



# CHEL TENHAM

## BOROUGH COUNCIL

### Notice of a meeting of Planning Committee

**Thursday, 20 June 2013  
6.00 pm  
Council Chamber - Municipal Offices**

<b>Membership</b>	
<b>Councillors:</b>	Helena McCloskey (Chair), Jacky Fletcher, Garth Barnes, Chris Coleman, Barbara Driver, Bernard Fisher, Rob Garnham, Les Godwin, Penny Hall (Vice-Chair), Peter Jeffries, Andrew McKinlay, Malcolm Stennett, Pat Thornton, Simon Wheeler, Andrew Chard (Reserve) and Klara Sudbury

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

### Agenda

1. **APOLOGIES**
2. **DECLARATIONS OF INTEREST**
3. **PUBLIC QUESTIONS**
4. **MINUTES OF LAST MEETING** (Pages 1 - 16)
5. **PLANNING/LISTED BUILDING/CONSERVATION AREA  
CONSENT/ADVERTISEMENT APPLICATIONS,  
APPLICATIONS FOR LAWFUL DEVELOPMENT  
CERTIFICATE AND TREE RELATED APPLICATIONS –  
SEE MAIN SCHEDULE**
  - a) **13/00106/FUL Travis Perkins, Gloucester Road** (Pages 17 - 62)
  - b) **13/00111/FUL Former Bonella Works, Tewkesbury Road** (Pages 63 - 78)
  - c) **13/00294/FUL 32 St Stephen's Road** (Pages 79 - 96)
  - d) **13/00527/FUL 131 Cirencester Road** (Pages 97 - 102)
  - e) **13/00562/FUL 3 Sandhurst Villas** (Pages 103 - 124)

- f) **13/00576/FUL Land adjacent to 3 Mead Road** (Pages 125 - 142)
  - g) **13/00614/FUL 111 Old Bath Road** (Pages 143 - 158)
  - h) **13/00691/COU & LBC Manor by the Lake, Hatherley Lane** (Pages 159 - 170)
  - i) **13/00383/FUL Manor by the Lake, Hatherley Lane** (Pages 171 - 192)
- 6. ADDITIONAL ITEM: OFFICER REPORT ON ENFORCEMENT PROCEEDINGS AT SANDFORD DENE, LAKE STREET** (Pages 193 - 198)
- 7. ANY OTHER ITEMS THE CHAIRMAN DETERMINES URGENT AND REQUIRES A DECISION**

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## Planning Committee

23<sup>rd</sup> May 2013

**Present:**

**Members (13)**

Councillors McCloskey, Chair (HM); Hall, Vice-Chair (PH); Coleman (CC); Driver (BD); Fisher (BF); Garnham (RG); Fletcher (JF); Jeffries (PJ); McKinlay (AM); Stennett (MS); Thornton (PT); Walklett (JW); Wheeler (SW).

**Observer:** Councillor Klara Sudbury

**Officers**

Mike Redman, Director Built Environment (MR)  
Martin Chandler, Team Leader, Development Management (MC)  
Chloe Smart, Assistant Planning Officer (CS)  
Karen Radford, Heritage and Conservation Manager (KR)  
Philip Stephenson, Senior Planning Officer (PS)  
Cheryl Lester, Legal Officer (CL)

**1. Apologies**

Godwin (LG) Barnes (GB);

**2. Declarations of interest**

None.

**3. Public Questions**

None.

**4. Minutes of last meeting**

Resolved, that the minutes of the meeting held on 24<sup>th</sup> April 2013 be approved and signed as a correct record *without* corrections

## 5. Planning applications

Application Number:	13/00301/AMEND and 13/00302/LBC		
Location:	Imperial Gardens, Promenade, Cheltenham		
Proposal:	Reinstatement of railings to the perimeter of Imperial Gardens, including refurbishment of the remaining original railings adjacent to the front of the Town Hall and the repair and retention of existing original plinth stones wherever possible (Revised scheme for 12/00099/LBC - to reduce height of railings)		
View:	Yes		
Officer Recommendation:	Grant		
Committee Decision:	Grant		
Letters of Rep:	1	Update Report:	None

### Public Speaking:

#### Cllr Whyborn, in support

Began by explaining why this application had come back to committee, and apologised for the poor communication which gave Members no other choice than to defer their decision and request further background information. Said the Council as landowner had to form a view on what it can or can't support in the Gardens, and as cabinet member responsible for parks and gardens, it fell to him to articulate its views, to give maximum benefit to the largest number of people. Said Imperial Gardens were well-used and loved by townspeople and visitors alike, and had evolved over the years to their current form, as floral gardens with sitting areas, and usage by various events – the 'Festival in a Garden' concept. Had sought to ensure the re-introduction of the railings was done in a way which would be supported by the public as beneficial, and/or be an asset to the iconic gardens.

Said the original proposed railing height of 1.8+m excluding the plinth had caused serious concern to some colleagues, particularly as the overall height could exceed 2m in places due to the different plinth height inside and outside the gardens. Had spoken to the Conservation Officer at the outset, who considered a modest height reduction would be acceptable, as long as the design remained the same. Made the point that the railings are substantially designed and could be regarded as dominant and overbearing by some, and therefore proposed a public consultation exercise, asking for people's thoughts on a reduction of 0.35m in height, and also about dividing the project into three phases, with the attendant risk that the later phases could remain incomplete.

The survey questions, text and results, together with illustrations of the original and reduced height railings, had been circulated to Members. The survey showed that a 60/40 majority backed the height reduction, and the majority of people were happy with the phased project. Told Members that the applicants – Friends of Imperial Square Heritage and Culture – were happy to have this opinion survey conducted in parallel with the planning application consultation.

Conceded that the Victorian Society and Conservation Officer would prefer full height railings, but the Conservation Officer could see no harm in planning terms with the proposed reduction. Reminded Members that the gardens are used every day, and nobody under 70 can remember there being railings, adding that it was not in his remit to restore every detail of the past – the reduced height proposal seemed to be a workable way forward. Said the survey results made it clear that the Council, as landowner, could do nothing else but back the 1.5m height proposal, and for the sake of FISHAC, wanted to give clear and public support to the proposal.

### Member debate:

**JF:** asked why the survey had been carried out in March 2013, after the original decision to restore the railings in December 2012. Said public opinion should have been gauged before the first application, suggesting it was too late to take it into account now.



**BF:** agreed with JF, noting that the other improvements and changes to Imperial Gardens (including Skillicorne Gardens, festival use, trees etc) were subject to much wider consultation, with Members of Planning Committee and officers manning the stands and talking to the public. Said that consultation had shown the railings at 1.8m, and no-one had objected to them then, but that the more recent consultation had been an unmanned display in the Municipal Offices reception area, with drawings on view but no-one to answer questions or discuss the issues. Said the original re-vamp of Imperial Gardens had set out to restore it to its former state, as set out in policy BE5. Had learnt this week that planning used to be done by the landowner, but this had changed with Asquith's Liberal government which stopped landowners from dictating what/where/how anything should be built - this was why the Planning Committee and public was involved. Did not want to see any reduction in the height of the proposed railings. Noted that the officer did not think a refusal would be upheld at appeal, but also that the committee, Conservation Officer and planning officer were unanimous in their belief in best practice for heritage and culture of the town. Considered an Inspector's decision would be a fallback position, and better than what Members were currently looking at from a conservation and standard of work point of view. Said the railings would not enclose the gardens – this was 2013 not 1813; the Gardens are well used, and Skillicorne Gardens looks good and is nearly finished. Looking at the illustration, thought the higher railings would be better from a safety angle, but said he was looking at the application from a planning point of view – Members were told they needed good planning reasons to refuse a proposal, but they also needed good planning reasons to permit one. Thought the application was good as it was, and that it complied with policy.

**SW:** agreed with JF, adding that hindsight was a wonderful thing. Said there should have been proper consultation before the original application, to allow people to look at just one design – the drawings appear to show the same railings from a different perspective. Said that he personally would prefer there to be no railings at all, suggesting that the higher railings were like prison bars, very close together and making it difficult to see through them. Realised that no railings wasn't an option, and was therefore in favour of lower railings, which give a more open feel.

**RG:** said the Council was in a bit of a pickle, as applicant and landowner. Noted that permission for 1.8m railings had been granted, but the landowner (the Council) wouldn't allow it. Said he would vote for the 1.5m railings, as this proposal needed to be progressed without any further obstacles, recognising the need to support the people who had been raising the money and doing the work. Considered the situation to be a mess at the moment.

**CC:** took a contrary view, was not prepared to be bounced into accepting this proposal by a thinly-veiled threat from the Council, and also wanted to support the applicant. Reviewed the history of the last few weeks and the consultation – this was unmanned, didn't include any questions, and was responded to by just 150 people. Pointed out that there were thousands of people in Cheltenham, and that 150 shouldn't be allowed to dictate what happened, adding that councillors are very aware of the town and its well-being. Imperial Gardens is an important site – was concerned that the report referred to the 'Council forming a view' on what was acceptable, referring back to PH's question at the April committee as to where the minutes of that decision are. Was unhappy that Members were being told to ignore CBC's own policy, and had sympathy for the Conservation Officer who, he felt, had been backed into a corner. Said HM had expressed the same concern over policy at the last meeting, and was therefore happy to move to refuse, looking to officers to help him with reasons.

**AM:** looked at this from a different angle. Said there was no doubt that if the railings were still in place and the application was to take them down, this would be a disgrace from a heritage and historical point of view and the Committee would support that view. However, the railings hadn't been in place for 70 years – the Gardens are an open space with no railings, and the Council wasn't asking to replace something in the reasonably remembered past but how best to recreate the ambience of the original past. Said the height of the proposed railings was dictated by evidence of the original

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railings at the front of the Town Hall. Considered there to be a difficulty here, in deciding whether railings at that height were continued all round Imperial Gardens – any railings will materially alter the visual impact of the Gardens and could be oppressive, and the question is whether 1.8m is too much, 1.5m acceptable, or no railings at all the best option. Said we live in a modern world and shouldn't assume that everything put up 150 years ago and subsequently removed is best put back now. Said the railings in Montpellier Gardens are 1.5m high, and it is a matter of opinion as to whether these are too high, too low, and would be better removed altogether. From a planning point of view, said there were many examples of an applicant getting planning permission then coming back for a variation, which is sometimes permitted and sometimes not – this application is no different. The question is, is what is being proposed acceptable on its own merits? Members should forget what has gone before. On planning grounds, could see no reason why the proposal should be refused.

**BF:** reminded Members that there had been extensive consultation prior to the start of the improvements at Imperial Gardens, with a large number of people responding. Regarding the railings in Montpellier Gardens, said these were as historically correct as they could be, and that they were never as high as those in Imperial Gardens, and that the railings at Montpellier had been installed in the correct way according to the heritage process at the Council. Said Policy BE5 was there to be observed and had been observed with the first application and design. The current design doesn't observe heritage instructions and guidance, which states that the railings should be as near as possible to the original. Said Members have all seen examples of where people have tried to alter listed buildings - in this case, that meant the Town Hall and everything within its curtilage – and while there was no good planning reason to refuse the first application, there was a good planning reason to refuse this one. As landowners, the Council had a duty to the people of Cheltenham to care for the town for generations to come, and should make sure that what they leave behind is correct.

**BD:** was not present at the previous meeting but had heard about the hoo-ha. Said Members were making themselves look ridiculous and needed to sort things out. Would like to see the railings installed as originally proposed following research by the Friends group, saying a consultation with 100 people wasn't enough.

**MS:** like BD, wasn't at the last meeting. Had stood by the Montpellier Gardens railings, been on Planning View, and considered the difference between 1.5m and 1.8m, which was quite significant. Thought Members should be adhering to the advice of the Conservation Officer, though if the original permission was for 1.8m railings, this should be supported. Was not privy to the reasons why 1.5m was now proposed, but felt Members should stand by the previous decision. Asked to hear the views of the Conservation Officer on reducing the height of the railings to 1.5m.

**PH:** said CC had referred to her request at the previous meeting to see the minutes of the meeting at which the decision to reduce the height of the railings was taken, yet this had not been provided. Said Cllr Whyborn had referred to a consultation and skirted round the issue, but the consultation had been unmanned and she struggled with anything decided by Councillors without a permanent record of the reasoning behind the decision. Said the borough council was the landowner, but the Friends of Imperial Square had gone to hell and back over the railings, and thought it extraordinary that they should now be placed in this situation. Was concerned that, as the applicant and the landowner, the Council must be above suspicion like Caesar's wife, and nothing less than perfection will do here. Considered the application to be flawed, and said the Cllr Whyborn had still not provided enough information or consultation.

**MJC, in response:**

- said there had been a lot of debate about how the application had been arrived at, but said that this shouldn't influence any decision - Members needed to consider the application on its own merits;

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- reminded Members that it wasn't uncommon to give permission for a scheme and for the applicant to then come back later with the same application in a slightly different form;
- said Members needed to articulate exactly why they considered 1.5m railings to be harmful.

### **KR, in response:**

- said Cllr Whyborn had asked her about reducing the height of the railings before the application was made, discussed whether they should be 1.5m or 1.8m and whether it was better to have reduced height railings or none at all, but the main question for Members to consider was whether the reduced height railings will *harm* the conservation area;
- considered the answer to this question to be no – they will not enhance it, but neither will they harm it – and from a conservation point of view, 1.5m railings are better than no railings at all;
- to AM's comments about whether it was an assumption to say the railings continued all round the Gardens at the same height as was evidenced at the front of the Town Hall, said the Friends of Imperial Square have some fantastic photos which confirm that the railings were a consistent height all the way round;
- regarding the height of the railings round Montpellier Gardens, said she had been involved with their restoration, and in that case there was no evidence of the original railings, just a historical photo showing a small boy of seven or eight years old, which was used to work out how big the original railings were – this was clearly not scientific; at Imperial Gardens, it was known exactly how high the original railings were;
- said this was a difficult application: there is a Local Plan policy relating to this, and if the Council approve it, it won't have been dealt with in accordance with the Local Plan, although the NPPF is more lenient in this respect. From a conservation and heritage aspect, the issue was character and appearance – the lower railings won't enhance the Gardens but won't harm them either and could therefore be said to conserve, though this could be seen as sitting on the fence;
- said best practice and the Victorian Society said that the proposal should be considered in terms of historic precedence, but this was not the case here;
- told Members it was difficult to say whether or not this case would be successful at Appeal, and it was up to them to make the judgement.

**PT:** had listened with great concentration to KR, but had to look at it from a different angle. Told Members that the railings weren't originally installed as decoration but to discourage the common person from using Imperial Gardens; there may have been gates to keep them out too. Said that years ago, poor people were not even allowed to walk up the Prom, and if Members really wanted to preserve Cheltenham in aspic, maybe we should go back to that arrangement too. If they wanted to move with the times, however, they should use their common sense. KR had said it would not be harmful to have 1.5m railings, and looking at the illustration, thought 1.5m looked OK for the gardens – more friendly and approachable. 1.8m railings looked very heavy and substantial, were not friendly, and had been meant to keep people out of the Gardens, other than the privileged and moneyed.

Felt that the Committee wasn't looking at the proposal in the correct way. Said they all represent the people of the town, and can talk to them. Suggested a lot of people don't appreciate the difference between 1.5m and 1.8m, though this was very obvious when illustrated. Said Montpellier Gardens railings had been phenomenally successful – they look good, are attractive, and the Gardens still appear open and welcoming. With regard to the consultation on Imperial Gardens, asked whether the height of the railings was mentioned. Thought it probably wasn't – just the hope that the railings would be put back at some time. Said the restoration of Skillicorne Gardens and refurbishment of the area was discussed, but very little time was spent talking about the railings. Said people from all over Gloucestershire came to look at the plans, not just Cheltenham people, and there was a lot of positive feedback. Said the higher railings were off-putting and not friendly. Will vote for 1.5m.

**BF:** agreed that the original railings may have been intended to keep people out when the Gardens were privately owned, but that wasn't the case right up to the 1940s, when they were finally removed,

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adding that the Festivals in 2013 were doing a very good job at keeping people out of the Gardens. There had been no gates for years, and the Gardens were used for dances and other functions for all the people of Cheltenham, not just the rich. The railings may be a bit foreboding, but to say they kept people out was nonsense.

**SW:** thought PT was right. Said there was great merit in hearing what Cheltenham's architecture is all about, but at the end of the day, are we trying to restore an antique or put something in Cheltenham to make it look nice and give people what they want? Said 1.8m might be exactly the right height to restore a museum piece but he would like to see either nothing at all or lower railings. BF had said higher railings may be foreboding, but the lower height was more inviting, as demonstrated at Montpellier Gardens. Had not heard anything to convince him to vote for anything but the 1.5m railings.

**PT:** asked if there was a better chance of getting the railings installed if Members voted for 1.5m – would these be cheaper?

**HM:** referred back to CC's request for advice from officers on refusal reasons.

**MJC, in response:**

- said two policies in the Local Plan are relevant to this application: BE5, which states that boundary enclosures should be preserved in their original form and that new enclosures should be in a historically accurate form; and BE10, which states that new boundary enclosure to a listed building should be of the same or similar design and material to the historically original enclosure;
- said both the Conservation Officer and the Victorian Society had spoken about best practice, but said the policies didn't require like for like, just historically accurate replacements. This is what would be considered at an appeal;
- said the officer report had turned to the NPPF for a clear steer: 1.5m railings would not be harmful to the conservation area, and the NPPF talks about local authorities taking a positive approach and looking for reasons to permit. Officers don't think a refusal would stand up at appeal, if looked at in the light of the NPPF.

**BF:** said this would be the fall-back position. If the committee made a decision to refuse and the applicant goes to appeal, the committee's decision could be defended correctly, with the fall-back that the application is in line with the NPPF – the Inspector could say that this was sufficient.

**CC:** had listened to the advice, read the policies, and accepted that there was a fine balance between the Local Plan and the NPPF and its can-do attitude, but was concerned about the Conservation Officer's comments that while the proposal is not harmful to the conservation area, it doesn't enhance it either. As a Planning Committee member, had to consider the previous application for railings which *did* enhance. Recognised the fine balance, but for an application which was so important to the town, the fact that the application doesn't enhance the conservation area tipped the balance for him. Moved to refuse on policies BE5 and BE10, and looked for support from Members.

**MJC, in response:**

- said the fall-back position was actually no railings at all – the Cabinet has indicated that, as landowner, this was the way it would go. 1.8m railings were not a fall-back but something that CBC had deemed not acceptable – an Inspector would not give much weight to this. Urged Members to move away from the idea of a fall-back position and to look at the merits of the case;
- referring to CC's point about the lower railings not enhancing the conservation area, said the test was to preserve or enhance, as set out at 1.3 in the officer report – if a proposal doesn't enhance the character or appearance of the conservation area, this doesn't make it unacceptable, as long as it preserves.

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**BF:** said that whatever the outcome of this application, the previous application will stand for a number of years, and by the time the Friends of Imperial Square have raised the money to do the work, the constitution of CBC may have changed and the new landowner may look at this in a different light. The railings will not be transient, and if there are two live permissions for them, they can be looked again when the money has been raised.

**JW:** noted the comments of Peter Meehan, historic metalwork conservation consultant, on page 24 of the report, that restoring the original height railings would give an over-dominant enclosure to the Gardens. Agreed with this.

**BF:** said that whatever height the barrier is, it will enclose and prevent open access to the park. Said there were no gates.

**AM:** questioned the assumption that something that is historically accurate is automatically an enhancement, and could think of many examples of buildings not enhanced by restoration of historical features – just because something was there in the past doesn't mean its re-introduction will necessarily make it better.

**MS:** having listened to the debate, was coming back to KR's comment that the reduced height railings would not damage the setting, saying this was the only way to look at this application. Thought Members were making heavy weather of it.

**HM:** thought the issues had been thrashed out enough and no new points were being raised. Moved to the vote.

### **Vote taken on CC's move to refuse on BE5 and BE10**

4 in support

8 in objection

1 abstention

**PERMIT**

Application Number: **13/00351/FUL**  
Location: **Middle Colgate Farm, Ham Road, Charlton Kings**

**WITHDRAWN**

Application Number: **13/00391/FUL**  
Location: **Wells Villa, 9 Copt Elm Road, Charlton Kings**  
Proposal: **Demolition of existing single storey extension and replace with a new single/two storey extension to the rear**  
View: **Yes**  
Officer Recommendation: **Permit**  
Committee Decision: **Permit**  
Letters of Rep: **2** Update Report: **Additional officer comments**

### **Public Speaking:**

#### **Mr Harris, neighbour, in objection**

Did not objection in principle to the application, but together with the Parish Council and four other households, objected to three crucial aspects of it. The first of these was loss of light to his property.



Said the BRE's *Site layout planning for daylight and sunlight – a guide to good practice* states that if the vertical sky component is less than 27% and less than 0.8 times its former value when a new development is built, the occupants of the existing building will notice a reduction in light. Said his kitchen window would fail this test on both counts (25.5% and 0.79) and his already gloomy dining room would be even more dependant upon electric light – this detrimental impact on his only south-facing windows and serving two essential living/working areas was not acceptable. Secondly, regarding design in a conservation area, said CBC's own guidelines stated that suitability of design was particularly important, and the Local Plan requires new development to preserve or enhance the character of the conservation area. Said as well as the two-storey extension to this cottage-style property, a single-storey extension was also proposed which would result in a 9m brick wall, almost 2.5m high, immediately adjacent to a public footpath. The current boundary includes brickwork, fencing and hedging, and said that the proposed wall would neither preserve nor enhance the building or the area. Finally, in the interests of public safety, was concerned that the proposed floor plan showed the principal point of entry not on Copt Elm Road but set 60cm back on Church Walk. Said that callers would be directed here, with increased noise levels impacting on his privacy, and also presenting a serious risk of accident – Church Walk is a narrow lane in constant use as vehicular access to 11 properties. The addition of a gate reinforced this point, and would mean a significant safety risk to all Church Walk users.

**Flt. Lt. Thornton, applicant, in support**

Told Members that he lives at 9 Copt Elm Road with his wife and 19-month-old daughter, and as a growing family, requires additional space, particularly an extra bedroom upstairs – there is currently a double and single bedroom but no bathroom on the first floor, the family bathroom being located downstairs through the galley kitchen. Said the existing single storey extension is 3.6m high on his neighbour's boundary, and the flat-roof replacement would be more than 1m lower at 2.4m. Said this would appear as a solid garden wall on the Church Walk side, and would enhance the view of the site, compared with the higher gable and dilapidated fence currently on the boundary. Assured Members that the altered side entrance would not stop the front door from being used as the main access to the house, but would simply improve the existing side entry – could not see that this would be harmful, saying it would improve safety with an inset access and cast iron railings. Said it had not been easy to achieve the much-needed additional bedroom upstairs because of the lay-out of the house, but this had been managed with an extension which respects the character of the property and neighbouring amenity. Knew that residents at 7 Copt Elm Road were concerned about their loss of amenity, but said officers had carried out detailed light tests and visited the property several times, and consider the proposal to be acceptable. Said the scheme had been amended quite significantly under guidance of planning officers, who are now happy that it does not unduly impact neighbouring amenity. Was pleased the officers support the scheme and consider it acceptable in all respects, and in line with all the requirements of local planning policies.

**Member debate:**

**MS:** after studying the proposal and looking at the site from No. 7 on Planning View, had difficulty in seeing the problem here – said the design was suitable and would enhance the building and make it more usable. Noted that the view from No. 7 towards No. 9 took in some massive buildings behind, and did not think that the proposed scheme would make a significant difference to the amenity of No. 7. Thought it was a good scheme and that Members should follow Officer advice.

**BF:** said the report refers to a light test but doesn't say if the proposal passed or failed.

**RG:** noted that the objector had mentioned the impact of the scheme on the conservation area, and would welcome the view of the Conservation Officer on this.

**CS, in response:**

- said the result of the light test was acceptable – officers would not have recommended approval if it had failed;
- told Members the guidance was that for loss of light to be noticeable, the amount of light received post-development has to be less than 0.8 times the amount it was before the development took place. Said the dining room window had passed the test at 0.83 times its former value; the kitchen window came in at 0.79 times, which was rounded up to 0.8;
- asked Members to note that the alterations to No. 7 had compromised the amount of light reaching those windows at present, with the kitchen window close to the boundary and the dining room window, which would have been on the rear elevation, now relocated to the side;

**BF:** said Members had recently dealt with an example of this situation in the past, where the light test had been compromised.

**HM:** reminded Members to consider each application on its own merits.

**KR, in response:**

- to RG, said that there had been no conservation consultation on this application, due to the very significant workload of the conservation team and the agreement that straightforward applications can be dealt with by planning officers;
- however, when the point was raised, had looked at the proposed scheme with the planning officer and looked at aerial photographs, and was quite comfortable with the proposal – the building, footprint and urban grain were all respected;
- noted that the gable end and wooden fence were to be replaced with a brick wall, which would be a benefit;
- said the question was always whether a proposal preserved or enhanced the conservation area. As it couldn't be said that this proposal did any harm, it could therefore be said to preserve, and although it couldn't be said to enhance the area, this argument would not stand up at an appeal;
- overall, was comfortable with the proposal and happy to support it.

**Vote taken on officer recommendation to permit**

13 in support – unanimous

**PERMIT**

Application Number:	<b>13/00631/COU</b>		
Location:	<b>Unit 4, King Alfred Way, Cheltenham</b>		
Proposal:	<b>Change of use from B1/B8 (light industry and storage) to D2 (gym) (first floor only) - resubmission of application 12/01575/COU</b>		
View:	<b>Yes</b>		
Officer Recommendation:	<b>Refuse</b>		
Committee Decision:	<b>Refuse</b>		
Letters of Rep:	<b>61</b>	Update Report:	<b>None</b>

**Public Speaking:**

**Mr Simon Firkins, agent, in support**

Said officers were concerned about the loss of employment land and the lack of marketing, but said the site had been vacant for eight years and was marketed in 2005 and 2006 following refurbishment, to no avail – the agents felt there was no prospect of it being let and were uncomfortable taking money from the owner to market it. Said numerous similar applications had been approved, and as recently as December 2012, 292 High Street was actually in office use at the time of an application for a gym. That report stated the Policy EM2 is quite prescriptive and the evidence base for the adopted local plan is out of date. The property had not been marketed, and the report acknowledged that the

proposal wouldn't lead to any loss of employment opportunities. Said the current proposal would employ 10-15 people, and also that there are 12 vacant units on this estate alone.

Said a non-B use was approved at Mead Park Industrial Estate last month, with no marketing, and officer comments that the change of use was acceptable and would add to the local community. Suggested that the same could be said of this application – there were no objections and over 60 letters of support. Quoted the NPPF Para 21 that policies should be flexible and allow rapid response to changes in economic circumstances, and Para 4.7 of the emerging JCS statement that non-B class employment, including leisure opportunities, should be recognised. In addition, the Council's latest employment land review states that job growth in non-B class categories will be particularly important in Cheltenham over the next 20 years. Said this is an existing gym requiring better and larger premises – it will employ more people, and the applicant is happy to accept the frequently-used conditions to ensure the use would be for a gym only, reverting to B use should the gym ever cease. Was struggling to see officers' concerns, saying the proposal created only benefits.

### **Member debate:**

**RG:** would like to hear any rebuttal of these comments, as his view is that as much as we support gym applications, the unit will lose its classification of employment use and we should stick to our policies. Had heard Mr Firkins comment that Members are being inconsistent and haven't asked for a marketing report on vacant buildings, and would welcome professional opinion here.

### **MJC, in response:**

- regarding the Mead Road site, could not recall the detail of every application that had been dealt with, but reminded Members that every case should be judged on its own merits, and there may have been specific merits to take into account there;
- in this instance, said the site has been empty for a long time but there was no marketing history provided. Officers had determined the previous application a few months ago and refused it for the same reasons as put forward this evening. This decision had gone to appeal – a formal hearing will take place in early June – and the applicant had decided to submit an identical application and request a committee decision;
- was keen to let the appeal pan out and see what the planning inspector made of it;
- to RG's request for rebuttal, said PS was better placed to respond to this.

### **PS, in response:**

- said there was a range of different things to point out here;
- regarding planning policy and the marketing history of the site, said the NPPF makes it clear that the Local Plan is the starting point for applications, adding that Policy EM2 is consistent with the NPPF in many ways, in its aim of safeguarding employment land;
- said CBC's Employment Land Review (2007) made a clear case for retaining B class employment land unless it can be shown to be unviable;
- said no up-to-date evidence had been provided to show that no-one wants to take up the site on a permanent basis for its use as granted, and this is the basis of the argument here;
- said this land had been identified as suitable for mixed use, and that there are tests in place to assess its viability. Policy EM2 safeguards all B class employment land unless use for these purposes has been fully explored without success. The NPPF supports alternative use of the land if there is evidence of no reasonable prospect of the land being used for that purpose – this had not been demonstrated here;
- said this was an employment unit, built in the 1980s, of reasonable quality and with its own integrity, situated in a busy industrial estate.

**PT:** had looked at this site in depth on planning view and thought the proposal would be a good use of the space. Understood where Officers were coming from but had noticed other empty units on the



site - if someone was minded to look for business premises here, they would have approached the owner to sell. Accepted that unit hadn't been marketed for possible occupiers, but thought the proposal was a good use, and at least it would be used for something. If it is permitted, would like to add a condition – was concerned about the 'junk' in the building and would hope that at least some of it is recovered and/or recycled. Said that employment today isn't like it was when the rules about employment land were made, adding that the gym would provide employment for 15 people, giving them a living and providing a service to the community.

**BF:** said there were examples across the town of permission being granted for conversion of industrial units to other uses, including in his own ward. Said people who use gyms tend to be young, and it is the young who are feeling the pinch regarding employment and need work. Noted the Officer advice to wait for the outcome of the appeal, but said that Officers were always saying that no two applications were the same – if the outcome of the appeal was to permit, and the application tonight was refused by Members, where would they then be?

**JF:** noted that it is seven years since the unit was last marketed, during which time the recession has hit. Said employment land is sacrosanct, and would like to defer a decision and wait for the outcome of the appeal. Referred to the ASDA site, where employment land was converted to retail - though pointed out this did provide a certain amount of employment. Asked what was the difference here?

**BD:** did not want a deferral or another horrendous discussion about a mess-up. Said she will vote in support of the application – it will provide employment, bring an empty unit into use and allow people to enjoy it.

**PJ:** moved to approve, saying that an employer could run a business at the unit with just one employee. Thought this proposal called for an element of common sense. Noted the Local Plan was being re-written, and added that some employment was better than none.

**MJC, in response:**

- said there were several points to come back on here;
- to BF's comment that Officers always say no two application are the same, said that in this case this proposal is *identical* to the one refused by delegated powers in March and now going to appeal in June; it had been resubmitted, and Cllr Regan has requested a committee decision, in the hope that the appeal might be avoided;
- to JF, said that the ASDA site is quite different – ASDA is the principle user, but a business park was also included in that scheme, with a lot of B1 floorspace;
- said that deferral would not achieve a great deal, and that although the date for the appeal hearing was set for early June, the Inspector may take a lot longer than that to issue a decision; if it was allowed, the applicant would have his permission; if it was dismissed, the applicant could reapply;
- to PJ's move to approve, said PS had given clear guidance as to why Local Plan policy should be supported, and that this was broadly in line with the NPPF. Planners were required to listen to the market signals, but no marketing history had been submitted with this application. Said it was right that the committee should remain consistent. With the JCS and Local Plan gathering momentum, this could be a test case, and even if the Inspector allowed it, it would give the Council useful information and guidance as policies are developed. For this reason, urged Members to endorse the Officer's recommendation.

**MS:** asked Officers what additional use B2 allowed – would this site be limited to a gym? Had noticed a lot of 'For Sale' and 'To Let' signs nearby on Planning View, and felt it would be sensible to go with the officer recommendation and ask for six months' history of active marketing in the present climate.

**JW:** seconded PJ's move to approve.

**AM:** recognised the reasons to maintain this site as employment land, but said there were other examples of applications where this view had not been taken, such as Kier and Kraft. Asked what was special about this site that made it so important. Said if Officers want it to appeal to get information about how the Inspector is thinking, this isn't a planning reason but a strategic reason. Was struggling to see what was so wrong with this application that it couldn't be approved.

**PJ:** referring to the refusal of the previous identical application, asked if this was a delegated decision? Thought Members were making heavy weather of this application and should get on with it.

**MJC, in response:**

- said para 1.3 of the officer report stated that this was an identical application to 12/01575/COU which was refused under delegated powers in February 2013;
- to MS, said that B2 referred to leisure-based activities, and this COU application was specifically to allow for a gym. If Members were minded to approve, they should attach a condition that the change of use was for a gym only – if a different leisure-based use was wanted, it would require a further planning application;
- to AM's question about what was different about this site and the Kier and Kraft sites, said this was dictated by policy: both of those developments facilitated business moves to different sites (Kier to Hatherley Lane, Kraft to Bouncers Lane) and EM2 allowed for this – an change of use allowing relocation of the user was policy-compliant;
- in this case, the applicant had not demonstrated that there was no demand for the unit. If it had been actively marketed for six months, Officers may have made a different recommendation, but policy makes it quite clear and sets out a number of criteria – this one being Clause B of Policy EM2 – which cannot be set aside without any evidence;
- would like to see this tested at Appeal to see how to develop this policy.

**PS, in response:**

- to add to this, said one of the relevant issues is that this is a purpose-built employment unit. EM2 also talks about other buildings brought into employment use, such as residential units which are changed to industrial or office use and later turned back
- said there are very few purpose-built industrial units in Cheltenham, and the Battledown Industrial Estate is well-trafficked, good quality, and with not a high vacancy rate; there are not many sites such as this, which adds to the argument to retain the business use, and it only requires one person to take it on. Said a lot of new business had been established since 2006, and it was important to take this into account;
- also made the point that the proposed gym is not a new start-up business – it is already established at the Prince of Wales stadium, and there may be other more appropriate units available in town for its relocation;
- said there had been a lot of discussion about alternative decisions in similar cases, but there were also a lot of cases not talked about – a quick review identified a good body of around 11 similar cases where we used marketing evidence as a potential reason for refusal since 2007;
- regarding town centre uses, said there was a distinction between a change of use in a town centre to another town centre use and a change of use elsewhere. Said a change of use to a gym in a town centre would mean people spending more time in and around the gym in retail units, buying drinks and sandwiches etc. Here, however, was a purpose-built industrial estate without the advantages of a town centre; said the NPPF sets out town centre uses, with some more appropriate than others;
- told Members that a substantial number of cases had been decided on the same grounds as the officer recommendation for this one, and EM2 was a solid and viable policy, designed to avoid the loss of employment units.

**PT:** said there had been no comment about the different types of employment, but as far as she could see, light industrial use was not that different from leisure use, and the gym would provide employment for 15 people who might otherwise be drawing benefits. Regarding the loss of industrial land, reminded Members about Tennyson Road which had been turned into a housing estate, with the industrial units moved to the end of the site. Said employment and industry was changing, and employment land wasn't as important as it used to be.

**PJ:** said the unit had been empty since 2004, and officers were saying the applicant should spend money on marketing it to prove it can't be sold and then apply again. Said Policy EM2 set out to protect employment land, *except where* – there were many exceptions. Said there wasn't a huge amount of leisure facilities in town, the gym may benefit the local community, and cut down people's travelling time to other gyms. Said again an industrial unit could employ just one person, while the gym would employ a number of people.

**MJC, in response:**

- said PS would respond to PT's comment about different types of employment;
- regarding the Tennyson Road site, said its development had enabled Spirax Sarco to grow to an unrecognisable level, funded by the redevelopment of the site – this is what EM2 allows;
- to PJ, said mixed use development was permissible under EM2 to enable the re-development of a site. Referring to the ASDA site, said this was a genuine mixed use development and compliant with policy; the current application is not a mixed use proposal and that aspect of the policy is therefore not relevant.

**PS, in response:**

- to PT, said she made an interesting point regarding job-generating uses, and what was the difference between 15 people employed in a gym and 15 office employees?
- from a spatial planning point of view, said location was key here. Was not opposed to the gym use – this was acceptable in many places and was looking for some analysis of where else the company might locate in areas other than those protected for B class employment use;
- said EM2 designates that sites already in light industrial use should be retained – was not opposed to gym use but not in this healthy industrial setting. If another location could be found, the town could benefit from both;
- regarding the marketing, said the NPPF looks for solutions not problems, and what was required here was six months' quality marketing at a reasonable rent – this would allay concerns and Officers would then be happier with the situation. Said this had been made clear to the applicant early in the process, and if that advice had been taken the situation may well not be as it was now;
- to PJ, said policy EM2(g) refers to mixed use development and EM2 tests f and g have to be read together – for example if an office building was of poor quality and a developer only wanted half, a mixed use might be allowed in order to improve the remaining B class floorspace, but in this case, an area of safeguarded, good quality B1/B8 floorspace would be completely lost to a different use;
- said consideration of this application was all about location, and there were lots of areas of the town where a gym would fit in well;
- said again that evidence of marketing was needed.

**BF:** in response to these comments about location, said there was a gym on an industrial estate in Leckhampton. Had been in the manufacturing industry for 30 years, and pointed out that manufacturing can now be carried out in far less space – industry is changing, employment is changing. Said the authority needs to be careful, and the government directive which enables employment land to be changed to residential recognises that things are changing and more people work from home.

**PJ:** understands what PS is saying and what policy dictates on location, but said policy can't dictate the market and can't make it do something or not. Continued to move to approve.

**MJC, in response:**

- said it was important to reiterate that Officers were working to the policy in the Local Plan where clear tests are set out. Officer advice is that this application does not meet those tests. If the Committee sets Local Plan policy aside, it leaves the Council at risk from further applications;
- said it is a routine matter to ask for marketing tests, and with these in place, approval can be justified. This has not been done in this case, and it would be wrong to set aside local policy without that justification;
- depending on whether the appeal is dismissed or allowed, Officers will know how to take this policy forward.

**PT:** thought that the vote should be taken

**JF:** noted that of the many letters of support, only seven actually came from the area, with some from as far afield as Taunton and many of the writers living much closer to the Leisure Centre where the gym is currently situated. Was very worried about setting a precedent for employment land, and thought Members should heed Officer advice – not to do so would be dangerous for the future.

**RG:** agreed that it is very important for the future. Had asked Officers to justify their position, and understood that validated policies must be adhered to – said applicants had been put through hoops in the past and that must be done here, to be fair to all applicants.

**JF:** understood that deferral was not a viable option, although considered it the best option, but was satisfied to follow Officer advice here.

**HM:** asked if Members were happy for the Chair and Vice-Chair to work on conditions with the Officers, should the application be approved.

(*Consensus: yes*)

**Vote taken on PJ's move to approve**

5 in support  
6 in objection  
2 abstentions

**REFUSE**

Application Number:	<b>13/00309/FUL</b>
Location:	<b>Ashford Court Cottage, 4A Ashford Road, Cheltenham</b>
Proposal:	<b>Removal of existing pitched roof and construction of additional floor of accommodation with flat roof</b>
View:	<b>Yes</b>
Officer Recommendation:	<b>Permit</b>
Committee Decision:	<b>Permit</b>
Letters of Rep:	<b>14</b>
Update Report:	<b>Correction to previously published informative</b>

**Public Speaking:**

None.

**Member debate:**

**RG:** had thought long and hard since Planning View, been back to look at the site again, and re-read the Officer report. Noted the Officer's 'on balance' conclusion to permit, but came down on the other side and moved to refuse on CP3, CP4 and BE1. Realised that there was a fine balance here, and

that any one reason wouldn't stand up alone, but together thought they did. Said the site was very constrained and two storeys didn't fit well within it, making it very close to two neighbouring houses and having an adverse impact on the conservation area. Was concerned about future residents of the house, faced with frosted glass and wooden fencing to stop them from looking out. Thought BE1 would be compromised if the proposal is allowed, as from Andover Road it is currently possible to see the ridge of the bungalow, the higher ridge of buildings in Andover Walk, and on through to the roofs in Park Place. Accepted that this is an enclosed plot, but thought the proposal a step too far in the conservation area, and also contrary to the NPPF para 134 – considered the conservation area to be a conservation asset, and although the proposal wouldn't cause *significant* harm to it, it would cause some harm. The NPPF states that if the harm is less than substantial, it should be weighed against public benefits, but this proposal brought no benefits, actually harming the amenity of local houses and the conservation area – said it should therefore be refused.

**MS:** agrees with RG. Had looked carefully on Planning View and considered the proposal to be an over-development of a small site – with little room to extend around the bungalow it would be extended upwards and resemble a carbuncle. Thought other improvements could be carried out to make the bungalow into desirable accommodation for a couple. Didn't like the design – thought it wrong to put in windows and then block them out – and said the height would impact significantly on the area. Could not support the application.

**MJC, in response:**

- said the two issues raised were the impact on the conservation area and on neighbouring amenity;
- the officer view is that there is no harm. Noted the comments that views into and beyond the site to Park Place would be spoilt, and that the character of the conservation area would be changed, but said this doesn't mean that the proposal is harmful – the test is whether the proposal preserves or enhances the area;
- said the bungalow is currently unimposing and the proposal will increase its size, but it will still be subservient, in line with the Garden Land SPD;
- did not consider it would be harmful to the conservation area, and said policy BE1 was not relevant here as it relates to open space in conservation areas and this is not an open space but a developed space. This would not be a strong argument if the application went to appeal as harmful to the green and open character of the area;
- regarding the impact on neighbouring amenity, said a couple of devices had been introduced to control the elevated views from the upper windows: obscure glazing to the bathroom and stairwell (this was a reasonable option), and obscure glazing and a louvred system, as at Bethesda Street, for the third bedroom. Admitted that Bedroom 3 was constrained and that this was not ideal, but it was only for one bedroom, and quite a clever scheme. Said the affect on neighbours would be not altogether unacceptable and not enough to refuse.

**KR, in response:**

- to reiterate, said this site was never historically garden land to an adjacent building – it was vacant land, only developed as a bungalow;
- said the existing bungalow is of no architectural merit, the best thing about it being that it is not easy to see. What is proposed is a larger building and more modern accommodation in the context of housing in the borough;
- regarding the impact on the conservation area, said that remains to be seen but could not say that it would be harmful if it was well-proportioned and designed. Thought the proposal had good mass, form and was nice looking;
- conceded that the proposal was not traditional architecture, but NPPF guidance states that planners should not attempt to impose any style of architecture. This is a contemporary scheme, and there are many other examples of this coming through. English Heritage is also happy with contemporary architecture as well as good historical replicas;

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- said she was comfortable with this proposal, and that it provides variety, as long as the overlooking aspects are overcome.

**BF:** regarding the windows, says these are to look in and out of, and for the egress of light. Said there was no problem with frosted glass for letting light, as long as residents didn't want to look out of their window, or be overlooked.

**AM:** thought the simple test here is: is the proposal an improvement on what it there now? Answer: Yes.

**HM:** asked RG if he still wanted to move to refuse.

**RG:** said he did, and thought that the open space referred to in Policy BE1 didn't just mean open ground – thought the view into the site would be affected. Realised that the proposal would provide more living space, but thought it would be better to keep the dwelling as a bungalow, encouraging people to downsize. Thought CP3 and CP4 were contravened, regarding design and affect on amenity, not just because the design was contemporary but also because it was trying to do too much in a small space, affecting the amenity of others in the area.

**MJC, in response:**

- said Officers had touched on design but did not think the scheme could be refused on this grounds, reminding Members that the Conservation Officer is happy with it.

**RG:** considered the design - form, mass and height – to be wrong, there would be an adverse effect on existing uses, and the proposal would not be in line with the Park Area SPD.

**MJC, in response:**

- asked RG to confirm that he wanted to include CP7 as a refusal reason.

**RG:** confirmed that he did.

**Vote taken on RG's move to refuse on CP3, CP4 and CP7**

4 in support

8 in objection

1 abstention

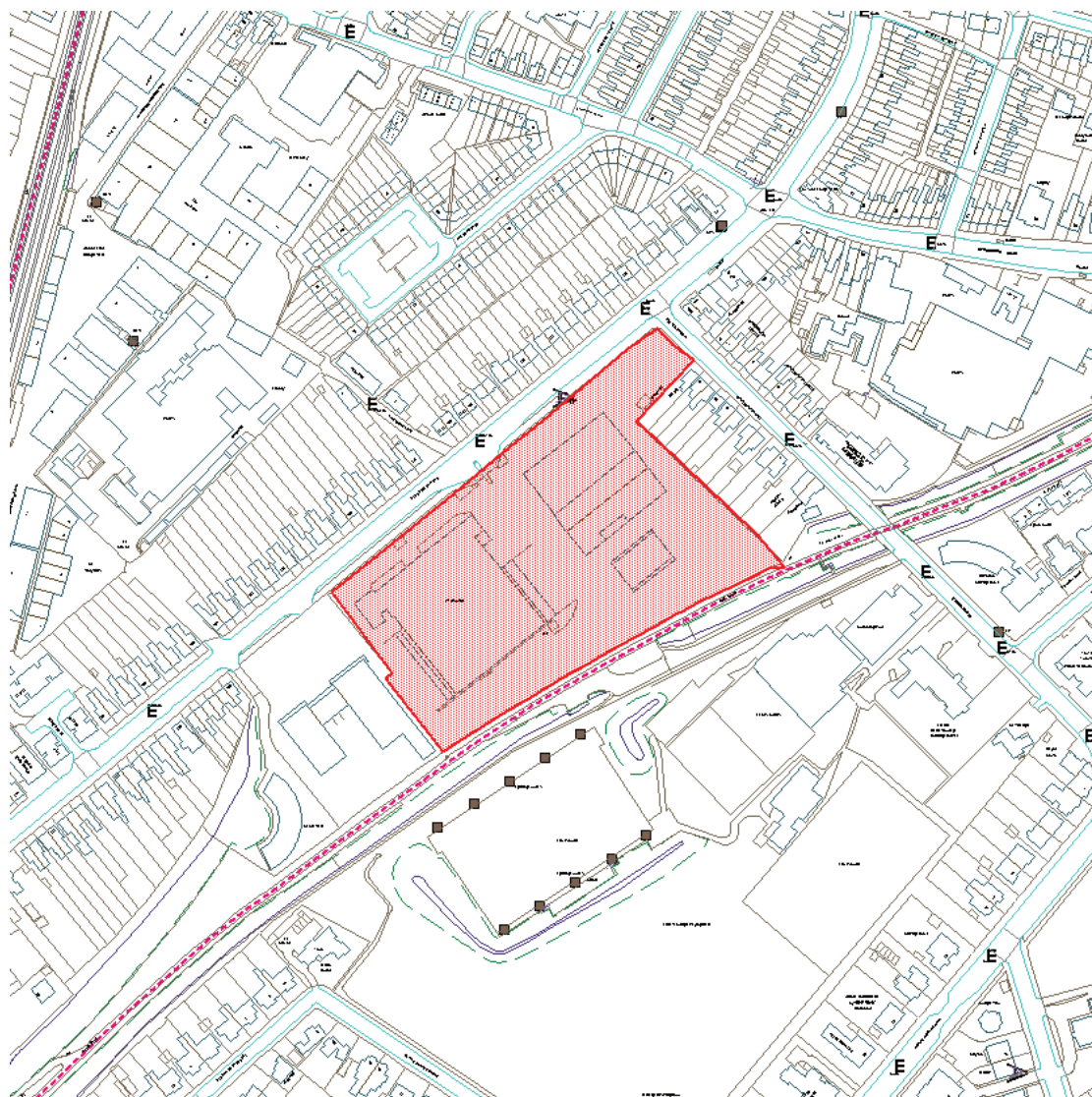
**PERMIT**

*The meeting ended at 8.20pm.*



<b>APPLICATION NO:</b> 13/00106/FUL		<b>OFFICER:</b> Mr Ian Crohill	
<b>DATE REGISTERED:</b> 24th January 2013		<b>DATE OF EXPIRY:</b> 25th April 2013	
<b>WARD:</b> St Peters		<b>PARISH:</b> None	
<b>APPLICANT:</b>	Taylor Wimpey Bristol		
<b>AGENT:</b>	Quod		
<b>LOCATION:</b>	Travis Perkins, Gloucester Road, Cheltenham		
<b>PROPOSAL:</b>	Erection of 107 dwellings (class C3) including access and servicing arrangements, car parking, landscaping and associated works		

**RECOMMENDATION:** Permit



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## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application proposes the erection of 107 dwellings including access and servicing arrangements, car parking, landscaping and associated works. Clearly that development, if approved, would be following demolition of all buildings on site, though the applicant's have indicated that this will form part of a separate prior approval notification for demolition in due course. The site extends to some 2.5 ha and comprises the existing Travis Perkins builder's merchants. This application forms part of a wider strategy to relocate the company to an alternative site within the Borough. The alternative site is located on Tewkesbury Road, being the former Bonnella Works site on the corner of Brook Road and Tewkesbury Road. And has been vacant for a large number of years. The planning application relating to the use of that site for the establishment of a replacement builder's yard complex is also before Planning Committee this month (13/00111/FUL).
- 1.2 The site is located on Gloucester Road approximately 1 kilometre from the town centre and 400 metres from the railway station. The site currently has one access point onto Gloucester Road. The site is currently occupied by 5 buildings in addition to large areas of external display and storage associated with the sale of building plumbing and heating materials principally to the trade. The use of the site is *sui generis* – a builders merchants.
- 1.3 The surrounding land is predominantly in residential use. Gloucester Road to the north, north-west has housing opposite dating mainly from the inter-war period but with some modern in-fill examples. To the east of the site there are a number of substantial 2-3 storey semi-detached dwellings fronting Malvern Road and to the south is located the former railway line, the Honeybourne cycle/footway with the Cheltenham Ladies College sports centre, courts and pitches beyond. To the west is a relatively recent commercial development, the land formerly being part of the Travis Perkins builders' yard.
- 1.4 The site has been in use as a builders' yard for over 40 years. The applicants claim that, for reasons partly related to the historic nature of the use and perhaps more significantly the way in which the business has evolved over the years, the premises are no longer fit for purpose. The site, they argue, is simply too large for their requirement. As already stated, it spreads to almost 2.5 ha with multiple buildings on site. This leads to an inefficient use of the site and has led to the applicants acquiring alternative premises on Tewkesbury Road. That site is substantially smaller (58% smaller) and would have a new purpose built floorspace. The applicants state categorically that if both planning permissions are in place, all existing jobs from the Gloucester Road branch will be transferred to the Tewkesbury Road site.
- 1.5 The application has been accompanied by a Planning Statement, a Design and Access Statement, a Transport Statement, a Travel plan, a Flood Risk Assessment, a Shadow/Daylight Assessment, a Desk Study for Ground investigation, A statement of Community Involvement, an Affordable Housing Assessment, and an Arboricultural Survey. Members' attention is drawn to these documents which are available to read on line and assist in reaching a full understanding of the proposal.

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

### Constraints:

Honeybourne Line  
Smoke Control Order

### Relevant Planning History:

12/01138/PREAPP      REC



Proposed residential (Class C3) redevelopment

**03/00975/OUT 5th August 2003 REF**  
Erection of 24 apartments

**03/01339/OUT 13th October 2003 REF**  
Erection of 24 Apartments

**03/01636/FUL 15th December 2003 REF**  
New entrance and parking layout

**02/01662/FUL 13th December 2002 REF**  
Reconfiguration of access/entrance

**01/01723/COU 2nd April 2002 PER**  
Creation of new fire escape for existing first floor office suite and division of car park

**01/01329/OUT 12th November 2001 WDN**  
Construction of access road and 9 no. residential units (outline)

**98/00467/PF 30th July 1998 PER**  
Erection Of Car Showrooms and Workshop (Incorporating Minor Amendments To Those Previously Approved Under CB10689/17)

**96/00972/PF 20th February 1997 PER**  
Construction Of Two Car Showrooms/Dealerships

**96/00973/PO 20th March 1997 REF**  
Outline Application - Apartment Block For 24 Flats

**95/00467/PO 27th July 1995 PER**  
Outline Application For A Residential Development On Part Of Site

### **3. POLICIES AND GUIDANCE**

#### Adopted Local Plan Policies

CP 4 Safe and sustainable living  
CP 7 Design  
GE 5 Protection and replacement of trees  
GE 6 Trees and development  
EM 2 Safeguarding of employment land  
HS 1 Housing development  
HS 4 Affordable Housing  
RC 6 Play space in residential development  
UI 3 Sustainable Drainage Systems  
TP 1 Development and highway safety  
TP 6 Parking provision in development

#### Supplementary Planning Guidance/Documents

Affordable housing (2004)  
Development on garden land and infill sites in Cheltenham (2009)  
Landscaping in new development (2004)  
Planning obligations: transport (2004)  
Play space in residential development (2003)  
Security and crime prevention (2003)

## 4. CONSULTATIONS

### **Cheltenham Civic Society**

*8th February 2013*

We consider that the opportunity to create something really impressive on this significant town centre site has been lost. Both the layout and the design are unimaginative and very standard.

*8th May 2013*

ADDITIONAL COMMENTS ON 13/00106/FUL, Travis Perkins site, revised plans:

We still regret that the opportunity for something more impressive has not been taken on this important town centre site. But we do accept that the frontage to the Honeybourne Way is well handled and that there will be substantial benefit from the pedestrian and cycle access through the site to the town centre. We still think that something bolder is called for on the Gloucester Road frontage.

### **Crime Prevention Design Advisor**

*21st February 2013*

In my capacity as Crime Reduction Design Advisor for Gloucestershire Constabulary I would like to comment on the planning application at the former Travis Perkins, Gloucester Road, Cheltenham with reference number 13/00106/FUL. I would like to draw your attention to the PDF document attached to the carrying e-mail which should be read in conjunction with the following crime generating subjects.

#### Crime and Disorder Act

Gloucestershire Constabulary would like to remind the planning committee of their obligations under the Crime and Disorder Act 1998, Section 17 and their "Duty to consider crime and disorder implications

(1) Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area."

#### Design and Access Statement

This application's Design and Access Statement has shown a clear understanding of crime prevention, designing out crime techniques or site security.

#### Planning Policy

Cheltenham Borough Council's Local Plan which contains Policy CP 4:  
"Development will be permitted only where it would:

- (c) make adequate provision for security and the prevention of crime and disorder;  
and
- (b) not, by nature of its size, location, layout or design to give rise to crime or the significant fear of crime or endanger public safety."

#### Carbon Footprint of Crime

The carbon cost of crime is based on a formula created by Prof Ken Pease for converting the financial costs of crime into the energy expenditure of the emergency services and criminal justice service as they respond to criminal events. In Gloucestershire this roughly

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equates to 257,012 tonnes of CO<sub>2</sub> generated in 2012, with the Cheltenham responsible for 27% a total of 65680 tonnes of CO<sub>2</sub>. Over the past 12 months 160 crimes occurred on Gloucester Road; a small proportion of the 978 crimes which occurred in the St Marks policing area, which generated 3262 tonnes of CO<sub>2</sub>.

### Secured by Design

Secured by Design focuses on crime prevention of homes and commercial premises; promoting the use of security standards for a wide range of applications and products. The design principles can reduce crime by 60%; create a positive community interaction; work to reduce the opportunities exploited by potential offenders; remove the various elements that contribute and encourage situational crime; and ensure the long term management and maintenance of communal areas.

To assist in achieving these security levels the door sets and windows installed in these buildings should comply with BS PAS 24:2012; however BS PAS 23:1999 and BS PAS 24:2007 doors and BS7950:1997 windows will still be acceptable until August 2013.

Laminated glazing should also be used on glazed door panels, windows adjacent to doors and any additional glazing which is easily accessible to provide additional security and resilience to attack.

The 16 properties allocated to the Housing Associations are obliged to build in the Secured by Design principles and standards; however the remaining 91 dwellings will fall outside of these building standards. To this end Gloucestershire Constabulary would like to see these security standards incorporated across the development/ site and remove the disparity between affordable homes having higher standards of security than those dwellings built for sale.

### Permeability

The layout should encourage all routes, housing types and layout to offer spaces that are overlooked, integrated within the community and well used to increase opportunities of passive surveillance.

### Surveillance

Secluded and shaded areas naturally instil a fear of crime as residents anticipate the opportunities for ambush, assault or robbery; homes are also at risk as recessed doorways provide burglars with a concealed means to enter a building. These issues will be reduced by providing each dwelling with sufficient lighting and fenestration to allow natural surveillance from high occupancy rooms. The street scene and landscaping should encourage passive surveillance from the pedestrian and vehicular movement; this can be achieved by keeping the ground level plants below 1m in height, while removing epicormic growth and lower branches to a height of 2 metres.

### Residential dwellings

The layout and the construction phasing should compliment the requirements of the masterplan and design brief requirements; thereby avoiding the creation of large areas of 1.8 metre walls and fencing, restricting the use of windowless elevations facing onto the street scene and removing any sense of ownership which will encourage crime. Each of these features will be created when the development is divided into smaller land parcels; designed and built out with very little regard for neighbouring sites or the over arching masterplan.

Each housing cluster should offer back-to-back gardens to create security through perimeter blocking; ideally vehicles should be parked within the curtilage of the property; with the appropriate use of planting and landscaping design and external lighting.

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Dwellings designed to be adaptable under the 'Life Time Home' status should also provide intrinsic security features especially when you consider that crime is a major reason for people to move home. Being able to adapt a home over several decades would be wasted if the occupant became a victim of crime and moved after 5 years.

### Apartments

The communal entrance door to each of the blocks should form the first line of defence; it should be fitted with an access control system that incorporates telephone door entry system so that residents can confirm their visitors. Each apartment should be supplied with separate utility meters stored outside of the building, also provision for a safe mail drop which would not compromise the building security.

The design should carefully consider the security of the ground floor apartments by installing the appropriate window openings and providing a defensible space where the occupants can demonstrate ownership. Poorly considered spaces will increase the fear of crime, leading to windows constantly covered with a curtain and subject to all manner of crimes.

### Communal storage buildings

The Refuse storage should be set away from the building to prevent arson, housed in a purpose built structure that includes lockable doors or gates, appropriate security lighting, have clear signage, subject to natural surveillance from the surrounding area and easily accessible during refuse collection by the council.

The cycle store should be housed in a purpose built structure with a BS PAS 24: 2007 external door. Inside lighting will provide a 15 Lux average, with Sold Secure anchor points or a galvanised steel pipe with minimum wall thickness of 3mm and foundation depth of 300mm that encourage both wheels and the crossbar to be secured. The type and quality of the security products used should be proportionate to the value of modern cycles and reduce the impact of crime on an individual.

### Footpaths

The designs of public footpaths will be influenced by the principles described in 'Manual for Street'; therefore any footpaths exceeding 1.5m wide should have vehicle mitigation designed into the entry/ exit points to restrict motor vehicles from entering, using them as a thoroughfare or as an ad hoc parking area. "Good design will minimise the risk of ad hoc parking that might compromise designed spaces." (Guidance Note: Residential Parking - The Chartered Institution of Highways and Transportation Institute of Highway Engineers, 2012)

### Boundary treatment and garden fencing

Boundary treatments for each property need to promote private, semi-private and semi-public spaces. Where the rear gardens offer opportunities to enjoy the natural vistas extending beyond the boundaries of the site, or provide means of observation across the car parking the rear garden fences should not exceed 1.5m in height; this will provide natural surveillance from the dwellings, views across the surrounding landscape, encourage neighbour interaction and security for the car park.

Any boundary treatment or building elevation which abuts large areas of Public Open Space should integrate a planted defensive area which incorporates a variety of spiky plants to help protect the rear boundary.

### Management and maintenance

In an effort to preserve the quality finish, reduce the anti social behaviour, create safe and friendly public spaces. "Management and maintenance needs to be part of the design and delivery process across a large scheme." (Design Council CABE Case Studies 5, 2012) The landscape will need to be continually managed by either the council or an external

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company under contract to demonstrate a level of ownership and community respect for this public space; the plants should be maintained to offer natural surveillance and restrict any opportunities for hiding, stalking and ambush. "The level of investment in the public spaces and the quality of its management does rely on there being sufficient resources from residents and a competent organisation overseeing the scheme to maintain this quality approach." (Design Council CABE Case Studies 1, 2012)

### Public Art

The intended Artwork should be robust and able to withstand potential damage or misuse. To ensure its long-term survival it should reflect the local character of the area, drawing it into the community and inspiring respect. The artwork should be of an easily cleaned/repairable construction and made from a non-desirable material to reduce the likelihood of theft.

### Conclusion

Gloucestershire Constabulary's Crime Prevention Design Advisors are more than happy to work with the Council and assist the developers with further advice to create a safe and secure development, and when required assist with the Secured By Design accreditation. Please feel free to contact should you have any queries or wish to discuss these issues further.

### **County Archaeology**

12th February 2013 - Archaeological and historic building implications

In connection with the above planning application I wish to make the following observations.

I advise that there is no archaeology known within the application site. However, the wider locality is known to contain extensive evidence for Roman settlement and agricultural activity. In view of the large size of the application site (c. 2 ha) I therefore have a concern that significant archaeological remains may be present and that such remains would be adversely affected by any new construction works required for this development proposal.

In addition, historic maps dating to the early 20th century indicate that the application site once contained railway sidings and associated buildings including a large engine shed, the footprint of which would appear to be incorporated within one of the modern structures which currently occupy this site. Therefore, I have a concern that an historic structure relating to the industrial history of the area may be present on this site.

20 May 2013

I have today spoken to Amanda Hooper of English Heritage and she has confirmed that the application to designate the GWR engine shed as a Listed Building was not successful. For that reason, in accordance with the NPPF, paragraph 128, I recommend that in advance of the determination of this planning application the applicant should provide an assessment which describes the significance of any heritage assets contained within the site and how these would be affected by the proposed development.

On that basis I think it would be difficult to argue that the engine shed is a heritage asset meriting preservation in situ, and I therefore have no objection to the development which is proposed. The engine shed is clearly a structure of interest, and I recommend that provision is made for recording the structure both before and during its demolition.

To facilitate this I recommend that a condition based on model condition 55 from DoE Circular 11/95 is attached to any planning permission which may be given for this development, ie;

*'No development shall take place within the application site until the applicant, or their agents or successors in title, has secured the implementation of a programme of*

*archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority'.*

*Reason: to make provision for a programme of archaeological mitigation, so as to record and advance understanding of any heritage assets which will be lost, in accordance with paragraph 141 of the National Planning Policy Framework*

### **Landscape Architect**

*18th March 2013*

In general the proposals are acceptable, being based on an attractive palette of plants. However, there are some issues which need to be addressed:

There are a number of planting beds along the sides of dwellings. From experience of developments elsewhere in Cheltenham, this arrangement is not successful, with the planting being poorly maintained. Consider incorporating these beds within garden boundaries, paying attention to the hard landscape treatment of the boundary to enhance the public realm.

#### Boundary with the Honeybourne Line

In terms of the public realm, improving informal surveillance of the Honeybourne Line is an important potential benefit of the proposed development. The number, species and arrangement of trees along this boundary should be selected to ensure this outcome. This might result in a reduction in the number of trees proposed. Trees framing the access points should be spaced far enough apart to avoid creating 'ambush' points next to the access paths.

The proposed planting along this boundary is a palette of grasses. Elsewhere in Cheltenham, ornamental grasses have proved difficult to maintain. Some of the taller grasses might also reduce informal surveillance of the footpath. Alternative planting schemes should be considered, with emphasis being given to maintaining an open aspect to the Honeybourne Line.

The proposed public art and the landscaping plans should be designed as part of a cohesive scheme, with one complementing the other. More information is required regarding the public artwork, the hard landscape treatment of the boundary edge and how changes in level are to be dealt with. Cross-sections and illustrations should be provided.

### **Architects' Panel**

*12th March 2013*

#### Massing and Scale

The site appears to have been laid out with multiple entrances from Gloucester Road, a central crossroads and a circular route around the site. This provides vehicular access to the new dwellings but does little in terms of placemaking. We question how pedestrians move around the site, whether a circuit is the right answer and why there is a need for so many new vehicular entrances? The layout of the houses also requires various rear alleys to get access to rear gardens. The scheme also lacks public outside space, meeting spaces, etc which we believe is crucial for the success of this type of scheme and should be achievable with 107 new dwellings.

#### 5. External Appearance.

The elevations are poor and could be anywhere. The reference to a pair of brick built semi detached properties opposite appears spurious, especially when much of the proposal is 3 storeys and vertical in its proportions. The windows appear to have been taken from a standard book with a strange mix and flat horizontal proportions (in some cases there are 4 different windows in a single elevation?)



### 6. Detailing and Materials

The materials are drawn from the local palette but are not used in a suitable manner.

### 7. Environmental Design.

The scheme warrants a true sustainable brief not just a minimum CfSH grading.

### 8. Summary

We believe the layout is poor and uninspired, the aesthetics are poor and do not relate to Cheltenham or any form of high quality modern architecture. The massing could be acceptable and the historic precedent of the Cheltenham townhouse could support the 3 storey nature of the plans, but not in its current guise. We would suggest the house types could provide a more sympathetic terrace frontage which could increase site density and allow some communal open space within the scheme?

### 9. Recommendation

Please Refuse.

### **Contaminated Land Officer**

*5th February 2013*

Please impose standard contaminated land planning condition

### **HMO Division**

*8th February 2013*

Analysis of proposal/s

1. The useable floor area of smaller bedrooms indicate they are below the minimum for single person occupation. e.g. PT36 Easedale P/Nos: 62, 14, 17. PB41 Easton P/Nos: 17, 18, 80, 81, 21-24. PA31 Denford P/Nos: 3, 4, 7, 8, 87, 88., A656 P/Nos: 45, 15.

Recommendation/s

The proposal should be modified to show floor areas of no less than 7 sq.m for a single bedroom and 10.5 sq.m for a double bedroom. respect to the Housing Health and Safety Rating System (Housing Act 2004). Consideration should also be given to reducing the seriousness of Category 2 Hazards to an acceptable level.

### **GCC Highways Planning Liaison**

*6th February 2013*

I refer to the above planning application received on 31/01/2013 with plan No. 0466-102

Pre-application discussions have previously taken place between the Highway Authority and Hydrock and Focus on Design Partnership with regard to the proposed layout and transport issues relating to the residential development.

### Transport Statement

The transport statement, dated December 2012, has been reviewed and the information contained within it considered by the Highway Authority. The proposed development will be located on the site of the former Travis Perkins builders' merchant yard. Access into the new development will be by way of Gloucester Road for the majority of the dwellings (three plots are to be served off Malvern Road). Pedestrian and cycle links are to be provided from the development to the Honeybourne Line which runs along the back of the site. Gloucester Road is a Class 2 highway (B4633) which is subject to a 30mph speed limit. The site is located along a bus route and is located near to the local train station. The visibility from the proposed access along Gloucester Road is in excess of what Manual for Streets requires for an access located along a road with a 30mph speed limit, visibility is

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therefore deemed acceptable. In terms of accessibility and sustainability the site is considered to be excellent.

Accident data ' Accident data for the past three years in the vicinity of the site shows that there have been seven reported incidents, five of which resulted in slight injury and two in serious injury. However, it is reported that all of the incidents were caused by driver/pedestrian error and are not considered to be as of a result of a highway layout itself at this location.

Trip generation - From the TRICS data that has been provided and the information within the transport statement it would appear that the change in use of the site from a builders merchants to a residential development of 107 dwellings will in fact result in less vehicular two-way traffic movements in both the am and pm peak hours (am peak - reduction of 48 movements, pm peak ' reduction of 12 movements). Therefore in terms of trip generation the development is deemed acceptable by the Highway Authority as there will be no detrimental impact on the highway network.

At this stage full engineering details have not been submitted for the works along Gloucester Road, which will include works on the existing public highway. I have therefore recommended a condition that requires details of the access works and footway works to be submitted for approval prior to works commencing on site. I note that on the Planning Layout plan that the footway fronting plots 9 to 11 reduces in width. A minimum 2m wide footway will need to be provided at this location and the details to be submitted should include this.

### Travel Plan

A travel plan has been developed but implementation of the plan is not to be secured by way of obligation or condition as the Highway Authority believe that the development is in such an accessible location, with regards to walking/cycling/public transport, that a full plan does not need to be implemented and monitored by the Council. The Developer is encouraged to promote the travel plan themselves to the new residents and encourage the use of sustainable modes of transport.

### Parking

The proposed car parking for the development is considered acceptable. The Developer has proposed 200% allocated parking (2 per dwelling) plus 20% visitor parking (0.2 per dwelling).

### Pedestrian/Cycle Links

Pedestrian links are to be provided from the new development to link to the existing Honeybourne Line. Three links are proposed. The links will encourage the use of the Honeybourne Line which provides a footway/cycleway link to parts of the town including the train station, Prince of Wales Stadium and out towards Pittville. The provision of these links will need to be secured by condition to ensure they can be retained and maintained in the future.

### Vehicle Tracking

Tracking for a large refuse vehicle (3 axle) has been submitted as part of the planning application and demonstrates that a vehicle of this size can manoeuvre around the development safely within the limits of the highway.

In conclusion in terms of impact on the highway network , highway safety and good layout and design the development accords with current government guidance, National Planning Policy Framework, and I recommend that no highway objection be raised subject to certain conditions being attached to any permission granted.



### **Tree Officer**

*20th February 2013*

The Tree Section does not object to this application however several pieces of information are necessary to be submitted and agreed prior to the granting of any Planning Permission

1. Detailed landscaping scheme-showing species, sizes, locations, root types, tree pit details, aftercare and maintenance regimes etc
2. Utility plans for underground services showing that no trenches are to be located in any Tree Protection Zones
3. Tree protection plan for G3 T5 and T6-these are street trees are considerable size and their roots are likely to ingress into this site. As such an appropriate area of land within the site needs to be protected during construction. Distance of the fence details are contained within the submitted Arboricultural Constraints Report

Trees within the site and fronting onto Gloucester Road have been earmarked for removal. The trees are of variable standard and safe useful life expectancy and it is the opinion of the Tree Section that their removal and replacement with 7X18-20 lime trees would be of overall benefit to the street scene. However agreement with the tree's ultimate owner (Gloucestershire Highways) must be agreed and appropriate commuted sums paid for each tree in anticipation of future management. As such it is recommended that this application is commented upon by Glos Highways Trees Officer, Catherine Stent.

It is likely that this council would give permission for the removal of hedge G9+10 which fronts on to the Honeybourne line. However alternative landscaping/planting details for this area need to be submitted and agreed. Anecdotal evidence has suggested that the land on the Honeybourne line adjacent to the Ladies College is prone to occasional flooding. Action to address this so as to ensure any future adjacent properties are not flooded should be incorporated to address this.

### **Urban Design Manager**

*23<sup>rd</sup> May 2013*

#### **Conclusion:**

The proposal is acceptable in this form. It develops good linkages with the Honeybourne Line and should help with surveillance of the Line – though the internal layout of some units could be reconsidered to improve the situation. Layout has improved through negotiation and the landscape strategy has developed well. Density is similar to the higher density of nearby streets and it is not considered that there will be amenity impacts other than in one specific instance, where conditions should address the problem.

#### **Context**

The site is currently a builder's yard and was formerly Malvern Road railway station and sidings. It sits between

- the Gloucester Road – a main orbital around the west side of the town
- housing fronting onto Malvern Road
- the Honeybourne Line – a former railway track, now a pedestrian-cycle which is a green link between both the town centre and St Paul's area with Cheltenham Spa railway station
- commercial premises also fronting, but set well back from, Gloucester Road across a landscaped frontage.

The site is flat and largely devoid of landscape cover apart from some boundary trees on the Gloucester Road frontage. Beyond the site, towards Malvern Road the land rises, so

that housing here sits above the site, with gardens falling into it; there is also a rise beyond the Honeybourne Line, which is in cutting on the south east side. There is substantial tree cover around (though outside) three sides of the site – Gloucester Road (street trees), Malvern Road (boundary planting and garden trees) and Honeybourne Line (boundary and “trackside” planting). The planting on the Honeybourne Line is a dense row of conifers which are not considered to have any amenity value.

Housing opposite the site on Gloucester Road consists of two strong typologies. One to the south is red brick, two-storey Victorian semi-detached behind 5m (approx) front gardens, with long back gardens; the other to the north, two-storey, white painted brick mid-20<sup>th</sup> century behind 8m (approx) front gardens, with long back gardens. Housing abutting the site on Malvern Road is two-and-a-half (frontage) to three-storey (at rear) rendered villas dating from the mid 19<sup>th</sup>-century, with 3m front gardens and 25m plus rear gardens; housing opposite on Malvern Road and continuing north on the same side along Gloucester Road is two-storey white-rendered mid-19<sup>th</sup> century terraced housing with 5m (approx) front gardens.

### Issues

The main urban design issues are:

- developing a strong relationship to the main frontage areas on Gloucester Road and the Honeybourne Line
- achieving a layout which is a satisfactory living environment for those on the site, a good neighbour and adheres to good urban design practice in terms of legibility and permeability and an acceptable architectural treatment.

### Analysis

#### 1. Relationship to frontages

The main concern for the Honeybourne Line relationship has been to improve the current negative relationship between the site and the Line, providing both enhanced security for users of the line and links from the site (and hence through from Gloucester Road) to the line. This has been achieved. The removal of the existing dense row of conifers and its replacement with a more open landscape scheme establishes a strong relationship between the two parcels. This is enhanced by the three points of linkage, which provide easy access to a sustainable transport link into town, the station and the nearby play area. Routes through the site to the Gloucester Road provide a valuable additional point of access to the Line. The housing fronting the Line is three-storey and looks onto the Line across a circulatory route. Whilst the relationship benefits both the site and the Line, some of these units have only bedrooms fronting onto the Line, with kitchens (ground floor) and living rooms (first floor) facing into the rear garden. A preferable arrangement would have been for the more “active” rooms to face the Line, which would provide it with enhanced surveillance and would reduce over-looking issues to rear gardens and rooms of buildings backing onto the housing.

The relationship to Gloucester Road is an active frontage relationship, mirroring, in a modern day format, the housing opposite. Roadside verges are retained, there is some new tree planting, housing fronts the road, with shared access points, broken by landscape treatments. This element is successful.

#### 2. Layout

The layout has been a significant point of discussion through the application process and improvements have been achieved through discussions with both officers and the architects’ panel. These improvements have benefited both the relationship to the Gloucester Road and Honeybourne Line frontages described above and the internal layout.

- The street layout now follows a regular pattern with perimeter blocks. There is one main vehicular access centrally from Gloucester Road feeding a circulatory loop with

a central pedestrian priority street. This allows three pedestrian/cycle access points to the Honeybourne Line.

- Parking is largely on-plot, on-frontage or on-street well related to housing. Rear parking courts, prevalent in early iterations, have been removed, improving the perimeter block structure and, consequently, on-street activity and surveillance; whilst reducing opportunities for crime. Housing fronting Gloucester Road has a series of shared access drives to the frontage separated by landscape.
- The improved structure to the layout has benefited the public realm with opportunities for some tree planting and small front gardens. Street form and planting along the Honeybourne Line frontage is rationalised and improved from the existing. If the parking regime works, the streets should be pedestrian friendly.

The scheme density has consistently remained at 42dph throughout the negotiation. Nearby blocks vary between 31dph (Malvern Road) and 44dph (Gloucester Road/Pates Ave – including open space). Whilst the proposal is clearly at the higher end of this range, these comparators do produce liveable homes and places and the proposed density is not considered unacceptable.

There is considered to be little adverse amenity impact on neighbours. On Gloucester Road the buildings face each other across the tree-lined street at some distance. On Malvern Road there is a back to back garden relationship. The existing buildings (predominantly 3-storey on this elevation) and proposed buildings (predominantly 2.5-storey with three 3-storey units) are about 40m apart and those on Malvern Road are elevated above the proposal. Existing boundaries to Malvern Road and some of the existing gardens have significant tree coverage, which will provide ample screening for much of the year and partial screening for the winter months.

The one area of apparent amenity difficulty is unit 44 – a flat over garages – which is 1.5-2.5m from the rear garden boundary of two houses on Malvern Road, with kitchen, bathroom and landing windows over-looking two rear garden areas. This relationship could be considered to dominate the rear of the gardens, even if windows can be frosted. Additionally it is unclear how the strip behind the unit will be used. This area will need further consideration.

Architectural style is traditional in form – pitched roofs over brick or render. Housing on Gloucester Road is intended to reflect the typology opposite.

Public art will be provided – most likely along the Honeybourne Line. This needs to be designed by the developer working with the Public Art Panel and negotiations will begin if the scheme is permitted.

## 5. PUBLICITY AND REPRESENTATIONS

**5.1** A total of 85 letters of notification were sent out and following receipt of revised plans further letters were then sent out. In addition the receipt of the application was advertised in the local press and on site.

**5.2** Over 30 letters of representation (including on-line comments) have been received to date. The issues raised by writers of the representations can be summarised as follows:

1. Generally welcome the principle of redevelopment of site for residential purposes
2. 2.5-3 storeys at back of Malvern road unacceptable – will create shadow and overlooking
3. Concern re boundary security
4. Uninspiring architecture, poor quality of design
5. Traffic generation; significant amount of traffic increased along Gloucester Road
6. Concern re security along Honeybourne Line

7. Density much too high
8. Flat 44 has been repositioned with overlooking windows only 1-2m from boundary
9. No increase in recreation facilities
10. Access at bottom of Malvern Road near junction to Gloucester Road will cause difficulties (this in fact is an access only to an existing electricity sub-station)
11. Inadequate parking provision within site
12. Golden opportunity for as mini roundabout at Malvern Road/Gloucester Road junction has been lost.
13. Development will give rise to need for additional school provision
14. Cycle and pedestrian access onto Honeybourne Line should be separated.
15. One access onto Honeybourne Line is a real missed opportunity.

## 6. OFFICER COMMENTS

### 6.1 Determining Issues

6.1.1 The key considerations in the assessment of this application are the principle of developing the site (with specific reference to the provisions of the National Planning Policy Framework and consideration of policy EM2), the design and layout of the proposal, potential impact on neighbouring amenity and highway considerations. These matters will all be considered below.

### 6.2 Principle of Development

#### 6.2.1 Local plan Policy

6.2.2 Policy HS1 (Housing Development) states that housing development will be permitted on land allocated for housing or previously-developed land, subject to a number of policies which are not relevant to these proposals. The application site is unallocated, but is currently used as a Travis Perkins builders' merchant therefore is clearly brownfield land, i.e. previously developed. As such, the principle of residential development is acceptable on this site.

6.2.3 Furthermore Policy EM2 (Safeguarding Employment) is not directly relevant to the proposal, when it is recognised that the site's lawful use, i.e. builders' merchant is in fact sui generis and does not fall within uses Classes B1, B2 or B8, to which Policy EM2 specifically relates. Notwithstanding that fact, however, even if Policy EM2 is considered, the proposed redevelopment of the site for residential use would comply with that Policy. In particular, the policy states that a change use of land or buildings in existing employment use (i.e. Use Classes B1, B2 or B8 inclusive) will not be permitted except, inter alia, where development of the site for appropriate uses other than B1, B2 or B8 will facilitate the relocation of an existing firm to a more suitable site within the Borough. As has already been stated, this application is being advanced in conjunction with an application for a proposed purpose built builders' merchants at the former Bonella Works site on Tewkesbury Road,

If planning permission is granted, it will facilitate Travis Perkins' relocation from their existing branch on Gloucester Road. This relocation site is a brownfield site and is both operationally and locationally superior to their existing branch on Gloucester Road. In short, it is a far more suitable site. It is considered therefore, that in any event, compliance with Policy EM2 can be demonstrated. If approved the two schemes would see the likely retention of an important employer within the Borough. The proposals do represent a statement of intent by the applicant and the decision to locate a replacement branch within the Borough, retaining existing jobs, is welcomed. The relocation does, however, depend on both proposals being approved and Members need to be aware that if planning permission were to be granted the applicant would have to enter into a section 106

Agreement linking the two permissions to ensure that the relocation did in fact take place.

### 6.2.4 National Planning Policy Context

6.2.5 Consideration of Policy EM2, in any event is somewhat dated given the publication of the National Planning Policy Framework. At the heart of this Framework there is the presumption in favour of sustainable development. (Para 19) *“The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth.”*

6.2.6 The NPPF goes on to state at para 21; *“Investment in business should not be overburdened by the combined requirements of planning policy expectations.....”* Officers consider that this advice is directly relevant to the assessment of the two applications at Gloucester Road and Tewkesbury Road. The applicant has a clear aspiration to create a new builders merchants depot within the Borough and they claim that the existing site is inefficient and no longer fit for purpose. The redevelopment of the existing Gloucester Road site will help fund this relocation, albeit with significant investment as well, and therefore Officers consider that the advice within para 21 of the NPPF represents a material consideration of significant weight.

6.2.7 Furthermore the NPPF is underpinned by a presumption in favour of sustainable development, which for decision-taking means *“approving development proposals that accord with the development plan without delay”*. As set out above, the application proposals accord with the provisions of the Development Plan, including consideration of Policy EM2 which is not strictly relevant in this case. It could therefore be argued that planning permission should be granted *“without delay”*.

6.2.8 The NPPF provides significant in principle policy support for the application proposals. The Framework places a major emphasis on Local Planning Authorities significantly boosting the supply of housing with objectively assessed needs being met in full. To this end, there is a need for housing in Cheltenham for additional housing, and this need is underpinned by recent planning appeals in which it has been argued that the Authority cannot meet its five year supply. It also highlighted persistent under delivery indicating the requirement to provide a 20% buffer (i.e. a 6 year supply).

6.2.9 In conclusion, the principle of the proposed development would appear to accord with the relevant ‘saved’ Policies within the Cheltenham Borough Local Plan and would appear to be fully supported by the NPPF.

## **6.3 Design and layout**

6.3.1 Local Plan Policy CP7 (design) states that development will only be permitted where it achieves the following requirements;

- a) is of a high standard of architectural design; and
- b) adequately reflects principles; and
- c) complements and respects neighbouring development and the character of the locality.

6.3.2 The scheme has been significantly revised since its initial submission following comments from both the Civic Society and the Architects Panel that were not particularly complimentary. The Council’s Urban Design Manager has been closely involved in consideration of this application and the changes in layout and external appearance have



come about greatly as a result of negotiations between the applicant's architect, the Urban Design Manager and the Case Officer. The comments made by both the Civic society and the architects Panel have also informed the process.

6.3.3 The development scheme comprises a mix of dwelling types. The majority of the 107 dwellings are to be houses, either semi-detached or terraced. In addition two small blocks of apartments are proposed there would be a mix of 2, 2.5 and 3 storey buildings within the site.

6.3.4 The Gloucester Road frontage to the site has been designed to be fairly traditional, all brick and has been simplified by removing the high window bars and making the ground floor bays (where they are applicable) slightly higher. Overall the design of the dwellings has been simplified with the windows balanced and a reduction in the height of the roof pitches. Also a double band of brick in blue (very common to area) as a plinth in blue brickwork that will sit below the ground floor window cill level has been introduced to maintain the 'traditional' appearance. In addition proper 'corner turning buildings' have been introduced to mark the site entrance, in addition to two buildings of scale (at the north east corner) – a pair of 2.5 storey units.

6.3.5 No units will now have access from Malvern Road; just a small service drive is to be provided off Malvern Road purely for the maintenance of the sub station.

6.3.6 The central parking courts that appeared in the initial scheme have also been removed, in favour of creating further space to the (in particular) easternmost north/south street, this would allow more landscaping, public realm activity and parking bays to be provided. Where courts have had to be retained (north west and north east), these now adopt a mews form with sentry buildings positioned to improve surveillance.

6.3.7 Where the development is adjacent to the Honeybourne Line, a more 'modern' interpretation is proposed with a predominantly render appearance – with some coloured elements to the facades creating further rhythm in the appearance and a distinct character from the other parts of the site and as viewed from the Honeybourne line.

6.3.8 The central link through the site creates a transition between the traditional brick and more modern rendered detailing.

6.3.9 In addition further revisions have also improved the scheme for example; variation in carriageway widths, surfacing and landscape; separation of the private drives along Gloucester Road along with the introduction of landscaping/front gardens and more significant landscaping and trees along the Honeybourne Line.

6.3.10 It is worth repeating here the conclusions reached by the Urban Design Manager in his comments.

"The proposal is acceptable in this form. It develops good linkages with the Honeybourne Line and should help with surveillance of the Line – though the internal layout of some units could be reconsidered to improve the situation. Layout has improved through negotiation and the landscape strategy has developed well. Density is similar to the higher density of nearby streets and it is not considered that there will be amenity impacts other than in one specific instance, where conditions should address the problem."

## 6.4 Impact on neighbouring property

6.4.1 Local plan policy CP4 advises that development will only be permitted where it does not cause unacceptable harm to the amenity of adjoining land users and the locality.

6.4.2 Occupiers of properties in Malvern Road have expressed concern with regard to the height of the buildings to the rear of their boundary. However, there is a normal back to back garden relationship. The existing buildings (predominantly 3-storey on this elevation) and proposed buildings (predominantly 2.5-storey with three 3-storey units) are about 40 metres apart and those on Malvern Road are elevated above the proposal. Existing boundaries to Malvern Road and some of the existing gardens have significant tree coverage, which will provide ample screening for much of the year and partial screening for the winter months.

Local residents have also raised the issue of density, expressing the view that it is too high. However, it should be noted that the density of the scheme has consistently remained at 42dph throughout the negotiation. Nearby blocks vary between 31dph (Malvern Road) and 44dph (Gloucester Road/ Pates Ave – including open space). Whilst the proposal is clearly at the higher end of this range, these comparators do produce liveable homes and places and the proposed density is not considered unacceptable.

6.4.3 The other main concerns appear to relate to the Honeybourne Line and in particular security. The Honeybourne Line relationship has been improved. The current negative relationship between the site and the Line and the lack of security for users of the line are the main issues. The security has been enhanced and links from the site (and hence through from Gloucester Road) to the line have been incorporated. The removal of the existing dense row of conifers and its replacement with a more open landscape scheme establishes a strong relationship between the two parcels. This is enhanced by the three points of linkage, which provide easy access to a sustainable transport link into town, the station and the nearby play area. Routes through the site to the Gloucester Road provide a valuable additional point of access to the Line. The housing fronting the Line is three-storey and looks onto the Line across a circulatory route.

6.4.4 The question of traffic generation and amount of parking has also, not surprisingly, been raised. However, it will be noted that the Highway Authority are happy with the scheme, traffic generation is calculated as being lower than that from the builders merchants use and two allocated parking spaces along with incidental parking is more than sufficient.

6.4.5 Subject to conditions, Officers are satisfied that the proposed development will not compromise neighbouring amenity and it is therefore in accordance with the provisions of local plan policy CP4. It should be noted that the development will constitute a better neighbour than the existing builders yard use of the premises which is also an important consideration.

### **6.5 Access and highway issues**

6.5.1 The comments provided by the County Council in relation to highway safety conclude that the scheme is acceptable. It is suggested that the proposed development would result in a reduced level of traffic moving in and out of the site and that the position of the existing vehicular access is suitable to serve the proposed development.

### **6.6 Other considerations**

6.6.1 Members will note that both the Council's tree officer and Landscape Officer raise points with regard to trees and landscaping. It is considered that all the matters raised can be covered by way of conditions, should permission be granted.

6.6.2 The application proposes 107 dwellings and therefore triggers local plan policy HS4 relating to affordable housing. This policy requires the following;

- 6.6.3 *"In residential developments of 15 or more dwellings or residential sites of 0.5 hectares or greater, a minimum of 40% of the total dwellings proposed will be sought for the provision of affordable housing. "*
- 6.6.4 Members will recall from an earlier section of this report that the redevelopment of the application site will help fund the relocation of the applicant to the proposed new premises at the Bonella Works on Tewkesbury Road. Importantly however, the development value generated by the proposed residential scheme on Gloucester Road does not meet the overall cost of the relocation. It is for this reason that the applicant is proposing that only 15% (16 dwellings) of the houses be made available as affordable housing.
- 6.6.5 The application was accompanied by a (confidential) viability assessment and this assessment was independently verified by the District Valuation Service (DVS). The DVS were asked to clarify two matters; first that the construction costs and development values being suggested for the proposed redevelopment were realistic, and second that construction costs for the proposed replacement facility at Tewkesbury Road were realistic. The answer to both of these questions was that when viewed alone the residential scheme was viable at the 40% affordable housing requirement. However, in order to fund the Tewkesbury Road it was also independently agreed that it was realistic in terms of costs and values that a reduced percentage affordable housing enabled the relocation package to proceed and therefore that the applicant's figures could indeed be relied on.
- 6.6.6 Having established that the viability assessment was reliable, it is important to revert to the requirements of local plan policy HS4. This policy is accompanied by a note that states that the proportion of affordable housing may vary to take account of the exceptional circumstances relating to a site. In this instance, the applicant is suggesting that the relocation does in fact represent exceptional circumstances.
- 6.6.7 The report has already discussed the merits of the proposed relocation and concluded that it is something that should be supported; it will bring new and more efficient builders merchants branch to the town, retain an important employer within the town, and maintain jobs. It is worth bearing in mind that the actual building works in themselves will also generate additional jobs. These are all factors that bring with them considerable weight when assessed against advice contained within the NPPF and also when considered in the light of recent government announcements. The key question in relation to local plan policy HS4 is whether the merits of this relocation amount to 'exceptional circumstances' where affordable housing is considered and officers conclude that it does.
- 6.6.8 In the current economic climate and with reference to the strong guidance set out in the NPPF, particularly at para 21 (already quoted), it is essential that local plan policies are not overly onerous where investment in business is concerned. The applicant is proposing a significant level of investment to relocate to the Tewkesbury Road site, and to achieve this investment a reduction in affordable housing is required. There is a very strong possibility that this investment (i.e. borrowing costs) will not take place if the strict local plan requirement for affordable housing is insisted upon. Officers do not consider that the NPPF would give this authority any assistance if planning permission were to be refused and the applications went to appeal. Furthermore, members will be aware of this authority's lack of a five-year housing supply and that the NPPF advises that where a five-year housing supply cannot be demonstrated, policies for the supply of housing (such as policy HS4) should not be considered up-to-date. Para 14 of the NPPF then states that where relevant policies within the development plan are out-of-date, planning permission should be granted unless *"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”.*

- 6.6.9 Officers consider that to insist up 40% affordable housing within this site will certainly have an adverse impact and will significantly and demonstrably outweigh the benefits that the proposed relocation package would bring.

## **7. CONCLUSION AND RECOMMENDATION**

- 7.1 In conclusion, Officers consider that when assessed against the provisions of the NPPF and Local Plan Policy, the proposed development is acceptable.
- 7.2 The design and layout of the proposal should result in a scheme with its own identity and officers consider that the proposed architecture will generate some interesting dwellings. It is hoped that further comments from the Architect's panel will be received before the meeting. Furthermore, the proposal should not compromise neighbouring amenity to an unacceptable level.
- 7.3 The report has discussed the merits of the relocation and the provision of affordable housing. Members will be aware however, that the NPPF represents a material consideration of significant weight, particularly with its strong emphasis on economic growth and in the light of the Council's lack of a five year supply of housing.
- 7.4 When assessed against the advice within the NPPF, Officers conclude that the proposal (in combination with the Bonella Works proposal) is a sustainable form of development; the two schemes will create high quality employment space within the town, retain an important employer within the borough and bring with them potential for job creation and will also create additional housing.
- 7.5 It is recommended that members resolve to grant planning permission for the proposed development subject to a S106 agreement and the conditions suggested below. The S106 Agreement will cover the following matters:
- a) Financial contribution of £271,557 towards Education
  - b) Financial contribution of £20,972 towards Library provision
  - c) Public Art provision subject up to the value of £30,000
  - d) Affordable Housing (15% - 16 dwellings)
  - e) Linking planning permissions 13/00106/FUL (current proposal) to planning permission 13/000111/FUL (Bonella Works, Tewkesbury Road) to ensure that the relocation from Gloucester Road to Tewkesbury Road does in fact take place and that the site on Gloucester Road is not simply implemented in isolation.

## **8. CONDITIONS / INFORMATIVES)**

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.  
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 development hereby permitted shall be carried out in accordance with drawing numbers 0466 – 104-2C; 107C; 110B; 112C; 115D; 320B and 144803E; 144804D received 24 April 2013 and 0466 – 102E; 104-1C; 105D; 108C; 113D; 114D; 252A and 256A received 7 June 2013.

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Reason: To ensure the development is carried out in strict accordance with the approved drawings.

- 3 Prior to the commencement of development, plans showing the existing and proposed ground levels and slab levels of the proposed and adjacent buildings shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented strictly in accordance with the agreed details.

Reason: To ensure a satisfactory relationship of the proposed building with the adjoining properties and land in accordance with Local Plan Policies CP4 and CP7 relating to safe and sustainable living and design.

- 4 Prior to the commencement of development, an annotated elevation with a detailed specification of all external materials and finishes (including all windows and external doors) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented strictly in accordance with the details so approved and maintained as such thereafter.

Reason: To ensure a satisfactory form of development in accordance with Local Plan Policy CP7 relating to design.

- 5 No construction work at the site is to take place outside the hours of 7:30am - 6:00pm Monday - Friday and 8:00am - 1:00pm Saturdays.

Reason: To protect the amenity of residents of nearby residential property in accordance with local plan policy CP4.

- 6 Prior to the commencement of development, the developer shall provide a plan for the control of noise, dust, vibration and any other nuisances from works of construction and demolition at the site. The plan shall also include controls on these nuisances from vehicles operating at and accessing the site from the highway. The development shall be implemented strictly in accordance with the approved details.

Reason: To protect the amenity of residents of nearby residential property in accordance with local plan policy CP4.

- 7 No other works shall commence on site until full engineering details of the proposed access into the development, the vehicular accesses serving the plots fronting Gloucester Road and the footway along the site frontage have been submitted to and agreed in writing by the Local Planning Authority. Those works shall be carried out in accordance with the approved details prior to the occupation of the proposed dwellings.

Reason: To ensure a safe and suitable means of access is provided and to ensure adequate pedestrian facilities are provided along Gloucester Road, in the interests of highway safety.

- 8 No works shall commence on site until full engineering details of the pedestrian links from the new development to the Honeybourne Line have been submitted to and approved in writing by the Local Planning Authority. The pedestrian links shall then be completed in all respects in accordance with those details before any of the dwellings are occupied and shall be maintained as such thereafter.

Reason: To ensure that safe and suitable pedestrian linkages can be provided from the development to the Honeybourne Line in order to encourage walking and cycling

- 9 No individual dwelling shall be occupied until the access road (including surface water drainage/disposal, vehicular turning heads, street lighting, and footways where proposed), providing access from the nearest public road to that dwelling have been completed to at least binder course level in accordance with the submitted plans. The access roads etc shall be maintained in that form until and unless adopted as highway maintainable at public expense.

Reason: To minimize hazards and inconvenience for users of the development by ensuring that there is a satisfactory means of access.

10 None of the dwellings hereby permitted shall be occupied until the car parking associated with that dwelling (including garages and car ports where proposed) has been provided in accordance with the submitted plan [drawing no.0466-102], and shall be maintained available for that purpose for the duration of the development.  
Reason: To reduce potential highway impact by ensuring that vehicles do not have to park on the highway.

11 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall:

1. Provide for the parking of vehicles of site operatives and visitors;
2. Provide for the loading and unloading of plant and materials;
3. Provide for the storage of plant and materials used in constructing the development;
4. Provide for wheel washing facilities;
5. Specify the intended hours of construction operations;
6. Measures to control the emission of dust and dirt during construction

Reason: To reduce the potential impact on the public highway.

12 Unless otherwise agreed by the Local Planning Authority, the development shall not be occupied until the following condition has been complied with and satisfactorily agreed, in writing, by the Local Planning Authority.

i) Site characterisation

A site investigation and risk assessment should be carried out to assess the potential nature and extent of any contamination on the site, whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report must include:

a) a survey of the extent, scale and nature of contamination

b) an assessment of the potential risks to:

- human health
- property (including buildings, crops, livestock, pets, woodland and service lines and pipes)
- adjoining land
- ecological systems
- groundwaters and surface water
- archaeological sites and ancient monuments

c) an appraisal of remedial options to mitigate against any potentially significant risks identified from the risk assessment.

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR11'

ii) Submission of a remediation scheme

Where remediation is required, a detailed remediation scheme to bring the site to a condition suitable for the intended use should be produced and will be subject to the approval, in writing, by the Local Planning Authority prior to implementation. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme

must ensure that the site will not qualify as contaminated land under Part 2a of the Environmental Protection Act (1990) in relation to the intended use of the land after remediation.

### iii) Implementation of approved remediation scheme

Any approved remediation scheme must be carried out in accordance with its terms prior to the commencement of the development, other than that required to carry out remediation. Following completion of measures identified in any approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval, in writing, by the Local Planning Authority.

If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination until section iv) has been complied with in relation to that contamination.

### iv) Reporting of unexpected contamination

In the event that contamination is found at any time when carrying out the approved development, that was not previously identified, it must be reported immediately in writing to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with section i) and a remediation scheme submitted in accordance with section ii). Following completion of measures identified in the approved remediation scheme, a verification report must be produced in accordance with section iii).

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Local Plan Policy NE4 relating to development on contaminated land.

- 13 Prior to the commencement of development, a landscaping and planting scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include a survey of all existing trees on the land showing the size and species and identifying those trees, if any, it is proposed to remove. In addition it shall show in detail all proposed tree and shrub planting, hard surfacing (which should be permeable or drain to a permeable area) and areas to be grassed.

Reason: To ensure that the development is completed in a manner that is sympathetic to the site and its surroundings in accordance with Local Plan Policies CP1 and CP7 relating to sustainable development and design.

- 14 Prior to the commencement of development, a detailed scheme for boundary walls, fences or other means of shall be submitted to and approved in writing by the Local Planning Authority and the boundary walls, fences or other means of enclosure shall be erected before the development hereby permitted is first occupied.

Reason: To ensure that the development is completed in a manner that is sympathetic to the site and its surroundings in accordance with Local Plan Policy CP7 relating to design.

- 15 Prior to the commencement of any works on site (including demolition and site clearance) a Tree Protection Plan (TPP) to BS5837:2012 for G3, T5 and T6 (these are street trees of considerable size and their roots are likely to ingress into the site) shall be submitted to and approved in writing by the Local Planning Authority. The TPP shall detail the methods of tree/hedge protection and clearly detail the positioning and specifications for the erection of tree protective fencing. The development shall be implemented strictly in accordance with the details so approved.

Reason: In the interests of local amenity in accordance with Local Plan Policies GE5 and GE6 relating to the retention, protection and replacement of trees.

- 16 Prior to the commencement of development, the surface water drainage system shall be designed in accordance with the principles of Sustainable Drainage Systems (SUDS). This shall include a maintenance strategy and full details (including calculations) shall be submitted to and approved by the Local Planning Authority. Prior to the first occupation of any part of the development, the surface water drainage system shall be completed in all respects in accordance with the details approved and shall be retained as such thereafter.  
Reason: To ensure the surface water drainage system does not contribute to flooding or pollution of the watercourse in accordance with Local Plan Policy UI3 relating to sustainable drainage systems.
- 17 No development shall take place within the application site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.  
Reason: To make provision for a programme of archaeological mitigation, so as to record and advance understanding of any heritage assets which will be lost, in accordance with paragraph 141 of the National Planning Policy Framework.
18. Prior to the commencement of development, a scheme for the provision or improvement of recreational facilities to serve the proposed dwellings shall be submitted to and approved in writing by the Local Planning Authority. The dwellings shall now be occupied until the approved scheme has been implemented.  
Reason: To avoid any increase in the Borough's imbalance between population and the provision of outdoor play space and related facilities in accordance with Local Plan Policy RC6 relating to play space in residential development.

## INFORMATIVES

- 1 The proposed development has been tested against the following policies of the Development Plan and, in the opinion of the Local Planning Authority, is not in conflict with the following policies:

CP 4 Safe and sustainable living  
CP 7 Design  
GE 5 Protection and replacement of trees  
GE 6 Trees and development  
EM 2 Safeguarding of employment land  
HS 1 Housing development  
HS 4 Affordable Housing  
RC 6 Play space in residential development  
UI 3 Sustainable Drainage Systems  
TP 1 Development and highway safety  
TP 6 Parking provision in development

The planning permission is subject to a legal agreement relating to the relocation proposals (approved under ref: 13/00111/FUL), the provision of affordable housing and financial contributions towards education and libraries and the provision of public art.

- 2 In accordance with the requirements of The Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 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.

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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 fully assessed the viability of the proposed development with regard to affordable housing provision and also how it complies with Local Plan policy EM2 and the wider provisions of the NPPF.

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

- 3 The Local Highway Authority will require the developer to enter into a legally binding agreement to secure the proper implementation of the proposed highway works including an appropriate bond.



<b>APPLICATION NO: 13/00106/FUL</b>		<b>OFFICER: Mr Ian Crohill</b>	
<b>DATE REGISTERED:</b> 24th January 2013		<b>DATE OF EXPIRY :</b> 25th April 2013	
<b>WARD:</b> St Peters		<b>PARISH:</b> NONE	
<b>APPLICANT:</b>	Taylor Wimpey Bristol		
<b>LOCATION:</b>	Travis Perkins, Gloucester Road, Cheltenham		
<b>PROPOSAL:</b>	Erection of 107 dwellings (class C3) including access and servicing arrangements, car parking, landscaping and associated works		

### REPRESENTATIONS

Number of contributors	<b>18</b>
Number of objections	<b>9</b>
Number of representations	<b>8</b>
Number of supporting	<b>1</b>

1 Christchurch Villas  
 Malvern Road  
 Cheltenham  
 Gloucestershire  
 GL50 2NT

**Comments:** 9th February 2013

My objections to this proposal are as follows:

1. The height of the 2.5 storey houses planned to back onto the properties on the south side of Malvern Road is unacceptable. The degree to which they will overlook the gardens and houses in Malvern Road as well as cast shade and block views is significant and unnecessary. There is no need for them to be that height and they could easily be designed to be a more conventional height. There is no such encroachment at this time and there is no need for it to be so severe.
2. There are issues regarding security of properties on the south side of Malvern Road. Currently there is a security fence on the Travis Perkins border. The plans imply there will only be a 900cm (3 ft.) post and 2 wire fence. Given that the rear of some Malvern Road properties are not currently secured other than by the security fence and that the plans open up access to the Honeybourne line (previously a source of access for attempted burglaries in the area) this increases the security risk for Malvern Road properties and should be addressed.
3. From an aesthetic perspective the architectural design is at best uninspiring but is not in keeping with the style seen in many of the houses around the area.

I am sure that these issues could be addressed and that this plan could still be highly profitable for the developer.

196 Gloucester Road  
 Cheltenham  
 Gloucestershire  
 GL51 8NR

**Comments:** 18th February 2013

## Page 42

Has anyone considered the effect an extra 150+ cars coming into this road at peak times Monday to Saturdays will cause? The queues are already a serious issue for residents who live on this major thoroughfare and this will only escalate with the proposed number of dwellings, most of which, I imagine will be 2 car families.

This, and a number of other concerns we have about the development have been sent to the planning officer dealing with this application.

**Comments:** 18th February 2013

Letter attached.

230 Gloucester Road  
Cheltenham  
Gloucestershire  
GL51 8NR

**Comments:** 20th February 2013

I generally welcome the proposal to redevelop what is otherwise a warehouse wasteland in the middle of an otherwise residential district. I would hope that as much as possible is done to ensure that the development will enhance the community aspect of the area and address the security issues posed by the adjacent Honeybourne Line. During the daytime this footpath has the potential to offer a vibrant and safe pedestrian and cycle route through the town and to the station. However, I invite any of the case officers to walk alone along the footpath behind the proposal site after dark. Whilst there are no specific individual threats, it is a quiet and lonely corridor with a lot of wooded undergrowth cover and no midway exit points.

My property backs onto the path just above the children's playground and near to the development site and it should be noted that on multiple occasions in the last two years I have had intruders enter my garden (over a 7 foot fence), from the path including one being chased by police, and there have been many reports of flashers, late-night drunken gatherings and other petty crime. Whilst the lighting, recent installation of CCTV cameras and police bicycle patrols may help to improve its safety, I feel the best improvements would be made by opening up the path further to the developed site. This would make it more overlooked and less inviting for malcontents. This would hopefully lead to increased evening footfall through the path that would also further increase safety. I imagine that the potential owners of the new houses would carry the same concerns and welcome the same benefits as the current owners.

In terms of school provision I expect the new houses would appeal to families many of whom would have children of primary school age. The nearest local primary (Christchurch) already appears to be heavily subscribed and I can only conclude that the increased numbers of children would further increase that burden and particularly affect existing residents further along the street and in the local area.

I would like to see considerate builder restrictions placed on the development to limit working hours and to ensure reasonable protection of the roads and pavements around the site from heavy site vehicles and the associated mud.

I understand and welcome the proposal that each property is to be provided two parking spaces. If I am mistaken then I would like to highlight the existing street parking limitation in this area.

I support the following proposals:

- Erection of a fence protecting children from the cycle path whilst on the Honeybourne Line play area

## Page 43

- Division of the Honeybourne Line path into cyclists/pedestrians by the provision of a central white line
- Improvements to signage of the Honeybourne Line at all entrances particularly the two at the station
- Improvements to Honeybourne Line entrances and lighting
- Removal of the conifers at the rear of the current site
- Approval of public art provision should pass through the Public Art Panel

157 Gloucester Road  
Cheltenham  
Gloucestershire  
GL51 8NQ

### **Comments:** 22nd February 2013

- 1) 32 houses one side of Gloucester Road and 107 the other. The imbalance in urban grain is inappropriate. The density is much too high.
- 2) There is already immense pressure on school spaces within the ward. This development will just exacerbate the current problem.
- 3) A net loss of vital employment land to the Town, on top of losing the Spirax Sarco site.
- 4) The additional driveways are a great concern. It is already very dangerous leaving my property due to lack of visibility. To have cars join the highway from another visibly concealed location will increase the chance of me having another car accident. I would welcome anyone visiting my house at any time to see the problem first hand. Visibility problems [trees and parked cars/vans] are a serious problem.
- 5) I would agree with the comments of the Civic Society regarding the poor quality of the design. The designers should make reference to Design Review Principles and Practice as published by the Design Council.

8 Christchurch Villas  
Malvern Road  
Cheltenham  
Gloucestershire  
GL50 2NT

### **Comments:** 21st February 2013

- 1) This seems little improvement on the industrial buildings currently on the site. The proposed housing density is much greater than the surrounding area so we will lose the current feeling of open space. The new buildings will be much closer to the rear boundaries of Malvern Road, overlooking and shading our gardens and affecting our privacy.
- 2) The shadow survey was done at 9am so it does not show the shading of the gardens in Malvern Road later in the day.
- 3) A significant amount of traffic uses Malvern Road, to get from Gloucester Road to Montpellier and avoid traffic lights and the one way system, but Malvern Road is not mentioned in the traffic analysis. The weight restriction on the bridge by the school in Malvern Road stops the lorries visiting Travis Perkins from using this route, but this will be no deterrent to residential traffic.

## Page 44

4) The proposal includes new access into Malvern Road close to its junction with Gloucester Road. This will cause problems in Malvern Road and Gloucester Road at peak times.

5) Gloucester Road frequently grinds to a halt at times when Travis Perkins is closed, residential traffic associated with the new houses will add to these problems.

6) The parking for some of the plots seems a long way from the house so people may park elsewhere.

7) The uninspired style of the houses, justified by a photo of an atypical group of houses in St Georges Road, is disappointing.

**Comments:** 13th May 2013

(Note that the garden layout shown for Christchurch Villas is incorrect. My garden includes the far corner behind Oakville.)

I object strongly to the revised plans for Travis Perkins Gloucester Road site.

1) The new position of the 2 storey building, flat 44 with garages underneath, appears to be 1 or 2 metres from most of my southern boundary - much closer than the previous plan or the existing buildings. As a flat is proposed people would be upstairs all the time. It would overlook my garden affecting my privacy and that of my neighbours.

2) As the proposed building is on the south side of my garden it would overshadow my garden particularly in the winter.

3) The area between 16 and 46 and the corner of my garden, i.e. 15, 44, 45 and their parking, seems very muddled and crowded.

4) The "garden" for flat 44 is a very narrow north-facing strip, not very useful, so there would be no incentive to maintain it.

5) Houses 45 and 14 have some distance to walk to their designated parking so they would be likely to try to leave their cars nearer.

**Comments:** 14th May 2013

I agree with all the points about the revised plans for Travis Perkins made by the resident at Highbridge. The main change directly affecting residents in Malvern Road has been to move taller buildings closer, particularly to 7, 8 and 9 Christchurch Villas. The message 'Comments may not be submitted at this time' in large bold letters shown on the planning application comments page since at least 9 May 2013 appears to answer their concluding line.

Each iteration of the plans seems to move in the wrong direction, turning more of the residents who were originally in favour of the development against it.

Also I have looked at the house style for plot 44 since my previous comment. I am unhappy that the first floor window that people will look out of most continuously, above the kitchen sink, looks over my garden from a few feet away. The unergonomic design means that residents of plots 15, 44 and 45 all have to cross each others space to get from their house or flat to their garage and parking area a recipe for disputes.

7 Christchurch Villas  
Malvern Road  
Cheltenham  
Gloucestershire  
GL50 2NT

**Comments:** 20th February 2013

As Cheltenham Tree Group Chairman I inspected the site yesterday.

T2 is a healthy mature tree, adding considerably to the aesthetic appeal of an area with few other trees. It should definitely be preserved and I therefore object to the application.

T3 is by contrast a rather pathetic poorly maintained specimen with little to recommend it and I therefore support this part of the application.

**Comments:** 21st February 2013

Having to post this again, as first submission yesterday seems to have been overwritten.

My concerns with regard to the proposal are as follows:

1. At present there is no risk of us being over looked from the Travis Perkins site and line of sight from neighbouring houses is almost non-existent. The fact that the developer has chosen to place 2.5 storey houses to the rear of our property, with such small gardens backing on to ours, compromises our existing privacy.
2. The architectural design of the development is far removed from the regency style of the Christchurch area. This dilutes one of the main reasons for its popularity.
3. Despite what is said within the comments from Highways Planning, I find it difficult to believe that the number of additional cars resulting from this development will not increase traffic volume on Malvern Road. This is already an over-used cut through to avoid queuing at traffic lights. This is of particular concern due to the fact that I have two young children, both of whom will be attending Christchurch Primary School.
4. I cannot see any provision for additional recreational facilities. The addition of such a large number of houses will result in a considerably greater number of young children in the area. Direct access from the development onto the Honeybourne Line will mean that the limited number of swings and climbing frames in that area will be overwhelmed.

**Comments:** 15th May 2013

I strongly object to the revised planning proposal. It would seem that there has been a total disregard of the comments made by the Malvern Road residents on the original plans. In fact, the situation is considerably worse for some of us.

Having previously raised objections to the fact that the privacy in our garden will be compromised by the development I am very annoyed to see that the length of the garden of the house that backs onto 7 Christchurch Villas has now been shortened and that we now also have a flat within metres of our boundary with a kitchen window which directly overlooks our garden.

There also appears to have been no mention of previous remarks concerning the need for increased recreational facilities incorporated within the development nor the traffic and schooling concerns. I wonder whether anyone has actually reviewed or even read the remarks of the residents because if they haven't this would seem a pointless exercise to partake in - I hope that is not the case.

4 Christchurch Villas  
Malvern Road  
Cheltenham  
Gloucestershire  
GL50 2NT

**Comments:** 21st February 2013

Having read the planning application for the Travis Perkins site I wish to register the following comments, concerning the proposed development's impact on residents of Christchurch Villas on Malvern Road, of which I am one, and more generally, the wider impact of the development on the neighbouring area.

The proposed houses which will back on to Christchurch Villas are 2.5 storey in height. The public consultation in November 2012 was informed that these would be no more than 2 storeys. The increased height will infringe our privacy and overlook our small suburban gardens. In addition, as the Shadow Study shows, the 2.5 storey houses will result in our gardens being in shadow for significant periods when it might be reasonably expected that families might be able to enjoy their gardens, particularly children after school (see April 5pm; October 5pm; January 4pm).

The junction of Malvern Road and Gloucester Road already gets congested at peak commuter time, with significant tailbacks along both roads. These are frequently exacerbated by cars being parked on double yellow lines at the start of Malvern Road. The proposed vehicle access from the development onto this stretch of Malvern Road will increase the congestion and the likelihood of accidents in this area, which is heavily used by children going to Christ Church Primary School.

The plans inaccurately show the tree T14 in the wrong garden. It is actually in the garden of 4 Christchurch Villas. Will this impact the building of the garages proposed at the rear of this garden?

I am concerned at the density of the proposed development. 107 dwellings for 2.53 hectares is excessive. I am particularly concerned at the lack of shared green space within the development. The majority of dwellings are for families, therefore it would be reasonable to expect provision of some communal land where children could play safely. The play area on the Honeybourne Line is mentioned in the application materials as offering this. The play area is out of sight of the proposed houses and is minimal at best, and it certainly could not support the usage associated with the 107 dwellings. Neither is it fenced off, so no protection is afforded children from the cycle track or from dogs being walked along the line. Additionally there are well documented concerns about vandalism, theft and antisocial behaviour along the Honeybourne Line, I suggest these need to be addressed before the Honeybourne Line will be a safe space which can be enjoyed by children.

The designs for the proposed dwellings on the development are unimaginative and at worst ugly. It is disappointing that the opportunity is being missed to positively enhance Cheltenham with much needed housing that is sympathetic to its surroundings, rather than predicatable over-crowded in-fill. The town and its residents deserve better.

3 Christchurch Villas  
Malvern Road  
Cheltenham  
Gloucestershire  
GL50 2NT

**Comments:** 21st February 2013

As a resident of Christchurch Villas we will be among those most affected by the proposed development and wish to raise a number of reservations.



## Page 47

1. The density of housing will undoubtedly cause an increase of traffic in Gloucester Road.
2. Access to the proposed entrance at the bottom of Malvern Road near the junction with Gloucester Road will cause difficulties at peak times of day both for Malvern Road and for Gloucester Road in both directions.
3. Inadequate parking provision on the site will force cars to search for parking in an area already stretched to the limit.
4. We were assured at the Public Meeting in November 2012 that the houses would be 2 storeys high but find that they are to be 2.5 and 3 storeys high, which will cause the gardens in Malvern Road to be in shadow most of the afternoon and evening and also reduce the privacy of our gardens.
5. There is no provision for a secure safe play area for children. The Honeybourne play area is neither safe nor secure from dogs and the speeding cyclists. It is also out of sight of the proposed houses.
6. Currently there is a security fence enclosing the Travis Perkin site. Will this continue to provide security for the Malvern Road houses during the construction period?
7. What security fencing will there be in place when the proposed housing is completed, considering that the applicant's Design and Access Statement admits that the proximity of the cycle path can encourage vandalism, theft and antisocial behaviour?
8. As the site was originally used as an industrial site, why in the Application Form has it been declared unpolluted/contaminated and fit for housing?

**Comments:** 26th February 2013

Since submitting my earlier comments, I have read through the Desk Study and Ground Investigation produced for Taylor Wimpey by Hydrock Consultants, section 2.9 of which states:

There is one recorded fuel station entry listed as obsolete within 500m of the site. This is Alpha, located on Queen's Road, 318m southwest of the site.

Local residents will however remember that No 194 Gloucester Road used to be the Spa Service Station run by Jack Reichelt, selling Fina petrol and probably within fifty metres of the site.

Highbridge  
Malvern Road  
Cheltenham  
Gloucestershire  
GL50 2NU

**Comments:** 25th February 2013

ON BALANCE, an overall neutral stance. But it's with quite a lot of qualifications!

This is a residential neighbourhood, and an ideal brownfield site. Residential development is probably better here than a building materials yard!

Traffic. The developer says 107 houses will generate less traffic OVERALL than 1 building merchant yard. Even if this is really the case, residential traffic is much less evenly spread throughout the day: houses generate the highest volume of traffic at morning/evening rush hours & school run times - just the times when the existing roads (e.g. Gloucester Road, often running

## Page 48

at or beyond capacity already) are least able to handle any extra traffic. Multiple exits from the estate, as proposed, would quite possibly be actually dangerous in view of the volume of traffic already using Gloucester Road, but it's probably too late to redesign the estate road more sensibly now (though it would have been quite easy to have done so at the start of the process).

If new traffic-lights are envisaged to regulate the traffic flow, they **MUST, PLEASE,** be synchronised with the existing lights at St George's Road, and Arle Road (& even Honeybourne Way) which at present frequently cause tailbacks all the way through St George's Road lights. Traffic waiting in Malvern Road to join Gloucester Road also often tails back to Christ Church School or beyond, & a mini-roundabout at the junction has been on many wish lists for decades - but it is always stated that there is no room in the roadway to construct one. By taking over the space proposed for just one of the new houses on that corner, ample room could be made - a golden opportunity to resolve a long-standing traffic problem!

The high proportion of 3-storey houses proposed would give a very high density feel - in combination with the tiny gardens, very claustrophobic. The proposal to line the entire boundary with the Honeybourne cycle track with 3-storey houses exclusively would also destroy any sense of openness which the rest of the estate might otherwise gain from its closeness to this amenity. It would also result in a much more intrusive visual impact on other users of the cycle track than lower 2-storey houses - especially since it seems the established line of conifers (which might have softened the impact) is to be removed.

All the proposed houses backing onto Malvern Road gardens are 2-storeys, **EXCEPT** the 3-storey house proposed behind Highbridge, whose extra height would have a much stronger and more intrusive visual impact, a far more adverse effect on privacy, and fit much less well into its surroundings. It would quite possibly be taller than 150-year-old Highbridge! How has this one unfortunate anomaly slipped through the net? There seems no reason to have just one 3-storey semi-detached pair at the end of a consistent row of 2-storey houses.

The variety of finishes - brick/render, corner-quoins or plain, etc - is welcome. But window design is inconsistent in most of these plans - multi-pane at front, single plain panes at rear: this is unfortunate as it detracts from the appearance of the houses from the rear, and cheapens the design overall.

### **Comments:** 14th May 2013

It is disappointing that no consideration seems to have been given to any of the representations of residents of Malvern Road - the closest residents to this development.

All objected to the 2.5 or 3 storey houses overlooking our gardens and destroying our privacy. But they are all still in place. Many were concerned about the extra pressure on places at the sought-after Christ Church School. No comment on this has been forthcoming, that I can find.

Many have commented on the extra traffic that will use Malvern Road, already frequently choked by tailbacks from Gloucester Road; one pointed out that lorries from Travis Perkins don't go down Malvern Road because of the weight restrictions on the bridge, but these won't apply to the extra residential traffic created, which will happily clog up Malvern Road still further. And what did the GCC Highways Planning authority have to say about the development's effect on traffic in Malvern Road? Nothing. Not even considered worth acknowledging.

Have they thought about the effect of this extra traffic on the emergency services who, every day, use Malvern Road as a fast short-cut when they are in a particular hurry?

Many of us have long wished for a mini-roundabout at the junction of Malvern and Gloucester Roads, to ease the tailbacks, but have always been told there isn't enough room. With site redevelopment it would be a golden opportunity to make a little extra space at that junction, but oh no, this isn't about improving the traffic flow for existing residents or the hard-pressed ambulance drivers or fire-fighters - perish the thought.

Many Malvern Road residents have joined Gloucester Road residents in commenting on the inappropriate density of the proposed housing: as an example, 3 houses are due to be crammed into the width of just our garden (and all with balconies to their 1st-floor lounges looking directly into our garden). It seems the new houses are not to be allowed a garden as such themselves - merely enough space, more-or-less, for a barbecue and a table and 3 or 4 chairs. One Gloucester Road resident commented on the "balance" of 19 existing houses on one side of Gloucester Road and 107 proposed on the other. But after the "consultation" meetings the developers decided to squeeze in 107 "dwellings", and 107 it remains despite all protestations about how out-of-place such high density is, in this neighbourhood. Perhaps the magic 107 "dwellings" is the reason a number of the bedrooms do not even meet the minimum size required for a single or double bedroom, according to the HMO report!

Many residents have echoed the comments of the Architects' Panel report ("Recommendation: Please Refuse"!!) and the Civic Society who longed for something more worthy of the site on one of the town's main routes. But the revised exteriors of the house-types seem just as uninspiring - or sometimes downright ugly - as they were in the original proposal. Nothing distinctive, no suggestion of any indigenous Cheltenham style. Just safely mediocre.

No attention paid to residents' views; no attention to the Architects' Panel; a half-hearted gesture, apparently, to the Civic Society; rooms not meeting the minimum size requirements; the Highways Planners' heads still firmly stuck in the sand.....

What a shambles. Is anyone listening?

125 Gloucester Road  
Cheltenham  
Gloucestershire  
GL51 8NG

**Comments:** 7th February 2013

Parking - After looking at the planning drawings I am a little more comfortable with this planned housing's parking proposal but I still feel this needs to be a priority from an existing resident's perspective given that several of the homes will no doubt have more than 2 cars. I have paid for a white 'H' outside my shared drive but still get people parking over this making it difficult and at times extremely dangerous to access/leave my driveway. I have no doubt this new estate will impact this issue further

Roadworks - After living here for 15 years and living through the complete nightmare of gas and water main replacements and cable TV instalment I would like to see a detailed and robust plan of just how this proposed building site will impact access to my house and on the very busy traffic on Gloucester Road to say nothing of emergency vehicle access should the situation arise

My final comment is around an Estate Agent's opinion several years ago when I was looking to put my house on the market. He felt the view of TP would impact on the market value of my house as most people would see it as 'unsightly' so from a view perspective I for one would prefer to look onto houses and not bricks!

138 Gloucester Road  
Cheltenham  
Gloucestershire  
GL51 8NB

**Comments:** 21st February 2013

As I live not immediately adjacent to the development, my concerns can be categorised thus:

- 1) The extra traffic that will be generated both onto and from the development, especially at busy times. It would be difficult to leave the development and turn right onto Gloucester Road in rush hour. Similarly, traffic already builds up on Malvern Road to turn onto the Gloucester Road; vehicles leaving an entrance on Malvern Road will make this problem worse, albeit if there are only a few cars.
- 2) School provision; I should imagine that the development will attract young families. Christchurch Primary School would be a first choice for many which means that with a one class intake I can see that many local children would not stand a chance of getting a place as regards proximity to the school - it would almost be possible to fill all places from this one development which would not endear others with young children.
- 3) Outside space for play provision - since there is no dedicated area on the site, the closest park area remains the Honeybourne Line. This is unfenced and on approaching, pedestrians are in competition with cyclists and dog walkers at particular times of the day. It is simply not particularly adequate or safe.
- 4) During development, I would assume that building works would be restricted to daylight hours and not continue late into the evening or start really early in the morning. Gloucester Road pavements see a lot of footfall, I would anticipate that the entrance to the development would be kept clean and free of cement/mud as is possible in order that walkers are not forced to go into the road or cross over.
- 5) Parking is at a premium in this area. I realise that there is provision for parking; we cannot afford extra vehicles parking on the pavement or blocking peoples' driveways as currently happens on occasion.

These remain my main areas for consideration.

222, Gloucester Road  
Cheltenham  
Gloucestershire  
GL51 8NR

**Comments:** 20th February 2013

We are not opposed to the development but do support the following suggestions of the Gloucester Road Neighbourhood Watch Group with regard to provisions to help the area in accordance with Section 106:

- Erection of a fence between the Honeybourne Line and back gardens of houses on the South West side of Gloucester Road.
- Erection of a fence protecting children from the cycle path whilst on the Honeybourne Line play area
- Division of the Honeybourne Line path into cyclists / pedestrians by the provision of a central white line
- Improvements to signage of the Honeybourne Line at all entrances particularly the two at the station
- Improvements to Honeybourne Line entrances and lighting
- Approval of public art provision should pass through the Public Art Panel.

8 Christchurch Villas  
Malvern Road  
Cheltenham  
Gloucestershire  
GL50 2NT

**Comments:** 21st February 2013

I broadly support the redevelopment of this site. It brings more people to within walking distance of the Town Centre, and takes some pressure off the surrounding countryside. However I am concerned about the plan for an access road at the Gloucester Road end of Malvern Road. Cars already queue to get in or out of Malvern Road at this point, and a turning here can only make matters worse. Can the developers look for an alternative way of accessing the houses proposed for this part of the scheme?

**Comments:** 14th May 2013

Previously I was concerned that the entrance into the housing development at the Gloucester Road end of Malvern Road would cause traffic jams on both roads.

However the changes that are shown in the latest version of the plans will mean that our privacy will be seriously affected if they are allowed to go ahead.

Where the original drawings had houses with gardens running up to our back wall the new plan has garages with a flat above about a metre away from the back wall. (we own most of the garden behind the house marked as 'Oakville' as well as our own garden)

The plan for the flat shows a kitchen on our side which will overlook our garden. The height of this building will also shade a large part of our garden from midday until evening.

I hope you can persuade the developers to rethink this part of the plan, hopefully going back to something closer to the original draft.

201 Prestbury Road  
Cheltenham  
Gloucestershire  
GL52 3ES

**Comments:** 25th February 2013

I refer to those aspects of the above application that relate to cycling. We take a neutral stance on other matters.

Access to and from the Honeybourne Line

We acknowledge that the developer recognises the importance of linking the development to the Honeybourne Line in order to provide convenient access for cyclists and pedestrians to and from Cheltenham town centre, railway station and beyond. However, there appears to be confusion about cycling in the Design & Access Statement and the Transport Statement, which sometimes refer to links to the Honeybourne Line as pedestrian links. Moreover, the plans, so far as can be ascertained with the low level of detail provided, appear to reflect pedestrian design for the links.

Cycles travelling significantly faster than pedestrians and require vehicular design if paths that they use are to be safe for both cyclists and pedestrians. This means design more closely related to that for motor vehicles than to pedestrians. In particular, there must be good sightlines and generous geometric design, with properly radiused corners and surfaces at the same level as the development site carriageways where they meet. It is of concern that while plans are provided of visibility splays for site access from Gloucester Road, no such plans have been provided for access at the Honeybourne Line where the safety consequences of inadequate visibility are no less serious.

The Leylandii trees at present along the Honeybourne Line are undermining the path through uncontrolled root growth, so we are pleased that these are to be removed. The Borough Council should require the developers to reconstruct the Honeybourne Line in this area in order to make good a comfortable, level surface. There are also issues of drainage that should be corrected.

While it may be appropriate to add some new low-level vegetation alongside the development, this should become a much more open area, with nothing to obstruct inter-visibility (allowing for seasonal growth) between the Honeybourne Line and accesses to and from the development. This is important from the point of view of personal security as well as vehicular safety. We are concerned that proposed sculptural elements in this area could be a safety hazard. Where new planting is provided, it should be of a type that does not produce thorns or deposit a slippery residue.

### Cycle parking

The Design & Access Statement and the Transport Statement refer to 'parking' or 'car parking', but make no reference at all to cycle parking. Providing convenient and secure cycle parking is essential in new residential development if people are to be able to choose to cycle for local journeys.

The documents provided by the developer include one entitled 'Garages, bin and cycle store' but no more information is provided. Which residences are to have cycle stores, where will they be placed relative to house entrances, are they for single or multiple occupant use and will they include security devices to which to lock cycles? We believe that cycle parking should be close to house entrances and for single occupant use. We would appreciate clarification from the developer on this issue.

I would be obliged to receive feedback from the Borough Council when the matters above have been raised with the developer.

224 Gloucester Road  
Cheltenham  
Gloucestershire  
GL51 8NR

### **Comments:** 20th February 2013

We are not opposed to the development and have read the supporting documents.

1) 1 small entrance to one of the darkest and most dangerous areas of the Honeybourne line is a real opportunity missed. Most of the female residents in the area do not feel safe walking down the Honeybourne line in the evening. A larger entrance with extra lighting or extra smaller entrances would be far more preferable, the new development will look like a "gated community" in our opinion. This could be a real opportunity to "open up" the Honeybourne line and make it safer. The video surveillance cameras have been a welcome step but given that not all of them work they should not be relied upon.

2) There is no doubt that an extra pedestrian crossing would be a very good thing for the road and the residents, in spite of the consultation team thinking it not necessary. There will be many journeys at peak times and cars already travel far too fast down the road and crossing the road is dangerous and difficult - there is no obvious place to cross the road for at least 400m of road.

3) It is all very well to say that the local schooling is adequate to cope - residents of the new development will likely all qualify to attend the sought after Christchurch Primary School and other families in the area will most likely have to settle for the other schools for their children - it will affect existing residents in the area.



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4) We support the following suggestions of the Gloucester Road Neighbourhood Watch Group with regard to provisions to help the area in accordance with Section 106

- Erection of a fence between the Honeybourne Line and back gardens of houses on the South West side of Gloucester Road.
- Erection of a fence protecting children from the cycle path whilst on the Honeybourne Line play area
- Division of the Honeybourne Line path into cyclists / pedestrians by the provision of a central white line
- Improvements to signage of the Honeybourne Line at all entrances particularly the two at the station
- Improvements to Honeybourne Line entrances and lighting
- Removal of the conifers at the rear of the current site
- Approval of public art provision should pass through the Public Art Panel

193 Gloucester Road  
Cheltenham  
Gloucestershire  
GL51 8NL

**Comments:** 21st February 2013  
Letter attached.

Malvern House  
Malvern Road  
Cheltenham  
Gloucestershire  
GL50 2NU

**Comments:** 3rd February 2013

The density of this proposal is higher than was mooted at the developer's presentation. I object in particular to the three (and 'two and a half') storey houses proposed adjacent to Malvern Road. The extra storey provides a view point over the till now completely private gardens of neighbouring houses.

The architecture of houses on plots 21-24 have nothing to do with the ' Cheltenham vernacular' which we were promised during the presentation and would be better suited to the outskirts of Bishops Cleeve.

The security to the rear of Malvern Road houses is also an issue. At the moment we have a security fence. What seems to be proposed is a 900cm (3 ft.) post and 2 wire affair which would do little more than delineate the plot boundaries. This is wholly unacceptable.

111 Gloucester Road  
Cheltenham  
Gloucestershire  
GL51 8NG

**Comments:** 13th February 2013

Having reviewed the plans for the proposed building on the Travis Perkins site I am generally in favour. This is however subject to seeing the detailed construction management plan which appears to be missing from the current documentation. This should address contractor parking, hours of operation which I would expect to be 09:00 to 17:00 Monday to Friday excluding Bank Holidays, defined routes for heavy vehicles, wheel washing to reduce mud on the road, named contacts (one in the council and one in the construction firm) to enable concerns and complaints of local residents to be resolved quickly. I would also expect to see an air quality and dust management plan for the construction works along with a plan to ensure noise and vibration is minimised.

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[REDACTED]

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**Sent:** 18 February 2013 09:33  
**To:** Internet - Planning Comments  
**Subject:** Fwd: Planning application 13/00106/FUL housing development on Travis Perkins site, Gloucester Road Cheltenham

[REDACTED]

**Sent:** 18 February 2013 08:52  
**To:** Crohill, Ian  
**Cc:** Councillor John Rawson  
**Subject:** Planning application 13/00106/FUL housing development on Travis Perkins site, Gloucester Road Cheltenham  
**Importance:** High

Dear Mr Crohill,

Regarding the housing development as above of 107 dwellings, the letter we had from the council inviting comments was the first we had heard of this. My family and I reside at 196 Gloucester Road and our side windows overlook the site and I was utterly disgusted to see that we hadn't been involved in any of the public consultations that had apparently taken place.

Whilst we understand the increased need for housing I have serious concerns over the increased traffic along Gloucester Road this development will bring. We were told that if Travis Perkins were to move to their desired site on Tewkesbury Road, this would reduce the amounts of heavy goods vehicles travelling down Gloucester Road. This is untrue as we very rarely see heavy goods vehicles for Travis Perkins, instead, we see them all hours for The Vineyards industrial estate across the road from our house, and Travis Perkins moving will not make a difference to this.

The amount of traffic that the development would generate is also of great concern to us and I know a number of our neighbours. This is such a major thoroughfare and at peak times during both weekdays and weekends, the traffic can stand stationary from the traffic lights at the junction at Gloucester Road almost back to the mini roundabout near the station. Add another 150+ cars trying to get back at peak times to their dwellings on the proposed site and that causes absolute chaos and disturbance to the houses along the road.

We are also concerned for the time it will take for construction and the general construction traffic and disturbance. We are due to have our second child later in the year and are not only concerned about timings the work will start during the day, but also the general noise, traffic and dust disturbances this will cause. I fully expect as this is being built surrounded by existing houses, that the construction company adhere to the 'considerate construction' ethics and will not start before 9am and finish after 5pm, Monday to Friday. I imagine there will be a considerable amount of groundwork causing noise disturbance and with the increased construction traffic an awful lot of dust and

## Page 56

I don't expect we will be able to utilise our garden in the spring/summer months. I see this affecting family life significantly.

In light of this, we are considering moving house.

I look forward to hearing the outcome and shall be interested to see if ours and any of the other objections and concerns are actually taken into consideration or as i suspect, this may be a case of making money to the detriment of existing residents. I do so hope I am proved wrong.

Regards

  
196 Gloucester Road  
Cheltenham



Cheltenham Borough Council			
Environment Group			
PASSED TO Page 57			
REC'D	20 FEB 2013		
Date of Response		Type of Response	
Initials of Responder	idea	File Ref	new housing on

193, Gloucester Road,  
Cheltenham  
GL51 8NJ  
20.2.13

Dear Mr Crohill,

Although I support the Travis Perkins site I am very concerned about the parking facilities.

I have lived in Gloucester Road for 32 years and I know the present parking 'crisis' here.

Most families now have at least 2 cars and families with grown up children have 3 or 4 cars and also vans for work purposes. Therefore I am sure 218 parking places for residents on the site will not be enough. Also with 107 homes on the site, 19 parking places for visitors is laughable! Even if the residents have enough parking (which I very much doubt!) what happens if there are 20, 30 or even more visitors? Where will they park? I don't need 3 guesses!!

I also believe there should be another access on the site. Gloucester Road can get very congested. We often have queues of traffic on both sides of the road, (There have been many times when I cannot get out of my drive because of traffic queues) Not only would all the extra cars exasperate the situation; How would emergency vehicles get onto the site?

Please please, please provide more parking!!

Yours sincerely,



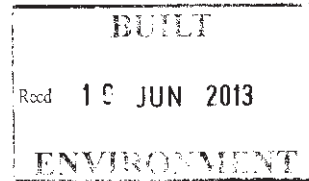
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Page 58



<b>APPLICATION NO:</b> 13/00106/FUL	<b>OFFICER:</b> Mr Ian Crohill
<b>DATE REGISTERED:</b> 24th January 2013	<b>DATE OF EXPIRY:</b> 25th April 2013
<b>WARD:</b> St Peters	<b>PARISH:</b> None
<b>APPLICANT:</b>	Taylor Wimpey Bristol
<b>AGENT:</b>	Quod
<b>LOCATION:</b>	Travis Perkins, Gloucester Road, Cheltenham
<b>PROPOSAL:</b>	Erection of 107 dwellings (class C3) including access and servicing arrangements, car parking, landscaping and associated works

### ADDITIONAL REPRESENTATION

The attached representation has been received from Cllr Rawson, ward councillor for this site.



**Councillor John Rawson  
18 The Grove  
Cheltenham  
Glos. GL52 6SX**

Telephone 01242 227955 Email [cllr.john.rawson@cheltenham.gov.uk](mailto:cllr.john.rawson@cheltenham.gov.uk)

10 June 2013

Ian Crohill  
Senior Planning Officer

Dear Ian

**Planning application 13/00106/FUL – Erection of 107 dwellings, car parking, landscaping and associated works at the Travis Perkins site, Gloucester Road, Cheltenham**

As a ward councillor for this site, I have had a number of emails from residents and also looked at the comments from residents and other consultees on the Council website and would raise the following concerns about the application:

**1. TRAFFIC ACCESS**

The scheme will clearly involve an increase in traffic on Gloucester Road, which is already very busy, especially at peak times. Turning right out of the site onto Gloucester Road will be particularly difficult at peak times. It is therefore important that the traffic flow in and out of the site should be organised in such a way as to minimise congestion and danger,

The plan proposes multiple vehicular access points to the site from Gloucester Road. I am concerned that the number is excessive and that this may contribute to congestion and the potential for accidents. You might recall that I mentioned this to you in a phone call some weeks ago. It is a matter which the Planning Committee needs to consider very carefully, as getting it wrong will be a very serious matter.

**2. RELATIONSHIP WITH THE HONEYBOURNE LINE**

The pedestrian/cycle link between the site and the Honeybourne Line is welcome, and has been well received. It is important that the link should be achieved in such a way as to achieve the maximum surveillance of the Honeybourne Line from the site. This has implications for landscaping and tree planting. It is important that we should eliminate “ambush spots” as far as possible.

**3. RELATIONSHIP WITH CHRISTCHURCH VILLAS**

Concern has been expressed by residents of Christchurch Villas, Malvern Road, about overlooking and potential lack of security at the rear of their properties. The Planning

Committee needs to satisfy itself that overlooking will not be a problem due to the height of the proposed buildings on the Malvern Road side of the site. There also needs to be a substantial and sufficiently high fence on this side of the site to protect the rears of Christchurch Villas.

#### **4. OTHER MATTERS**

The Gloucester Road Neighbourhood Watch Group has raised a number of points in respect of the application, which include the following:

- The need for a fence protecting children from the cycle path whilst on the Honeybourne Line play area.
- The need for the Honeybourne Line path to be divided into cyclists / pedestrians by the provision of a central white line.
- The need for improvements to signage of the Honeybourne Line at all entrances particularly the two at the station.
- The need for improvements to Honeybourne Line entrances and lighting..

Although some of these points may not be strictly planning matters, consideration of them is obviously made more urgent by the development, and it is important that they are not lost sight of by the Council.

I don't know whether this letter will be included in the committee papers but please let me know if not, and I will circulate it to members of the Planning Committee myself.

Yours sincerely

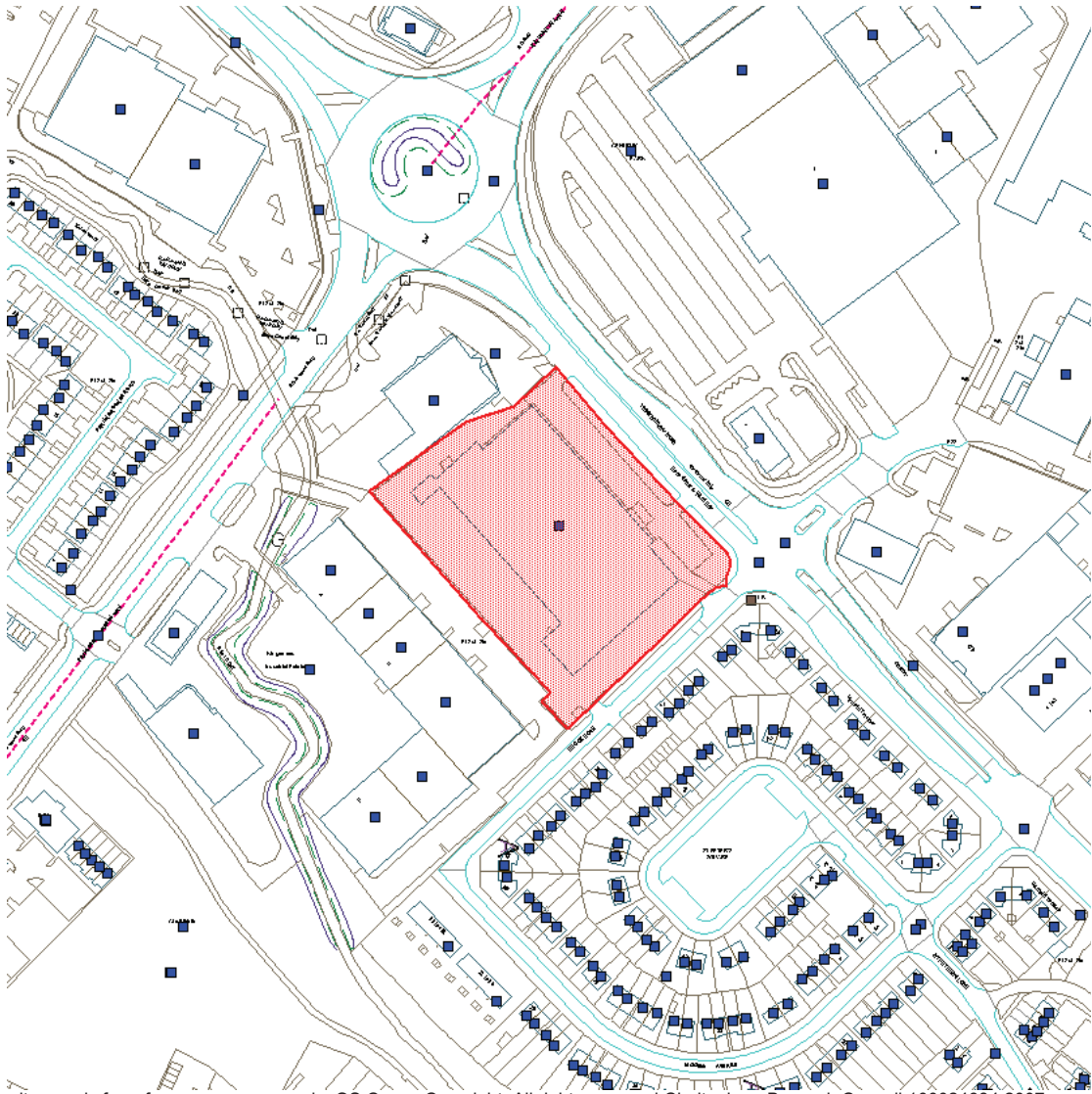
A large black rectangular redaction box covering the signature of John Rawson.

John Rawson  
Borough Councillor for St Peter's Ward

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<b>APPLICATION NO:</b> 13/00111/FUL	<b>OFFICER:</b> Mr Ian Crohill
<b>DATE REGISTERED:</b> 24th January 2013	<b>DATE OF EXPIRY:</b> 25th April 2013
<b>WARD:</b> St Peters	<b>PARISH:</b> None
<b>APPLICANT:</b>	Travis Perkins (Properties) Limited
<b>AGENT:</b>	Quod
<b>LOCATION:</b>	Former Bonella Works, Tewkesbury Road, Cheltenham
<b>PROPOSAL:</b>	Erection of builders' merchant's premises (sui generis) for the display, sales and storage of building, timber and plumbing supplies, plant and tool hire, including outside display and storage, with associated servicing arrangements, car parking, landscaping and associated works

**RECOMMENDATION:** Permit



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## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site is known as the former Bonella Works which was a manufacturing facility that has been vacant for over 5 years. The site fronts the Tewkesbury Road and is in an established commercial location with a recently completed retail park opposite and a car dealership (about to be refurbished) on its North West side. To the south west there is an existing business park and to the south east (are residential properties fronting Brook Road.
- 1.2 The application has been submitted for complete redevelopment of the site to facilitate the relocation of Travis Perkins, an established builders' merchants operation, from their existing site in Gloucester Road. All the jobs from the existing Travis Perkins operation will be retained if the relocation takes place.
- 1.3 The proposal includes within it provision to cover all the various functions of a builders merchant – storage/covered loading, administration, trade counter and display area. A two storey high building is shown to be built facing onto Tewkesbury Road. That building would include offices, the showroom, trade counter, staff facilities and internal storage. The external storage areas, main parking area and circulation areas are shown to be located to the rear of this building.
- 1.4 Access to the complex is to be gained via two of the existing four access points into the site and one of the existing access points onto Tewkesbury Road is to be reconfigured to allow for pedestrian access only. All traffic circulation within the site will controlled with access and egress being provided off Brook Road and egress only for HGV's onto Tewkesbury Road.
- 1.5 In addition to the submitted plans the application has been accompanied by a planning statement, a design and access statement, a transport statement (inc. travel plan), a renewable energy and sustainable construction statement, a flood risk assessment, a statement of community involvement and a tree survey and constraints plan. All these document are available to be viewed on line and rather than reproduce large sections of the in this report, Members are urged to look at them so that a full understanding of the proposal can be gained.

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

### Constraints:

Gas Pipelines  
Landfill Sites boundary

### Relevant Planning History:

**10/01633/PREAPP CLO**

New Motor retail dealership

**11/01478/PREAPP CLO**

Redevelopment of the former Bonella works

**00/00309/FUL 26th April 2000 PER**

Erect fence and gates along boundary wall/entrances along Tewkesbury Road frontage

**11/01487/DEMCON 12th January 2012 NPRIOR**

Existing building to be demolished



### 3. POLICIES AND GUIDANCE

Adopted Local Plan Policies

CP 4 Safe and sustainable living  
CP 7 Design  
NE 4 Contaminated land  
EM 1 Employment uses  
UI 3 Sustainable Drainage Systems  
TP 1 Development and highway safety

Supplementary Planning Guidance/Documents

Flooding and sustainable drainage systems (2003)  
Planning obligations: transport (2004)

National Planning Policy Framework 2012

### 4. CONSULTATIONS

**Cheltenham Civic Society**

*8th February 2013*

We quite liked the design for this utilitarian building. Given our concern to enhance the Tewkesbury Road approach to Cheltenham whenever possible we think it important that trees should be retained and enhanced on the Tewkesbury Road frontage.

**Tree Officer**

*22nd March 2013*

Following the submission of the updated and amended Proposed Site Layout which now falls in line with the recently TPO'd trees on site, the Tree Section has no objections providing that the certain specified conditions are attached to any permission granted.

The Tree Section would have preferred to see the tree related conditions up front, so it must be stressed to the developers that these conditions must be discharged prior to commencement of any on site works, including demolition.

**Architects Panel**

*12th March 2013*

The massing and scale appear acceptable and the inclusion of the first floor offices adds interest to the frontage.

The external appearance is acceptable for what is essentially a large industrial shed.

The design appears logical and competent with key factors such as the improved street frontage and interest to the street frontage screening the large warehouse behind.

Recommendation; Approve.

**GCC Highways Planning Liaison**

*14th February 2013*

Pre-application discussions have previously taken place between the Highway Authority and Icen Projects Ltd with regard to the proposed layout and transport issues relating to the redevelopment of the former Bonella Works at Tewkesbury Road to a Travis Perkins builder's merchants.

The proposal is to erect one building plus the associated access/egress, servicing, car parking and landscaping to form a new builder's merchants on the former Bonella Works site. The site is located along Tewkesbury Road and access to the site is from Tewkesbury Road (A4109) and Brook Road (Class 4 highway). There are currently four access points into the site, two off Tewkesbury Road and two off Brook Road. As part of the proposal this is to be changed so that the main vehicular access into the site is off Brook Road (second access off Brook Road to be closed off) and a HGV exit only is to be located along Tewkesbury Road (left-turn only). The existing second access off Tewkesbury Road is to be changed to a pedestrian access only.

### Transport Statement

A Transport Statement, dated December 2012, has been submitted as part of the planning application. The Statement has been reviewed by the Highway Authority and the information in it considered as part of the assessment of the application.

**Sustainability** - The site is considered to be within easy access of existing bus services which serve both Cheltenham Town and the wider area. It is also served by good pedestrian and cycle links from the surrounding residential areas. In addition to this the site is located 2.4km from Cheltenham Railway Station so the use of journeys by train and then cycle (multi-modal trip) by staff is an option with trains running from Cheltenham to Gloucester, Bristol and Worcester on a regular basis.

**Trip Generation** - TRICS data has been provided as part of the Transport Statement so that a comparison between the existing use and the proposed use can be made. The site is currently vacant but has an existing B2 use, therefore trip rates have been based on similar sites with the same use class in order to determine the amount of traffic this site would have generated when it was occupied or could potentially generate if it were to remain as a B2 use. To establish what traffic the proposed builder's merchants could generate, the existing Travis Perkins site in Gloucester Road, Cheltenham has been assessed.

When comparing the extant use to that of that proposed use the difference in traffic generation is minimal, an increase in 3 two-way vehicular movements in the AM peak, which equates to one movement every twenty minutes. This increase on this part of the highway network is not considered to be significant and consequently modelling of the nearby junctions was not considered to be necessary and therefore was not requested. In terms of traffic generation the proposal is considered acceptable by the Highway Authority.

### Travel Plan

A staff travel plan has been developed and the implementation of the plan is to be the responsibility of the Occupier/Employer, Travis Perkins. The plan also aims to highlight wider travel choices for journeys to the site by customers.

### Parking

35 car parking spaces plus 2 disabled spaces are to be provided within the site. The number of spaces proposed is considered, by the Highway Authority, to be sufficient for the size and type of development proposed.

### Cycle parking

14 cycle parking spaces are proposed to serve the development. This figure accords with the requirements set out in the Cheltenham Local Plan and is therefore considered acceptable.

Vehicle Tracking

Vehicle tracking has been provided that demonstrates that a HGV can safely access the development from Brook Road, manoeuvre through the internal layout of the proposed site and egress the development onto Tewkesbury Road. However, to achieve this the footway along Brook Road will be required to be narrowed slightly around the access radii. I have recommended a condition to cover these works.

Conclusion

In conclusion in terms of impact on the highway network , highway safety and good layout and design the development accords with current government guidance, National Planning Policy Framework, and I recommend that planning permission be granted subject to certain specified conditions being attached to any permission granted.

**Contaminated Land Officer**

*1st February 2013*

Suggest standard contaminated land planning condition be imposed on any permission granted

**5. PUBLICITY AND REPRESENTATIONS**

- 5.1 A total of 22 letters were sent out notifying near neighbours of the receipt of the application and in addition adverts were placed on site and in the local press. One letter referring to details of the cycle parking/storage proposed has been received.

**6. OFFICER COMMENTS**

**6.1 Determining Issues**

6.1.1 The main considerations relevant to this application relate to the consideration of the overall business package in respect of relocation of the applicants existing operations; the design and layout; any possible impact on neighbouring property; access and highway issues and sustainability.

**6.2 Relocation of builders' merchants**

6.2.1 The application site has been vacant for more than 5 years despite active and ongoing marketing. If planning permission is granted for the currently proposed redevelopment scheme, it would enable Travis Perkins to relocate from their existing site in Gloucester Road. The applicants have stated categorically that all jobs from the existing Travis Perkins branch will be retained.

6.2.2 The application proposes development that would constitute a form of sustainable economic development that would impact positively on the local economy and importantly retain local jobs. Such benefits meet the very thrust of the objectives behind the relatively recently published National Planning Policy Framework which contains a clear presumption in favour of sustainable development.

6.2.3 There is a direct link to planning application 13/00106/FUL that relates to Travis Perkins existing premises in Gloucester Road and a proposal to redevelop the whole site for residential purposes. The applications are inextricably linked and it is clear that both applications would need to secure planning permission for development of either site to occur.

6.2.4 The applicants consider that their existing site is now, unfortunately, not fit for purpose; the buildings are too large for modern day requirements and the site is too large

(2.52ha). Both those factors combine to make their current operation inefficient. The Tewkesbury Road site is 58% smaller and the proposed built floorspace is to be 54% less than at the applicant's current premises on Gloucester Road. The applicants state that such a reduction in size is a direct consequence of a purpose built builders merchant facility and will result in huge gains in site efficiency.

**6.2.5** In terms of planning policy the redevelopment of a site that has been vacant for many years for commercial purposes is appropriate and to be welcomed.

### **6.3 Design and layout**

**6.3.1** In terms of massing scale and footprint the application proposals represent a significant reduction when compared with the existing building that is due to be demolished. Building is marginally (but not significantly) higher than the existing and with regard to external appearance, accepting the somewhat utilitarian nature of the use, it is simple clean and crisp and is considered to be of a high quality design that has the support of both the Civic Society and the Architects Panel.

**6.3.2** The location of the proposed building along the Tewkesbury Road frontage provides a strong built form and visual presence thereby maintaining the existing urban grain on the south side of the road. The building will mask the open storage/display areas associated with a builders merchants and the separation distance between the proposed building and the houses in Brook Road has been increased from that existing allowing for any potential amenity impact to be reduced.

### **6.4 Impact on neighbouring property**

**6.4.1** As stated above the proposal provides reduced visual impact to the Brook Road frontage; the building remains at 2 storeys high and when viewed in the context of an established, vacant and what could be described as a semi-derelict site the proposal is considered to be acceptable.

It is of note that no letters of representation (other than one related directly to details of the cycle storage) have been received; it is considered that the proposed development should have no greater impact than the existing use would have if it were to be reinstated.

**6.4.2** It should also be noted that the proposal in combination with that for the redevelopment of the applicant's current site at Gloucester Road has been the subject of a Community Involvement exercise. The results of that exercise have been submitted with the application as a statement covering the matter.

### **6.5 Access and highway issues**

**6.5.1** The comments of the Highway Authority are laid out in the consultation section above. It should be noted that the conclusions reached are that in terms of impact on the highway network, highway safety and good layout and design the development would accord with current government guidance and in particular with the National Planning Policy Framework. The Highway Officer recommends that planning permission should be granted (subject to conditions contained in the recommendation below).

### **6.6 Sustainability**

**6.7** A renewable energy statement has been submitted with the application that confirms that the proposed development will be constructed to be compliant with Building Regulations L. the proposed development accords with policies CP1 And CP£ of the Local

## 7. CONCLUSION AND RECOMMENDATION

It is considered that the proposal is clearly acceptable in principle and accords with relevant Local Plan Policies and the principles contained in the National Planning Policy Framework. In terms of a total package the redevelopment of the Bonnella Works, a commercial site that has been vacant for some years, as a relocation site for Travis Perkins combined with the development of the Gloucester Road for housing, the proposal would appear to be one that has a definite attraction in terms of development within the town.

It is recommended that permission be granted subject to the conditions listed below and the applicant entering into a section 106 Agreement linking the two permissions (13/00106/FUL – Residential development Gloucester Road and 13/00111/FUL current application) to ensure that the relocation does in fact take place and that the site on Gloucester Road is not simply implemented in isolation.

It should be noted that the demolition of the existing building does not form part of this proposal as prior approval for demolition has already been by way of a Prior Notification for Demolition, dated 12 January 2012.

## 8. CONDITIONS / INFORMATIVES

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.  
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 development hereby permitted shall be carried out in accordance with drawing numbers 21218-08A; 2128-05C; 2128-06E and 2128-50A received 23 January 2013 and 2128-07G received 20 March 2013.  
Reason: To ensure the development is carried out in strict accordance with the approved drawings.
- 3 Prior to the commencement of development, samples of the proposed facing materials (all composite cladding panels, metal fascia material, facing brickwork, windows and doors and the projecting frameless glazing) and composite roof panels shall be submitted to and approved in writing by the Local Planning Authority, and the materials used in the development shall be in accordance with the samples so approved.  
Reason: To ensure a satisfactory form of development in accordance with Local Plan Policy CP7 relating to design.
- 4 No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall:
  1. Provide for the parking of vehicles of site operatives and visitors;
  2. Provide for the loading and unloading of plant and materials;
  3. Provide for the storage of plant and materials used in constructing the development;
  4. Provide for wheel washing facilities;
  5. Specify the intended hours of construction operations;
  6. Measures to control the emission of dust and dirt during construction

Reason: To reduce the potential impact on the public highway.

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- 5 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.2128/07 Rev.G) and those facilities shall be maintained for the duration of the development.  
Reason: To ensure that adequate cycle parking is provided on-site, in line with the Government's declared aims at reducing the reliance on the private motor vehicle.
- 6 The building hereby permitted shall not be occupied until the vehicular parking and turning and loading/unloading facilities have been provided in accordance with the submitted plan (drawing No. 2128/07G), and those facilities shall be maintained available for those purposes for the duration of the development.  
Reason: To reduce potential highway impact by ensuring that adequate parking and manoeuvring and loading/unloading facilities are available within the site.
- 7 No works shall commence on site until full engineering details of the vehicular accesses off both Tewkesbury Road and Brook Road including the footway narrowing on Brook Road and the closing off of the existing accesses have been submitted to and approved in writing by the Local Planning Authority. These works shall then be completed in all respects in accordance with those details before the development is brought into use and shall be maintained as such thereafter.  
Reason: To ensure that safe and suitable means of access/egress is provided.
- 8 Prior to the commencement of any works on site an Arboricultural Method Statement (AMS) to BS 5837:2012 shall be submitted to and approved in writing by the Local Planning Authority. The AMS shall detail the no-dig construction for parking area, footpaths and roads that fall within the root protection area of TPO'd trees; foundation details for properties near to TPO'd trees on and adjacent to the site; storage of materials and siting of temporary structures for contractors and any access facilitations pruning. The development shall be implemented strictly in accordance with the details so approved.  
Reason: In the interests of local amenity in accordance with Local Plan Policies GE5 and GE6 relating to the retention, protection and replacement of trees.
- 9 Tree protective fencing shall be installed in accordance with the specifications set out within BS 5837:2012. The fencing shall be erected, inspected and approved in writing by the Local Planning Authority prior to the commencement of any works on site (including demolition and site clearance) and shall remain in place until the completion of the construction process.  
Reason: In the interests of local amenity, in accordance with Local Plan Policies GE5 and GE6 relating to the retention, protection and replacement of trees.
- 10 Prior to the commencement of any works on site a Tree Protection Plan (TPP) to BS5837:2005 shall be submitted to and approved in writing by the Local Planning Authority. The TPP shall detail the methods of tree/hedge protection and clearly detail the positioning and specifications for the erection of tree protective fencing. The development shall be implemented strictly in accordance with the details so approved.  
Reason: In the interests of local amenity in accordance with Local Plan Policies GE5 and GE6 relating to the retention, protection and replacement of trees.
- 11 No fires shall be lit within 5m of the Root Protection Area(s) and materials that will contaminate the soil such as cement or diesel must not be discharged within 10m of the tree stem. Existing ground levels shall remain the same within the Root Protection Area(s) and no building materials or surplus soil shall be stored therein. No trenches for services or drains shall be sited within the crown spread of any trees to be retained.  
Reason: In the interests of local amenity in accordance with Local Plan Policies GE5 and GE6 relating to the retention, protection and replacement of trees.



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- 12 All service runs shall fall outside the Root Protection Area(s) unless otherwise agreed in writing by the Local Planning Authority. Any such works shall be in accordance The National Joint Utilities Group; Volume 4 (2007).  
Reason: In the interests of local amenity in accordance with Local Plan Policies GE5 and GE6 relating to the retention, protection and replacement of trees.
- 13 All paths, parking areas and other forms of hard landscaping that fall within the Root Protection Area(s) shall be constructed using a no-dig method. Prior to the commencement of development, full details of the proposed no-dig method shall be submitted to and approved in writing by the Local Planning Authority and the development shall be implemented strictly in accordance with the details so approved.  
Reason: In the interests of local amenity in accordance with Local Plan Policies GE5 and GE6 relating to the retention, protection and replacement of trees.
- 14 The landscaping proposal shall be carried out no later than the first planting season following the date when the development is ready for occupation or in accordance with a programme agreed in writing with the Local Planning Authority. The scheme shall specify species, density, planting size, layout, protection, aftercare and maintenance. The size of the trees shall be at least a Selected Standard as per BS 3936-1:1992. The trees shall be maintained for 5 years after planting and should they be removed, die, be severely damaged or become seriously diseased within this period they shall be replaced with another tree as originally required to be planted.  
Reason: To preserve the visual amenities of the locality in accordance with Local Plan Policies GE5 and GE6 relating to the retention, protection and replacement of trees.
- 15 The development hereby approved shall not commence on site until the following condition has been complied with and satisfactorily agreed, in writing, by the Local Planning Authority.

### i) Site characterisation

A site investigation and risk assessment should be carried out to assess the potential nature and extent of any contamination on the site, whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report must include:

- a) a survey of the extent, scale and nature of contamination
- b) an assessment of the potential risks to:
- human health
  - property (including buildings, crops, livestock, pets, woodland and service lines and pipes)
  - adjoining land
  - ecological systems
  - groundwaters and surface water
  - archaeological sites and ancient monuments
- c) an appraisal of remedial options to mitigate against any potentially significant risks identified from the risk assessment.

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR11'

### ii) Submission of a remediation scheme

Where remediation is required, a detailed remediation scheme to bring the site to a condition suitable for the intended use should be produced and will be subject to the approval, in writing, by the Local Planning Authority prior to implementation. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2a of the Environmental Protection Act (1990) in relation to the intended use of the land after remediation.

### iii) Implementation of approved remediation scheme

Any approved remediation scheme must be carried out in accordance with its terms prior to the commencement of the development, other than that required to carry out remediation. Following completion of measures identified in any approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval, in writing, by the Local Planning Authority.

If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination until section iv) has been complied with in relation to that contamination.

### iv) Reporting of unexpected contamination

In the event that contamination is found at any time when carrying out the approved development, that was not previously identified, it must be reported immediately in writing to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with section i) and a remediation scheme submitted in accordance with section ii). Following completion of measures identified in the approved remediation scheme, a verification report must be produced in accordance with section iii).

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Local Plan Policy NE4 relating to development on contaminated land.

- 16 Prior to the commencement of development, the surface water drainage system shall be designed in accordance with the principles of Sustainable Drainage Systems (SUDS). This shall include a maintenance strategy and full details (including calculations) shall be submitted to and approved by the Local Planning Authority. Prior to the first occupation of any part of the development, the surface water drainage system shall be completed in all respects in accordance with the details approved and shall be retained as such thereafter.

Reason: To ensure the surface water drainage system does not contribute to flooding or pollution of the watercourse in accordance with Local Plan Policy UI3 relating to sustainable drainage systems.

- 17 Deliveries of materials to the builders merchants hereby approved shall only take place on weekdays (Mondays to Fridays inclusive) and shall not take place at any time at the weekend.

Reason. To safeguard the amenities of occupiers of nearby residential properties in the locality in accordance with Local Plan Policy CP4 relating to safe and sustainable living

## **INFORMATIVES**

- 1 The proposed development has been tested against the following policies of the Development Plan and, in the opinion of the Local Planning Authority, is not in conflict with the following policies:

a) The proposal achieves a high standard of design which will complement and respect neighbouring development and the character of the locality - Policy CP7 (Design)

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- b) The proposed development will not cause and unacceptable harm to the amenity of adjoining land users - Policy CP4 (Safe and sustainable living)
- c) The proposed development will not compromise highway safety - Policy TP1 (Development and highway safety)

The planning permission is subject to a legal agreement linking the proposal to the redevelopment of the existing Gloucester Road builders' merchants' premises (approved under ref: 13/00106/FUL)

- 2 In accordance with the requirements of The Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 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.

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<b>APPLICATION NO:</b> 13/00111/FUL		<b>OFFICER:</b> Mr Ian Crohill	
<b>DATE REGISTERED:</b> 24th January 2013		<b>DATE OF EXPIRY :</b> 25th April 2013	
<b>WARD:</b> St Peters		<b>PARISH:</b> NONE	
<b>APPLICANT:</b>	Travis Perkins (Properties) Limited		
<b>LOCATION:</b>	Former Bonella Works, Tewkesbury Road, Cheltenham		
<b>PROPOSAL:</b>	Erection of builders' merchant's premises (sui generis) for the display, sales and storage of building, timber and plumbing supplies, plant and tool hire, including outside display and storage, with associated servicing arrangements, car parking, landscaping and associated works		

### REPRESENTATIONS

Number of contributors	<b>1</b>
Number of objections	<b>0</b>
Number of representations	<b>1</b>
Number of supporting	<b>0</b>

201 Prestbury Road  
 Cheltenham  
 Gloucestershire  
 GL52 3ES

**Comments:** 25th February 2013

I have two comments to make with regard to this planning application.

I note that cycle parking is to be provided for visitors but no information is given as to the type of parking facility to be employed. I would be grateful if the developer would confirm that Sheffield/Universal (inverted 'U') stands will be used. These are suitable for all types of cycle without damage.

Secondly, I note from the Travel Plan submitted that the proportion of staff who currently cycle to work is 8.9% and that this may rise to 13%, which would be commendable. Although no information is presented of staff numbers, it would appear necessary that in order to accommodate up to 13% of staff cycling without compromising parking facilities for visitors, separate staff cycle parking facilities should be provided.

I would be obliged to be informed of responses by the developer to the above matters.

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<b>APPLICATION NO:</b> 13/00111/FUL		<b>OFFICER:</b> Mr Ian Crohill
<b>DATE REGISTERED:</b> 24th January 2013		<b>DATE OF EXPIRY:</b> 25th April 2013
<b>WARD:</b> St Peters		<b>PARISH:</b> None
<b>APPLICANT:</b>	Travis Perkins (Properties) Limited	
<b>AGENT:</b>	Quod	
<b>LOCATION:</b>	Former Bonella Works, Tewkesbury Road, Cheltenham	
<b>PROPOSAL:</b>	Erection of builders' merchant's premises (sui generis) for the display, sales and storage of building, timber and plumbing supplies, plant and tool hire, including outside display and storage, with associated servicing arrangements, car parking, landscaping and associated works	

## Update to Officer Report

Following concerns expressed by Members at the site inspection on Tuesday 18<sup>th</sup> June it is suggested that it would be appropriate to attach the following additional condition, should planning permission be granted.

**18 Prior to first occupation of the development hereby granted permission details of signs within the site directing traffic flow shall be submitted to and approved in writing by the Local Planning Authority. The details so submitted shall indicate the content, their location and size and shall include a sign informing drivers that there should be no right turn out of the Brook Road exit. The signs shall be installed in accordance with the details so approved before the site is first brought into use.**

**Reason:- To reduce potential highway impact by ensuring that drivers of large vehicles are discouraged from making use of the local residential roads in the interests of highway safety and the amenities of occupiers of nearby residential properties.**

Furthermore it has been determined that any grant of permission relating to this site need not be supplemented by a s106 agreement linking the proposal to the redevelopment of the existing Gloucester Road builders' merchants' premises (ref: 13/00106/FUL) as suggested in the main report. Whilst it is desirable to ensure that any redevelopment of the Gloucester Road site should not take place until after the existing builders yard has been relocated within the Borough the grant of permission for redevelopment of the Tewkesbury Road site is not strictly dependent on the redevelopment of the Gloucester Road site.

**The recommendation therefore is to grant permission subject to the conditions in the main report (and including the one above) but not the completion of a s106 Agreement.**

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<b>APPLICATION NO:</b> 13/00294/FUL	<b>OFFICER:</b> Miss Michelle Payne
<b>DATE REGISTERED:</b> 23rd February 2013	<b>DATE OF EXPIRY:</b> 20th April 2013
<b>WARD:</b> Park	<b>PARISH:</b> None
<b>APPLICANT:</b>	Mr Ian Bacon
<b>AGENT:</b>	None
<b>LOCATION:</b>	32 St Stephens Road, Cheltenham
<b>PROPOSAL:</b>	Proposed vehicular access and hardstanding. Redesign of remaining frontage introducing soft landscaping (Revised scheme: 11/00013/FUL)

**RECOMMENDATION:** Permit



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## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 This is a householder application for a new vehicular access to the front of no. 32 St. Stephens Road in connection with the creation of a hardstanding and the introduction of soft landscaping to the remaining frontage.
- 1.2 The application site is located on the eastern side of St. Stephens Road within the Tivoli character area, one of 19 character areas that together form Cheltenham's Central conservation area. The site is occupied by a semi-detached dwelling which is positively identified on the Townscape Analysis Map. Access to the rear of the site is available from Inkerman Lane, a narrow service lane.
- 1.3 The existing frontage comprises gravelled beds between areas of paving, with a number of small conifers along the southern boundary and a raised bed along the northern boundary adjacent to a footpath. The frontage is some 8 metres deep by approximately 7.5 metres wide. Low level railings with pedestrian gate extend the width of the front boundary.
- 1.4 The application proposes a new vehicular access from St. Stephens Road, a classified road, together with the formation of a driveway running perpendicular to the highway and associated soft landscaping. It is a revised scheme following the refusal of two previous applications, one of which was later dismissed on appeal. The previous applications were considered harmful to the conservation area and highway safety.
- 1.5 The application is before planning committee at the request of Councillor Garnham due to the planning history and the weight of public opinion against the proposal.

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

### Constraints:

Conservation Area  
Residents Association

### Relevant Planning History:

**10/01360/FUL**                      **WITHDRAWN**                      **4th October 2010**

Construction of new driveway and lowering of kerb

**11/00013/FUL**                      **REFUSE**                      **2nd March 2011**

Construction of new driveway and lowering of kerb

**11/01252/FUL**                      **REFUSE**                      **4th November 2011**

Vehicular access with permeable hardstanding

## 3. POLICIES AND GUIDANCE

### Adopted Local Plan Policies

CP 1 Sustainable development  
CP 3 Sustainable environment  
CP 4 Safe and sustainable living  
CP 7 Design  
BE 5 Boundary enclosures in conservation areas  
BE 7 Parking on forecourts or front gardens in conservation areas  
TP 1 Development and highway safety

### Supplementary Planning Guidance/Documents

Tivoli character area appraisal and management plan (2008)

#### 4. CONSULTATIONS

##### **GCC Highways Planning Liaison**

*13th March 2013*

St. Stephens Road is a frequently used road forming a link between the A40 at Westal Green with the Park and University Campus. The application site is situated at a point where on-street parking is prevalent and is one of six semi-detached properties constructed c1950, some of which already enjoy the benefit from the provision of a dropped kerb with off-street parking.

If permitted, the proposed development will remove an on-street parking space as it seeks to create a dropped kerb to allow a driveway to be constructed perpendicular to the highway that can be used for the parking of a vehicle. The proposal also seeks to retain a significant amount of existing soft landscaping with the addition of some new planting and landscaping.

I refer to the above planning application received on 25th February 2013 unnumbered plans date stamped by the L.P.A. on 21st February 2013.

I recommend that no highway objection be raised subject to the following condition(s) being attached to any permission granted:-

Prior to the use of the new vehicular access hereby authorised is brought into use the access facilities necessary to serve the site shall be laid out and constructed in accordance with the submitted details with any gates hung so as not to open outwards towards the public highway and the area within 5.0m of the carriageway edge surfaced in a bound or other approved material and thereafter similarly maintained.

REASON: To ensure a satisfactory means of access is provided and maintained in the interests of highway safety.

NOTE:

The proposed development will require the provision of a vehicular crossing from the carriageway and the Applicant is required to obtain the permission of Gloucestershire Highways on 08000 514 514 before commencing works on the highway.

#### 5. PUBLICITY AND REPRESENTATIONS

5.1 Letters of notification were sent out to 30 neighbouring properties. In addition, a site notice was posted and an advert published in the Gloucestershire Echo. In response to the publicity, representations have been received from the owner/occupiers of nos. 18 and 28 St Stephens Road in objection to the proposal. The various letters have been circulated in full to Members but, in brief, the main objections relate to:

- Highway safety
- Visual impact
- Contrary to policy

#### 6. OFFICER COMMENTS

Officer comments will follow as an update.

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<b>APPLICATION NO:</b> 13/00294/FUL		<b>OFFICER:</b> Miss Michelle Payne
<b>DATE REGISTERED:</b> 23rd February 2013		<b>DATE OF EXPIRY :</b> 20th April 2013
<b>WARD:</b> Park		<b>PARISH:</b> NONE
<b>APPLICANT:</b>	Mr Ian Bacon	
<b>LOCATION:</b>	32 St Stephens Road, Cheltenham	
<b>PROPOSAL:</b>	Proposed vehicular access and hard-standing, and redesign of remaining frontage introducing soft landscaping (revised scheme following refusal of planning application ref. 11/00013/FUL)	

### REPRESENTATIONS

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

28 St Stephens Road  
Cheltenham  
Gloucestershire  
GL51 3AA

**Comments:** 25th March 2013

I object for the following reasons:

This proposal is a minor modification of previous proposals rightly rejected in 2010 and 2011 by Cheltenham Borough Council Planning Department and on appeal by the Planning Inspectorate (see 10/01360, 11/00013, 11/01252).

In summary:

- 1) The applicant already has off-street (garage) parking at the rear of his property.
- 2) The proposal would necessitate reversing in or out of the property into a busy main road between parked cars next to a bus stop; visibility would be lacking and it would be unsafe.
- 3) The proposal would remove a large proportion of the front garden amenity from the property (significantly more than indicated in the inaccurate sketch accompanying the proposal) to the visual detriment of neighbours and passers-by.
- 4) The proposal would remove at least one, and because of its position in the street probably effectively two, street parking spaces which are a valuable amenity currently enjoyed by the applicant, neighbours and visitors to the area alike.
- 5) Despite assurances to the contrary, the proposal would very likely lead to the destruction of the pleasant tree beside the pavement due to root damage. The drive would be far less permeable than garden, contributing to faster water run-off following rain, further pressuring strained sewage systems.

Existing off-street parking at rear:

Most houses on the east side of St Stephen's Road have vehicular access from the rear, notably from Inkerman Lane and Oakfield Street, and do not have it into St Stephen's Road itself. The applicant already has a garage in Inkerman Lane, which I note he has recently re-roofed. If he wishes to park an especially large vehicle, or two vehicles, in the rear of his property, he could easily apply for permission to extend this garage or convert it to a gated car port maintaining rear privacy and security. (The applicant notes 33 properties in the road have vehicular access into

## Page 84

the road, but in fact nearly all of these are on the west side of the road, where properties have no alternative access at the rear, unlike those on the east side.)

### Safety:

This proposal very closely resembles the applicant's initial proposal 10/01360 which, like this, was for a driveway perpendicular to the street. GCC Highways Planning Liaison recommended refusal saying: 'vehicles will have to reverse to or from St Stephen's Road at a point where visibility is restricted, and would increase highway dangers and hazards, contrary to the interests of highway safety'.

The applicant withdrew the application following this comment, which remains highly pertinent to the current application.

It should be noted that only last month in an accident in St Stephen's Road outside the applicant's house, a Citroen car collided with another vehicle and span onto its roof, causing the hospitalization of the driver. Please see the front page of the Gloucestershire Echo dated 2nd February 2013 for photograph and description of the chaos.

### Visual impact:

The application has a rough plan which is inaccurate in detail and not properly to scale. The sketch implies the proposed lawn area would be nearly double that of the proposed drive, whereas in reality it would be just one third larger than the proposed drive at most. The proposed drive and adjacent path would in fact occupy nearly half the existing front garden. The plan omits the bus stop on the pavement outside the applicant's house by the proposed drive. The proposal lacks an elevation view, but a parked vehicle would be clearly visible to both neighbours and passers-by, creating a negative visual impact compared to the garden which is currently in the middle pair of a row of four gardens. This would break up the row of four gardens, leaving one garden isolated from the remaining pair, lowering the character of the neighbourhood.

Heritage and Conservation previously refused similar application 11/00013, as 'contrary to section 72(2) of the Planning (Listed Buildings & Conservation Areas) Act 1990, national policy set out at PPS5, and Local Plan policy BE7' and as 'something which the Council actively discourages via... management plan policy TV4 in the Tivoli Character Area Appraisal'. The current application fails to address these issues effectively.

### Removal of street parking amenity:

The removal of at least one and, because of its position in the street, probably effectively two street parking spaces is unfair to neighbours and visitors, and provides no net benefit even to the applicant who in addition already has a garage at the rear of his property.

### Environment:

The proposal would likely cause destruction to the pleasant tree beside the pavement due to root damage, and the drive would contribute to faster water run-off in rain, adding further pressure to sewage systems.

I trust the decision about this proposal will be consistent with previous refusals as it fails to overcome so many of the earlier objections.

**Comments:** 7th June 2013

Letter attached.

18 St Stephens Road  
Cheltenham  
Gloucestershire  
GL51 3AA

**Comments:** 26th March 2013  
Letter attached.

**Comments:** 10th June 2013  
Letter attached.

28 St Stephen's Road  
Cheltenham  
GL51 3AA

6<sup>th</sup> June 2013

Tracey Crews  
Head of Planning  
Cheltenham Borough Council  
Municipal Offices  
Promenade  
Cheltenham  
GL50 1PP

Cheltenham Borough Council Environment Group			
PASSED TO			
REC'D	- 6 JUN 2013 1/4		
Date of Response		Type of Response	
Initials of Responder		File Ref.	

Dear Ms Crews,

**Re: Planning Application 13/00294/FUL**

Thank you for your letter dated 30<sup>th</sup> May concerning a late revision to the above proposal. I am surprised that this revision is being permitted at this stage given that (a) the proposal was made in February and was to have been considered as it stood by Planning Committee on at least two occasions which were postponed, (b) only 5 working days are being allowed for public comments on this revision (presumably with previous objections being ignored when the revision is eventually considered), and (c) the online public access system does not currently permit further comments, saying "Comments may not be submitted at this time" – hence I am having to write you this letter. This is unfortunate as it could be misinterpreted as an attempt by the applicant to slip the proposal through the system without the many objections to it having to be fully considered. I would urge Planning Department to amend their systems in future to ensure that revisions to proposals do not require people to comment repeatedly on what is substantially the same proposal, and where further comments may be needed that appropriate time (3 weeks) is given for them to be made.

This revision is a minor amendment to the proposal made in February, and unfortunately does not overcome any of the objections I raised then. I therefore repeat these here, and add further comments about the revision where needed.

I object to the above revised planning application for the following reasons:

This proposal is a minor modification of previous proposals rightly rejected in 2010 and 2011 by Cheltenham Borough Council Planning Department and on appeal by the Planning Inspectorate (see 10/01360, 11/00013, 11/01252).

In summary:

- 1) The applicant already has off-street (garage) parking at the rear of his property.
- 2) The proposal would necessitate reversing in or out of the property into a busy main road between parked cars next to a bus stop; visibility would be lacking and it would be unsafe.
- 3) The proposal would remove a large proportion of the front garden amenity from the property (significantly more than indicated in the inaccurate sketch accompanying the proposal) to the visual detriment of neighbours and passers-by.
- 4) The proposal would remove at least one, and because of its position in the street probably effectively two, street parking spaces which are a valuable amenity currently enjoyed by the applicant, neighbours and visitors to the area alike.

5) Despite assurances to the contrary, the proposal would very likely lead to the destruction of the pleasant tree beside the pavement due to root damage. The drive would be far less permeable than garden, contributing to faster water run-off following rain, further pressuring strained sewage systems.

To expand on these points:

Existing off-street parking at rear:

Most houses on the east side of St Stephen's Road have vehicular access from the rear, notably from Inkerman Lane and Oakfield Street, and do not have it into St Stephen's Road itself. The applicant already has a garage in Inkerman Lane, which I note he has recently re-roofed. If he wishes to park an especially large vehicle, or two vehicles, in the rear of his property, he could easily apply for permission to extend this garage or convert it to a gated car port maintaining rear privacy and security. (The applicant notes 33 properties in the Road have vehicular access into the Road, but in fact nearly all of these are on the opposite (west) side of the road, where properties have no alternative access at the rear, unlike those on the east side.)

Safety:

This proposal very closely resembles the applicant's initial proposal 10/01360 which, like this, was for a driveway perpendicular to the street. GCC Highways Planning Liaison recommended refusal saying: "vehicles will have to reverse to or from St Stephen's Road at a point where visibility is restricted, and would increase highway dangers and hazards, contrary to the interests of highway safety."

The applicant withdrew the application following this comment, which remains highly pertinent to the current application.

It should be noted that only a month before the proposal was made, in an accident in St Stephen's Road outside the applicant's house, a Citroen car collided with another vehicle and span onto its roof, causing the hospitalization of the driver. Please see the front page of the Gloucestershire Echo dated 2nd February 2013 for photograph and description of the chaos. I attach a copy of the Echo's online photograph for information.

Visual impact:

The application has a rough plan which is inaccurate in detail and not properly to scale. The sketch implies the proposed lawn area would be larger than the proposed drive, but this is not so. The proposed drive including the existing adjacent path and wall/border would in fact occupy over 60% of the existing front garden. The plan omits the bus stop on the pavement outside the applicant's house by the proposed drive. The proposal lacks an elevation view, but a parked vehicle would be clearly visible to both neighbours and passers-by, creating a negative visual impact compared to the garden which is currently in the middle pair of a row of four gardens. This would break up the row of four gardens, leaving one garden isolated from the remaining pair, lowering the character of the neighbourhood. (Note: the revision supplies a mock-up photo which excludes the key feature of a large car parked on what is currently a patio garden – and is therefore unrepresentative. It also includes a new plan drawing which lacks measurements and is inaccurate. In particular, it implies that the lawn area would be equal to the combined drive/wall border area, whereas in fact, given the position of the tree in the corner of the proposed lawn, the lawn would be less than 40% of the total area.)

Heritage and Conservation previously refused similar application 11/00013, as "**contrary to section 72(2) of the Planning (Listed Buildings & Conservation Areas) Act 1990, national policy set out at PPS5, and Local Plan policy BE7**" and as "**something which the Council actively discourages via... management plan policy TV4 in the Tivoli Character Area Appraisal.**" The current application completely fails to address these issues effectively.

Removal of street parking amenity:

The removal of at least one, and because of its position in the street, probably effectively two street parking spaces is unfair to neighbours and visitors, and provides no net benefit even to the applicant who in addition already has a garage at the rear of his property.

Environment:

The proposal would likely cause destruction to the pleasant tree beside the pavement due to root damage, and the drive would contribute to faster water run-off in rain, adding further pressure to sewage systems.

The revision includes gates to the drive. This has a further important safety implication. In order to open or close those gates, the driver entering or leaving the property would have to stop their car in St Stephen's Road while they got out, walked to the gates and opened or shut them. Given the size of the road, this would block the road to traffic in both directions. This is clearly inconvenient and dangerous. Not only is the road used by buses, with a bus stop outside this property, it is also used by emergency vehicles which on occasion have to travel at high speed. Blocking the road in this way could therefore be extremely dangerous.

I trust the decision about this revised proposal will be consistent with previous refusals as it fails to overcome so many of the earlier objections, and introduces new threats to traffic safety.

Yours sincerely,

A solid black rectangular box redacting the signature of Gregory Moxon.

Gregory Moxon







24 March 2013

Dear Mr. Lindsey

**re: Application 13/0294/FUL – 32 St. Stephen's Road**

I wish to record my objection to this proposal which is totally unnecessary and is not greatly different from previous proposals rejected by both the Planning Committee and the Planning Inspectorate.

Rather than repeating all my previous reasons for refusal, I enclose a copy of my letter of 30 September 2011 which sets them out. The only change in the latest application is that the proposed "hard standing" is at right angles to the road rather than at an angle. However, this is still not acceptable.

What I find difficult to understand is why this application was not considered to be against the Council's Local Plan Policies **BE5** and **BE12**. The former covers "...the preservation of boundary enclosures in their original form;". The applicant is proposing to demolish half of the original fencing which will give a lop-sided appearance, rather like a missing tooth!

However, it is the second of these policies that seems to be quite unambiguous. "...will not permit development which introduces or extends the parking of vehicles on forecourts or front gardens in conservation areas." It has been said that the Inspector felt that a scheme such as that at No.38 might be acceptable. I do not think the same comment would be made now if he saw what happened a few weeks ago. The large area of grass which had been there since the driveway was permitted, has been torn up and replaced with pebbles! Now **two** cars are parked there giving a very unattractive appearance. Indeed, No.38 is now as undesirable as the Inspector said that No.36 was.

The applicant makes much of the number of properties in the road that he says have direct access to it. This totally ignores the fact that **NONE** of those on the West side have, or ever have had, access to the rear so there was no other alternative to front egress. As for houses on the East side, until fairly recently and with the exception of Fallowfield (now No.40) and Roehampton (the old vicarage), **all** properties were built with access only at the rear; either to Inkerman Lane or Oakfield Street. Of the more recent homes, even Nos.56 to 62 have their garages at the rear. [All this can be confirmed by consulting local maps, past and present].

I believe that the "soft landscaping" approach is purely cosmetic and even if the current applicant did not alter it, this is absolutely nothing to stop a later owner from doing what has been done at No.38. It is rather puzzling that the applicant gives the impression that only one car is involved when he and his wife have a car each. If it is essential that he must park one off the road, why does this not apply to the other?

If this proposal were to be granted, it would only be a matter of time before similar applications for Nos.28, 30 and 34 would be submitted with the consequent destruction of the front gardens contrary to not only present environmental considerations, but to the whole intention of the builders of these six properties who provided a garage for each at the rear.

Yours faithfully



Mr. R. Lindsey,  
Development Manager, Built Environment,  
Cheltenham Borough Council,  
Municipal Offices, The Promenade,  
CHELTENHAM,  
GL50 1PP.

Cheltenham Borough Council			
Environment Group			
PASSED TO			
REC'D	26 MAR 2013		
Date of Response		Type of Response	
Initials of Responder		File Ref	

30 September 2011

Dear Sir,

**re: Application 11/01252/FUL – 32 St. Stephen's Road**

Having now seen the Planning Inspector's decision to dismiss the appeal against the last proposal, I am both astonished and disappointed that Mr. Bacon has made a further application.

The main objections are as set out in my letters of 11 September 2011 and 25 January 2011 under the previous proposals (10/01360/FUL, 10/01358/CACN and 11/00013/FUL) and are still relevant to this new submission.

The revised plan completely baffles me in the way that egress appears to be proposed. Not only does it seem to be at an angle to the road, with a consequent inability to view traffic, but because someone quite legitimately parking outside No. 30 might make it difficult if not impossible to exit the property. The Inspector quite rightly criticized the poor plans in the last submission and the current proposal is not much better. In any event, there is **no elevation** without which the plans are unclear. I was given to understand that both a plan and elevation were required in any planning application.

In any event, the fundamental objections remain; it is unnecessary as "adequate off-road parking" (as mentioned in the GCC letter by Sophie Claridge) already exists at the rear of the property and could be extended for more vehicles. The applicant does not feel this is convenient, but if a single lady was able to both use the existing garage and walk to the house for some 30 years until age stopped her from driving, then a young couple should be able to cope. To contend that saving a few feet to get to the house is necessary "for the safety of children" is pathetic. Other children have grown up quite safely and some are still doing so where they have **no alternative** to on-street parking.

As to the proposed landscaping, this is purely cosmetic and unless the Council has some means of ensuring that no subsequent alteration is made were permission to be granted, it is meaningless. I was given to understand the supposed permeable hardstanding can easily be filled in or replaced if not by the current owner, by later ones. Also, I believe that policy BE7 is only to be considered where no alternative space is available.

The environmental grounds for rejecting this proposal are strong. As I previously commented, approval would create a precedent for the owners of Nos. 28, 30 and 34 to do the same. This would destroy three perfectly delightful (and very "green") front gardens and further be detrimental to those who have no access to off-street parking. Even the Inspector noted that No. 36 is the worst possible example of what can happen! Sadder still is the fact that the lady who lives there has not used a car for some years. Committee members should asks themselves why the builders of these houses went to the trouble of building garages at the rear of all six properties. In my opinion, the permissions for Nos. 36 and 38 should never have been given.

Frankly, it is very disappointing that the applicant is making what I and others consider to be an unnecessary, as well as selfish and inconsiderate, proposal. This may have no "planning consideration" meaning, but to deprive others (who have no alternative) of an on-road parking space (or even spaces) and the detrimental impact on the appearance of the CA as well as environmental considerations, certainly should not be ignored.

Yours faithfully,

Built Environment  
Cheltenham Borough Council  
Municipal Offices, The Promenade  
Cheltenham  
GL50 9SA

- 7 JUN 2013

ENVIRONMENT

18 St. Stephen's Road,  
CHELTENHAM,  
GL51 3AA.

6 June 2013.

Dear Miss Payne,

**re: Application 13/0294/FUL – 32 St. Stephen's Road**

I was astonished to receive your letter of 30 May regarding changes to this application as the consultation period for it closed on 26 March. If a decision had been decided at either the original April or later May Planning Committee meetings, no revisions could or would have been accepted.

In any case, these latest "proposals" are purely cosmetic and do not detract from the fact that front access is not necessary and is in contravention of your own Conservation Area guidelines. All the points raised in earlier letters are still relevant.

To my mind, it appears that your department, like Mr. Bacon, is determined to have this proposal approved. For example he has had over two months to try to get around the various objections and seems to have been granted a fair amount of "discussions and advice" [See his letter of 29 May addressed to "Dear Michelle"]. By comparison, there are only 5 working days allowed for comments. In any event, it was not possible for me to discuss the case with you as you were on holiday for the whole week.

However, it appears that the system dictates that I must do so by 9 June, albeit that it is a Sunday!

1. The railings were erected shortly after World War II as the original railings into the existing plinth stones were removed as part of the War effort. The original railings to the property were erected in the 19<sup>th</sup>. Century when the land was used as gardens for the terrace of Hatherley Place. It is proposed that the part of the current railing be used as gates, but this raises three points; (a) it may turn out that one of their two cars will have to be double parked, blocking a main road, while the gates are opened, (b) will there be room for the gates to open (inwardly as they must) while allowing room for a car and (c) if the gates are left open, then it will be as if that part of the existing railing are in effect, removed.

2. One of the "benefits" claimed is that of "removal of on street parking". For the applicant perhaps, but not for others in the community who have no off street parking space as he already has.

3. There is to be grass on one side but for how long? You and the Planning Committee should look at No. 38. A grass lawn has recently been replaced by pebbles (these may be permeable but do not breathe; hardly helping a Green agenda!) and there are now two cars parked there. The one on the pebbles is parked at an angle, one of the reasons given by the Inspector for upholding the earlier refusal. Can the Council ensure that the new lawn at No. 32 will not similarly be converted at some future date?

Finally, I believe that it is totally unacceptable to accept changes after the original closing date (if not, why have one?) and I strongly object to both the amount of time allowed for consultation and the way it is calculated. I have written to Mr. Grahame Lewis about these matters.

Yours faithfully

Miss M. Payne,  
Planning Officer,  
Cheltenham Borough Council,  
Municipal Offices, The Promenade,  
CHELTENHAM,  
GL50 1PP.

cc. Cllr. Helena McCluskey,  
Chairman, Borough Planning Committee.  
Cllr. R.E. Garnham, Park Ward.

<b>APPLICATION NO:</b> 13/00294/FUL		<b>OFFICER:</b> Miss Michelle Payne	
<b>DATE REGISTERED:</b> 23rd February 2013		<b>DATE OF EXPIRY:</b> 20th April 2013	
<b>WARD:</b> Park		<b>PARISH:</b> None	
<b>APPLICANT:</b>	Mr Ian Bacon		
<b>AGENT:</b>	None		
<b>LOCATION:</b>	32 St Stephens Road, Cheltenham		
<b>PROPOSAL:</b>	Proposed vehicular access and hardstanding, and redesign of remaining frontage introducing soft landscaping (revised scheme following refusal of planning application ref. 11/00013/FUL)		

## Update to Officer Report

### 1. CONSULTATIONS

1.1. The following additional consultation response has been received since the publication of the main agenda:

#### **Heritage and Conservation**

*12th June 2013*

1. The site has already been the subject to a previously refused application for extensive hard standing for car parking. This previously refused application was appealed and the appeal was dismissed.
2. I submitted comments on the previous application and appeal, and my previous comments did not support the previous proposals.
3. This current application appears to have taken heed of the Appeal Inspector's comments and to have altered the design in an acceptable way.
4. The proposed plan is acceptable and the proposed hardstanding material has been confirmed as Cotswold stone aggregate, which is also acceptable.

### 2. OFFICER COMMENTS

- 2.1. The main considerations when determining this application are impact on the conservation area and highway safety.
- 2.2. Local plan policy BE7 states that "*development which introduces or extends the parking of vehicles on forecourts or front gardens of buildings in conservation areas will not be permitted*".
- 2.3. The text which precedes the policy reads:

*There is also a particular need to ensure that parked cars do not detract from or partly obliterate the view of the historic buildings which are the core of the conservation areas, especially when this involves the loss of grassed or planted areas in front of the buildings. This is likely to be a restrictive factor on changing or intensifying uses, although the provision within the curtilage of a dwelling house of a hard surface, and of access to a highway which is not a trunk or*

*classified road, is permitted by the Town and Country Planning (General Permitted Development) Order 1995 (as amended).*

- 2.4. It is therefore clear that a cautious approach has been taken to ensure the character of the conservation areas is preserved and, in particular, views of historic listed buildings. In this case, whilst the building is positively identified in the Townscape Analysis Map, it is not listed or locally indexed.
- 2.5. Furthermore, section 4 of the Tivoli Management Plan states “*where it is considered acceptable the use of brick or gravel instead of tarmac, with the retention of some garden space and the use of appropriate boundary treatments would reduce run-off, offer a more attractive setting for buildings and give a more sustainable approach than some current practice*” which further suggests that the introduction of car parking on frontages will on occasion be permitted.
- 2.6. An application submitted in 2011 proposed a new vehicular access with hardstanding on the entire frontage together with the removal of a section of railings to the front boundary. The application was refused by officers in March 2011 for the following reason:

*The proposed development involves parking within the front garden of a property which is situated within Cheltenham Central Conservation Area, the character and appearance of which it is desirable to preserve and enhance. The introduction of the parking of vehicles within the front garden of this property would harm the character and appearance of the conservation area, contrary to section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national policy as contained in PPS5, and policy BE7 of the Cheltenham Local Plan (adopted 2006).*

*Further, in order to achieve a vehicular access which meets highway safety criteria the highway authority would require a fully open frontage to provide adequate visibility for all public highway users and a bituminous macadam surface for a minimum depth of 4.5 metres into the frontage to prevent loose material from being carried onto the highway. Both these requirements would significantly detract from the character and appearance of this part of the Conservation Area and be at odds with the application as submitted.*

- 2.7. An appeal in respect of this application was later dismissed by the Inspector who concluded “*that the proposals would harm the character and appearance of the Conservation Area and therefore conflict with the provisions of policy BE 7 of the Cheltenham Local Plan in respect of the provision of hard standings in the front gardens of dwellings in conservation areas.*” However the Inspector did make reference to no. 38 St Stephens Road, where the car parking arrangement is more modest with a significant part of the front garden remaining, with the suggestion that “*if such an approach had been adopted on the appeal site it would have provided the opportunity to devise an appropriate scheme of soft landscaping for the remainder of the front garden, representing a betterment in terms of the appearance of the Conservation Area, given that the existing garden is not particularly attractive*”. The Inspector therefore seemed to imply that the principle of introducing car parking to the front of the property may be acceptable.
- 2.8. Following the Inspector’s decision, the applicant submitted a revised application which proposed a reduced extent of hardstanding, at a 45° angle to the road, whilst introducing soft landscaping and a grassed area. This application was later refused by officers for the following reason:



*The proposed new vehicle access and permanent hard standing, by virtue of the alignment, shape and layout of the hard standing would harm the character and appearance of the conservation area by making a diagonally parked vehicle more visually dominant with consequent concealment of some of the planting which purports to mitigate the visual impact. Accordingly, the proposals are contrary to section 72(2) of the Planning (Listed Buildings & Conservation Areas) Act 1990, national policy set out in PPS5, and Local Plan policies CP7 and BE7.*

- 2.9. This application is now proposing a 3.5 metre wide driveway at a right angle to the highway with the remainder of the frontage laid to lawn. The existing conifers, a Cotoneaster tree and a Palm tree together with a raised bed along the northern boundary would be retained. In addition, the existing low level railings would also be retained albeit altered to provide a gated vehicular entrance.
- 2.10. One of the objectors has asked how the Council can ensure that the new area of lawn is retained and not later replaced by additional hard standing. Whilst this is something that could be controlled by way of a condition, officers do not consider this to be necessary. It is important to note that the works proposed within the site could be carried out in isolation without the benefit of planning permission; it is the creation of the access from the classified highway that requires planning permission.
- 2.11. Local plan policy TP1 states that *“development will not be permitted where it would endanger highway safety”*.
- 2.12. Matters relating to highway safety did not form part of the most recent refusal. And again, on this occasion, the GCC Highways Officer has considered the proposal in terms of highway safety and raised no objection subject to a condition requiring the area within 5 metres of the carriageway edge to be surfaced in a bound or other approved material and any gates to open inwards. The applicant is therefore proposing block paving for the driveway.
- 2.13. Reference has been made by the objectors to the fact that the property already benefits from a vehicular access and garage accessed from Inkerman Lane at the rear of site, and therefore the new vehicular access is not necessary. However this is not a reason to refuse planning permission.

### **3. CONCLUSION AND RECOMMENDATION**

- 3.1. Officers consider that the scheme now proposed adequately addresses previous concerns and has taken full account of the points raised in the Inspector’s appeal decision.
- 3.2. The scheme would introduce soft landscaping into the existing frontage, which the Inspector described as *“not particularly attractive”*, and would, in the opinion of officers, enhance the conservation area. The proposal is now fully supported by the Conservation Officer.
- 3.3. The recommendation is to permit the application.

### **4. CONDITIONS**

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

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 development hereby permitted shall be carried out in accordance with Drawing No. RP-1 received by the Local Planning Authority on 29th May 2013.

Reason: To ensure the development is carried out in strict accordance with the revised drawing, where it differs from that originally submitted.

- 3 Prior to the first use of the new vehicular access hereby permitted, the access facilities necessary to serve the site shall be laid out and constructed in accordance with the submitted details, with any gates hung so as not to open outwards towards the public highway and the area within 5.0m of the carriageway edge surfaced in a bound or other approved material and thereafter similarly maintained.

Reason: To ensure a satisfactory means of access is provided and maintained in accordance with Local Plan Policy TP1 relating to development and highway safety.

### **INFORMATIVES**

- 1 The proposed development will require the provision of a vehicular crossing from the carriageway and the Applicant is required to obtain the permission of Gloucestershire Highways on 08000 514 514 before commencing works on the highway.



<b>APPLICATION NO:</b> 13/00527/FUL		<b>OFFICER:</b> Mrs Wendy Hopkins	
<b>DATE REGISTERED:</b> 6th April 2013		<b>DATE OF EXPIRY:</b> 1st June 2013	
<b>WARD:</b> Charlton Kings		<b>PARISH:</b> Charlton Kings	
<b>APPLICANT:</b>	Mrs Ali Paparesti		
<b>AGENT:</b>	Mr Clint Jones		
<b>LOCATION:</b>	131 Cirencester Road, Charlton Kings, Cheltenham		
<b>PROPOSAL:</b>	Erection of a timber garden/summer house		

**RECOMMENDATION:** Permit



This site map is for reference purposes only. OS Crown Copyright. All rights reserved Cheltenham Borough Council 100024384 2007

## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site comprises of a late C19 - early C20 red brick semi-detached property set within a substantial garden area. The rear private garden area is long and narrow measuring approximately 76 metres in length and 5.8 metres in width. This arrangement is characteristic of adjoining gardens within the immediate locality.
- 1.2 The application is retrospective and details the erection of a timber garden/ summer house within the rear garden area. The structure is sited 17 metres down the garden measured from the rear elevation of the dwelling house. This is approximately one third of the way down the garden. The structure is sited 0.3 metres from the boundary with the adjoining neighbour and 1.6 metres from the boundary with the adjacent neighbouring property.
- 1.3 The dimensions of the structure measure 3.9 metres in width and depth, 3.5 metres to the ridge and 2.1 metres to the eaves. Total floor area is 15.2 square metres.
- 1.4 The application is presented to this Committee at the request of Councillor McCloskey following an objection from Charlton Kings Parish Council.

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

### **Constraints:**

Landfill Sites boundary  
Smoke Control Order

### **Relevant Planning History:**

**07/01473/FUL 19th December 2007 PER**

Lower the kerb to allow vehicular access to parking area at front of house

**12/01854/FUL 5th March 2013 PER**

Erection of single storey rear extension

## 3. POLICIES AND GUIDANCE

### Adopted Local Plan Policies

CP 1 Sustainable development  
CP 4 Safe and sustainable living  
CP 7 Design

### National Guidance

National Planning Policy Framework

### Other

BRE – Site Layout Planning for Daylight and Sunlight (P Littlefair)

## 4. CONSULTATIONS

### **Parish Council**

30<sup>th</sup> April 2013

Objection The building, which is already complete, because of its size and location, it is out of proportion to the garden in which it is situated. It is very close to the boundary fence and

this combined with its height causes it to be unacceptably detrimental to the neighbour's enjoyment of their garden and property.

## 5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	2
Total comments received	0
Number of objections	0
Number of supporting	0
General comment	0

### 5.1 Comments Received

5.1.1 No third party representations have been received in respect of this application.

## 6. OFFICER COMMENTS

### 6.1 Determining Issues

6.1.1 Matters to be considered in the determination of this application relate to i) the general design approach (scale, form, siting, design & materials) and ii) the protection of the adjoining residential amenity.

### 6.2 General design approach

6.2.1 The application details a conventional garden structure utilised for the incidental enjoyment of the dwelling house.

6.2.2 The objection received from the Parish is two-fold. Firstly, the objection states that "because of its size and location, it is out of proportion to the garden in which it is situated".

6.2.3 In response to this matter, Officers consider that the garden area is able to comfortably accommodate this structure without resulting in a cramped or over-bearing form of development. Officers are mindful that the garden appears narrow when compared to its length however; the dimensions of the garden/summer house are not unusual to this structure type and the garden width is not untypical to a dwelling of this size and type.

6.2.4 For above reasons, the development accords with the requirements of Local Plan Policy CP7 and the NPPF.

6.2.5 The second part of the objection received from the Parish relates to neighbouring amenity.

### 6.3 Impact on neighbouring property

6.3.1 The Parish state that "*It is very close to the boundary fence and this combined with its height causes it to be unacceptably detrimental to the neighbour's enjoyment of their garden and property*".

6.3.2 The adjoining property referred to is known as 135 Cirencester Road. This property lies due South of the application site. The garden/summer house is sited 0.3 metres from the neighbouring boundary with an overall ridge height of 3.5 metres and eaves height of 2.1 metres.

- 6.3.3** Officers are of the view that the height of the structure would not constitute a material harm to the residential amenities of 135 Cirencester Road. Especially when 135 Cirencester Road lies directly South of the application site (and structure).
- 6.3.4** The submitted drawings show 2 windows located on the Southern elevation. Whilst on-site Officers observed that the windows had been blocked off (boarded up) however, to ensure that the windows do not compromise residential amenities of the adjoining property in the future Officers suggest a condition is attached to any permission given stating that the windows should be non opening and obscurely glazed and retained as such thereafter.
- 6.3.5** For the above reasons, the development thereby complies with the requirements of Local Plan Policy CP4.

### **6.4 Other considerations**

- 6.4.1** No other matters have been brought to the attention of Officers for further consideration of this development.

## **7. CONCLUSION AND RECOMMENDATION**

- 7.1** For the above reasons, the development accords with relevant development plan policy and as such Officers recommend that the application is supported subject to the following conditions being attached to any permission given:

## **8. CONDITIONS**

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.  
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 development hereby permitted shall be carried out in accordance with drawing number 01576/02 received 4th April 2013.  
Reason: To ensure the development is carried out in strict accordance with the approved drawings.
- 3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and/or re-enacting that order) the windows on the Southern elevation shall be non-opening and glazed with obscure glass and shall be maintained as such thereafter.  
  
Reason: To safeguard the amenities of the adjoining properties in accordance with Local Plan Policy CP4 relating to safe and sustainable living.

## **INFORMATIVES**

- 1 Town and Country Planning (Development Management Procedure) (England) Order 2010

The proposed development has been considered against the following Development Plan Policies and, in the opinion of the Local Planning Authority, does not conflict with those policies:

- a) The general design approach of the proposed in terms of scale, form, siting, design and materials is considered acceptable to the site and its surroundings (Local Plan Policy CP7)
- b) The proposed development has taken full account of neighbouring residential amenities and would not materially harm the amenities of occupiers of neighbouring properties (Local Plan Policy CP4)

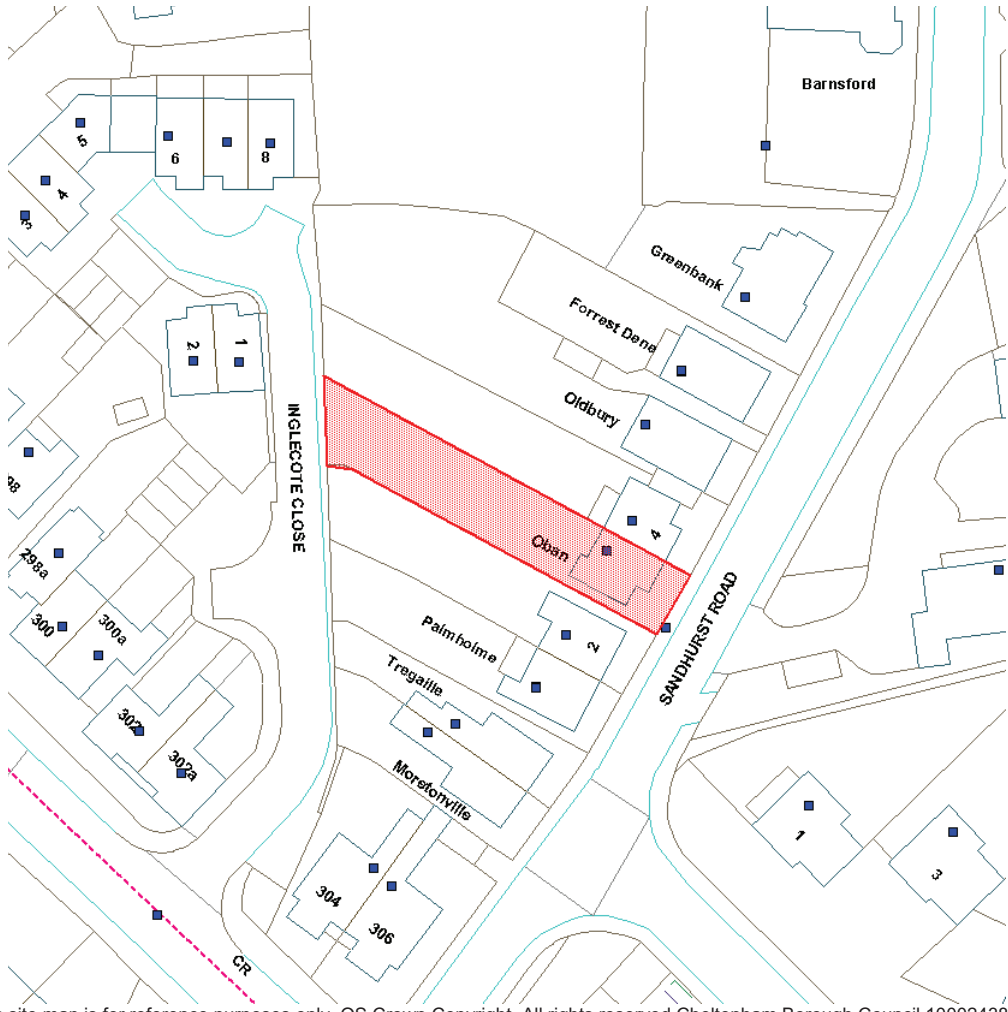
The development is considered to be in accordance with the above policies and no other material consideration suggests outweighing these policies with a decision other than to permit

- 2 In accordance with the requirements of the NPPF the Local Planning Authority has sought to determine the application in a positive and proactive manner offering pre-application advice, detailed published guidance to assist the applicant and published to the council's website relevant information received during the consideration of the application thus enabling the applicant to be kept informed as to how the case was proceeding.

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<b>APPLICATION NO:</b> 13/00562/FUL		<b>OFFICER:</b> Mr Craig Hemphill	
<b>DATE REGISTERED:</b> 11th April 2013		<b>DATE OF EXPIRY:</b> 6th June 2013	
<b>WARD:</b> Battledown		<b>PARISH:</b> Charlton Kings	
<b>APPLICANT:</b>	Miss G Willmott		
<b>AGENT:</b>			
<b>LOCATION:</b>	3 Sandhurst Villas, Sandhurst Road, Cheltenham		
<b>PROPOSAL:</b>	To increase the number of children from 12 to 17, in existing childcare business granted under reference 10/01290/FUL		

**RECOMMENDATION:** Permit



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## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 3 Sandhurst Road is a semi detached property located in a residential area within Charlton Kings. Planning permission was granted in 2010 (10/01290/FUL) for the use of the ground floor of the property and rear garden area to provide child minding services for up to 12 children.
- 1.2 This application proposes to increase the number of children by a further 5 per day (12 to 17). No additional members of staff are required.
- 1.3 This application has been brought to Committee as the Parish Council have objected.

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

**Constraints:**

None

**Relevant Planning History:**

**10/01290/FUL 30th September 2010 PER**

Proposed use of ground floor to provide child minding facilities for a maximum of 12no. children

## 3. POLICIES AND GUIDANCE

Adopted Local Plan Policies

CP 1 Sustainable development

CP 4 Safe and sustainable living

TP 1 Development and highway safety

TP 2 Highway Standards

TP 6 Parking provision in development

National Guidance

National Planning Policy Framework

## 4. CONSULTATIONS

**Environmental Health**

*2nd May 2013*

No objections or recommendations for new conditions.

No complaints have been received about noise from these premises during the time it has been open (which is around 2 years, I believe).

There are already controls on hours and days of use in place, which I think reasonably control the impact of any noise produced by limiting use of the nursery garden to between 9:30 and 5:30, Monday - Friday.

I could not justify refusing this application, or imposing further conditions on the basis of what this application requests, and the history of the site.

**GCC Highways Planning Liaison**

*9th May 2013*

I refer to the above planning application received here on the 2nd May 2013, with Site Plan stamped by the LPA on 10th April 2013.

Planning permission (ref no: 10/01290/FUL) was granted for a child minding facility for a maximum of 12 children in September 2010.

The site is situated in a fairly accessible location with adequate walking, cycling and public transport links. The site is accessed from a private road (Sandhurst Road) which co-exists with a public footpath (ZCK/28/1); although this road is in a very poor state of repair, given the small scaled nature of the development I would not raise a highway objection. There is also sufficient capacity on the surrounding roads for children to be safely dropped off close to the site without having a detrimental impact upon highway safety. The National Planning Policy Framework (NPPF) says that although safe and suitable access should be provided, 'development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe', given the extant planning permission and the highway conditions, the Highway Authority do not believe the impact of the additional development can be considered severe or significant.

Thus, for the reasons given above I recommend that no highway objection be raised.

**Parish Council**

*30th April 2013*

OBJECTION The current number of children already causes inconvenience to neighbours in this narrow residential street due to the noise - particularly, but not exclusively in the garden - and also in preventing their unhindered parking in front of their own properties. The immediate neighbours who have lived in their properties for many years are retired and therefore spend much of the day in their homes and gardens. It is felt that almost 50% increase in the number of children would be unacceptably detrimental to the neighbours rights to enjoy their own properties.

**Parish Council**

*29th May 2013*

OBJECTION We have no reason to change our original grounds for objection and reiterate them again. Local knowledge tells us the photograph showing the street empty of parked vehicles is somewhat unrepresentative of normal conditions, for generally the street is full of parked vehicles.

**5. PUBLICITY AND REPRESENTATIONS**

Number of letters sent	4
Total comments received	12
Number of objections	6
Number of supporting	6
General comment	0

5.1 12 letters of representation have been received for this application, 6 letters objecting to the application with 6 being received in support. The comments provided are summarised as follows:-

5.2 In objection:

- Increased traffic, congestion and parking on Sandhurst Road due to children being dropped off and pick up.
- Parking space to the front of properties being used by parents causing inconvenience.
- General disturbance through coming and goings.
- Increase to numbers is significant and will have a harmful impact on neighbours' amenity, especially though noise when they use the back garden.

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- Not the location for a growing business, this is a residential area.

### 5.3 In support:

- Short fall in child care facilities in Charlton Kings.
- Provides a flexible quality child support facility locally.
- Have not experienced any traffic or parking problems.

## 6. OFFICER COMMENTS

- 6.1 Officer comments will follow as an update.

<b>APPLICATION NO:</b> 13/00562/FUL		<b>OFFICER:</b> Mr Craig Hemphill	
<b>DATE REGISTERED:</b> 11th April 2013		<b>DATE OF EXPIRY :</b> 6th June 2013	
<b>WARD:</b> Battledown		<b>PARISH:</b> CHARLK	
<b>APPLICANT:</b>	Miss G Willmott		
<b>LOCATION:</b>	3 Sandhurst Villas, Sandhurst Road, Cheltenham		
<b>PROPOSAL:</b>	To increase the number of children from 12 to 17, in existing childcare business granted under reference 10/01290/FUL		

### REPRESENTATIONS

Number of contributors	<b>12</b>
Number of objections	<b>6</b>
Number of representations	<b>0</b>
Number of supporting	<b>6</b>

35 Beeches Road  
 Charlton Kings  
 Cheltenham  
 Gloucestershire  
 GL53 8NL

**Comments:** 2nd June 2013

Between September 2010 and July 2011 the Ark provided after school care for three of my children and continues to provide care for my two youngest children. Having been a parent for 21 years, it has always been a struggle to find high quality, reliable and flexible childcare in Charlton Kings and the Ark has been a much needed addition to this. The reputation of the Ark within the Infants School and Junior School means that there are a number of parents wanting to send their children to the setting and I am sure this is one of the reasons an increase in numbers has been requested.

It is sad that this a caused such bad feeling with a few of the immediate neighbours, as all the Ark is trying to do is provide a service to parents, such as myself who have to work in order to support their families. Gone are the days where only one parent works and the children are cared for in the home. Perhaps, if some neighbours were younger and having to support a family, they would be more sympathetic to the application. There should be little or no sympathy for the neighbour who claims they were unaware of the setting or the application when they moved into their property last year; if they have moved into a property and failed to research the area then they only have themselves to blame. I am sure the neighbours would complain very loudly if Ms Willmott applied for permission to hang a sign on her property advertising the setting.

My two younger children used to attend another setting; this was a large house in a residential road. There could be in the region of 80 children there at any one time, with all parents dropping off and picking up around the same time. The only parking was in the street, yet the neighbours were accommodating. I believe there are a number of settings in Cheltenham where the only parking is on the street outside, and these settings are registered for considerably more than Ms Willmott is applying for.

I do collect my children by car, and have always been asked to only park in front of the setting, or off Sandhurst Road. I was also approached by another neighbour giving me permission to park in front of her home whilst collecting the children. I have on a couple of occasions been confronted

by the neighbours on both sides challenging why I am in the road and what right I have to be there. This has been in front of my children and totally inappropriate.

I very rarely come into contact with other parents collecting their children, and when I do they are almost always walking or park elsewhere because I have parked outside the property. I am not saying that no parent has ever parked outside a neighbouring house, but that this is not the norm. Is there anything in law that states that a member of the public can't park on the road outside a property as long as they are not causing an obstruction? Also, are the neighbours entitled to put cones outside their property to stop others parking there? I always thought you only owned the property up to your boundary wall. Perhaps a clarification on the rights of non-residents parking in Sandhurst Road would be beneficial to all.

Those objecting to this application are quoting seventeen parents a day dropping off at the setting; are these people aware that a number of siblings attend the setting and I believe this figure to be somewhat exaggerated.

I am however, concerned about the comments being made that the children are unsupervised in the garden. Is this really relevant to the application, and appears to me as though people are trying to cast doubt on the standard of care received by children in the setting. I don't have a set time to pick up my children, and can turn up unexpectedly. I have never found the children unsupervised, and would remove my children immediately if I thought this to be the case. If neighbours claim the children are unsupervised, they are clearly watching the children in the garden and not respecting their privacy, which is wholly inappropriate. I am sure there are parts of the garden that are not visible to the neighbours and staff could well be there supervising the children. I have been in the setting at times when children have been brought in for making too much noise, and the staff are clearly conscious of the neighbours.

Ms Willmott has always spoken positively about her neighbours, especially the older lady who lives next door, and she certainly doesn't want to cause them any distress. However, it seems as though she is expected to keep them happy, when they seem reluctant to offer her any support. Unfortunately some people are very resistant to change when all the Ark is trying to do is support the community by providing much needed child care.

Green Elms  
80 East End Road  
Charlton Kings Cheltenham  
Gloucestershire  
GL53 8QL

### **Comments:** 1st June 2013

I have read with great interest the reasons for objection raised by so called "neighbours" and as a member of staff currently on maternity leave, I had to respond to what I feel in some cases are slanderous accusations and out and out lies. Slander is potentially damaging for any business and if I owned the Ark I would most certainly be seeking legal advice.

I started work at the Ark on the day it opened. It is a class apart from so many other settings for children. Such settings are severely lacking in Cheltenham but particularly Charlton Kings.

I work with ladies who genuinely love children and I am very proud of that. EVERY child that attends is nurtured, loved and most certainly NEVER left unattended (how incredibly rude of the "neighbour" to state this utter untruth). Our babies babble and giggle in the garden, they sing, play and grow. NO child is in the garden for any great length of time, NEVER alone and most certainly NOT unattended. How someone who claims to "enjoy" children yet finds children no older than 8 intimidating is utterly beyond me!

## Page 109

To be honest I felt incredibly intimidated when 2 weeks post delivery of my second baby, with my 6 year old daughter by my side and my newborn baby in my arms the lady that seems to enjoy shaking her fists at young children through her window (the same lady that "enjoys" children I believe) felt it appropriate to question what I was doing. This I could understand if I was parked outside her house but indeed I was not, I was parked OUTSIDE the Ark! Not as a member of staff or a parent but as a visiting friend! Unfortunately this isn't the first time this has happened, it won't be the last and I remain disgusted by such conduct.

I would welcome the "neighbours" concerns IF they were well placed. As a member of staff I have NEVER parked outside any "neighbours" house and I have personally told new parents to adhere to that rule. The noise in the garden is minimal, we don't have children playing out there every day and not for the entire opening times! What a ludicrous argument, there is ample opportunity for the "neighbours" to enjoy their gardens in peace should the sound of young innocent children playing so offend!

As a footnote, I am a local resident, I have never seen congestion along Sandhurst Road, it is at times of the day almost a ghost road and most certainly is a safe place for dropping off and collecting children. As if any setting worth its weight would risk anything other than an all round safe environment from start to finish, it is after all what EVERY parent craves is it not?

I fully support this application.

Forest Dene  
Sandhurst Road  
Cheltenham  
Gloucestershire  
GL52 6LJ

**Comments:** 6th May 2013

We are concerned that the increase in childcare places will produce an increase in traffic in our already congested private road. My wife has often come home from work to find someone picking up from the Ark, parked in our private space, outside our house. Alternative parking places are very limited in Sandhurst Road.

I would like to know what happens if the application is approved on the basis that there will be no additional traffic and parking and yet these things occur following approval.

Oldbury  
Sandhurst Road  
Cheltenham  
Gloucestershire  
GL52 6LJ

**Comments:** 8th May 2013

Letter attached.

**Comments:** 28th May 2013

Letter attached.

265 London Road  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL52 6YG

**Comments:** 31st May 2013

My son has attended The Ark for the past two and a half years, and I walk him over from the London Road each morning at approximately 8 o'clock. I can truly say that in all this time I have never experienced any congestion caused by traffic, or parents and children, on Sandhurst Road during this time. I usually pass one other parent on the pavement each morning who parks her car on Glenfall Way.

The Ark offers an invaluable service to the local community in its provision of flexible childcare support. It is the only childcare provider in the local area which offers term-time only provision for small children. I am a teacher, as are many parents of The Ark, and I would have found it very difficult to go back to work without the flexibility of provision The Ark offers. This flexibility also extends itself to drop off and collection times, which again is invaluable to local parents, and also favourable to local residents in that there is no traffic caused by scheduled start and finish times.

I have lived on London Road for the past five years and my house overlooks the entrances to Sandhurst Road from both Glenfall Way and London Road. As a local resident, I have never experienced or witnessed any congestion in this area. We are a supportive and community-spirited area, and neighbours are friendly and amendable. I have, in this time, only ever experienced positive comment toward The Ark and praise for the invaluable service it offers to local working parents. I do appreciate the residential expectations of some homeowners on Sandhurst Road but I do not think it appropriate to categorise The Ark as a 'commercial' business per se. It is a small, local child-care provider which is characterised by its flexibility of service, and it is the very nature of its flexibility which ensures that it does not impact negatively on our local area in terms of intrusion and congestion.

I feel, as a local resident, and based on my observations over the past two and half years, that the request to increase numbers by five children will have minimal impact on our 'residential' experience, indeed if any at all. As a local parent, I believe the increase in numbers is both necessary and favourable in providing further supportive and flexible local childcare for both parents and professionals alike.

19 Willow Road  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL53 8PH

**Comments:** 5th June 2013

Having read the opponents' comments, they seem very much like a knee-jerk reaction and from the 'not in my backyard' mentality. Essentially, it is only five extra children, but the help it would provide those families is essential, knowing their child is in great hands, in a loving, fun and safe setting. It is not the impersonal place some nurseries are, and I think this is why the children love their time at the Ark so much. I honestly cannot see how much more of an impact these few extra children would cause.

My son has attended the nursery since October 2012 and the flexibility and care the nursery provided has been invaluable to me. I have never seen inconsiderate or obstructive parking and Gayna has always been at pains to explain where is best to park for parents dropping their children off by car, which is either directly outside her house or just off Glenfall Way. The suggestion the road is congested is almost ludicrous when compared to other residential roads in



the area. I would agree with the other parent's comment that most parents would rather not drive on Sandhurst Road itself due to the state of it. When I drop my son off and pick him up I rarely see more than one other parent dropping their child off at the same time. Due to the flexibility The Ark provides, there isn't exactly a 'rush-hour' for parent's dropping off and picking up.

I live right by the playing field of Balcarras School and there are 100's of older (and louder) children playing there and this does not cause me any stress or impede my enjoyment of my garden or home. I am unsure whether one of the opponents has actually had to use childcare herself but I'm surprised she suggests successful nurseries should be in a commercial setting. Leaving a 9-month-old baby at a nursery is hard enough for any parent, but if it were in a commercial setting this would make it so much harder. The nursery is essentially a home from home which makes the children feel safe and secure and fuels their growth and development.

I whole-heartedly support the application knowing that five extra children would benefit from this wonderful nursery and feel it is a shame that some of the neighbours are unable to see past their own unfounded concerns and support a small local business that is helping many families.

3 Longleat  
Horsefair Street  
Charlton Kings Cheltenham  
Gloucestershire  
GL53 8NB

**Comments:** 29th May 2013

After reading these comments I am finding it difficult to agree with the points raised, and feel that these comments have been some what fabricated.

As a parent in the Charlton Kings area it is very difficult to secure quality childcare for children below three years and as a working parent, I have found The Ark to be invaluable.

My daughter has attended The Ark for eighteen months and not at any point during this time have I needed to park in front of any property and having also received instructions from the Ark to not leave vehicles in front of residential properties on Sandhurst Road. There is sufficient parking on Glenfall Way. Due to the state of the road I know that both I and the other parents would prefer to not even enter Sandhurst Road. The drop off and collection times at the Ark are not set. This is so rare in childcare to secure flexible childcare to fit the family. This means that parking is never an issue as there is never a high volume of vehicles at one time! Living in the area I actually drop off and collect my daughter on foot, as do majority of all of the other parents.

My daughter previously attended Circus Day Nursery that has a capacity of up to 120, yet only provides a maximum of 6 parking spaces, Furthermore there are two further large childcare providers located at either end of the road, Yet is set within a residential area.

I feel that these comments are ridiculous, considering the Ark childcare offers term time only care therefore is only at full capacity for 38 weeks of the year. I would like to challenge anyone to find a childcare provider that offers flexible term time only, care for young children, in Cheltenham; it is close to non-existent.

2 Sandhurst Villas  
Sandhurst Road  
Cheltenham  
Gloucestershire  
GL52 6LJ

**Comments:** 8th May 2013  
Letter attached.

**Comments:** 30th May 2013  
Letter attached.

4 Sandhurst Villas  
Sandhurst Road  
Cheltenham  
Gloucestershire  
GL52 6LJ

**Comments:** 8th May 2013  
Letter attached.

Forest Dene  
Sandhurst Road  
Cheltenham  
Gloucestershire  
GL52 6LJ

**Comments:** 29th May 2013

Firstly may we thank Gaynor for discussing our concerns about parents picking up, especially in bad weather, who park outside our house. Having read the correspondence, it is regrettable that it is causing such bad feeling between the Ark and its immediate neighbours.

We moved into our house the December after the original planning application was submitted and were unaware that a business was being run from this residential road. I do completely understand the feelings of the immediate neighbours and do consider it to be detrimental to Sandhurst Road to increase the number of childcare places. I appreciate that currently the majority of staff and 'clients' walk to the Ark but as is the nature of the business the families using the Ark will change in the years to come. I am still very concerned that we could have seventeen parents dropping off and a maximum of seven staff parking in our private unfinished road with nothing that we could do about it, should permission be granted. At the very least there should be a notice added to the road name sign to warn that it is a private road with parking for residents only.

18 Naunton Crescent  
Cheltenham  
Gloucestershire  
GL53 7BD

**Comments:** 5th May 2013

I am opposed to the application for more children to be allowed at 3 Sandhurst Villas, Sandhurst Road, Cheltenham on behalf of my 87-year-old aunt (*name supplied*) who lives in the adjoining semi-detached house.

## Page 113

There is not adequate division between the gardens of the 2 properties and means she will not have any privacy in her own garden with a further increase of children as requested. We do not believe the fencing between gardens is strong or high enough to enable privacy with to provide privacy from so many children.

The noise level is already unbearable and will also stop the enjoyment of my aunt using her garden with family and friends. The garden of the next door premises is not large and is already full of various play equipment including a trampoline and she doesn't feel there is sufficient room to have more children there

When my aunt sits in her lounge she is constantly being looked at through the window by a stream of people collecting children. Again this will only be worse should the application be allowed.

She paid for tarmac to be laid outside her house for her personal use which is now being used for parking by clients at the business next door and is now resulting in the tarmac being worn away on this unmade and rutted road.

My aunt purchased her house thinking that she would be living in a private, quiet residential street in a normal neighbourhood rather than having a business next door with up to 17 children of all ages disturbing her peace and enjoyment of retirement. A business of this size will also have a negative impact on the value of her house should she need to sell in the future.

### **Comments:** 29th May 2013

I am writing in response to the additional information letter from this applicant.

The comment about noisy neighbourhood children has nothing at all to do with this application as they live in the area and are not at the next door premises used for business profit.

The client base may be 95% from Charlton Kings but as for the majority walking I would dispute this as on the morning of the 23rd May between 07:30 & 09:15 I sat in my Aunt's house and counted 7 cars dropping off children and one staff car which arrived, left and then returned. This simply doesn't equate to the statement made that the majority of children arrive by foot.

The applicant also states that my 87-year-old Aunt has never driven and doesn't own a car. She is right that she doesn't own a car but she did drive from the early 1960's to late into her 70's therefore the applicant has provided a factual inaccuracy for the good of her application.

I feel I must reply to the comment about their other neighbours not going out from one day to the next; surely this is the reason why they don't want extra children around disturbing their peace and quiet in retirement?

I don't believe customers can pick up their children without parking outside neighbours' homes when the proprietor's own car and also their staff members' cars are already outside their house.

Thank you for your time in reading this and I hope the planning committee look upon mine and others objections favourably as after all this is a residential area rather than commercial and I am sure there more suitable premises for a venture of this size.

31 Leighton Road  
Cheltenham  
Gloucestershire  
GL52 6BD

### **Comments:** 29th May 2013

As the manager of the Ark Nursery, I feel I must respond to the letter dated the 24/5/2013.

I can categorically state that the majority of our parents do indeed walk their children to the nursery.

To address the issue of staff parking, never have any of the staff ever parked outside either of the two properties on each side of number 3 Sandhurst Villas. The staff that drive, myself included, park at the end of Sandhurst Road or in Glenfall Way.

As the manager, it is my responsibility to ensure that at all times the children that play in the garden are safe and supervised.

We operate an open door policy and if (*name supplied*) has ever felt intimidated by any of the children I feel, as I speak to her, she could have approached me or sent a representative and I would have dealt with her concerns immediately.

The children that attend the nursery during the day are between the ages of 10 months and 4 years and play happily in the garden, sometimes singing nursery rhymes and never intimidating anyone and always supervised. The children that attend the after school club are mostly between the ages of 4 and 8 years and only a handful at a time play in the garden and always supervised, making no more noise than if they were children that resided at the property.

Oldbury, Sandhurst Road, Charlton Kings, Cheltenham, GL52 6LJ

Tracey Crews; Head of Planning

Cheltenham Borough Council

Dear Tracey

Proposal 13/00562/FUL

The proposal to allow more children to go to the nursery at 3 Sandhurst Villas has just been passed to me as we did not receive notification of this proposal. We live next door but one to the nursery and most times this does not impact on us. However, I am concerned about the impact on the 2 neighbouring houses and the effect on the individuals who are at home during the day. Some accommodation could be found to make the parents park away from their frontages and perhaps the screening between the gardens should be made better by the nursery owners to improve privacy.

However, I do feel that an increase of the number of children at the nursery will impact the whole environment as my observation is that the noise level increases dramatically on dry days after 3 pm when the older children join, till about 5.30pm. On a few occasions I have rushed out from my office in the front basement of my house when the screams have been too much to ignore as the children play in the garden. It does seem strange that the thriving business should happen in a semi-detached house with a fairly public garden and my concern is that if 17 children now, would the next proposal be for 20 odd next year. Thank you

Regards,



Cheltenham Borough Council Environment Group			
PASSED TO			
REC'D	- 7 MAY 2013		
Date of Response		Type of Response	
Initials of Responder		File Ref.	



Oldbury, Sandhurst Road, Charlton Kings, Cheltenham, GL52 6LJ

For the attention of Craig Hemphill

Cheltenham Borough Council

24<sup>th</sup> May 2013

Dear Mr Hemphill

Proposal 13/00562/FUL

I am writing following the last letter received from the Ark Childcare in support of their application to increase their intake of children from 12 to 17 without increasing the staff numbers.

Problems of noise and car parking are only occasional issues but with good supervision of the parents parking on the road and the children playing in the garden could be addressed. However, to suggest that most parents walk to the nursery and that cars belonging to staff members have never been parked during the day; and that the children have never been too loud in the afternoons after school, are just untrue.

As I stated before, the Nursery could have been more generous to the two immediate neighbours, asking parents to never park outside the two homes and having an adult always present in the garden when the children are at play. To not speak to these neighbours and not to discuss the problems as they arise has caused the ill feeling on both sides.

██████████ has always enjoyed children and has been very caring to my children when they were small and has allowed them to have the large trampoline in her garden which they still enjoy using when they return home. Now, she has thought that the neighbouring children have been laughing at her and as a result she has felt intimidated in her home and has reacted negatively to the parents and children outside her window. She is most grateful for the care and help the Nursery staff gave her when she fell over. The Nursery could have diffused the situation by including a frail older lady in their planning and apologising for the problems and helping ██████████ to be more positive to their presence. As schools interact with older neighbours this could have happened in this place too!



I am still not assured that the increase in numbers from 12 to 17 would be good for Sandhurst Road. I ask the committee to consider this application carefully.

Yours sincerely,



Page 118			
Cheltenham Borough Council Environment Group			
PASSED TO			
REC'D	- 3 MAY 2013		
Date of Response		Type of Response	
Name of Responder		File Ref.	

2 Sandhurst Villas,  
Sandhurst Road,  
Charlton Kings,  
Cheltenham  
GL52 6LJ

Mr Craig Hemphill - Planning Officer  
Planning Department,  
Cheltenham Borough Council

3rd May 2013

Ref: 13/00562/FUL

Dear Sir,

In reference to the above planning application to increase the number of children from twelve to seventeen at 3 Sandhurst Villas, Charlton Kings, we would like to make the following comments:

Sandhurst Road is a quiet, un-adopted residential road. The neighbours either side of the above mentioned, semi-detached property are retired and therefore spend a substantial amount of time during the day at home.

The Nursery School is open daily, between the hours of 8am and 5.30pm weekdays. This only leaves the weekends and some weeks of the year free from activity.

At the present time the school has permission to accommodate twelve children, so an increase of five children is a substantial amount.

Furthermore, the above will add to the traffic occurring especially when parents use vehicles to drop off and collect children.

The parking space at the front of our house is often used by parents, causing us inconvenience.

Existing noise levels will increase with additional children. With summer approaching, the children and their carers could potentially be using the garden facilities for more hours in the day.

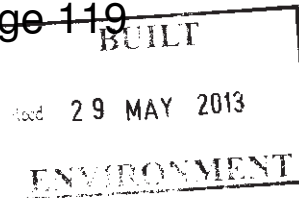
The noise levels and loss of privacy to adjoining gardens become more of a concern when the current older children arrive after school time; they frequently play in the garden and appear to be unsupervised.

What initially started out as a small childminding service and then became a Nursery, is now proposed to become a larger Nursery School business in a residential area.

Therefore we would be grateful if you would consider our comments when making your decision, as this will impact greatly on us enjoying our retirement.

Yours sincerely,





2 Sandhurst Villas,  
Sandhurst Road,  
Charlton Kings,  
Cheltenham  
GL52 6LJ

Mr Craig Hemphill - Planning Officer  
Planning Department,  
Cheltenham Borough Council

28th May 2013

Ref: 13/00562/FUL

Dear Sir,

In response to Miss Willmott's letters dated 5<sup>th</sup> and 7<sup>th</sup> May referencing the above planning application to increase the number of children from twelve to seventeen at 3 Sandhurst Villas, Charlton Kings, we would like to make the following additional comments:

Firstly, we would like to reiterate to you all statements we made in our previous letter.

As we understand it an increase of 5 children on 12 children equates to a 41.6% increase at the Nursery School.

In respect to our garage on the opposite side of the road (to which we do not see the relevance to the present problem but as referred to by Miss Willmott) we have offered the garage driveway to be used at busy times by the Nursery School. The last occasion was to the Nursery Manager whose response was "thank you very much, that's kind, I will inform Miss Willmott". The offer was not taken up. Miss Willmott's car was always parked outside her own property, leaving our frontage as the first point of call for parents dropping and picking up children, because the majority of cars enter the road from the London Road.

Since our last correspondence to the Council, our car has been hit by a parent collecting a child (to which we have documented evidence). We have never before experienced an occurrence like this in the last 42 years. An increase in the number of children attending the School, will potentially, we feel, make this an increasing possibility.

It will also add to the incident which occurred a few days ago, whereby an object was being kicked at some force against our fence while we were gardening, which eventually resulted in a space hopper coming over our 6ft fence and hitting the lady of the house.

In regard to our 87 year old neighbour we feel a further comment is required. We have always understood from her that she loves children. In fact this has been borne out that while we were bringing up our own two children; she was always understanding and pleased to see them. In fact our daughter was adamant that she be invited to her wedding which was less than two years ago. We hope that she is able to return home, as she stated to us she hopes to do, during our last visit to her in the Nursing Home following her recent fall. We will continue to give her our support to achieve this aim, along with her family and neighbours.

We do hope that you will take these further comments into consideration when making your decision.

Yours sincerely,

[Redacted signature area]

[Redacted]  
Jonjo, 4 Sandhurst Villas  
Sandhurst Road, Charlton Kings, Cheltenham GL52 6LJ

Ms Tracey Crews, Head of Planning

Dear Tracey

Planning proposal ref; 13/00562/FUL

I am writing to object to the proposal to increase the number of children allowed in the nursery at 3 Sandhurst Villas from 12 children to 17.

This is the first time I have commented on the nursery which is in the semi-detached house which is attached to my home. I had to live with the noisy alterations to the basement to prepare the house for the nursery and I now have to look out of my window at the comings and goings of the parents and children to the nursery, even though I have asked that the children are dropped off away from immediately in front of my window. Also I feel overlooked in my garden space as the children play in the garden and at times the noise can be very loud especially after 3pm when the older children join the nursery and the after school starts. I certainly do not want to see any increase in the numbers playing outside as 17 children in the garden would be too many.

I ask that the council consider my feelings as this is a residential road which I have lived in for over 50 years and although I do enjoy children I feel that a large nursery would be suited to another position probably at the least a detached house with a larger garden space.

Please can you consider my feelings? Thank you

Regards,

[Redacted] written for [Redacted] as she is in hospital - she wanted to say this to you!

Cheltenham Borough Council Environment Group			
PASSED TO			
REC'D	- 7 MAY 2013		
Date of Response		Type of Response	
Initials of Responder		File Ref.	

<b>APPLICATION NO:</b> 13/00562/FUL		<b>OFFICER:</b> Mr Craig Hemphill	
<b>DATE REGISTERED:</b> 11th April 2013		<b>DATE OF EXPIRY:</b> 6th June 2013	
<b>WARD:</b> Battledown		<b>PARISH:</b> Charlton Kings	
<b>APPLICANT:</b>	Miss G Willmott		
<b>AGENT:</b>	No agent used		
<b>LOCATION:</b>	3 Sandhurst Villas, Sandhurst Road, Cheltenham		
<b>PROPOSAL:</b>	To increase the number of children from 12 to 17, in existing childcare business granted under reference 10/01290/FUL		

## Update to Officer Report

### 1. OFFICER COMMENTS

#### 1.1. Determining Issues

- 1.2. The key issues are considered to be the impact the additional 5 child spaces will have on the amenity of occupiers of adjoining residential properties and highway safety issues.

#### 1.3. Impact on neighbouring property

- 1.4. Concerns have been raised from neighbours and the Parish Council that the additional 5 children places would have a harmful impact on existing amenity.
- 1.5. Policy CP4 of the Local Plan seeks to ensure development will not cause unacceptable harm to the amenity of adjoining land users including noise and disturbance.
- 1.6. The Boroughs Environmental Health Officer (EHO) has considered the application, specifically with regard to noise and disturbance, and has concluded that an increase of 5 children does not give them reason to object to the application, subject to the conditions that have been attached to the 2010 permission being repeated. Although the rear garden adjoins the private gardens of neighbouring properties it is considered that given the EHO comment and subject to recommended condition 3 being attached, which would control the hours the garden can be used to between 0930hrs and 1730hrs with any children in the garden being supervised by an adult and all times, that the proposal would not give rise to unacceptable harm by way of noise and general disturbance or cause unacceptable harm to amenity and is in accordance with objectives of Policy CP4 of the local plan.

#### 1.7. Access and highway issues

- 1.8. Neighbours and the Parish Council are also concerned about parking issues and congestion as a result of the increase of the addition 5 child spaces. Objectors make reference to parents parking to the front of properties and general disruption and inconvenience from drop off and pick ups which currently exist, which would be exasperated.
- 1.9. Policy TP1 seeks to ensure that development does not endanger highway safety, directly or indirectly.
- 1.10. The applicant has set out that the nursery does not operate in a timetabled structure and allows parents to drop off and collect the children as suits the parents needs, this avoids

more intense periods of drop off and pick up associated with 8am to 1pm and 1pm to 5pm slots.

- 1.11. GCC Highways Planning Liaison has considered the application recommending that no highway objection is raised for the following reason.

*The site is situated in a fairly accessible location with adequate walking, cycling and public transport links. The site is accessed from a private road (Sandhurst Road) which co-exists with a public footpath (ZCK/28/1); although this road is in a very poor state of repair, given the small scaled nature of the development I would not raise a highway objection. There is also sufficient capacity on the surrounding roads for children to be safely dropped off close to the site without having a detrimental impact upon highway safety. The National Planning Policy Framework (NPPF) says that although safe and suitable access should be provided, 'development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe', given the extant planning permission and the highway conditions, the Highway Authority do not believe the impact of the additional development can be considered severe or significant.*

- 1.12. As set out by GCC Highways Planning Liaison the site is fairly accessible with adequate walking, cycling and public transport links. Inevitably some parents will use the car to bring children to and from the property which may cause some inconvenience, however the impact must be considered to be limited as this would be on a pick up and drop off arrangement. There is no allocated parking on the road nor are there any restrictions on parking along the road and therefore there is no reason to conclude that an individual has a right to park outside the front of a specific property. Given GCC Highways comments and the above the application is considered to comply with policy TP1 of the Local Plan and the NPPF.

1.13. **Other considerations**

- 1.14. Comments have been made on the suitability of a business use being located in a residential area. The demand for a child nursery is normally in response to local community needs for such facilities and therefore a residential location is not unusual for this use, subject to suitable conditions to control the activity and impact of the child nursery.

## 2. CONCLUSION AND RECOMMENDATION

- 2.1. It is clear from the comments that have been received for this application there are contrasting views against and in support. Members will be aware that each application must be considered on its own merits. In this instance and considering the main issues of impact on amenity and highway matters neither the Borough Environmental Health Officer nor GCC Highways Planning Liaison have objected. For the reasons set out above the application is considered to accord with Policies CP4, TR1 and the objective of the NPPF and is therefore recommended for permission, subject to the recommended conditions.

## 3. CONDITIONS / INFORMATIVES

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.  
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 This permission shall be exercised only by Miss Gaynor Willmott.



Reason: The Local Planning Authority wishes to have the opportunity of exercising control over any subsequent use in the event of the applicant ceasing the use hereby permitted in order to preserve the amenities of neighbouring properties in accordance with Policy CP4 of the Cheltenham Borough Local Plan (Adopted 2006).

- 3 Notwithstanding the details submitted, the garden shall be used for commercial purposes between the hours of 0930-1730 Monday to Friday only. All children using the garden between these hours shall be under adult supervision at all times.

Reason: To protect the amenity of neighbouring properties in accordance with policy CP4 of the Cheltenham Borough Local Plan (Adopted 2006).

## INFORMATIVES

- 1 In accordance with the requirements of The Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 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.

- 2 The proposed development has been tested against the following policies of the Development Plan and, in the opinion of the Local Planning Authority, is not in conflict with the following policies:
- a) The proposed development will not cause and unacceptable harm to the amenity of adjoining landusers - Policy CP4 (Safe and sustainable living)
  - b) The proposed development will not be detrimental to Highway Safety - Policy TP1 (Development and Highway Safety)

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<b>APPLICATION NO:</b> 13/00576/FUL	<b>OFFICER:</b> Mr Ian Crohill
<b>DATE REGISTERED:</b> 13th April 2013	<b>DATE OF EXPIRY:</b> 8th June 2013
<b>WARD:</b> College	<b>PARISH:</b> None
<b>APPLICANT:</b> FW Homes Limited	
<b>AGENT:</b> Mr Luke Hemming	
<b>LOCATION:</b> Land adjacent to 3 Mead Road, Cheltenham	
<b>PROPOSAL:</b> Demolish existing garage and build new 2 bedroom dwelling	

**RECOMMENDATION:** Permit



This site map is for reference purposes only. OS Crown Copyright. All rights reserved Cheltenham Borough Council 100024384 2007

## 1. DESCRIPTION OF SITE AND PROPOSAL

1.1 The application seeks permission to construct a small 2 storey, 2 bed, dwelling on this relatively small triangular parcel of land in Mead Road.

1.2 The site is located at the eastern end of Mead Road, close to the junction with Old Bath Road. The site currently comprises a large double fronted detached garage to the side of no 3 mead road and the rear garden to 185 Old Bath Road. It has previously been used for a variety of purposes but it is understood that it was last used for general storage. The plot is triangular having sides of approximately 23 metres and a base of 14 metres.

1.3 Applications have been made in the recent past to develop the site with a dwelling (see planning history section). One of those was the subject of an appeal to the Secretary of State in December 2007 (07/00173/FUL) when the Inspector, in dismissing the appeal drew attention to the impact on the amenity of occupiers of nos 183 and 185 Old Bath Road and 3 Mead Road due principally to its dominant and cramped appearance in the street. In the most recent application the applicant chose to apply for a lower, smaller structure in the hope that such adverse impacts could be addressed satisfactorily (10/01754/FUL). The application was recommended for refusal by officers for the following reason:

*The new dwelling is proposed on a plot that is too small to support a separate dwelling resulting in an extremely cramped form of development that would appear incongruous and alien in the street scene. It would be out of scale and character with the surrounding established residential development. Furthermore, the development would have an unacceptable impact on the amenity at present enjoyed by the occupiers of adjoining houses, particularly those in Old Bath Road arising directly from the introduction of a separate independent dwellinghouse immediately adjacent to the boundaries with neighbouring properties with little or no space around it to satisfactorily absorb the impact of general noise and activity associated with a house. The proposal is therefore contrary to Policies CP4 and CP7 in the adopted Cheltenham Borough Local Plan (2006) and would run contrary to the provisions contained in the Supplementary Planning Document, Development of Garden Land and Infill Sites in Cheltenham adopted in June 2009 .*

1.4 However, at the meeting on 21 January 2011 it was resolved by Members to grant planning permission contrary to officer's recommendation.

1.5 That 2010 application showed a dwelling partly sunk into the ground. This was not the case with the most recent application (submitted in 2012 under reference 12/00859/FUL). Planning permission was refused for that proposal (contrary to Officer's recommendation) and a subsequent appeal was turned away as the application was not accompanied by a Design and Access Statement.

1.6 A fresh application has now been submitted (and a D&A S submitted!) and at the same time the applicant has made some slight changes in an attempt to address some of the concerns expressed by the Committee.

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

### Constraints:

#### Relevant Planning History:

**10/01754/FUL 21st January 2011 PER**

Erection of a detached two bed dwelling following demolition of existing garage/workshop on land adjacent 3 Mead Road

**12/00859/FUL 24th August 2012 REF**

Erection of 2 bedroom dwelling following demolition of existing workshop

### 3. POLICIES AND GUIDANCE

#### Adopted Local Plan Policies

CP 1 Sustainable development  
CP 4 Safe and sustainable living  
CP 7 Design  
GE 6 Trees and development  
HS 1 Housing development  
RC 2 Youth and adult outdoor playing facilities  
RC 3 Outdoor playing facilities in educational use  
RC 6 Play space in residential development  
UI 3 Sustainable Drainage Systems  
TP 1 Development and highway safety  
TP 2 Highway Standards  
TP 6 Parking provision in development

#### Supplementary Planning Guidance/Documents

Development on garden land and infill sites in Cheltenham (2009)  
Landscaping in new development (2004)  
Play space in residential development (2003)

National Planning Policy Framework 2012

### 4. CONSULTATIONS

#### **HMO Division**

*25th April 2013*

I have no fundamental objection to this proposal.

#### **GCC Highways Planning Liaison**

*9th May 2013*

There have been numerous previous applications for development of this site, including a previously approved application for a 2 bedroom dwelling under Application No. CB.10/001754.

The site is served by good public transport facilities and is considered to be accessible. The proposed development will use the existing access point of a vehicle crossing from Mead Road which is an unclassified Highway. There are no records of any accidents at this point and in addition it would appear that the current site access is operating without any problems. The replacement of the existing garage facility with a single dwelling is not likely to significantly increase the volume of traffic accessing the site.

Therefore no Highway objection is raised.

#### **Cheltenham Civic Society**

*8th May 2013*

Although we are not necessarily opposed to a dwelling here, we do not like what is proposed. We think it is a poor design for this site, and will look out of scale with neighbouring properties

### 5. PUBLICITY AND REPRESENTATIONS

- 5.1 A total of 11 letters were sent out notifying local residents of the receipt of the application and a total of 5 letters of representation have been received. Copies of the representations have been circulated with this report.

## 6. OFFICER COMMENTS

Officer comments will follow as an update.

## 7. CONCLUSION AND RECOMMENDATION

7.1 That permission be granted subject to the following conditions.

## 8. CONDITIONS / INFORMATIVES /

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.  
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 development hereby permitted shall be carried out in accordance with drawing numbers FWH/LH/01 and FWH/LH/02 received 12 April 2013  
Reason: To ensure the development is carried out in strict accordance with the approved drawings
- 3 Prior to the commencement of development, a landscaping and planting scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include a survey of all existing trees on the land showing the size and species and identifying those trees, if any, it is proposed to remove. In addition it shall show in detail all proposed tree and shrub planting, hard surfacing (which should be permeable or drain to a permeable area) and areas to be grassed.  
Reason: To ensure that the development is completed in a manner that is sympathetic to the site and its surroundings in accordance with Local Plan Policies CP1 and CP7 relating to sustainable development and design
- 4 Prior to the commencement of development, a detailed scheme for boundary walls, fences or other means of enclosure shall be submitted to and approved in writing by the Local Planning Authority and the boundary walls, fences or other means of enclosure shall be erected before the development hereby permitted is first occupied.  
Reason: To ensure that the development is completed in a manner that is sympathetic to the site and its surroundings in accordance with Local Plan Policy CP7 relating to design.
- 5 Prior to the commencement of development, samples of the proposed render finish, cedar cladding, roof slates and details of the sedum roof shall be submitted to and approved in writing by the Local Planning Authority, and the materials used in the development shall be in accordance with the samples so approved.  
Reason: To ensure a satisfactory form of development in accordance with Local Plan Policy CP7 relating to design
- 6 Prior to the commencement of any work on site, details of the maintenance regime for the green roof shall be submitted to and approved in writing by the Local Planning Authority, and thereafter the green roof shall be retained as such and maintained in accordance with the maintenance regime so approved.  
Reason: To ensure that the external appearance of the dwelling is maintained as proposed in accordance with Local Plan Policy CP7 regarding design.



- 7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and/or re-enacting that order with or without modification), no extensions, garages, walls, fences or other structures of any kind (other than those forming part of the development hereby permitted) shall be erected without planning permission.  
Reason: Any further extension or alteration requires detailed consideration to safeguard the amenities of the locality in accordance with Local Plan Policies CP4 and CP7 relating to safe and sustainable living and design.
- 8 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and/or re-enacting that order with or without modification), no additional openings shall be formed in the development without planning permission.  
Reason: Any further openings require detailed consideration to safeguard the amenities of the locality in accordance with Local Plan Policies CP4 and CP7 relating to safe and sustainable living and design.
- 9 Prior to the commencement of development, a scheme for the provision or improvement of recreational facilities to serve the proposed dwelling shall be submitted to and approved in writing by the Local Planning Authority. The dwelling shall not be occupied until the approved scheme has been implemented.  
Reason: To avoid any increase in the Borough's imbalance between population and the provision of outdoor play space and related facilities in accordance with Local Plan Policy RC6 relating to play space in residential development

## INFORMATIVES

- 1 The proposed development has been tested against the following policies of the Development Plan and, in the opinion of the Local Planning Authority, is not in conflict with the following policies:
- CP 4 Safe and sustainable living
  - CP 7 Design
  - GE 5 Protection and replacement of trees
  - GE 6 Trees and development
  - EM 2 Safeguarding of employment land
  - HS 1 Housing development
  - HS 4 Affordable Housing
  - RC 6 Play space in residential development
  - UI 3 Sustainable Drainage Systems
  - TP 1 Development and highway safety
  - TP 6 Parking provision in development
- 2 In accordance with the requirements of The Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 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.

<b>APPLICATION NO:</b> 13/00576/FUL		<b>OFFICER:</b> Mr Ian Crohill
<b>DATE REGISTERED:</b> 13th April 2013		<b>DATE OF EXPIRY :</b> 8th June 2013
<b>WARD:</b> College		<b>PARISH:</b> NONE
<b>APPLICANT:</b>	FW Homes Limited	
<b>LOCATION:</b>	Land adjacent to 3 Mead Road, Cheltenham	
<b>PROPOSAL:</b>	Demolish existing garage and build new 2 bedroom dwelling	

### REPRESENTATIONS

Number of contributors	<b>5</b>
Number of objections	<b>5</b>
Number of representations	<b>0</b>
Number of supporting	<b>0</b>

177 Old Bath Road  
Cheltenham  
Gloucestershire  
GL53 7DW

**Comments:** 10th May 2013  
Letter attached.

181 Old Bath Road  
Cheltenham  
Gloucestershire  
GL53 7DW

**Comments:** 9th May 2013  
Letter attached.

183 Old Bath Road  
Cheltenham  
Gloucestershire  
GL53 7DW

**Comments:** 24th April 2013

With reference to your letter of 18th April when you invited me to inspect yet another proposed plan for land adjacent to 3 Mead Road My objections to the latest version of the continually updated development proposal are as follows:

1. If I remember correctly planning permission was refused originally in 2006 (ref 06/00478) and most recently in 2012 (ref 12/00859/ful) because the land is too small for a two story house to be built. Apart from 2 very minor changes, the latest submission is nearly identical to the previous version; why then do we have to look at more plans for a two story property? Do you realise that this saga has been going on since 2006 with two different applicants but both pursuing an unfeasible property development on a tiny parcel of land?

2. The sharp bend, just before 1 Mead Road, is still there, it's the bend that was of such concern when planning permission was refused the first, second and third time when Mr Bell submitted his plans. Since the development of Mead Road Trading Estate it has become even more of a busy thoroughfare, with a number of heavy lorries constantly using it. Children constantly use both sides of the path in Mead Road to come & go to school, and use the Old Bath Road buses.

3. There is a proposed area for two cars to be parked but how can you get to this proposed parking area without crossing the hard standing belonging to number 185 Old Bath Road? How will these cars leave their drive reversing onto a bend?

4. I am also concerned by how close the proposed house is to my garden boundary. How will maintenance work be carried out at the property in the future? There is no indication of what barrier will divide my property from the proposed development. I have had access to the area behind the garage for over 30 years to cut my hedge, how will I be able to do that in the future? Please clarify the details as this proposal has the capacity to negatively, and materially, affect my property and land.

5. I feel the dwelling is unsuitable for its proposed location; it is completely out of keeping with the large family homes in Mead Road at present.

6. The proposed building will impact on me greatly I will lose all the privacy I now enjoy. The proposed height of the house will mean I will lose considerable sunlight in my garden.

I hope the Council will refuse this latest building request.

3 Mead Road  
Cheltenham  
Gloucestershire  
GL53 7DU

### **Comments:** 8th May 2013

We are writing to object to the construction of a 2 bedroom dwelling at land adjacent to 3 Mead Road Cheltenham for the following reasons:

Planning permission was granted on this site for a partly submerged property, this approval was granted to the previous owner of the land after he had received several refusals for 2 storey properties on this land. The latest application by the new owner is again for a 2 storey property which is 800mm or 19% higher than the granted permission.

We felt the accepted, partly submerged property, whilst clearly having an impact on our property was acceptable but are totally opposed to the current application and as such our reasons for objecting to the proposal still stand as before:

#### 1.0 Privacy

1.1 Proposed dwelling directly overlooks garden & Kitchen/conservatory.

A 2 storey dwelling, set in the proposed position and with the revised height, in such close proximity, would directly overlook our garden & kitchen/Conservatory (family room). This would destroy our privacy in that part of the house (which we use the most).

1.2 Close proximity of usable outdoor space at the back of the proposed dwelling.

The token useable triangular outdoor space of the proposed dwelling will be adjacent to the windows of our conservatory, meaning that we could not cohabit without severely encroaching on

each other's privacy. During the Summer months, with our windows open, this would be a real infringement of our privacy.

### 1.2.1 Smoke pollution

If for example the tenants of the proposed dwelling were smokers and/or wanted to use their outdoor space for a b-b-q, we could not prevent smoke from entering our property due to the proximity of our dwelling to their restricted outdoor space.

### 1.2.2 Noise

Anyone in the outdoor space of the proposed dwelling would be confined to within meters of our boundary and so neither they, nor us would have any privacy as our conservatory which we use daily as a family room is also adjacent to the boundary. We would be forced to close windows and move to another part of the house/garden to get privacy.

## 2.0 Light/Space

### 2.1 Significantly reduces natural light into our garden/conservatory.

Currently, the existing single storey garage does not have any impact on the light into our garden & kitchen/conservatory. The new proposed height of the 2 storey house as submitted would significantly reduce our natural sunlight due to the position of the dwelling in relation to the sun's movement.

### 2.2 Restriction of space/claustrophobia

Being the last property on Mead Road, we already occupy a corner plot and have other properties backing onto us from the Old Bath Road. This has never been a problem as they are all positioned far enough away so we can maintain our privacy and light. We have one area of open space to our left (the proposed site dwelling) which provides our home with light and a sense of space. If a 2 storey dwelling was to be built here of this height as proposed, we would essentially be 'boxed' in on all aspects and it would be very claustrophobic.

## 3.0 Concerns over the effect of the proposed dwelling on the structure & integrity of our home.

We would have serious concerns over how the proposed dwelling might affect the structure and integrity of our house in view of its closeness.

## 4.0 Disruption of building process.

### 4.1 Limited access space.

The proposed plot is so small and positioned on a corner that we have concerns over how building access will be gained without encroaching on our property, causing damage to our fence, home and cars.

### 4.2 Safety.

We have 3 young children who regularly play around the conservatory and near our fence. With the construction site adjacent to our fence & with the erection of scaffolding etc we would be very worried about how a building project of this scale would compromise their safety.

## 5.0 Aesthetic grounds.

Mead Road is a classic residential road with 1930's semi-detached homes. The proposed dwelling has made no attempt to try and match the character of the road and the proposed plot

## Page 134

was never intended to sustain a modern house. It would alter the look and feel of the road irrevocably.

2 Mead Road  
Cheltenham  
Gloucestershire  
GL53 7DT

**Comments:** 10th May 2013  
Letter attached.



177 Old Bath Road  
Cheltenham  
GL53 7DW



Mr Ian Crohill  
Planning Officer  
Cheltenham Borough Council  
PO Box 12  
Municipal Offices  
Promenade  
Cheltenham GL50 1PP

Cheltenham Borough Council Environment Group			
PASSED TO			
REC'D	- 8 MAY 2013		
Date of Receipt		Type of Discharge	

7 May 2013

Dear Mr Crohill

**RE: Planning Application – Land Adjacent to 3 Mead Road 13/00576/FUL**

Following your letter of April 18, I am writing to raise my concern about the planning application for the land adjacent to 3 Mead Road in which it is proposed to demolish the existing garage and build a new 2 bedroom dwelling. I do not feel that this is an appropriate use for this land and I have two main concerns:

Firstly on the **visual impact**. Whilst the current building (the double garage) on the plot is not particularly attractive, it is a single story building and there is plenty of room around it. The proposed scheme for a two storey dwelling will impact on the properties in both Mead and Old Bath Roads. The plot is of limited size and whilst over and above that required for a double garage it seems to me that any two storey, two bedroom house will look as if it is squashed into the space. This will not fail to have a visual impact on the properties surrounding it which are traditional semi detached houses with reasonably generous front and back gardens.

My second worry is the **impact on privacy** – particularly on the property adjacent to it in Mead Road. There will also be an impact on properties in Old Bath Road and in particular I would like to raise concern for the impact on 181.

This house's privacy has suffered through the major extensions carried out on 3 Mead Road, specifically the roof conversion. This now results in 181's garden (and the rooms backing onto the garden) being overlooked from this house. If a new two storey building is allowed on the plot as proposed, it will mean that 181's garden has yet more of its privacy disturbed with more opportunities for it to be overlooked from the new dwelling and its boundaries. Although not a planning consideration I would like to also mention that a new two storey property will leave 181's garden with a very limited outlook in one direction with its skyline compromised. Many of these arguments can also be used in relation to 183 Bath Road.

Cont/

Whilst appreciating the need to do something with the plot in question, I really do not think that this planning proposal is appropriate for this location.

I hope my views will be taken into consideration when this proposal is considered.

Yours sincerely,



[REDACTED]

---

**Sent:** 08 May 2013 20:28

**To:** Internet - Planning Comments

**Subject:** planning proposal 13/00576/FUL

Proposal: Demolish existing garage and build new 2 bedroom dwelling at land adj to 3 Mead Road Cheltenham.

We are in complete agreement with our neighbours at 3 Mead Road and 183 Old Bath Road about their objections to the above proposal.

We hope the Council will reject this further application, as it has with other similar proposals for this site.

Kind regards

[REDACTED]  
181 Old Bath Road

[REDACTED]

---

**From:** Internet - Planning  
**Sent:** 10 May 2013 11:57  
**To:** Internet - Planning Comments  
**Cc:** Crohill, Ian  
**Subject:** FW: 13/00576/FUL -

-----Original Message-----

[REDACTED]

**Sent:** 10 May 2013 10:32  
**To:** Internet - Planning  
**Cc:** Internet - Enquiries  
**Subject:** FW: 13/00576/FUL -

Good morning

For your attention, please respond directly to: [REDACTED]

Thanks

*Jane Hale*  
*Customer Services Officer*  
*Cheltenham Borough Council*  
*Tel: 01242 262626*

-----Original Message-----

**From:** [REDACTED]  
**Sent:** 09 May 2013 22:17  
**To:** Internet - Enquiries  
**Subject:** 13/00576/FUL -

Dear CB Planning,

**Re: Objection to the development relating to planning application 13/00576/FUL.**

-  
We object to the planning application on the following grounds.

- 1) Scale of development – previous planning submissions have been un-successful on these grounds.
- 2) Height – significantly taller than the current garage, and what had gained planning approval b previous owner. This application is of similar height to previously refused applications.
- 3) Not in keeping with classic 1930 the style of properties.

We hope the planning committee agree and reject this application.

Best regards

[REDACTED]  
2 Mead Road  
Cheltenham

10/05/2013

<b>APPLICATION NO:</b> 13/00576/FUL		<b>OFFICER:</b> Mr Ian Crohill	
<b>DATE REGISTERED:</b> 13th April 2013		<b>DATE OF EXPIRY:</b> 8th June 2013	
<b>WARD:</b> College		<b>PARISH:</b> None	
<b>APPLICANT:</b>	FW Homes Limited		
<b>AGENT:</b>	Mr Luke Hemming		
<b>LOCATION:</b>	Land adjacent to 3 Mead Road, Cheltenham		
<b>PROPOSAL:</b>	Demolish existing garage and build new 2 bedroom dwelling		

## Update to Officer Report

### 1. OFFICER COMMENTS

#### 1.1. Determining Issues

1.1.1. The site is small and triangular shaped; there is currently a garage located on the site. The development is such that the proposed dwelling would occupy a large amount of the available site. It still remains the Officer's view that the site is really not of sufficient size to satisfactorily accommodate a dwelling. Because of the size of the site it follows that development proposed is bound to be contrived; it would be somewhat alien within the street scene and would be a cramped form of development. As a direct result of the cramped nature of the development it could have an adverse impact on neighbour's amenity. Furthermore, it is considered that the proposal would fail to comply with the provisions of Local Plan Policies CP4 and CP7 and the provisions of the adopted SPD on Garden and Infill Development in Cheltenham.

1.1.2. However, given the fact that permission for a dwelling on this land has been granted and more importantly the fact that that permission (ref: 10/01754/FUL) is still extant (permission will not expire until January 2016), the determining issues must concentrate not, on whether or not the site adjacent to 3 Mead Road is a building plot, but whether the dwelling currently proposed is worse in terms of design and impact on adjoining neighbours and its surroundings than that which has been approved. The principle of development of the site by a dwelling house has clearly been established by the grant of permission in 2011.

1.1.3 An application for an alternative design of dwelling unit on the site was submitted in 2012 (12/00859/FUL). That application was refused permission in August 2012 contrary to Officer's recommendation and despite the opinion of the Architect's panel that the proposal up for consideration at that time was by far the best that they had seen. The refusal reason reads as follows:

*"The orientation of adjacent properties is such that the new dwelling would completely dominate the outlook from neighbouring property, its mass and proximity also contributing to a diminution of sunlight to the rear of No 3 Mead Road. The development would have an adverse impact on the living conditions of the adjoining residents by reason of its position and scale. It therefore conflicts with Policy CP4 of the Cheltenham Borough Local Plan Second Review which seeks to ensure that new development would not harm the amenity of adjoining land users."*

1.1.4 A subsequent appeal that was lodged was, however, turned away by the Planning Inspectorate as the application submitted to the Local Planning Authority failed to include

the required Access and Design Statement. A fresh, complete, application has therefore now been submitted for determination.

## 1.2. Design and layout

- 1.2.1. The dwelling proposed in the current application is basically very similar to that in the 2012 submission but with some changes in an attempt to address the concerns raised by Committee Members in August last year. It has been designed basically as a combination of two elements. Firstly a two storey element with a pitched roof having a ridge at right angles to the frontage thus presenting a gable to front and rear with roof slopes to either side. The second element is that part of the house adjoining the backs of gardens to existing properties in Old Bath Road, arguably the occupiers of which would be most affected by the development. That element is to be single storey with a sedum covered flat roof and a small sloping section over the stair access to the first floor in the pitched roof part.
- 1.2.2. Thus whilst it is true that the dwelling would be higher than that in the extant permission (the 2012 application showed a height difference of only 900mm) in order to answer Members' concerns the applicants state that they have lowered the proposed building by 375mm. This has been achieved by lowering the ridge by 225mm and lowering the whole structure by 150mm. The highest point of the proposed house is the apex of the pitched roof (the ridge) running from front to back within the plot. The applicant's agent has submitted a plan illustrating the difference in height between the approved scheme and that now up for consideration. Whilst that shows that the part of the house adjacent to No 3 Mead Road would be higher than that approved but that the part of the dwelling adjoining the rear gardens of the 3 houses in Old Bath Road would actually be considerably lower by approximately 1.3 metres. In addition it should be noted that the ridge of the proposed house would still be 2.7 metres lower than the existing ridge of No 3 Mead Road.
- 1.2.3 The applicants point out that the pitch of the roof has been reduced to bring the ridge height down, with a new eaves height of 4050mm above ground level. The gable to the rear elevation has been clipped with a "barn-hip" detail to reduce the impact of the ridge line, in turn this has created a rear eaves detail with height of 5000mm. This is 800mm higher than the permitted scheme – once again attention is drawn to the important design feature of the previously permitted scheme which has the increasing eaves detail along the Bath Road properties boundary, and has the consequence of "standing up" the rear elevation. To further combat this 800mm increase the foot print of the property has been moved 150mm further forward on the site, this helps to reduce the level of impact that the proposed dwelling would have.

## 1.3. Impact on neighbouring property

- 1.3.1. It is not surprising that neighbours, once again raise objection to a dwelling on this site. Copies of the representations received have been circulated to Members.
- 1.3.2. The applicant in the submitted Design an Access Statement gives considerable attention to the impact that the proposed house would have on the amenity of the occupiers of no 3 Mead Road. This is not surprising bearing in mind the wording of the 2012 refusal reason. It is considered that it would be appropriate to copy hear the comments contained in that D&A Statement.

*"1) The flank wall of the masonry single storey extension has a high level window and half glazed door. These windows do not serve as the only form of light to a habitable room, in*



*any event using the 45 degree rule of thumb the eaves would not be considered to be overbearing, there is also velux rooflight which is unaffected. In the original parent dwelling the first floor has a small window serving a stairwell, further up there is a huge incongruous dormer extension which is higher than the ridge line of the proposal and in any event serves a stair. One reason for refusal was of application 12/00859/FUL was for the proposal dominating the outlook from 3 Mead Road. Given that the primary habitable rooms all have their windows to the front and rear elevation of the original dwelling and the proposal is sited on land adjacent to the dwelling it is impossible to see proposal and it has no impact of consequence in respect of amenity to the building elements discussed above, therefore it is argued with revisions now introduced the scheme is more than acceptable from the principle of development being established under application 10/01754/FUL.*

*2) This leaves us to consider the impact on the single storey conservatory located to the rear of the property which has a polycarbonate roof and is completely glazed on all elevations. A conservatory by its very nature is not a habitable room in respect of planning consideration. The conservatory is approx 1000mm from the boundary and the outlook from side elevation is directly at fence to height of 1800mm with additional vegetation. The proposal does not have any impact on the light received to this room, in any event, the proposal is located due south of the conservatory but so is the building that the conservatory is attached to. Considering the glazing on the boundary located above 1800mm and the roof which has an eaves height of approx 2300mm, as well as two other glazed elevations there can not seriously be a refusal for impact on light. To further satisfy this argument the location of proposed dwelling is such that to have any significant visual impact while sat in the conservatory one would have to be sat facing the fence/rear wall of the single storey extension looking up and out over the fence back towards Mead Road – this can hardly be considered as dominating the outlook from this property.*

*3) It must therefore follow that if the impact on the buildings is not compromised to an unacceptable level that the impact on the garden can not be considered to have been impacted in such a way so as to create an unacceptable 'diminution of sunlight to the rear of 3 Mead Road'. 3 Mead Road casts its own shadows and has an impact on its own diminution of sunlight as a result of the extent of on site development, the proposal by virtue of the design changes does have a marginal increase in impact over the permitted scheme but this still falls behind the impact on light caused by the development already undertaken taken at 3 Mead Road.*

*4) Finally scale and position were cited as reasons for refusal for application 12/00859/FUL. The design changes improve on the concerns raised here. However, by its very nature there will be an impact – there is a dwelling where previously there was not one – this does not automatically mean that because you can see it from a garden or in the street scene that it has an adverse impact. This point is intrinsically linked to the assessment of sunlight to the rear 3 Mead Road above. The proposal is marginally higher than the permitted scheme, however, the overall package of the design is widely accepted as an improvement on the permitted scheme. It is therefore objective as to whether or not a slightly higher but more coherent design will have less impact than a complicated roof/wall/eaves detail that will draw the eye to the mass of the construction as opposed to a simpler arrangement that does not draw the eye”.*

- 1.3.3. Despite contentions by neighbouring residents there will be no direct overlooking resulting in loss of privacy from the dwelling proposed. In terms of the impact cited by neighbours as a result of activity and general noise arising from the use of the restricted garden, this scheme would be no different from that which has been approved.

- 1.3.4. It is considered that the proposed scheme would cause no greater harm to neighbours' amenity than the scheme already approved. In that event, it would be argued that local plan policy CP4 has been satisfied.

#### 1.4. Access and highway issues

- 1.4.1 Access and highway considerations do not differ from those considered previously. The Highway authority comments: The site is served by good public transport facilities and is considered to be accessible.

The proposed development will use the existing access point of a vehicle crossing from Mead Road which is an unclassified Highway. There are no records of any accidents at this point and in addition it would appear that the current site access is operating without any problems. The replacement of the existing garage facility with a single dwelling is not likely to significantly increase the volume of traffic accessing the site. Therefore no Highway objection is raised.

## 2. CONCLUSION AND RECOMMENDATION

- 2.1. There is a fundamental point that has to be given considerable weight in determining this application. The site has the benefit of an extant permission to develop. That grant of permission in January 2011 (10/01754/FUL) clearly establishes the principle of development of the site by a modest, detached dwelling. It is considered that, on balance, the current proposal is better in terms of design and potential impact on neighbours than that already granted permission. It is recommended therefore that permission should be granted for the dwelling now proposed subject to the conditions that appeared in the main Committee report. In addition, however, it is considered that the following condition should also be imposed in the event of permission being granted. This should ensure that the levels and heights claimed by the applicant's agent in the submission are adhered to.
10. Prior to the commencement of development, plans showing the existing and proposed ground levels and slab levels of the proposed and adjacent buildings shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented strictly in accordance with the agreed details.

Reason: To ensure a satisfactory relationship of the proposed building with the adjoining properties and land in accordance with Local Plan Policies CP4 and CP7 relating to safe and sustainable living, and design.

<b>APPLICATION NO:</b> 13/00614/FUL	<b>OFFICER:</b> Miss Michelle Payne
<b>DATE REGISTERED:</b> 22nd April 2013	<b>DATE OF EXPIRY:</b> 17th June 2013
<b>WARD:</b> College	<b>PARISH:</b> None
<b>APPLICANT:</b> Dr Louise Jelly	
<b>AGENT:</b> Mrs Diana Jones	
<b>LOCATION:</b> 111 Old Bath Road, Cheltenham ,	
<b>PROPOSAL:</b> Split level single storey rear extension	

**RECOMMENDATION:** Permit



This site map is for reference purposes only. OS Crown Copyright. All rights reserved Cheltenham Borough Council 100024384 2007

## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 This is a householder application for the erection of a split level extension to the rear of 111 Old Bath Road, a large semi-detached dwelling which occupies a generous plot on the west side of Old Bath Road, opposite the East Glos Club. The property is currently served only by a relatively small kitchen for the size of the property and the extension would accommodate a new enlarged kitchen/family room, with the existing kitchen being converted to a study.
- 1.2 The application site is located within the College Character Area, one of 19 character areas that together form Cheltenham's Central Conservation Area, and the property is identified on the Townscape Analysis Map as being a positive building.
- 1.3 The property is red brick with a pitched slate roof and a mix of timber and uPVC windows and doors; living accommodation is provided over four floors with a self-contained flat at lower ground floor/semi basement level. A full height gable projects to the front and rear of the property, with the main entrance being located in the side elevation. A detached garage is located alongside the dwelling to the south and there is an old single storey lean-to outbuilding to the rear on the boundary with the adjoining property.
- 1.4 The application is before planning committee at the request of Cllr Sudbury on behalf of the adjoining neighbour whose objections relate to a loss of light to a raised rear patio and lounge, and visual impact.
- 1.5 Members will visit the site on planning view.

## 2. CONSTRAINTS AND PLANNING HISTORY

**Constraints:**

Conservation Area  
Smoke Control Order

**Planning History:**

**CB19168/00**                      **PERMIT**                      **27th July 1989**  
Replacement of existing garage with new garage

## 3. POLICIES AND GUIDANCE

Adopted Local Plan Policies

CP 1 Sustainable development  
CP 3 Sustainable environment  
CP 4 Safe and sustainable living  
CP 7 Design

Supplementary Planning Guidance/Documents

Residential alterations and extensions (2008)  
College character area appraisal and management plan (2008)

National Guidance

National Planning Policy Framework

#### 4. CONSULTATION RESPONSES

None

#### 5. PUBLICITY AND REPRESENTATIONS

- 5.1 Letters of notification were sent out to six neighbouring properties. In addition, a site notice was posted and an advert published in the Gloucestershire Echo.
- 5.2 In response to the publicity, one letter of objection has been received from the adjoining neighbour at no. 109 Old Bath Road. As previously mentioned, the objection relates to a loss of light to a raised rear patio and lounge, and visual impact. The letter has been circulated to Members.

#### 6. OFFICER COMMENTS

- 6.1 The main issues when considering this application are design and neighbouring amenity.
- 6.2 The proposed extension has two distinct elements to it. The upper ground floor accommodation would be provided within a fairly traditional, red brick, gabled extension with a pitched slate roof, albeit contemporary feature glazing is proposed to the rear elevation. At lower ground floor, a wholly contemporary extension is proposed with a flat over-sailing roof and large amounts of glazing. A short internal staircase would link the two spaces internally, and would in turn provide a connection between the living space and the rear garden. Additional natural lighting would be provided by four roof lights within the pitched roof and a large lantern light in the flat roof. The extension would not be at all visible from the wider conservation area.
- 6.3 Officers consider that the extension is suitably subservient in size to the original building and would not adversely affect the character of the original property or locality, or cause harm to the integrity of the building, and therefore fully accords with the objectives of Local Plan Policy CP7 relating to design.
- 6.4 The objections raised by the adjoining neighbour have been duly noted. Although the pitched roof part of the extension would sit alongside the neighbour's raised patio, it would also be located alongside the existing full height gabled projection to the south, with its ridge height set in excess of seven metres below the ridge of the existing gable; it would not project beyond the existing gable. Officers therefore consider that any loss of light would be minimal and certainly not so significant as to warrant a refusal of planning permission on this point. When visiting this neighbouring property, the raised patio was greatly overshadowed by overgrown shrubbery and it was apparent that it had not been cut back for a number of years, and the neighbour confirmed this; the cutting back of this shrubbery could greatly improve the levels of daylight reaching this external seating area.
- 6.5 With regard to a loss of light to their lounge, this room has a dual aspect with two very large windows to the front elevation. It would therefore be hard to argue that levels of daylight reaching this room would be unduly affected.
- 6.6 The neighbour has also raised concern relating to the visual impact of the extension, and has suggested that a terracotta roof tile together with a painted finish would be more acceptable to them. However, the applicant has not chosen to pursue these materials and, in any case, these materials would not be supported by officers, particularly given the property's sensitive location within the conservation area. The palette of materials proposed by the applicant is considered to be entirely appropriate.

- 6.7 In addition, there are no issues arising with regard to loss of privacy or overlooking; in fact, the extension would improve the existing situation as currently the adjoining neighbour's raised patio allows unrestricted views over the applicant's garden.
- 6.8 It is therefore considered that the proposed extension would accord with Local Plan Policy CP4 relating to safe and sustainable living.
- 6.9 In conclusion, with all of the above in mind, the recommendation is to grant planning permission.

## **7. CONDITIONS**

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.  
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 development hereby permitted shall be carried out in accordance with Drawing Nos. 614.03 and 01571/03 received by the Local Planning Authority on 22nd April 2013.  
Reason: To ensure the development is carried out in strict accordance with the approved drawings.
- 3 The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.  
Reason: To ensure a satisfactory form of development in accordance with Local Plan Policy CP7 relating to design.

## **INFORMATIVES**

- 1 In accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 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.

- 2 The development has been tested against the following policies of the Development Plan and, in the opinion of the Local Planning Authority, is not in conflict with the following policies:

a) The proposal will not have any unacceptable impact on the amenity of adjoining land users or the locality - Local Plan Policy CP4 relating to safe and sustainable living.



b) The extension is subservient to the existing building and will not adversely affect the character of the original property or locality or cause harm to the integrity of the building  
- Local Plan Policies CP3 and CP7 relating to sustainable environment and design.

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<b>APPLICATION NO: 13/00614/FUL</b>		<b>OFFICER: Miss Michelle Payne</b>
<b>DATE REGISTERED: 22nd April 2013</b>		<b>DATE OF EXPIRY : 17th June 2013</b>
<b>WARD: College</b>		<b>PARISH: NONE</b>
<b>APPLICANT:</b>	Dr Louise Jelly	
<b>LOCATION:</b>	111 Old Bath Road, Cheltenham	
<b>PROPOSAL:</b>	Split level single storey rear extension	

### REPRESENTATIONS

Number of contributors	<b>1</b>
Number of objections	<b>1</b>
Number of representations	<b>0</b>
Number of supporting	<b>0</b>

109 Old Bath Road  
 Cheltenham  
 Gloucestershire  
 GL53 7DE

**Comments:** 15th May 2013  
 Letter attached.

**Comments:** 6th June 2013  
 Email attached.

Mr. Mike Redman, Director, Built Environment,  
Cheltenham Borough Council,  
P.O. Box 12,  
Municipal Offices,  
The Promenade,  
Cheltenham. GL50 1PP

Cheltenham Borough Council Environment Group			
PARSED TO			
REC'D	14 MAY 2013		
Requester		Type of Request	
Request Ref.		File Ref.	

Lustleigh Cleeve,  
109 Old Bath Road,  
Cheltenham,  
GLOS,  
GL53 7DE.

Your Ref: 13/00614/FUL

Our Ref: 1.Pl.0  
11<sup>th</sup> May 2013

Dear Mr. Redman,

With regards to the planning application No. 13/00614/FUL appertaining to 111 Old Bath Road, Cheltenham, GL53 7DE, for a split level extension. I do have the following objections.

**Visual Impact.**

The very large and high extension is right on our middle boundary wall and being a Victorian semi-detached house, it is a great mass of solid building against the side wall of our patio and less than 1.2m from our lounge doors, extending for some 4.5m at a height from ground level of 6.0m. As our houses are on a slope this makes the height of the extension above the floor level of our patio 4.3m. Making a large black slate mass.

The extension then drops to a height of 3.0m which makes it approximately 1.3m above our lower boundary brick wall. At this point it has a flat roof and a width of 5.0m and extends for a further 5.4m in length.

The high part of the extension bordering our patio and extending a further 2.1m beyond it will not only block out practically all the sunlight and most of the sky but lessen the light level drastically in our lounge, making it a very dismal room, instead of the bright sunny one it is in the afternoons at present.

To be looking at the vast expanse of tiles so close will be appalling. We love this house and have lived here for 48 years.

The pitch of the extension's roof is extremely high, causing a solid mass of new building which could well be out of keeping with our Victorian houses and ruin their back elevations, especially as they are very tall and so can be seen for a considerable distance.

The massive lower long flat roofed part of the extension is very modern in both design and construction and is completely out of keeping with the rest of the house.

**Amenity**

There is no Amenity in this new building as far as we are concerned, only disadvantage.

Especially when you bear in mind that the alterations that Mrs. Louise Silva (our neighbour) wishes to achieve can easily be made within the house with very little trouble and much less expense and no damage to the internal look of the house.

Do please see the enclosed letter to Louise with the rough outline of the method of alteration which would not detract at all from the building, either inside or out.

Thank you very much for what I am sure will be a very thoughtful and caring decision which ever way you decide.

Yours sincerely

A solid black rectangular redaction box covering the signature area.A large solid black rectangular redaction box covering the address area.

[REDACTED]  
111 Old Bath Road  
Cheltenham  
Glos.  
GL53 7DE

109 Old Bath Road  
Cheltenham,  
Glos.  
GL53 7DE.

[REDACTED]  
01.05.2013

Dear [REDACTED]

I thoroughly enjoyed seeing your garden flat. I thought the alterations you had made were fabulous! It really looked most attractive and what impressed me so much was the fact that the main rooms were still such a good size in spite of the two extra bathrooms.

I'm afraid that now I must come to a more serious note. It has been suggested that I write to you rather than popping round to have a chat (though of course we can do that as well).

When we came to study the new plans for your kitchen extension bordering our lounge and my bedroom windows and the patio, it appeared that not only will our sun light still be cut down very badly but that the lack of light in our lounge in the afternoon will turn a normally pleasant room in to a really dull and depressing place, looking out on to a patio in deep shadow, with half the sky blocked out, instead of being one of the nicest rooms in the house.

You are very lucky because your semi-detached house faces East, South, West and therefore gets the sun all day long. (Even so you had a tree cut down in the front of your house because it cast a shadow over a small part of your frontage.) Ours faces East, North, West, which means we only get the sun in the afternoon from about 2 until 5 o'clock. It is lovely sitting on the patio then and the sun floods in to the lounge. To lose that would be a tragedy for us, especially as you could alter the inside of your house to give exactly what you want.

It was interesting to hear that David Cameron has suggested that the planning authorities should be aware of the removal of the neighbours sun and light when considering a planning application.

The pitch of the extension's roof is extremely high causing a solid mass of new building which could well be out of keeping with our two lovely old Victorian houses and ruin their back elevations. This especially applies because they are tall and can be seen for a considerable distance.

The massive lower long flat roofed part of the extension is very modern in both design and construction and is completely out of keeping with the rest of the building.

It would be so sad to spoil two such nice houses.

Have you thought of possibly altering the house internally to give you the lovely big family kitchen that you would like and still keep the necessary number of bedrooms etc. that you need?

Mike and I very nearly did this years ago, and then the boys went off to University and we didn't bother in the end. (I think we bought the boat instead!) We wanted to make Mike a separate study by using approximately a third of the big long (18'6" x 14') centre bedroom, so we decided to knock



a big window in the west wall of the room (which as you know, we did). Then the plan was to remove the bedroom door and make it in to an arch. Being such big doorways that could look very nice. Then put a partition a third of the way across so that one had a good sized, approximately 12' x 14', square bedroom with its big window facing out over the Tennis club and a some what narrower room with its big window facing out over the back garden, making a bright and sunny study.

One could then put a small partition across the near width of the study and put in, say, a 2' 3" door, and along the end line of the right angle of the tiny corridor, put another door into the bedroom. One could light this small area with a glass fan-light over the study door.

Then downstairs you could strip out the present kitchen and turn it in to the second sitting room and make the present dining room in to your gorgeous large new kitchen. You could knock out the arch in its west wall, putting in glass windows and two patio doors leading out on to a large patio. I have always wanted to increase the size of our patio, giving it a rounded edge with wide round steps leading in two gentle flights down to the lawn in the garden. With pot plants and lights it could look gorgeous. I used to imagine the wonderful Barbecues, one could have. With your kitchen doors opening on to it, it would be a tremendous asset!

It would cost so much less that you would probably make a very considerable saving.

You might also have enough height to have a sizeable 'shed' for garden equipment under the higher part of the patio.

I do hope that this idea might be helpful. It would be lovely to have something that we would both be equally happy with.

Take care of yourself and don't get too tired ferrying all the children around. I used to do that myself and know exactly how exhausting it can be!

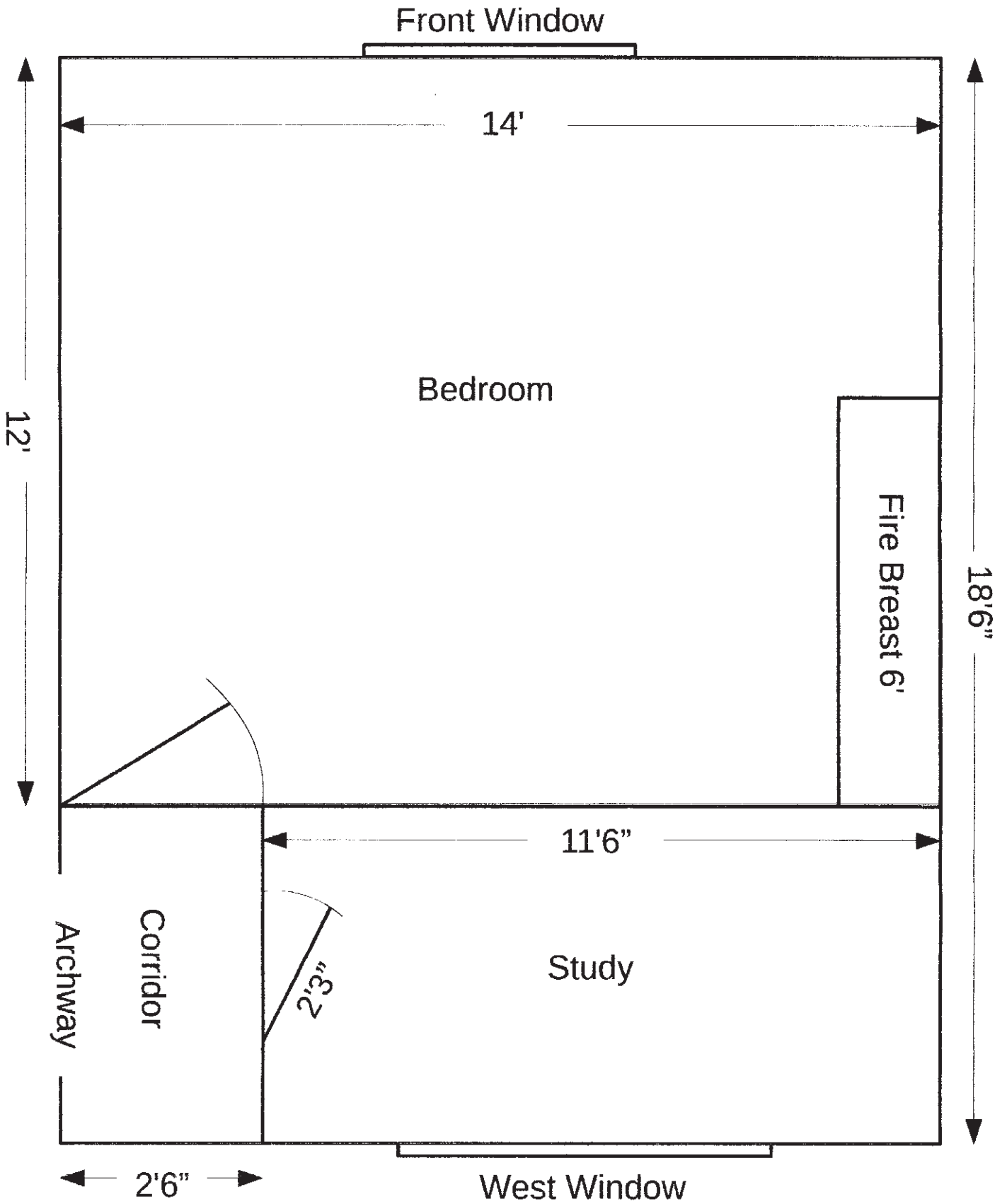
With kind regards

from



Copy to Mr Mike Redman, Miss Michelle Payne and Councillor Klara Sudbury.

### Front Of House (East Facing)



### Back Of House (West Facing)

First Floor Plan For Extra Room At 109 Old Bath Road  
As Example Of Possible Alterations For 111  
(measurements approximate).

**From:** Internet - Built Environment  
**Sent:** 06 June 2013 09:14  
**To:** Internet - Planning Comments; Payne, Michelle  
**Subject:** FW: Ref.No.13/00614/FUL

-----Original Message-----

**From:** [REDACTED]  
**Sent:** 05 June 2013 22:37  
**To:** Internet - Built Environment  
**Subject:** Ref.No.13/00614/FUL

To The Director. Built Environment.

Re Proposal: Split level single storey rear extension at 111 Old Bath Road, Cheltenham GL53 7DE. Ref. No. 13/00614/FUL

Objection: From [REDACTED] 109 Old Bath Road, Cheltenham, GL53 7DE

Dear Mr. Redman

I do understand how much Dr. Louise Jelly wants her extension but sadly I am afraid that having this new building right on our party wall and under 2m from our lounge doors is going to effect the quality of our lives.

I used to love sitting in the garden but unfortunately I have found for the last two or three years that I have difficulty in getting up and down the steep steps in to the garden. (The fact that I have a heart problem and am now getting a bit on the elderly side probably doesn't help!) With the result that I sit and relax on the patio and look out across the garden. It is beautiful and peaceful and I love it.

This will now feel much more enclosed by the dark mass of the new extension. It will cut down on the sun, the light and the sky and so will severely cut down on the amenity value of the patio and also our lounge.

Could one soften the effect of the building materials used? If you agreed to allow coloured roof tiles to go with the warm red brick of the house walls and have the external wall of the extension facing us, painted a pale colour. (white perhaps?) It would help enormously and yet not be visible to any one else except us. Not even to Louise in her garden.

It would reduce the negative impact of the new building very considerably and if you would agree, then we would cease to make any further objections.

This concession would be immensely appreciated by me and my younger son who also lives here and the rest of the family when they come and stay.

We have always got on very well with our neighbours and would hate to have bad feelings between us when such a small alteration to the plans could make such a difference.

I am hopefully looking forward to your help in this matter.

Yours sincerely  
[REDACTED]

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<b>APPLICATION NO:</b> 13/00614/FUL	<b>OFFICER:</b> Miss Michelle Payne
<b>DATE REGISTERED:</b> 22nd April 2013	<b>DATE OF EXPIRY :</b> 17th June 2013
<b>WARD:</b> College	<b>PARISH:</b> NONE
<b>APPLICANT:</b>	Dr Louise Jelly
<b>LOCATION:</b>	111 Old Bath Road, Cheltenham
<b>PROPOSAL:</b>	Split level single storey rear extension

### ADDITIONAL REPRESENTATION

Faithfull House  
Suffolk Square  
Cheltenham  
Gloucestershire  
GL50 2DT

**Comments:** 13th June 2013  
Letter attached.

Faithfull House, Suffolk Square, Cheltenham,  
Gloucestershire GL50 2DT



Cheltenham Borough Council

7 June 2013

Miss Michelle Payne, Planning Officer  
Cheltenham Borough Council  
POB 12 Municipal Offices  
The Promenade GL50 1PP

RECD		10 JUN 2013	
Date of Submission		Type of Response	
Initials		File Ref	

Dear Miss Payne

Ref. No. 13/00614/FUL

Re: Proposal: Split level single storey rear extension at 111 Old Bath Road, Cheltenham  
GL53 7DE

My position is a nearly 50 year friendship with the [redacted] family at 109.

From my semi independent position I see a difference between two ladies that have recently become neighbours.

The new neighbour has acquired 111 which she wishes to extend and develop it to be what she perceives to be the house of her dreams.

The owner of 109 has spent nearly 50 years making minor changes to the family home and is now, due to her health condition, wishing to relax and enjoy it with her family.

The proposed plans appear to provide significant benefit to the new neighbour to the loss of benefit of the long-term neighbour.

I think David Cameron said in his initiative regarding making planning easier that neighbourly relationships should not suffer.

How can the lady [redacted] at 109 who may be the loser be compensated? Perhaps her minor modification proposal should be approved.

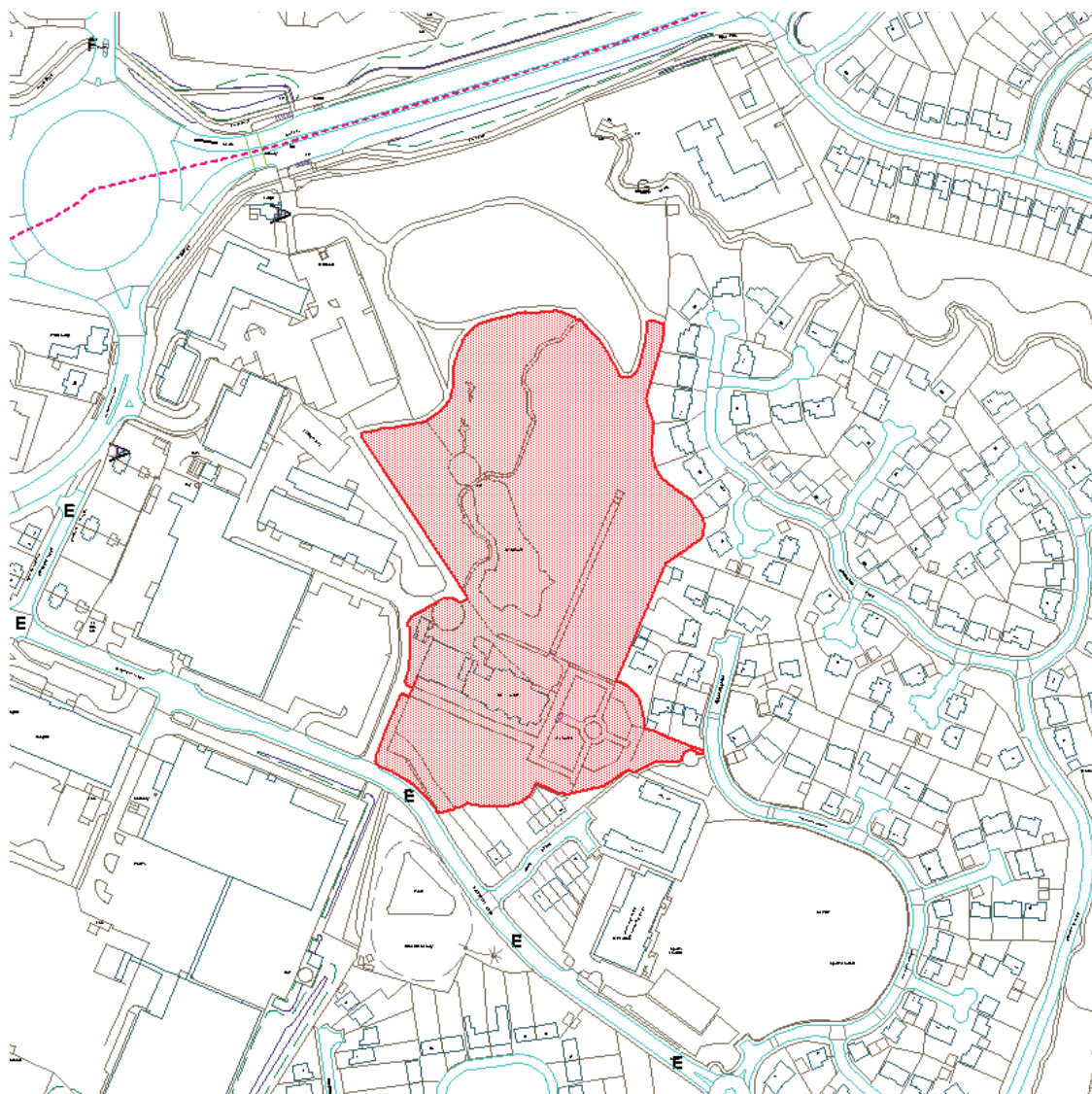
Yours sincerely,





<b>APPLICATION NO:</b> 13/00691/COU and LBC		<b>OFFICER:</b> Mr Martin Chandler
<b>DATE REGISTERED:</b> 2nd May 2013		<b>DATE OF EXPIRY:</b> 27th June 2013
<b>WARD:</b> Benhall/The Reddings		<b>PARISH:</b> None
<b>APPLICANT:</b>	Manor By The Lake	
<b>AGENT:</b>	Mr David Scott	
<b>LOCATION:</b>	The Manor By The Lake, Cheltenham Film Studios, Hatherley Lane	
<b>PROPOSAL:</b>	Proposed change of use from film studios and associated conference centre (use class B1) to wedding and function venue with overnight accommodation (use class Sui Generis) including extension and alterations to elevations and creation of studio accommodation within existing gate house	

**RECOMMENDATION:** Recommendation at Committee



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## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The applications seek to convert the application site from the current lawful use of film studios and associated conference centre (use class B1) to a wedding and function venue with overnight accommodation (use class Sui Generis). This includes the creation of some studio accommodation within the existing gate house.
- 1.2 Members will no doubt be aware that part of the established use of this site has been to host weddings and other functions; these applications seek to formalise this arrangement.
- 1.3 The applications are before planning committee at the request of Cllrs Fletcher and Britter. There is also a separate application at the same meeting for the erection of a pavilion and gazebo within the grounds of the site.
- 1.4 Members will visit the site on planning view.

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

### **Constraints:**

Listed Buildings Grade 2

### **Relevant Planning History:**

**13/00348/PREAPP PCO**

Change of use to wedding venue, including internal alterations and extension, listed building consent also required

**13/00383/FUL PDE**

Erection of pavilion and gazebo within grounds.

## 3. POLICIES AND GUIDANCE

### Adopted Local Plan Policies

CP 4 Safe and sustainable living

CP 7 Design

BE 9 Alteration of listed buildings

GE 6 Trees and development

TP 1 Development and highway safety

TP 6 Parking provision in development

### National Guidance

National Planning Policy Framework

## 4. CONSULTATIONS

### **Tree Officer**

*3rd June 2013*

No tree related information has been submitted as a part of this application.

It is not apparent how/where prospective guests are to park vehicles within the grounds of Manor by the Lake. Whilst there is some limited parking in front of the Manor itself, it is anticipated that there will be many more cars than is accounted for here. During an on-site meeting with a representative from Manor by the Lake (Brian Selby) on 8th May, I pointed

out that all trees within the grounds are protected by a Tree preservation Order and that I considered such a driveway through the woodland to the car park within the ownership of MBL unlikely due to damage to protected trees. A No-dig Construction method was suggested by Mr Welby, however I recommended that it may be worth formally engaging an arboricultural consultant to investigate and if possible, to submit detailed plans for such a road through the woodland demonstrating insignificant/acceptable tree damage/loss. Mitigating anticipated tree/shrub losses with generous detailed landscaping proposals to accompany a proposed management plan for the woodland would be welcome as a part of any such proposals

Without such submitted details, the Tree Section objects to these applications. Parking for such a conference centre/wedding and function venue is critical and currently, only very limited parking is available. Such problems need to be resolved as during the application, not subsequent to it.

**5. PUBLICITY AND REPRESENTATIONS**

Number of letters sent	<b>36</b>
Total comments received	<b>2</b>
Number of objections	<b>1</b>
Number of supporting	
General comment	<b>1</b>

- 5.1** Two letters of representation have been received in response to this application. Both comments make reference to the noise generated by the use of site for weddings and other functions. This is a material consideration and will be taken fully into account in the officer comments.

**6. OFFICER COMMENTS**

- 6.1** Officer comments will follow as an update to this report.

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<b>APPLICATION NO: 13/00691/COU</b>		<b>OFFICER: Mr Martin Chandler</b>
<b>DATE REGISTERED: 2nd May 2013</b>		<b>DATE OF EXPIRY : 27th June 2013</b>
<b>WARD: Benhall/The Reddings</b>		<b>PARISH: NONE</b>
<b>APPLICANT:</b>	Manor By The Lake	
<b>LOCATION:</b>	The Manor By The Lake, Cheltenham Film Studios, Hatherley Lane	
<b>PROPOSAL:</b>	Proposed change of use from film studios and associated conference centre (use class B1) to wedding and function venue with overnight accommodation (use class Sui Generis) including extension and alterations to elevations and creation of studio accommodation within existing gate house	

### REPRESENTATIONS

Number of contributors	<b>2</b>
Number of objections	<b>1</b>
Number of representations	<b>1</b>
Number of supporting	<b>0</b>

42 Redgrove Park  
Cheltenham  
Gloucestershire  
GL51 6QY

**Comments:** 8th June 2013

Noise problems from past experiences were often due to loud music and the use of a microphone. The existing function suite did not have appropriate air conditioning units installed therefore external doors from the function room were opened to allow a flow of fresh air. Of course, this also resulted with external noise pollution to boundary properties.

Therefore, could you please confirm that the new function suite will have appropriate air conditioning units installed?

47 Grace Gardens  
Cheltenham  
Gloucestershire  
GL51 6QE

**Comments:** 2nd June 2013

We have lived at 47 Grace Gardens since the house was built nearly 12 years ago. Whilst there has always been an occasional wedding in the garden or jazz evenings inside the house, we rarely suffered problems with noise until the last couple of years, when the number of weddings, evening parties etc increased dramatically. We are the closest house to the main entrance to the Manor, and the main problem we have had is with guests (usually smokers) congregating outside that entrance and talking loudly. Often they are shouting and using offensive language well into the early hours of the morning. We complained on numerous occasions about the noise, to no avail. There is supposedly an area round the other side of the house which smokers are told to use, but the previous owners did not seem able to enforce this.

Our concern with this change of use is that there will be an increase in the number of weddings/events held at the Manor which could lead to an increase in noise. We therefore object to this planning application on the grounds that it is likely to increase noise and anti-social

## Page 164

behaviour in what is a quiet residential area. We would urge the planning committee to visit the site before any applications are granted, so that they can understand just how close the Manor is to private houses. Committee members would be very welcome to visit us to appreciate just how close the main entrance to the Manor is to our home.

If the application is granted, we would ask the committee to place restrictions on the owner to ensure that noise ends at a reasonable hour, that entry/egress for guests is not from what has been the main entrance, and similarly cars/taxis are not allowed round that side of the house closest to private dwellings.

<b>APPLICATION NO:</b> 13/00691/COU	<b>OFFICER:</b> Mr Martin Chandler
<b>DATE REGISTERED:</b> 2nd May 2013	<b>DATE OF EXPIRY:</b> 27th June 2013
<b>WARD:</b> Benhall/The Reddings	<b>PARISH:</b> None
<b>APPLICANT:</b>	Manor By The Lake
<b>AGENT:</b>	Mr David Scott
<b>LOCATION:</b>	The Manor By The Lake Cheltenham, Film Studios, Hatherley Lane
<b>PROPOSAL:</b>	Proposed change of use from film studios and associated conference centre (use class B1) to wedding and function venue with overnight accommodation (use class Sui Generis) including extension and alterations to elevations and creation of studio accommodation within existing gate house

## Update to Officer Report

### 1. OFFICER COMMENTS

#### 1.1. Determining Issues

1.1.1. The key considerations in relation to these applications are the acceptability of the proposed use, including its potential impact on neighbouring amenity, the impact the proposals will have on the listed building and how the proposal may affect the protected trees on the site.

#### 1.2. The site and its context

1.2.1. The application site is a grade II listed building set in spacious grounds. The site was previously used as film studios but this has also evolved into a venue for weddings and conferences. This use has never been formalised and with the building now in new ownership, this application seeks to establish the use.

1.2.2. The trees on the site are covered by a blanket tree preservation order and the site is accessed from Hatherley Lane.

#### 1.3. The acceptability of the proposed use

1.3.1. As advised above, the recent history of the site has seen it used as a wedding and conference venue as an ancillary part of the wider film studio use.

1.3.2. It is apparent that this use does generate noise but members should note that the application has only given rise to three letters of representation (one of which relates to parking provision).

1.3.3. Impact on neighbouring amenity will be considered in the following section of this report but subject to this being adequately controlled, the use would be appear to be appropriate in this location.

#### 1.4. Impact on neighbouring property

1.4.1. Local plan policy CP4 considers impact on neighbouring amenity and advises that permission will only be granted where development does not have an unacceptable impact on neighbouring amenity. In light of the comments received by neighbours the applicant has provided the following comments in response:

*We do not agree that the proposed change of use will result in any increase in noise or anti-social behaviour.*



*A designated smoking area has been created which is significantly further away from the main entrance to the Manor and adjacent to the planned ballroom. Smoking is no longer permitted outside the front door, a rule which is enforced by staff during (and at the end of) weddings and other events as well as at other times.*

*Similarly, there is a tarmac area in front of the proposed ballroom which will be the main entrance/exit for guests attending functions and which provides adequate room for taxis to collect guests at the end of an evening. The vast majority of evening functions will take place in the ballroom, with guests using the facilities in that area of the building which is located further away from neighbouring properties than the existing function rooms and bar/evening suite. Consequently we anticipate a reduction for neighbours in the level of audible noise created by evening functions, not an increase.*

*Accordingly the main front door entrance to the Manor will be closed in future during the evening and be unavailable for normal use by guests. Use of the car park in front of this entrance for parking, or for use by taxis, will not be permitted and will be prevented by a suitable barrier between the stone piers at the entrance to this area. As already stated, smoking will not be permitted underneath the arches at the front of the building.*

*Whilst we cannot comment on the experience of neighbours whilst under the previous ownership of the Manor, we will ensure that our staff possess a suitable level of experience and training to enforce these arrangements with regard to smoking, parking, taxi pick-ups and, where necessary, the behaviour and noise level of guests generally. We have a clear organisational structure with accountabilities and operating procedures to support this (based upon our successful experience of running a similar event venue for several years).*

*We are anxious to avoid any repetition of problems local residents may have experienced in the past and maintain good relations with all our neighbours by avoiding unwarranted noise or disturbance. We are confident that our proposals and supporting arrangements will achieve this.*

1.4.2. The Council's Environmental Health team have considered the proposals and subject to the two suggested conditions (relating to noise spillage and kitchen extraction equipment) no objection has been raised.

1.4.3. Officers do not consider that the change of use to a wedding and function venue will unacceptably harm amenity. The use has already been taking place as an ancillary aspect to the film studios; this application allows matters to be formalised and gives the LPA a greater level of control over how the site is managed. Subject to the conditions suggested by Environmental Health, it is considered that the proposal is fully compliant with the provisions of local plan policy CP4.

#### 1.5. Listed building considerations

1.5.1. At the time of writing this report, the consultation response from the conservation officer had not yet been received. The conservation team were fully involved at pre-application stage but comments on this application are necessary before the committee can make a decision. Upon receipt of the comments, members will be updated.

#### 1.6. Trees

1.6.1. Members will be aware from the initial officer report that the tree officer has raised concern in relation to car parking, with the suggestion that a driveway through the woodland was being considered. Members should note that this does not form part of this application; this proposal purely relates to the use of the building and some internal alterations. A driveway of this nature would require planning permission in its own right and if an application is made, the impact on the trees would be a material consideration at this point.

1.6.2. The general comment about car parking, whilst not a tree specific issue, is something that the applicant is giving consideration to, and it is anticipated that a parking strategy with a greater level of detail will be received in advance of the committee meeting. Members will be updated regarding this matter by way of update.

#### 1.7. Access and highway issues

1.7.1. It is not anticipated that the use will result in significantly greater levels of traffic than is currently generated by the site. Members are aware that the premises are currently used for similar purposes (albeit without the formal issuing of planning permission) and whilst this has generated concerns from a noise perspective, the access road has performed in a perfectly acceptable manner. Officers have requested additional information to clarify car parking arrangements but the site does benefit from 30 spaces. Subject to this clarification being acceptable, no objection will be raised relating to highway considerations.

## 2. CONCLUSION AND RECOMMENDATION

2.1. To conclude, it is considered that the proposed use is acceptable subject to the final comments being received from the Council's conservation and heritage manager – these will be issued by way of an update to this report.

2.2. The use will not compromise neighbouring amenity to an unacceptable degree (subject to the restrictive conditions suggested by Environmental Health) and the trees will not be affected. Furthermore, subject to clarification over parking arrangements, the proposal is acceptable in highway terms.

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<b>APPLICATION NO:</b> 13/00691/COU	<b>OFFICER:</b> Mr Martin Chandler
<b>DATE REGISTERED:</b> 2nd May 2013	<b>DATE OF EXPIRY :</b> 27th June 2013
<b>WARD:</b> Benhall/The Reddings	<b>PARISH:</b> NONE
<b>APPLICANT:</b>	Manor By The Lake
<b>LOCATION:</b>	The Manor By The Lake, Cheltenham Film Studios, Hatherley Lane
<b>PROPOSAL:</b>	Proposed change of use from film studios and associated conference centre (use class B1) to wedding and function venue with overnight accommodation (use class Sui Generis) including extension and alterations to elevations and creation of studio accommodation within existing gate house

### ADDITIONAL REPRESENTATION

Dowty Aerospace  
Hatherley Lane  
Cheltenham  
Gloucestershire  
GL51 0EU

**Comments:** 12th June 2013  
Letter attached.

**From:** Chandler, Martin  
**Sent:** 12 June 2013 15:06  
**To:** Internet - Planning Comments  
**Subject:** FW: Online comment form - Reference planning applications 13/00691/COU &LBC

-----Original Message-----

**From:** Internet - Customer Relations  
**Sent:** 12 June 2013 11:13  
**To:** Chandler, Martin  
**Subject:** Online comment form - Reference planning applications 13/00691/COU &LBC

Hi Martin

Can you respond to the comment below please?

Many thanks  
Emily

Emily Adams  
Customer Relations and Research Officer  
Room 126  
Municipal Offices  
Cheltenham Borough Council  
Tel 01242 774931  
E-mail emily.adams@cheltenham.gov.uk  
or customerrelations@cheltenham.gov.uk

COMMENT – 12/6/13 10:33

C3 Church  
The Pavilion  
Hatherley Lane  
Cheltenham  
Glos  
GL51 6PN

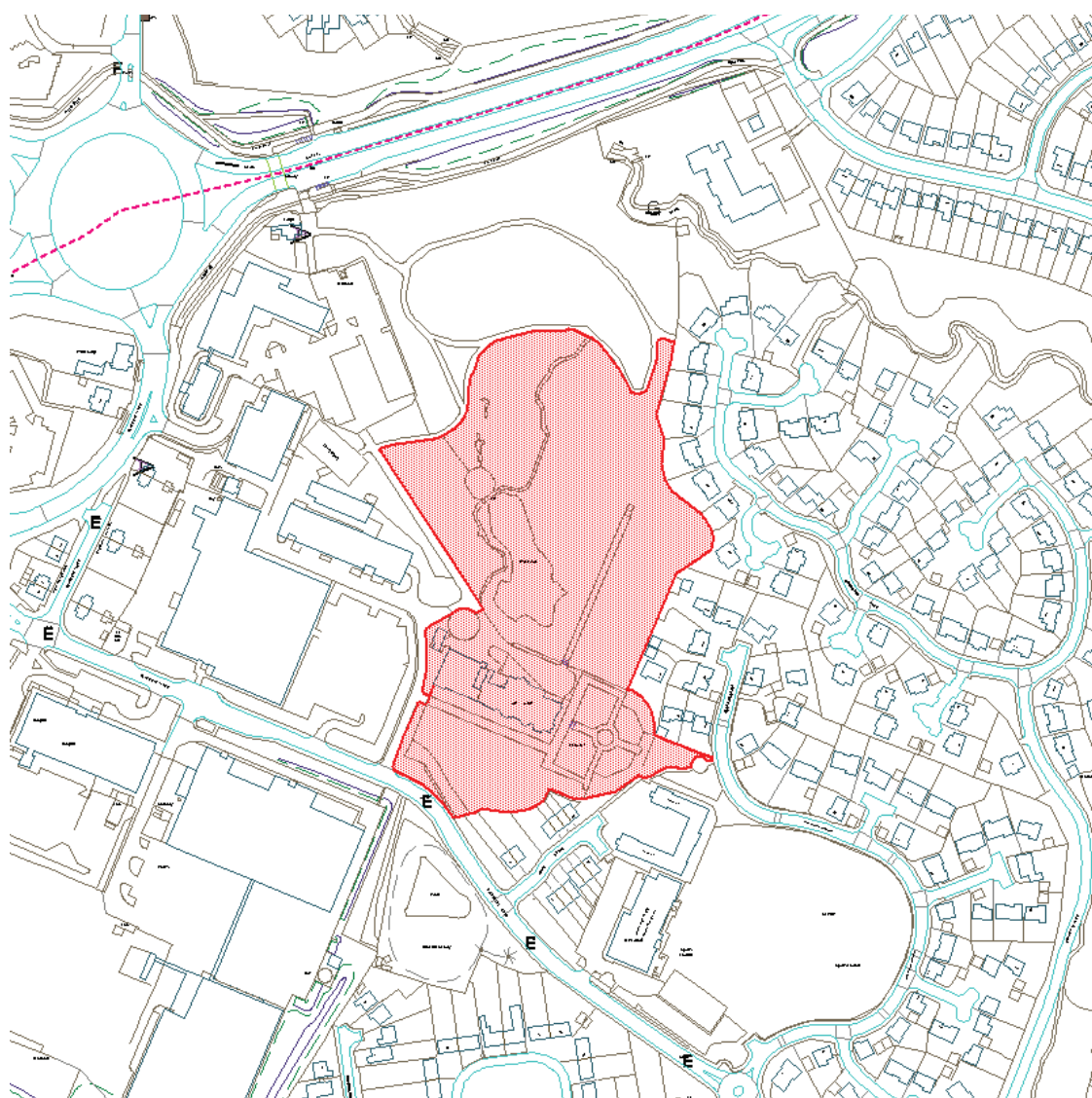
"Dear Mr Chandler  
Reference planning applications 13/00691/COU &LBC

Whilst delighted that the Manor is going to be put to a good use and not left to deteriorate I would like to know what arrangements in the development of the site are being made for parking. The previous owners used our car park occasionally when they had large events on (which we were happy to help with, likewise with the model railway engineers) but since it has been taken over the new owners are requesting parking spaces on a weekly basis. This is not always possible and is beginning to raise some concerns with my building manager that once the site is up and running there are going to be some difficulties with parking locally. Is there a requirement for the new owners to provide a certain number of parking spaces, and are there other car parks they can negotiate with (we are not the only ones in the area, there are others closer to them). Whilst we are happy to help we need to be able to provide sufficient spaces ourselves for those using the Pavilion. I would be grateful if you could let me know what provision is being made for this.  
yours sincerely

SERVICE - Mr M Chandler, Planning  
RESPONSE - Yes

<b>APPLICATION NO:</b> 13/00383/FUL	<b>OFFICER:</b> Mr Martin Chandler
<b>DATE REGISTERED:</b> 8th March 2013	<b>DATE OF EXPIRY:</b> 3rd May 2013
<b>WARD:</b> Benhall/The Reddings	<b>PARISH:</b> None
<b>APPLICANT:</b>	Manor By The Lake Ltd
<b>AGENT:</b>	David Scott
<b>LOCATION:</b>	The Manor By The Lake Cheltenham, Film Studios, Hatherley Lane
<b>PROPOSAL:</b>	Erection of pavilion and gazebo within grounds.

**RECOMMENDATION:** Recommendation at Committee



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## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application proposes the erection of a gazebo and pavilion structure within the grounds of Manor by the Lake to be used for wedding ceremonies. Members will be aware that another application on this month's agenda seeks to formalise the use of the building as a wedding venue.
- 1.2 The two structures sit in quite separate locations on the site and members will visit the site on planning view.
- 1.3 The application is before committee at the request of Cllrs Fletcher and Britter to allow the committee to consider the impact of noise on neighbouring amenity.

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

### **Constraints:**

Listed Buildings Grade 2

### **Relevant Planning History:**

**13/00691/COU PDE**

Proposed change of use from film studios and associated conference centre (use class B1) to wedding and function venue with overnight accommodation (use class Sui Generis) including extension and alterations to elevations and creation of studio accommodation within existing gate house

**13/00691/LBC PCO**

Internal and external alterations to facilitate change of use from film studios and associated conference centre (use class B1) to wedding and function venue with overnight accommodation (use class Sui Generis)

## 3. POLICIES AND GUIDANCE

### Adopted Local Plan Policies

CP 4 Safe and sustainable living

CP 7 Design

GE 3 Development within extensive grounds

GE 5 Protection and replacement of trees

GE 6 Trees and development

### National Guidance

National Planning Policy Framework

## 4. CONSULTATIONS

### **Environmental Health**

*24th April 201*

I have reviewed the application and offer the following comments:

The application states that the structures will be used for "wedding ceremonies and as outside gathering points". In my discussion with the applicant's agent he agreed this would include use as a smoking shelter for guests. The application also states that there will be no "amplified sound" from either installation, and I would recommend that this is made enforceable by including a condition on the following lines:



Condition 1:

No amplified sound of any type, including amplified voices and amplified live or recorded music shall be played either in the Pavilion or Gazebo, or externally during use of either the Pavilion or Gazebo.

Reason:

To protect the residents of neighbouring property from loss of amenity due to noise from amplified sound either in or accompanied with the use of these structures.

I am concerned that unrestricted use of the structures by guests, in particular the gazebo will lead to loss of amenity for the residents of neighbouring properties, particularly in their own garden areas. I therefore recommend a condition on the following lines:

Condition 2:

The pavilion and gazebo shall only be used for the conducting of wedding services, and only between 9AM and 6:00PM, daily.

Reason:

To protect residents of neighbouring property from loss of amenity due to noise from unrestricted use of these structures.

If you have queries, let me know.

**Revised comments**

*10th May 2013*

In the light of my visit to the site last week I would like to revise my comments on use of the pavilion and gazebo structures:

I am happy that the use of low-key background music and a small PA system to ensure that all guests can hear the ceremony is appropriate for this use of the site, but that there should be some restrictions to ensure that use is not excessive. I would therefore recommend that a condition on the following lines is applied to any permission granted for this application:

Condition:

Use of the gazebo and pavilion shall be limited to conducting weddings, civil ceremonies, blessings and similar events. Use of these structures shall be limited to the hours of 8AM - 9PM, and for a maximum duration of 1 hour each day.

Reason:

To protect the amenity of residents of nearby property.

If you have any further queries, please let me know.

**Tree Officer**

*27th March 2013*

The Tree Section does not object to this application in principal however there only seems to be one drawing- the gazebo or Pavilion-there are 2 pictures but there is only one structure shown!

However in that the area is surrounded by TPO'd trees, please could a Tree Protection Plan be submitted and agreed prior to the determination of the application. This TPP should show the exact location of any proposed protection as well as the type of protection intended. It should also include any details of any ground protection.

**Cheltenham Civic Society**

4th April 201

No comment

**Heritage And Conservation**

13th March 2013

Comments:

1. The principle of the erection of these two structures is acceptable, subject to their detailed design and proposed materials.
2. Their proposed locations within the gardens are acceptable, subject to the tree officer's report.
3. The Design and Access Statement appears to contain an error. The title under the photograph of the proposed location of the gazebo is labelled "site of proposed bandstand". I suggest that this is corrected to avoid any future misunderstandings.
4. Again the Design and Access Statement states that the base of the bandstand will be natural stone but the drawings as proposed indicate a concrete base. Which is correct and what is being proposed?
5. However I have concerns about the design of the proposed bandstand and whilst I recognise it is a "kit/pre-fabricated" building and that in itself is not an issue, my comments about the detailed design are as follows-
  - a. The proposal to have a reproduction style bandstand is acceptable provided that the shape form and overall design is acceptable.
  - b. However in my opinion the proportions of this bandstand are poor. The roof shape lacks height and consequently the structure has a strong horizontal emphasis, appears squat and inelegant. Each side section is as wide as it is high, again making the whole structure appear inelegant.
  - c. Frequently historic bandstands are raised on a podium and therefore have a more vertical proportion. Whilst the proposal to not have a podium is acceptable, it does accentuate the squatness of the proposed design.
  - d. In addition the side panels relate poorly to the base of the columns and the lack of roof over hang is visually mean.
  - e. The materials are also a potential problem. Notwithstanding the above comments about the shape and form of the roof, a GRP roof is not acceptable. I also remain to be convinced that the cast aluminium structure is acceptable. I would need a small sample of the proposed casting to help convince me that the end result would not appear as a "Disney like" facsimile of a Victorian band stand.
6. I also have concerns about the proposed gazebo and my detailed comments are as follows –
  - a. GRP roof is not acceptable.
  - b. What type of stone is proposed for the base?
  - c. What type of metal is the frame made out of and how is the frame to be made (ie cast metal or wrought)?
  - d. The detailed proposals for the framework need to be provided now in order to understand the design.
7. Whilst the principle of the proposals is acceptable the detailed design of both structures is not acceptable.

**RECOMMENDATION: PLEASE ASK THE APPLICANT TO PROVIDE REVISED DESIGN AND ADDITIONAL INFORMATION OR REFUSE**

**5. PUBLICITY AND REPRESENTATIONS**

Number of letters sent	<b>24</b>
Total comments received	<b>26</b>
Number of objections	<b>26</b>
Number of supporting	
General comment	

**5.1** In response to the publication, 26 letters of objection have been received. The majority of these objections relate to the potential noise generated by the two structures in terms of music, outside guests, fireworks and just a general increase in outdoor activity. Residents have also raised concerns relating to traffic implications.

**5.2** These matters are material planning considerations and will be considered in the main body of the report.

**6. OFFICER COMMENTS**

**6.1** Officer comments will follow by way of an update.

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<b>APPLICATION NO:</b> 13/00383/FUL		<b>OFFICER:</b> Mr Martin Chandler	
<b>DATE REGISTERED:</b> 8th March 2013		<b>DATE OF EXPIRY :</b> 3rd May 2013	
<b>WARD:</b> Benhall/The Reddings		<b>PARISH:</b> NONE	
<b>APPLICANT:</b>	Manor By The Lake Ltd		
<b>LOCATION:</b>	The Manor By The Lake, Cheltenham Film Studios, Hatherley Lane		
<b>PROPOSAL:</b>	Erection of pavillion and gazebo within grounds.		

### REPRESENTATIONS

Number of contributors	<b>26</b>
Number of objections	<b>26</b>
Number of representations	<b>0</b>
Number of supporting	<b>0</b>

27 Redgrove Park  
Cheltenham  
Gloucestershire  
GL51 6QY

**Comments:** 27th March 2013

Despite living next to this proposed development we have not been notified.

My primary objection is on noise grounds. Events at the Manor currently cause disturbance with music and fireworks late into the night. This proposal, if allowed, will make this situation far worse and intolerable for anyone leaving close by.

It is inappropriate for such a facility to be created in the midst of a residential area given the noise it will regularly create.

Traffic on Hatherley Lane has already seen a significant increase with the opening of ASDA, B&Q and the new office developments. This proposal will bring a further increase.

15B Wade Court  
Cheltenham  
Gloucestershire  
GL51 6NL

**Comments:** 22nd March 2013

I object to the proposed developments due to noise and traffic related concerns.

My property is very close to the area of the proposed gazebo. It is highly likely that guests will be congregating in this area of the grounds during functions, probably with live or piped music being played during elements of wedding services involving the gazebo. The plans contain no information regarding measures to control noise pollution and are therefore unacceptable given the proximity to my property.

Residents are already effected by noise from The Manor on the Lake from guests, music and fireworks sometimes very late into the night. If the venue is developed as proposed with a larger

capacity and increased frequency of use the level of noise pollution increase beyond tolerable levels.

39 Grace Gardens  
Cheltenham  
Gloucestershire  
GL51 6QE

**Comments:** 31st March 2013

I object to this planning application on the basis of the potential noise which will be created through the use of both structures. There is a very high probability of regular disturbance during the day and at night, to residents in Grace Gardens, Wade Court and Redgrove Park from both loud music and large numbers of people congregating.

Noise from Manor by the Lake has been a problem in the past. My house is approx 40 metres from the formal garden and on occasions external music has been so loud that I have not been able to hear the television in my house, even with all the (double glazed) windows closed.

Whilst this may be tolerated on very rare occasions, it is likely that the frequency of outside noise will greatly increase, both from the need to make the business successful and from the fact that these outside structures will exist for such use. This would be an unacceptable level of disturbance.

50 Grace Gardens  
Cheltenham  
Gloucestershire  
GL51 6QE

**Comments:** 31st March 2013

We are writing with regard to the planning application 13/00383/FUL submitted by Manor By The Lake Ltd for the erection of a Bandstand and Gazebo' on their land.

Our house and Garden is situated adjacent to the Manor on the Lake land and in close proximity to the area where the proposed structure is to be located. Consequently the use to which it will be put and the frequency of use is of some concern to us, particularly as this is not made clear in the application.

In the Oxford English Dictionary Bandstand is defined as being a covered outdoor platform for a band to play on, typically in a park. A Gazebo is defined as being a small building, especially one in the garden of a house, that gives a wide view of the surrounding area.

As the structure has been specifically described but the use not stated at all it is possible that it could, or will, be used for live, or pre-recorded music events associated with their intended increase in wedding events.

We wish to register our objection to the application until the use that the structure will be put to has been made clear and request that any decision on the application is deferred until this has been clarified and conveyed to the interested parties, such as ourselves, and that they be given further time to consider the matter and respond accordingly. We would strongly object to loud and regular music being played so close to our residence.

43 Redgrove Park  
Cheltenham  
Gloucestershire  
GL51 6QY

**Comments:** 27th March 2013

We have had problems in the past with various weddings, and other events. Noise is the main concern and on one occasion we had so much debris on both front and back lawns as a result of firework displays that it took several hours for my husband, son and son in law to clear the rubbish away and make it safe for our grandchildren to play safely in the garden. A bandstand will certainly result in loud music and more noise. My house backs onto Arle Court gardens. I object strongly to the proposed development.

42 Redgrove Park  
Cheltenham  
Gloucestershire  
GL51 6QY

**Comments:** 15th March 2013

My objection is the build of the bandstand pavillion.

The proposal is to build a bandstand that is very close to my home and I am concerned about noise from both the music and the audience.

The application is incomplete:

- no hours are given ( Section No.20 ) when the bandstand music will operate?
- will the bandstand include electrics for amplified music and the use of a microphone?

6 Grace Gardens  
Cheltenham  
Gloucestershire  
GL51 6QE

**Comments:** 23rd March 2013

I am not keen and therefore object to the proposed development due to noise and traffic related concerns.

More traffic on Hatherley Lane which has already seen a considerable increase as a result of B & Q and more recently ASDA.

The proposed development is surrounded by residential areas. A wedding venue will inevitably include music and outside celebration, which is no bad thing on the odd occasion, but for us living around the area, when we experience the noise on a weekly basis, is not acceptable. We all assume that this will include late night noise. In the summer, celebrations are likely to be held outside.

We have been already affected by noise from Manor on the Lake from both party goers and fireworks which can be very late at night.



11 Redgrove Park  
Cheltenham  
Gloucestershire  
GL51 6QY

**Comments:** 21st March 2013

I object on the grounds of noise pollution. If the people making the decision to allow this proposal through lived near this venue, they would reject it. A busy wedding venue with an outdoor bandstand will make it impossible to enjoy our gardens in peace or to 'sleep' (sleep being the operative word) with windows open.

42 Grace Gardens  
Cheltenham  
Gloucestershire  
GL51 6QE

**Comments:** 29th March 2013

It is difficult to gauge the number of late night weekly events that could take place, but I imagine for the business to be successful they would be looking to fill as many nights as possible. With the potential facilities it is possible this will be weddings and functions such as birthdays, prom events and I guess corporate events through the day.

The noise through the event and late into the night is a great concern, which will be made worse if it happens 4 or 5 nights week - week after week.

Another concern is the increase in traffic, both for those working at the venue including setting up and clearing away at the end, as well as the guests. If the car parking facilities are not sufficient (for the 30 potential jobs plus guests), cars will be parking in the surrounding roads where there is very limited safe parking available. This could be a problem both during the day and late into the night.

Bringing new jobs into an area is always welcome, but this venue is far too close to a residential area.

40 Grace Gardens  
Cheltenham  
Gloucestershire  
GL51 6QE

**Comments:** 15th March 2013

My objection is also to the build of the bandstand pavillion.

The proposal is to build a bandstand that is close to my home and I am concerned about noise from both the music and the audience particularly as I have a young family.

The application is incomplete:

- no hours are given ( Section No.20 ) when the bandstand music will operate?
- will the bandstand include electrics for amplified music and the use of a microphone?

29 Redgrove Park  
Cheltenham  
Gloucestershire  
GL51 6QY

**Comments:** 3rd April 2013  
Letter attached.

25 Century Court  
Montpellier Grove  
Cheltenham  
Gloucestershire  
GL50 2XR

**Comments:** 19th March 2013

This application is likely, by its very nature, to generate even more traffic on Hatherley Lane which has already seen a considerable increase as a result of other nearby developments eg ASDA and office units. I am objecting on behalf of my mother who lives at Wade Court and already finds getting in and out of Wade Court by car increasingly difficult. Weekdays are worst but this new application is likely to increase traffic volumes at the weekends as well.

The proposed development is surrounded by residential areas. A wedding venue will inevitably include provision for music and outside celebration. This will include late night noise which, even if controlled to some extent by licence arrangements, will still mean that local residents could experience noise and music for much of every weekend. In the summer, celebrations will be held outside and the noise will carry. The nearby Dowty Social Club recently became a church which has meant that the open space has been preserved but is used by the church as a way of generating income by letting it out. This means that residents at Wade Court experience almost non stop use of the open space all year round for sports activities for children and adults.

These activities are also noisy, with residents feel almost permanently subjected to shouting and shrieking. As residents, they accept that the open space should be used and enjoyed but the prospect of yet more noise being generated by the proposed wedding venue means that they will literally be surrounded by noise, comings and goings and activity. Surely the residents who already live in the area are entitled to some peace and quiet?

37 Redgrove Park  
Cheltenham  
Gloucestershire  
GL51 6QY

**Comments:** 24th March 2013

Whilst I appreciate the potential commercial benefit from such a project I do however believe that the negative impact in terms of noise and general disturbance to the residents far outweigh the benefits.

55 Redgrove Park  
Cheltenham  
Gloucestershire  
GL51 6QY

**Comments:** 20th March 2013

Firstly, as a resident of Redgrove Park why were we not informed of this application. If this was done I know many of the residents would instantly object and without being advised of this

## Page 182

application their views are not going to be taken into consideration. The only reason I am aware of this is because we have a friend living on Grace Gardens who has been made aware.

I would like to object to the application for the following reasons.

1. This application will generate even more traffic on Hatherley Lane which has already seen a considerable increase as a result of other nearby developments eg ASDA and office units.
2. We are already effected by noise from Manor on the Lake from both revellers and fireworks which in some cases can be very late at night. If the venue was to become a corporate events/wedding venue with a larger capacity the level of noise pollution would only increase.
3. The additional request for having more outside facilities, primarily a bandstand is just unacceptable. If we are already affected by excessive noise pollution from Manor on the Lake the introduction of an outside music venue would make the level of noise a living nightmare. It would certainly be impossible to sit peacefully in your own garden of an evening or try to sleep with your windows open.

43 Grace Gardens  
Cheltenham  
Gloucestershire  
GL51 6QE

**Comments:** 19th March 2013

Depends on usage which is not detailed.

Manor on the Lake already impacts in terms of noise (both revellers and fireworks) very late at night.

Having more outside facilities and a larger capacity will increase both noise pollution and compound the traffic flow issues on Hatherley lane especially as it moves to hosting corporate events/weddings with increased frequency.

43 Grace Gardens  
Cheltenham  
Gloucestershire  
GL51 6QE

**Comments:** 21st March 2013

There does not seem to be sufficient detail in the application, but I have assumed that they are being created to be utilised, so I have used the following article for context.

<http://www.thisisgloucestershire.co.uk/Manor-Lake-Cheltenham-set-revamp-exclusive/story-18381387-detail/story.html#axzz2NvJOdydy>

Given this scenario I have to object on the following:-

- Traffic flow on Hatherley Lane
- Parking overspill
- Noise
- Pollution
- [http://www.cheltenham.gov.uk/info/200040/environmental\\_health/895/noise\\_nuisance/8](http://www.cheltenham.gov.uk/info/200040/environmental_health/895/noise_nuisance/8)
- Degree of consultation with neighbours so potentially more people would object if they knew about it.

56 Redgrove Park  
Cheltenham  
Gloucestershire  
GL51 6QY

**Comments:** 27th March 2013  
Letter attached.

45 Grace Gardens  
Cheltenham  
Gloucestershire  
GL51 6QE

**Comments:** 27th March 2013  
Letter attached.

46 Grace Gardens  
Cheltenham  
Gloucestershire  
GL51 6QE

**Comments:** 30th March 2013

We have just moved to 46 Grace Gardens with very young family .Our house is close to the main entrance of the Manor .We are very concerned with the plan as it is likely going to increase the noise from guests and music in the late night which will disturb sleeping time for our kids. We also worried about safety of our children playing in the Garden.Therefore we are strongly object the plan.

47 Grace Gardens  
Cheltenham  
Gloucestershire  
GL51 6QE

**Comments:** 23rd March 2013

We have lived at 47 Grace Gardens since the house was built over 11 years ago. Whilst there has always been an occasional wedding in the garden or jazz evenings inside the house, we rarely suffered problems with noise until the last couple of years, when the number of weddings, evening parties etc has increased dramatically. We are the closest house to the main entrance to the Manor, and the main problem we have had is with guests (usually smokers) congregating outside that entrance and talking loudly. Often they are shouting and using offensive language well into the early hours of the morning. We have complained on numerous occasions about the noise, to no avail. There is supposedly an area round the other side of the house which smokers are told to use, but the staff do not seem able to enforce this.

Our concern with these permanent structures is that there will be an increase in outside activity, accessed via our side of the house, in particular late at night. We are close to the proposed sites of both structures, and are concerned that they could mean music outside until very late, or that they could be used as areas for guests to congregate. Just after Christmas we did query with the council the number of TENS being granted to the Manor, and the number was less than the number of parties beyond their normal licensing hours that we had been aware of. In addition, we have had issues in the past with noise and proximity of large firework displays (which we have complained to the council about), just over the fence from our house, which have sent sparks

over to our driveway and cars. These outside structures seem likely to also encourage these sorts of 'add-on' events.

We therefore object to this planning application on the grounds that it is likely to increase noise and anti-social behaviour in what is a quiet residential area. We would urge the planning committee to visit the site before any applications are granted, so that they can understand just how close the Manor is to private houses. Committee members would be very welcome to visit us to appreciate just how close the main entrance to the building is to our home.

12 Redgrove Park  
Cheltenham  
Gloucestershire  
GL51 6QY

**Comments:** 13th March 2013

The issue I would raise is one related to NOISE. This venue has become less sociable and acceptable in our view in the 14 years that we have resided at the above address. Fireworks accompanied with loud music on occasion are tolerated, but with an anticipated increase in frequency in a highly residential and otherwise peaceful location can not be acceptable on grounds of noise pollution, which will usually operate late into the night!!

8 Redgrove Park  
Cheltenham  
Gloucestershire  
GL51 6QY

**Comments:** 1st April 2013

I live in Redgrove Park with my garden bordering gardens and properties in Grace Gardens and therefore very close to Manor by the Lake. I am concerned about the potential noise levels and the timings of such noise levels, should permission for a bandstand in the grounds be approved.

If Manor by the Lake is turned into a fully fledged wedding venue and approval given for a gazebo and bandstand in the grounds, it would be fair to assume that it would be fully booked throughout the summer months. Neighbours including myself, would be subjected to loud live music over a number of hours every weekend during fine weather. It is fair to assume that this music would continue the best part of the day and late into the evening. I strongly object to this application on the grounds of noise nuisance.

1 Redgrove Park  
Cheltenham  
Gloucestershire  
GL51 6QY

**Comments:** 26th March 2013

We object to the proposals on the grounds of noise pollution.

The prevailing wind direction is from the west and we can easily hear noise from the direction of the former Dowty Sports Club and the Manor on the Lake, and the fireworks seem particularly close. Whilst we are prepared to tolerate occasional events, the prospect of outside musical and social events on a regular basis, perhaps every summer weekend late into the evening, is unacceptable and inappropriate for a residential area.

The Boundary  
36 Grace Gardens  
Cheltenham  
Gloucestershire  
GL51 6QE

**Comments:** 31st March 2013

Firstly, I would like to say that we were not informed of this planning application. I understand that the Council did inform a few residents but the problems we have had from previous functions at the Manor impact on more than just the immediate neighbours. Noise travels, especially at night.

I offer no comment about the appearance of the Gazebo and Bandstand but I do object on the grounds of implied noise from both.

The proposed place for the Gazebo is only a few meters from housing. As well as 'planned' noise from functions causing a disturbance, I suspect that even if it were not part of an event it would become a party-goers meeting point and exacerbate noise at unsociable hours.

The proposed place for the Bandstand too, is close to housing and again the implied usage will mean that loud music will have a permanent stage with no noise containment.

8 Grace Gardens  
Cheltenham  
Gloucestershire  
GL51 6QE

**Comments:** 22nd April 2013

I would like to object strongly to the proposal to erect a pavilion/bandstand and gazebo within the grounds of The Manor by the Lake. The Cheltenham Borough Council Licensing Act 2003 - Licensing Policy Statement - approved by the Council on 10 February 2012, clearly states under section 4:

*4. Licensing objectives*

*4.1 The Council will carry out its licensing functions under the Act with a view to promoting the four licensing objectives, which are:-*

- (a) The prevention of crime and disorder;*
- (b) Public safety;*
- (c) The prevention of public nuisance; and*
- (d) The protection of children from harm.*

*4.2 The aim of the licensing process is to regulate licensable activities so as to promote the licensing objectives.*

*4.3 In determining a licensing application, the overriding principle adopted by the Council will be that each application is determined on its merits. Licence conditions will be tailored to the individual application and only those necessary to promote the licensing objectives will be imposed.*

*4.4 The Council will also have regard to wider considerations affecting the residential population and the amenity of the area. These include littering, noise, street crime and the capacity of the infrastructure.*

*4.5 Each of the four objectives is of equal importance and will be considered in relation to matters centred on the premises or within the control of the licensee and the effect which the operation of that business has on the vicinity.*

The applicant states that the proposed structures will be used for wedding ceremonies and as outside gathering points. I have also been informed by Martin Chandler, during a telephone conversation, that the pavilion/bandstand will make use of orchestral instruments. Such instruments do not need to be amplified to be heard from a great distance. Likewise, groups of people gathering together outside make a lot of noise, especially when celebrating and drinking alcohol. These types of wedding ceremonies/events, which use outside space, are normally held in remote locations so that they do not impact on the lives of people living in residential areas.

Weddings are not restricted to Saturdays; they can take place at any time on any day of the week, as can any corporate events. This could result in nuisance noise to local residents at any time. I believe this application falls foul of the Council's own Licensing objectives and should be refused.



29 Redgrove Park, Cheltenham  
Glos., GL51 6QY



The Planning Officer  
CBC

25 3 2013

Planning Application 13/00383/FUL  
The Manor by the Lake, Hatherley Lane

Dear Sir;

I wish to register a strong objection to this planning application.

The Manor by the Lake is welcome to organise functions within its buildings, but when they spill out into the open air, the grounds of the Manor, they cause a public nuisance.

We have suffered social noise, loud music and massive late-night fireworks displays from this source before, even finding spent fireworks in our gardens or on the road.

Recently residents had cause to draw the attention of CBC to thick, repeated bonfires from this source, right next to the gardens of some Redgrove Park residences. CBC officers kindly took the matter up with Arle Court.

A bandstand and a gazebo would only add to an already unacceptable problem.

Yours faithfully,



Cheltenham Borough Council Environment Group			
PASSED TO			
REC'D	28 MAR 2013		
Date of Response		Type of Response	
Initials of Responder		File Ref.	

**56 Redgrove Park  
Cheltenham  
GL51 6QY**

**24<sup>th</sup> March, 2013**

Cheltenham Borough Council  
Environment Group  
13/00383/FUL

REC'D	26 MAR 2013		
Date of Response		Type of Response	
Initials of Responder		File Ref.	

Daniel Lewis,  
Planning Department,  
Municipal Offices,  
The Promenade,  
Cheltenham.  
GL50 9SA

Dear Mr Lewis,

**MANOR BY THE LAKE**  
Ref: 13/00383/FUL

I understand that, among other changes to The Manor by the Lake, planning permission has been applied for a Bandstand in the grounds. I am appealing against this idea as it will create a lot of noise in a residential area.

Redgrove Park is a quiet and peaceful place to live and the thought of loud music disturbing this tranquility is not one to be taken lightly. The sound of unwanted music is very distressing whether from bands, radios or television sets.

In the past we have been able to hear fireworks and loud speakers being used in the Manor grounds so I have no doubt that music from a bandstand would be heard in Redgrove Park.

I hope you will take my appeal seriously against a bandstand being erected at the Manor by the Lake.

Yours sincerely,



Copies to:-  
Councillor Mrs J.A. Fletcher  
Councillor Nigel Britter

25/3/2013.

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45 GLACE GARDENS

CHELTENHAM G. L51 6QE.

YOUR REF. 13/00383/FUL @ CHELTENHAM BOROUGH COUNCIL.

DEAR MR. WINDSEY,

RE PROPOSAL: ERECTION OF PAVILION & GAZEBO AT THE MANOR  
BY THE LAKE, HATHERLEY LANE.

WE THANK YOU FOR YOUR LETTER OF MARCH 11<sup>TH</sup> 2013., AND HAVING  
CONSIDERED THE APPLICATION CAREFULLY FOR SEVERAL DAYS, WE HAVE  
NO OBJECTION TO THE ERECTION OF A GAZEBO, BUT DO OBJECT  
STRONGLY TO THAT OF A PAVILION/BANDSTAND.

WHATEVER THE PROPOSER SAYS THAT A BANDSTAND WOULD  
BE USED FOR, AND GIVES NO KNOWLEDGE OF THE USAGE TIMES IN  
AN OTHERWISE PRECISE APPLICATION, A BANDSTAND'S PURPOSE IN LIFE  
IS FOR THE PLAYING AND BROADCASTING OF MUSIC.

BEARING IN MIND THE CLOSENESS OF THE SITE TO OUR SMALL  
GARDEN, AND THE FACT THAT SAY A BAND OR DISCO MUSIC | BEAT  
IS OFTEN AMPLIFIED TO SEVERAL TIMES ITS NATURAL LEVEL, WE FEEL THAT  
OUR ENJOYMENT OF OUR GARDEN COULD BE IMPAIRED BY ITS NOISE  
AND DISTURBANCE.

WE THEREFORE ASK FOR REJECTION OF THIS APPLICATION.

YOURS SINCERELY,

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<b>APPLICATION NO:</b> 13/00383/FUL	<b>OFFICER:</b> Mr Martin Chandler
<b>DATE REGISTERED:</b> 8th March 2013	<b>DATE OF EXPIRY:</b> 3rd May 2013
<b>WARD:</b> Benhall/The Reddings	<b>PARISH:</b> None
<b>APPLICANT:</b>	Manor By The Lake Ltd
<b>AGENT:</b>	David Scott
<b>LOCATION:</b>	The Manor By The Lake, Cheltenham Film Studios, Hatherley Lane
<b>PROPOSAL:</b>	Erection of pavilion and gazebo within grounds.

## Update to Officer Report

### 1. OFFICER COMMENTS

#### 1.1. Determining Issues

1.1.1. The key considerations relating to this application are the design of the proposed structures, how they impact on the integrity of the listed building and their potential impact on neighbouring amenity.

#### 1.2. Design and layout

1.2.1. The application proposes a gazebo adjacent to the eastern boundary of the site and a pavilion structure adjacent to the fish pond. The gazebo is proposed to sit on a 3m x 3m natural stone base. The structure measures 2.6 metres to eaves height and 4.2 metres to the top of the swept roof.

1.2.2. The pavilion is a larger 'bandstand' type structure. It has a hexagonal base which is 6.2 metres in width at its widest point. The eaves height is again 2.6 metres, rising to 5.4 metres at its highest point.

1.2.3. Members will note that the conservation officer has provided quite detailed comments on these two structures, setting out a number of issues that need to be addressed before she could support the scheme. The applicant has amended the proposals in light of these comments but at the time of writing this report, a response had not been received from the conservation officer. Members will be updated on this matter.

1.2.4. It should be noted that the applicant wants to work positively with the conservation team to develop structures of merit so officers anticipate that a high quality proposal will be delivered.

#### 1.3. Impact on neighbouring property

1.3.1. Local Plan Policy CP4 requires development to protect the existing amenity of neighbouring land users and the locality.

1.3.2. The proposed structures have generated a significant level of objection from neighbouring properties in relation to the potential for increased noise as a result of their use. It is intended that the structures would be used for wedding ceremonies and other similar events and therefore the impact on neighbouring amenity is a significant material consideration.

1.3.3. The Environmental Health team have thoroughly assessed the application and members will note from the initial officer response that they have provided two sets of comments, the second set coming after a visit to the site.

- 1.3.4. It was initially suggested that the use of the structures be limited to 1800hrs and that no amplified sound be permitted. Having discussed the proposals with the applicant, Environmental Health have revised these comments and have suggested that the structures only be used for *weddings, civil ceremonies, blessings and similar events* between the hours of 8am and 9pm, and only for a maximum duration of one hour each day. At the time of writing this report, the applicant has raised no objection to these restrictions.
- 1.3.5. Importantly, the suggested condition prevents the use of the structures as smoking shelters; use for this purpose late into the evening could well result in a loss of amenity to adjoining properties and is not something that would be supported. Officers are however seeking some clarity over the time restrictions and the suggested duration – upon receipt of additional thoughts on this matter, members will be updated.
- 1.3.6. Notwithstanding the outcome of this process, it should be stressed that if the Environmental Health team are satisfied with the proposals then it would be very difficult to sustain a refusal of planning permission at appeal based on impact on neighbouring amenity. Officers are satisfied that the use of the structures can be controlled in such way that would enable the scheme to be fully compliant with the aspirations of policy CP4.

1.4. Trees

- 1.4.1. Members will note that the tree officer has advised that tree protection information should be submitted in relation to the pavilion structure given its proximity to the protected trees. The applicant has provided additional information in relation to this and the tree officers are currently reviewing it. Members will be updated when comments are received.

## 2. CONCLUSION AND RECOMMENDATION

- 2.1. To summarise the above, officers are awaiting additional comments from the conservation officer, tree team and environmental health. It is not anticipated that these comments will give rise to any significant concerns and officers fully expect to recommend approval for the proposal; the structures will not unacceptably compromise neighbouring amenity (subject to appropriate restrictions) and subject to their detailed design, will not impact on the setting of the listed building.
- 2.2. A further updated report will be provided to members in advance of the committee meeting giving a full recommendation with suggested conditions.

APPLICATION NO: 11/01233/FUL		OFFICER: Mr Martin Chandler
DATE REGISTERED: 5th September 2011		DATE OF EXPIRY: 31st October 2011
WARD: Prestbury		PARISH: Prestbury
APPLICANT:	Mr D Billings	
AGENT:	S F Planning Limited	
LOCATION:	Sandford Dene, Lake Street, Prestbury	
PROPOSAL:	Insertion of roof light to west elevation and provision of heat exchanger unit to rear elevation (amendment to application ref: 11/00824/FUL)	

### Officer report in relation to potential enforcement proceedings

#### 1. Context

- 1.1. Members will recall the history of this site, specifically in relation to an application which sought retrospective planning permission for the provision of an air source heat pump to the rear of the recently constructed dwelling (ref: 11/01233/FUL). The application was recommended for approval by officers but was refused at Committee on 19 January 2012 for the following reason:
- 1.2. *The heat exchanger unit located on the west elevation of the house has an unacceptable impact on neighbouring amenity. The unit, which is located in close proximity to the western boundary of the application site, omits a type and level of noise that is appreciable from within the adjoining garden of 40 Linden Close. This noise disturbance, combined with the cold exhaust air which permeates the existing boundary fence, creates an unpleasant and unacceptable residential environment contrary to the expectations of local plan policy CP4.*
- 1.3. This decision has never been enforced and the heat pump remains unauthorised. Notwithstanding this, since the decision in January a significant amount of work has been undertaken by officers to get the Authority to a position to make an informed decision as to whether or not enforcement proceedings, if commenced, would be successful. This report sets out what has happened since the committee meeting and goes on to recommend that enforcement action has little prospect of success and that therefore it should not be pursued.
- 1.4. ***It should be stressed that this item is before planning committee at the discretion of officers. Mindful of the committee's decision, it is considered appropriate to have the committee endorse the recommendation to not enforce the breach of planning control. Should committee not endorse this recommendation and request that enforcement action commence, there is a risk of costs being awarded against the Council given the strong advice provided by our Environmental Health team.***
- 1.5. ***Members will not receive reports of this nature for other enforcement cases unless the specifics of the scheme warrant it.***

#### 2. What has happened since January 2012

- 2.1. The first matter to identify is that the boundary fence that was required as part of planning permission ref: 11/00824/FUL has now been installed. Members may recall that the applicant applied to remove the condition that required the installation of the fence (ref: 11/01754/CONDIT) which was refused at the same January committee meeting. The decision went to appeal with the Inspector concluding that the fence was a necessary aspect of the overall development and required the fence to be erected within 1 month of



the appeal decision. The fence has now been installed and inspected by officers – it is compliant with the appeal decision. (The new close boarded fence also reduces the air spillage into the neighbouring garden).

- 2.2. Following the committee decision in relation to the heat exchanger, the applicant also sought to clarify whether or not the unit did in fact require planning permission. Permitted development rights do exist for the installation of heat exchanger units like the one that has been under consideration but in granting planning permission for the dwelling (ref: 11/00824/FUL), all permitted development rights were removed by way of condition. The applicant queried the relevance of this condition to the heat exchanger and legal advice was taken on the matter. The conclusion was that the unit certainly does require planning permission.
- 2.3. Having established that permission was required, it was then necessary to analyse the impact that the heat exchanger was having on the neighbouring property, 40 Linden Close. If enforcement action is taken, this Authority has to be quite clear as to what the impact on neighbouring amenity actually is; there needs to be some objective analysis to support enforcement proceedings of this nature and whilst the committee identified a level of harm when refusing planning permission, it was felt that without specific measurements, the enforcement case would be weak.
- 2.4. To help consider the impact on amenity, the Council's Environmental Health team were enlisted to carry out noise measurements on two separate occasions, once in March 2013 and once in April 2013. The findings of these measurements are attached as appendices to this report.

### 3. Officer comments

- 3.1. Having conducted the noise measurements, officers have discussed the results with the Environmental Health team. When assessing the impact from noise, Environmental Health work to World Health Organisation (WHO) Guidance which advises that within a bedroom, a level of less than 35 dBA Leq is recommended to preserve the restorative process of sleep. The advice goes on to state that the probability of someone being awakened by internal noise peaks of 40dBA is 10%, which rises to 30% for peaks of 70 dBA to 30%.
- 3.2. The following comments have been provided by Environmental Health on the first readings (taken on 19 March 2013);

*Measurements 1 & 2 (both outside): 43.4dB LAeq (with the pump running) versus 41.1dB LAeq (with the pump off) isn't likely to be "unreasonable" or a loss of amenity. It is generally assumed that the ear can only discern a change of 3dB. At Section 7.6.1.2 of the British Standard (BS 8233:1999), gardens are considered; "...In gardens and balconies etc. it is desirable that the steady noise level does not exceed 50 LAeq,T dB and 55 LAeq,T dB should be regarded as the upper limit." So these levels fall within that limit, and there is no need for action on these. [Note: T = specified time level, which for us was 5 minutes measuring time and it was A weighted].*

*Measurements 3,4,& 5 (inside garden facing bedroom): At this time of year when it is around 0 degrees outside, we would be inclined to state that the average person (which is what we would measure against for noise), would not have both bedroom windows open. However, even with both windows open in measurement 3 the measured noise levels fall below the WHO "reasonable" standard for bedrooms **[Officer note – this is in light of the noise peak comments set out above at para 3.1]**. The WHO guidance also states that noise levels for bedrooms should only apply until 7am, so after 7am a higher level should be expected/tolerated. The important comment on measurement 5 is that the pump "may not have been on" - as we couldn't tell if it was off or on, then it is most likely not causing them a loss of amenity or the loss of using their bedroom for sleeping.*

*Measurement 6 (inside garden facing bedroom): The noise levels measured are a bit higher during this time. However, the fan stopped within around 1 minute of beginning the measurement, but the background noise level (L90) continued to be a bit higher than earlier, as you would expect after 7am with an increased background traffic level and people being up and about around the houses.*

- 3.3. The second readings were taken over a weekend period with the equipment left at the neighbouring property. As members will note from appendix 2, the equipment was located in the bedroom window which faces the back garden. Members will note that the measurements are well within the WHO guidance.
- 3.4. From the measurements recorded, Environmental Health have concluded that they do not consider the heat exchanger is having a significant impact on amenity. When considered against the local plan, members will be aware that policy CP4 advises that development will only be permitted where it would not cause unacceptable harm to the amenity of adjoining land users. Having undertaken a thorough monitoring process, the conclusion is that the heat exchanger is not unacceptably harming the amenity of adjoining land users and therefore that it is not contrary to local plan policy CP4. Officers therefore advise that if enforcement action is pursued and subsequently appealed, it would have little prospect of success.

#### **4. CONCLUSION AND RECOMMENDATION**

- 4.1. Officers have given this site a significant amount of consideration since the January 2012 committee decision. This has included successfully defending the appeal which related to the fence, confirmation to the applicant that the heat exchange unit requires planning permission (this included taking legal advice), working closely with the Environmental Health team to take the sound measurements, and working with the Local Government Ombudsman (LGO) in relation to complaints by a neighbour.
- 4.2. It is regrettable that it has taken so long to clarify the situation but unfortunately matters such as these can sometimes become protracted. It is of note that in their response, the LGO does not consider that the Authority's actions in relation to the heat exchange unit have amounted to a delay.
- 4.3. Having reflected on the heat exchanger further, and having carried out an objective assessment of the impact that the unit is having on the neighbouring property, officers do not consider that enforcement action would be expedient. Members will be aware that enforcement action is discretionary (it is a power not a duty) and has to be in the public interest. There also has to be a good prospect of success as there is a right of appeal. When assessed against the provisions of Local Plan policy CP4, and in light of the guidance provided by Environmental Health, officers consider that likelihood of the enforcement action being upheld at appeal would be very slim.
- 4.4. **It is therefore recommended that this Authority does not take any enforcement action against the unauthorised heat exchange unit.**

Survey at 40 Linden Close: 19/03/2013 (meeting on site 06:00)

Start time	End time	LAeq	L90	L10	Total time	Comments
06:13	06:18	41.1	30	45	5 minutes	Outside – air pump off, very little breeze and birds chirping
06:21	06:26	43.4	33	45	5 minutes	Outside - pump operational, very little breeze and birds singing
06:31	06:36	35.2	25.5	38	5 minutes	Inside in rear garden facing bedroom – both windows open
06:38	06:43	34.4	23.5	36.5	5 minutes	Inside in rear garden facing bedroom – window closest to the head end of the bed closed (window closest to matron open)
06:58	07:03	32.8	21	35.5	5 minutes	Inside in rear garden facing bedroom – both windows closed. Pump may not have been on
07:10	07:15	40.4	23	34.5	5 minutes	Inside in rear garden facing bedroom – window nearest to the head end of the bed open. Rumbling type sound heard. 07:11 whooshing air noise ceases. Some ambient traffic noise detected.

**Notes from the MATRON recordings of Mill House, Prestbury, Cheltenham**

Equipment located in Mr and Mrs Cule's bedroom which faces the back garden (40 Linden Close)

Notes by Louise Boyle – Senior Environmental Health Officer:

<u>Date</u>	<u>Time recorded</u>	<u>Start time</u>	<u>Comments</u>
13/04/2013			Note – 03:00 – night time noise – 20 – 23dB LAeq (can be up to 50dB for sleep patterns and movement)
			Just prior to the recording button being pressed – 23dB LAeq
	06.10.12 – 06.16.41		Birds singing in the garden
			06.12.22 – 06.12.44 – time with minimal bird noise – 23 – 24dB LAeq (with birds singing 30 - 31dB LAeq)
			06.12.53 – 06.13.35 - time with minimal bird noise – 23 – 24dB LAeq
			06.13.47 – 06.14.18 - time with minimal bird noise – 23dB LAeq predominantly during this time, up to 24dB LAeq at times
			06.14.50 – 16.15.08 - some bird noise audible – 25 – 26dB LAeq
			06.15.23 – 06.16.02 - some bird noise audible – 25 – 26dB LAeq
			06.16.07 – 16.16.50 – some bird noise audible – 24dB LAeq at times and with more bird song 25 – 26dB LAeq
			Just prior to the recording button being pressed – 20 – 21dB LAeq and 24 – 25dB LAeq
14/04/2013	05.56.18 – 06.02.57		Moving about in the room audible, some quieter parts to identify noise levels from outside. During these times – 20 – 23dB LAeq
	06.33.31 – 06.40.10		Just prior to the recording button being pressed – 20 – 23dB LAeq and 26 – 27dB LAeq – movement in the room.
			06.34.59 – 06.35.07 – 20 – 21dB LAeq – minimal bird song audible
			06.35.12 – 06.36.03 – 20 – 22dB LAeq – limited bird song audible
			06.36.48 – 06.36.56 – 21 – 22dB LAeq
			END OF RECORDINGS

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