



Notice of a meeting of Planning Committee

**Tuesday, 28 May 2019
6.00 pm**

Membership	
Councillors:	Garth Barnes (Chair), Paul Baker (Vice-Chair), Stephen Cooke, Diggory Seacome, Victoria Atherstone, Bernard Fisher, Dilys Barrell, Mike Collins, Alex Hegenbarth, Karl Hobley, Paul McCloskey, Tony Oliver, Simon Wheeler, John Payne and Rowena Hay

The Council has a substitution process and any substitutions will be announced at the meeting

Agenda

8. **19/00431/FUL - MONKSCROFT VILLAS, PRINCESS ELIZABETH WAY, CHELTENHAM** (Pages 5 - 12)
[Planning Application Documents](#)

Contact Officer: Judith Baker, Planning Committee Co-ordinator,
Email: builtenvironment@cheltenham.gov.uk

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APPLICATION NO: 19/00431/FUL		OFFICER: Mr Craig Hemphill	
DATE REGISTERED: 6th March 2019		DATE OF EXPIRY: 5th June 2019	
WARD: Hesters Way		PARISH:	
APPLICANT:	Cheltenham Borough Homes		
AGENT:	Mr Huw Rettie		
LOCATION:	Monkscroft Villas Princess Elizabeth Way Cheltenham		
PROPOSAL:	Demolition of existing building and redevelopment of site to provide 27 dwellings. Including a part four three and two storey block of flats comprising 25 apartments (20 one bed & 5 two bed units). Along with 2 two bed semi-detached houses with ancillary car parking, cycle/bin stores and associated landscaping. Alterations to existing pedestrian and vehicle access.		

Update to Officer Report

1. 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 Throughout the construction and demolition period of the development hereby permitted provision shall be within the site that is sufficient to accommodate the likely demand generated for the following:

- i. parking of vehicles of site operatives and visitors;
- ii. loading and unloading of plant and materials;
- iii. storage of plant and materials used in constructing the development;
- iv. provide for wheel washing facilities

Reason: To reduce the potential impact on the public highway and accommodate the efficient delivery of goods in accordance with paragraph 110 of the National Planning Policy Framework.

- 4 The Vehicular Access Arrangement/Bus Stop Relocation including tactile crossing facilities and lining works shall be constructed in accordance with the submitted plan ref: 3077.03B, before any of the dwellings hereby permitted are first occupied, unless otherwise agreed in writing by the local planning authority (LPA).

Reason: To ensure that the appropriate opportunities to promote sustainable transport modes and is designed to give priority first to pedestrian and cycle movements and provide access to high quality public transport and facilities that encourage public transport use in accordance with paragraph 110 of the National Planning Policy Framework.

Page 4

- 5 No building on the development shall be occupied until the carriageway(s) (including surface water drainage/disposal, vehicular turning head(s) and street lighting) providing access from the nearest public highway to that dwelling have been completed to at least binder course level and the footway(s) to surface course level.
Reason: To minimise hazards and inconvenience for users of the development by ensuring that there is a safe, suitable and secure means of access for all people that minimises the scope for conflict between traffic and cyclists and pedestrians in accordance with paragraphs 108 and 110 the National Planning Policy Framework.
- 6 Prior to occupation of the proposed development hereby permitted details of the proposed arrangements for future management and maintenance of the proposed streets within the development shall be submitted to and approved in writing by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as either a dedication agreement has been entered into or a private management and maintenance company has been established.
Reason: To ensure that safe, suitable and secure access is achieved and maintained for all people that minimises the scope for conflict between traffic and cyclists and pedestrians in accordance with paragraph 108 and 110 the National Planning Policy Framework and to establish and maintain a strong sense of place to create attractive and comfortable places to live, work and visit as required by paragraph 127 of the Framework.
- 7 No above ground works shall commence on site until a scheme has been submitted to, and agreed in writing by the Council, for the provision of fire hydrants (served by mains water supply) and no dwelling shall be occupied until the hydrant serving that property has been provided to the satisfaction of the Council.
Reason: To ensure adequate water infrastructure provision is made on site for the local fire service to access and tackle any property fire in accordance with paragraph 110 of the National Planning Policy Framework.
- 8 The vehicular access hereby permitted shall not be brought into use until the existing roadside frontage boundaries have been set back to provide visibility splays extending from a point 2.4m back along the centre of the access measured from the public road carriageway edge (the X point) to a point on the nearer carriageway edge of the public road 54m distant in both directions (the Y points).
The area between those splays and the carriageway shall be reduced in level and thereafter maintained so as to provide clear visibility between 1.05m and 2.0m at the X point and between 0.26m and 2.0m at the Y point above the adjacent carriageway level.
Reason:- To avoid an unacceptable impact on highway safety by ensuring that adequate visibility is provided and maintained to ensure that a safe, suitable and secure means of access for all people that minimises the scope for conflict between traffic and cyclists and pedestrians is provided in accordance with paragraphs 108 and 110 of the National Planning Policy Framework.
- 9 The development hereby permitted shall not be occupied until the cycle storage facilities have been made available for use in accordance with the submitted plan drawing no. 3077.T07, and those facilities shall be maintained for the duration of the development.
Reason:- To give priority to cycle movements by ensuring that adequate cycle parking is provided, to promote cycle use and to ensure that the appropriate opportunities for sustainable transport modes have been taken up in accordance with paragraph 108 of the National Planning Policy Framework.
- 10 The buildings hereby permitted shall not be occupied until the vehicular parking and turning facilities have been provided in accordance with the submitted plan drawing no.

Page 5

3077.T07, and those facilities shall be maintained available for those purposes thereafter.

Reason:- To ensure that a safe, suitable and secure means of access for all people that minimises the scope for conflict between traffic and cyclists and pedestrians is provided in accordance with the paragraphs 108 and 110 of the National Planning Policy Framework.

- 11 Prior to the commencement of development, the following information shall be submitted to and approved in writing by the Local Planning Authority:

(a) a full site survey showing:

- i) the datum used to calibrate the site levels;
- ii) levels along all site boundaries at regular intervals;
- iii) levels across the site at regular intervals;
- iv) finished floor levels or other datum of adjacent buildings; and
- v) cross section drawings clearly showing existing ground levels in relationship with the finished floor and eaves levels of adjacent buildings

(b) full details showing:

- i) the proposed finished floor level of all buildings and ground levels including hard surfaces; and
- ii) cross section drawings showing the proposed finished floor and eaves levels of all buildings and ground levels including hard surfaces.

The development shall thereafter be implemented strictly in accordance with the agreed details.

Reason: To ensure a satisfactory relationship between the proposed development and adjacent buildings and land, having regard to saved policies CP4 and CP7 of the Cheltenham Borough Local Plan (2006) and adopted policies SD4 and SD14 of the Joint Core Strategy (2017). Approval is required upfront to allow the impact of the development to be accurately assessed.

- 12 Other than the roof terrace identified on the approved plans, all other flat roof area of the development hereby permitted shall not be used as a balcony, roof garden or other external amenity area at any time. Access to the flat roof shall be for maintenance purposes only.

Reason: To safeguard the amenities of adjacent properties, having regard to saved policy CP4 of the Cheltenham Borough Local Plan (2006) and adopted policy SD14 of the Joint Core Strategy (2017).

- 13 The development shall be carried out in strict accordance with the recommendations and requirements of the ecological survey report dated November 2018 submitted with the planning application.

Reason: To safeguard important ecological species, having regard to adopted policy SD9 of the Joint Core Strategy (2017).

- 14 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), windows in the west elevation shown on plan 170989-1500 P05 noted with the figure 1 shall at all times be restricted opening and glazed with obscure glass to at least Pilkington Level 3 (or equivalent).

Page 6

Reason: To safeguard the amenities of adjacent properties, having regard to saved policy CP4 of the Cheltenham Borough Local Plan (2006) and adopted policy SD14 of the Joint Core Strategy (2017).

- 15 The development hereby approved shall not be carried out unless in accordance with the Arboricultural Method Statement dated 20th December 2018. The protective measures specified within the Tree Protection Plan shall remain in place until the completion of the construction process.

Reason: To safeguard the existing tree(s) in the interests of visual amenity, having regard to saved policies GE5 and GE6 of the Cheltenham Borough Local Plan (2006).

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

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

Any trees or plants indicated on the approved scheme which, within a period of five years from the date of planting, die, are removed or become seriously damaged, diseased or dying shall be replaced during the next planting season with other trees or plants of a location, species and size which shall be first agreed in writing by the Local Planning Authority. All hard landscape works shall be permanently retained in accordance with the approved details [delete if not appropriate].

Reason: In the interests of the character and appearance of the area, having regard to saved policies CP7, GE5 and GE6 of the Cheltenham Borough Local Plan (2006), and adopted policies SD4 and INF3 of the Joint Core Strategy (2017). Approval is required upfront because the landscaping is an integral part of the development and its acceptability.

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

Reason: To safeguard the amenity of adjacent properties and the general locality, having regard to saved policy CP4 of the Cheltenham Borough Local Plan (2006) and adopted policy SD14 of the Joint Core Strategy (2017). Approval is required upfront because without proper mitigation the use could have an unacceptable environmental impact on the area.

- 18 The development shall provide for a minimum of 40% affordable housing unless otherwise agreed in writing with the Local Planning Authority.

Reason: To comply with the requirements of Policy SD12 of the Joint Core Strategy 2011 to 2031.

INFORMATIVES :-

Page 7

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

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

In this instance, the authority negotiated revised plans

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

- 2 The applicant is advised that to discharge condition 6 that the local planning authority requires a copy of a completed dedication agreement between the applicant and the local highway authority or the constitution and details of a Private Management and Maintenance Company confirming funding, management and maintenance regimes.
- 3 The proposed development will involve works to be carried out on the public highway and the Applicant/Developer is required to enter into a legally binding Highway Works Agreement (including an appropriate bond) with the County Council before commencing those works.

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ADDITIONAL REPRESENTATION

33 Pinewood Drive
Cheltenham
Gloucestershire
GL51 0GH

Comments: 23rd May 2019

All of the comments below relate to the latest revised drawings and submission (Date Published: - 15th May 2019) of the Revised proposed elevations (Design Drawing Ref - 170989-1500-P05-Proposed Elevations:-

1. West Elevation 3 storey + roof terrace (rear facing) - the latest revised drawing continues to remain (from an existing 2 storey set of properties) an overwhelming visual impact onto our property with considerable reduction in the amount of visible sky throughout the four calendar seasons.
2. West Elevation 3 storey + roof terrace (rear facing) - the latest revised drawing continues to remain an overbearing and overwhelming height and mass (albeit slightly reduced) of building structure that will have an immediate and long lasting substantial loss of light both from morning sunlight as well as natural daylight to the rear of our property as well as that of our neighbours property.
3. West Elevation 3 storey + roof terrace (rear facing) - the latest revised drawing continues to remain a mix of windows (14 inc. patio door) all of which have the ability to be opened (regardless of the type of glass used) and overlook our property and that of our neighbours.
4. West Elevation 3 storey + roof terrace (rear facing) - the latest revised drawing continues to present a total loss of privacy in both our garden and home by going from a terraced row of 2 storey properties to a 3 (plus roof terrace) / 4 storey block of flats. The impact of this substantial change simply cannot be quantified.
5. West Elevation 3 storey + roof terrace (rear facing) - the latest revised drawing continues to encompass the communal roof terrace (4th storey). This, in effect, is a glass greenhouse visibly available and open to everyone to look into our garden and home (along with neighbouring properties) with total disregard for our (and that of our neighbours) privacy. In addition, the revised design remains and maintains to the original submission in terms of height thus bringing the overall height of the structure to 4 storeys.
6. Design ref: 170989-1510-P05-Proposed Section A-A_B-B & C-C.

- i. Drawing Design 1 Proposed Section A-A Scale 1:200. The stated
- ii. Centre of ground floor window (angle of 25.00 degrees) should be revised and amended to reflect that the 3rd and 4th Storey remain at a significantly steep angle of elevation to which our privacy and natural light remain seriously affected.

In summary, whilst we acknowledge that continued minimal efforts of revisions to the original submission have been produced, this does not go anywhere near far enough in addressing the monumental impact this development will have on our property. Our property is located at the narrowest and lowest lying land point of the proposed site development and as a result we therefore suffer the greatest impact of change proposed by this development. We cannot stress highly enough the impact this proposed immense structure will have within metres of our boundary on privacy, light, noise and visual impact. We therefore continue to uphold our original and continued position and comments and seek from Cheltenham Borough Council the refusal of this Planning Application in its current design and format in favour of a smaller, less intrusive design being put forward for consideration.