



CHEL TENHAM

BOROUGH COUNCIL

Notice of a meeting of Planning Committee

**Thursday, 22 August 2013
6.00 pm
Council Chamber - Municipal Offices**

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

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 - 30)
5. **PLANNING/LISTED BUILDING/CONSERVATION AREA
CONSENT/ADVERTISEMENT APPLICATIONS,
APPLICATIONS FOR LAWFUL DEVELOPMENT
CERTIFICATE AND TREE RELATED APPLICATIONS –
SEE MAIN SCHEDULE**
 - a) **13/00911/OUT Christ College, Arle Road** (Pages 31 - 86)
 - b) **13/00800/FUL Land at Crabtree Place** (Pages 87 - 110)
 - c) **11/01022/FUL Middle Colgate Farm, Ham Road** (Pages 111 - 138)
 - d) **13/00605/FUL 13 Lansdown Place** (Pages 139 - 168)
 - e) **13/00637/FUL British Telecom, Oriel Road** (Pages 169 - 180)
 - f) **13/00774/LBC Cheltenham Cemetery and
Crematorium** (Pages 181 - 184)

- g) **13/00813/FUL Land adjacent to Eagle Tower** (Pages 185 - 196)
- h) **13/00965/FUL 28 Rodney Road** (Pages 197 - 208)
- i) **13/01020/FUL Ceylon House, Princess Elizabeth Way** (Pages 209 - 212)
- j) **13/01021/FUL Durban House, Princess Elizabeth Way** (Pages 213 - 216)
- k) **13/01022/FUL New Zealand House, Princess Elizabeth Way** (Pages 217 - 220)
- l) **13/01023/FUL Auckland House, Princess Elizabeth Way** (Pages 221 - 224)
- m) **13/01026/FUL Rhodesia House, Princess Elizabeth Way** (Pages 225 - 228)
- n) **13/01055/FUL 3 Woodgate Close** (Pages 229 - 258)

6. ANY OTHER ITEMS THE CHAIRMAN DETERMINES URGENT AND REQUIRES A DECISION

Contact Officer: Judith Baker, Planning Committee Co-ordinator,
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Planning Committee

6.00 pm, 18 July 2013

Present at the meeting

Councillor Garth Barnes	Councillor Andrew McKinlay
Councillor Chris Coleman (Chair)	Councillor Malcolm Stennett
Councillor Barbara Driver	Councillor Pat Thornton
Councillor Bernard Fisher	Councillor Simon Wheeler
Councillor Robert Garnham	Councillor Andrew Chard (Reserve)
Councillor Les Godwin	Councillor Jon Walklett (Reserve)
Councillor Penny Hall (Vice-Chair)	Councillor Klara Sudbury

Present as observers: Councillor Colin Hay, Councillor Diggory Seacome

Officers in attendance

Mike Redman, Director, Built Environment (MR)
Tracey Crews, Head of Planning (TC)
Martin Chandler, Team Leader, Development Management (MC)
Wendy Hopkins, Senior Planning Officer (WH)
Chloe Smart, Planning Officer (CS)
Karen Radford, Heritage and Conservation Manager (KR)
Wilf Tomaney, Townscape Manager (WT)
Mark Power, Gloucestershire Highways (MP)
Cheryl Lester, Legal Officer (CL)

74. Apologies

Councillors McCloskey, Jeffries and Fletcher.

75. Declarations of Interest

13/00777/FUL & CAC and 13/00827/OUT & CAC

Cllr Sudbury – personal and prejudicial – has campaigned against the demolition of the Odeon. Will speak in objection to the proposal then leave the Chamber.

Cllr Barnes – personal – has had non-pecuniary discussions with the applicant regarding the transfer of land to a charity he supports.

Cllrs Garnham & McKinlay – personal – have both represented CBC on the Cheltenham Development Taskforce which is mentioned in the report.

76. Public Questions

There were none.

77. Minutes of last meeting

Resolved, that the minutes of the meeting held on 20th June 2013 be approved and signed as a correct record without corrections.

78. Planning/Listed Building/Conservation Area Consent/Advertisement Applications, Applications for Lawful Development Certificate and Tree related applications

CC : as new Chair, advised Members that Officers will give a short introduction to each application, explaining the proposal, why it is at committee, and any other relevant information, to give a clear start and finish to each application, and also for the benefit of members of the public in the public gallery. This is a trial, and Members' views will be welcome. Allowed 10 minutes for Members to read the lengthy update, and advised that although the first two applications were being debated together as a whole, Members would vote on each application separately at the end of the debate.

79. 13/00777/FUL & CAC Former Odeon Cinema, Winchcombe Street and 13/00827/OUT & CAC Haines & Strange, Albion Street

Application Number:	13/00777/FUL & CAC, 13/00827/OUT & CAC	
Location:	Former Odeon Cinema/Haines & Strange	
Proposal:	13/00777/FUL & CAC: Construction of 6 no. townhouses, 8 no. apartments, 6 no. retail units, new vehicular access and associated works; following demolition of the existing building	
	13/00827/OUT & CAC: Regeneration incorporating construction of 33 no. houses, 48 no. apartments, 6 no. retail units, new vehicular access and associated works; following demolition of all of the existing buildings	
View:	Yes	
Officer Recommendation:	Permit – delegate authority back to Officers to resolve outstanding issues before issuing permissions/consents	
Committee Decision:	Permit – delegate authority back to Officers to resolve outstanding issues before issuing permissions/consents	
Letters of Rep:	11 (including 2 petitions	Update Report: Officer comments, conservation comments, conclusion and recommendation (circulated to Members on 17/07 by email)

Public Speaking:

Mr Robert Chitham, applicant's heritage adviser, in support:

Introduced himself as the architect who had been invited to review the details of the scheme. Said the neo-classical design is of high quality and well suited to its surroundings. Noted that this is a Taskforce site, brownfield and derelict, and using it for new homes will help with the town's housing supply. Considered there to be two crucial issues, the first being the cinema: its size and form make it difficult to adapt, and despite six years' marketing, no-one has come forward to take it on, deterred by the massive cost of repairing and adapting it. Said it is not a major work by its architect, and is not included in the statutory list of buildings of special architectural or historical interest. Said the conservation area could be enhanced by buildings such as this, but considered it out of scale and architecturally discordant with the area, and the opportunity to replace it with something more appropriate should not be missed.

The second issue is the design, which had been examined thoroughly by officers and amended accordingly, including a reduction in the mass of the town houses and realigning them to increase landscaping opportunities in the site. Said other details need large-scale drawings and are controlled by condition. Considered the principles of the proposal had not been fully recognised, and there was some confusion over mews-type houses and villas and the need for these to be set in a landscaped context – this was common in London developments of the period but not in Cheltenham. Said the design critique included generalities which had been taken as rules, such as duality, a style characterised by two mirrored halves, which was common in Cheltenham but could be mitigated to some extent –

and in any case was not an issue in a terraced design which was generally viewed obliquely, along the street.

Regarding shop fronts projecting over the plane of buildings above, said some shops in Cheltenham do this slightly, others do not – there is no rule. Said the proportions of the terrace had been described as atypical and inelegant, with the suggestion that the design is unworthy, being neither pastiche nor replication. Agreed the scheme is not a facsimile of 19th-century work but a reflection of early 19th-century design which will fit well in its surroundings in the conservation area. John Wood in Bath had shown how the design of town houses and street architecture could create the illusion of a palace, but this was a conceit. This proposal reflects the tradition without slavishly copying any example of the genre.

Said the scheme would be a great benefit to the conservation area and the town, and commended it to the Committee.

Cllr Jordan, ward councillor, in support

Told Members he had wandered round his ward a year ago, delivering Taskforce leaflets to encourage support of development in this area. It was agreed that the Albion Street-Gloucester Place-Winchcombe Street-Fairview Road block looked a bit sad, and residents and councillors were delighted that a scheme has come forward to give a big boost to the area. Was aware that it is often suggested that the planning process blocks economic growth, but said this is nonsense – this proposal has been processed in eight weeks rather than the usual 13, and is a great credit to officers and the council. Said if it is now refused to conserve the Odeon, the council would be a laughing stock – he walks past the Odeon twice a day and considers it an ugly building from most angles. If a good use for it could be found, maybe it could stay, but after seven years' on the market, there were no buyers and no offers, and he therefore had no problem with its demolition to allow development of the area to happen.

Admitted concern over the multiple applications, potential for piecemeal development, and consequences if any part of the proposals didn't materialise, but was pleased officers were taking action on this in the recommendations. Noted that previous schemes had included affordable housing and street scene improvements in Gloucester Place, but accepted that this may not be viable with the current scheme and considered it more important to have something happening on the site. Told Members that shop-owners were concerned about what was likely to happen next and had been contacting councillors for information – it is important that they can carry on their business in the area as the plan develops.

Said the overall view of the proposal is supportive, and there has not been one objection to the scheme from local residents. Their attitude is more one of "Get on with it!" – the site has been derelict for years and there are concerns about break-ins and other anti-social behaviour in the area. Summarised by saying that in his personal view the Planning Committee should take all considerations into account and give the scheme its support, so that the developers can just get on with it.

Cllr Sudbury, in objection

Realised she was probably a representative of the Flat Earth Society and spoke more in hope than expectation, but wanted to make a few key points. The first of these was the principle of the demolition of the Odeon and Cheltenham's Index of Buildings of Special Interest - her concern was the Odeon itself and how we treat our old buildings. Said Cheltenham is lucky to have so many listed buildings and conservation areas, and that the council shouldn't just be concerned with protecting listed buildings in the upmarket part of town. Said the Odeon, the Axiom, Christ Church Annexe, the Coliseum are all part of the real history of the town, and if we have a list of locally important buildings but don't try to save them, we will end up with a 'disneyfied' version of Cheltenham. Welcomed the attempt to bring this area back to life, having been concerned about it for years and visited it frequently, but thought traders were being dealt a hard hand. Said the Odeon is a nice, old

building, and asked Members to consider the logic being put forward to say the building should be demolished – what was there to say that the Queen’s Hotel, stripped of its assets and allowed to become an eyesore, could therefore not be demolished and replaced by pastiche in the future?

Was also very concerned about the lack of affordable housing in the scheme. Said there was currently much debate in Cheltenham about building on the greenbelt and fields, and the understanding is always that we should develop brownfield sites first, and yet here we are being told that these aren’t viable to develop if they have to include the required level of affordable housing. Was surprised any developer would pay the purchase price for the land at 50% above its value, when the policy on affordable housing is transparent and developers know that any scheme should include 40% affordable housing.

Recognised this is a difficult site, but supported the Conservation Officer’s comments - does not like the façade approach. Made the point that if Cheltenham is to have more than a thin veneer of culture, it should be recognised that the town is crying out for a music venue of this size. Has to go to Gloucester or London to see bands which would play locally if there was a suitable, decent-sized auditorium – the Odeon would be perfect.

Thanked Members for listening – but didn’t hold out much hope.

Member debate:

RG: said SJ had expressed concern about the separate applications and the possibility of one scheme being implemented without the other. Compared these applications to those at Travis Perkins and Kier Construction, and said there should be clarity. Did not share KS’s attachment to the Odeon, saying nothing has been done with it for seven years, but asked if we can keep some part of it, such as the carved ladies on the front, or else have a prominent stone about the history of the site somewhere nearby, as had been done at Gloucester Road School.

WH, in response:

- said the redevelopment had been submitted as two separate applications. During pre-app advice, the applicants were advised to come in with a comprehensive scheme, but because of matters to do with ownership, they had decided to submit two applications. Said the site can be considered as a whole in terms of the level of obligations required by the council, but these are stand-alone applications, one does not facilitate the other, and they are not tied like the Travis Perkins/Bonella Works applications at June committee.

PT: had listened to the speakers and had great sympathy with KS’s view of the Odeon. Wanted to say at this stage that this is such a big, dominant, prestigious area of the town that we must be very, very careful and very sure about what is going to happen before putting hands up to say do it or don’t do it. Remembers a certain site – though no current Planning Committee Members were involved in the decision – where Cheltenham agreed to knock down its beautiful old grammar school in order to build a row of shops and later to develop the prestigious Brewery. Says the shops have been an eyesore ever since, and that decision by CBC was one of the reasons why she became a councillor. Said this scheme is a similar challenge, and care should be taken not to build something which people will learn to hate.

MS: agrees with that statement, but is more optimistic. Having walked round the site, looked at the plans and read the report, thinks that the proposal will be beneficial to Cheltenham. Was disappointed by the thread of information in the officer report, suggesting officers don’t really want the semi-pastiche design and would have preferred something more modern. Thought that the reason why there is so much support for the scheme from the town is because it reflects Cheltenham in architecture and style of building. As for the Odeon, said it is a shame no use has been found for it, but its development would be a huge

civil engineering project and not viable. As SJ had said, let's get on with it – fully supports the scheme.

BF: regarding the Odeon, said there is no demand for a cinema like this. If it was like the Duke of York's Picture House in Brighton there may be, but the Odeon was never that – it was a large cinema which later became a multi-screen cinema, when its insides were pulled to bits. As for the frontage and the two ladies, said these were not original – when he was a lad the front was adorned with a chevron and a Gaumont sign. Said there was no demand for the Odeon to be restored as a cinema – people watch films differently now, on DVD and TV. Had seen the Beatles at the Odeon, after queuing up for tickets from five in the morning, and other stars such as Liberace had appeared there, but all that kind of entertainment has gone now. The Council needs to look to the future – the town doesn't need this cinema, but it does need housing.

As for the design, thinks that it is fine. Realises it is a question of personal taste, but does not like the Millennium Restaurant or St George's Gate, and thinks modern developments such as these aren't right in a regency area. Said that even the back of Debenham's has a regency feel with its pillar design, and there is nothing wrong with the regency design of this proposal.

Regarding affordable housing, said this had been considered by the District Valuer, and was the price to be paid for developing brownfield sites. Reminded Members about Village Road in Arle which has been empty for ten years – with a listed building on site, no applications have come forward as it is not viable to include affordable housing on a site such as this.

Thought that the Odeon could not be compared with the old grammar school – remembers both buildings, and unlike the grammar school, the Odeon is not a great piece of architecture. Like the Coliseum, said previous owners have ripped its guts out, and it will never be viable as a cinema again. Reminded Members of the planning history of the site – an application to develop the Haines & Strange site was permitted but nothing happened, and there had been plans to turn the Odeon into a nightclub and restaurants. If given the choice of 161 flats and a nightclub with two restaurants, or the scheme before Members tonight, said there was no contest.

Said these two proposals work – schemes that link together two empty sites – and are a very good offer. Reminded Members that they will soon be forced to consider applications to build on greenfield sites, and they will look foolish if they turn down this opportunity to build on a brownfield site – every plan makes a difference for the overall housing requirements. Said it would be madness if Members turn it down.

LG: said the advice is that every planning application has to be considered on its own merits and that there are things about this site that are particularly concerning – hopes the Conservation and Heritage Officer can talk about these. Referred to her comments on Page 18 of the blue update, that *'it is unfortunate that this application has been somewhat rushed and the applicants failed to engage in a meaningful pre-application process. From my experience the pre-application process can be so helpful in developing a quality scheme'*. Is disturbed by this, and mindful that many people thought this site was a missed opportunity when they voted for North Place. Is desperate to get central Cheltenham right, and although not saying that these proposals are rubbish – there are many good aspects – is troubled by that comment from the Conservation and Heritage Officer. Is also concerned that the applicant's heritage adviser says the direct opposite of our own – said this needs to be crystal clear.

If there is any opportunity for further discussion, suggested the ward councillor should be involved as it is clear from SJ's and KS's comments that they could add to a round-table discussion.

Regarding the Odeon, said the Conservation Officer refers to it being part-demolished, and hoped that the most architectural part of it can be saved and something done with it along the lines suggested. Was very interested in the points raised by the Conservation Officer regarding the Haines and Strange proposal, and wondered whether the decision should be deferred to allow more thorough pre-app discussion.

BD: suggested that any Members couldn't vote to save the Odeon because there is nothing there to save. Is usually the first to support the protection and conservation of heritage buildings, but as a result of recent development, there is nothing of it left.

JW: following the North Place/Portland Street approval with 40% affordable housing, was appalled at the lack of affordable housing in this application. Said the District Valuer's appraisal was based on this particular developer's plans, not the site itself – maybe another developer could work up a scheme which includes affordable housing. Agreed that the site is awful, but asked why affordable housing hadn't been taken into account, and why viability was not looked into more fully. This is a town centre site, ideal for economic development, and a prime site to make the target of 40%. To allow the development to go ahead without affordable housing will mean a higher level will need to be provided elsewhere. Said this is a missed opportunity.

AM: has sympathy with JW's comments, and has argued for affordable housing in the past, but said the authority is forced to make compromises at times. Reminded Members that the committee has passed other schemes which included affordable housing but they never got built. Members had to weigh up the situation – this is a strategic site which links the architecturally incoherent Winchcombe Street, Gloucester Place and Albion Street. Its development will be a huge benefit to the town, and will at least provide some housing. Said the idea had been busked around a great deal, but if the only way to get the site developed is to have no affordable housing, was prepared to bite the bullet, but wanted reassurance that this is the only way, not like Travis Perkins. Said Members could take comfort that the District Valuer's figures are valid.

On a simple, crude basis, said he likes the look of the development, and believes that when it is implemented, it will enhance and lift this part of town. Does not agree the Odeon is a treasure, considering it the thin end of the wedge. Said Cheltenham has more listed buildings than any town, but the Odeon is not one of them – considers it a massive, ugly carbuncle, saying that its demolition alone will improve this area of town. Reminded those wishing to save it that no-one can find a use or the money to develop it, and said they should wake up and smell the coffee – the building is a blight.

Said this proposal ticks all the boxes and is a key Taskforce site. This should be weighed up against the disadvantages – no affordable housing, access, the design in the centre of the block. It is a big site, and he has never seen one where everyone agrees – there are always different views, and is not surprised that there is no uniformity of opinion here. But listing the positives and negatives, finds there are more positives, and will therefore support the proposal.

SW: said AM has made many of his points and he reluctantly agrees, though cannot help but feel that the Council is being blackmailed into having to accept. Can't understand the objection to the design of the scheme and concerns that it is pastiche – said a development either looks nice or it doesn't, and considers that this one does look nice. Was, however, concerned about the density and had spoken to the Officer before the meeting to get a more accurate figure – which is in excess of 100 dwellings per hectare, in his opinion too high for any development, even a sustainable town centre site such as this. Realises, however, Members are not allowed to object on these grounds yet.

KR, in response:

- regarding the Odeon, said it is on the Index of Buildings of Local Interest although not statutorily listed by the government, and confirmed that the council has no control over

the interior – what the previous owners have done is not illegal. However, the local index was created by CBC and instigated by Members who drove forward its preparation at a cost of some £50k in officer and consultant time. Reading from the criteria for selection of buildings for the list: that a building *is the work of an architect or designer of note* – the architect of the Odeon was renowned at the time for designing cinemas; that the building *is a good example of an educational, religious or community building which retains some original details and materials* – the Odeon’s front elevation is original, albeit the Gaumont sign has been lost; *that the building contributes to the area and is part of the social development of the town* – the Odeon fulfils these criteria. Said it is right that the Odeon is included on the list;

- read from policy BE11 – ‘*the demolition of, or harmful alteration of a building on the Index of Buildings of Local Importance will be resisted*’. Said it is clear that nobody wants to use the building as a cinema, but was concerned that the historic appraisal has flaws, has not been done independently, and includes no analysis of repair costs;
- said there are two elements to consider: is the building worth saving, and if not, are the applicants complying with policy? Does not think they are. Realises there is a problem of what to do with a building of such large volume which is not now wanted as a cinema or night club, but hoped there was a possibility of retaining the front element – said the applicants have not come back with analysed reasons as to why this can’t be done. All they have said is that it would be too expensive, but have not provided any costings to confirm this statement.
- if it is considered right to demolish the building, asked how this fitted in with policy?
- agrees that the site is in need of development, and welcomes the fact that a scheme has come forward and that the intention is to link the two sites, but would be more supportive of the proposal if this didn’t mean the loss of the Odeon;
- regarding her comment in the blue update about consideration of the Haines & Strange application being rushed, said she had spent all day Wednesday considering revised drawings which had been submitted the day before. Said the refuse question, problems with architectural design, lack of comments from English Heritage, and lack of compliance with local policy were all outstanding issues, and compared this scheme with the North Place/Portland Street development, where similar issues were worked through. Said this proposal has not benefitted from similar consideration due to time constraints;
- commenting on the design, said English Heritage is very clear that if the form, mass, footprint, lay-out, relationship to surroundings and urban grain is right, the architecture is secondary, but if the intention is to create a historic reproduction, it must be authentic;
- regarding this, said there is a terrace of three listed buildings in Winchcombe Street which demonstrate some classic elements of Cheltenham architecture, such as raised ground floors and projecting ground floor shop fronts, but the proposed terrace does not include these simple things. KR has been told that they cannot be lined up with the existing buildings without scuppering the whole scheme, and there is not the benefit of time to explore this;
- on the question of duality, says Mr Chitham is right in his comments, and it would be better to have an odd number of houses in the terrace. Here, however, there is precise duality, and the suggestion that this can be countered by greater emphasis on the ‘bookend’ units is weak due to their slender proportions. Said this could have been negotiated to make it a more robust proposal;
- said that several of Mr Chitham’s suggestions have not been followed through – on chimney stacks, for example – and feels very strongly that more could have been achieved had there been more time for negotiation.

WH, in response:

- regarding the policy on the Index of Buildings of Local Interest, said this is a question officers have to ask themselves when balancing a lot of issues – a heritage building, a town centre site, looking at individual local plan policies, compliance with the NPPF and so on. In line with Section 12 of the NPPF, officers had considered whether the applicant had submitted an acceptable level of information regarding the heritage asset – this must be used to balance any argument about compliance with local policy;

- agreed that it was very disappointing that officers had been unable to secure any affordable housing on the site, but said that this was a recognisable approach in line with the NPPF. Said the DVS had scrutinised the reports to confirm viability – this decision was not simply undertaken by officers – and where it was shown that a scheme would be unviable if a compliant level of affordable housing was sought, it should not be over-burdened by this requirement. If the compliant level was sought, the site would not be viable, and the scheme could not be delivered;
- the question is whether the benefits of redeveloping the site outweigh the negatives – the loss of the Odeon, the pastiche design approach, zero affordable housing. Said this is the decision Members must take;
- regarding density, said this is not something we should dwell on as there are no policy prescriptive numbers to adhere to. The question to ask is, 'does the scheme work in context?' taking into account whether it is situated in the town centre or on the town edge. Reminded Members that the previous permission had been for 161 units, and this was for just 81. Said officers would expect to see a dense scheme in a town centre site.

WT, in response:

- said density shouldn't be used to deter the scheme. The proposal is significantly less dense than the previous approved scheme, and repeated WH's comment that the most important question is whether the scheme works in its context. Admitted that there are some compromises, but said these are marginal issues, and officers are happy that the elements of the scheme broadly work. Said again that the density on the Haines and Strange site was half that approved previously.

SW: said officers were advising that Members shouldn't be concerned with density, but believed that they should be – high levels of density lead to trouble, according to experts in the field. Said if this wasn't monitored, there could be problems with anti-social behaviour in the future. Would like to see the density figures.

WH, in response:

- said there are no longer any prescriptive numbers to go by, but said again that the previous scheme for 161 dwellings had been approved, and at 81, this proposal was a substantial reduction on that. Would expect to see a dense development in a town centre site.

BD: regarding the Odeon, asked KR if the local plan policy applied to the whole building and whether it still holds when there is nothing behind the front.

BF: on the matter of pastiche, referred to the Queen's Hotel, saying there had originally been a single-storey building alongside it, which had been replaced with houses designed to 'finish off' Imperial Gardens, but described by English Heritage as 'architectural wallpaper' and pastiche. Said in most people's eyes, the new buildings complement the whole of Imperial Square, despite bearing no relation to what was there before.

PT: said density is what enables people to have a good quality of life or not, and as there are quality of life requirements in our local policies, these should be fulfilled. Asked if this is still considered to be a high density development, despite being in the middle of town. Also asked for clarification of the building line on the Winchcombe Street side – is this where the Odeon is currently or further forward, taking up more of the pavement? In view of KR's comments, asked whether Members should be deferring their decision. They have been told that the scheme was being processed as quickly as possible, and KR was right to be concerned that she has not been able to use her pre-planning skills on the development. Thought the scheme should be looked at more closely for the sake of Cheltenham, and was prepared to propose deferral if other Members were in agreement.

LG: was grateful to KR for her explanation. Regarding the Haines and Strange application, the extant planning permission, and late arrival of drawings, asked if it was possible to give an assessment of whether the new drawings make the extant permission better or worse.

RG: also welcomed KR's comments, and the historical note and recognition of the history of the Odeon, but referred to Policy BE11's requirement that demolition of buildings on the Local Index should be resisted. Said this had already been done, for several years – there have been various applications to preserve the Odeon in another use – and now we are at the stage where it is a key feature in the development of the wider site. Said land assembly is not an easy process, and CBC has resisted demolition of the Odeon for seven years – so it was wrong to say that BE11 is simply being thrown out here. However, asked what would happen if Members voted for the scheme and English Heritage comments subsequently say it should be saved. Asked if KR could sit down and talk to the architect, and ask for various tweakings of elements she was particularly concerned about.

PH: had looked closely at the western elevation from Winchcombe Street and carefully read the report and the Crime Prevention Officer's comments on this. Noted that Page 8 of the blue update suggested access to the flats would be better from the street than from the rear courtyard, activating the street and introducing more passive surveillance. Thought this a very relevant point and noted the gated entry to the east side of the site. Asked if the Crime Prevention officer is happy with this, and whether more of his concerns could be met by condition.

WH, in response:

- said this is why officers have recommended that Members support the application but delegate authority to issue the planning permissions back to officers. Said PH's point is one of the suggestions brought up at meetings, and confirmed that there have been a lot of meetings with the applicants and a lot of changes already made;
- said that deferral won't achieve anything, and hopes that the recommendation gives confidence to Members – proposed design amendments will be put to the applicants who will make the necessary changes and proceed on that basis. Said this process could continue while waiting for the statutory 21 days for English Heritage comments to end;
- confirmed that if English Heritage object to the scheme, it will be brought back to Members;
- regarding density, had worked this out as approximately 108 dwellings per hectare. Was not sure how much this means to people, but reminded them again that the previous scheme on the site was for 161 dwellings and this scheme is far reduced;
- confirmed to PT that the building line of the new development on Winchcombe Street would be the same as that of the Odeon;
- repeated that she could not see what deferral would achieve. Confirmed that Officers would sort out the design tweaks and refuse issues, and await English Heritage comments, and Members were being asked to delegate back to officers on this basis.

KR, in response:

- to BD's question about whether listing on the local index refers to the whole building, said it refers to 'buildings and structures', and despite the fact that the interior has been lost, it is still relevant for the Odeon to be included on the list, and BE11 is still a valid policy;
- to BF's comments on the Queen's Hotel, said this was not relevant here – the Queen's is a Grade II* listed building. Confirmed that the former stable yard has been replaced by houses, which are in many respects pastiche. However, said the reason why they are pastiche relates to the public open space, and the difference between that and the scheme being considered today is that there is no public open space or gardens in Winchcombe Street/Haines and Strange site – which makes the proposal less authentic than that in Imperial Square;
- to RG's question about the latest drawings for the Haines and Strange site, said she considers these better than the previous scheme. Recognised the benefit of the site as

a whole being developed, but was primarily concerned about whether the Odeon should be developed. Said the scheme should be done the right way;

- to RG's suggestion of a commemorative stone or plinth, marking the spot where the Odeon once stood, if permission is granted, agreed that this is a good idea but didn't know where it could be placed.

CC: reminded Members that the debate was taking the two sites as a whole, thought the two applications would be voted on separately. Invited BD to comment on the Haines and Strange application.

CL: reiterated this for clarity – the two applications were being debated together as a whole, but would be voted on separately.

BD: apologised for misunderstanding. Was concerned about affordable housing, although noted this had already been discussed. Seriously hoped every building would have a gull-proof roof. Noted on the blue update that refuse arrangements were still to be sorted – hoped this would be clarified as there could be a problem when built if good arrangements were not made. Commented that the inner courtyard area was very tarmac- and car-dominated, and said plenty of landscaping would be needed – if the area was to be densely populated, there should at least be a little greenery around. Was concerned about existing residents' parking permits and the impact that parking requirements of new residents would have.

PT: was reminded by BD's comment that the surfaces had not been explored. Said this is a big site, with a lot of concrete and tarmac, and suggested permeable surfaces should be used. Had also noticed – though realised that this is not a planning issue – that the layouts of some of the apartments have bedrooms which fail to meet the minimum floor area of seven square metres. This brought her back to the quality of life consideration, and said that we *should* be able to think about these things in planning.

RG: noted the conclusion on Page 14 of the blue update – points 2.1 to 2.6 – and considers these very well written. Commented on the 'limited ambition' reference in 2.3, saying that he thought the scheme would work and the redevelopment of the site would be a success – though personally would like to see something more contemporary in design, like Century Court. Had to make an on-balance decision – agrees that there are some aspects to be regretted, but said it would take a year to get it all right. Said Members should support the proposal.

MP, in response:

- regarding parking permits, said it was quite simple – residents will be allowed to apply for permits, but there is no guarantee that they will get them;
- reminded Members that this is a town centre site, very sustainable, and car ownership is low;
- considers the parking arrangements for the scheme to be good.

WH, in response:

- to BD, confirmed that there would be a standard condition to ensure that the roofs are gull-proof;
- said that refuse arrangements would be finalised and secured by condition by officers;
- said that landscaping of the Haines and Strange site is a reserved matter, and an indicative landscaping scheme would be the next stage;
- to PT's request for permeable surfacing, said this also comes under landscaping and is a reserved matter, to be dealt with at a later. Said permeable surfaces would be promoted in discussions with the applicants;
- regarding the small bedrooms, said the drawings have been revised, but PT is right, there are currently no set standards on room size.

WT, in response:

- said the plans have been revised and the small bedrooms are now called 'studies' ;
- explained to Members that the Public Housing Sector and Policy Section is responsible for drawing up guidelines on room size, and is hoping to get a recommendation to Cabinet in Autumn to look at adopting an informal policy. Said that because of the situation with the JCS and Cheltenham Plan, a formal policy could not be instigated, but assured Members that informal policies can have teeth;
- said that although there will be policies on space standards in the JCS and Cheltenham Plan, these are unlikely to get down to actual bedroom size and will be more concerned with the overall space of a dwelling.

WH, in response:

- following an earlier statement about English Heritage's response, said this could be to support, no comment, or to object. If they object, she had said earlier in the debate that the application would be brought back to committee, but now told Members that a better solution would be for officers to discuss matters with the Chair and Vice-Chair, as long as Members are happy with this.

RG: presumed that, if English Heritage has concerns, officers will try to negotiate these away.

CC: asked PT if she still wanted to move to defer.

PT: remained concerned that there was no report from English Heritage yet, and KR's comments that further information on policy is needed. Agreed that the application appears to have been rushed through for some reason, and while it is laudable to take on such a huge site, said again that Members and the authority need to be very, very careful in their consideration of the proposal.

MJC, in response:

- re-emphasised that this is the reason for the recommendation, and it makes allowances for Members' concerns. Could see that Members have some causes for concern, but said that these are not enough to defer the decision. These are relatively minor matters – refuse and minor design issues – and if the whole scheme was to be brought back again in one month's time, could not see that the debate would be very different. Said if Members go with the recommendation, they would buy officers time to tweak the details of the scheme – they do not need to wait another month for this.

KR, in response:

- would like to see information about costings to prove that the Odeon can't be kept in some part – has just been told that it would be too expensive. Regarding other issues, colleagues say these can be done through the usual process.

MS: was happy for officers to negotiate as long as the proposal doesn't end up Century Court style.

CC: asked if Members would like to vote on PT's move to defer.

CL, in response:

- before voting, went through the Committee's voting protocol with Members: explained that if a recommendation to permit is lost, the proposal is refused; if a recommendation to refuse is lost, then the proposal is permitted; if a move to defer is lost, the protocol is silent on that, so in that case CL's advice is that another move needs to be made, to vote on the officer recommendation, otherwise a limbo situation arises.

PT: asked why, if her move to defer is lost, Members can't simply vote on the officer recommendation as stated.

CL, in response:

- said if PT's move is lost, a Member can move to vote on the officer recommendation thereafter. Asked if PT wanted to move to defer on both sites.

PT: confirmed that she was concerned with the Former Odeon site, not the Haines and Strange site.

CC: confirmed that Members would vote first on PT's move to defer, pending further work on viability and awaiting English Heritage's report.

Vote taken on PT's move to defer a decision on 3/00777/FUL & CAC, Former Odeon Cinema

2 in support
8 in objection
1 abstention

MOVE TO DEFER LOST

BD: moved that votes be taken on the officer recommendations.

Vote taken on officer recommendation on 13/00777/FUL & CAC, Former Odeon Cinema

10 in support
2 in objection

OFFICER RECOMMENDATION APPROVED

Vote taken on officer recommendation on 13/00827/OUT & CAC, Haines & Strange

11 in support
1 in objection

OFFICER RECOMMENDATION APPROVED

80. 13/00661/FUL Cheltenham Racecourse

Application Number:	13/00661/FUL
Location:	Cheltenham Racecourse, Evesham Road, Cheltenham
Proposal:	Erection of a new Grandstand, extension of raised walkway deck viewing area, and realigned horse walkway and raised pedestrian walkway/bridge (over realigned horse walkway). Extension to North Entrance building, extension to and refurbishment of Weighing Room, construction of a garden terrace with a new betting shop beneath, extension of the unsaddling lawn and hard landscaping to north of Weighing Room. New steps and adjustments to landscaping strip between tented village and end of Parade Ring, adjustments to levels and resurfacing within the built complex and resurfacing to the course side in front of the new Grandstand up to the running rail. Other associated infrastructure work (including underground ducts and services), landscaping works, and relocation of spoil material to a remodelled site.
View:	Yes
Officer Recommendation:	Permit subject to a 106 Obligation
Committee Decision:	Permit subject to a 106 Obligation
Letters of Rep:	3
Update Report:	Officer comments, County Council response, conditions

Public Speaking:

None.

Member debate:

RG: had a technical question regarding the dumping of spoilage and debris during construction – would this be transported internally within the site to its new location?

BD: noted concerns from a constituent regarding noise levels and the positioning of loud-speakers, and asked if anything was going to be done about this. Was not against the application but thought this matter needed attention.

MS: as ward councillor for Prestbury, thinks this is a good scheme and fully supports it. Pleased to have investment in the town from the Jockey Club. Said there is always going to be some noise when events are taking place, and suggested that the letter referred to by BD was more concerned with other events at the racecourse, such as the Wychwood and Greenbelt festivals. On race days, tannoy announcements are all part of the excitement, and concern from one neighbour shouldn't influence this. Said again that this is a good scheme, and that the Parish Council concerns about the view of the site from different locations are not well founded – in reality, from the top of Cleeve Hill, people will not be aware of any change, and the proposal will provide a good selection of buildings.

BF: referring the NPPF, was concerned that there will still be a considerable 'tented village' at the racecourse – had hoped for more substantial building. Was also disappointed the parade ring was not in front of the stand, resulting in people being excluded from that part of the proceedings, but realised that this was not a reason to refuse. Suggested the scheme conflicted with the NPPF's principle of promoting mixed use and multiple benefits from land – the racecourse is used for everything from a Kiri te Kanawa concert to car boot sales, and would have liked to see something included in the proposal which would make it even more suitable for other uses – adding that the scheme won't actually make it easier for people to go to the races.

AM: said Members can't get into an argument about whether the proposal is or isn't a radical re-design – it is what it is. Considers it an improvement on the existing construction, which is old, tired and out of date. Said the new stand is a nice, contemporary design, and should improve the flow of people behind the stands by a change in the construction of the walkways. Considers it a good scheme and supports it.

MJC, in response:

- asked BF which paragraph of the NPPF he was referring to.

BF: said this was Paragraph 17 – it is mentioned in the officer report.

MJC, in response:

- to RG's question about the spoil, said its re-location will be within the racecourse site, and this would be beneficial to Evesham Road. Did not consider it reasonable for the Authority to condition this, but suggested that an informative would be appropriate, requiring the applicant to use their site where possible;
- to BD, regarding noise, said MS had answered the question well, and neighbour concerns stem from festivals rather than race meetings. The neighbour comment related to the tannoy, but this is not used intensively throughout the year – it has been investigated by Environmental Health officers, who have no concerns. Said it would be too much detail – micro-managing, in the words of Robert Lindsey – if the Committee tries to influence the position of the tannoy.

BF: asked for response on his comment on encouraging multiple benefits from use of the land.

MJC, in response:

- said these comments in the report came from the Policy team, and there is conflict between the Local Plan and the NPPF. CBC's Local Plan policy permits development at the racecourse as long as it is principally horse-racing-related; if it wasn't, it would be a very different proposal. The Local Plan recognises what the building is and its great

importance in the town, and also that the buildings are not dominant in the greenbelt. Said the proposal isn't for another Centaur – that would be quite a different application and recommendation – and that the Local Plan policy is positive and pro-active in greenbelt terms. Said the authority shouldn't be pushing the racecourse to use its building for different things – this would be against policy.

BF: said MJC had said the racecourse is used principally for horse-racing, but suggested that if the number of days was counted, this is probably not the case.

LG: said BF is trying to re-invent the wheel; he would have a point if this was a large green open space with no horse-racing, but the application is for a refurbishment of the racecourse and buildings over 100 years old and long overdue for improvement, with better toilet facilities, improved pedestrian areas, and underground storage and services provided. He and MS were at one on this. The race course over the years has been kept within the delineated area – had tried to take it out in the 2007 Greenbelt Review, but the Secretary of State had not agreed and the racecourse remains entirely in the greenbelt. Said again, this application is about the refurbishment of old buildings – the racecourse does great service to the town, attracts an enormous number of people and will continue to play a very important part in the economic future of the town.

CC: said most Members appear to be in support

PT: said she had recently visited the Hall of Fame at the racecourse, and seen a record of its development over the years – it is amazing to see how different it is to what it was before. Said the Centaur was designed to be used for other things as well as horse sales, and is a very useful building. Does not consider the racecourse or new proposal detracts from the greenbelt. Thought it a shame the stand takes away pedestrian access to the winning enclosure, but supports the application fully. Said the tented village is partly CBC's responsibility because of our policy, and if there was an application for permanent buildings, the authority might say no.

Vote taken on officer recommendation to permit

14 in support – unanimous

PERMIT

81. 11/00735/FUL 113 Church Road, Leckhampton

Application Number:	11/00735/FUL
Location:	113 Church Road, Leckhampton
Proposal:	Erection of a single storey dwelling to the rear (revised drawings to those previously consulted upon)
View:	Yes
Officer Recommendation:	Permit
Committee Decision:	Permit
Letters of Rep:	17
Update Report:	Conditions

Public Speaking:

Mrs Sheldon, applicant, in support

Told Members that she had spent a considerable amount of time overcoming concerns about the original application, and the current proposal is for a single-storey (rather than two-storey) dwelling which causes no harm to neighbouring amenity, has no highway safety issues, and does not adversely affect the character of the wider area. The proposed dwelling is not at odds with planning policy, is less obvious than the previous proposal, meets requirements of separation distances, is single-storey so does not cause loss of privacy or light to neighbours, and with windows at ground level will not overlook the neighbours – said it is not true to say that there will be overlooking issues, as endorsed by officers. Said the

proposed dwelling sits comfortably in the generous gardens, and its height and design are appropriate. Agreed that the design is contemporary, but said although this is different, it is not inaccessible – it is a high quality, bold and interesting design which fits well in its context. Regarding highway issues, said vehicular access will be by an existing access and no highway objection has been raised. Highways also accept that the increase in traffic would be negligible. Summed up by saying this is a proposal for a single-storey, high quality, family house close to good schools, and is supported by officers. Hoped Members would agree.

Mr Clarke, neighbour, in objection

Spoke on behalf of neighbours to emphasise the points made in their many letters of objection. Was concerned about the impact of the development on the character of the area - it is garden infill and a totally different design to the other dwellings around it. Realises that houses in the area are of many different styles, but considers the external, futuristic appearance of the proposed dwelling, its 1.5 storey construction, wood panelling and metal roof are completely out of character. Regarding its impact on neighbouring properties, said at 1.5 storeys, it would overlook other homes. On the subject of highway safety, said Church Road can't take any more traffic; this dwelling will exit on to Church Road, and additional cars will be involved. Asked Members to note that of 26 letters sent out, 15 objections and two comments had been received, none of which were in support.

Member debate:

RG: on a technical point, asked about the description of the proposal – it states 'erection of a storey dwelling'. Should this be single-storey or 1.5 storey?

MJC, in response:

- apologised for oversight. Said the proposal is for a single-storey building, but could be termed a 'generous' single storey.

RG: on planning view, had noted the lovely open garden of 113 Church Road which would obviously be lost when built on, and questioned the conclusion at 2.2 of the officer report update that the integrity of the original building will not be compromised – said part of the integrity of the original building is the large open garden.

PT: referred to one of the letters of objection which stated that Inspectors have said previously that there should be no more traffic exiting onto the lane. Would like to hear from MP on this.

KS: thought this quite a tricky application. Had looked closely at the design of the building and could find nothing wrong with it, but knows the area well, the existing house is one of her favourite buildings in Cheltenham, and thinks it would be a shame to spoil its setting. However, considers the issue of traffic on Church Road to be much, much more important than this, and has already spoken to MP about it. In the past, has used her car to pick up her son from school and found the road a nightmare, with parking on the pavement on a narrow part of the road. On one occasion, as school governor, had accompanied children to an Easter service at the church, and with cars parked on the pavement, the only way past was to allow the children to walk on the road. Said permitting another house here was not right. Noted the objections on pages 100-107 of the schedule, and said a new driveway will not solve the issue – the same problem will still exist and there will be no room for cars to get past. Asked why it was suggested that the new exit makes any difference.

BF: noted that this is a locally listed building, and asked KR to reiterate what merits a house being included as a locally listed building as opposed to a listed building.

MS: agrees with RG – the design is alright but it doesn't complement the listed building. Thought the proposal was contrary to the SPD on garden development.

BD: had been up and down the road, and found it crowded and difficult to pass. Asked Highways to confirm that there would be room to turn a car round and drive out frontways. Would need to know this is possible before voting in support of the proposal.

LG: noted that the policies and guidance listed in the officer report made no reference to policy GE2, and found it hard to accept that this large garden doesn't add to the amenity of the area. On the traffic issue, said this will never improve on Church Road, and even though it could be said that two extra cars won't make much difference, was reluctant to vote for anything which would mean two or three additional cars on this almost intolerable road.

AC: as ward councillor, shares other Members' concerns about traffic, and noted the recommendation for refusal from Highways on P101 of the report. Asked why they had now changed their mind.

MP, in response:

- started with a bit of scene-setting – said the original Highways objection had related to the existing access. Had looked at the restricted visibility and turning space, which could have resulted in cars having to reverse out, and recommended refusal. Now an access had been created which would overcome these problems. There had been pre-app discussions on visibility, lack of width and reversing on to the road, but with the creation of the new access, all this became acceptable, and the new plans made it easier to drive out in forward gear;
- knows Church Road well and realises that it has problems, but has to ask whether this was reason enough to refuse the proposal. According to the NPPF, it is not;
- said the Inspector's previous comments that there should be no more cars accessing the road was a rogue decision, which had changed with time. It could not be said that one or two more cars would make a difference. Reminded Members that cars travel slowly on this road, and also made the point that many of the cars parked on the road and pavements belong to residents;
- said Highways can not object to the proposal as it is, and if the police thought the situation on Church Road was that bad, they would have done something about it;
- concluded that it was not tenable to object on the grounds of one dwelling, in keeping with the NPPF, and urged Members not to refuse the scheme on highways grounds.

KR, in response:

- was not a consultee on this application, but said that the setting of a listed building is a consideration and has been tested at Appeal – reminded Members of the application for a multi-storey car park at the hospital. This case went to appeal, and the Inspector ruled against it as it would have affected the setting of the Lido, a listed building.

MJC, in response:

- said KR was quite right, adding that the report gave the rationale for including this building on the local index but made no reference to its setting. Said Cheltenham has very few buildings like this one, in a New England style;
- following on from MP's comments, reminded Members of the appeal decision at Thompson Drive, for the construction of two houses, 2-3 years ago. The Inspector had not seen the additional traffic as an issue, and officers had taken heed of county council advice on this point;
- to Members' concern about whether this is an appropriate site to be developed, and LG's introduction of policy GE2 to the debate, said if Members choose to go down this route, they must specify what the significance of the site is and what is so special about it that it should not be developed. Looking at the specifics of GE2, it speaks about 'significant townscape and environmental contribution'. Asked if Members felt this garden is doing this, and if so, how?
- had considered the proposal against the Garden Land SPD, and believed the key element is understanding the context. Said Members would have noted on Planning View that the proposal does not extend beyond the building line, and that the area is

very mixed architecturally. Said there is an established, fairly loose grain behind the frontage on Church Road, and they should bear this in mind;

- agreed that the proposal is overtly modern in design, but said officers welcomed the variety in the area where there are currently New England-style, thatched, 1960s, Regency-style, and red brick properties in close proximity – a real mix with no well-defined architectural style. It is therefore entirely appropriate to introduce a modern, contemporary approach;
- said the proposal had been thoroughly assessed against the SPD, and officers feel that it won't compromise this – it will change the area, and the property has been designed to be seen as it deserves to be; it is not in breach of the SPD, and officers were happy to recommend its approval.

PT: having looked at a map of the area, and noted that it is fairly densely developed, considers this garden to be very attractive and a 'green lung' – a breathing space in the area. Said there are not many of these where the houses are built up, and despite there being fields beyond, thought that covering every inch of greenspace with houses is not a good thing to do. Was not convinced the proposal wouldn't detract from the listing of the original house, and asked KR if listing could ever be taken away due to inappropriate building around and outside.

LG: said officers are always willing to quote to NPPF, and referred them to paragraph 53, which states that local authorities should consider setting out policies to resist the inappropriate development of residential gardens where development would cause harm to the local area. If the local councillors think it will cause harm to the area, this can be used as a refusal reason, together with GE2 of the Local Plan. Has not heard anything yet to convince him to vote in support of this development.

KS: understands more about the access now following MP's comments, but does not think the issue of visibility has been overcome. Said the new access is directly next to the original access, and with cars parked right up to the junction, it will not overcome the problems. Thought that restricted visibility was a reason to refuse – there is access for one house at this location, not two.

MJC, in response:

- to PT's question about whether local listing is ever reviewed, said it is every so often, and would be put to a panel. However, said this property isn't on the local index just because of its setting, but also to do with its style of architecture and there being no other building like it in Cheltenham. Reminded Members that schemes to build in the gardens of locally indexed buildings have been approved in recent years, and the impact of the scheme on the locally indexed building has to be assessed;
- to PT's comment about the garden being a 'green lung', said this goes back to context and it is clear that there is a lot of open space beyond the site – larger gardens, school playing field and so on. Said both the existing and proposed properties will retain a decent amount of space around them, and the proposed new dwelling is designed to be respectful of this;
- to LG's comments about NPPF requirements, said he has included reference to Para 53 in his report, and resistance of 'inappropriate development' is basically what CBC has done through its SPD. However, this does not mean that every backland scheme is unacceptable – it is all about context, and this is what the SPD tries to achieve;
- said the proposed dwelling is not an anomaly – there are other buildings all around it – and does not compromise privacy. There are a lot of good things about it, and Members need to identify what they consider is wrong with it if they want to move to refuse the scheme.

MP, in response:

- reminded Members of the previous permission at this site which conditioned frontage boundaries to be removed. Considers this proposal an improvement, as it will achieve better visibility and control the frontage;

- said in practical terms, it's true to say that parked cars will restrict visibility, but in planning terms this is not an issue. This has been measured on the plan, and it would be true to say that visibility at most junctions in Leckhampton are affected by parked cars but these don't cause accidents;
- regarding the width of access, turning space and visibility, said Highways has got all it required and cannot object. Visibility is not substandard; in fact it is improved. Said again that refusal on Highways grounds is not recommended.

KS: said the land is so individual and there are no other houses like 113 Church Road, with the large garden adding to the colonial style. Thought the green space consideration important – although it is close to public green space, this may not be there for much longer, making every bit of green space more important and worthy of protection. Said again that congestion levels are high, though was prepared to withdraw her objection on restricted visibility grounds, following MP's comments. Moved to refuse on BE11, as the scheme will compromise the setting of a locally listed building and spoil the appearance of a special house. Was happy for other Members to add more reasons should they wish.

MJC, in response:

- regarding BE11, said this refers to the demolition or harmful alteration of the building on the Local Index – i.e. physical works to the building itself, not to its setting. Members should think very carefully if they want to use this policy, as it is not correct in officers' opinion;
- said that policy CP7 would be more appropriate here, as it refers to the design and setting of the building; GE2 is not suitable as the green space is not high enough in value. If Members are minded to refuse, suggested they do so on CP7, but said that KS's comments so far have the makings of a weak argument which could not be defended successfully at appeal;
- reminded Members that the NPPF requires planning authorities to take a positive approach and look for solutions. It is true that the current house and garden make a contribution to the area, but not enough to make a strong case - there is only the shred of an argument here.

LG: thought that GE2 should be added, as a private garden would be lost. If the case goes to appeal, the Inspector will make a judgement. Said there is no harm in including any policies which are the least bit supportive of what Members are trying to achieve.

CC: asked if Members wanted to substitute CP7 for BE11, and add GE2.

KS: said the officer advice is that substantial reasons are needed to refuse – the reason is that Members are not happy with the setting of the locally listed building being destroyed.

MJC, in response:

- thought that officers could craft a refusal reason based on the setting of the locally listed building, but still considered inclusion of GE2 troubling. Asked Members if the site is so significant compared, say, with townscape green spaces such as Montpellier Gardens. An appeal inspector would ask this question.

LG: disagreed with this – said Members hear this kind of argument all the time and it gets them nowhere. Reminded them of the application at 15-17 Deep Street in Prestbury which went to appeal – this concerned a small green lawn, hidden from the highway, behind four walls on all sides and with the only access through another person's property – and was deemed to be contrary to GE2. Asked why we have policies if we don't use them. If policy reasons for refusal aren't put forward, the moves are more likely to be lost.

MJC, in response:

- said Deep Street was a different case – it was in Prestbury conservation area and there was a listed building in close proximity.

TC, in response:

- to clarify on MJC's comments, said officers are trying to give a clear steer about how robust the case would be should an appeal scenario arise;
- said GE2 is very clear in policy terms and refers to private green space which makes a townscape contribution, while CP7 refers to the character of the locality and landscape – this is enough;
- said it isn't appropriate to go forward with a refusal, thinking that as many additional reasons as possible need to be pulled in to strengthen the case – this won't happen, and this approach is more likely to harm the case;
- if Members can't say why the proposal will harm the townscape, they should consider CP7 only as a refusal reason.

MS: totally disagrees with this. Regarding GE2, said all things are relevant, and it would be up to an Inspector to decide whether or not this policy was appropriate. Thought GE2 and CP7(c) and (e) are all very relevant here.

CC: said KS has moved to refuse and LG has added a reason. Asked CL to clarify protocol here.

CL, in response:

- said again there seems to be a confusion regarding protocol: if Members vote on the recommendation to grant permission and this is lost, officers will pull out the refusal reasons suggested;
- if Members vote in support of the move to refuse contrary to the recommendation, officers will go with the refusal reasons put forward;
- the officer advice to KS was that she needed to come up with reasons for refusal. She has done this – CP7 - and officers will outline these to make sure KS is happy with them;
- if other Members are not happy with the proposer's refusal reasons, they can move to amend them;
- if the amendment is carried, then Members can then vote on the amended resolution;
- if this amendment is lost, Members will vote on the motion originally proposed by KS; if this is lost, the permission will be granted as the recommendation.

MJC, in response:

- said this advice is clear. Was aware of a number of concerns from Members, but said that CP7 provides enough ammunition for an appeal situation; adding further policies will lead to a dilution;
- said GE2 is not appropriate here – the green space is not significant enough;
- urged Members to rely on CP7.

JW: admitted that this was the one site he did not visit on Planning View, but had listened intently to the debate. Said that Members appeared to be feeling more negative than positive about officer advice and that ten minutes had been spent discussing reasons for refusal. Asked how long Members and officers would keep looking if there were no substantial reasons which would stand up at appeal.

KS: was happy for other people to amend her suggested refusal reasons, but accepted officer advice on CP7. Regarding appeals, thought it worth including any reasons Members thought appropriate and leaving it to the Inspector to decide whether or not it was relevant, but thought CP7 was the best bet, considering the harm the proposal would do to the setting and the area.

CC: asked if there were any moves to amend the motion.

MS: proposed the addition of GE2 (b) and (c), and NPPF Para. 53.

Vote taken on MS's move to amend the refusal motion to refuse on CP7(c) and (e), GE2 (b) and (c), and NPPF Para.53

2 in support

11 in objection

1 abstention

MOTION LOST

Vote taken on KS's move to refuse on CP7

6 in support

8 in objection

MOTION LOST

APPLICATION PERMITTED

Cllr Walklett left the meeting at this point.

82. 13/00189/FUL Land to the rear of Well Cottage, The Burgage, Prestbury

Application Number:	13/00189/FUL & CAC
Location:	Land To Rear Of Well Cottage, The Burgage, Prestbury
Proposal:	New vehicular access from Mill Street including the demolition of stone boundary wall and rebuild using reclaimed natural stone
View:	Yes
Officer Recommendation:	Permit
Committee Decision:	Permit
Letters of Rep:	1
Update Report:	None

Public Speaking:

Mr Whitbourne, applicant, in support

Thanked Members for the opportunity to address them and explain the reasons for his application. Said the access to his paddock is by grace and favour of the owners of Capel House, next to Prestbury House, and he has to cross his neighbours' rear garden to reach his sheep and goats. This access will soon finish. The alternative access is via a field he currently rents, which adjoins the paddock and is owned by the Church of England. When the rental period ends, he will have no access to the paddock or stables, which is why he has applied for access from Mill Street. Said the original application was for double gates to make entrance with farm implements and delivery of hay and straw much easier; this has been amended to a single gate following objections from the Parish Council and neighbours. A solid gate was originally requested for security reasons, as a five-bar gate gives easy access to trespass, would allow members of the public to have physical contact with the animals, and would be less suited to keeping the animals in. Regarding the stone wall, said this is badly in need of repair, and he would undertake to repair the length of the wall concerned, retaining it at its original height. Said if access permission is denied, he will have no legal access to the land he owns, and asked the committee to approve access permission accordingly.

Member debate:

SW: had absolute sympathy for the applicant, though might have argued against the application in other situations. Regarding the request for single access, was in favour of putting this back to double access, as the land in question could end up as scrap land if the owner can't access it.

PT: asked to see the design of the gate on the screen. Thought it was a double access, and was puzzled by the comment that this was needed for deliveries etc – had the lorries been driving over the neighbours' back garden until now?

BF: said it was a five-bar gate with a pedestrian gate.

Vote taken on officer recommendation to permit

13 in support – unanimous

PERMIT

83. 13/00220/FUL Cheltenham Car Wash, Kingsditch Lane

Application Number:	13/00220/FUL
Location:	Cheltenham Car Wash, Kingsditch Lane Cheltenham
Proposal:	Alterations and extensions to automated car wash, to provide a coffee shop (including the re-erection of the valeting and jet wash bays)
View:	Yes
Officer Recommendation:	Permit
Committee Decision:	Permit
Letters of Rep:	0
Update Report:	None

Public Speaking:

None.

Member debate:

None.

Vote taken on officer recommendation to permit

14 in support – unanimous

PERMIT

84. 13/00691/COU & LBC Manor by the Lake, Hatherley Lane

Application Number:	13/00691/COU & LBC
Location:	The Manor By The Lake Cheltenham Film Studios Hatherley Lane
Proposal:	13/00691/COU: 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: 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)
View:	Yes
Officer Recommendation:	Permit / Grant
Committee Decision:	Permit / Grant
Letters of Rep:	6
Update Report:	Officer comments and conditions

Public Speaking:

Mrs Justine Woodley, on behalf of local residents, in objection

Objected on behalf of Grace Gardens Residents Association, including all residents of Wade Court and Grace Gardens, who have been disturbed by activities at the Manor in the past and might be in future. Was concerned about a number of issues relating to the change of use, although neighbours do not consider this will be any change - weddings and parties have been going on here for a number of years and they have had to deal with noise and disturbance issues regularly as a result. Said there has been a significant problem with loud noise late at night as guests are leaving, and numerous complaints have been made to the Manor about this. Thought it unlikely that any constraints would stop this being a problem, but wanted to be sure at the very least that guests will not be allowed to leave via the current main entrance and that no vehicles are allowed into the car park at the front of the Manor at night. Understood that there might be new doors into the ballroom, and said that if these are open during events, the noise level is likely to be as high as it is when there is external amplified music – this has been a problem in the past. Also requested sufficient controls over food smells and waste, including the quiet disposal of empty bottles. Said it is impossible to believe that there would not be further traffic and parking issues, especially on Hatherley Lane, which is already a busy and dangerous road. Said people regularly park on Wade Court and on Hatherley Lane alongside Wade Court, making it dangerous for residents turning into Hatherley Lane, and increasing the possibility of a serious accident.

Said local residents have tried to maintain a working relationship with the owners of the Manor in the past, but have found that complaints are not attended to. Realised the tension between running a wedding business in close proximity to residential buildings, and said that although the new owners have given neighbours a number of assurances, neighbours remain concerned that business imperatives will soon diminish the owners' concern for their neighbours. If the application is permitted, neighbours expect there to be comprehensive restrictions to avoid serious problems in the future. Said there have already been a number of incidents of loud music and noise late at night – amenity has been severely impacted and will continue to be so, probably to a greater extent given in increase in activity. Said this is due to regular, loud noise which can be heard by residents in their houses and gardens, at any time but especially late at night.

Ms Madge, applicant, in support:

Began by saying that she understands neighbours' concerns, and that noise levels were not managed well under the previous ownership. Told Members that she has a lot of relevant experience having run an events company in Suffolk, where there were no complaints from local residents. Could see that the increase in the number of events was cause for concern, but said most of these will take place in the banqueting hall and should mean a reduction in noise for neighbours – having spoken with residents, most of the noise issues seem to have arisen from the marquees, where noise levels could not be monitored. Marquees will no longer be needed with the banqueting hall in use. Added that the venue is there to be enjoyed by everyone in the area, and that jobs will be created.

Member debate:

MJC, in response:

- told Members that there were two conditions missing, referred to in the officer report at 6.4.2 – the two conditions suggested by Environmental Health. The first concerns noise spillage, which can be controlled by the doors being closed at certain times, and the second is a standard condition regarding kitchen extraction equipment, which has been discussed with KR, who has no objection to it. Said these conditions will need to be added if consent is granted.

RG: regarding the COU part of the application, is worried that if this is approved, the applicants will be able to carry on unfettered with wedding functions, and still have the right to put up marquees in the grounds and do what they want. Said if the proposal is permitted, the authority needs to be fully in control in the future. Suggested that permitted development rights – allowing marquees and amplified music – could be taken away, and the applicant would have to re-apply for this individually. Recognised the needs of the business and

appreciated that jobs would be provided, but also recognised the needs of local residents, and felt that the applicant shouldn't be given *carte blanche*. Did not want to fetter business but did want to protect residents.

PT: was puzzled, as she was looking for Environmental Health comments on the gazebo and pavilion, and hours of use, and could not find them in this application. Asked if it was right to mention these now.

CC: confirmed that this would be OK, if her comments are relevant.

PT: thought they were, in relation to noise. Noted there was no mention of fireworks in the report, even though this is mentioned in several letters from residents. Asked how this could be influenced by the planning permission. Noted that EH suggested a condition limiting use of the gazebo and pavilion for the conducting of weddings, music etc to 9.00am to 6.00pm, and for no more than one hour a day, but said that any music would be heard through the open windows of the banqueting hall, so would the same conditions apply to that? Also questioned how this would be enforced, and wondered why conditions like these are included when officers know they will be very difficult to enforce.

SW: agreed strongly with RG, saying he is almost a neighbour of Manor by the Lake – lives on the other side of the A40 – and has experienced noise from the Manor, as well as fireworks as late as 11 o'clock at night, not just on nights when they are to be expected such as around 5th November and 31st December. Thought this must be intolerable for residents of Grace Gardens. In regard to RG's comments, said if something can be done to contain noise in the building that will be OK, but was very reluctant to vote for either application if something substantial can't be done to protect the neighbours from the existing noise, let alone any future noise.

BF: agrees but said CBC isn't good with enforcement, and issues can rumble on for months or even years. Said it's easy to put conditions on a planning permission, but the permission could end up with so many conditions attached that the applicants will be restricted in carrying out their business, or else it won't be possible to monitor and enforce the conditions. Said experience of enforcement is not good.

BD: agreed with BF's comments on enforcement. Noted on planning view that the houses are very close, and for residents it would be like having music and fireworks in their own back gardens. Was reluctant to vote for the scheme – thought it would be like opening Pandora's Box for people living at the back.

MS: heard what was being said but wanted to make an analogy with people living around the racecourse. Said the applicants are new to the building, and if a good rapport with neighbours can be established as has been done with residents living close to the racecourse, the venue's importance to the community will be accepted and local people will support it. Said the Manor House is historical and needs to be used, otherwise it could fall into disrepair, and if the noise is intolerable, enforcement officers will be notified. Suggested giving the applicants a crack at developing their new business, and hoped that they will respect the local community in doing so.

KS: was not on planning view, but had gone to look at the site on her own. Thought it very interesting – a beautiful building in an appealing setting. Noted that Wade Close is really close to the building, and having read the representations, updates and conditions, is not convinced that the permission and conditions are strong enough to give residents the peace of mind they deserve. Said the hours of opening were OK but how and where people leave the venue is also important, suggesting that the back exit near the industrial area would be better than the current arrangement. Also thought a condition relating to fireworks was important, as these would be so close to residential properties, and thought the hours of operation should also be looked at again.

MJC, in response:

- regarding fireworks, said it is not within the local authority's gift to control these, regardless of whether they are used by the venue or by a private individual – anyone can have fireworks in their back garden;
- on the question of marquees, referred Members to the Cheltenham Festivals applications, and said there were permitted development rights to allow marquees to be erected for 28 days of the year, including the setting up and taking down. If the applicant wanted more days, planning permission would be required. Asked Members if they wanted to restrict this;
- said it was not uncommon to remove PD rights for new houses, and PD rights for marquees could be removed – a further planning permission would then be needed to allow them; Members needed to think whether this is what they want;
- regarding hours of operation, said there are no suggested restrictions in the report – the property is licensed and this is what controls the issue. The Environmental Health team does not consider restrictions necessary, but if they are, it is up to the EH to set them;
- corrected his own earlier comments regarding noise spillage – Condition 2 – saying that as long as the three doors are kept closed, EH has no objection;
- to BF's comments about whether it is worth including conditions on planning permissions if they are not enforced, said this type of condition is usually enforced by neighbours, and if the conditions are breached, the local authority will know about it via complaints to EH. Said this arrangement is not uncommon.

KR, in response:

- reinforced her comments that this is a large building in lovely grounds which could be spoilt if it does not have a fundamental use;
- reminded Members of the earlier proposal concerning the Odeon – a large building with no future use and now facing demolition – and thought this proposal, which would provide a use for the house and the garden would prevent it having to be subdivided into flats in the future.

AM: referred to 1.3 on page 178 of the report which states that the established use of the site has been to host weddings and other functions, and asked what the impact would be if the application is refused – the applicant will simply continue with the established use.

PT: was confused. Noted that the second application (13/00383/FUL) refers to hours of use (9.00am-6.00pm) but these don't apply to the first application (13/00691/COU). Said even with the best will in the world to restrict noise and loss of amenity for neighbours, as stated by Environmental Health, there was no mention of fireworks – fireworks are noisy, and noise is part and parcel of what needs to be enforced and controlled. Considered it important to establish whether we can detail fireworks noise in a condition, so that EH can at least have some effect on it.

RG: would like to see PD rights withdrawn, saying that this wouldn't fetter business and would allow the local authority to keep some control. Regarding the conditions on noise, said if the noise levels at boundary points are tested by Environmental Health, at least the residents will know there is a set standard. Realised it was a long shot, but wondered if an informative could be included, encouraging the applicants to look at how the racecourse and Park Campus engage with local residents – holding regular meetings, no fireworks late at night etc – to foster better relations.

MJC, in response:

- to AM, said the building was previously attached to a wider complex, and its use as a wedding /function venue was ancillary to that. The current application is to establish its own use as a stand-alone venue. Its previous use is relevant to the application, but its future use can no longer be considered as ancillary;
- to PT, regarding hours of operation, said the importance of controlling noise was heightened for the outside structures (13/00383/FUL), and that Environmental Health officers don't consider it to be an issue for the COU application;

- to RG, said if EH officers thought the noise level was likely to be an issue, they would impose restrictions, but with the doors kept shut, they consider that noise levels will be contained and therefore OK. Said it might be a convoluted approach, to keep the doors closed, but this was their clear view;
- regarding RG's suggested informative, said engagement with the community is generally a very good message to give to an applicant, as had been demonstrated by the Cheltenham Festivals applications. If Members were happy for them to do so, officers can craft an informative to this effect.

KS: was trying to be positive and wear an NPPF hat, but found it a struggle. Did not consider all the issues had been resolved. Was concerned that Environmental Health officers had not suggested any restriction on hours – said people are naturally very noisy, high-spirited and drunk at weddings and celebrations, and felt this might have a negative impact on the local community. Said it would be very difficult for Manor staff to shepherd hundreds of guests, celebrating a happy day. Cannot support the proposal as it stands, though may be more in favour of a temporary permission, perhaps for one year. If the proposal goes ahead as it is, it will lead to problems for the enforcement team.

SW: agreed that these conditions can't be enforced, but said there was a similar situation at ASDA, where the management took great strides to get together with neighbours – suggests Manor by the Lake do similar. Would support the proposal if it is for a temporary period.

MJC, in response:

- said the problem with a temporary permission is that it will create a difficult route regarding business planning – the nature of the business is to take bookings for next year and beyond. A temporary permission is not a suited use here. If Members do not consider the recommendation and conditions suitable, they need to say why not.

BD: referred back to earlier comments about how Cheltenham Festivals work with local residents, saying this situation is similar. Said residents have been included in decision-making and attended regular meetings, and the issues are now starting to be sorted out, after two years. Thought this could be done here, making sure all residents are involved and stopping problems before they get out of hand, as done by Cheltenham Festivals.

CC: considered MJC had responded to Members' concerns and moved to the vote.

Vote taken on officer recommendation to permit

- 10 in support
- 1 in objection
- 2 abstentions

PERMIT

Having sat for four hours, Members voted on whether the meeting should continue or reconvene on Friday - a vote for the meeting to continue was carried.

85. 13/00383/FUL Manor by the Lake, Hatherley Lane

Application Number:	13/00383/FUL
Location:	The Manor By The Lake, Cheltenham Film Studios, Hatherley Lane
Proposal:	Erection of pavilion and gazebo within grounds
View:	Yes
Officer Recommendation:	Permit – altered at committee to Delegate authority back to Officers to resolve outstanding issues before issuing permissions/approvals, with recommendation that the applicant withdraws the gazebo element of the application

Committee Decision:	Delegate authority back to Officers to resolve outstanding issues before issuing permissions/approvals, with recommendation that the applicant withdraws the gazebo element of the application	
Letters of Rep:	27	Update Report: Conditions

Public Speaking:**Mrs Justine Woodley, on behalf of local residents, in objection**

Said local residents believe that these additional structures will greatly increase the noise disturbance they have suffered for a number of years. Said the first concern is amplified noise, which will be quite unacceptable in any outside area as far as residents are concerned. Environmental Health officers have said that PA may be used for an hour every day, but told Members that a recent marquee event in the gardens which used amplified noise was so loud that residents could not hear their own televisions inside double-glazed homes with the windows closed. If amplified noise is allowed, this level of disturbance could occur every day throughout the summer. Said residents' second concern is that these areas will be used by smokers and drinker to congregate, so creating additional loud noise. Up until now, Manor staff have not always been able to control wedding guests to ensure they use designated smoking areas, and the current smoking area is a little further away from Grace Gardens but not far enough to prevent noise disturbance. Management of smokers remains a serious issue for residents. The third concern is that EH officers suggest weddings and other events can take place between 8.00am and 9.00pm. Said 9.00pm is late and could mean music, singing and applause from 150 people well after small children are likely to be in bed. Finally, said the proposed site of the gazebo is only about 20m from the nearest house, though it could clearly be situated elsewhere in the grounds – there seems to be only minor aesthetic justification for its proposed siting. It could be positioned on the Hatherley Lane side of the Manor, though noise would still remain an issue for Grace Gardens and Wade Court residents. Said Manor by the Lake is very close to neighbouring houses and cannot therefore expect to function as a country estate might do in hosting weddings – amenity will be significantly and negatively impacted by the addition of these structures in the grounds.

Ms Madge, applicant, in support:

Told Members that despite British weather, many couples want to be married outside, and the pavilion and gazebo are important for her business: the pavilion will be an ideal backdrop for larger ceremonies, the gazebo for small ceremonies. Said they will be used for the ceremonies and photos only, and will not be used as smoking shelters – there will not be any seating to discourage people from spending additional time there. Said that in order to be a successful wedding venue, it was necessary to offer both indoor and outdoor facilities.

Member debate:

RG: wasn't happy with the Environmental Health statement referring to low key, background music and small PA systems; said the noise and decibel level should be at a set standard and guidelines were needed – otherwise how could this be enforced? Said EH officers and planning officers should sort this out. Regarding the control of smokers, said the hours of use were set at 8.00am to 9.00pm, but there would always be overspill at the end of those hours. Noted that the applicant said the gazebo would be used for small ceremonies, and thought there needed to be a definition of 'small ceremony' from the applicants – did this mean 150 people, less or more? Said this information was needed before any permission could be granted.

KS: asked why the hours of operation had changed from 9.00am to 6.00pm as suggested by EH officers, to 8.00am to 9.00pm as set out in the condition. Also wanted to know how access would be permitted outside the suggested one hour's daily use – how will the gazebo and pavilion be shut off to ensure nobody uses them at other times?

MJC, in response:

- regarding the Environmental Health position, said their initial stance was that hours should be limited to 9.00am to 6.00pm, for amplified music and voices from the gazebo and pavilion. This had subsequently been discussed with the applicant, and the site visited, as a result of which a more relaxed stance of 8.00am to 9.00pm, for no more than one hour each day, had been thought appropriate. Said the impact was not likely to be so great as to restrict the noise any further. Said Members can decide if they consider these hours appropriate or not, adding similar advice to that already given, that it will be clearer to impose hours of operation rather than noise levels. Had a similar discussion regarding Cheltenham Festivals, saying that hours of operation were more clear cut, and if Members were not comfortable with an end time of 9.00pm, they should suggest a time which they are comfortable with;
- to KS's question on how to prevent the structures being used beyond the set times, said once again that we would rely on residents of neighbouring properties to report any breaches – this is common practice in the town, as this kind of situation cannot be policed 24/7. It will be flagged up and dealt with accordingly. If Members are uncomfortable with the proposed hours of operation, they should debate this, as it will be easier to enforce.

GB: had no huge problem with the pavilion which was further from the houses and shouldn't be especially annoying for residents, but did have a problem with the gazebo which is just too close. Would be happy to permit the pavilion but not the gazebo – if the application is permitted and the one hour's use a day is always around 9.00pm, it would be very annoying for neighbours. Thought reducing the time to 6.00pm would be better but probably unviable.

BD: said this is exactly what she was about to say – agreed with GB 110% that the pavilion by the lake is OK, the gazebo not. Will not vote for the proposal as it stands.

AC: said his comments had also been pre-empted and he too considers the gazebo to be too close to the houses, adding that an hour's noise at midday would be very different from an hour's noise at 9.00pm. At the very least, said the hours of usage should be restricted.

MJC, in response:

- said Members were talking in terms of a split decision – he had wondered if this might happen and believed such a decision could not be issued. Therefore suggested a more creative approach: that Members vote on a different officer recommendation. As it seems the pavilion is acceptable and the gazebo is not, suggested a new recommendation, that Members delegate the decision back to officers, who can negotiate removal of the gazebo, following discussion with the Chair and Vice-Chair. Otherwise the permission is likely to be refused.

CC: asked CL to comment.

CL, in response:

- said that although she believed split decisions can be issued when elements of a proposal can be separated out, she has worked for a different council where it has been done. However, she had not been made aware this might be considered and could not provide authorities on the point, therefore in view of this she considered that MJC had put forward an appropriate alternative

MS: suggested that the easiest way out is to grant the permission as it stands, but limit the hours of operation on the gazebo to, say, 5.00pm.

PT: said this comment pre-empted hers, and suggested 9.00pm should be a cut-off point – no music after that time - and new hours of operation for both venues would make it less complicated. Said, however, that she had no problem with a split decision either.

MJC, in response:

- said MS's solution was better, more NPPF-compliant, and a cleaner way to do it.

GB: remained concerned, saying that any hours of operation for the gazebo will be arbitrary, and we have no real knowledge about what it will be like for neighbours. Said the position of the gazebo is wrong, and would like to stick to MJC's suggestion that officers negotiate the removal of the gazebo.

RG: noted that MJC was bowing to MS's expertise, but thought his original remarks were the best way forward. The gazebo should at the very least be moved away from the wall. Asked for an answer to his earlier question – what exactly constitutes a small ceremony?

KS: agrees with GB about a split decision. Is still uneasy about the pavilion being used until 9.00pm, as noise travels a long way – has experience with this from events at Brizen Field. Thought a 7.00pm cut-off would be the best solution, which wouldn't disturb small children in bed with windows open on warm evenings.

MJC, in response:

- to RG, said what constitutes as small ceremony is irrelevant if the gazebo is to be removed from the application, in line with the new officer recommendation.

GB: was still concerned about hours of operation – thought these very arbitrary, and was uncomfortable making a decision with this uncertainty.

CC: asked MJC to sum up the situation now reached.

MJC, in response:

- said the officer recommendation is now that Members delegate authority back to officers to issue the decision, to approve the pavilion as set out in the report, and with the assumption that the applicant, having heard the debate and Members' concerns, will remove the gazebo from the application.

Vote taken on new officer recommendation (above)

11 in support

2 in objection

PERMIT

86. 13/00679/OUT 81 New Barn Lane

Application Number:	13/00679/OUT
Location:	Ramblers Rest, 81 New Barn Lane, Prestbury
Proposal:	Erection of detached dwelling at the rear of 81 New Barn Lane
View:	Yes
Officer Recommendation:	Permit
Committee Decision:	Permit
Letters of Rep:	1
Update Report:	None

Public Speaking:

None.

Member debate:

RG: has consulted the SPD on garden land development and looked at the access, and was surprised that Highways Officers consider three houses in a row on a single access conforms with our policy?

MP, in response:

- was thrown by reference to 'our policy' – the SPD is not part of highways policy in the local plan.

RG: said according to the SPD, one access serving three houses is not permissible.

MS: agreed with this statement.

CS, in response:

- on the point of access, said there is already existing access to serve two dwellings, and the application is indicative of a third dwelling. It is in accordance with the SPD, and there are no objections from Highways. Basing each application on its own merits, this proposal is considered acceptable.

LG: said if this application is granted, it makes nonsense of the £60k spent on the SPD which, on page 36, shows very clearly that two dwellings sharing the same access is not acceptable. Reminded Members of a costly appeal on a property down the track in the greenbelt – this area is still in the greenbelt and the resident in objection is likely to go to the Local Government Ombudsman if the application is approved. Said that three dwellings with one access is the worst application for backland development he had seen – there have been several for two, but this application is nonsense and should be thrown out of the window.

CS, in response:

- regarding access, said the SPD states that tandem development is not *normally* accepted, but as the access already serves two properties, the question is what additional harm a third dwelling will cause. Based on the response from Highways, it will cause no additional harm.

MS: said it would cause harm, and would contravene Policy CP7, compromising the house on the right, and representing over-development of the land. Moved to refuse on CP7.

SW: did not normally have much sympathy with the SPD, but considered this to be ridiculous. Following on from an argument at last month's committee, was concerned about 'drip feed' development, adding houses one by one. Has sympathy with the SPD in this case.

RG: noted the words used by the officers and the SPD, that this kind of development would not *normally* be permitted. Has not always agreed with LG on this, and considers two dwellings are sometimes OK on the principle of the SPD, but thought this application is pushing things too far, and supports MS's move to refuse.

LG: told Members that he had contacted the case officer and been told that this application was likely to be refused in accordance with the SPD, only to be informed two days later that there had been a change of mind and the application would now be recommended for approval. Thought this very odd, as the application had not changed, and said Members need to be able to trust what officers say. Thought this a poor example, showing how not to do it.

MJC, in response:

- said it was not quite as simple as this. Said CS had asked LG whether, if she was minded to refuse the application on the SPD, he would still want it to come to planning committee – this was a reasonable question to ask;
- however, as CS had pointed out clearly, the SPD states that this type of development is not *normally* permitted which means it is acceptable in certain circumstances. Said Members had been on site and will have noted the mixed grain of the area, similar to Church Road. It was felt, therefore, that there would be no particular harm in allowing an extra dwelling here;
- said if Members feel there is harm, they need to define it, and not simply rely on Page 36 of the SPG as evidence. Officers need to hear more if the application is to be refused;

- to LG, said this land has never been in the greenbelt.

LG: re-stated that it is.

MS: said the SPD is applicable here and should be included as a refusal reason. Said CP7(c) is also relevant – we can't keep filling little spaces with dwellings. Said looking at the map makes it clear that enough is enough and one more dwelling will be over-development of the site.

Vote taken on MS's move to refuse on CP7(c) and the SPG on Garden Land Development

5 in support

4 in objection

2 abstentions

REFUSE

87. Any other items the Chairman determines urgent and requires a decision

There were none.

CC: thanked officers for their additional work in getting the first two applications to committee this month.

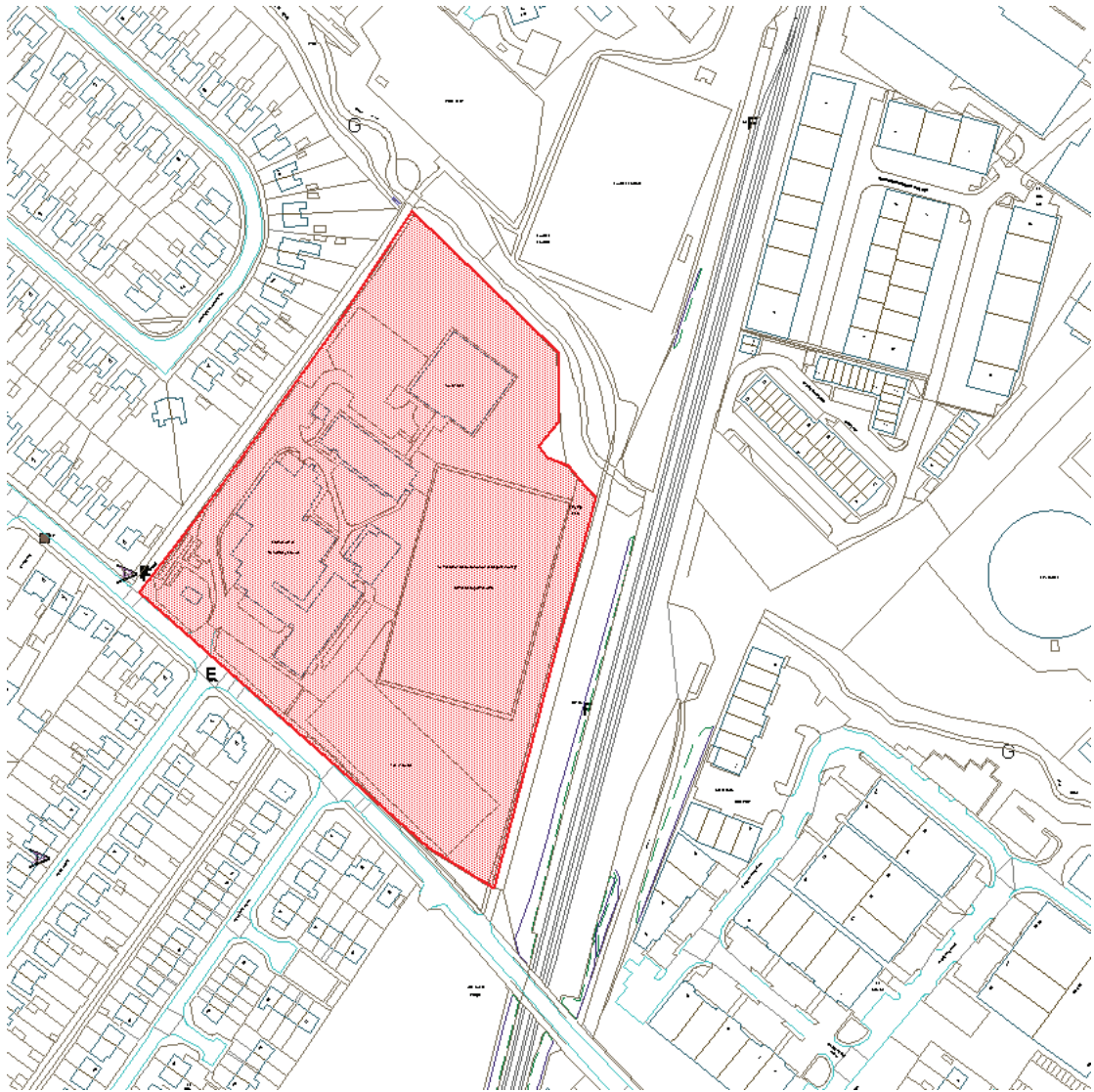
RG: thanked CC for successfully chairing the meeting, and welcomed the officer introductions to each application.

Chairman

The meeting concluded at 10.40pm.

APPLICATION NO: 13/00911/OUT	OFFICER: Mrs Emma Pickernell
DATE REGISTERED: 11th June 2013	DATE OF EXPIRY: 10th September 2013
WARD: St Peters	PARISH: None
APPLICANT: Clifton Diocese	
AGENT: Mr K Hunt	
LOCATION: Christ College, Arle Road, Cheltenham	
PROPOSAL: Outline application for residential development including means of access (indicative layout of 85 dwellings)	

RECOMMENDATION: Permit subject to legal agreement



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site comprises the majority of a former school site located on the north-east side of Arle Road, opposite the junctions of Arle Road with Arle Drive and Arle Gardens. Public footpaths run adjacent to the north-western and south-eastern boundaries of the site. The river runs along the north-eastern boundary of the site with a footpath beyond. The railway line runs parallel with the south eastern boundary of the site.
- 1.2 The surrounding area is largely residential although Cheltenham Trade Park exists to the east of the train tracks.
- 1.3 The site has been cleared of all buildings and structures. The sports hall has been retained and this is excluded from the application site, as are the former playing fields to the south of the site. These areas are shown on the application drawings as 'blue land'.
- 1.4 The very northern edge of the site falls within flood zone 3. A locally indexed building, 108 Arle Road is located opposite the site.
- 1.5 This is an outline application for the residential development of the site. All matters are reserved except for access. The details for the access show that the existing access would be closed and a new access opened 21m to the west.
- 1.6 All other details shown on the submitted plans are indicative and therefore are not under formal consideration, rather they seek to demonstrate that approximately 85 dwellings could be successfully accommodated on the site. The indicative layout indicates a mixed development comprising the following composition:
 - 25 x 4 bed units
 - 37 x 3 bed units
 - 21 x 2 bed units
 - 2 x 1 bed units.

The indicative layout shows that access to the majority of the site is through the main access with some of the frontage dwellings having access directly off Arle Road. These frontage dwellings are indicated to be mainly semi-detached dwellings. The road through the site provides access to the sports hall which would retain its existing parking area adjacent. In the north east corner of the site a play area is proposed. The layout seeks to provide a 'central square' which would provide a pedestrian route through the site from Arle Road. The majority of the houses front either the main road through the site or this link through the centre of the site although some front cul-de-sac routes off the main road. The majority of parking is indicated to be provided on-plot however two parking court areas are shown which also accommodate the 2 x 1 bed units in the form of flats over garages.

- 1.7 An indicative elevation of the Arle Road frontage has been provided which shows a combination of 2 and 2.5 storey pitched roof dwellings, although the Design and Access Statement re-iterates that these drawings are indicative and that different approaches may be appropriate.
- 1.8 The application site area is 2.57 hectares (excluding the sports hall area). The density therefore equates to 33 dwellings per hectare (dph).
- 1.9 It was confirmed prior to the submission of the application, via a screening opinion that an Environmental Impact Assessment would not be required.

1.9 This application comes before committee at the request of Cllr Rawson.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Landfill Sites boundary

Relevant Planning History:

00/01645/FUL 26th January 2001 PER

Demolition of existing timber buildings and replacement with 5 new classrooms and drama studio

01/00992/CONDIT 3rd April 2002 PER

Variation of condition to allow 15m high floodlights to new floodlit all weather court (Retrospective)

03/01239/DEEM3 10th September 2003 NOOBJ

Erection of sports hall with car parking and ancillary accommodation

77/00266/PF 31st August 1977 PER

St. Benedict's Roman Catholic School Arle Road - Erection Of Garage

78/00307/PF 11th August 1978 PER

St. Benedict's Roman Catholic School Arle Road - Erection Of Extensions To Enlarge Existing Premises

79/00571/PF 7th January 1980 PER

St. Benedict's Roman Catholic School Arle Road - Stationing Of Temporary Classroom

80/00350/PF 28th August 1980 PER

St. Benedict's Roman Catholic School Arle Road - Erection Of Bicycle Shelters

87/01225/PF 17th December 1987 REF

St. Benedict's School Arle Road - Erection of Lighting Columns and Floodlighting of all-weather pitch in Accordance With The Specification Received On 2nd December 1987

88/00625/PF 13th June 1988 PER

Erection Of Office For Oval Use Sports Facilities For Cheltenham Borough Council

88/01740/PC 19th January 1989 PER

Part Of School Playing Field 74-92 E Nos 74-92 Alstone Lane - Use Of Land As A Compound For Site Offices For 14 Months

95/00757/PF 19th October 1995 PER

Floodlighting To Existing Rugby Pitch

97/00204/PF 24th April 1997 PER

Construction Of A Sports Pavilion ***Issued Under Delegated Authority 17 April 1997***

97/01069/PF 25th June 1998 PER

Sites At: Arle Rd, Alstone Lane, Alstone Croft Playing Field - New Sports Hall, Car Park, Floodlit And Non-Floodlit Sports Facilities, Extended Changing Facilities

06/01043/DEEM3 24th July 2006 NOOBJ

Removal of condition 13 of permission CB 03/01239/DEEM3 dated 08/01/2004 for erection of sports hall with car parking and ancillary accommodation

07/00443/FUL 22nd May 2007 PER

Entrance improvements including enlargement of entrance lobby and provision of meeting room with office

08/00341/FUL 25th April 2008 PER

Erection of a steel framed canopy

12/00662/DEMCON 23rd May 2012 NPRIOR

Demolition of all school buildings, former caretakers house and other structures (Not including the existing Sports Hall)

C12/00012/DEMO 1st May 2012 CLOSED

Demolition of Former Christ College School

3. POLICIES AND GUIDANCE

Adopted Local Plan Policies

CP 1 Sustainable development
CP 3 Sustainable environment
CP 4 Safe and sustainable living
CP 5 Sustainable transport
CP 7 Design
CP 8 Provision of necessary infrastructure and facilities
BE 18 Design and landscaping of new roads
GE 5 Protection and replacement of trees
GE 6 Trees and development
GE 7 Accommodation and protection of natural features
NE 1 Habitats of legally protected species
HS 1 Housing development
HS 2 Housing Density
HS 4 Affordable Housing
HS 5 Mixed Communities
RC 2 Youth and adult outdoor playing facilities
RC 3 Outdoor playing facilities in educational use
RC 6 Play space in residential development
RC 7 Amenity space in housing developments
UI 1 Development in flood zones
UI 2 Development and flooding
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

Affordable housing (2004)
Amenity space (2003)
Flooding and sustainable drainage systems (2003)
Landscaping in new development (2004)
Planning obligations (2003)
Planning obligations: transport (2004)
Play space in residential development (2003)
Security and crime prevention (2003)

National Guidance

National Planning Policy Framework

4. CONSULTATIONS

County Education

11th July 2013

Thank you for giving us the opportunity to comment on the above planning application. I have prepared a formal assessment detailing the planning obligations required by Gloucestershire County Council (GCC) from this proposed development of 85 dwellings at Christ Church College site, Cheltenham.

GCC is the relevant authority for education, highways and various other community services. It is responsible for determining and negotiating contributions towards these services which include education, libraries, community care, fire and rescue, transportation strategy, sustainable transport issues, pedestrian and cycle routes. The Development Control group within Environment Directorate, will co-ordinate GCC's response on highway / transportation issues. I have considered the impact of this development on local education and the community resources for which GCC is responsible and whether planning obligations are relevant. This follows requirements and standards that are used by GCC elsewhere in Gloucestershire and also meets national practice. I set out below the planning contributions that will be required from this development.

1. GENERAL

- a. Assessments of GCC requirements centre on CIL Regulations 2010 (section 122 and 123) and National Planning Policy Framework March 2012 (paragraphs 203-206). Planning obligations will be sought where they are necessary to make the development acceptable in planning terms, directly related and are fair and reasonable in relation to scale and location of development proposed.
- b. Contributions are ring-fenced for capital works specified by GCC, held in independent accounts and are not interchangeable.
- c. GCC will account for unspent contributions, expenditure and accrued interest. Unless programmed or otherwise agreed, unused contributions are returnable, with interest, to the developer.
- d. The s106 will be between GCC, the landowner and developer. The developer must meet GCC's legal and technical costs in preparing the agreement/s.
- e. All contributions are bonded and indexed.

2. EDUCATION

- a. GCC is a Children's Services Authority (CSA) whose aim is to improve the co-ordination of services that affect children and young people such as:-
 - i. Education
 - ii. Social services - where they relate to children and young people
 - iii. Health services - where the CSA acts for organisations such as the NHS.
- b. New residential development gives rise to new pupils in relation to the type and numbers of new dwellings. There are direct linkages between the number of dwellings and number of pupils. GCC has to ensure sufficient accommodation for new pupils if existing schools do not have spare places or there are insufficient or no schools local to the development. There is justification at national, regional, county and local level for requiring contributions to local early years, primary and secondary facilities where evidence indicates and justification shows that that this would be reasonable.

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c. Contributions will be indexed to the Department for Education (DfE) annual cost multipliers or any replacement thereof deemed relevant by the Council to maintain the proportionate value of contributions and to ensure payment.

d. When assessing education contributions GCC's criteria for a 'Qualifying Dwelling' is a house without age or health occupancy restrictions and with 2 or more bedrooms i.e. family accommodation. Flats and one bed houses are therefore excluded as they are occupied by lower number of pupils compared to houses.

e. This proposal of 85 residential units will consist of 83 qualifying houses and 2 flats. I have provided a review clause to account for any change to this.

f. Affordable or social housing contributes to local education infrastructure requirements in the same proportion as open market housing.

g. The County has reviewed and analysed the number of pupils at different development/dwelling types across the county. This shows that 7 early years, 25 primary and 15 (11-18 year olds) secondary pupils arise per 100 dwellings.

h. Early Years requirements -

i. In accordance with 2g above, minimal early years children will arise from this proposal. There should be adequate space at local nurseries to accommodate these children and therefore an early years contribution will not be required from this proposal.

i. Primary requirements -

i. There are two primary schools within half a mile of the proposed development; Rowanfield Infant and Junior School and Gloucester Road Primary School. Both of these schools are forecasted to be over capacity for the foreseeable future. There is a shortage of primary places in the Cheltenham area due to an ongoing significant increase in the population of rising 5 year olds. A review of primary provision has been undertaken and additional primary places will need to be put in place for future years. As this proposal will increase the demand for places, a contribution will be required to extend, remodel, upgrade and improve the capacity and suitability of these schools.

ii. In accordance with 2g above, 83 qualifying dwellings would give rise to 20.75 primary pupils.

iii. The DfE pupil capital cost multipliers are £11,434 per primary pupil which is a fair and reasonable estimate of the current cost of providing pupil places.

iv. This proposal will be required to pay a primary education contribution of $20.75 \times £11,434 = £237,255$ to be used towards capital works to extend, remodel, upgrade and improve the capacity and suitability of Rowanfield Infant and Junior School and/or

v. Gloucester Road Primary School. If the number of qualifying dwellings change from 83, this contribution will be increased or decreased by £2,858 per qualifying dwelling.

vi. This contribution will be payable in two instalments; 12 and 24 months after commencement of development.

j. Secondary requirements -

i. The nearest secondary school is All Saints Academy.

ii. Current forecast data indicates there will be sufficient capacity at this school to accommodate the 12.45 secondary pupils likely to arise from this proposed development. Therefore a secondary education contribution will not be required.

3. COMMUNITY SERVICES - LIBRARIES

a. Delivery of a properly resourced and adequate library service to meet the needs of the population arising from the scheme is required

b. Based on the scale of scheme and the numbers of new inhabitants, there is a requirement to provide an extension to the local service to meet the new demand and maintain the welfare of the new community.

c. The local libraries are Hesters Way and Cheltenham Main Library.

d. Contributions for statutory libraries are assessed on the basis of the impact of the increased population in relation to stock, equipment and opening hours requirements and the immediate and long term costs arising over a 10 year period.

e. Operating costs are primarily staffing costs. Library standards require a) 216 items to be purchased annually per 1,000 population and b) publicly available personal computers (0.6 PCs per 1,000 population). The cost of provision includes annual running/maintenance costs.

f. To deliver a library service to the new community to appropriate standards, contributions will be required based on comparable costs of £196 per dwelling (this includes all flats and houses) For 85 dwellings this will be a total contribution of £16,660 for Hesters Way Library and/or Cheltenham Main Library. This will be used towards any of the following:- new computers, stock, furniture, opening hours or capital works. If dwelling numbers change this figure will be adjusted up or down by £196 per dwelling.

g. As a comparison, the 'Community Infrastructure Levy: advice note for Culture Arts and Planning Professionals' (Arts Council for England April 2012) sets out recommended CIL charges based on the expected space and building cost implications of population growth for arts and culture provision. The recommended standard charge for libraries is £252 per dwelling.

h. The contribution will be payable 12 months after commencement of development.

4. SUMMARY

a. Planning obligation contributions will not be required for early years and secondary education but contributions will be required towards primary education and libraries.

b. This assessment may change if the residential mix is altered. It will also vary with time and should be considered valid for 3 months from the date of this letter. After this time we may review the assessment.

c. I have not considered the implications on other County Council functions e.g. highways, public transport and network improvements. The Environment Directorate will provide views on sustainability issues and the technical viability of access to the site for this change of use.

d. These comments are made without prejudice to any other functions for which GCC, the Highways Agency or the Borough Council have responsibility e.g. highways and transportation, or any stance GCC may take at inquiry, appeal, re-application etc and are made at officer level. GCC members' opinions may differ from my comments. These views do not imply any comment about the merits or otherwise of any development at this site.

e. If the applicant lodges an appeal for any reason in respect of this application (or proposal), I would be grateful if you would notify me immediately of the appeal and details of any public inquiry. Similarly if there is a call-in or other government action would you please advise me immediately. Without this information there is significant risk of the

County Council not being able to meet the timescales and deadlines imposed for submission of statements of case and other representations

Contaminated Land Officer

25th June 2013

The full contaminated land condition should be added to this application to ensure that the site investigation recommended in the submitted Desk Study is completed.

1st July 2013

Unless otherwise agreed by the Local Planning Authority, development shall not commence on site until the following condition has been complied with. 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.

i) Site characterisation

A site investigation and risk assessment shall 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 shall be produced and will be subject to the approval of 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 of the Local Planning Authority.

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.

GCC Highways Planning Liaison

10th July 2013

This application seeks to gain planning consent for 85 dwellings located on the former site of the Christ College, Arle Road. The Applicant has applied for outline permission with all matters reserved with the exception of the access.

Extensive pre-application work was done for this particular matter and issues such as the traffic generation and location of the access to the site, car parking levels etc were all agreed at pre-application stage.

I have read through the information that has been submitted in order to support this particular application and I am satisfied that the information details what was previously agreed. I do not believe the proposal of 85 dwellings at this location will have a severe or significant impact on the highway network in terms of the traffic it will generate or highway safety.

I therefore refer to the above planning application received on 24/06/2013 with plan No. TE1070/103A and recommend that no highway objection be raised subject to the following condition(s) being attached to any permission granted:-

1. No works shall commence on site (other than those required by this condition) on the development hereby permitted until the first 20m of the proposed access road, including the junction with the existing public road and associated visibility splays, has been completed to at least binder course level.

Reason: To reduce potential highway impact by ensuring that there is a satisfactory access at the commencement of construction works.

2. 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:

- i. specify the type and number of vehicles;
- ii. provide for the parking of vehicles of site operatives and visitors;
- iii. provide for the loading and unloading of plant and materials;
- iv. provide for the storage of plant and materials used in constructing the development;
- v. provide for wheel washing facilities;
- vi. measures to control the emission of dust and dirt during construction

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

3. The details to be submitted for the approval of reserved matters shall include details of all access roads to and within the site, to include details of drainage, surfacing, construction, visibility splays, turning heads, street lighting, footways and road gradients, the dwellings hereby permitted shall not be occupied until the access road providing access from the nearest public road serving that dwelling have been provided in accordance with the approved plans to at least binder course level, and shall be retained and maintained in that form until and unless adopted as highway maintainable at public expense.

Reason: To ensure an adequate highway layout is provided, in the interests of highway safety

4. The details to be submitted for the approval of reserved matters shall include vehicular parking and turning facilities within the site, and the building(s) hereby permitted shall not be occupied until those facilities have been provided in accordance with the approved plans and shall be retained available for those purposes thereafter.

Reason: To reduce potential highway impact by ensuring that adequate parking and manoeuvring facilities are available within the site, in the interests of highway safety

5. No work shall commence on the site until details of the provision of fire hydrants served by mains water supply, including a timetable for their provision, have been submitted to and approved in writing by the Local Planning Authority. The fire hydrants shall be provided in accordance with the approved details prior to occupation of the proposed dwellings

Reason: In the interests of community safety

NOTE:

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.

Social Housing

5th July 2013

This falls below the policy compliant level of 40%, or 34 affordable dwellings. The Project Viability Report states that 15% affordable housing is to be adopted at the site, which equates to 13 affordable dwellings. This department has taken account of the proposals and seeks an independent valuation, at the applicants cost, of the site with the policy compliant 40%.

This department recommends consideration is given to the public access elements of this site regarding the openness or not of the site. The location of the affordable housing could potentially affect our satisfaction with the site layout.

It is suggested that the entrance to and from the site and the sports hall be a 2-way road to ease the flow of vehicles and that the road leading to the sports hall does not enter the housing development as proposed. Similarly, public footpaths should encourage direct access to the sports hall rather than via peoples homes.

HMO Division
21st June 2013

The development upon completion of the works must not contain any category 1 hazards as described under Part 1 of the Housing Act 2004.

There is insufficient detail at this stage to comment on the suitability of the layout, lighting and room sizes of the individual properties. However, with regard to bedroom sizes, the following minimum standards should be applied: double bedroom ' 10.5m²; single bedroom ' 6.5m². If these sizes are not applied, enforcement action may be taken under the Housing Act 2004 which may include prohibition of use.

Subject to compliance with the above, I have no fundamental objection to the proposal.

Tree Officer
11th July 2013

It is difficult to make an informed comment at this stage with limited information. The concerns from the Tree Section's point of view are the impact of the large street trees, along Arle Road, on the new properties and also the impact of the development on these trees.

Although a precedent has been set along this road, it is not without its issues. The trees will cast shade, drop leaf litter and also this species of lime will drop sticky sap over the summer months. The internal layout may help address one of the issues (shade) but will not address the other two. The Tree Section wishes to prevent further issues in the area from arising.

The proposed properties appear to have driveways off Arle Road which will have to be constructed using no-dig techniques so as to avoid causing permanent harm to these high amenity trees.

The Planning Statement identifies that T37 is to be removed as part of the development and mitigation planting provided. This information should be contained within the Tree Report as I was unaware of this when I visited the site therefore I cannot make an informed decision on the removal of this tree at this stage.

For the Tree Section to comment further on this application, please can the following information be submitted:

- An updated Tree Report. The survey submitted is to BS 5837:2005, we are now working to BS 5837:2012.
- An updated Tree Constraints and Tree Protection Plan (to BS 5837:2005) in relation to the proposed development so that the root protection areas of these trees can be assessed against the proposal and to assess the impact the development will have on the root protection areas and also to assess the whether the protective fencing is achievable. This is requested because the properties appear to be within the root protection area of these trees.
- An arb method statement (to BS 5837:2012) detailing how they intend to work around the root protection areas of the highway trees causing minimal harm.
- The internal layout of the properties along the Arle Road boundary to assess the impact that the trees will have on these properties.

County Archaeology

24th June 2013

I note that this planning application is supported by a desk-based archaeological assessment compiled by Wessex Archaeology (report dated October 2012). The assessment identifies low potential for any archaeological remains to be present on this site, especially in view of the scale of previous development there.

Therefore, I am pleased to recommend that no further archaeological investigation or recording should be undertaken in connection with this planning application, and I have no further observations.

Cheltenham & Tewkesbury Cycling Campaign

5th July 2013

With regard to the above planning application, we ask you to consider seeking through planning gain from the developer the upgrading of the adjacent footpath, from Arle Road to St Peter's Close, to a condition suitable for both walking and cycling. This would require improving the surface (including widening in places), the easing of bends and the provision of lighting.

The path is at present used by many people, both walking and cycling, for access to Tewkesbury Road and Kingsditch from the Rowanfield area and will also be a useful route for the new residents of the Christ College development. However, the present condition of the path leaves much to be desired.

Architects' Panel

5th July 2013

1. Is the information sufficient to understand the application?

Yes on the basis all items are reserved with the exception of the access (which may be in the wrong location!?!)

2. Context.

The site appears to suit a residential development following the relocation off the school.

3. Massing and Scale

The mix of 2, 3 and 4 storey buildings appears to be acceptable although there are some areas where buildings step from three to two to four storeys? We are concerned that the road layout provides a number of cul-de-sac routes and would suggest a better scheme could be made if the main access was relocated to the centre of the site. We would also like to see parking spaces relating to houses rather than the parking courts provided.

4. External Appearance.

The proposed aesthetics could provide an interesting scheme.

5. Detailing and Materials

No comment

6. Environmental Design.

The environmental credentials need to be addressed as part of the main application. We would suggest the scale of the scheme could support an exemplar sustainable scheme for Cheltenham.

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7. Summary

The principal is acceptable. We would suggest the site access should be located to suit an actual scheme as it does not quite work how it is suggested?

8. Recommendation

Approve in principal subject to consideration on the site access.

Urban Design

26th July 2013

Latest layout seems a step back from earlier layouts

Side access road to sports hall seems a retrograde step. The proposed route brings sports hall traffic into the residential part of the estate and seems to put the traffic into a constrained space at the main entrance to the door. Previously the traffic was filtered out of the main circulatory route accessing the sports hall more or less as at present; this puts it into the main car park rather than straight into the access to the hall building itself.

Additionally, the above arrangements remove the opportunity for a corner turning building adjacent to the leap and overlooking the Leap from the area in front of the sports hall. In its place is the return flank of an end terrace and its garden wall - not acceptable.

The elements of the eastern block overlooking the leap are a step backwards - previously pre-app showed an active edge (a number of housing frontages) now the main element fronting here is a return flank and garden wall. The only building fronting on to the leap is now set well back behind a return on the neighbouring garden.

Parking courts are unacceptable. Insufficient active edges - they will give an awful quality of life to the occupants of the fogs. Lots of rear gardens. Not acceptable at all.

Structure of the layout seems confused, in penetrable (impermeable) and not legible. Previous structure, despite its flaws (to residual parking courts) was legible, logically structured and seemed to have potential. The loss of the E-W road behind the frontage now appears to have been an important structuring element and although there were concerns regarding the lack of active frontage along this street, there was a basis of a positive structure here.

Individual building accesses onto Arle Road is a positive element.

The amount of active frontage onto the footpath to the east has been severely reduced from the pre-app and is virtually non-existent.

The basic problem seems to be the removal of the circulatory street structure and the creation of a number of untrafficked frontages - here, there can be no parking of vehicle access; which is all pushed to the rear, compromising design and living quality and security and removing activity from the perimeter blocks.

In my view the layout is not acceptable and needs considerably greater thought. The previous pre-app layouts, although criticised and needing improvement, were a much stronger basis for the development of a satisfactory design.

Landscape Architect

1st August 2013

Sustainable Urban Drainage

Consideration should be given to the space required to incorporate a sustainable urban drainage scheme into the proposed development and the implications for site layout.

Parking Courts

Parking Courts have proved to be problematical elsewhere in Cheltenham and should be removed. Parking spaces should be on-plot or on-street.

Green Infrastructure

A green infrastructure strategy is being developed as part of the Joint Core Strategy for Cheltenham, Gloucester and Tewkesbury. The strategy aims to improve green connections within and between the settlements, especially along watercourses. Two of the identified locations for improvement in Cheltenham are close to the proposal site, by the River Chelt. The suggested improvements include:

- Improved signage for the footpaths
- Improved disabled access from the footbridge into Chelt Walk park
- Improved habitat management in the park

The Design and Access Statement refers to opportunities for enhancing biodiversity and habitat. Landscape plans for the proposed development should link to the wider area, especially Chelt Walk park in order to provide a connected green infrastructure which supports the emerging GI strategy for Cheltenham.

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	34
Total comments received	14
Number of objections	10
Number of supporting	0
General comment	4

5.1 The application was advertised by way of letters which were sent to 34 neighbouring properties. Site notices were also erected at the site and a notice published in the local newspaper. 14 representations have been made.

5.2 The points which have been raised can be summarised as follows:

- Dwellings should be high quality and of a good size and design to reflect the surrounding area/concern about potential modern design
- Density is too high/suggest lower density
- Inadequate parking/garden/play areas
- Impact on highway network/parking on neighbouring streets/extra traffic/cumulative impact with other developments in the area
- Concern about proximity of pedestrian crossing adjacent to access
- Concern from residents opposite proposed entrance in relation to road safety and impact on amenity from noise of cars and headlights

- Would prefer access to be at the other end of the site
- Concern about water pressure
- Concern about accuracy of application and traffic figures.
- Concern about safety of footpaths
- Concern about access to and parking for sports hall
- Would like to see additional sports facilities provided

6. OFFICER COMMENTS

6.1 Determining Issues

The key issues in determining this application are considered to be:

- The principle of development
- Highways and access
- Design and layout
- Trees
- Section 106 matters including affordable housing, viability
- The future of the sports hall and playing fields
- Neighbour amenity
- Flood Risk
- Sustainability
- Ecology
- Utilities
- Contamination

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 it is a brownfield site having been previously developed as a school site. As such the principle of residential development is acceptable on this site.

6.2.3 The school was operated on this site until 2011 when it was relocated to the All Saints Academy. The site is no longer required as a school and as such an appropriate use for the

land is required. The application documents explain that proceeds from the sale of the land will be used in the continuing operation of the All Saints Academy.

6.2.4 National Planning Policy Context

6.2.5 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 proposal accords with the provisions of the Development Plan.

6.2.6 The NPPF provides significant ‘in principle’ policy support for the application proposals. The Framework places a major emphasis on Local Planning Authorities to significantly boost 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).

6.2.7 In conclusion; the principle of the proposed development is in accordance with the ‘saved’ policies within the Cheltenham Borough Local Plan and is supported by the NPPF.

6.3 Highways and Access

6.3.1 As stated above access is the only ‘fixed’ element of this outline planning application. Local Plan policy TP1 seeks to avoid endangering highway safety through the creation of new accesses, altering existing accesses, or increasing the use of an existing access.

6.3.2 The previous use of the site was a school which generated a certain amount of traffic. The application has been accompanied by a Transport Assessment which assesses the amount of traffic generated by the proposed residential development and the use of the existing sports centre, which would also be accessed from this access point. Trip generation forecasts have been compared to estimated trip generation from the site when it was a school based on the 46 parking spaces which were provided on site. The analysis represents a worse case scenario as it is modelled on 100 dwellings being provided on the site and does not include trips associated with parents dropping children off to school. This analysis suggests that the proposal could, under these worse case scenario conditions result in a total net daily increase of 583 trips.

6.3.3 This figure has been used to test the impact upon the local road network. Highways have confirmed that “*I do not believe the proposal of 85 dwellings at this location will have a severe or significant impact on the highway network in terms of the traffic it will generate or highway safety.*” For this reason no transport contributions are required and no objection is raised on the grounds of the impact on the road network or highway safety.

6.3.4 The location of the new access has been agreed in consultation with highways because it results in an acceptable proximity to other junctions, has sufficient visibility and allows the pedestrian crossing to remain in its existing location.

6.4 Design and Layout

6.4.1 As mentioned above matters of appearance, landscaping, layout and scale are reserved for future consideration. As such the information submitted with the application in this regard is purely indicative. It is important that there is sufficient information submitted with an application to satisfy the Authority that the site can be developed in the manner described in an acceptable manner, i.e. that the principle is acceptable. However it is important to remember that the indicative information does not form part of the approval and that detailed matters of design and layout will be dealt with at reserved matters.

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Therefore it is considered appropriate to discuss the merits of the scheme as presented but only inasmuch as it has a bearing on the principle of the development.

6.4.2 A number of criticisms have been levelled at the indicative layout however it is considered that it largely demonstrates that the site is capable of accommodating 85 dwellings along with an appropriate amount of open space, parking provision and acceptable road widths etc. The density of the scheme is 33 dph which is considered to be compatible with the surrounding area, albeit perhaps slightly higher density towards the centre of the site.

6.4.3 Parking Courts

Comments in relation to the two parking courts which are shown have been raised by a number of consultees who are concerned that they would create a poor quality environment and that parking would be better related to the houses which it serves. The agent has responded to these concerns by stating that the parking courts are small and serve only the immediate housing backing onto them. They consider that parking courts can be a legitimate design solution allowing vehicles to be removed from the street scene.

6.4.4 Location of Access

Some consultation responses have expressed a concern about the location of the access and express a preference for a centralised access. As mentioned above; the location of the proposed access has been the subject of detailed discussion with highways and it considered to be optimum. If moved further along the frontage it could result in a cross-roads situation with the roads opposite, or result in the pedestrian crossing having to be removed. The land also rises as it crosses the railway line which results in reduced visibility. There is also the potential that further trees would have to be removed. In urban design terms a central access point may have been preferable but it is not feasible. However, a pedestrian route is shown through the centre of the site, leading to a central square and then on to the sports hall and play area. It is considered that this element of the scheme has the potential to be a high quality space and that the location is in the best position.

It must also be pointed out that the layout would achieve a positive, active frontage to Arle Road through the direct access to the houses along the front. This arrangement would integrate the scheme well into the surrounding area.

6.4.5 Access to Sports Hall

The layout indicated means that visitors to the sports hall would either have to walk through the centre of the site or drive around the edge of the site, executing several turns in the road. It has been suggested that a junction should be created which would allow visitors of the sports hall to continue straight on without having to enter the residential part of the site. However Officer's view is that the layout would assist in the sports hall feeling part of the development and better integrated than could otherwise be the case. It would also help to slow vehicles down.

6.4.6 Permeability of layout

Officer's view is that the scheme would benefit from additional access points between the existing footpaths on either side of the site and the proposed development. As present, one access point has been shown on each side. It is understood that the applicants reduced the number of accesses from that shown on earlier versions of the plan in response to comments received at the public consultation event. The treatment of the boundaries will be crucial in determining the quality of the relationship between the development and the footpaths and this is not known at this stage. These details can be required by condition.

6.4.8 Heights of buildings

The information submitted with the application suggests that the buildings on the site would be a combination of 2 and 2.5 storey dwellings. There appears to be some confusion between the number of bedrooms and the number of storeys in the comments of the architect's panel. This scale of development is considered to be appropriate in principle subject to detailed design.

6.4.9 Design of buildings

Although indicative, Officers view is that the indicative design shown on the street elevation which has been provided shows some promise and gives confidence that it should be possible to achieve a scheme which has an acceptable visual impact.

6.4.10 Conclusion

In conclusion then, Officer's view is that the illustrative information which has been provided is sufficient to demonstrate that the site is capable of accommodating 85 dwellings in an acceptable manner. The layout has failings which have been identified above, however it is not considered that these are insurmountable or that they warrant the refusal of this outline application. The applicants have been offered the opportunity to address the concerns raised however they are not minded to amend the plans at this stage given their indicative nature and that no fundamental concerns about the level of development proposal have been raised. It is suggested that an informative be attached which draws attention to the need for further detailed consideration of the layout of the site and in particular the parking courts at reserved matters stage.

6.5 Trees and landscaping

- 6.5.1 The site is not the subject of any Tree Preservation Orders however there are some prominent trees around the perimeter of the site including some important highway trees. Comments have been received from the Tree Officer which raise concerns about the principle of having driveways along the frontage where the highway trees are likely to drop sap onto cars, and shade the frontage of the dwellings; thereby leading to pressure to remove trees in the future. This concern is understood but must be weighed against the advantages of having accesses off the road frontage. Furthermore this relationship with highway lime trees is a common feature on Arle Road. The further information has been requested in line with the Officer's comments and a further update on this issue will be provided.
- 6.5.2 The draft s.106 which has been submitted with the application provides for the provision of 4 new highway trees to negate any losses.
- 6.5.3 Clearly a comprehensive landscaping scheme will be required and this will be the subject of an appropriately worded condition.

6.6 Section 106 matters including affordable housing and viability

- 6.6.1 The application is for 85 dwellings and therefore triggers the requirement for affordable housing, in accordance with policy HS4, which states: *"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."* Note 1 attached to this policy also states that *"This proportion may vary to take account of the exceptional circumstances relating to a site."*
- 6.6.2 The information submitted with the application suggests that it would not be viable for the scheme to provide 40% affordable housing and that 15% would be a realistic level of affordable housing.

- 6.6.3 The application was accompanied by a viability assessment which has been independently assessed by the District Valuation Service (DVS) who has compared the market value of the site with the residual value of the site, should the 40% affordable housing be provided. He has concluded, on this basis, that it is unviable to provide 40% affordable housing. He has confirmed that 15% would be viable and that 20% might be viable with a slightly different mix of dwellings than the Housing Enabling Officer had requested.
- 6.6.4 The applicant has now offered to provide either of these two possible packages of affordable housing:
- 15% (13 Dwellings) Affordable Housing
- 2 bed houses – 4 x affordable rent & 2 x shared ownership
- 3 bed houses – 4 x affordable rent & 2 x shared ownership
- 4 bed house – 1 x social rent
- 20% (17 dwellings) Affordable Housing
- 2 bed houses – 6 x affordable rent & 3 x shared ownership
- 3 bed houses – 6 x affordable rent & 2 x shared ownership
- 6.6.5 The Housing Enabling Officer has been asked to express a preference on these two scenarios and this matter will be updated.
- 6.6.6 Policy HS4 does allow variations on the policy position to take account of the individual circumstances of the particular case. Paragraph 173 of the NPPF states that *“pursuing sustainable development required careful attention to viability and costs in plan-making and decision-taking...To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.”*
- 6.6.7 In this instance it has been demonstrated, and verified that the development of the site in the manner envisaged would not be viable should the developer be required to provide 40% affordable housing. Therefore it is considered that the ‘exceptional circumstances’ clause of policy HS4 applies.
- 6.6.8 The applicant has agreed to all other applicable contributions including education, libraries and play space. Therefore subject to the confirmation of the views of the Housing Enabling Officer the affordable housing provision and s.106 contributions are considered to be acceptable.
- 6.6.9 Requests have been received for contributions towards footpaths and cycleways however given the viability situation this is not considered feasible.
- 6.6.10 It is worth remembering that the viability assessment which has been carried out relates to the development as described in the indicative material. The viability will need to be reassessed should this change through future proposals.
- 6.7 The future of the sports hall and playing fields**
- 6.7.1 As mentioned above the sports hall is to be retained. The applicant has secured an agreement with the YMCA which provides for a five year lease with an option to purchase. The lease is at a peppercorn rent per annum for the five years with the YMCA responsible

for repair (subject to a schedule of condition) and insurance. The YMCA have been granted the necessary rights of access for vehicles, services etc.

- 6.7.2 An Astroturf pitch previously existed on the site which has now been removed. There is a general presumption against the loss of outdoor playing facilities. However Policy RC3 makes it clear that the development of pitches and outdoor playing facilities in educational use will not be permitted where (a) the loss is likely to result in a future shortage of land for educational recreation or other operational requirements; or (b) the proposal is non operational, and the land could make a valuable contribution to meeting an identifiable community need for outdoor play facilities. In this instance the facilities have been replaced at the All Saints academy and there is no suggestion that the loss of this land would result in a future shortfall.
- 6.7.3 The NPPF echoes this approach at para. 74 where it states that *existing open space, sport and recreational buildings and land, including playing fields, should not be built on unless...:*
- *The loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location."*
- 6.7.4 A survey into the condition of the Astroturf pitch was submitted with the application which concluded that the surface was poor, as was the fencing and that to bring the pitch up to a usable standard would cost in excess of £260,000.
- 6.7.5 Sport England have been consulted on the proposal but have not made any representations.
- 6.7.6 Two other parcels of land are in the ownership of the applicant to the south of the site, known as sites B and C. Site C is in dual ownership and is used by a local primary school. The intention is that this arrangement would remain. The future of site B is not yet known however discussions are on-going and it is likely that its future will involve being leased or sold to a local club, being managed by the All Saints Academy or by the YMCA. Given that the loss of the facilities on the Christ College site is considered to be mitigated by the continuing investment in facilities at the All Saints Academy it is not considered necessary for this arrangement to be formalised through the s.106 agreement.

6.8 Neighbour amenity

- 6.8.1 It is not considered that the dwellings proposed for this site would have any direct adverse impact on neighbouring properties by way of loss of light or privacy as they are not immediately adjacent to residential properties.
- 6.8.2 A specific concern has been raised in relation to the potential impact of the headlights of cars exiting the site on the properties opposite. The Transport Assessment comments on this matter and states that: *"the access road has been designed to be aligned at a slight angle on approach to Arle Road to reduce the effects of a 'head-on' headlight beam. The exit lane from the site access is also directed at the drive of the house opposite as opposed to the front room. In addition, it is proposed that a 1 in 60 gradient be provided to the access road which will help to effectively lower the headlight beam."*
- 6.8.3 This arrangement is a common relationship in a residential area and it is not considered that it is likely to result in undue impact to the amenities of the properties opposite.

6.9 Flood Risk

- 6.9.1 As mentioned above the very corner of the site is in flood zone 3, however the vast majority of the site is in Flood Zone 1 (low risk). No comments have been received from the Environment Agency.

6.9.2 The proposal is accompanied by a flood risk assessment which includes correspondence from the Environment Agency stating that they would not normally make comments on such an application.

6.9.3 The FRA concludes that trial pitting and infiltration testing will be required to inform the detailed design of the drainage works and this detail will be required by condition.

6.10 Sustainability

6.10.1 The information included with the application suggests that the dwellings would be designed to meet Code 3 level. This brings with it a requirement for a certain level of renewable energy.

6.10.2 Specific details of the houses are not available at this stage, however the proposal represents the efficient use of a brownfield site in a sustainable location and therefore represents sustainable development.

6.10.3 A travel plan has been submitted which will assist in encouraging non-car modes of transport.

6.11 Ecology

6.11.1 An ecological appraisal has been submitted with the application. This states that the site has low intrinsic ecological value. The ecological interest of the site is related to the site's value to birds, in providing suitable nesting and foraging habitat and its potential value to foraging bats and common reptiles. Recommendations are made in relation to conditions to be attached to any consent in relation to a watching brief in relation to birds if vegetation clearance is carried out within the nesting season, the removal or management of Cotoneaster, the erection of bird boxes and landscaping proposals.

6.12 Utilities

6.12.1 A utilities report has been submitted with the application which concludes that there is water, electricity, gas telephone and foul sewerage within or immediately adjacent to the site which means that connections should be possible without major infrastructure works.

6.13 Contamination

6.13.1 A ground conditions report has been submitted with the application. This recommends a full site survey is carried out and this would be required by condition.

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 It must be remembered that the application is in outline with only access to be agreed at this stage. The remainder of the information submitted with the application is necessary only to demonstrate that it is technically feasible to accommodate the amount of development proposed in an acceptable manner.

7.3 It is acknowledged that there are deficiencies to the layout which have been discussed in detail above. However these are not considered to be insurmountable and should not lead to the conclusion that the proposal is unacceptable.

- 7.4 The proposal represents an appropriate and efficient use of the site, the principle of which should be supported.
- 7.5 The one matter which is not reserved i.e. access, has been found to be acceptable.
- 7.6 Therefore, on balance the proposal is considered to be acceptable and is therefore recommended for approval subject to the following:
- The revised arboricultural information being received and being acceptable
 - The signing of a s.106 agreement securing the following:
 - a) Financial contribution of £237,255 towards education
 - b) Financial contribution of £16,660 towards library provision
 - c) Playspace contribution of £32,690 (if 15% affordable housing) or £31,039.50 (if 20% affordable housing)
 - d) Affordable housing 15% or 20% depending on the preference of the Affordable Housing Enabling Officer.
 - e) Implementation of the Travel Plan
 - f) The provision of four street trees with a contribution of up to £1,200

8. CONDITIONS / INFORMATIVES

- 1 Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of five years from the date of this permission. The development hereby permitted shall be begun not later than whenever is the later of the following dates:-
 - (a) the expiration of 5 years from the date of this permission;
 - (b) the expiration of 2 years from the final approval of reserved matters;
 - (c) in the case of approval on different dates the final approval of the last such matters to be approved.Reason: As required by Section 92 of the Town and Country Planning Act 1990.
- 2 The development hereby permitted shall be carried out in accordance with drawing number TE/1070/103A received 5th June 2013
Reason: To ensure the development is carried out in strict accordance with the approved drawings.
- 3 Approval of the details of the Appearance, Landscaping, Layout and Scale (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.
Reason: This is an outline permission only and these matters have been reserved for the subsequent approval of the Local Planning Authority.
- 4 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.

- 5 No works shall commence on site (other than those required by this condition) on the development hereby permitted until the first 20m of the proposed access road, including the junction with the existing public road and associated visibility splays, has been completed to at least binder course level.

Reason: To reduce potential highway impact by ensuring that there is a satisfactory access at the commencement of construction works in accordance with Local Plan Policy TP1 in relation to development and highway safety.

- 6 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:

- i. specify the type and number of vehicles;
- ii. provide for the parking of vehicles of site operatives and visitors;
- iii. provide for the loading and unloading of plant and materials;
- iv. provide for the storage of plant and materials used in constructing the
- v. development;
- vi. provide for wheel washing facilities;
- vii. measures to control the emission of dust and dirt during construction

Reason: To reduce the potential impact on the public highway in accordance with Local Plan Policy TP1 in relation to development and highway safety.

- 7 The details to be submitted for the approval of reserved matters shall include details of all access roads to and within the site, to include details of drainage, surfacing, construction, visibility splays, turning heads, street lighting, footways and road gradients, the dwellings hereby permitted shall not be occupied until the access road providing access from the nearest public road serving that dwelling have been provided in accordance with the approved plans to at least binder course level, and shall be retained and maintained in that form until and unless adopted as highway maintainable at public expense.

Reason: To ensure an adequate highway layout is provided, in the interests of highway safety in accordance with Local Plan Policy TP2.

- 8 The details to be submitted for the approval of reserved matters shall include vehicular parking and turning facilities within the site, and the building(s) hereby permitted shall not be occupied until those facilities have been provided in accordance with the approved plans and shall be retained available for those purposes thereafter.

Reason: To reduce potential highway impact by ensuring that adequate parking and manoeuvring facilities are available within the site, in the interests of highway safety in accordance with Local Plan Policy TP1.

- 9 No work shall commence on the site until details of the provision of fire hydrants served by mains water supply, including a timetable for their provision, have been submitted to and approved in writing by the Local Planning Authority. The fire hydrants shall be provided in accordance with the approved details prior to occupation of the proposed dwellings

REASON: In the interests of community safety in accordance with Local Plan Policy CP4 in relation to safe and sustainable living.

- 10 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.

- 11 Prior to the commencement of development, a detailed scheme for landscaping, tree and/or shrub planting and associated hard surfacing (which should be permeable or drain to a permeable area) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall specify species, density, planting size and layout. The scheme approved shall be carried out in the first planting season following the occupation of the building or completion of the development, whichever is the sooner.

The landscaping scheme shall include a scheme for the removal and/or management of Cotoneaster.

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.

- 12 Prior to the commencement of development, samples of the proposed facing materials and roofing materials 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.

- 13 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.

- 14 Prior to the commencement of development, details of the positioning and design of the points of access between the application site and the adjoining footpaths shall be submitted to and approved in writing by the Local Planning Authority.

The works shall thereafter be implemented strictly in accordance with the agreed details prior to the first occupation of any of the approved dwellings

Reason: To ensure that the accesses provided are well designed to encourage use of the footpaths in accordance with Local Plan Policy CP5 in relation to Sustainable Transport.

- 15 Prior to the commencement of development a plan indicating the location of bird boxes throughout the site shall be submitted to and approved in writing by the Local Planning Authority. Prior to the first occupation of any of the dwellings hereby approved the bird boxes shall be installed in accordance with the approved scheme.

Reason: To provide an enhancement to the ecological value of the site as recommended in the submitted ecological appraisal and in accordance with Local Plan Policy NE3 and Chapter 11 of the NPPF.

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- 16 Prior to the commencement of development, details of secure and covered cycle parking facilities shall be submitted to and approved in writing by the Local Planning Authority. Prior to first occupation of the development, the cycle parking shall be completed in all respects and thereafter kept free of obstruction and available for the parking of cycles only.
Reason: To ensure adequate provision and availability of cycle parking in accordance with Local Plan Policy TP6 relating to parking provision in development.
- 17 Prior to the commencement of development, a scheme for the provision of refuse and recycling storage facilities to serve the proposed dwelling(s) (including appropriate containers in accordance with adopted Supplementary Planning Document - Waste Minimisation in Development Projects) shall be submitted to and approved in writing by the Local Planning Authority. The dwelling(s) shall not be occupied until the approved scheme has been implemented.
Reason: To achieve sustainable waste management and to facilitate recycling in accordance with Gloucestershire Waste Local Plan Policy W36 relating to waste minimisation.
- 18 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.
- 19 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.

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 Note:
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.
- 3 The applicant is advised that in the opinion of the Local Planning Authority (LPA) there is a need for further detailed consideration and design work in relation to the layout of

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the site and in particular the parking courts at reserved matters stage. The LPA welcome the opportunity to discuss the detailed layout and design prior to the submission of any subsequent reserved matters application(s).

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APPLICATION NO: 13/00911/OUT		OFFICER: Mrs Emma Pickernell	
DATE REGISTERED: 11th June 2013		DATE OF EXPIRY : 10th September 2013	
WARD: St Peters		PARISH: NONE	
APPLICANT:	Clifton Diocese		
LOCATION:	Christ College Arle Road Cheltenham		
PROPOSAL:	Outline application for residential development including means of access (indicative layout of 85 dwellings)		

REPRESENTATIONS

Number of contributors	15
Number of objections	10
Number of representations	4
Number of supporting	0

100 Brooklyn Gardens
Cheltenham
Gloucestershire
GL51 8LW

Comments: 12th July 2013
Letter attached.

19 Netherwood Gardens
Cheltenham
Gloucestershire
GL51 8LQ

Comments: 12th July 2013
Letter attached.

33 Netherwood Gardens
Cheltenham
Gloucestershire
GL51 8LQ

Comments: 4th July 2013
I'm writing to you to provide my feedback on the Christ College Site, Arle Road.

Due to the extent of this development I feel it will have an extensive effect on the local area. I have no scale to understand what 85 dwellings will mean on a site of this size. My concern is the market the developers are planning to sell in. A 3 bed semi-detached can be worth anything from £65k-£400k depending on the space, the size of the rooms, the location, etc. I think the critical thing is that the houses are developed to be equivalent to the current value of surrounding streets.

I would request that the value of the average 3 bed semi-detached be aimed to market at £190k-£210k, in keeping with the surrounding houses (in good condition) on Arle Road. I appreciate that

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there will be some variation on value with the number of rooms and such. And I understand that there is a mandatory section of affordable housing included.

It would be to the detriment of the area to build an entire estate of low grade, cheap housing, hitting the local residents, the community, crime rates, facilities etc.

I will continue to keep informed per the housing development. I hope you take my views into consideration.

29 Arle Road
Cheltenham
Gloucestershire
GL51 8JT

Comments: 10th July 2013
Letter attached.

27 Arle Drive
Cheltenham
Gloucestershire
GL51 8HU

Comments: 10th July 2013
Letter attached.

42 Netherwood Gardens
Cheltenham
Gloucestershire
GL51 8LG

Comments: 31st July 2013

I am writing to comment on the planned development of the Christ College site on Arle Road. Whilst I realise that more housing is needed and that development of a brown-field site such as this is a good way to provide space, I feel the density of housing is excessive when compared with the neighbouring developments.

On page 10 of the application a figure of 35 units per hectare. In comparison, the neighbouring Netherwood Gardens is under 28 units per hectare, and Brooklyn Gardens is under 25 units per hectare. If the new development were to have the density of Brooklyn Gardens it would need to have a maximum of 64 units. The same density as Netherwood Gardens would be achieved with 72 units.

I would therefore suggest a maximum of 2 units be permitted on this site.

Secondly, I have concerns about the access road being shared between the development and the sports centre. By using the same access, sports centre users may park on the new development, leaving home owners needing to park in neighbouring streets. A separate access road for the sports centre would help alleviate this, and additionally would reduce the impact of the centre on residents of the new estate.

Friends of Chelt Walk Park Association
Cheltenham

Comments: 24th July 2013
Letter attached.

122 Arle Road
Cheltenham
Gloucestershire
GL51 8LF

Comments: 9th July 2013
Letter attached.

2 Arle Drive
Cheltenham
Gloucestershire
GL51 8HT

Comments: 10th July 2013
I was glad to see that mixed housing is envisaged but I am concerned about the density and access, as Arle Road can get busy - people use it as a cut-through to avoid the Tewksbury Road.

27 Netherwood Gardens
Cheltenham
Gloucestershire
GL51 8LQ

Comments: 11th July 2013
Letter attached.

112 Brooklyn Gardens
Cheltenham
Gloucestershire
GL51 8LW

Comments: 9th July 2013
Letter attached.

139 Arle Road
Cheltenham
Gloucestershire
GL51 8LJ

Comments: 11th July 2013
Letter attached.

112 Arle Road
Cheltenham
Gloucestershire
GL51 8LF

Comments: 22nd June 2013

After looking through all the information provided I would like to totally OBJECT to your proposed plan for the one and only entrance for the proposed housing estate being opposite my property.

This entrance will not only be used by all the traffic accessing their properties but also is the access to the sports hall.

Not only will we have constant traffic right outside our property, at night headlights will be shining onto our house.

I have to reverse of my drive with two young children in my car many times a day it is bad enough when you just have the traffic from the road let alone having a junction with constant traffic opposite.

I totally understand houses must be built but need to make our thoughts very clear that we are totally unhappy and will take matters as far as we need to insure this entrance is not placed where your proposed plan shows it to be.

The volume of noise from cars accessing this entrance would also cause us (residents) nothing but trouble.

Please take the above comments on board.

Comments: 27th June 2013

Email attached.

114 Arle Road
Cheltenham
Gloucestershire
GL51 8LF

Comments: 5th July 2013

My partner and I live at No. 114 Arle Road with our toddler daughter. We both work full-time and our daughter is in full-time child care. Whilst we fully support the principle of developing this site into quality housing, we would like to register the following response to the Design and Access Statement (March 2013) published as part of Planning Application Ref: 13/00911/OUT.

a) The HISTORIC & CONTEMPORARY INFLUENCES paragraph (Page 4) advises that the house at 108 Arle Road (immediately opposite the site) is a designated heritage asset. Picture No.5 on Page 5 reporting to show 108 Arle Road is in fact a picture of 106 Arle Road which is separated from No.108 by a side road (Arle Drive). From the outset, this apparent lack of attention to detail does not instil the reader with any confidence in the accuracy of data within the rest of the document.

b) The Pedestrians, Cycling and Parking paragraph in Section 10.0 ACCESS (Page 17) states that the proposed development falls well within the maximum level of parking set out in SPG policy T8 (a maximum of 1.5 car spaces per dwelling). The PARKING paragraph within Section 14 (Page 20) then contradicts this, by stating that there will be between 1.5 and 2 parking spaces per unit, in line with the Councils parking policy. This suggests that the Councils parking policy is not aligned with the SPG policy T8! Despite this anomaly, it is not unrealistic to assume that a minimum of 127 cars (1.5 x 85) will need access to and from the site on a daily basis.

c) Section 14.0 TRANSPORT (Page 17) states that Traffic and Highway engineers have produced an assessment of the site and can see no problems. It also states that the revised position of access to the site has been submitted to the Highway Authority who has approved it in principle. Throughout the entire document there is no mention of the fact there is currently a Pedestrian Crossing under traffic-light control, positioned immediately adjacent to the proposed new entrance. We, among other residents living on the opposite side of Arle Road from the development, need to cross Arle Road to use the Bus Stop, which we often do. Whilst pedestrian access to the development from the north side of the road seems to have been considered, nowhere is there mention of where this pedestrian crossing may be relocated to, as its current location is practically on the new access junction!

If this detail has been omitted in this document which is intended to be a comprehensive Design & Access statement, then how can we as residents be sure this detail was not also omitted from the revised access details, upon which the Highway Authority have based their approval in principle?

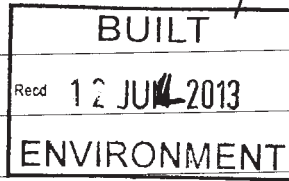
d) Section 13.0 Public Engagement (Page 20) acknowledges that there is concern over the entrance to the scheme' but goes on to state that the new position of the entrance is close to the existing and has little detrimental effect on Arle Road. Whilst this seemingly minor change in entrance position may pose little effect to the overall traffic travelling along Arle Road, it has an ENORMOUS effect on us at No.114 and our neighbours at No.112. The new entrance position is directly opposite our semi-detached properties. Both of our households rely on being able to either reverse out of, or in to, our respective driveways. We both have 2 cars per household, and invariably need to egress and access our driveways at peak morning and afternoon hours, for work and nursery / school purposes. This will be at the same peak times as the residents of the 85 new homes on the development. Along with our neighbours at No.112 we strongly believe that this poses a significant road safety risk for ourselves and the motorists living on the new development.

e) The Traffic Generation Table (Page 20) shows an estimated increased daily rate of traffic generated by this development to be 3.4% to the North of the new entrance and 7.8% to the South. By definition, this is a total increase of traffic entering and exiting the site, of 11.2%. Firstly, this total percentage increase is the root cause of the road traffic safety concerns outlined in (d) above. Secondly, I struggle to believe the accuracy of this assessment. These comparisons are based on figures not including previous levels of traffic dropping school children off. Assuming approximately 127 cars will be based on the development - see (b) above a predicted total increase of only 11.2% means that previously there was a whopping 114 staff cars routinely using the school site. This number seems very high, and hence we feel the predicted increase has been understated. Thirdly, the 3.4% increase to the North of the site will further exacerbate the existing issue of the Grevil Road / Princess Elizabeth Way junction, for which local residents have been campaigning for traffic control for some time now.

We note that the intended Decision Level assigned to this Application is a Committee Decision. Please would the Council provide us local residents that the committee will ensure a full response based on detailed consideration of points (a) to (e) above.

100 Brooklyn Gardens,
Cheltenham,
Glos.
GL51 8LW.

Planning
application no.
13/0091/OUT.



Dear Sir,

Regarding the planning application for the Christ College site I feel the 85 + homes is far too high for the area of land and for the volume of extra traffic that will be using Aole Road and the surrounding network.

I would suggest 50 homes would be a more realistic figure considering most properties would have two vehicles each.

Yours sincerely,



B10091110UT

Ref. Planning of Houses

Page 65, Netherwood Gardens

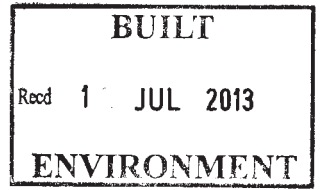
Cheltenham

on St. Bertrands School
Site.

G10S

Christchurch site - Arle Road
Cheltenham.

G151 8100



10.7.2013

Dear Sir,

We have seen the outlined planning for the Christ Church College site and although we do not object to housing, we do have a few concerns. We have lived here for 30 years and would hope that the houses be built in similar style as to what is here and down Arle Rd now. NOT sloping style roofs.

Also the traffic, depending on how many houses are built could become a problem. There will be a new site on the Travis Perkins property bringing forth cars and there is already a bottle neck down Arle Rd and into the Gloucester Rd towards the station every morning and evening. We trust you will consider these points when giving your planning authorisation.

Yours Sincerely

Page 66

[REDACTED]

From: Pickernell, Emma
Sent: 10 July 2013 11:47
To: Internet - Planning Comments
Subject: FW: Christ College planning application

[REDACTED]

Emma Pickernell
Senior Planning Officer

emma.pickernell@cheltenham.gov.uk
www.cheltenham.gov.uk
Municipal Offices, Promenade, Cheltenham, GL50 9SA

-----Original Message-----

From: [REDACTED]
Sent: 10 July 2013 11:46
To: Pickernell, Emma
Cc: Councillor Pat Thornton
Subject: Christ College planning application

Dear Miss Pickernell,

I have received a note from local Councillors about the Christ College planning application, in Arle Road, recommending that I write directly to yourself if I have any comments to make.

As a local resident, I would like to formally comment on the application.

Since moving into Arle Road last September, I have been very disappointed at the very poor public park facilities in the area for my three young children. Although it is pleasing to hear that the YMCA facility may be opened up for public use, I would still like to see any major development at the former Chris College site include 'outdoors' leisure facilities.

Specifically, I would like to see an inclusion of basketball facilities (which I understand were in place before the site was demolished) and areas for playing ball-sports.

I trust these comments will be duly considered.

Regards

[REDACTED]
29 Arle Road
Cheltenham
GL51 8JT

Page 67

[REDACTED]

From: Pickernell, Emma
Sent: 10 July 2013 09:38
To: Internet - Planning Comments
Subject: FW: Planning Application for the Christ College site

[REDACTED]

Emma Pickernell

Senior Planning Officer

emma.pickernell@cheltenham.gov.uk

www.cheltenham.gov.uk

Municipal Offices, Promenade, Cheltenham, GL50 9SA

-----Original Message-----

From: [REDACTED]
Sent: 09 July 2013 20:27
To: Pickernell, Emma
Cc: Frances
Subject: Planning Application for the Christ College site

Dear Emma,

This evening I have tried to register some comments on the above planning application which I believe you are the planning officer for (ref13:00911/OUT). Despite having successfully logged in to the system several times every time I try to leave a comment the site tells me I must "log in to make a comment". I try again and the same happens. Perhaps there is a problem with my log in details, or the site, I'm not sure.

However I hoped in the absence of being able to leave comments on the site I could email them directly to you. Your contact details have been provided to us as local residents to the above site. Please find our comments below:

My husband and my young son live on Arle Drive and whilst Arle Drive doesn't appear to have been greatly considered within the plan, we would like to submit our concerns and comments, outlined below..

Having read the documents we do not believe the current traffic analysis and forecasts are adequate. As they were based on a school (but not the school traffic) we cannot see how this can reflect the potential traffic impact of a 85-strong housing estate, during rush hours and throughout the day and therefore how any conclusions can be reached as to the impact of said traffic.

TRAFFIC

Arle Drive is opposite (albeit not directly) to the new development entrance and we believe there will be a significant impact to us, mainly down to access and traffic levels.

Given Arle Drive is a convenient direct route into town (over the rail crossing and onto St Georges Road or Gloucester Road) as an alternative to Arle Road AND has a very good primary school located on the other side of it (Rowanfield) we would be concerned that we would see increased traffic levels on Arle Drive as a result of the new housing development.

Arle Drive is not currently adequate for increased traffic levels. I have a toddler and find the speed

10/07/2013

Page 68

at which motorists drive down this road very frightening and dangerous. This would need to be addressed.

ACCESS

There will be an impact on trying to leave the junction at the end of Arle Drive leading onto Arle Road due to the increased levels of traffic leaving the new estate. This is already difficult at times due to the traffic lights, bus stop and number of cars parked on Arle Drive. In addition, it is a well documented local issue that the traffic leaving Arle Road turning right onto Princess Elizabeth Way is incredibly difficult and often causes very long queues and waiting times at key travel times of the day. The new yellow box on Princess Elizabeth Way at the Arle Road junction is a complete waste of time as it is on the wrong side of the road and has done nothing to ease this situation. We would like to see this vastly improved if additional housing / traffic were to be planned for this area. Finally, we believe it would be a great shame to create a new access route next to the pathway to the park and thus creating noise, traffic and light pollution for those living apposite and near the new development. We cannot see through any of the plans why the main access route cannot be positioned at the other end of the development where there is already an entrance that can be re-purposed.

If you have any questions or need to talk to me about any of the above, please contact me on this email o [REDACTED] If there is a way of ensuring our comments are included on the site as part of the planning process I would be most grateful, give the deadline is tomorrow (11th July).

Many thanks,

[REDACTED]
27 Arle Drive, GL51 8HU
[REDACTED]

[REDACTED]

From: Pickernell, Emma
Sent: 23 July 2013 14:45
To: Internet - Planning Comments
Subject: FW:
Could this be logged as a representation please?

Emma Pickernell
Senior Planning Officer

emma.pickernell@cheltenham.gov.uk
www.cheltenham.gov.uk
Municipal Offices, Promenade, Cheltenham, GL50 9SA

-----Original Message-----

From: [REDACTED]
Sent: 22 July 2013 14:48
To: Pickernell, Emma
Subject:

Good afternoon Emma Pickernell

John Rawson has given me your name in connection with the Christ College site - Arle Road - proposed preliminary planning application for building.

Would it be possible to ring you and speak to you in the near future please?

Many people in this area are most concerned about what may be built on this site, so please find the attached picture of a home that people at our local meeting would like to see built - aiming to raise standards and maintain building size and quality of the local area.

I look forward to your reply.

Regards from [REDACTED]
Friends of Chelt Walk Park Association
[REDACTED]



122 Arle Road
 Cheltenham GL51 8LF
 06/07/2013
 Planning Department
 Cheltenham Borough Council
 Council Offices, Promenade
 Cheltenham GL50 1PW

Cheltenham Borough Council			
Environment			
- 9 JUL 2013			
Date of Response		Type of Response	
Initials of Responder		File Ref.	

Dear Sir/Madam

Re: Planning application number 13/0091/OUT (Christ College site, Arle Road)

I wish to formally object to the (a) quantity – the density – of dwellings proposed on this application stated at 85 at this point in time and (b) the style of homes proposed.

With regard to density – 85 homes is far too great in an already highly populated area – cramming too many people into an area with inadequate parking, gardens and playing/open areas creates further social problems. Problems with litter, damage, break-ins and attempts with property invasion in this area of Arle are well documented and personally experienced – not carried out by local people but from adjoining areas where established cramped conditions are causing continuous concern for police and supporting social bodies!

The style of homes needs to reflect current homes – substantial detached and semi-detached three/four/five bedroom homes. Underground garages could also help space-wise as utilised in many other countries. This would allow families to enjoy their properties and relax in their gardens.

In addition and directly related to the above points please consider that if parking is inadequate for home occupants the Sports Hall parking will be used, thereby causing occupants and sport enthusiasts to park on Arle Road and adjoining roads where there are already problem accessing and leaving driveways out onto Arle Road.

A further and most important point is the traffic builds up early in the morning and from 3:30 pm – peak times and weekends – where lines of vehicles back up both ways from Coronation Square, right down through Princess Elizabeth Way. Blockages occurring on the main roundabout on Tewkesbury Road are already a real predicament. The Greville Road exit onto Princess Elizabeth Way is a long-term problem - not helped by the painted yellow box. The volume of traffic will be significantly increased with proposed homes on the Christ College site (85 x 3 =255 minimum) combined shortly with the Travis Perkins site new homes (100+) and the 1000+ on the Tewkesbury Road site will all directly affect traffic in this area.

It is therefore put forward that housing on this site is welcome and that 45 homes would be more than adequate taking into account the social and environmental impact on this neighbourhood.

Yours truly



13 JUL 2013

27 Netherwood Gardens
Cheltenham, Glos.

8/7/2013

Cheltenham Borough Council
Planning Department
Municipal Buildings
Promenade, Cheltenham.

Dear Sirs,

Re: Planning Application for Christchurch College Site
Ref: 13/000911/OUT

Although I am aware that most builders want to maximise on the number of dwellings they can fit onto a site, I would still ask you to consider the type and number of houses proposed for this development. The few properties which have been added to the original 1930's development have blended in very well, and it would be a shame if the atmosphere of the area was spoilt by the modern trend of untreated timber cladding which looks awful after a few years. In my opinion, whoever designed and built Scholars Court which replaced the old Technical High School in Gloucester Road was on the right track. Get them on side!!!!

Yours faithfully,

A large black rectangular redaction box covering the signature and name of the sender.



(Re. planning appl. No: 13/00911/00T.
Christ College site.)

my main concerns are the number
of dwellings proposed on the
site / the extra traffic this
will bring to the area + access!

Over the years the residents have
had to spend a lot of money +
cash in order to make our
properties along the lane
secure and I am worried
that the opening of the space
by taking down fences and
hedges, also some trees I am
sure, will take away a lot
of our privacy + security.
Also I am concerned about
the extra traffic from

The sports Page 74 but I am glad it has been kept for the public to use. The access to this is also a worry!

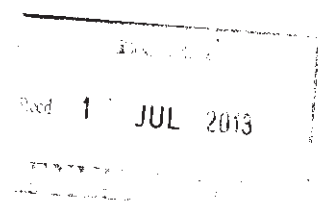
When I came in to view the plans I did think the comments about the traffic on the Aole Road being light was a bit far fetched.

But my main concern as I say is the number of dwellings - 50 or perhaps 60 would be even too many.

Yours



Cleytonham Borough Council			
Environment Group			
PASSED TO			
REC'D	- 8 JUL 2013		
Date of Response		Type of Response	
Initials of Recorder		File Ref.	



139 Arle Road

Cheltenham

Glos.

GL51 – 8LJ

10th July 2013

To the Planning Committee

Objection to the proposal for 85 dwellings on the Christ College site - Planning Application Number 13/0091/OUT

- * the **density** is far too great for an already highly populated area - cramming too many people into an area with inadequate parking, gardens and playing areas creates social problems
- * **home styles** need to reflect the surrounding area of substantial three bed semi-detached, four and five bedroom homes
- * **garden areas and parking provision is inadequate** - which will force home owners or people attending the Sports Centre to park on all adjoining side roads creating further problems for present owners in accessing their driveways.
- * considering the 100 + homes intended for the Travis Perkins site and over 1000 homes on Tewkesbury Road, ***the road network which is already under strain will be further impacted creating havoc.***

Princess Elizabeth Way is under strain now without having extra traffic from Arle Road, Tewkesbury Road and Gloucester Road with houses proposed for the Travis Perkins site

We therefore formally object to your current planning proposal. **Planning application number: 13/0091/OUT**

We request that you consider the views mentioned above and reconsider the wider impact that this will have.

We would propose that a more environmentally friendly quantity of homes would be **45 homes** on this site.

Your Faithfully

[Redacted signature block]

From: Pickernell, Emma
Sent: 27 June 2013 09:23
To: Internet - Planning Comments
Subject: FW: Appose Christ college entrance

Hi - this has come straight to me...

Thanks

Emma Pickernell
Senior Planning Officer

emma.pickernell@cheltenham.gov.uk
www.cheltenham.gov.uk
Municipal Offices, Promenade, Cheltenham, GL50 9SA

-----Original Message-----

From: [REDACTED]
Sent: 26 June 2013 21:10
To: Pickernell, Emma
Subject: Appose Christ college entrance

Hi Emma,

Have been given your email address as the contact for comments on the Christ college site development.

I live at 112 Arle road opposite where the plans show the entrance to the housing estate/ sports hall to be I want to make it clear that we totally object to the one & only entrance to the estate being placed there.

My reasons for this are:

1. Headlights from cars will be constantly shining onto my property as hundreds of cars each day come in and out of the entrance.
2. Reversing off my drive will be a constant nightmare & dangerous to myself & my young children as not only will there be the normal heavy traffic there will be a busy junction opposite.
3. The noise from all the cars coming & going will be awful! If you base 85 houses on having 2 cars each as well as cars visiting the sports hall it will be a total nightmare.

We understand houses need to be built but need to make it very clear that having only one entrance opposite our house will be absolutely awful & will be so unsafe to get on & of our drive.

Where the entrance is now seems to work well for everyone & so would suggest it stays there.

APPLICATION NO: 13/00911/OUT	OFFICER: Mrs Emma Pickernell
DATE REGISTERED: 11th June 2013	DATE OF EXPIRY: 10th September 2013
WARD: St Peters	PARISH: None
APPLICANT:	Clifton Diocese
AGENT:	Mr K Hunt
LOCATION:	Christ College, Arle Road, Cheltenham
PROPOSAL:	Outline application for residential development including means of access (indicative layout of 85 dwellings)

Update to Officer Report

1. OFFICER COMMENTS

1.1. Affordable Housing & S.106

By way of an update to paragraph 6.6.4 and 7.6 of the main agenda it can now be confirmed that the Housing Enabling Officer has expressed a preference for the mix of affordable housing put forward which equates to 20% i.e:

20% (17 dwellings) Affordable Housing

2 bed houses – 6 x affordable rent & 3 x shared ownership

3 bed houses – 6 x affordable rent & 2 x shared ownership

The playspace contribution required would be £31,039.50

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Page 78

APPLICATION NO: 13/00911/OUT	OFFICER: Mrs Emma Pickenell
DATE REGISTERED: 11th June 2013	DATE OF EXPIRY: 10th September 2013
WARD: St Peters	PARISH: None
APPLICANT:	Clifton Diocese
AGENT:	Mr K Hunt
LOCATION:	Christ College, Arle Road, Cheltenham
PROPOSAL:	Outline application for residential development including means of access (indicative layout of 85 dwellings)

Update to Officer Report

Tree Officer – Response to additional information received

16th August 2013

The Tree Section has no objections to any of the tree removals including the street tree numbered T37 on the Tree Protection Plan. Gloucestershire Highways have confirmed that they have been consulted and have agreed the removal subject to mitigation planting taking place.

Further to the updated Arboricultural information being submitted the Tree Section has no objections to this application providing that the following conditions/informative can be attached to any approval:

- Protective fencing
Tree protective fencing shall be installed in accordance with the specifications set out within the Arboricultural Method Statement dated August 2013 and Drawing Number 130808-CCC-TPP-LI. 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.
- Detailed Arboricultural Method Statement
Prior to the commencement of any works on site a detailed 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 areas, footpaths, roads and other forms of hard landscaping that fall within the root protection area of retained trees; foundation details for properties near to retained trees on and adjacent to the site; 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.
- No roots over 25mm to be severed
Any works taking place in the root protection area shall be carried out by hand and no roots over 25mm to be severed without the advice of a qualified arboriculturalist or without written permission from the Local Planning Authority's Tree Officer.
Reason: To safeguard the retained/protected tree(s) in accordance with Local Plan Policies GE5 and GE6 relating to the retention, protection and replacement of trees.

- TRE04B No fires within RPA
- TRE05B No service runs within RPA
- TRE06B No-dig construction within RPA
- TRE08B Arboricultural monitoring
- TRE09B Submission of leaf guard details

With regard to the landscaping scheme, could the following wording be added:

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.

Informative

The internal layout needs to take account of the adjacent street trees to help prevent issues from arising with particular regard to shade but also leaf litter and sticky sap.



Gloucestershire Constabulary
People First Policing

Community Engagement
Gloucestershire Constabulary
Police Headquarters
No 1 Waterwells
Quedgeley
Gloucester
GL2 2AN

Cheltenham Borough Council
Municipal Offices
Promenade
Cheltenham
Gloucestershire
GL50 9SA

15 July 2013

Dear Sir/ Madam

In my capacity as Crime Prevention Design Advisor for Gloucestershire Constabulary I would like to comment on the planning application for the former Christ College at Arle Road, Cheltenham with reference number 13/00911/OUT. 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 briefly mentioned crime prevention, designing out crime and site security, but further information should have been included during any future planning application. **"Security and personal safety are matters that are generally taken for granted, but crime and the fear of crime has a significant impact on the way we live. Careful design of the built environment can reduce opportunities for crime and improve feelings of safety."** Cheltenham Supplementary Planning Guidance – Security and Crime prevention

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 equates to 257,012 tonnes of CO₂ generated in 2012, with the Cheltenham responsible for 27% a total of 65680 tonnes of CO₂. Over the past 12 months 32 crimes occurred in Arle Road; a small proportion of the 909 crimes which occurred in the St Marks policing area, which generated 3306 tonnes of CO₂.

Secured by Design

Secured by Design focuses on crime prevention of homes and commercial premises and can reduce crime by 60%. This can be achieved through the use of security standards for a wide range of applications and products; by removing the various elements that are exploited by potential offenders and ensure the long term management and maintenance of communal areas.

Permeability

- The permeability of the development should provide a layout which creates convenient movement for residents and visitors to the sports centre, while increasing opportunities of passive surveillance, security and community safety.

Management and maintenance

- **“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 public facilities and the landscaping scheme will need to be continually managed by either the council or an external company under contract to demonstrate a level of ownership and instil community respect in an effort to preserve the finish, reduce the anti social behaviour, and create safe, friendly public spaces.

Anonymity

- This development will need to consider removing potential hiding places and circular route which will create anonymity for offenders, increasing the visitor's vulnerability to crime and anti social behaviour.

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.
- **“Parking spaces within streets and accessed directly from them [should] offer ‘natural surveillance’ of parked vehicles, thereby reducing concerns about security.”** (Guidance Note: Residential Parking - The Chartered Institution of Highways and Transportation Institute of Highway Engineers, 2012)

Promoting defensible spaces

- **“In designing for connected streets care should be taken to avoid undermining the ‘defensible space’ of particular neighbourhoods.”** (By Design – Urban Design in the Planning System) Each property, either house or apartment, should have an area of land which they can call their own and be able to use it as a buffer zone between the public street scene and their own private space.

Lighting

- The lighting plan should be designed to encompass an effective and efficient coverage of the development and allow for seasonal variations within the planting scheme. Dusk till dawn lighting on the front of each dwelling should compliment the overall plan and assist in the recognition of visitors; these provisions will remove areas of deep shadow, thereby reducing the fear of crime and addressing crime and ASB.
- **"We all like to feel safe, most of us would particularly like to be able to see that we are safe"** Lighting against crime - A Guide for Crime Reduction Professionals, Secured by Design 2011

Residential dwellings

- Further proposals for this development site shouldn't create large areas of 1.8 metre walls and fencing, generate windowless elevations facing onto the street scene and remove any sense of ownership which will encourage crime.

Apartments

- The communal entrance to any apartment block should create security by controlling and restricting access into the building; followed by various security features leading to the lockable apartments. 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.

Out 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 garden shed or garage should be fitted with a cycle rack which is either a Sold Secure anchor or a galvanised steel 'Sheffield Hoop' to provide a means of locking both wheels and the crossbar securely.

Footpaths

- The designs of public footpaths will be influenced by 'Manual for Street'; to restrict motor vehicles from using them as a thoroughfare or for ad-hoc parking, the entrance or exit should incorporate sensitive design features. **"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

- Any internal divisions to create private garden spaces 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 any Public Open Space or the sports centre should integrate a planted defensive area which incorporates a variety of spiky or thorny plants to help protect the rear boundary.

Car parking

- Poorly considered parking spaces will generate increased street parking as resident try to walk the shortest distance to the home with children, shopping and other chattels; by parking outside will increase the surveillance and reduce the risk of vehicle crime. **"Most car owners like to be able to see their vehicles and/or to know that they are securely parked. In curtilage parking usually satisfies this strong desire."** (Guidance Note: Residential Parking - The Chartered Institution of Highways and Transportation Institute of Highway Engineers, 2012)

- The garages should be designed and constructed to accommodate the modern family car and allow for the increased average dimensions, failure to provide sufficient space will encourage the owners to use the garage for storage which will increase risk of burglary. **“Some schemes had garages in unusual locations such as at the rear of properties accessed via side lanes or rear access. These appeared to have a high burglary risk so should be considered very carefully.”** (Design Council CABE Case Studies website 2012)

Public Space

- Creating an interesting and welcoming series of parks should meet the needs of the local community, who should be included with the design from the off-set to ensure their long term future. Once complete these facilities should be managed by either the council, an external management company under contract or by a voluntary residents group with a vested interest in the long term future of the park. **“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)

Play Areas

- Playing area has the potential to generate crime, antisocial behaviour and increase the fear of crime in the community; the equipment is also vulnerable to ASB, graffiti and vandalism which is expensive to repair. Appropriate designs, building materials and natural surveillance from neighbouring dwellings will assist in protecting these investments, ensuring continued community use and the contribution to quality of life gained from using these features.

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 me should you have any queries or wish to discuss these issues further.



Mark Murphy
Force Crime Prevention Design Advisor
mark.murphy@gloucestershire.police.uk

The design, construction and planting scheme should discourage climbing opportunities into the rear gardens

The surrounding streets will be used as an overflow car park at peak times for the sports centre, additional parking facilities need to be provided to prevent angered residents

A front garden should be defined to instil ownership, passive surveillance and create a defensible space

Defensive planting should be included along all the footpath, thereby increasing garden security

The height and density of the native plants should be selected to maintain natural surveillance between the path and development

The fenced alleyway should be created using a 1.2 - 1.5m hit and miss fence to increase natural surveillance and make a more welcoming rear garden access

Rear garden access should be gated and lockable in line with the front of the building, including a ginnel or gated alleyway between the buildings will provide a secure garden access and remove the need for the long fenced corridor

Play spaces too close to residential dwellings will be affected by noise and ASB

The disconnected location of the garage and the dedicated space will lead to this building being used for storage, creating a risk of burglary. It will also lead to the vehicles being parked to the street outside of the house

The blank elevations or gable ends should be avoided, the increased fenestration will provide additional natural light inside the house and improve natural surveillance across the street scene and parking areas

The rear garden fence line should use a 'hit and miss' style fencing to provide passive surveillance opportunities over the rear garden access, garages and parking space

The landscaping on either side of this footpath should be managed and maintained to demonstrate ownership and encourage natural surveillance; ideally it should be allocated to the adjoining properties to create a defensible space along the path



The play equipment should cater for a variety of age groups; constructed to prevent vandalism; provide seating for parents/ guardians; and remain unlit to discourage night-time misuse.

The boundary treatment to the public open space should incorporate vehicle mitigation to prevent inappropriate parking and dangerous off road driving

The landscaping should be managed and maintained to demonstrate ownership, ensure its long term future and prevent future incidents of ASB.

This area is likely to be affected as desire lines formed by pedestrians and cyclists connect the footpath with the road; this should either be discouraged with fencing and planting

The separating fences shouldn't exceed 1.5m in height as this will provide views of the surrounding vistas; encourage community and allow natural surveillance this rural location

Vehicle mitigation should be provided at every entrance to the footpath

The footpaths and soft landscaping should encourage natural surveillance

Rear garden access should be restricted to 3 dwellings; the excessive permeability will increase the risk of garden theft or burglary

The rear garden fence line should use a 'hit and miss' style fencing to provide passive surveillance opportunities over the rear garden access and parking space

Front gardens should be fenced and clearly defined to prevent pedestrians walking through the garden to cut the corner

SITE A - PROPOSED HOUSING KEY DIAGRAM CHRIST COLLEGE CHELTENHAM

Gloucestershire Constabulary
Community Engagement, Gloucestershire Constabulary,
Police Headquarters, No 1 Waterwells, Quedgeley,
Gloucester. GL2 2AN

Produced by
Mark Murphy - Crime Prevention Design Advisor
01452 752363
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The comments contained within this drawing have been generalised and should be applied to similar design proposals across the development; these comments should be read in conjunction with the attached letter relating to 13/00911/OUT dated 15 July 2013

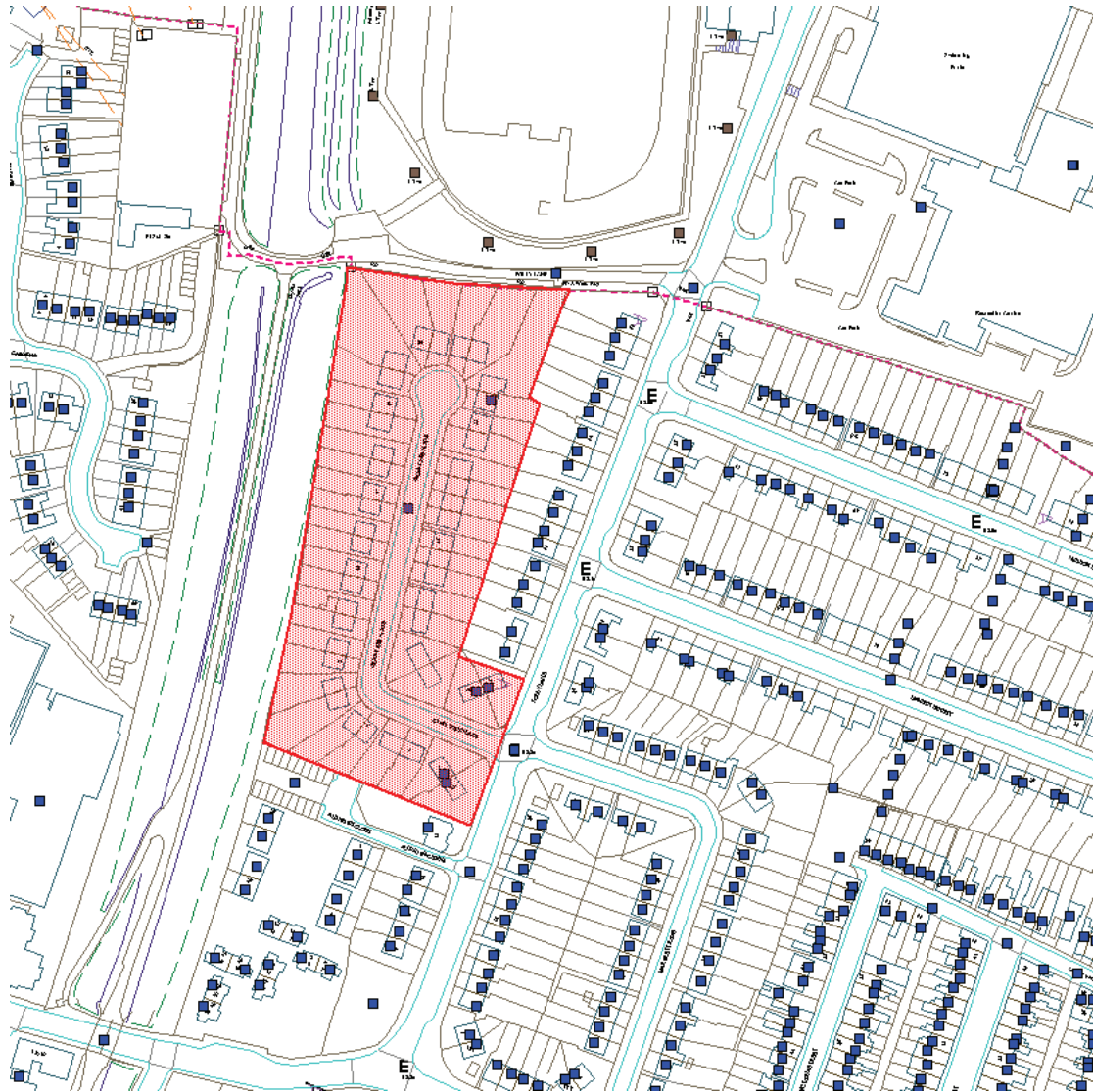


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DRG. NO.	SCALE
857-PL04	1:500 @ A1
DATE	DRAWN BY
08/10/12	

APPLICATION NO: 13/00800/FUL	OFFICER: Miss Michelle Payne
DATE REGISTERED: 5th June 2013	DATE OF EXPIRY: 4th September 2013
WARD: St Pauls	PARISH: None
APPLICANT:	Kier Partnership Homes Ltd & Cheltenham Borough Homes
AGENT:	Healer Associates
LOCATION:	Land at Crabtree Place, Cheltenham
PROPOSAL:	Construction of 56 residential units including 24 affordable units and associated works

RECOMMENDATION: Permit



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 This application proposes the second phase of the St Pauls regeneration project. The proposal is for the erection of 56 new dwellings at Crabtree Place comprising 32 open market units (14no. 2 bed houses, 14no. three bed houses and 4no. four bed houses) and 24 affordable units (10no. 3 bed houses, 4no. one bed flats and 10no. two bed flats).
- 1.2 Consent was given in 2008 for the demolition of 85 houses spread across Manser Street, Hudson Street and Crabtree Place. As a result, there are currently only six dwellings that remain within the application site.
- 1.3 Planning permission was granted in 2010 for phase one of the regeneration project, for the erection of 48no. dwellings, a community centre, and an area of public open space together with associated works and alterations to the remaining houses in Hudson Street and Manser Street and a number of properties in Hanover Street; these works have now completed.
- 1.4 The application is before planning committee as the land is owned by Cheltenham Borough Council. Members will have the opportunity to visit the site on planning view.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Honeybourne Line
Landfill site boundary
Smoke Control Order

Relevant Planning History:

07/01720/DEMCON **NO OBJECTION** **22nd January 2008**
Demolition of 2-42 (consecutive) Crabtree Place, 29-51 (odd) and 34-56 (even) Manser Street, 17-35 (odd) and 34-52 (even) Hudson Street as part of the St Pauls Regeneration Project

09/01495/FUL **PERMIT** **20th January 2010**
Erection of 48no. dwellings and a community centre, provision of an area of public open space and associated works and alterations to the street facades of the existing houses along Hudson Street, Manser Street and nos. 52,54,56,58,60 and 62 Hanover Street.

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
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

Supplementary Planning Guidance/Documents

Affordable housing (2004)
Amenity space (2003)

Development on garden land and infill sites in Cheltenham (2009)
Flooding and sustainable drainage systems (2003)
Landscaping in new development (2004)
Play space in residential development (2003)
Sustainable buildings (2003)
Sustainable developments (2003)

National Guidance

National Planning Policy Framework

4. CONSULTATIONS

GCER

28th May 2013

The data search for this site is based on the grid reference supplied by CBC, which is assumed to be located at the centre of the planning application site. GCER searches for all data within 250m of the grid reference. The provision of this data shows that important species or habitats are present on or near the proposed development site; however it does not show that important species or habitats are not present or not affected by the development.

Contaminated Land Officer

3rd June 2013

No comment.

Housing Standards Officer

5th June 2013

Many of the proposed layouts have bedrooms which fail to meet the minimum floor areas. The minimum floor area for a single bedroom is 7sqm and a double bedroom is 10.5sqm. I would advise that space standards in residential accommodation are governed by both the Housing Act 1985 and Housing Act 2004. Undersized or overcrowded premises may be subject to enforcement action.

Tree Officer

11th June 2013

The Tree Section has no objection to the Landscape proposals within this application. However I would like to see the following information submitted and agreed prior to the granting of any permission:

- 1) New imported topsoil (to BS 3882 2007) to be incorporated into tree pits so as to encourage early successful establishment of newly planted trees.
- 2) All trees need to be container grown trees not bare rooted or rootballed as specified. Such Extra Heavy Standard trees will not easily thrive if planted bare rooted. Container grown trees should establish quickly.
- 3) An aftercare and maintenance regime should be submitted and agreed.
- 4) No drains or other underground utilities should pass within 1.5 metres of any newly planted trees. This will enable easy maintenance of these utilities without damage to the trees into the future.
- 5) All construction foundation design details should take account of the anecdotal evidence of clay soil in this area.

Land Drainage Officer

12th June 2013

Having reviewed the Flood Risk Assessment and the Site Drainage Strategy plan, I have no fundamental concerns. However, unless I have missed something, it is not clear why the use of soakaways is limited to the southern half of the site. I recommend that the use of soakaways in the northern half of the site be investigated and utilised if possible.

Housing Enabling Officer

14th June 2013

The scheme offers affordable housing at above the policy compliant threshold at nearly 43% of dwellings on the site (24 of a total 56).

The level and mix of houses and apartments meets Cheltenham's housing needs through the high percentage of the affordable dwellings being 3-bed houses, along with the smaller 2-bed 3 and 4 person apartments helping support some of the demand for social housing applicants needing to downsize and for smaller households as a whole.

Further to the extensive consultation with the social housing department and confirmation of the council's support for the scheme through the HCA Affordable Housing Programme, this department is satisfied that the affordable housing dwellings:

- As proposed in the application are policy compliant
- Will be provided at affordable rent levels
- Will meet the requirements as set out in the Design and Access Statement, notably built to:
 - minimum wheelchair accessibility requirements
 - level 4 standard of the Code for Sustainable Homes
 - lifetime homes standard
 - Building for Life 12 industry standard.

Architects Panel

20th June 2013

2. Is the information sufficient to understand the application?

Yes – just.

3. Context.

The scheme doesn't appear to make much consideration of the residential layout but does attempt to reflect some of the more recent development in the area.

4. Massing and Scale

The proposed density looks fine, however the layout is questionable. There is a lot of road and the two units adjacent to the rear gardens of the existing properties are particularly poor in their positioning.

The positioning of the larger blocks of flats to the back corner of the site seems strange, these could have acted as a gateway or feature building for the development had they been closer to the vehicular access to the site.

5. External Appearance.

Some of the buildings allude to an interesting and more modern appearance but this doesn't appear to be consistent across the site.

The landscape is essentially left over space rather than being a designed setting for the scheme to occupy or the future residents to enjoy.

6. Detailing and Materials

No comment

7. Environmental Design.

There appears to be little real consideration towards sustainable design evident on the drawings.

8. Summary

If this site is to be developed the proposal should better relate to the site.

9. Recommendation

Refuse

Cheltenham Civic Society

20th June 2013

Aesthetically, we would prefer terraces throughout, and are not entirely happy with the design of the detached houses. For the flats we would prefer something more akin to what has been done at Manser St.

County Property Services

20th June 2013

Thank you for giving us the opportunity to comment on the above planning application. I have prepared a formal assessment detailing the planning obligations required by Gloucestershire County Council (GCC) from this proposed development of 56 residential units at Crabtree Place, Cheltenham.

GCC is the relevant authority for education, highways and various other community services. It is responsible for determining and negotiating contributions towards these services which include education, libraries, community care, fire and rescue, transportation strategy, sustainable transport issues, pedestrian and cycle routes. The Development Control group within Environment Directorate, will co-ordinate GCC's response on highway / transportation issues.

I have considered the impact of this development on local education and the community resources for which GCC is responsible and whether planning obligations are relevant. This follows requirements and standards that are used by GCC elsewhere in Gloucestershire and also meets national practice. I set out below the planning contributions that will be required from this development.

1. GENERAL

- a. Assessments of GCC requirements centre on CIL Regulations 2010 (section 122 and 123) and National Planning Policy Framework March 2012 (paragraphs 203-206).
Planning
- b. obligations will be sought where they are necessary to make the development acceptable in
- c. planning terms, directly related and are fair and reasonable in relation to scale and location of development proposed.
- d. Contributions are ring-fenced for capital works specified by GCC, held in independent accounts and are not interchangeable.
- e. GCC will account for unspent contributions, expenditure and accrued interest. Unless programmed or otherwise agreed, unused contributions are returnable, with interest, to the developer.
- f. The s106 will be between GCC, the landowner and developer. The developer must meet
- g. GCC's legal and technical costs in preparing the agreement/s.

h. All contributions are bonded and indexed.

2. EDUCATION

a. GCC is a Children's Services Authority (CSA) whose aim is to improve the co-ordination of services that affect children and young people such as:-

- i. Education
- ii. Social services - where they relate to children and young people.
- iii. Health services - where the CSA acts for organisations such as the NHS.

b. New residential development gives rise to new pupils in relation to the type and numbers of new dwellings. There are direct linkages between the number of dwellings and number of pupils. GCC has to ensure sufficient accommodation for new pupils if existing schools do not have spare places or there are insufficient or no schools local to the development. There is justification at national, regional, county and local level for requiring contributions to local early years, primary and secondary facilities where evidence indicates and justification shows that that this would be reasonable.

c. Contributions will indexed to the Department for Education (DfE) annual cost multipliers or any replacement thereof deemed relevant by the Council to maintain the proportionate value of contributions and to ensure payment.

d. When assessing education contributions GCC's criteria for a 'Qualifying Dwelling' is a house without age or health occupancy restrictions and with 2 or more bedrooms i.e. family accommodation. Flats and one bed houses are therefore excluded as they are occupied by lower number of pupils compared to houses.

e. This proposal of 56 residential units will consist of 42 qualifying houses and 14 flats.

f. Affordable or social housing contributes to local education infrastructure requirements in the same proportion as open market housing.

g. The County has reviewed and analysed the number of pupils at different development / dwelling types across the county. This shows that 7 early years, 25 primary and 15 (11-18 year olds) or 13 (11-16 year olds) secondary pupils arise per 100 dwellings.

h. Early Years requirements -

There should be adequate space at local nurseries to accommodate the minimal children arising from this proposal therefore an early years contribution will not be required.

i. Primary requirements -

There are two primary schools within equal distance which are Dunalley Primary and Gardeners Lane. Gardeners Lane Primary School is forecasted to have adequate capacity to accommodate the 10.5 primary pupils likely to arise from this proposed development. Therefore a primary education contribution will not be required.

j. Secondary requirements -

The nearest secondary school is Pittville School. Current forecast data indicates that there will be adequate capacity at this school to accommodate the 5.46 secondary pupils likely to arise from this proposed development. Therefore a secondary education contribution will not be required.

3. COMMUNITY SERVICES - LIBRARIES

a. Delivery of a properly resourced and adequate library service to meet the needs of the population arising from the scheme is required.

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b. Based on the scale of scheme and the numbers of new inhabitants, there is a requirement to provide an extension to the local service to meet the new demand and maintain the welfare of the new community.

c. The local library is at Cheltenham Main Library.

d. Contributions for statutory libraries are assessed on the basis of the impact of the increased population in relation to stock, equipment and opening hours requirements and the immediate and long term costs arising over a 10 year period.

e. Operating costs are primarily staffing costs. Library standards require a) 216 items to be purchased annually per 1,000 population and b) publicly available personal computers (0.6 PCs per 1,000 population). The cost of provision includes annual running/maintenance costs.

f. To deliver a library service to the new community to appropriate standards, contributions will be required based on comparable costs of £196 per dwelling (this includes all flats and houses). For 56 dwellings this will be a total contribution of £10,976 for Cheltenham Main Library. This will be used towards any of the following: new computers, stock, furniture, opening hours or capital works. If dwelling numbers change this figure will be adjusted up or down by £196 per dwelling.

g. As a comparison, the 'Community Infrastructure Levy: advice note for Culture Arts and Planning Professionals' (Arts Council for England April 2012) sets out recommended CIL charges based on the expected space and building cost implications of population growth for arts and culture provision. The recommended standard charge for libraries is £252 per dwelling.

h. The contribution will be payable 12 months after commencement of development.

4. SUMMARY

a. Planning obligation contributions will not be required for early years, primary or secondary education but contributions will be required towards libraries.

b. This assessment may change if the residential mix is altered. It will also vary with time and should be considered valid for 3 months from the date of this letter. After this time we may review the assessment.

c. I have not considered the implications on other County Council functions e.g. highways, public transport and network improvements. The Environment Directorate will provide views on sustainability issues and the technical viability of access to the site for this change of use.

d. These comments are made without prejudice to any other functions for which GCC, the Highways Agency or the Borough Council have responsibility e.g. highways and transportation, or any stance GCC may take at inquiry, appeal, re-application etc and are made at officer level. GCC members' opinions may differ from my comments. These views do not imply any comment about the merits or otherwise of any development at this site.

e. If the applicant lodges an appeal for any reason in respect of this application (or proposal), I would be grateful if you would notify me immediately of the appeal and details of any public inquiry. Similarly if there is a call-in or other government action would you please advise me immediately. Without this information there is significant risk of the County Council not being able to meet the timescales and deadlines imposed for submission of statements of case and other representations.

Landscape Architect

28th June 2013

General

The Planning Layout, Street Scene and Landscape Proposals drawings should accord, with the proposed planting being shown on all three.

Alleyways:

There are alleyways between:

- Back gardens of Plot 44 & Plots 51, 52, 53
- Back garden of Plot 41 leading to Plot 40.

Alleyways are known to provide opportunity for anti-social behaviour and are best avoided in housing layouts. Suggest removing them from the proposed scheme.

Note 1

Suggest avoiding planting Phormiums where they may encroach on public footpaths. If the planting position indicated is next to a public footpath, consider moving them to a central position within planting beds next to dwellings.

Front planting beds next to Plot 1 and between Plots 2 & 3 - consider planting lavender instead.

Note 2

Planting areas next to Plots 4 & 56, at entrance to proposed estate:

Who will be responsible for the maintenance of these areas?

Consider incorporating them into the front gardens of Plots 4 & 56 in order to make clear who has responsibility for maintenance.

Note 3

The example shows grass paths leading from the side entrance to the back garden. Paths leading from side entrances to back gardens should be paved for all proposed dwellings.

Note 4

The symbols used for 1.8m High Brick Screen Wall and 0.45m High Brick Wall are very similar. Please clarify which walls in the proposed development are to be 1.8m high and which are 0.45m high.

Note 5

There appear to be a number of green 'unowned' areas in the layout, which could result in them being neglected if responsibility for maintenance is not known from the outset. Lack of maintenance of landscaped areas can lead to a general perception of an area being 'run down' and this in turn can contribute to anti-social behaviour.

Suggest incorporating such areas into gardens where possible.

In particular planting strips along the sides of dwellings have proved problematical in other areas of Cheltenham. These should be removed and boundary walls aligned with the inner edge of the footpath.

The responsibility for maintenance of any public space, including the bank next to Honeybourne Line, should be clearly established before planning permission is granted. If it is intended that such areas are to be adopted by CBC, then Ubico personnel should be consulted concerning the landscape proposals.

Note 6

Suggest planting another *Malus tribolata* at this corner to match that on the other side of the street, to create symmetry.

Note 7

Plots 49 & 50 - The gardens are an awkward shape and not maintainable. See attached drawing for suggested alternative. Ensure at least 2m between fences to allow for mowing grass or other cultivation.

Note 8

The layout of plots 27 & 28 result in an awkward-shaped garden for plot 28. Consider an alternative arrangement which would yield more useful shaped gardens.

Note 9

The proposed dwellings are very close to the boundary fence, being only 1 metre away at the nearest point. This will result in an overbearing effect on the rear gardens of the houses in Folly Lane. There is insufficient room for planting that could help to mitigate this effect.

Cheltenham & Tewkesbury Cycling Campaign

5th July 2013

With regard to the above planning application, we ask you to consider seeking through planning gain from the developer the upgrading of the adjacent Folly Lane access to the Honeybourne Line cycle path. Also the proposed direct connection between the development and Folly Lane should be built with good sightlines (suitable for typical cycling speeds) in all directions. The plans, showing square corners, suggest that only pedestrian standards are being considered.

The Honeybourne Line access is at present inconvenient to use due to an inconveniently located barrier with an awkwardly situated and offset bypass. We are aware that some people have been injured passing this barrier. Other barriers nearby on the Honeybourne Line itself are at the foot of a steep descent and therefore also difficult to pass. These problems should be eliminated through vehicular, rather than pedestrian, design as befits infrastructure intended for cycling.

County Property Services

8th August 2013

I refer to my assessment letter of 20th June 2013 which requested a library Section 106 contribution of £10,976 from the above planning application.

When assessing the impact of a new development on Gloucestershire County Council services existing dwellings are taken into consideration. You have now confirmed that there was housing on this site which has been demolished as part of the wider St Pauls Regeneration Project. I understand there were previously 45 houses and this application is for 56 residential units which means there will be a net gain of 11 residential units. Library contributions are not sought from developments of less than 25 units therefore I confirm that a library contribution is no longer required from this application.

5. PUBLICITY AND REPRESENTATIONS

- 5.1 Letters were sent out to 64 neighbouring properties on 22nd May 2013 giving 21 days to comment on the application. Following the receipt of revised plans, a further 64 letters of notification were sent out on 24th July 2013 giving an additional 14 days to comment of the revised scheme.
- 5.2 In response to the original plans, objections were received from two neighbouring properties, and these comments have been circulated to Members. In brief, these

objections relate to the proximity of two houses to the rear gardens of 24, 26, 28 and 30 Folly Lane resulting in a loss of light and privacy. No representations have been received in response to the revised plans.

6. OFFICER COMMENTS

6.1 Determining Issues

6.1.1 The key considerations when determining this application are design and layout, potential impact on neighbouring amenity, and parking and highway safety.

6.2 The site and its context

6.2.1 The application site is accessed from Folly Lane and is largely vacant with the exception of the six remaining houses. Prior to demolition, Crabtree Place, together with Hudson and Manser Street, were suffering from a variety of problems including anti-social behaviour, car and other crime, drug issues and tenant management issues. The housing in Crabtree Place was laid out in a traditional cul-de-sac arrangement, and whilst the layout and character of the buildings was not considered to be the main cause of the problems, they were certainly considered to be a contributing factor; the cul-de-sac arrangement also made the street very intimidating and threatening to those who didn't live there.

6.2.2 The site is bounded by garages and residential properties in Aldridge Close to the south, residential properties in Folly Lane to the east, the Honeybourne Line to the west and the Prince of Wales Stadium to the north.

6.3 Design and layout

6.3.1 Local plan policy CP7 requires all new development to be of a high standard of architectural design, to adequately reflect principles of urban design, and to complement and respect neighbouring development.

6.3.2 As with phase one of the St. Pauls regeneration project, the Urban Design Manager has been closely involved with the re-development of this site. The site has been the subject of extensive pre-application discussions and negotiations and the layout of the site has been significantly revised in response to officer concerns throughout the application process.

6.3.3 The proposed housing predominantly consists of two storey, semi-detached houses, albeit there are two terraces of three dwellings, two detached properties, and two apartment blocks in the north-western corner of the site which are two and three storeys. It is acknowledged that the Civic Society would prefer to see terraced housing throughout, however such an approach would not be supported by officers. Rows of terraced housing often proves problematic as external access to the rear of the property will usually require an alleyway to the rear to provide the necessary bin and cycle storage which compromises the security of the properties, and can be a source of anti-social behaviour, which this redevelopment is seeking to prevent.

6.3.4 The architecture proposed is contemporary in appearance, and has been greatly influenced by the recent St Paul's Walk development (phase one - former Hudson/Manser Street) and the nearby Circa development (former Midwinter allotments); this calmly contemporary approach will achieve the desired visual distinction from the previous housing on the site, whilst the use of facing brickwork and render will respect the appearance and form of the existing housing within the locality to provide a subtle transition between the new and existing.

6.3.5 Car parking is generally proposed on-plot however limited parking courts remain; where so, revisions have been made to ensure that these areas are well overlooked and are softened by landscaping.

6.3.6 A comprehensive landscaping scheme is proposed throughout the site, and it is considered that the landscaping scheme, both hard and soft, will result in an attractive residential environment.

6.3.7 The scheme also proposes the introduction of a pedestrian and cycle link in the north-eastern corner of the site, to provide improved access to the Honeybourne line

6.3.8 There remain a small number of elements within the scheme which, whilst minor, officer's feel could be further improved – these are outlined in the Urban Design Manager's comments above. These elements have been discussed with the applicant and revised drawings are anticipated to overcome these issues; upon receipt, Members will be updated in the usual way.

6.3.9 Generally, officers feel that the proposed development is of a suitably high quality and will lift the area, and fully complies with the objectives of policy CP7.

6.4 **Impact on neighbouring property**

6.4.1 Local plan policy CP4 requires new development to protect the amenity of adjoining land users and the locality.

6.4.2 Given the scale of the development, officers are encouraged by the limited objection raised by local residents. In response to the objections from residents in Folly Lane, plots 42 and 43 have been moved a further 0.9 metres from the rear boundary resulting in a distance of 15.2 metres between the existing and proposed dwellings; this is well in excess of the generally accepted distance of 12 metres between dwelling where only one dwelling has clear glazed windows, and this relationship is considered to be satisfactory. In response to the Urban Design Manager's comments, it is anticipated that additional shadow diagrams will be submitted to demonstrate any impact likely to occur on the rear gardens of these neighbouring properties.

6.4.3 Officers consider that the scheme is therefore in accordance with the objectives of policy CP7.

6.5 **Access and highway issues**

6.5.1 The Highways Authority have informally commented on the highway layout and parking provision throughout the design process, and therefore whilst a formal highways response is still awaited it is not anticipated that any objection will be raised. On receipt, the response will be circulated to Members in an update.

6.6 **Sustainability**

6.6.1 Local plan policy CP1 advises that development will only be permitted where is considers the principles of sustainable development.

6.6.2 The application has been accompanied by a Sustainability Statement which sets out that the affordable units will achieve level 4 of the Code for Sustainable Homes, with the remainder of the units achieving code level 3. The scheme proposes the use of an energy efficient thermal fabric and services specification to achieve code level 3 with a grid connected photovoltaic system proposed to the affordable units to meet the requirements of Code level 4. The affordable units will also achieve Lifetime Homes status.

6.6.3 It is clear that principles of sustainable development have been incorporated into the scheme and officers are therefore satisfied that the proposed development complies with the objectives of policy CP1.

6.7 Other considerations

6.7.1 The scheme proposed the use of soakaways to the southern half of the site only, and the Land Drainage Officer has questioned this. In response, the Agent has forwarded an email from COUCH Consulting Engineers which advises that tests were undertaken on the site and it was considered that shallow soakaways within the Cheltenham Sand would be a feasible solution at the site however due to shallow ground water in other areas of the site, infiltration methods of drainage were not considered suitable throughout. The Land Drainage Officer has confirmed that this satisfactorily explains the limited use of soakaways on the site.

6.7.2 The application proposes a total of 24 affordable units, which equates to 43% of the proposed dwellings, and therefore accords with the requirements of local plan policy HS4. The level and mix of affordable units proposed meets Cheltenham's housing needs through the high percentage of 3 bedroom houses, together with the smaller two bedroom apartments, and is supported by the Housing Enabling Officer. It is considered that the provision of the affordable housing can be controlled by way of a suitably worded condition, similar to that imposed on the Hudson/Manser Street permission.

6.7.3 Local plan policy RC6 requires the provision of play space in all new residential development. Where on-site play space provision is not feasible, policy RC6 envisages a commuted sum in order to achieve its requirements; and it is considered that this matter can be adequately dealt with by way of a condition.

6.7.4 Members will note that County Property Services were originally seeking a library contribution of £10,976 based on 56 new residential dwellings however given that there were previously a total of 45 houses on the site prior to demolition, and that this development will only result in a net gain of 11 residential units, a revised response has been received confirming that a library contribution is not required.

7. CONCLUSION AND RECOMMENDATION

7.1.1 To conclude, officers consider that the proposed development represents a significant enhancement to the locality and responds successfully to the key objectives originally identified by the regeneration project.

7.1.2 The recommendation therefore is to grant planning permission subject to a number of conditions.

8. CONDITIONS

Conditions to follow in an update

APPLICATION NO: 13/00800/FUL		OFFICER: Miss Michelle Payne	
DATE REGISTERED: 5th June 2013		DATE OF EXPIRY : 4th September 2013	
WARD: St Pauls		PARISH: NONE	
APPLICANT:	Kier Partnership Homes Ltd & Cheltenham Borough Homes		
LOCATION:	Land at Crabtree Place, Cheltenham		
PROPOSAL:	Construction of 56 residential units including 24 affordable units and associated works		

REPRESENTATIONS

Number of contributors	2
Number of objections	2
Number of representations	0
Number of supporting	0

32 Folly Lane
Cheltenham
Gloucestershire
GL50 4BY

Comments: 24th June 2013

My objection to these plans is the two houses that are nearly in the back gardens of 26, 28 and 30 Folly Lane. These will affect our sunlight, especially in the winter. They are also far too close to our back gardens. Why can't their back gardens back on to our back gardens like before?

26 Folly Lane
Cheltenham
Gloucestershire
GL50 4BY

Comments: 26th June 2013

I wish to object against the construction of the two houses on the back of 24, 26 and 28, I do not want a house directly behind me. The plans I last saw had garden to garden why has this been changed again. Our light will be blocked and also our privacy affected.

I also must comment on the Civic Society stating they want terraced houses instead of detached so again we have alleyways that are used as rat runs and never maintained.

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APPLICATION NO: 13/00800/FUL	OFFICER: Miss Michelle Payne
DATE REGISTERED: 5th June 2013	DATE OF EXPIRY: 4th September 2013
WARD: St Pauls	PARISH: None
APPLICANT:	Kier Partnership Homes Ltd & Cheltenham Borough Homes
AGENT:	Healer Associates
LOCATION:	Land at Crabtree Place, Cheltenham
PROPOSAL:	Construction of 56 residential units including 24 affordable units and associated works

Update to Officer Report

1. CONSULTATIONS

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

GCC Highways Planning Liaison

16th August 2013

I refer to the Amended Plan numbered 1201-100 Rev P in respect of the above planning application.

The Highway Authority initially raised concerns over the width of the highway adjacent to plots 36 and 37 shown on drawing 1201-100 Rev K, that area has now been widened to a minimum of 7m which is considered appropriate for a shared surface area serving this level of dwellings. The Transport Statement dated 17/05/2013 deals with all highway safety related issues fairly comprehensively however I still wish to provide a brief summary of the main issues.

Access

The development will take access from the existing Crabtree Place access onto Folly Lane, visibility from this access is in accordance with Gloucestershire County Council's deemed to satisfy standards for the speed of the road, no further improvements are required, and the access is considered suitable to cater for the development traffic during the construction period. Pedestrian access in the area is generally considered acceptable, however in Section 9 of the Transport Statement the issue of tactile paving at the junction with Folly Lane and drainage issues at this location are dealt with. As the development will be adding additional pedestrian movements these issues should be resolved, and the works would need to be covered by a Highway Works agreement. The impact on the surrounding pedestrian network is not considered great enough to warrant any further improvements on the wider network.

Unresolved Issues

I'm a little concerned about the visibility from the private accesses/parking areas directly onto Folly Lane for dwellings 1, 2, 3 and 55; they should be subject to the same visibility criteria as the main junction serving the development. I do however note that the car parking area for plot 1 is already in that location and in that basic form, therefore I believe it would be unreasonable to require any improvements to visibility to the south, the same could be said for the parking spaces for plot 55. However, in order to ensure highway safety isn't compromised no planting/walls etc above 0.6m above the carriageway level should be erected within 2.4m of the carriageway edge, this will ensure pedestrian visibility and vehicular visibility and can be covered by a suitably worded condition.

Impact upon surrounding highway network

As the existing dwellings within Crabtree Place have been demolished, I'm unsure whether this now carries a valid fallback position of dwellings on the site. Notwithstanding this, even when looking at this as a completely new development, the level of trips likely to be created, 11 arrivals and 22 departures during the AM peak hour, and 22 arrivals and 13 departures during the PM peak period would be easily absorbed within the spare capacity both at the junction with Folly Lane and the surrounding network, therefore no further junction modelling is required. 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 likely impact there would be no reason to object to the proposal on the highway safety implications of either the junction with Folly Lane, or the surrounding network.

Internal Layout/Tracking

I'm unsure whether the areas shown to be block paving are completely shared surface areas, or to be a segregated footway/carrageway, however the proposed widths are considered acceptable, and vehicle tracking has been provided to show that a 3 axel refuse vehicle can navigate the site, the finer details can be resolved by suitably worded conditions and dealt with as part of the Section 38 agreement. The proposed road width also allows for vehicles to park on the highway.

Car Parking

Section 3 of the Transport Statement says that GCC guidelines suggest that the ratio of cars per household in Cheltenham is 1.137, this is the figure for 2012, however this figure needs to be growthed to 2026 which creates a demand to 1.536 per dwelling. For the 56 dwellings this would create a demand for 86 parking spaces, 83 dedicated car parking spaces have been provided within the site, with an additional 4 visitor spaces. It should be noted that this figure is even lower, 1.464 for 2026 for the Pittville Ward. The majority of private houses have a provision of 2 car parking spaces per dwelling, the affordable units and flats mainly have a single space with visitor spaces available, all parking is generally reasonably well located to each plot. As already mentioned given the width of the estate road additional parking would also be available on the road, therefore the level of car parking is considered appropriate for the level of development.

SPG/Accessibility

The site is situated within an accessible location and, given the small increase in number of dwellings and the impact caused, there is no requirement for an SPG or public transport contribution.

Thus, it is for these reasons I recommend that no highway objection be raised subject to conditions being attached to any permission granted.

2. OFFICER COMMENTS

- 2.1. As anticipated, no Highway objection has been raised subject to conditions 8, 9, 10, 11, 12, 13 and 14 set out below.
- 2.2. In addition, a revised site layout has been received which largely addresses the elements within the scheme referred to in paragraph 6.3.8 of the main report, which, whilst minor, officer's felt could be further improved.
- 2.3. The recommendation remains to grant planning permission subject to the following conditions:

3. SUGGESTED 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 Nos.1201-100 REV S, 1201-106-01 REV D, 1201-106-02 REV D, 1201-APT-P13-21 REV D, 1201-APT-P22-26-1-2 REV F, 1201-APT-P22-26-2-2 REV F, 1201-PL-EX-01, 1201-PL-EX-02 REV A, 1201-GAR-3B-01, 1201-HT-PL-204-01A REV A, 1201-HT-PL-207-01A REV A, 1201-HT-PL-301-01 REV A, 1201-HT-PL-301-02, 1201-HT-PL-304-01, 1201-HT-PL-306-01, 1201-HT-PL-308-01, 1201-HT-PL-406-01, 1201-HT-PL-406-P04-56-01 and GL0056 01B.
Reason: To ensure the development is carried out in accordance with the approved drawings, where they differ from those originally submitted.
- 3 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.
- 4 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.
- 5 Prior to the commencement of development, a scheme for the provision of refuse and recycling storage facilities to serve the proposed dwelling(s) (including appropriate containers in accordance with adopted Supplementary Planning Document - Waste Minimisation in Development Projects) shall be submitted to and approved in writing by the Local Planning Authority. The dwelling(s) shall not be occupied until the approved scheme has been implemented.
Reason: To achieve sustainable waste management and to facilitate recycling in accordance with Gloucestershire Waste Local Plan Policy W36 relating to waste minimisation.
- 6 Prior to the commencement of development, a scheme for the provision of the affordable housing as part of the development shall be submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2 of the NPPF or any future guidance that replaces it. The scheme shall include:
 - the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 40% of housing units;
 - the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
 - the arrangements for the management of the affordable housing;

- the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

The development shall be implemented strictly in accordance with the scheme so approved and maintained thereafter as such.

Reason: The development proposes more than 15 dwellings and therefore a minimum of 40% of the dwellings are required to be made affordable in accordance with Local Plan Policy HS4 relating to affordable housing.

- 7 Prior to the commencement of development, a scheme for the provision or improvement of recreational facilities to serve the proposed dwelling(s) shall be submitted to and approved in writing by the Local Planning Authority. The dwelling(s) 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.

- 8 Prior to the commencement of development, details of the proposed arrangements for future management and maintenance of the proposed streets within the development shall be submitted to and approved in writing by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time that either a dedication agreement has been entered into or a private management and maintenance company has been established.

Reason: In the interest of highway safety, to ensure a satisfactory appearance to the highways infrastructure serving the approved development, and to safeguard the visual amenities of the locality and users of the highway in accordance with Local Plan Policy TP1 relating to development and highway safety.

- 9 Prior to the commencement of development, including any works of demolition, a Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period and shall provide for:

- the parking of vehicles of site operatives and visitors;
- loading and unloading of plant and materials;
- storage of plant and materials used in constructing the development; and
- wheel washing facilities.

Reason: To minimize disruption, congestion and hazards on the public highway in accordance with Local Plan Policy TP1 relating to development and highway safety.

- 10 Prior to the commencement of development, details of the provision of fire hydrants served by mains water supply, including a location plan and timetable for their provision, shall be submitted to and approved in writing by the Local Planning Authority. The fire hydrants shall thereafter be provided in accordance with the approved details.

Reason: To ensure that fire hydrants are provided in suitable locations within the development in the interests of community safety.

- 11 Prior to first occupation of the development, the access roads, including surface water drainage/disposal, vehicular turning heads, street lighting, and footways where proposed providing access from the nearest public road to that dwelling shall be completed to at least binder course level in accordance with the submitted plans, and the access roads shall thereafter be retained and maintained in that form until and unless adopted as highway maintainable at public expense.

Reason: In the interest of highway safety, to ensure a satisfactory appearance to the highways infrastructure serving the approved development, and to safeguard the visual amenities of the locality and users of the highway in accordance with Local Plan Policy TP1 relating to development and highway safety.

- 12 Prior to first occupation of the development, an uncontrolled pedestrian crossing in the form of tactile paving shall be provided at the junction of Crabtree Place and Folly Lane in accordance with details that shall be submitted to and approved in writing by the Location Planning Authority prior to installation.

Reason: In the interests of pedestrian and highway safety in accordance with Local Plan Policy TP1 relating to development and highway safety.

- 13 The car parking (including garages and car ports where proposed) and manoeuvring facilities serving each dwelling shall be completed in all respects in accordance with Drawing no. 1201-100 Rev R, prior to the occupation of that dwelling, and shall be similarly maintained thereafter for that purpose.

Reason: To ensure an acceptable level of car parking and appropriate manoeuvring facilities are provided and maintained in accordance with Local Plan Policy TP1 relating to development and highway safety.

- 14 No new boundary walls, fences, planting or other enclosure over 0.6 metres in height shall be installed on the frontages of plots 1, 2, 3 and 55 within 2.4 metres of the carriageway.

Reason: To ensure that adequate pedestrian and vehicular visibility is provided and maintained in accordance with Local Plan Policy TP1 relating to development and highway safety.

- 15 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.

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, the authority sought revisions to the scheme and following these negotiations, the application now constitutes sustainable development and has therefore been approved in a timely manner.

- 2 The applicant is advised that in order to discharge condition 8 the Local Planning Authority will require a copy of a completed dedication agreement between the applicant and the Local Highway Authority or the constitution and details of a Private Management and Maintenance Company confirming funding, management and maintenance regimes.
- 3 The Local Highway Authority will require the developer to enter into legally binding agreements to secure the proper implementation of the proposed highway works, including an appropriate bond.

For the avoidance of doubt, the legal agreements will be required for the following reasons:

Section 38 Estate Road

Highway works agreement for carrying out junction improvement works (tactile paving).

- 4 The proposed development MAY require the provision of a footway crossing and the Applicant/Developer is required to obtain the permission of the County Council before commencing ANY works on the highway.
- 5 New imported topsoil (to BS 3882 2007) should be incorporated into tree pits so as to encourage trees early successful establishment of newly planted.
- 6 It is recommended that all new trees should be container grown trees, not bare rooted or root-balled as specified, as such Extra Heavy Standard trees will not easily thrive if planted bare rooted; container grown trees should establish quickly.
- 7 It is important that an aftercare and maintenance regime be implemented for the newly planted trees.
- 8 No drains or other underground utilities should pass with 1.5 metres of any newly planted trees; this will enable easy maintenance of these utilities without damage to the trees into the future.
- 9 The construction foundation design details should take account of the anecdotal evidence of clay soil in this area.

APPLICATION NO: 13/00800/FUL	OFFICER: Miss Michelle Payne
DATE REGISTERED: 5th June 2013	DATE OF EXPIRY: 4th September 2013
WARD: St Pauls	PARISH: None
APPLICANT:	Kier Partnership Homes Ltd & Cheltenham Borough Homes
AGENT:	Healer Associates
LOCATION:	Land At Crabtree Place Cheltenham
PROPOSAL:	Construction of 56 residential units including 24 affordable units and associated works

Update to Officer Report

1. CONSULTATIONS

1.1. The following consultation response was omitted from the main report:

Urban Design Manager

31st July 2013

Conclusion

There have been significant improvements in this scheme from early pre-application discussions and further improvements since the "initial urban design comment". As such, the scheme is now broadly acceptable and the comments below should be seen within this context. There remain a few issues which in my view need to be resolved.

Urban Design Objectives

This site has emerged as part of the regeneration of the St Paul's area. The objective has been to introduce new housing which is visually distinct from the existing, striking and contemporary but contextually appropriate in order to give the streets a lift. Crab Tree Place has been largely cleared of buildings and the objective here has been to arrive at a proposal which matches the quality and design ethos of both the recent nearby housing developments - St. Paul's Walk and Circa - the characteristics of these are summarised as: - Calm vernacular architecture with a contemporary use of shapes, colours, materials etc. - Parking regimes which are well integrated into the landscape, street scene and plot and which contribute to a sense of place. - Greening of streets.

Achievement of objectives

Officers have worked hard to deliver proposals which meet the urban design objectives. Initial drafts of the proposal struggled to deliver, but there have been significant amendments throughout the negotiations and the proposal as it now stands is at a standard which is acceptable and which has taken some lessons from St Paul's Walk and Circa. - The architecture of the proposal has been adjusted to more reflect the principles of these two neighbouring sites and has introduced contemporary forms, colours and materials to what are clearly buildings grounded in a vernacular style. - Parking layout is improved and is acceptable. - Landscape treatment has improved considerably. The recent amendments to the proposals address a number of matters of concern - including the supervision and layout of the parking areas in the north-east of the site (around units 27 - 33); improved level and distribution of street tree planting; introduction of elements in the architecture reflective of the two recent nearby developments; and rationalisation of most of the left over spaces and their incorporation into garden space.

Outstanding issues

A number of issues remain; it seems likely that the majority could be addressed by condition, but they do need clarifying

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1. Plots 42 & 43 have been shifted in the latest layout, both away from each other and approximately 1m further from the boundary of existing neighbouring housing. It is possible that this will address concerns over the dominance and shadow impact on neighbouring gardens, by reducing to a degree both their combined mass and proximity to neighbours. However, the shadow diagram on page 10 of the DAS remains as per the previous layout and is not an adequate basis for assessing impacts, showing as it does midday images for December and June. Any significant impact on neighbours is likely to occur in the afternoon and it is generally considered more appropriate to provide sun diagrams at the equinox. It is recommended that an amended shadow diagram is requested. If this demonstrates that the problem remains, there may be a solution in introducing bungalows here or buildings with a single aspect roof over a single storey at the rear and two-storey at the front (possibly a mezzanine floor).
2. There remains some inconsistency between the layout, landscape and street scene drawings in terms of how they depict street tree positions. In general the distribution in the layout is unacceptable; that in the landscape drawing is acceptable; however, the street scenes show street trees to be more prolific than either of the other two drawings and would be the preferred drawing to inform the landscape layout, assuming there is space to achieve the design shown. However, there needs to be a clear steer through the conditions as to which of these drawings is leading the landscape design.
3. There still remain odd patches of landscape around the site, with no purpose or no real owner. Small spaces, tight spaces or awkwardly shaped spaces are unlikely to be adopted by the highway authority or the borough council, will not be maintained and will degrade the character of the site. These need to be addressed. The most prominent remaining is adjacent to plot 36.
4. Conversely there are areas of hard surface (forming notional squares) at some of the junctions, where the corner elements would be better incorporated into private garden space and softened; their function as part of a square seems unnecessary. These are at NW corner of plot 36, SW corner of plot 37 and NW corner of plot 48.
5. Alleys between units 45 & 40 and their respective garages seem unnecessary - waste potential garden space and are unlikely to be used; at unit 40 the relationship to the parking court additionally creates a security risk. They should be removed and incorporated into adjacent gardens.
6. The proximity of the site to Honeybourne Line, Pittville Park cycle route and the town centre makes it an attractive location for cycling. The design of the units overall should better reflect this. Cycle storage arrangements for the housing are unclear. Cycle parking for the flats has been introduced at a rate of 1 per unit. There remains a question as to whether this is adequate. Additionally, the storage arrangements appear neither convenient nor particularly secure. One area shares access with the bin store; the second is prominent and likely to be easily accessible from public areas and not well overlooked by the owners. This needs resolving.
7. Unit 56 has a side door from the street to the utility room. This is probably a drawing error; it should have the same unit layout as the revised plot 4.
8. The bin store for the flats remains in close proximity to rooms in the eastern block. This doesn't seem to be a convincing location and is likely to disturb residents. See also comments on cycle storage.
9. There appears to be no explanation of the bin storage strategy for the housing. How are bins stored? Can they be conveniently moved from their collection point to the storage point? The layout needs to avoid a situation where the most convenient solution for occupants is to leave the bin on public display on the frontage throughout the week. If bins

are not to be kept in rear gardens, there needs to be a bespoke design solution for discretely storing those that remain to the front of properties.

2. OFFICER COMMENTS

- 2.1. As set out in the previous update, a revised site layout has been received which largely addresses the outstanding issues referred to in the Urban Design Manager's comments above.
- 2.2. The recommendation remains to grant planning permission subject to conditions.

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APPLICATION NO: 11/01022/FUL	OFFICER: Mr Ian Crohill
DATE REGISTERED: 29th July 2011	DATE OF EXPIRY: 23rd September 2011
WARD: Battledown	PARISH: Charlton Kings
APPLICANT:	Mr J Stanley
AGENT:	SF Planning Limited
LOCATION:	Middle Colgate Farm, Ham Road, Charlton Kings
PROPOSAL:	Continued use of part of existing barn as accommodation ancillary to residential accommodation of farm house at Middle Colgate Farm (including minor external alterations)

RECOMMENDATION: Permit



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application relates to a property known as Middle Colgate Farm on Ham Road. The application site is located to the south side of Ham Road relatively close to the Borough Boundary with Cotswold District administrative area. The site is accessed via an existing long drive/track from Ham Road which serves both the newly constructed farm house (completed 2012) and the small complex of farm buildings.
- 1.2 Planning permission is sought for the use of part of the barn as residential accommodation ancillary to Middle Colgate Farm. Part of the barn is already being used for this purpose. The 'residential accommodation' comprises, on part of the ground floor of the barn, a day room with bathroom and WC, a staircase link to part upper floor accommodation comprising living room and bedroom. The part of the barn that is the subject of this planning application is located at the western end of the barn taking up an area of 56m² with the barn itself being approximately 170m².
- 1.3 The application site is located within the Cotswolds Area of Outstanding Natural Beauty. The proposal would have no impact on the amount of building in this part of the AONB as the application relates to part of an existing barn within the group of farm buildings.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Ancient Woodland
Area of Outstanding Natural Beauty

Relevant Planning History:

84/01263/PF 26th April 1984 PER

Outline application erection farmhouse and garage block

84/00433/PF 23rd August 1984 PER

Siting Of Temporary Mobile Home

86/00852/PR 28th August 1986 PER

Renewal Of Temporary Permission For Mobile Home (Previously Granted Under Cb16763/01 Dated 23.8.86)

86/01300/PF 18th December 1986 PER

Construction Of 2-Storey Farm House With Detached Double Garage

88/01297/PR 27th October 1988 PER

Renewal Of Temporary Planning Permission For Mobile Home

90/01018/PR 25th October 1990 PER

Renewal Of Temporary Permission For Siting Of Mobile Home From 28 Oct 90

92/00636/PR 30th July 1992 PER

Application For Renewal Of Temporary Permission For Siting Of Mobile Home

01/00311/FUL 30th July 2001 PER

Use of land for the temporary stationing of a mobile home

01/00709/FUL 30th July 2001 PER

Erection of a new two storey 4 bed house

03/00693/CONDIT 1st July 2003 PER

Retention of a mobile home for a further two year period

08/01040/CLEUD 3rd November 2009 REF

Use of the barn as a single dwelling house

09/00229/CLEUD 27th March 2009 REF

Use of the barn as a single dwelling house

10/00986/FUL 23rd August 2010 PER

Erection of an agricultural workers dwelling. (Revised scheme)

10/01664/FUL 25th November 2010 PER

Minor revisions to agricultural dwelling approval 10/00986/FUL dated 19th August 2010

12/00800/CLEUD PCO

Use of part of existing barn as a dwelling

13/00351/FUL 13th August 2013 WDN

Demolition of unauthorised living accommodation in barn and erection of new garage to include incidental living accommodation at first floor level

3. POLICIES AND GUIDANCE

Adopted Local Plan Policies

CP 1 Sustainable development

CP 4 Safe and sustainable living

CP 5 Sustainable transport

CP 6 Mixed use development

CO 2 Development within or affecting the AONB

National Guidance

National Planning Policy Framework

4. CONSULTATIONS

Cotswold Conservation Board

8th August 2011

Thank you for consulting the Cotswolds Conservation Board about this planning application. I am writing to tell you that the Cotswolds Conservation Board will not be making any comments on the planning application. This should be taken as a response neither objecting to nor supporting the proposal.

Parish Council

16th August 2011

No objection however we would request that planning conditions are applied:

- i That this is not a precedent for further conversion of the barn to create additional or larger accommodation facilities.
- ii That the accommodation is only to be ancillary and not converted to be permanent accommodation

GCC Highways Planning Liaison

1st September 2011

The proposed site has had an appeal dismissed in October 2009 under application 08/01040/CLEUD for the use of the barn as a single dwelling house. This site has various

histories (10/00986 and 10/1664) for an agricultural workers dwelling which the Highway Authority recommended conditions.

The site is accessed via a series of public right off way off the classified road Ham Road. In Highway safety terms the Highway Authority would not encourage a separate additional dwelling in the open countryside but as this residential unit will be ancillary to the main dwelling I recommend that no highway objection be raised subject to the following condition being attached to any permission granted:

The development hereby permitted shall not be used other than for purposes ancillary to the dwelling known as Middle Colgate Farm.

REASON: To ensure that no separate additional dwelling unit is established on the site requiring further vehicular access or parking provision”.

Informative:

In the interests of highway safety, the public footpath must not be obstructed or encroached upon, the surface damaged or made dangerous during or after works.

5. PUBLICITY AND REPRESENTATIONS

5.1 Five letters were sent out notifying about the application. A total of 4 letters has been received. The writers comment as follows and copies of that correspondence is circulated with the report.

1. The words ‘continued occupation’ proposed is based on a false premise and should not be accepted.
2. The barn in question is too close to the writers working farm, it immediately adjoins his farmyard and is no more than 10 metres away from livestock barns. Complaints will inevitably result from residents of the barn.
3. Blatant disregard for the Inspector’s decision.
4. No reason to even consider the application following the last refusal and appeal decision.

6. OFFICER COMMENTS

6.1 The Planning History

6.1.1 The planning history of this site is particularly involved

6.1.2 Planning permission for the erection of an agricultural workers dwelling at this site was originally granted in 1986. (ref: CB16763/04) In January of the following year it was confirmed by Cheltenham Borough Council that the proposed development had in fact commenced in terms of the planning requirements and therefore it followed that the 1986 permission would remain extant for all time. More recently planning permission was sought for the erection of an alternative design of house to that shown in the original permission. That application, reference 10/00986/FUL was granted permission by Committee in August 2010 and a further minor revision was granted under delegated authority in November 2010 (10/01664/FUL). Both those permissions (and also the 1986 permission) were subject to a condition restricting the occupation of the house to someone employed or last employed in agriculture.

6.1.3 In 2008 a certificate seeking confirmation of the lawfulness of use of part of one of the barns for residential purposes was submitted to the Council (08/01040/CLEUD). The

certificate was refused and a subsequent appeal dismissed (APP/B1605/X/09/2097334 dated 29 October 2009). At the time of the appeal the Inspector found that an "internal box" had been constructed within one of the barns. That 'box' consisted of two rooms at ground level (a kitchen and utility room) plus a bathroom and 2 other rooms at first floor. Interestingly the staircase that provided access between the two floors in the barn was not located within the "Internal Box". The Inspector was satisfied that there was a dwellinghouse use in part of this barn for more than 10 years prior to 2009. However he concluded that because he was unable to define the 'circulation area' (that area of staircase and the open part of the barn needed to be used for movement between the two floors of the "internal box") with sufficient precision so as to avoid any overlap with other uses that he had identified within the barn there was no clearly identifiable part of the barn that had been in use as a single dwelling house for the prescribed period. He concluded therefore that the appeal should fail and that no certificate should be issued.

6.1.4 A further application for a certificate of lawfulness was submitted in 2009 (09/00229/CLEUD). That certificate was refused in March 2009 before the date of the appeal decision in respect of the previous certificate application.

6.1.5 The application now up for Members consideration and the subject of this report was submitted in July 2011

6.1.6 In May 2012 a fresh application for a certificate of lawfulness relating once again to the use of part of the barn as a dwelling (12/00800/CLEUD) was submitted but has yet to be determined. The key difference between that application and the 2009 certificate application appears to be that some new internal walls have been added to physically define and contain that area of the barn used as the circulation space between ground and first floors. The 'red line' defining the planning unit was changed to identify the position of the new walls. The walls have obviously been added since the appeal decision and thus it still should not, at this moment in time, be able to argue that the sole use of the space (the double floor box and the circulation space) has been residential for the required minimum period of 4 years. The earliest point in time when the walls could have been added would be late October 2009; it follows therefore that the 4 year period could possibly be met in October 2013.

6.1.7 The most recent planning application to be submitted was 13/00351/FUL. That application sought permission to erect a new garage block adjacent to the farm house to include incidental living accommodation at first floor level. That application also included the demolition of the unauthorised living accommodation in the barn. The application was to be reported to the May meeting of the planning committee with a recommendation for refusal. The recommended refusal reason was:

The garage building with games room and store above proposed as ancillary use to the existing farmhouse on site, when viewed in combination with the recently constructed farmhouse (the approved plans for which included at the time garaging/ancillary residential accommodation), is considered to be excessive, inappropriate and harmful in this relatively isolated yet visually prominent position in the Area of Outstanding Natural Beauty. This point in the AONB, located on the urban fringe, is particularly sensitive to development pressures and whilst it is acknowledged that there was an accepted need for the dwelling associated with the farm complex, it is considered that any extension to the residential accommodation cannot be justified bearing in mind the apparent availability of existing buildings in close proximity that could be utilised to satisfy any such need without adding to the proliferation of buildings in such a sensitive location. It is considered, therefore, that the proposal fails to accord with policies CO2 and CO4 in the Cheltenham Borough Local Plan".

However, the applicant withdrew the application immediately before the scheduled planning committee.

6.2 The Current Application

6.2.1 It is clear that part of the barn has been used for some period of time as residential accommodation whether ancillary to the farm or not. The 2009 appeal identified history of residential use going back at least to 2004 and the Inspector was satisfied with this fact. Indeed he found as a matter of fact and degree that there was use of part of the barn as a single dwellinghouse for more than 4 years. However, because the part of the barn used as a dwellinghouse could not with any certainty be identified and defined, he was not able to issue the certificate.

6.2.2 The applicants planning consultant argues that although the appeal was dismissed it would appear impossible for the Local Planning Authority to enforce against something that all parties accept. However, it should be noted that in 2012 legal advice was sought with regard to the possibility or otherwise of taking enforcement action. The advice obtained at that time was that the Council could take enforcement action in relation to the independent residential use of the barn.

6.2.3 In 2011 however, following discussions with the Council's Enforcement team the current application was submitted. The fundamental difference between the development proposed in application 11/01022/FUL and the applications for certificates that have been submitted is that the current application proposes use of part of the barn as accommodation ancillary to the farm. Such uses might involve overnight accommodation for persons associated with the agricultural dwelling/unit, or simply ancillary storage for the house. The application does not propose the establishment of a self-contained dwelling, independent of the farm, as the certificate applications had tried to prove. In planning terms there is a significant difference between an independent dwelling and a residential use based on incidental, ancillary principles.

6.2.4 This is an issue that has quite understandably failed to register with the writers of the letters of representation who all find it difficult to accept the proposal in the light of the appeal decision. However, the appeal decision adds considerable weight to the fact that there has been residential use of part of the barn for a long period of time. For reasons relating to the need to be precise the application for the certificate of lawfulness failed. It would be particularly perverse, however, not to accept the fact that part of the barn, whether precisely defined or not, has been used as an independent unit of residential accommodation. This being the case and bearing in mind the sensitive location of the application site, it is considered that permission restricted to ancillary uses could well be an appropriate resolution to the issue. Furthermore it is considered that the immediate neighbour's concerns with regard to the impact that the occupation of an independent dwelling may have on his farm practices could also be mitigated somewhat if any occupation was tied to the running of the farm.

6.2.5 It is further considered that the external alterations to the barn structure also proposed in the current application, namely stone and waney edged timber cladding and two additional windows are considered acceptable. They would result in a limited cosmetic improvement to the external appearance of the barn and could, it is argued, result in an improvement to its appearance in the AONB.

7. CONCLUSION AND RECOMMENDATION

7.1 It is recommended that planning permission involving the occupation of a clearly identified part of the barn for ancillary purposes only be granted.

8. CONDITIONS

- 1 The accommodation hereby permitted (identified in the submitted internal layout plan number 1516.B.2, as Day room, Shower, WC, Bedroom and Living room along with stairs that are not labelled) shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Middle Colgate Farmhouse. The remainder of the barn shown in the submitted internal layout plan shall be used for agricultural purposes in connection with Middle Colgate Farm.
Reason: Planning permission is required for independent occupation and the Local Planning Authority will require a further planning application in accordance with statute.
- 2 The development hereby permitted shall be carried out in accordance with drawing numbers 1516.B. Location and internal layout plan 1516.B.2 received 29 July 2011 and 22 July 2011 respectively..
Reason: To ensure the development is carried out in strict accordance with the approved drawings.
- 3 Prior to the commencement of work on the external alterations hereby approved, samples of the proposed facing stone and boarding shall be submitted to and approved in writing by the Local Planning Authority and the facing 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.

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APPLICATION NO: 11/01022/FUL		OFFICER: Mr Ian Crohill	
DATE REGISTERED: 29th July 2011		DATE OF EXPIRY : 23rd September 2011	
WARD: Battledown		PARISH: CHARLK	
APPLICANT:	Mr J Stanley		
LOCATION:	Middle Colgate Farm, Ham Road, Charlton Kings		
PROPOSAL:	Continued use of part of existing barn as accommodation ancillary to residential accommodation of farm house at Middle Colgate Farm (including minor external alterations)		

REPRESENTATIONS

Number of contributors	3
Number of objections	3
Number of representations	0
Number of supporting	0

Wadleys
Ham Lane
Charlton Kings
Cheltenham
GL52 6NJ

Comments: 22nd August 2011
Letter attached.

Court Lodge
Ham Road
Charlton Kings
Cheltenham
GL52 6ND

Comments: 9th August 2011
Letter attached.

Comments: 1st September 2011
Letter attached.

New Barn Farm
Foxcote
Cheltenham
GL54 4LN

Comments: 30th August 2011
Letter attached.

Cheltenham Borough Council			
Environment Group			
Page 20			
REC'D	18 AUG 2011		
Date of Response		Type of Response	
Initials of Responder		File Ref.	

ADLEY'S FARM,
HAM LANE,
CHARLTON KINGS,
CHELTENHAM
GL 52 6NJ.
16-8-11.

you ref 11/01022/FUL.

Dear Mr. Gantier,

with reference to the above application, I can see no reason whatsoever to even consider it. The whole situation of Middle Wolgate Barn makes no sense at all, as the whole matter was dealt with at length, and expensively, by a Planning Inspector (Mr. G. Osborne) on the 15th and 30th September 2009 when he agreed with Cheltenham Borough Council not to issue a Certificate of Lawful use or Development to use the accommodation clandestinely installed in the barn. (APP/B1605/X/09/2097334)

Surely, that's clear enough, the barn is not to be used as living accommodation. Apparently, since then, it has been so used. This makes a total nonsense of the Planning Inspector's comments, and I, as a naive and law abiding citizen, would think that an enforcement action should be taken against the owner, followed by prosecution. Instead, we are now discussing the continued illegal use for the second time. Certainly the Planning Rules in this country seem to be more and more Alice in Wonderland!

I sincerely hope that the Planning Committee will reject this application and seek to take further action against the applicant.

Yours sincerely,



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Sent: 09 August 2011 14:04
To: Internet - Planning Comments
Subject: Middle Colgate Farm 11/01022/FUL

Dear Dccomments

I cannot BELIEVE that the applicant, after the previous Inquiry into the residential use of this barn, should be applying for CONTINUED use for residential purposes. Though the last Inquiry hinged on time used (unauthorised) by the previous occupant and whether the rest of the barn was used residentially, the 'residential' use was dismissed - as it should have been for any agricultural barn secretly used as a dwelling by the owner. I hope that no 'secret' occupants have been living there in the interim.

The 'continued' use suggested by the applicant seems to defy the Inspector's findings, all of a piece with the applicant's so-say agricultural labourer's cottage - or MANSION? - now under construction in this prominent scarp location of the AONB.

I take it that the current application is retrospective, though I see no sign of this in the application, as the new owner has already commenced exterior 'improvements' to the barn - though just WHERE he is obtaining ELM boarding for the top part of the barn cladding is anybody's guess.

Fair and square the previous Inspector dismissed residential use. I hope that the Borough will therefore object to the idea of 'continued' residential use and will also refuse permission for any residential use of this agricultural barn.

Yours faithfully



Court Lodge
Ham Road
Charlton Kings
Cheltenham
GL52 6ND

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Cheltenham Borough Council Environment Group			
PASSED TO			
REC'D	3 1 AUG 2011		
Date of Response		Type of Response	
Initials of Responder		File Ref.	

**Court Lodge
Ham Road
Charlton kings
Cheltenham
GL52 6ND**

30 August 2011

FAO Adam Gatier
Enforcement Officer
Built Environment
Cheltenham Borough Council
Municipal Buildings
Promenade
Cheltenham
GL50 9SA

Dear Mr Gatier

Middle Colgate Farm Ref 11/01022/FUL

In addition to the objection I sent via DCComments, to back my objection I should like to submit two articles from 'Planning' magazine's DC Casebook which, though applying to slightly different circumstances, recognise the principle that a gap in occupation and a change of occupant nullify an acceptance that a ten year occupancy had taken place, laying the new unauthorised occupant open to enforcement action.

In other words, the 'continued occupation' proposed is based on a false premise and should not be accepted.

Yours sincerely

[Redacted Signature]

[Redacted Signature]

Encs Planning Magazine 30 January 2009 'Four month vacancy deemed significant'
27 March 2009 DC Forum 'If a dwelling is covered . . .'

[Redacted Signature]

DEVELOPMENT CONTROL CASEBOOK

Development Control Casebook is compiled on behalf of Planning magazine by DCS Ltd

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APPEAL CASES AGRICULTURAL DEVELOPMENT

Four-month vacancy deemed significant
The occupants of a bungalow in Cambridgeshire have failed to secure confirmation that they can continue living in the property in contravention of an agricultural occupancy condition.

Planning permission had been granted in 1960 subject to a condition restricting occupation to people employed locally in agriculture or forestry. The council did not dispute that the property had been occupied between 1993 and 2006 by a lorry driver in breach of the condition before being purchased by the appellants in 2006.

However, the council claimed that before the appellants moved in the premises had been vacant for four months. It argued that the appellants' occupation after this spell had led to a new breach of the condition and so the ten-year period required to acquire immunity began anew. The appellants countered that the four-month period of non-occupation was *de minimis* in planning terms.

Taken from 1993, they contended, the four months equated to only 2.5 per cent of the period during which the property had been occupied in breach of the condition. They also claimed that had a lawful development certificate been sought at the end of their initial occupation it would have been issued because there had been an unbroken ten-year period of occupation.

The inspector referred to the rulings in *Nicholson v Secretary of State for the Environment and Maldon District Council [1998]* and *North Devon District Council v Secretary of State for the Environment and Rottenthorpe [1998]*. These confirmed his view that there was no clear definition of what constitutes a *de minimis* period of vacancy, so the case had to be determined on the basis of fact and degree.

In his opinion, the council would not have been able to serve an enforcement notice during the four-month vacancy because the terms of the condition were not being breached. Consequently, a new breach occurred when the appellants occupied the property, allowing the council to serve an enforcement notice for non-compliance.

DCS Number 100-059-261

Inspector David Harrison; Written representations

Farmhouse sale valuation held excessive

The removal of an agricultural occupancy condition imposed on a house in the Bristol green belt has been refused after an inspector held that it had been advertised for sale at an inappropriate price.

The property comprised a three-bedroom detached house with a 12ha holding planted as

IN DEPTH

Drop-in facility given temporary consent to enable impact review

An inspector has accepted that a drop-in centre for drug users in Swindon is unlikely to increase crime but has granted a temporary permission so its impact can be monitored and reviewed.

Local residents gave general support for the appellants' work and their continued use of the premises as an office. However, they argued that drug users' past activities in the area had led to dumping of drug paraphernalia, vandalism and other antisocial behaviour. These had been significantly reduced by concerted action from various bodies but locals feared that the scheme would prompt a return to the former situation.

They voiced concern that the presence of the drop-in centre would attract more drug dealers to the area to prey on vulnerable people using the facility. But the inspector found no evidence of criminal, antisocial or aggressive behaviour by clients of a drop-in centre at a church in the area. He saw no reason to assume that clients visiting the proposed centre would misbehave.

He noted that the appellants operated similar centres elsewhere and had received little in the way of complaints from residents in those areas. A letter of support from the council in one such area indicated that crime rates had fallen and that there had been no negative incidents in the vicinity since the centre opened in 2000.



Swindon: evidence belies residents' concern

However, the inspector recognised that the evidence was limited. He decided that it would be appropriate to offer an opportunity to monitor the impact of the project over a longer period to assess the suitability of the location more accurately. On other matters, he considered that activity generated by the centre was unlikely to lead to a material increase in noise and disturbance and was satisfied that the appellant had access to sufficient car parking space.

DCS Number 100-059-479

Inspector Raymond Michael; Hearing

woodland. It had been valued by a local estate agent at £975,000 in 2006, including all associated land. It had then been marketed seeking offers in excess of £700,000. Because of changes in the property market, it had been revalued at £850,000 with offers invited in excess of £690,000.

The appellant maintained that the property had been advertised at a 25 per cent discount to reflect the agricultural occupancy restriction. He relied on other appeal decisions and the general approach adopted by the courts in *Epping Forest District Council v Secretary of State for Transport, Local Government and the Regions [2005]*.

The council argued that the valuations had been made on an inappropriate basis. It pointed out that the agent had valued the house and added £322,000

to account for the woodland. It maintained that potential buyers including retired farmers may have been dissuaded from making an offer because of the need to purchase the woodland as well.

The inspector agreed that this could have been dealt with had the appellant made clear that the house could be sold independently of the woodland, effectively reducing its price by more than £300,000. The marketing details had not included this option, potentially deterring expressions of interest from suitable buyers. Despite the discounted price, he ruled that inclusion of the woodland meant that the dwelling's value had been inflated so removal of the condition was unjustified.

DCS Number 100-059-526

Inspector Jon Roberts; Hearing

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DC FORUM

Email your queries or your replies to earlier queries to casebook@haymarket.com or post them to Development Control Casebook Forum, DCS Ltd, Casebook Suite 1, Fullers Court, 40 Lower Quay Street, Gloucester GL1 2LW. Comment and post at PlanningResource.co.uk/forum/dc

An authority has a local plan policy seeking to protect community facilities and has indicated that it will not grant permission to redevelop a church site until a new site has been secured. The church wants to provide better community facilities in a deprived area and is negotiating with the council's property department to find an alternative site. Can the council do this? RC.

A planning permission would presumably help the church establish the value of its existing site and therefore what resources it would have to move to a new one. The only suggestion I could make would be to propose either a planning obligation or a Gramplan condition requiring that, say, redevelopment of the existing site should not take place until a contract has been agreed for the construction of premises that the council considers to be equivalent. However, either option would require a degree of co-operation from the authority because it would have to decide what it considers would constitute an equivalent facility. An appeal against any refusal of planning permission or non-determination would not be straightforward. Unless readers have other ideas, it would seem preferable to try to persuade the authority to accept a Gramplan condition or planning obligation. *JH*

If a dwelling is covered by a lawful development certificate (LDC) confirming that an agricultural occupancy condition has been breached for more than ten years, what is the situation if the property is later occupied by someone who complies with the condition? Would this effectively nullify the certificate? RW.

The issue is dealt with in *Development Control Practice* 9.453. Such a scenario was considered in *Nicholson v Secretary of State for the Environment and Maldon District Council [1997]*, where it was held that subsequent renewed non-compliance would involve a fresh breach. In other words, the period for enforcement against the breach will begin to run again. An LDC is only valid insofar as it certifies what the situation was at the time of its issue. *JH*

Can you advise on fees for renewing planning applications? The 1995 circular on fees said a flat-rate fee of £175 was payable. The 2008 circular makes no reference to this. Most authorities in this area no longer accept a flat fee to renew a planning permission and insist on a full new application with all the relevant supporting information. Dd. When the General Development Procedure (Amendment) (England) Order 2008 came into force, the procedure whereby a permission that was about to expire could be renewed by letter

with the fee set at the rate for variation of a condition was withdrawn. This is confirmed by paragraph 13 of Circular 2/2008. An application for renewal now requires the full fee for that development to be paid and it must be made through the standard application form with full plans. *JH*

Do local planning authorities have any discretion over whether access to the public highway is shown as part of a planning application site? BM.

The Planning Portal's notes on lodging planning applications state that the red-lined site boundary "should include all land necessary to carry out the proposed development, including land required for access to the site from a public highway". I am not aware of any cases making this a legal requirement, however. Before granting permission, councils should be satisfied that they know how a site will be accessed. In some circumstances, a Gramplan condition relating to access may be appropriate. *JH*

A client wishes to construct an access to a new hardstanding in his curtilage from an unclassified road to the rear. He already has an access from the front. The council claims that planning permission is needed for the new access because the property already has an access and therefore it is not "required" in accordance with class B, part 2, schedule 2 of the General Permitted Development Order 1995. Do you agree? GR. If your client did not consider that he required an additional access, he would hardly be proposing to spend money constructing one. For whatever reason, your client wants to be able to park vehicles in front of and behind his house and is constructing a hardstanding to enable this. The access is required as part of this work and is permitted development. *JH*

My council wishes to pave an area of 20m by 70m forming part of a seafront open space used under licence as a publicly available putting green. The public would have free access to the paved area but it would reduce the putting green's size. A low wall would have to be wholly or partly removed to provide pedestrian and possibly vehicular access to an adjacent classified road. Would this require planning permission? JS. Because of the size of the area involved, the paving works would seem to go beyond the scope of part 12, schedule 2 of the General Permitted Development Order 1995 and creating an access to a classified road would be outside the scope of part 2. So planning permission would be required. *JH*

found some visual and recreational benefit in desilting the lake but agreed that deposition of the material around the trees could be harmful if it proved toxic. Ascertaining whether the silt could be safely spread out between the trees required proper tests, she held.

DCS Number 100-060-553
Inspector Wendy McKay; Hearing

COURT CASE

Financial loss claim rejected by court

The owners of an Essex stud farm have lost a court bid to obtain damages from Uttlesford District Council following its decision to withdraw a breach of condition notice.

The council claimed that the owners were living in a building in breach of a condition stating that none of the premises should be used residentially. It withdrew the notice after the owners decided to take court action. The owners argued that during the six months leading up to withdrawal of the notice, their bank treated the £280,000 property as worthless, they were unable to secure further loans and their credit rating was harmed.

Mr Justice Ockleton decided that although the claim for damages had been well presented, there was no merit to the case. He found it hard to see how the owners' inability to obtain loans and difficulties in discharging liabilities were directly related to the council's decision to serve the notice.

Eyers v Uttlesford District Council

Date 16 February 2009

Ref CO/3585/2008

NEXT WEEK

Homes blocked pending regional plan

The secretary of state has rejected an outline proposal for 360 dwellings in Gloucestershire, finding that the site has not yet been identified as an appropriate strategic location.

DCS Number 100-060-955

Chimney removal ordered at factory

An inspector has upheld enforcement action against a chimney at a Nottinghamshire factory despite the appellant's argument that it is needed to meet health and safety regulations.

DCS Number 100-060-801

Retail space held to dent centre vitality

Marks & Spencer has failed to secure a variation of a condition restricting the size of units in an out-of-centre Kent shopping mall because it would undermine the town centre's vitality.

DCS Number 100-060-710

Tree felling justified on safety grounds

A reporter has allowed felling of four trees near a development of ten houses in Ayrshire, remarking that the council would have been aware of their proximity in approving the layout.

DCS Number 100-060-800

While every effort is made to ensure that the summaries and opinions contained in Development Control Casebook and Forum are correct, neither the publishers nor the publishers accept any liability arising from use of this information without verification from source documents or professional planning guidance.

DCS

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REC'D	Page 125 26 AUG 2011		
Date of Response		Type of Response	
Initials of Responder		File Ref.	

Planning Reference 11/01022/FUL

New Barn Farm
Foxcote
Cheltenham
GL54 4LN

Cheltenham Borough Council
Development Services
Municipal Offices
Cheltenham
Glos. GL50 1PP

24th August 2011

Dear Sirs

Re: Middle Colgate Farm, Ham Road, Cheltenham. GL54 4EZ.

11/01022/FUL : Continued use of part of existing barn for residential accommodation ancillary to Middle Colgate Farm, including minor external alterations.

I object to the above application for the following reasons:

A. The description, 'continued use of barn as residential accommodation' gives the false impression that the barn is currently in legal residential use, which it is not. Two previous applications for residential use have been refused and appeals dismissed. (Reference - 08/01040/CLEUD and 09/00229/CLEUD).

The building may be occupied at this moment but that does not make the residential use of the barn legal - and it is in fact in breach of the planning laws.

Referring to the appeal for the use of the barn, as a whole or in part as a dwelling. - Appeal Ref : **APP/B1605/X/09/2097334**, Decision date: 29 October 2009. The Inspector concluded that the Council's deemed refusal to grant a Certificate of Lawful Existing Development (LDC) in respect of a single dwelling house, or to grant any alternative certificate was well founded and that the appeal should fail, (paragraph 50) and that the lawful use, to which there is no dispute, is that of an agricultural barn, (paragraph 49).

During the appeal there may have been a lack of clarity into what part of the barn was used as a dwelling and what as the non domestic barn, and subsequently enforcement action may be difficult, (although I do not see why), but the bottom line is the appeal was dismissed and the resulting occupation on a residential basis is now illegal. The addition of internal partitions subsequent to the appeal is irrelevant; it does not make residential occupation lawful. The provision of a partition certainly does not clarify the area that was lived in at the time of the appeal, which was the main issue of concern to the Inspector.

Occupation of the Barn ceased on April 28th 2008, but since the appeal was turned down on 29th October 2009, a septic tank has been installed, which was commissioned in 2010, again with no approval from the Local Authority or the Environment Agency, and unauthorised occupation of the barn then recommenced in June 2010. This septic tank is sited about 16 metres from an underground spring which I was intending to bore and use for watering animals.

On Thursday 21st October 2010 I went, with my son Mr J.L Pritchett, to the Council Offices in Cheltenham to report to Cheltenham Borough Council's Enforcement Officer at the time, Mr Martin Levick, and inform him of the unauthorised occupation and installation of the unpermitted septic tank. Mr Levick promised that action would be taken within 14 days. However no action was taken.

Having again recently spoken to an Enforcement Officer at the council by telephone it now appears that the Council have now taken a completely different attitude. I was told that there would be no agricultural tie attached, should the building be granted residential use, even though the building is an agricultural barn. It just seems strange that having gone to the

expense of opposing the appeal the Council are now reluctant to communicate with me. I feel it is the planners duty as public servants to preserve our countryside, agricultural and rural settings, particularly in an Area of Outstanding Beauty. Barns and Cotswold Stone buildings built long before planning laws are what has made our Cotswolds so pleasant, and thus valuable which we find larger numbers of people now exploiting. It is every farmers dream to turn their barns into houses but they just cannot do it, so then what is the difference here. This barn is part of an agricultural setting and should remain so. Since the Applicant has employed *SF Planning* to represent him, the proprietors of which are former senior planning officers, the Council Planning Department appears to have taken a different viewpoint and, having spoken to the Enforcement Officer, almost appear to favour a change of use.

As a footnote to Item A above - I would point out that the current Planning Application Form submitted to the Council has been incorrectly filled in: Section 14 describes the existing use as 'agricultural storage residential' when the barn is actually in agricultural use only. Section 17 states there will be no loss or gain of residential units when obviously a residential unit is to be gained.

B. The barn in question is too close to my working farm, it immediately adjoins my farmyard on two sides and is no more than 10 metres away from my livestock barns. These barns are used for housing cattle in the winter, pigs all year round, lambing in the spring, also storage of hay and fodder. Weaning of animals results in a lot of noise which is hard to tolerate for neighbouring residents who have moved to the countryside for peace and quiet.

Housing of livestock will inevitably result in complaints from the residents of the barn about the noise, smell, the rats (which regrettably are inevitable) and other rodents.

I have had a similar experience in Foxcote, Nr Andoversford when the continuous complaints from local residents of buildings converted long after I started in business forced me to give up keeping livestock there and hence the reason I moved to Colgate which was remote from residential buildings.

The cattle on the farm are already currently under TB restriction and the close proximity of a residential building can only increase the possibility of spread of other livestock diseases, such as foot and mouth, blue tongue and many others.

Storage of hay and fodder close to the barn could present a fire risk to the inhabitants.

Consequently it is very unsatisfactory to have a residential property so close to a remote farmyard and I am against having any of my day to day operations disturbed or restricted - which they will be no matter how much anybody says that they will not.

If the applicant wishes to apply to construct an annex to his new farm house then I would have no objection so long as the farm yard remains as agricultural as existing.

As a conclusion to this letter of objection I request that enforcement action is now taken against the continuing illegal occupation of this barn for residential purposes.

Yours Faithfully,

Copies to:
Gloucestershire Echo
The Planning Inspectorate
NFU
Farming News
Mrs Alice Ross



**Planning, Design and Access
Statement**

in support of

**Use of Barn as Ancillary
Accommodation**

at

**Middle Colgate Farm, Ham Road,
Charlton Kings, Cheltenham**

On behalf of Mr J Stanley

July 2011

Contents

- 1.0 Background, Location and Context**
- 2.0 Use**
- 3.0 Amount, Scale, and Layout**
- 4.0 Landscaping**
- 5.0 Design, Appearance, and Materials**
- 6.0 Access**
- 7.0 Policy Considerations**



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1.0 Background, Planning History, Location and Context

Background and Planning History

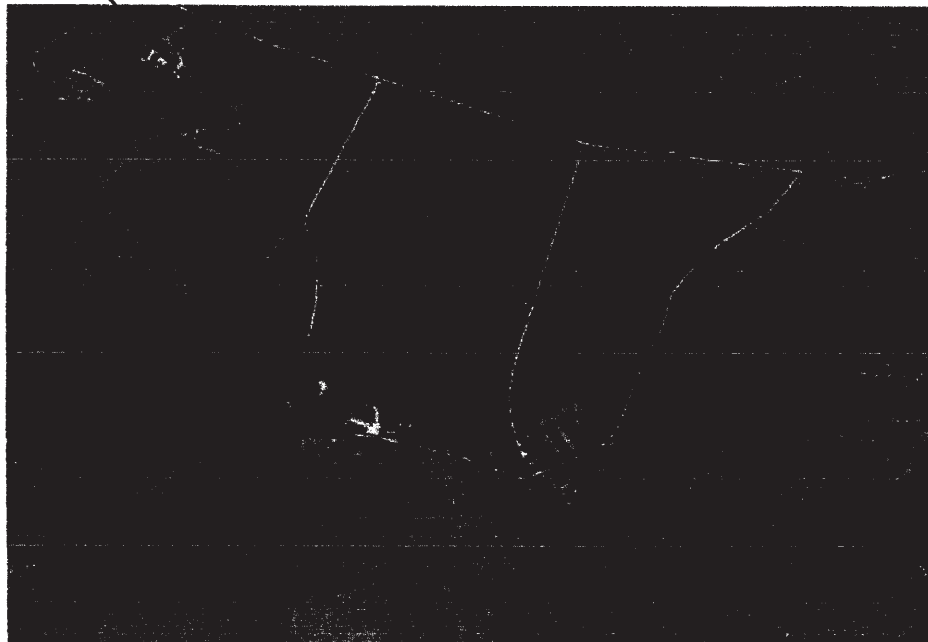
- 1.1 Planning permission is sought for the use of part of an existing barn for residential accommodation ancillary to the property known as Middle Colgate Farm.
- 1.2 This statement provides a description of the application site, its context and history, along with what is involved in the actual submission. This statement also explains how the proposed development accords with the relevant policies of the Local Plan and the advice in national planning guidance.
- 1.3 Planning permission for the erection of an agricultural workers dwelling at this site was originally granted in 1986 under reference CB.16763/04. In January 1997 the Council confirmed that due to condition 1 of that consent previously being satisfied, the permission remained extant.
- 1.4 More recently, revisions to that permission have been approved in August and November 2010, under references 10/00986/FUL and 10/01664/FUL respectively. This dwelling is now well under construction, with completion due in the near future.
- 1.5 In terms of the barn for this application for ancillary accommodation, it has been the subject of previous uses and proposals. Of most relevance are an application and subsequent appeal for a Certificate of Lawful Existing Development (CLEUD) for use of part of the barn as a dwelling, references 08/01040/CLEUD and 2097334.
- 1.6 That application was refused by the Council. In determining the appeal the Inspector interestingly fully accepted that sufficient evidence existed to demonstrate that the barn had been used continuously for residential purposes for a sufficient period to in effect be immune from enforcement action.
- 1.7 It was the lack of clarity about the part of the barn to which this use had persisted however which led the Inspector to dismiss the appeal. Notwithstanding this, the accommodation has continued to be used for residential accommodation since that time (for purposes ancillary to the occupation and use of Middle Colgate Farm). The complications arising from the Inspectors decision appear to have created a situation where although the appeal was dismissed (and therefore planning permission did not exist) it would seem impossible for the Council to enforce against something which all parties accept has existed continuously for more than the necessary timeframe. Additionally, partition walling which clearly identifies the area of the barn used for residential purposes has been in place since the outcome of the appeal; thereby providing clarity to the issue of concern to the Inspector and reinforcing the applicant's position.

- 1.8 Following further discussions with the Council's Enforcement Section, what is now applied for is an application for planning permission for the use of the barn as ancillary accommodation, with some cosmetic changes to the external appearance of the barn to facilitate this use and enhance its character in the context of the AONB.

Location and Context

- 1.9 The application site is located to the south side of Ham Road close to the Borough boundary with Cotswold Council. The barn is within a complex of other buildings used for agricultural and business purposes, the whole of which are surrounded by fields and woodland. The site is within the Cotswolds Area of Outstanding Natural Beauty (AONB).

Application site



An aerial view of the application site and context

- 1.10 The site is accessed via an existing drive from Ham Road, which serves the farm itself as well as the new dwelling currently nearing completion.



Part of the existing barn has been in residential use for many years, and this application effectively seeks to regularise this use for ancillary accommodation. New cladding will significantly enhance its appearance to the benefit of the AONB.



The barn in the context of other buildings on the holding. The existing windows and entrance door (above) associated with the residential use of the barn are visible. These features will remain, with the addition of two further openings to the west elevation.

2.0 Use

2.1 Planning permission is sought for the use of part of the barn as residential accommodation ancillary to Middle Colgate Farm. Part of the barn is already being used for this purpose, as it has been for many years now as established by the appeal. The application therefore seeks to regularise this current situation. The applicant accepts that the Council may feel it is appropriate to restrict through condition the use for this ancillary purpose; an approach which is acceptable to the applicant.

3.0 Amount, Scale and Layout

3.1 The part of the barn subject to this application covers an area of approximately 56 square metres, with the barn itself being roughly 170 square metres. The overall holding at Middle Colgate Farm is 11 hectares.

3.2 The proposal has no impact on the amount, scale or layout of built form at the site, with the accommodation being wholly contained within the existing barn. Internally, the layout of the accommodation remains as existing with a day room/kitchen, shower room and WC on the ground floor and living room and bedroom above on the first floor.

4.0 Landscaping

4.1 No further landscaping is proposed as part of this proposal. As the change of use and minor alterations relate to an existing building, no additional landscaping is considered necessary.

5.0 Design, Appearance, and Materials

5.1 Again, there is little change to the existing site as a result of this proposal, with the exception of certain enhancements to the visual appearance of the barn.

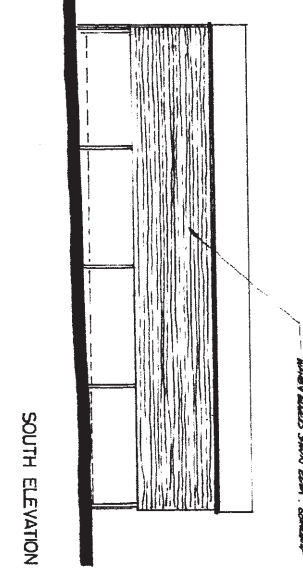
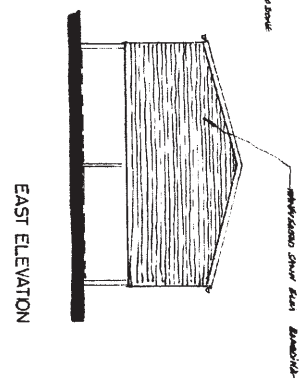
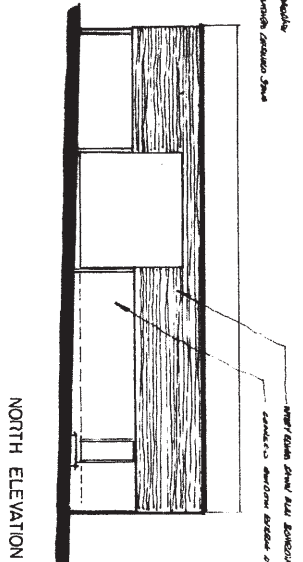
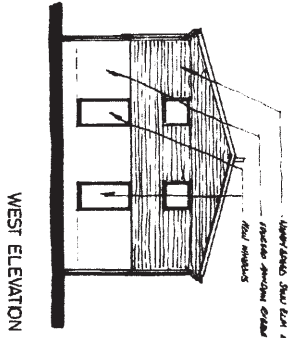
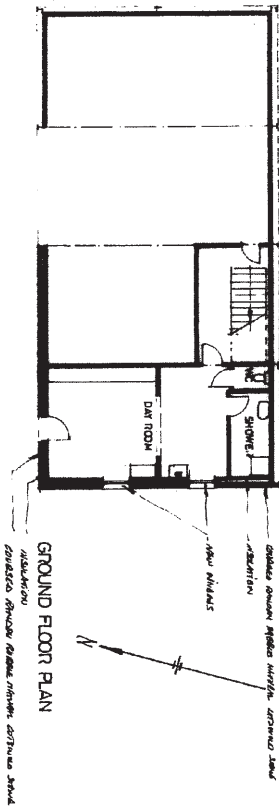
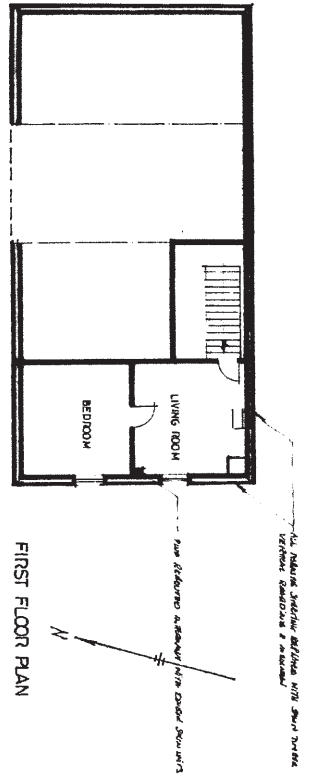
5.2 In this respect, coursed natural rubble stone will be provided on the lower half of the external elevations, with waney edged boarding on the upper part of the elevation. Two new windows are proposed to the west elevation at ground floor level to allow natural light into that part of the accommodation.

6.0 Access

- 6.1 There are no alterations to the existing access arrangements, which have served the accommodation within the site perfectly well for the last 13 years or so.
- 6.2 The proposal will not have any material impact on the local road network when compared to the existing situation. The use of the barn for ancillary accommodation to Middle Colgate Farm makes great sense to avoid the need for those assisting with the activities at the site having to commute in from elsewhere. Re-using an existing building in this way therefore embraces the principles of sustainable development.

7.0 Policy Considerations

- 7.1 At the national level PPS4 mentions little of relevance to this application, although paragraph (f) of Policy EC6.2 supports farm diversification schemes and requires LPA's to *"set out the criteria to be applied to planning applications for farm diversification, and support diversification for business purposes that are consistent in their scale and environmental impact with their rural location"*. In terms of this proposal, the scheme is entirely consistent with the context of the site and its rural location.
- 7.2 Paragraph 17 of PPS7 is supportive of the re-use of existing buildings, with paragraphs 30 and 31 encouraging of farm diversification proposals.
- 7.3 In terms of the Cheltenham Borough Local Plan, as a change of use proposal involving no new built form there is no conflict with any of the Policies dealing with development within the AONB. Policy CO12 deals with farm diversification proposals and in that respect, this application re-uses an existing building as required, has no landscape visual impact and is of a scale consistent with the rural location.
- 7.4 The alterations to the exterior of the barn will have only positive impacts on the visual appearance of the AONB, ensuring that the proposal continues to sit comfortably within this sensitive designated context.



ALL DIMENSIONS TO BE CHECKED ON SITE

IF IN DOUBT PLEASE ASK



NOTES

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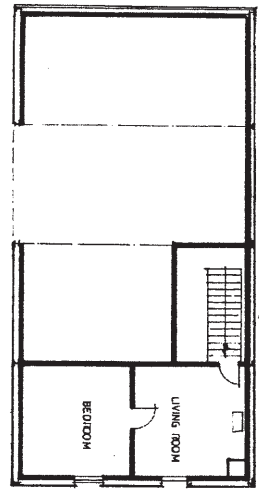
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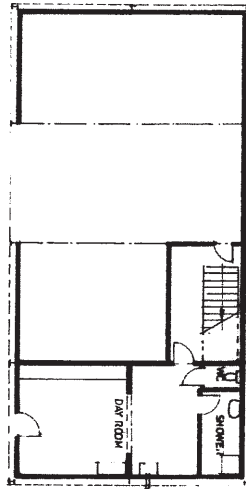
JACOB POT BA(Canada) RIBA 8 LAMBTON PLACE LANE. Mt. Royal 51818
 MIDDLE COBALT FARM CHESTERVALE Q.S. 57 212 Mt. Royal 22585
 info@jacobpotba.com Tel: 416-291-2258

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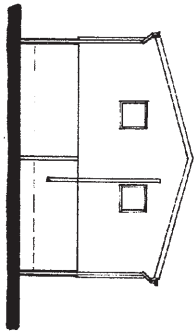
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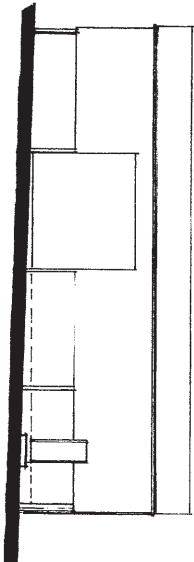
FIRST FLOOR PLAN



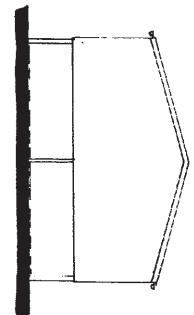
GROUND FLOOR PLAN



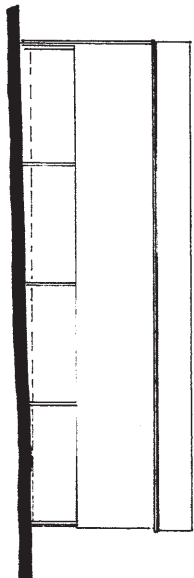
WEST ELEVATION



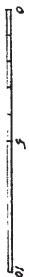
NORTH ELEVATION



EAST ELEVATION



SOUTH ELEVATION



ALL DIMENSIONS TO BE CHECKED ON SITE

IF IN DOUBT PLEASE ASK

NOTES

1. ALL DIMENSIONS TO BE CHECKED ON SITE

2. IF IN DOUBT PLEASE ASK

3. ALL DIMENSIONS TO BE CHECKED ON SITE

JACOB POT BA(Camb.) RIBA 9 LAMBDOWN PLACE LANE CHELTENHAM OX46 2JZ info@jacobpotarchitect.co.uk Tel: 01242 22895		Scale: 1:500 & A1 Date: JULY 2011	No: 01242 519815 No: 01242 22895
MIDDLE GATE FARM EXISTING BUILDING		1516 B1	

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Page 136

[REDACTED]
New Barn Farm
Foxcote
Cheltenham
GL54 4LN

Planning Reference - 11/01022/FUL

Chief Planning Officer
Cheltenham Borough Council
Municipal Offices
Cheltenham
Glos. GL50 1PP

21th August 2013

Dear Sir

Re: Middle Colgate Farm, Ham Road, Cheltenham. GL54 4EZ.
11/01022/FUL | Continued use of part of existing barn as accommodation ancillary to residential accommodation of farm house at Middle Colgate Farm (including minor external alterations).

I was surprised and disappointed that a planning inspection was held yesterday at Middle Colgate Farm and I was not informed, even though the barn in question abuts my farm yard and is within ten metres of my pig unit. This means it will be difficult for me to continue farming here should an ancillary dwelling be allowed.

I cannot believe that the planner will allow this after an appeal decision and the letters to me from the planning solicitor asking me to support the council with their efforts to prevent this barn being used as an dwelling. I know that the planners and agents are good at making use of their expertise, but one important issue which has not been investigated is the proximity of the proposed ancillary dwelling to my buildings should a fire break out. The only water available is my small reservoir, which will hardly fill the fire brigade's pipes.

Another point, as I have pointed out in previous correspondence is that the Appellant had 6 weeks to appeal the Planning Inspectors decision after the appeal which he did not do, and therefore the limitation period has elapsed.

Please consider these issues before reaching your decision.

Yours faithfully,

[REDACTED]

[REDACTED]

Recd 21 AUG 2013

ENVIRONMENT

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APPLICATION NO: 13/00605/FUL		OFFICER: Miss Chloe Smart
DATE REGISTERED: 25th April 2013		DATE OF EXPIRY: 20th June 2013
WARD: Lansdown		PARISH: None
APPLICANT:	Mr Chris Hehir	
AGENT:	Simon Firkins	
LOCATION:	13 Lansdown Place, Cheltenham	
PROPOSAL:	Erection of new dwelling to rear of existing building, facing Lansdown Place Lane	

RECOMMENDATION: Recommendation at Committee



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 application proposes to build a two storey contemporary dwelling to the rear of 13 Lansdown Place.
- 1.2 The dwelling would be accessed via Lansdown Place Lane, which currently serves a number of properties and provides rear access to the principal properties on Lansdown Place.
- 1.3 The proposed dwelling would provide two bedrooms and living space to the ground floor. The applicant is seeking planning permission for the erection of a dwelling to the rear following refusal of an application under planning ref: 10/00030/FUL.
- 1.4 No.13 Lansdown Place is a grade II* listed building and part of a terrace of 14 houses. The properties were built 1825-35 and are now in use as offices, houses and flats.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Central Conservation Area
Listed Buildings Grade 2star

Relevant Planning History:

77/00159/PF 10th August 1977 PER

Conversion To Form Self Contained Flats And Demolition Of Outbuildings And Garages To Rear And Provision Of Car Parking

07/00632/LBC 19th October 2007 GRANT

Proposed internal alterations and upgrade of existing flats plus two additional units and new window

07/00799/FUL 19th October 2007 PER

Conversion of existing 5 flats to form 7 flats and internal alterations

09/01429/FUL 14th December 2009 WDN

New dwelling at the rear of 13 Lansdown Place

10/00030/FUL 27th April 2010 REF

New dwelling at the rear of 13 Lansdown Place

11/00342/LBC 9th May 2011 GRANT

Repairs to first floor balcony on front elevation

3. POLICIES AND GUIDANCE

Adopted Local Plan Policies

CP 4 Safe and sustainable living
CP 7 Design
HS 1 Housing development
RC 6 Play space in residential development

TP 1 Development and highway safety
TP 2 Highway Standards
TP 3 Servicing of shopping facilities
TP 4 Long-stay car parking
TP 5 Extension of private car parking facilities
TP 6 Parking provision in development

Supplementary Planning Guidance/Documents

Development on garden land and infill sites in Cheltenham (2009)

Central conservation area: Lansdown Character Area and Management Plan (July 2008)

National Guidance

National Planning Policy Framework

4. CONSULTATIONS

Architects Panel

20th June 2013

2. Is the information sufficient to understand the application?

It is pretty basic and shows little context beyond the site.

3. Context.

It is a site we have seen a previous application for which was refused and dismissed at appeal. The current application represents quite a different approach to the site.

The building has been sited so as to avoid any construction works directly on the boundary of the site this doesn't fit with the character of the developments along the lane, generally both the historic and the modern buildings either run down one boundary wall or the full width of the plot to the front.

4. Massing and Scale

The building appears to have been designed as a modern mews type dwelling and whilst two storeys is acceptable we would question whether it is large enough to be a two bed dwelling.

5. External Appearance.

The elevations are very simple and appear to be simple not refined.

6. Detailing and Materials

The drawings are very basic so it is hard to assess the detailing.

7. Environmental Design.

No apparent consideration towards sustainable design.

8. Summary

The principal of development appears acceptable but the siting and design of the building is poor. Given the location of the site in a conservation area we believe a better scheme should be developed for the site. If it were to be the full width of the site it may be possible to achieve a two bedroom unit.

9. Recommendation

Refuse.

Cheltenham Civic Society

8th May 2013

This is generally satisfactory. We commend the general principle of such conversions, and this subordinate dwelling is reasonably well executed

GCC Highways Planning Liaison

7th May 2013

The proposed dwelling is located off Lansdown Place, situated within an accessible location in close proximity to Cheltenham Town Centre and all the amenities and facilities it provides.

Planning history on site includes a similar application refused in 2010 (ref. 10/00030/FUL) which was not objected to on Highway grounds; however this application did include vehicular parking provision.

In light on the current NPPF stipulations this application will be considered as to whether the development will create a severe impact on the surrounding local highway network. As such, the dwelling is unlikely to create a significant amount of vehicular trips which would result in such an impact; consequently no Highway objection is raised.

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

1. Prior to occupation of the proposed dwelling secured and covered cycle storage facilities, in accordance with the submitted Design and Access Statement, shall be provided within the curtilage of the site and such provision shall be permanently retained and maintained thereafter.

Reason: To ensure that adequate cycle storage facilities are provided in line with the Governments declared aims towards sustainable modes of travel.

HMO Division

8th May 2013

The bedrooms, as proposed, appear to be inner rooms. The applicant should be advised that inadequate, insufficient or hazardous accommodation may be subject to enforcement action under the Housing Act 2004, which can include prohibition of use.

However, subject to:

1. full compliance with building control requirements for means of escape in case of fire, and
2. the bedrooms to all residential units having floor areas no less than 7sqm for a single bedroom and 10.5sqm for a double bedroom,
3. kitchen/living room areas having floor areas no less than 14sqm

I have no fundamental objection to this proposal.

Heritage and Conservation

6th June 2013

The previously submitted scheme for this site proposed the erection of a 2 storey detached coach house. Although the scheme was dismissed at appeal, the approach was considered to be acceptable in principle and it was the proposal to have the building sunken into the site and sitting at a lower level which was considered to be inappropriate.

The current proposal which involves a contemporary approach does not in my opinion, address the site well and I feel that it would appear as an incongruous addition to the setting which would fail to reflect the character of the historical back lane context.

The principal grade II* listed terrace buildings to Lansdown Place and Lansdown Crescent tower over the existing utilitarian developments fronting Lansdown Plane Lane. The scale (including size, massing and height), design and appearance of the proposed dwelling do not respond well to the surrounding built environment and the proposed drawings show an

awkward relationship between the scale and form of the new dwelling and that of the existing principal terrace building.

The drawings show a building which looks uncomfortable in proportions and sits rather 'squat' against the grand scale of Lansdown Place terrace. The terrace is classical in style with vertically proportioned fenestration detail and the terrace buildings are characteristically tall and narrow which has dictated the tight and narrow urban grain.

The squat proportions of the building conflict with the tall terrace and the proposed dwelling fails to reflect the vertically proportioned fenestration detail to the terrace buildings and the width of the structure appears to be too wide and would sit awkwardly in relation to the terrace building.

Historically, buildings work together to create the larger streetscape composition and I am concerned that the proposal will appear as an alien addition to the context which will not serve to preserve, enhance or better reveal the character and appearance of the conservation area.

In the submitted Design & Access Statement, the Agent explains that the proposal is similar to schemes which have been permitted elsewhere in Cheltenham. I must stress that each site is considered on its individual merits and further note that whilst a very similar building was permitted to the rear of Bethesda Street, the back lane to Bethesda Street is different in terms of character with rather quaint terrace houses backing onto the tight and more enclosed service lane.

It may be that the original approach involving a coach house style building would be more appropriate in this context and I suggest that the Inspector's comments are addressed through amendments to the previous scheme.

With the above in mind, I am not minded to support the proposal and suggest the following refusal reason:

The principal terrace building, no. 13 Lansdown Place is a grade II* statutory listed building and the site lies wholly within the Central Conservation Area. The Local Planning Authority is therefore statutorily required to pay special attention to the desirability of preserving the setting of the listed building, and of preserving or enhancing the character or appearance of the locality.

The proposal involves the erection of a 2 storey dwelling to the rear of the site fronting onto Lansdown Place Lane which, in the opinion of the Local Planning Authority, is considered incongruous to the site and its surrounding by virtue of the scale (including size, massing and height), form and design of the building.

The proposal is considered to appear squat against the large terrace and design and the poor proportions within the building do not respond well to the context. For the above reasons, the proposed development is considered to harm the setting of the listed building(s) and the character and appearance of the conservation area.

The proposal is therefore contrary to CP3, CP7, BE6 of the Cheltenham Borough Local Plan, Sections 66(1) and 72(2) of the Planning (Listed Buildings & Conservation Areas) Act 1990 and National Planning Policy Framework.

Additional Conservation Officer comments (revised drawings)

3rd July 2013

The principal building, no. 13 Lansdown Place is part of a terrace of 14 houses, now houses, flats, and offices built 1825-35. The terrace building is a grade II* listed building and is situated within the Central Conservation Area (Lansdown Character Area).

The application is seeking planning permission for the erection of a new dwelling to the rear of the site fronting onto Lansdown Place Lane.

Comments

Whilst I appreciate that the fenestration detail has been revised to be vertically proportioned, on reflection, the concerns with the development are more fundamental.

The previous scheme had a much lower eaves line, a reduced width and was positioned to the east boundary. These elements of the previous scheme reflected historic examples along the lane whereas the current proposal is positioned more centrally and is of a larger scale.

The previous scheme involved a pitch roofed coach house-type dwelling and the current proposal which adopts a different design approach includes a simple box form with parapet roof. The increase in height and change to the roof form would noticeably increase the visual massing of the structure and whilst I feel that a simple form and design may be appropriate, unfortunately in my opinion, the current proposal has a crude design, clumsy scale and would be inappropriately positioned on the site.

The proposed dwelling would appear as an awkward and incongruous addition to the immediate setting of the listed terrace and I feel that the design approach (including proposed scale and positioning) conflicts with the historic context and fails to show innovation, originality or initiative.

The proposal is therefore contrary to advice and policy at National Planning Policy Framework. Section 7 of the Framework sets out that 'good design is key aspect of sustainable development' and Section 12 advises that it is desirable for new development to make a positive contribution to local character and distinctiveness.

As noted, the proposed design and positioning of the development fail to respond well to the character of the locality. Development to the rear of the site would achieve a level of enclosure to the back lane however, the proposal would compromise the hierarchical relationship of the principal terrace house, open space and modest mews type rear development and the back lane character would be adversely impacted through the introduction of an incongruous development.

The proposal should be re-considered with the proposed dwelling reduced in width (to match the width of the rear range to the terrace building) and sited along the east boundary to reflect the historical development along the rear service lane.

The design of the proposal is rather bland and the scheme requires a more creative response. Introducing visual breaks and articulation to the design may improve the aesthetics of the dwelling and create interest within the development.

With the above in mind, the current proposal would have an adverse impact on the setting of the listed terrace and on the character and appearance of the conservation area. Therefore, I suggest that the application is refused.

Additional Heritage and Conservation comments

31st July 2013

The positioning of the proposed dwelling has now been amended to show the development in line with the rear range to the principal terrace building and it is shown to be sited along the eastern boundary and to a similar width to that of the rear range.

The proposed building does now reflect the building lines and width of the rear range and minor alterations to the design which include the introduction of the Juliet balcony have been made.

Whilst I consider that the amendments do improve the proposed structure and its presence within the immediate setting of the grade II* listed terrace, in my opinion, the minor changes to the design still fail to show a creative response to the historic context and I still have concerns that the proposed structure would be an alien addition to the setting.

The proposed erection of a dwelling in this location offers an opportunity to introduce a building which will preserve, enhance and better reveal the character and appearance of the locality and unfortunately, I consider the current proposal to be a poor attempt which lacks originality and innovation.

Furthermore, contrary to policy and guidance set out in National Planning Policy Framework, the proposal does not appear to offer any tangible public benefit which would offset the harmful impact that the development would have on the heritage assets.

For the above reasons I am not minded to support the application and suggest the below refusal reason:

No. 13 Lansdown Place is a grade II* listed building which lies wholly within the Central Conservation Area. The proposal involves the erection of a single dwelling to the rear of no. 13 Lansdown Place and the Local Planning Authority is statutorily required to pay special attention to the desirability of preserving the setting of the listed building and to preserving or enhancing the character or appearance of the locality.

In the opinion of the Local Planning Authority, the proposal is considered incongruous to the site and it's surrounding by virtue of the form and design of the building. The design of the building is not considered to be of good, high quality design and it would not respond well to the local character and distinctiveness.

For the above reasons, the proposed development is considered harmful to the setting of the listed building and to the character and appearance of the conservation area. Therefore it is contrary to Policies CP3, CP7 and BE6 of the Cheltenham Borough Local Plan, Sections 66(1) and 72(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990 and Sections 7 and 12 of National Planning Policy Framework.

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	25
Total comments received	1
Number of objections	0
Number of supporting	0
General comment	1

- 5.1** Twenty five letters have been sent out to neighbouring properties and one response has been received.

6. OFFICER COMMENTS

Officer comments to follow in the form of an update.

APPLICATION NO: 13/00605/FUL		OFFICER: Miss Chloe Smart	
DATE REGISTERED: 25th April 2013		DATE OF EXPIRY : 20th June 2013	
WARD: Lansdown		PARISH: NONE	
APPLICANT:	Mr Chris Hehir		
LOCATION:	13 Lansdown Place, Cheltenham		
PROPOSAL:	Erection of new dwelling to rear of existing building, facing Lansdown Place Lane		

REPRESENTATIONS

Number of contributors	1
Number of objections	0
Number of representations	1
Number of supporting	0

9 Lansdown Place Lane
Cheltenham
Gloucestershire

Comments: 18th July 2013
Letter attached.

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C [REDACTED]

From: Smart, Chloe
Sent: 18 July 2013 15:13
To: Internet - Planning Comments
Subject: 13/00605/FUL - 13 Lansdown Place

Chloe Smart

Planning Officer
Built Environment
Cheltenham Borough Council
chloe.smart@cheltenham.gov.uk
Tel - 01242 264383

-----Original Message-----

From: [REDACTED]
Sent: 18 July 2013 15:10
To: Smart, Chloe
Subject: 13 Lansdown Place

CBC Ref: 13/00605/FUL

Dear Ms Smart,

I have recently received the neighbour letter drawing my attention to the further suggested revisions on this application. Previously I had not wanted to comment, as the proposals did not look all that bad. However, having looked again there seem to be numerous problematic areas, over and above the comments you have already received from both the Architects Panel, Conservation, and HMO. So I thought I would add my own:

Principle

The site must be suitable in principle. There are so many examples.

I have not looked back at the refused, sunken scheme; but I would have thought that a simple traditional brick coachhouse would be a more attractive solution.

Details

There was originally a weird gap to the east. This has now gone, only to be replaced with a weird gap to the west between the application building and the access retained to the back of 13 Lansdown Place?

Page 149

The flat roof will be very visible from all the tall buildings around. The finish will be very important. What is the proposed finish?

What part of the windows to bedroom 2 actually open?

What part of the windows to the kitchen actually open? Open onto the pavement?

The fenestration appears to have been given a vertical emphasis after the initial comments from the Conservation Officer; but the verticality of the actual windows bears no relationship to the verticality that the Conservation Officer was drawing attention to.

The proposed vertical elements now introduce a further material, 'the infill panels' into an already complex small elevation.

An enormous window to a minute bathroom? Which also has to be obscured glass?

I hope this is helpful.

Yours sincerely



9 Lansdown Place Lane
Cheltenham
GL50 2JZ



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APPLICATION NO: 13/00605/FUL	OFFICER: Miss Chloe Smart
DATE REGISTERED: 25th April 2013	DATE OF EXPIRY: 20th June 2013
WARD: Lansdown	PARISH: None
APPLICANT:	Mr Chris Hehir
AGENT:	Simon Firkins
LOCATION:	13 Lansdown Place Cheltenham Gloucestershire
PROPOSAL:	Erection of new dwelling to rear of existing building, facing Lansdown Place Lane

Update to Officer Report

1. CONSULTATIONS

HERITAGE AND CONSERVATION

31st July 2013

Additional comments (revised drawings)

The positioning of the proposed dwelling has now been amended to show the development in line with the rear range to the principal terrace building and it is shown to be sited along the eastern boundary and to a similar width to that of the rear range.

The proposed building does now reflect the building lines and width of the rear range and minor alterations to the design which include the introduction of the Juliet balcony, have been made.

Whilst I consider that the amendments do improve the proposed structure and its presence within the immediate setting of the grade II* listed terrace, in my opinion, the minor changes to the design still fail to show a creative response to the historic context and I still have concerns that the proposed structure would be an alien addition to the setting.

Lansdown Place Lane is characterised by the small mews houses, garages and workshops which abut the back edge of pavements along the narrow service lane. The subordinate and modest buildings are utilitarian in appearance and complement the grandeur of the principal terraces.

Whilst I appreciate that the simplicity and crisp approach within modern buildings can achieve an effective juxtaposition with historic architecture, I do feel that the proposal would fail to harmonise with the immediate context. The box-form, crisp render and poor fenestration detail do not reflect the utilitarian character of the service lane.

The proposed erection of a dwelling in this location offers an opportunity to introduce a building which will preserve, enhance and better reveal the character and appearance of the locality and unfortunately, I consider the current proposal to be a poor attempt which lacks originality and innovation.

Furthermore, contrary to policy and guidance set out in National Planning Policy Framework, the proposal does not appear to offer any tangible public benefit which would offset the harmful impact that the development would have on the heritage assets.

For the above reasons I am not minded to support the application and suggest the below refusal reason:

No. 13 Lansdown Place is a grade II* listed building which lies wholly within the Central Conservation Area. The proposal involves the erection of a single dwelling to the rear of no. 13 Lansdown Place and the Local Planning Authority is statutorily required to pay special attention to the desirability of preserving the setting of the listed building and to preserving or enhancing the character or appearance of the locality.

In the opinion of the Local Planning Authority, the proposal is considered incongruous to the site and its surrounding by virtue of the form and design of the building. The design of the building is not considered to be of good, high quality design and it would not respond well to the local character and distinctiveness.

For the above reasons, the proposed development is considered harmful to the setting of the listed building and to the character and appearance of the conservation area. Therefore it is contrary to Policies CP3, CP7 and BE6 of the Cheltenham Borough Local Plan, Sections 66(1) and 72(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990 and Sections 7 and 12 of National Planning Policy Framework.

HERITAGE AND CONSERVATION

13th August 2013

Revised comments (final drawings)

Whilst the proposed drawings have been amended to detail a brick finish to the exterior of the building and 100mm reveals to the window and doors, I do not feel that the revisions address the concerns raised in my previous comments and again, I consider that the minor amendments still fail to show a creative and well designed response to the immediate historic context.

With the above in mind, my comments for the previous proposal stand and I suggest that the application is refused for the below reason:

No. 13 Lansdown Place is a grade II* listed building which lies wholly within the Central Conservation Area. The proposal involves the erection of a single dwelling to the rear of no. 13 Lansdown Place and the Local Planning Authority is statutorily required to pay special attention to the desirability of preserving the setting of the listed building and to preserving or enhancing the character or appearance of the locality.

In the opinion of the Local Planning Authority, the proposal is considered incongruous to the site and its surrounding by virtue of the scale and design of the building. The design of the building is not considered to be of good and high quality design and it would not respond well to the local character and distinctiveness of the historic area.

For the above reasons, the proposed development is considered harmful to the setting of the listed building and to the character and appearance of the conservation area. Therefore it is contrary to Policies CP3, CP7 and BE6 of the Cheltenham Borough Local Plan, Sections 66(1) and 72(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990 and Sections 7 and 12 of National Planning Policy Framework.

2. OFFICER COMMENTS

- 2.1. The application has been brought before planning committee at the request of Councillor Driver, due to parking and refuse storage concerns.

Determining Issues

- 2.2. The main considerations in relation to this application are the design of the proposed dwelling and its impact on both the listed building and the conservation area; and the impact of the dwelling on neighbouring amenity and highway safety.

Site and Context

- 2.3. The previously refused scheme was for a two storey detached coach house. This application was recommended for approval but refused at planning committee for the following reason:

The proposed development is unacceptable by virtue of its impact on the amenity of existing residents within 13 Lansdown Place and its incongruous design. The application site is located within an area that is heavily constrained by on street car parking and, as an existing area of hardstanding, represents a clear opportunity to provide additional off street parking for the occupiers of the seven flats within 13 Lansdown Place which would help alleviate the existing problem.

The proposal to erect a coach house on this land is therefore an inappropriate and unacceptable overdevelopment of this tightly constrained site which would also enclose the site to an unacceptable degree, restricting the outlook for existing residents. The mass and scale of the proposed coach house is inappropriate for a site in such close proximity to existing dwellings and indicative of this is the shallow pitched hipped roof with limited eaves, designed to limit the bulk of the building, but instead resulting in a poorly executed coach house pastiche. The development fails to comply with the objectives of policies CP4 (Safe and sustainable living) and CP7 (Design) of the Cheltenham Borough Local Plan (Adopted 2006).

- 2.4. An appeal was subsequently dismissed although it should be noted that the Inspector thought the principle of the development need not be unacceptable, as this would reflect what has historically been found in the terrace; but that the previous coach house scheme failed to reflect its former function as it was proposed to be sunken into the site and as such would be 'a discordant development that would not reflect its intended function as a coach house'.
- 2.5. Whilst it is accepted that the current proposal adopts a more contemporary approach differing from the previous coach house design, officers feel that given the context and character of the area (where there is a mix of small mews houses, garages and workshops), the principle of such an approach may be acceptable, subject to the detailed design.
- 2.6. The Council's Supplementary Planning Document: Development on Garden Land and Infill Sites in Cheltenham, refers to character as:

'Locally distinctive patterns of development, landscape and use; a combination of all the aspects of a place that together make it distinctive from anywhere else'.

- 2.7. The pattern of development is clearly distinctive in the area surrounding the application site. There is a hierarchy of principal terraces, with secondary buildings to the rear, all with their own access onto the rear lane. As such, the rear buildings fronting onto Lansdown Place Lane have been adapted to form their own uses and many are now in separate residential use.

Design and Layout

- 2.8. Local Plan Policy CP7 requires development to be of a high standard of architectural design and to complement and respect neighbouring development.
- 2.9. In addition, due to the site being within close proximity of a listed building and the Lansdown Character Conservation Area, the Planning Authority is statutorily required to pay special attention to the desirability of preserving the setting of the listed building, and of preserving or enhancing the character or appearance of the locality.
- 2.10. In ensuring that necessary attention has been paid to the buildings surroundings, the proposed scheme has been subject to a number of revisions through discussions with the agent. These revisions have been requested on the basis of comments received from Architects Panel and the Conservation Officer.
- 2.11. Firstly, the proposed dwelling has been shifted to the boundary eastern boundary. Officers consider this has substantially improved the dwelling's relationship with the principal terrace building at No.13 and in particular with its rear wing. The dwelling now maintains a similar building line to No.13 and this improvement has been acknowledged by the Conservation Officer in her response dated 31st July 2013.
- 2.12. The fenestration detail has also been amended significantly since the initial submission of the scheme. The Conservation Officer initially considered the *'squat proportions of the building were in conflict with the tall terrace and the proposed dwelling fails to reflect the vertically proportioned fenestration detail'*. As a result the applicant amended the fenestration detail to create more of a vertical emphasis to complement the tall and narrow characteristics of the principal terrace, but in a contemporary approach.
- 2.13. The use of 'crisp render' has been raised as a concern in comments received from the Conservation Officer. The applicant has amended the scheme to incorporate brick throughout. This change has been welcomed by officers as brick responds well to the context of the Lansdown Place Lane, which is characterised by small mews houses, garages and workshops, primarily faced in brick or painted brick. It was considered that the use of render would have resulted in a quite stark addition to the street scene, something that is softened by the use of facing brick.
- 2.14. Officers consider that the above changes have overcome number of the concerns raised by the Conservation Officer and the dwelling no longer reads as an 'alien addition to the setting', but a subservient building to the principal terrace.
- 2.15. Notwithstanding the change to facing brick, the contemporary design approach has remained consistent throughout the proposal. It is considered that the 'simple box form' provides a recessive quality which does not detract from the surrounding listed buildings. At the same time, the fenestration picks up on the vertical features of the terrace, ensuring the proposal does not look 'squat' and also to ensure the design responds to the surroundings.
- 2.16. Furthermore, the contemporary design will build on the diversity in an area characterised by a mix of building forms, uses and tenures.
- 2.17. A representation has been received requesting clarification on the flat roof finish and window openings, among other aspects of the design. Suitable conditions have been attached to the recommendation to ensure that all elements of the detailed design, such as materials and finishes, are approved by officers and appropriate to the proposals surroundings.
- 2.18. On balance, officers consider that the proposal would not harm the setting of the listed building. Whilst the Conservation Officer still objects to the proposal, it is considered that

the applicant has addressed a number of the concerns that have been raised, and the design is now of a sufficiently high quality which responds successfully to the area and the adjacent listed buildings. The dwelling is of an appropriate scale, responds well to the building line of the terrace and the modern design does not detract from the main terrace. Furthermore, the materials used in the development are to be powder coated aluminium and red brick which will seek to preserve the character of the conservation area.

Impact on neighbouring property

- 2.19. Local Plan Policy CP4 requires development to protect the existing amenity of neighbouring land users and the locality.
- 2.20. There would be no unacceptable impact on neighbouring amenity as a result of this application. The proposed dwelling would not cause an unacceptable loss of daylight, nor would it result in any unacceptable increase in overlooking.
- 2.21. The previously refused scheme included an obscure glazed bedroom to the rear of the proposal, to overcome overlooking issues with the flats at No.13. Whilst this was considered an alternative to overlooking, the Inspector had concerns regarding the only outlook for this room being through a skylight and the enclosed feeling this would create.
- 2.22. Officers consider the Inspector's concerns have been overcome. The room to the rear of the dwelling is now a bathroom as opposed to a bedroom, and therefore the use of obscure glazing and lack of outlook are considered acceptable.

Access and highway issues

- 2.23. Local Plan Policy TP1 advises that development will not be permitted where it would endanger highway safety.
- 2.24. Gloucestershire County Council Highways have been consulted on the application and have raised no objection subject to a condition regarding cycle parking. The dwelling is not considered to create a significant amount of vehicular trips and therefore will not result in a severe impact on the local highway network.
- 2.25. Whilst the current proposal does not include parking provision for the additional dwelling, the previous Inspector stated that;

'The site is in a highly sustainable location, close to services, public transport routes and shops, and so even if limited parking is available in connection with No 13, it has not been demonstrated that there is a justifiable need for any additional provision'.

- 2.26. As suggested by the GCC Highways, a condition has been included to ensure there is provision for cycle parking.
- 2.27. Overall, the proposal is in accordance with Policy TP1, in that it will not endanger highway safety and this was also the conclusion provided by the Inspector.

3. CONCLUSION AND RECOMMENDATION

- 3.1. Based on the above, the proposal is considered to be of a high quality design and will not detract from the setting of the listed building. The applicant has submitted a number of amendments in response to concerns raised by the Conservation Officer.
- 3.2. Whilst officers accept that Heritage and Conservation still have reservations, the applicants have amended the scheme significantly from initial submission to overcome

concerns. On balance, officers feel the remaining concerns do not constitute sufficiently strong grounds to justify the refusal of planning permission.

- 3.3. The applicant has overcome the previous Inspector's concerns regarding neighbouring amenity and the concern relating to car parking was not shared by the Inspector when considering the recent appeal.
- 3.4. As such, the recommendation is to grant planning permission subject to the conditions set out below.

4. 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 LW/001/005/D and LW/001/003/D received 12th August 2013.
Reason: To ensure the development is carried out in strict accordance with the approved drawings.
- 3 Prior to the commencement of development, the design and details including materials and finishes of the following shall be submitted to and approved in writing by the Local Planning Authority:
 - a. all windows, and doors, and all external doors including cills, lintels reveals and the Juliet Balcony
 - b. the lintel panels
 - c. walls
 - d. roof eaves and roof covering
 - e. rainwater goods

The design and details shall be accompanied by elevations and section drawings to a minimum scale of 1:5 together with full size cross section profiles. The works shall thereafter be implemented strictly in accordance with the agreed details.

Reason: To ensure a satisfactory form of development in accordance with Local Plan Policies CP3 and CP7 relating to sustainable environment and design. These are important details which need to be constructed in the traditional local manner to ensure that the development is compatible with its surroundings.

- 4 Prior to the commencement of development, a sample panel of new facing brickwork (with coping detail where appropriate) of at least one square metre shall be constructed on site to illustrate the proposed brick type, bond, colour and texture of pointing. The sample panel shall be approved in writing by the Local Planning Authority and thereafter retained on site until the completion of the development to provide consistency.
Reason: To ensure that the new brickwork is sympathetic to the existing facing brickwork on the principal listed building to ensure that the character, appearance and integrity of the building is not prejudiced, thereby preserving the special architectural or historic interest which it possesses in accordance with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, and national guidance set out within the National Planning Policy Framework and the Historic Environment Planning Practice Guide.

- 5 Notwithstanding the submitted drawings, all windows shall be set in reveals of at least 100mm.
Reason: To ensure a satisfactory development in terms of local plan policy CP7.
- 6 Prior to the commencement of development, a scheme for the storage of refuse shall be submitted to and approved in writing by the Local Planning Authority. Prior to first occupation of the development, the refuse storage shall be completed in all respects and thereafter kept free of obstruction.
Reason: To ensure adequate provision and availability of refuse storage in accordance with Gloucestershire Waste Local Plan Policy W36 relating to waste minimisation.
- 7 Prior to occupation of the proposed dwelling secured and covered cycle storage facilities, in accordance with the submitted Design and Access Statement, shall be provided within the curtilage of the site and such provision shall be permanently retained and maintained thereafter.
Reason: To ensure that adequate cycle storage facilities are provided in line with the Governments declared aims towards sustainable modes of travel.
- 8 No wires, pipework, satellite dishes or other aerials, alarms or other paraphernalia shall be affixed to the external elevations of the development unless otherwise agreed in writing by the Local Planning Authority.
Reason: To protect and maintain the character and appearance of the area in which this development is located in accordance with Local Plan Policies CP3 and CP7 relating to sustainable environment and design. Careful consideration has been given to the detailed design of this development and its relationship with neighbouring properties.
- 9 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.
- 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.
- 11 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 first floor rear bathroom window shall be 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.
- 12 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.

- 13 Prior to the commencement of development, a scheme for the provision or improvement of recreational facilities to serve the proposed dwelling(s) shall be submitted to and approved in writing by the Local Planning Authority. The dwelling(s) 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.

- 14 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.

- 15 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.

13/00605/FUL
13 Lansdown Place

20th August 2013

All Members of Planning Committee
Cheltenham Borough Council
Municipal Offices
Promenade
Cheltenham
Gloucestershire
GL50 9SA

BY EMAIL ONLY

Dear Councillor

13 Lansdown Place, Cheltenham

Application Ref: 13/00605/FUL

Application for Planning Permission for the Erection of New Dwelling to Rear of Existing Building, facing Lansdown Place Lane

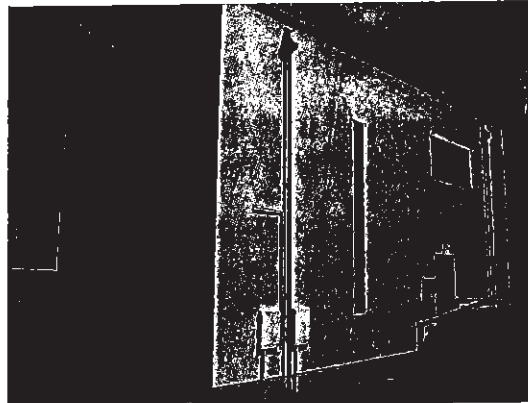
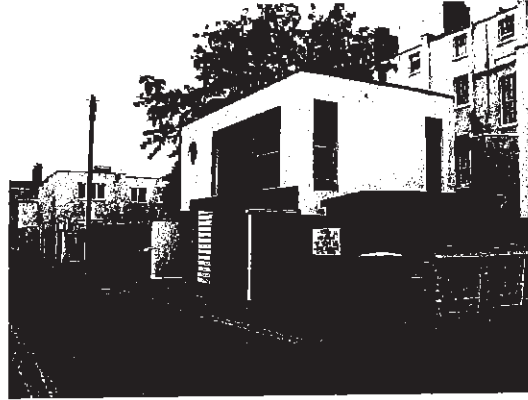
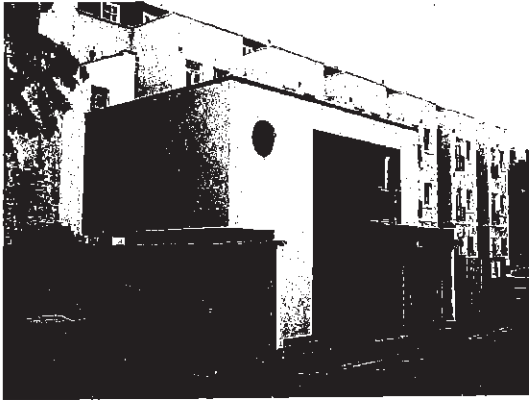
This planning application is being reported to Planning Committee on Thursday this week (22nd August). You will see from the Committee papers that officers are recommending you permit the application and grant listed building consent.

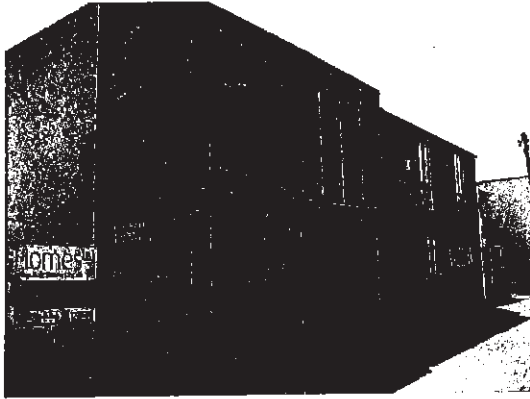
One of the material considerations is the design of the proposal, referred to by officers in their report. The architect has adopted a contemporary approach and, as referred to by officers, the scheme has been revised a couple of times during the application process to ensure it will not have any adverse impact on either the listed terrace or this part of the conservation area.

As you will be aware there are a number of other examples of contemporary 'coach houses' that have been built within the town over the past few years to the rear of listed buildings and within the conservation area. A few of these examples I have included below for your reference. We have provided officers with this information as part of the application process and felt these images might be helpful for you to have in mind when you visit the site this afternoon on Planning View.

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simon@sfplanning.co.uk
www.sfplanning.co.uk





We propose to address the Committee on behalf of our client on Thursday and look forward to hearing the debate.

Yours faithfully

Simon Firkins MRTPI

APPLICATION NO: 13/00605/FUL		OFFICER: Miss Chloe Smart
DATE REGISTERED: 25th April 2013		DATE OF EXPIRY: 20th June 2013
WARD: Lansdown		PARISH: None
APPLICANT:	Mr Chris Hehir	
AGENT:	Simon Firkins	
LOCATION:	13 Lansdown Place Cheltenham Gloucestershire	
PROPOSAL:	Erection of new dwelling to rear of existing building, facing Lansdown Place Lane	

Update to Officer Report

1. OFFICER COMMENTS

- 1.1. Since the full officer report was published, a response has been received from English Heritage (EH) regarding the above application. Their response is attached to this update but the specific concerns state:

'The principle of a small scale dwelling is acceptable; however the plot size and design is of some concern'. EH then go onto say: 'the design of the current building lacks good quality design features that reflect the character and significance of the Grade II listed terrace'*

- 1.2. Officers consider that the comments provided regarding the current design of the building are vague and do not provide an objective analysis of the merits or otherwise of the scheme. No specific concerns with the design have been identified, other than the building lacking good quality design features.
- 1.3. As stated in the full report, officers feel the simple box form provides a recessive quality which will not detract from the surrounding listed buildings and at the same time, the fenestration detail picks up on the vertical emphasis of the principal terrace. Furthermore, the proposed window reveals and Juliet balcony detail provide interest to the front elevation.
- 1.4. As such, officers consider that the character of the listed terrace and surrounding back lane will not be harmed by the proposal. Furthermore, the scale of the proposed dwelling remains subservient to the principal terrace and reads as a secondary building and therefore reflects the significance.
- 1.5. The second concern raised by English Heritage relates to the plot size of the proposed dwelling. On this issue, more detail has been provided regarding the negative impact of

the plot size, with the specific concern relating to the negative impact on the historic curtilage.

- 1.6. In terms of the subdivision of the plot, the principle of a dwelling is considered acceptable and as stated in the previous officer update, the pattern of development is clearly distinctive in the area surrounding the application site. There are a number of secondary buildings to the rear of the principal listed terraces and therefore numerous examples of the subdivision of the curtilage of the listed buildings that have occurred. The Inspector who considered the scheme was also comfortable with the principle of development and subdivision.
- 1.7. Notwithstanding this, in light of these comments from EH, it is accepted that an alteration to the boundary of the proposed dwelling would be beneficial to the scheme. As such, the applicant has amended the plans and has brought the boundary wall towards the proposed dwelling by a further 1.7 metres. Officers consider the new dwelling will still have sufficient amenity space, but that this amendment helps to address the specific concern regarding the plot size and reduced the impact of the brick wall on the listed building.

2. SUMMARY

- 2.1. Members will be aware that the officer report sets out that the recommendation to permit is one that has been arrived at in a balanced way, fully taking into account the comments provided by the Conservation and Heritage team. The comments received by EH do not affect this recommendation.
- 2.2. When considering impact to designated heritage assets (conservation areas and listed buildings), the NPPF advises that where the harm associated with a development proposal will be less than substantial, this harm should be weighed against the public benefit. In this instance, the harm that has been identified is the subdivision of the plot (a matter that officers consider has now been satisfactorily resolved) and the design of the building (which has been significantly enhanced through negotiations with the applicant).
- 2.3. Weighed against this less than substantial harm are the public benefits; the provision of a new dwelling on a brownfield site in a highly sustainable location, and also a small, yet important contribution to this Authority's five year supply of housing.

- 2.4. Balancing these issues, and mindful of the Inspector's recent decision on the site which made it quite clear that the principle of development is acceptable, officers remain of the view that planning permission should be granted for this proposal.



ENGLISH HERITAGE

SOUTH WEST OFFICE

Recd 21 AUG 2013

ENVIRONMENT

Ms Chloe Smart
Cheltenham Borough Council
PO Box 12, Municipal Offices
Promenade
Cheltenham
Gloucestershire
GL50 1PP

Direct Dial: 0117 975 0732
Direct Fax: 0117 975 0701

Our ref: P00251212

16 August 2013

Dear Ms Smart

**Notifications under Circular 01/2001, Circular 08/2009 &
T&CP (Development Management Procedure) Order 2010
13 LANSDOWN PLACE, CHELTENHAM, GLOUCESTERSHIRE , GL50 2HU
Application No 13/00605/FUL**

Thank you for your letter of 25 July 2013 notifying us of the application for planning permission relating to the above site. We do not wish to comment in detail, but offer the following general observations.

English Heritage Advice

Lansdown Place is a grade II* listed terrace of 14 Regency houses within the Central Cheltenham Conservation Area. The terrace is made up of almost symmetrical pairs of houses with recessed entrances ranges and service ranges to the rear. The properties accommodate long narrow plots with private amenity space to the rear, facing onto Lansdown Place Lane. Their heritage significance rests on the pleasing aesthetic quality of buildings terraced elevation, their surviving plan form and plot size together with the surviving historic fabric. The buildings make a positive contribution to the Central Cheltenham Conservation Area and, as such, views to and from the properties should be thoroughly considered.

This application proposes the erection of a new dwelling to the rear of the existing building, facing Lansdown Place. Historically, small scale ancillary buildings have been built within the rear amenity space of the terrace and many of these buildings stand today. With this in mind the principle of small scale development at this location is acceptable. The plot size and design of the dwelling proposed, however, is of some concern.

The design of the current building lacks good quality design features that reflect the character and significance of the Grade II* listed terrace and would make a positive contribution to the local distinctiveness of the conservation area, as required by the



29 QUEEN SQUARE BRISTOL BS1 4ND

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English Heritage is subject to the Freedom of Information Act, 2000 (FOIA) and Environmental Information Regulations 2004 (EIR). All information held by the organisation will be accessible in response to an information request, unless one of the exemptions in the FOIA or EIR applies.



ENGLISH HERITAGE
SOUTH WEST OFFICE

Planning (Listed Building and Conservation Areas) Act 1990 and the National Planning Policy Framework (Chapter 7 and 12). The applicant's plans to provide the new dwelling with private amenity space, bounded by a red brick wall, will also impact negatively on the historic curtilage of 13 Lansdown Place in a negative way. More thought should be given to understanding the historic significance of the terrace, possible views of the building and the way in which a new dwelling at this location will impact on the appreciation of this heritage asset and the character of the wider conservation area.

Recommendation

We would urge you to address the above issues, and recommend that the application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice. It is not necessary for us to be consulted again. However, if you would like further advice, please contact us to explain your request.

Yours sincerely



Jacqueline Martinez

Assistant Inspector of Historic Buildings & Areas

E-mail: Jacqueline.martinez@english-heritage.org.uk

cc



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Telephone 0117 975 0700 Facsimile 0117 975 0701

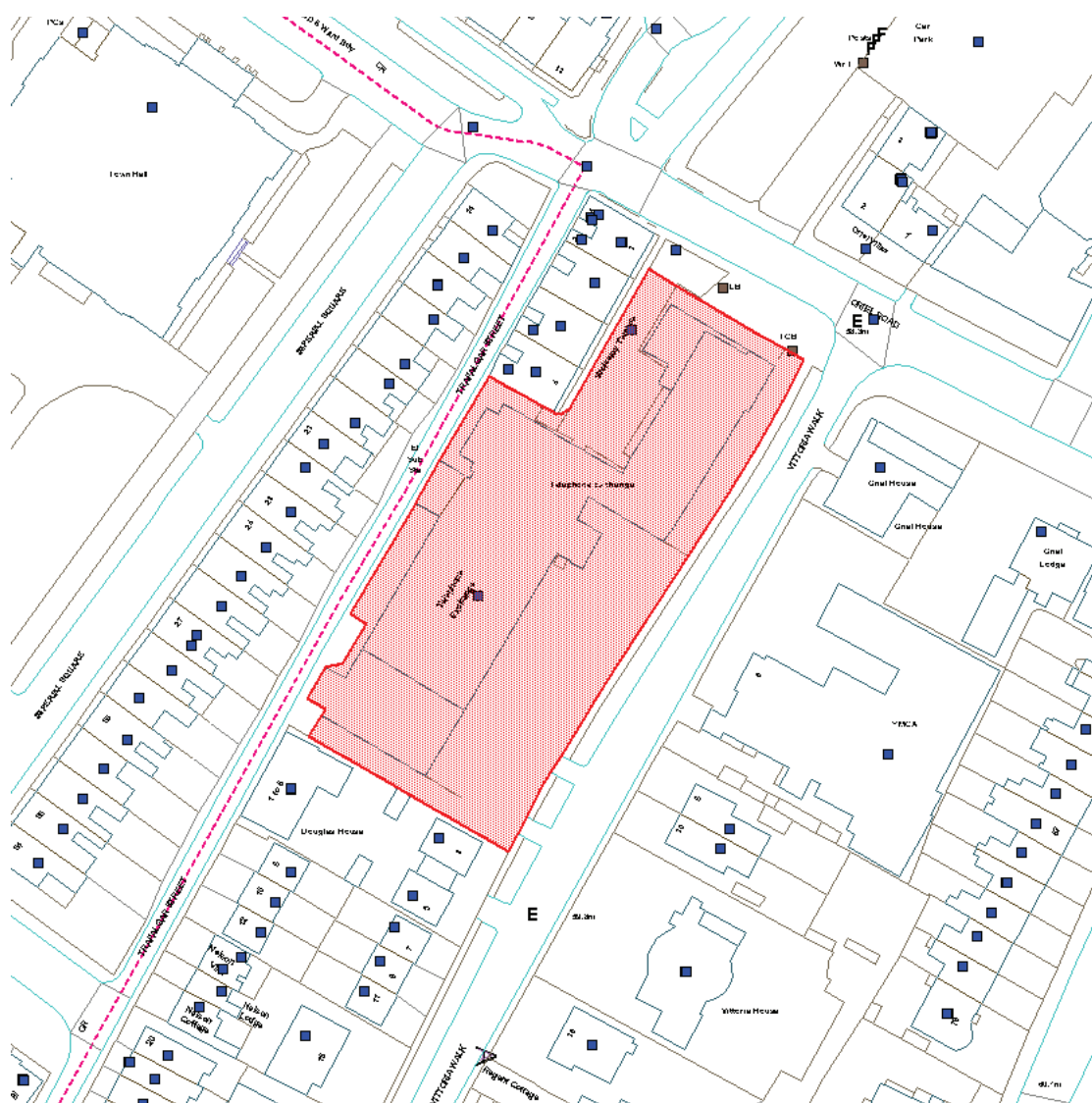
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Page 168

APPLICATION NO: 13/00637/FUL	OFFICER: Miss Chloe Smart
DATE REGISTERED: 24th April 2013	DATE OF EXPIRY: 19th June 2013
WARD: College	PARISH: None
APPLICANT:	British Telecommunications Plc
AGENT:	Mr Simon Tedrake
LOCATION:	British Telecom, Oriel Road, Cheltenham
PROPOSAL:	Installation of 6no. air conditioning units on roof

RECOMMENDATION: Permit



1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application relates to the telephone exchange premises located within close proximity to the centre of the town and lies within the Central Conservation Area. The front elevation fronts the inner-ring road and the building extends north to south within an extensive plot, which can be accessed via Vittoria Walk.
- 1.2 The proposal is for the installation of 6.No air conditioning units on the south western wing of the roof. The works are required to serve accommodation and telecoms equipment on the second floor of the building.
- 1.3 The application is before planning at Councillor Sudbury's request.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Conservation Area
Core Commercial Area
Smoke Control Order

Relevant Planning History:

00/01322/FUL 29th January 2001 PER

Installation of telecommunications base station at roof level (Formally British Telecom)

00/01339/FUL 29th December 2000 PER

To form a new enclosure within the existing building and addition of a 5.0 metre mast for CCTV camera (Revised Plans) (Formally British Telecom)

01/00676/FUL 27th June 2001 PER

Alteration of existing elevation to provide new doors and ventilation louvre

01/01154/FUL 17th December 2001 PER

Construction of telecommunications base station at roof level. Installation of 3 no. antennae and 3 no. dishes and equipment cabin (Revised)

02/00941/FUL 29th July 2002 PER

Removal of 2 no. window panes and their replacement with 2 no. aluminium louvres coloured bronze to match existing louvres

02/01455/FUL 18th December 2002 REF

Installation of a 5m stub tower and equipment cabin behind a steel and GRP screen with 6no. antennae, 2no. dishes, associated cabling and other ancillary work

04/00390/FUL 20th April 2004 PER

Installation of 3 pole mounted antennas on two poles, 1 face mounted antenna and 1 pole mounted dish antenna, 6 pack equipment cabinets, cabling and other ancillary works. Re-positioning of existing telecommunications pole and antenna

05/01329/FUL 14th October 2005 PER

Replace three windows with air inlet louvres to Vittoria Walk elevation

12/00880/FUL 6th August 2012

Proposed installation of a ventilation louvre on the ground floor, to replace existing glazing

3. POLICIES AND GUIDANCE

Adopted Local Plan Policies

CP 4 Safe and sustainable living

CP 7 Design

Supplementary Planning Guidance/Documents

Central conservation area: Montpellier Character Area and Management Plan (Feb 2007)

National Guidance

National Planning Policy Framework

4. CONSULTATIONS

Environmental Health

13th June 2013

The application contains insufficient information for me to make a recommendation.

I am concerned that noise from the proposed air conditioning units may cause loss of amenity for nearby residential property; however the application does not contain any information on the noise levels likely to affect these premises. The only data provided is a rating level for the individual units (which is unreadable).

The applicant should be requested to provide a report from an acoustic engineer which includes a prediction of the level of noise being produced by this equipment at the nearest residential façade, and a comparison with the existing background noise levels. This report should be produced to the requirements of BS 4142:1997

6th June 2013

No comment from the health and safety team.

20th June 2013

With reference to previous comments on 13.06.2013 from Mr Gareth Jones:

On 18/06/2013, I have reviewed the acoustic information which has been uploaded to the planning portal online and am satisfied with the information supplied in the acoustic report. I have no further conditions to add.

22nd July 2013

The applicant has provided a suitable assessment of noise from the proposed development, which includes the results of monitoring background noise levels overnight, which is when residential property is most susceptible to noise disturbance.

The report also calculates the levels of noise produced by the air conditioning equipment experienced at nearby property and shows that the noise from this source is lower than the background noise level.

I therefore have no objections to this proposal.

Heritage and Conservation

28th May 2013

Heritage Constraints:

The building is not listed but lies within the Central Conservation Area (Montpellier Character Area). As such this Local Planning Authority is statutorily obliged to pay special attention to the desirability of preserving or enhancing the character or appearance of the locality. The building is also adjacent to a number of Grade II and Grade II* buildings. As

such this Local Planning Authority is statutorily required to have special regard to the desirability of preserving the setting building in regard to any special architectural or historic interest it possesses.

Proposal:

The proposal is to install six air conditioning units towards the centre of the main flat roof of the building. The proposed air conditioning units will be set in two banks of three side by side. The units are 1800mm tall.

Analysis of site:

The host building is a late C20th three storey modular clad concrete building in an uncompromising contemporary style of its period typical of Post Office/British Telecom. The building is an architectural statement bearing little relationship to the prevailing historic character of the area. The affected section of the building has a flat roof surrounded by a 500mm high parapet. Some plant already exists on the roof including a protected gantry and what appears to be a large scale exhaust system. The building sits within a dense urban pattern of three storey buildings with a slightly looser grain of detached former historic residences to the east separated from the application site by a row of mature street trees. There are few opportunities for distant views of the host building from street level including Imperial Gardens.

Comments:

It is not likely that the new equipment would be fully visible from street level or from any vantage points in or around the setting of the adjacent listed buildings or the wider Conservation Area. In instances where partial views of the equipment may be possible (such as the rear windows of the upper floors of the Grade II* Listed terrace on east side of Imperial Square) the equipment would be viewed amongst existing plant and fixtures and would not appear incongruous or out of character with the host building. As such it is not considered that the proposal would harm the setting of the adjacent listed buildings or the character or appearance of the Conservation Area.

The exterior colour finish of such air conditioning units are generally provided in a recessive colour. It would however be prudent to control the colour of the equipment in order that it remains as visually unobtrusive as possible. Appendix B of the Design and Access Statement (D & A) reproduces some manufacturer's information including a 'Munsell' number for the colour of the equipment. The section of the document reproduced in the D & A Statement is unfortunately too pixelated to read the numbers clearly. Furthermore unlike RAL or BS systems Munsell is predominantly a North American system and it may not be possible to establish the colour through this code. Some further confirmation of the likely colour, even if it is just to say that it will be 'grey' would provide reassurance.

It is considered that the proposal would not harm the character or appearance of the Conservation Area or the setting of the adjacent listed buildings and is in accordance with Local Plan Policy CP7, Sections 66(1) and 72(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990 and National Planning Policy Framework.

Conditions:

Adapted from CON01C (Design details)

Prior to the commencement of development, the colour finishes of the equipment shall be submitted to and approved in writing by the Local Planning Authority:

Reason: To ensure a satisfactory form of development in accordance with Local Plan Policy CP7 relating to sustainable environment and design, and national guidance set out within the National Planning Policy Framework and the Historic Environment Planning Practice Guide. These are important details in order to ensure that the development is compatible with its surroundings.

Consultee:
Julian Bagg (Conservation & Heritage Consultant)

25/05/2013

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	55
Total comments received	2
Number of objections	2
Number of supporting	0
General comment	0

- 5.1 Fifty five letters have been sent out to neighbouring properties and two responses have been received raising objections to the application.

6. OFFICER COMMENTS

Determining Issues

- 6.1 The main considerations in relation to this application are the impact on the conservation area and neighbouring amenity.

Conservation Area

- 6.2 Local Plan Policy CP7 requires development to be of a high standard of architectural design and to complement and respect neighbouring development.
- 6.3 The building is not listed but lies within the Central Conservation Area (Montpellier Character Area) and is adjacent to a number of Grade I and II* listed buildings. As such the conservation officer has been consulted and raised no objection to the proposal.
- 6.4 It is not likely that the new equipment would be fully visible from street level or from any vantage points in or around the setting of the adjacent listed buildings or the wider Conservation Area. The building has existing plant fixtures and fittings and therefore the additional equipment would not appear out of character with the host building.
- 6.5 As such it is considered that the proposal would not harm the character or appearance of the Conservation Area or the setting of the adjacent listed buildings and is in accordance with Local Plan Policy CP7, Sections 66(1) and 72(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990 and National Planning Policy Framework.

6.6 Impact on neighbouring property

- 6.7 Local Plan Policy CP4 requires development to protect the existing amenity of neighbouring land users and the locality.
- 6.8 The application site is within close proximity of residential properties and therefore the Borough's Environmental Health Officer has been consulted.
- 6.9 Initially, an objection was received due to the lack of noise level information accompanying the application. Following on from this, the applicant submitted an acoustic report with noise measurements taken from the nearest noise sensitive receptors, which were identified as along Trafalgar Street.

- 6.10** Environmental Health have been re-consulted following the submission of this noise report and raised no objection to the proposal. The applicant has now provided a suitable noise assessment which includes proposed noise levels at night. Furthermore, the findings of the report show that the noise level from the proposed air conditioning units is lower than the background noise level.
- 6.11** Two objections have been received from neighbouring properties both raising concerns regarding the impact of the proposal on neighbouring amenity.
- 6.12** The first objection seeks clarification of the hours of operation of the units, the proposed location of the units and the night time noise levels as a result of the proposal. The second letter of objection also relates to the noise levels generated by the proposal and the location of the noise survey readings.
- 6.13** In relation to the location of the units, Environmental Health are satisfied that the application would not harm residential amenity and therefore there would be no requirement for the applicant to amend the location of the units as has been suggested by the objector.
- 6.14** Furthermore, the noise survey submitted was carried out between the hours of 12 am and 3 am over consecutive 5 minute sample periods to establish the quietest night time noise level. The results of the survey have taken into account the likely night time noise levels and these are in line with Environmental Health's expectations, in terms of an acceptable level of noise.

7. CONCLUSION AND RECOMMENDATION

- 7.1** Based on the above, officers consider the proposal would not harm the character or appearance of the Conservation Area or the setting of the adjacent listed buildings and is in accordance with Local Plan Policy CP7. Furthermore, there will be no unacceptable impact on neighbouring amenity as a result of the proposal.
- 7.2** The recommendation is to grant planning permission subject to the conditions set out below.

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 Prior to the commencement of development, the colour finishes of the equipment shall be submitted to and approved in writing by the Local Planning Authority:
Reason: To ensure a satisfactory form of development in accordance with Local Plan Policy CP7 relating to sustainable environment and design, and national guidance set out within the National Planning Policy Framework and the Historic Environment Planning Practice Guide. These are important details in order to ensure that the development is compatible with its surroundings.

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

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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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APPLICATION NO: 13/00637/FUL		OFFICER: Miss Chloe Smart	
DATE REGISTERED: 24th April 2013		DATE OF EXPIRY : 19th June 2013	
WARD: College		PARISH: NONE	
APPLICANT:	British Telecommunications Plc		
LOCATION:	British Telecom, Oriel Road, Cheltenham		
PROPOSAL:	Installation of 6no. air conditioning units on roof		

REPRESENTATIONS

Number of contributors	2
Number of objections	2
Number of representations	0
Number of supporting	0

Flat 1
 Douglas House
 Vittoria Walk
 Cheltenham
 Gloucestershire
 GL50 1TL

Comments: 14th June 2013
 Letter attached.

Comments: 6th August 2013
 Letter attached.

26 Imperial Square
 Cheltenham
 Gloucestershire
 GL50 1QZ

Comments: 30th July 2013

Having seen the proposals I do not think consideration has been given to the provision of sound baffles to minimize noise levels which would be projected towards the residential properties in Trafalgar Street, or to Douglas House.

If the units were to discharge over the BT roof and have baffles provided to direct the noise away from residential properties, the line of the safety handrail would appear suitable, this would appear to be a possible solution.

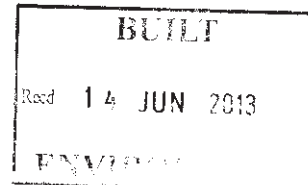
I do not see any reference to operating hours, the bedrooms in my property are all at the rear.

I note that noise level readings were taken at ground level. The units proposed are some 45 feet higher i.e. bedroom level. I understand that that sound travels in a fan shape with the maximum impact in line with the epicentre i.e. bedroom level

1 Douglas House,
Vittoria Walk,
Cheltenham,
Gl 50 1TL
13th June 2013.

Head of Planning,
Cheltenham Borough Council.

Dear Madam,



Re: 13/00637/FUL

I recently visited the planning department regarding the Noise Assessment report concerning the above application. I was informed that this had been passed to the appropriate department for further assessment and that their views were not available at that time.

I would like to make the following comments regarding the possible noise which may occur as a result of the operation of six air conditioning units.

1. How long will the units operate during each 24 hour period?
2. Will all the units be operating at the same time or will there be a phased schedule of unit operation?
3. Do the units have to be situated where the plans show or can they be sited elsewhere on the roof? The reason for this query is that they seem to be situated very near to residential property where six apartments can be adversely affected by noise levels.
4. The level permitted is within a limit above the natural noise of the surrounding environment, which is considerably different when comparing the hours between say 8am and 6pm and say 3am in the early morning. I feel that if the units are to operate on a 24 hour basis or during the night hours the level of noise could be unacceptable especially during the night time period.

I will be sending a copy of this letter to our local councillor.

Yours faithfully,



c.c. Councillor K. Sudbury.

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

1 Douglas House,
Vittoria Walk,
Cheltenham,
GL50 1TL.
5th August 2013.

Head of Planning

Cheltenham Borough Council.

Dear Sir,

Re: 13/00637/FUL

Thank one of your staff for seeing me this morning, and informing me that proposed units will be operating 24 hours a day. I raised the question of the sighting of the units on the roof and whether these could be moved further down the roof away from Douglas House. She informed me that this was a matter for the planning committee.

I would comment that the level of night time noise affecting the flats in Douglas House could be reduced if the units are moved further away from our building.

I will be sending a copy of this letter to our local councillor.

Yours faithfully,

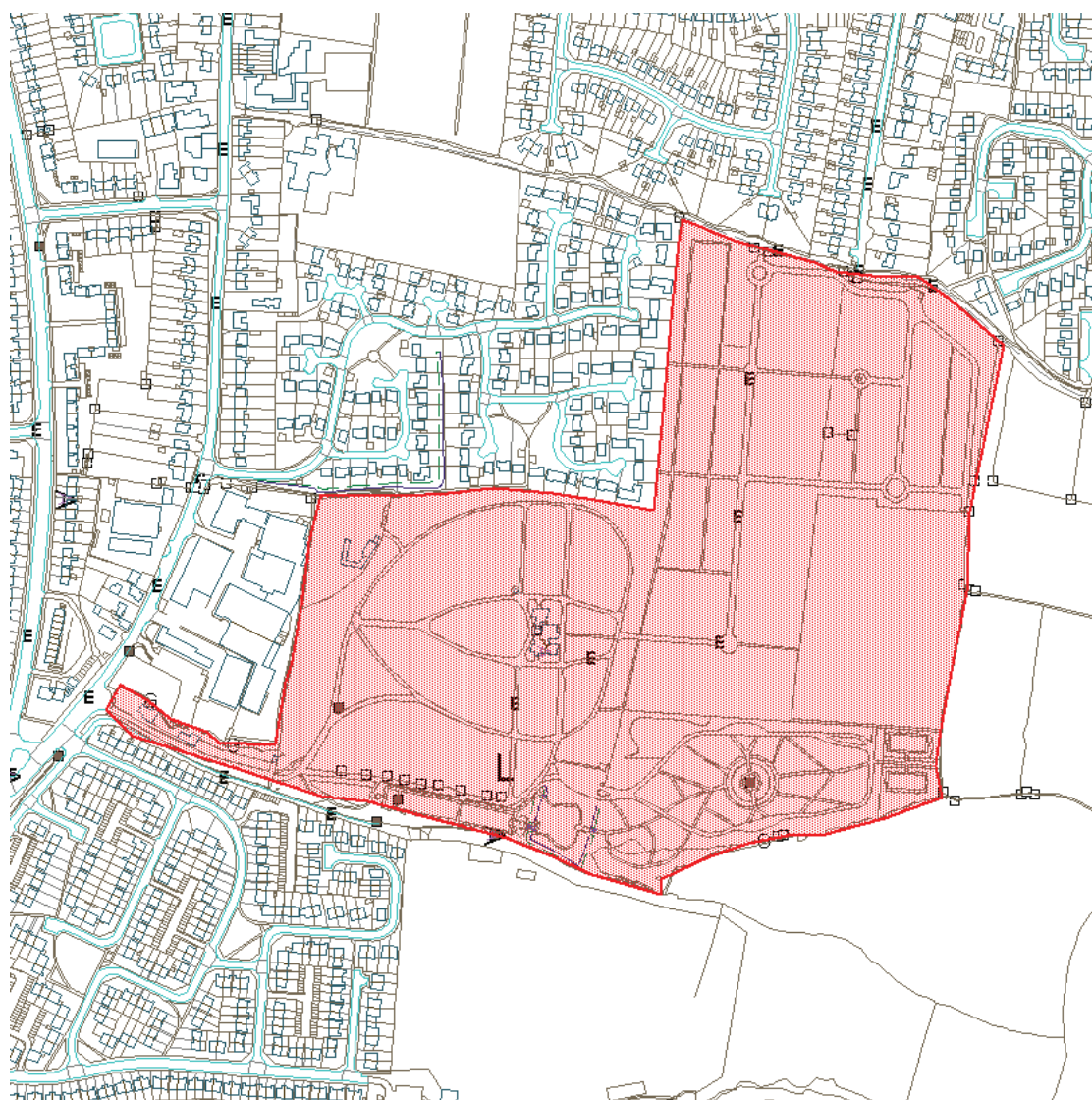


c.c. Councillor K. Sudbury.

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APPLICATION NO: 13/00774/LBC	OFFICER: Mrs Wendy Hopkins
DATE REGISTERED: 15th May 2013	DATE OF EXPIRY: 10th July 2013
WARD: Oakley Ward	PARISH: None
APPLICANT: Mr Tom Mimmagh	
AGENT: n/a	
LOCATION: Cheltenham Cemetery and Crematorium, Bouncers Lane, Cheltenham	
PROPOSAL: Proposed new and replacement signage	

RECOMMENDATION: Grant



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 This site is the crematorium for Cheltenham. It was built in 1864 and contains a number of listed buildings. The principal historic building on the site is the Chapel building and the associated committal room and cremator room. The surrounding grounds are a Registered Park and Garden.
- 1.2 The proposal involves the erection of 45 new and replacement directional and information signs at the entrance to and within the cemetery. The proposed signs would be aluminium in construction with cream lettering on a brown background.
- 1.3 The Cheltenham Borough Council are the applicant for this proposal and for this reason the application is required to be determined by Committee.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Grade II listed building
Register Park & Garden
Landfill Sites boundary
Smoke Control Order

Relevant Planning History:

13/00281/PREAPP REC
Proposed new signage situated in various locations

3. POLICIES AND GUIDANCE

National Guidance
National Planning Policy Framework
Historic Environment Planning Practice Guide

4. CONSULTATIONS

Heritage and Conservation

29th July 2013

The proposed new signage scheme will replace some existing signs and in some location be for new signs. The proposals are entirely acceptable.

CONCLUSION: APPROVE

Conditions

Design details

Prior to the commencement of development, a sample sign with the proposed colour and finish shall be submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure that the design of the details listed are appropriate to the character of the building, which is listed as being of architectural or historic interest, thereby preserving the special architectural or historic interest which it possesses in accordance with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and national

guidance set out at PPG15. These are important details which need to be constructed in a manner which ensures that they serve to preserve the special interest of the building.

English Heritage

8th August 2013

Thank you for your consultation on the above case which has now been reviewed. I can confirm that English Heritage does not wish to object to these proposals.

Contaminated Land Officer

17th May 2013

No comment

5. PUBLICITY AND REPRESENTATIONS

- 5.1 A site notice was erected at the site entrance and application details published in the local newspaper for the statutory period of 21 days.
- 5.2 **Comments Received**
No third party representations were received in respect of this application.

6. OFFICER COMMENTS

6.1 Determining Issues

- 6.1.1 The principle matter for consideration in the determination of this application is any impact the proposal would have on the designated heritage assets.

6.2 Impact on Heritage Assets

- 6.2.1 Prior to the submission of an application pre application advice was sought from the Conservation Manager and this current proposal reflects that advice given.
- 6.2.2 Formal consultee comments have been received from the Conservation Manager who considers the proposals “entirely acceptable”.
- 6.2.3 Statutory consultee comments have also been received from English Heritage who “does not wish to object”.
- 6.2.4 In light of the above comments, the new and replacement signs are considered to preserve the special qualities of the listed building and its setting. Furthermore, ensuring that the site functions well will help to prolong the building in an appropriate use.

7. CONCLUSION AND RECOMMENDATION

- 7.1 In light of the above, Officers recommend consent is granted subject to the following conditions.

8. CONDITIONS / INFORMATIVES

- 1 The works hereby granted consent shall be begun before the expiration of five years from the date of this consent.
Reason: To accord with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) 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 P00259/13/02, 01, 02, 03, 04, 05, 06, 07, 08, 09, 10, 11, 12, 13, 14, 15, 16, 17, 18 and 19 received 14th May 2013.
Reason: To ensure the development is carried out in strict accordance with the approved drawings.
- 3 Prior to the commencement of development, a sample sign with the proposed colour and finish shall be submitted to and approved in writing by the Local Planning Authority:
The works shall thereafter be implemented strictly in accordance with the agreed details.

Reason: To ensure that the design of the details listed are appropriate to the character of the building, which is listed as being of architectural or historic interest, thereby preserving the special architectural or historic interest which it possesses in accordance with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, and national guidance set out within the National Planning Policy Framework and the Historic Environment Planning Practice Guide. These are important details which need to be constructed in a manner which ensures that they serve to preserve the special interest of the building.

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.

APPLICATION NO: 13/00813/FUL	OFFICER: Miss Michelle Payne
DATE REGISTERED: 21st May 2013	DATE OF EXPIRY: 16th July 2013
WARD: College	PARISH: None
APPLICANT:	Halebourne Developments Ltd
AGENT:	Mr Clive Petch
LOCATION:	Land adjacent to Eagle Tower, Montpellier Drive, Cheltenham
PROPOSAL:	Erection of three storey building to provide 5no. apartments (2no. one bed units and 3no. two bed units)

RECOMMENDATION: Recommendation at Committee



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1. DESCRIPTION OF PROPOSAL

- 1.1 This is a full application for the erection of a three storey building to provide 5no. apartments (2no. one bed units and 3no. two bed units) on a site within the Eagle Tower office complex.
- 1.2 The application is before planning committee at the request of Cllr Sudbury who “would like the issues around the suitability of the site to be developed as housing to be discussed at committee, as well as the design, relationship with the objector’s property – particularly the boundary – and any related amenity issues”.
- 1.3 Members will have the opportunity to visit the site on planning view.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Conservation Area
Core Commercial Area
Smoke Control Order

Relevant Planning History:

08/01693/FUL PERMIT 12th May 2009

Alterations to fourth floor and construction of new fifth floor to provide 3no. residential units together with an extension at basement level to provide car parking spaces for the new residential units, and associated works

10/01749/FUL PERMIT 19th April 2011

Change of use and extension of existing Annexe building (Use Class B1) to provide 13no. residential apartments (Use Class C3)

12/00393/TIME PERMIT 12th April 2012

Application to extend the time limit for implementation of planning permission ref. 08/01693/FUL for alterations to fourth floor and construction of new fifth floor to provide 3no. residential units together with an extension at basement level to provide car parking spaces for the new residential units, and associated works

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
HS 1 Housing development
RC 6 Play space in residential development
TP 1 Development and highway safety

Supplementary Planning Guidance/Documents

Play space in residential development (2003)
Montpellier character area appraisal and management plan (2007)

National Guidance

National Planning Policy Framework

4. CONSULTATIONS

HMO Division

3rd June 2013

I have no fundamental objection to this proposal.

Architects Panel

20th June 2013

2. Is the information sufficient to understand the application?

Yes

3. Context.

The scheme doesn't appear to make much consideration of the adjoining building uses.

4. Massing and Scale

The proposed density looks fine.

5. External Appearance.

The building doesn't have a very residential appearance and the elevations closest to the boundary are particularly poor.

6. Detailing and Materials

No comment

7. Environmental Design.

There appears to be little real consideration towards sustainable design.

8. Summary

If this site is to be developed the proposal should better relate to the site.

9. Recommendation

We would not support the application in its current form.

Cheltenham Civic Society

20th June 2013

We consider that the elevations should be simpler. The emphasis of the vertical is not right in a building of this scale.

Heritage and Conservation

3rd July 2013

Historic analysis of the site:

1. Prior to the construction of the Eagle Tower buildings this site was garden land to two historic houses which have since been demolished.

2. The current site boundary between the application site and the Edwardian property (8 and 10 Montpellier Parade), appears on the 1884 map in the same position in which it is today.

3. This Edwardian house (8 and 10 Montpellier Parade) originally had a much larger garden and all the land between it and Montpellier Terrace was originally garden for this house.

4. It is noted that whilst this Edwardian house is very attractive, regrettably it is not included on the Index of Buildings of Local Interest and therefore its setting is not a material consideration in the determination of this planning application. However it has been identified as a key unlisted building in the Conservation Area.

Comments:

1. This application site does not seem to be an obvious residential site. It does not have any merit in terms of creating a focal point or good public realm. However whilst the principle of developing the site does not enhance the character or appearance of the conservation area, neither does it harm either the character or appearance of the conservation area. Given the problem with the shortfall of housing within the Cheltenham area, the principle of this site for residential development would appear to be difficult to resist. However please note that whilst the principle of developing the site may not harm the conservation area, it does not necessarily follow that the detailed design of a new building will automatically also not harm the conservation area.

2. Therefore I accept the principle of the development of this site for residential use, subject to the detailed design of the new building.

3. Whilst this new building will certainly affect the setting of the adjacent Edwardian house (8 and 10 Montpellier Parade), it would be difficult to argue that the impact of the new building will harm the setting of the Edwardian house with the large Eagle Tower looming over the area.

4. However I do have concerns about some aspects of the proposed detailed design. The proposed form, mass, height and proposed materials are all acceptable but the proportions of the east elevation are of concern and so is the absence of any meaningful soft landscaping proposals.

5. The proportions of the east elevation are too vertical, and this vertical effect is emphasised by the vertical proportions of each window light and the swept eaves of the roof.

6. It is recognised in Section 7 of the NPPF that the "Government places great importance to the design of the built environment. Clause 60 of the NPPF states Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness".

7. It can certainly be argued that the predominant local distinctive style in this part of Cheltenham is high quality Regency architecture, set in tree lined street and lushly planted gardens and public parks. Whilst the Eagle Tower building is the physically largest building in the town, its 1960s architecture is not predominant in the area. One of the key elements of Regency architecture is the excellent balance of vertical and horizontal elements and features which together combine to give good proportions and balanced elevations in harmony.

8. I do not object to the modern/contemporary style of the architecture, but modern architecture can be as well proportioned and as balanced as Regency architecture and unfortunately the design of the east elevation of this modern building has poor proportions and a poor setting with no landscaping of any significance. It does not promote or reinforce local distinctiveness and therefore fails to comply with clause 60 of the NPPF.

9. It also fails to comply with CP7 of the Local Plan which states that development will only be permitted where it is of a high standard of architectural design and complements and respects neighbouring development and the character of the locality.

10. It also fails to comply with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

5. PUBLICITY AND REPRESENTATIONS

5.1 Letters of notification were sent out to 20 neighbouring properties. In addition, two site notices were posted, and an advert published in the Gloucestershire Echo. In response to the publicity, two letters of objection have been received from the residents of no.10 Montpellier Parade.

5.2 The letters have been circulated in full to Members however the main objections relate to:

- Visual impact
- Overdevelopment
- Loss of privacy
- Traffic/parking

6. OFFICER COMMENTS

Officer comments to follow

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APPLICATION NO: 13/00813/FUL		OFFICER: Miss Michelle Payne	
DATE REGISTERED: 21st May 2013		DATE OF EXPIRY : 16th July 2013	
WARD: College		PARISH: NONE	
APPLICANT:	Halebourne Developments Ltd		
LOCATION:	Land adjacent to Eagle Tower, Montpellier Drive, Cheltenham		
PROPOSAL:	Erection of three storey building to provide 5no. apartments (2no. one bed units and 3no. two bed units)		

REPRESENTATIONS

Number of contributors	2
Number of objections	2
Number of representations	0
Number of supporting	0

10 Montpellier Parade
Cheltenham
Gloucestershire

Comments: 14th June 2013
Letter attached.

Flat 2
10 Montpellier Parade
Cheltenham
Gloucestershire
GL50 1UD

Comments: 14th June 2013
Letter attached.

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Cheltenham Borough Council Environment Group			
PASSED TO			
REC'D	12 JUN 2013		
Date of Response		Type of Response	
Initials of Responder		File Ref.	

Sultan's Gate
10 Montpellier Parade
Cheltenham
GL50 1UD

Miss Michelle Payne
Planning Officer
Cheltenham Borough Council
PO Box 12, Municipal Offices
Promenade
Cheltenham
GL50 1PP

10th June 2013

Dear Miss Payne

Re: 13/00813/FUL: Proposal: Erection of three story building to provide 5 no apartments at land adjacent to Eagle Tower, Montpellier Drive, Cheltenham.

I write to make comment regarding the above application. As the closest neighbour to the site I am concerned that the application has been forwarded without any consultation or consideration regarding the impact on my property, an Edwardian house built in 1889, which is not referred to in the application.

The proposal appears to take little notice of the Conservation Area whose purpose is being eroded by modern buildings which detract from the pleasant Regency, Edwardian and Victorian houses in Montpellier and for which Cheltenham is well known.

The development on 10 flats on Montpellier Terrace and the 14 flats now in construction are more than sufficient development for the small site. Planning consent has also been granted for two stories to be erected on the north tower (Montpellier House) which may result in 20 further flats; a total of 44 new properties before permission is granted for the proposed development in the yard. I submit that the site is already full and any further development of the site will be overly cramped.

With 44 new homes on the site I am concerned regarding the extra traffic and subsequent parking problems should permission be granted for more homes. Montpellier Parade and Montpellier Drive suffer from heavy use and with cars parked along both sides of the road pose a problem to drivers and pedestrians alike. The 'storage yard', which has been granted temporary permission for use as a builders compound should be returned to its previous state. The 'yard' has previously been used for waste storage, delivery space and parking and this will be lost should the land be further developed. Large delivery trucks, emergency services and service vehicles use this space for turning and this will be lost causing more congestion on a packed site. Although there will be vehicular access to the proposed site any extra traffic in this area will cause congestion and road difficulties.

The application proposal may be one floor lower than the apartments to the south but the visual impact from the west and my property will be overwhelming. The proposed property will face my Edwardian house and will be visible from every door and window with the inherent loss of privacy. This will severely impact on my life and lifestyle. The courtyards and single story proposal appear to butt my garden wall, the buildings being obviously taller and unsightly when viewed from my property; again there will be loss of privacy both inside and outside the house and garden. The amenity of my property and lifestyle will be severely affected by this proposal, which will not be sympathetic to the historical building in which I live.

I therefore wish to object in the strongest terms regarding this proposal.

Yours sincerely



Cheltenham Borough Council Environment Group			
PASSED TO Page 194			
REC'D	12 JUN 2013		
Date of Response		Type of Response	
Initials of Responder		File Ref.	

Flat 2,
10, Montpellier Parade,
Cheltenham,
Gloucestershire,
GL50 1UD

Miss Michelle Payne,
Housing Officer,
Cheltenham Borough Council,
PO Box 12, Municipal Offices,
The Promenade,
Cheltenham,
GL50 1PP

11th June 2013

Dear Miss Payne,

Re: 13/00813/FUL: Proposal: Erection of three storey building to provide 5 no apartments on land adjacent to Eagle Tower, Montpellier Drive, Cheltenham.

I am writing to comment on the above proposal and to object in the strongest possible terms. I live in the top floor of the 19th Century building which is directly affected by this proposed development. There has been no consultation with myself or other local residents. This is inappropriate and has taken no account of our feelings and points of view with regard to the proposal.

Planning permission has already been agreed for 2 stories of flats on the North Tower (Montpellier House,) 10 flats have been built on Montpellier Terrace, (the old Petrol Station,) and 14 flats are under construction currently. Now, a further 5 houses are proposed. This appears to represent approximately 45 – 50 new properties on the sites adjacent to Eagle Tower and is significant overdevelopment. The roads around this area already suffer from a great deal of traffic use and there has been a number of 'near misses', notwithstanding great problems with parking; before adding the 50+ cars likely to exist in the proposed total new flats.

The proposed buildings will have a major impact on the visual aspect of my flat, unimpeded by the current trees. The amenities of the garden, as well as the peace and quiet of this location, will also be materially affected to the detriment of my lifestyle and privacy. The noise of cars will be 24 hours a day all year, as opposed to business hours at present. The noise of the exit gate will similarly be heard over a greater period, disturbing sleep and the peace currently enjoyed. Having houses and gardens abutting my garden wall is a major reduction in my privacy. The comment in the proposal at paragraph 3.3 that '....only glimpse views from Montpellier Parade to the West...' is preposterously inaccurate.

I find it disturbing that the commercial area of Eagle Tower, within the Conservation Area, is being changed to incorporate a significant amount of housing. I wonder whether small local businesses would be allowed to change the use of their buildings if they were in financial difficulties?

In the hopefully unlikely event of this proposal being approved, I would wish to have it confirmed that ALL windows facing west will be opaque glass, as paragraph 7.2 of the proposal is open to misinterpretation.

May I request that this proposal goes to committee so as to allow those most directly affected to be able to state their case to committee members? Thank you.

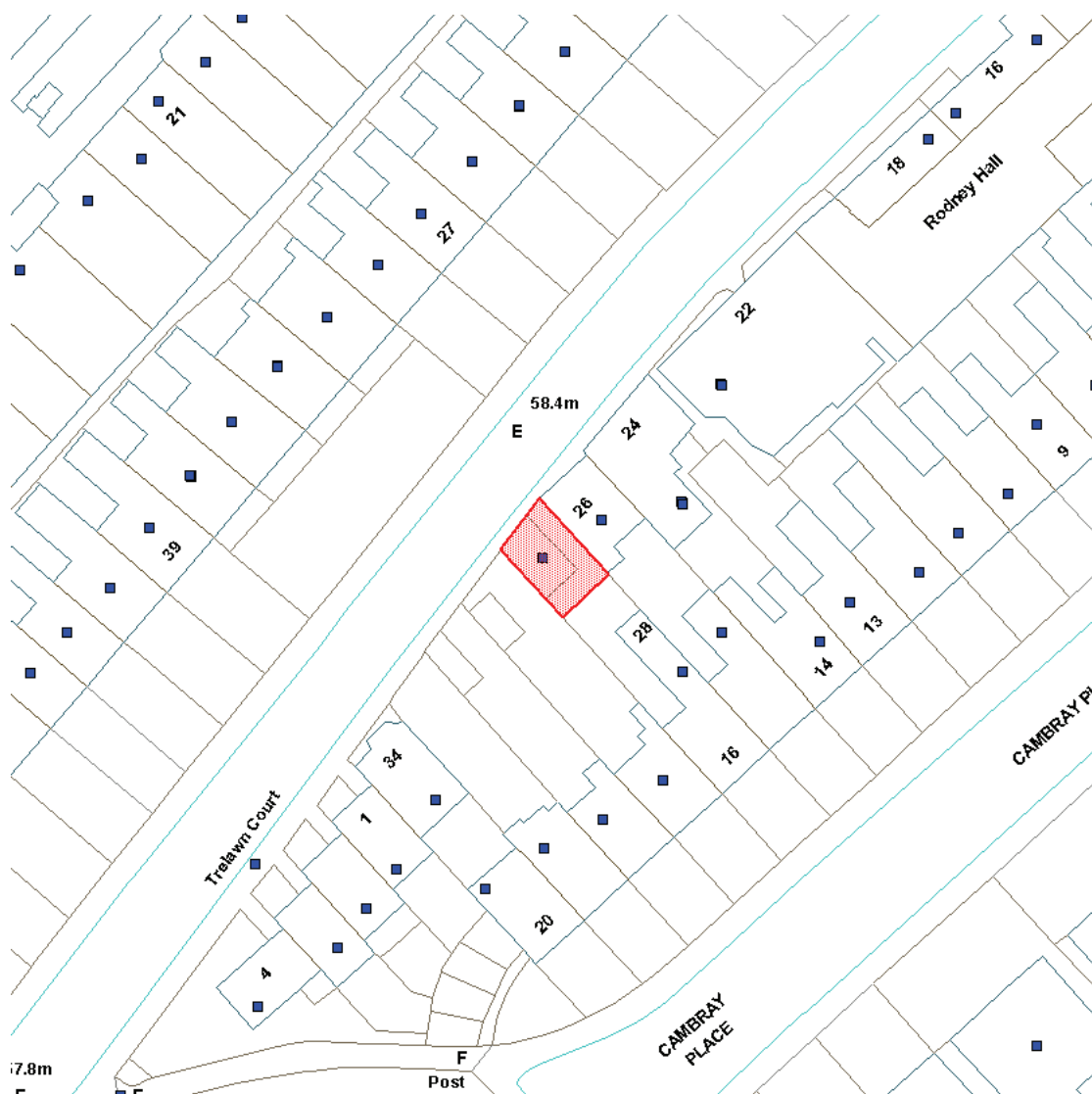
Yours sincerely,



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APPLICATION NO: 13/00965/FUL	OFFICER: Mrs Emma Pickernell
DATE REGISTERED: 13th June 2013	DATE OF EXPIRY: 8th August 2013
WARD: College	PARISH: None
APPLICANT: Mr Anil Patel	
AGENT: John Everitt	
LOCATION: 28 Rodney Road, Cheltenham	
PROPOSAL: Demolition of garage and construction of new four storey dwelling	

RECOMMENDATION: Refuse



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site comprises a garage which is located at the rear of the Grade II listed terrace of properties Cambray Place. It fronts onto the South East side of Rodney Road. Opposite is a further terrace of Grade II listed buildings. The site is within the Montpellier Character Area of the Central Conservation Area. The Character appraisal identifies the view up and down Rodney Road as a key view/vista.
- 1.2 Immediately to the north of the application site is a four storey building with the fourth storey being set in with a barrelled roof. To the south are several more garages.
- 1.3 This application proposes the demolition of the existing garage and its replacement with a 4 storey dwelling. The dwelling would occupy the full width of the site. The ground floor would provide garaging within timber doors, a hall way and WC to the rear and a pedestrian access which runs down the side of the ground floor accommodation to the remaining amenity space. The first floor would provide an open plan living area with three bedrooms accommodated at the second and third floors. Balcony areas are indicated at the first and third floor levels, to the front of the building. The style of the building is contemporary with the front and rear elevations comprising a mixture of render, rain screen cladding and powder coated aluminium glazing. The side elevation of the building (above ground floor level) comprises metal standing seam cladding which curves over to the form the roof of the majority of the building. This also splays outwards to follow the line of the building beneath which is wedged shaped in plan form.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Conservation Area
Core Commercial Area
Smoke Control Order

Relevant Planning History:

12/01961/PREAPP CLO

Proposed redevelopment of existing garage site to form a 4 storey town house with integral garage

13/00965/CAC 19th June 2013 NOTREQ

Demolition of garage and construction of new four storey dwelling

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 3 Demolition in conservation areas
BE 5 Boundary enclosures in conservation areas
BE 8 Demolition of listed buildings
HS 1 Housing development

Supplementary Planning Guidance/Documents

Development on garden land and infill sites in Cheltenham (2009)

Central conservation area: Montpellier Character Area and Management Plan (Feb 2007)

4. CONSULTATIONS

Heritage and Conservation

6th August 2013

1. Please note that much of the following comments are a repeat of the comments made at pre-application stage. Since the scheme has altered very little since that stage the pre-app comments remain relevant.
2. The history of this site is inextricably linked to the adjacent listed building which is 16 Cambray Place. This listed building is shown on the 1820 map of Cheltenham, when Cambray Place was a very important street and Rodney Road was then undeveloped land and used as a back land service road.
3. From considering the historic map of 1834 there was a building in the location of the existing garage on this map, and the historic building was in a similar size and form to the existing garage.
4. Please note that from the historic information and looking at the brickwork of the side of the garage from Rodney Road, it appears that this existing garage may be a curtilage listed building. If the applicants want further advice about the criteria for curtilage buildings then please ask them to contact the conservation department. Of course if this building is curtilage listed then an application for listed building consent for its demolition will be required. Although this comment was included in the pre-application advice, the applicant has not provided any further evidence to confirm or deny the curtilage listed status of this garage, and as far as I am aware the applicant has not asked for any further advice about the criteria for curtilage listed buildings.
5. Therefore I now confirm what the applicants may need to know about curtilage listed buildings, which is as follows-
 - i. A free standing building or structure which was erected before 1st July 1948 and is located within the curtilage of a listed building, and was in the same the date of listing as the principal listed building, is curtilage listed as the same grade as principal listed building.
 - ii. So 16 Cambray Place was listed grade II on 12th March 1955, and from the historic maps it seems possible that the existing garage was constructed prior to 1st July 1948, but the ownership of that garage and 16 Cambray Place in 1955 needs to be confirmed.
 - iii. I suggest that confirmation of this information is important and should be provided now to enable the application to be considered in the correct manner.
6. It is noted in the Montpellier Character area appraisal, that this existing garage has not been defined as a negative building.
7. The block of land between Rodney Road and Cambray Place is tapering in shape, with properties at the southern end of Cambray Place having smaller rear gardens.
8. This application site was previously part of the rear garden to 16 Cambray Place.

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9. 16 Cambray Place has a particularly long rear wing, the majority of which is four storeys and some of which is two storeys.
10. Any new building in the rear garden of 16 Cambray Place will have an impact on the setting of this listed building and the bigger the new building the greater the impact. The proposed building at four storeys will have a significant impact and is proposed to be only 6.2m away from the historic rear wing of the listed building.
11. In addition any new building on this site will also have an impact on the listed buildings on the other side of the road (ie 15-55 Rodney Road).
12. The proposed new building is not acceptable for a number of reasons - size, mass, height, form, materials and overall design. It is contrary to sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, contrary to policies CP7, BE3, BE5 and (BE8 if the garage is a curtilage listed building), and the NPPF.
13. However whilst the proposed building is unacceptable, I remain unconvinced that the principle of development of this site is acceptable. In my opinion the principle of the proposed development is an incremental erosion of open space at the rear of the listed properties in Cambray Place. The PPS5 Historic Environment Planning Practice Guide which is still relevant planning guidance states in paragraph 120- "When assessing any application for development within the setting of a heritage asset, local planning authorities may need to consider the implications of cumulative change and the fact that developments that materially detract from the asset's significance may also damage its economic viability now, or in the future, thereby threatening its ongoing conservation."
14. Finally I understand that the applicant complained about my pre-application comments because they did not include a Planning Officer's opinion. However following this complaint Mr Lindsey (then Head of DC) went out on site on 21st Feb 2013 and made hand written file notes in which he agreed with my pre-app comments. If these files notes from Mr Lindsey have not been scanned and included on the pre-app electronic file, please can you ensure that they are added to the file for future reference.

CONCLUSION: REFUSE

Architects Panel

2nd August 2013 [in response to additional 3D analysis]

1. Project Description and Reference 13/00965/FUL

2. Is the information sufficient to understand the application?

Yes. 3d images are very helpful.

3. Context.

The relationship of the elevational curve/roofline and the barrel vault next door is a little awkward. One suggestion is to resolve the eaves into a parapet. The difficulty however, is resolving it in a way that doesn't negate the qualities of the design concept.

4. Massing and Scale

Seems ok.

5. External Appearance.

Would be an interesting addition to the streetscape.

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6. Detailing and Materials

Careful detailing of the standing seam roof will be very important, particularly the curve.

7. Environmental Design.

No comments.

8. Summary

Although the relationship with the barrel vault is still a little awkward, this would not justify refusal of the scheme.

9. Recommendation

Approve.

5th July 2013

1. Is the information sufficient to understand the application?

Generally yes, although some 3d analysis would be useful to understand the relationship with the barrel vaulted roof next door.

2. Context.

The relationship of the elevational curve/roofline and the barrel vault next door has potential to be quite awkward. In this respect some 3d analysis would be beneficial. It may be that the overall height has to be lowered to make this more harmonious.

3. Massing and Scale

See comment above.

4. External Appearance.

No comments.

5. Detailing and Materials

No comments.

6. Environmental Design.

No comments.

7. Summary

The principal of development appears acceptable but the relationship of the roofline with the neighbouring building needs further consideration.

8. Recommendation

Approve subject to resolution of roofline.

Cheltenham Civic Society

12th July 2013

We regard this as an ingenious and welcome addition to this diverse streetscape, though we are concerned that it appears to compromise the possibility of development over the neighbouring garages

HMO Division

21st June 2013

Analysis of proposal/s

No adverse comments.

Recommendation/s:

In general and as a minimum the development proposal and/or existing residential use should be free of any deficiencies and defects giving rise to Category 1 Hazards with 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

The applicant / owner should be informed concerning compliance with the provisions of Housing Act 2004, as inadequate, insufficient or hazardous accommodation may be subject to enforcement action under the Housing Act 2004.

Conditions/Refusal reasons

From the information available on the plans, I have no fundamental objection to the proposal.

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	37
Total comments received	
Number of objections	
Number of supporting	1
General comment	

- 5.1 37 letters were sent to nearby properties, a notice was displayed at the site and a notice published in the Echo. In response to this publicity, 1 letter of support has been received.

6. OFFICER COMMENTS

6.1 Determining Issues

The key issues in determining this application are considered to be (i) the principle of the proposal in general terms, (ii) the loss of the existing building, (iii) the impact on the listed building, (iv) the design of the proposed building, (v) the impact upon neighbouring properties, (vi) any highways implications.

6.2 General Principle

Local Plan policy CP1 is generally supportive of providing additional housing in sustainable locations. The NPPF also provides some support in terms of it's 'presumption in favour of sustainable development'. A dwelling in this location would assist in adding vitality and interest to the east side of Rodney Road. Furthermore there is a general requirement for additional housing within the Borough. As such the principle of additional housing in the town centre is supported.

However clearly each application for such a development must be treated on it's own merits. In this instance the site is sensitive in terms of the listed status of 16 Cambray Place, it's location in the conservation area and there are detailed considerations which must be made.

6.3 Loss of Existing Building

The demolition of the existing building does not require conservation area consent as the existing building has a volume of under 115sqm. However the conservation officer has raised a concern that the building is curtilage listed and therefore its demolition would require listed building consent. This is considered to be a technical point which would

need to be resolved should the application be approved. However it is not considered that this point prevents members from making a decision on this application.

6.4 The Impact on the Listed Building

Concerns have been raised from the Conservation Officer in relation to the impact of the proposal on the Listed Building, 16 Cambray Place (see above). The view is that any new building in this location would have an impact on the setting of this listed building and that the bigger the building the greater the impact. There is also a concern regarding the setting of the listed buildings opposite the site.

The applicant/agent have queried the existence of the adjoining building which was permitted in 2004; given the concerns mentioned above. Members will be aware that each case must be considered on its own merits however it is worth noting that the road tapers meaning any development to the rear would be in closer proximity to the buildings of Cambray Place, towards the southern end of Rodney Road. Furthermore the rear range of 16 Cambray Place is longer than that of its neighbour thereby bringing it in closer proximity. As such this site is not directly comparable with its neighbour.

Therefore there is concern about the principle of a building in this location and these concerns are exacerbated by concerns about the nature of the proposed building. For these reasons the proposal is considered to be contrary to the general provision of CP3 to conserve or enhance the best of the built environment and the provisions of Para. 132 of the NPPF which states that "*significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting*".

6.4 Design

Local Plan Policy CP7 requires a high standard of architectural design which reflects the principles of urban design and which complements and respects both neighbouring developments and the character of the locality. Chapter 7 of the NPPF echoes the general requirement for good design. It requires that developments respond to local character and history, however it is also seeks to ensure that innovation and originality are not stifled. The test in relation to the impact of the development within the conservation area is whether the proposal preserves, or enhances the character and appearance of the conservation area.

The comments which have been received present mixed views on the replacement building. The Architects Panel and the Civic Society are generally supportive of the design concept. However concerns have been raised from the Conservation Officer, linked to the concerns in relation to the principle of the development. The concerns relate specifically to the size, mass, height, form, materials and overall design.

The design is certainly striking and in some ways the merits of the design is a matter of personal opinion. However there are intrinsic elements of the design which are considered to be problematic. Whilst it is appreciated that there are mixture of styles on this side of Rodney Road it is not considered that the design adequately responds to its context within the conservation area and in the grounds of a listed building. The end elevation when approaching from the south west would essentially present a solid elevation of cladding which is considered to be overly intrusive and alien in the street scene. The junction of the proposed building with that adjacent, in particular at roof level is considered to be awkward resulting in a poor relationship between the two buildings. Whilst the overall height is no greater than that adjacent it is bulkier at roof level and the splay of the roof exacerbates this. Apart from the ground floor elevation, the materials are alien to this part of the conservation area and serve to highlight the incongruity further.

For these reasons it is considered that the design of the proposed dwelling is unacceptable and fails to preserve or enhance the character and appearance of the conservation area.

6.5 Neighbour Amenity

There are no windows in the rear elevation of the rear wing of 16 Cambray Place therefore the nearest windows on this property that face the proposed dwelling are on the main part of the building, over 16m away. The rear windows on the proposed dwelling are indicated to be obscure glazed. As such the relationship between these buildings from a neighbour amenity perspective is considered to be acceptable. There is the potential for inter-visibility between the proposed balconies on the front elevation and those of the neighbouring property, however it is considered that if the application were to be approved this could be dealt with by way of a condition requiring an appropriate screen to be provided.

6.6 Highways

The proposal results in the retention of a garage in this location and therefore does not result in the net loss of parking in the locality. Given the sustainability of the location in the town centre there is no objection to the creation of an additional dwelling in highway or parking terms.

7. CONCLUSION AND RECOMMENDATION

- 7.1 The consideration of this application requires a careful balancing of the issues. The positive aspects of the scheme are that it provides a new dwelling in a highly sustainable location. However this must be balanced against strong objections in relation to both the principle of development because of its impact on the setting of the adjacent listed building and also in terms of the replacement building. Although there is some support for the design of the replacement building, strong concerns have also been raised in relation to its form, design and materials. Given the sensitivity of the location and the prominent nature of the site it is considered in this instance that the conclusion must be that the heritage and design related objections outweigh the benefits of the scheme. Therefore the application is recommended for refusal.

8. REFUSAL REASONS

The application site is in the grounds of and in close proximity to, a Grade II listed building and within the Central Conservation Area. By reason of its proximity to the listed building, its size, mass, height, form, materials and detailed design, the proposed dwelling is considered to be an intrusive, incongruous and alien form of development which would be harmful to the setting of the listed building and fails to preserve or enhance the character and appearance of the conservation area. As such the proposal is contrary to the Adopted Local Plan, in particular policies CP 3 (Sustainable environment) and CP 7 (Design) and advice contained in the 'Central Conservation Area Montpellier Character Area Appraisal and Management Plan' and the NPPF, in particular Chapters 7 and 12.

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

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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 authority cannot provide a solution that will overcome the fundamental objections raised on heritage grounds

As a consequence, the proposal cannot be considered to be sustainable development and therefore the authority had no option but to refuse planning permission.

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APPLICATION NO: 13/00965/FUL		OFFICER: Mrs Emma Pickernell	
DATE REGISTERED: 13th June 2013		DATE OF EXPIRY : 8th August 2013	
WARD: College		PARISH: NONE	
APPLICANT:	Mr Anil Patel		
LOCATION:	28 Rodney Road, Cheltenham		
PROPOSAL:	Demolition of garage and construction of new four storey dwelling		

REPRESENTATIONS

Number of contributors	1
Number of objections	0
Number of representations	0
Number of supporting	1

Flat 4
 16 Cambray Place
 Cheltenham
 GL50 1JS

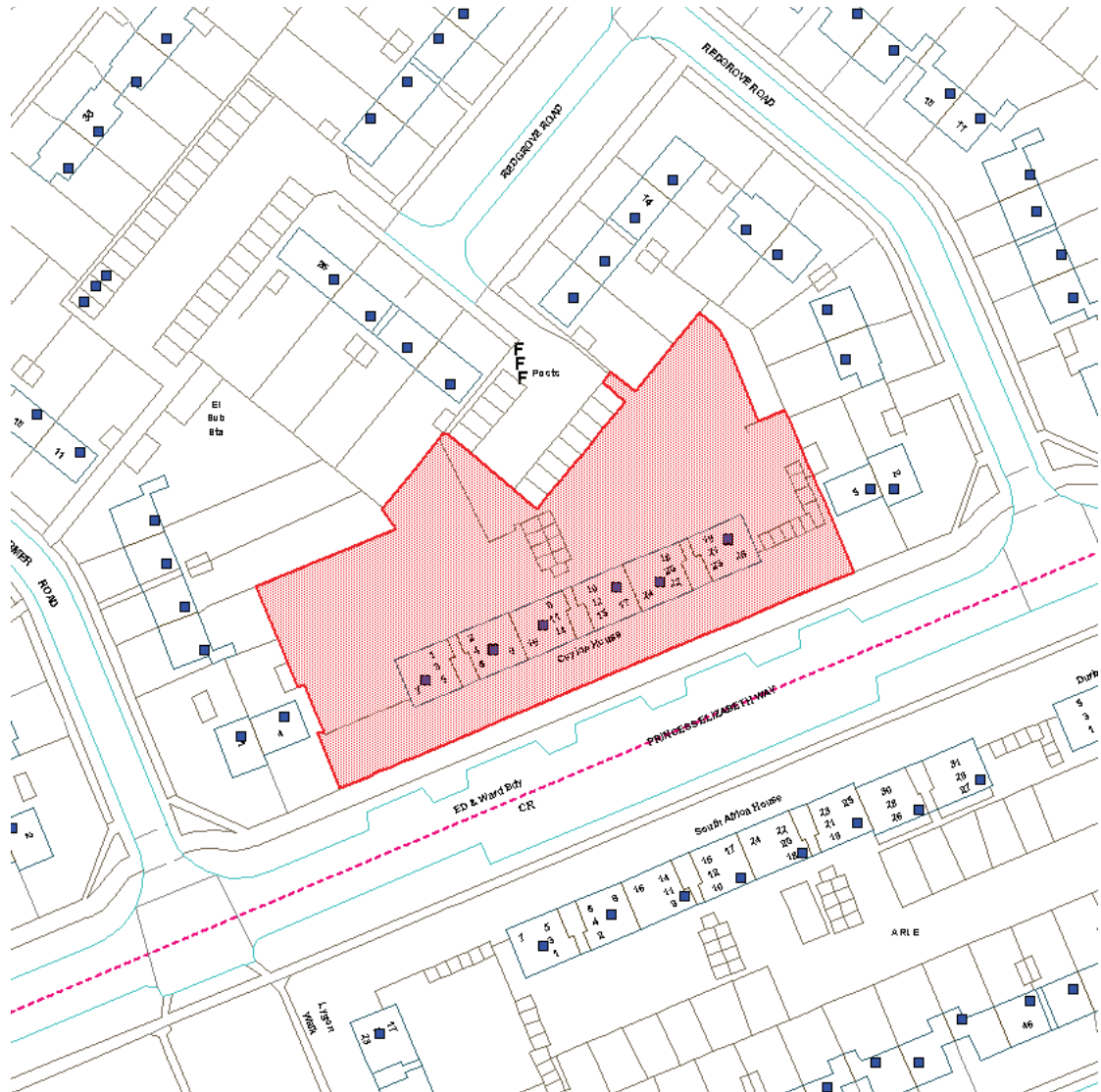
Comments: 5th July 2013

This work will help to keep the back more secure and will also enhance our property with a well-looked after garden.

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APPLICATION NO: 13/01020/FUL	OFFICER: Mrs Emma Pickernell
DATE REGISTERED: 18th July 2013	DATE OF EXPIRY: 12th September 2013
WARD: Springbank	PARISH: None
APPLICANT:	Cheltenham Borough Council
AGENT:	Mr Stephen Rosagro
LOCATION:	Ceylon House, Princess Elizabeth Way, Cheltenham
PROPOSAL:	New external soil stack

RECOMMENDATION: Permit



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 Ceylon House is a four storey block of flats located on the north side of Princess Elizabeth Way. The flats are managed and maintained by Cheltenham Borough Homes and owned by Cheltenham Borough Council, hence the referral to committee.
- 1.2 This application proposes the installation of 6no. 100mm black UPVc soil pipes on the rear elevation of the building. The information submitted with the application explains that the existing soil pipes are internal to the building and are made of Cast Iron or Copper which are nearing the end of their life span.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Smoke Control Order

Relevant Planning History:

99/00409/PF 17th June 1999 PER

Rhodesia and Ceylon House - External Wall Insulation By Re-Rendering

3. POLICIES AND GUIDANCE

Adopted Local Plan Policies

CP 3 Sustainable environment

CP 7 Design

National Guidance

National Planning Policy Framework

4. CONSULTATIONS

There were none.

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	9
Total comments received	0
Number of objections	0
Number of supporting	0
General comment	0

- 5.1 9 letters were sent to nearby properties however no representations have been received.

6. OFFICER COMMENTS

6.1 Determining Issues

The key issue in determining this application is the visual appearance of the proposed alterations.

6.2 The site and its context

The application site is a block of flats. Other blocks of flats of a similar scale are present in the vicinity along with smaller blocks of flats and a mixture of semi-detached and terraced houses. Immediately to the rear of the site is a communal open area.

6.3 Visual Impact

The information submitted with the application explains that it is not feasible to replace the pipes internally as this would involve re-housing residents whilst the work was being carried out and considerable disruption to the interior of the building including removing and refitting kitchens and bathrooms and floor coverings.

In any event it is considered that the visual appearance of the proposed pipes is acceptable. They would not be widely visible in the street scene and are over 45m from the properties at the rear. There a number of drainpipes on the rear elevation and the visual appearance of the proposed soil pipes would be much the same. Pipes of this type are a common feature on the exterior of buildings in residential use.

As such it is considered that the impact on visual amenity of the proposed soil pipes is acceptable.

7. CONCLUSION AND RECOMMENDATION

- 7.1 For the reasons mentioned above the proposal is considered to be acceptable and is therefore recommended for approval.

8. CONDITIONS / INFORMATIVES / REFUSAL REASONS

- 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 042A/01-4 received 19/06/13.
Reason: To ensure the development is carried out in strict accordance with the approved drawings.

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

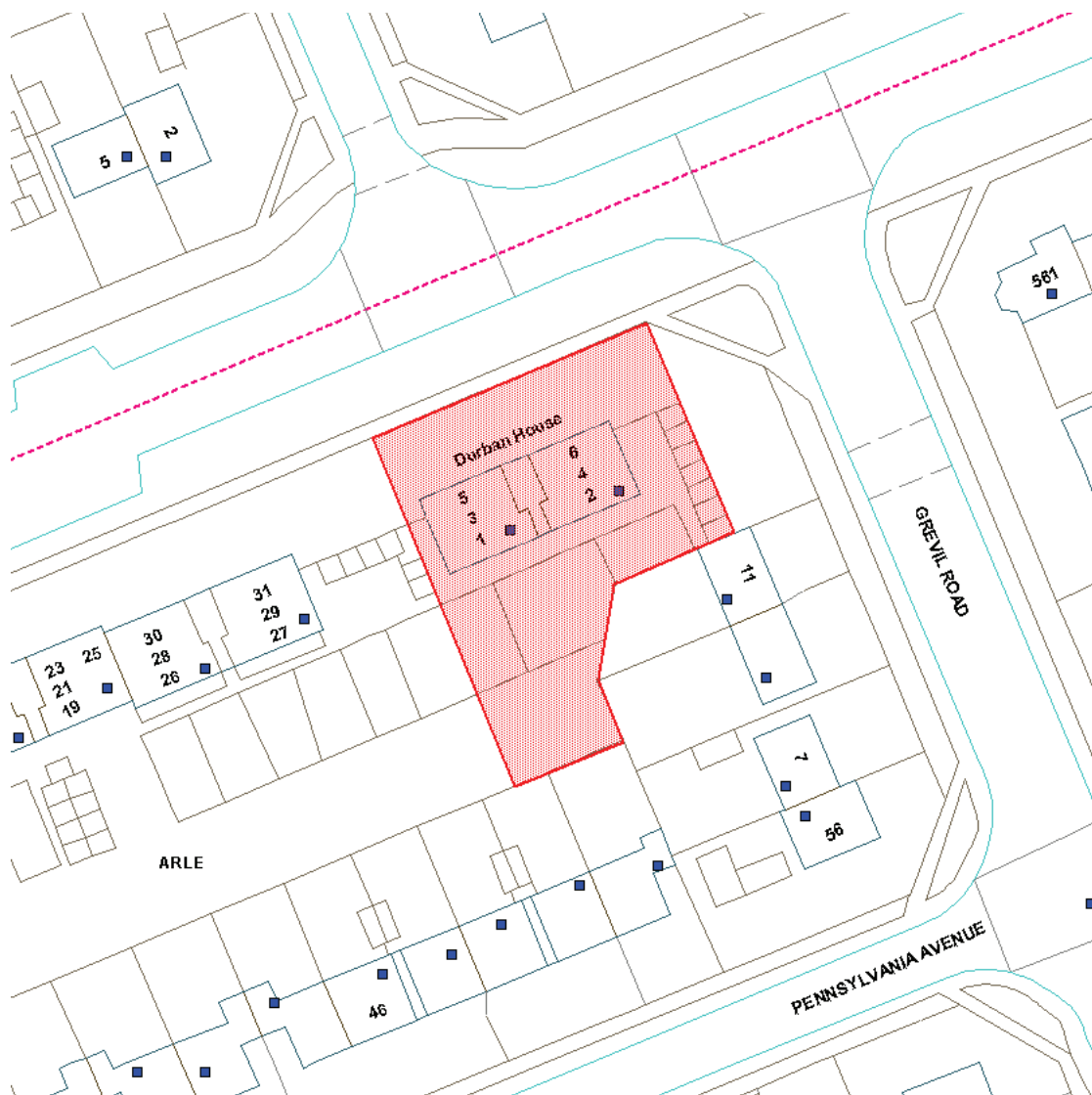
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and provides full and up-to-date information in relation to planning applications to enable the applicant, and other interested parties, to track progress.

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

APPLICATION NO: 13/01021/FUL	OFFICER: Mrs Emma Pickernell
DATE REGISTERED: 18th July 2013	DATE OF EXPIRY: 12th September 2013
WARD: St Peters	PARISH: None
APPLICANT:	Cheltenham Borough Council
AGENT:	Mr Stephen Rosagro
LOCATION:	Durban House, Princess Elizabeth Way, Cheltenham
PROPOSAL:	New external soil stack

RECOMMENDATION: Permit



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 Durban House is a three storey block of flats located on the south side of Princess Elizabeth Way adjacent to the junction with Grevil Road. The flats are managed and maintained by Cheltenham Borough Homes and owned by Cheltenham Borough Council, hence the referral to committee.
- 1.2 This application proposes the installation of 2no. 100mm black UPVc soil pipes on the rear elevation of the building. The information submitted with the application explains that the existing soil pipes are internal to the building and are made of Cast Iron or Copper which are nearing the end of their life span.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

None

Relevant Planning History:

97/00991/OZ 15th January 1998 PER
External Wall Insulation

3. POLICIES AND GUIDANCE

Adopted Local Plan Policies

CP 3 Sustainable environment

CP 7 Design

National Guidance

National Planning Policy Framework

4. CONSULTATIONS

There were none.

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	5
Total comments received	0
Number of objections	0
Number of supporting	0
General comment	0

- 5.1 5 letters were sent to neighbouring properties however no representations have been received.

6. OFFICER COMMENTS

6.1 Determining Issues

The key issue in determining this application is the visual appearance of the proposed alterations.

6.2 The site and its context

The application site is a block of flats. Other blocks of flats of a similar scale are present in the vicinity along with larger blocks of flats and a mixture of semi-detached and terraced houses. Immediately to the rear of the site is a communal area and beyond that the gardens of the properties on Grevil Road and Pennsylvania Avenue.

6.3 Visual Impact

The information submitted with the application explains that it is not feasible to replace the pipes internally as this would involve re-housing residents whilst the work was being carried out and considerable disruption to the interior of the building including removing and refitting kitchens and bathrooms and floor coverings.

In any event it is considered that the visual appearance of the proposed pipes is acceptable. They would not be widely visible in the street scene and are over 10m from the properties at the rear. There are two of drainpipes on the rear elevation and the visual appearance of the proposed soil pipes would be much the same. Pipes of this type are a common feature on the exterior of buildings in residential use.

As such it is considered that the impact on visual amenity of the proposed soil pipes is acceptable.

7. CONCLUSION AND RECOMMENDATION

- 7.1 For the reasons mentioned above the proposal is considered to be acceptable and is therefore recommended for approval.

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 042B/01-1 received 19/06/13.
Reason: To ensure the development is carried out in strict accordance with the approved drawings.

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

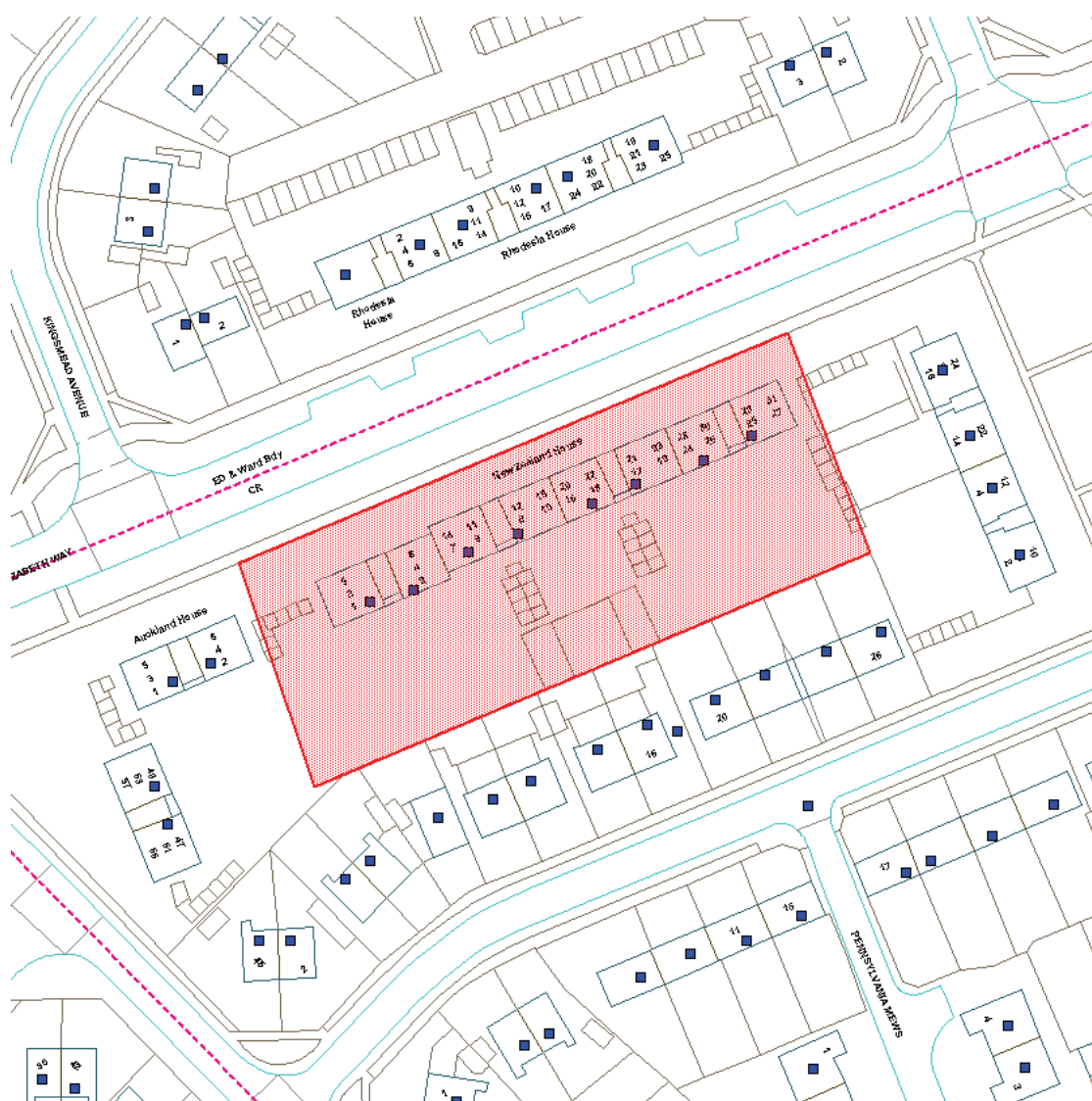
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and provides full and up-to-date information in relation to planning applications to enable the applicant, and other interested parties, to track progress.

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

APPLICATION NO: 13/01022/FUL		OFFICER: Mrs Emma Pickernell	
DATE REGISTERED: 18th July 2013		DATE OF EXPIRY: 12th September 2013	
WARD: St Peters		PARISH: None	
APPLICANT:	Cheltenham Borough Council		
AGENT:	Mr Stephen Rosagro		
LOCATION:	New Zealand House, Princess Elizabeth Way, Cheltenham		
PROPOSAL:	New external soil stack		

RECOMMENDATION: Permit



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 New Zealand House is a four storey block of flats located on the south side of Princess Elizabeth Way. The flats are managed and maintained by Cheltenham Borough Homes and owned by Cheltenham Borough Council, hence the referral to committee.
- 1.2 This application proposes the installation of 8no. 100mm black UPVc soil pipes on the rear elevation of the building. The information submitted with the application explains that the existing soil pipes are internal to the building and are made of Cast Iron or Copper which are nearing the end of their life span.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

None

Relevant Planning History:

None

3. POLICIES AND GUIDANCE

Adopted Local Plan Policies

CP 3 Sustainable environment

CP 7 Design

National Guidance

National Planning Policy Framework

4. CONSULTATIONS

There were none

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	14
Total comments received	0
Number of objections	0
Number of supporting	0
General comment	0

- 5.1 14 letters were sent to nearby properties however no responses have been received.

6. OFFICER COMMENTS

6.1 Determining Issues

The key issue in determining this application is the visual appearance of the proposed alterations.

6.2 The site and its context

The application site is a block of flats. Other blocks of flats of a similar scale are present in the vicinity along with smaller blocks of flats and a mixture of semi-detached and terraced

houses. Immediately to the rear of the site is a communal yard and beyond that a cleared site of garage blocks.

6.3 Visual Impact

The information submitted with the application explains that it is not feasible to replace the pipes internally as this would involve re-housing residents whilst the work was being carried out and considerable disruption to the interior of the building including removing and refitting kitchens and bathrooms and floor coverings.

In any event it is considered that the visual appearance of the proposed pipes is acceptable. They would not be widely visible in the street scene and are over 60m from the properties at the rear. There a number of drainpipes on the rear elevation and the visual appearance of the proposed soil pipes would be much the same. Pipes of this type are a common feature on the exterior of buildings in residential use.

As such it is considered that the impact on visual amenity of the proposed soil pipes is acceptable.

7. CONCLUSION AND RECOMMENDATION

- 7.1 For the reasons mentioned above the proposal is considered to be acceptable and is therefore recommended for approval.

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 1305/04 received 19/6/13.
Reason: To ensure the development is carried out in strict accordance with the approved drawings.

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.

APPLICATION NO: 13/01023/FUL	OFFICER: Mrs Emma Pickernell
DATE REGISTERED: 18th July 2013	DATE OF EXPIRY: 12th September 2013
WARD: St Peters	PARISH: None
APPLICANT:	Cheltenham Borough Council
AGENT:	Mr S Rosagro
LOCATION:	Auckland House, Princess Elizabeth Way, Cheltenham
PROPOSAL:	New external soil stack

RECOMMENDATION: Permit



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 Auckland House is a three storey block of flats located on the north side of Princess Elizabeth Way adjacent to the junction with Orchard Way. The flats are managed and maintained by Cheltenham Borough Homes and owned by Cheltenham Borough Council, hence the referral to committee.
- 1.2 This application proposes the installation of 2no. 100mm black UPVc soil pipes on the rear elevation of the building. The information submitted with the application explains that the existing soil pipes are internal to the building and are made of Cast Iron or Copper which are nearing the end of their life span.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

None

Relevant Planning History:

97/00991/OZ 15th January 1998 PER
External Wall Insulation

3. POLICIES AND GUIDANCE

Adopted Local Plan Policies

CP 3 Sustainable environment
CP 7 Design

National Guidance

National Planning Policy Framework

4. CONSULTATIONS

There were none

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	8
Total comments received	0
Number of objections	0
Number of supporting	0
General comment	0

- 5.1 5 letters were sent to neighbouring properties however no responses have been received.

6. OFFICER COMMENTS

6.1 Determining Issues

The key issue in determining this application is the visual appearance of the proposed alterations.

6.2 The site and its context

The application site is a block of flats. Other blocks of flats of a similar scale are present in the vicinity along with larger blocks of flats and a mixture of semi-detached and terraced houses. Immediately to the rear of the site is a communal area.

6.3 Visual Impact

The information submitted with the application explains that it is not feasible to replace the pipes internally as this would involve re-housing residents whilst the work was being carried out and considerable disruption to the interior of the building including removing and refitting kitchens and bathrooms and floor coverings.

In any event it is considered that the visual appearance of the proposed pipes is acceptable. They would not be widely visible in the street scene and are over 35m from the properties at the rear. There are two of drainpipes on the rear elevation and the visual appearance of the proposed soil pipes would be much the same. Pipes of this type are a common feature on the exterior of buildings in residential use.

As such it is considered that the impact on visual amenity of the proposed soil pipes is acceptable.

7. CONCLUSION AND RECOMMENDATION

- 7.1 For the reasons mentioned above the proposal is considered to be acceptable and is therefore recommended for approval.

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 1305-02 received 19/06/13.
Reason: To ensure the development is carried out in strict accordance with the approved drawings.

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

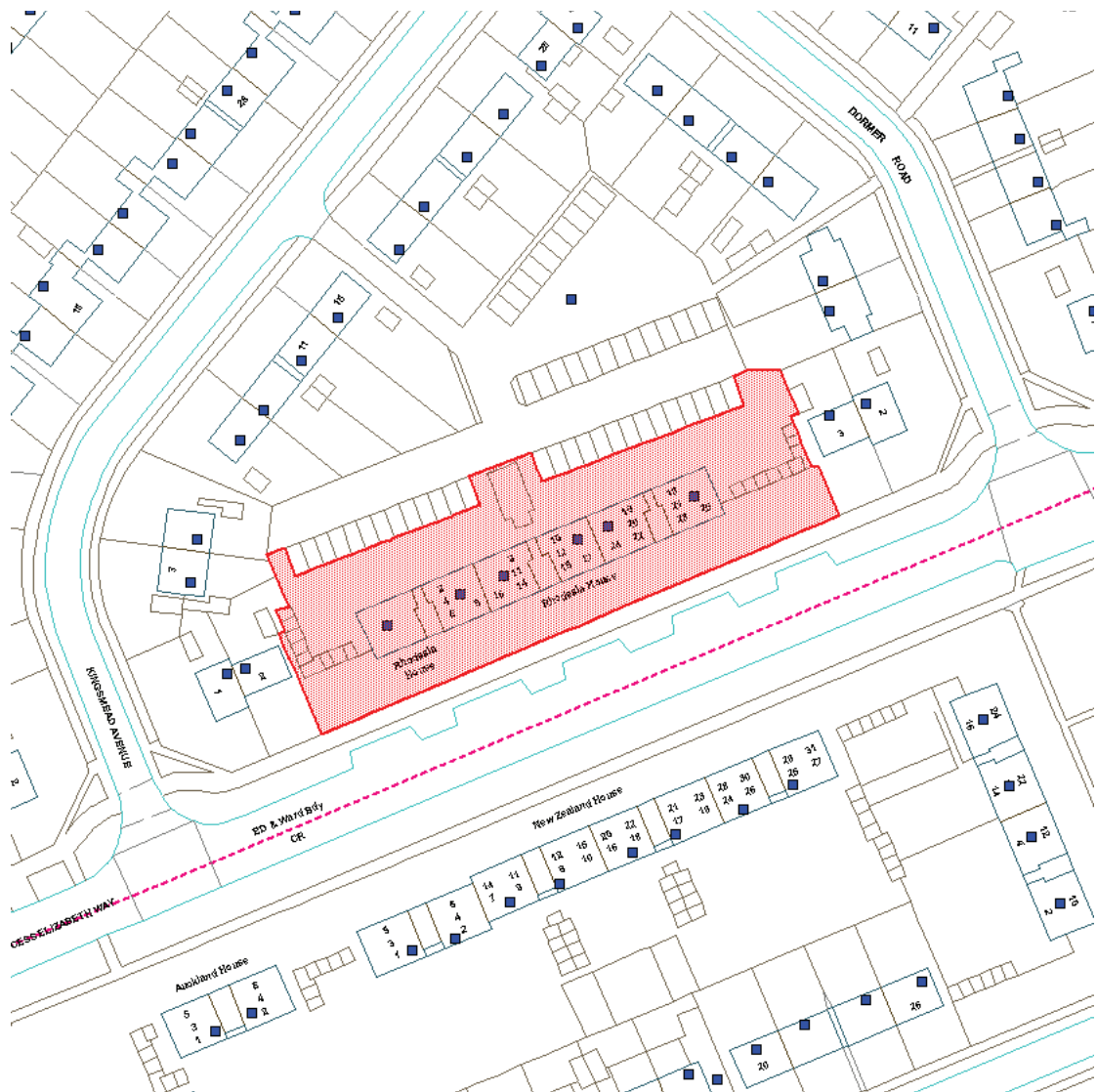
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and provides full and up-to-date information in relation to planning applications to enable the applicant, and other interested parties, to track progress.

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

APPLICATION NO: 13/01026/FUL	OFFICER: Mrs Emma Pickernell
DATE REGISTERED: 18th July 2013	DATE OF EXPIRY: 12th September 2013
WARD: Springbank	PARISH: None
APPLICANT:	Cheltenham Borough Council
AGENT:	Mr S Rosagro
LOCATION:	Rhodesia House, Princess Elizabeth Way, Cheltenham
PROPOSAL:	New external soil stack

RECOMMENDATION: Permit



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 Rhodesia House is a four storey block of flats located on the north side of Princess Elizabeth Way. The flats are managed and maintained by Cheltenham Borough Homes and owned by Cheltenham Borough Council, hence the referral to committee.
- 1.2 This application proposes the installation of 6no. 100mm black UPVc soil pipes on the rear elevation of the building. The information submitted with the application explains that the existing soil pipes are internal to the building and are made of Cast Iron or Copper which are nearing the end of their life span.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Smoke Control Order

Relevant Planning History:

99/00409/PF 17th June 1999 PER

Rhodesia and Ceylon House - External Wall Insulation By Re-Rendering

3. POLICIES AND GUIDANCE

Adopted Local Plan Policies

CP 3 Sustainable environment

CP 7 Design

National Guidance

National Planning Policy Framework

4. CONSULTATIONS

There were none.

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	19
Total comments received	0
Number of objections	0
Number of supporting	0
General comment	0

- 5.1 19 letters were sent to nearby properties; no representations have been received.

6. OFFICER COMMENTS

6.1 Determining Issues

The key issue in determining this application is the visual appearance of the proposed alterations.

6.2 The site and its context

The application site is a block of flats. Other blocks of flats of a similar scale are present in the vicinity along with smaller blocks of flats and a mixture of semi-detached and terraced

houses. Immediately to the rear of the site is a communal yard and beyond that a cleared site of garage blocks.

6.3 Visual Impact

The information submitted with the application explains that it is not feasible to replace the pipes internally as this would involve re-housing residents whilst the work was being carried out and considerable disruption to the interior of the building including removing and refitting kitchens and bathrooms and floor coverings.

In any event it is considered that the visual appearance of the proposed pipes is acceptable. They would not be widely visible in the street scene and are over 50m from the properties at the rear. There a number of drainpipes on the rear elevation and the visual appearance of the proposed soil pipes would be much the same. Pipes of this type are a common feature on the exterior of buildings in residential use.

As such it is considered that the impact on visual amenity of the proposed soil pipes is acceptable.

7. CONCLUSION AND RECOMMENDATION

- 7.1 For the reasons mentioned above the proposal is considered to be acceptable and is therefore recommended for approval.

8. CONDITIONS / INFORMATIVES / REFUSAL REASONS

- 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 1305/06 received 19/06/13.
Reason: To ensure the development is carried out in strict accordance with the approved drawings.

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.

APPLICATION NO: 13/01055/FUL	OFFICER: Mrs Emma Pickernell
DATE REGISTERED: 26th June 2013	DATE OF EXPIRY: 21st August 2013
WARD: Charlton Kings	PARISH: Charlton Kings
APPLICANT:	Mr & Mrs Andrew Davis
AGENT:	Mr Matthew Anderson
LOCATION:	3 Woodgate Close, Cheltenham
PROPOSAL:	Single storey rear extension, two storey side extension including single storey link to garage

RECOMMENDATION: Permit



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 3 Woodgate Close is a detached two storey house located on the south side of Woodgate Close, a cul-de-sac leading off London Road. It has a detached single storey garage to the front. Woodgate Close is a development of detached properties which are broadly similar in design to the application property.
- 1.2 This application is a revised proposal for a two storey side extension on the north side of the property in place of the existing single storey extension in this location. The ridge of the extension is set down slightly from that of the main house and the front face of the extension is set back 300m from that of the main house, at first floor. It also proposes a single storey rear extension which projects 3.3m from the rear of the house and is 2.9m high with a flat roof which has a glazed lantern. The final element of the scheme is a single storey flat roof link between the two storey element of the extension and the garage. The extensions would provide a family/dining room, an enlarged kitchen and utility room and a shower room within the garage, accessed from the proposed link. The first floor extension would provide an enlarged bedroom and an additional bedroom.
- 1.3 The plans as originally submitted included a first floor extension over the garage and a two storey link to it, from the main house.
- 1.4 This application comes before committee as objections have been received from Charlton Kings Parish Council.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Smoke Control Order

Relevant Planning History:

86/00190/PO 26th May 1986 WDN

`The Hitchings` London Road Charlton Kings Cheltenham Gloucestershire - Proposed Residential Development For 27 Private Houses

86/00268/PO 24th April 1986 REF

Outline Application For Residential Development

87/01079/PF 17th December 1987 REF

The Hitchings London Road Cheltenham Gloucestershire - Erection Of 17 Detached Houses In Accordance With Revised Plans Received On 16th November 1987

88/00203/PF 31st March 1988 PER

Construction Of 14 Detached Houses With Double Garages

3. POLICIES AND GUIDANCE

Adopted Local Plan Policies

CP 3 Sustainable environment

CP 4 Safe and sustainable living

CP 7 Design

TP 1 Development and Highway Safety

Supplementary Planning Guidance/Documents

Residential Alterations and Extensions (2008)

4. CONSULTATIONS

Parish Council

30th July 2013

OBJECTION: We are disappointed at the quality of the plans relating to this substantial extension, for no dimensions are given.

The second floor side extension is overbearing in relation to the neighbouring property and proximity to the boundary. It is detrimental to the privacy and enjoyment of the neighbours' property.

30th July 2013

In addition we feel that this application is disproportionate on the impact to the street scene.

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	7
Total comments received	17
Number of objections	17
Number of supporting	
General comment	

5.1 7 letters were sent to neighbouring properties. Comments regarding the original and/or amended scheme were received from 17 interested parties.

5.2 The comments raised can be summarised as follows:

- Overdevelopment of plot, extension too close to boundary
- Concerns about use of part of garage as living space
- Reduction in availability of parking
- Impact on neighbouring properties, in particular 1 Woodgate Close which due to the orientation and positioning of the plots would result in loss of light and privacy and would have an overbearing impact
- Concerns about design of extension, not in keeping with the rest of Woodgate Close and does not comply with Council policy and guidance. Detrimental visual impact. Relationship of proposal with building line of Woodgate Close

Earlier objections also related to the two storey link and the extension over the garage. Subsequent consultation responses generally welcome this amendment but consider that it does not go far enough to overcome the concerns raised.

6. OFFICER COMMENTS

6.1 Determining Issues

The key issues in determining this application are considered to be the visual impact, the impact on neighbouring properties and the impact on parking availability.

6.2 The site and its context

3 Woodgate Close is situated within a cul-de-sac of properties of a similar style. A number of other properties within the close have been extended at both one and two storeys. As such there is a precedent for the type of extension proposed.

6.3 Design and layout

The two storey side extension is set down from the main ridge line of the house and in from the front elevation. This is in line with guidance provided in the Residential Alterations and Extensions guidelines. This, combined with the relatively modest width of the side extension ensures that the extension appears as a subservient addition to the main house. A gap of approximately 0.9m is retained between the two storey element and the boundary of the site. The existing ground floor side extension would be incorporated into the two storey extension.

The single storey rear extension would not be widely visible from public vantage points however it's design is considered to be appropriate. The facing materials would match those of the main house. It is relatively modest in size and therefore does not overwhelm the rear of the building.

The single storey link element may be visible from some vantage points within Woodgate Close, however the simple flat roof design is considered to be appropriate.

For these reasons the proposal is considered to be in accordance with policy CP7 of the Adopted Local Plan and the provisions of the NPPF.

6.4 Impact on neighbouring property

The extensions proposed here are on the northern side of the property and therefore the key relationship which needs to be assessed is that with 1 Woodgate Close. 1 Woodgate Close is angled towards number 3 which means that the extensions would be visible from the garden and some of the rear windows of number 1. However the existing house is already visible from these areas and the two storey element does not project to the rear. The proposal has been assessed against the light tests set out within the Residential Alterations and Extensions Guidance and these indicate that the proposed extensions would not have a sufficiently harmful impact on the light entering the rear windows of this property. Objections have been received which refer to the relationship between these two properties and these are understood, given the orientation of the properties, however this relationship has been objectively assessed as outlined above and has been found to be acceptable. In addition to light, it is also not considered that the proposal has a sufficiently harmful impact on outlook given the presence of the building presently and for the same reason the proposal is not considered to have an overbearing impact when viewed from the garden.

The single storey extension is modestly scaled at under 3m in height and is set approximately 0.9m away from the boundary as such this element of the proposal is also considered to be acceptable.

For these reasons the proposal is considered to be in accordance with policy CP4 of the Adopted Local Plan and the provisions of the NPPF.

6.5 Access and highway issues

Concerns have been raised in relation to the proposed conversion of part of the garage in relation to its impact on parking availability on the plot and also in terms of the potential for further conversions of the garage.

Planning permission would not be required to convert the garage into habitable accommodation. This has been established through the granting of a certificate of lawfulness at 7 Woodgate Close in 2008. As such no objection can be raised to the potential loss of garaging. In any event there is driveway in front of the garage which is capable of accommodating at least 2 cars and as such it is considered that the proposal retains sufficient parking and therefore would not result in highway danger.

For these reasons the proposal is considered to be in accordance with policy TP1 of the Adopted Local Plan and the provisions of the NPPF.

7. CONCLUSION AND RECOMMENDATION

- 7.1 The amended scheme is considered to be an acceptable form of development which is appropriate in terms of scale and design and is considered to have an acceptable relationship on neighbouring properties. Further it is considered to retain sufficient parking for the property. As such the application is recommended for approval.

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 1069/04 and 1069/05E received 25th June 2013 and 29th July 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 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.

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APPLICATION NO: 13/01055/FUL		OFFICER: Mrs Emma Pickernell	
DATE REGISTERED: 26th June 2013		DATE OF EXPIRY : 21st August 2013	
WARD: Charlton Kings		PARISH: CHARLK	
APPLICANT:	Mr & Mrs Andrew Davis		
LOCATION:	3 Woodgate Close, Cheltenham		
PROPOSAL:	Single storey rear extension, two storey side extension including single storey link to garage		

REPRESENTATIONS

Number of contributors	17
Number of objections	17
Number of representations	0
Number of supporting	0

1 Woodgate Close
Cheltenham
Gloucestershire
GL52 6UW

Comments: 10th July 2013
Letter attached.

Comments: 1st August 2013
Letter attached.

15 Woodgate Close
Cheltenham
Gloucestershire
GL52 6UW

Comments: 12th July 2013

I object to this application on the basis that the proposed extension is too large for the size of the plot. This would result in a property that encroaches on the open and spacious design of the close.

Several of the properties in Woodgate Close have managed to be sympathetically extended over the years without impacting negatively on the look of the close.

11 Woodgate Close
Cheltenham
Gloucestershire
GL52 6UW

Comments: 4th July 2013
Letter attached.

Comments: 7th August 2013

I was pleased that the original application was refused for the monstrous extension that was initially proposed. The revised plan is still in my opinion inappropriate for this small development.

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The angle of the houses between number 1 and 3 will mean the double extension will have a detrimental visual impact to the Close. All other extensions in the Close have been sensibly and thoughtfully done and have not altered the aesthetics of the Close, and have not impinged on anyone's privacy and light. I wonder if the initial submission was put in so that the subsequent proposal would be looked at more favourably

7 Montpellier Parade
Cheltenham
Gloucestershire
GL50 1UA

Comments: 15th July 2013
Letter attached.

162 Farmfield Road
Cheltenham
Gloucestershire
GL51 3RB

Comments: 5th July 2013
I object to this application in the strongest manner.

The sheer scale of the proposal is completely out of proportion to anything around it and it pays absolutely no respect to the most affected adjacent home (Number 1) due to the angle the plots are positioned to each other or the visual appeal of the whole close.

I am not a resident of the close but the son of the owner of Number 1 who is completely devastated at the prospect of her private space in the garden where she spends as much time as possible being completely ruined by this proposal. The upset has been compounded by the new residents (applicants) in the close having not had the courtesy to engage with their new neighbours about their plans and given the number of other objections from residents in the close this is hardly an example of public consultation or community engagement which I know the council recommends. I hope that common sense prevails and this application is refused.

Comments: 29th July 2013
In response to the revised plans submitted I would like to formally object to the application for the reasons listed below.

The removal of the 2nd storey to the garage and the upper floor of the link to the garage are welcomed.

However the scale and massing of the 2-storey side extension is overbearing to Number 1 Woodgate Close. The angle the plots are positioned to each other means that the proposal would be very close to the boundary and would block out direct sunlight from the patio of number 1 in the late afternoon which is totally unacceptable.

When Bryant Homes got planning permission for this selection of 4 and 5 bedroom homes it created a very appealing selection of properties that were built at a very low density with a feeling of space between the homes. Number 3 was the smallest plot in the close and simply has no room to extend sideways without compromising the setting of Number 1.

Several of the homes have benefitted from sympathetic extensions without losing this sense of place but the proximity of number 1 means this is not possible at Number 3.

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The applicants refusal to engage with their new neighbours about their plans has caused a high level of frustration among residents and caused my mother at Number 1 great upset. This is unacceptable behaviour and contrary to advice given by the planning authority when submitting a planning application of this type.

The high level of objection from neighbours clearly shows the level of feeling to this application and following tonight's Parish Council meeting I am pleased to hear they will also be objecting formally.

Should this application be referred to the Planning Committee I hope that members will carry out a site inspection to see for themselves the reason for so much objection.

1 Woodgate Close
Cheltenham
Gloucestershire
GL52 6UW

Comments: 9th July 2013
Letter attached.

5 Woodgate Close
Cheltenham
Gloucestershire
GL52 6UW

Comments: 10th July 2013
I think that the extension over the garage is too large and will have a negative visual impact on the Close.

It would also set a precedent for other houses to build over their garages, which would completely change the whole look of the Close and would give the Close a very over-developed look and feel.

Comments: 5th August 2013
The removal of the extra storey above the garage is welcomed.

However, any extension to the side of the property needs to be sympathetic to the concerns of the adjacent property as well as in keeping with the remaining close.

It should be noted that this is one of the smallest properties on the close and therefore by default occupies a smaller plot, hence any extension could have an overbearing effect and needs to be planned carefully.

7 Woodgate Close
Cheltenham
Gloucestershire
GL52 6UW

Comments: 14th July 2013
With respect to your application reference 13/0155/FUL, we request that the following comments be taken into consideration when a decision regarding the submitted proposal is made.

There would be appear to be several material planning considerations which need to be fully assessed before a decision is reached on the proposals, including the following:

- The scale of the development proposed is disproportionate, both to the size of the existing property and the plot on which it is located.
- Furthermore, the scale of the development would make it incongruous with the property's immediate surroundings, both in terms of the largely consistent appearance of neighbouring properties and also with the original developer's intent to create a sense of space and greenery across the area.
- This leads to the additional matter of the preservation of the trees and established plants in the immediate vicinity of the property, many of which will inevitably have to be removed in the course of such a major project. The nearby area is one in which, for example, bumblebees appear to nest, and the bird life throughout the surrounding area is prolific. It is difficult to see that this will remain unaffected by the proposals.
- Aside from the general concerns over loss of light and deprivation of privacy that will affect several neighbouring properties, there must be a concern that road safety will also be compromised once the project has been completed: The scale of the extension is such that the property will benefit from no garage and consequently less area in which to keep its own vehicles. The assumption must therefore be that the intention will be for the occupants to park their vehicles on the road, in an area which can already be difficult to negotiate when there are deliveries/visitors to the Close. In particular, the concern that convenience of access of other residents to their own driveways may be compromised needs to be taken into consideration.
- Finally, the unusually extensive scale of the proposed development needs to be considered in the context of whether the property is intended ultimately to be used as a private dwelling, or whether any application for a change of use is intended to follow.

We would therefore ask that the above considerations are fully taken into account when these proposals are being considered, in order that a decision which is in the interests of good planning practice can be made, and that inappropriate precedents are not set for the future.

Comments: 4th August 2013

Thank you for your notification that the occupiers have submitted revised plans for an extension at 3 Woodgate Close. We have studied these in some detail, and unfortunately have had to draw the conclusion that whilst some of the concerns have been addressed by the apparent removal of the two-storey extension over the garage, some of the planning considerations that were a cause of concern with the original plans remain.

In summary, the scale of the developments will still create a property that is significantly out of proportion to the plot it occupies, and will be sufficiently distinguishable in appearance and style to all other properties to affect the carefully-planned nature and largely homogenous nature of Woodgate Close as a whole. At the same time, there will be a negative impact on the privacy of some adjacent properties, and there will be potential consequences for road safety through there being insufficient on-plot parking for the number of vehicles the enlarged property (with less garage space) would appear to ultimately be intended to accommodate.

To expand on some of the remaining concerns in the planning of this development:

Precedent for future development

The proposals will potentially set a dangerous precedent for others looking to move in, develop within the Close and move on - for example, the linking of the house to the garage is not something that any other house has done and appears to have a relatively limited function/purpose when viewed solely within the context of the current plans. Therefore, there may

be a risk that this is being done solely with a view to subsequent development through further planning applications:

Specifically, the inclusion of the shower within the garage, despite its apparent lack of proximity to bedroom/living areas, could be seen to be intended to enable the occupiers to designate the garage as a "dwelling" in future, thereby facilitating a subsequent planning application for a two storey extension above this. Given that the original plans which incorporated this concept were met with such a significant level of objection, any aspect of the revised plans which makes it possible or easier for the occupiers to achieve their original objective but through a two-stage process (having been refused permission on the original plans) must be regarded as undesirable.

Scale of development

It is not just the size of the plot, but also its context within the Close and its proximity and orientation with respect to other properties that makes it unsuitable for a development on this scale. As well as the overbearing nature of the side extension and its consequent impact on neighbouring properties, the rear extension will leave the property with very little garden. It would presumably be unusual to see a new development with a plot of a similar size built with these ratios of footprint to plot size, and which are dissimilar from surrounding properties. The effect created by the overloading of this plot will be negative for the Close as a whole, given that great care has been taken in the planning of any previous extensions to date, in order to maintain a consistent impression.

Road safety and access concerns

Given that the scale of the developments, and in particular the alterations to the garage will limit on-plot parking, there is a high level of risk that there will be an increase in parking on the road around this property in future. Given the way that the houses are arranged, this will cause particular potential access problems for certain properties, as well as creating congestion within the Close generally. This should be a matter of particular concern for families who may allow their children to cycle unattended on the road, as there will be an enhanced risk of an accident.

Destruction of garden and associated effect

The ethos of Woodgate Close currently, and throughout the last 20 years, has been overwhelmingly one which incorporates attractive garden areas, at both front and back of each property. The planned rear extension will all but destroy the garden of this property, curtailing it in a way which is inconsistent with every other property. There would be a worrying precedent being set here, as, if every house within the Close were to be permitted to curtail their gardens in this way the essential nature of the development as "country bordering the town" would be transformed into just another housing development on the edge of town, and the effect on trees, plants and wildlife would be very negative.

The development proposed therefore remains of concern in planning terms because it fails to be sympathetic to several aspects of its surrounding environment, or to take into account the size and context of the plot on which it is based. Its current format also appears designed to leave the door open to future planning applications to achieve the effect originally desired and already rejected currently by your department. It is in these facts that our objection lies, rather than any objection in principle to a sympathetic and proportionate development that retains the essential nature of Woodgate Close as a whole.

2 Woodgate Close
Cheltenham
Gloucestershire
GL52 6UW

Comments: 11th July 2013
Letter attached.

64 Main Street
Sedgeberrow
Evesham
WR11 7UF

Comments: 8th July 2013

Letter attached.

Comments: 30th July 2013

With reference to the revised plans for 3, Woodgate Close, the only change we can see is the removal of the second story above the garage. Although this will make a difference to the look of the frontage, it will not make any difference to the effect it will have on 1, Woodgate Close. Therefore our original objections stand.

4 Woodgate Close
Cheltenham
Gloucestershire
GL52 6UW

Comments: 19th July 2013

The plans as they were submitted clearly breach every one of the design principles set out in the Supplementary Planning Document adopted by the Council in 2008. For the sake of brevity I have included one example of each just to prove the point. Anyone can see that the application sits totally outside the guidelines and there is no obvious exceptional reasoning to grant an exemption from these.

1. Maintain Character

Converting the garage moves the front building line forward by 5m and would represent the only house on the estate with accommodation over a garage. This could set a precedent for at least another 6 houses on the Close and consequently ruin the appearance and character of the estate.

2. Subservience

The roof line of the extension is at the same height as the main building meaning it cannot be clearly seen as being subservient. This is common practice and already on the Close 2 two-story extensions have been built with the extension roof lower than that of the original house. Its size is also well above those suggested as being subservient and dominates the plot.

3. Maintain spaces between buildings

The height and size of the proposed garage extension and conversion reduces the visible gap between the houses, making them appear more like a terrace (If this is not possible for semi-detached houses how can someone extending a detached house do this?).

4. Maintain Privacy

The first floor bedroom window in the side extension at the back overlooks the neighbour's garden.

5. Ensure adequate daylight

The proposed extension will radically increase the height of the boundary wall and so reduce light to the neighbour's garden

Comments: 8th August 2013

This revised plan does address just one of the objections I previously raised, however it is still in complete contradiction of the five basic design principles raised in my previous comments:

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The plans as they were submitted clearly breach every one of the design principles set out in the Supplementary Planning Document adopted by the Council in 2008. For the sake of brevity I have included one example of each just to prove the point. Anyone can see that the application sits totally outside the guidelines and there is no obvious exceptional reasoning to grant an exemption from these.

1. Maintain Character

Converting the garage moves the front building line forward by at least 2.5m and would represent the only house on the estate with accommodation in front of the main building line. This could set a precedent for at least another 6 houses on the Close and consequently ruin the appearance and character of the estate.

2. Subservience

The roof line of the extension is at the same height as the main building meaning it cannot be clearly seen as being subservient. This is common practice and already on the Close 2 two storey extensions have been built with the extension roof lower than that of the original house. Its size is also well above those suggested as being subservient

3. Maintain spaces between buildings

The height and size of the proposed garage extension and conversion reduces the visible gap between the houses, making them appear more like a terrace (If this is not possible for semi-detached houses how can someone extending a detached house do this?).

4. Maintain Privacy

The first floor window in the side extension at the back overlooks the neighbour's garden.

5. Ensure adequate daylight

The proposed extension will radically increase the height of the boundary wall and so reduce light to the neighbour's garden.

17 Woodgate Close
Cheltenham
Gloucestershire
GL52 6UW

Comments: 2nd July 2013

I am concerned about the visual impact on the Close. All previous extensions in the road have kept within the building line of the main house. If this sets a precedent for other applications, it could be detrimental to the open aspect of the site.

Comments: 30th July 2013

The removal of the extra storey above the garage is welcomed. However the over development of such a small plot is still detrimental to the area. It also has an overbearing impact on the neighbouring property and will make the Close appear to be more high density than was ever intended.

12 Woodgate Close
Cheltenham
Gloucestershire
GL52 6UW

Comments: 2nd July 2013

I object to the plan to build such a large extension to the property as in my opinion the plot will not take such a large built area. The visual impact would be detrimental. The building over the garage

Page 242

will encroach upon the neighbouring house and garden (no.1 Woodgate Close). Such an extension will look out of place and will be out of keeping with the original design of the Close.

Comments: 1st August 2013

Our objections to the revised plans are threefold: the sheer size of the build; the conversion of the garage and the unsympathetic impact on the Close as a whole.

The scale of the side extension is still too large for the size of the plot. The double storey extension to the side of the house would bring the building too near to the neighbour, no. 1 Woodgate Close because of the alignment of the two houses. Any significant extension will be overbearing for the neighbouring house and garden. Some other houses in the Close have been extended but not with the result of encroaching upon and overlooking their neighbour. As no.'s 1 and 3 do not run parallel to each other any building into the space between them would be unacceptable.

As it is now the garage to the property is an outbuilding, not attached to the house and it looks like a garage. In the revised plan at ground floor level there would be a link built from the house into the garage. The proposal to convert it into part of the house with a utility room and a shower room would change its use. If permission is granted for this to happen now, there could be at a later date a request made to extend above this already established living area.

The detached garages to the front and sides of the houses in Woodgate Close are an appealing feature as is the open aspect between each property giving a character to the development which we wouldn't want to see lost.

9 Woodgate Close
Cheltenham
Gloucestershire
GL52 6UW

Comments: 22nd July 2013

I would like to register a strong objection to this planning application.

Woodgate Close is a small development with a strong sense of community and has a strongly positive visual appeal.

The proposed extensions to No.3 are, we feel, a gross overdevelopment of that plot and joining the house to the garage and extending upwards will have a huge visual impact and could set a precedent that no others in the Close would want to see. We believe that it will negatively impact the privacy of their neighbours.

The way in which the occupants have approached this application has led to considerable stress and anxiety of an elderly neighbour which is wholly unnecessary and harmful.

I would urge you to please reject this application.

Comments: 9th August 2013

Letter attached.

8 Woodgate Close
Cheltenham
Gloucestershire
GL52 6UW

Comments: 9th July 2013

Our property stands directly opposite the applicants' property.

We have concerns about the application as follows:-

- The overall scale and size of the proposed development;
- Proposed treatment of the garage area;
- Our home(s) being devalued.

Visual impact:

The proposed development would be far too large for the relatively small plot the property stands on, nearly doubling the size of the existing structure. It would be incongruous and out of all proportion for the plot itself and relative to all the other properties in this closed location of only 13 homes. It would prevail, and also bring c.20 feet closer 1 extra layer of building in the form of first floor wall work, etc., and introduce a 3rd level (of roofing), too.

The higher elevation of both structures would destroy and detract from our current aspect, and further erode the much-valued spacing between each home a feature no longer available on current-day housing developments as well as the overall aesthetics of the Close itself.

Privacy:

Given our property stands directly opposite the applicants' property, the development of accommodation over the existing garage, which incorporates a window facing our home, would, being c.20 feet closer, inevitably draw the invasive eyes of its occupants resulting in an unwelcome loss of privacy as they stand looking (wittingly or unwittingly) into our lounge, main bedroom, and 2 bathing areas.

Amenity:

The pleasant environment created by both the style of the properties and the open-plan design of the Close itself, which all occupants have worked very hard over the past 22 years to maintain, would be detrimentally impacted/lost.

We were the second family to move in, in 1991. When we purchased the house we did so knowing what our aspect would be. This proposed development would destroy that which we bought into, and which others have, similarly, been attracted to.

Unsolicited comments received by us, personally, from one prospective buyer viewing the property when up for sale in 2012/13, recognised that, overall, the location was very attractive, but, as a 4-bedroom family house, its rear/rear-side garden was far too small, which dissuaded them from proceeding any further. This supports our assertion that the proposed development is disproportionate and would detract from the amenity enjoyed by all here.

Adding to the garage, as proposed, if approved, would, potentially, set a precedent for others to follow suit, which would then result in an even further loss of amenity.

The development will also disturb and disrupt the bat population that inhabit our homes here and which are a delight to watch during the summer evenings as they weave their way around them and the trees as they forage for insects.

We are not opposed to development, per se. However, any proposal/approval should be measured, tempered by and take account of past low-impact, sympathetically executed

developments in the Close, and, of course, give due regard to current residents quality of life and their shared environment.

Comments: 1st August 2013
Letter attached.

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Cheltenham Borough Council	
Environment Group	
PASSED TO	
REC'D	- 8 JUL 2013
Date of Response	Type of Response
Initials of Responder	File Ref.

1 Woodgate Close
 Charlton Kings
 Cheltenham
 GL52 6UW
 4th July 2013

Emma Pickernell, Planning Officer
 Cheltenham Borough Council
 PO BOX 12
 Municipal Offices
 Promenade
 Cheltenham
 GL50 1PP

Reference Planning Application 13/01055/FUL for 3, Woodgate Close GL52 6UW

I write to inform you of my **strong** objection to the proposed extension at the above property.

I was deeply shocked to receive the planning application letter from you since the new owners of the property had not had the courtesy to forewarn me of their plans which will clearly affect me greatly.

Having studied the planning application with my family and other neighbours in Woodgate Close, it is clear that the scale and massing of the proposed build would not only be far too great for the size of the existing plot, it would also seriously damage the visual impact of the whole Close. A view shared by **all** other neighbours affected by this proposal – all other house extensions that have been built here have been undertaken sympathetically and in keeping with the aesthetic of the Close.

Moreover, the proposed extension would be **very** visible from both front and rear aspects of my property and would certainly block out the daylight, especially in the area of the garden where I spend a great deal of my time since illness has left it difficult for me to walk very far.

My dining room, back bedroom and bathroom would be left in permanent shade if this two-storey extension is approved, as would my ensuite bathroom. I also feel my privacy would be compromised by the planned windows in the proposed extension, whether clear or opaque. In addition, my front garden, lounge and bedroom would also be greatly affected by the proposed conversion of their garage.

My husband and I bought this house from new 22 years ago, having worked very long and hard to afford it and the appeal of living here was the ability to live in a close-knit community with friendly neighbours, whilst being able to retreat to the privacy of our own garden when we wanted to, without being overlooked by anybody or overshadowed by another building. This was a huge selling point to us and if this advantage is compromised by having an ugly brick wall looming over my garden, I firmly believe the value of my property will be **greatly** affected should I decide to sell in the future. This was an opinion shared by you when you kindly came to visit me this week and since our meeting, I have spoken with other neighbours in the Close and they agree with me. Furthermore, they believe that if this extension were to be approved, the current appeal of the entire Close would be compromised as the planned build is simply too big and would look totally out of place.

I do hope you understand just how shocked and upset I am by this awful proposal and that you and the Planning Department take my objection seriously and decline the proposal.

I look forward to hearing from you in due course.

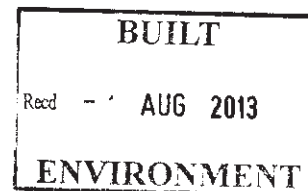
Yours sincerely



1 Woodgate Close
Charlton Kings
Cheltenham

Ref: 13/01055/FUL

Mrs Emma Pickernell
Planning Officer
Cheltenham Borough Council
PO Box 12
Municipal Offices
Promenade
Cheltenham
Glos
GL50 1PP



Planning,

OBJECTIONS TO REVISED PROPOSAL, 3 WOODGATE CLOSE (13/01055/FUL)

I find the scale and massing and proximity to the boundary fence is unacceptable because the plots are not aligned in parallel, they are offset meaning the perceived distance between the plots will be drastically reduced which is at odds with all the other plots on the close, even if it is acceptable in planning terms.

The removal of the garage extension and second storey link is welcomed, but, the attachment is still there into the garage and the double storey side extension is still overwhelmingly overbearing, it will block the sunlight from parts of my garden from September to May, despite what planning has said; also I will lose light in my dining room and bedroom. Also the windows will invade my privacy.

Visually the massive impact of the wall caused by the angle of the two houses and number 3 having been built further back makes the two storey extension too close to number 1, making it both oppressive and intrusive.

In my view they have chosen a house on such a small plot/garden, they are trying to expand when there is really no space. It neither compliments itself or the rest of the close.

Street wise the extension will look overloaded and not fitting in with the space and consistency of Woodgate Close, of which we are all very concerned with.

Yours faithfully,

Recd - 4 JUL 2013

ENVIRONMENT

11 Woodgate Close
Charlton Kings
Cheltenham
GL52 6UW

2 July 2013

Re: Planning application for 3 Woodgate Close, Charlton Kings Ref: 13/1055/FUL

Dear Miss Pickernal

We would like to strongly object to the proposed extension to the above property. Viewing the application on it's own it may look acceptable on paper, but when viewed, taking the whole Close into account it will totally spoil the otherwise aesthetic appeal of the site.

Quite a few properties in the Close have been extended over the years, but all have been done in a tasteful way and not altered the overall cohesive look and design of this small development.

Our main objection is the two storey extension to the garage. All but one of the garages on the development are detached from the house and are of course single storey. By allowing a second storey to the garage and filling in the gap between house and garage may set a precedent and should others follow suit, would totally destroy the look of the Close.

We do hope you take into account our concerns about this application. We wonder if it would be possible for someone from the Planning Department to visit the Close so that an opinion on the unsuitability of this application is made clearer.

Yours sincerely

[Redacted signature and name]

Our ref: [REDACTED]

Cheltenham Borough Council			
Environment Group			
FORWARDED TO			
RECD	15 JUL 2013		
Date of Receipt		Type of Response	
Initials			
Response			

Mrs Emma Pickernell
 Development Services
 Cheltenham Borough Council
 The Municipal Offices
 The Promenade
 Cheltenham
 GL50 1UA

11th July 2013

Dear Mrs Pickernell,

Objection to proposals at 3 Woodgate Close, Charlton Kings – Application Ref 13/01055/FUL

We have been asked to review the design proposals at 3 Woodgate Close, Charlton Kings and raise an objection on behalf of the owner of 1 Woodgate Close.

The owner of the adjacent property is by no means against the suitable extension and alteration of the proposal site but it is clear the plans submitted have little to no understanding as to what would be considered an acceptable form of design. The desire to maximise the accommodation has paid no regard as to the style, character and appearance of the buildings as a whole within Woodgate Close.

As an additional concern, the application would appear to be offering an obvious 'sacrificial lamb' in the first floor extension to the garage. This clearly does not comply with the Supplementary Planning Document advice regarding residential extensions and alterations, which offers clear and detailed guidance to all applicants regarding subservience to the parent building and impact on neighbours. But we also have strong concerns about the first floor side extension and wish to raise an equally strong objection about this. Although not as overbearing from the public realm as the garage extension it would have a more significant impact on the amenity and enjoyment of 1 Woodgate Close.

The application site is located due South of 1 Woodgate Close and is also set back, the existing main roof of 3 Woodgate Close is formed using a barn hip which reduces the impact of the gable end. Any extension at first floor level, on this side of the property, will have an unacceptable impact upon the light and outlook of the ground floor habitable room of 1 Woodgate Close. The proximity of the extension to the boundary would make it over bearing for the occupants.

The proposal introduces a new window at first floor level to the rear elevation which will also create an unacceptable overlooking situation into the rear garden of 1 Woodgate Close as the boundary angles across, adding to the oppressive and intrusive nature of this proposal.

Calderwood House
 7 Montpellier Parade
 Cheltenham
 Gloucestershire
 GL50 1UA



Woodgate Close was designed as a group of spacious executive dwellings, defined in part by the space and rhythm between the dwellings. The proximity and orientation of 1 and 3 Woodgate Close would mean that any first floor addition between the two would detract from the consistency found elsewhere within Woodgate Close, ultimately detracting from the street scene rendering it an inappropriate form of development. When viewed from the public realm, where other double storey development has occurred within the Close the space between the buildings has not been eroded to an unacceptable level and the orientation/position of the neighbouring properties has not been affected to the same degree as would be the case in this instance.

We would request this application is refused in its current form and would welcome the applicant revising their proposal to take account of these comments. If the Local Authority was minded to approve the design, given the number of objections received, we would request the matter is called in to Planning Committee and the local residents will be approaching Councillors McCloskey and Reid to this end.

Yours sincerely

A large black rectangular redaction box covering the signature and name of the sender.

Cc Cllr McCloskey, Cllr Reid (by e-mail)

REF NO. 13/01055/FUL

RE. NO. 3 WOODGATE CLOSE
APPLICATION FOR EXTENSION

I live at No. 1, WOODGATE CLOSE and will therefore be affected by this proposal.

The plot is too small to take any extensions at the side and will take away light & privacy front and back. Surely there ought to be a path, outside, round at least one side of the house to the front, and there should not be windows over looking us. My Mother spends a lot of time in the garden (one of her hobbies)

this extension will be a very ugly two storey brick wall right the way along the side of our property, keeping light out of the garden and various rooms, I strongly object to this proposal.



1, Woodgate Close.

CHARTON KINGS

CHELT' GL52 6UN

10 JUL 2013	
10 JUL 2013	10 JUL 2013
10 JUL 2013	10 JUL 2013

DEAR SIR / MADAM.

I STRONGLY ADVISE THE EXTENSION
TO 3 WOODGATE CLOSE.

AS IT IS ALREADY A LARGE HOUSE
AND NO 1 WOODGATE CLOSE WILL
~~BE~~ LOOSE - SUNLIGHT AND
MAY AFFECT THE SALE OF NEARBY
PROPERTIES.



POSTAL
M 11 JUL 2013 O
SERVICES

11 JUL 2013

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From: Internet - Built Environment
Sent: 08 July 2013 09:22
To: Internet - Planning Comments
Subject: FW: Planning application Ref. 13/01055/FUL

-----Original Message-----

From: [REDACTED]
Sent: 08 July 2013 09:21
To: Internet - Built Environment
Subject: Re: Planning application Ref. 13/01055/FUL

The address is 64 Main Street, Sedgeberrow, Evesham, Worcs. WR11 7UF

-----Original Message-----

From: [REDACTED]
Sent: 07 July 2013 11:24
To: Internet - Built Environment
Subject: Planning application Ref. 13/01055/FUL

We are writing to express our concern about the application for an extension to 3 Woodgate Close, Charlton Kings. Our sister-in-law lives at No.1. She is elderly and has had a number of operations in the last few years and is very frail. She is unable to get out easily and so uses her garden frequently. The extension is very close to the boundary and will invade her privacy. The visual impact of the building will be considerable, cutting out the light and sunlight from the garden. There appear to be windows overlooking the garden. The building will also make the dining room and bedroom much darker. All this adds to our concern about her health and enjoyment of her home.

[REDACTED]

This email (and any attachments) is strictly confidential and is intended for the use of the addressee only. If you are not the addressee please notify the sender at Cheltenham Borough Council (CBC) and delete the message and any attachments. Emails are virus checked, however, CBC does not accept any liability for any loss or damage. The security of any information sent by email to CBC cannot be guaranteed. Any information sent to CBC may be copied to other council officials or outside agencies in line with legislation. www.cheltenham.gov.uk

Mrs Emma Pickernell
Cheltenham Borough Council
P O Box 12
Municipal Offices
Promenade
Cheltenham
Glos. GL50 1PP

09 August 2013

Dear Ms Pickernell

3 Woodgate Close, Cheltenham. Planning Ref: 13/01055/FUL

We wish to object to the revised plan on the following issues:

- The extensions are not in keeping with the plot size so it is overdevelopment
- Inclusion of an extension to link house and garage and a shower room in the garage would then enable the garage space to be classified as 'living space' and further redevelopment of the garage could go ahead at a later stage without further permission being required.
- Inclusion of a shower room in the garage space results in reduction in parking spaces available to the house
- The extensions are too close to the neighbour at No 1

As a further comment the applicants have only just moved into the house, which is a large 4 bed family home. As they have applied for extensions immediately the house must not have suited their needs from the start and they have brought it on the presumption that extension(s) would be allowed. It would appear that it has been brought as a development and not a family home.

Yours Sincerely



From: [REDACTED]
Sent: 31 July 2013 16:58
To: Internet - Planning Comments
Cc: [REDACTED]
Subject: REF: Planning application: 13/01055/FUL – Revised Scheme E - Comments

[REDACTED]
Further to my telecon, today, please accept and post the following comments against the following application. Thank you for your advice.

REF: Planning application: 13/01055/FUL – Revised Scheme E

New comments (2 pages):

Our property, 8 Woodgate Close, stands directly opposite the applicant's property.

We have these concerns with the revised plans for this application as follows:-

- The overall scale and size of the proposed development remains overbearing;
- The proposed "link" treatment of the garage to the main house.

Visual impact

The revised proposed development remains far too large for the relatively small plot the property stands on, **adding 50+%** to the existing structure.

It remains incongruous and out of proportion for the plot itself.

If adopted, the revised plans would produce a development which would dominate and impinge on our home and that of the neighbouring property (No. 1 Woodgate Close).

The additional elevation of the proposed structure would destroy and detract from our current aspect, and further erode the much-valued spacing between each home – a feature no longer available on current-day housing developments – as well as the overall aesthetics/street scene of the Close itself.

Privacy

Given our home stands directly opposite the applicant's property, the development of the additional first floor accommodation, which incorporates a window facing our home, would result in an unwelcome loss of privacy for us as it faces our lounge, main **bedroom**, and **2 bathing** areas.

Amenity

The proposed linking of the main property to the garage results in the building line being brought forward.

This would set a precedent **and** could provide an opportunity for additional development in the future – similar to that which has just been refused.

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In the same way, permitting an extension into the double-garage area could also provide an opportunity for future developmental exploitation.

Permitting the link will entirely enclose the rear of the property which contrasts with all the other properties in the Close which continue to have side accesses.

This creates concerns for the safety of occupants.

The proposed gable-end treatment would alter the "angle" setting of the existing property in relation to the existing angle with the neighbouring house, No. 1 Woodgate Close.

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APPLICATION NO: 13/01055/FUL	OFFICER: Mrs Emma Pickernell
DATE REGISTERED: 26th June 2013	DATE OF EXPIRY: 21st August 2013
WARD: Charlton Kings	PARISH: Charlton Kings
APPLICANT:	Mr & Mrs Andrew Davis
AGENT:	Mr Matthew Anderson
LOCATION:	3 Woodgate Close, Cheltenham
PROPOSAL:	Single storey rear extension, two storey side extension including single storey link to garage

Update to Officer Report

CONSULTATIONS

1. These additional comments have been received since the publication of the main committee agenda:

- 1.1 **Charlton Kings Parish Council**
13th August 2013

OBJECTION: These plans were considered at our last meeting. We still consider the second floor side extension as overbearing taking account of its proximity to the boundary. By making the garage integral to the house it effectively extends the building line which impacts negatively on the overall street scene.

- 1.2 **Cllr Rob Reid**
15th August 2013

Obviously a great deal has been put on record regarding the development which argues an excellent case why this development should not proceed in its present form.

I was present at the Parish Council Planning Meeting and I am in complete agreement with the comments they submitted.

I strongly feel that this is definitely an item which should be viewed by the Borough Planning Committee before any decision is made at the meeting on the 22nd of this month.

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