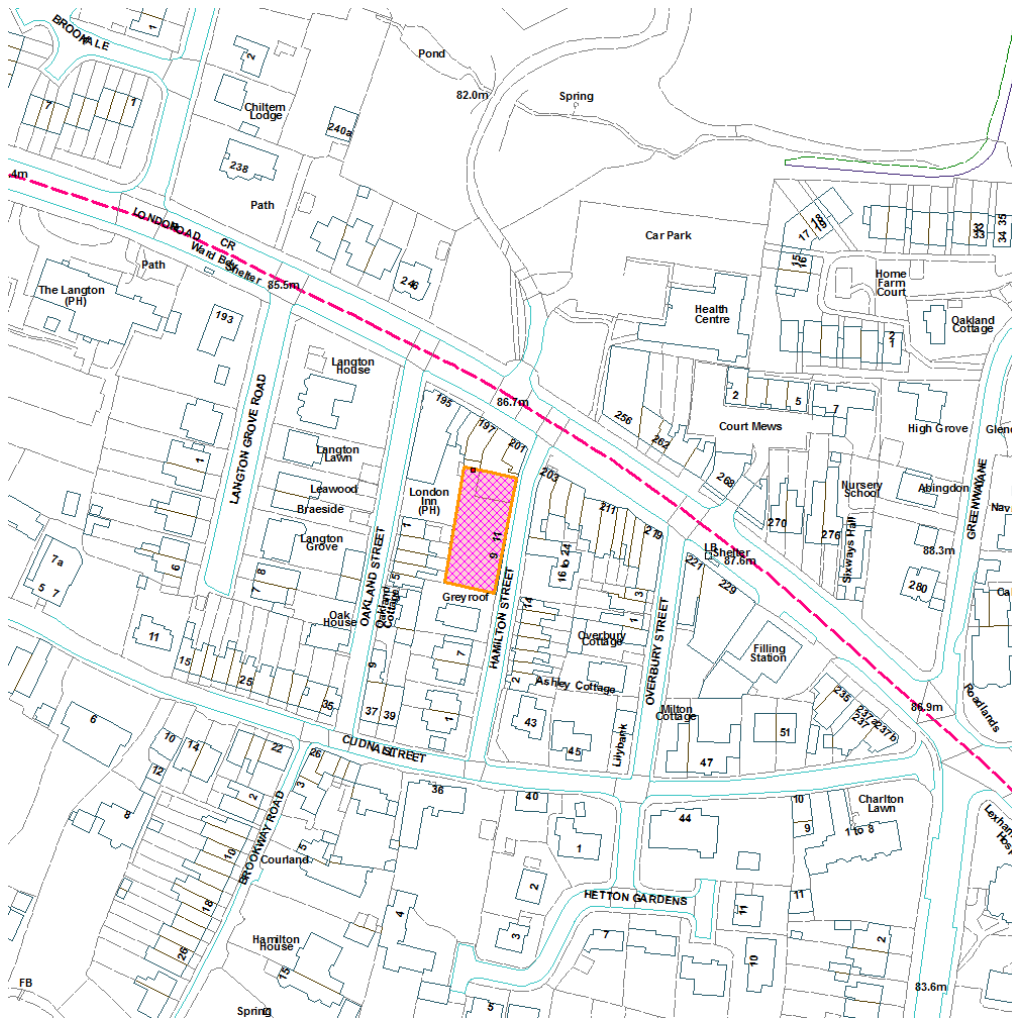


APPLICATION NO: 25/00637/FUL		OFFICER: Michelle Payne
DATE REGISTERED: 17th April 2025		DATE OF EXPIRY: 17th July 2025 (extension of time agreed until 22nd August 2025)
DATE VALIDATED: 17th April 2025		DATE OF SITE VISIT:
WARD: Charlton Kings		PARISH: Charlton Kings
APPLICANT:	Cape Homes (Hamilton Street) Ltd	
AGENT:	BHB Cheltenham Ltd	
LOCATION:	11 Hamilton Street Charlton Kings Cheltenham	
PROPOSAL:	Change of use, refurbishment and alteration of the existing building (Class E) to create 12no. apartments (Class C3).	

RECOMMENDATION: Permit



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site is located on the western side of Hamilton Street, which connects through from Cudnall Street to the south, to London Road (A40) to the north. The site is wholly located within the Principal Urban Area (PUA) and Flood Zone 1, with a small part of the site falling within the Six Ways neighbourhood centre. The site is also located outside of, but adjacent to, the Cudnall Street conservation area, and in proximity to the London Inn, a grade II listed building dating from c1834.
- 1.2 To the rear, the site backs onto Oakland Street, which runs parallel to Hamilton Street, and falls within the conservation area; views of the rear of the building are available from Oakland Street.
- 1.3 The footprint of the existing building now covers the entire site at ground floor, having been altered and extended over the years, with a more limited footprint at first floor. Externally, the building is faced in a mix of brick and render, with a rendered facade to the street, beneath a mix of pitched and flat roofs. The building is in a relatively poor state of repair and currently detracts from the area. The site is devoid of any landscaping.
- 1.4 The building currently benefits from Class E business use and the Planning Statement that accompanies the application states that the site has been in a commercial use throughout its lifetime.
- 1.5 The application proposes the change of use, refurbishment and alteration of the existing building to create 12no. apartments (7no. one bed and 5no. two bed).
- 1.6 An earlier application (ref. 24/01638/FUL) for the demolition of the existing buildings and the erection of 7no. dwellings was withdrawn by the applicant prior to determination.
- 1.7 This application is before the planning committee due to an objection from the parish council; the objection principally relates to the lack of any parking provision for the development.
- 1.8 Members will have/had the opportunity to visit the site on planning view.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Airport Safeguarding over 45m
Principal Urban Area
Smoke Control Order
Neighbourhood Centre

Relevant Planning History:

24/01638/FUL

WITHDRAWN

26th March 2025

Erection of 7no. dwellings off Hamilton Street following demolition of existing buildings and associated works.

3. POLICIES AND GUIDANCE

National Planning Policy Framework 2024 (NPPF)

Section 2 Achieving sustainable development
Section 4 Decision-making
Section 5 Delivering a sufficient supply of homes
Section 8 Promoting healthy and safe communities
Section 9 Promoting sustainable transport
Section 11 Making effective use of land

Section 12 Achieving well-designed places
Section 14 Meeting the challenge of climate change, flooding and coastal change
Section 15 Conserving and enhancing the natural environment
Section 16 Conserving and enhancing the historic environment

Adopted Cheltenham Plan 2020 (CP) Policies

EM2 Safeguarding Non-Designated Existing Employment Land and Buildings
D1 Design
BG1 Cotswold Beechwoods Special Area Of Conservation Recreation Pressure
SL1 Safe and Sustainable Living
GI2 Protection and replacement of trees
GI3 Trees and Development

Adopted Joint Core Strategy 2017 (JCS) Policies

SD3 Sustainable Design and Construction
SD4 Design Requirements
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

Supplementary Planning Guidance/Documents

Development on Garden Land and Infill Sites in Cheltenham (2009)
Cudnall Street Conservation Area Character Appraisal and Management Plan (2009)
Cheltenham Climate Change (2022)

4. CONSULTATIONS

See Consultations Appendix at end of report

5. PUBLICITY AND REPRESENTATIONS

- 5.1 Letters of notification were sent to 32 neighbouring properties, a site notice was posted, and an advert published in the Gloucestershire Echo.
- 5.2 In response to the publicity, 29 representations have been received in objection to the proposals.
- 5.3 The representations have been circulated in full to members, the main concerns relate to:
 - Lack of parking provision / highway safety
 - Increased pressure on local services
 - Design / proposed materials / out-of-keeping
 - Noise
 - Overdevelopment
 - Impact on light and privacy
 - Impact on conservation area

6. OFFICER COMMENTS

6.1 Determining issues

6.1.1 The main considerations when determining this application relate to the principle of a change of use to residential; design, layout and impact on the historic environment; sustainability and climate change; access, parking and highway safety; flooding and drainage; affordable housing and vacant building credit; neighbouring amenity; ecology and biodiversity net gain; and recreational impacts on the Cotswold Beechwoods Special Area of Conservation.

6.2 Principle

6.2.1 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. This is reiterated in paragraph 48 of the National Planning Policy Framework (NPPF) which also highlights that decisions on applications should be made as quickly as possible.

6.2.2 For Cheltenham, the development plan comprises the saved policies of the Cheltenham Borough Local Plan Second Review 2006 (CBLP) wherein those policies are consistent with the NPPF, adopted policies of the Cheltenham Plan 2020 (CP) and adopted policies of the Tewkesbury, Gloucester and Cheltenham Joint Core Strategy 2017 (JCS). Material considerations include the NPPF, and Planning Practice Guidance (PPG).

6.2.3 Paragraph 11 of the NPPF sets out a presumption in favour of sustainable development which in decision-taking means:

- c) *approving development proposals that accord with an up-to-date development plan without delay; or*
- d) *where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*
 - i) *the application of policies in [the] Framework that protect areas or assets of particular importance provides a strong 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 [the] Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.*

Loss of existing employment use

6.2.4 CP policy EM2 seeks to safeguard non-designated land and buildings currently or last in B class employment uses, or Sui Generis uses that exhibit characteristics of traditional B class uses.

6.2.5 In this case, the existing use now falls within Class E and is therefore not captured by policy EM2; the principle of a change of use to a use other than for employment purposes is therefore acceptable.

Proposed residential use

6.2.6 In Cheltenham, the housing policies (those most relevant to this application) are out-of-date as the Council is currently unable to demonstrate a five-year supply of deliverable housing sites (the latest published figure in January 2025 being just 2.52 years), and the 'tilted balance' in favour of granting permission is therefore engaged.

6.2.7 Notwithstanding the housing policies being out-of-date, as previously noted, the application site is sustainably located within the Principal Urban Area, wherein JCS policy SD10 (and the NPPF) supports new housing development on previously developed land. The site is also located within a largely residential area.

6.2.8 Moreover, throughout the NPPF, emphasis is given to new development optimising the potential of the site; policy SD10 also requires new residential development proposals to *"seek to achieve the maximum density compatible with good design, the protection of heritage assets, local amenity, the character and quality of the local environment, and the safety and convenience of the local and strategic road network."*

6.2.9 The proposed development would result in the welcome provision of an additional 12no. housing units in this highly sustainable location and make a valuable contribution to the borough's housing stock; a matter that carries significant weight in the determination of this application.

6.2.10 As such, officers are satisfied that the general principle of a change of use of the site for residential purposes in this location is acceptable. That said, as per above-referenced NPPF paragraph 11(d), it is still necessary to assess whether other policies within the NPPF that protect areas or assets of particular importance (in this case, habitats sites and designated heritage assets) provide a strong reason for refusing the development proposed; or the adverse impacts of supporting the proposals would significantly and demonstrably outweigh the benefits, when assessed against NPPF policies taken as a whole.

6.3 Design, layout and impact on the historic environment

6.3.1 Chapter 12 of the NPPF places great emphasis on the importance of design in decision making, and states at paragraph 131 that *"Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities"*.

6.3.2 Paragraph 135 of the NPPF requires decisions on planning applications to ensure that new developments *"will function well and add to the overall quality of the area...; are visually attractive...; are sympathetic to local character...including the surrounding built environment...whilst not preventing or discouraging appropriate innovation or change (such as increased densities); establish or maintain a strong sense of place...; optimise the potential of the site...; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users"*.

6.3.3 Local design requirements are set out in CP policy D1 and JCS policy SD4, with all new development required to adequately reflect principles of urban and architectural design, to complement and respect neighbouring development and the character of the locality, and to avoid causing harm to the architectural integrity of the building or group of buildings, or the unacceptable erosion of open space around the existing building.

6.3.4 Additional guidance of some relevance to this application can be found in the Council's SPD relating to development on garden land and infill sites, which sets out that various elements combine to create the character of an area and include grain, type of building, location of buildings within the block or street, plot widths and building lines. The SPD at

paragraph 3.5 states that *“Responding to character is not simply about copying or replicating what already exists in an area...but must also allow a place to evolve in a manner which is appropriate...”*.

6.3.5 In addition to the above, JCS policy SD8 requires designated heritage assets and their settings to be conserved and enhanced as appropriate to their significance and is consistent with paragraph 210 of the NPPF that sets out the various factors that local planning authorities should take into account when assessing applications. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 also requires special regard to be given to the desirability of preserving the setting of listed buildings.

Design and layout

6.3.6 The general scale and massing of the building will be maintained, but its external elevations much improved; particularly the front elevation which will present a more visually attractive and sympathetic façade to the street scene. The Planning, Design and Access Statement (DAS) that accompanies the application sets out that the refurbished building has been *“arranged to look linear, fronting Hamilton Street, with private rear gardens backing on to the external garden/amenity space associated with The London Inn and rear gardens/outbuildings to residential properties on Oakland Street”* and that *“The flats will be arranged in a single block form”*. The retention of the stepped form of the existing building, which steps down to single storey to the south, will ensure that a suitable relationship with the adjacent bungalow is maintained. The overall height of the building will be reduced.

6.3.7 The materials used in the external elevations will comprise white smooth render, wood effect cladding board, and Anthracite grey standing seam cladding, with Anthracite grey aluminium/uPVC windows and doors, fascias, and surrounds. All new infill brickwork will match existing. The palette of materials proposed is considered to be appropriate in this context and largely reflects the variety of materials evident elsewhere within the street, resulting in an in-keeping, but more contemporary, visual appearance to the building.

6.3.8 Four of the ground floor flats will benefit from modest outdoor amenity spaces at the rear and, although no on-site car parking is proposed, adequate refuse and recycling, and cycle storage is proposed. The bin store is integral to the building and accessible from the highway.

Historic Environment

6.3.9 From a heritage perspective, given the poor visual appearance of the existing building, and the similar scale and massing of the building as proposed, officers are wholly satisfied that the character and appearance of the adjacent conservation area will at the very least be conserved, but undoubtedly significantly enhanced. The haphazard nature of the existing building, having been added to over the years, will be consolidated and, aesthetically, the building will sit more comfortably within the street scene. The building is in clear need of upgrading. For similar reasons, the proposed development will only have a very limited impact on the setting of the grade II listed London Inn, and will not cause harm to its significance.

6.3.10 Even if one were able to attribute harm to the proposed development, officers are satisfied that it could only amount to ‘less than substantial’ harm and when weighed against the public benefits of the proposal, in accordance with NPPF paragraph 215, any less than substantial harm to the designated heritage assets would be far outweighed by the benefits of the scheme given the significant shortfall in housing land supply within the borough.

6.3.11 As a whole, officers are therefore satisfied that the proposed development is acceptable in term of design and any heritage impacts.

6.4 Sustainability and climate change

6.4.1 In addition to the afore-mentioned design policies, JCS policy SD3 requires new development to be designed and constructed to maximise the principles of sustainability; with development proposals required to “*demonstrate how they contribute to the aims of sustainability*” and “*be adaptable to climate change in respect of the design, layout, siting, orientation...*”.

6.4.2 JCS paragraph 4.4.11 goes on to advise that:

Before considering the use of renewable energy technologies the design of a development should first identify measures to reduce overall energy demand. This can include choice of building fabric and construction techniques, optimising solar gain, natural lighting and ventilation to reduce the need for space heating and/or cooling and lighting. Secondly, the design should include measures to use energy more efficiently such as increasing levels of insulation in walls, floors and roofs and improved air-tightness.

6.4.3 In 2019, Cheltenham declared a Climate Emergency and committed to becoming a carbon neutral council and borough by 2030; the Climate Change SPD was subsequently adopted in 2022 which provides guidance on how applicants can successfully integrate a best-practice approach towards climate change and biodiversity in to all new development proposals.

6.4.4 The policy and SPD reflects advice within the NPPF at paragraph 161 which requires the “*planning system to support the transition to net zero by 2050 and take full account of all climate impacts including overheating, water scarcity, storm and flood risks and coastal change.*”

6.4.5 In this case, the application is supported by a Climate Change Checklist which sets out the measures that will be incorporated into the proposed development. Whilst the measures are limited due to the constrained nature of the site, and the retention and conversion of the existing building, the checklist confirms that high efficiency heating is proposed that will be supported by roof mounted solar PV panels, and all hard surfaced areas will be permeable.

6.4.6 As such, whilst limited, the measures are considered to be an adequate response to climate change matters, and sufficient to demonstrate compliance with policy SD3, the SPD, and the NPPF.

6.5 Access, parking and highway safety

6.7.1 JCS policy 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. The policy reflects advice set out within Section 9 of the NPPF at paragraphs 115-117; paragraph 115 a) requiring sustainable transport modes to be prioritised taking into account the sites location, and paragraph 117 highlighting the need to:

a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use...

6.7.2 From a highways perspective, the access, parking and highway safety impacts associated with the proposed development have been assessed by the Highways

Development Management Team (HDM) at the County Council, and their full comments can be read in the consultations appendix.

6.7.3 On initial review of the application, HDM raised concerns in relation to car parking, and suggested that the density of the scheme be reduced to no more than 9 units, appropriate to the road frontage available. Concerns were also raised in relation to access to the bin store on collection day, and the doors to the bin store opening out over the footway.

6.7.4 The applicant subsequently entered into discussions with HDM and following the submission of revised plans to show bi-folding doors to the bin store, HDM no longer object to the proposals.

6.7.5 With regard to access to the bin store, HDM accept that the *“plans as submitted rely on the drivers of vehicles parking on the highway not parking over a dropped kerb as laid out in the highway code”* and that whilst *“This may lead to inconvenience to occupiers and drivers...it will not lead to unacceptable reduction in highway safety or severe impacts on capacity.”*

6.7.5 HDM also now accept the car free element of the development given the highly sustainable location of the site in close proximity to a wide range of shops, services and facilities, and good links to public transport options; which accords with the policy need to prioritise pedestrian and cycle movements, and facilitate access to public transport options. The scheme proposes a total of 17no. secure and covered cycle parking spaces.

6.7.6 Overall, HDM are satisfied that *“there are no justifiable grounds on which an objection could be maintained”*.

6.7.7 It is also important to acknowledge that the existing established Class E use of the building, if fully operational, would undeniably contribute to traffic and parking issues in the local area.

6.7.8 As such, whilst the parking and highway concerns raised in the objections have been duly noted, given the views of HDM, officers are satisfied that the scheme is acceptable on highway grounds. The suggested condition has been attached, together with an additional condition requiring adherence to the submitted Construction Phase & Environmental Management Plan.

6.6 Flooding and drainage

6.6.1 JCS policy INF2 states that development proposals must avoid areas at risk of flooding, and seek to minimise the risk of flooding. It goes on to state that new development should, where possible, contribute to a reduction in existing flood risk, and that new development should incorporate Sustainable Drainage Systems (SuDS) where appropriate.

6.6.2 As previously noted in the introduction, the site is located within Flood Zone 1 and in an area at a low risk of surface water flooding; however, as this is an application for major development, the County Council acting as the Lead Local Flood Authority (LLFA) have been consulted.

6.6.3 Having reviewed the Drainage Statement that accompanies the application, the LLFA raise no objection and are satisfied that the proposals are *“not likely to have a significant impact on surface water drainage or flood risk on or around the site.”* The LLFA acknowledge that there are limited opportunities to incorporate Sustainable Drainage Systems given the constrained nature of the site.

6.7 Affordable housing and vacant building credit

6.7.1 JCS policy SD12 requires the provision of affordable housing in new developments. In Cheltenham, outside of Strategic Allocation sites, a minimum of 40% affordable housing is sought on sites of 11 dwellings or more.

6.7.2 In this case, the application proposes 12no. dwellings and therefore policy SD12 is triggered; a policy compliant 40% provision of affordable housing would equate to 5no. affordable units.

6.7.3 Notwithstanding the above, officers are satisfied that the vacant building credit (VBC), an incentive for brownfield development on sites that contain vacant buildings, is applicable on this site. PPG stating that *"Where a vacant building is brought back into any lawful use...the developer should be offered a financial credit equivalent to the existing gross floorspace of relevant vacant buildings when the local planning authority calculates any affordable housing contribution which will be sought"* (Paragraph: 026 Reference ID: 23b-026-20190315).

6.7.4 In this case, the existing floorspace on site equates to 1058 square metres, and the extent of residential floorspace proposed in the development is 879 square metres (a reduction of 179 square metres); as such, when applying VBC, no affordable housing contribution is required in this instance.

6.7.5 The proposed scheme is therefore a 100% open market housing scheme.

6.8 Neighbouring amenity

6.8.1 CP policy SL1 states that development will only be permitted where it will not cause unacceptable harm to the amenity of adjoining land users and living conditions in the locality. CP paragraph 14.4 advising that:

In assessing the impacts of a development including any potential harm, the Council will have regard to matters including loss of daylight; loss of outlook; loss of privacy; and potential disturbance from noise, smells, dust, fumes, vibration, glare from artificial lighting, hours of operation, and traffic / travel patterns.

6.8.2 In this case, officers are satisfied that the proposed development will not cause any undue harm to the amenity of neighbouring residents or occupiers. There are no concerns in relation to outlook or daylight, given that the general scale and massing of the converted building will be unchanged, albeit marginally reduced in height; nor concerns that the development will appear overbearing from any neighbouring property.

6.8.3 Moreover, with regard to privacy and overlooking, the situation will be improved to the rear; with a number of existing openings proposed to be blocked up. Where openings are proposed to be retained at the rear, the windows will achieve a good distance to the boundary and allow for only limited overlooking of the beer garden of the London Inn, or be fitted with a privacy screen.

6.8.4 Additionally, whilst it is acknowledged that some noise and disruption will inevitably occur during the demolition and construction phases of the development, this is not reason to withhold planning permission. The resultant residential use is wholly compatible in this location, and will not result in any significant impact in terms of noise.

6.8.5 With regard to the amenity of future occupiers, officers disagree with the views of the Architects Panel who consider that some of the apartments layouts are compromised and *"offer little in terms of good places to live"* (they do not identify specific areas of concern); nor that the potential for overlooking of the proposed amenity spaces is unacceptable.

6.9 Protected species and biodiversity net gain

6.9.1 JCS policy SD9 seeks to ensure that all development, wherever possible, makes a positive contribution to biodiversity and geodiversity, 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. The policy reflects advice set out within the NPPF at paragraph 193.

6.9.2 A minimum biodiversity net gain (BNG) of 10% is now a statutory requirement for major developments; however, there are some exemptions. In this case, the proposed development falls within the 'De minimis' exemption as the development does not impact an onsite priority habitat; nor impact more than 25 square metres of onsite habitat that has biodiversity value greater than zero or more than 5 metres in length of onsite linear habitat. The biodiversity gain condition therefore does not apply.

6.9.3 Notwithstanding the above, the application has been reviewed by the Council's Ecologist who acknowledges and supports the proposed site plan which includes provision for bird/bat boxes and limited soft landscaping. Additional detail can be secured by condition.

6.9.4 The Ecologist's initial comments in relation to potential for roosting bats within the building have been addressed; and the suggested informative has been attached.

6.10 Cotswold Beechwoods Special Area of Conservation (SAC)

6.10.1 The application site lies 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).

6.10.2 Adopted CP 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.

6.10.3 The Council has undertaken an Appropriate Assessment and considers the measures set out in the abovementioned mitigation strategy to be necessary to provide adequate mitigation to address the impacts of the proposal. The applicant can choose to make a contribution towards the measures in the strategy, or to provide their own bespoke strategies to mitigate the impacts the proposed development will cause.

6.10.4 In this case, the applicant has opted to make the contribution of £673 per dwelling which can be secured via a Unilateral Undertaking (UU); the UU has been completed and payment would be made prior to the issuing of the decision, should permission be granted.

6.11 Other considerations

Waste Minimisation

6.11.1 The application is accompanied by a Site Waste Management and Minimalization Statement which has been reviewed by the GCC Minerals and Waste Policy (MWP) Team who raise no objection in principle. A condition has been imposed which requires the submission of a revised site waste management plan to address the comments made by MWP.

Education and libraries

6.11.2 The GCC Section 106 Officer has confirmed that no contributions towards education or library facilities are required in connection with the proposed development as it does not meet the thresholds.

Public Sector Equality Duty (PSED)

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

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

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

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

7. CONCLUSION AND RECOMMENDATION

- 7.1 Decisions on planning application must be made in accordance with the development plan unless material considerations indicate otherwise.
- 7.2 NPPF paragraph 11 sets out that *“a presumption in favour of sustainable development”* should be applied to planning decisions; and, in this case, granting permission unless: the application of NPPF policies that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the Framework taken as a whole, *“having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.”*
- 7.3 In Cheltenham, the housing policies (those most relevant to this application) are out-of-date as the Council is currently unable to demonstrate a five-year supply of deliverable housing sites, the latest published figure (January 2025) being just 2.52 years, and as such the ‘tilted balance’ in favour of granting permission is engaged. Whilst the site to which this application relates is not allocated for housing, it is highly sustainably located within the Principal Urban Area, in a predominantly residential area.
- 7.4 For the reasons discussed in the report above, whilst the concerns of the parish council and local residents have been duly noted, officers are satisfied that the proposed development is one that should be supported. The policies within the NPPF that protect areas or assets of particular importance do not provide a strong reason for refusing the development proposed; and there are no adverse impacts arising from the proposals that would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole.

- 7.5 The application is acceptable in terms of design, and its impact on the historic environment, and will result in a significant enhancement to the street scene and wider area. Whilst only limited measures are proposed in response to climate change, due to the constrained nature of the site, officers are satisfied that the measures provide for an adequate response.
- 7.6 The proposed development has been assessed by the GCC Highways Development Management Team who, following discussions with the applicant and revisions to the scheme, raise no highway objection, concluding that *“there are no justifiable grounds on which an objection could be maintained”*. The suggested condition has been attached.
- 7.7 The site is located within Flood Zone 1, and in an area at a low risk of surface water flooding. The application has been reviewed by the Lead Local Flood Authority (LLFA) who raise no objection and are satisfied that the proposals are *“not likely to have a significant impact on surface water drainage or flood risk on or around the site.”* The LLFA acknowledge that there are limited opportunities to incorporate Sustainable Drainage Systems given the constrained nature of the site.
- 7.8 Although the application proposes the creation of 12no. dwellings and would normally require the provision of 40% affordable housing, when applying the applicable vacant building credit, no affordable housing contribution is required in this instance.
- 7.9 From an ecology and biodiversity perspective, the application has been reviewed by the Council's Ecologist who supports the proposed site plan which includes provision for bird/bat boxes and limited soft landscaping. The minimum 10% biodiversity net gain (BNG) now required for major developments is not applicable in this case, as the proposed development falls within the 'De minimis' exemption. The statutory biodiversity gain condition therefore does not apply.
- 7.10 Suitable mitigation towards recreational impacts on the Cotswold Beechwoods Special Area of Conservation (SAC) has been secured.
- 7.11 In addition, no unacceptable harm to the amenity of existing adjacent land users, or future occupiers of the development will be caused.
- 7.12 The proposed re-development of the site would result in the welcome provision of an additional 12no. residential units, and make a small but valuable contribution to the borough's much needed housing stock; a matter that carries significant weight in the determination of this application given the significant shortfall in housing land supply within the borough.
- 7.13 As such, with all of the above in mind, taking into account all of the economic, social, and environmental aspects of the application, and paragraph 11d) of the NPPF, the officer recommendation is to grant planning permission subject to the following schedule of conditions and the payment of the necessary contribution towards recreational impacts on the Cotswold Beechwoods SAC; written agreement has been sought in respect of the pre-commencement conditions:

8. SUGGESTED CONDITIONS

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

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

- 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 The development shall be carried out in strict accordance with the submitted Construction Phase & Environmental Management Plan (Revision 1, dated 7th August 2024) for the duration of the development process, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To minimise disruption on the public highway and to adjacent land users, and accommodate the efficient delivery of goods and supplies during the course of the construction works, having regard to adopted policy SL1 of the Cheltenham Plan (2020) and adopted policies SD14 and INF1 of the Joint Core Strategy (2017).

- 4 Prior to the commencement of development, a report investigating and assessing the condition of the land in respect of contamination from previous uses shall be submitted to and approved in writing by the Local Planning Authority. The assessment shall determine 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 occupiers. Should any mitigation measures be required, the development shall be carried out in strict accordance with the recommended measures.

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, having regard to adopted policy SD14 of the Joint Core Strategy (2017). Approval is required upfront to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

- 5 Notwithstanding the submitted Site Waste Management and Minimalization Statement, prior to the commencement of development, a revised site waste management plan (SWMP) or equivalent shall be submitted to and approved in writing by the Local Planning Authority. The revised SWMP shall identify:

- a) the specific types and amount of waste materials forecast to be generated from the development during site preparation and demolition and construction phases; and
- b) the specific measures will be employed for dealing with this material so as to:
 - minimise its creation, maximise the amount of re-use and recycling on-site;
 - maximise the amount of off-site recycling of any wastes that are unusable on-site; and
 - reduce the overall amount of waste sent to landfill.

In addition, the revised SWMP must also set out the proposed proportions of recycled content that will be used in construction materials. The development shall thereafter be implemented in accordance with the revised SWMP unless otherwise agreed in writing by the Local planning Authority.

Reason: To ensure the effective implementation of waste minimisation and resource efficiency measures, having regard to adopted having regard to adopted policy WCS2 of the Gloucestershire Waste Core Strategy (2012), and adopted policy SR01 of the Minerals Local Plan for Gloucestershire (2020).

- 6 Notwithstanding the approved plans, 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).

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

- a) Windows;
- b) Roof lights;
- c) External doors;
- d) Rainwater goods;
- e) Louvred vent panels; and
- f) Privacy screen.

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).

- 7 All doors and windows in the front elevation of the building shall open inwards and not over the highway, and shall be maintained as such thereafter.

Reason: To ensure that the doors and windows when open do not encroach over the highway in the interests of highway safety, having regard to adopted policy INF1 of the Joint Core Strategy (2017).

- 8 Prior to first occupation of the development, secure and 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 details 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 Prior to first occupation of the development, refuse and recycling storage facilities shall be provided in accordance with the approved plans, and provide adequate space and infrastructure to allow for the separate storage of recyclable waste materials. The refuse and recycling storage facilities shall thereafter be retained available for such use in accordance with the approved details at all times.

Reason: To ensure the effective implementation of waste minimisation and resource efficiency measures, having regard to adopted policy WCS2 of the Gloucestershire Waste Core Strategy (2012).

- 10 Prior to first occupation of the development, bat and bird boxes shall be installed in accordance with the approved plans, and thereafter retained.

Reason: To ensure the development delivers ecological enhancements on site, having regard to adopted policy SD9 of the Joint Core Strategy (2017), and Schedule 7A of the Town and Country Planning Act 1990.

- 11 Should air source heat pumps (ASHPs) be proposed, prior to their installation, details of the ASHPs shall have first been submitted to and approved in writing by the Local Planning Authority. As a minimum, the details should include acoustic information from the closest noise sensitive receptor (in line with MCS020 assessment) and not just manufacture output levels.

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

INFORMATIVES

- 1 The applicant/developer is advised that a grant of planning permission does not remove the legal protection afforded to bats and their roosts by Regulation 41 of the Conservation of Habitats and Species Regulations 2017 and Section 9 of the Wildlife and Countryside Act 1981. If, during the works, any bats (or signs of bats, such as droppings) are found, an immediate halt should be called on site and a bat worker/ecologist should be consulted to determine if and how the works can proceed lawfully, with or without a mitigation licence.
- 2 Should a survey of the existing building (prior to any work beginning) indicate the presence of any asbestos containing materials, the works to the site will need to be undertaken in accordance with the legislation surrounding asbestos removal and the waste disposed of in a legally compliant manner.
- 3 The applicant/developer is advised that the site is located within a designated smoke control zone. For more information, visit: https://uk-air.defra.gov.uk/assets/documents/reports/cat07/1901291328_Smoke_Control_Web.pdf

Architects Panel

30th June 2025

Design Concept - The panel welcomes the potential redevelopment of this site into a residential use and therefore have no objection to the principle of this development. However the scheme appears to now be a refurbishment of the existing low quality buildings and we believe a redevelopment scheme could be more acceptable. However, we note from the planning file that there was an earlier application for a redevelopment scheme for 7 new dwellings (REF: 24/01638/FUL) which was withdrawn.

Design Detail - The site is an existing commercial property / properties and the intention is to convert and provide some partial extensions to provide 12 apartments. We do question the viability of the conversion scheme as their appears to be large areas of the existing building which are low quality. It also provides what we believe are compromised apartment layouts and access points which offer little in terms of good places to live. There are also limited amenity spaces with the potential for overlooking from both its immediate neighbours and other development residents.

The elevation treatment would benefit from greater clarity and there are areas on the rear elevation where we are uncertain what is actually happening. A street scene would help to clarify the impact as the building heights do increase and this could have an impact on neighbours.

From a sustainability perspective the report suggests the scheme has been maximised for solar gain, but the current building runs north / south so we question this? The upgrades to the building fabric to meet the energy proposals will also have an impact on GIA. There is then a suggestion that the heating will be by high efficiency heating supported by roof mounted PV. We assume this would be ASHP but we cannot see the external units or the PV on the roof plan / elevations. Comments on home working, ecology and embodied carbon also have very little detail on how this will be achieved?

Recommendation - We believe the principle of change of use could be accommodated but believe the scheme could be improved both for the physical and local impact and the future use of the residents. We therefore believe the current proposal is a missed opportunity in design terms and is not supportable.

GCC Highways Development Management

16th May 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 be deferred.

The justification for this decision is provided below.

There are existing serious parking concerns on street due to the terraced houses so there will be displacement issues for existing residents. I would suggest that the development has the density reduced to at most 9 units appropriate to the frontage available.

The waste doors open out onto the 0.9m footway which will be obstructed by nose to tail parked cars so large bins won't be able to be emptied.

Perhaps consider possibly lose one space by each entrance door with a 1.5m wide x 3m build out for safety and that way you would only lose 1 space and not need a TRO for servicing.

The Highway Authority therefore submits a response of deferral until the required information has been provided and considered.

5th 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 subject to conditions and financial obligations.

The justification for this decision is provided below.

Following discussions with the applicant they have submitted revised plans to address the issues raised. The plans as submitted rely on the drivers of vehicles parking on the highway not parking over a dropped kerb as laid out in the highway code. This may lead to inconvenience to occupiers and drivers but it will not lead to unacceptable reduction in highway safety or severe impacts on capacity.

The car free element of the development is acceptable given the sites location.

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

All doors and windows on the front elevation shall open inwards and not out over the highway.

Environmental Health

29th April 2025

In relation to application 25/00637/FUL for 11 Hamilton Street, Charlton Kings, Cheltenham, GL53 8HN, please can the following be added from Environmental Health:

Condition - demolition and construction control:

As detailed in the "Construction Phase & Environmental Management Plan" (prepared by Cape Homes Limited and MHG Limited // dated 07/08/2024), the demolition and construction phase, no machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times:

Monday-Friday 07:30hrs -18:00hrs

Saturday 08.00hrs - 13:00hrs

Not at any time on Sundays, Bank or Public Holidays.

All other mitigation as detailed in this plan to protect the local area from noise and dust, shall be followed for the duration of the development.

Condition - contaminated land:

The area covered by this proposal is marked as "Warehouses" on historic maps, which could have been used for a huge variety purposes, many of which have the potential to cause the land to become contaminated. Therefore, any application for re-development of the site will be required to produce a report investigating and assessing the condition of the land in respect of contamination from previous use and the proposed future use.

This initial assessment 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.

Advisory points:

Smoke control zone:

This property is in a designated smoke control zone, please could we make the applicant aware of this and that they will need to comply with the regulations surrounding this area. More information can be found online: https://uk-air.defra.gov.uk/assets/documents/reports/cat07/1901291328_Smoke_Control_Web.pdf

Asbestos:

Should a survey of the existing building (prior to any work beginning) indicate the presence of any asbestos containing materials, the works to the site will need to be undertaken in accordance with the legislation surrounding asbestos removal and the waste disposed of in a legally compliant manner.

Query:

ASHP:

Will an ASHP be utilised at this site? If the applicant decides to install an ASHP - they will need to liaise with the Planning Authority prior to any works starting relating to an ASHP. This is to assess if the ASHP can be installed under PD or not. If it is not covered by PD - the Environmental Health department will require further acoustic information relating to the operation of the pump prior to any works taking place. If the applicant indicates that they will be installing an ASHP, please can we request that we are further consulted by the Planning team.

CBC Ecologist

28th April 2025

The Proposed Site Plan (BHP Architects, March 2025) showing bird/bat boxes and soft landscaping is supported.

The Biodiversity Net Gain exemption statement (BHP Architects, March 2025) is also supported.

Can some more information be provided on the alteration works? It looks like a portion of the building will be demolished to make way for the landscaped area. It would be useful to have more details on what is being removed, because there may be potential for roosting bats in part of the structure depending on its age and condition. Photos will be useful to determine this.

27th May 2025

No need for bat surveys now based on the plans and the photos. I'd like the following advice note to be attached to the decision if approved though:

Advice Note: Bats

A grant of planning permission does not remove the legal protection afforded to bats and their roosts. If, during the works, any bats (or signs of bats, such as droppings) are found, an immediate halt should be called and a bat worker/ecologist should be consulted to determine if and how the works can proceed lawfully, with or without a mitigation licence.

Reason: To conserve legally protected bats in line Regulation 41 of the Conservation of Habitats and Species Regulations 2017 and Section 9 of the Wildlife and Countryside Act 1981.

Housing Enabling

16th May 2025

Response in documents tab.

GCC Minerals And Waste Policy

14th May 2025

Response in documents tab.

Cheltenham Civic Society

21st May 2025

OBJECT

We support the principle of residential development. However residential use requires more greenspace/ outdoor amenity space.

This proposal is over development of the site. There is already an on-street parking problem in the area, and this will make it worse. The bin store access for residents of the two outer blocks is not satisfactory.

As these latest proposals are no longer set back from the street, the ground floor bedrooms open straight onto the street. Heavy duty frosting would be needed for the ground floor shower windows.

Building Control

28th April 2025

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

Parish Council

13th May 2025

Objection:

As with the previous planning application, the Parish Council welcomes bring the site back into use. However, the Council strongly objected to the proposed development in failing to provide any parking (contrary to the claim made in the Planning Statement that there had been no objection to the lack of parking provision) and an increase from 7 to 12 dwelling will only exacerbate the loss of amenity to both existing and the new residents of these dwellings.

The Planning Statement claims that "the site is in a highly sustainable location close to Cheltenham Town Centre" The centre of Cheltenham is 1.5 miles away. It further states that it is "served by frequent bus services leading to Cheltenham Town Centre, to the west". That is correct. However, to the vast majority of potential residents of working age, unless their employment is in the Town Centre, their first choice of transport will be by car, as it is for the overwhelming majority of working age residents in Charlton Kings.

The Transport Statement is deeply flawed, being highly selective in its analysis to arrive at the desired conclusions. It presents statistics to "prove" that the residents of flats in Cheltenham have a level of car ownership of 0.83 cars per household. This analysis conveniently ignores the fact that the average will include both specific retirement accommodation and social housing, both of which will have significantly lower levels of car ownership. Since this site is not for specific retirement accommodation, social housing or even affordable housing, it is clear that the level of car ownership will be significantly higher than claimed.

It is additionally claimed that the width of Hamilton Street makes it impracticable to provide off-road parking. Since all the dwellings on that side of the Street to the south of the site do have off-road parking, as does Bill Leonard Court immediately opposite, that claim is clearly inaccurate.

In summary, re-development of the site is welcome, but the absence of any parking provision makes the proposed new dwelling of lesser quality, making life harder for those new residents than it need be, as well as for the existing residents of in the area who reside in dwellings built many decades before mass car ownership was even envisioned. Mass car ownership is a fact of modern life and developments should accommodate such.

Gloucestershire Centre for Environmental Records

25th April 2025

Report in documents tab.

GCC Lead Local Flood Authority (LLFA)

12th May 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.

Flood Risk

The site is in flood zone 1 and is shown to be low risk according to the Risk of Flooding from Surface Water maps.

Surface Water Management

It is being proposed to discharge surface water into the public surface water sewer within Hamilton Street. Considering the constraints on the site will likely prohibit the use of soakaways, there being no watercourses within the site and the site currently draining to this sewer, this would be an acceptable discharge strategy according to the drainage hierarchy. While no formal control of the discharge rate is being proposed, the impermeable area of the site is being reduced through the introduction of gardens, which should help to reduce the discharge rate.

Although minor, there does appear to be some opportunities to provide Sustainable Drainage Systems by using rain gardens to help control and store surface water runoff.

Despite this, the proposal is not likely to have a significant impact on surface water drainage or flood risk on or around the site.

LLFA Recommendation

While the LLFA believes SuDS could be incorporated into the design of the development, the proposal in its current format will not likely have a significant impact on drainage or flood risk on or around the site so have no objections.

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.

Tree Officer

16th May 2025

While harm to existing trees is an unlikely result of this proposal, it is regrettable that there is scant opportunity for new planting within the proposal. Excepting this, the Trees Section has no objections to the scheme.

GCC Section 106 Officer

8th August 2025

Response in documents tab.