

<b>APPLICATION NO: 20/00698/FUL</b>		<b>OFFICER: Mrs Emma Pickernell</b>
<b>DATE REGISTERED:</b> 1st May 2020		<b>DATE OF EXPIRY :</b> 26th June 2020
<b>WARD:</b> Park		<b>PARISH:</b>
<b>APPLICANT:</b>	Mr Mark Edwards	
<b>LOCATION:</b>	Ranmoor, 35 St Stephens Road, Cheltenham	
<b>PROPOSAL:</b>	Proposed erection of no. 1 single storey dwelling and associated parking.	

## REPRESENTATIONS

Number of contributors	<b>8</b>
Number of objections	<b>6</b>
Number of representations	<b>2</b>
Number of supporting	<b>0</b>

Flat 8  
33 St Stephens Road  
Cheltenham  
Gloucestershire  
GL51 3AB

### Comments: 22nd May 2020

On behalf of the owners of 33 St Stephen's Road, I wanted to express concern about the planned access arrangements to the proposed new building. On studying the plans it seems to show:

1. Moving our boundary inwards towards our building (the blue line on the plan). Currently we have over a car's width down the side of our building to enable access to the rear of the property. Moving this boundary inwards would lead to:
  - a. Restricted access for residents of number 33 to the back of the property (including bins etc);
  - b. If our boundary wall was moved inwards it would also reduce the size of our car parks which are already small thus increasing the risk of accidents as people attempt to manoeuvre in a smaller space. When the car parks are busy we are already tight on space.
2. I note in a separate diagram, that the plan would be for access to the rear car park to be through a new wall/fence (rather than all on our property as now). I am concerned about how this will impact on the rear car park for space etc, but also how this would impact on our waste management (the bins are stored in the rear car park and this may be impacted by this new access).
3. As noted already by a separate commentee, the diagram appears to indicate that the new building would use our current access to the rear of our property- the boundary would be moved inward (the blue line) and then that land would then become shared with the new building for access (indicated by a red line on the diagram).

As well as inconveniencing us and my concerns in points 1 and 2, there are then questions of ownership of this part of the land (at least some of it is currently part of number 33), as well as how this would work in practice. How would this now shared access be maintained and managed?

## Page 2

To summarise, we are very concerned based on these plans about the impact on number 33. Neither the Management Company nor our managing agents have been consulted so far so we do not have details about how the above would be planned.

### **Comments:** 26th May 2020

The planning proposal is for a one storey house to be built in the garden of number 35 (which was formerly the garden of number 33). Our concerns mainly stem for the proposed access via our property.

1. The planning application states that number 35 already have access to the garden via our property (I was not aware of this, so need to check with our Managing Agents who hold the property documentation), in the many years I have lived in the property I had not noticed this - as the garden is all one garden they presumably have had little or no need to access it via our property. Naturally, if there are several people living in number 35 and visitors this will greatly increase traffic across our driveway much to the disadvantage of our residents.
2. The planning application states there are two access points at number 33 to the rear of our property, one is very narrow and pedestrian only with the other suitable for cars and moving the bins etc. (The proposal appears to suggest changing this access which, without further details, appears to negatively impact on the residents of number 33.)
3. The diagrams related to access appear to suggest changing the layout at the back of our property - creating new access/gates and changing how we access the rear of the property. This would be of course make our access more difficult, but the plans do not state how the rear of our property would then be laid out so as not to negatively impact on us. The area currently has parking for four cars but is very tight and turning round is tricky. I would be concerned about any reduction in size due to the impact on the availability of parking and safety aspects of using the car park.

The back of our property also contains our shared bins, as well as a small garden area (not shown on the diagrams). I'm concerned the bin area might be impacted by the proposed changes making it more difficult to manage waste or reducing our parking as a result.

4. If I understand the diagram correctly, it also seems to be suggesting moving our boundary wall inwards towards the house (the blue line) which would result in also reducing the size of our front car park - again when full this is tight on space already and so I would be concerned about safety of even less space and perhaps a reduced capacity.
5. The diagram then seems to suggest moving our boundary inwards (the blue line) to then have an access way to the rear of our property (not directly within our property as now) and to the new house. As this would be over our current property (and potentially some of number 35s?) we of course would want to be consulted over plans, and it does not state how it would then be managed and maintained?

At this stage we have many questions and a number of concerns about the impact on our property. As owners (the Management Company of 33 St Stephen's Road) we have thus far not been consulted and were only alerted to this at the last moment. Our agents, Young and Gilling, were similarly not aware and we would encourage further engagement to be made via them on behalf of the owners.

I was incredibly surprised that plans which impact so much potentially on our property had not been discussed with us to see if there was a solution that would work for both parties. Please could the Council encourage this engagement as at it stands, only having seen the documents on the planning website, we have many concerns.

## Page 3

Although the planning documentation said people shouldn't comment on the disruption and noise caused by construction, several of our tenants are of course concerned particularly if the access for vehicles and equipment will be across our property.

Many thanks in anticipation of your assistance

Flat 6  
33 St Stephens Road  
Cheltenham  
Gloucestershire  
GL51 3AB

**Comments:** 10th June 2020

While we do not object to the application and are neutral, we do have a couple of comments.

Firstly as has been previously highlighted by others, several cars use the shared access regularly and park to the rear of number 33. The plans and supporting documents do not appear to show any construction storage or parking areas. We would appreciate if information could be provided regarding the timing of deliveries and construction parking to ensure the shared access is not blocked particularly during the morning when cars need to leave.

Additionally, the application states the boundary wall with number 33 will be rebuilt. As highlighted by others several cars park against this boundary wall and would need assurance that the rebuilding would not prevent parking for a significant period of time.

Flat 2  
33 St Stephens Road  
Cheltenham  
Gloucestershire  
GL51 3AB

**Comments:** 22nd May 2020

I object on the grounds that the access to the property is via a narrow road to the side of the apartments at 33 St Stephens Road, which is clearly marked on the deeds as being owned by no 33, I am not aware of any covenants allowing vehicle access to the rear of no 35 or any provision for shared costs for the upkeep of this part of the road.

In using this access there will be more cars passing the bedroom window of the ground floor apartments in particular flat 2, which is at ground floor level and directly overlooks this access road.

The exit onto the main road is fairly blind and would increase the risk of an accident entering or leaving the properties.

The wall that is proposed to be rebuilt is currently est 1.5 meters even a bungalow would restrict the view of the apartments, in particular at ground and first floor levels as this will be above the height of this wall, the proximity to the rear of the building can be no more than 6 meters so it would be the only view.

With regard to the proposed Sedum roof, this would not make the outlook more desirable, in fact it would be totally out of keeping with the style of the Regency properties.

Please note that the existing shed roof protrudes above the wall and the landscape will be greatly altered by a bungalow.

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There would also be concern about the disruption of the building works, the access road proposed is the only road to the rear parking of the apartments at no 33 and is narrow and close to the building and heavy plant could cause damage to the property.

Flat 5  
33 St Stephens Road  
Cheltenham  
Gloucestershire  
GL51 3AB

**Comments:** 9th June 2020

The planning application seems to indicate that the access driveway land belongs to 35 St Stephens Road. My understanding is that legally this land is owned by 33 St Stephens Road, Management Company Ltd.

I would not consider access to the proposed development area as suitable or safe. There is a narrow entrance between a brick wall and conifer hedging. Six cars currently park in the front area. Any change to the size of this area would compromise the basis upon which each flat that shares this space bought their property. I am sure there would be legal ramifications to this. Traffic movement as well as pedestrian safety could also be put at risk.

There is no access to the rear of No.33 via the North side of the building.

The rear of the building is used by four vehicles and there is minimal room for manoeuvre and turning even without the proposed development.

I do not understand how access would be maintained for the residents of No.33 to the rear of the building, as well as managing the waste and recycling of all the flats as the bins can only be housed at the rear.

The only outside space for residents is also at the rear of No.33. During the pandemic, this area has been vital for everyone's wellbeing and seems to be under threat from the plans that have been outlined.

From a conservation viewpoint, I cannot understand the developments 'enhancement' of the area?

Flat 1  
33 St Stephens Road  
Cheltenham  
Gloucestershire  
GL51 3AB

**Comments:** 29th May 2020

We write to object to the above planning application for the following reasons:

1. The site does not fall behind no. 35 St Stephens Road as described in the application, but is directly behind no. 33 St Stephens Road, a property already divided into 8 flats, with 1 & 2 bedroom accommodation, and servicing 10 vehicles. Many of whom have views directly onto the proposed site.

The area itself has mainly large Georgian buildings, with large gardens to front and rear, as demonstrated in the aerial photos supplied.

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Increasing the density of what is a natural garden setting, and within the Conservation Area, seems at odds with the need for green spaces in an otherwise Urban zone.

2. Vehicular access is suggested to be comfortably met via use of the driveway which is owned and maintained by the Residents of 33 St Stephens Road.

It seems unrealistic to expect the owners of 33 St Stephens Road to provide and maintain access, to both the builders and subsequently new residents, of a new build property without any consultation or request by the Applicant to the owners of the access itself. We remain unsure of the legality of this assumption, but we will be pursuing this aspect in the coming days.

3. We are concerned that the build would have a significant impact on the enjoyment of the property for the residents of 33 St Stephens Road for some considerable time.

The build site not only abuts car parking, and a retaining wall, but also immediately abuts the Residents garden, the only outdoor amenity space available for the building.

Given the build could take some considerable time, it would seem unreasonable to deprive the Residents of the only outside amenity space they have.

There are many reasons to object, but our main concerns are the impact on the general amenity for the owners of 33 St Stephens Road, as well as the need for the development to utilize access which is owned by 33 St Stephens Road, and the loss of green space.

We thank you for your attention and look forward to hearing from you in due course.

### **Comments:** 8th June 2020

This submission is made on behalf of **33 St Stephens Road Management Company Ltd**

We write on behalf of 33 St Stephens Road Management Company Ltd regarding the above mentioned proposal to erect a property to the rear of our building, abutting our car park and garden.

We would like to apologize in advance for this late submission. However, we had not been advised of the scheme by the Applicant, and were informed on the deadline date for written submissions of support or objection. Clearly during the current 'lockdown', owners who live away will not have travelled to the property, and those who reside at the property have not reported seeing any notices publicly advertising the scheme. We have had little time to consult or investigate.

We sincerely regret that the Applicant has not, at any time, contacted the officers of 33 St Stephens Road Management Company Ltd, nor indeed their agents Young & Gilling, to discuss the proposals. Undoubtedly, concerns that have been raised by a number of residents, and posted to the planning site, may have been dealt with sooner.

Notwithstanding the proposal necessitates the use of our property to gain vehicular access to the site, which will now need to be considered in legal terms by all involved, common courtesy suggests a conversation might have been merited.

We appreciate these are not concerns for a Planning Officer, but feel it important to put the lack of engagement by the Applicant on record.

We currently have a number of objections to the proposal, which are as follows:

### Conservation Area

The proposal lies in the heart of a Conservation Area, which is principally made up of large Georgian town houses with gardens front and rear. The nature of the area is open, green and leafy, with trees and open spaces for residents and wildlife alike. Views from upper floors, both front and rear, take in not only the important architectural quality, but the green spaces surrounding.

Whilst we recognize a need for further housing development within Cheltenham, we question whether a new build, in the heart of an important Conservation Area, is the best solution. And we wonder if this scheme is in keeping with the principles of development within a 'Conservation Area', namely:

1. Does this proposal 'preserve or enhance' the special appearance of the Conservation Area?
2. Does this proposal require the use of in-keeping traditional natural materials as is normally required in such areas?
3. Does this proposals' design improve or enhance the special nature of the Conservation Area?

These are the criteria which Cheltenham Borough Council advertise they apply to development proposals within a Conservation Area, and so we would welcome a response to our concerns on these grounds.

### Drawings and Documents

There appear to be errors and discrepancies within the drawings and documents submitted by the Applicant:

1. The Block Plan shows driveway access to the south of 33 St Stephens Road, from roadside, running up to the proposed entrance gates, edged in red, and inherent to the success of the proposals' scheme. The drawing appears to infer this land belongs to the Applicant. This land is owned by 33 St Stephens Road Management Company Ltd.
2. The Block Plan omits to show the roadside brick and conifer boundary to the east of 33 St Stephens Road, and adjacent to the narrow public footpath which runs to the fore of the building. This boundary wall provides 2 narrow entrances to the property, both of which can access the front car parking (with space for six vehicles) owned by 33 St Stephens Road. The rear car park for 33 St Stephens Road (with space for 4 vehicles) can only be accessed from the southerly entrance, which the Applicant proposes to use for the scheme under consideration. The result of the proposal will mean a minimum of 6 vehicles accessing parking along a narrow driveway to the south of 33 St Stephens Road.
3. The Block Plan has not shown the building 33 St Stephens Road accurately. The drawing omits a large, wrought iron stairway and porch providing separate access to Flat 3. Omitting this feature of the building gives the illusion that there is vehicular access to the north side of 33 St Stephens Road. There is not.
4. The proposal states that the extant brick wall, delineating the boundary between 33 St Stephens Road, and the proposed development site, is in poor state of repair, so should necessarily be removed. There is no evidence of this on site.
5. The Applicant neglects to advise that previous application to development on this land was refused by Cheltenham Borough Council.

### Access, Traffic and Safety

The Applicant states in the Planning Statement that the access is over a 'shared' drive. This is not correct. The Applicant has an easement over the driveway access wholly owned by 33 St Stephens Road Management Company Ltd, and is contingent on a legally defined deeds and covenants.

Currently there are 10 vehicles accessing both north and south driveway entrances to 33 St Stephens Road, and there is concern that adding a further 2 vehicles (as a minimum) to the southern entrance could demonstrably reduce safe access to the property itself, and the rear of the building in particular, certainly whilst parking/manoeuvring.

The lower ground flats are extremely close to the driveway access in question (less than 1 metre). We would want confidence that adding a minimum of 2 further vehicles to an already congested area would be in keeping with any safety legislation.

The rear car park must remain accessible at all times. We question how this can be achieved during a building proposal of this nature.

These points are not exhaustive in terms of our concerns, but we feel they are points which should fall within the Planning Authority remit.

We are not certain what 'duty of care' an authority has when considering the impact of proposals on surrounding residents. But we would question whether the noise, air quality, and removal of our only outside amenity space during the construction period, has been considered. If so, what restrictions/conditions would be implemented to ensure the least disruption for the residents at 33 St Stephens Road?

We would be happy to engage with the process if invited, and are happy to discuss areas of concern with the various parties involved, in order to come to an amicable conclusion.

We trust you will review our comments, and look forward to your response in due course.

314 London Road  
Charlton Kings  
Cheltenham  
GL52 6YJ

### **Comments:** 22nd May 2020

As an owner of an apartment in 33 St Stephens Road, I object to this proposed plan with particular regard to the proposed access over our property.

### Transport Considerations

#### Point 6.18

Planning application states their garden is already accessed via our drive. At the present time, access over our land is minimal by nature, due to the fact it is occasional access to a garden only. Usual access to the garden is via the property 35 St Stephens Road. A three bedroom dwelling could be a couple and two young adults who have a car each, so four cars coming and going numerous times a day. Notwithstanding the proposed space suggested on the plan for two cars, this may be changed at a later date over which we would have no control. An increase in vehicles coming and going across our property will detract from our peaceful quiet enjoyment of our period dwellings.

It is also stated that the property at 33 already has two access points to the rear - this is not the case. The area to the right of no. 33 is access to the side of the building only.

## Page 8

Point 3.4 states the proposal would benefit from shared access through no. 33 - no. 33 would not benefit though. If a dwelling is built in the garden of no. 35 (previously the garden to our property at no. 33), perhaps they should be granted pedestrian access only and park on St Stephens Road in common with other residents. This would prevent the additional noise and potential car damage incidents due to cars exiting two properties at the same time.

### Proposed Layout Plan

The Proposed Layout Plan is misleading in that it appears that there is a large space behind no 33 for resident parking. It does not show that there is a lawn area and a large area for all the recycling bins required for eight flats. The parking area is allocated for a minimum of four cars, which already can be difficult for doing three point turns in order to exit the car park and access the road.

It also appears that an assumption has been made to move the existing gated access and take some of our land. Is it not usual to ask the owners for their thoughts and potential consent?

The proposed plan also seems to indicate rebuilding our existing rear boundary wall, possibly even using this as the building's external wall? We have no wish to have this done and any building erected should be done within the confines of the existing garden, with the provision of any access to maintain the exterior of the proposed dwelling from the existing garden of no. 35.

In conclusion, I would ask that any consultation period should be extended, so that others may comment on this proposal. As we are not currently living at the property, I have only been made aware of this application late today. I understand that letters have been sent to tenants living in the apartments at no. 33, which makes it very difficult for owners to act within the short time-frame given. This has been compounded in these unprecedented times of a lockdown, as non-essential journeys anywhere have been prohibited. Planning applications taped to lamp posts are not likely to be seen by interested parties either.

I understand that the company acting as Managing agents for 33 St Stephens Road have not been informed of this application by CBC, so were unable to alert the Freeholders.

47 Gratton Road  
Cheltenham  
Gloucestershire  
GL50 2BZ

### **Comments:** 6th May 2020

The proposal shows access via a piece of land within current boundary of #33.

does the owner of #35 have access rights along this strip of land?

if so, who is responsible for maintenance of this strip of land?

33 St Stephens Road  
Cheltenham  
Gloucestershire

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## Page 9

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Notwithstanding the proposal necessitates the use of our property to gain vehicular access to the site, which will now need to be considered in legal terms by all involved, common courtesy suggests a conversation might have been merited.

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