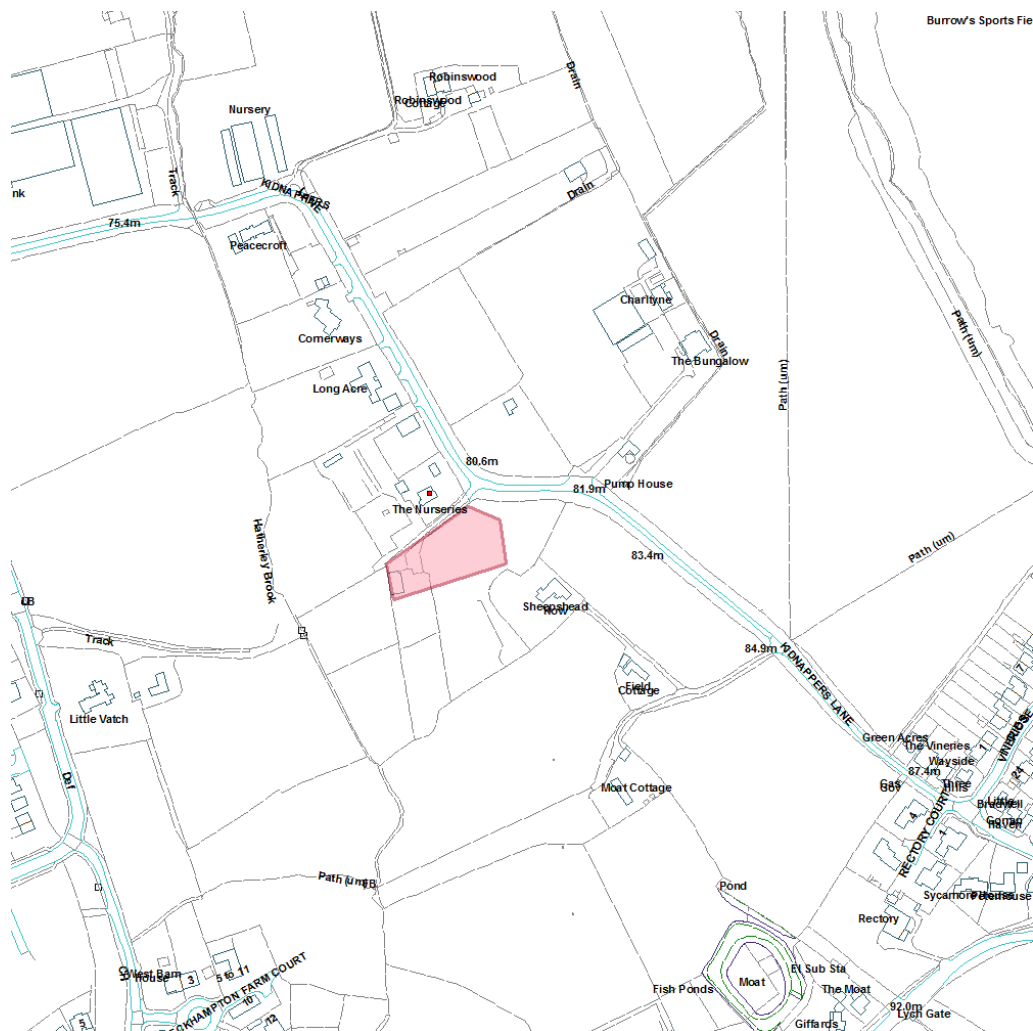


APPLICATION NO: 25/00848/FUL		OFFICER: Michelle Payne
DATE REGISTERED: 4th July 2025		DATE OF EXPIRY: 29th August 2025
DATE VALIDATED: 4th July 2025		DATE OF SITE VISIT:
WARD: Leckhampton		PARISH: Leckhampton With Warden Hill
APPLICANT:	Mr And Mrs Wiggins	
AGENT:	Merlin Land Planning and Development Ltd	
LOCATION:	The Nurseries Kidnappers Lane Cheltenham	
PROPOSAL:	Demolition and removal of existing stables, barn and hardstanding, and erection of new stable block with hardstanding.	

RECOMMENDATION: Permit



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site is located to the south-west of Kidnappers Lane within an area of Local Green Space. The site forms part of a wider parcel of land in the same ownership as The Nurseries to the north.
- 1.2 The applicants are seeking planning permission to demolish and remove an existing stables, storage barn and hardstanding, and erect a new stable block with hardstanding in an altered location. The existing buildings comprise timber and metal sheeting to the elevations with corrugated and plastic sheeting roofs; and are in a poor state of repair, detracting from the area.
- 1.3 The application is before the planning committee at the request of Cllr Horwood who considers *"that development here would be in breach of multiple local and national policies, most obviously Cheltenham Policy GI1 and emerging Neighbourhood Plan Policies LWH3 (as inappropriate development in the Local Green Space) and LWH5 (by blocking a key viewpoint of rural character in the valued landscape)."* Cllr Horwood's full comments can be read in the Consultations Appendix at the end of the report.
- 1.4 The parish council have objected on the same grounds.
- 1.5 Members will have/had the opportunity to visit the site on planning view.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Tree Preservation Order

Relevant Planning History:

24/02089/FUL

WITHDRAWN

10th February 2025

Demolition and removal of existing stables barn/hardstanding and erection of new stable with hardstanding – application withdrawn as incorrectly submitted as a householder application.

3. POLICIES AND GUIDANCE

National Planning Policy Framework 2024 (NPPF)

Section 2 Achieving sustainable development

Section 4 Decision-making

Section 8 Promoting healthy and safe communities

Section 12 Achieving well-designed places

Section 13 Protecting Green Belt land

Section 15 Conserving and enhancing the natural environment

Adopted Cheltenham Plan 2020 (CP) Policies

D1 Design

L1 Landscape and Setting

SL1 Safe and Sustainable Living

G1 Local Green Space

Adopted Joint Core Strategy 2017 (JCS) Policies

SD3 Sustainable Design and Construction

SD4 Design Requirements

SD6 Landscape

SD9 Biodiversity and Geodiversity

SD14 Health and Environmental Quality

INF2 Flood Risk Management

4. CONSULTATIONS

See Consultations Appendix

5. PUBLICITY AND REPRESENTATIONS

- 5.1 A letter of notification was sent to a neighbouring property, Leckhampton Lodge, and a site notice was posted on Kidnappers Lane.
- 5.2 No representations have been received in response to the publicity.

6. OFFICER COMMENTS

6.1 Determining issues

6.1.1 The key considerations in determining this application relate to Local Green Space; valued landscape; design; and biodiversity net gain. There are no amenity concerns arising from the proposals.

6.2 Local Green Space

6.2.1 Paragraph 108 of the NPPF states that decisions on applications for development within a Local Green Space (LGS) should be consistent with national policy for Green Belts set out in chapter 13 of the Framework (excluding provisions relating to grey belt and previously developed land).

6.2.2 In this regard, NPPF paragraphs 153 – 154 state:

153. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt, including harm to its openness. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

154. Development in the Green Belt is inappropriate unless one of the following exceptions applies:

a) buildings for agriculture and forestry;

b) the provision of appropriate facilities (in connection with the existing use of land or a change of use), including buildings, for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;

c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;

d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;

e) limited infilling in villages;

f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and

g) limited infilling or the partial or complete redevelopment of previously developed land (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt.

h) Other forms of development provided they preserve its openness and do not conflict with the purposes of including land within it. These are:

i. mineral extraction;

ii. engineering operations;

iii. local transport infrastructure which can demonstrate a requirement for a Green Belt location;

iv. the re-use of buildings provided that the buildings are of permanent and substantial construction;

v. material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and

vi. development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order.

6.2.3 Locally, CP policy GI1 advises that development will not be permitted within designated LGS unless there are very special circumstances which outweigh the harm, with particular attention paid to the views of the local community in assessing development proposals.

6.2.4 Policy LWH3 of the emerging Leckhampton with Warden Hill Neighbourhood Plan (LWHNP) is also of some relevance; NPPF paragraph 49 setting out that local planning authorities may give weight to relevant policies in emerging plans, taking into account factors such as the stage of preparation of the plan, the extent to which there are unresolved objections to relevant policies, and the degree of consistency of the relevant policies in the emerging plan to the policies within the NPPF.

6.2.5 Policy LWH3 seeks to strictly limit development within LGS to pathways, signposts, interpretation boards, benches, or other similar forms of development, and is therefore limited in its consistency with the NPPF policies; as such, whilst the LWHNP has been submitted for examination the policy can only be afforded very limited weight at this time.

6.2.6 Given that the proposed stable building will replace an existing structure and associated hardstanding (already within LGS), officers are satisfied that no harm to the LGS, including its openness, would be harmed. The proposed building would adopt a smaller footprint, with a reduced eaves and ridge height (2.5m and 3.9m respectively), and be sited further eastwards to better align with the existing built form along this part of Kidnappers Lane. The removal of the existing stable block and hardstanding following completion of the new stable block can be suitably controlled by way of a condition. As such, it could be said that the openness of the LGS would be improved but, at the very least, preserved.

6.2.7 The proposed development would not be inappropriate development with regard to paragraph 154 of the NPPF as officers are satisfied that it would meet exceptions b) and/or d) – refer to paragraph 6.2.2 above. Exemption d) does not require the replacement building to be located in the same spot.

6.2.8 Overall, officers are therefore satisfied that the proposal will not be harmful to the designated LGS, nor its openness. Regard has also been had to the lack of any local objection.

6.3 Valued landscape

6.3.1 NPPF paragraph 187 requires decisions on planning applications to “*contribute to and enhance the natural and local environment by: a) protecting and enhancing valued landscapes...[and] b) recognising the intrinsic character and beauty of the countryside...*”

6.3.2 JCS policy SD6 also requires development to protect landscape character for its own intrinsic beauty and for its benefit to economic, environmental and social well-being, and have regard to the local distinctiveness and historic character of the different landscapes within the JCS area.

6.3.3 Policy LWH5 of the emerging LWHNP is also of some relevance, albeit assigned very limited weight, and has similar objectives.

6.3.4 In this case, for the same reasons as those set out above in relation to the openness of the Local Green Space, officers are satisfied that the proposals will conserve, even if not enhance, the valued landscape. The building is a one-for-one replacement with a smaller footprint and reduced height, and therefore whilst the replacement building will be in a slightly different location (closer to the highway and more in line with existing built-form) it will not have any significant impact on views, or landscape character.

6.3.5 It should be noted that the character of the surrounding area has significantly changed in recent years as a result of multiple housing developments; not least, the development that is currently taking place to the north of the site.

6.4 Design

6.4.1 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, not just for the short term but over the lifetime of the development; are visually attractive...; are sympathetic to local character...including the surrounding built environment...; 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...*”.

6.4.2 Local design requirements for development proposals are set out in CP policy D1 and JCS policy SD4 which highlight the need for new development to respond positively to, and respect the character of, the site and its surroundings.

6.4.3 In this case, the simple form of the proposed building is wholly appropriate to its context and for its intended use. Externally, the building will be faced in horizontal timber cladding with a pitched, timber and felt lined, roof. Traditional vertical timber stable doors are proposed to the east facing elevation.

6.4.4 From a climate change perspective, given the scale and nature of the proposed development, there are no real opportunities to incorporate low-carbon technologies on this occasion.

6.5 Biodiversity net gain

6.5.1 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.

6.5.2 A minimum biodiversity net gain (BNG) of 10% is now a statutory requirement for minor developments (albeit there are some exemptions) and the mandatory biodiversity (net) gain (BNG) condition applies to this development; a Biodiversity Gain Plan will therefore need to be submitted prior to commencement should planning permission be granted.

6.5.3 In response to the Ecologist's query as to why the 10% BNG is to be achieved by the provision of biodiversity units off site on land within the applicant's ownership, and not within the site itself, the applicant's agent has advised that the primary reason is because the applicant's wish to retain the unincumbered ability to exercise and graze horses on the land as they have for many years. Even a small area of enhancement has the ability to impede and complicate as it would require protecting from the activity generated from the PROWs that cross the site. They also don't want the worry of a 30-year management regime. The Ecologist is satisfied with the response.

6.5.4 In addition to the above, in order to ensure ecological enhancements on site, a condition is suggested that requires the provision of 1no. bird box and 2no. bat boxes.

6.5.5 An additional condition is suggested in relation to external lighting to avoid any adverse impact from artificial light on intrinsically dark landscapes, and to avoid any potential impacts on bats.

6.6 Other considerations

Public Rights of Way

6.6.1 There are two public rights of way (PROW) that cross the site, Leckhampton Footpath 8 (CHL9) and Leckhampton Footpath 10 (CHL10), and it is acknowledged that these were not noted on the application form; however, officers quickly became aware of the footpaths and the GCC PROW team were duly consulted and their response forwarded to the agent. PROWs are legally protected and it is an offence to divert or close a PROW, even temporarily, without authority from the County Council. However, the existence of PROWs does not, in itself, provide a reason to withhold planning permission.

6.6.2 In response to the PROW comments, the agent has advised that the beginning of the stable access would be the only surface that crosses the public right of way, and would not limit or prevent access and the infrequent movements onto the proposed stable area would not pose an issue for the owners or the PROW users. They acknowledge that temporary PROW diversions may be required whilst resurfacing takes place.

6.6.3 That said, for the avoidance of any doubt, it is recommended that the PROW comments are copied in full as an informative on the decision notice, should planning permission be granted.

Public Sector Equality Duty (PSED)

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

- Removing or minimising disadvantages suffered by people due to their protected characteristics;
- Taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people; and

- Encouraging people with certain protected characteristics to participate in public life or in other activities where participation is disproportionately low.

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

6.6.6 Due regard has been had to the nine protected characteristics recognised within the PSED, and officers are satisfied that no-one has been discriminated against in the determination of this application.

7. CONCLUSION AND RECOMMENDATION

- 7.1 With all of the above in mind, officers are satisfied that the proposed development is in accordance with all relevant national and local planning policy, and the recommendation is to grant planning permission subject to the following conditions/informatives; the applicant's agent has agreed to the terms of the pre-commencement condition (condition 3):

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 Prior to the commencement of development, an Ecological Mitigation and Enhancement Strategy (EMES) shall be submitted to and approved in writing by the Local Planning Authority. The EMES shall include details of the provision of 1no. bird box and 2no. bat boxes. The bird boxes must include bricks or tiles for swift and house sparrow. All species boxes should be integral to the building where possible. The location, specification, height and orientation of these features shall be shown on a site plan. The development shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing.

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

- 4 Prior to the installation of any external lighting, details shall be submitted to and approved in writing by the Local Planning Authority. The details shall include a lux level contour plan, and seek to ensure no light spill outside of the site boundaries. The lux contour plan shall show lux levels at frequent intervals (lux levels at 0, 0.2, 0.5, 1, 1.5, 2, 3, 4, 5 lux and higher are particularly useful) and extend outwards to additional levels (above the pre-existing background light level) of zero lux. The lux contour levels shall be superimposed on a site plan which includes all land that is affected by raised light levels (including potentially land outside the red line planning application area) and shall reflect the use of any proposed mitigation, e.g. visors. All external lighting shall thereafter be implemented in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To avoid any adverse impact from artificial light on intrinsically dark landscapes and to avoid any potential impacts on bats, having regard to adopted policies SD9 and SD14 of the Joint Core Strategy (2017).

- 5 The existing structures on site shall be demolished and the site cleared within one calendar month of the completion of the replacement building hereby permitted.

Reason: In the interests of the openness of the Local Green Space and landscape character, having regard to adopted policies GI1 of the Cheltenham Plan (2020) and SD6 of the Joint Core Strategy (2017).

INFORMATIVES

- 1 IMPORTANT: BIODIVERSITY NET GAIN CONDITION - DEVELOPMENT CANNOT COMMENCE UNTIL A BIODIVERSITY GAIN PLAN HAS BEEN SUBMITTED TO (AS A CONDITION DISCHARGE APPLICATION) 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-andbiodiversity/biodiversitynet-gain-bng/>

30-year Habitat Management and Monitoring Plan templates can be found here: <https://publications.naturalengland.org.uk/publication/5813530037846016>

- 2 Advice note: 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). If off-site biodiversity units are provided on land under the applicant's ownership, evidence that the offsetting site is registered on the Biodiversity Gain Site register will be required, and a legal agreement and Habitat Management and Monitoring Plan (HMMP) to secure the site for BNG and set out who will undertake the biodiversity unit creation, enhancement and management for 30 years must be provided with the Biodiversity Gain Plan.

- 3 Advice note: Lux Levels on natural habitats potentially used by nocturnal species such as bats and badgers, not previously exposed to increased light levels, will receive approximate lux levels of between 0.1 (typical moonlight/cloudy sky) and 10 (sunset) lux 'Bats and Artificial Lighting at Night' ILP Guidance Note update released - News - Bat Conservation Trust. Increasing lux levels in these natural habitats is likely to cause disturbance, therefore the implementation of visors etc. as mitigation is strongly advised.
- 4 The applicant is reminded that there are two public rights of ways (PROW) which cross the site, and no change to the surface of the public right of ways can be approved without consultation with the County Council and there must be no interference with the public right of ways, either during development or once it has been completed, unless: -
- a) The development will temporarily affect the public right of way; then the developer must apply and pay for a temporary closure of the route to us in Public Rights of Way (preferably providing a suitable alternative route); if any utilities are going to cross or run along a PROW then a section 50 license needs to be sought and granted - via GCC Streetworks department. Information regarding section 50 Licenses and an application form can be found at: <https://www.gloucestershire.gov.uk/highways/highways-licences-permits-and-permissions/>
 - b) Important: if the development will permanently affect any public right of way, then the developer must apply for a diversion of the route through the Local Planning Authority (LPA), under the Town and Country Planning Act 1990 (TCPA), as part of the planning application process. Absolutely no development should take place affecting the route of the path prior to the confirmation of a TCPA path diversion order through the LPA. The area Public Right of Way Officer should be consulted as part of this process.

Additionally:-

- a) There must be no encroachment on the width of the public right of way.
- b) No building materials may be stored on the public right of way.
- c) Vehicle movements during construction should not unreasonably interfere with the use of the public right of way by walkers, etc., and the developer or applicant is responsible for safeguarding the public use of the way at all times.
- d) No additional temporary or permanent barriers (e.g. gates, stiles, wildlife fencing) may be placed across the public right of way and no additional gradients or structures (e.g. steps or bridges) are to be introduced on any existing or proposed public rights of way without the consent of the county council.

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

Ward Councillor – Cllr Martin Horwood

8th July 2025

I would like to call in application 25/00848/FUL if you are minded to permit.

Can I also point out that on the public access portal the only constraint listed at the moment is a tree preservation order. This is not correct:

- The development site includes public right of way footpaths CHL9 and CHL10 (so the application form is incorrect in its pedestrian access statement)
- The development is entirely within Local Green Space designated in the current Cheltenham Plan 2020 Policy GI1 and covered by the NPPF. These should prevent development except in 'very special circumstances' (and without the caveats that now apply to Green Belt, according to footnote 45 of the current NPPF). The LGS is now also addressed by emerging Policy LWH3 in the Leckhampton with Warden Hill Neighbourhood Plan (now at examination) which details precisely the very limited kinds of development that are supported within the LGS by the emerging NP.
- The development is also within the area recognised as valued landscape under the NPPF (now paragraph 187) by a succession of inspectors (as detailed in Annex 6 to the emerging Neighbourhood Plan) and covered by Policy LWH5 of the plan. It specifically features in the Lepus Consulting Landscape Character Assessment and Evaluation of Landscape Value which forms Annex 4 of the emerging plan in which it is mapped as potential priority habitat (Figure 7.1) and features as 'Viewpoint 4' in the visual assessment which Lepus describe as having a 'strong rural character with few landscape detractors'.

This also means that the application form statements/tickboxes on pedestrian access (in relation to rights of way) and trees and hedges (in relation to neighbouring landscape character) are wrong.

This represents a test of CBC's commitment to the Local Green Space policy, its recognition of the emerging Neighbourhood Plan policies which should now be given great weight and its recognition of the status of the Leckhampton Fields as valued landscape as well as the Local Green Space.

My planning reasons for call in are that development here would be in breach of multiple local and national policies, most obviously Cheltenham Policy GI1 and emerging Neighbourhood Plan Policies LWH3 (as inappropriate development in the Local Green Space) and LWH5 (by blocking a key viewpoint of rural character in the valued landscape). This also means that the application form statements/tickboxes on pedestrian access (in relation to rights of way) and trees and hedges (in relation to neighbouring landscape character) are wrong.

This represents a test of CBC's commitment to the Local Green Space policy, its recognition of the emerging Neighbourhood Plan policies which should now be given great weight and its recognition of the status of the Leckhampton Fields as valued landscape as well as the Local Green Space.

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Quite apart from the insertion of 'storage' as well as stables on the plan, I would say this development would serve the pretty transparent objective of blocking the viewpoint so that further development can be inserted behind the new stables - there seems no other reason why the stables should move into the foreground of the field or the original stables not simply be modernised. The implication is that this replaces the existing stables but these could then be claimed as brownfield land and developed. The NPPF does allow for facilities in Green Belt

Consultations Appendix

in connection with existing land use and the stables would no doubt be argued as in some way coming within this exemption but even in the context of Green Belt this is qualified by the need to preserve the openness of Green Belt and 'do not conflict with the purposes of including land within it' and in the case of LGS, which has different purposes to Green Belt, these include public use and enjoyment, visual amenity and rural character.

Gloucestershire Centre for Environmental Records

9th July 2025

Report available to view in documents

GCC Public Rights of Way Department

23rd July 2025

This planning application has been forwarded for the attention of the Area Public Rights of Way Officer for further investigation.

They may respond in further detail; however, the following must be strictly observed in all circumstances: -

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

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

b) Important: if the development will permanently affect any public right of way, then the developer must apply for a diversion of the route through the Local Planning Authority, under the Town and Country Planning Act 1990, as part of the planning application process. Absolutely no development should take place affecting the route of the path prior to the confirmation of a TCPA path diversion order through the LPA. The area Public Right of Way Officer should be consulted as part of this process.

2) Additionally:-

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

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

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

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

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

CBC Ecologist

29th July 2025

The applicant has shown in their biodiversity metric (All Ecology, February 2025) and their Biodiversity Net Gain Design Stage Report (All Ecology, May 2025) that 10% BNG can be achieved by this application with the provision of biodiversity units off site on land within the applicant's ownership. There does however appear to be space on this site, not allocated for future pasture, on which biodiversity units could in theory be delivered. The BNG report simply states the applicant wishes to provide this off-site on alternative land to the application site. Technically, the LPA cannot refuse this course of action, however there is no justification for why 0 biodiversity units will be delivered and managed long-term on the application site, keeping the benefits derived from them within Cheltenham. One of the 10 BNG 'Good practice principles for development' is "Be transparent: Communicate all Net Gain activities in a transparent and timely manner, sharing the learning with all stakeholders". I'd request more justification for why biodiversity units lost from this development cannot be provided in Cheltenham.

If this course of action is ultimately approved, the application will be subject to the mandatory Biodiversity Gain condition and the 30-year habitat management and monitoring condition. The LPA will also require proof that the offsetting site is registered on the Biodiversity Gain Site register and is secured with a Conservation Covenant between the landowner and a Responsible Body – this must be included in the Biodiversity Gain Plan required under the Biodiversity Gain condition.

30th July 2025

The site is located in a rural area and is not within or directly adjacent to any designated wildlife sites. The site is designated as Local Green Space covered by Policy GI1 in the Cheltenham Plan "Development will not be permitted within a Local Green Space". Should special circumstances be identified which permit this development, the below paragraphs cover ecology comments.

The Preliminary Ecological Appraisal (PEA) (All Ecology, May 2025) appropriately describes the ecological features of the site and mitigation required. Conditions are appended to these comments below addressing some ecology concerns.

The mandatory biodiversity (net) gain (BNG) 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 Biodiversity Net Gain (BNG) Design Stage Report and (All Ecology, April 2025) calculates a 10.08% gain in area habitat units, and the trading rules are met. The mandatory biodiversity net gain condition has therefore been met. 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). If off-site biodiversity units are provided on land under the applicant's ownership, evidence that the land has been registered on the national biodiversity gain sites register, and a legal agreement and Habitat Management and Monitoring Plan (HMMP) to secure the site for BNG and set out who will undertake the biodiversity unit creation, enhancement and management for 30 years must be provided with the Biodiversity Gain Plan. This must be submitted via a condition discharge application to satisfy the mandatory 10% BNG policy.

Conditions

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 1 No bird box and 2 No bat boxes. The bird boxes must include bricks or tiles for swift and house sparrow. All species boxes should be integral to the building where possible.

Consultations Appendix

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 (2024) 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".

Lighting Plan

Prior to the commencement of the development hereby approved, details for any proposed external lighting shall be submitted to and agreed in writing by the Local Planning Authority. Development shall be undertaken in accordance with the approved details. This shall include a lux level contour plan, and shall seek to ensure no light spill outside of the site boundaries. The lux contour plan shall show lux levels at frequent intervals (lux levels at 0, 0.2, 0.5, 1, 1.5, 2, 3, 4, 5 lux and higher are particularly useful) and extend outwards to additional levels (above the pre-existing background light level) of zero lux. The lux contour levels shall be superimposed on a site plan which includes all land that is affected by raised light levels (including potentially land outside the red line planning application area) and shall reflect the use of any proposed mitigation, e.g visors.

Advice note: Lux Levels on natural habitats potentially used by nocturnal species such as bats and badgers, not previously exposed to increased light levels, will receive approximate lux levels of between 0.1 (typical moonlight/cloudy sky) and 10 (sunset) lux 'Bats and Artificial Lighting at Night' ILP Guidance Note update released - News - Bat Conservation Trust Increasing lux levels in these natural habitats is likely to cause disturbance, therefore the implementation of visors etc as mitigation is strongly advised.

Guidance: According to paragraph 191 of the National Planning Policy Framework (2024), 'Planning policies and decisions should... limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.'

Reason: To conserve legally protected bats and other nocturnal wildlife complying with the 1981 Wildlife & Countryside Act (as amended).

Parish Council

31st July 2025

The Parish Council objects to this application, it makes no reference to the historic public rights of way so the application is incorrect. It is also in breach of multiple local and national policies, Cheltenham Policy GI1 and emerging Neighbourhood Plan Policies LWH3 (as inappropriate development in the Local Green Space) and LWH5 (by blocking a key viewpoint of rural character in the valued landscape).

The Parish Council urge that it be rebuilt in its current location.