section 41 of the Act and the two orchards on this site are clearly marked on Defra's map as shown below, overlaid over an aerial photo and the 9 application site layout:

[plan omitted but available to view in documents tab]

A pathway cuts through the northern orchard while the southern access road and its westward spur road still clearly cut right into the southern orchard. The clear modification of earlier plans to point a truncated road north-west directly towards the northern orchard poses a clear long-term risk to its future. In practice the whole urban-style development - 30 dwellings and families, their cars, roads, pathways and associated noise, light and pollution - will obviously disturb wildlife, disrupt the mosaic of habitats referred to in the BAP guidance, break the connections between the orchards, brooks and hedgerows and cause significant harm to a site of prime ecological importance.

As such the application breaks policy commitments to biodiversity at every level:

- The NPPF's core commitment to promoting the effective use of land in meeting the need for homes, Paragraph 119, makes an explicit exception in footnote 47 where this would "cause harm to designated sites of importance for biodiversity" and paragraph 182 says clearly that the presumption in favour of sustainable development does not apply if there is likely to be "a significant effect on a habitats site".
- NPPF Paragraph 174 says decision-makers should "contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity or geological value" and "providing net gains for biodiversity".
- Policy SD9 of the JCS, also supported by Chapter 10 of the Cheltenham Plan, encourages the "creation, restoration and beneficial management of.. priority habitats and

populations of priority species". It says that "within nationally designated sites, development will not be permitted unless it is necessary for appropriate on-site management measures and proposals can demonstrate that there will be no adverse impacts on the notified special interest features of the site."

- The draft Leckhampton with Warden Hill Neighbourhood Plan which has already been put once to formal Regulation 14 public consultation and so carries weight as emerging policy. This site's role in the valued landscape and a site of biodiversity importance contributes to draft LWH OBJECTIVE 3 ("To protect and enhance local green space, the landscape and support nature conservation through improvements to habitats") and draft Policy LWH4 Green Infrastructure ("the roles and functions of existing green infrastructure described.. should be protected when considering new proposals for development"). The draft Green infrastructure list accompanying Policy LWH4 will specifically list this site as important for both landscape and biodiversity, referring to the importance of the orchards and pointing out that it "was not excluded from the LGS [Local Green Space] on landscape or visual sensitivity grounds but because local planners and councillors trying to limit the size of the Local Green Space according to the Cheltenham Plan inspector's instructions prioritised areas which were more publicly accessible and thought to be more at risk from development, considering development very unlikely to be permitted at this location. "

We therefore maintain our strong opposition to this development and our belief that councillors have at their disposal a huge weight of evidence against permission.

Environmental Health *6th September 2022*

Conditions:

Environmental Health:

1. For the construction phase to be kept within the times of work as follows: 08:00 - 18:00 Monday - Friday and 08:00 - 13:00 Saturdays with no works to take place on a Sunday or Bank Holiday and to be mindful of noise when deliveries arrive at the site
2. This proposal is primarily for the construction of new dwellings, this will inevitably lead to some emissions of noise and dust which have a potential to affect nearby properties, including residential property. I must therefore recommend that if permission is granted a condition is attached along the following lines:

"The developer shall have a plan for the control of noise and dust from construction works at the site. The plan should also include controls on these nuisances from vehicles operating at and accessing the site from the highway. Such a plan is to be made available upon request by the Local Planning Authority or by the Environmental Health team in the event of any complaints relating to the site."

Historic England

25th August 2022 - Thank you for your letter of 18 August 2022 regarding further information on the above application for planning permission. On the basis of this information, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

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

Environment Agency

22nd August 2022

Thanks for consulting us on the revised/additional information for this application. I note from our previous response dated 10 January 2022, our ref SV/2021/111190/01-L01, that our reason for commenting was in relation to groundwater protection and the presence of a closed/historic landfill on the site according to our records. Given that the new information does not appear to relate to that matter then I can advise we have no further comments to make beyond those in our 10th January letter.

Clean Green Team

22nd August 2022

Comment available to view in documents tab.

Building Control

23rd August 2022

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

Ecology Consultant

11th April 2022

The site comprises a few buildings, grassland (amenity and poor semi-improved), scrub and tall ruderal vegetation of site ecological importance and boundary hedgerows and treelines (of high ecological value), scattered trees (some are mature specimens and of high ecological value), a brook and woodland (eastern side, of high ecological value) and traditional orchard (northwest and southern parts of site, of high ecological value). The proposed development seeks to retain the majority of these valuable ecological features, which is welcomed. However, some mature trees will be lost and the southern orchard will be bisected by the access road and presumably lighting, which is not desirable and consideration should be given to re-routing the access road to avoid the orchard. Details relating to how these valuable habitats will be protected, including site drainage scheme to avoid polluting the brook, will need to be submitted in the form of a Construction Ecological Management Plan (CEMP). The Landscape Ecological Management Plan (LEMP) needs to detail how these valuable habitats will be managed to maintain their ecological value in addition to creation of other ecologically valuable habitats (especially those that will benefit the wildlife known to use the site) to ensure positive Biodiversity Net Gain (BNG). Use of the DEFRA BNG metric 3.0 will be necessary to calculate whether the development can deliver positive BNG (it is our understanding that the applicant's ecologist is preparing the BNG report).

Two statutory designated sites are located within the vicinity of the site, Cotswolds Beechwoods Special Area of Conservation (SAC) located 4.7 km south and Leckhampton Hill and Charlton Kings Common Site of Special Scientific Interest (SSSI) located 1 km southeast. Further consideration of the impact of the proposed development in combination with the cumulative effects of new and proposed developments will be required in the form of a shadow HRA (which the applicant's ecologists are preparing). As the new development in combination with other developments is likely to have an impact (particularly in terms of recreation) on the SSSI as well as the SAC, this should be considered together within the shadow HRA for completeness, with combined mitigation for any negative effects given.

Nesting bird precautions are recommended when clearing trees/shrubs and scrub. Use of sparrow terraces is recommended, however, latest research implies that swift boxes/bricks are used more readily by sparrows and other species and so more versatile...it is therefore recommended that sparrow terraces are replaced by swift boxes/bricks.

Reptile surveys undertaken in 2020 have confirmed the presence of a low population of common lizard. Due to the low number of reptiles, a precautionary method of working to involve displacement is recommended and should be detailed in the CEMP. This should

also be implemented to minimise the risk of harming amphibians such as common toad that use the site (NERC Priority Species).

Low levels of commuting and foraging bats were also recorded on site, including particularly light sensitive species such as *Myotis* species, brown long-eared bat, greater horseshoe, lesser horseshoe and barbastelle bats. Therefore a sensitive lighting scheme as outlined in the lighting plan and lighting impact assessment should be adopted to avoid illuminating bat foraging routes along woodland, orchard, hedgerows and treelines. These documents should be referenced in the CEMP for completeness.

There are twenty-seven trees with bat roosting potential. Those scheduled to be removed with moderate or high potential were surveyed as per the current guidelines. No roosts were found, but care should be taken that retained trees with bat roost potential are adequately protected along with their root protection zones to be detailed in the CEMP. Update inspections by bat licensed ecologist of all trees with low potential immediately prior to felling will be required and should be conditioned and detailed in the CEMP. Installation of bat boxes on buildings and trees is recommended. While Schwegler 1FF bat boxes are mentioned to use on trees, the Schwegler 2FN should be considered for use on trees too.

No evidence of water vole and otter were observed during surveys.

No evidence of dormouse was found during surveys, however the species is known to be present in the immediate vicinity and as the tubes were only checked bimonthly there is a chance that dormouse evidence could have been missed, therefore a precautionary method of working is necessary and needs to be detailed in the CEMP. To include use of dormouse licensed ecologist to inspect/supervise removal of dormouse habitat (e.g. wooded/scrubby areas) and should dormice/nests be found then works are to cease and Natural England be consulted in order to apply for an EPS Mitigation licence for dormice. This precautionary approach would also minimise the risk of harming hedgehogs that are likely to be present and are a NERC Priority Species.

An invertebrate scoping survey was undertaken in 2021, which identified the presence of three key species, all associated with the old fruit trees on the site. These trees are proposed to be retained, therefore avoiding potential impacts to the associated invertebrates, as well as the trees that are of high ecological value. Details of how these trees and other mature/ecologically valuable trees will be protected should be included in the CEMP. Japanese knotweed was noted on the site and this species is listed on Schedule 9 of the Wildlife and Countryside Act 1981 (as amended), which makes it an offence to allow the plant to escape or cause it to grow in the wild. Further details to be provided in the CEMP.

Requirements prior to determination:

1. Clarification as to whether the southern orchard can be kept intact and the access road formed around this area to avoid splitting it up/damaging the orchard (a NERC Priority Habitat) and also to avoid illuminating the orchard area, which would diminish its ecological value.
2. Shadow HRA to include consideration of impacts on Cotswolds Beechwoods SAC and Leckhampton Hill SSSI (for completeness) from the proposed development as well as cumulative impacts from other developments. Mitigation measures for any impacts should be included.
3. Demonstration of positive Biodiversity Net Gain (using DEFRA metric 3.0).

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

1. Mitigation measures for outlined in the Ecology report to be expanded on in the form of a CEMP, to be submitted to the LPA for review prior to commencement. Species to include bats, dormice, reptiles, amphibians, hedgehogs and invertebrates living in old trees. CEMP to include drainage strategy to protect brook and should make reference to the submitted

'bat sensitive' lighting plan and lighting impact assessment, which if followed ensure that bat foraging areas are not illuminated.

2. Enhancement measures (in the form of retained/created habitats and wildlife features) outlined in the Ecology report to be detailed in the LEMP, which is to be submitted to the LPA for review prior to commencement and to include a plan showing location of wildlife features. Species for which enhancements are to be given should include bats, dormice, reptiles, amphibians, hedgehogs and invertebrates living in old trees. The LEMP should include at least a five-year management plan and link in with the habitats described in the BNG report/calculations.

3. Home Owner Information Pack to be submitted to LPA for review prior to commencement and include details as mentioned above and in the Ecology report.

4. Japanese knotweed to be controlled to prevent spread of this plant as briefly outlined in the Tree report, although it is advised to contact a specialised contractor to deal with this invasive species.

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

- NPPF Para 170 – 182 (Conserving and Enhancing the Natural Environment), National Planning Policy Framework
- SD9 Biodiversity and Geobiodiversity
- INF3 Green Infrastructure Wildlife legislation context:
- Wildlife and Countryside Act 1981 (as amended)
- Conservation of Habitats and Species Regulations 2017
- Natural Environment and Rural Communities (NERC) Act 2006
- Protection of Badgers Act 1992

8th June 2022

Thanks for sending over the consultant's letter and Appendix, which clarifies some concerns I had relating to the orchard and its protection/retention.

Therefore, with reference to my original comments, point 1 has now been clarified while points 2 and 3 will need addressing prior to determination (included below for reference).

1. Clarification as to whether the southern orchard can be kept intact and the access road formed around this area to avoid splitting it up/damaging the orchard (a NERC Priority Habitat) and also to avoid illuminating the orchard area, which would diminish its ecological value.

2. Shadow HRA to include consideration of impacts on Cotswolds Beechwoods SAC and Leckhampton Hill SSSI (for completeness) from the proposed development as well as cumulative impacts from other developments. Mitigation measures for any impacts should be included.

3. Demonstration of positive Biodiversity Net Gain (using DEFRA metric 3.0).

With regards to my other comments re. 'Requirements prior to commencement/conditions to be attached to planning application', it is reassuring that the consultant has noted some of these (especially CEMP, LEMP) and will be addressing them in due course (outlined below for reference).

1. Mitigation measures for outlined in the Ecology report to be expanded on in the form of a CEMP, to be submitted to the LPA for review prior to commencement. Species to include bats, dormice, reptiles, amphibians, hedgehogs and invertebrates living in old trees. CEMP to include drainage strategy to protect brook and should make reference to the submitted 'bat sensitive' lighting plan and lighting impact assessment, which if followed ensure that bat foraging areas are not illuminated.

2. Enhancement measures (in the form of retained/created habitats and wildlife features) outlined in the Ecology report to be detailed in the LEMP, which is to be submitted to the

LPA for review prior to commencement and to include a plan showing location of wildlife features. Species for which enhancements are to be given should include bats, dormice, reptiles, amphibians, hedgehogs and invertebrates living in old trees. The LEMP should include at least a five-year management plan and link in with the habitats described in the BNG report/calculations.

3. Home Owner Information Pack to be submitted to LPA for review prior to commencement and include details as mentioned above and in the Ecology report.

4. Japanese knotweed to be controlled to prevent spread of this plant as briefly outlined in the Tree report, although it is advised to contact a specialised contractor to deal with this invasive species.

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	34
Total comments received	32
Number of objections	31
Number of supporting	0
General comment	1

5.1 The application was publicised by way of letters to 34 nearby properties, a site notice and a notice in the Gloucestershire Echo. 32 representations have been received. The consultation process was repeated upon receipt of revised plans. The main points raised in the representations can be summarised as follows:

- Site not allocated in the local plan. Development should be plan-led
- Impact on AONB. Views from the AONB and views of it, particularly from footpaths
- Relevance of adjacent Local Green space designation and allocation process
- Impact on protected ancient trees
- Ecology impact
- Traffic and access issues. Road and pedestrian safety. Increase in pollution
- Impact on local infrastructure
- Not a sustainable location for development. Inadequate footpath and cycle paths.
- Cumulative impact with other nearby development
- Flooding issues
- No account taken of climate change
- Impact on setting of listed buildings
- Impact on privacy and outlook of adjacent properties
- Poor, standardised design – inappropriate for location

6. OFFICER COMMENTS

6.1 Determining Issues

- 6.2 The key issues in determining this application are considered to be (i) principle of development, (ii) Impact on AONB & Green Belt, (iii) Impact on, and relationship with Local Green Space, (iv) Trees, (v) ecology and biodiversity, (vi) design, appearance and layout (vii) neighbour amenity, (viii) highway safety and access, (ix) sustainability, (iix) Heritage impacts, (ix) affordable housing and s.106, (x) planning balance.

6.3 Principle of development

- 6.4 Policy SD10 of the Joint Core Strategy (JCS) states that new housing will be permitted at allocated sites, on sites which are not allocated but fall within the Principal Urban Area (PUA) on previously developed land or on infill sites.

- 6.5 None of these circumstances apply to the site in question and as such the proposal is contrary to the adopted housing policy.

- 6.6 However it is acknowledged that the Authority cannot currently demonstrate a 5 year housing land supply. Therefore Paragraph 11(d) of the National Planning Policy Framework (NPPF) is applicable with regards to housing development. This states that in such circumstances, applying the 'presumption in favour of sustainable development' means granting planning permission unless (i) the application of policies in the framework that protect areas of particular importance provide a clear reason for refusing development; or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

- 6.7 There are no over-riding policies which protect the area from development, although there are a number of constraints within the site. The site is also adjacent to protected areas as referred to in Footnote 7 of Para 11(d) i.e. Green Belt, Local Green Space and Areas of Outstanding Natural Beauty.

6.8 AONB & Green Belt

6.9 AONB

- 6.10 Policy SD7 of the JCS states that "*all development proposals in or **within the setting** of the Cotswolds AONB will be required to conserve and, where appropriate enhance its landscape, scenic beauty, wildlife, cultural heritage and other special qualities*".

- 6.11 Para 176 of the NPPF states that great weight should be given to conserving and enhancing landscape and scenic beauty in ...Areas of Outstanding Natural Beauty. The NPPG states that "*land within the settings of [AONBs] often makes an important contribution to maintaining their natural beauty and where poorly located or designed development can do significant harm. This is especially the case where long views from or to the designated landscape are identified as important, or where the landscape character of land within and adjoining the designated area is complementary. Development within the settings of these areas will therefore need sensitive handling that takes these potential impacts into account.*"

- 6.12 The application was accompanied by a Landscape and Visual Impact Assessment. The Local Planning Authority sought independent advice on this matter from a Chartered Landscape Architect. The comments are available in full, however to briefly summarise, he raised the following concerns regarding the application:

- The proposal is out of keeping with the Local Green Space of small fields and paddocks that gives this area of Cheltenham its remaining semi-rural character.

- The landscape character would change which would neither protect nor enhance the adjacent landscape character of the LGS and the semi-rural character of the landscape between Leckhampton and Brizen Park.
- Given the truncation of the view from CHL8 (PROW to north of site) and adverse impact upon landscape character of LGS there is a reduction in the quality of the AONB's setting. There is also a minor adverse visual effect for users of the footpath on the AONB escarpment slopes and Leckhampton Hill.
- Reduction in quality of views from footpaths and LGS reduces local distinctiveness of landscape setting
- Impact on setting of 'valued landscape' (AONB)

6.13 The Cotswolds Conservation Board objected to the proposals. Their response is available in full but to briefly summarise their concerns relate to the following:

- The LVIA assessment downplays the potential adverse landscape and visual impacts on the AONB
- No photomontage provided from viewpoint 17 (Devil's Chimney/Leckhampton Hill)
- LVIA does not consider the potential effects on Landscape Character Types (LCT) individually.
- Considering the impact on the whole LCT downplays the potential impact given the size of the LCT.
- LVIA does not consider cumulative impacts in terms of views of and views towards AONB.
- LVIA does not consider impacts on views on access to viewpoints
- Transport assessment does not consider impact of traffic on tranquillity of AONB

6.14 Leckhampton and Warden Hill Parish Council object to the proposals. Their response is available in full but to briefly summarise their concerns in relation to the AONB refer to the following:

- Development would have adverse effects even after 15 years.
- View from Leckhampton Hill is nationally significant – semi-rural edge of Leckhampton Fields is important
- Site is important in mitigating the impact of the Brizen view development

6.15 The Parish Council are currently in the process of drawing up a Neighbourhood Plan (NP). This is at a very early stage of preparation and as such the weight that can be attached to it is limited. The Parish Council have submitted with their an objection a copy of a report which has been commissioned to support the preparation of the NP entitled 'Landscape Character Assessment Update with an evaluation of Landscape Value', prepared by LEPUS consulting, dated August 2022 (post the construction of the school and Brizen Park). The study area of this report includes the application site as part of a wider area, the majority of which is included in the Local Green Space designation. The report highlights a number of 'valued qualities' of the study area including a strong landscape pattern, range of habitats including priority habitats such as traditional orchards, part of the setting to the AONB, visual connectivity with nationally important landscape and forms

part of the transitional suburban edge of Cheltenham. It also highlights the importance of retained vegetation in softening views of Brizen Park.

6.16 In response to the concerns raised an addendum report was prepared. The Council's Landscape Consultant made the following conclusions based upon this:

- The proposals would result in an adverse visual effect and reduce the amount and quality of the view to the AONB from CHL8, however this is at a minor/moderate adverse level
- Accept that a more discrete access from Farm Lane is not possible due to highway improvements proposed
- The more sensitive sides of the site are its southern side and eastern side. New hedging is proposed which is acceptable
- Works to the woodland would increase its screening value when viewed from the LGS.
- In summary he states:

"There will still be a loss of a parcel of open landscape with this development and the setting of the AONB still remains an area of concern and further house building will reduce the landscape character of its immediate setting. However, the change in landscape character at the site must be judged within its immediate context of other housing, most notably Brizen Park. There will be a Minor, Adverse landscape change to the wider character of the AONB area, but the greater change has already taken place to this fringe of the town with the new school and Brizen Park now influencing the character of this part of Leckhampton."

"With regards to the AONB there will be a small scale reduction in the landscape quality of its setting until the front mitigation landscape works establish and effectively screen off the proposals from being judged in proximity to the AONB. Again the presence of Brizen Park acts as a nearby precedent but it does have a larger depth of screen planting separating it from the edge of the AONB. There is also the partial blocking of a view to Shurdington Hill in the AONB from the 50m stretch of footpath CHL8 to be considered but again this is at largest a moderate/minor adverse effect given the existing housing within the view"

"The proposals do not enhance the landscape character of the site but extends the character of other housing in the area. With the establishment of the boundary mitigation planting and enhanced management the visual effects will diminish but there will be a sense of development and the site where there is none."

6.17 The Cotswold Conservation Board maintain their objection to the proposals, although they say they are cognisant that the Council's decision has to be made in light of a wider planning balance. The response raises the following points:

- Remain of the opinion that the LVIA underestimates the significance of the overall landscape and visual effect.
- New photomontages show that the development will be visible from AONB even in the summer and at year 15 and would comprise a new element. Recognise this is 'low' magnitude but sensitivity of receptors is high/very high given importance of viewpoints on Cotswold Way and National Trail. Therefore development would result in moderate (i.e. significant) adverse effect.

6.18 Bearing in mind the professional advice and representations that have been received on this matter officers are of the view that the proposal will result in a harmful impact upon the AONB both in terms of views of the AONB from the local footpath network and also in terms of views from the AONB towards the site. It is acknowledged that the site is seen in the context of Brizen Farm and the new school beyond, however in Officers opinion this makes the role of the site more significant in retaining the semi-rural character of the area which is still retained. Given this setting the harm cannot be said to be more than moderate but given the importance of the views in the local landscape, overall the effect is significant. The proposal includes detailed and substantial landscaped elements in an attempt to lessen the impact, however these would take many years to form an effective screen/buffer and even in 15 years time will not screen the development from views from the AONB.

6.19 The NPPF states that great weight should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty. The scheme does not conserve or enhance the AONB. Given that the framework contains the aforementioned policy and the scheme is in conflict, there is considered to be a clear reason for refusal.

6.20 It is acknowledged that the Council's landscape advisor does not expressly recommend the refusal of the current application, however the comments clearly identify harm and it is for officers to carry out the balancing exercise.

6.21 Valued Landscape

6.22 The Parish Council consider the application site to be part of a 'valued landscape'. Para 174 of the NPPF states

"Planning policies and decisions should contribute to and enhance the natural and local environment by:

a) Protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with the statutory status or identified quality in the development plan).

6.23 Neither the NPPF or the NPPG provide a definition of 'valued landscape'. It is clear that any landscape character is not reflected in a statutory designation nor mentioned within the Local Plan; however it is accepted that the site is part of the patchwork of fields which add to the general visual qualities of the area which are valued by local communities.

6.24 In any event the proposal is considered to be harmful to the character and appearance of the locality. At present the site plays an important role in the character of the area, as an un-developed element within the patchwork of fields which form the semi-rural edge of Cheltenham. The site has a softening effect upon the adjacent Brizen Park both in long views and in the immediate context. The existing development on the east side of Farm Lane is more organic and sporadic with the areas allocated for development being further to the north. The proposal would introduce an urban element within this context which would be harmful to the character and appearance of the area.

6.25 Green Belt

6.26 The aim of Green Belt policy is to prevent urban sprawl by maintaining openness. Development within the setting of the Green Belt does not impact on this overarching aim as it is not a landscape designation. The proposals therefore do not impact upon the aims of including the adjacent land within the Green Belt.

6.27 Local Green Space

- 6.28** The land to the east of the application site is designated as Local Green Space in the Cheltenham Plan. The application site itself is not within this area.
- 6.29** Paras 101 and 102 of the NPPF refer to the designation of land as Local Green Space. It states that the designation should only be used where green space is a) in reasonable close proximity to the community it serves, b) demonstrably special to a local community and holds a particular local significance, and c) local in character and is not an extensive tract of land. Policies for managing development within a Local Green Space should be consistent with those for Green Belts.
- 6.30** Policy GI1 states that development will not be permitted within a Local Green Space unless there are very special circumstances which outweigh the harm.
- 6.31** There is nothing within the relevant policy framework which refers to development within the setting of Local Green Space and as such there is no conflict with this designation. As acknowledged above the proposal is considered to be harmful to the character of the area, part of which is designated as LGS but that harm is not specific to the designation.
- 6.32 Trees**
- 6.33** The NPPF at para 131 highlights the importance of trees to the character and quality of an area and can help mitigate and adapt to climate change. Existing trees should be retained wherever possible. At para 174 it states that decisions should contribute to the natural and local environment by (amongst other things) recognising the character of the beauty of the countryside including trees and woodland. At para 180 it states that development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused unless there are wholly exceptional reasons.
- 6.34** Policy INF3 (Green Infrastructure) of the JCS states that development proposals that will have an impact on woodlands, hedges and trees will need to include a justification for why this impact cannot be avoided and should incorporate measures acceptable to the LPA to mitigate the loss.
- 6.35** Policy GI2 of the Cheltenham Plan states that the Council will resist the unnecessary felling of trees on private land and will seek replacements where necessary. Policy GI3 of the Cheltenham Plan states that development which would cause permanent damage to trees of high value will not be permitted. Development may require retention of trees, planting of new trees, measures to ensure protection of trees.
- 6.36** The application site contains a number of orchard trees. Those to the northern part of the site are protected by a Tree Preservation Order but the remainder are not currently protected. Nevertheless they are acknowledged to be important trees including a number of old pear trees, some of which can be classed as veteran trees. There is also a woodland area adjacent to the watercourse.
- 6.37** The tree officer initially raised concerns in relation to the pressure that these trees would come under as a result of development within the site. It was considered that insufficient attention had been given as to how the fragile trees could be protected in the longer term. There was also a concern that the woodland adjacent to the watercourse had not been adequately addressed.
- 6.38** In response to the concerns further information was prepared including a Tree Protection and Management Plan. The tree officer has confirmed that this is a well thought out and detailed document (see full comments above). Concerns are still raised regarding the effectiveness of deterrent planting and buffer zones which would seek to keep activity away from the vulnerable trees. Further detailed concerns remain regarding construction work and future pressure for works to trees. However no explicit objection has been

received in relation to the impact on trees and it is therefore considered that with very carefully worded conditions the remaining concerns regarding trees could be addressed.

6.39 Ecology and Biodiversity

- 6.40** JCS policy SD9 and advice set out within the NPPF at Section 15 seeks to ensure that development contributes to, and enhances the natural and local environment; and that important habitats and species are protected. Where developers are unable to avoid harm to biodiversity, mitigation measures should be incorporated into the design of the development.
- 6.41** The Councils Ecology advisor has reviewed the submitted information. Their comments are reproduced above but to briefly summarise; they have confirmed that the proposals seek to retain the majority of the valuable ecological features. They initially expressed concern about the loss of some mature trees and the bisection of the southern orchard by the access road. They highlighted that details of how valuable habitats will be protected will be protected and pollution of the brook avoided via a Construction Ecological Management Plan (CEMP) and Landscape Ecological Management Plan (LEMP) which will need to detail how habitats will be managed and create new habitats. They asked for the Biodiversity Net Gain (BNG) Metric to be completed to demonstrate a positive BNG.
- 6.42** Nesting bird precautions are recommended with sparrow terraces replaced by swift boxes. Reptile surveys confirmed the presence of a low populations of common lizard. Precautionary working methods should be detailed in the CEMP. Low levels of commuting and foraging bats were recorded on site therefore a sensitive lighting scheme should be adopted, as proposed in the documents. Trees with bat roost potential should be protected and inspected prior to felling. A precautionary method of working is proposed in relation to dormouse. The CEMP also needs to include details of how trees will be protected.
- 6.43** In response to the concerns raised regarding the bisection of the orchard the applicant has submitted a supplementary report explaining that the proposed access road allows for the retention of all pear orchard trees and that an alternative access would be far less preferential from an ecological and landscape perspective as well as undeliverable from a highway safety perspective. The document also confirms that a CEMP and LEMP will be produced in due course. The Council's Ecology advisor is content with this
- 6.44** The Environment Act 2021 requires that by Autumn 2023 all development will be required to deliver a mandatory 10% Biodiversity Net Gain (BNG). The Council's ecology advisor has requested the BNG calculations which have not been received however there is no mandatory requirement in Cheltenham at present although the NPPF encourages new development to maximise opportunities for biodiversity through incorporation of enhancement measures.
- 6.45** Cotswolds Commons and Beechwoods Site of Special Scientific Interest (SSSI) and Special Area of Conservation (SAC)
- 6.46** Policy BG1 of the Cheltenham Plan relates to the Cotswold Beechwoods Special Area of Conservation (SAC) – recreation pressure. It states that development will not be permitted where it would be likely to lead directly or indirectly to an adverse effect upon the integrity of the European Site Network and the effects cannot be mitigated. All development within the Borough that leads to a net increase in dwellings will be required to mitigate any adverse effects.
- 6.47** It is known that residential developments, alone or in combination with other development, have the potential to result in increased recreational pressures. Natural England (NE) advised that without appropriate mitigation the application would have an adverse effect

on the integrity of the Cotswold Beechwoods SAC and damage or destroy the interest features for which the SSSI has been notified.

- 6.48** To ensure these harms are not realised the LPA have adopted an 'Appropriate Assessment' based on a Habitats Regulations Assessment (HRA) carried out on behalf of the applicant and agreed with NE, upon receipt of a revised version which met their requirements. The HRA concluded that the proposed development had the potential to affect the integrity of the SAC through increased recreational pressure, however this could be mitigated by an appropriate condition requiring the provision of a Homeowners Information Pack. NE have agreed with this approach.

6.49 Design, appearance and layout

- 6.50** JCS policies SD3 and SD4 set out the design requirements for new development proposals. These policies seek to ensure that development proposals are designed and constructed so as to maximise the principles of sustainability, and to ensure that all new development responds positively to, and respects the character of the site and its surroundings. The policies are consistent with advice set out within Section 12 of the NPPF which emphasizes at paragraph 126 that *"Good design is a key aspect of sustainable development"*.
- 6.51** Additionally, JCS policy SD11 highlights the need to ensure that new housing developments provide an appropriate mix of housing to meet the local needs.
- 6.52** Policy HD4 of the Cheltenham Plan includes as site specific requirements; a layout and form that respects the existing urban characteristics of the vicinity' and a layout and form of development that respects the character, significance and setting of heritage assets which may be affected by the development.
- 6.53** The irregular shape of the plot and the constraints resulting primarily from the trees on the site, has led to a layout which takes the form of a series of cul-de-sacs leading off a central road. The detached dwellings are located towards the southern part of the site and in terms of plot width, size and style, echoes that of Brizen Park to the west. As you travel north through the site the dwellings become smaller and the plots more compact; terminating with terraced flats and houses which provide the affordable housing element of the proposals. The layout of the northern section of the site is of concern in terms of urban design objectives. Plots 28 – 30 front onto to the suds pond at the top of the site with gardens adjoining the parking spaces at the rear. Plots 23 – 27 also have gardens which back on to this area. The boundary treatment plan indicates that these would all be at 1.8m. This would create a bleak and unattractive area. This part of the site is of significantly lower quality in terms of layout than the remainder of the site and unfortunately this where the affordable housing is located. Policy SD12 of the JCS requires that wherever possible affordable housing should be seamlessly integrated and distributed throughout the site.
- 6.54** The layout does not represent a good response to local character. Overall the scheme takes its cues from the 'housing estate' character of Brizen Park, rather than the more sporadic, organic form of development present at Leckhampton Farm Court and other development to the east of Farm Lane. It does not respond positively to the wood, brook and adjacent LWS, rather it turns its back on this area and in some areas bounds it with a 1.8m high close boarded fence.
- 6.55** Officers acknowledge that the site is challenging and that to place more of the smaller or terraced units towards the south of the site would increase the impact upon the setting of the AONB. Overall officers feel that elements of the layout exacerbate the concerns expressed above regarding the impact upon the character and appearance of the area.

6.56 Neighbour amenity

6.57 Policies SD14 of the JCS and SL1 of the Cheltenham Plan require that development does not cause unacceptable harm to the amenity of adjoining land users and living conditions in the locality.

6.58 The properties which adjoin the site and therefore may experience an impact upon their amenity are 2, 4, 6, 8 & 12 Leckhampton Farm Court and The Berries which fronts Farm Lane.

6.59 2 – 4 Leckhampton Farm Court

6.60 These properties adjoin the red line of the application site however they adjoin a part of the site which is not proposed for development. There may be some visibility of houses through the trees, however there would be no significant adverse impact upon amenity

6.61 6 Leckhampton Farm Court

6.62 The rear elevation of this property is 20m from the boundary of the site. The nearest property (plot 21) is over 28 from this dwelling and is off set from the rear of this plot. As such the relationship between these properties is acceptable.

6.63 8 Leckhampton Farm Court

6.64 The southern elevation of this property is over 10m from the boundary. The north elevation of the nearest property (plot 22) is over 26 from this property and over 15m from the boundary.

6.65 Plots 23 & 24 are adjacent to the south eastern corner of this plot and are at an oblique angle – there is approx 14m corner-to-corner.

6.66 Plot 28 is to the north east of this dwelling. There is approx. 10m corner-to-corner. There are windows on the east elevation of number 8 but they are off-set from the side elevation of this property.

6.67 Whilst the view from this property will undoubtedly change quite significantly the proposed dwellings would not result in a loss of privacy, light or outlook. As such the relationship with this property is considered to be acceptable.

6.68 The Berries

6.69 This is a detached dwelling accessed from Farm Lane. Plots 1, 2, 3, 4, and 9 all abut the boundary of this property. A significant amount of vegetation would be retained and the dwelling is in excess of 20 from adjacent dwellings with over 10m from The Berries to its boundaries. As such the relationship with this property is considered to be acceptable.

6.70 Overall the proposal is considered to have an acceptable impact upon neighbour amenity.

6.71 Highway safety

6.72 Adopted policy JCS INF1 advises that planning permission will be granted only where the impacts of the development are not severe. The policy also seeks to ensure that all new development proposals provide safe and efficient access to the highway network; and provide connections to existing walking, cycling and passenger transport networks; where appropriate.

6.73 The highway authority raise no objections to the proposal subject to conditions. The LPA have no evidence to dispute these findings and as such the proposal is considered to be acceptable on highway safety and access grounds.

6.74 Sustainability

6.75 Policy SD3 of the JCS relates to sustainable design and construction. It states that proposals must demonstrate how they contribute to the aims of sustainability. Development will be expected to be adaptable to climate change and will be expected to incorporate the principles of waste minimisation. Major planning applications must be submitted with an Energy Statement.

6.76 In 2019 Cheltenham Borough Council declared a climate emergency with an aim to be a carbon neutral town by 2030. In 2022 the Council adopted a Climate Change SPD.

6.77 The applicant proposes Air Source Heat Pumps and confirms that the site will not be connected to the gas network. There will also be an EVCP for each dwelling. These measures are welcomed although there is no explanation given as to why solar panels could not be provided.

6.78 The commitments provided represents an adequate response to the SPD.

6.79 Heritage Impacts

6.80 The application site is in the vicinity of listed buildings, however other dwellings within Leckhampton Farm Court are positioned between the application site and the listed buildings. Therefore it is not considered that the proposal would have an adverse impact upon their setting.

6.81 There is the potential for archaeological finds on the site however this can be adequately addressed through condition.

6.82 Affordable Housing & S.106

6.83 The proposal includes 12 affordable dwellings (40%). The mix of these dwellings in terms of tenure has been negotiated with the housing enabling officer and comprises the following:

- Social rent – 5
- Affordable rent – 3
- First homes – 4

6.84 There is a shortage of affordable housing within the Borough and the provision of these dwellings is a significant benefit of the scheme.

6.85 That said there are concerns about the way these have been provided within the scheme as mentioned above. They are not evenly distributed throughout the site and are not indistinguishable from the market dwellings on the site.

6.86 The Education Authority have requested the following contributions:

- Primary – (9.63 places) - £143,932.25
- Secondary – age 16 – 18 (1.5 places) - £34,204.50
- Libraries - £5,880

6.87 Whilst the applicant has not indicated an unwillingness to sign s.106s to secure these contributions no s.106s have been prepared at this stage.

6.88 Other considerations

6.89 Public Sector Equalities Duty (PSED)

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

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

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

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

6.90 Recent Appeal Decisions and 5 Year Housing Land Supply

6.91 It is acknowledged that the Council cannot currently demonstrate a 5 year housing land supply. In a recent appeal decision at Oakley Farm for 250 units the Inspector considered this issue using a figure of 2.9 years provided by the Council of 1.6 years according to the applicant.

6.92 The application was for ‘major’ development within the AONB and therefore the Inspector acknowledged that according to the NPPF such development should only be approved in exceptional circumstances. In terms of the impact on the AONB he concluded that whilst the proposal would not conserve or enhance the beauty of the AONB the harm was limited by the urban surroundings of the site and the fact that the site is enclosed on 3.5 sides by development. He therefore concluded that there was no clear reason for refusing the development and therefore the ‘tilted balance’ was not displaced. Overall he concluded that the ‘very serious’ shortfall of market and affordable housing, as well as the particular locational circumstances of the site amounted to exceptional circumstances and therefore allowed the appeal. In concluding he stated: *“To be clear, I have reached my decision based on the very specific circumstances of this case, including the site characteristics, which are unlikely to be replicated elsewhere.”*

6.93 This appeal is clearly relating to a different set of circumstances and proposed significantly more dwellings than is proposed via the current application. However it does highlight that the authority need to be mindful of the housing shortfall in determining planning applications and to refuse proposals only when there are clear reasons, in line with paragraph 11 of the NPPF.

6.94 Planning Balance

6.95 The application site is not allocated for development and is outside of the Principal Urban Area of Cheltenham. Therefore it is contrary to adopted policy. However because of the undersupply of housing the housing policies within the JCS are out of date.

6.96 Paragraph 11 of the NPPF outlines the ‘tilted balance’ approach which means that in such circumstances planning permission should be granted unless policies that protect areas of

particular importance (such as AONB), provide a clear reason for refusal (para 11 d) i); or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits (para 11 d) ii).

6.97 The main benefits of the scheme are the provision of 30 units of affordable and market housing.

6.98 The NPPF sets out that development within the setting of AONBs should be sensitively located and designed to avoid or minimise impacts on the AONB. Officers have found that there is clear conflict with this policy. As such it is considered that para 11 d) i of the NPPF is applicable in this case. Furthermore the proposal is also considered to be harmful to the character and appearance of the local area, and to fail to adequately integrate the proposed affordable housing.

6.99 Whilst the contribution of 30 dwellings would undeniably make a welcome contribution to meeting the shortfall it must also be acknowledged that it is relatively modest. It is considered that the harms identified above significantly and demonstrably outweigh the benefits of the development. As such para 11 d) ii of the NPPF is also considered to apply.

6.100 Therefore it is considered that the tilted balance is disengaged in this instance and that in considering the planning balance overall, the harms of the proposal clearly outweigh the benefits.

7. CONCLUSION AND RECOMMENDATION

7.1 Bearing in mind all of the above the recommendation is to refuse the application.

8. REFUSAL REASONS

1. The application site comprises an undeveloped site which is located at the foot of the Cotswold Area of Outstanding Natural Beauty and, in combination with adjacent land, forms part of the setting of the AONB and the semi-rural edge of Cheltenham.

The application site is not allocated for development and is located outside of the Principal Urban Area of Cheltenham.

The proposal, by reason of siting, form and layout would be out of keeping with the character of the local area and would result in a harmful impact upon the setting of the AONB.

The design and layout of the proposal is suburban in character and the affordable housing is poorly designed and fails to integrate successfully with the market housing. The scheme therefore represents a poor design and layout which is harmful in appearance and fails to respond adequately to its context.

For these reasons the harmful impact arising from the development outweighs the benefits of the scheme, namely the provision of 30 market and affordable dwellings.

As such the proposal is contrary to Sections 5, 12 and 15 of the NPPF, Policies D1, D3 and L1 of the Cheltenham Plan (Adopted July 2020) and Policies SD4, SD7, SD10 and SD12 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (Adopted December 2017).

2. In the absence of a signed s.106 agreement securing the provision of affordable housing or contributions towards education and libraries, the proposal fails to provide an acceptable level of affordable housing or to mitigate its impact upon local infrastructure.

As such the proposal is contrary to policy CI1 of the Cheltenham Plan (Adopted July 2020), policies SD12 and INF7 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (Adopted December 2017) and sections 3 & 4 of the NPPF.

INFORMATIVES:

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

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

In this instance, having had regard to all material considerations, the authority cannot provide a solution that will overcome the harm which has been identified.

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

CASE OFFICER: Mrs Emma Pickernell

AUTHORISING OFFICER: Liam Jones

DATE: 9th December 2022

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APPLICATION NO: 25/01031/CONDIT		OFFICER: Mr Ben Warren
DATE REGISTERED: 5th July 2025		DATE OF EXPIRY : 4th October 2025
WARD: Leckhampton		PARISH: LECKH
APPLICANT:	New Dawn Homes Ltd	
LOCATION:	Land Adjoining Leckhampton Farm Court Farm Lane Leckhampton	
PROPOSAL:	Variation of condition 2 (approved plans) of planning permission 21/02750/FUL to allow for change in house types/design and associated site layout changes.	

REPRESENTATIONS

Number of contributors	5
Number of objections	5
Number of representations	0
Number of supporting	0

10 The Lanes
Cheltenham
Gloucestershire
GL53 0PU

Comments: 20th August 2025

I object to this development on the basis that the foul water/sewage appear to to be using the same technology/route as the 370+ Redrow Brizen View/Brizen Park homes. During the build of that estate, The Lanes residents had frequent episodes of foul drain smells in their homes and in the street. That problem persists today. We have been forced to use strong smelling air fresheners in our bathrooms to help disguise the smell. Neither Redrow during their build of the site nor now Severn Trent appear to be interested in resolving the problem and any action that they have taken in response to multiple complaints has not resulted in a positive and lasting outcome. If the same technology/route is used for this development, I fear this will just exacerbate the ongoing smell problems we have on The Lanes/Leckhampton Farm Court.

8 Leckhampton Farm Court
Leckhampton
Cheltenham
Gloucestershire
GL51 3GS

Comments: 13th October 2025

The latest submissions include comments made regarding ground levels aimed at preventing the accumulation of surface water (that we have previously identified) to the south of our boundary at Leckhampton Farm Court. To a layperson, it is not clear what is being proposed other than some suggestion that ground levels will change to address the issue. However, if it is planned to force water to flow southwards by raising ground levels

to the north of the site, it must be noted that we object if the proposed houses are built at a raised level as this will result in further loss of amenity through even more overshadowing and overlooking. The better solution would be to gradually lower ground levels from north to south.

We also object to the second story windows of plots 18, 19, 20 and 21 being turned 180° to face inwards as this will also result in significantly increased overlooking. It is doubtful that the occupants of plots 18, 19, 20 and 21 will be too enamoured of this change either.

Whilst writing, it is unacceptable to submit even more revised drawings on 13th October, which we only discovered by chance, when the deadline for comments is 14th October. Whatever the changes are, we do not have the time to consider all the submissions yet again, let alone adequately. Hopefully, New Dawn Homes will take account of all the comments made over the past 6 months and will now settle, finally, on plans that will result in the development being completed in short order.

Comments: 4th August 2025

In addition to previous comments and following on for comments submitted by the Housing Strategy and Enabling Officer, please ensure that his suggestion of moving the affordable rent property from plot 28, results in it being moved to plot 30 and NOT to plot 27. This would not only respect his previous acceptance of the applicant changing plot 27 from an affordable rented property to become a First Home property, but it would also be a small but valid acknowledgment that the existing neighbours have been severely let down by the Planning Inspectorate through its decision to permit the original Redrow planning application in contravention of several adopted planning policies, including JCS policies SD4, SD7, SD10, SD12 and SD14, Cheltenham Plan policies D1 and L1 and NPPF paragraph 127.

Comments: 25th July 2025

We appreciate the changes made to the materials used for those plots adjacent to 8 Leckhampton Farm Court, such that they will now be buff brick and not a mixture of buff and red brick. This goes a small way towards addressing the otherwise abandoned Cheltenham Planning Policy D1, which was intended to respect neighbourhood development.

It is unfortunate that some plot numbers adjacent to 8 Leckhampton Farm Court have been changed in this latest application, making it necessary for us to review, yet again, our comments on planning application 25/00636/CONDIT to ensure that they are still applicable.

A significant current concern, also raised previously, is in connection with surface water drainage. It should still be noted that the issue is not about "exceptionally abnormal flood water" or "extremely extreme rainfall" (as described to us by John McCreadie of New Dawn homes) but about regular accumulations of water which happen several times every year, on top of which it is planned to build houses. Naturally, exceptional conditions must also be taken into account but it is imperative that what is happening now under current predictable annual rainfall totals is also addressed. We note the intention that the flood risk assessment prepared by Redrow's consultant (JNP) dated August 2022 is to be resubmitted with the current application, but as we pointed out previously, this failed (and

still fails) to account for the surface water accumulations we had alerted Redrow to 6 months previously.

Please note that the "Revised flood risk assessment" added on 21st July 2025 to the documents within the application, consists of just the front Control Sheet and zero supporting information and, as such, is meaningless!

The last thing we intend is to hold up development as it has been hanging over our heads for over 4 years, and we are keen to move. However, we are not experts in the field of drainage and it is therefore imperative that all the issues we have raised here and previously (see 25/00636/CONDIT) regarding exceedence flows AND regular ground-water accumulations, are adequately and professionally dealt with. The technical aspects of the revised drainage strategy must be sufficiently scrutinised by the CBC drainage engineers and the LLFA in order to prevent any possibility of future harm to property in Leckhampton Farm Court.

The latest plans do not appear to show the 6ft close boarded fence 3 metres from our eastern and southern boundaries. This fence is an integral part of the Redrow plans approved by the Planning Inspector and must be clearly shown to be in place, along with the approved planting between the fence and our boundary.

Our vehicular right of way across the development site to Church Road should also be clearly shown as being in place up to our boundary.

8 Leckhampton Farm Court
Leckhampton
Cheltenham
Gloucestershire
GL51 3GS

Comments: 13th October 2025

25/01031/CONDIT

Response to Covering Email 11 August 2025 - Drainage & Flooding

The document notes the shallow west-east fall of the order of 1:1,000 along the boundary line with the neighbouring properties in Leckhampton Farm Court.

However it should be noted that there is also a more pronounced gradient from the South to the North, roughly from the position of Tree T7/Plot 17 to the boundary with Leckhampton Farm Court. It is assumed that it is the reversal of this south-north gradient that the above document proposes, where it mentions that overland flows can be easily routed away from the boundary through the 1:80 fall required for highway design; the road in question is the road fronting Plots 20, 19, past Tree T7 to Plot 17. Our wishes are that site levels along our boundary are not substantially altered so it is necessary that the southern end of this road is lower than its current existing level at its north end, on the boundary.

Assuming that 1:80 is a sufficient gradient:

The latest Site Plan 131-01-J shows the dark-grey road fronting Plots 20, 19 and Tree T7 to be roughly 60 metres in length, and therefore the southern end of this road would need to be 0.75 metres lower than its north-end level to achieve a north-to-south fall of 1:80

It should be noted that pools of surface water collect all along the site boundary covered by Plots 20 and 21. It therefore seems to me that in order to reverse all the surface flows leading into this area, the entire north-south plane of the site encompassing Plots 21, 20, 19, 18, and 17 will need to be aligned with the road mentioned above.

Comments: 27th July 2025

Letter attached.

Flat 3
Leckhampton Farm House
Leckhampton Farm Court
Leckhampton
Cheltenham
Gloucestershire
GL51 3GS

Comments: 4th August 2025

The impact that building on this land will have is going to add hugely to the strain this area is already under thanks to developments and overbuilding. More vehicles will add extra pressure to Farm Lane - which is already ill-equipped to deal with traffic as it is.

The green space has already been eaten away by extensive development in recent years, if yet more houses are built, this will be another vital space lost and turning the area into one big housing development.

Flat 2
Leckhampton Farm House
Leckhampton Farm Court
Leckhampton
Cheltenham
Gloucestershire
GL51 3GS

Comments: 12th October 2025

I still have object to this proposed building of a row of social housing adjacent to Leckhampton Farm Court. There is ample footage in this space to accommodate one of the larger properties in brick which is appropriate with the historical surroundings. One large house of similar colour and height would be wholly more appropriate to protect the AONB vista from the public footpath on the protected green space. The smaller social housing could be located within the wider development where one of the larger properties is being proposed. It appears that the smaller social housing is being hidden away from

the larger owned properties on the development. I object to it being hidden away adjacent to the historical farm court.

Comments: 28th July 2025

I strongly object to this application to amend the original plans submitted by Redrow and which were agreed against the wishes of Cheltenham BC and the residents of Leckhampton.

I object for the following reasons:

The proposed design and colour is unsightly and does not "fit" with the environment. This is adjacent to a Protected Green Space and directly obscuring the view of the AONB (Leckhampton Hill). The properties are directly adjacent to Leckhampton Farmhouse which is a Grade II listed building having been the original Farm House in Leckhampton. This severely affect the visual impact of this area for all using the Public Footpath throughout the protected green space.

I am still concerned about the risk of flooding to the Farmhouse from the proposed new plans which still raise concern and appear still not to be fit for purpose. See Comments 25.07.25 from officials.

The height of the proposed properties behind No 10 and No 12 will affect privacy of the existing homes and obscure the vista of the AONB from the Protected Green Space. These proposed properties should be removed from the planning application and green space left untouched.

Farm Lane can not accommodate any further traffic. The impact the Redrow estate has had can not underestimated. This is a FARM TRACK originally serving only the Farm House. It is in most part, only single traffic. I feel very unsafe now, not walking on the lane because of the amount of cars using it to cut through to the new estates. We simply don't have the infrastructure to support these new properties.

The destruction of the local environment is shameful and harmful to the natural wildlife in Leckhampton. The unlawful cutting down of the ancient orchard to accommodate these unsightly properties is should not have happened. I hope that legal action is being taken against Dawn Homes for this travesty.

The residents of Leckhampton have had to endure years of construction now, destroying our environment, the flora and fauna. Leckhampton, and its history, is being destroyed. We have the right to continue to enjoy the remaining countryside, the historical aspects and to protect that for our children and future generations.

8 Leckhampton Farm Court
Farm Lane
Leckhampton
Cheltenham
Glos.
GL51 3GS

22nd July 2025

TO: Mr. Ben Warren
Planning Officer
Cheltenham Borough Council
PO Box 12 Municipal Offices
Promenade, Cheltenham, Glos
GL50 1PP

Dear Mr. Warren,

25/01031/CONDIT

A) The original Redrow stormwater drainage design directed exceedance flows towards our property and through the gardens of Plots 20 and 21 and as such I objected to it.

I note the Newdawn Homes amended stormwater drainage strategy whereby stormwater flows under exceedance conditions have been reversed so that they flow south past plots 20, 19 and 18 which is against the natural/existing gradient of the land. If this can be made reality then it is clearly an improvement on the Redrow design but it implies material changes to the existing site levels. The question is, "Is this achievable?"

B) It is important to have a drainage strategy for exceedance flows, but it is equally **just as important** to have a site drainage strategy that copes with normal rainfall conditions, and so far this is lacking. It is by now well known that there are regularly occurring pools of rainwater which accumulate for several months each year on the northern boundary of the site abutting our property. This happens under everyday, normal rainfall conditions, year after year.

The JNP reports are completely useless in this regard, because these reports have *never* recognised the existence of these surface pools of rainwater which regularly accumulate on the site for extended periods.....let alone come up with a proposed solution.

Surface water accumulates on the site at the location of Plots 20 and 21. To ensure this is sufficiently dealt with, without putting these properties at risk or displacing the water and causing a nuisance to the properties north of the site on Leckhampton Farm Court, the LLFA requires a more detailed plan to be provided of this northern boundary with an explanation of how surface water will be prevented from accumulating here.

- As yet no documents have been put forward to establish and substantiate the drainage strategy required to deal with this issue and
- These documents are now overdue, because (as the LLFA points out) they need to be provided prior to approval as dealing with this issue could affect the layout of the site, as well as other elements of the drainage strategy.

We are not experts in the field of drainage but it is clear that the issues we have raised here and previously (see 25/00636/CONDIT) regarding exceedance flows and regular ground water accumulations require robust solutions; the technical aspects of the revised drainage strategy must be sufficiently scrutinised by the CBC drainage engineers and the LLFA in order to prevent any possibility of future harm to property in Leckhampton Farm Court.

C) The usage of buff material in the housing is an improvement.

D) For the sake of good order and the avoidance of doubt: I have previously made comments regarding 25/00636/CONDIT dated 10th May 2025, BUT because a new planning application number is in force, I shall have to re-iterate my 10th May 2025 comments (with updated plot numbers) as follows:-

1) In the current application, there appears to be a mis-match between

131-05_A	Approved Site Overlay
131-12_A	Material Finishes
131-20	Surface Water Drainage Strategy
131-21	Exceedance Flow Paths

and the approved drawings listed by the Government Inspector in his Condition 2.
(Planning Inspectorate Reference: APP/B1605/W/23/3317851)

1.1) Planning Layout 32042 PL-03-H shows that there is a 3 metre buffer zone between the property 8 Leckhampton Farm Court, on its south and east sides, and the development site. The Illustrative Landscape Masterplan 20-03-PL-201 also shows a 3 metre green buffer in the same position, and that Structure Planting is proposed. The same buffer is identified on page 25 and page 34 of the Revised Design & Access Statement (Rev C) (1st June 2022) viz *“A 3m wide green buffer has been introduced along parts of the northern boundary to provide screening for the existing properties off Leckhampton Farm Court to the north of the site”*.

1.2) Boundary Treatment Plan 32042 PL-05-D specifies the location of a “Fence – 1.8m closeboard” which is to be erected 3 metres away from the south and east boundaries of the property 8 Leckhampton Farm Court (i.e. on the development-site side of the green buffer zone).

The above drawings submitted with this application show some indication of a buffer zone (but not green) and none show any indication of a 1.8m closeboard fence on the south and east side of the buffer zone around 8 Leckhampton Farm Court. I am surprised by this, because these drawings have been revised for this application and to show the close-boarded fence requires only the addition of two straight lines.

The current application must comply in full with the drawings approved by the Government Inspector identified in (1.1) and (1.2) in terms of the boundary treatment between the development site and the property 8 Leckhampton Farm Court.

E) The property 8 Leckhampton Farm Court has a vehicular and pedestrian Right of Way from its south boundary across the development site to Church Road. The Right of Way is routed along the streets of the development but the northern end of the Right of Way is not complete, because the street alongside Plot 21 (Proposed Site Plan 131-05_A) must be part of the Right of Way and currently it does not reach the site boundary with 8 Leckhampton Farm Court.

The sort of changes that would be required to provide a completed and viable vehicular Right-of-Way are shown below in Figure 1 below.

The purpose of the diagram in Figure 1 is to establish now the principle that in order to deliver a completed Right-of-Way, changes of the type and order as shown in Figure 1 will be required to be made, at some point in time, to site drawings and plans that depict that area - despite the fact that in the interim, site drawings may have been approved that do not reflect the completed Right-of-Way.

To minimise potential conflict, it is important that all parties accept that the roadway shown pink in Figure 1 is Public Highway, and that access must be maintained at all times. The occupants of Plot 21 might be inclined to regard the road as a de facto private driveway to their garage, which could lead to poor parking and an obstruction to access, which would badly impact amenity.

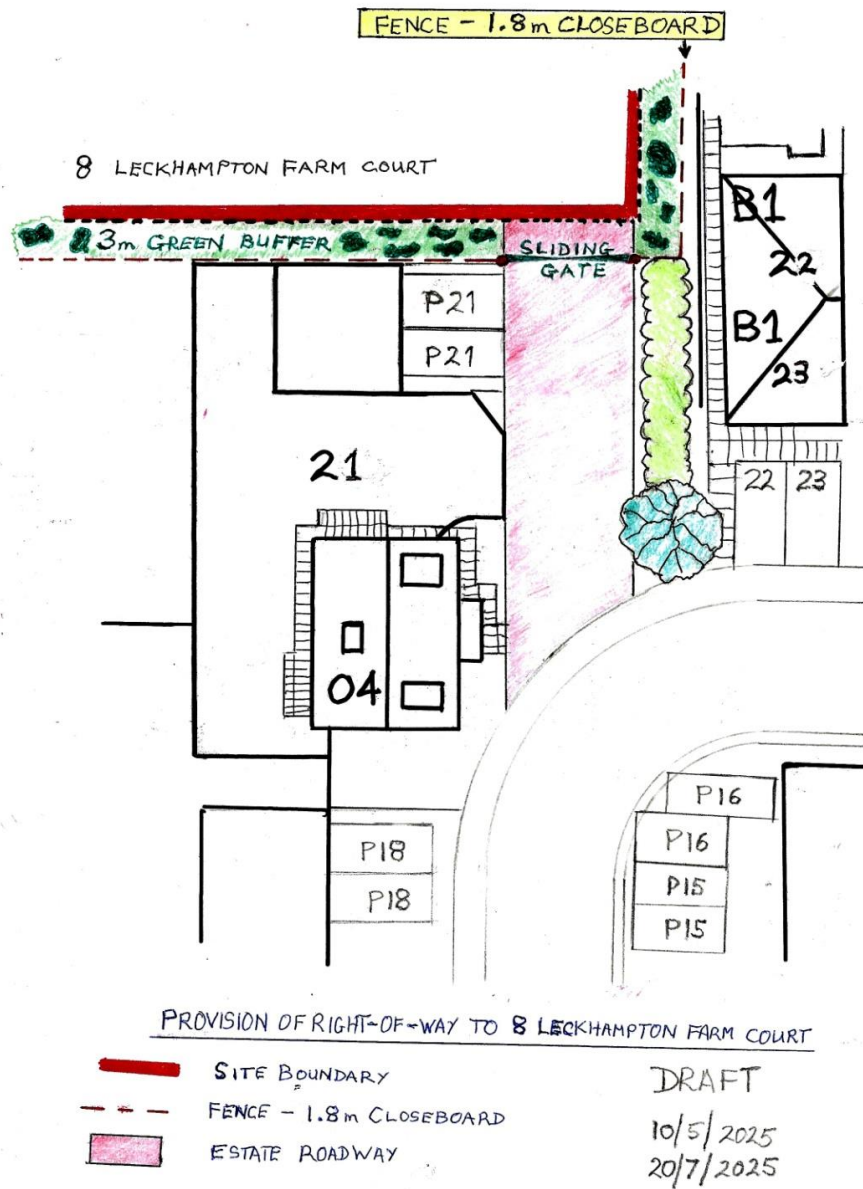
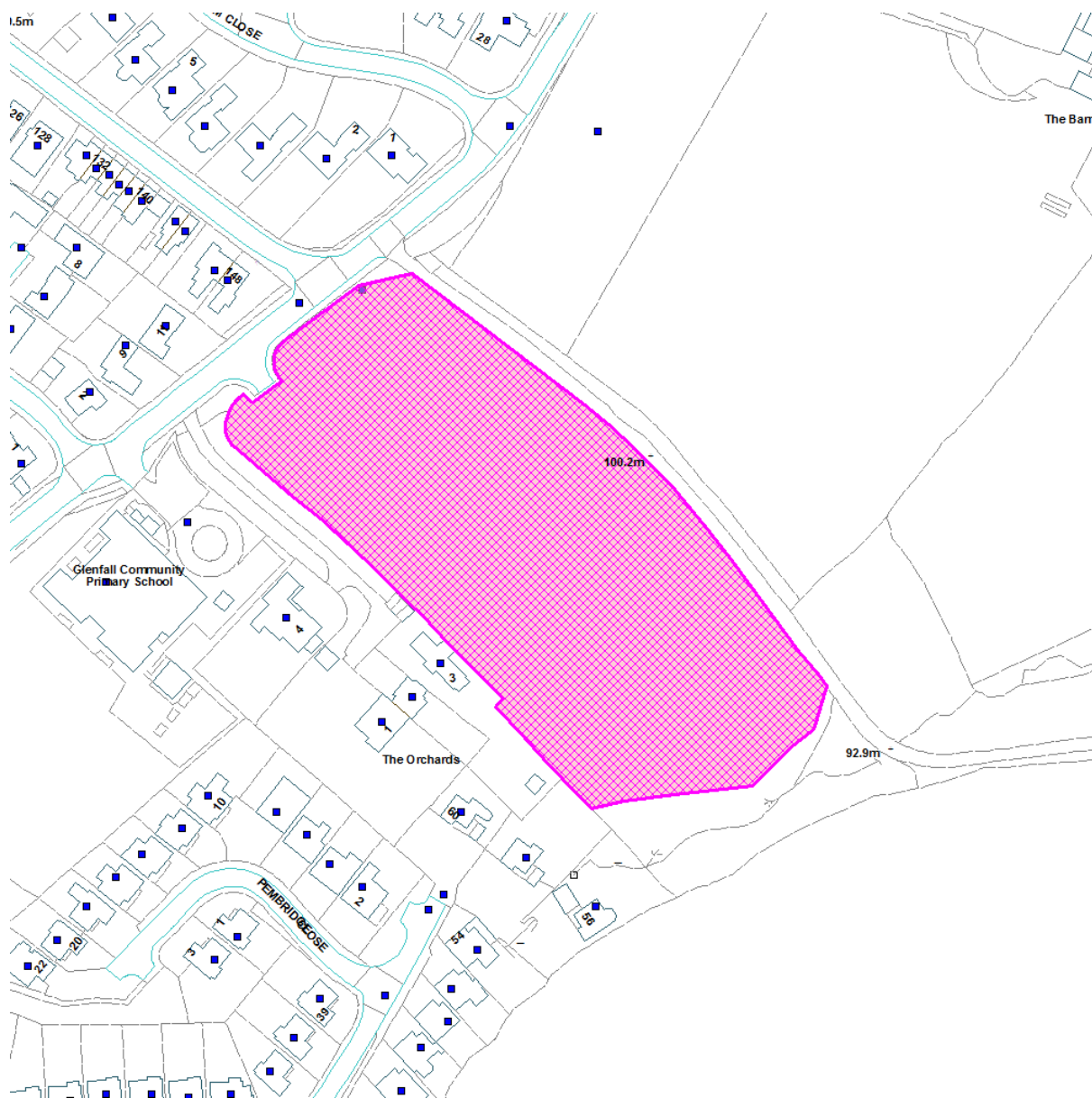


FIGURE 1.

APPLICATION NO: 25/00650/OUT	OFFICER: Mrs Lucy White
DATE REGISTERED: 30th May 2025	DATE OF EXPIRY: 25th July 2025/Agreed Ext of Time until 24 th November 2025
DATE VALIDATED: 30th May 2025	DATE OF SITE VISIT:
WARD: Battledown	PARISH: Charlton Kings
APPLICANT:	Waddeton Park Ltd.
AGENT:	Black Box Planning
LOCATION:	Land On The South Side Of Glenfall Way Charlton Kings
PROPOSAL:	Outline application for the erection of 4 no. self-/custom-build dwellings (Class C3). Access to be determined in detail. All other matters reserved.

RECOMMENDATION: Permit subject to s106 obligation



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site comprises a field situated on the south side of Glenfall Way, opposite the junction with Ryeworth Road. To the west, adjacent to the site boundary, are residential properties on The Orchards and Pembridge Close, along with the grounds of Glenfall Primary School. Opposite the site, on the north side of Glenfall Way, are further residential properties, while open fields extend beyond the southern and eastern site boundaries.
- 1.2 A private road and Public Right of Way (ZCK24) (PROW) run along the north-western edge of the site; the road providing vehicular access to a commercial unit to the south. The surrounding built-up area is predominantly residential in character, although the Glenfall Primary School is in close proximity to the west. Vehicular access to the site already exists from Glenfall Way.
- 1.3 The site lies wholly within the Cotswold National Landscape (CNL/AONB) and outside (but adjacent to) the Principal Urban Area (PUA) of Cheltenham. The site has an area of approximately 1.69 ha and its current use is grassland/pasture.
- 1.4 The application site has been the subject of previous applications for new residential development, as highlighted in the planning history section below. In 2008, an outline planning application for the erection of up to 44 dwellings (ref: 07/01580/OUT) was refused by this authority and subsequently dismissed at appeal, with the Inspector concluding that the proposal would result in unacceptable harm to the landscape. In 2015 an outline application (15/00025/OUT) was submitted for the construction of up to 15 dwellings on the site, although this application was withdrawn prior to any decision being made. In 2017, a further proposal for the erection of 4 dwellings, with landscaping and public open space was also refused (16/01789/FUL).
- 1.5 This application seeks outline planning permission for the erection of 4 no. self-/custom-build dwellings, with associated landscaping and public open space. The means of access to the site is to be determined in detail, with all other matters reserved for future consideration.
- 1.6 The application follows a pre-application submission in 2024 for the same proposal.
- 1.7 The scheme has been revised and supplemented during the course of the application. Key changes include:
 - provision of additional street view elevations
 - additional soft landscaping is proposed along the Glenfall Way frontage
 - updates to the Biodiversity Net Gain plan and calculations
 - amendments to the s106 draft Heads of Terms to secure the proposed public footpath link and open space in perpetuity.
- 1.8 The indicative designs and layout of the proposed development remain unchanged from the original submission.
- 1.9 This application has been referred to the Planning Committee for determination at the request of Councillor Chris Day. The reasons for the referral are as follows:

It is in the AONB (CNL) which is highly protected under planning policy as confirmed by case law.

From reviewing the planning history of the site, I understand that 3 previous planning applications for this site have been refused by the LPA, and an appeal against refusal was dismissed. Therefore, the site has clearly been previously considered as being not

suitable for development with substantial planning reasons why it should not be developed.

I have also been informed that the last time planning permission was refused the decision of the Planning Committee was unanimous.

It appears to me to be an almost carbon copy of the application lodged last year for the neighbouring field (24/01123/OUT) which was refused by Officers for a panoply of reasons (7 were listed in the Officers Report) including "that the Cotswolds National Landscape (CNL) at the Site and within its context would be neither protected nor enhanced by the proposals as required by NPPF Paragraph 180 a) for valued landscape such as the CNL"

There is also considerable public interest in this application.

- 1.10** For the avoidance of doubt, the Cotswold National Landscape was formerly known as the Cotswold Area of Outstanding Natural Beauty. As such, abbreviations CNL and AONB are both used within the report, where relevant.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Area of Outstanding Natural Beauty
Airport Safeguarding over 45m
Principal Urban Area
Residents Associations

Relevant Planning History:

13/01741/PREAPP 6th November 2013 CLO

Residential development on land opposite No. 11 Glenfall Way / Ryeworth Road

24/00819/PREAPP 27th June 2024 CLO

Construction of 4 no. self-build dwellings.

80/00024/PO 17th March 1980 REF

Outline Application For Residential Development.

80/00105/PO 24th April 1980 PER

Land Adjacent To The Orchards Cheltenham Gloucestershire - Outline Application To Erect 1 No. Dwelling

81/00346/PF 27th August 1981 PER

Construction Of Agricultural Access From Glenfall Way At Point A On Plan.

81/00048/PF 5th April 1982 PER

Land Adjacent To The Orchards Cheltenham Gloucestershire - Erection Of A Bungalow.

07/01543/CONF 3rd March 2008 CONFIR

Confirmation of Tree Preservation Order 647: T1 Maple species, T2 Maples species, T3 Ash, G1 Group of 5 limes and G2 Group of 4 limes

07/01580/OUT 22nd January 2008 REF

44 dwellings including affordable housing

15/00025/OUT 7th April 2016 WDN

Construction of up to 15 dwellings, including affordable housing, landscaping and ancillary infrastructure

16/01789/FUL 2nd August 2017 REF

Proposed erection of four dwellings with landscaping and public open space.

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 12 Achieving well-designed places

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

Section 15 Conserving and enhancing the natural environment

Adopted Cheltenham Plan Policies

D1 Design

D3 Private Green Space

L1 Landscape and Setting

BG1 Cotswold Beechwoods Special Area Of Conservation Recreation Pressure

SL1 Safe and Sustainable Living

GI2 Protection and replacement of trees

GI3 Trees and Development

CI1 Securing community infrastructure benefits

CI2 Sports and open space provision in new residential development

Adopted Joint Core Strategy Policies

SD3 Sustainable Design and Construction

SD4 Design Requirements

SD6 Landscape

SD7 The Cotswolds Area of Outstanding Natural Beauty

SD9 Biodiversity and Geodiversity

SD10 Residential Development

SD11 Housing Mix and Standards

SD14 Health and Environmental Quality

INF1 Transport Network

INF2 Flood Risk Management

INF3 Green Infrastructure

INF5 Renewable Energy/Low Carbon Energy Development

Supplementary Planning Guidance/Documents

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

Cheltenham Climate Change (2022)

4. CONSULTATIONS

See appendix at end of report

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	173
Total comments received	92
Number of objections	92
Number of supporting	0
General comment	0

5.1 Letters were sent to 173 neighbouring properties. In addition, site notices were displayed near the site and an advertisement was published in the Gloucestershire Echo. In response, a total of 92 representations were received, all objecting to the proposed development. The main concerns raised include, but are not limited to, the following:-

- Proposals would neither conserve or enhance the Cotswold National Landscape. Cotswolds National Landscape has the highest level of protection in national and local planning policy.
- Views to the scarp limited or lost
- Proposals constitute inappropriate development within the AONB
- Major development in an AONB should only proceed under exceptional circumstances and where it demonstrably serves the public interest. In this case, no such justification exists.
- Site located outside of Principal Urban Area where residential development should be prohibited
- Contrary to Cotswolds AONB Management Plan (2023-25)
- Four large detached houses would be out of character with surrounding development
- Repeated applications for the same development despite previous planning refusals
- Precedent for further encroachment into the AONB and risk of further residential development on this site
- Increase in traffic and parking congestion on Glenfall Way
- Pedestrian and cyclist safety concerns, particularly given proximity of Glenfall Primary School
- Harmful impact on ecology and biodiversity of site and loss of habitat of protected and priority species
- Southern area of site used historically as a septic tank soakaway
- Self-build future uncertainties - lack of uniformity in design and appearance
- Impact on local community infrastructure – school places
- Noise and disturbance to neighbouring residents and wildlife
- Flood risk - run off draining into culvert at Hartlebury Way and then into the river Chelt.
- Light pollution within AONB
- Proposals include no affordable housing provision or community benefits

5.2 Parish Council

5.3 The Parish Council initially objected to the proposed development. Their concerns focused on the extension of urban development towards the less densely populated area of Ham and the perceived lack of measures to conserve or enhance the National Landscape.

5.4 The Parish was re-consulted on the revised documents submitted in October. The Parish has confirmed that it no longer objects to the proposals, subject to the open space element of the development being fully protected through enforceable measures and the footpath link is extended further south-east within the site, to separate walkers from commercial traffic.

5.5 The s106 draft Heads of Terms includes an obligation to retain both the open space and footpath in perpetuity.

5.6 The extension of the footpath to the south-east has been discussed with the applicant. Firstly, extending the footpath in this way would require an amendment to the red line application site area. It would also involve incursion into the riparian zone of a watercourse and necessitate watercourse habitat enhancement, which the applicant

claims would be difficult and costly to deliver, both on- and off-site. Whilst there are advantages to extending the footpath as suggested by the Parish, it is unfortunately not considered feasible through this application.

- 5.7** The benefits of the current proposed footpath link through the site are discussed later in the report.

6. OFFICER COMMENTS

6.1 Determining Issues

6.2 The key issues for consideration are:

- (i) the principle of new residential development in this location
- (ii) the indicative design, scale and layout of the proposals, and their impact upon the landscape qualities of the Cotswold National Landscape (CNL) and character of the area
- (iii) parking, access and any highway safety implications
- (iv) impact on the amenities of adjoining land users
- (v) drainage and flooding,
- (vi) impact on existing trees within and adjacent to the site and
- (vii) biodiversity, ecology and protected species
- (viii) sustainability and climate change
- (ix) recreational pressure on the Cotswold Beechwoods SAC.

6.3 Principle of Development/Planning Policy Context

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

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

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

6.7 The site is within reasonable walking distance of the nearest local services in Charlton Kings where there is access to a wide range of day-to-day services such as shops, schools, amenities and employment opportunities. There are also a number of regular bus services serving Glenfall Way, London Road and Ham. The site can therefore be considered a sustainable location for new residential development, in the context of the NPPF.

6.8 Within the PUA the principle of new residential development on previously developed land is supported by Policy SD10 of the Joint Core Strategy (JCS). Housing development on other sites, will only be permitted where it meets certain exception criteria; one of which relates to there being other specific exceptions/circumstances defined in district or neighbourhood plans (Criterion 4).

- 6.9** Paragraph 11 of the NPPF sets out a '*presumption in favour of sustainable development*' and makes it clear that development proposals that accord with an up to date development plan, should be approved without delay.
- 6.10** Paragraph 11 of the NPPF states '*Plans and decisions should apply a presumption in favour of sustainable development....and for decision making this means approving development proposals that accord with an up-to-date development plan*'. Where policies which are most important for determining the application are out-of-date, the NPPF at paragraph 11(d) advises that planning permission should be granted '*(i) unless the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole*'. This is referred to as the 'tilted balance' in favour of sustainable development.
- 6.11** The protected areas or assets referred to at (i) above are, in this case, the Cotswold National Landscape.
- 6.12** Footnote 7 of paragraph 11 of the NPPF explains further that for applications involving the provision of housing, relevant policies must be considered out of date in situations where the local planning authority cannot demonstrate a five year supply of deliverable housing.
- 6.13** Cheltenham Borough Council is currently unable to demonstrate a five-year supply of housing land and at the time of writing the latest published figure is 2.69 years. The contribution of the four proposed dwellings towards alleviating the current shortfall is therefore a material consideration in the determination of this planning application.
- 6.14** As mentioned above, the application site is designated land and lies wholly within the Cotswold National Landscape. Paragraph 182 of the NPPF states that '*great weight should be given to conserving and enhancing the landscape and scenic beauty in Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues*'. The scale and extent of development within the CNL should therefore be limited and proposals for development considered carefully.
- 6.15** The above is consistent with Policies SD6 (Landscape) and SD7 (CNL) of the JCS which seek to protect the landscape character of the CNL. Policy SD7 of the JCS states that all development proposals in or within the setting of the Cotswolds AONB will be required to conserve and, where appropriate, enhance its landscape, scenic beauty, wildlife, cultural heritage and other special qualities. Proposals will also be required to be consistent with the policies set out in the Cotswold AONB Management Plan.
- 6.16** Policy CE1 of the Cotswolds AONB Management Plan 2025-30 (CMP) requires:
- 1. Proposals that are likely to impact on, or create change in, the landscape of the Cotswolds AONB, should have regard to, be compatible with and reinforce the landscape character of the location, as described by the Cotswolds Conservation Board's Landscape Character Assessment and Landscape Strategy and Guidelines.*
 - 2. Proposals that are likely to impact on, or create change in, the landscape of the Cotswolds AONB, should have regard to the scenic quality of the location and its setting and ensure that views - including those into and out of the AONB - and visual amenity are conserved and enhanced.*
- 6.17** CMP Policy CE3 emphasises the importance of maintaining local distinctiveness and respecting local settlement patterns through appropriate design.

- 6.18** CMP Policy CE6 states that proposals that are likely to impact on the historic and cultural heritage of the Cotswolds AONB should have regard to these features and seek to conserve and enhance them. This should include respecting historical features, buildings, sites, layout and context, including the relationship between the existing feature or settlement and the landscape.
- 6.19** Similarly, Policy L1 (landscape and setting) of the Cheltenham Plan states that development will only be permitted where it would not harm the setting of Cheltenham including views into or out of areas of acknowledged importance, which include AONBs.
- 6.20** In summary, the site is located outside the PUA and within the Cotswold National Landscape. Although the principle of housing development is not precluded within a National Landscape, the acceptability of new residential development in this location is constrained by Policies SD10 may not be supported.
- 6.21** Notwithstanding the above, the impact of the proposals on the CNL, along with the other merits of the proposals, is considered below in the context of the Council's housing land supply shortfall.

6.22 Design and Layout/Impact on Cotswold National Landscape

- 6.23** The application site lies on the edge of the Cotswold National Landscape, within a residential area of fairly tight-knit housing, particularly on the north side of the road, that transitions to open countryside east of Glenfall Way. This makes the site particularly sensitive, and the proposals must be assessed with regard to the purposes of the National Landscape designation.
- 6.24** NPPF Paragraph 189 emphasises the great weight that should be given to conserving and enhancing landscape and scenic beauty in National Landscapes. *'The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas'*.
- 6.25** Paragraph 131 of the NPPF sets out that good design is a key aspect to achieving sustainable places, and creating better places in which to live. Paragraph 135 goes on to set out that development should add to the overall quality of the area, be visually attractive, and be sympathetic to local character. Policy SD4 of the JCS and Policy D1 of the Cheltenham Plan require development to be of a high standard of architectural design that responds positively to and respects the character of the site and its surroundings.

6.26 Description of Proposed Development

- 6.27** As set out in the introduction, the application proposes the erection of four self-/custom build dwellings with associated infrastructure and landscaping within the north-western part of the site. A large area of public open space with landscaping and SUDS features is proposed for the remainder of the site (approx. 74% of the site area). The open space is principally designed as a wild meadow. Within this area, a proposed footpath link would run north-south from Glenfall Way to the public right of way (PROW) on adjoining land. In addition to enhancing public access to the CNL, the footpath would offer an alternative route to the single lane farm track/PROW, which is frequently used by heavy goods vehicles transporting materials and equipment to commercial (recycling) units. This alternative route may be safer and more attractive for pedestrians. The indicative application details suggest that the footpath would consist of mown grassland rather than a hard surfaced pathway.

- 6.28** The proposals would meet the definition of self-build and custom housebuilding as set out in the Self-build Act 2015. The applicant notes the significant shortfall between the number of entries on Cheltenham Borough's Self-build Register and the number of self-build plots that have received planning permission within the statutory timeframe (3 years).
- 6.29** The indicative drawings show four, large detached dwellings that adopt a linear, north/south tandem style layout, aligning roughly with the existing residential properties in The Orchards. An existing landscaped/tree buffer would separate the proposed dwellings from the Glenfall School grounds to the west. The southern and eastern boundaries of the site would retain their existing mature trees, scrub and hedgerow.
- 6.30** The design approach is contemporary but with the use of traditional architectural forms and external materials (pitched roofs, slate roof tiles, natural/Cotswold stone facing brick, composite timber cladding and aluminium windows and doors). Three dwellings would be two storeys in height and Unit 4, furthest into the site, single storey. The properties would be accessed via a single, shared vehicular access off Glenfall Way; each property fronting the internal estate road, with gardens backing onto the open space element. Rear boundary treatment would include hedgerow to soften the appearance of the development and offer screening from the public open space and footpaths.
- 6.31** Officers acknowledge that the indicative house types are larger than the prevailing size and character of surrounding development, which consists primarily of smaller two storey semi-detached properties. However, the bulk and mass of the buildings is broken-up/reduced by the dual pitched roof forms, splayed back flat roof elements and the drop in building height and scale southwards through the site.
- 6.32** Given that this is an outline planning application, the submission includes a set of parameter plans for access and movement, land use, and building heights. A plot passport/Design Code for each plot is also provided. For each plot, these include (but are not limited to) details of maximum gross internal area, building footprint, ridge and eaves heights, external materials palette, roof form, fenestration style, garages, ancillary buildings and boundary treatment.
- 6.33** If approved, the Design Code/Plot Passports would guide the detailed designs at reserved matters stage and help control the future development of this site. The reserved matters proposals would need to be in substantial accordance with both the Parameter Plans and Plot Passports, which would be secured through planning conditions. This approach would ensure the delivery of a scheme that is appropriate in design, scale and appearance for this sensitive location. Although the proposals include a self-build element, giving future homeowners some flexibility to suit their requirements, any significant deviation from the indicative house type designs submitted would not be permitted.
- 6.34** Landscape and Visual Impact
- 6.35** The site is located wholly within the Cotswold National Landscape. The most recent assessment of the CNL by the council is the Landscape Character, Sensitivity and Capacity Assessment of the Cotswold's AONB within the Cheltenham Administrative Area (2015). The application site falls to the southwest of a wider area identified as Ham Lowland Pasture (site ref: LCA 6.2). Even though the existing site appears to be in a low level of active management it still carries intrinsic landscape value as a piece of open, rural landscape set within the CNL.
- 6.36** Given the sensitive location of the site, the applicant has carried out a Landscape and Visual Assessment (LVIA) of the proposals. This document describes the landscape

character and setting of the site and identifies various viewpoints from which the potential landscape visual impact is assessed.

6.37 The Council's appointed Landscape Architect (LA) was consulted and asked to review the applicant's LVIA. The LA also provided comments at pre-application stage.

6.38 Background/Pre-application Proposals

6.39 During pre-application discussions, a number of landscape matters were identified by officers and the LA as being fundamental should this site be brought forward for housing development. These are:

- Maintaining important views across open space to the CNL escarpment from Ryeworth Road;
- Maintaining as much natural open space/meadowland on this site as possible
- Facilitating public access to any retained open space to create a safer pedestrian route to the wider CNL footpath network
- Minimise overlooking of the public open space and any 'back garden' appearance when using this area
- Retaining existing trees and hedgerows within and adjacent to the site, including younger trees to the south
- Protecting the residential amenity of The Orchards
- Re-positioning the buildings further to the west with some single storey, and/ or on a diagonal house line
- Revisions to the architectural design of the dwellings, reducing their bulk/mass, height and setting the properties within their immediate landscape setting to reduce their visual prominence.

6.40 Current/Outline Application Proposals

6.41 In summary, the LA considers that the proposals have addressed concerns raised at pre-application stage. The proposals would result in landscape and visual harm but this is assessed as being at the lower end of the scale. *Visual effects* are judged initially to be greater at Moderate/Adverse. This would decline to Minor, Adverse and Permanent in 10 to 15 years with the growth of boundary hedgerow and weathering of buildings.

6.42 Notably the LA considers that the Cotswold National Landscape at this site would be partly enhanced by the wider, natural meadow proposals (as required by NPPF paragraph 187) but harmed by the four dwellings proposed. Again, the *landscape character* harm is considered to be at the lower end of the scale and judged to be Minor, Adverse and Permanent.

6.43 Officers acknowledge that the proposals would change the rural character of this small field parcel and the field boundaries, particularly the northern site boundary fronting Glenfall Way, which would not entirely screen off any change in landscape character. However, the majority of the site would be retained as meadowland and continue to appear as a small paddock. Importantly, there would be no physical coalescence of built form between this part of Charlton Kings and Ham. Essentially, the development would read as a small residential extension of the urban fringe.

6.44 Furthermore, the important views of the upper escarpment though the site from Ryeworth Road across Glenfall Way would be retained, due to the proposed layout/alignment of the proposed buildings.

6.45 The indicative house types suggest small window sizes on east, rear facing elevations to minimise excessive overlooking of the public open space. All existing mature trees within and adjacent to the site would be retained, with enhanced boundary hedgerow planting.

6.46 The LA also considers the proposed publicly accessible footpath and open space a benefit of the proposals. It would provide recreational value, and safer and more attractive access to the wider National Landscape footpath network. The footpath and open space would be made publicly accessible in perpetuity.

6.47 Conclusion

6.48 Whilst landscape and visual harm have been identified and there would be a change in the overall character of the site, this is assessed as being at the lower end of the scale. Notwithstanding the identified harmful impacts, the proposals are nonetheless considered by the LA to protect the overall scenic and landscape qualities of this part of the AONB and the purpose for which it was designated. As discussed above, the greater part of the site is retained as meadowland and the proposals offer enhancements in terms of publicly accessible open space and improved footpath links.

6.49 The proposed development is therefore considered, on balance, to be broadly compliant with the objectives of Policies SD6 and SD7 of the JCS. Although there is some conflict with paragraphs 187 and 189 of the NPPF, in that the proposals do not totally protect or enhance the landscape character of the site, the harm is identified as being at the lower end of the scale and the setting of the CNL is otherwise protected.

6.50 However, this harm must be assessed in the overall planning balance which is set out within the report conclusion.

6.51 A number of landscape focused conditions are suggested by the LA should the Council be minded to grant planning permission. These and conditions relating to the Parameter Plans, Plot Passports and Biodiversity Net Gain, would adequately encompass the various required mitigation measures and the future management of the public open space and associated landscaping. These have been added to the list of suggested conditions at the end of the report.

6.52 The LA's full response is reproduced in full within the Consultee Appendix at the end of this report.

6.53 The Cotswold National Landscape Board were also consulted, but on this occasion offer no direct response to the proposed development and refer the decision maker to the relevant national and local planning policy and guidance.

6.54 Architects Panel

6.55 Cheltenham's Architects Panel, concluded that the current proposals address previous concerns over the site layout, visual impact, scale and architectural design and the scheme is well considered. The Panel note the retention of important views public views to the escarpment and the public benefits in providing new permissive footpaths connecting to the existing network further south. The wild meadow enhancements also offer opportunities for biodiversity gain.

6.56 The architectural design, scale and character of the four dwellings is also considered appropriate for this edge of town location, but if constructed as self-build properties, the aesthetic of the scheme should be controlled by a comprehensive Design Code for all plots.

- 6.57** The Panel also felt that the application should be re-submitted as a full planning application, given the sensitive location.
- 6.58** Appeal Decision – Site Adjacent
- 6.59** Members may recall a recent appeal decision following the Council's refusal of planning permission for the erection of 5 self-build houses on land opposite Ham Close. This appeal site is just to the east of the application site and fronts Glenfall Way.
- 6.60** The appeal was dismissed in August 2025 (ref. APP/B1605/W/25/3361502). Officers and the Council's Landscape Architect have carefully considered the Inspector's decision letter and the reasons for the appeal being dismissed. The applicant has also addressed the appeal decision in an Addendum to the Planning Statement.
- 6.61** In considering the appeal decision, officers have also had regard to the Levelling Up and Regeneration Act 2023 (LURA) which amended the statutory duty as set out under Section 85 of the Countryside and Rights of Way Act 2000 in relation to public bodies and the statutory purposes of National Landscapes. Previously, public bodies were required 'to have regard to' the purpose of conserving and enhancing National Landscapes. Under the amended duty, they must now 'seek to further' these purposes. The Inspector refers to this more rigorous duty within the appeal decision but acknowledges that there are overlapping considerations between the requirements of the LURA and local planning policy. The Inspector therefore states that *the policies remain broadly consistent with the thrust of the LURA*.
- 6.62** The Inspector considers that, whilst exhibiting only limited numbers of the special qualities of the National Landscape, the appeal site makes a locally important and positive contribution to the landscape and scenic beauty of the CNL, as well as forming an important gap between the PUA and Ham. The Inspector concluded that the adverse impact of the appeal proposal significantly and demonstrably outweighed the benefits. The adverse impacts were identified as the conflict with development plan policy (JCS policies SD4, SD7 and SD10) and the harm to landscape and scenic quality of the CNL. Although the Inspector attached significant weight to the provision of new housing and the self-built element of the proposals, the overall benefits of the scheme were considered to be limited to moderate and would not outweigh the identified harm to the CNL.
- 6.63** Firstly, there are notable differences in the character of the two sites, in particular the location of the field parcels relative to the settlement boundary, the size and configuration of each site and the layout of the proposals.
- 6.64** The layout of the appeal proposal included 5no. dwellings, in a linear road frontage arrangement, and thereby disrupting views of the open countryside. In contrast to the application site, the appeal site is physically and more visually separated from the built-up settlement boundary, being surrounded by fields on three sides. The appeal site is significantly smaller in size and would therefore have been more intensively developed with less area given over for landscaping. Development on this site would reduce the 'green gap' and openness between Ham and Cheltenham, leading to a noticeable urbanising effect. The Inspector concluded that the appeal proposals *would not retain the sense of openness of the gap between the PUA and Ham and neither would it provide a transition between urban fringe and the rural area*.
- 6.65** The Inspector considered the effect on the CNL would be minor to moderate, and there would be adverse effects on important views. As such, the scheme would have an adverse effect on the character and appearance of the CNL.
- 6.66** In contrast, the application site is located adjacent to the settlement boundary (PUA) and existing housing. Two thirds of the site would be retained as public open space and the

linear, north/south layout and the indicative scale and massing of the proposed dwellings protects the important views to the escarpment and the general openness of the site. The gap between Ham and Cheltenham would otherwise be protected. The application proposals are therefore considered a more sensitive and appropriate way to develop within the CNL, extend the built-up area and provide a transition between urban fringe and rural area.

- 6.67** Despite the differences noted above and the outcome of the above appeal decision, the identified harm and the benefits of the proposed development must be carefully weighed in the overall planning balance. This assessment is presented in the conclusion of this report.

6.68 Impact on neighbouring property

- 6.69** 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.
- 6.70** The nearest residential properties that have potential to be impacted by the proposed development are those in The Orchards and opposite the site on Glenfall Way. Glenfall Primary school users would be impacted to a lesser extent due to the intervening school parking/turning area and landscape buffer.
- 6.71** In this instance, given the location of the development proposed and its positioning within the site relative to the nearest neighbouring residential properties, officers are satisfied that the proposals would have negligible impact on neighbouring amenity in terms of privacy, outlook or daylight. The proposed dwelling (Unit 4) is reduced in scale to minimise any loss of outlook or privacy to 3 The Orchards.
- 6.72** There may some noise and disturbances during the construction phase but this would be temporary.
- 6.73** Furthermore, no particular concerns regarding potential loss of light, privacy or outlook were raised by neighbouring residents during the public consultation exercise.
- 6.74** With all of the above in mind, the proposed development is considered to be compliant with adopted CP policy SL1 and adopted JCS policy SD14 which require development to protect the existing amenity of neighbouring land users and the locality and those of future occupiers.

6.75 Access and highway issues

- 6.76** 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.
- 6.77** The applicant sets out transport related matters within the covering Planning Statement, albeit the information provided is brief. The proposed vehicular access would utilise an existing access off Glenfall Way, albeit some adjustments to the access point would be required to achieve required visibility splays. Each dwelling would thereafter be accessed via a central, internal road through the site and each provided with off road driveway parking for at least 2 vehicles plus a garage.

6.78 The County Council Highways Development Management Team, acting as Local Highway Authority (HA), was consulted on the proposals. In summary, the HA raise no objection to the proposed development.

6.79 The HA note the sustainable location of the site, close to schools, shops and bus services. The existing access is acceptable, subject to some potential hedge removal to provide the required visibility splays and cycle storage being accommodated within garages. The HA's recommended conditions and informatives are included in the list of suggested conditions at the end of the report.

6.80 Sustainability

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

6.82 The applicant has provided a Sustainability and Energy Statement which includes a Waste Minimisation Statement (WMS). The Statement sets out the principles of waste management and minimisation in relation to the construction and operational phases of the development. The approach to carbon savings within the built fabric and calculations of predicted energy demand and CO2 emissions are also provided. The following measures are proposed:-

- Implementation of a fabric first approach
- Double glazing systems and low levels of air permeability throughout
- Installation of air source heat pumps
- EV charging points
- Study/home office in each dwelling

6.83 The information provided on proposed energy savings, reductions in carbon emissions and waste minimisation is limited. The documents have been submitted as framework strategies only at this outline stage. Conditions are therefore imposed to secure the submission and approval of updated and detailed Sustainability/Energy and Waste Minimisation Statements at reserved matters stage, when the specifications of each dwelling and construction/site management are known.

6.84 A condition to ensure that the development is not served by or connected to the gas grid has also been added.

6.85 Other considerations

6.86 Major Development in National Landscapes

6.87 A number of local residents have stated that the proposed development constitutes major development within the Cotswold National Landscape. Paragraph 190 of the NPPF stipulates that applications for major development within National Landscapes should be refused other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. The NPP advises further that whether a

proposal represents major development is a matter for the decision maker, taking into account its nature, scale and setting and whether it could have a significant adverse impact on the purposes for which the area has been designated (NPPF Footnote 67) .

6.88 Whilst the application site area brings the proposal within the definition of major development, it is not considered to constitute 'major development' in the CNL for the purposes of paragraph 190 of the NPPF. This is due to the small number of dwellings proposed, and the location, size and setting of the site on the edge of the built-up area. The proposed development falls well below the typical threshold of major development within National Landscapes. Moreover, any potential adverse impacts on the purposes for which the area has been designated, are not considered significant in this case.

6.89 Similarly, previous schemes for 4 dwellings on the site (16/01789/FUL), and the proposed development of 4 dwellings on adjacent land, were also not judged to be 'major development' within the CNL.

6.90 Drainage and Flooding

6.91 The application site lies within Flood Zone 1 and therefore the potential flood risk is low. There is a watercourse at the southern end of the site.

6.92 The Council's Drainage officer (DO) has reviewed the submitted Flood Risk Assessment and Illustrative Drainage Strategy. The FRA concludes that the proposals provide opportunities to alleviate some of the existing run-off from the site and overall betterment of existing run-off rates.

6.93 The DO considers the FRA and drainage strategy adequate for an outline planning proposal. The detailed SuDS drainage design can be secured by condition and will need to show exceedance flow routes and take into consideration existing run-off entering the site on the northern boundary.

6.94 Ecology, BNG, Environmental Impact and Protected Species

6.95 The applicant has carried out a Preliminary Ecological Appraisal (PEA), including a badger and Great Crested Newt survey. A Design Stage biodiversity net gain report and the Statutory Biodiversity Metric calculations (BNG) are also provided. These documents and their subsequent updated versions have been reviewed by the Council's Ecologist (EO).

6.96 The updated BNG metric calculates a positive 16.15% net gain in hedgerow units, but a 2.53% net loss in habitat units. Off-site offsetting is proposed to deliver the mandatory 10% net gain in habitat units. The applicant has provided confirmation from the Gloucestershire Nature and Climate Fund (GNCF), that 1.29 units of other neutral grassland are required and can be provided by GCNF. This would be detailed within the Biodiversity Net Gain Plan which would form part of the pre-commencement condition discharge process.

6.97 However, the updated BNG metric still includes 1.17 ha of neutral grassland to be enhanced to lowland meadow. As stated in the previous EO comments, this Lowland Meadow habitat in moderate condition is not considered a realistic habitat for this site because it would be publicly accessible, resulting in long-term management issues. The EO recommends that the lowland meadow is changed to other neutral grassland.

6.98 The applicant subsequently amended the Design Stage report and BNG metric further. The EO has been re-consulted and an officer Update report will be circulated to Members upon receipt of the EO's comments.

- 6.99** Turning to the Preliminary Ecological Appraisal and Ecological Impact Assessment (PEA), including badger survey (PEA). In summary, none of the trees on site have bat roosting potential although bat activity on site has been previously recorded. The site lies within an amber/green risk zone for great crested newts, however, given the absence of ponds within 250m of the site, newts are unlikely to be present.
- 6.100** There is an active main badger sett within the site which extends into adjoining land. The EO confirms that this sett would be impacted by the proposed development. As such, the proposed temporary or permanent closure of the sett under (Natural England) licence and the creation of an artificial sett elsewhere within the site would be required.
- 6.101** Having discussed this matter with the applicant and their ecologist, the permanent partial exclusion of the sett may be possible. This approach would remove the need to temporarily close the entire sett during construction works. At the time of writing, the Council's EO is reviewing the additional information provided, and the officer Update report will include confirmation of all pre-and post-development requirements regarding the badger sett.
- 6.102** Notwithstanding the above, an updated badger and ecological survey, plus details of licence applications would be required at reserved matters stage.
- 6.103** In all other respects, the PEA recommendations for ecological mitigation and enhancement (sparrow terraces and bat boxes) and sensitive strategies for external lighting are supported and could be secured by appropriately worded conditions.
- 6.104** GCER records also show that important species or habitats have been sighted on or near the application site in the past, including bats. The submitted PEA is an appropriate assessment of the impact on these protected species.
- 6.105** Habitats Regulations Assessment/ Cotswolds Commons and Beechwoods Site of Special Scientific Interest (SSSI) and Special Area of Conservation (SAC)
- 6.106** Policy BG1 of the Cheltenham Plan relates to the Cotswold Beechwoods Special Area of Conservation (SAC) – recreation pressure. It states that development will not be permitted where it would be likely to lead directly or indirectly to an adverse effect upon the integrity of the European Site network (alone or in combination), and the effects cannot be mitigated.
- 6.107** Therefore, in order to retain the integrity of the Cotswold Beechwoods Special Area of Conservation (SAC) all development within the borough that leads to a net increase in dwellings will be required to mitigate any adverse effects.
- 6.108** The application site is within a zone of influence as set out in the Cotswold Beechwoods SAC Recreation Mitigation Strategy (May 2022) for recreational pressure for the Cotswold Beechwoods SAC, which is afforded protection under the Conservation of Habitats and Species Regulations 2017 (as amended).
- 6.109** Without appropriate mitigation, the proposed development is likely to have a significant effect on the Cotswold Beechwoods SAC (either alone or in combination with other development) through increased recreational pressure.
- 6.110** Therefore, the Council, as the responsible authority, has undertaken an Appropriate Assessment (under the Habitats Regulations 2017) and considers the measures set out in the Mitigation Strategy necessary to provide adequate mitigation to address the impacts of the proposal. The applicant can therefore either enter into a s106 contribution of £673 per new dwelling to contribute to the measures in that strategy or propose on or off-site mitigation. There are no opportunities for on-site mitigation and the applicant has opted to

make the s106 contribution of £673 per dwelling. Subject to completion to the s106, the proposal will not adversely affect the integrity of the Cotswold Beechwoods SAC.

6.111 The applicant has agreed to enter into a legal agreement to secure the appropriate SAC mitigation (financial contributions) although a Unilateral Undertaking has not yet been signed and completed by the applicant or the relevant monies and fees paid. As such, any resolution to grant outline planning permission would be subject to the completion of the s106/UU.

6.112 Trees and Landscaping

6.113 The Council's Trees Officer (TO) has undertaken a review of the proposed tree and soft landscaping proposals and considered the Arboricultural Impact Assessment (AIA) submitted. His comments on the submitted scheme are set out in full in the consultations section of this report.

6.114 The AIA concludes that all trees identified for retention can be adequately protected by either minor adjustments to the design or construction methods. No tree removal is proposed.

6.115 The TO raises no overriding concerns. The AIA is well considered and proposes mitigation methods to protect retained trees (i.e. no-dig driveways and ground protection).

6.116 The TO considered it preferable to adjust the layout of Plot 1 so that the building footprint and any hard surfaced areas would lie outside the sphere of influence of the retained trees. However, the applicant was unwilling to alter the indicative layout. Nevertheless, the layout of Plot 1 could be re-considered at REM stage and overall, the proposed mitigation measures should prevent any long term damage to the trees and can be secured through planning conditions.

6.117 Public Sector Equality Duty (PSED)

6.118 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.

6.119 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.

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

7. CONCLUSION AND RECOMMENDATION

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

- 7.2** The proposed development is contrary to the housing policies of the development plan. Policy SD10 of the JCS supports the principle of new residential development on previously developed land in the PUA. The application site lies outside the PUA and housing development on other sites, will only be permitted where it meets certain exception criteria, none of which apply in this case.
- 7.3** However, in circumstances where policies which are most important for determining an application are out-of-date, the NPPF at paragraph 11(d) advises that planning permission should be granted *‘(i) unless the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole’*.
- 7.4** In light of the Council’s shortfall in a 5 year supply of deliverable housing land, officers have therefore undertaken an objective assessment of the proposals, in accordance with paragraph 11(d). This has involved weighing any potential adverse impacts, such as harm to the landscape and scenic qualities of the Cotswold National Landscape, the character of the local area, neighbouring amenity and highway safety, against the benefits the scheme may deliver.
- 7.5** In this case, the benefits include the provision of four additional dwellings in a sustainable location, which would help to address the Council’s current housing supply shortfall. Furthermore, the inclusion of self-/custom build plots adds weight to the overall planning balance. The Council is currently falling short in its statutory duty to provide deliverable self-build plots to meet demand on the self-build register.
- 7.6** The proposals bring other clear benefits. These include the provision of a new alternative footpath link, a large area of publicly accessible open space in the CNL with recreational value for the local community, habitat and biodiversity enhancements, plus the wider economic or social benefits that the scheme might bring in terms of employment opportunities during the construction phase.
- 7.7** The draft s106 Heads of Terms includes an obligation to retain the proposed public open space, footpath link, and consequently, important views of the escarpment in perpetuity. This would prevent the remainder of the site from being developed for new housing. The area is clearly identified on the Illustrative Masterplan (plan Ref: DLA.2316.L.01.S01).
- 7.8** Officers acknowledge that there would be residual harm caused to the landscape and scenic qualities of this part of the Cotswold National Landscape and a change in the rural character of this small field parcel. However, the visual and landscape impacts of the proposals are considered to be at the lower end of the effects scale and would diminish over time and are judged to be Minor, Adverse and Permanent. The critical views of the escarpment from Ryeworth Road and across the site would be maintained. Similarly, the openness, rural character and ‘green gap’ between this part of Charlton Kings and Ham would be predominantly retained. Overall, the proposals are considered to be a sensitive and appropriate way to develop within the CNL, extend the built-up area and provide a transition between urban fringe and rural area.
- 7.9** Officers have carefully considered the recent dismissed appeal decision relating to the redevelopment of land east of the site for five new dwellings. The planning history of the application site has also been reviewed. In addition, officers have had regard to the amended statutory duty under Section 85 of the Countryside and Rights of Way Act 2000 (as updated by the LURA), which requires public bodies to seek to further the purposes of conserving and enhancing National Landscapes. In discharging this legal duty to conserve and enhance the Cotswold National Landscape, officers have reached a

balanced conclusion on the potential adverse landscape impacts arising from the proposed development.

- 7.10** There are no overriding highway safety, neighbour amenity, arboricultural or flood risk concerns. A minimum 10% biodiversity gain is achievable for this site with a small off-site purchase of habitat units. Ecological surveys and the biodiversity net gain plan and habitat management would be updated, as necessary, at REM stage and/or via a s106 obligation.
- 7.11** The indicative architectural design approach is considered appropriate for this context. Accordingly, reserved matters proposals would need to be in substantial accordance with both the Parameter Plans and Plot Passports, secured through suitably worded planning conditions. This would ensure the delivery of a scheme that is appropriate in design, scale and appearance for this sensitive location, whilst allowing some homeowner flexibility for the self-build plots.
- 7.12** In accordance with paragraph 11(d) of the NPPF, and following careful consideration of the development's impact on the CNL, clear reasons have been identified to justify the granting of outline planning permission. The adverse impacts of the proposed development on the CNL are considered to be at the lower end of the scale and do not significantly and demonstrably outweigh the various benefits outlined in paragraphs 7.2 and 7.3. Notably, the provision of four new dwellings contributes positively to the Council's supply of deliverable housing sites and self-build plots, which carries substantial weight in the overall planning balance.
- 7.13** The recommendation is therefore to grant outline planning permission subject to the conditions set out below.
- 7.14** At the time of writing, the applicant's agreement to the terms of the pre-commencement condition is being sought.
- 7.15** Any resolution to grant planning permission would be subject to the applicant entering into a legal agreement (s106) to secure the following obligations:
- appropriate mitigation for recreational pressure on the Cotswold Beechwoods SAC
 - self-/custom build occupation of all dwellings
 - green infrastructure delivery and retention of the public open space and footpath link in perpetuity
 - management and maintenance plan for public open space, with triggers for its implementation
 - Biodiversity Gain Plan – delivery and long term management and maintenance. Note, the overall Biodiversity Gain Plan, alongside an updated BNG metric must be submitted at REM stage and should set out how the development will achieve a minimum 10% Biodiversity Net Gain.
- 7.16** Both parties are in agreement over the above s106 Heads of Terms.

8. CONDITIONS / INFORMATIVES

- 1 Details of the appearance, landscaping, layout and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning

authority before any development takes place (including demolition works) and the development shall be carried out as approved.

Reason: To accord with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 The outline planning permission hereby granted shall be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To accord with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 3 Application(s) for approval of the reserved matters must be made not later than the expiration of three years from the date of this decision.

Reason: To accord with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 4 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.

- 5 The details to be submitted as part of the reserved matters for design, access, layout and landscaping shall be in substantial accordance with the design and layout principles of the Parameter Plans (ref. Drawing No. 24.25.002.PL.019A) and the Illustrative Masterplans and Site Layout Plans (ref. Drawing Nos 24.25.002.PL.005C, DLA.2316.L01.S01 and DLA.2316.L02.S01).

The details to be submitted as part of the reserved matters for the architectural design and layout of the proposed dwellings shall be in general accordance with the indicative proposed elevations and indicative floor plan drawings, received on 29th May 2025, as amended by drawings received on 14th October 2025.

Reason: In the interests of the conservation and protection of the landscape qualities of the Cotswold National Landscape, the character and appearance of the locality in general, the amenities of neighbouring land users and to ensure the development accords with the required principles and standards of urban design, having regard to adopted policies D1 and SL1 of the Cheltenham Plan (2020), adopted policies SD4, SD7, SD7 and SD14 of the Joint Core Strategy (2017) and sections and 12 of the NPPF (2024).

- 6 The development shall be carried out in accordance with the approved Plot Passports/Design Code (reference Drawing No. 24.25.002.PL.020).

Reason: In the interests of the protection and conservation of the Cotswold National Landscape and character and appearance of the area, having regard to adopted policies D1 and L1 of the Cheltenham Plan and adopted policies SD4 and SD7 of the Joint Core Strategy (2017).

- 7 The development hereby permitted shall provide no more than 4 dwellings.

Reason: To limit the terms of the permission in the interests of the protection of the landscape qualities of the Cotswold National Landscape and the character and appearance of the locality in general; having regard to the objectives of adopted policies D1 and SL1 of the Cheltenham Plan (2020), adopted policies SD4, SD6, SD7 and SD14 of the Joint Core Strategy (2017) and section 12 of the NPPF (2024).

- 8 The reserved matters required to be submitted and approved under Condition 1 shall include:

1. details of the design, form and architectural features of the dwellings
2. details of external facing or roofing materials (including physical samples of materials where requested and garage door materials/finishes)
3. details of windows and external doors (including garage doors)
4. details (to include elevation drawings) of the position, design, materials and type of boundary walls, fences and any other means of boundary enclosure
5. details of cycle storage facilities for each dwelling
6. details of refuse and recycling storage for each dwelling
7. details of any solar PV panels (location, design/specification)

The development shall be carried out in complete accordance with the details approved.

Reason: In the interests of the protection and character of the Cotswold National Landscape, the character and appearance of the locality in general and sustainable transport and waste management; having regard to adopted policy D1 of the Cheltenham Plan (2020), adopted policies INF1, SD4, SD6 and SD7 of the Joint Core Strategy (2017), policy W36 of the Gloucestershire Waste Local Plan and sections 9 and 12, of the NPPF (2024).

- 9 The details to be submitted for approval as part of the Reserved Matters application(s) pursuant to condition 1, shall include an updated Energy and Sustainability Statement. The statement shall demonstrate an improvement on the energy efficiency of the scheme over and above the Building Regulations in place at the time of the Reserved Matters application(s) submission and shall include (but shall not be restricted to) the following information:

- a. details of the methods used to calculate predicted annual energy demand and associated carbon emissions;
- b. measures to reduce impact on climate change (including consideration of heat proofing, construction techniques, building fabric, solar gain, natural lighting, shading, orientation, water retention, flood mitigation and landscaping).
- c. details of non fossil fuel/renewable heating solutions
- d. details of solar PV panels

The development shall be carried out in accordance with the details approved.

Reason: In the interests of reducing carbon emissions, having regard to adopted policies adopted policy SD3 of the Joint Core Strategy (2017) and guidance set out in Cheltenham Climate Change SPD (2022).

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

proposals for maintenance and management. The development shall be carried out in accordance with the approved surface water drainage scheme.

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

- 11 Prior to the commencement of development, full details for the treatment, routing and disposal of foul water (including pollution control and monitoring measures) for the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out strictly in accordance with the approved details.

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

- 12 No part of the development shall be brought in to use/occupied until a SuDS management and maintenance plan for the lifetime of the development has been submitted to and approved in writing by the local planning authority. The SUDS Maintenance Plan shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime. The approved Plan shall be implemented in full in accordance with the agreed terms and conditions.

Reason: To ensure the continued operation and maintenance of drainage features serving the site and avoid flooding, having regard to adopted policy INF2 of the Joint Core Strategy (2017).

- 13 Prior to the commencement of development and as part of the Reserved Matters application(s) submitted pursuant to condition 1, plans showing (i) the existing and proposed ground levels of the site and existing ground levels of adjacent land, (ii) details of the slab levels of the proposed buildings and (iii) ridge heights of the proposed buildings and ridge heights of existing buildings on land adjacent to the site (including dwellings located opposite the site on Glenfall Way), shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented strictly in accordance with the agreed details.

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

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

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

- 15 The proposed pedestrian footpath link and recreational/open space shall be carried out and provided in accordance with the approved reserved matters details pursuant to Condition 1. The new public footpath link and open spaces of the development shall be made available for public use prior to first occupation of the dwellings hereby approved.

Reason: To ensure that the recreational facilities are provided in a timely manner, having regard to adopted policies SL1 and D1 of the Cheltenham Plan, adopted policies SD4, SF14 and INF6 of the Joint Core Strategy (2017) and section 12 of the NPPF (2024).

- 16 No dwelling shall be occupied until:

(i) the carriageway(s) providing access from the public highway (Glenfall Way) to that dwelling has been completed to at least binder course level and the footway(s) to surface course level and in accordance with the approved plans; and
(ii) the car/vehicle parking area, visitor parking and turning space associated with that dwelling (including garages and car ports where proposed) have been completed in accordance with the approved plans.

The access, parking (including garages) and turning areas shall thereafter be kept free of obstruction and available for the access, parking and turning of vehicles associated with the development.

Reason: To ensure that safe and suitable access is provided and maintained in the interests of highway safety, having regard to adopted policy INF1 of the Joint Core Strategy (2017), and Section 9 of the National Planning Policy Framework (2024).

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

Reason: To ensure a safe and suitable access to the development is provided and maintained in the interests of highway safety, having regard to adopted policy INF1 of the Joint Core Strategy (2017) and section 9 of the NPPF (2024).

- 18 All proposed dwellings shall be provided with at least one electric vehicle charging point. The electric vehicle charging points shall be installed prior to the first occupation of the dwelling to which it relates and shall be retained for the lifetime of the development unless they need to be replaced in which case the replacement charging points shall be of the same specification or a higher specification in terms of charging performance.

Reason: In the interests of sustainable development and the reduction of carbon emissions, having regard to Section 9 of the NPPF (2024) and the Council's Climate Change SPD (adopted 2022).

- 19 Prior to the commencement of development, a Construction Traffic Environmental Management Plan (CTEMP) shall be submitted to and approved in writing by the Local Planning Authority. The approved CTEMP shall be adhered to throughout the site preparation, demolition and construction periods unless the Local Planning Authority gives prior written permission for any variation. The plans/statements shall include but shall not be restricted to:

- Parking of vehicles of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
- Advisory routes for construction traffic;
- Types, size and numbers of construction related vehicles anticipated daily including arrangements to receive abnormal loads or unusually large vehicles;
- Any temporary access into the site;
- Locations for loading/unloading and storage of plant, waste and construction materials;
- Method of preventing mud and dust being carried onto the highway;
- Measures for the control of noise, dust and other air borne pollutants during works of demolition and construction;
- Wheel washing facilities;
- Arrangements for turning vehicles;
- Measures for the control of site lighting (required for safe working or for security purposes);
- Arrangements to receive abnormal loads or unusually large vehicles; and
- Methods of communicating the CTEMP to staff, visitors and neighbouring residents and businesses.

No construction works and/or ancillary operations which are audible at the site boundary shall be carried out on site outside the following hours:

Monday to Friday - 8am to 6pm

Saturday - 8am to 1pm

There shall be no working on Sundays or Public or Bank Holidays. Deliveries to, and removal of plant, equipment, machinery and waste from, the site shall only take place within the permitted hours detailed above.

Reason: In the interests of highway safety and to safeguard the amenity of occupiers of neighbouring properties, having regard to adopted policy SL1 of the Cheltenham Plan and adopted policies SD14 and INF1 of the Joint Core Strategy (2017). Approval is required upfront because without proper mitigation the works could have an unacceptable highway impact during construction.

- 20 No piling activities shall be carried out at this site until a full pile method statement has been submitted to and approved in writing by the Local Planning Authority. The method statement must assess and include full details of the noise and vibration impact from the piling operations on the nearest residential property, dates and times of piling and details of monitoring measures. All piling activities shall be carried out in accordance with the approved details.

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

- 21 As part of the first Reserved Matters application(s) submitted pursuant to condition 1 and prior to the commencement of development, an updated ecological survey, carried out by a suitably qualified ecological consultant, shall be submitted to and approved in writing by the local planning authority. The Survey Report shall include updated

protected species surveys, including a badger survey. The development shall be carried out in accordance with any approved mitigation and enhancement measures and/or licensing requirements following the updated surveys.

Reason: To safeguard important ecological species and to ensure the development contributes to the conservation and enhancement of biodiversity within the site and the wider area during the construction and operational phases of the development, having regard to adopted policy SD9 of the Joint Core Strategy (2017).

- 22 Prior to the commencement of the development hereby approved, an Ecological Mitigation & Enhancement Strategy (EMES) shall be submitted to and approved in writing by the local planning authority. The EMES shall include details of the provision of sparrow terraces and bat boxes. The location, specification, height and orientation of these features shall be shown on a site plan.

The development hereby approved shall be carried out at all times (including during all ground and vegetation clearance works) in accordance with the approved EMES.

Any modifications to the approved EMES, for example as a result of requirements of a protected species license, must be submitted to and agreed in writing by the Local Planning Authority and prior to the implementation of any modifications.

Reason: To safeguard important ecological species and to ensure the development contributes to the conservation and enhancement of biodiversity within the site and the wider area during the construction and operational phases of the development, having regard to adopted policy SD9 of the Joint Core Strategy (2017).

- 23 The first Reserved Matters application(s) submitted pursuant to condition 1 shall include full details of a hard and soft landscaping and a boundary treatment scheme for the proposed development. The scheme shall include (but shall not be limited to) the following:

1. A written specification of all tree, shrub, hedgerow and other planting categories; describing the location, species, sizes, spacing, densities, planting numbers and tree pit details;
2. Details of all retained trees, hedgerow and other ecological features;
3. Details of hard surfacing materials;
4. Details of the phasing of implementation of all proposed hard and soft landscaping;
5. Details of any proposed aquatic planting for any SuDS features proposed;
6. Details of hard and soft boundary treatments (including details of materials and elevation drawings where relevant and details of residential plot boundary treatment);
7. Details of biodiversity net gain (BNG), in accordance with Defra's Biodiversity Metric 4.0 and the submitted Biodiversity Gain Plan;
8. A detailed Landscape and Tree Management and Maintenance Scheme (LTMMS) (for the short, medium and long term - 5, 10 and 30 years), based on the principles set out in the approved Biodiversity Gain Plan and Biodiversity Management and Monitoring Methodology.

All hard and soft landscaping and boundary treatments shall be implemented and maintained in accordance with the details approved in writing by the local planning authority (including the approved Biodiversity Gain Plan), and in accordance with a timetable to be agreed with the local planning authority. Any trees, hedgerows or other plants which, within a period of 10 years from the date that they were planted, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season (October to March) with others of the same size or species unless otherwise first agreed in writing by the local planning authority. Any pruning works shall

be carried out in accordance with BS 3998:2010 (or any standard that reproduces or replaces this standard).

Reason: In the interests of the character and appearance of the area, having regard to adopted policies D1, G12 and G13 of the Cheltenham Plan (2020), and adopted policies SD4 and INF3 of the Joint Core Strategy (2017).

- 24 The development shall not commence until a Habitat Management and Monitoring Plan (the HMMP), prepared in accordance with the approved Biodiversity Gain Plan, has been submitted to, and approved in writing by, the local planning authority. The HMMP shall include:
- (a) a non-technical summary;
 - (b) the roles and responsibilities of the people or organisation(s) delivering the [HMMP];
 - (c) the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan;
 - (d) the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development; and
 - (e) the monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to the local planning authority,

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

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

No part of the development shall be occupied until:

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

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

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

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

- 25 Prior to the commencement of development (excluding site clearance and utilities works), full details of the external lighting scheme, shall be submitted to and approved in writing by the local planning authority. The details shall include but shall not be limited to the following:
- a. the position, height and type of all external lighting (including any security lighting and other lighting fixed externally to buildings);
 - b. the intensity of lighting and spread of light as a lux contour plan (including horizontal and vertical components);
 - c. lighting calculations and assessment;
 - d. measures to minimise light spill/pollution;
 - e. measures to minimise the effects of lighting on protected wildlife species (notably bats);
 - f. the periods of day and night (throughout the year) when such lighting will be used and controlled for construction and operational needs.

The external lighting scheme shall include a lux level contour plan, and shall seek to ensure no light spill outside of the site boundaries or on to habitat suitable for nocturnal protected species. The lux contour plan shall show lux levels at frequent intervals (lux levels at 0, 0.2, 0.5, 1, 1.5, 2, 3, 4, 5 lux and higher are particularly useful) and extend outwards to additional levels (above the pre-existing background light level) of zero lux. The lux contour levels shall be superimposed on a site plan which includes all land that is affected by raised light levels (including potentially land outside the red line planning application area) and shall reflect the use of any proposed mitigation, e.g visors.

The development hereby approved shall be carried out at all times in accordance with the approved details.

Reason: To safeguard the amenities of neighbouring land users and the character of the area; having regard to adopted policies D1 and SL1 of the Cheltenham Plan (2020) and adopted policies SD4, SD7 and SD14 of the Joint Core Strategy (2017). To safeguard important ecological species and to ensure the development contributes to the conservation and enhancement of biodiversity within the site and the wider area during the construction and operational phases of the development; having regard to adopted policy SD9 of the Joint Core Strategy (2017) and the requirements of the 1981 Wildlife & Countryside Act (as amended).

- 26 Prior to the commencement of development (excluding site clearance), details of the type/model, location and predicted noise levels of any proposed air source heat pumps (ASHPs), ground source heat pumps (GSHPs) or any alternative proposed non fossil fuel heating system, shall be submitted to and approved in writing by the local Planning authority. The ASHPs/GSHPs or alternative proposed non fossil fuel heating system shall be installed prior to first occupation of each dwelling hereby approved and in accordance with the details approved. The ASHPs/GSHPs/alternative proposed non fossil fuel heating system shall be retained as such thereafter unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To safeguard the amenities of future occupiers and neighbouring properties and to reduce carbon emissions, having regard to adopted policies D1 and SL1 of the Cheltenham Plan (2020), adopted policies SD3, SD4 and SD14 of the Joint Core Strategy (2017) and guidance set out in Cheltenham Climate Change SPD.

- 27 No building hereby permitted shall be connected to mains gas supplies for the purposes of hot water or space heating.

Reason: To ensure that the development contributes towards the mitigation of Climate Change, having regard to Strategic Objective 6, policies SD3 and INF5 of the Joint Core Strategy (2017) and the guidance set out in Cheltenham Climate SPD (adopted 2022).

- 28 Prior to the commencement of development (including site clearance works), and included as part of the first Reserved Matters application(s) pursuant to Condition 1, a Tree Protection Plan (TPP) to BS5837:2012 (or any standard that reproduces or replaces this standard) shall be submitted to and approved in writing by the Local Planning Authority. The TPP shall include the methods of tree and/or hedge protection, the position and specifications for the erection of tree protective fencing, and a programme for its implementation. The works shall not be carried out unless in accordance with the approved details, and the protective measures specified within the TPP shall remain in place until the completion of the construction process.

Reason: To safeguard the existing tree(s) in the interests of visual amenity, having regard to adopted policies GI2 and GI3 of the Cheltenham Plan (2020). Approval is required upfront to ensure that important trees are not permanently damaged or lost.

- 29 Prior to the commencement of development (including site clearance works), and included as part of the first Reserved Matters application(s) pursuant to condition 1, full details of the proposed tree and hedgerow works (both on and off-site), no-dig method for works within the tree Root Protection Area(s), and footpath construction and hard surfacing materials within the Root Protection Area(s) of retained trees/shrubs, shall be submitted to and approved in writing by the local planning authority. The details shall be submitted in the form of an Arboricultural Method Statement. The development shall be implemented strictly in accordance with the approved details.

All paths, parking areas and other forms of hard landscaping that fall within the tree Root Protection Area(s) shall be constructed using a no-dig method.

Reason: To safeguard the existing tree(s) in the interests of visual amenity, having regard to adopted policies GI2 and GI3 of the Cheltenham Plan (2020). Approval is required upfront to ensure that important trees are not permanently damaged or lost.

- 30 Unless otherwise agreed in writing by the local planning authority, all clearance of hedgerow vegetation shall be carried out outside the bird breeding season (i.e. outside March to August inclusive).

Clearance of the grassland area within the application site needs to adopt a precautionary approach to minimise the risk of any reptiles being harmed, particularly during the summer active period for reptiles (i.e. April to September inclusive). Any trenches left open overnight shall be covered or have a ramp installed within the trench (at no more than 45 degree angle), as an escape route for any animals which fall in. Trenches shall be checked before backfilling, materials stored on pallets, and waste materials in skips and not on the ground.

Reason: To safeguard important ecological species and to ensure the development contributes to the conservation and enhancement of biodiversity within the site and the wider area during the construction and operational phases of the development, having regard to adopted policy SD9 of the Joint Core Strategy (2017).

- 31 Notwithstanding The Town and Country Planning (Use Classes) Order 1987 and The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and/or re-enacting those orders with or without modification), the development shall not be used other than for the construction of self-/custom build dwellings as defined under the Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016) and shall not be used for any other purpose without express planning permission.

Reason: To ensure there are enough serviced plots of land to meet the demand for self-build and custom housebuilding in the Borough, having regard to the self-build register and the provisions of the Joint Core Strategy (2017).

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

Reason: Any further extension or alteration requires further consideration to safeguard the amenities of the area, having regard to adopted policies D1 and SL1 of the Cheltenham Plan (2020) and adopted policies SD4, SD6, SD7 and 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, the authority sought revisions to the layout and additional information in the interests of the protection and conservation of the Cotswold National Landscape and amenities of the local area.

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

- 2 In accordance with Section 163 of the Highways Act 1980, drainage arrangements shall be provided to ensure that surface water from the driveways and/or vehicular turning areas do not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.
- 3 The nearby public right of way (PROW ZCK/24) should not be obstructed by vehicles, building materials or construction work at any time during the construction phase of the development. If a temporary closure or permanent diversion of the PROW is required, the applicant/developer must contact the County Council PROW team at the earliest opportunity.

Please note:

1) No change to the surface of the public right of way can be approved without consultation with the County Council and there must be no interference with the public right of way, either during development or once it has been completed, unless: -

a) The development will temporarily affect the public right of way; then the applicant/developer must apply and pay for a temporary closure of the route to GCC Public Rights of Way (preferably providing a suitable alternative route); if any utilities are going to cross or run along a PROW then a section 50 licence needs be sought and granted - via GCC Streetworks department. Information regarding section 50 Licences and an application form can be found at: <https://www.gloucestershire.gov.uk/highways/highways-licences-permits-and-permissions/>

b) If the development will permanently affect any public right of way, then the applicant/developer must apply for a diversion of the route through the Local Planning Authority, under the Town and Country Planning Act 1990, as part of the planning application process. Absolutely no development should take place affecting the route of the path prior to the confirmation of a TCPA path diversion order through the Local Planning Authority. The area Public Right of Way Officer should be consulted as part of this process.

2) Additionally:-

- a) There must be no encroachment on the width of the public right of way.
- b) No building materials may be stored on the public right of way.
- c) Vehicle movements during construction should not unreasonably interfere with the use of the public right of way by walkers, etc., and the developer or applicant is responsible for safeguarding the public use of the way at all times.
- d) No additional temporary or permanent barriers (e.g. gates, stiles, wildlife fencing) may be placed across the public right of way and no additional gradients or structures (e.g. steps or bridges) are to be introduced on any existing or proposed public rights of way without the consent of the county council.

- 4 There is a low risk that great crested newts (GCN) may be present at the application site. However, the application site lies within either a red or an amber impact zone as per the modelled district licence map, which indicates that there is highly suitable habitat for GCN within the area surrounding the application site. Therefore, anyone undertaking this development should be aware that GCN and their resting places are protected at all times by The Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended). Planning permission for development does not provide a defence against prosecution under this legislation or substitute the need to obtain a protected species licence if an offence is likely. If a GCN is discovered during site preparation, enabling or construction phases, then all works must stop until the advice of a professional/suitably qualified ecologist and Natural England is obtained, including the need for a licence.

The following recommendations are provided to further reduce the likelihood of impacts on this species:

- o Any trenches left overnight should be covered or provided with ramps to prevent GCN from becoming trapped.
- o Any building materials such as bricks, stone etc. should be stored on pallets to discourage GCN from using them as shelter.
- o Any demolition materials should be stored in skips or similar containers rather than in piles on ground.

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

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

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

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

- 6 This planning permission is subject to a Section 106 legal agreements which provide (in summary) for the following:

- Green Infrastructure/public footpath/amenity space provision and their future management and maintenance
- Beechwoods SAC Mitigation
- Statutory minimum 10% Biodiversity Net Gain
- Self-/custom build dwellings

The planning permission should be read in conjunction with the s106 legal agreements.

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

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

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Cheltenham Borough Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed below.

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements listed below are considered to apply.

In summary: Biodiversity gain plans are required to be submitted to, and approved by, the planning authority before development may be begun (the overall plan).

Statutory exemptions and transitional arrangements in respect of the biodiversity gain condition.

1. The application for planning permission was made before 12 February 2024.
2. The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out) applies.
3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and
 - (i) the original planning permission to which the section 73 planning permission relates* was granted before 12 February 2024; or
 - (ii) the application for the original planning permission* to which the section 73 planning permission relates was made before 12 February 2024.
4. The permission which has been granted is for development which is exempt being:
 - 4.1 Development which is not 'major development' (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) where:
 - i) the application for planning permission was made before 2 April 2024;
 - ii) planning permission is granted which has effect before 2 April 2024; or

iii) planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates* was exempt by virtue of (i) or (ii).

4.2 Development below the de minimis threshold, meaning development which:

- i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
- ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

4.3 Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A "householder application" means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.

4.4 Development of a biodiversity gain site, meaning development which is undertaken solely or mainly for the purpose of fulfilling, in whole or in part, the Biodiversity Gain Planning condition which applies in relation to another development, (no account is to be taken of any facility for the public to access or to use the site for educational or recreational purposes, if that access or use is permitted without the payment of a fee).

4.5 Self and Custom Build Development, meaning development which:

- i) consists of no more than 9 dwellings;
- ii) is carried out on a site which has an area no larger than 0.5 hectares; and
- iii) consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).

4.5 Development forming part of, or ancillary to, the high speed railway transport network (High Speed 2) comprising connections between all or any of the places or parts of the transport network specified in section 1(2) of the High Speed Rail (Preparation) Act 2013.

* "original planning permission means the permission to which the section 73 planning permission relates" means a planning permission which is the first in a sequence of two or more planning permissions, where the second and any subsequent planning permissions are section 73 planning permissions.

Irreplaceable habitat

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

The effect of section 73D of the Town and Country Planning Act 1990

If planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 (application to develop land without compliance with conditions previously attached) and a Biodiversity Gain Plan was approved in relation to the previous planning permission ("the earlier Biodiversity Gain Plan") there are

circumstances when the earlier Biodiversity Gain Plan is regarded as approved for the purpose of discharging the biodiversity gain condition subject to which the section 73 planning permission is granted.

Those circumstances are that the conditions subject to which the section 73 permission is granted:

- i) do not affect the post-development value of the onsite habitat as specified in the earlier Biodiversity Gain Plan, and
- ii) in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat the conditions do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier Biodiversity Gain Plan.

Consultations Appendix

Gloucestershire Centre For Environmental Records

10th June 2025 - Report in documents tab.

Architects Panel

11th August 2025 -

Design Concept

The panel had no objection to the principle of this development proposal and had offered design guidance for the previous design in 2017 (refused application 16/01789/FUL) which has been taken into consideration in this new scheme. Many of the previous concerns over the site layout, visual impact, scale and character of the architecture have been addressed.

The panel felt this was a well considered comprehensive scheme that should really be submitted as a Full Application. In any event the panel reviewed it as such given the detailed information submitted. A scheme on this sensitive site should not be assessed as an Outline application.

Detail Design

The site layout generally works well, limiting development to just the north west corner of the site retaining important public views to open landscape and the escarpment beyond. There are clearly public benefits in providing new permissive footpaths through the site which will connect to existing public rights of way to the south. The wild meadow landscape enhancements is a great opportunity for Biodiversity Net Gain. The house designs are of a scale and character that is entirely appropriate for this edge of town and it is important that, if built out as separate self-build dwellings, the building aesthetic is strictly controlled by a comprehensive design guide for all four plots.

Recommendation

Supported but recommend the application should be resubmitted as a Full Application

Nature Space Partnership - District Licencing/Great Crested Newts

20th June 2025 –

I have reviewed the ccc application in regard to impact to great crested newts. I have no objection to the application but recommend the following informative as the site lies within and amber impact risk zone.

There is a low risk that great crested newts (GCN) may be present at the application site. However, the application site lies within either a red or an amber impact zone as per the modelled district licence map, which indicates that there is highly suitable habitat for GCN within the area surrounding the application site. Therefore, anyone undertaking this development should be aware that GCN and their resting places are protected at all times by The Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended). Planning permission for development does not provide a defence against prosecution under this legislation or substitute the need to obtain a protected species licence if an offence is likely. If a GCN is discovered during site preparation, enabling or construction phases, then all works must stop until the advice of a professional/suitably qualified ecologist and Natural England is obtained, including the need for a licence.

The following recommendations are provided to further reduce the likelihood of impacts on this species:

- o Any trenches left overnight should be covered or provided with ramps to prevent GCN from becoming trapped.

- o Any building materials such as bricks, stone etc. should be stored on pallets to discourage GCN from using them as shelter.
- o Any demolition materials should be stored in skips or similar containers rather than in piles on ground.

Drainage and Flooding

23rd June 2025 –

The flood risk assessment and drainage strategy is adequate for outline planning permission. As the application has identified further testing and modifications are required to finalise the design, a SUDS condition is requested if planning permission is granted so the later design can be reviewed and approved. The drainage scheme will need to show the exceedance flow routes manage risk to people and property appropriately and the drainage scheme should take into consideration any existing runoff entering the site on the northern boundary. Default values of CV have been used in the Microdrainage modelling and these values should be set closer to 1 if it is only impermeable areas being drained, or values appropriately justified.

If planning permission is granted, please request the following condition:

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

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

GCC Highways Planning Liaison Officer

30th June 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.

No objections are raised to this residential development. The site is in a very sustainable location close to schools and bus stops. The existing access is acceptable, however, there appears to be some encroachment of shrubs and trees extending into the visibility splays, therefore I shall be recommending a condition to remedy this. The development includes garages, which can offer storage facilities for bicycles.

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

Conformity with Submitted Details (Multiple Buildings)

The Development hereby approved shall not be occupied until the access, parking and turning facilities that that individual building to the nearest public highway has been provided as shown on drawing 24.25.002.PL.005 C.

Reason: To ensure conformity with submitted details.

Provision of Vehicular Visibility Splays

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

Reason: In the interests of highway safety.

Informatives

No Drainage to Discharge to Highway

In accordance with Section 163 of the Highways Act 1980 drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.

Tree Officer

24th June 2025 –

The arb report proposes mitigation methods to protect retains trees from the proposal (no-dig driveway adjacent to T438 and ground protection adjacent to T437 and T522). It would be preferable to move Plot 1 to be outside of the sphere of influence of the retained trees.

In broad terms, the arb report is thorough and well considered and the scheme is likely to have limited impact on trees aside from the likely conflict in the longer term arising from plots being close to retained trees.

Building Control

9th June 2025 - This application will require Building Regulations approval. Please contact Cheltenham and Tewkesbury Building Control on 01242 264321 for further information.

Parish Council

24th June 2025 - Objection:

The Committee objects to the application on the following grounds:

As with previous applications for the land, this proposal extends the relatively densely developed area of the urban mass of Charlton Kings into the National Landscape towards the much less densely developed area of Ham.

It fails to conserve or enhance the National Landscape and is therefore unacceptable.

Should the Case Officer's recommendation be to permit, the Committee requests that it is determined by the CBC Planning Committee.

Parish Council 2

10th November 2025-

The Committee has previously objected to applications to develop this plot of land, placing great weight on conserving or enhancing the National Landscape.

The Committee notes the Landscape Architect's Response, with the assessment that the long-term harm to the National Landscape would be Minor, Adverse and Permanent. Balanced against this level of harm is the protection of the remainder of the site from development, the improvement in public access to the National Landscape and the provision of additional dwellings.

Public footpath ZCK24 runs along the north-eastern edge of the site and walkers have to share it with commercial vehicle traffic. The proposed path through the site reconnects to this same shared track, on the north-eastern edge of the site. If, instead, the proposed path continued through the site to the south eastern boundary, and meet ZCK24 at the kissing gate, then walkers would be kept separated from the commercial vehicle traffic.

While any proposed development in the National Landscape needs to be assessed very critically, the Committee considers that a) if the legal protection the remainder of the site can be "watertight" and b), the improvements to access to the surrounding countryside can be enhanced as described above (with walkers being able to avoid the section of ZCK24 that is shared with commercial vehicles), then the benefits of the application do, on balance, outweigh the harms to the National Landscape, as assessed in the Landscape Architect's Response. Accordingly, the Committee does not object to this application.

County Archaeology

19th June 2025 -

I advise that I have checked the proposed development site against the County Historic Environment Record, and the application site was previously subject to archaeological evaluation in relation to application 07/01580/OUT, with negative results.

In my view there is a low risk that archaeological remains will be adversely affected by this development proposal. Therefore, I recommend that no archaeological investigation or recording need be undertaken in connection with this scheme.

Severn Trent Water Ltd

13th August 2025 –

Our Ref: P-250617-46684

Re Application: 25/00650/OUT

Re Site: Land On The South Side Of Glenfall Way Charlton Kings

With reference to the above planning application the Company's observations regarding sewerage are as follows.

Severn Trent requests that any approval be conditioned as follows:

- o The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority, and
- o The scheme shall be implemented in accordance with the approved details before the development is first brought into use.
- o Planning Practice Guidance and section H of the Building Regulations 2010 detail surface water disposal hierarchy. The disposal of surface water by means of soakaways

should be considered as the primary method. If this is not practical and there is no watercourse available as an alternative, other sustainable methods should also be explored. If these are found unsuitable satisfactory evidence will need to be submitted before a discharge to the public sewerage system is considered. No surface water to enter the foul or combined water systems by any means.

Reason

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

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

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

Suggested Informative - affected sewers and water mains

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

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

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

Ecologist 1

11th June 2025 –

25/00650/OUT Land on The South Side of Glenfall Way Outline application for the erection of 4 no. self-/custom-build dwellings (Class C3). Access to be determined in detail. All other matters reserved.

BNG comments 11th June 2025

The applicant has submitted a Design Stage BNG Report and a completed Statutory Biodiversity Metric (Collins Environmental Consultancy, November 2024). The metric currently calculates a 14.97% net gain in area habitat units and a 16.15% net gain in hedgerow habitat units. This calculation is not supported primarily because 1.17ha of Lowland Meadow habitat in 'Good' condition is proposed on the site, and this is not a realistic habitat proposal for this site. The habitat will be accessible for public access if the grassland area is considered Public Open Space, and successful intensive management of the habitat over 30-years will likely be hindered by this. Other Neutral Grassland proposals on housing sites have so far only been accepted by CBC if their proposed condition is 'Moderate' or 'Poor' because the establishment of this habitat in better condition cannot be justified. If the applicant is proposing to safeguard the area from public access, or there are other ecologically sound justifications for proposing Lowland Meadow in 'Good' condition this must be provided, otherwise the BNG metric must be amended accordingly.

Ecologist 2

6th November 2025-

Further to previous comments from the ecology consultee dated 11th June 2025, we have now reviewed the Preliminary Ecological Appraisal and Ecological Impact Assessment (Collins Environmental Consultancy Ltd, Nov 2024), Confidential Appendix IV (Collins Environmental Consultancy Ltd), Biodiversity Metric (David Wells, June 2025) and a letter from GNCf dated 24th June 2025, and our response with regards to ecology is provided below.

The site was initially surveyed in April and May 2024, with an update visit in November 2024. The site comprises other neutral grassland with an area of mixed plantation woodland. Native hedgerows, fences and non-native hedgerows are present around the boundaries. Offsite priority habitat deciduous woodland is adjacent to the south-eastern boundary of the site.

None of the trees on-site were found to have potential bat roosting features. Bat activity surveys have previously been carried out on the site, and lesser horseshoe and a *Myotis* species were recorded on-site. A sensitive lighting scheme has been recommended. The hedgerows have some suitability for hazel dormouse, but they are considered likely absent due to the distance of the site from the nearest woodland and the lack of nearby records.

The habitats on-site are considered suitable for nesting and foraging birds.

The site lies within an amber/ green risk zone for great crested newts. There are no ponds within 250m and the closest pond is 315m to the north east in a garden. Great crested newts are considered likely absent.

The habitats on-site are considered suitable for reptiles, particularly the tussocky grassland sward. A phased approach to habitat clearance has been recommended, along with timing restrictions for the works on-site.

An active main badger sett with three well-used, two partially-used and three disused entrances is present midway along the south-western site boundary. The sett is partially within the adjacent property, beneath an outbuilding. Several badger pathways and latrines were recorded on and offsite.

The sett will be impacted by the proposed development, and it is proposed that the sett is either temporarily or permanently closed under licence and an artificial sett created in the south east of the site. Exclusion of badgers from the sett will require the cooperation of the adjoining landowner, and confirmation is required that this will be forthcoming should planning permission be granted. Update monitoring surveys of the badger sett would be required to inform a reserved matters application and licence application.

Recommended ecological enhancements include integrated sparrow terraces and bat boxes. The Biodiversity Metric (Version 2 dated 18th June 2025) has been updated. Proposed habitats include developed land, vegetated garden, SUDS (moderate condition) and mixed scrub. It is proposed that 1.17ha of other neutral grassland (moderate condition) will be enhanced to lowland meadow (moderate condition), and the existing woodland will be enhanced from poor to moderate condition. As stated previously, it is not considered realistic to target lowland meadow habitat in areas that will be accessible to the public such as this. The success of the habitat creation would depend greatly on the soil conditions, proposed method of establishment and long-term management. It is recommended that the proposed lowland meadow is amended to other neutral grassland. Otherwise, the results of soil testing and a draft Habitat Management and Monitoring Plan will be required prior to determination, to ensure the proposals are achievable.

A section of non-native hedgerow would be removed. Retained hedgerows would be enhanced to increase their species diversity, and a new species-rich hedgerow would be planted.

Overall, the proposals are delivering a -2.53% net loss in habitat units and a 16.15% net gain in hedgerow units. Offsite offsetting is proposed to deliver a 10% net gain in habitat units, and the letter from GNCF states that 1.29 units of other neutral grassland would be required, which can be provided by GNCF.

If planning permission is granted, the general Biodiversity Net Gain condition will be applied under paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990. This will be listed separately on the decision notice. The proposed on-site habitats are considered to be significant enhancements and a S106 will be required to secure monitoring by the LPA.

The applicant will be required to purchase offsite habitat units from an offsite provider. This will be detailed within the Biodiversity Gain Plan and will form part of the pre-commencement condition

Requirements prior to determination:

- The Biodiversity Net Gain Design Stage Report should be updated to be consistent with the updated Biodiversity Metric, and completed Habitat Condition Assessment Sheets are required.
- The site is within the Zone of Influence of the Cotswold Beechwoods SAC and as the proposals will lead to a net increase in residential units, a financial contribution will be required in accordance with the Cotswold Beechwoods Recreation Mitigation Strategy. This will need to be secured through a suitable legal agreement.
- It is still not considered appropriate to target the creation of lowland meadow within this site. Either the Biodiversity Metric should be amended accordingly, or the results of soil testing and a draft Habitat Management and Monitoring Plan is required prior to determination.
- Confirmation is needed that the adjacent property owners have agreed with the proposed closure of the badger sett.

Draft conditions will be provided following the review and approval of the requested further information.

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

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

In England, biodiversity net gain (BNG) is mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). Developers must deliver a biodiversity net gain of 10%. For significant on-site gains, and all off-site gains, the BNG must be maintained for at least 30 years. Responsibilities should be set out in a legal agreement. Further guidance can be found at <https://www.gov.uk/guidance/understanding-biodiversity-net-gain> Cheltenham Plan, Adopted 2020.

- Policy BG1: Cotswold Beechwoods Special Area of Conservation Recreation Pressure
- Policy BG2: Cotswold Beechwoods Special Area of Conservation Air Quality

Wildlife legislation context:

- Wildlife and Countryside Act 1981 (as amended)
- Conservation of Habitats and Species Regulations 2017
- Natural Environment and Rural Communities (NERC) Act 2006
- Protection of Badgers Act 1992

Public Rights Of Way Department

3rd July 2025 -

This development does not appear to affect the nearby public right of way ZCK/24 which runs parallel with the boundary to this property. The Footpath should not be obstructed by vehicles, building materials or construction work at any time, maintaining and safeguarding public access at all times. If there is any suggestion that it will, whether through a need for a temporary closure or permanent diversion then contact should be made with the PROW team at the earliest opportunity.

Please note:

1) No change to the surface of the public right of way can be approved without consultation with the County Council and there must be no interference with the public right of way, either during development or once it has been completed, unless: -

a) The development will temporarily affect the public right of way; then the developer must apply and pay for a temporary closure of the route to us in Public Rights of Way (preferably providing a suitable alternative route); if any utilities are going to cross or run along a PROW then a section 50 license needs be sought and granted - via GCC Streetworks department. Information regarding section 50 Licenses and an application form can be found at: <https://www.gloucestershire.gov.uk/highways/highways-licences-permits-and-permissions/>

b) Important: if the development will permanently affect any public right of way, then the developer must apply for a diversion of the route through the Local Planning Authority, under the Town and Country Planning Act 1990, as part of the planning application process. Absolutely no development should take place affecting the route of the path prior to the confirmation of a TCPA path diversion order through the LPA. The area Public Right of Way Officer should be consulted as part of this process.

2) Additionally:-

a) There must be no encroachment on the width of the public right of way.

b) No building materials may be stored on the public right of way.

c) Vehicle movements during construction should not unreasonably interfere with the use of the public right of way by walkers, etc., and the developer or applicant is responsible for safeguarding the public use of the way at all times.

d) No additional temporary or permanent barriers (e.g. gates, stiles, wildlife fencing) may be placed across the public right of way and no additional gradients or structures (e.g. steps or bridges) are to be introduced on any existing or proposed public rights of way without the consent of the county council.

It is important to note the Definitive Map is a minimum record of public rights of way and does not preclude the possibility that public rights exist which have not been recorded or that higher rights exist on routes shown as public footpaths and bridleways.

Natural England

12th June 2025 -

Planning consultation: Outline application for the erection of 4 no. self-/custom-build dwellings (Class C3). Access to be determined in detail. All other matters reserved.

Location: Land On The South Side Of Glenfall Way Charlton Kings

Thank you for your consultation on the above dated 02 June 2025.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Further information on when to consult Natural England on planning proposals is here- Planning and transport authorities: get environmental advice on planning - GOV.UK (www.gov.uk)

Natural England is not able to provide specific advice on this application and therefore has no comment to make on its details. Although we have not been able to assess the potential impacts of this proposal on statutory nature conservation sites or protected landscapes, we offer the further advice and references to Standing Advice.

Natural England advises Local Planning Authorities to use the following tools to assess the impacts of the proposal on the natural environment:

Impact Risk Zones:

Natural England has provided Local Planning Authorities (LPAs) with Impact Risk Zones (IRZs) which can be used to determine whether the proposal impacts statutory nature conservation sites. Natural England recommends that the LPA uses these IRZs to assess potential impacts. If proposals do not trigger an Impact Risk Zone then Natural England will provide an auto-response email.

Standing Advice:

Natural England has published Standing Advice. Links to standing advice are in Annex A

If after using these tools, you consider there are significant risks to statutory nature conservation sites or protected landscapes, please set out the specific areas on which you require Natural England's advice.

Further information on LPA duties relating to protected sites and areas is here- Protected sites and areas: how to review planning applications - GOV.UK (www.gov.uk)

Further guidance is also set out in Planning Practice Guidance on the natural environment Natural environment - GOV.UK (www.gov.uk) and on Habitats Regulations Assessment Appropriate assessment - GOV.UK (www.gov.uk)

Non detailed advice from Natural England does not imply that there are no impacts on the natural environment. It is for the local planning authority to determine whether or not the proposal is consistent with national and local environmental policies. Other bodies and individuals may provide information and advice on the environmental value of this site and the impacts of the proposal on the natural environment to assist the decision making process.

Cotswolds National Landscape Board

2nd July 2025 –

Thank you for consulting the Cotswolds National Landscape Board¹ ('the Board') on this application, which would be located within the Cotswolds National Landscape².

In reaching its planning decision, the local planning authority (LPA) has a duty to seek to further the statutory purpose of conserving and enhancing the natural beauty of the National Landscape.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), in particular Policies CE1 (Landscape), CE3 (Local Distinctiveness), CE5 (Tranquillity) and CE6 (Dark Skies);

- o Cotswolds AONB Landscape Character Assessment (link) particularly, with regards to Landscape Character Type (LCT) 2 Escarpment where the site is located;

- o Cotswolds AONB Landscape Strategy and Guidelines (link) particularly, in this instance, with regards to LCT 2 (link) including Section 2.1;

- o Cotswolds AONB Local Distinctiveness and Landscape Change (link); and

- o Cotswolds National Landscape Board Position Statements (link) particularly the Landscape-led Development Position Statement (link) and its appendices (link), Tranquillity Position Statement (link) and the Dark Skies and Artificial Light Position Statement (link) and its appendices (link 1, link 2, link 3)

Without prejudice, if the LPA is minded to permit this application, it should provide proportionate, reasoned, and documented evidence to demonstrate how it sought to further the purpose of CNL designation, not merely through mitigation of harm but by taking all reasonable steps to further the purpose. If it is not practicable or feasible to take measures to further this purpose, the LPA should provide evidence to show why it is not practicable or feasible.

Due to the current high 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 proposal.

Landscape Architect

8th August 2025 – See Appendix

Cheltenham Civic Society

17th June 2025 -

25/00650/OUT Outline application for the erection of 4 no. self-/custom-build dwellings (Class C3). Access to be determined in detail. All other matters reserved .| Land On The South Side Of Glenfall Way Charlton Kings Cheltenham Gloucestershire

OBJECT

This is in the AONB/National Landscape and on those grounds alone should not be permitted. The proposal does not conserve or enhance the natural beauty of the AONB. Development of this kind would not be in accordance with national policies towards AONBs/NLAs, nor the Cheltenham Development Plan nor the Cotswold AONB Management plan.

CBC Planning Reference –	25/000650/OUT-		
Site Name –	Land south of Glenfall Way, Charlton Kings		
Summary of proposals -	Outline Application for 4 No. self-build housing units		
Consultation Note Subject –	Landscape and Visual Matters		
Planning Case Officer –	Lucy White		
Landscape comments prepared by –	Stuart Ryder of Ryder Landscape Consultants		
Date of site visit —	August 2024	Date of response	18/7/25

Dear Madam

Land to south of Glenfall Way, Charlton Kings – Landscape and Visual Consultation


Thank you for asking us to review the landscape and visual aspects of the submitted Outline application to the authority (CBC) with regards to the application seeking consent for 4 No. self-build units on this small field set with Charlton Kings and the Cotswolds National Landscape (CNL).

In response I pass a series of comments under the following headings:


1. Documents reviewed
2. Previous landscape comments
3. Submitted Landscape Visual Appraisal (LVA)
4. Areas of concern
5. Landscape Policy to be considered in the Application
6. Conclusions and Recommendations


1. Methodology


The following landscape focussed documents have been downloaded from CBC's website and have been reviewed as part of this consultation process.


 ARBORICULTURAL_IMPLICATIONS_ASSESSMENT-1606151


 CONTEXT_PLAN-1606138


 DESIGN_AND_ACCESS_STATEMENT-1606134


 EXISTING_AND_PROPOSED_BLOCK_PLAN-1606139


 LANDSCAPE_AND_VISUAL_APPRAISAL-1606145


 MATERIALS__PRECEDENT-1606135

 NOLLI_PLAN-1606129

 PARAMETER_PLANS-1619836

 PERSPECTIVES-1606133

 SITE_LAYOUT_PLAN-1606137

 SITE_LOCATION_PLAN-1606140

2. Response to previous landscape comments

A process of early design engagement was entered into between the Applicant and the CBC Development Control Team. From that process the following landscape items were identified as being critical to bringing forward an appropriate application for the Site.

- Maintaining the view to open space running up to CNL escarpment from Ryeworth Road;
- Maintaining as much natural open space as possible to keep the sense of a small paddock field at the Site;
- Facilitating public access to the open space and forming a safer route to the footpath network leading into the CNL;
- Forming the open space so that it does not appear, or feel as if public users are heavily overlooked, or walking through somebody's back garden;
- Retaining existing mature trees and hedgerows on and around the Site;
- Retaining the block of developing trees to the south of the Site; and
- Not adversely affecting the residential amenity of the Orchards

Taking each of the above in turn:

The critical view from Ryeworth Road is retained with the building house line sloping away from the viewer and with a two-story house to the north end and diminution of house scale running into the CNL;

There is a 1.69 Ha of open space left on the Site (74% of overall area) left in a similar state in terms of meadow sward and tree groups, this open space will continue to appear as a small paddock albeit at a reduced size to its current form.

Public access is facilitated by way of a proposed, mown grass path allowing people an alternative route to reach the CNL footpath network rather than on the access track to Ham Villa Farm;

The open space is edged by native hedgerows which is preferable to stone walls, or estate railings that had previously been suggested. The limitation of window sizes out to the east is noted to reduce the sense of extensive observation and will reduce light spill at night;

Existing mature trees are retained by the proposals with two areas identified as requiring 'no-dig' solutions with Lime tree 438 needing a no dig solution to facilitate the main access drive and 437 & 522 having a small part of the RPA potentially affected by a proposed patio at Unit 1. A group of Laurel (group 9) is proposed to be narrowed down to allow construction and I have no concern about this reduction from a landscape and visual point of view. The Tree Maintenance Ltd suggestion actually goes further and suggests its removal to allow other landscape planting. The laurel is high here and I think would be beneficial to keep to provide visual screening for users of the access down to the Orchards.

The developing block of semi-mature trees to the south of the Site on the lower, sloping ground is retained by the proposals and a mown path is shown circumnavigating them.

The residents of the Orchards would be aware of the development but the use of a single storey dwelling at the southern end of the Site will minimise the notability of the proposals.

3. Submitted Landscape and Visual Appraisal (LVA)

Landscape Designations – The Site is part of the Cotswolds National Landscape (CNL). It is located at its edge but this does not lessen the importance of this national designation. The elements of Natural Beauty as defined in the CNL's Management Plan should be respected and used to guide any

proposals so that they are considered to protect the character of the National Landscape and ideally enhance this part of it. The two most critical elements are to:

- Retain the sense of an open view from the end of Ryeworth Road and Glenfall Way as it runs past the end of the Site; and
- Keeping the sense of a small, open and naturalistic paddock for the benefit of the CNL and how Charlton Kings relates to it.

The proposals as established in Section 2 achieve both of these aims.

The LVA produced by LVIA Ltd is dated 10/4/25 and has a Rev A status. It presents a series of suggested mitigation measures at Section 7 and its conclusions at Section 8 as reproduced below.

7.0 Mitigation

7.1.1 Mitigation measures would include:

- Management and retention of the native tree and hedgerow planting that sits around the site boundaries, in particular to the north east and south east;
- Additional ornamental planting within residential frontages to encourage year round interest and pollinators;
- The heights of built form to reflect that of the surrounding dwellings;
- Built form set back from the north eastern and south eastern site boundaries to allow growth of boundary vegetation;
- The use of materials for the external envelope of the buildings which minimise potential visual intrusion and follow the local vernacular to aid visual blending.

7.1.2 With suitable mitigation measures, the development will have a moderate visual impact and a minor character impact (i.e. not a material change).

The range of suggested mitigation measures appear generic when some more specific guidance on planting, boundary treatments, establishment and the practicalities of long-term management would have been more useful to demonstrate a landscape-led set of proposals. The Design and Access Statement does however supply some of these points.

8.0 Conclusion

8.1.1 The scale and nature of the development and its juxtaposition to other existing residential development and the receiving settlement fringe will have a high landscape character sensitivity and the magnitude of change is small; therefore resulting in a level of landscape effect of moderate/minor (i.e. not a material change).

8.1.2 The visual effects are generally localised and limited due in most part to dense intervening mature vegetation between the viewer and site, the topography in the area and the similar setting of the proposed scheme formed by local residential dwellings.

8.1.3 For the proposed site and the surroundings during construction, an increase of delivery vehicles and people travelling to the works can be expected. These effects will be short lived however and will not require mitigation during the construction process.

Continued over.

- 8.1.4 The viewpoints assessed showed that although the site is at least partly visible from five of the seven assessed, only three of the assessed views can be considered subject to a material change, these are viewpoints that sit close to the site boundary along Glenfall Way, Ham Road and footpath ZCK24.
- 8.1.5 The majority of receptors in the local area can be considered of a high sensitivity (users of PRoW). The visual impact of the development on the open countryside has been assessed, at worst case scenario, as major/moderate (i.e. a material change) from viewpoints that sit close to the site's north western and north eastern boundaries. Other viewpoints offer limited or no views of the site due in most part to mature vegetation acting as visual barriers.
- 8.1.6 With suitable mitigation measures, the development will have a moderate visual impact and a minor landscape impact (i.e. not a material change).

The Conclusions avoid stating whether they consider the proposals are adverse or beneficial in nature or give any durations of effect. There is no discussion as to how mitigation may or may not reduce the adverse effects identified. Nor is there any balancing of positive and negative outcomes to allow a considered set of conclusions to be drawn. The potential for cumulative landscape and visual effects are not touched upon either.

The matter of whether something is or is not a material change is something I believe is the conclusion of the Development Control Officer after they have weighed up the landscape and other information in front of them. I note from Table 9 of the LVIA methodology that in this methodology only Major and Major/Moderate scales of effect are considered material in nature.

4. Areas of concern

I actually have few areas of concern given the early engagement with the design process and how the proposals have responded to the landscape concerns highlighted. However I do raise the following matters;

Self-Build Nature of Proposals – I was under the impression that the development would be built out by a single developer. The self-build brings in an element of risk in terms of changed arrangements where they are critical in terms of the appearance of the scheme. I recognise that quite tight parameter plans have been included for each of the four units but this leaves the choice and arrangement of elevational material down to the individual builder. I see a potential for less consistency of style that I consider to be needed to keep the development as a complementary set of buildings.

Composite Wood cladding – I am unfamiliar with the aging process of composite wood and question whether it would mature and 'silver-down' to better assimilate into the local landscape when compared to 100% natural products.

Ongoing management of the meadow – I could not see what arrangements would be put in place for the ongoing, sustainable management of the meadow including such matters as fencing, path mowing, tree works and the SuDS features. Apologies if I have missed the description and I would be happy to review material that covers the where, frequency, who, budget providers and the like. This information would be required for BNG delivery and monitoring as well and goes some way to reassuring the Development Control team that the publicly accessible meadow will be properly managed going forward.

Land Charge on the meadow – Given the importance of the meadow's openness and natural appearance to the potential acceptability of the proposals' adverse landscape and visual effects it

would be beneficial to consider a Land Charge, sometimes referred to as a protective covenant on the land to ensure that it does stay in an open, natural state rather than be subject to changes of use or management that will reduce both these features.

5. Landscape Policy

The following landscape orientated planning policies would need to be considered in the planning determination process:

Joint Core Strategy 2017

- JCS SD6 – Landscape – **on balance compliance** given the location and form of the proposals with the greater part of the Site retained and improved;
- JCS SD7 – Cotswolds AONB – arguably **compliance** through the preservation of the wider elements of natural beauty of the Cotswolds National Landscape e.g. openness of views, natural character and improving public access and appreciation of the same; and
- JCS SD4 – Design Requirements, including as a minimum
 - Part i) – Context, Character and Sense of Place – **on balance compliance** given adverse effects on the local context, landscape character and the sense of place in this part of the Borough.
 - Part iv) - Public realm and landscape; - there is an improvement to public access to the meadow area with the reduction in natural landscape character at the rest of the Site to set against it. On balance the access benefits outweigh the limited landscape character change leading to **compliance** with this sub-point.

Cheltenham Borough Local Plan 2011 to 2031

For the Cheltenham Local Plan landscape orientated policies the following compliance and conflict is assessed.

- L1 – Landscape and Setting – **conflict** due to harm to the setting of Ham and the settlement edge between the Cotswold National Landscape and Cheltenham.
- GI2 – Protection and Replacement of Trees – to be advised by a tree officer when sufficient design information is provided taking into account, services, construction activities and available external realm space but there appears to be the ability to **comply**.
- GI3 – Trees and Development – all three parts – as above there appears to be the ability to **comply**.
- D1 – Design
 - Parts A & B are considered applicable – and there appears to be **compliance**.

NPPF

- NPPF 135 c) – Respectful of setting – **compliance** in terms of retaining the view to the Cotswolds National Landscape and keeping a sense of natural open space along Glenfall Road as the edge of Charlton Kings;
- NPPF 187 a) – Valued landscape – **conflict** as the proposals cannot be said to totally protect or enhance the landscape character of the Site but the level of character change is at the lower end of the character scale ;
- NPPF 189 – Nationally designated landscapes – **landscape and visual harm** is identified to the Cotswold National Landscape but at the lower end of the scale.

6. Conclusions and summary

- A. That the proposals do lead to landscape and visual harm but at the lower end of the scale. Visual effects would initially be greater and I judge these to be Moderate, Adverse to begin with declining to **Minor, Adverse and Permanent** in 10 to 15 years.
- B. That the Cotswolds National Landscape (CNL) at the Site would be partly enhanced by the wider, natural meadow proposals as required by NPPF Paragraph 187 a) but harmed by the presence of the four new housing units. The landscape character harm is considered at the lower end of the effects scale and is judged to be **Minor, Adverse and Permanent**.
- C. Visually the critical view through to the upper parts of the Cotswold Escarpment would be retained with the alignment of the buildings. There will be adverse visual effects but these will diminish with the growth of the boundary hedges and weathering of the buildings.
- D. That the new publicly accessible public space is a benefit in terms of recreational value and access to the wider CNL footpath network.

7. Planning Conditions

Should you be minded to grant planning consent after balancing up the broader pro's and con's I feel the following landscape orientated Reserved Matters should be attached to the Consent.

Landscaping -Prior to the commencement of the development there shall be submitted to and approved in writing by the local planning authority a scheme of landscaping, which shall specify species, planting sizes, spacing and numbers of trees/shrubs to be planted, and any existing trees or shrubs to be retained.

Planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the occupation of the building(s).

Any trees or plants which, within a period of 10 years from the date of the planting (or within a period of 10 years of the occupation of the buildings in the case of retained trees and shrubs) die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species or otherwise as approved in writing by the local planning authority.

Reason - *To ensure adequate planting in the interests of visual amenity. With the duration of mandatory aftercare extended to 10 years to reflect the importance of landscape treatment within this sensitive location.*

Retention of trees and shrubs - No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. If within a period of five years from the date of the planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, another tree of the same species and size as that originally planted shall be planted at the same place, unless the local planning authority gives its written consent to any variation.

Reason - *To secure the protection throughout the time that development is being carried out, of trees, shrubs and hedges growing within the site which are of amenity value to the area.*

Protection of trees – The following sub-policies will require addressing:

- a) No development or other operation shall commence on site until an Arboricultural Method Statement and Scheme of Works which provides for the retention and protection of trees,

shrubs and hedges growing on or adjacent to the site in accordance with BS5837: 2012 has been submitted to and approved in writing by the local planning authority. No development or other operations shall take place except in complete accordance with the details as so-approved (hereinafter referred to as the Approved Scheme).

b) No operations shall commence on site in connection with development hereby approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and or widening or any other operation involving use of motorised vehicles or construction machinery) until the tree protection works required by the Approved Scheme are in place on site.

c) No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within an area designated as being fenced off or otherwise protected in the Approved Scheme.

d) The fencing or other works which are part of the Approved Scheme shall not be moved or removed, temporarily or otherwise, until all works including external works have been completed and all equipment, machinery and surplus materials removed from the site, unless the prior approval in writing of the local planning authority has first been sought and obtained.

Reason - to secure the protection throughout the time that the development is being carried out of trees shrubs or hedges growing within or adjacent to the site which are of amenity value to the area, and to allow for verification by the local planning authority that the necessary measures are in place before development and other works commence

Landscape management - Prior to the commencement of the development a landscape management plan, including long term design objectives, management responsibilities, timescales and maintenance schedules for all landscape areas, other than privately owned, domestic gardens, shall be submitted to and approved in writing by the local planning authority. The landscape management plan shall be carried out as approved.

Reason - In order to ensure that provision is made to allow satisfactory maintenance of the landscaping hereby approved.

I trust you find this note useful as you determine this Outline Application, but should you have any immediate queries please do not hesitate to contact me by phone or e-mail.

Kind Regards

Stuart Ryder

Director, Ryder Landscape Consultants

18/7/25

APPLICATION NO: 25/00650/OUT		OFFICER: Mrs Lucy White
DATE REGISTERED: 30th May 2025		DATE OF EXPIRY : 29th August 2025
WARD: Battledown		PARISH: CHARLK
APPLICANT:	Waddeton Park Ltd.	
LOCATION:	Land On The South Side Of Glenfall Way Charlton Kings	
PROPOSAL:	Outline application for the erection of 4 no. self-/custom-build dwellings (Class C3). Access to be determined in detail. All other matters reserved.	

REPRESENTATIONS

Number of contributors	94
Number of objections	94
Number of representations	0
Number of supporting	0

3 The Orchards
Glenfall Way
Charlton Kings Cheltenham
Gloucestershire
GL52 6BJ

Comments: 6th November 2025

Following the submission of additional documents by the applicant I wish to re-iterate my strongest objection to this application.

In August 2025, the Planning Inspectorate dismissed an appeal for 5 self build houses on the neighbouring field opposite Ham Close (APP/B1605/W/25/3361502) due to the harm it would cause to the AONB.

The Planning Policies and Rules relevant to the dismissed appeal are also relevant to this application which is a very similar scheme:

Section 245 of the Levelling Up and Regeneration Act 2023 (the LURA) amended the duty in the Countryside and Rights of Way Act 2000 in relation to National Landscapes (AONB) to require relevant authorities, in exercising or performing any functions in relation to, or so as to affect, land in the AONB to seek to further the purpose of conserving and enhancing the natural beauty of it.

Policy SD7 of the Gloucester, Cheltenham and Tewksbury Joint Core Strategy 2011-2031 (the JCS) requires all development within the setting of the AONB to conserve and, where appropriate, enhance its landscape, scenic beauty, wildlife, cultural heritage, and other special qualities.

The Planning Inspector assessed that the LURA has imposed a more rigorous requirement than that set out in Policy SD7 of the JCS.

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Paragraph 189 of the National Planning Policy Framework advises that great weight should be given to conserving and enhancing landscape and scenic beauty in the AONB which has

the highest status of protection in relation to these issues.

The building of houses on the site cannot be considered in any way to conserve or enhance the AONB as required by planning policy.

The Appeal Dismissal also referenced the site of this application as follows:

"That there are currently less views over the appeal site than the field between the school and this site does not weigh in favour of the proposal."

The visibility of any new houses built on the site will be further increased as Highways have asked for a condition for visibility splays to be permanently kept free of obstructions for 43

metres in each direction along Glenfall Way from the vehicle access point to the site to ensure Highways safety. This requirement hasn't been reflected in the submitted plans and drawings.

The resulting visual impact on the AONB of views from Glenfall Way which will be of housing as opposed to the current countryside vista is another factor that means the current application should be refused.

The additional documents submitted by the applicant say that there will be enhancement and management of the hedgerow between the site and The Orchards increasing biodiversity.

However, the majority of the hedgerow lies on private land that is not owned by the applicant.

The revised BNG calculation shows that the mandatory legislative requirement cannot be met onsite and the purchase of offsite units will be necessary to compensate for the shortfall.

This is a clear admission by the applicant that their plans do not further the purpose of conserving and enhancing the current natural beauty and biodiversity value of the site as required by the planning rules listed above.

The building of houses on this field will in no way conserve or enhance this field which lies within the AONB and it should be refused as it clearly conflicts with Planning policy.

It is difficult to understand how this application has not already been refused, given the clear and long-established protections for the AONB. Myself and many others share this frustration.

Comments: 5th June 2025

Once again the developer is attempting to ruin the beautiful unspoilt Cotswold National Landscape (formerly known as AONB). This development would not conserve or enhance the Cotswold National Landscape.

The developer is clearly trying to push planning on the basis that there remains some view of the Cotswolds. Unfortunately, this view has highly reduced and limited scope. The Cotswold escarpment will still be obscured from many points. The protection of these areas remain paramount.

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This beautiful, quiet area is home to many. Protected wildlife such as badgers have lived here as do deer, foxes and many birds of prey, woodpeckers, bats are among the many. They are at peace in their habitat.

Back in 2017 the latter of the many applications for development was thankfully refused. 13 unanimous objections from councillors. I quote:-

Councillor Baker:

'I visited the site on Sunday, its stunning. This is a major development. Huge affect on the AONB. In 2008 an inspector visited the site and said the land isn't suitable for housing. The developer must not keep coming back time and time again".

Councillor Collins:

'Four posh houses, how will it help a beautiful site".

Councillor Nelson:

'The speakers against were eloquent. We are overwhelmed with comments against. It would be a major impact rather than it being a major development. Harmful to land views and the community"

Nothing has changed since 2017. The fact that the developer is trying to incorporate open space is deceitful. We know only too well that in time this promised open space will be filled with many more houses. If this application is successful it will set a precedent for development on other sites.

Whilst I have the Cotswold National Landscapes interest at heart my home will also be massively impacted as will my neighbours and many others. Plot No 4 is directly in front of my lounge window and obscures my view. I bought this property specifically for its rural nature. I will now have several houses directly in my vicinity and view. Additionally, I am extremely concerned with my privacy being invaded as will others nearby.

The proposed entrance is always blocked with cars, especially at school drop off and collection times. Glenfall Way is extremely busy anyway without the addition of many other vehicles. The access is in an obscured position which would cause a hazard to both pedestrians and road users. There are young school children that could face great danger. The entrance / exit is also a blind spot.

The additional noise from the proposed development will have a detrimental impact not only for nearby residents but a massive deterrent for wildlife that live and visit this area.

Plot No 4 carries many negative and damaging concerns for the reasons mentioned. As if this wasn't enough the major worry would be that this is only outline planning permission and whilst the plans shows a single storey adjacent to my home this could be changed when full planning permission is submitted.

For the residents and many visitors to this area, I respectfully urge you to refuse this on the grounds that this unspoilt, beautiful area is protected. The Cotswold escarpment will be obscured if outline planning permission is allowed and the developer will push on to develop the whole of the site. Once any permission is granted the developer will return with revised plans to develop further, there is evidence of this in previous applications.

11 Westminster Close
Cheltenham
Gloucestershire
GL53 7QP

Comments: 21st June 2025

I object to this proposal. This is an AOB, home to numerous species, and it needs to be protected. I also object on safety grounds. There is a primary school nearby and construction traffic would be a danger to those children walking or cycling to school, as well as creating even more traffic issues around the school.

9 Ryeworth Road
Charlton Kings
Cheltenham
Gloucestershire
GL52 6LG

Comments: 6th June 2025

I object to the proposal to build four houses as detailed within the application.

1. This follows a previous application to build large residential properties on the site. This was refused on strong grounds - which are still pertinent now and apply to this new application.
2. If allowed this would set a precedent for development which is likely to prove leverage for future larger and more overbearing development on the land surrounding.
3. The area is AONB and is a habitat for a great variety of flora and fauna.
4. During the severe weather event of 2007 which lead to flooding in Cheltenham and even to houses being inundated with water in and around Ham Square and down to the Sixways end of Ryeworth Road the open spaces along Ham Road/Glenfall Way became waterlogged, virtually lakes. If the climate change we are threatened with actually occurs these areas are going to be absolutely essential "sumps" to collect excess rainfall.
5. The attempt to enhance the value of the development by heavy use of Eco credentials does not mitigate the fact that they will have a major deleterious effect on the environment - nor can they be classed as affordable homes.

Wadleys Farm
Ham Road
Charlton Kings
Cheltenham
Gloucestershire
GL52 6NJ

Comments: 2nd July 2025

Letter attached.

Comments: 20th June 2025

Letter attached.

1 Ham Green Cottages
Ham Road
Charlton Kings Cheltenham
Gloucestershire
GL52 6ND

Comments: 9th June 2025

Not in AONB and precious green space. This will be the start of many more expensive houses being built by the wealthy for the wealthy. Not what this area needs. Wildlife is already being harmed by the building of sites in Ham. No more are needed.

110 Horsefair Street
Charlton Kings
Cheltenham
Gloucestershire
GL53 8JT

Comments: 17th June 2025

This land is protected. It is a vital and important space for wildlife and development for housing is a direct contravention of that protection.

109 Ryeworth Road
Charlton Kings
Cheltenham
Gloucestershire
GL52 6LS

Comments: 27th June 2025

This location sits in an ANOB which is outside the urban envelope and as such should be protected against development. Should this succeed the envelope will be eroded. There is plenty of brown space within Cheltenham which offers a more appropriate development opportunity.

51 Chase Avenue
Charlton Kings
Cheltenham
Gloucestershire
GL52 6YU

Comments: 5th June 2025

This is an area of aonb and home to many important wildlife, including bats. This will open up the area for more development and lost habitat.

18 Churchill Drive
Charlton Kings
Cheltenham
Gloucestershire
GL52 6JJ

Comments: 21st June 2025

Dear Planning Officer

I object to the proposal to build on the meadow opposite Ryeworth Road, at this time, or any other due to the richness of biodiversity present. Neither does this proposal provide affordable homes as do other proposals around the town, which use brownfield sites and intensively farmed sites, which no longer support wildlife. Pristine wildlife areas, such as this should not be considered for destruction and should warrant the highest protections available. Its proximity to very heavy and stressful situational traffic around school throughout the day, would cause untold chaos, and potentially dangerous situations during the build process and beyond. It would also be detrimental to the mental health of the children and parents who benefit from the uplifting and beneficial natural beauty of the meadow each day.

Although at first glance it appears to be low quality grassland. After having surveyed the site. I can confirm that it is not the case, and 1st indications show that it is rich in plant life and insect species.

To reveal what species might be living here, I completed butterfly & nocturnal moth surveys on the 9th June in the north west corner, by the gate, and also on the 17th June in the south corner. I volunteer for Butterfly Conservation and have been doing such surveys for many years now. All specimens are photographed and recorded on iRecord (public access), where they are verified by Robert Holman our county moth recorder. Please see the survey document I have put together to show my findings. This is based on just two nights trapping, and some day time observations. I recorded 151 species. There is still so much to record here and to get a true picture of what may be living here, monthly surveys, would need to be done throughout a calendar year. It would also be beneficial to survey for bats to give a better understanding of the ecology of the site.

In addition to the Roe deers and badgers using the south end of the site, I found one rare moth, which is currently being verified and one near threatened moth. Although everything else present on this occasion is classified as least concern, the overall picture

for insects is bleak. We have seen a general downward trend in numbers of insects. Some surveys indicating a 60-78% drop in flying insect numbers over the past 20-25 years. Bugs Matter Survey: This survey, led by Kent Wildlife Trust and Buglife, found a 64% decline in insect numbers sampled on vehicle number plates between 2004 and 2022

Insects play a crucial role in pollination, and declines in insect populations can lead to reduced crop yields and potential food shortages. Insects are essential for the functioning of ecosystems, supporting food chains, nutrient recycling, and pest control.

As you may know, butterflies & moths have seen steep declines, and Butterfly Conservation has declared a butterfly emergency. The State of the UK's Butterflies 2022 report found that 80% of butterfly species in the UK have decreased in either abundance, distribution, or both since 1976. The State of Britain's Larger Moths 2021 report found that over two-thirds of common and widespread larger species (macro-moths) declined in the last 50 years. These losses in abundance were much greater in the southern half of Britain than the north. Moths and butterflies are an indicator species, their presence shows us the health of the ecosystem of a site and it is therefore important to find out where things are, before a decision to destroy their valuable habitat is taken. It is difficult to move the habitat of butterflies and moths successfully. Their relationships to their chosen habitat has developed over millions of years and therefore any disturbance will have a potentially devastating impact.

Over 97% of the UK's species-rich grassland has been lost in less than a century and it now covers just 1% of land. Source: <https://www.plantlife.org.uk> Fragmentation & degradation of habitats is a major factor in insect declines.

Insects are at the base of many food chains, and their decline can disrupt the entire ecosystem. The decline in insect populations can contribute to the overall loss of biodiversity, making ecosystems more vulnerable.

I enclose a copy of what I have found so far, which shows resident populations of 5 species of butterflies and 81 species of moth the majority of which has their chosen food plant present. This shows how important this area is. Please take this into consideration in your planning strategy.

Document available to view in documents tab.

Yours Sincerely

32 Westbury Road
Cheltenham
Gloucestershire
GL53 9EW

Comments: 5th June 2025

As a regular user of this area, I strongly object to this application to build on this beautiful field inside the AONB. It is very probable that, if permission is granted, further development will follow, ruining yet more of the countryside around our town. This area is

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home to a range of wildlife, all of which will be seriously affected by any development. We need to keep our precious AONB countryside safe from avaricious developers. Permission has already been refused some years ago due to the location and there has been no change to merit this application being considered, let alone granted.

10 Warwick Crescent
Charlton Kings
Cheltenham
Gloucestershire
GL52 6YZ

Comments: 7th June 2025

I am writing to object to the above planning application, which lies within the Cotswolds Area of Outstanding Natural Beauty (AONB).

If the precedent was set to build within the AONB, this would open the floodgates for further building to be allowed on land around Glenfall Way, Ham and Greenway Lane. This would ruin the countryside, affect the well-being of the community - so many people enjoy walking around the area, impact the environment, and infrastructure would not be able to cope.

There are other very eloquent objectors and I fully agree with all their comments.

24 Hartlebury Way
Charlton Kings
Cheltenham
Gloucestershire
GL52 6YB

Comments: 23rd June 2025

I am writing to formally object to the above planning application, for the following reasons:

1. Inappropriate development within a Protected National Landscape (AONB)

The proposed site is within the Cotswolds National Landscape (formerly an AONB), which has the highest level of protection in national and local planning policy. Every effort should be made to conserve these areas as per the National Planning Policy Framework (NPPF).

This development would cause irreparable damage to this protected landscape and does not offer any extenuating circumstances or valid reason why these protections should be ignored.

2. Threat to biodiversity and loss of habitat

The site of the proposed development is a habitat for protected and priority species, including great crested newts, bats, badgers, and deer - all of which have been reported

on the site, and as a local resident I have seen many of these animals on the site myself. The proposal conflicts with the Conservation of Habitats and Species Regulations 2017, the Wildlife and Countryside Act 1981 (as amended), and Paragraph 180 of the NPPF. There is little evidence of appropriate mitigation measures to address this issue.

I understand that works carried out by Severn Trent in 2023 suggests the site is being prepared for future expansion beyond what is currently proposed, raising the prospect of further, even more damaging development if this initial development is approved.

3. Development does not comply with the Cheltenham Local Plan or the Joint Core Strategy

The site is located outside the defined Cheltenham Urban Area and is not identified for development in either the Cheltenham Local Plan or the Joint Core Strategy. This is unjustified development in open countryside and directly contradicts the adopted spatial strategy, which aims for growth in sustainable, well-served locations to prevent inappropriate advances of development into rural areas.

4. Development does not meet local policy requirements

The proposal fails to comply with key policies concerning landscape protection, biodiversity, sustainable development, and design quality. There is no justifiable reason given for departing from the plan.

This application conflicts with both national and local planning policy. It would destroy a nationally protected landscape and damage local biodiversity. It is situated in an unjustified location not included in the Cheltenham Local Plan. As such, I believe that this proposal is fundamentally unacceptable and should be rejected.

1 Glenfall Way
Charlton Kings
Cheltenham
Gloucestershire
GL52 6YQ

Comments: 21st June 2025

I object to this application for development of land designated as an AONB. I hope the planning officers will note that National Landscapes (as AONB are now known) are afforded high levels of protection under planning policy, with great weight given to conserving and enhancing the natural beauty of the landscape.

Garlands
34 Cudnall Street
Charlton Kings Cheltenham
Gloucestershire
GL53 8HG

Comments: 21st June 2025

I strongly object to the proposal itself and the principle of building on AONB land.

That the land is designated should be reason enough to reject the application - and has previously been enough to prevent development.

In addition however, the land provides a very important connection between the wider AONB and the gardens and large allotment site nearby which provide green corridors allowing the movement of wildlife within the town.

It is an accepted fact that connection between sites is a major factor in sustaining wildlife populations. Fragmentation leads to their demise. Building on this site would sever the connection between the AONB and wildlife-friendly sites on the west side of Glenfall Road.

The site supports a wide variety of wildlife, many species being on the amber list of conservation concern.

Additionally the view across to the Cotswold Escarpment is an important feature of this area of town.

Hillview House
Hambrook Street
Charlton Kings Cheltenham
Gloucestershire
GL52 6LW

Comments: 5th June 2025

I am writing to object to the proposed development of four self-build houses on the site next to Glenfall School located within an Area of Outstanding Natural Beauty (AONB) in the Cotswolds. This proposal would harm the local environment, wildlife, and the integrity of the AONB, offering no benefits to the community while setting a dangerous precedent for future developments in this protected area.

1. Impact on Wildlife and Habitat

The site is home to diverse local wildlife that will be disrupted by construction. This development would result in habitat destruction and fragmentation, harming species that rely on this area. Increased human activity, noise, and pollution would further damage the delicate ecosystem.

2. No Community Benefit

There is no clear need for additional housing in this location, and the development would likely benefit only a few individuals rather than the wider community. The area is already well-established, and private housing in an AONB does not address any pressing community needs, such as affordable housing or social infrastructure. It risks diminishing the area's character and alienating local residents.

3. Risk of Further Development

Granting permission for this development could set a precedent for future projects in this sensitive area, eroding the AONB's integrity. This 'creeping development' would lead to the loss of the natural environment that makes the Cotswolds special.

4. Historical Rejection (2017)

A similar application was rejected unanimously in 2017, based on concerns over environmental impact and lack of community benefit. These issues remain unchanged, and there is no justification for overturning the previous decision.

Conclusion

Given the environmental impact, lack of community benefit, and potential for further development, I urge the planning committee to reject this proposal. The preservation of the Cotswolds AONB is vital, and this development threatens both the local wildlife and the character of the area.

I trust these concerns will be considered in the decision-making process.

63 Copt Elm Road
Charlton Kings
Cheltenham
Gloucestershire
GL53 8AN

Comments: 17th June 2025

I object to this proposal on the following grounds of policy conflict and adverse impacts:

National policy (NPPF 2023) requires great weight be given to conserving and enhancing the landscape and scenic beauty of AONBs, which have the highest status of protection. Paragraph 176 makes clear that the "scale and extent of development... should be limited" in AONBs, and any development in or affecting them must be located and designed to avoid or minimise adverse impacts. Paragraph 177 adds that "major development" in an AONB should be refused except in "exceptional circumstances" and "public interest", with a rigorous assessment of need, alternatives outside the AONB, and any residual harm and its moderation. The footnote to para.177 explicitly leaves it to the decision-maker to judge whether a proposal is "major" by its nature, scale and setting (and likely impact). Even if this scheme of four houses is technically below the national numerical threshold for "major", its impact on a sensitive AONB edge could justify treating it as a major development in this context. In any event, national policy makes no exception for self-build projects; the proposals must be assessed on the same strict basis as any other housing. The Courts have confirmed that giving great weight to AONB protection can itself be a "clear reason for refusing" permission, and that evidence of

housing need does not automatically create "exceptional circumstances" if alternative sites exist. Here no overriding national interest or inability to meet needs outside the AONB has been shown, so this development fails the paragraph 177 test.

Joint Core Strategy and Cheltenham Plan reinforce the AONB duty. The adopted Joint Core Strategy (2017) Policy SD7 explicitly requires that all development proposals in or within the setting of the Cotswolds AONB will be required to conserve and, where appropriate, enhance its landscape, scenic beauty and special qualities, and must be consistent with the policies set out in the Cotswolds AONB Management Plan. The Cheltenham Plan (2020) echoes this: Chapter 8 ("The Cotswolds AONB") states that in assessing proposals the Council will be guided by Policy SD7 of the JCS and the advice of the Cotswold Conservation Board with reference to the latest iteration of the Cotswolds AONB Management Plan. Saved Local Plan policy CO2 likewise provides that development which would harm the natural beauty of the landscape will not be permitted. In short, local policy requires strict conservation of the AONB's character, and both plans acknowledge the Cotswolds AONB Management Plan as a material consideration.

Cotswolds AONB Management Plan (2023-25) policies reinforce these controls. The Plan's Policy CE10 mandates a landscape-led approach, obliging development proposals to address natural beauty as a primary consideration and to avoid adverse effects (minimise them if unavoidable). It explicitly requires conformity with the NPPF's AONB provisions and lists conservation of scenic beauty and character as strategic priorities. Policy CE10 also insists on fully assessing cumulative landscape impacts and giving great weight to conserving the natural beauty of the Cotswolds. Policy CE11 reiterates that (in line with NPPF 177) permission should be refused for major development within the AONB other than in exceptional circumstances and where it can be demonstrated that the development is in the public interest. It further stresses that decision-makers must refuse development unless they are satisfied both that exceptional circumstances exist and the public interest is served. These policies also cite case law: even "exceptional need" to meet housing does not automatically justify AONB harm, and the planning balance must not be a simple arithmetic trade-off against great weight for conservation.

Landscape Impact and Visual Amenity

The site is an undeveloped agricultural field on the lower slopes of the Cotswolds escarpment, immediately adjoining the Charlton Kings urban area and Glenfall Primary School. It is highly visible from surrounding roads and footpaths (e.g. Ryeworth Road and nearby public rights of way) and contributes to the unspoilt transition between town and AONB. National policy demands that landscape and scenic beauty in an AONB receive the highest status of protection. Here that means any built development must demonstrably preserve or enhance the special landscape qualities - such as the open fields, mature hedgerows, and rural views - which this scheme would erode.

In a recent Cheltenham landscape capacity study (supporting the new Local Plan), this exact site was assessed as visually sensitive with high landscape value and low overall capacity for development. In other words, experts have concluded that even modest building here would have a significant adverse impact. This is compounded by the fact that the proposed houses are large (three 5-bedroom and one 4-bedroom homes) and would require a new access road and associated infrastructure. Any housing group on this field - no matter how well-designed - would inevitably alter the open character. An Inspector rejected a much larger housing scheme on this site in 2008, finding "I have no

doubt that [that] proposal would result in significant harm to the AONB through the change in character and appearance." That conclusion still holds: even a reduced scheme would unacceptably urbanise the area.

The proposals claim to use natural materials and limit development to 26% of the field (leaving 74% as open space), but these measures do not prevent harm. The creation of new houses, garages, gardens, driveways, and footpath diversions will introduce built form, lighting and activity into what is now an entirely rural setting. This will erode views, undermine the existing rural edge, and compromise the sense of tranquillity in the immediate landscape. Such harm runs directly counter to the AONB Management Plan's requirement that new development address the natural beauty of the AONB as a primary consideration and must avoid adverse effects where possible.

AONB Protection and "Major Development" Test

Even if this is not legally a "major" scheme, NPPF paragraph 176 still requires great weight to its landscape impacts. The Cotswolds AONB Management Plan stresses that the statutory duty (under the Countryside and Rights of Way Act) to conserve the AONB cannot be overridden by development pressures. Case law confirms this: giving great weight to AONB conservation can itself justify refusal. The Court of Appeal in *Monkhill Ltd v SSCLG* [2021] upheld that policy wording "great weight... should be given to conserving and enhancing" the AONB landscape may constitute a clear reason to refuse permission under the NPPF's tilted balance. In applying the planning balance here, this policy must therefore carry decisive weight.

If Cheltenham Council or an Inspector considers the proposal to be "major" for AONB purposes (even if numerically small, the footnote to NPPF 177 is deliberately broad), it would have to pass the strict NPPF 177 tests. In particular, the applicants have given no evidence of any overriding need at a national or local level that could only be met here. They have not demonstrated that comparable housing cannot be provided outside the AONB (there are ample sites in the existing urban areas and allocated greenfield sites beyond the AONB boundary). Nor have they shown any public benefits or mitigation measures that could fully offset the harm. The Cotswold National Landscape Board reminds us that "exceptional need" (e.g. for housing) is not the same as "exceptional circumstances" justifying AONB harm. Here, no unusual circumstances exist. Moreover, the applicants' status as self-builders does not alter the policy test - self-build is not a planning class that exempts development from landscape protection.

National guidance and case law require strict application of these tests. The AONB Management Plan notes that decision-makers should refuse an application unless the exceptional circumstances and public interest criteria are satisfied. In *R (Hallam) v Dorset Council* [2020], the court emphasized that authorities must "refuse [a major AONB application] unless they are satisfied that exceptional circumstances and public interest justify it". This application plainly fails that threshold. On the contrary, it triggers the clear directive in policy that development which would harm the AONB must not be permitted.

Access, Scale and Character

The scheme proposes a new shared access drive off Glenfall Way and suggests increased footpaths. Glenfall Way is a narrow rural road leading to a small school and allotments; it lacks street-lighting and is not designed for significant new residential traffic. The AONB Management Plan warns that increases of traffic on rural lanes cause noise,

pollution, verge damage and safety risks. Indeed, it advises that any development generating 10% or more vehicle movements is likely to impact tranquillity. This scheme of four homes could easily exceed that threshold on a quiet country road. No transport assessment is provided. In absence of mitigation (e.g. off-road cycle/pedestrian links or speed reduction schemes), the proposal threatens to undermine the rural character and safety of local roads, contrary to CE10's requirement to protect tranquillity and road character.

The houses are relatively large (4-5 bedrooms) and are grouped at the field edge; they would constitute a dense suburban-style cul-de-sac in what is now open countryside. The applicant claims a "stepped-down" layout towards the escarpment and materials of stone/wood to "blend seamlessly", but these design assurances are insufficient. The houses will still have the scale and form of suburban family homes, with gardens, fences and parking, which is alien to the simple Cotswold vernacular of nearby Charlton Kings. No evidence is provided that the design has been guided by an agreed landscape-led approach (e.g. a Landscape and Visual Impact Assessment, as recommended by the Cotswold Conservation Board). Policy CE10 demands that development reflect and enhance the character of the local area; here it patently does not. The partial preservation of "wildflower meadow" around the houses cannot compensate for the overall suburbanisation of the site. In short, the access road, footpath diversions, and built form would dramatically change the character of the field and erode the clear edge of the village.

Ecology and Biodiversity

The planning statement claims preservation of wildflower meadow, but provides no ecological survey or mitigation plan. The site is currently agricultural pasture, which in a rural setting may support ground-nesting birds (e.g. skylarks, lapwings) and foraging habitats for bats or barn owls. Any clearance of grassland or hedgerow could harm these species. Under the NPPF, if significant harm to biodiversity cannot be avoided through mitigation or compensation, planning permission must be refused (NPPF 180). At present there is no demonstration of habitat retention measures, bat/bird boxes, or net gain. Modern law and policy require a biodiversity net gain for development, and the Cotswolds Plan specifically notes that development should consider biodiversity recovery (Policy CE7) and achieve measurable gain. This proposal has not shown how it will meet those obligations. Any off-site compensation would further reduce farmland habitat beyond the AONB, contrary to the duty to enhance the protected landscape and its wildlife.

The scheme's diversion of a public right-of-way and creation of a "looped footpath" suggests some gain for access, but formal public benefit is minimal. Indeed, the AONB Board warns that sensitive footpath changes must not worsen landscape impact. Without clear ecological enhancements (e.g. ponds, native planting, green corridors), the scheme likely fails Paragraph 180's test. On a site adjacent to notable conservation areas (the Cotswolds AONB itself and nearby SSSI), any development must be strictly controlled. In absence of a credible ecological strategy, the application conflicts with JCS Policy SD9 (biodiversity protection) and Cheltenham Plan Green Infrastructure policies (GI2/3 on trees and green spaces).

Precedent and Planning Balance

Allowing this development would set a damaging precedent. It would be the first instance of urban development on the last green field at the edge of Charlton Kings. The 2008

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appeal decision warned that housing here "would pave the way for future development of the remainder of the field" and for speculative expansion up the AONB escarpment. Upholding the strict approach to AONB land is necessary to avoid incremental erosion of the protected landscape. Cheltenham Borough Council has consistently resisted AONB encroachment at appeal and any departure now would undermine the integrity of the AONB boundary.

The supposed benefits here are private (self-build homes for an individual or family) and modest incremental contributions to housing supply. There is no policy requirement that these houses must be here or in an AONB. By contrast, the adverse impacts - as outlined above - are significant and irreversible. Under paragraph 176 of the NPPF, the conservation objective must not be overridden by weak benefits. As the 2008 inspector concluded: "the shortfall in housing land supply and community benefits ... are of insufficient weight to overcome the significant harm to the character and appearance of the AONB." That reasoning remains valid: great weight to AONB conservation means even acute housing need cannot justify damage here.

Conclusion: In summary, the proposal plainly conflicts with national and local policy in key respects. It does not meet the stringent tests for development in an AONB, it will cause unacceptable harm to landscape character and visual amenity, and insufficient justification or mitigation is offered. For these reasons, and having regard to the cited policies, legislation and case law, planning permission should be refused.

5 Warwick Crescent
Charlton Kings
Cheltenham
Gloucestershire
GL52 6YZ

Comments: 11th June 2025

I object to this proposed development as it's on the AONB and is likely to open the door to other development on the AONB. If AONB's are going to meaningfully contribute to the protection of nature and mitigation against the effects of climate change they should not be built on

Also, from the description it sounds like these will be executive homes for the well off rather than contributing to the provision of affordable housing

12 Lyefield Road East
Charlton Kings
Cheltenham
Gloucestershire
GL53 8AY

Comments: 9th June 2025

As a parent who regularly walks this area with my children, I am upset that yet more land is being considered to be taken away from nature - this being an AONB this should be kept for the abundant wildlife for all to enjoy and appreciate. Given the environmental

impact, lack of community benefit, and potential for further development, I urge the planning committee to reject this proposal. The preservation of the Cotswolds AONB is vital, and this development threatens both the local wildlife and the character of the area.

Curzola
Ryeworth Drive
Cheltenham
Gloucestershire
GL52 6LU

Comments: 10th June 2025

I am writing to strongly object to this most recent planning application to build very 4 large houses on Glenfall Way. I cannot express more greatly how objectionable this is to the local community and those who seek to protect and value a Cotswold Area of Outstanding Natural Beauty. This field, and the few left like it in the area, were given the AONB status to protect it from development like this. This protection needs to be upheld by the council. This proposed development, one in a long line of planning applications dating back to 2007 by an Exeter- based company who has no sympathy or understanding for our local area and community, will directly harm the natural beauty of the landscape. Houses on this field facing down towards Ryeworth Road, an already over developed area and a busy T junction with Glenfall school just next to it, will dramatically alter the vista and strip away the views from Ryeworth Road to the Cotswold hills beyond which make the area so special. The very thing that makes this area a desirable place to live is in danger of being lost if we don't protect that which makes it beautiful and desirable.

This erosion of AONB sets a dangerous precedent for more eating away in the future. Cheltenham's fringing of AONB is vital to the community, to wildlife, to the desirability to live and draw tourism here and needs proper protection and value placed upon it. I'd suggest this little field would benefit the area far more if it was just left alone to be the wild protected space it was designated to be. Wild grassland like this field provides a habitat for a wide range of wildlife including Roe Deer, who currently breed in the area (just the other day I saw a fawn with its mother), several species of bat, hares, and countless insects and butterflies. Losing these areas would be a disaster for the delicate balance of our ecosystem, as well as the narrow road system of the Ham area and, it should be considered, could cause flood risk as these fields provide run off from Cleeve Hill with several streams flowing through them. At school drop off and pick up times this area, so close to Glenfall School, is teeming with children on scooters, parents in cars, dogs and bikes. The roads leading through Ham become very busy and any more pressure on this area with more houses, more people, would be detrimental to what is currently just about sustainable.

Furthermore I can't believe that a development such as this can be considered "needed" or "affordable housing" as outlined and encouraged by the current government. These 4 very large houses will be expensive and out of keeping with the local surroundings of Ryeworth and Ham. They will put pressure on an already strained infrastructure and harm our environment which needs our protection. The buildings proposed will be out of keeping with the Cotswold style and will not in any way blend in with the local surroundings, it seems no consideration has been taken for this which is worrying in

itself. The material proposed would go against Cotswolds Conservation Board Policy DTP1. The houses will be set close to the road so will be highly visible.

If permission were granted, then I believe developers won't stop here with the four proposed houses and we would see further planning applications in other local parts of the AONB - such as the field opposite Ham Close just further up the road which is in appeal after a strong local objection to 5 self-build properties. It would open up the AONB to repeated and more likely developments as the message would be made that these sites aren't the protected areas they are signed up to be. Applications for this site have been made tirelessly since 2007, the plan being that locals will eventually give up, but I believe that won't happen as we can all see and have experienced for ourselves just how vital these areas are for our wellbeing. More large houses will have quite the reverse effect, and we need no more of those. The message needs to be sent firmly to such developers that the preservation of our AONB comes ahead of lining the pockets of greed.

18 Ham Close
Charlton Kings
Cheltenham
Gloucestershire
GL52 6NP

Comments: 21st June 2025

If this proposal were to go through, it would take away and destroy an area of outstanding natural beauty, increase traffic on an already busy road and take away the countryside's natural draw and character.

As someone who has grown up on Ryeworth road and Ham close, I have been lucky enough to be surrounded with the countryside and wildlife that this area provides, which is an opportunity we shouldn't have to deny the next generations.

The potential new houses will not only destroy the protected landscape but will significantly impose on the quality of life for all those already living here.

Not only this, the opportunistic developer will likely continue their destruction of the land with further proposals, putting this area at risk of losing it's countryside appeal and natural habitats for the already at risk wildlife.

It is unacceptable to consider building on this stunning area of outstanding natural beauty, and I truly think this area of outstanding natural beauty should and needs to be protected.

I strongly hope that this proposal is rightfully refused.

3 Natton Cottages
Ham Lane
Cheltenham
Gloucestershire
GL52 6NJ

Comments: 23rd June 2025

Letter attached.

4 Warwick Crescent
Charlton Kings
Cheltenham
Gloucestershire
GL52 6YZ

Comments: 11th June 2025

We object to this proposal as we have done previously to planning proposals on this land and the field opposite Ham Close. These fields are part of the AONB and must be protected from development for the enjoyment of the natural landscape and the wildlife within and we feel approval of these proposals will only open the floodgates to further development proposals in the area.

3 Barnett Way
Northleach
Cheltenham
GL54 3JQ

Comments: 5th June 2025

I object to this development. The field on Glenfall Way is part of the Cotswold National Landscape (previously AONB) as such must be protected at all costs, if only to protect the habitat of many species of wildlife, as well as to protect urban creep. This development has no place in this area of protected nature and it will not bring any benefit to the community but will rob us of much needed local green space. Thank you for your time.

4 Carisbrooke Drive
Charlton Kings
Cheltenham
Gloucestershire
GL52 6YA

Comments: 9th June 2025

As on previous occasions, I would like to strongly object to this application, the overriding reason being that the land is within the AONB. This alone ought to prevent the application going any further, and should bar any future applications. This AONB is an important natural haven on the very edge of Cheltenham, beautiful in character and home to much wildlife, including wild deer.

The application to build here first surfaced in 2007, with a plan to build 44 houses. At the time a minibus full of councillors came to look at the site and agreed unanimously that it

was unsuitable for housing. A further application was made in 2017 but rejected, due in no small measure to strong public feelings against it, as there still are.

The developers want to build just 4 houses, over to one side of this field, but I cannot believe it will stop there. The space they conveniently leave would doubtless soon fill up with more housing, having made this initial ingress. If this application is allowed to go through, I feel sure that it will produce a domino effect of similar building plans in the area going ahead. We are already fighting off two more (land opposite Ham Close, and development at Dream Stud, Mill Lane).

Building in this area would cause increased traffic congestion around Glenfall Primary School, and the school will become overwhelmed with the extra demand for places. Cheltenham is more than fulfilling the national need for additional housing without needing to build in an AONB.

33 Eldon Road
Cheltenham
Gloucestershire
GL52 6TX

Comments: 5th June 2025

I would like to object to the above proposal.

Whilst I do not live in the vicinity of the proposed development, I am a frequent visitor to the area concerned.

This meadow land which falls in an area of outstanding natural beauty should be preserved at all costs. What starts out at just 4 units will inevitably turn into something much bigger further down the line once development is given the green light. Wildlife that has been identified in the biodiversity report would be massively affected during the construction phase and might never return to 'normal'. The Ryeworth and Ham area are important wildlife corridors linking the outer suburbs of Charlton Kings to Cleeve Hill and Timbercombe Wood. I would also like to highlight that the hamlet of Ryeworth/Ham is mostly made up of period properties and I feel that these properties would look totally out of place. Traffic at school drop off and collection is considerable and with construction vehicles added to the mix is a recipe for disaster. Also, to be noted, each of the 4 units will probably have at least 2 cars if not more, adding to what is already a busy road. In conclusion, this development should not be given the go ahead and especially from a developer who is from outside the area and does not have the local interest at heart.

384 London Road
Charlton Kings
Cheltenham
Gloucestershire
GL52 6YX

Comments: 6th June 2025

I object to the proposed development of four self-build houses on the site next to Glenfall School located within an Area of Outstanding Natural Beauty (AONB) in the Cotswolds. This proposal would harm the local environment, wildlife, and the integrity of the AONB. I agree that this could set a dangerous precedent for future developments in this protected area.

Bilbao
Gadshill Road
Cheltenham
Gloucestershire
GL53 8EF

Comments: 7th June 2025

I could copy and paste every objection raised by others in this matter. I do not live directly by the proposed development site but I must support efforts to preserve any land designated as ANOB or subject to any other legal protection. Recently we had a developer try and build near us in Timbercombe Lane. Hundreds of local people requested that the application be rejected for the same reasons that this one should be. These areas of land are vital to the local human and wildlife community and it's the council's legal duty to protect them from any development.

29 King William Drive
Cheltenham
Gloucestershire
GL53 7RP

Comments: 11th June 2025

Again the greedy developer is attempting to ruin the beautiful unspoilt Cotswold National Landscape (formerly known as AONB). This development would not conserve or enhance the Cotswold National Landscape. The developer is clearly trying to push planning on the basis that there remains some view of the Cotswolds. Unfortunately, this view has highly reduced and limited scope. The Cotswold escarpment will still be obscured from many points. The protection of these areas remain paramount.

This beautiful, quiet area is home to many. Protected wildlife such as badgers have lived here as do deer, foxes and many birds of prey, woodpeckers, bats are among the many. They are at

peace in their habitat.

Back in 2017 the latter of the many applications for development was thankfully refused.

13

unanimous objections from councillors. Refused.

The fact that the developer is trying to incorporate open space is deceitful. We know only too well that in time this promised open space will be filled with many more houses. If this application is successful it will set a precedent for development on other sites.

The proposed entrance is always blocked with cars, especially at school drop off and collection times. Glenfall Way is extremely busy anyway without the addition of many other vehicles. The access is in an obscured position which would cause a hazard to both pedestrians and road users. There are young school children that could face great danger. The entrance / exit is also a blind spot.

The additional noise from the proposed development will have a detrimental impact not only for nearby residents but a massive deterrent for wildlife that live and visit this area.

Planning is for outline planning permission. If permission is granted it will open up the whole area and buildings will obscure any beauty of the area.

For the residents and many visitors to this area, I respectfully urge you to refuse this on the grounds that this unspoilt, beautiful area is protected.

The Cotswold escarpment will be obscured if outline planning permission is allowed and the developer will push on to develop the whole of the site. Once any permission is granted the developer will return with revised plans to develop.

63 Ryeworth Road
Charlton Kings
Cheltenham
Gloucestershire
GL52 6LS

Comments: 23rd June 2025

This is an AONB; no new homes should be allowed here - full stop. Why are property developers allowed to repeatedly request permission that has previously been denied? If this goes ahead, other developers will try to do the same.

15 Upper Bath Street
Cheltenham
Gloucestershire
GL50 2BD

Comments: 11th November 2025

I am writing to object to the development of this parcel of AONB. I agree wholeheartedly with the other very comprehensive objections which detail the ways in which the proposal contravenes the borough council's own policies set out.

"AONB's are designated landscapes and share the same landscape quality and status as National Parks."

https://www.cheltenham.gov.uk/a_to_z/service/37/area_of_outstanding_natural_beauty

10 Grovelands Close
Charlton Kings
Cheltenham
Gloucestershire
GL53 8BS

Comments: 13th June 2025

Dear Mrs White, I strongly object to the application for the erection of 4 self/custom build dwellings on what is designated an area of outstanding natural beauty (AONB) within the Cotswolds. This is not the first planning proposal to have been made for this land and we will not get tired of having to object each time, as nothing material has changed. The area remains part of the Cotswold AONB, there would be significant negative impacts to local environment & wildlife, a negative visual impact, an increase in traffic near a local school, no community benefit and it would have far reaching effects for the area. I hope those who make the decision on this application will see their way clear to refuse it.

87 Ryeworth Road
Charlton Kings
Cheltenham
Gloucestershire
GL52 6LS

Comments: 11th November 2025

Its AONB - I really should not have to say any more.

Comments: 5th June 2025

Its the area of outstanding natural beauty - surely that is reason enough to refuse. Otherwise what is the point of the AONB if it is allowed to be gradually eroded by building, taking away from the enjoyment of all.

The Little Owl
Ham Road
Charlton Kings Cheltenham
Gloucestershire
GL52 6NH

Comments: 10th June 2025

I wish to object strongly to this proposed development.
Using virgin AONB land for a project that has no community benefit whatsoever, which destroys established wildlife habitat, adds to the very real traffic congestion around Glenfall school and makes a mockery of the very idea of protected land cannot be in the interests of anyone except the out of area developer and four purchasers
I believe that there is widespread community objection to this proposal for very valid reasons which should be seriously considered when evaluating this proposal.

10 Bafford Lane
Cheltenham
Gloucestershire
GL53 8DL

Comments: 8th June 2025

I'm saddened to see planning go in once again for this beautiful field.

I was heavily involved in objecting this application in 2017 and we worked hard at explaining to the council how important this field is. To have to go through this again seems utterly ridiculous. It wasn't right then and it isn't right now.

This is AONB which should be untouchable. It's on the fringe of the town which shows its importance in terms of positioning. If this is built on the line between town and country disappears. The views across this field to the Cotswolds are beautiful, houses would ruin this for all walkers and locals.

We all know that the proposed development will change if planning is given and who knows what will get built there. 4 houses won't help our housing crisis. This is just a money making venture by the development company who purchased this field years ago hoping to make a big buck.

There are many brown field sites that could be built on which would have a much smaller impact on wildlife.

Please protect this field as it's really not just a decision that impacts this field but many fields like this around Cheltenham and Gloucestershire.

10 Ham Close
Charlton Kings
Cheltenham
Gloucestershire
GL52 6NP

Comments: 11th June 2025

I am writing to strongly object to this planning application.

In short, this land is part of the AONB/CNL and therefore is not suitable for development. The application can be dismissed on this basis. We have to protect the AONB now and in the future.

My family walks past this field every day on the way to school; we watch the deer who graze there, the way the meadow changes through the seasons. We see butterflies and woodpeckers, wild flowers and dewy cobwebs. The open field is valuable AONB land -- for nature (which is so threatened at the moment), not for developers nibbling away at it, claiming these 4 buildings will solve the housing crisis.

Please dismiss this application.

40 Ryeworth Road
Charlton Kings
Cheltenham
Gloucestershire
GL52 6LH

Comments: 7th June 2025

I strongly object to the proposed development of four self-build houses on the site next to Glenfall School located within an Area of Outstanding Natural Beauty (AONB). This proposal would significantly harm the local environment, wildlife, and the integrity of the AONB. It offers no benefits to the community, whilst also setting a dangerous precedent for future developments in this protected area.

27 Chase Avenue
Charlton Kings
Cheltenham
Gloucestershire
GL52 6YU

Comments: 20th June 2025

I object to the planning application this area is filled with wildlife and only yesterday I saw two beautiful deer running across the field. Development of any kind would destroy their habitat and would create more traffic, noise and pollution.

Glenfall Way has suffered from increased traffic in recent years with more road users using Ham as a cut through to avoid the main roads.

This area of AONB should remain so for future generations.

5 Pear Tree Close
Woodmancote
Cheltenham
GL52 9TY

Comments: 16th June 2025

I have had the pleasure of visiting this beautiful area on a weekly basis for many years. The tranquility and beauty of this unspoilt field should not be under such threat. I have witnessed so many people and groups stop to admire this view.

An area of Outstanding Natural Beauty shouldn't be considered to be ruined. These areas are protected for a firm reason. Walkers in rambling clubs etc (which I have enjoyed being a part of), stop at this spot. The view to the Cotswold's is exceptional. I am an older person and it is without doubt up-lifting. For me this has helped massively during isolated times. The joy of witnessing wildlife is just exceptional. Its breathtaking and the peaceful environment its set in is to be preserved.

Many people have said that they would be furious if planning was permitted. Sadly, people of my age aren't always able to express their thoughts.

Please do not let a developer with the wrong intentions ruin what should be enjoyed by future generations. Once you have granted this, you'll have further applications.

Applications that have been refused time and time again will again be submitted.

I strongly object to this building project in an Area of Outstanding Natural Beauty.

If granted, not only will it be harmful to the landscape it will facilitate a loss of natural beauty and scenic views. Not forgetting all of the beautiful species it is home to.

This is now the third objection over numerous year I have made in respect of this application. This developer (who is not local and from Exeter I believe), keeps coming back and coming back. The initial application was in the name of 'Strategic Land Partnership'. This tells you all you need to know. This company buys land such as this with the sole purpose of obtaining planning permission to profiteer. A business model of purchasing green belt and protected land. Make no mistake there is no altruism here despite what they would have you believe.

Other planning application have been for many more houses than 4. If you grant outline planning permission, this will be the thin end of the wedge. The 4 houses will become 10-30 and this beautiful space will be lost forever. No more wildlife, green space and fresh air and the visual impairment of the loss of the Cotswold escarpment.

33 Hartlebury Way
Charlton Kings
Cheltenham
Gloucestershire
GL52 6YB

Comments: 23rd June 2025

I strongly object to planning application 25/00650/OUT, which proposes development within a designated Area of Outstanding Natural Beauty (AONB). The land in question forms part of a nationally protected landscape, valued for its rural character, natural biodiversity, and visual amenity. The proposed development would cause irreversible harm to this environment, replacing open green space with permanent urban sprawl. Such destruction directly contradicts the core purpose of the AONB designation and undermines national planning policy.

The National Planning Policy Framework (NPPF) makes clear that major development in an AONB should only proceed under exceptional circumstances and where it demonstrably serves the public interest. In this case, no such justification exists. The limited public benefit of building a small number of high-end homes does not come close to outweighing the permanent loss of protected countryside. These homes will not meet urgent local housing needs, nor will they contribute meaningfully to community infrastructure or affordability.

In addition, the development would increase traffic on already narrow and congested roads, raise safety concerns for pedestrians, and place added pressure on drainage and environmental systems. Combined with the site's history of repeated refusals and legal challenges, it is clear this proposal remains unsuitable and unwanted. The protection of our AONB must be upheld-not gradually eroded in favour of speculative, low-benefit development.

For these reasons, I respectfully urge the Council to refuse this application and consider measures to prevent similar future proposals on this sensitive site.

6 Reaburn Close
Charlton Kings
Cheltenham
Gloucestershire
GL52 6NL

Comments: 22nd June 2025

Please, not another attempt by developers to hope spines have weakened or backs turned to get this through. It should never be developed for so many reasons and does not achieve any necessary house building targets. Building luxury homes on AONB is never needed and the losses are far greater, to wildlife, the community and the council's integrity. The only winner is the developer. There are houses at this price all over cheltenham, any buyers can buy them instead. Nothing good would be achieved other than making the developers and their cronies richer.

3 Natton Cottages
Ham Lane
Cheltenham
Gloucestershire
GL52 6NJ

Comments: 23rd June 2025

3, Natton Cottages,
Ham Lane,
Charlton Kings,
Cheltenham.
Gloucestershire.
GL52 6NJ

23rd June 2025

Cheltenham Borough Council,
PO Box 12,
Municipal Offices,
The Promenade,
Cheltenham,
GL50 1PP

Attn:- Planning Officer.

Re:- Planning Ref:- 25/00650/OUT - LAND ON THE SOUTH SIDE OF GLENFALL WAY
CHARLTON KINGS CHELTENHAM GLOUCESTERSHIRE - OBJECTION

Dear Sir / Madam,

The application for developing yet another piece of AGRICULTURAL land in the same area as the application last year, but this time on a well-established naturalised environment, is, after reading all the documentation making its own case for objecting to any development including their own proposal!

This piece of land is naturally self-sufficient without ANY intervention by man, having been left alone, which it should continue to be. Why is it a good idea to spoil countryside - and have these developers not heard that there is a crisis in the natural environment - which really does not need their help!

THE STATEMENT OF COMMUNITY INVOLVEMENT is particularly amusing especially as the community both ARE involved and do NOT want any further development in the designated protected area.

The document tries to suggest that THE COMMUNITY does NOT understand the complexities, as once again it is a proposal to develop land within the AONB. As several correspondents have commented - it is yet again time that the area was actually recognised as having the designation and that the rules both need to be tightened up and followed to protect it!

At the time of writing, there are 64 OBJECTIONS to the proposal. If members the community had been consulted, surely the development proposal would not have been made as strength of feeling against it during the interviews would have been made. So far it has not been clear who was consulted of the neighbours in the area!

The document cites other developments, which have been permitted in the Cheltenham area which impact on the area actually designated as AONB and for which an apparent solid line had been drawn but ignored by developers and planners alike. The bad decisions made in those cases must not be taken as precedence and automatic right to develop any further in the AONB, as they were made against the Objections of the Community who rightly point out that very valuable natural environment was being eroded.

Other letters have dealt with the history of Applications for this site of which this is just the latest and hopefully the last. Due to its position, the site should be left just as it is as it benefits all - nature and humans.

Given the HUGE area to the west of Cheltenham now up for development which will do its own damage to the natural environment, there is really no need for the insignificant number of houses proposed for this site.

As with the other recent proposal for the area just along from this one, there are a similar things that stand out as needing a comment which really need further consideration both in terms of Environmental concerns and to ensure minimum impact on business neighbours of this development:-

1) There are on that side of the road are a relatively high number of listed buildings. So the proposal is to fill in the gap that side of the road with unsuitable modern stuff which would likely need demolishing in a relatively few years. Why then does the proposal aim to destroy this with buildings which just do not blend with the area?

2) The proposal for building closer to the boundary with the Waste Recycling site has to be of considerable concern especially for the business owners. Previous experience of allowing 'residential' building to be built closer to factories or commercial buildings / activities could no doubt, lead in the future to complaints from the 'new' residents of the new build to complain about everything associated with the business of noise / smells and lorry activity. This usually leads to possible unwarranted enforcement action to get these reduced even though this is what occurs and has occurred with this business sited where it is (probably when set up it was actually well into the countryside). It would be the fault of the residential development that has been allowed to encroach on the business and not the other way round. As it stands and has for a long time - this business has a natural buffer zone around it of which the proposed development site is a part and due to this does not have much impact on the wider area.

3) The Biodiversity report offered in the application is again of considerable concern. Effectively the development site is in the COUNTRYSIDE and wild birds and animals do travel! As virtually every British Bird has significantly declined in numbers due to man's activities then the AONB does at least offer some haven for them. The idea that taking a current wild site, building on it and maintaining a 'natural' corridor is not exactly common sense! Apart from the birds, foxes, badgers, deer, there are voles, mice as well as a whole host of insects usually not mentioned.

As usual these reports actually highlight the fact that once natural land has been built on then the biodiversity significantly decreases! Of course, many species won't be found - their habitat has been destroyed!

4) The Arboriculture Assessment Report on the land only highlights what the author suggests is not right with it. It is a NATURAL Site and the range of trees and conditions are habitat (Note:- it is recommended in Domestic Gardens to have a LOG pile - nature provides it own much more effectively! It would certainly NOT be the 'natural' corridor or Buffer that it is now.

5) It is noted that these house are proposed to be SELF BUILD - then reading further - they are NOT Self Build, as all the prospective purchaser can do is select a STYLE and then a certain level of internal configuration. An application for SELF Build in Greenway Lane AONB has since seen that site change hands to a developer who has built houses which are definitely neither in the affordable price area nor remotely maintain any sort of habitat or Biodiversity that was once there.

Other correspondents have noted potential disruption and reduction long term for parking on the street for vehicles going to the school as well as an increase in traffic that this site would bring.

It is clear that this is one of those 'chancer' applications given the previous rejections and this should be rejected in exactly the same way.

Yours faithfully,

82B Ryeworth Road
Charlton Kings
Cheltenham
Gloucestershire
GL52 6LT

Comments: 30th July 2025

I am writing to formally object to the above planning application, for the following reasons (and I note that I have objected previously to repeated attempts at building within the previous designation of AONB on this site):

A. Inappropriate development within a Protected National Landscape

The proposed site is within the Cotswolds National Landscape, which (supposedly) has the highest level of protection in national and local planning policy. It would be entirely inappropriate not to conserve these areas as per the National Planning Policy Framework (NPPF).

It is not clear to me that there are any extenuating circumstances or valid reasons why these protections should be ignored.

B. Threat to biodiversity and loss of habitat

The site is a habitat for protected and priority species, including great crested newts, bats, badgers, and deer - all of which have been reported on the site - I regularly see deer in the vicinity, and I once saw an owl on Ryeworth Road. The proposal conflicts with the Conservation of Habitats and Species Regulations 2017, the Wildlife and Countryside Act 1981 (as amended), and Paragraph 180 of the NPPF. I am entirely unconvinced by mitigation efforts suggested - what is a garden log pile going to do for the owls?

C. Development does not comply with the Cheltenham Local Plan or the Joint Core Strategy

The site is located outside the defined Cheltenham Urban Area and is not identified for development in either the Cheltenham Local Plan or the Joint Core Strategy. This makes the development entirely inappropriate and unnecessary, particularly given how destructive it would be.

D. Development does not meet local policy requirements

The proposal doesn't comply with key policies concerning landscape protection, biodiversity, sustainable development, and design quality. No good reason is given for these building works taking place against current policies.

E. It would impact negatively upon an already overcrowded neighbourhood that already struggles to cope with traffic and parking, and would increase risks to local school children.

The numerous developments which has taken place in the vicinity in recent years mean the bus regularly cannot get down Ryeworth Road and has to divert, leaving residents abandoned - the increased requirement for parking and site traffic caused by any new development would only worsen this. I have recently had to abandon my plan to purchase an electric car because I can no longer park outside my own home due to the impossibility of parking with all the new developments taking more and more roadside parking spaces away and adding ever more cars to the road.

19 Greenhills Road
Charlton Kings
Cheltenham
Gloucestershire
GL53 9EB

Comments: 14th June 2025

This is ruining a beautiful green area with loads of wildlife.

1 The Orchards
Glenfall Way
Charlton Kings Cheltenham
Gloucestershire
GL52 6BJ

Comments: 5th November 2025

Submitted in addition to the original objection, this amendment addresses revised documents submitted by the applicant and extended determination timelines.

1. Misleading Use of Visualisations

The revised perspective views (document reference 25/00650/OUT-REVISED_STREET_PERSPECTIVE_VIEWS) depict internalised views from within the proposed development and use full-leaf summer conditions and in black and white. These images:

Omit critical external viewpoints from Glenfall Way and the Cheltenham Circular Footpath.

Fail to illustrate the site in winter or from elevated landscape receptors.

Do not reflect the site's sloped topography, underplaying the visual prominence of built form.

Present the site in black and white which further masks the visual impact.

This presentation selectively frames the visual impact and conflicts with the principles of robust Landscape and Visual Impact Assessment (LVIA) as required under the Guidelines for Landscape and Visual Impact Assessment (GLVIA3). The visual harm from public vantage points remains unaddressed.

2. Contradictory Landscape Framing

The 'Illustrative Masterplans' and 'Site Strategy' (Document reference: 25_00650_OUT-ADDITIONAL_SITE_STRATEGY-1669126 and 25_00650_OUT-ADDITIONAL_ILLUSTRATIVE_MASTERPLAN-1669125) now claim the scheme:

"Marks the transition from town to countryside"

"Retains a strong visual gap"

"Creates new multifunctional habitats"

However, these assertions are not consistent with on-the-ground reality:

The built form extends beyond the existing settlement edge, diminishing the integrity of the AONB fringe.

The so-called "visual gap" is immediately behind the new dwellings and visually ineffective from external viewpoints.

The area designated as Lowland Meadow is publicly accessible, unmanaged, and unfenced-a condition wholly incompatible with achieving 'Good' habitat status under the statutory BNG Metric.

The revised plans do not mitigate visual harm; they merely reframe it rhetorically.

3. Landscape and AONB Character Policy Conflict Remains

These revised drawings do not resolve the fundamental conflict with:

NPPF Paragraph 190 (2024): No robust evidence has been submitted that the site is suitable for this development.

NPPF Paragraph 191: There is no demonstrated mitigation for the historical ground saturation with sewage and soakaway failure in the publicly accessible area.

Cheltenham JCS Policy SD7: No credible justification has been made for development in this sensitive AONB fringe.

Cotswolds AONB Landscape Strategy & Guidelines (2016): The site falls within the escarpment fringe zone, where ribbon development is explicitly discouraged.

4. Extended Timelines and Procedural Fairness

The council's planning portal confirms a determination deadline of 25 July 2025, with an extended expiry date to 24 November 2025. Several key documents-including the landscape visuals and intent statements-were uploaded after the statutory consultation period began. This:

May warrant reconsultation

Risks breaching the public's right to comment on material changes to the proposal

A formal request is made here for the LPA to extend the public consultation period and confirm whether reconsultation will occur.

5. Reiteration of Outstanding Technical Concerns

Despite revisions, the following concerns remain unresolved:

No site-specific winter groundwater monitoring data has been provided to support the use of infiltration-based SUDS.

The proposed water supply infrastructure conflict (existing private water pipes crossing the site) remains unacknowledged.

The revised plans thus do not overcome the material objections raised in the original submission. In some cases, they reinforce inconsistencies between claimed benefits and actual constraints.

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This amendment should be read alongside the original objection, and full weight should be given to both documents.

Planning permission should be refused.

Comments: 14th June 2025

This objection is submitted in strong opposition to the proposed development of 4 self/custom-build dwellings on land south of Glenfall Way (ref. 25/00650/OUT), which lies entirely within the designated Cotswolds Area of Outstanding Natural Beauty (AONB). The application is flawed in principle, procedurally unsound, and technically non-compliant in multiple respects.

The following material grounds for objection are submitted for consideration:

- Development within the AONB/National Landscape with no exceptional circumstances (contrary to NPPF paragraph 189 & 190 and the CROW Act 2000).
- Material landscape harm identified in prior refusals and inadequately assessed in the current Landscape and Visual Appraisal.
- Absence of a Phase 1 Land Contamination Assessment, despite historical use of the southern part of the field as a septic tank soakaway which has failed multiple times.
- Proposed public footpaths over potentially contaminated land, with no human health risk assessment.
- Drainage strategy reliant on infiltration in known saturated ground, contradicting site history and NPPF paragraph 196 and the policy INF2 of the Cheltenham, Gloucester and Tewkesbury Joint Core Strategy (2017).
- BNG uplift claim based on ecologically unsound assumptions, explicitly rejected by the Council's Ecologist (June 2025).
- Factual error in biodiversity claims: replacement of a laurel hedge that is not owned by the applicant and lies on private land.
- Presence of a live water supply pipe serving neighbouring properties, crossing part of the proposed development area, unacknowledged and legally unresolved.
- Failure of the Statement of Community Involvement to reflect known and raised concerns and a demonstrable lack of "effective engagement".

Each of these points is explored in full detail below, drawing on national policy, case law, consultee responses, local precedent, and direct factual evidence.

***Conflict with AONB/National Landscape Designation and National Policy**

This site lies fully within the Cotswolds Area of Outstanding Natural Beauty (AONB) or National Landscape, which is a national designation offering the highest level of landscape protection under UK planning law. The legal duty to conserve and enhance the natural beauty of the AONB/National Landscape is enshrined in section 85 of the Countryside and Rights of Way Act 2000 (CROW Act): whereby authorities "must seek to further the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty".

Local authorities must give this "great weight should be given to conserving and enhancing landscape and scenic beauty" in decision-making (NPPF para. 189). NPPF paragraph 190 is explicit: "permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest."

This test has not been met. The applicant does not attempt to demonstrate exceptional circumstances or public interest. The proposal is purely private in nature. No public facilities, no affordable housing, no strategic need. The failure to address this legal threshold alone should render the application contrary to national planning policy.

Policy SD7 of the Cheltenham, Gloucester and Tewkesbury Joint Core Strategy (2017) requires that all development proposals within the setting of the Cotswolds AONB/National Landscape "will be required to conserve and, where appropriate, enhance its landscape, scenic beauty, wildlife, cultural heritage and other special qualities. Proposals will also be required to be consistent with the policies set out in the Cotswolds AONB Management Plan."

The Cotswolds National Landscape: area of outstanding natural beauty Management Plan 2025 - 2030, which is a material consideration in planning decision making, identifies the Cotswold escarpment, including views from and to the AONB/National Landscape, as being one of the AONB/National Landscape's 'special qualities'. The special qualities of the AONB/National Landscape are those aspects of the area's natural beauty which make the area distinctive and which are valuable, especially at a national level. They are also the key attributes on which the priorities for the AONB/National Landscape's conservation, enhancement and management should be based.

Revised Cheltenham Borough Council's Landscape Assessment Main Report - May 2016 identifies the site in question as a zone of high visual sensitivity, with particular landscape vulnerability to suburban encroachment. This development would visibly extend built form into open countryside, creating precedent and reducing separation between settlement and open landscape of the AONB/National Landscape. Furthermore, the overall value of the landscape character area is assessed as high with low capacity for the ability of the landscape to accommodate development, though the landowner's poor upkeep of the "post and rail fencing to the north of the area and the poorly managed hedgerow boundaries" leads to some degradation.

*Landscape and Visual Harm

The applicant's Landscape and Visual Appraisal (LVA) acknowledges that the development would be visible from:

- Glenfall Way and adjacent footpaths
- Ham Road (north)
- The Cheltenham Circular Route

The LVA admits "The visual impact and the significance of the impacts of the development on the open countryside have been assessed as potentially major/moderate (i.e. a material change)" visual impacts from multiple viewpoints. This includes from the location of viewpoint 2 "some longer range views to the south east of wooded hills that sit within the AONB" which, as previously noted, "views from and to the AONB/National Landscape, as being one of the AONB/National Landscape's 'special qualities' " and thus cannot be mitigated by any of the suggested remedies. Despite this, it inexplicably concludes the harm to be "acceptable". This contradicts both previous findings and legal precedent.

The 2008 appeal Inspector and the 2016 officer refusal both found harm to landscape character and AONB/National Landscape openness. The site plays a valuable visual role

in the transition from developed edge to countryside. The development would breach the perceived boundary line formed by existing houses and hedgerows.

The LVA omits critical seasonal and cumulative assessments, ignoring the fact that visibility in winter increases substantially and that the long-term creep of suburbanisation is cumulative and permanent.

The Cotswolds Conservation Board's Landscape Strategy and Guidelines reinforce that infill or ribbon development in open fringe locations is harmful to the AONB/National Landscape's character. They recommend that authorities "Maintain to open, dramatic and sparsely settled character of the Escarpment. Avoid development that will intrude negatively into the landscape and cannot be successfully mitigated, for example, extensions to settlements onto the escarpment. Ensure that new development does not adversely affect settlement character and form. Avoid cramming development right up to the boundaries resulting in hard suburban style edge to the settlement", all of which the proposed development contradicts.

*Contamination and Site Suitability

The lower section of the application site has been used historically as a soakaway field for septic tank outflows from adjacent dwellings. Due to repeated failures, redigging and repositioning of the soakaways, and persistent saturation, the residents were eventually compelled to connect to the mains sewerage system.

Despite this, the application contains no Phase 1 Land Contamination Assessment, and the land is proposed for public footpath routes and biodiversity enhancement. This is directly contrary to NPPF paragraph 196 (a), which requires planning authorities to ensure a site is suitable for its proposed use, and that contamination risks to human health and the environment are properly assessed and mitigated. As is noted in the NPPF "Sewage and diffuse pollution contain nutrients, chemicals including heavy metals, pathogens, microplastics, oil and sediment resulting in eutrophication, loss of biodiversity, risks to human health".

Paragraph 196 (c) further requires that "adequate site investigation information, prepared by a competent person, is available to inform these assessments". This omission alone renders the application premature and potentially hazardous.

*Drainage Constraints and Unsuitable Ground Conditions

The Level 2 Flood Risk Assessment and Sustainable Drainage Strategy proposes an infiltration-based surface water drainage scheme using permeable paving, swales, and an attenuation basin in the southeast corner of the site.

While preliminary infiltration tests (BRE 365) have been undertaken at four trial pit locations across the site, these tests are not plot-specific, do not reflect the final proposed design invert levels, and have not yet been validated through seasonal (winter) groundwater monitoring. The capacity for this location to accommodate sustained infiltration remains unverified.

Critically, the drainage strategy relies on infiltration in an area known to have failed septic soakaway discharge in the past due to ground saturation. This historical constraint is not acknowledged in the FRA. Furthermore, while the basin is designed with a crown vortex

high-level overflow to a watercourse, this is not an adequate contingency if infiltration proves unfeasible, particularly given that the overflow capacity is limited, and there is no connection to a wider network with confirmed capacity.

The FRA itself acknowledges that further targeted BRE365 testing and winter groundwater level monitoring are required after outline consent. This fundamentally undermines the viability of the drainage design at this stage, since the proposed drainage solution remains contingent on unverified site conditions. It is not possible to conclude under NPPF Paragraph 196 that the site is suitable for the proposed use without robust confirmation that infiltration is feasible and sustainable.

This directly contradicts policy INF2 of the Cheltenham, Gloucester and Tewkesbury Joint Core Strategy (2017) which requires robust evidence that flood risk and drainage will be managed sustainably and effectively, based on actual ground conditions.

*Biodiversity Net Gain Misstatements

The application claims a 14.97% gain in area biodiversity units and a 16.15% gain in hedgerow units. However, these figures rely on:

- The unjustified creation of 1.17 hectares of Lowland Meadow in 'Good' condition on land that will be publicly accessible (see ecologist's report).
- The proposed replacement of a laurel hedge that is privately owned. Specifically, the suggestion to introduce "a new native hedgerow in place of the non-native laurel hedgerow on part of the south-western boundary" is not possible as the applicant does not own that laurel hedgerow, nor has sought permission to replace it.

Cheltenham Borough Council's Ecologist has formally rejected the metric, stating that such habitat condition gains are not credible in this context and do not reflect past CBC approvals. This undermines the entire BNG justification and places the application in non-compliance with the Environment Act 2021 as the Act establishes a statutory minimum of 10% biodiversity net gain for most new developments. Paragraph 4(1)(b) of Schedule 7A requires that post-development biodiversity value must exceed pre-development value by at least 10%. The BNG calculation submitted in this application fails to meet the deliverability and credibility tests required to support that statutory threshold.

*Water Infrastructure Conflict

An existing private water supply pipe serving neighbouring residential properties crosses the development site. This infrastructure is not acknowledged in the application, and no lawful diversion, protection strategy, or access rights have been proposed.

Development over this pipe could:

- Breach existing property rights or easements.
- Interrupt essential water supply.
- Introduce unacceptable infrastructure risk contrary to the NPPF paragraph 190.

At outline stage, applicants are still required to show that a site is physically and legally suitable for the proposed development. This unresolved infrastructure conflict is a material constraint on delivery.

*Failure of Community Engagement and Procedural Fairness

The applicant's Statement of Community Involvement (SCI) pays lip service only and is incomplete and does not represent the breadth or seriousness of community objections.

Only 14 responses were received. There is no quantitative breakdown of support versus objection, no thematic analysis of the comments, no sample responses, and no explanation of how design was altered in response. In fact, no reference is made to known issues raised by local residents in multiple previous applications: including ground contamination, drainage failure, wildlife activity, or infrastructure concerns.

This fails to meet the expectations of "effective engagement" under the NPPF, which states that applicants should proactively engage with the local community to improve the quality and acceptability of development proposals.

It also undermines the credibility of any claim that the proposal is well-integrated into the local context or enjoys community support. As of writing, there are 46 public comments, all objecting to the development, thus far from suggesting an effective pre-planning engagement.

*Planning History and Repeated Refusals

This is another in the list of planning applications for this site in the last 20 years. All previous schemes have been refused, withdrawn, or found unsound. A 2008 appeal was dismissed, a 2016 application (16/01789/FUL) was refused.

None of the site's core constraints have changed:

- The land remains visually prominent and landscape-sensitive.
- It is no more suitable for sustainable drainage than it was during previous failures.
- Its ecological value has not been reduced, and indeed, badgers and deer continue to frequent the site.

Repeated attempts to revive previously rejected proposals, without material change in circumstance, represent a continued waste of public resources and officer time. This harms trust in the planning system and burdens the community with endless vigilance. There is no material change which mitigates any of the previous reasons for refusal:

"The proposal seeks the development of four large, detached houses on a parcel of land within the Cotswolds Area of Outstanding Natural Beauty. The site is defined by its natural attributes and its rural character. This includes its openness, its mature hedgerows and trees, and the expansive and important views that the site affords to the Cotswolds scarp beyond. The insertion of four large, imposing and architecturally incongruous houses will fundamentally change the character of this rural site and have a major negative impact on how the site is experienced. It will harm the openness of the site and harm the views to the scarp given the presence of the large and inappropriate dwellings. It therefore follows that proposed development will harm the natural beauty of the site.

Paragraph 115 of the NPPF requires decision-makers to place great weight on conserving landscape and scenic beauty of Areas of Outstanding Natural Beauty. Local Plan policy CO2 (Development within or affecting the AONB) states that development which harms the natural beauty of the AONB will not be permitted. When assessed against these requirements, the proposal constitutes an unacceptable form of

development as it will harm the defining attributes of the site that contribute to its natural beauty."

This application conflicts with national and local planning policy in multiple, material ways:

- It does not meet the NPPF tests for development in the AONB/National Landscape.
- It fails to address known land contamination and infrastructure risks.
- It overstates biodiversity gains and misrepresents control over boundary features.
- It is procedurally flawed and repeats previously refused harms.

We therefore urge Cheltenham Borough Council to give full weight to the legal protection of the AONB/National Landscape, the expert views of its own consultees, and the substantive planning objections raised here.

This land is not suitable for the development proposed, and planning permission should be refused.

11 Ham Close
Charlton Kings
Cheltenham
Gloucestershire
GL52 6NP

Comments: 21st June 2025

Here we go again. When will they get the message. No no no. Protect the sites ANOB at all costs please. The continual push against ANOB status is frustrating, tiresome and offensive to me. The proposed site is still protected by it's ANOB status as far as I know and should remain so. Please remember ANOB ANOB ANOB

144 Ryeworth Road
Charlton Kings
Cheltenham
Gloucestershire
GL52 6LY

Comments: 10th June 2025

I can't believe that once again they are looking to build on this area of land.

This is an area of outstanding natural beauty and should remain so. There really shouldn't be this on going problem with developers trying to ruin this not just for us who live locally but for may other people who come to this spot.

The development will destroy habitat for wildlife and change the bio diversity of the area for good.

With the housing being owner designed who knows what abominations might be built and there would be no control of this.

its disruptive for the local primary school - as there is no time frame within which the developments are to be built so this could go on for years and years. Traffic and parking around the school is difficult enough without adding to this problem with development.

The problem with any development, how ever small to start with, sets a precedence so once we give in to this application for 4 houses it's just a matter of time before further development is applied for and with the council having given in they clearly won't stop there.

Please do not let this application be approved and ruin this for us all.

140 Ryeworth Road
Charlton Kings
Cheltenham
Gloucestershire
GL52 6LY

Comments: 9th June 2025

Original attached.

Dear Mrs White,

RE: OUTLINE PLANNING APPLICATION, GLENFALL WAY (REF. 25/00605/OUT)

In response to the letter of 2 June 2025 from the Head of Development Management, Enforcement and Compliance, I would like to register the strongest possible objection to the application for outline planning permission to erect '4 self-/custom-build dwellings (Class C3)' on 'Land On The South Side Of Glenfall Way, Charlton Kings' - the field adjacent to Glenfall Primary School.

I would like to provide a brief background to previous attempts to develop on this field to put this new proposal in context, as it may help those who wish to comment but are unaware of that 'history'.

Some background

Along with other concerned residents and regular visitors to the area, I wrote in 2007 in opposition to the originally proposed scheme of the Exeter-based Strategic Land Partnerships (SLP) to build 44 houses, (reduced to 34 for the High Court appeal case). A principal reason for objection was the fact that the land/field in question is part of the Cotswold Area of Outstanding Natural Beauty (AONB) with national, as well as local recognition. We also made our views felt at SLP's exhibition in the neighbouring primary school, at local demonstrations with national political representation, and meetings, as well as at the council meetings where the original and revised appeal proposals were discussed and finally rejected.

At that time, we made the point that a development of the scale proposed and at that precise location along Glenfall Way - very close to the junction with Ryeworth Road, and adjacent to the primary school - would not only have adverse traffic and infrastructure implications but also harmful to the site proposed for it and its environs, and would not harmonise well with the character of the surroundings. In my letter, I drew attention to the

fact the proposed site is designated as greenfield and should remain so, and that it is part of (Cheltenham's small portion of) the AONB.

Following the rejection of the original proposal, we continued to speak out, act and write in opposition to the subsequent proposal of 34 houses for the appeal, which was ultimately also dismissed.

2015 (15/00025/OUT)

Six years after those events, I heard rumours in late summer 2014 of a new proposal - at the time of an emerging Joint Core Strategy (JCS), following the draft consultation of October 2013. We then discovered that SLP did indeed intend to make a further attempt and that the previously proposed schemes had been tweaked to try to address the points on which they were dismissed. They reduced the number of houses to 16, and produced a design and site layout which they were claiming would allow uninterrupted views of the hills beyond.

We were then invited in November 2014 to an exhibition at the neighbouring Glenfall Primary School. Warning was scant, yet residents and others attended in force. As with the exhibition years previously, I tried to put my misgivings on hold, find out more and listen carefully to what was being proposed. I then submitted a letter to Planning dated 2 February 2015 to add to others to raise my objections to the proposals and explain my grounds for them. The application was later withdrawn.

2016 (16/01789/FUL)

The developers then submitted a new application for four large houses on the same field as the previous proposals, which was subsequently rejected.

2025 (25/00650/OUT)

We were once again dismayed to receive news at short notice of this new application to build on the field. The developers (still based in Exeter, but with a new name) say that leafleting and doorstep consultation took place to raise public awareness of this. This may be the case, but I certainly did not receive a leaflet and do not know of anyone consulted in my vicinity - I live a stone's throw from the field. However, some of my neighbours who also live near the Ryeworth Road / Glenfall Way junction and I have received letters dated 2 June 2025 from the council, informing us of the deadline of 23 June for submission of comments/objections. This is a very short deadline for those younger residents who work full-time and have busy lives, so may not find time to comment if they so wish. Thankfully, Councillor Chris Day for one has pledged his support and helped raise awareness in the area, as he did for the proposal for the neighbouring field opposite Ham Close, which was rejected, but this has been appealed. Comments

I have used the term 'AONB' (Area of Outstanding Natural Beauty) throughout, which seems acceptable as those putting the case for the scheme use it, although I am fully aware that the AONB has been renamed the 'Cotswold National Landscape' in 2020. In my view, the 2025 proposal is flawed in concept and wholly inappropriate for this site, and environment. It is undesirable for local residents and members of the wider community who frequent this area, some of whom are already expressing their opposition. This opposition is rooted in a real love of the area's special (and supposedly protected) qualities and concern for where planning permission for it could lead.

Threat to AONB

Since the field concerned falls within the Cotswold AONB, it is totally unsuitable for the proposed housing scheme. This viewpoint, upheld by Cheltenham Borough Council speakers in the planning meeting that turned down SLP's original planning application, still holds true today. As AONBs are nationally designated with the highest level of protection from harm to their natural beauty, the integrity of this AONB should under no circumstances be compromised. In my opinion, four large self-/custom-build houses - the

decisions on which are to be primarily taken by the buyers with little guarantee at this stage about their final appearance - would do just that.

In previous letters I wrote that there are a number of very important reasons why the AONB should continue to be strictly enforced and not subject to piecemeal erosion, for example, the policies for protection in the National Planning Policy Framework (NPPF), and Gloucester, Cheltenham and Tewkesbury Joint Core Strategy.

Cheltenham's Borough Council's Saved Policy CO2 states that, 'Development which would harm the natural beauty of the landscape within the AONB will not be permitted'.

Cheltenham Borough Council refused on landscape grounds not only the 2008 application, but also one submitted back in 1980; and both were dismissed on appeal on AONB landscape grounds, despite the Council experiencing housing shortfalls. In 2008, the Inspector said: 'I have no doubt that the current proposal would result in significant harm to the AONB through the change of character and appearance that would be the inevitable consequence of residential development on this site, however carefully designed and landscaped... I do not consider that the site can be considered suitable for housing'. This decision was upheld by the High Court.

The measures that are in place precisely to provide protection for this valued area require that other, more appropriate, land should be found for such a development. If this proposal is allowed to go through, it would make a mockery of those measures. I find it difficult to believe that all the derelict land, brownfield land or more appropriate greenfield options has been exhausted. The current proposal is speculative, open-market housing on greenfield land, when brownfield land should be developed first. The land has not been allocated for housing in Cheltenham's plans and a report which singles out this site as having 'capacity' for development has not been validated at inquiry.

These would be four large houses located on the part of the site nearest to the road, therefore close to and highly visible (despite the mitigations described in the documents) from the road. The visual impact of these houses - in my view of a design neither in keeping nor blending in with the surroundings - will be considerable. Indeed, as previously mentioned, the design and materials documented which are far from guaranteed to be used, would be contrary to Cotswolds Conservation Board Policy DTP1, which requires that development should be compatible with the distinctive character of the location and designed to respect local building styles and material. The proposers do not appear to have a high opinion of these local styles, as they describe surrounding properties as 'of little architectural interest'!

I believe that this proposal would still significantly impact upon, and be inconsistent with, the aims of the AONB designation. I understood previously that under the Cheltenham Plan, four sites were classified low to medium risk regarding building development and that 1/3rd of the Glenfall field has been classified thus, with the other 2/3rds classified as high risk. I imagine that is the reason for the adjustments or revisions of previous proposals, although it is difficult to see why such a relatively small field should have different risk levels.

On several occasions at the time of the Joint Core Strategy consultation, I made my views known about protecting this sensitive fringe of the AONB, and I still believe that further development here on the edge of Ham would represent a dangerous precedent and 'nibbling away' of the AONB. If this new scheme were built, it would become harder to oppose future erosion of the AONB - particularly here where, at the start of the Cotswolds AONB, it is clearly most vulnerable - leading in turn to increasing urbanisation of this unique area on the edge of Charlton Kings.

There is emphasis in the current documents on how, although the proposal 'adds a residential element to an existing pastoral field', the 'Cotswold AONB site is perfectly suited for a material pallet which will blend the buildings into the landscape and exude a contemporary pleasing aesthetic at the same time'. In addition, it states that it believes

'the development will not detract from the AONB and some aspects (public path and landscape management) will create a betterment to the site and for the community'. These points are highly debateable and, may I suggest, the AONB would benefit much more from being left to its own devices to fulfil the purpose for which it was designated. The reasons for these historical rejections remain unchanged. To quote a comment made previously: 'The AONB should have the highest level of protection from development, alongside that for a National Park, and this was the primary reason behind previous schemes being rejected and withdrawn'. As Ministers stated and two previous Inspectors then judged, a shortfall of housing is not a good enough reason to encroach on the AONB.

Site and scheme suitability

While boxes are ticked in the documentation to fit local authority requirements for housing provision and policy, and while these requirements are pressing and laudable, this latest proposal is only valid if genuine, in-depth consideration is also being given to whether their housing scheme is compatible with the proposed environment and the practical consequences of it being built. Lip service may be paid to provisions and credentials such as sustainability and housing need but, on the latter point, given the size of the houses I doubt they will tick the affordable housing box.

The proposal is credited with making 'more efficient use of a currently under-utilised site'. If the field is indeed 'under-utilised', it is certainly providing well-established habitats for a range of wildlife and considerable amenity value to humans. In those important ways, it is far from unproductive as a 'mere' field in the designated AONB. The proposed development is deemed to be 'a carefully designed scheme which responds to the constraints of the site and sensitively respects the character of the adjacent buildings and the AONB'. In my view, the proposed plots do neither and it is probable, on past form, that the developers will not stop at those four houses. That would be a disaster not only for this field and this immediate area, but also for other local parts of the AONB. It is important to bear in mind also the ongoing appeal over the rejection of the proposal for five self-build properties on the neighbouring field opposite Ham Close, which received a huge public response.

On those grounds alone, I dispute most strongly the assertion that the site is suitable for housing development, but there is also the impact on a delicate ecosystem, the road system and flood risk to consider. Can these be so easily dismissed by the outlined mitigations?

Specifically on the site location, the roads around it are exceptionally busy already, if not chaotic at peak times, as is parking, which is downright dangerous near the 'T' junction' at busy times for the primary school right next door to the field in question. The access road proposed for the site will absolutely cause havoc right next to what can already be a very tricky (and hilly) junction to negotiate. The junction at the bottom of Glenfall Way with the A40 is rarely easy and the Ryeworth Road option to the A40 is probably more so. In the other direction is a recognised 'rat run' for all sorts of traffic, often heavier than advised, to avoid the A40 to/from town.

It is likely that the local water course (Ham Brook) would be affected, as it would have to pick up the run-off from the hard surfaces of this scheme, and it is already under pressure in times of storm surge. One hopes the mitigations outlined would be sufficient to counter that on this site.

The land is outside Cheltenham Borough Council's Principal Urban Area and has not been allocated for housing, either under the Council's old (Local Plan Policy CO2) or under the Joint Core Strategy, which has stated previously that the AONB is inappropriate for urban extensions. Furthermore, this is not preferred brownfield land but rather greenfield/agricultural land.

As the whole field is included within the development area in the application, the wording is not precise enough to confirm that in the long term no further built development is envisaged. The legitimate fear is that, should residential permission be granted for the houses on this part of the field, the rest of the site might be open to a revised application for more and this would be made easier by this precedent. In short, there is no guarantee that what is proposed will not change down the line or risk further incursions into this unique Cheltenham setting.

It is highly debateable that the size and scale of these 'high-quality homes' are suitable for the location and site, and that they would 'enhance the character of the existing site' - which, as stated, is home to a wide variety of species and provides much amenity value as green space for locals and visitors alike, providing wide views of the escarpment beyond uninterrupted by housing.

These four, very large houses are far beyond the scale of almost all buildings/homes in the surrounding area. It is also difficult to see how they can 'respect the privacy and residential amenity of neighbouring properties', which would obviously not benefit at all from the close disruption, noise and pollution of construction and then the activities of occupation. Indeed, those of us with homes close to the site would all suffer.

Finally, but importantly, the large size and small number of houses clearly shows that they are not designed to respond to the government's call for more affordable housing.

Self-build implications

While they are at pains to stress that plot parameters have 'some flexibility in the material choices for the owners to have design input for their personal plot', elsewhere they state that such a home 'is built to the plans or specifications decided by the occupant' and that in such cases 'relevant authorities must be satisfied that the initial owner of the home will have primary input into its final design and layout'.

No mention is made of controls, checks and balances to guarantee that the individual plots once built will present a harmonious whole, nor can there be any certainty that the plots will be built as per the designs presented. Indeed, they state that custom build, 'involves the construction of homes, of all types and sizes, on serviced multiplot sites... This may involve an element of DIY build or self-finish or can be full construction and finish of the home as specified by the home buyer'. There is also an admission that the provision of self-build and custom housebuilding plots is a departure from the development plan, saying that due to their 'significant social and economic benefits', such provision is now increasingly supported to 'justify departure from the development plan as a common theme in relevant appeal decisions'. This hardly seems a positive.

Community 'benefits'

Documentation states that currently 'the public has to walk on the 'precarious single lane track which is used by numerous large trucks and farm equipment to service Ham Villa Farm from Glenfall Way'. I'd point out that most people who walk down this track do so primarily to access the footpaths in the field beyond, in theory far more 'precarious' than this side road. Mention is made of the large trucks etc. which use this track, but they do not specify that these are mainly the very frequent Stevens' skip lorries which use the lane all day. Clearly an improved track would benefit Stevens, but probably not future buyers, who will be hearing these noisy trucks at close quarters day in/day out.

The proposed access 'is still to be determined in detail', but the material impact on roads, traffic and road safety must be carefully considered. My own road has managed to hang on to its varied character and quality as a place to live despite the increasing and long-term pressures of parking, traffic flow and road surfacing problems, as well as the building of much infill housing in very cramped conditions. But despite the small number of houses proposed, the knock-on effect of access, additional traffic and parking will still put unacceptable strains on Glenfall Way and Ryeworth Road.

There would be also an adverse impact on pedestrian and driver safety on an increasingly busy road near the school. I live near the already busy Ryeworth Road/Glenfall Way T-junction and the prospect of further congestion/queuing there and further on, at junctions with the A40 (which are ill-equipped to cope with further volumes of traffic), is frankly concerning.

Local character

This is one of the increasingly few areas of Cheltenham that reflect real character, in the 'foothills' of the Cotswold scarp on the approach to the Cotswold Way and its highest point on nearby Cleeve Hill. It manages to retain something of the Charlton Kings village feel and historic character, while still allowing accessibility to the town. It is a rare combination that has long attracted residents and visitors to the area, because it is an uncluttered part of Glenfall Way and oasis of calm, providing recreation and relaxation opportunities on the edge of the busy town and residential roads nearby.

We residents treasure living in this beautiful corner on the fringe of Cheltenham, but now wonder if, once again, we are living on borrowed time. It is far from being all about us though - the area's high visual and amenity value makes it a destination for the wider community too, who enjoy relaxing walks along Glenfall Way, often en route to Ham Green, Ham Hill, Mill Lane and Aggs Hill for family outings, strolls, hikes, cycle rides, jogs, dog walking etc. with, at present, unobstructed views to the hills beyond. If the Exeter-based developers' scheme is permitted, it could open up the floodgates to the development of other fields in Ham, and then in other AONBs.

Local opposition

All the attention and concern of local councillors, residents and other supporters over the years up to this point has focused on sensible, well-reasoned arguments in robust opposition to all these proposals. This tireless watchfulness reflects our deep-rooted love of the precious AONB on our doorstep. If the green lung along this part of Glenfall Way were lost, with all its current community and wider benefits, and its protection as part of the AONB, it will be gone for ever and things are very unlikely to stop there. These four large houses would only be within the purchasing power of a few and are therefore not at all designed to help current housing shortages. They are of a design and scale insensitive to the local context and therefore would not benefit the community in any way. Quite the opposite. They would benefit only the developers in terms of profit and in the face of the irreversible damage caused to the edge of an AONB needed and highly prized by many, a damage that would create a very dangerous precedent.

Thank you for considering these points and I urge you most strongly to turn down this current outline planning application.

Yours sincerely

7 Briarbank Rise
Charlton Kings
Cheltenham
Gloucestershire
GL52 6XR

Comments: 11th June 2025

I am writing to strongly object to this proposed planning application.

The land concerned has AONB status and this needs to be protected. This development will have a negative impact on the surrounding area. I believe if this development is allowed it will set a precedent for all AONB areas.

9 Briarbank Rise
Charlton Kings
Cheltenham
Gloucestershire
GL52 6XR

Comments: 22nd June 2025

To reiterate what so many others have said in these comments This site has been officially designated part of the Cotswolds AONB. To build here would be to take away forever a small but important parcel of unspoilt countryside. It is home to a rich variety of wildlife from bees to owls and woodpeckers and muntjac deer. Allowing construction here would leave a visual eyesore on this beautiful natural piece of AONB. Previous applications have all been refused and with good reason. The site is adjacent to Glenfall school which causes congestion due to indiscriminate parking and volume of traffic and the building of more houses and associated vehicles will only add to the chaos in what is a confined area. So many local people enjoy this small slice of Cotswold AONB and it is crucial to preserve these areas of green land - so crucial to our mental health. The construction of these houses will not solve the housing crisis in any way and there are plenty of other sites within Cheltenhams urban area which could be developed without encroaching on the AONB. If this were to be approved this sets a dangerous precedent for the loss of other precious green spaces. Please I urge you to refuse this application.

15 Briarbank Rise
Charlton Kings
Cheltenham
Gloucestershire
GL52 6XR

Comments: 19th June 2025

We object strongly to the proposed development. It is located in the AONB and, as such, should be accorded the highest level of protection against building. Other comments are far more detailed and erudite, but this simple fact should cause the application for the development of this land to be refused; yet again. This is not "grey belt", it is not even simple green belt. It is a naked, commercial attempt to exploit countryside which enjoys the highest level of protection.

Glenfall Way is already part of the rat run between Prestbury and the A40 (with a huge development off Harp Hill to come). At school times, the traffic generated by Glenfall School is extensive and intrusive for local residents. Any additional traffic from (large) new houses will only add to the jeopardy.

17 Briarbank Rise
Charlton Kings
Cheltenham
Gloucestershire
GL52 6XR

Comments: 20th June 2025

We strongly object to this planning proposal, the third attempt since 2008 to develop in this field in the AONB, now CNL, Cotswold National Landscape. Nothing has changed since the last refusal in 2017.

If approved, this development will adversely affect the landscape and wildlife, which is enjoyed by visitors and residents alike and such development is not appropriate within this protected environment.

The 4 large houses proposed will be out of character, especially since they are self/custom-build and therefore we do not know what each house will eventually look like as apparently this will be chosen later by each owner respectively.

Traffic on Glenfall Way, at school times now gets even busier, with parents vying for parking spaces to drop off and collect the children. We are surprised and thankful that there has not been a serious accident and this will only be exacerbated by any extra traffic coming and going from this new development. The traffic overspill affects our street, Briarbank Rise, the entrance to which is only a few yards from the proposed entrance to the site and directly opposite the school entrance. Parents park their cars anywhere they can find a space during school times disturbing the access and egress to and from Glenfall Way. This affects all the adjacent streets, like Ryeworth Road, Ham Road, and especially Mill Lane which is a narrow country lane not designed for substantial traffic flow, and is used as a "rat run" for traffic to and from Prestbury.

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Finally, if approved, the developer will certainly apply later for more development on the field, risking and encouraging future further development on all the remaining AONB land in the lovely countryside around Ham and this part of Cheltenham.

Please refuse this application

18 Carisbrooke Drive
Charlton Kings
Cheltenham
Gloucestershire
GL52 6YA

Comments: 5th June 2025

We oppose yet another attempt to build on this AONB. Nothing has changed since previous attempts to build here, and all were denied permission. Please respect this area and leave it designated AINB for future generations to enjoy it as it is.

17 Carisbrooke Drive
Charlton Kings
Cheltenham
Gloucestershire
GL52 6YA

Comments: 10th June 2025

I wish to register a strong protest at the proposed erection of 4 self / custom build dwellings with associated infrastructure on land on the Southside of Glenfall Way Charlton Kings. This application is similar to one registered by Hunter Page Planning on 4th October 2016, to build on the field opposite Ham Close and adjacent to Ham Road Charlton Kings, which was subsequently dismissed at appeal, with the Planning Inspector concluding "that the proposal would result in unacceptable harm to the landscape." And in this latest application, nothing has changed in respect of Planning Inspectors comments, other than the location of the applied for development.

The benefit that I, and all those who regularly walk this part of the neighbourhood, gain from watching the changing seasons of the year reflected on the Cotswold scarp that can be seen with an uninterrupted view across the field, cannot be measured in terms of its benefit to mental and physical well-being. And if this application is allowed to go-ahead then it will deny this incredible benefit, not only to those who enjoy it now, but to those who will come after us.

The site is within an area confirmed by the Secretary of State as the Cotswolds Area of Outstanding Natural Beauty in which new development, which would harm the natural beauty of the landscape, will not be permitted. To quote from the Cheltenham Borough Councils documents relating to the application of 2015, "The proposed development would result in the loss of an open, undeveloped, green field enclosed by mature hedgerow and trees. The site is of strategic significance, being located immediately on

the fringe of the AONB where pressures for development and its resultant erosion are of particular concern. In spite of contentions made by the applicant, the application site is visually part of the open countryside extending up to the slopes of Ham Hill and the present proposal would form a substantial encroachment on the rural area and its high landscape quality."

The adopted local plan policy CO2 (Development within or affecting the AONB) confirms the Cotswold AONB is particularly sensitive to development pressures and it therefore applies a restrictive approach. This approach is consistent with the National Planning Policy Framework. The adopted development plan is clear that development which would harm the natural beauty of the landscape within the AONB will not be permitted. The NPPF expects decision makers to apply great weight to the conservation and enhancement of the natural beauty of the AONB2

The Cotswolds Conservation Board Position Statement, revised 2013, in respect of Housing and Development, states in paragraph 1 that, "Areas of Outstanding Natural Beauty (AONBs) are designated by the Government for the purpose of ensuring that the special qualities of the finest landscapes in England and Wales are conserved and enhanced .

As this part of the Cotswolds has already been designated an AONB there is no way that this proposal can be said to conserve or enhance the area in which it is to be built. Its submission therefore is clearly seeking to overturn the whole purpose of the AONB designation which is to protect the special qualities of the finest landscapes in England and Wales.

Paragraph 13 of the Position Statement says that "the Cotswolds is an environmental asset surrounded by development pressure; therefore, development needs to be carefully managed." I could not agree more. The notes that accompany the CCB's position statement stipulate that "the Cotswolds Conservation Board has the statutory duty to pursue the following two purposes:

- a) to conserve and enhance the natural beauty of the AONB; and
- b) to increase the understanding and enjoyment of the special qualities of the AONB."

In recent years, there has been mounting pressure to build on this piece of land in disregard of the fact that it is a priceless environmental asset. In response to this, and in keeping with the statement in Paragraph 13, and accompanying notes, there is a greater need now to ensure that it is carefully managed to prevent unnecessary and unmerited exploitation, which could have a serious impact on other areas surrounding it if this application is allowed to go ahead

The report by Cheltenham Borough Council in 2017 on their consideration of the Hunter Page planning application concludes, The proposals as they stand would fundamentally change the character of the small rural field to one of residential settlement. The residential settlement given the nature of the architectural mass and styling as proposed would appear out of keeping within the landscape setting and wider residential context of Charlton Kings. The landscape effect would be significant and adverse given the site's designation as part of the Cotswolds AONB.

At the end of the CBC's report it states that, "officers have placed great weight on this matter when assessing the proposals in accordance with paragraph 115 of the NPPF and

consider that the proposal that is before members satisfactorily preserves the prevailing characteristics of the site. The proposal is therefore not harmful and will conserve the natural beauty of the AONB", and they recommend planning permission be granted.

The officers conclusions that the previous proposal is not harmful or will conserve the natural beauty of the AONB, clearly was not accepted by the Planning Inspector then, and his previous comments, "that the proposal would result in unacceptable harm to the landscape", are still as relevant now in the light of the current planning application. It cannot be emphasised too strongly that this area, as an AONB, is an invaluable resource that once lost can never be replaced.

The conclusion of Charlton Kings Parish Council is that "a permitted decision would be a signal that AONB land is fair game. It would also raise the possibility of further development on this particular patch of AONB further down the line, which could then lead to a loss of 'countryside' between that part of Glenfall Way and Ham."

In addition there has been limited prior consultation with affected residents as intimated by Waddeton Park Ltd. Their Statement of Community Involvement asserts that there was a consultation programme organised to ensure that materially affected members of the public had access to details of the scheme and were able to comment on them. It purports to have hand delivered leaflets to "materially affected neighbours" by a director of Waddeton Park Ltd and a director of TFA, which very much depends on who they think are materially affected neighbours.

As residents in close proximity to the proposed development, we have not been consulted, either by leaflet or by being advised of the dedicated company website on which we could give feedback. This has the hall marks of a PR washing exercise with no substance. They advise that they have only received 14 submissions from residents which is not surprising as the wider affected area has not been given the chance to make their viewpoints known. The first we learnt of the application was a letter from Cheltenham Borough Council on the 2nd June, giving 3 weeks to submit our comments. Therefore for this reason and those given above I strongly urge the Planning Committee to refuse this application.

11 Carisbrooke Drive
Charlton Kings
Cheltenham
Gloucestershire
GL52 6YA

Comments: 19th June 2025

I wish to register my objection to the proposed development on the land located on the south side of Glenfall Way, opposite Ryeworth Road. This site lies within the AONB and I believe it should be protected. I walk past this field every day and often see small deer and other beautiful wildlife. I don't think it's appropriate or reasonable to destroy this natural are for the sake of creating expensive homes for a handful of people. Let's save this beautiful landscape for future generations please.

2 Carisbrooke Drive
Charlton Kings
Cheltenham
Gloucestershire
GL52 6YA

Comments: 11th June 2025

We, ***** and *****, strongly object to the repeated application to build houses on the area to the south of Glenfall Way.

The area is designated as AONB and as such it is safeguarding our precious countryside in the beautiful Cotswolds. The designation of AONB is there to protect our countryside, and if one development is allowed on AONB, it will set a precedent for further erosion of our unique landscape, along with its rich biodiversity and stunning, largely uninterrupted views.

A development on the proposed site will be seen from the nearby hills, this will be a blot on the landscape. The area is popular with locals, for walking, bird watching etc.

Local wildlife is abundant in and around the site in question, with deer (especially monkjacks), owls and foxes seen regularly on the field. Otters have been spotted nearby, as have a huge variety of birds (including rarer breeds of redwings and bull finches), moths, hedgehogs. We often pause at the field and listen to the amazing variety of birdsong. This is a tonic to our mental health. We watch deer and foxes in the field. The field is a habitat for a huge range of wildlife. There is an abundance of cover for wildlife with dense hedges and mature trees. If building is allowed on this field the habitat for vibrant wildlife will be lost for ever. The countryside will slowly be eroded if building is allowed on the edge of the AONB.

The site is a stone's throw from the local Glenfall School, which at pick-up and drop-off times is extremely busy, with children crossing the road with traffic coming in both directions. There are many parked cars at pick-up and drop-off times, already making the area hazardous for pedestrians. Any additional local traffic will only make the situation worse and accidents more likely to happen.

Kind regards,

2 Carisbrooke Drive, GL52 6YA

4 Carisbrooke Drive
Charlton Kings
Cheltenham
Gloucestershire
GL52 6YA

Comments: 8th June 2025

Once again I find myself writing to OBJECT to a proposal for new houses to be

built on the Cotswold AONB. I am referring to the outline application for "the erection of 4 self/custom built dwellings" on a field adjacent to Glenfall Primary School.

Previous applications for building houses in this area have been REJECTED principally because the land lies within the CNL and is designated an Area of Outstanding Natural Beauty.

The legislation has not changed, and it remains the overriding reason for rejecting this current proposal. This is a very special area for our town and its beautiful surrounding countryside, and its designation as an AONB must continue to set a seal on its preservation.

A development of four houses may not seem intrusive, but neither can it be seen as a contribution to solving the current housing shortage. We are informed by the Parish Council that where permission is given to develop a plot of land, what is actually built on that plot can often bear no resemblance to what was originally planned. In 2007/8 the original plan was for 44 houses on this field, and I fear that once permission is given for four houses, a precedent will be set for further development within the fields along Glenfall Way and Ham Once again I find myself writing to OBJECT to a proposal for new houses to be Road, many of which are owned by developers waiting to pounce.

Because of the land's proximity to Glenfall Primary School, this area suffers considerable traffic congestion at peak times on narrow, winding roads. Adding more houses to the area would make this situation even worse, adding in commuters and school children travelling elsewhere.

The use of this land for building raises concerns about impacting on flood alleviation for the River Chelt and the Hambrook. The environmental impact should also be considered. This area is home to bats, deer, badgers, and birds of many species. There is a nature reserve on Lawrence Close, and the area is very popular with walkers, ramblers and nature lovers.

We would urge this proposal to be discussed by the full planning committee, not just to be decided by a planning officer, as the importance of retaining the AONB and not infringing the legislation surrounding it cannot be over emphasised.

12 Briarbank Rise
Charlton Kings
Cheltenham
Gloucestershire
GL52 6XR

Comments: 13th June 2025

1. This is an area of outstanding natural beauty, there is no necessity to build on AONB land as there are un designated and brown field sites that can be used.
2. There is requirement for this type of housing, it does not aid those on low or zero income and will only be purchased by wealthy individuals.
3. If you grant access you will open the floodgates and the whole of this area will be developed.

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There is no accompanying details of how the developers intend to improve the congested roads/details of how residents could use non existing cycle paths/ the bus service is poor/ the A40 gets gridlocked so road improvements are required

46 Hartlebury Way
Charlton Kings
Cheltenham
Gloucestershire
GL52 6YB

Comments: 8th June 2025

I am writing alongside many others to object to this planning proposal. This is for the simple reason that is stated every time a new planning proposal is submitted - this is an area of AONB, or equivalent new term Cotswolds National Landscape.

It is all of our collective responsibility to protect these areas of land that have quite rightly been designated this status. It needs protecting for the plants and wildlife and it also needs protecting for human quality of life. This area of land is well used by children to play, explore and grow up with an understanding of nature and the seasons - vitally important in this age of devices and virtual reality. This is a real experience on a child's door step for them to engage with, learn and understand in their own way. It is also very well used by dog walkers, walkers and runners. Taking this beautiful landscape away, build by build, will have a significant impact on human mental and physical wellbeing. Allowing any build, however small, will add additional pollution, noise and traffic to an area that is already increasingly busy with traffic due to the general increase in population and road diversions due to road works throughout Cheltenham.

Allowing any build, however small, will literally pave the way for requests for further development which will encroach over time to destroy the protected beautiful Cotswold landscape.

Every proposal that has been submitted for this land has been refused, time after time. The proposals have got smaller and less ambitious each time, but the same objections remain strong and unwavered, despite the requests clearly trying to find a way to work around these.

The development does not benefit the local community in any way and will only cause harm on multiple levels.

33 Hartlebury Way
Charlton Kings
Cheltenham
Gloucestershire
GL52 6YB

Comments: 8th June 2025

I would like to echo other comments already raised.

I object strongly to the proposed development of four self-build houses on the site next to Glenfall School located within an Area of Outstanding Natural Beauty (AONB) in the Cotswolds. This proposal would harm the local environment, wildlife, and the integrity of

the AONB, offering no benefits to the community while setting a dangerous precedent for future developments in this protected area.

1. Impact on Wildlife and Habitat

The site is home to diverse local wildlife that will be disrupted by construction. This development would result in habitat destruction and fragmentation, harming species that rely on this area. Increased human activity, noise, and pollution would further damage the delicate ecosystem.

2. No Community Benefit

There is no clear need for additional housing in this location, and the development would likely benefit only a few individuals rather than the wider community. The area is already well-established, and private housing in an AONB does not address any pressing community needs, such as affordable housing or social infrastructure. It risks diminishing the area's character and alienating local residents.

3. Risk of Further Development

Granting permission for this development could set a precedent for future projects in this sensitive area, eroding the AONB's integrity. This 'creeping development' would lead to the loss of the natural environment that makes the Cotswolds special.

4. Historical Rejection (2017)

A similar application was rejected unanimously in 2017, based on concerns over environmental impact and lack of community benefit. These issues remain unchanged, and there is no justification for overturning the previous decision.

Conclusion

Given the environmental impact, lack of community benefit, and potential for further development, I urge the planning committee to reject this proposal. The preservation of the Cotswolds AONB is vital, and this development threatens both the local wildlife and the character of the area.

9 Glenfall Way
Charlton Kings
Cheltenham
Gloucestershire
GL52 6YQ

Comments: 11th June 2025

I object to the proposal to develop the land on Glenfall Way.

The development site is clearly within the AONB (CNL) boundary.

Any development would impact the natural vista, and interrupt the view to the Cotswold escarpment from Ham Road and Glenfall.

Further, there are foot paths on the surrounding fields which would have views spoilt by urban development. Wildlife would be impacted, deer are often spotted on the old 'strawberry field'

The traffic along Ham Road and Glenfall Way is dire, especially when cars are littered several hundred metres either direction of the Primary school, further development would remove street parking adding to the congestion.

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I am surprised that the CNL (AONB) is even being considered for compromise , why introduce a protection function for the countryside if it to be ignored at will ?

11 Glenfall Way
Charlton Kings
Cheltenham
Gloucestershire
GL52 6YQ

Comments: 10th June 2025

Letter attached.

146 Ryeworth Road
Charlton Kings
Cheltenham
Gloucestershire
GL52 6LY

Comments: 22nd June 2025

I object to the proposed development based on the following:

1. The site is part of the designated National Landscapes. Development within National Landscapes should only be carried out in exceptional circumstances and only if in the public interest. Neither test is even close to being met in the respect of the application. A development such as this proposed one could be readily accommodated on an alternative site. The fact that this is a National Landscape means it is of national importance for addressing the issues of climate change, nature depletion, and our wellbeing. We need to protect these landscapes in order to be working with nature on those issues.
2. If permission is granted pursuant to this application, the integrity of the whole Cotswold National Landscape in this area will be challenged by incremental and cumulative development where one poor development justifies the next.
3. Access into the site crosses a strip of unregistered land and the applicants should demonstrate ownership of this strip or join in the true owners of the same to this application.

3 Briarbank Rise
Charlton Kings
Cheltenham
Gloucestershire
GL52 6XR

Comments: 12th November 2025

I wish to object to this application. There is already far too much traffic, which is often dangerous at school time with no council support to deter dangerous parking, not to mention the land that should be preserved.

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In August 2025, the Planning Inspectorate dismissed an appeal for 5 self build houses on the neighbouring field opposite Ham Close (APP/B1605/W/25/3361502) due to the harm it would cause to the AONB.

The Planning Policies and Rules relevant to the dismissed appeal are also relevant to this application which is a very similar scheme:

Section 245 of the Levelling Up and Regeneration Act 2023 (the LURA) amended the duty in the Countryside and Rights of Way Act 2000 in relation to National Landscapes (AONB) to require relevant authorities, in exercising or performing any functions in relation to, or so as to affect, land in the AONB to seek to further the purpose of conserving and enhancing the natural beauty of it.

Policy SD7 of the Gloucester, Cheltenham and Tewksbury Joint Core Strategy 2011-2031 (the JCS) requires all development within the setting of the AONB to conserve and, where appropriate, enhance its landscape, scenic beauty, wildlife, cultural heritage, and other special qualities.

The Planning Inspector assessed that the LURA has imposed a more rigorous requirement than that set out in Policy SD7 of the JCS.

Paragraph 189 of the National Planning Policy Framework advises that great weight should be given to conserving and enhancing landscape and scenic beauty in the AONB which has the highest status of protection in relation to these issues.

The building of houses on the site cannot be considered in any way to conserve or enhance the AONB as required by planning policy.

The Appeal Dismissal also referenced the site of this application as follows:

"That there are currently less views over the appeal site than the field between the school and this site does not weigh in favour of the proposal."

The visibility of any new houses built on the site will be further increased as Highways have asked for a condition for visibility splays to be permanently kept free of obstructions for 43 metres in each direction along Glenfall Way from the vehicle access point to the site to ensure Highways safety. This requirement hasn't been reflected in the submitted plans and drawings.

The resulting visual impact on the AONB of views from Glenfall Way which will be of housing as opposed to the current countryside vista is another factor that means the current application should be refused.

The additional documents submitted by the applicant say that there will be enhancement and management of the hedgerow between the site and The Orchards increasing biodiversity. However, the majority of the hedgerow lies on private land that is not owned by the applicant.

The revised BNG calculation shows that the mandatory legislative requirement cannot be met onsite and the purchase of offsite units will be necessary to compensate for the shortfall. This is a clear admission by the applicant that their plans do not further the purpose of conserving and enhancing the current natural beauty and biodiversity value of the site as required by the planning rules listed above.

The building of houses on this field will in no way conserve or enhance this field which lies within the AONB and it should be refused as it clearly conflicts with Planning policy.

5 Carisbrooke Drive
Charlton Kings
Cheltenham
Gloucestershire
GL52 6YA

Comments: 5th June 2025

Dear Sir or Madam,

I am writing to object to the above planning application for the construction of four houses on land adjacent to Glenfall Way, which lies within the Cotswolds Area of Outstanding Natural Beauty (AONB).

Although the application seeks approval for only four houses, there is widespread and well-founded concern within our community that this is merely the beginning of a phased development strategy. At a recent Parish Council meeting, it was acknowledged that granting permission at this stage could pave the way for significantly more dwellings-potentially up to 40, as had been proposed in the past.

Such incremental "planning creep" is deeply troubling. Once the principle of development is established, it becomes far more difficult to prevent further expansion, regardless of the original scale. We therefore object not only to any potential future development but to this initial application as well.

There is also a clear and established precedent for rejecting development on this site. In a previous application, strong local opposition-supported by councillors who visited the site in person-led to its rejection, precisely because of its AONB status. That campaign included visible public action and drew wider attention, including from public figures. The reasons for refusal then remain fully valid now: this land forms part of a valued and protected landscape, and its development would cause irreversible harm to the natural character and visual amenity of the area.

The site is located immediately next to a local school, raising serious concerns about traffic safety and congestion, especially during school hours. Any development here would put additional pressure on local infrastructure and services, which are already under strain.

Our community is united in its opposition to this proposal. While four houses may seem modest in scale, the long-term implications are far-reaching. We urge you to consider not just the letter of this application, but its broader context and likely consequences. Once our countryside is lost, it cannot be reclaimed.

Please reject this application and uphold the protection of our AONB and local community.

19 Hartlebury Way
Charlton Kings
Cheltenham
Gloucestershire
GL52 6YB

Comments: 23rd June 2025

As many have commented already, I too strongly object to this proposed development that has previously been proposed and solidly defeated.

My objection mirrors what others have eloquently said.

It will be detrimental to the environment, to the wildlife and to the natural habitation in a very special area of peace and tranquility.

It will generate additional traffic on roads that are unsuitable and incredibly busy at certain times of the day and it will endanger pupils and parents accessing Glenfall School.

And it will almost certainly lead to further, follow on requests for greater building from the same developer who has tried this previously.

This cannot be allowed to happen, when there are so many other available sites that would be better suited to this form of development and which do not fall into an AONB such as this.

To repeat. I and my family strongly object to this proposal.

50 Hartlebury Way
Charlton Kings
Cheltenham
Gloucestershire
GL52 6YB

Comments: 23rd June 2025

Increased amount of traffic on an already heavily used Glenfall Way due to proximity of the school and will also impact Ham and Mill lane.

Flooding risk from run off from the development draining into the culvert at the top end of Hartlebury Way and then into the river Chelt.

The area supports a large amount of wildlife including many moth and butterfly species.

2 Pembridge Close
Charlton Kings
Cheltenham
Gloucestershire
GL52 6XY

Comments: 12th June 2025

Dear Sirs,

I am writing to object to the above planning application on the following grounds.

The proposed development will have a detrimental effect on the environment, increasing traffic congestion, noise, disruption and pollution, thus affecting the quality of life. This will also lead to an impact on schools and local services due to increased population.

Right now we suffer from congestion, when it becomes impossible to exit Glenfall Way onto the London Road.

I am concerned that the design of this unwanted development in our AONB will not fit in with the existing style and the visual impact will be harmful. We don't need this and I strongly feel that this area in particular should be protected against such a development.

With best wishes.

The Owner, 2 Pembridge Close, Charlton Kings, Cheltenham GL52 6XY

8 Pembridge Close
Charlton Kings
Cheltenham
Gloucestershire
GL52 6XY

Comments: 6th June 2025

Object to the houses being built in an AONB

14 Pembridge Close
Charlton Kings
Cheltenham
Gloucestershire
GL52 6XY

Comments: 16th June 2025

Comments on 25/00650/OUT

The proposal for permission to build on land designated to be within the Cotswold ANOB has surfaced again. The material conditions under which previous planning applications for that same parcel of land has not altered. Permission to build was denied on numerous occasions both at Parish level, Borough Level, Inspectorate level and all the way up to the UK High Court. The court judgement stills holds, unless rescinded, which it has not been. Furthermore, the current applicant in the name of Waddeton Park Ltd should be aware of this history. It is in effect the same applicant as in its earlier form of Strategic Land Partnerships Ltd it failed to achieve planning permission many times in the past.

This alone should be enough for the Borough to refuse permission in June 2025.

14 Pembridge Close
Charlton Kings
GL52 6XY

Comments: 16th June 2025

I wish to object to the application for the building of 4 dwellings on this site. The overriding objection is that this site is in the Cotswolds Area of Outstanding Natural Beauty, now known as National Landscapes. Permission has been refused several times and the issue was even taken to the High Court. The present Government, while agreeing to the use of Greenfield sites for building in certain circumstances, specifically support the preservation of National Landscapes to protect nature, mitigate climate change, and for recreation. If this development went ahead it would set a precedent and development could creep into the Cotswolds National Landscape. This is an area to be preserved in its natural state part of a larger National Landscape. The development would not enhance the National Landscape therefore it should be refused. The Cheltenham Planning Committee I would suggest should discuss this matter and take the comments into account.

18 Pembridge Close
Charlton Kings
Cheltenham
Gloucestershire
GL52 6XY

Comments: 7th June 2025

I object to this development as it is in the AONB and outside of the principal urban area. As such it should be protected to preserve the valuable countryside amenity for the diversity of wildlife that live there and for people to enjoy. If it is granted it will erode the protected boundary around this part of Cheltenham which provides access to and views of the Cotswold AONB. It will also no doubt set a precedence for further applications to do the same.

22 Pembridge Close
Charlton Kings
Cheltenham
Gloucestershire
GL52 6XY

Comments: 22nd June 2025

Dear Lucy White,
Re: Planning Application: 25/00650/OUT
OBJECTS

I am writing to formally object to the planning application submitted for the development on the field adjacent to Glenfall School, located within the Cotswold National Landscape, an Area of Outstanding Natural Beauty (AONB), which is designated to protect and conserve the natural environment and landscape.

This application has been previously rejected multiple times, and I find it concerning that we are compelled to revisit this issue. The proposed development poses significant risks to the integrity of the AONB, which is designated for its natural beauty and ecological value. The proposed development is deemed to have a detrimental impact on the visual and ecological integrity of this protected area. Allowing construction in this area would undermine the very purpose of its protection.

Additionally, the proximity of the site to Glenfall School raises significant concerns regarding traffic congestion and safety. The area already experiences high volumes of traffic during school hours, and the introduction of further development would exacerbate these issues, posing risks to the safety of students and local residents.

My objections are based on the following key points:

1. Impact on AONB: The proposed development is situated in a designated AONB, which is intended to conserve and enhance the natural beauty of the landscape. This

development would significantly detract from the visual and environmental quality of the area, undermining the very purpose of the AONB designation.

2. Impact on Local Environment: The development will have detrimental effects on local wildlife and biodiversity. The field serves as a habitat for various species, and any construction would likely disrupt these ecosystems. The proposed development will lead to the loss of green space, which is vital for local biodiversity and community well-being. I want to emphasize the importance of preserving our natural habitats and of preserving these areas for future generations.

3. Impact on Traffic and Safety Concerns: The location next to Glenfall School already experiences considerable traffic congestion, particularly during school drop-off and pick-up times. The addition of a new development would exacerbate this issue, posing safety risks for children and families accessing the school. Increased traffic could lead to hazardous conditions, particularly for pedestrians and cyclists.

4. Impact on Community needs: The proposed development will disrupt the local community, which values the open space for recreational activities and as a buffer against urban encroachment. The loss of this green space would diminish the quality of life for residents and reduce the area's appeal.

In light of these concerns, I urge the planning committee to reject this application once again. Preserving the integrity of the Cotswold National Landscape / AONB and ensuring the safety and well-being of our community should be paramount in your decision-making process.

Thank you for considering our objections.

60 Hartlebury Way
Charlton Kings
Cheltenham
Gloucestershire
GL52 6YB

Comments: 12th November 2025

Further to my original formal objection to the planning application 25/00650/OUT, I would like to reiterate and add to my objection in light of the "additional" documents submitted by the applicant proposing a development on Land South of Glenfall Way which is in the Cotswolds Area of Outstanding Natural Beauty / National Landscape.

This site has been the subject of repeated refusals by Cheltenham Borough Council and the High Court, most recently reaffirmed by the Planning Inspectorate's decision of August 2025 (APP/B1605/W/25/3361502).

Despite these binding precedents, the applicant has resubmitted substantially the same proposal, relying on the superficial rebranding of their development as "self-build" and the inclusion of a "public path" and "biodiversity enhancements" that are neither credible nor compliant with planning law.

This objection sets out legal, procedural, and material grounds for refusal.

1. Statutory and Policy Context

1.1 Legal Protections

Under Section 85 of the Countryside and Rights of Way Act 2000 (CROW Act), Cheltenham Borough Council and all public bodies have a statutory duty to "seek to further the purpose of conserving and enhancing the natural beauty" of the AONB. This duty was strengthened by Section 245 of the Levelling Up and Regeneration Act 2023 (LURA), which makes clear that authorities must actively further conservation and enhancement, not merely avoid harm.

1.2 National Policy Framework (NPPF 2024)

- Paragraph 189: Great weight must be given to conserving and enhancing landscape and scenic beauty in AONBs.
- Paragraph 190: Permission should be refused for major development other than in exceptional circumstances and where it can be demonstrated that the development is in the public interest.
- Paragraph 191: Decision-makers must consider cumulative harm and the irreversibility of landscape damage.

The applicant has not demonstrated exceptional circumstances or public interest. The scheme is entirely private, speculative, and financially motivated.

1.3 Local Policy

The proposal conflicts with:

- Joint Core Strategy Policies SD6 & SD7 (Landscape and AONB Protection)
- INF2 (Flood Risk Management)
- Cheltenham Local Plan Policies CO1, CO2, L1, GI2, D1
- Cotswolds National Landscape Management Plan (2025-2030)

Each of these requires positive conservation and enhancement of the AONB's natural and scenic qualities. The proposal fails all of them.

2. Conflict with AONB and Precedent Decisions

This application mirrors earlier schemes already refused or dismissed at appeal (including 16/01789/FUL and the 2008 and 2025 appeals).

The Planning Inspectorate's August 2025 decision for the adjacent field at Ham Close confirmed that such development would cause harm to the AONB and fails the tests under the NPPF and Local Plan Policy SD7.

None of the site's constraints have changed. The AONB boundary, topography, and ecological sensitivity remain exactly as before. The current submission therefore represents a direct challenge to established case law and national landscape protection policy.

3. Misleading Use of "Biodiversity Net Gain" (BNG)

The applicant's Updated BNG Metric (Nov 2024) and BNG Design Stage Report (Collins Environmental Consultancy) are fatally flawed:

- The claimed 14.97% biodiversity uplift cannot be achieved onsite and relies on the purchase of offsite units to compensate for loss.
- The supposed replacement of laurel hedgerow is impossible, as the hedge lies on private land not owned or controlled by the applicant.

The Council's own Ecologist (Nov 2025) stated there would be a net loss of habitat. Under the Environment Act 2021 (Schedule 7A), biodiversity gain must be measurable, verifiable, and deliverable on-site unless exceptional justification is given. The applicant provides none. Their proposal fails to meet the statutory 10% net gain requirement in a durable manner and therefore cannot lawfully proceed.

4. Landscape and Visual Harm

The applicant's Landscape and Visual Appraisal (LVIA) admits major/moderate visual impact from multiple public viewpoints but attempts to reclassify this as "acceptable". This contradicts the Council's own 2016 Landscape Assessment, which identifies the area as "highly sensitive to suburban encroachment" with "low capacity to accommodate development."

Key facts:

- The dwellings (8.2-8.5m high) would intrude above the established treeline when viewed from Glenfall Way, Ham Road, and the Cheltenham Circular Walk.
- The Illustrative Masterplan falsely portrays winter-invisible foliage and internalised views ignoring offsite receptors.
- The Cotswolds AONB Management Plan (2025-2030) explicitly prohibits ribbon or edge expansion onto escarpment fringes.

This harm is not mitigatable or reversible and therefore fails NPPF paragraphs 189-191 and Policy SD7.

5. Drainage, Contamination and Site Unsuitability

The Flood Risk Assessment (Teignconsult, 2024) relies on infiltration drainage on ground historically used for septic tank soakaway, which failed multiple times due to saturated clay soils.

No winter groundwater monitoring data has been submitted, contrary to NPPF para. 196 and Policy INF2.

The Illustrative Drainage Strategy shows a detention basin within contaminated soils adjacent to a school boundary - a direct public health concern.

Under planning law, permission cannot be granted where site suitability is unproven or contamination risks are unresolved.

6. Arboricultural and Habitat Impact

The Arboricultural Implications Assessment (Nov 2024) confirms that:

- Multiple Root Protection Areas (RPAs) would be encroached by access and driveways;
- The proposed public path crosses RPA Zones for Groups 2, 7, and 8;
- The applicant suggests "no-dig construction methods," which are not appropriate at outline stage where designs are unconfirmed.
- The Pre-Development Tree Survey (Oct 2024) also warns that "construction works along the east boundary and lack of recent management" will lead to tree decline.

This contradicts the claim that the proposal enhances local vegetation.

7. Failure of Community Engagement and Procedural Fairness

The Statement of Community Involvement (TFA, April 2025) misrepresents the engagement process:

- It claims "significant consultation," yet only 14 responses were recorded, all objections based on responses to this application.
- No minutes, attendance lists, or substantive revisions in response to community feedback are provided.
- The SCI omits reference to prior widespread objections and the consistent history of refusal.

This failure breaches the Localism Act 2011 principles of fair consultation and NPPF paragraph 41 expectations for meaningful pre-application engagement.

8. Cumulative and Precedential Harm

Approval of this application would:

- Set a dangerous precedent for further encroachment into AONB land around Charlton Kings;
- Weaken public confidence in the integrity of AONB protections;
- Undermine Cheltenham's adopted Local Plan spatial strategy, which directs growth to sustainable, brownfield, and urban-edge sites.
- Once the principle of development on this field is accepted, incremental expansion will follow, fundamentally altering the rural fringe character of Glenfall Way.

9. Procedural and Legal Duty of Decision-Makers

As a statutory decision-maker, Cheltenham Borough Council is bound by:

- Section 85 of the CROW Act 2000
- Section 245 of the LURA 2023
- Regulation 64 of the Conservation of Habitats and Species Regulations 2017
- And the Environment Act 2021 (Schedule 7A)

Any decision to permit development contrary to these duties would risk breach of statutory duty and potential maladministration under the Local Government Act 1974. The applicant's own documentation confirms the proposal does not conserve, enhance, or lawfully deliver biodiversity gain, meaning there is no legal basis for approval.

Conclusion

For all the reasons set out above, this proposal:

- Contravenes national and local planning policy;
- Fails to meet statutory AONB and biodiversity duties;
- Misrepresents its environmental, visual, and ecological effects;
- And ignores binding planning precedent and legal rulings.

This is a speculative attempt to exploit a nationally protected landscape under the guise of "biodiversity" and "self-build" rhetoric.

No credible exceptional circumstances exist, and no public benefit outweighs the permanent and irreversible harm.

Accordingly, planning permission must be refused.

Comments: 22nd June 2025

I am writing to formally object to the above planning application on the following grounds:

1. Inappropriate Development within a Protected National Landscape (AONB).

The proposed site lies within the Cotswolds National Landscape (formerly designated as an Area of Outstanding Natural Beauty - AONB), a status which carries the highest level of protection under both national and local planning policy. Paragraph 176 of the National Planning Policy Framework (NPPF) requires "great weight to be given to conserving and enhancing landscape and scenic beauty in these areas."

This development would cause clear and irreversible harm to the character, quality, and openness of this protected landscape. It directly undermines the primary statutory purpose of the AONB designation - to conserve and enhance natural beauty - and fails to demonstrate any exceptional circumstances or overriding public interest that might justify such intrusion.

2. Threat to Biodiversity and Loss of Valued Landscape (amenity) Views.

The site supports habitats known for protected and priority species, including great crested newts, bats, badgers, and deer, reported on the site. The ecological surveys are not robust and there is a paucity of evidence for appropriate mitigation and compensation measures; the proposal conflicts with the Conservation of Habitats and Species Regulations 2017, the Wildlife and Countryside Act 1981 (as amended), and Paragraph 180 of the NPPF.

Further concerns arise from drainage infrastructure works carried out by Severn Trent in 2023 to connect nearby existing property to mains drainage on Glenfall Way. These works pass through the application site but notably avoided areas considered to support wildlife - a tacit acknowledgment of the site's ecological sensitivity. Moreover, the installation of a 6-inch diameter pipe - significantly larger than the 4-inch pipe typically required for a small-scale development according to the 2023 contractors - suggests future expansion well beyond what is currently proposed.

This raises serious concerns that the current application may not be a standalone proposal, but rather part of a larger, incremental development strategy. It is essential that the site be assessed solely on its individual environmental impact, not as a stepping stone toward wider preordained expansion.

3. Non-Compliance with the Local Development Plan and Settlement Strategy.

The site is located outside the defined Cheltenham Urban Area and is not identified for development in either the Cheltenham Local Plan or the Joint Core Strategy. It constitutes unjustified development in open countryside and is directly at odds with the adopted spatial strategy, which aims to direct growth to sustainable, well-served locations and prevent inappropriate encroachment into rural areas.

4. Failure to Meet Local Policy Requirements.

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The proposal fails to comply with key Local Plan policies concerning landscape protection, biodiversity, sustainable development, and design quality. No robust justification has been provided for this departure from the development plan, nor has any material consideration been advanced that would outweigh the resulting harm.

Summary:

The application conflicts with both national and local planning policy. It poses significant risks to a nationally protected landscape, threatens local biodiversity, and is situated in an unjustified location outside established settlement boundaries. These factors, taken together, render the proposal fundamentally unacceptable.

Given the planning history of this site - including repeated refusals and rejection in the High Court - I urge the Council to consider whether more permanent protections or restrictions could be applied to prevent speculative applications in future. Such measures would be welcomed and supported by both local residents and the wider community.

58 Hartlebury Way
Charlton Kings
Cheltenham
Gloucestershire
GL52 6YB

Comments: 15th June 2025

This site is highly visible from the surrounding area. There have already been four previous applications and appeals, all rejected due to the impact on the landscape - and nothing has really changed to reduce that impact now.

While the developer talks a lot about improving the landscape and adding open space, 36% of this green field will be built on. The development will clearly be seen from many viewpoints, and the developer's own Landscape and Visual Impact Assessment (LVIA) admits the visual impact is moderate to major - that's a big change to open countryside.

Planting trees and hedges won't fully hide the development - and many nearby trees are Ash, which are likely to die due to ash dieback disease, making the site even more exposed.

The idea that decorative planting will soften the impact doesn't hold up - domestic features like driveways, bins, and cars will stand out against the natural setting.

Also, these plots are marketed as "self-build", meaning buyers can redesign their homes. This risks losing any consistent style and could lead to bigger houses, further harming the character of the area.

In short, this is a large, visible development for just a small number of homes. It would be better to focus on brownfield or infill sites within existing built-up areas instead.

The planning application is purely for profiteering of the developer and no consideration has been made to the wonderful wildlife that have a home in the field we as surrounding house owners, love to watch and enjoy.

This development will not benefit the council, the community or the wildlife , as per previous attempts. Once again , this is wasting councils money and tax payers money by making applications on safeguarded land that should never be built on (which the landowners knew to be the case when they initially purchased it).

56 Hartlebury Way
Charlton Kings
Cheltenham
Gloucestershire
GL52 6YB

Comments: 8th June 2025

I must respectfully object to this planning application, this area should be offered protection as part of the AONB, if not this will set a precedent for development of other areas afforded this level of protection. Development of this important natural area would be incredibly detrimental to our local wildlife destroying habitat & ecosystems for many species & impeding community enjoyment of the area.

There is the risk of continuous urban sprawl which would change the identity of the local area & increase pressure on roads & services.

I hope that the common sense decision reached by the council in regards to the previous application will prevail, & the natural beauty of our countryside & community will be conserved.

17A Hartlebury Way
Charlton Kings
Cheltenham
Gloucestershire
GL52 6YB

Comments: 12th June 2025

This planning application must be refused on the grounds that the land is a designated Area of Outstanding Natural Beauty. These houses are not required in this location. There are plenty of brownfield sites around Cheltenham where such a development could be sited.

4 Lawrence Close
Charlton Kings
Cheltenham
Gloucestershire
GL52 6NN

Comments: 11th June 2025

I am writing to formally object to the planning application for the construction of four new houses on the site off Glenfall Way, within the Area of Outstanding Natural Beauty (AONB), and in close proximity to the Glenfall primary school.

While the proposal is for a relatively small number of houses, I am deeply concerned that granting permission would set a dangerous precedent - the thin end of the wedge - potentially opening the door for much larger scale development in this sensitive and protected area in the future.

My specific concerns are as follows:

1. Impact on the AONB: The site is located within an Area of Outstanding Natural Beauty, designated to conserve and enhance its natural beauty. Approving this development risks undermining the primary purpose of the AONB designation. Even a small initial development could pave the way for incremental encroachment, gradually eroding the landscape's character and biodiversity over time. This could lead to irreversible damage and loss of this protected green space.

2. Risk of Future Expansion: Approving these four houses may encourage further applications for more extensive housing developments nearby. Once development has been allowed in this area, it becomes increasingly difficult to resist additional proposals, which could result in significant and sustained harm to the environment, local infrastructure, and community character.

3. Increased Traffic and Safety Concerns: The proposed development's proximity to the primary school raises important safety concerns. Additional traffic on Glenfall Way and surrounding roads will increase the risk to children and families during busy school times. The current road layout is inadequate to safely handle increased volumes, potentially leading to congestion and hazardous conditions.

4. Loss of Valuable Green Space: This area currently provides important open green space for both wildlife and the community. Development will reduce these natural benefits, harming biodiversity and community wellbeing. It also risks changing the character that makes this area unique and valued.

In summary, while the application is for just four houses, the potential long-term implications are far greater. I urge the planning committee to refuse this proposal to protect the AONB from incremental and unsustainable development, safeguard local safety and infrastructure, and preserve the natural and community environment for future generations.

6 Lawrence Close
Charlton Kings
Cheltenham
Gloucestershire
GL52 6NN

Comments: 13th June 2025

We strongly object to the planning proposal off Glenfall Way.

We have lived off of Glenfall Way for over 20 years and have watched the wonderful wildlife come and go from the field. It would be a travesty to relocate more wildlife for the sake of four houses.

We are also concerned about the amount of extra traffic all of the building work will bring. Plus the extra cars pulling out onto Glenfall Way if the houses were to be built.

We already take our life into our hands pulling out of Lawrence Close onto Glenfall Way with all of the school traffic and the skip lorries.

Our understanding is that this is an AONB so it must be refused.

118 Ryeworth Road
Charlton Kings
Cheltenham
Gloucestershire
GL52 6LY

Comments: 21st June 2025

Objection: AONB, effect on wildlife, traffic near school could increase danger and character of properties is not in keeping with immediate neighbours.

6 Reaburn Close
Charlton Kings
Cheltenham
Gloucestershire
GL52 6NL

Comments: 22nd June 2025

I strongly object to this application.

We live in the cul-de-sac at the bottom of the steep hill near Glenfall School. Every morning, children cross the road here to reach school and Charlton Kings village. It is already dangerous, with cars coming downhill too fast. Adding traffic from four large homes will make this worse and puts children at greater risk.

The site lies within the Cotswolds AONB and should be protected for its natural beauty and wildlife. We regularly see deer and hear many species of birds - it is a valuable green space that contributes to biodiversity and the wellbeing of local residents. Building here would damage the landscape and open the door to further development down towards Dowdeswell.

There is no community benefit to this scheme. The plans are for large, luxury houses, which do nothing to meet local housing needs. We need affordable, sustainable homes - not more high-end properties that few can access.

This application threatens road safety, biodiversity, and the integrity of protected countryside. It is not in the public interest and should be refused.

1 Lawrence Close
Charlton Kings
Cheltenham
Gloucestershire
GL52 6NN

Comments: 17th June 2025

We strongly object to the proposed development on the area that has AONB status. This needs to be protected. This development will have a negative impact on the surrounding area.
If given it will lead to further development on this land, having a far greater impact on the AONB and the local wildlife.

1 Reaburn Close
Charlton Kings
Cheltenham
Gloucestershire
GL52 6NL

Comments: 22nd June 2025

- *. AONB - infill not applicable on this site
- *. Threat to wildlife and diverse habitats
- *. Unacceptable traffic increase for neighbourhood and school

The Cedars
1 Ham Close
Charlton Kings
Cheltenham
Gloucestershire
GL52 6NP

Comments: 13th June 2025

Development should not be taking place on AONB land, which is why I strongly object to this application. I cannot see any benefit to the proposal, only negative impacts on the local wildlife and the local community of walkers, runners and people on horseback due to an increase in traffic. Previous planning applications have not been successful and I hope this one is also unsuccessful, as granting a development inside the Cotswold AONB is a dangerous precedent to set.

5 Ham Close
Charlton Kings
Cheltenham
Gloucestershire
GL52 6NP

Comments: 6th June 2025

Once again we have to defend the AONB principle. Why is this necessary? I am concerned about the precedent for more building on the AONB if this goes ahead. For the sake of our future, our children's welfare and our wildlife we must object to building on the AONB however small or insignificant in the greater scheme of things. Please register my strong objection to this proposal.

7 Ham Close
Charlton Kings
Cheltenham
Gloucestershire
GL52 6NP

Comments: 10th June 2025

We are registering the strongest objection to the proposed development on the land outlined on the south side of Glenfall Way, opposite Ryeworth Road. This land is in the Cotswolds Area of Outstanding Natural Beauty and must therefore preclude any housing development.

The field is on the edge of the AONB, however any development, no matter how limited in scale will open the adjacent fields to similar exploitation by developers. The AONB area cannot be compromised at the edges any more than anywhere else otherwise it will simply reduce and disappear with time.

We concur with the environmental comments made in the letters of objection from 140 Ryeworth Road and others, highlighting CO2 policy and the history of previous applications, all of which failed due to the lands having AONB status.

43 Rosehill Street
Cheltenham
Gloucestershire
GL52 6SQ

Comments: 9th June 2025

Having lived in Charlton Kings for thirty plus years, my children all having attended Glenfall School, I strongly object to the plans for the fields and green spaces to be built on.

Only a couple of weeks ago was I walking in the area and encountered a young fox playing with magpies!! It is an absolute joy to have access to nature so close to our home. Generations of children have enjoyed this particular natural environment; many more generations need not be deprived of this precious privilege.

322 London Road
Charlton Kings
Cheltenham
Gloucestershire
GL52 6YJ

Comments: 22nd June 2025

I wish to add to my previous objection. The applicant in the Community Involvement proposes moving the Public Right of Way on to the site to benefit the Community. This is a far fetched aspiration due to the backlog of many years in moving Rights of Way. The County Council has acknowledged that it does not have the staff or policy to implement such schemes in a set time frame with delays of "years" possible. (see below) This part of the application has no credibility and should be withdrawn.

Highways maintenance cabinet member Joe Harris (LD, Cirencester Park) said the council is actively working to address the issue and are securing extra funding to bolster the team dealing with the applications. "We fully understand the concerns being raised about delays in processing definitive map modification order (DMMO) applications, and we recognise the frustration this causes for applicants and members of the public," he said.

"This is a complex and specialist area of work, and we currently have a significant backlog of applications, some of which have been waiting many years for resolution.

"We're actively working to address the delays, including securing additional funding to strengthen the resources of our DMMO team, and are committed to improving the speed and transparency of the process. An update on progress following the motion passed by council is being prepared, and we will provide further details later this year.

"We know improvements are needed and we're determined to make meaningful progress."

Comments: 11th June 2025

I object to this proposal It is a vague application with no detail as to how the proposed natural space will be preserved without ownership reverting to the Parish Council or Orchard Trust or similar. organisation . It could lead to further developement of this AONB (Cotswold National Landscape) agricultural field. All previous applications for change of use have been turned down at the highest level of Appeal and this application should be. It lacks the consultation and detail that even previous failed applications contained. The precedent set by these Planning Rulings is well documented.

The land is not decaying and is only unused because it had been land banked. It was previously used for pasture,market gardening and arable and could be again. Alternative uses of Community Orchard, allotments, Woodland Burial would preserve the landscape which contibutes to the integrity of the AONB both from the Glenfall Way , East End and Ham views but also from the Ham Hill and Dowdeswell elevated views used by walkers on the Cotswold Way , a nationally significant route.

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The land contains important wildlife as well as soil enriched by the presence of insects (including essential dung beetles) and grasses from its previous land use. The embellishment of the buildings with Cotswold Stone shows a lack of understanding of the locality. Fields in Ham were enclosed with hedgerow and not used in construction in this part of Ham.

The application also states that there is no Local Wildlife Site within 500 metres but I believe there is one on Lawrence Close. There are native deer in this area of Glenfall.

Charlton Kings has current housing applications and undeveloped brown field sites more suitable to fulfill housing needs

This application is a poor change of use and does not justify approval

21 Ryeworth Road
Charlton Kings
Cheltenham
Gloucestershire
GL52 6LG

Comments: 22nd June 2025

This is an area of outstanding natural beauty and as such there should be no housing built on it. I strongly object to this proposal.

4 Detmore Close
Charlton Kings
Cheltenham
Gloucestershire
GL53 8QP

Comments: 23rd June 2025

Dear Mrs White,

I am writing to object to the planning application. As well as the disturbance during the construction and ongoing after the houses are complete, the land holds a great abundance of wildlife including rare invertebrates in particular with many species of butterfly and moth recorded. The proximity to the school will make the extra traffic and disturbance too much and the land should stay as a site for wildlife and biodiversity. Best wishes,

18 Ham Close
Charlton Kings
Cheltenham
Gloucestershire
GL52 6NP

Comments: 21st June 2025

We strongly object to yet another proposal to develop the land on Glenfall Way, opposite Ryeworth Road. This falls within the Cotswold's AONB and as such should be protected.

To grant permission will open the gates to further building proposals and further erosion of our beautiful countryside.

26 Ham Close
Charlton Kings
Cheltenham
Gloucestershire
GL52 6NP

Comments: 18th June 2025

We wish to register our strongest objection to the proposed development on the land located on the south side of Glenfall Way, opposite Ryeworth Road. This site lies within the Cotswolds Area of Outstanding Natural Beauty (AONB), where residential development is entirely inappropriate and must be ruled out.

Any form of development -however modest-would inevitably set a precedent, exposing neighbouring fields to similar speculative interest. The integrity of the AONB must be upheld consistently across its entire boundary. Permitting encroachment at the edges risks the gradual erosion of the area's protected status, ultimately undermining the purpose of its designation.

We also fully support the environmental concerns raised in other objection letters and the history of past planning applications on this site, all of which were refused on the grounds of its AONB designation

27 Ham Close
Charlton Kings
Cheltenham
Gloucestershire
GL52 6NP

Comments: 20th June 2025

Yet again we have to raise our objections to a planning application made by the Exeter-based developer responsible for previous applications on this land, all of which were refused, principally on the basis that they failed to offer any substantive reasons to override the highest degree of protection afforded to the AONB in which this land situated. There have been no changes in circumstances which would impact the planning decision on this application and it should be summarily refused. This opportunist application is yet again an unacceptable imposition on local residents time and the resources in Cheltenham Borough Council Planning Department.

77 Ryeworth Road
Charlton Kings
Cheltenham
Gloucestershire
GL52 6LS

Comments: 22nd June 2025

I am writing to formally object to the proposed development of four luxury dwellings on land at Glenfall Way. While I understand the need for sustainable development, I believe this application poses serious concerns on several grounds and should be refused.

1. Location within an Area of Outstanding Natural Beauty (AONB)

The proposed site lies within a designated Area of Outstanding Natural Beauty, which should be afforded the highest level of protection from inappropriate development. The introduction of four large dwellings would significantly harm the landscape character, visual amenity, and rural setting that the AONB designation is meant to preserve.

2. Detrimental impact on Protected Wildlife and Habitat

The area is known to support protected wildlife species. The development would likely result in habitat loss and fragmentation, with potential disturbance to species such as bats, badgers, deer, hares, nesting birds and many more.

3. Traffic and Highway Safety Concerns

Glenfall Way and Ham Road are already subject to heavy use, and additional dwellings will only increase traffic. These roads are narrow and often used by pedestrians, including schoolchildren and the elderly. Increased traffic will raise the risk of accidents in an already busy area. Glenfall Way joins the A40, one of the major routes into Cheltenham & has a number of roads leading off it, including Ryeworth Road which is directly opposite the proposed area for development and is already a congested road due to the age of the majority of the houses on it which do not have driveways leading to permanent on road parking throughout the full length of the road.

4. Environmental Impact

The construction and long-term presence of these new dwellings will negatively affect the local environment. This includes increased pollution, surface water runoff, and potential disruption to local drainage systems. The environmental cost is not justified by the limited public benefit of constructing high-end housing.

5. Lack of Local Need

The proposal appears to focus on luxury dwellings rather than addressing the local housing needs, such as affordable or social housing. This undermines the principles of inclusive and balanced community development.

Conclusion

For all the reasons stated above - impact on the AONB, threat to wildlife, increased traffic & the associated risks as well as environmental concerns, please consider this objection.

The Old Dairy
Hambrook Street
Charlton Kings Cheltenham
Gloucestershire
GL52 6LR

Comments: 15th June 2025

Dear Lucy White,

Living locally I strongly object to this building project in an Area of Outstanding Natural Beauty.

This development will harm the landscape, facilitate a loss of natural beauty, scenic views of Dowdeswell, and negatively affect the intrinsic character of the Cotswolds AONB. National and local policies require that AONBs are protected and enhanced, and development should only be permitted in exceptional circumstances and in the public interest.

This project does not meet the high bar of "exceptional circumstances" or demonstrate sufficient public interest, as required. There are many other candidate sites across Cheltenham district that won't damage the AONB.

Furthermore the development could damage local biodiversity including local badger sets & deer habitat and would be in stark contrast to the rural setting of the AONB.

Many thanks,

Glenfall Cottage
Ham Lane
Cheltenham
Gloucestershire
GL52 6NJ

Comments: 15th June 2025

I strongly object to the proposed development. Development of this kind within the AONB is unnecessary and inappropriate. The development would have a negative impact on wildlife and on peaceful enjoyment of the AONB for locals and visitors, whilst bringing no obvious social benefit. There are numerous brownfield sites elsewhere in Cheltenham that could be developed without impacting the AONB in this way.

Cheltenham Borough Council
Planning: Place and Communities
PO Box 12
Municipal Offices
Promenade
Cheltenham
GL50 1PP

7 June 2025

For Mrs Lucy White, Planning Officer

Dear Mrs White

CBC Application Reference 25/00650/OUT, Land on the South Side of Glenfall Way

1. I am writing to object to the proposal which is the subject of CBC letter reference 25/00650/OUT dated 2 June 2025 to build four dwellings (Class C3) on land on the south side of Glenfall Way. I think that any proposal to build on this land is wholly inappropriate, since the land is an integral part of the Cotswold Area of Outstanding Natural Beauty (AONB).
2. The current application (the subject of your letter dated 2 June 2025) is the fifth in a long series of applications of which I am aware, the four earlier applications having been considered in 1980, 2008, 2015, and 2017. All of the earlier applications were rejected on the grounds that the proposed developments were inappropriate on AONB landscape grounds. The 2008 Planning Inspector stated that the then-proposed development would “result in significant harm to the AONB through the change of character and appearance that would be the inevitable consequence of residential development of the site, however carefully designed and landscaped. I (i.e. the Inspector) do not consider that the site can be considered suitable for housing”.
3. To the best of my knowledge, nothing has changed since 2008 to alter the Inspector’s judgment. For many years, the land has had minimal attention in the form of grazing or mowing, and it survived remarkably well some installation of drainage pipes (sewage) for the adjacent properties in 2023, and it is remarkably attractive in its untrimmed state: there are lots of wild flowers in the field, and there is wildlife – both flora and fauna have flourished while the field has been locked-off. The lovely view looking to the south-east across the field from Glenfall Way towards the tree-lined Cotswold ridge has remained intact (it is an amazing sight on a clear, winter dawn, with the sun rising behind the distant trees on the ridge, but it is great at any time of day and year). The view was the main point identified by the Planning Inspector in his 2008 decision, so it was no surprise when, soon after, the owner of the field planted a line of trees at the bottom of the field, presumably with the intention of the trees growing to a height which would partly or wholly obscure the view of the Cotswold ridge – such is the relentless pursuit of profit. These trees are growing quite quickly, and the owner might achieve that objective in a few years time. Leaving the land untended and planting the line of trees indicate to me that the owner has no interest in the land other than for profit from speculative building.
4. Character, appearance and view are all-important to AONB status. The proposal to build houses on the field, together with all the paraphernalia that they would attract, would do nothing but harm to the character and appearance of the field, and to the view looking from Glenfall Way towards the Cotswold ridge – nor would it do anything but harm to the view into the land from surrounding viewpoints. And it is obvious that the current proposal, like the previous proposals, is part of a long-term strategy, to find a way to build something, for a profit. And if this proposed development in the AONB were allowed, it would set a precedent which would be leapt upon quickly by the owners of adjacent and nearby land in the AONB – a domino effect which would spoil completely the AONB status of the Glenfall/Ham area – and, in time to come, be used as reason to allow development beyond Ham into the hills.
5. I remain convinced that we need to look to the basic principle that this land is part of the AONB and, as such, should be protected from inappropriate, undesirable, speculative development. CBC’s Saved Policy CO2 stated that “development which would harm the natural beauty of the landscape within the

AONB will not be permitted". As I understand Page 236 JB Greenfield Land on the south side of Glenfall Way is outside CBC's Principal Urban Area, and that it has not been allocated for housing in CBC's Local Plans, and nor has it been allocated for housing in the Joint Core Strategy (JCS). Further, I believe that the JCS states that the AONB is inappropriate for urban extensions. Where is the logic in building in prime AONB territory when there are more appropriate sites elsewhere? We need to draw a line, and keep to it - let's protect the AONB for what it is, to the best of our ability, rejecting unnecessary, speculative, for-profit development. The Cotswold AONB is a precious, national treasure and, once it is spoiled, it is spoiled for ever – our ancestors won't thank or compliment us for that.

6. Successive revisions of the development proposals do not alter the basic principles at stake here. I return to the judgment made by the 2008 Planning Inspector that the then-proposed development would "result in significant harm to the AONB through the change of character and appearance that would be the inevitable consequence of residential development of the site, however carefully designed and landscaped. I (i.e. the Inspector) do not consider that the site can be considered suitable for housing". That statement is as valid now as it was in 2008. We should not allow the AONB to be chipped away, bit by bit.

7. Thank you for providing the opportunity to comment. I trust that CBC Officers, Councillors, and the Planning Committee will take my comments and observations into account in making their decision. I object to the proposal in reference 25/00650/OUT dated 2 June 2025 as entirely inappropriate, for the reasons given above.

Yours sincerely



17-6-25.

Valleys Farm,
Ham Lane,
Chelton Kings.
GL52 6NJ.

25/00650/OUT.

Dear Planning Officer,

Outline application for 4 self build properties in land
opposite Ryecroft Road.

I wish to oppose this latest optimistic application on
this field which has already had planning rejections in 1980,
2007 and 2017, one of the main reasons being that it lies
within the Cotswold AONB.

This outline application is basically flying a kite to try
and get permission to build in this field, the fact that they
are large self build houses and not needed in this area, is
totally irrelevant. The principle is everything.
If permission is granted, then who knows what the next
application would be?

This field is basically the finger in the Planning dam,
if permission were to be granted, all the potential developers

and land owners in the area, all in the AONB, will come out of the woodwork and see no reason why they cannot build on this patch as well

This must not be allowed to happen and I urge that this application be rejected.

Yours faithfully,



Dear Planning Officer

For the last 7 years I have been a volunteer with Butterfly Conservation and complete Butterfly & Moth surveys in & around Cheltenham, Gloucestershire and in schools. As part of my work, I record and provide up to date records for sites being considered for development.

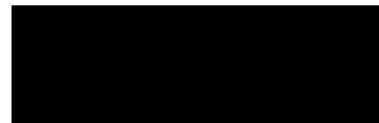
All my records are photographed, so I am able to provide proof of what I have seen, and are recorded on iRecord. Anyone is able to access the iRecord database. My records are verified by Robert Holman, Our county moth recorder, and these records are included in the national moth recording scheme.

I completed a moth survey on the 9th June in the corner by the gate, and also on the 17th June in the south corner. I put together the following document to show my findings. This is based on just two nights trapping with a low light level 20w actinic battery powered trap. I have since come back in the day and observed more insects and plants, 69 species in total. There is still so much to record here and to get a true picture of what may be living here, monthly surveys, would need to be done throughout a calendar year. It would also be beneficial to survey for bats to give a better understanding of the ecology of the site.

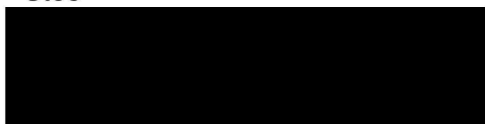
As you may know, butterflies & moths have seen steep declines, and Butterfly Conservation has declared a butterfly emergency. The State of the UK's Butterflies 2022 report found that 80% of butterfly species in the UK have decreased in either abundance, distribution, or both since 1976. The State of Britain's Larger Moths 2021 report found that over two-thirds of common and widespread larger species (macro-moths) declined in the last 50 years. These losses in abundance were much greater in the southern half of Britain than the north. This is primarily due to habitat loss, lack of habitat management and climate change. Its important to find out where things are, so they can better be protected.

I enclose a copy of what i have found so far

Yours Sincerely

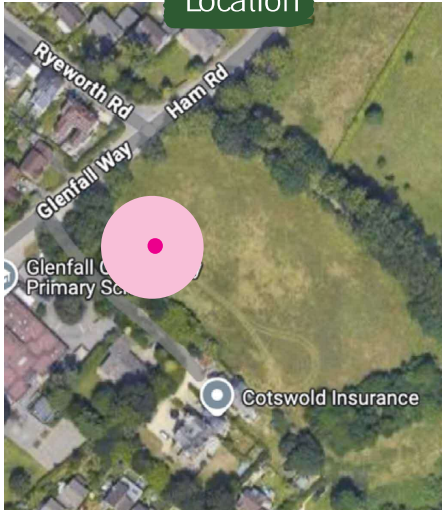


Jacqui Stubbings
Volunteer Moth recorder
Butterfly Conservation
Cheltenham
Glos



Glenfall way ANOB Invertabrates Survey | 9th June 2025

Location



Moth trap positioned at the north west corner of the site, Approx 15m from gate, next to nettle patch

Survey undertaken by Jacqui Stubbings: Volunteer Moth recorder. Insured by Butterfly Conservation Gloucestershire. All observations are photographed submitted to iRecord, where they are verified by Robert Holman, County Moth recorder. Records feed into the National moth recording scheme, providing valuable data of these highly sensitive indicator species. iRecord is a public database, anyone can view records on the website.

Results - 9th June

Moths & Butterflies

1. Barred Marble - 2
2. Common Grey - 1
3. Common Swift - 2
4. Dark Strawberry Tortrix - 1
5. Double square-spot - 1
6. Garden grass veneer - 3
7. Garden Grey - 1
8. Heart & Dart - 2
9. Large Yellow Underwing - 1
10. Light Brown Apple Moth - 2
11. Middle-barred Minor - 3
12. Minor Agg - 4
13. Mottled Beauty - 3
14. Meadow Brown - 3 (Day time observation)
15. Ribwort Slender - 1
16. Ringlet Butterfly - 5 (Day time observation)
17. Rufous Marble - 3
18. Scarlet Tiger - 2 (Day time observation)
19. Spruce Carpet - 1
20. Silver Y - 1 (Day time observation)
21. Treble Brown Spot - 1
22. White Ermine - 1
23. Yellow-banded Longhorn - 1

Other Insects

24. Buff-tailed bumblebee - 2
25. Black plant bug - 1
26. Broom seed beetle - 2
27. Common brown click beetle - 3
28. Common damsel bug - 1
29. Common froghopper - 1
30. Common yellow-faced Bee - 2
31. Copse snail - 1
32. Grass Fly - 1
33. Green Nettle Weevil - 2
34. Harlequin Ladybird - 4
35. Kentish Snail - 1
36. Longhorn Beetle - 1
37. Long-horned springtail - 1
38. May Bug - 4
39. 24-spot Ladybird - 2
40. 7-spot Ladybird - 6
41. Meadow Grasshopper - 3
42. Miridae plant bug - 1
43. Red-legged Shieldbug - 1
44. Swollen-thighed beetle - 2
45. Trivial plant bug - 5
46. White-lipped Snail - 3

Plants

47. Ash
48. Black Medic
49. Bramble
50. Broad-leaved Dock
51. Common Vetch
52. Cleavers
53. Creeping Buttercup False
54. Dandelion
55. Germander Speedwell
56. Hawthorn
57. Hogweed
58. Holly
59. Lime
60. Meadow Vetchling
61. Oat-grass
62. Plumeless Thistle
63. Privet
64. Ribwort Plantain
65. Rum Cherry
66. Small Burnet
67. Sycamore
68. Wild Cherry
69. Yorkshire Fog

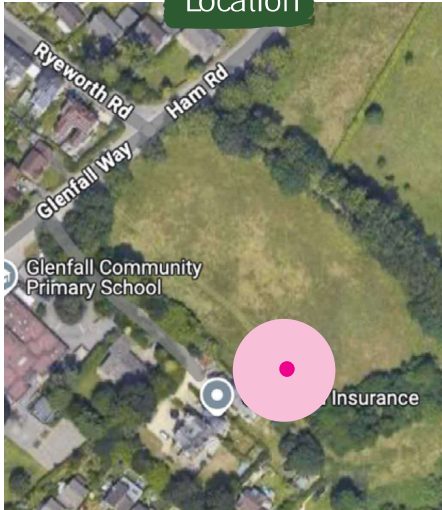
Total Species found 69

Total individuals - 94

Please see following pages for pictorial reference



Location



Moth trap positioned at the South corner of the site.



Survey undertaken by Jacqui Stubbings: Volunteer Moth recorder. Insured by Butterfly Conservation Gloucestershire. All observations are photographed submitted to iRecord, where they are verified by Robert Holman, County Moth recorder. Records feed into the National moth recording scheme, providing valuable data of these highly sensitive indicator species. iRecord is a public database, anyone can view records on the website.

Results

Moths & Butterflies

- | | | |
|---------------------------------|------------------------------------------------|---------------------------|
| 1. Agapeta hamana - 2 | 30. Heart & Club - 4 | 59. Small Skipper - 8 |
| 2. Beautiful golden Y - 3 | 31. Heart & Dart - 8 | 60. Smoky Wainscot - 15 |
| 3. Bird Cherry Ermine - 5 | 32. Hoary Tortrix, eucosma cana - 2 | 61. Snout - 1 |
| 4. Blastobasis Lacticolella - 1 | 33. Ingrailed Clay - 1 | 62. Speckled Wood - 2 |
| 5. Blue bordered Carpet - 1 | 34. Light Brown Apple Moth - 1 | 63. Straw Dot - 5 |
| 6. Box Tree Moth - 1 | 35. Lesser broad-bordered yellow underwing - 1 | 64. The Clay - 3 |
| 7. Bright-line Brown-eye - 1 | 36. Leopard Moth - 1 | 65. Thistle Marble - 1 |
| 8. Brimston - 1 | 37. Light Arches - 3 | 66. Treble Brown spot - 1 |
| 9. Brown Plume - 1 | 38. Light Brocade - 1 | 67. Treble Lines - 3 |
| 10. Buff Arches - 2 | 39. Lobster - 2 | 68. Udea Olvalis - 1 |
| 11. Buff Ermin - 1 | 40. Large Yellow Underwing - 2 | 69. Uncertain - 9 |
| 12. Buff-tip - 3 | 41. Marbled minor Agg - 1 | 70. Water Veneer - 2 |
| 13. Burnished Brass - 2 | 42. Marbled Orchard Tortrix - 1 | 71. White Ermine - 1 |
| 14. Celypha lacunana - 2 | 43. Marbled White Spot - 1 | 72. Yponomeuta Agg - 5 |
| 15. Cinnabar - 1 | 44. Miller - 1 | |
| 16. Clouded Border - 1 | 45. Mottled Beauty - 4 | |
| 17. Common Swift - 1 | 46. Orange Pine Tortrix - 1 | |
| 18. Common Wainscot - 2 | 47. Pale Tussock - 1 | |
| 19. Common White Wave - 1 | 48. Peppered Moth - 2 | |
| 20. Common Zebra Moth - 1 | 49. Poplar Grey - 5 | |
| 21. Coronet | 50. Poplar Hawk - 2 | |
| 22. Dark Arches - 14 | 51. Privet Hawk - 3 | |
| 23. Double Square-spot - 3 | 52. Privet Tortrix - 1 | |
| 24. Elephant Hawk Moth - 3 | 53. Riband Wave - 2 | |
| 25. European Corn-borer - 1 | 54. Rufous Minor - 1 | |
| 26. Flame Shoulder - 2 | 55. Rustic Shoulder-knot - 1 | |
| 27. Four-spotted Footman - 1 | 56. Setaceous Hebrew Character - 3 | |
| 28. Garden Grass Veneer - 19 | 57. Shoulder Striped Wainscot - 2 | |
| 29. Grey Pug - 1 | 58. Small Magpie - 4 | |

Other Insects

- | |
|----------------------------------|
| 73. Athysanus argentarius - 1 |
| 74. Common striped woodlouse - 1 |
| 75. Enoplognatha ovata - 1 |
| 76. Eupteryx vittata - 1 |
| 77. Harpalus rufipes - 1 |
| 78. Meadow grasshopper - 5 |
| 79. Orthocephalus saltator - 1 |
| 80. Serratella ignita - 1 |
| 81. Sigara falleni-group - 1 |

Total Species found 81

Total individuals - 226

Please see following pages for pictorial reference

Glenfall Way AONB All Species observed June 2025

Butterflies

1. Meadow Brown
2. Marbled White
3. Ringlet Butterfly
4. Small Skipper
5. Speckled Wood

Moths

6. Agapeta hamana
7. Barred Marble
8. Beautiful golden Y
9. Bird Cherry Ermine
10. Blastobasis Lacticolella
11. Blue bordered Carpet
12. Box Tree Moth
13. Bright-line Brown-eye
14. Brimston
15. Broad-bordered yellow underwing
16. Brown Plume
17. Buff Arches
18. Buff Ermine
19. Buff-tip
20. Burnished Brass
21. Celypha lacunana
22. Cinnabar
23. Clouded Border
24. Coronet
25. Common Grey
26. Common Swift
27. Common Wainscot
28. Common White Wave
29. Common Zebra Moth
30. Dark Arches
31. Dark Strawberry Tortrix
32. Double square-spot
33. Four-spotted Footman
34. Garden Grass Veneer
35. Garden Grey
36. Grey Pug
37. Heart & Club
38. Heart & Dart
39. Hoary Tortrix
40. Ingrailed Clay
41. Large Yellow Underwing
42. Leopard Moth
43. Light Brown Apple Moth
44. Light Arches
45. Light Brocade
46. Lobster
47. Marbled minor Agg
48. Marbled Orchard Tortrix
49. Marbled White Spot
50. Middle-barred Minor

51. Miller
52. Mottled Beauty
53. Orange Pine Tortrix
54. Pale Tussock
55. Peppered Moth
56. Poplar Grey
57. Poplar Hawk
58. Privet Hawk
59. Privet Tortrix
60. Riband Wave
61. Rufous Minor
62. Rustic Shoulder-knot
63. Ribwort Slender
64. Rufous Marble
65. Setaceous Hebrew Character
66. Shoulder Striped Wainscot
67. Small Magpie
68. Smoky Wainscot
69. Snout
70. Straw Dot
71. Scarlet Tiger
72. Spruce Carpet
73. Silver Y
74. The Clay
75. Thistle Marble
76. Treble Brown spot
77. Treble Lines
78. Udea Olvalis
79. Uncertain
80. Water Veneer
81. White Ermine
82. Yellow-banded Longhorn

Other Insects

83. Buff-tailed bumblebee
84. Black plant bug
85. Blue-winged Olive
86. Broom seed beetle
87. Candy-striped spider
88. Common brown click beetle
89. Common damsel bug
90. Common froghopper
91. Common yellow-faced Bee
92. Common striped woodlouse
93. Copse snail
94. Eupteryx vittata
95. Grass Fly
96. Green Nettle Weevil
97. Harlequin Ladybird
98. Jumping plant bug
99. Kentish Snail
100. Longhorn Beetle
102. Long-horned springtail

103. May Bug
104. 24-spot Ladybird
105. 7-spot Ladybird
106. Meadow Grasshopper
107. Miridae plant bug
108. Red-legged Shieldbug
109. Silver leafhopper
110. Swollen-thighed beetle
111. Strawberry seed beetle
112. Trivial plant bug
113. Water boatman
114. White-lipped Snail

Mamals

115. Roe Deer
116. Badger

Plants


























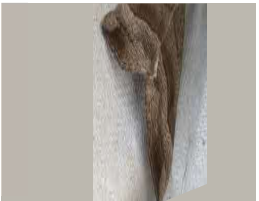














117. Ash
118. Black Medic
119. Bramble
120. Broad-leaved Dock
121. Common Vetch
122. Cleavers
123. Creeping Buttercup False
124. Dandelion
125. Germander Speedwell
126. Hawthorn
127. Hogweed
128. Holly
129. Lime
130. Meadow Vetchling
140. Oat-grass
141. Plumeless Thistle
142. Privet
143. Ribwort Plantain
144. Rum Cherry
145. Small Burnet
146. Sycamore
147. Wild Cherry
148. Yorkshire Fog
149. Yarrow































Birds






















150. Blackbird
- 151.. Rook















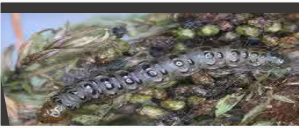




























Total Species found 151































Please see following pages for pictoral reference










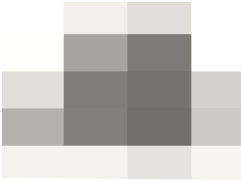




















Name	Overhead view	Ref from site	Early life stage	Foodplants	Foodplant present on site
Marbled White <i>Maniola jurtina</i>				Red fescue is thought to be essential in the diet of larvae but Sheep's-fescue), Yorkshire-fog and other grasses are also used Status: Least Concern	
Ringlet Butterfly <i>Aphantopus hyperantus</i>				Coarser grasses Status: Least Concern	
Speckled Wood <i>Pararge aegeria</i>				False Brome, Cock's-foot, Yorkshire-fog, Common Couch Status: Least Concern	
Small Skipper <i>Thymelicus sylvestris</i>				Yorkshire-fog & other grasses Status: Least Concern	
Meadow Brown <i>Maniola jurtina</i>				meadow grasses Status: Least Concern	
Four dotted footman <i>Lithosia quadra</i>				Dog Lichen and other lichens Status: Least Concern	
The Snout <i>Hypena proboscidalis</i>				Nettle Status: Least Concern	
Buff Tip <i>Phalera bucephala</i>				Sallows, Birches, Oaks and Hazel Status: Least Concern	
Marbled Minor Agg				Grasses Status: Least Concern	
Peppered Moth <i>Biston betularia</i>				many small plants, trees and shrubs Status: Least Concern	

Name	Overhead view	Ref from site	Early life stage	Foodplants	Foodplant present on site
Wood Leopard <i>Zeuzera pyrina</i>				They overwinter two or three times as larvae in the stems and branches of trees Plum, Hawthorn, apple, pear, Blackthorn, Willow Status: Least Concern	✓
Marbled Orchard Tortrix <i>Hedya nubiferana</i>				Plant Status: Least Concern	✓
Bird Cherry Ermine <i>Yponomeuta evonymella</i>				Bird Cherry Status: Least Concern	
White Ermine <i>Spilosoma lubricipeda</i>				Common Nettle, Dock and other herbaceous plants UK BAP: Priority species Status: Least Concern	✓
White Satin <i>Leucoma salicis</i>				Sallow and Poplar Status: Least Concern	
Common White Wave <i>Cabera pusaria</i>				Birch and other trees and shrubs Status: Least Concern	✓
Clouded Border <i>Lomaspilis marginata</i>				Aspen, poplars, sallows, willows Status: Least Concern	
Box Tree <i>Cydalima perspectalis</i>				Box Status: Least Concern	✓
Blue Bordered Carpet <i>Plemyria rubiginata</i>				Alder, Blackthorn They overwinter as eggs in a fork of a twig on the foodplant. Status: Least Concern	
Small Magpie <i>Anania hortulata</i>				Nettle, woundworts, horehounds, bindweeds Status: Least Concern	✓





Name	Overhead view	Ref from site	Early life stage	Foodplants	Foodplant present on site
Scarlet Tiger <i>Callimorpha dominula</i>				Common Comfrey, Hemp Agrimony and Hound's Tongue. When larger the caterpillars are often found feeding on Common Nettle, Bramble, willows, Honeysuckle and Meadowsweet. Status: Local (only found in some areas)	
Agapeta hamana <i>Tyria jacobaeae</i>				Ragwort Status: Least Concern	
Elephant Hawk <i>Deilephila elpenor</i>				Rosebay Willowherb, other willowherbs and bedstraws, Fuschia. Adults feed on honeysuckle Status: Least Concern	
Privet Hawk <i>Sphinx ligustri</i>				Wild and Garden Privet, Ash, Lilac and Guelder-rose Status: Least Concern	
Lobster <i>Stauropus fagi</i>				Birch and Alder, Oak, Beech Status: Least Concern	
Poplar Hawk <i>Laothoe populi</i>				Poplars, Aspen, Sallows and willows Status: Least Concern	
Buff Arches <i>Habrosyne pyritoides</i>				Bramble Status: Least Concern	
Spruce Carpet <i>Thera britannica</i>				Spruce & Douglas Fir Status: Least Concern	
Bright line Brown-eye <i>Lacanobia oleracea</i>				Orache and goosefoot Status: Least Concern	































Name	Overhead view	Ref from site	Caterpillar	Foodplants	Foodplant present on site
Middle-barred Minor <i>Oligia fasciuncula</i>				Grasses Status: Least Concern	
Straw Dot <i>Rivula sericealis</i>				Grasses Status: Least Concern	
Mottled Beauty <i>Alcis repandata</i>				Woody plants Status: Least Concern	
Common Grey <i>Scoparia ambigualis</i>				Mosses Status: Least Concern	
Brimstone <i>Scoparia ambigualis</i>				Blackthorn, hawthorns, Plum and Bullace Status: Least Concern	
Treble Brown Spot <i>Idaea trigeminata</i>				The caterpillars feed on ivy, knotgrass and other low-growing plants Status: Least Concern	
Common Yellow Conch <i>Agapeta hamana</i>				Thistle Status: Least Concern	
Yellow-banded Longhorn <i>Nemophora degeerella</i>				The caterpillars feed on leaf litter, especially birch, and pupate within a portable case made from dead leaves Status: Least Concern	
Yellow-banded Longhorn <i>Nemophora degeerella</i>				Nettle, Honeysuckle, Birch Status: Least Concern	
Treble Lines <i>Charanyca trigrammica</i>				Herbaceous plants Status: Least Concern	
Buff-tailed bumblebee <i>Bombus terrestris</i>				They love all types of flowers but especially like open daisy-like flowers, where they can more easily reach the nectar with their short tongues. They nest underground in large groups of up to 600 bees often using old mammal nests Status: Least Concern	

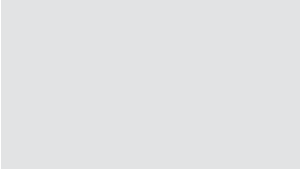






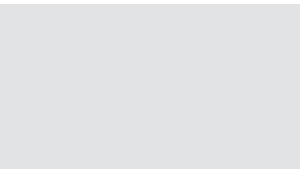






















Name	Overhead view	Ref from site	Caterpillar	Foodplants	Foodplant present on site
Dark Strawberry Tortrix <i>Celphya Lacunana</i>				Herbaceous plants Status: Least Concern	✓
Rufous Marble <i>Celphya Rufana</i>				Dandelion, Prickly Sow-thistle, Perennial Sow-thistle Status: Rare Awaiting verification	✓
Barred Marble <i>Celphya Striana</i>				Dandelion. Status: Least Concern	✓
Common Swift <i>Korscheltellus lupulina</i>				Grasses and many other wild and cultivated herbaceous plants Status: Least Concern	✓
Double square-spot <i>Xestia triangulum</i>				Herbaceous plants Status: Least Concern	✓
Garden Grey <i>Eudonia mercurella</i>				Mosses Status: Least Concern	✓
Garden grass veneer <i>Chrysoteuchia culmella</i>				Grasses Status: Least Concern	✓
Heart & Dart <i>Agrotis exclamations</i>				Herbaceous Plants Plantain, Fat-hen Status: Least Concern	✓
Light Brown Apple Moth <i>Epiphyas postvittana</i>				A range of trees, shrubs and herbaceous plants. Status: Least Concern	✓
Large Yellow Underwing <i>Noctua Pronuba</i>				Grasses including docks, Marigolds, Foxglove and Annual Meadow-grass Status: Least Concern	✓

Name	Overhead view	Ref from site	Early life stage	Foodplants	Foodplant present on site
Grey Pug <i>Eupithecia subfuscata</i>				Herbaceous plants Status: Near Threatened	✓
Beautiful Golden Y <i>Autographa pulchrina</i>				Nettle, Hedge Woundwort, Common Ragwort, Water Avens and Honeysuckle Status: Least Concern	✓
Burnished Brass Latin				Nettle Status: Least Concern	✓
Coronet <i>Craniophora ligustri</i>				Ash and Wild Privet Status: Least Concern	✓
Water Veneer <i>Acentria ephemerella</i>				Aquatic plants. Pondweeds and Canadian waterweed Status: Least Concern	✓
Pale Tussock <i>Calliteara pudibunda</i>				Hawthorns, Blackthorn, Hazel Status: Least Concern	✓
Ribwort Slender <i>Aspilapteryx tringipennella</i>				Ribwort Plantain A type of leaf-mining moth, caterpillars feed on the leaves of plants, creating characteristic mines within the leaf tissue Status: Least Concern	✓
Marbled white spot <i>Protodeltote pygarga</i>				Grasses Status: Least Concern	✓
Hoary Tortrix <i>Eucosma cana</i>				Thistle and Black Knapweed Status: Least Concern	✓
Thistle Marble <i>Lobesia abscisana</i>				Thistle and Black Knapweed Status: Least Concern	✓

Name	Overhead view	Ref from site	Early life stage	Foodplants	Foodplant present on site
European Corn borer <i>Ostrinia nubilalis</i>				Mugwort Status: Least Concern	
Garden Pearl <i>Udea Olivalis</i>				Herbaceous plants Status: Least Concern	✓
Heart & Club <i>Agrotis clavis</i>				Herbaceous plants Status: Least Concern	✓
Ingrailed Clay <i>Diarsia mendica</i>				Herbaceous plants Status: Least Concern	✓
Light Brocade <i>Lacanobia w-latinum</i>				Herbaceous and woody plants Status: Least Concern	✓
The Clay <i>Oligia strigilis</i>				Grasses Status: Least Concern	✓
The Uncertain <i>Hoplodrina octogenaria</i>				Herbaceous plants Status: Least Concern	✓
Broad Bordered Yellow Underwing <i>Noctua fimbriata</i>				Herbaceous plants Status: Least Concern	✓
Miller <i>Acronicta leporina</i>				Downy and Silver Birch, Alder Status: Least Concern	✓

Name	Overhead view	Ref from site	Early life stage	Foodplants	Foodplant present on site
Common Brown Plume <i>Stenoptilia pterodactyla</i>				Germander speedwell Status: Least Concern	
Common Zebra Moth <i>Helcystogramma rufescens</i>				Various Grasses Status: Least Concern	✓
Large Pale Masoner <i>Blastobasis Lacticolella</i>				Larvae will thrive on a wide variety of foodstuffs, including leaf-litter, vegetation Status: Least Concern	✓
Light Arches <i>Apamea lithoxyloae</i>				Grasses, specifically their stems and roots Status: Least Concern	✓
Dark Arches <i>Apamea monoglypha</i>				Larvae feed on flowers and seeds, but as they mature, they consume the roots and stems of various grasses Status: Least Concern	✓
Flame Shoulder <i>Ochropleura plecta</i>				Bedstraws, docks, Groundsel, Ribwort, Plantain and other low lying herbaceous plants. Status: Least Concern	✓
Common Wainscot <i>Mythimna pallens</i>				Various grasses Status: Least Concern	✓
Shoulder-striped Wainscot <i>Leucania comma</i>				Various grasses, especially cock's-foot Status: Least Concern	✓
Smoky Wainscot <i>Mythimna impura</i>				Various grasses Status: Least Concern	✓
Riband Wave <i>Idea aversata</i>				A range of low-growing herbaceous plants including bedstraws, Wood Aven, Primrose, dandelions and docks. Status: Least Concern	✓

Name	Overhead view	Ref from site	Early life stage	Foodplants	Foodplant present on site
24-spot Ladybird <i>Subcoccinella vigintiquatuorpunctata</i>				Larvae feed only on the mycelium of Erysiphales. Status: Least Concern	✓
7-spot Ladybird <i>Coccinella septempunctata</i>				Larvae and adults mainly eat aphids, they also feed on Thysanoptera, Aleyrodidae, on the larvae of Psyllidae and Cicadellidae, and on eggs and larvae of some beetles and butterflies Status: Least Concern	✓
Harlequin Ladybird <i>Harmonia axyridis</i>				Aphids, but also other soft-bodied insects, including mites, white flies Status: Least Concern	✓
Orange Pine Tortrix <i>Lozotaeniodes formosana</i>				Scots Pine Status: Least Concern	✓
Marbled Minor <i>Oligia strigilis</i>				Grasses Status: Least Concern	✓
Silver Y <i>Autographa gamma</i>				Bedstraws, Clovers, Common Nettle, Garden Pea Cabbage Status: Least Concern	✓
Common yellow-faced Bee <i>Hylaeus Communis</i>				Nectar and pollen from flowers Status: Least Concern	✓
Swollen-thighed beetle <i>Oedemera virescens</i>			Female 	Pollen from a wide range of flowers, according to NatureSpot and Wikipedia. Larvae feed on the stems of plants like Ragwort Status: Least Concern	✓
Meadow Grasshopper <i>Pseudochorthippus parallelus</i>				Grasses and sedges, but their diet may include other plant material like forbs, pollen, fungi, and even arthropod parts Status: Least Concern	✓
Red-legged Shieldbug <i>Pentatoma rufipes</i>				This species is the only shield bug which overwinters as young larvae, which feed mainly on Oak, Alder, Hazel and other deciduous trees Status: Least Concern	✓

Name	Overhead view	Ref from site	Early life stage	Foodplants	Foodplant present on site
Black plant bug <i>Caspius ater</i>				In grasslands, where it is associated with numerous species of Gramineae. Unlike most capsid bugs, it feeds low down on the stems, rather than on flower spikes and developing grains Status: Least Concern	
Miridae plant bug <i>Deraeocoris flavilinea</i>				Sycamore and Field Maple Status: Least Concern	
Grass Fly <i>Chloropidae indet</i>				Grasses Status: Least Concern	
Trivial plant bug <i>Closterotomus trivialis</i>				Adults feed on buds and young flowers. Larvae feed on understory herbaceous plants Status: Least Concern	
Common damsel bug <i>Nabis rugosus</i>				Beneficial insect found in grassy habitats. These bugs are predatory, feeding on other insects, and are considered beneficial in pest control. Status: Least Concern	
Common brown click beetle <i>Athous haemorrhoidalis</i>				The adults live on flowers, eating pollen Status: Least Concern	
Longhorn Beetle <i>Grammoptera ruficornis</i>				Larvae feed on wood of dead twigs Status: Least Concern	
May Bug <i>Melolontha melolontha</i>				This species is an important and nutritious food source for many species. The adults and larvae feed on plants Status: Least Concern	
Green Nettle Weevil <i>Phyllotribus viridaeeris</i>				The larvae are subterranean, feeding on a range of herbaceous roots Status: Least Concern	
Long-horned springtail <i>Pogonognathellus longicornis</i>				It is one of the springtails regularly found to climb tree trunks, sometimes forming an important member of the canopy community. Status: Least Concern	
Broom Seed Beetle <i>Bruchidius villosus</i>				Larvae feed inside the seedpods, and adults feed on pollen, flowers, and stems Status: Least Concern	

Name	Overhead view	Ref from site	Early life-stage	Feeds on...	Foodplant present on site
White-lipped Snail <i>Cepaea hortensis</i>				These snails enjoy a diet of ragwort, nettles and hogweed Status: Least Concern	✓
Copse snail <i>Arianta arbustorum</i>				Herbaceous plants, dead animals and faeces Status: Least Concern	✓
Kentish Snail <i>Monacha cantiana</i>				Field and woodland borders, hedgerows, gardens. Status: Least Concern	✓
Silver Leafhopper <i>Athysanus argentarius</i>				Larvae feed inside the seedpods, and adults feed on pollen, flowers, and stems Status: Least Concern	✓
Common Froghopper <i>Philaenus spumarius</i>				Both adults and nymphs feed on plant sap Status: Least Concern	✓
Leafhopper <i>Eupteryx vittata</i>				Polyphagous - feeds on a variety of plants. Specifically, it is known to feed on the sap of plants like mint & ground ivy Status: Least Concern	✓
Water Boatman <i>Sigara falleni</i>				Algae, detritus, and small aquatic invertebrates like insect larvae and crustaceans Status: Least Concern	✓
Strawberry Seed Beetle <i>Harpalus rufipes</i>				Omnivorous beetle that feeds on both plant and animal matter. It consumes a variety of seeds, including those of strawberries Status: Least Concern	✓
Blue-winged Olive <i>Serratella ignita</i>				Nymphs, are primarily herbivorous, feeding on algae and detritus Status: Least Concern	✓
Candy-striped Spider <i>Enoplognatha ovata</i>				Small insects Status: Least Concern	✓







Spear Thistle



Creeping Thistle



Marsh Thistle



Germander
Speedwell



Meadow Vetchling



White Clover



Dog



Common Carrot



Rum Cherry



Yew



Butt ercup



Yarrow



Wild Cherry



Sycamore



Hawthorn



Black Medic



Lime



Ash & Ivy



Cinnabar moth



Small Heath



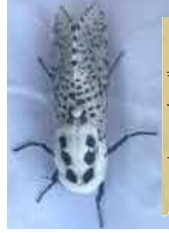
24 spot ladybird



Common yellow-faced Bee



White Ermine moth



Leopard moth



Bird cherry Ermine



Poplar Hawk moth



May Bug



7 spot ladybird



Swollen-thighed beetle



Common Swift moth



Brown Click Beetle



White Satin



Longhorn Beetle



Light Brown Apple Moth



Harlequin ladybird



Meadow Grasshopper



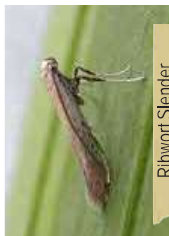
Green Nettle Weevil



Long-horned springtail



Common White Wave



Ribwort Slender



Mottled Beauty



Scarlet Tiger



Red-legged Shieldbug



Blue bordered carpet



Rufous Marble



Buff-tip



Trivial plant bug



Treble brown spot



Ringlet Butterfly



Silver Y



Buff-tailed bumblebee



Copsie Snail



Double Square-spot



Dark Strawberry Tortrix



Buff Ermine moth



Brimstone moth



Miridae plant bug



Yellow-banded Longhorn



Burnished brass moth



Common Wainscot

Glenfall way ANOB Invertebrates Survey | June 2025



Analysis

Different moths emerge throughout the year, and this is just from two nights over two weeks in June. To get a true picture of what may be living here monthly surveys, would need to be done throughout a calendar year.

I found one rare moth, which is currently being verified and one near threatened moth. Although everything else present on this occasion is classified as least concern, the overall picture for insects is bleak. We have seen a general downward trend in numbers of insects. Some surveys indicating a 60-78% drop in flying insect numbers over the past 20-25 years. Bugs Matter Survey: This survey, led by Kent Wildlife Trust and Buglife, found a 64% decline in insect numbers sampled on vehicle number plates between 2004 and 2022

Over 97% of the UK's species-rich grassland has been lost in less than a century and it now covers just 1% of land. Source: <https://www.plantlife.org.uk> Fragmentation & degradation of habitats is a major factor in insect declines.

Insects are at the base of many food chains, and their decline can disrupt the entire ecosystem. The decline in insect populations can contribute to the overall loss of biodiversity, making ecosystems more vulnerable.

Butterflies specifically have seen steep declines, and Butterfly Conservation has declared a Butterfly emergency. The State of the UK's Butterflies 2022 report found that 80% of butterfly species in the UK have decreased in either abundance, distribution, or both since 1976. The State of Britain's Larger Moths 2021 report found that over two-thirds of common and widespread larger species (macro-moths) declined in the last 50 years. These losses in abundance were much greater in the southern half of Britain than the north.

I found 5 species of butterfly in large numbers indicating resident populations. 81 species of moth and 31 other inverts, which indicates an important insect population for in this area.

Impact

Impact on Food Security: Insects play a crucial role in pollination, and declines in insect populations can lead to reduced crop yields and potential food shortages.

Ecosystem Impacts: Insects are essential for the functioning of ecosystems, supporting food chains, nutrient recycling, and pest control.

3, Natton Cottages,
Ham Lane,
Charlton Kings,
Cheltenham.
Gloucestershire.
GL52 6NJ

23rd June 2025

Cheltenham Borough Council,
PO Box 12,
Municipal Offices,
The Promenade,
Cheltenham,
GL50 1PP

Attn:- Planning Officer.

**Re:- Planning Ref:- 25/00650/OUT - LAND ON THE SOUTH SIDE OF GLENFALL WAY
CHARLTON KINGS CHELTENHAM GLOUCESTERSHIRE - OBJECTION**

Dear Sir / Madam,

I confirm my **Objection** to the above Planning Application for this valuable natural area in the AONB / Cotswold National Landscape.

The some 70+ letters already submitted – some with a lot of detail as to why this application must fail and the rest, so far all, also objecting as am I, because the proposal is a very bad one for the area.

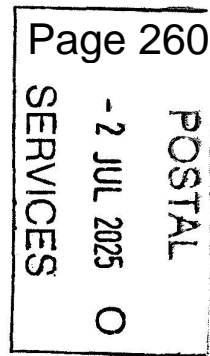
Other correspondents have noted potential disruption and reduction of long term for parking on the street for vehicles going to the school as well as an increase in traffic that this site would bring. The narrow roads especially Mill Lane would also see an unwanted increase in traffic.

It is clear that this is a ‘try it on again’ application given the previous rejections and must be treated in exactly the same way.

Yours faithfully,



Ref: 25/00650/OUT



Wadleys Farm,
Ham Lane,
Charlton Kings,
GL52 6NJ
29th June, '25.

Dear Planning Officer,

re: Land on south side of Glenfall Way.

This is the 4th time I have written to the Planning Department in an attempt to prevent developers from trying to intrude upon this field and penetrate the Cotswold AONB in this area.

Once this had occurred, even for 4 houses proposed, there would be no way other potential developers could be refused, bearing in mind that Ham, in the AONB, has many areas where developers could try their luck.

This is an area on the outskirts of Cheltenham frequented in abundance by ramblers, cyclists, horse riders and dog walkers and as a leisure area should remain unspoilt for future generations to enjoy.

The sweeping view from the top of Ryeworth Road across the Glenfall field

to the hills beyond, isPage 261uty to behold and ANY development would be catastrophic to this view, and certainly not enhance the beauty of this part of the A.O.N.B.

Any further traffic caused by this proposed development would be a great danger to local road users, Ryeworth Road is at saturation point in terms of vehicles, and daily there are well over 50 cars parked along Glenfall Way and Ham Road, morning and evenings associated with the school. Indeed, cars are parked outside the field in question at these times. Heavy skip lorries add to the congestion from Steven's transport but that business has been there for years & years & should not be put in jeopardy by housing development next door.

Three proposed developments have already been refused by Cheltenham Borough Council - on Appeal, so I trust that this latest application will be refused too. The Inspector's report stated that "significant harm" would be done to the A.O.N.B. through "the change of character and appearance" - surely that is enough reason to maintain the status quo and refuse this development too?

Cheltenham Borough Page 262 it has always been mindful in its protection of the AONB on the outskirts of Cheltenham, and my hope is that they will continue to be so in refusing this application.

Thank you for the opportunity to give my views.

Yours faithfully,

A solid black rectangular box used to redact the signature of the sender.

140 Ryeworth Road
Charlton Kings
Cheltenham,
GL52 6LY



6 June 2025

Mrs Lucy White
Planning Officer
Planning: Places and Communities
PO Box 12, Cheltenham Borough Council
Municipal Offices, Promenade
Cheltenham GL50 1PP

Dear Mrs White,

RE: OUTLINE PLANNING APPLICATION, GLENFALL WAY (REF. 25/00605/OUT)

In response to the letter of 2 June 2025 from the Head of Development Management, Enforcement and Compliance, I would like to register the strongest possible objection to the application for outline planning permission to erect '4 self-/custom-build dwellings (Class C3)' on 'Land On The South Side Of Glenfall Way, Charlton Kings' – the field adjacent to Glenfall Primary School.

I would like to provide a brief background to previous attempts to develop on this field to put this new proposal in context, as it may help those who wish to comment but are unaware of that 'history'.

Some background

Along with other concerned residents and regular visitors to the area, I wrote in 2007 in opposition to the originally proposed scheme of the Exeter-based Strategic Land Partnerships (SLP) to build 44 houses, (reduced to 34 for the High Court appeal case). A principal reason for objection was the fact that the land/field in question is part of the Cotswold Area of Outstanding Natural Beauty (AONB) with national, as well as local recognition. We also made our views felt at SLP's exhibition in the neighbouring primary school, at local demonstrations with national political representation, and meetings, as well as at the council meetings where the original and revised appeal proposals were discussed and finally rejected.

At that time, we made the point that a development of the scale proposed and at that precise location along Glenfall Way – very close to the junction with Ryeworth Road, and adjacent to the primary school – would not only have adverse traffic and infrastructure implications but also harmful to the site proposed for it and its environs, and would not harmonise well with the character of the surroundings. In my letter, I drew attention to the fact the proposed site is designated as greenfield and should remain so, and that it is part of (Cheltenham's small portion of) the AONB.

Following the rejection of the original proposal, we continued to speak out, act and write

in opposition to the subsequent proposal of 94 houses for the appeal, which was ultimately also dismissed.

2015 (15/00025/OUT)

Six years after those events, I heard rumours in late summer 2014 of a new proposal – at the time of an emerging Joint Core Strategy (JCS), following the draft consultation of October 2013. We then discovered that SLP did indeed intend to make a further attempt and that the previously proposed schemes had been tweaked to try to address the points on which they were dismissed. They reduced the number of houses to 16, and produced a design and site layout which they were claiming would allow uninterrupted views of the hills beyond.

We were then invited in November 2014 to an exhibition at the neighbouring Glenfall Primary School. Warning was scant, yet residents and others attended in force. As with the exhibition years previously, I tried to put my misgivings on hold, find out more and listen carefully to what was being proposed. I then submitted a letter to Planning dated 2 February 2015 to add to others to raise my objections to the proposals and explain my grounds for them. The application was later withdrawn.

2016 (16/01789/FUL)

The developers then submitted a new application for four large houses on the same field as the previous proposals, which was subsequently rejected.

2025 (25/00650/OUT)

We were once again dismayed to receive news at short notice of this new application to build on the field. The developers (still based in Exeter, but with a new name) say that leafleting and doorstep consultation took place to raise public awareness of this. This may be the case, but I certainly did not receive a leaflet and do not know of anyone consulted in my vicinity – I live a stone's throw from the field. However, some of my neighbours who also live near the Ryeworth Road / Glenfall Way junction and I have received letters dated 2 June 2025 from the council, informing us of the deadline of 23 June for submission of comments/objections. This is a very short deadline for those younger residents who work full-time and have busy lives, so may not find time to comment if they so wish. Thankfully, Councillor Chris Day for one has pledged his support and helped raise awareness in the area, as he did for the proposal for the neighbouring field opposite Ham Close, which was rejected, but this has been appealed.

Comments

I have used the term 'AONB' (Area of Outstanding Natural Beauty) throughout, which seems acceptable as those putting the case for the scheme use it, although I am fully aware that the AONB has been renamed the 'Cotswold National Landscape' in 2020.

In my view, the 2025 proposal is flawed in concept and wholly inappropriate for this site, and environment. It is undesirable for local residents and members of the wider community who frequent this area, some of whom are already expressing their opposition. This opposition is rooted in a real love of the area's special (and supposedly protected) qualities and concern for where planning permission for it could lead.

Threat to AONB

Since the field concerned falls within the Cotswold AONB, it is totally unsuitable for the proposed housing scheme. This viewpoint, upheld by Cheltenham Borough Council speakers in the planning meeting that turned down SLP's original planning application, still holds true today. As AONBs are nationally designated with the highest level of protection from harm to their natural beauty, the integrity of this AONB should under no circumstances be compromised. In my opinion, four large self-/custom-build houses – the decisions on which are to be primarily taken by the buyers with little guarantee at this stage about their final appearance – would do just that.

In previous letters I wrote that there are a number of very important reasons why the AONB should continue to be strictly enforced and not subject to piecemeal erosion, for example, the policies for protection in the National Planning Policy Framework (NPPF), and Gloucester, Cheltenham and Tewkesbury Joint Core Strategy.

Cheltenham's Borough Council's Saved Policy CO2 states that, 'Development which would harm the natural beauty of the landscape within the AONB will not be permitted'. Cheltenham Borough Council refused on landscape grounds not only the 2008 application, but also one submitted back in 1980; and both were dismissed on appeal on AONB landscape grounds, despite the Council experiencing housing shortfalls. In 2008, the Inspector said: 'I have no doubt that the current proposal would result in significant harm to the AONB through the change of character and appearance that would be the inevitable consequence of residential development on this site, however carefully designed and landscaped... I do not consider that the site can be considered suitable for housing'. This decision was upheld by the High Court.

The measures that are in place precisely to provide protection for this valued area require that other, more appropriate, land should be found for such a development. If this proposal is allowed to go through, it would make a mockery of those measures. I find it difficult to believe that all the derelict land, brownfield land or more appropriate greenfield options has been exhausted. The current proposal is speculative, open-market housing on greenfield land, when brownfield land should be developed first. The land has not been allocated for housing in Cheltenham's plans and a report which singles out this site as having 'capacity' for development has not been validated at inquiry.

These would be four large houses located on the part of the site nearest to the road, therefore close to and highly visible (despite the mitigations described in the documents) from the road. The visual impact of these houses – in my view of a design neither in keeping nor blending in with the surroundings – will be considerable. Indeed, as previously mentioned, the design and materials documented which are far from guaranteed to be used, would be contrary to Cotswolds Conservation Board Policy DTP1, which requires that development should be compatible with the distinctive character of the location and designed to respect local building styles and material. The proposers do not appear to have a high opinion of these local styles, as they describe surrounding properties as 'of little architectural interest'!

I believe that this proposal would still significantly impact upon, and be inconsistent with, the aims of the AONB designation. I understood previously that under the Cheltenham Plan, four sites were classified low to medium risk regarding building development and that 1/3rd of the Glenfall field has been classified thus, with the other 2/3rds classified as high risk. I imagine that is the reason for the adjustments or revisions of previous

proposals, although it is difficult to see why such a relatively small field should have different risk levels.

On several occasions at the time of the Joint Core Strategy consultation, I made my views known about protecting this sensitive fringe of the AONB, and I still believe that further development here on the edge of Ham would represent a dangerous precedent and 'nibbling away' of the AONB. If this new scheme were built, it would become harder to oppose future erosion of the AONB – particularly here where, at the start of the Cotswolds AONB, it is clearly most vulnerable – leading in turn to increasing urbanisation of this unique area on the edge of Charlton Kings.

There is emphasis in the current documents on how, although the proposal 'adds a residential element to an existing pastoral field', the 'Cotswold AONB site is perfectly suited for a material palette which will blend the buildings into the landscape and exude a contemporary pleasing aesthetic at the same time'. In addition, it states that it believes 'the development will not detract from the AONB and some aspects (public path and landscape management) will create a betterment to the site and for the community'. These points are highly debateable and, may I suggest, the AONB would benefit much more from being left to its own devices to fulfil the purpose for which it was designated.

The reasons for these historical rejections remain unchanged. To quote a comment made previously: 'The AONB should have the highest level of protection from development, alongside that for a National Park, and this was the primary reason behind previous schemes being rejected and withdrawn'. As Ministers stated and two previous Inspectors then judged, a shortfall of housing is not a good enough reason to encroach on the AONB.

Site and scheme suitability

While boxes are ticked in the documentation to fit local authority requirements for housing provision and policy, and while these requirements are pressing and laudable, this latest proposal is only valid if genuine, in-depth consideration is also being given to whether their housing scheme is compatible with the proposed environment and the practical consequences of it being built. Lip service may be paid to provisions and credentials such as sustainability and housing need but, on the latter point, given the size of the houses I doubt they will tick the affordable housing box.

The proposal is credited with making 'more efficient use of a currently under-utilised site'. If the field is indeed 'under-utilised', it is certainly providing well-established habitats for a range of wildlife and considerable amenity value to humans. In those important ways, it is far from unproductive as a 'mere' field in the designated AONB. The proposed development is deemed to be 'a carefully designed scheme which responds to the constraints of the site and sensitively respects the character of the adjacent buildings and the AONB'. In my view, the proposed plots do neither and it is probable, on past form, that the developers will not stop at those four houses. That would be a disaster not only for this field and this immediate area, but also for other local parts of the AONB. It is important to bear in mind also the ongoing appeal over the rejection of the proposal for five self-build properties on the neighbouring field opposite Ham Close, which received a huge public response.

On those grounds alone, I dispute most strongly the assertion that the site is suitable for housing development, but there is also the impact on a delicate ecosystem, the road

system and flood risk to consider. Can these be so easily dismissed by the outlined mitigations?

Specifically on the site location, the roads around it are exceptionally busy already, if not chaotic at peak times, as is parking, which is downright dangerous near the 'T' junction' at busy times for the primary school right next door to the field in question. The access road proposed for the site will absolutely cause havoc right next to what can already be a very tricky (and hilly) junction to negotiate. The junction at the bottom of Glenfall Way with the A40 is rarely easy and the Ryeworth Road option to the A40 is probably more so. In the other direction is a recognised 'rat run' for all sorts of traffic, often heavier than advised, to avoid the A40 to/from town.

It is likely that the local water course (Ham Brook) would be affected, as it would have to pick up the run-off from the hard surfaces of this scheme, and it is already under pressure in times of storm surge. One hopes the mitigations outlined would be sufficient to counter that on this site.

The land is outside Cheltenham Borough Council's Principal Urban Area and has not been allocated for housing, either under the Council's old (Local Plan Policy CO2) or under the Joint Core Strategy, which has stated previously that the AONB is inappropriate for urban extensions. Furthermore, this is not preferred brownfield land but rather greenfield/agricultural land.

As the whole field is included within the development area in the application, the wording is not precise enough to confirm that in the long term no further built development is envisaged. The legitimate fear is that, should residential permission be granted for the houses on this part of the field, the rest of the site might be open to a revised application for more and this would be made easier by this precedent. In short, there is no guarantee that what is proposed will not change down the line or risk further incursions into this unique Cheltenham setting.

It is highly debateable that the size and scale of these 'high-quality homes' are suitable for the location and site, and that they would 'enhance the character of the existing site' – which, as stated, is home to a wide variety of species and provides much amenity value as green space for locals and visitors alike, providing wide views of the escarpment beyond uninterrupted by housing.

These four, very large houses are far beyond the scale of almost all buildings/homes in the surrounding area. It is also difficult to see how they can 'respect the privacy and residential amenity of neighbouring properties', which would obviously not benefit at all from the close disruption, noise and pollution of construction and then the activities of occupation. Indeed, those of us with homes close to the site would all suffer.

Finally, but importantly, the large size and small number of houses clearly shows that they are not designed to respond to the government's call for more affordable housing.

Self-build implications

While they are at pains to stress that plot parameters have 'some flexibility in the material choices for the owners to have design input for their personal plot', elsewhere they state that such a home 'is built to the plans or specifications decided by the occupant' and that in such cases 'relevant authorities must be satisfied that the initial owner of the home will have primary input into its final design and layout'.

No mention is made of controls, checks and balances to guarantee that the individual plots once built will present a harmonious whole, nor can there be any certainty that the plots will be built as per the designs presented. Indeed, they state that custom build, 'involves the construction of homes, of all types and sizes, on serviced multiplot sites... This may involve an element of DIY build or self-finish or can be full construction and finish of the home as specified by the home buyer'. There is also an admission that the provision of self-build and custom housebuilding plots is a departure from the development plan, saying that due to their 'significant social and economic benefits', such provision is now increasingly supported to 'justify departure from the development plan as a common theme in relevant appeal decisions'. This hardly seems a positive.

Community 'benefits'

Documentation states that currently 'the public has to walk on the 'precarious single lane track which is used by numerous large trucks and farm equipment to service Ham Villa Farm from Glenfall Way'. I'd point out that most people who walk down this track do so primarily to access the footpaths in the field beyond, in theory far more 'precarious' than this side road. Mention is made of the large trucks etc. which use this track, but they do not specify that these are mainly the very frequent Stevens' skip lorries which use the lane all day. Clearly an improved track would benefit Stevens, but probably not future buyers, who will be hearing these noisy trucks at close quarters day in/day out.

The proposed access 'is still to be determined in detail', but the material impact on roads, traffic and road safety must be carefully considered. My own road has managed to hang on to its varied character and quality as a place to live despite the increasing and long-term pressures of parking, traffic flow and road surfacing problems, as well as the building of much infill housing in very cramped conditions. But despite the small number of houses proposed, the knock-on effect of access, additional traffic and parking will still put unacceptable strains on Glenfall Way and Ryeworth Road.

There would be also an adverse impact on pedestrian and driver safety on an increasingly busy road near the school. I live near the already busy Ryeworth Road/Glenfall Way T-junction and the prospect of further congestion/queuing there and further on, at junctions with the A40 (which are ill-equipped to cope with further volumes of traffic), is frankly concerning.

Local character

This is one of the increasingly few areas of Cheltenham that reflect real character, in the 'foothills' of the Cotswold scarp on the approach to the Cotswold Way and its highest point on nearby Cleeve Hill. It manages to retain something of the Charlton Kings village feel and historic character, while still allowing accessibility to the town. It is a rare combination that has long attracted residents and visitors to the area, because it is an uncluttered part of Glenfall Way and oasis of calm, providing recreation and relaxation opportunities on the edge of the busy town and residential roads nearby.

We residents treasure living in this beautiful corner on the fringe of Cheltenham, but now wonder if, once again, we are living on borrowed time. It is far from being all about us though – the area's high visual and amenity value makes it a destination for the wider community too, who enjoy relaxing walks along Glenfall Way, often en route to Ham Green, Ham Hill, Mill Lane and Aggs Hill for family outings, strolls, hikes, cycle rides,

jogs, dog walking etc. with, at present, unobstructed views to the hills beyond. If the Exeter-based developers' scheme is permitted, it could open up the floodgates to the development of other fields in Ham, and then in other AONBs.

Local opposition

All the attention and concern of local councillors, residents and other supporters over the years up to this point has focused on sensible, well-reasoned arguments in robust opposition to all these proposals. This tireless watchfulness reflects our deep-rooted love of the precious AONB on our doorstep. If the green lung along this part of Glenfall Way were lost, with all its current community and wider benefits, and its protection as part of the AONB, it will be gone for ever and things are very unlikely to stop there. These four large houses would only be within the purchasing power of a few and are therefore not at all designed to help current housing shortages. They are of a design and scale insensitive to the local context and therefore would not benefit the community in any way. Quite the opposite. They would benefit only the developers in terms of profit and in the face of the irreversible damage caused to the edge of an AONB needed and highly prized by many, a damage that would create a very dangerous precedent.

Thank you for considering these points and I urge you most strongly to turn down this current outline planning application.

Yours sincerely

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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

October/November 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/ADV1
Eldon Villa 11 Leckhampton Road Cheltenham Gloucestershire GL53 0AX	Proposed roof alterations including two dormer windows and first floor rear extension. (Revised application for 25/00476/FUL).	Delegated Decision	Written representation (Householder)	n/a	Planning Ref: 25/00972/FUL Appeal Ref: 25/00017/PP1

Appeals Decided

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

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

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

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

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

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

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

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

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

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

10 Selkirk Street	Erection of 1no. three storey self-build dwelling on land adjacent to 10 Selkirk Street	Committee Decision	Written representation	Appeal Dismissed	Planning Ref 22/01441/FUL Appeal Ref: 23/00030/PP1
Eagle Star Tower Montpellier Drive Cheltenham Gloucestershire	Application seeks confirmation that works undertaken in accordance with a previously approved change of use under Class J, Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 ref: 15/01237/P3JPA enables the rest of the conversion to lawfully continue at any stage	Delegated Decision	Written Representation	Appeal Dismissed	Planning Ref: 23/01347/CLPUD Appeal ref: 23/00031/PP1
12 Pilford Road Cheltenham	Erection of a Garden Room	n/a	Written Representation (Enforcement)	Appeal Dismissed	Planning ref: 23/00001/DCUA Appeal ref: 23/00025/ENFAPP

Harwood House 87 The Park Cheltenham Gloucestershire GL50 2RW	Proposed replacement of brick boundary wall with an overlap wooden feather-edge fence (retrospective)	Delegated Decision	Written Representation	Appeal Dismissed	Planning ref:23/00929/FUL Appeal ref: 24/00010/PP1
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44 Springfield Close The Reddings Cheltenham Gloucestershire GL51 6SF	A wooden 1 metre tall front fence with open slats around front garden with a post sheath on corner to prevent possible damage and reflectors put on posts to add awareness. (Retrospective) Resubmission of 23/01086/FUL	Delegated Decision	Written Representation	Appeal Dismissed	Planning ref: 23/01566/FUL Appeal Ref: 24/00008/PP1
Hilltop Stores Hilltop Road Cheltenham	Demolition of existing retail unit and erection of 2no. dwellings (revised scheme following withdrawal of application ref. 22/01728/FUL)	Delegated Decision	Written Representation	Appeal Dismissed Costs Application Dismissed	Planning ref: 23/01137/FUL Appeal ref: 24/00007/PP1

278 Old Bath Road	Dropped kerb to provide access from Kenneth Close, and hard standing to facilitate off street parking (Resubmission of planning ref: 23/00481/FUL)	Delegated Decision	Written Representation	Appeal Dismissed	Planning ref: 23/02056/FUL Appeal ref: 24/00009/PP1
21 Glebe Road Prestbury Cheltenham Gloucestershire GL52 3DG	First floor side extension to provide additional bedroom and bathroom accommodation, and alterations to existing dormer (revised scheme following refusal of application ref: 23/01186/FUL)	Delegated Decision	Written Representation	Appeal Dismissed	Planning ref: 23/02033/FUL Appeal ref: 24/00011/PP1
3 Rotunda Tavern Montpellier Street	Retention of temporary canopy structure for two years	Delegated Decision	Written Representation	Appeal Dismissed	Planning Ref: 22/01681/FUL Appeal Ref: 24/00002/PP1

1 Coltham Fields Cheltenham Gloucestershire GL52 6SP	Erection of 1no. two storey dwelling on land adjacent 1 Coltham Fields	Delegated Decision	Written Representation	Appeal Dismissed	Planning ref: 23/00596/FUL appeal ref: 24/00006/PP1
22 Dinas Road Cheltenham Gloucestershire GL51 3EW	Proposed installation of a static home at rear of property.	Delegated Decision	Written Representation	Appeal Dismissed	Planning ref: 24/00637/FUL Appeal Ref: 24/00015/PP1
Stansby House The Reddings Cheltenham Gloucestershire GL51 6RS	Erection of 2no. detached dwellings following demolition of existing buildings	Delegated Decision	Written Representation	Appeal Dismissed	Planning ref: 23/01538/FUL Appeal Ref: 24/00013/PP1
The Forge, Branch Road, The Reddings	Use of land as a caravan site without restriction as to layout or numbers of caravans. (Revised application to 23/00936/CLEUD)	Delegated Decision	Written representation	Appeal Allowed Costs Appeal Allowed	Planning ref: 23/01678/CLEUD appeal ref: 24/00001/PP1
3 Regent Street Cheltenham Gloucestershire GL50 1HE	Retain existing exterior facade paint colour. (Retrospective)	Delegated Decision	Written Representation	Appeal Dismissed	Planning ref: 24/00271/LBC appeal ref: 24/00014/PP1

78 Hewlett Road Cheltenham Gloucestershire GL52 6AR	Steps to be built from basement level to current garden level, change rear sash window for french doors.	Delegated Decision	Written representation	Appeal A and B Dismissed	Planning Ref: 24/00440FUL and LBC Appeal Ref: 24/00017/PP1 and 24/00018/LISTB1
14 Suffolk Parade Cheltenham Gloucestershire GL50 2AB	Proposed demolition of existing stores and officing at rear of 14 Suffolk Parade, and construction of detached 2 bedroom coach house dwelling (with pedestrian access off Daffodil Street)	Delegated Decision	Written representation	Appeal allowed	Planning ref: 24/00079/FUL Appeal Ref: 24/00016/PP1
60 Severn Road Cheltenham Gloucestershire GL52 5PX	Two storey side extension, loft conversion, and front porch (revised scheme following refusal of application ref. 24/00909/FUL)	Delegated Decision	Written representation	Appeal Dismissed	Planning ref: 24/01502/FUL Appeal Ref: 24/00020/PP1

Flat 3 6 Jenner Walk Cheltenham Gloucestershire GL50 3LD	Proposed replacement of existing timber windows with UPVC windows	Delegated Decision	Written representation	Appeal Dismissed	Planning ref: 24/00895/FUL Appeal Ref: 24/00021/PP1
3 Pittville Crescent Lane Cheltenham Gloucestershire GL52 2RA	Proposed wooden garden shed, and retention of new boundary fence (part retrospective)	Committee Decision	Written representation (householder)	Appeal Allowed	Planning Ref: 24/00631/FUL Appeal ref: 25/00002/PP1
9 Pumphreys Road Charlton Kings Cheltenham Gloucestershire GL53 8DD	Proposed two storey and single storey rear extension	Delegated Decision	Written representation	Appeal Allowed	Planning Ref: 24/01667/FUL Appeal Ref: 25/00001/PP1
2 Kingscote Road East Cheltenham Gloucestershire GL51 6JS	Proposed dormer roof extension to existing garage to convert into ancillary bedroom accommodation.	Delegated Decision	Written representation	Appeal Dismissed	Planning ref: 12/01703/FUL Appeal Ref:25/00007/PP1

Little Duncroft Evesham Road Cheltenham Gloucestershire GL52 3JN	Change of use of garage building as a standalone residential property. Retention of external cladding, easterly facing window, roof lights and boundary fencing (part retrospective), (Resubmission of planning application 23/01739/FUL).	Committee Decision	Written representation	Appeal Allowed	Planning ref: 24/00471/FUL Appeal Ref: 24/00019/PP1
70 Promenade Cheltenham Gloucestershire GL50 1LY	Erection of various signage (3no. logos, 1no. clock sign, 1no. door handle sign and 1no. projecting sign).	Delegated Decision	Written Representation	Appeal A Dismissed Appeal B Dismissed	23/01325/ADV and 23/01325/LBC Planning ref: 24/00022/LISTB1 24/00023/ADV1
Little Duncroft Evesham Road Cheltenham Gloucestershire GL52 3JN	Unauthorised building and use	n/a	Written representations (Enforcement)	Enforcement appeal now withdrawn.	Enforcement Ref 24/00103/DCBPC Appeal Ref: 25/00005/ENFAPP

Rotunda Tavern Montpellier Street Cheltenham Gloucestershire GL50 1SX	Air conditioning unit to rear of building and unauthorised canopy	n/a	Appeal Inquiry (date 14 th October 2025) Enforcement notice now withdrawn 02.07.25	Enforcement notice now withdrawn	Enforcement ref: 23/00139/DCUALB Appeal Ref:25/00011/ENFAPP
Calder Greenway Lane Charlton Kings Cheltenham Gloucestershire GL52 6LB	Roofing works for roof for Calder and Crossways flats.	Delegated Decision	Written Representation	Appeal Withdrawn 09.07.25	Planning ref: 24/01798/LBC Appeal Ref: 25/00010/LISTB1
44 Springfield Close The Reddings Cheltenham Gloucestershire GL51 6SF	Erection of 1 metre high fence to side boundaries of front garden (revised scheme to previously refused application ref. 23/01566/FUL) (retrospective)	Delegated Decision	Written representation	Appeal Dismissed	Planning Ref: 24/00828/FUL Appeal Ref: 25/00008/PP1
Holly Blue House London Road Charlton Kings Cheltenham Gloucestershire GL54 4HG	Proposed first-floor extension.	Delegated Decision	Written representation	Appeal Dismissed	Planning Ref: 24/01692/FUL Appeal Ref: 25/00003/PP1

Land Opposite Ham Close And Adjacent To Ham Road Charlton Kings Cheltenham Gloucestershire	Outline application for the erection of up to 5no. self build dwellings and associated infrastructure, with all matters reserved for future consideration.	Delegated Decision	Written Representation	Appeal Dismissed	Planning Ref: 24/01123/OUT Appeal Ref: 25/00006/PP1
5 Merriville Gardens Cheltenham Gloucestershire GL51 8JD	Proposed alterations and extensions to existing house (part retrospective).	Delegated Decision	Written Representation	Appeal Dismissed	Planning Ref 24/01900/FUL Appeal Ref 25/00004/PP1
52 River Leys Cheltenham Gloucestershire GL51 9RY	Erection of a single dwelling, alongside a parking area, private amenity space and landscaping, alterations to a single dwelling driveway and private amenity space.	Delegated Decision	Written representation	Appeal Allowed	Planning ref: 25/00245/FUL Appeal Ref: 25/00009/PP1

REPORT OF THE HEAD OF DEVELOPMENT MANAGEMENT, ENFORCEMENT AND COMPLIANCE ON PLANNING APPEALS AND LEGAL CHALLENGES

LEGAL CHALLENGES

Address	Description	Reference	Reason
Telecommunications Mast Site CLM26627 Lansdown Road Cheltenham Gloucestershire	Installation of 15m pole inc. antennas, ground based apparatus and ancillary development	23/00551/PRIOR	Alleged lack of consideration of health grounds in granting Prior Approval

Authorised By: Chris Gomm 11th November 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 Roæ	Written	26.09.2024	03.10.2024	31.10.2024	14.11.2024	Allowed	06.06.2025			
24/01502/FUL	24/00020/PP1	60 Severn Road, Cheltenham	HAS	20.11.2024	27.11.2024			Dismissed	14.03.2025			
24/00895/FUL	24/00021/PP1	Flat 3, 6 Jenner Court	Written	26.11.2024	03.12.2024	03.01.2024	17.01.2024	Dismissed	26.03.2025			
23/01325/LBC	24/00022/LISTB1	70 Promenade Cheltenham	Written	04.12.2024	11.12.2024	08.01.2025	22.01.2025	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 Rd	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							
25/00972/FUL	25/00017/PP1	11 Leckhampton Road	HAS	27.10.2025	03.11.2025							

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