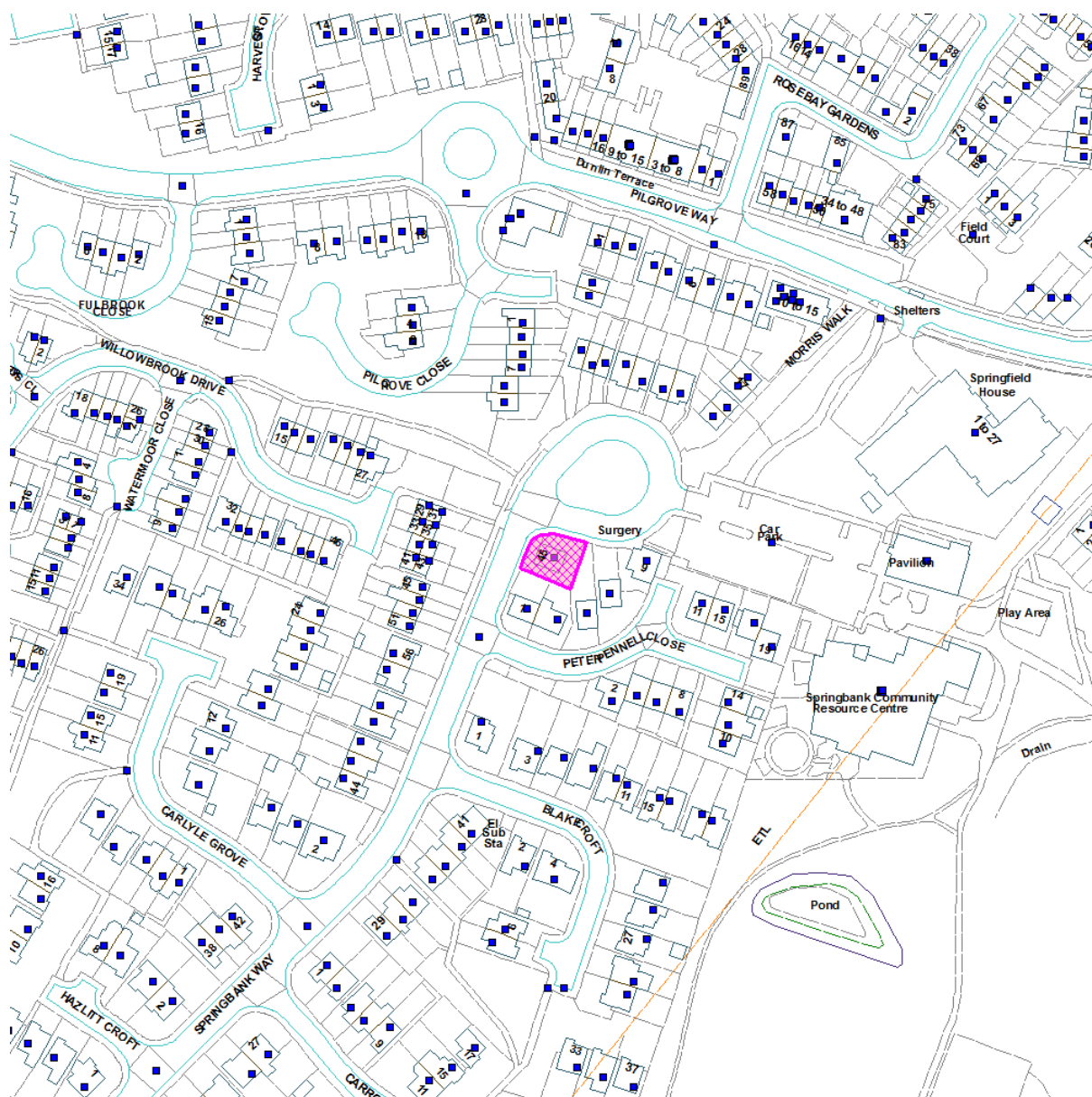


<b>APPLICATION NO:</b> 25/01826/FUL	<b>OFFICER:</b> Mrs Lucy White
<b>DATE REGISTERED:</b> 14th November 2025	<b>DATE OF EXPIRY:</b> 9th January 2026/Agreed Extension of Time Until 26 <sup>th</sup> January 2026
<b>DATE VALIDATED:</b> 14th November 2025	<b>DATE OF SITE VISIT:</b>
<b>WARD:</b> Springbank	<b>PARISH:</b>
<b>APPLICANT:</b>	Cheltenham Borough Council
<b>AGENT:</b>	Evans Jones Ltd
<b>LOCATION:</b>	45 Springbank Way Cheltenham Gloucestershire
<b>PROPOSAL:</b>	Replacement dwelling

**RECOMMENDATION:** Permit



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## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 No 45 Springbank Way is a corner plot located on the east side of the road. The bungalow which previously occupied the site was destroyed by fire in 2024. The damaged building was removed but the concrete building slab, access drive and patio are retained. The property is enclosed by a brick wall with a side access and hardstanding that also provided limited off-road parking, due to its narrow width.
- 1.2 The application site is located within Flood Zone 1 and is not within a conservation area.
- 1.3 Surrounding development consists of single storey, semi-detached and detached houses of similar age and architectural style. Properties in this part of Springbank Way face onto a small green.
- 1.4 The application proposes a replacement single storey dwelling.
- 1.5 This application is being determined by the Planning Committee because the property is owned and managed by Cheltenham Borough Council.

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Principal Urban Area  
Smoke Control Order

### **Relevant Planning History:**

**C24/00004/DS     4th February 2024     CLOSED**

Fire / collapsed building following potential gas explosion

**C24/00032/DEMO     REC**

This detached bungalow had a serious fire on 1 February 2024, which left the property effectively flattened/demolished. The work being carried out, is the clearance of the site to just leave the concrete oversite slab.

## 3. POLICIES AND GUIDANCE

### **National Planning Policy Framework**

Section 2 Achieving sustainable development  
Section 4 Decision-making  
Section 5 Delivering a sufficient supply of homes  
Section 8 Promoting healthy and safe communities  
Section 9 Promoting sustainable transport  
Section 12 Achieving well-designed places  
Section 14 Meeting the challenge of climate change, flooding and coastal change

### **Adopted Cheltenham Plan Policies**

D1 Design  
BG1 Cotswold Beechwoods Special Area Of Conservation Recreation Pressure  
SL1 Safe and Sustainable Living

### **Adopted Joint Core Strategy Policies**

SD4 Design Requirements  
SD10 Residential Development  
SD14 Health and Environmental Quality  
INF1 Transport Network  
INF2 Flood Risk Management

## **Supplementary Planning Guidance/Documents**

Cheltenham Climate Change (2022)

### **4. CONSULTATIONS**

#### **Drainage And Flooding 1**

*1st December 2025 –*

The property is in an area of identified High surface water flood risk (<https://check-long-term-flood-risk.service.gov.uk/postcode>). A flood risk assessment is therefore required to show that the proposed dwelling will be resilient to the design flood event (1 in 100 plus an allowance for climate change). The flood risk assessment also needs to demonstrate the development will compensate for any loss of flood volume that may occur on a level-for-level basis, so it does not increase flood risk elsewhere. A sustainable drainage scheme will also be required although this can be conditioned if preferred.

#### **Drainage and Flooding 2**

*2nd December 2025 –*

There are no objections provided the following conditions can be attached:

Prior to the commencement of development, the surface water flood risk at the site is assessed and the finished floor level (FFL) of the dwelling is set above the design flood level (1 in 100 plus climate change) with an appropriate allowance of freeboard.

Prior to the commencement of development, a surface water drainage scheme, which shall incorporate Sustainable Drainage System (SUDS) principles in accordance with the national SUDS standards, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include proposals for maintenance and management. The development shall not be carried out unless in accordance with the approved surface water drainage scheme.

Reason: To ensure flood risk management and sustainable drainage of the development, having regard to adopted policy INF2 of the Joint Core Strategy (2017).

#### **Environmental Health**

*9th December 2025 –*

In relation to the planning application reference 25/01826/FUL for 45 Springbank Way, Cheltenham, GL51 0LH, please can the following be added as proposed conditions from Environmental Health:

Times of work for construction:

Please note that this department will request for the standard condition relating to the permitted days and times of work, including delivery times for the construction phase - this would be 07:30- 18:00 Monday - Friday and 08:00 - 13:00 Saturdays with no works to take place on a Sunday or Bank Holiday and to be mindful of noise when deliveries arrive at the site.

Construction plans:

This proposal relates to the construction of a new dwelling, this will inevitably lead to some emissions of noise and dust which have a potential to affect nearby properties, including residential property. I must therefore recommend that if permission is granted a condition is attached along the following lines:

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

## **Building Control**

*2nd December 2025* - This application will require Building Regulations approval. Please contact the office on 01242 264321 or [buildingcontrol@cheltenham.gov.uk](mailto:buildingcontrol@cheltenham.gov.uk) for further information.

## **GCC Highways Planning Liaison Officer**

*9th December 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.

## **5. PUBLICITY AND REPRESENTATIONS**

Number of letters sent	<b>7</b>
Total comments received	<b>0</b>
Number of objections	<b>0</b>
Number of supporting	<b>0</b>
General comment	<b>0</b>

**5.1** Letters were sent to 7 neighbouring properties. No representations were received.

## **6. OFFICER COMMENTS**

### **6.1 Determining Issues**

**6.2** The key issues for consideration are the design and scale of the proposed dwelling and their impact on the character and appearance of the locality and amenities of neighbouring land users. The extent to which the proposals address climate change will also need to be considered.

### **6.3 Design and layout**

**6.4** Section 12 of the NPPF emphasises the importance of achieving well designed places that are visually attractive and sympathetic to local character and setting. Policy SD4 of the JCS and policy D1 of the Cheltenham Plan (CP) require development to be of a high standard of architectural design that positively responds to and respects the character of the locality and should be of scale, type and materials appropriate to its setting.

**6.5** The form, scale, design and general appearance of the proposed dwelling largely reflect that of the previous bungalow and the design approach has been kept simple and in keeping with surrounding development. The roof form is pitched to correspond with the established character of neighbouring properties. The proposed materials palette consists of facing brickwork and a tiled roof covering. Compared to the original dwelling, the building footprint extends further towards the northern site boundary to provide an enlarged living and dining space. This slightly enlarged footprint and altered roof form, compared with the original dwelling, are considered acceptable and should sit comfortably within the staggered building line of this part of the cul-de-sac.

**6.6** The main side access to the dwelling is maintained and the width of the side curtilage should be sufficient to provide off-road parking for a small car(s). There are no other changes to the external areas of the site or boundary treatment.

**6.7** In light of the above assessment, the development is considered acceptable in design, scale and appearance, should sit comfortably within the plot and blend satisfactorily with neighbouring properties, without harm to the character and appearance of the wider street scene. The proposals are therefore in accordance with the objectives of Policies D1 of the Cheltenham Plan and Policy SD4 of the Joint Core Strategy 2017.

#### **6.8 Impact on neighbouring property**

**6.9** Section 12 of the NPPF requires development to create places with a high standard of amenity for existing and future users. Policy SL1 of the Cheltenham Plan advises that development will only be permitted where it will not cause unacceptable harm to the amenity of adjoining land users or the locality. In assessing impact on amenity, the Council will take account of matters including, but not limited to, loss of privacy, loss of light and outlook. The policy is consistent with adopted JCS policy SD14.

**6.10** The properties with the most potential to be affected by the proposed development are the neighbouring dwellings at 1, 3 and 5 Peter Pennell Close. These properties are all single storey in height. Nos 1 and 3 Peter Pennell Close have windows and doors in their rear elevations and share the southern site boundary of the application site.

**6.11** As discussed above, the proposed dwelling would remain single storey, incorporating the pitched roof form and general alignment of the original building. There is no discernible increase in ridge height, no rooflights are proposed and the side (south) elevation would include a bathroom window and the main entrance door. Consequently, the development is not expected to result in any significant impact on the amenities of adjacent land users in terms of overlooking, loss of light and privacy or an overbearing appearance.

**6.12** Notwithstanding the above, to protect the amenities of adjacent land users, a condition has been added to prevent the insertion of rooflights/openings within the south elevation roof slope without the prior written approval of the local planning authority.

**6.13** It is also noted that no objections were received in response to the publicity exercise.

**6.14** In light of all the above assessment, officers are satisfied that the proposals meet the objectives of Cheltenham Plan policy SL1 and JCS policy SD14.

#### **6.15 Access and highway issues**

**6.16** There are no proposed alterations to the existing access and off-road parking arrangements. The County Council Highways Development Management team has considered the proposals and raises no objection.

#### **6.17 Sustainability**

**6.18** The Cheltenham Climate Change SPD (2022), sets out a detailed strategy for decarbonising buildings over the next decade. When considering proposals for alterations and extensions there is an opportunity to improve the environmental performance of a building through the inclusion of technologies and features such as photovoltaics, heat recovery, permeable (or minimal) hard surfaces, insulation, non-fossil fuel heating systems (heat pump) and thoughtful kitchen design. This is reflected in Policy SD3 of the JCS.

**6.19** The revised Planning Statement includes a Sustainability section which sets out the energy efficient and low carbon measures that could be incorporated into the scheme. These include a fabric-first approach to design, high levels of insulation, thermal efficiency and airtightness to minimise heat loss plus the installation of solar panels on the south

facing roof slope and an air source heat pump for domestic space and heating. The building has also been designed to be future proof and resilient to climate change and the proposed works would need to meet current Building Regulations requirements i.e. meet or exceed Part L 'U' values.

**6.20** Given the scale of the proposed development, the proposed energy efficient measures are considered to be an acceptable and proportionate response to climate change and the SPD.

**6.21** Conditions have been added to secure the installation and retention of the ASHP and solar panels.

## **6.22 Other considerations**

### **6.23 Flood Risk and Drainage**

**6.24** The site is located within Flood Zone 1 and therefore at the lowest risk of fluvial flooding. However, the site is located in an area of identified high surface water flood risk.

**6.25** The Council's Drainage officer (DO) has reviewed the proposals and initially requested the submission of a flood risk assessment to demonstrate that the proposed dwelling would be resilient to the design flood event (1 in 100 plus an allowance for climate change) and not increase flood risk elsewhere. Following discussion with the DO, the application was subsequently assessed on the basis of it being a replacement dwelling and utilising an existing concrete slab, and a flood risk assessment was not required.

**6.26** The DO raises no objection to the proposed development subject to the imposition of a condition requiring the submission and approval of a detailed surface water drainage scheme, incorporating Sustainable Drainage System (SUDS) principles and proposals for maintenance and management. These conditions have been added accordingly.

**6.27** With the conditions attached, the development is considered to be acceptable in terms of flooding and drainage, and accords with JCS policy INF2.

### **6.28 Biodiversity Net Gain**

**6.29** For applications submitted on or after April 2024, a minimum 10% biodiversity net gain (BNG) is now mandatory for all non-householder development. However, the Biodiversity Gain Requirements (Exemptions) Regulations 2024 set out the circumstances where development is exempted from this requirement. The 'de minimis exemption' applies in circumstances where:

- The development does not impact an on-site priority habitat
- The development impacts less than 25 square metres of onsite habitat and less than 5 metres of onsite linear habitat

**6.30** The application site does not contain any priority habitat and the amount of green space on site lost through the erection of the replacement dwelling is less than 25 square metres. The proposed development therefore complies with the requirements of the de minimis exemption and 10% BNG is not required.

### **6.31 Cotswold Beechwoods Special Area of Conservation (SAC)/Habitat Regulations Assessment**

**6.32** The application site falls within a zone of influence identified in the Cotswold Beechwoods SAC Recreation Mitigation Strategy (May 2022), due to recreational pressure on the SAC;

which is afforded protection under the Conservation of Habitats and Species Regulations 2017 (as amended).

**6.33** Policy BG1 of the Cheltenham Plan states that development will not be permitted where it would result, either directly or indirectly, in an adverse effect on the integrity of the European Site Network, unless the effects can 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.

**6.34** The application proposes a replacement dwelling of similar size and as such there is no requirement for SAC mitigation on this occasion.

**6.35** Public Sector Equality Duty (PSED)

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

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

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

## **7. CONCLUSION AND RECOMMENDATION**

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

**7.2** Policy SD10 of the JCS supports new residential development on previously developed land in the Principal Urban Area. However, where the most relevant policies for determining an application are out-of-date, paragraph 11(d) of the NPPF advises that planning permission should be granted ‘(i) *unless the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole....*’.

**7.3** The Council cannot currently demonstrate a 5 year supply of deliverable housing sites. Consequently, the housing policies of the development plan are considered out of date. and the ‘tilted balance’ in favour of sustainable development is engaged.

**7.4** The proposed development achieves a satisfactory standard of architectural design. The form, style and materials of the replacement building closely reflect those of the previous dwelling, ensuring continuity in character. The proposed dwelling would complement neighbouring development in terms of scale and appearance and although the footprint is

slightly larger, the building would not appear overly prominent within the street scene or harm the overall character of the area. There are no identified amenity, flood risk or highway safety concerns. Furthermore, the inclusion of energy efficiency measures represents a positive response to climate change objectives and aligns with the SPD.

- 7.5** In light of the above, there are clear reasons to justify the granting planning permission. No adverse impacts have been identified that would significantly and demonstrably outweigh the benefits of the proposals. The development therefore accords with relevant local and national policies and guidance, and it is recommended that planning permission be granted subject to the following conditions.
- 7.6** At the time of writing, officers are seeking the applicant's agreement to the terms of the pre-commencement conditions.

## **8. CONDITIONS / INFORMATIVES**

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

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

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

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

- 3 Prior to the commencement of development, a surface water drainage scheme, which shall incorporate Sustainable Drainage System (SUDS) principles in accordance with the national SUDS standards, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include proposals for maintenance and management. The development shall not be carried out unless in accordance with the approved surface water drainage scheme.

Reason: To ensure flood risk management and sustainable drainage of the development, having regard to adopted policy INF2 of the Joint Core Strategy (2017).

- 4 Prior to the commencement of development, the surface water flood risk at the site shall be assessed and the finished floor level (FFL) of the dwelling set above the design flood level (1 in 100 plus climate change) with an appropriate allowance of freeboard. Details of the FFL shall be submitted to and approved in writing by the local planning authority prior to the commencement of development.

Reason: To ensure flood risk management of the development, having regard to adopted policy INF2 of the Joint Core Strategy (2017).

- 5 Prior to first occupation of the development, secure covered cycle storage shall be provided within the curtilage of the site and thereafter retained for such use 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).

- 6 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).

- 7 During the construction and demolition process, all construction work, including deliveries, shall only take place during the following hours/days:

07:30- 18:00 Monday - Friday

08:00 - 13:00 Saturdays

No works to take place on a Sundays or Bank Holidays

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).

- 8 The developer shall prepare and implement a Construction Management Plan detailing measures to control noise and dust arising from all construction activities on the site. The plan must also include provisions to manage such impacts from vehicles operating within the site and accessing it from the public highway. A copy of the plan shall be made available to the Local Planning Authority or by the Environmental Health team upon request, in the event that complaints relating to noise or other environmental impacts are received.

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 policies SD14 of the Joint Core Strategy (2017).

- 9 Notwithstanding the submitted details, the Air Source Heat Pump(s) (ASHPs) shall be installed in accordance with the Schedule 2, Part 14, Class G of The Town and Country Planning (General Permitted Development) (England) Order 2015 (As Amended), unless in accordance with details which shall have first been submitted to and approved in writing by the local planning authority. The details shall include acoustic information relating to the operation of the ASHP(s) and should relate to the closest noise receptors, in line with MCS020 assessment. An ASHP(s) shall be installed prior to first occupation of the dwelling hereby approved and in accordance with details approved. The ASHP(s) shall be retained as such thereafter unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To safeguard the amenities of future occupiers and neighbouring properties and to reduce carbon emissions, having regard to adopted policies D1 and SL1 of the Cheltenham Plan (2020), adopted policies SD3, SD4 and SD14 of the Joint Core Strategy (2017) and guidance set out in Cheltenham Climate Change SPD.

- 10 The dwelling hereby approved shall not be occupied until the proposed solar PV panels have been fully installed for operational purposes and in accordance with the details set out within the revised Planning Statement received on 22nd December 2024. The solar PV panels shall be retained as such thereafter unless otherwise first agreed in writing by the local planning authority.

Reason: In the interests of the character, appearance and amenities of the area and reducing carbon emissions, having regard to adopted policies D1 and SL1 of the Cheltenham Plan (2020), adopted policies SD3, SD4 and SD14 of the Joint Core Strategy (2017) and guidance set out in Cheltenham Climate Change SPD (2022).

- 11 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and/or re-enacting that order with or without modification), no additional windows/rooflights shall be formed in the south elevation roof slope without express planning permission.

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

## **INFORMATIVES**

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

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

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