

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

RECOMMENDATION: Permit Subject to S.106



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1. DESCRIPTION OF SITE AND PROPOSAL

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

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

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

Relevant Planning History:

24/01067/PREAPP 10th July 2024 CLO

Construction of two dwellings in garden of existing house.

02/00536/CACN 8th May 2002 NOOBJ

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

09/01848/CACN 4th January 2010 NOOBJ

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

11/01143/FUL 5th October 2011 PER

Demolition and reconstruction of garage

14/00310/CACN 27th March 2014 NOOBJ

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

79/01280/PF 18th September 1979 PER

Conversion of property to 2 no self contained dwellings

79/01281/PF 11th December 1979 PER

Outline application to erect single storey dwelling

23/01667/CACN 6th October 2023 NOOBJ

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

T2: Ash: remove to ground level.

3. POLICIES AND GUIDANCE

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

Adopted Cheltenham Plan Policies

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

Adopted Joint Core Strategy Policies

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

Supplementary Planning Guidance/Documents

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

4. CONSULTATIONS

See appendix at end of report

5. PUBLICITY AND REPRESENTATIONS

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

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

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

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

6. OFFICER COMMENTS

6.1 Determining Issues

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

6.3 Planning history and site context

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

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

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

6.7 Principle

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

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

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

6.10 As the council cannot currently demonstrate a 5-year housing land supply, paragraph 11 d) is applicable to this application. Paragraph 11 d) states that permission should be granted unless:

- i) The application of policies in the Framework that protect areas or assets of particular importance provides a strong reason for refusing the development; or
- ii) Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework.

6.11 JCS policy SD10 relates to residential development and advises how housing development and conversions to dwellings will be permitted on previously developed land in the Principal Urban Area (PUA). The application site is located within a built-up area of Cheltenham, adjacent to existing residential development, with access to local amenities and public transport links. The site is therefore in a highly sustainable location, is considered to be appropriate for residential development and is compliant with adopted JCS policy SD10.

6.12 In this instance, the protected asset referred to in 11 d) i) is the designated heritage assets, these being the conservation area and the setting of nearby listed buildings.

6.13 Given the above, there is no fundamental reason to suggest that the principle of a dwelling on this site would be unacceptable, subject to all other material considerations, which are discussed below.

6.14 **Design, layout, landscaping and impact on designated heritage assets**

6.15 Section 12 of the NPPF refers to achieving well designed spaces and states that planning decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.

6.16 Adopted Cheltenham Plan Policy D1 requires new development to adequately reflect principles of urban and architectural design; and to complement and respect neighbouring development and the character of the locality. Furthermore, JCS policy SD4 relates to design, and identifies considerations to include context and character, legibility and identity, amenity and space.

6.17 Further detail can also be found in Cheltenham's Supplementary Planning Document – Development on Garden Land and Infill Sites. This document sets out various elements that are considered to create the character of an area and includes grain, type of building, location of buildings, plot widths and building lines.

6.18 Whilst the existing building is not listed or locally listed, the site is located within the conservation area and is noted as being a 'significant neutral building/space' in the Pittville Character Area Management Plan, as such, policy SD8 of the JCS is applicable to this application. The policy states how 'Designated and undesignated heritage assets and their settings will be conserved and enhanced as appropriate to their significance'. Section 16 of the NPPF also echoes the importance of conserving and enhancing heritage assets.

6.19 The application proposes the subdivision of the existing plot and the erection of a two - storey detached dwelling, located to the south of the existing building (The Garden House), a separate detached garage building is also proposed. The proposed site layout

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

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

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

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

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

6.45 The Section 106 tests state the following requirements:

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

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

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

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

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

6.50 **Sustainability**

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

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

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

6.54 The application is not supported by a sustainability statement however, specific low carbon technologies and sustainability features are detailed on the proposed plans. This includes the addition of solar panels on the southern roof slope of the main dwelling, the use of heat pumps, the installation of a green roof for the new garage and the use of water butts. Officers also note that current building regulations will require the installation of an Electric Vehicle Charging point which will also contribute to the sustainability of the proposal.

6.55 Overall, given the scale of development, which is for one infill residential development, officers welcome the proposed measures and consider the development to be compliant with JCS policy SD3 and the newly adopted Climate Change SPD.

6.56 Flooding and drainage

6.57 The application site is wholly located in flood zone 1 and is therefore not considered to be susceptible to any flood risk. In addition, the site is identified as being at very low risk of surface water flooding as per the Government's long term flood risk mapping.

6.58 Concerns have been raised by various residents regarding the foul and surface water drainage capacity in Wellington Lane and the impact this additional dwelling would have on the existing infrastructure. Comments were received from Severn Trent who requested the submission of further details. The Council's drainage engineer has also reviewed the application and whilst no objection was raised to the development, the officer considered revised/additional information was necessary. The drainage engineer suggested that the surface water should be discharged to the separate connection in West Drive and only the foul should be discharged to the existing combined sewer in Wellington Lane. The full comments of the Council's drainage officer and Severn Trent can be read in full in the appendix at the end of this report.

6.59 Revised plans and a drainage strategy has been submitted, both the Council's drainage officer and Severn Trent have reviewed these details and consider the proposals to be acceptable, subject to a condition which requires the submission, approval and implementation of a SUDs scheme.

6.60 Having secured the revised/additional information, the development is considered to be acceptable in drainage terms and accords with JCS policy INF2.

6.61 Trees

6.62 The application site benefits from a number of established trees, there are also significant trees close to the boundary of the site and in the nearby highway verge. These trees are protected by their position within the conservation area. The tree officer has reviewed the latest plans and raises no objection, subject to the works being carried out in accordance with the tree protection measures specified within the support Arboricultural impact Assessment. An appropriate condition is therefore recommended.

6.63 With the condition attached, the application would be acceptable in terms of impact on trees and therefore complies with Cheltenham Plan policies GI2 and GI3.

6.64 Impacts on Beechwoods Special Area of Conservation (SAC)

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

6.66 Cheltenham plan policy BG1 states that development will not be permitted where it would be likely to lead directly or indirectly to an adverse effect upon the integrity of the

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

6.67 The Council has undertaken an Appropriate Assessment and considers the measures set out in the Mitigation Strategy necessary to provide adequate mitigation to address the impacts of the proposal. With regards to mitigation, the applicant can either enter into a S106 agreement for a contribution to the measures in that strategy or the applicant can provide their own bespoke strategies to mitigate the impacts the proposed development will cause.

6.68 In this instance, the applicant has opted to enter into a S106 agreement and make the contribution of £673 per additional dwelling. As such, the application is considered to be acceptable in terms of SAC mitigation.

6.69 **Bio-diversity Net Gain and Ecology**

6.70 As of 02 April 2024, all minor developments for new housing requires a mandatory 10% Bio-diversity Net Gain and is therefore applicable to this application.

6.71 The Council's ecologist confirms that the proposed development achieves a net loss in area habitats of 10.75% and as such the trading rules have not been met. As the 10% gain cannot be achieved onsite, off-site biodiversity units will need to be purchased. A pre-commencement condition by way of an informative is therefore required. The applicant will need to formally discharge this condition by submitting the relevant application and providing the gains plan which demonstrates that the necessary credits have been purchased.

6.72 The ecologist also confirms that as the development is entirely within the curtilage of a private garden, a Habitat Management and Monitoring Plan (HMMP) and S106 is not required with respect to biodiversity gains achieved by this proposed development.

6.73 With regards to trees, the tree officer has reviewed the application, no objection is raised. New landscaping proposals will be provided and confirmed via the discharge of condition process.

6.74 The Council's ecologist confirms that the on-site enhancement for birds and bats is proposed and supported. A condition is recommended.

6.75 **Other considerations**

Public Sector Equality Duty (PSED)

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

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

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

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

7. CONCLUSION AND RECOMMENDATION

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

8. CONDITIONS / INFORMATIVES

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 6 Prior to the commencement of the development hereby approved the applicant shall submit an Ecological Mitigation and Enhancement Strategy (EMES). This shall include details of the provision of 2No bird, 2No bat, and 1No insect boxes. The bird boxes must include bricks or tiles for swift and house sparrow. The location, specification, height and orientation of these features shall be shown on a site plan.

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

Reason: In the interest of bio-diversity and ecological enhancement having regard to Adopted Joint Core Strategy SD9 and section 15 of the NPPF.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Reason: Any further extension or alteration requires further consideration to safeguard the amenities of the area, having regard to adopted policies D1 and SL1 of the Cheltenham Plan (2020) and adopted policies SD4 and SD14 of the Joint Core Strategy (2017).

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

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

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

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

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

INFORMATIVES

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

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

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

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

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

CONDITION DISCHARGE APPLICATION) TO AND APPROVED BY CHELTENHAM BOROUGH COUNCIL.

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

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

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

Information on how to discharge the biodiversity gain condition can be found here: [https://www.cotswold.gov.uk/planning-and-building/wildlife-and-biodiversity/biodiversity-netgain-bng/30-year Habitat Management and Monitoring Plan templates](https://www.cotswold.gov.uk/planning-and-building/wildlife-and-biodiversity/biodiversity-netgain-bng/30-year-Habitat-Management-and-Monitoring-Plan-templates) can be found here:

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

- 3 The site has protected trees around the periphery of the site, in neighbouring plots and on the street, as such, foundation depths and details must conform to NHBC guidelines to avoid potential damage from subsidence in the future. Building Control should be consulted by the applicant for further details.
- 4 It should be noted that pressure for inappropriate pruning or removal of retained trees will be resisted by CBC in their powers to administer the Conservation Area regulations.
- 5 The applicant obtaining a section 184 licence. The construction of a new access will require the extension of a verge and/or footway crossing from the carriageway under the Highways Act 1980 - Section 184 and the Applicant is required to obtain the permission of Gloucestershire Highways on 08000 514 514 or highways@gloucestershire.gov.uk before commencing any works on the highway. Full Details can be found at www.gloucestershire.gov.uk .
- 6 Sustainable drainage arrangements shall be provided to ensure that surface water from the driveway area does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.

Appendix 1 – Consultee comments

Drainage And Flooding - 11th April 2025

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

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

Drainage And Flooding - 18th March 2025

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

Drainage And Flooding - 17th March 2025

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

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

Drainage And Flooding - 22nd January 2025

Additional information is requested before planning permission is granted.

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

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

Tree Officer - 25th April 2025

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

The Trees Section's previous comments still apply:

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

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

Tree Officer - 13th March 2025

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

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

Tree Officer - 31st December 2024

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

Cheltenham Civic Society - 22nd January 2025

OBJECT

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

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

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

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

CBC Ecologist - 12th March 2025

The Preliminary Ecological Appraisal (PEA) and Biodiversity Net Gain (BNG) Assessment (Sharpe Ecology, March 2025) appropriately describes the ecological features of the site and mitigation required. On-site enhancement for birds and bats is proposed which is supported. The mandatory biodiversity gain condition applies to this development; therefore, a biodiversity gain plan must be submitted prior to commencement if this application is approved. The BNG informative must be added to the decision notice of this planning

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

The mandatory biodiversity net condition has therefore not been met and off-site biodiversity units must be purchased to satisfy this condition prior to commencement of the development should the development be granted planning permission. The biodiversity gain plan required under the statutory biodiversity gain condition must outline how a 10% net gain in biodiversity will be achieved (using the statutory biodiversity metric) and include proof of purchase of off-site biodiversity units from a suitable provider.

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

The following conditions must be applied to the development if it is approved:
Ecological Mitigation & Enhancement Strategy (EMES)

Prior to the commencement of the development hereby approved the applicant shall submit an Ecological Mitigation & Enhancement Strategy (EMES). This shall include details of the provision of 2No bird, 2No bat, and 1No insect boxes. The bird boxes must include bricks or tiles for swift and house sparrow. The location, specification, height and orientation of these features shall be shown on a site plan.

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

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

Soft Landscape Plan

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

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

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

CBC Ecologist - 13th January 2025

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

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

The BNG Assessment and biodiversity metric calculates a 6.16% loss in area habitat units and 71.88% loss in hedgerow habitat units. The mandatory biodiversity net condition has therefore not been met and off-site biodiversity units must be purchased to satisfy this condition prior to commencement of the development should the development be granted planning permission. The biodiversity gain plan required under the statutory biodiversity gain condition must outline how a 10% net gain in biodiversity will be achieved (using the statutory biodiversity metric) and include proof of purchase of off-site biodiversity units from a suitable provider.

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

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

Building Control - 19th December 2024

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

GCC Highways Planning Liaison Officer - 29th April 2025

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

The justification for this decision is provided below.

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

Conditions

Provision of Pedestrian Visibility Splay

The development hereby approved shall not be occupied until visibility splays are provided from a point 0.6m above carriageway level at each side of the vehicular access to the application site and 2.0 metres back from the near side edge of the adjoining carriageway, (measured perpendicularly), for a distance of 2.0m metres in each direction measured along the nearside edge of the adjoining carriageway. These splays shall thereafter be permanently kept free of all obstructions to visibility over 0.6m in height above carriageway level. Reason: In the interests of highway safety for pedestrians and all other users.

Informatives

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

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

GCC Highways Planning Liaison Officer - 27th March 2025

Gloucestershire County Council, the Highway Authority acting in its role as Statutory Consultee has undertaken a full assessment of this planning application. Based on the appraisal of the development proposals the Highways Development Management Manager on behalf of the County Council, under Article 18 of the Town and Country Planning (Development Management Procedure)(England) Order, 2015 recommends that this application is refused.

The justification for this decision is provided below.

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

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

GCC Highways Planning Liaison Officer - 28th January 2025

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

The justification for this decision is provided below.

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

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

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

Policy INF1, 6 and 7 of the JCS all reference cumulative traffic impacts. It is very important that the impacts of smaller, piecemeal development are considered through the development management process and that those sites make a proportionate contribution to resolving these strategic problems. Therefore, the County Council recommends that if the LPA support housing development on this site, it makes a contribution towards the costs of the M5 Junction 10 package of works in line with the contributions that are proposed for nearby strategic sites.

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

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

Cheltenham Civic Society - 26th March 2025

OBJECT

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

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

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

Architects Panel - 3rd February 2025

Design Concept:

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

Design Detail:

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

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

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

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

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

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

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

Recommendation:

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

Gloucestershire Centre For Environmental Records - 20th December 2024

Report available on public access

Severn Trent Water Ltd - 14th April 2025

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

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

Severn Trent Water Ltd - 30th December 2024

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

The Company's observations regarding sewerage are as follows.

Severn Trent requests that any approval be conditioned as follows:

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

Reason

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

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

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

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

Suggested Informative - affected sewers and water mains

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

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

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

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