



## Notice of a meeting of Planning Committee

**Thursday, 21 November 2013  
6.00 pm**

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

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

## Agenda

1. **APOLOGIES**
2. **DECLARATIONS OF INTEREST**
3. **PUBLIC QUESTIONS**
4. **MINUTES OF LAST MEETING** (Pages 1 - 14)
5. **PLANNING/LISTED BUILDING/CONSERVATION AREA  
CONSENT/ADVERTISEMENT APPLICATIONS,  
APPLICATIONS FOR LAWFUL DEVELOPMENT  
CERTIFICATE AND TREE RELATED APPLICATIONS –  
SEE MAIN SCHEDULE**
  - a) **13/01101/FUL Land at North Road West and  
Grovefield Way** (Pages 15 - 82)
  - b) **13/00756/FUL Leckhampton Industrial Estate,  
Leckhampton Road** (Pages 83 - 338)
  - c) **13/01386/FUL Coronation Flats, Oak Avenue** (Pages 339 - 342)
  - d) **13/01483/FUL Downside, Battledown Approach** (Pages 343 - 366)

- e) 13/01758/FUL 1 Hayes Road (Pages 367 - 372)
- f) 13/01500/CONDIT Car Park, North Place (Pages 373 - 380)
- g) 13/01767/ADV Car Park, North Place (Pages 381 - 392)

**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

17<sup>th</sup> October 2013

### Present:

#### Members (14)

Councillors Coleman, Chair (CC); Hall, Vice-Chair (PH); Barnes (GB); Driver (BD); Fisher (BF); Fletcher (JF); Garnham (RG); Godwin (LG); Jeffries (PJ); McCloskey (HM); McKinlay (AM); Sudbury (KS); Thornton (PT); Wheeler (SW).

**Present as observers:** Councillor Wendy Flynn  
Councillor Diggory Seacome

#### Officers

Tracey Crews, Head of Planning (TC)  
Martin Chandler, Team Leader, Development Management (MC)  
Michelle Payne, Planning Officer (MP)  
Chloe Smart, Planning Officer (CS)  
Karen Radford, Heritage and Conservation Manager (KR)  
Lindsey Mulraine, Trees Officer (LM)  
Mark Power, Gloucestershire Highways (MPower)  
Jonathan Clarke, Gloucestershire Highways (JC)  
Cheryl Lester, Legal Officer (CL)

### 1. Apologies

Councillor Stennett.

### 2. Declarations of interest

#### 13/01216/COU 1A Everest Road

Cllr Coleman – personal and prejudicial – lives in Everest Road; knows many of the neighbours who have submitted representations; wife has recently started a business which provides services to nurseries – will leave the Chamber during this debate.

Cllr Sudbury – personal and prejudicial – wrote a letter of objection prior to September planning committee meeting, which she could not attend. Will address committee as county councillor for the area, then leave the Chamber during the debate.

### 3. Public Questions

There were none.

### 4. Minutes of last meeting

Resolved, that the minutes of the meeting held on 19<sup>th</sup> September 2013 be approved and signed as a true record, without corrections

## 5. Planning applications

Application Number:	13/01216/COU
Location:	1A Everest Road, Cheltenham
Proposal:	Change of use from residential (C3) to a nursery (D1)
View:	Yes
Officer Recommendation:	Permit
Committee Decision:	Permit
Letters of Rep:	20
Update Report:	Photographs from neighbour and officer comments

Cllr Coleman left the meeting for this debate; Cllr Hall acted as Chair

CS introduced the application, which was deferred at the September meeting for further detail and further highways comments. These have now been received. The officer recommendation remains to permit.

### Public Speaking:

#### Councillor Sudbury, county councillor, in objection

Couldn't attend the September planning committee, but wrote a letter of objection to this proposal, all of which still stands. Has sympathy for the applicant and his wish to open a nursery, but thinks this is not the right location for this type of business. When a school or institution has a particular focus, it will attract people from a wider area, not just the immediate location; this application is for a Montessori nursery, and may be used by parents and children from a wide geographical area, making more traffic movements more likely. Stands by all her previous objections – this is not the right development for this situation.

Cllr Sudbury then left the meeting for this debate

#### Mr Sam Hashimzai, applicant, in support

The proposal complies with OFSTED regulations and with legal space requirements of 2.6sq m for a two-year-old and 2.3sq m for a three-year-old – the floor space measures 40sq m. The outside space is enough for six children at a time, and adequate provision as they will only be at the nursery for five hours - there are some nurseries with no outdoor space at all, and parents can choose whether they feel this provision is adequate. Children will bring their own packed lunches, and a quiet area will be provided for them to rest or sleep if required – though again, this is unlikely to be required very much during the five-hour day. This area is within the main room of the building, as it is not good practice to have a separate room. Members have expressed concern about disposal of nappies; as the children are over two years old and only at nursery for five hours, they shouldn't generate a lot, but any nappies will be disposed of correctly and kept in a bin in the new garage. Regarding the tree and hedges, these are to be retained to help with privacy and containing any noise, and the children will be involved in the upkeep of the garden, planting vegetables for example. The new in-out driveway to the front will alleviate any traffic issues, together with a 45-minutes drop-off window; photos taken at the relevant times show how quiet the road is when parents will be dropping off and picking up. The nursery will provide a positive start to its children's education; he and his wife are passionate about it, and have talked about starting a Montessori nursery in Cheltenham for many years – they will put their hearts and souls into making it work.

#### Councillor Smith, on behalf of neighbours, in objection

Objects to the proposal on the same four bases as last time: lack of clarity (thanked the applicant for updating this and providing better clarity, but this serves to highlight previous concerns); flawed traffic assessment; constraints on outside space; and proposals from Environmental Health which are

unworkable for a nursery in a residential area. There is insufficient evidence to show that policy CP4 will not be breached, and residents remain very concerned. Children may bring packed lunches but some sort of food preparation area will still be required – even if only to boil a kettle – with appropriate ventilation needed. The outdoor play area is too small to ensure that the outside amenity of neighbours won't be disturbed. The three parking spaces are presumably for staff, not parents. Residents disagree with the views of the traffic officers, and consider the extra cars will cause additional road danger and congestion in the area. Regarding the in-out drive, this is a key route to Leckhampton Primary School, with mothers, children, toddlers and prams walking past – cars crossing the pavement to the drive will present a danger. Residents' perception is very different from the traffic officers, and his own personal experience is more in line with what the residents say than what the traffic officers say. The double yellow line from the corner to the property is proof that there are safety concerns from the County about this stretch of road – it is a dangerous area, and additional cars and congestion will mean added danger. It is stated that noise and music will be contained by keeping the windows closed, but this is impractical, and how can it be enforced in practice? The cycle racks are uncovered hoops – adding a cover will further reduce the outdoor space. There is still enough evidence to show that the scheme will have a negative impact on neighbouring amenity and be in contravention of policy CP4.

**Member debate:**

**RG:** a neighbour has provided a large number of photos showing parking congestion on Everest Road – Members need to hear MPower's opinion on these, and if he would like to give any different advice from what is currently in the report.

**HM:** would also like to hear highways officer's opinion on the in-out driveway. Is concerned about its proximity to Old Bath Road, and whether one side would be best designated as 'in' and the other as 'out'.

**MPower, in response:**

- to answer these two questions first: lives quite nearby and travels down the road frequently – the neighbour's photograph don't appear to be the common state of parking on Everest Road or represent an everyday occurrence, at either peak or non-peak times;
- regarding the in-out drive, a lot of nurseries around the county use this method for short-term drop-offs, and it works well; it is best not to be prescriptive about which side is in and which is out, as these things have a natural balance and work out for themselves;
- to appreciate our highway comments on this proposal, it is important to understand both the application and the policy which governs it. Under the NPPF, applications should not be refused unless they will have a severe cumulative impact, and furthermore this scheme is well below the threshold for any kind of Transport Assessment – set at over 50 beds for an institution, over 80 houses for an estate;
- of the children attending the nursery, some may be walked, some may share lifts, so the figure of 16 additional cars would be the high end;
- reminded Members of a recent application for a veterinary practice in Lyefield Road West, Charlton Kings, adjacent to shops, café and chemist, and the problems prophesied by neighbours; these have not materialised, and the perception of a problem usually makes it greater than it actually turns out to be;
- this application cannot be refused on traffic grounds – it is sustainable under the terms of the NPPF;
- to KS's comments about the application being for a particular type of nursery, this is irrelevant – the proposal cannot be assessed against this – and to Cllr Smith's comment that yellow lines indicate that this is a dangerous junction, said yellow lines to stop people parking on the radii of a junction are normal, to help visibility;

- told Members there is no planning policy to back up refusal of this application on highways grounds.

**PT:** are there any accident statistics for the area?

**MPower, in response:**

- accidents can occur anywhere, and there are no statistics to suggest that this is a dangerous location. Recalled a recent highways consultation on road safety in Old Bath Road. Of the households consulted, eight out of ten residents were against a crossing proposal and all other traffic-calming options, including build-outs, parking restrictions, and a zebra crossing (100 residents objected to this). There is no record to say that traffic causes any particular problem;
- does not think the in-out drive will prove a problem for pedestrians or other road-users, taking into account the number of mothers and children walking to school along Everest Road. The capacity of a road such as Everest Road would be 700 vehicles one way in a peak hour; current flows of 100 make this well within capacity;
- Everest Road is an unusual Z-shaped road, not used a rat run, and would be described in highways terms as 'lightly trafficked' and unclassified.

**LG:** applications such as this, and the location of the site, will never attract support from local residents, but Members need to consider whether there is any policy constraint, sustainable at appeal, other than those set out of Page 26 of the report; if there isn't, to refuse will be pushing the boundaries. The officer report sets out why it cannot be refused on design, for loss of residential accommodation, highway safety, or safe and sustainable living, so unless Members can come up with any other policies to quote as a refusal reason, it is unlikely that it would lose at appeal. The conditions are very stringent as far as the applicant is concerned, and more than satisfactory to meet the worries and concerns of local residents.

**CS, in response:**

- all the relevant local plan policies have been covered by the report, and there are no policy grounds for refusal;
- regarding conditions, it was stressed last month that the conditions suggested by Environmental Health are tied back in to the applicant's supporting statement, and are considered reasonable for the running of the business.

**BF:** concerned about enforcement of these conditions – there are some strict restraints on operation of the nursery but what can be done once it's up and running? These could be very difficult to enforce. It looks very clear-cut – closed windows to contain noise, limited time in the garden – but sanctions would be minimal, and it will have to be policed by neighbours. What would the sanctions be if the conditions are breached?

**AM:** BF is treading a dangerous path here, assuming that the conditions can't be enforced. The decision has to be based on something, so Members must assume that they can be. Agrees with LG – local people won't like it but there is no valid reason to refuse.

**BD:** it is the right thing in the wrong place – can't vote for it. The neighbours will be bothered by additional cars, and it is a tiny building with no garden. The proposal is totally, utterly wrong.

**PJ:** grateful for highways clarity, and can't work out the pictures provided by the neighbour which bear no relationship to the road as he knows it. Members' concerns have to be weighed against policy. Presumes all the conditions recommended by Environmental Health will be enforced.



**CS, in response:**

- the majority of the conditions are recommended by Environmental Health, and tied in to supporting evidence from the applicant and what he has said about the running of the business;
- regarding the enforceability of the conditions, a breach of conditions notice can be served if the applicant does not adhere to them. This type of notice usually relies on the authority being made aware of the breach by neighbours.

**SW:** noted a lot of concerns, but none of these are really within Members' remit and therefore can't go along with them. The highways issue has been covered, and has difficulty sympathising with neighbour concerns about noise – it will be lovely to listen to the sound of children playing during the morning.

**PH:** a 45-minutes window for dropping off children was mentioned by the applicant. Has this been discussed?

**CS, in response:**

- the applicant submitted this information in his statement, and it is allowed for in the conditions, although there is no specific condition relation to a 45-minute drop-off window. Condition 4 sets out hours of operation as 8.45am-2.15pm.

**Vote on officer recommendation to permit**

7 in support

2 in objection

3 abstentions

**PERMIT**

Application Number:	<b>13/01109/FUL</b>
Location:	<b>17 Greenhills Road, Cheltenham</b>
Proposal:	<b>Erection of a single dwelling to the rear of 17 Greenhills Road, formation of new access, and erection of a garage for the existing dwelling</b>
View:	<b>Yes</b>
Officer Recommendation:	<b>Permit</b>
Committee Decision:	<b>Permit</b>
Letters of Rep:	<b>7</b>
Update Report:	<b>None</b>

MP told Members this is a full application for a four-bedroomed house to the rear of 17 Greenhills Road, originally submitted as an outline application, but with additional information later submitted for consideration. Access is via a new shared access at the eastern end of the site, and officer recommendation is to permit

**Public Speaking:**

**Dr Jon Mutimer, neighbour, in objection**

The proposed development is inappropriate for several reasons and contravenes policy. Having read the paperwork, attended meetings and read objections from residents, does not consider this to be a sustainable application. It is a tandem development, which is poor planning according to the SPD, and could set a precedent which would ruin the local character of the area. It represents poor use of the limited land and amenity space, and developments such as this should make use of irregular-sized plots rather than single tandem development. The proposed dwelling will not reflect the urban grain of Hayman Close and Charlton Close – Hayman Close is a larger development, but an additional dwelling in a single garden will not enhance the area and is grossly out of character. Houses in

Hayman Close have three bedrooms, but the proposal is for a four-bedroomed house, greater in height, scale and massing than the original house, against the principles of the SPD. In addition, the orangery at 4 Hayman Close has not been taken into consideration when calculating minimum distance between the proposal and existing dwellings. Parking provision is inappropriate, with the flat roofed garage setting an ugly precedent, and if more than two cars are parked on site, they may need to reverse up the drive onto Greenhills Road, which is a dangerous and busy road. To conclude, this is a poor use of the plot and in contravention of local policy, and many other reasons to reject the scheme are outlined in letters from neighbours.

**Mr David Jones, agent, in support**

Notes the many objections to the scheme, and is surprised and depressed that the previous speaker owns and lives in one of the houses constructed some 6-7 years ago on garden land to the rear of Greenhills Road – if his objections were valid, he would not be living in a house in this location. To be specific, 17 Greenhills Road is approximately a half-acre plot, and the garden remaining for the existing house will be a sizeable 25m x 17.5m, with the new property taking up just 18% of the plot. Houses in Hayman Close take up 24-27% of the plot, and in Charlton Close 21-27%, excluding access – so the proposal represents lower density than comparable properties. Hayman Close was built in the gardens of 18-20 Greenhills Road, and complements the area well. The Local Plan SPG doesn't set out to prevent development on garden land, if it is considered appropriate, and this proposal, in scale, mass, urban grain and landscaping meets with requirements. It is a modern development, and has been designed to protect the amenity of neighbouring properties and of 17 Greenhills Road.

**Member debate:**

**BD:** regrets that she cannot vote against this, saying that Members created this situation by agreeing to the other development of garden land along Greenhills Road and not following through the preparation of development brief to avoid small-scale developments such as this. They were warned about piecemeal backland development and this is now happening – Members should have had the courage of their convictions at the time, and hoped they would learn not to let the threat of appeal get in the way of this.

**RG:** recalls himself and Grahame Lewis trying to get a comprehensive development design brief for Greenhills Road, and also the assumption when Hayman Close was built that it would prevent any further development from No. 17 Greenhills Road downwards because there could be no access off Hayman Close.

**PT:** also remembers discussion of a development brief for the area, but there was no NPPF then, and this now supersedes everything, unless we have an up-to-date local plan. We have to toe the line as far as the NPPF is concerned.

**JF:** for clarity, is it right to say that the SPD on garden grabbing is superseded by the NPPF? If not, why is this proposal recommended for permission and why is the SPD not being used effectively?

**MP, in response:**

- to RG, the suggestion that the Hayman Close development could prejudice future development is flawed, as we need to consider each site on its own merits. This proposal didn't come forward at the time, and Hayman Close is long complete. To refuse, Member need to identify what harm the proposal will do;
- to JF, the SPD is not superseded by the NPPF – this is set out in the report – but it should be remembered that the SPD does not set out to prevent development. Page 36 advises against single development if this is harmful to the urban grain, but here, looking at the block plan, it is clear that the proposal sits comfortably in this setting. In addition, there are no highways issues,

and there is a need for housing in the borough. We need to move forward and consider applications on their own merit.

**PH:** looking at Para 6.1 of the report, would it be easier to refuse this application if Hayman Close and Charlton Close hadn't been built? If so, isn't hindsight a wonderful thing?

**MP, in response:**

- we need to take each application on its own merits. It can be argued that the urban grain has changed since Hayman Close was built. This application seeks to reflect that urban grain.

**PH:** will it make it easier for subsequent developments along the road to get permission?

**MP, in response:**

- the report sets out the fact that this is likely, but each application will be determined on its own merits.

**Vote on officer recommendation to permit**

10 in support

3 in objection

1 abstention

**PERMIT**

Application Number:	<b>13/01251/FUL &amp; CAC</b>
Location:	<b>Corner of Lansdown Place Lane and Lansdown Walk, Cheltenham</b>
Proposal:	<b>Partial demolition of dilapidated and fire-damaged buildings at junction of Lansdown Place Lane and Lansdown Walk, and refurbishment and reconfiguration of retained building together with redevelopment of remainder of site to form 5no. self-contained dwellings (1no. 3-bed unit and 4no. 4-bed units)</b>
View:	<b>Yes</b>
Officer Recommendation:	<b>Permit</b>
Committee Decision:	<b>Permit</b>
Letters of Rep:	<b>7</b>
Update Report:	<b>None</b>

MP introduced the proposal as a full application for planning permission and conservation area consent. It is an important site in the conservation area, set amongst G2\*-listed Regency terraces. The proposal sets out to demolish all but one of the existing buildings, and replace them with five dwellings. It is at committee at the request of Councillor Driver.

**Public Speaking:**

**Mr Jacob Pot, neighbour, in objection**

Realises the site will inevitably be developed, but it is important the design is right. Said revisions to the scheme deal with original infringements on the amenity of adjacent properties, but not with the overriding objection to the three-storey element, which is also objected to by English Heritage, the Civic Society, Architects Panel and other local residents. There is no design argument for the extra storey, and the Conservation Officer excuses it because the three-storey areas are set back. Considers the only benefit of this is an increased site value. The 2004 approval included a small second floor, but this was in a pitched roof no higher than the existing roofs, and the original 2004 scheme for a part three-storey, flat-roofed, contemporary development was rejected by officers – a lower, traditional scheme was eventually recommended. At that time, Jeremy Jefferies, the conservation officer, said three storeys was entirely alien to this mews area, Simon Cairns said that a

maximum of two storeys would normally be acceptable here, and Grahame Lewis state that there were fundamental issues in terms of design, layout and height. An application for a two-storey contemporary coach house, opposite the site, was refused two months ago, based on the conservation officer's advice that Lansdown Place Lane is characterised by small mews houses and modest buildings which complement the grandeur of the principal terraces. Cannot understand why the conservation officer is recommending approval of the current scheme, as this is inconsistent with advice of her predecessors, current statutory consultees, and her earlier statements – this proposal is not modest. Members have seen the mews area from the G2\* listed terraces, and noted that all the buildings are two storeys high. The proposal will rise above the pitched roofs like some contemporary ziggurat, totally out of character, in full view, and changing the setting of the listed terraces. There are no changes since 2004 in the Council's statutory obligation to preserve or enhance the character and appearance on the conservation area and settings of listed buildings. The three-storey element of this proposal will not achieve this, will establish a dangerous precedent, and should be omitted or refused.

**Mr David Jones, agent, in support**

The proposal is for the redevelopment of a partly fire-damaged site, on which permission was granted in 2004 for eight residential units with workshops. The demolition proposed now is the same as in 2004, with the retention of the art shop, and five residential units being built on the site. There have been some objections to the three-storey element, but the 2004 scheme also included a three-storey wing on the eastern boundary – in both cases, it is set back from the street. Extensive marketing of the site with the approved scheme has attracted no interest from developers, and with the fire-damaged buildings proving impossible to insure, the whole site will inevitably be vacant in the future. The applicant has worked closely with the conservation officer and planning officers, with the final scheme amended to address objections from neighbours and the recommendation adapted to take these into account.

**Member debate:**

**SW:** looking at the south face of the site, likes the pitched roofs to the right, and didn't realise there is a pitched roof directly next door to this face as it can't be seen from ground level. The same applies to the Studio on west side. With tall buildings all around, it is difficult to refuse this proposal in terms of height, even though other buildings in the location are two-storey. Will support the application.

**BD:** doesn't like the three-storey element. People always look at the front of buildings, but recently went on the new terrace at the Art Gallery and Museum and was shocked by the view of the back of the Brewery development – no-one stopped to think about what it would look like from the back. People will be looking at the back of this proposal – what will they be seeing? If the scheme is permitted, there needs to be a condition for gull-proofing the flat roofs, if not already included, written in bold, black ink. The inner rooms originally appeared to have no escape in case of a fire – has this now been adjusted and agreed with building control? Wants to see the area developed but if this scheme is permitted, can there be a lot of rules and regulations on parking when it is being built – otherwise it could cause chaos, with people being forced to walk in the middle of the road.

**PJ:** notes the concerns of English Heritage – can the Conservation Officer provide some clarity on the impact of the scheme and why she considers the three-storey element to be OK?

**KR, in response:**

- has great respect for her English Heritage colleagues, but they look at applications on paper, not on site, and due to a restructure, the officer commenting on this particular scheme is new to the job. Considers some of her comments to be valid, but disagrees with others. For example, the comment that the buildings were originally stabling and coach houses – some clearly were, but some were residential accommodation for grooms and staff, evidenced by 19<sup>th</sup> century fireplaces. There are some issues with the detailed comments from EH;

- these are not listed buildings or curtilage-listed, so it is impossible to control internal protection of the fabric through legislation. Agrees with a lot of EH advice about retaining historic fabric – one building is to be retained, another has severe fire damage, and the buildings between – former stables – are now essentially garages and there is not a lot to retain;
- why is the three-storey element acceptable? We need to consider the comments on the recent application at Lansdown Place Lane. This is an interesting area in Cheltenham, essentially a service area, built for horses, carriages, stables, servants; there is a hierarchy in its formality – it is not all brick or all rendered, but still has some architectural status. The proposal re-introduces formal architecture, laying it out in a modern way. Lansdown Place Lane is much more into the heart of the area, where the formality of the architectural language is lost and was never intended to be read;
- the three-storey element is proposed where there is currently a two-storey building with a pitched roof. It is set back and will only be apparent when looking down on it from higher buildings. There are many examples in town where this arrangement has been allowed, and if the form and mass is acceptable, the architecture should follow on;
- looking at the original plot form, the relationship of the building to the space around it is as it was historically.

**LG:** is worried about the application, and did not feel any happier about it after visiting the site on Planning View. This is an important conservation area in Cheltenham, and Lansdown Place Lane is an area of traditional, small, two-storey workshops and accommodation mews. Cannot see the justification for introducing a three-storey building in the same vicinity. If permitted, will it not set a precedent for the future, for other similar buildings and applications? We should appreciate what is written in the conservation SPD, and given Cheltenham and its conservation areas the respect they deserve.

**BF:** notes Para 1.4 of the officer report – this was traditionally an area of coach houses, stables and mews, but there is not any need for these now. The backs of many Cheltenham buildings – including the Municipal Offices – are horrible, and this is an improvement on what is currently on the site. Members are told repeatedly that precedent doesn't apply in planning.

**MP, in response:**

- to BD, there is not a condition to gull-proof the roofs at present, but a standard condition can be attached;
- regarding escape routes for the inner rooms, has discussed this with the building control manager, and understands that this will need a fire-engineered solution. This would be set in place after the planning permission, as is normal;
- regarding parking during construction, there is no construction method statement at present, but this can be included to ensure that construction vehicles are kept off the road.

**Vote on officer recommendation to permit with additional conditions on the planning permission in respect of gull-proofing the roof and a construction method statement**

11 in support

3 in objection

**PERMIT**

Application Number:	13/01372/FUL
Location:	19 Shaw Green Lane, Cheltenham
Proposal:	Retrospective application for raised patio area
View:	Yes
Officer Recommendation:	Permit
Committee Decision:	Permit
Letters of Rep:	1
Update Report:	None

MJC introduced this retrospective application to regularise works as built. Planning permission was obtained for a single storey extension with a platform area, but this had to be built larger than approved because of land levels at the site. The recommendation is to approve, subject to a condition covering privacy issues. It is at committee at the request of Councillor Stennett.

**Public Speaking:**

**Mrs P Kennard, neighbour, in objection**

Lives in the house next door, and understands that the retrospective application has to be considered in its own right. Told Members it became clear that building work on the original application was going off-plan, and had referred back to the plan and worked hard with the builders to minimise the effect on her property. Disappointed that planning officers consider a privacy screen to be a solution, as this will be detrimental to her amenity, with loss of outlook from her kitchen – she won't be overlooked, but neither will she be able to see out. In the report update of 11<sup>th</sup> October, there are two outline solutions, at Paras 1.2 and 1.3 – asked for clarification of this, and how the condition would be enforced. Also concerned that a future resident of the house could take down the privacy screen.

**Mr Tom Banwell, applicant, in support**

Has never taken on a project such as this before, and having secured planning permission to extend his property by an additional foot, agreed with the neighbour not to build the full extent of the approved square footage, and stopped the builders while they were digging the footings to appease her concerns about loss of light and view and maintain a good relationship. The raised step at the rear of the house is needed to enable safe access to the garden; obvious practical and health and safety considerations were overlooked in the original step design, and if it was smaller, someone could trip and fall down into the garden or up into the glass doors, which would be more dangerous if items were being carried. The wider step allows a person space to fall to their knees instead. The 90cm bi-folding doors require at least 1m depth to enable opening and securing without the need to step down and back up again, and the area isn't large enough to be used as anything other than a step to reach the garden – there is no room for table and chairs. Similar permanent raised decks, a large conservatory and a significant raised patio have all been built or approved within the same terrace, and in all cases, side fences have been installed to offer screening and a reasonable level of privacy. Understands that the neighbour is concerned about overlooking, loss of privacy and increased noise, but even prior to refurbishment, there has been a direct sight line from inside their kitchen into the neighbours' garden, and the neighbours' view back into their kitchen. Bearing in mind the fact the extension has not been built to the full extent of the original consent, the working action of the doors, and the obvious health and safety concerns, hopes that Members will see it as a reasonable compromise to permit the steps retrospectively, with the condition that a privacy screen be installed to eye level to overcome the neighbour's objections.

**Member debate:**

**RG:** the question with retrospective applications must always be whether the officer would have permitted the proposed changes on the original application had they been included. The report doesn't answer the question as to whether this extra bit of concrete would have been allowed first time



round. Accepts the applicant's arguments regarding the folding doors and health and safety, but is concerned that the neighbour is affected by additional building in their back yard.

**LG:** this is a case of damned if you do and damned if you don't. Agrees with RG's point and doesn't know if the raised patio area would have been agreed first time round, but it is now constructed, and an appeal would be successful. Notes from emails that the neighbour has declined the offer of a privacy screen, because it will not be a thing of beauty and she will not be able to see across the landscape. There are two conflicting situations here – the solution to the problem created by the additional patio is to put up a screen but the only person who is affected by it doesn't want it. This is an occasion when further talk between the applicant, neighbour and officer seems the most sensible compromise solution. Will abstain from voting, as doesn't see the point of including a condition which isn't acceptable to the one person concerned. Hopes the applicant and neighbour can get together with the officer and sort it out – the applicant could always put up a screen later without planning permission, so it would be better to thrash it out now.

**BF:** other things than fencing can be used as a screen – plants, for example, such as jasmine or clematis, might be considered better than a wooden screen.

**MJC, in response:**

- to RG, if the original planning application had been for the scheme as it is now proposed, the officer recommendation would have been the same – approval with a condition to contain views into the site. The officer would have negotiated through the application as she had done with this retrospective scheme and proceeded in the same way;
- LG makes an interesting point – the advice, as officers, is that where there is loss of amenity, this needs to be addressed. If the permission is granted with a condition, the two parties can then discuss how to go about this and the local authority will have done the right thing;
- to BF, a different type of screening can be used, but it's up to the parties to discuss this – for the committee to do so could be seen as micro-managing;
- where there is loss of amenity, a privacy screen is generally the right solution,. It should be remembered that although the current neighbour doesn't want one, a future occupier may consider it to be necessary, and therefore the planning permission needs to ensure the inclusion of a screen. There may be alternative solutions which can be discussed once the permission has been granted.

**BD:** would a planning application be needed to put up a screen, or will it be left to the applicant to decide whether to put it up or not? This is rather woolly.

**MJC, in response:**

- to clarify, it is officers' view that a screen is necessary – there will be loss of amenity and a screen is the appropriate solution. The correct decision here is to grant permission with a condition to provide a privacy screen;
- outside the planning forum, the applicant and the neighbour may discuss the matter and reach a different solution. If this is the case, the authority will have nothing to enforce against, as it will not know;
- if this is maintained for 10 years, it will become a default situation;
- to reiterate, officers consider the right decision is to grant planning permission with a privacy screen.

**RG:** thanked MJC for the clarification, and supports the application. Was wondering whether there should be a condition to ensure that the raised step isn't used as a patio area, but with the bi-folding doors requiring space to open, this is unlikely to happen. Also wonders about a condition about noise, but thinks this is irrelevant in this case too.

**LG:** agrees with RG. This isn't an easy situation, but if what MJC suggests is accepted, it should be possible to resolve it. It shouldn't be forgotten that if the conservatory had been built according to the original planning permission, there would be no need for a screen anyway. There is therefore an obligation on the planning department to help resolve the problem.

**PT:** looking at the photos can see that a screen will obstruct the neighbour's view, but it is a fact that no-one has any entitlement to a view. The authority needs to put in place the necessary permission and condition to show that we have fulfilled our obligation, and let the applicant and neighbour take it from there.

**KS:** regarding the loss of view, asks when the loss of amenity aspect can be taken into account – even a clematis screen next to the kitchen window will give a closed-in feel. Has to ask the question.

**MJC, in response:**

- on planning view, Members went into the neighbour's kitchen, and it is the officers' view that the screen will have no additional impact on the loss of light. As Members have said, the loss of a view is not a planning consideration.

**Vote on officer recommendation to permit**

13 in support

0 in objection

1 abstention

**PERMIT**

Application Number: **13/01386/FUL**  
Location: **Coronation Flats Oak Avenue Charlton Kings**  
Proposal: **Provide new refuse bin storage stores**

Consideration of this application was deferred, pending further clarification and revised drawings from the applicant

Application Number: **13/01484/TPO**  
Location: **1 Finchcroft Lane, Cheltenham**  
Proposal: **Atlas Cedar in rear garden – fell**  
View: **Yes**  
Officer Recommendation: **Permit**  
Committee Decision: **Permit**  
Letters of Rep: **5** Update Report: **None**

LM told Members that this is an application to fell a Cedar tree in the applicant's rear garden, subject to a condition to replant replacements to the front of the site.

**Public Speaking:**

**Mrs Lucy Simpson-Daniel, applicant, in support**

She and her husband fully appreciate that the removal of a tree is not something to be taken lightly, have given it much consideration and employed an arboriculturalist to write a full report. The tree is 8m from the house, is overbearing and oppressive, dominates the garden, obscures natural light, and



interrupts the view of the hills. However the primary concern is safety. The tree's close proximity to the house, structural weakness at the bark junction, susceptibility to branch loss, particularly in winter, and the possibility of branches fracturing and falling are all causes for alarm. The applicants are facing challenges with building insurance due to the class of risk, and there has been root damage to the drainage system. The tree has outgrown its context and is a safety risk. The applicants are committed to replanting three good trees in a part of the garden where they can mature, be viewable from the road and add to the visual amenity of the area. Was aware of the TPO when they bought the property, and did not automatically seek to fell the tree – sought expert advice before making a decision. Does not want to strip the area of its assets but to improve it with three new trees.

**Member debate:**

**CC:** drew Members' attention to the second of the two conditions on Page 144 – the report to be referred to is dated 'June 2011' in error. If the application is permitted, this condition will be amended to reflect the correct date of the report by reference to its site visit date.

**SW:** hates to see trees removed and this is a beautiful tree, but as the tree officer has pointed out, it has a serious fault. Would hate to see the tree fail and cause any injury. Does not have much sympathy with the loss of light issue, but from a safety point of view, the tree has to go.

**Vote taken on officer recommendation to permit**

13 in support

1 abstention

**PERMIT**

*The meeting ended at 7.45pm.*

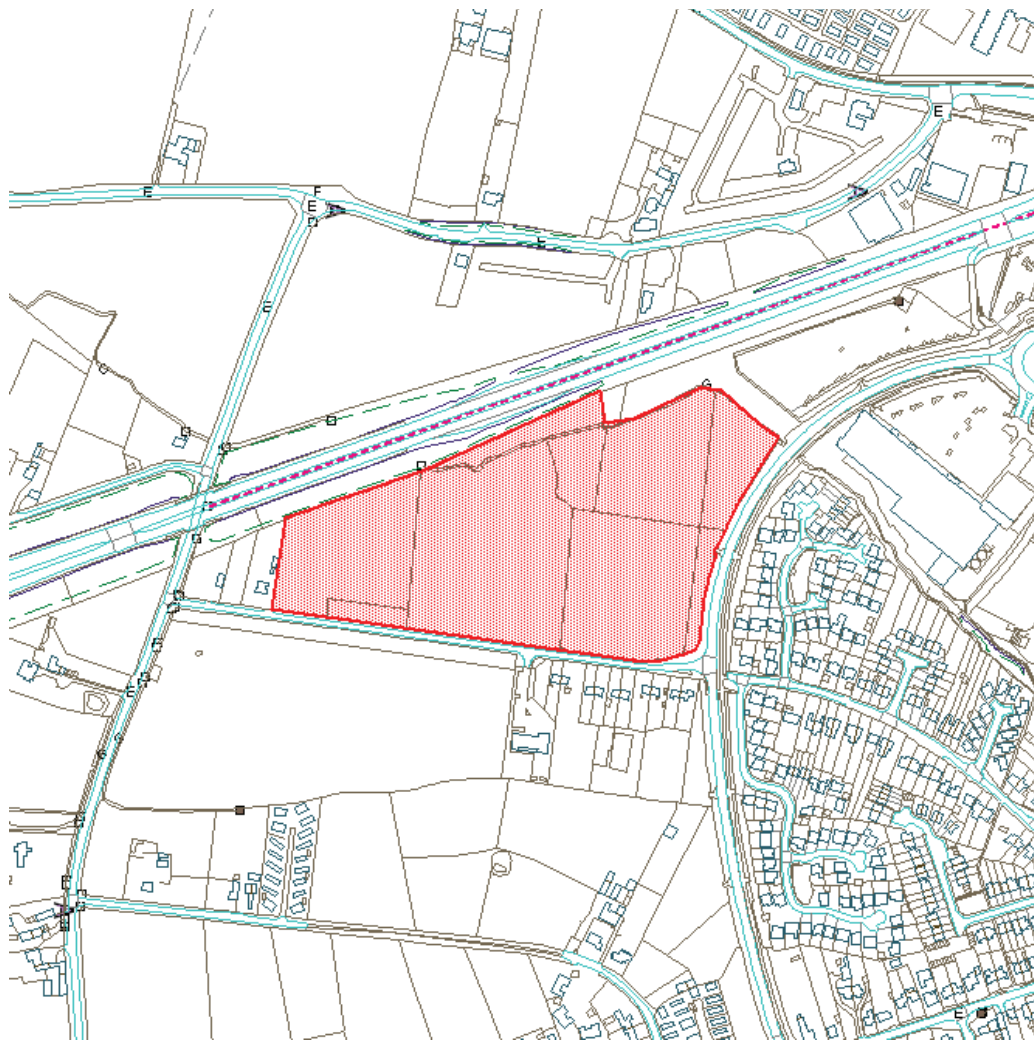
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<b>APPLICATION NO:</b> 13/01101/FUL		<b>OFFICER:</b> Mr Ian Crohill
<b>DATE REGISTERED:</b> 29th June 2013		<b>DATE OF EXPIRY:</b> 28th September 2013
<b>WARD:</b> Benhall/The Reddings		<b>PARISH:</b> None
<b>APPLICANT:</b>	Mr Peter Harris	
<b>AGENT:</b>	Mr Ian Gilbert	
<b>LOCATION:</b>	Land at North Road West and Grovefield Way, Cheltenham	
<b>PROPOSAL:</b>	Proposed erection of a flagship BMW, Mini and Motorrad dealership including vehicle sales and servicing facilities and will include the creation of an access from Grovefield Way	

**RECOMMENDATION:** That permission be granted subject to the completion of a satisfactory Agreement under Section 106 Town and Country Planning Act 1990 and the ratification of the decision by the Secretary Of State.

**For ease of understanding, please replace the previous report (13<sup>th</sup> November) and report update (15<sup>th</sup> November with this entire report**



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## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1** This is an application for full planning permission for the erection of a BMW, Mini and Motorrad dealership including vehicle sales and servicing facilities. The application also proposes the creation of an access from Grovefield Way.
- 1.2** Members will be well-versed in this history of the site. Outline planning permission was granted at appeal (ref: 05/00799/OUT) in May 2007 for B1 industrial uses and the extension of the Arle Court park and ride facility and this permission was renewed in June 2012. Subsequent reserved matters applications have also now been approved. The history of the site is set out at section 2 of this report.
- 1.3** This application relates to a parcel of land located in the north-east corner of the wider site that benefits from outline planning permission. A full description of the proposal will be set out in the main officer comments section of this report.
- 1.4** The application is a comprehensive submission and includes the following reports;
- Planning statement;
  - Design and access statement;
  - Landscape Assessment
  - Transport assessment;
  - Travel plan;
  - Flood risk assessment and Surface Water drainage Strategy
  - Ecological assessment.
- 1.5** A number of drawings have also been submitted to convey the application as well as a model. The statements and drawings can be accessed on the Council's website and the model is available to view in the planning department. The model will also be on view at the Committee meeting.
- 1.6** The application is before Planning Committee due to the significance of the site and the recent planning history. Members will visit the site on planning view.
- 1.7** The development proposed comprises development included within schedule 2 of the Environmental Impact Regulations in that it is an urban development project with a site area of over 0.5 hectares. The need for an EIA has therefore been considered and it has been concluded that in this case no specific EIA is required. Whilst the site is within the Green Belt, the impacts that may be generated by the development are of no more than of local significance and are certainly no greater than the impacts that would arise from the extant permission to develop the site (see planning history and officer comment below). Furthermore, as stated above, the application has been accompanied by an Ecological Assessment, a Landscape Assessment and a Flood Risk Assessment all of which are sufficient to allow the potential impact of the development on the environment to be assessed.
- 1.8** The application has been advertised as a departure as the application site is located in the Green Belt. It follows therefore that if the Council is mindful to approve the application, it will have to be referred to the SoS for ratification before the approval could be issued.

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

**Constraints:**

Greenbelt  
Landfill Sites boundary

**Relevant Planning History:**

**04/01790/OUT 15th December 2004 WITHDRAWN**

Outline application for B1 industrial uses

**05/00799/OUT 29th March 2006 REFUSED**

**1<sup>st</sup> May 2007**

**GRANTED PLANNING PERMISSION ON APPEAL**

Outline planning permission for B1 industrial uses and the extension to the Arle Court Park and ride facility

**06/01427/OUT PDE (Undetermined)**

B1 Business Park, extension to the Arle Court Park and Ride facility, new access, and exit slip road to A40

**08/01733/FTP 16th July 2009 PERMIT**

(STOPPING UP ORDER CONFIRMED AS UNOPPOSED 16.07.2009)

Application under Section 257 of the Town and Country Planning Act 1990 for the stopping up of public right of way ZCH98 (running north from opposite numbers 9 and 10 Shakespeare Cottages, North Road West for a distance of approximately 195 metres)

**09/00369/REM 29<sup>th</sup> May 2009 Approval Reserved Matters**

Layout of access road and parking details and the siting of the proposed buildings - following the grant of outline permission under reference 05/00799/OUT

**09/00720/REM 18th December 2009 Approval Reserved Matters**

Application for the approval of reserved matters following the grant of Outline Permission ref 05/00799/OUT dated 01.05.07:

1. The landscape master plan for the whole site along with a landscape management plan and schedule of landscape maintenance;
2. A design handbook prepared to provide guidance against which the design and external appearance of future phases of the development will be assessed;
3. Details of boundary treatment;
4. The design, external appearance of the buildings to be constructed in Phase 1;
5. Details of hard and soft landscape design for Phase 1.
6. The car parking provision for all phases of the development.

**10/00690/REM 29<sup>th</sup> July 2012 Approval Reserved Matters**

Approval of reserved matters for Phase 2 - Design and external appearance of buildings to be constructed and details of hard and soft landscaping

**10/00468/TIME 22nd June 2012 PERMIT**

Extension of the time limit for implementation of planning permission reference 05/00799/OUT (Outline planning permission for B1 industrial uses and the extension to the Arle Court Park and Ride facility).

**Subsequently an application for permission to apply for a Judicial Review of this planning decision was REFUSED 15<sup>th</sup> July 2013**

**10/01562/REM 24<sup>th</sup> October 2011 QUASHED FOLLOWING JUDICIAL REVIEW**

Application for the approval of revised reserved matters previously approved under references 09/00369/REM (approved 29.05.2009), 09/00720/REM (approved 18.12.2009) and 10/00690/REM (approved 27.07.2010) all following the grant of Outline Permission ref 05/00799/OUT (dated 01.05.07) The revision to the reserved matters relates to revised details to the already approved Design Handbook.

**12/01086/REM 21st August 2013 Approval Reserved Matters**

Reserved matters in connection with permission 10/00468/TIME. Details of the access, siting, design, external appearance of the buildings and the landscaping of the site. In addition details required by conditions 4,6, 7, 8, 11, 12,13, 15 and 16 (full details of both hard and soft landscape works including proposed finished levels; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures proposed; and existing functional services above and below ground; retained landscape features; surface water drainage works, incorporating sustainable drainage systems; the positions, design, materials and type of boundary treatment to be erected; landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas; schedule of landscape maintenance for a minimum period of 5 years; detailed waste management strategy for the treatment, recycling, and re-use of waste arising from the construction of the development; renewable energy plan to provide sufficient on site renewable energy to reduce carbon dioxide emissions by at least 10%; Car parking levels on the site overall and for each completed building; secure covered cycle parking).

**3. POLICIES AND GUIDANCE**Adopted Local Plan Policies

CP 1 Sustainable development  
 CP 2 Sequential approach to location of development  
 CP 3 Sustainable environment  
 CP 4 Safe and sustainable living  
 CP 5 Sustainable transport  
 CP 6 Mixed use development  
 CP 7 Design  
 CP 8 Provision of necessary infrastructure and facilities  
 GE 6 Trees and development  
 CO 1 Landscape character  
 CO 5 Definition of green belt  
 CO 6 Development in the green belt  
 EM 1 Employment uses  
 EM 2 Safeguarding of employment land  
 RT 9 Car sales  
 UI 3 Sustainable Drainage Systems  
 UI 4 Maintenance strips for watercourses  
 UI 7 Renewable energy  
 TP 1 Development and highway safety  
 TP 2 Highway Standards  
 TP 6 Parking provision in development

Supplementary Planning Guidance/Documents

Flooding and sustainable drainage systems (2003)  
 Landscaping in new development (2004)  
 Planning obligations (2003)  
 Planning obligations: transport (2004)  
 Security and crime prevention (2003)  
 Submission of planning applications (2004)

Sustainable buildings (2003)  
Sustainable developments (2003)  
Travel plans (2003)

National Guidance  
National Planning Policy Framework

## 4. CONSULTATIONS

### **a) Contaminated Land Officer**

*15th July 2013*

There is an area of this site which has been identified as potentially contaminated due to previous use as a farm in the early 1900s. However, due to the intended use of the site as a commercial end-use and the low potential risk of potentially significant contamination existing at this site - it is not considered necessary to include a full contaminated land condition for this site.

However, a modified condition should be included to allow the reporting of any unexpected contamination should any be identified during site redevelopment works. Please see below.

#### Reporting of unexpected contamination

In the event that contamination is found at any time when carrying out the approved development, it must be reported immediately in writing to the Local Planning Authority. An investigation and risk assessment must then be undertaken in accordance with the Environment Agency's Model procedures for the Management of Land Contamination CLR11 and a remediation scheme submitted for approval by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report must be produced and submitted for approval.

### **b) GCC Highways Planning Liaison Officer**

*11th November 2013*

#### Introduction

The application is for a BMW/Mini showroom dealership and serving centre, on land adjacent to the existing Arle Court Park and Ride. The development coincides with land previously secured for the 100 space extension.

#### Planning History

The site has some relevant history, the most pertinent is that permitted on appeal, 05/00079/OUT, (and subsequently extended by 10/00468/TIME dated 22/06/2012), for B1 industrial uses and the extension to the Arle Court Park and Ride facility. The inspector at the appeal summarised that, in allowing the application, he did so because it would deliver large scale employment land, on a green belt allocation.

#### Fall Back position

There are many objections to this development on traffic grounds; however the site has extant outline planning permission for 22,000 sqm GFA B1 industrial use. This proposal is 7,500 sqm GFA of car showroom and servicing facility. This proposal will generate less traffic movements than the consented development.

#### Arle Court Park and Ride

This application seeks to construct the building, on the land previously allocated in the appeal decision for the 100 space extension of the Arle Court Park and Ride. In the submitted Planning Statement with the current application, the applicant states:



*"the P & R site at Arle Court is not considered by the Applicant to be performing well. Whilst the need for the existing Arle Court P&R site is questionable it is considered that it is certainly not in need of expansion.*

*Furthermore, with the approval of Elmbridge Court P & R plans in February 2012 the area will see the provision of a 1,000-space park-and-ride, road capacity improvements on the A40 and more frequent bus services. Bus lanes will provide a 10-minute turn up- and-go bus service between Gloucester and Cheltenham. It is hoped the scheme will be completed by 2015. Those plans are considered to further impact on the viability and performance of the Arle Court P & R Site."*

Both of these statements are factually incorrect in that the Arle Court P & R is performing well, and no P&R facility currently exists at Elmbridge Court.

Detailed discussions have taken place with the applicant which culminated in the highway authority submitting a Technical Note, to review the patronage and future capacity of the existing Arle Court.

The technical note concluded that by 2031, with growth (assumed using JCS draft consultation allocations as a base), the Arle Court Park and Ride will need circa 220 spaces to maintain the all day vehicle demand. These figures are further validated by the original appeal decision which secured 2 tranches of extension land, comprising an area to secure 200 spaces. Furthermore extending the existing facility would be safe for people to safe use, environmentally sustainable, and affordable to maintain.

The applicant has agreed that the P&R demand is likely to exceed space availability by 2031, and agreed to contribute £503,000 towards ensuring that modal shift occurs along the South West Cheltenham transport corridor by either extending the existing P&R facility or measures to increase modal shift. For clarity the measures to increase modal shift, along transport corridors in and out of Cheltenham, shall include but not be limited to, the A40 west of the M5, Grovefield Way, Up Hatherley Way, Hatherley Lane, Hatherley Road, Reddings and Reddings Road, or extension of the Arle Court Park and Ride.

Increase in demand in the P&R will be assessed by a South West Cheltenham Corridor Transport Strategy Development Report, which will form part of the contribution 7.5% of contribution to a maximum of 10%, to be defined as the South West Cheltenham Corridor Transport Contribution.

A Draft Heads of Terms is being prepared, and will be submitted prior to committee. For clarity the South West Cheltenham Corridor Transport Contribution will, inter alia, include sustainable transport contributions for the development.

#### Access

The access to the site is by a simple priority junction, with a ghost right turn lane to accommodate queuing traffic to the site. A pedestrian refuge is required, to the east of the new access, rather than a signalised crossing, this will link the site with the existing footway network, on Grovefield Way. Whilst previously a signalised pedestrian crossing was proposed, the pedestrian refuge is now considered to be the preferred facility, in that results in less traffic queuing and delay, and has reduced long-term maintenance implications.

#### Layout

The layout is to be served off an industrial spine road which will be capable of accommodating any future development of the area that was granted original planning permission. The road must be designed and built to adoptable standards.



### Parking

There are no minimum standards for employment parking, in either the CBC Local Plan or the NPPF. The applicant should understand the operational needs of the business, and therefore the proposed 49 parking spaces for staff is acceptable, and with the Travel Plan should encourage a modal shift of staff journeys. The number of cycle stands accords with the standards within the CBC Local Plan

### Recommendation

Therefore I recommend no highway objection subject to a signed s106 agreement for a South West Cheltenham Corridor Transport Strategy Development Report and a South West Cheltenham Corridor Transport Contribution total of £503,000, and the following highway related conditions being attached to any permission granted:-.

### Conditions

1. Prior to the occupation of the development hereby permitted the vehicular access shall be laid out and constructed broadly in accordance with the submitted plan drawing no.H11/E, with the area of access road within at least 10.0 m of the carriageway edge of the public road surfaced in bound material, and shall be maintained for the duration of the development.

Reason: - To reduce potential highway impact by ensuring the access is suitably laid out and constructed.

2. Details of the layout and access, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out in accordance with the approved plans. Prior to the occupation of the development hereby permitted until the carriageway (including surface water drainage/disposal, vehicular turning heads and street lighting) providing access from the nearest public Highway to the development have been completed to at least binder course level and the footway(s) to surface course level.

Reason: - To minimise hazards and inconvenience for users of the development by ensuring that there is a safe and suitable means of access for all people.

3. The details to be submitted for the approval of reserved matters shall include vehicular parking and loading/unloading facilities within the site, and the development hereby permitted shall not be occupied until those facilities have been provided in accordance with the approved plans and shall be maintained available for those purposes for the duration of the development.

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

4. Notwithstanding the submitted plan, no works shall commence on the development hereby permitted until full details of pedestrian crossing facilities, and associated junction layout amendments, have been submitted to and agreed in writing by the Local Planning Authority, and the highway works shall then be constructed in accordance with those agreed details before any beneficial occupation of the development

Reason:- To minimise hazards and inconvenience for users of the development by ensuring that there is a safe and suitable means of access for all people.

5. Six months prior to beneficial occupation of the development hereby permitted a Travel Plan shall be submitted to and agreed in writing by the Local Planning Authority, setting out:

- i. objectives and targets for promoting sustainable travel,
- ii. appointment and funding of a travel plan coordinator,
- iii. details of an annual monitoring and review process,
- iv. details of annual reporting to GCC;
- v. means of funding of the travel plan, and;

- vi. an implementation timetable including the responsible body for each action.  
The approved Travel Plan shall be implemented in accordance with the details and timetable therein, and shall be continued thereafter, unless otherwise agreed in writing by the Local Planning Authority.  
Reason:- To encourage non-car modes.

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 development;
- v. provide for wheel washing facilities;
- vi. specify the intended hours of construction operations;
- vii. measures to control the emission of dust and dirt during construction

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

#### NOTE

The proposed development will involve highway works to be carried out on the public highway, and the Applicant/Developer is required to enter into a legally binding Highway Works Agreement, including an appropriate bond, with the County Council before commencing works.

#### **c) Planning Policy Team**

This application is for the erection of a car dealership with some related vehicle storage and office space on the land consented for B1 business use which was granted at appeal on Grovefield Way in 2007.

The Development Plan for consideration in regard to this application means the Cheltenham Borough Local Plan Second Review 2006. Relevant material considerations are policy documents such as the National Planning Policy Framework (NPPF), and the Gloucester, Cheltenham and Tewkesbury Draft Joint Core Strategy October 2013 (DJCS), which is currently undergoing public consultation.

With reference to paragraph 215 of the NPPF, the planning authority should give due weight to relevant policies of the development plan according to their degree of consistency with the NPPF. The closer the policies in the Development plan are to the Framework the greater the weight that may be given.

The NPPF aims to ensure that significant weight is placed on the need to “support economic growth through the planning system” (paragraph 19).

One of the three dimensions of sustainable development set out in the NPPF is the economic role: “contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation”. (Paragraph 7)

In March 2007 an appeal was granted to permit the construction of 20,200m<sup>2</sup> of new B1 office space on an approximately 6.5 ha site within which the application site lies. (Appeal Ref: APP/B1605/A/06/2015866/NWF). The permission was granted largely on the grounds

of the significant and ongoing shortfall of high quality office accommodation available in the Borough, and the lack of a short term resolution of this deficit. The outline permission was granted a time extension in June 2012 and is still considered extant.

### Policy Considerations

As the application seeks to redevelop the site for a non B class use, Cheltenham Borough Local Plan, 2006, policy EM2: Safeguarding of Employment Land must be considered.

Policy EM2 seeks to retain land that is currently or was last in use for employment purposes (in the B classes) unless one of the listed exception tests are met:

Policy EM2 of the Local Plan states, in part, that:-

*“A change of use of land and buildings in existing employment use, or if unoccupied to a use outside Use Classes B1, B2 or B8 inclusive will not be permitted, except where:*

*b) the retention of the site for employment purposes has been fully explored without success (note<sup>1</sup>)*

*c) the proposed use is sui generis but exhibits characteristics of B1, B2 or B8 employment uses and which should appropriately be located on employment land (note<sup>2</sup>)*

*Note 1           Evidence will be required to demonstrate demand; this may include details of past advertising vacancy rates and rent levels. This list is not exhaustive and other information may be requested.*

*Note 2           Sui Generis uses which may require an employment site location include; Car sales, builder's yard; vehicle or tool hire business. This list is not exhaustive and other uses may be relevant.*

The application is felt to be on the whole compliant with local plan policy EM2 when considered in the light of the NPPF. The purpose of the policy was to ensure that “sites currently or last in employment use remain available for B1 – B8 employment uses...” (unsaved Local Plan text paragraph 9.21) However the Grovefield Way site, despite gaining outline permission in 2007, has not yet been in employment use in the B classes. Therefore this permission should be considered separately from those where a change of use is contemplated away from an operational or formally operational site in the B classes.

The lack of a current or previous history of B class use on the site serves to reduce the impact of policy EM2 on the application. Despite this, even if policy EM2 is applied strictly, it is the view of the planning policy section that the principle of exception (c) is engaged. Car sales are explicitly mentioned in Policy EM2 as a Sui Generis Use which may require an employment site. Also, the application entails a mix of floorspaces including office and car storage space, which would otherwise be classed as B class uses.

Due to the scale of the proposed dealership its location on a permitted employment site is reasonable given that it is likely to require deliveries of a number of vehicles and customer, employee and contractor visits and benefits from being in an accessible location to the motorway. This mirrors the conditions of a number of other permitted larger car sales operations such as those off the Tewkesbury and Hayden roads in Cheltenham.

NPPF states that a core planning principle is to “proactively drive and support sustainable economic development to deliver the homes, businesses and industrial units, infrastructure and thriving local places that the country needs” (paragraph 17) The framework is less

focused on specifically restricting new employment and job generating development by use class than previous national planning documents.

The Draft Joint Core Strategy is an emerging development plan document which should be read as a whole and accorded increasing weight as it completes its consultation stages. In taking planning decisions, the document should be accorded status as a material consideration demonstrating the Council's intentions as to the direction of future plan making.

This focus on a wider definition of employment than the traditional B class uses is mirrored in Joint Core Strategy Draft Strategic Objective 1 "Building a strong and competitive Urban Economy" which seeks to:

*"Provid(e) the right conditions and sufficient land in appropriate locations to support existing businesses and attract new ones, particularly from the major, high-tech and knowledge based industries, tourism, retail and the leisure sector..."*

This change of emphasis to a wider view of employment is reflected in Draft Joint Core Strategy Policy E1 Employment which seeks to control movement away from existing "employment use" rather than restricting changing of uses between use classes where both provide employment; further policy on this may however be required through the development of the Cheltenham Plan.

This emerging planning policy focus has remained constant throughout previous iterations of the emerging plan. At the time of the Developing the Preferred Option Cheltenham, Tewkesbury and Gloucester Joint Core Strategy document December 2011 the Joint Core Strategy Vision was to "produce a strategy which fosters growth in the local economy" pg. 13 and strategic objectives were to: "Foster economic growth" (4.6) pg. 19, and "protect existing employment areas from inappropriate development for other uses." (4.7) pg.19.

#### **Relevant Evidence Base Documents and consideration of the need to retain the site for (only) B1 use**

The Cheltenham Borough Council Employment Land Review (ELR) 2007<sup>1</sup> is an evidence base document which was prepared by Nathaniel Lichfield and Partners on behalf of Cheltenham Borough Council. The document was used to inform the production of employment policies within the Draft Gloucester, Cheltenham and Tewkesbury Joint Core Strategy.

The ELR makes a clear case for the retention of all land currently or most recently in B class use, because of Cheltenham's historic, ongoing and significant losses of these units to other forms of development. The ELR states that (pg.64): "Overall, a very high proportion of Cheltenham's existing employment land supply is of at least reasonable quality and should be retained. Even lower quality sites ...appear to meet local needs of low cost employment space, suggesting they should not be released for other uses."

However, whilst the study recognised the need to retain land currently or previously in B class use it also predicted that in the order of 80% of the anticipated net increase in employment levels between 2006 and 2026 is expected to come forward in non-B class sectors. (pg.146)

In 2011 the JCS commissioned Nathaniel Lichfield and Partners to undertake an Assessment of Cheltenham, Gloucester and Tewkesbury Employment Land Reviews. Recognising the scale of economic changes that occurred since the publication of the three employment land reviews, a key input to this process was inputting the then most recent Cambridge Econometric employment forecasts (April 2009) which were used to update the

forecasts provided in the ELRs. Requirements for both employment land and floor space are considered and updated in this report.

This new data identified that requirement for B1 floor space would increase by 14% in the 20 years between 2006 and 2026 and therefore would be one of the largest economic growth areas for the town. (pg. 33 table 5.2) Local land agents questioned during the NLP work commented that these forecast requirements for B1 use in Cheltenham were reasonable. (paragraph 5.83) However the study also predicted that the growth of Non B class jobs would be almost as high at 12%.

Looking at this evidence in light of the application the 2007 ELR predominately looked at land and buildings which had a history of B class use and was written at a time when the definition of employment use was narrower. The Planning Policy team therefore consider that the commitment to retain B class uses under policy EM2 and reinforced by the employment land reviews is not significantly harmed by the loss of part of the Grovefield Way site to a Sui Generis Use which has some B class characteristics and will generate jobs, given the need for growth in facilities and space for non B class employment. The applicants also hope that the development of this car sales unit will promote and facilitate the progress the rest of the original scheme.

Despite this, Grovefield way represents an important source of supply of office space and the granting of this permission may lead to an eroding of the full value of this; however there has not been to date any physical progress on the delivery of the original scheme on the site and this must be taken into account. It is also relevant that the appeal inspector in Appeal Ref: APP/B1605/A/06/2015866/NWF did not seek to limit the permission to use for office development only, but considered that the serious and acute shortfall in overall local employment land provision amounted to the very special circumstances that justified the granting of permission for B1 use. (decision paragraph 24)

#### **Loss of Green Belt Land and the relevance of Draft Joint Core Strategy Employment Land Allocations**

The application relates to 2.2 hectares of development within the Cheltenham Green Belt. NPPF requires that when considering any planning application, substantial weight is given to any harm to the Green Belt (paragraph 88).

The NPPF states the construction of new buildings in the Green Belt is inappropriate unless they fall into certain categories, and that therefore the development of the scheme being considered is by definition harmful to the designation (paragraphs 87 and 89)

Because of this, any development of most buildings in the Green Belt is a departure from the Development Plan and this application has been advertised as such.

The presumption in favour of sustainable development contained in paragraph 14 of the NPPF does not apply in regard to this application, because specific policies within the framework indicate that within the Green Belt development should be restricted.

The area of Green Belt covered by the application is identified as making a significant contribution to all four purposes of Green Belt assessed (the highest category of green belt importance) in the most recent 2011 Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Green Belt Assessment.<sup>2</sup>

Despite this, the application under consideration does not impact the Green Belt in any greater way than the existing permission which could be enacted. Therefore the extant nature of the existing permission is a material consideration when considering potential harm to the Green Belt which would be caused by this application.



The appeal inspector in Appeal Ref: APP/B1605/A/06/2015866/NWF felt that the 'triangle' created by the A40, Grovefield Way and North Road West reduced the likelihood of development of the area leading to urban sprawl and contained it effectively. He also felt that there was only a limited effect on visual amenity in regard to the outline scheme.

Given visual amenity factors such as green buffers are retained in the application currently under consideration, the inspectors judgement is still a relevant and material factor.

The DJCS seeks to allocate 63 ha of additional employment land in urban extensions, together with a replacement provision of 20 ha at the MOD Ashchurch strategic allocation.

These new employment allocations will address the shortfall in employment land which the inspector identified in the 2007 appeal decision.

It could therefore be argued that the need for the Grovefield Way development is becoming harder to justify. However permission has already been granted for the earlier scheme which could be enacted and the DJCS is at a non statutory consultation stage, and therefore carries reduced weight.

This application, if permitted, may also be able to provide jobs early in the plan period, and could enable the remaining parts of the Grovefield Way site to come forward by acting as a gateway and catalyst.

### **Conclusion**

The planning policy team are of the view that the development would contribute well to the economic role of sustainable development as defined in National Planning Policy. The development would represent an opportunity to bring forward a job generating use on the site which would be an effective and reasonable alternative the permitted use, and may free up the potential for development of the remaining part of the site.

### **d) Urban Design**

*31st July 2013*

A Plant Schedule has been submitted but not a Planting Plan. A Planting Plan is required.

Note 1 on the Illustrative Masterplan refers to management of woodland blocks, but much of the woodland shown is outside the red line of the site boundary. Clarification is required concerning responsibility for management of this area.

The Tree Section should be consulted about the proposed removal of trees and woodland.

Please attach the following landscaping condition to planning permission, if granted.

#### Landscaping Condition

Prior to the commencement of development, a landscaping and planting scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include a survey of all existing trees on the land showing the size and species and identifying those trees, if any, it is proposed to remove. In addition it shall show in detail all proposed tree and shrub planting, hard surfacing (which should be permeable or drain to a permeable area) and areas to be grassed. 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 or in accordance with a programme agreed in writing with the Local Planning Authority. All planted materials shall be maintained for 5 years after planting and any trees or plants removed, dying, being severely damaged or becoming seriously

diseased within this period shall be replaced with others of similar size and species to those originally required to be planted.

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.

Reason: To ensure that the planting becomes established and thereby achieves the objectives of Local Plan Policies CP1 and CP7 relating to sustainable development and design.

**e) Tree Officer**

*6th August 2013*

The CBC Tree Section does not object to this application provided agreement can be reached regarding the following:

- 1) The large oak and walnut tree to the north of the site but south of stream-ie on the north west boundary of the field and adjacent to the A40 appear to be shown on the Landscape Plan 2784-02E but this is only illustrative and as such confirmation is needed. These trees are of TPO merit. A BS5837 (2012) tree survey would have provided useful clarification of locations and Root Protection Areas/radii of these trees to be retained.
- 2) The landscape plan needs more detail. Such details needing to be addressed include: what species of tree are to be planted at each nominated location. Root types must also be described. Given that the majority of trees are Heavy Standards or greater, it is anticipated that such trees will be planted as container grown. Given that this area has been described within the application as 'the urban fringe' and indeed it has a rural feel, it is recommended that the proposed use of the exotic tree Gleditsia is unsuitable at this semi-rural environment. An alternative to Gleditsia could be native Acer or Carpinus species. Similarly the use of Quercus coccinea 'Splendens' may be questionable until exact numbers and location details are provided.
- 3) A long medium and short term management plan for the proposed woodland thinning and more precise description of the 'parkland appearance' of the shelterbelt adjacent to the A40 needs to be submitted and agreed. The dense under-story and selected retained trees need to be identified and managed in the longer term so as to maintain a green (but relatively porous) visual screen when seen from the A40.
- 4) A detailed Tree Protection Plan needs to be submitted and agreed prior to the commencement of any works. Whilst such a plan has been submitted (drawing no DLA-1512-01 of planning application 12/01086/REM), there are insufficient details to show that the trees will be protected during construction. There should be no encroachment into the root protection area of oak T847. Walnut T873- a method statement should be submitted and agreed showing how construction work will not cause significant disturbance to the roots or crown. A 'no dig' construction method should be employed for the parking area adjacent to this tree.

**f) Crime Prevention Design Advisor**

*12th August 2013*

In my capacity as Crime Reduction Design Advisor for Gloucestershire Constabulary I would like to comment on the planning application at Grovefield Way, Cheltenham with

reference number 13/01101/FUL, 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.
- (2) This section applies to a local authority, a joint authority, a police authority, a National Park authority and the Broads Authority."

#### Design and Access Statement

This application's Design and Access Statement has minimal Crime Prevention and site security comment. Further information should be available as required by Paragraph 42 of the Planning and Compulsory Purchase Act 2004, the Communities and Local Government's (CLG) "Guidance on information requirements and validation" and the guidance material from the CABA.

However the site plan makes reference to security hoops, telescopic and rhino bollards and 2.4m high weld mesh fencing, fixed in line with the manufacturers recommendations.

The Cheltenham guide to Design and Access statement repeats the advice given Paragraph 132 of CLG's guidance states "PPS1 makes clear that a key objective for new developments should be that they create safe and accessible environments where crime and disorder or fear of crime does not undermine quality of life or community cohesion.

Design and access statements for outline and detailed applications should therefore demonstrate how crime prevention measures have been considered in the design of the proposal and how the design reflects the attributes of safe, sustainable places set out in Safer Places- the Planning System and Crime Prevention."

"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

CABA's publication Design and access statements - 'How to write, read and use them' explains that Design and Access "statements should demonstrate how development can create accessible and safe environments, including addressing crime and disorder and fear of crime. These may be particularly relevant to address under layout and landscaping themes. Early consultation with police will help identify key issues in your local area, and measures to help address these". CABA also recommend the Safer Places publication as mentioned above.

#### 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

Converting the financial cost of crime into carbon tonnage is undertaken by a formula created by Prof Ken Pease. It calculates that for every US\$1000 of goods and services produced using today's technology, 0.5 tonnes of CO<sub>2</sub> is released into the atmosphere (International Energy Agency 2007). In 2009 the US dollar bought .5173 £ sterling, thus £1034.6 of goods and services yielded 1 tonne of emitted CO<sub>2</sub>. Nationally the combined costing of recorded criminal activities equated to 5.4 million tonnes of emitted CO<sub>2</sub>. This conservative figure represents some 1% of total UK emissions

In Gloucestershire this roughly equates to 108,269 tonnes of CO<sub>2</sub> generated in 2012, Cheltenham responsible for 27% a total of 65680 tonnes of CO<sub>2</sub> (down 0.6% on last year) Over the past 12 months 4334 crimes occurred in the Cheltenham South Local Policing Team areas, generating 17182 tonnes of CO<sub>2</sub>.

### Secured by Design

The Constabulary recognised that the planning application demonstrates some the 7 attributes as described in Safer Places, the principles of Crime Prevention through Environmental Design (CPTED), the recommendations of Manual for Street and show greater reference to the Police's initiative of Secured by Design (SBD) as a means of addressing the requirements of paragraph 132 of Guidance on Information Requirements and Validation.

### Permeability

The permeability of the development should have clearly defined routes, spaces and entrances that provide for convenient movement without compromising security. Areas which promote excessive permeability create anonymity for offenders, break down defensible spaces and remove natural surveillance, which can leave the area vulnerable to crime and facilitating anti social behaviour.

### Access controls and sufficient staffing levels

The access on to each floor should be controlled and managed by staff at key points around the buildings, thereby preventing excessive permeability and maintaining security on each building level.

### Anonymity

All routes, building types and the layout should offer spaces that are overlooked, integrated within the working environment and generate adequate movement to increase natural surveillance.

### Surveillance

The layout should offer surveillance opportunities to discourage criminal behaviour which could include graffiti, criminal damage, Anti Social Behaviour and provide burglars with sufficient seclusion to enter a building.

The planting and landscaping schemes should enhance natural surveillance by keeping ground level plants below 1m in height, with the taller shrubs and trees being maintained to create a canopy that starts at 2m from the ground.

### 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 that will help address crime, the fear of crime and antisocial behaviour.

The level of lighting within the parking areas, should comply with BS 5489-1:2003 or equivalent; care should be taken to prevent light pollution into the environment and into any off site residential rooms facing this area.

Buildings - general

Care should be taken to remove blind spots in areas devoid of direct surveillance which could attract issues such as graffiti, inappropriate loitering, Anti Social Behaviour and burglary.

Staircases

Staircases need to be appropriately managed and should be secured to prevent casual access to the upper floors.

Cash/ Money handling

If applicable the strong room should have a safe and secure access; incorporating access control, a secure draft lobby, CCTV coverage and incorporated into an intruder alarm security system. The doors should be security rating of LPS 1175 SR4 or higher, while offering surveillance through a spy hole or CCTV monitor before exiting. The correct size and category of safe should be determined by an assessment of prospective takings and meet insurance requirements.

Pedestrian movement and queuing

The layout of the buildings and the hard landscaping around these areas should provide sufficient -through careful design the pedestrian movement should be organised to potential conflict or reduce criminal activities.

CTSA requirements for raised areas/ undercroft

We have made the Force CTSA (Counter Terrorist Security Advisor) aware of this application due to the use of a single story undercroft. At this stage there are no additional requirements, however should there be changes in known or perceived threats, then it is advised that the end user contact the Force CTSA.

<http://www.gloucestershire.police.uk/counterterrorism/item3953.html>

Cycle parking

Motorcycle parking should provide Sold Secure anchor point to restrict the opportunities of vehicle theft, a catalogue for these products can be found at the following link [http://www.soldsecure.com/wp-content/uploads/Catalogue\\_2008\\_Website.pdf](http://www.soldsecure.com/wp-content/uploads/Catalogue_2008_Website.pdf)

If applicable for staff and visitor cycle use: cycle stands should be located near the front entrance of the store. Each loops or rack should encourage both wheels and the crossbar to be locked to a galvanised steel bar construction with minimum wall thickness of 3mm and foundation depth of 300mm.

Gloucester City Council and Gloucestershire Constabulary have been working together to promote cycle security through the City in an effort to prevent an increasing trend in cycle thefts. Considering the amount of cycle parking allocated to this building the following websites provide further information relating to property marking, joining a property registration scheme, types of lock and locking techniques.

<http://www.gloucestershire.police.uk/Crime%20Reduction/Bicycle%20Advice/item18635.html>

and

[http://www.safergloucester.co.uk/Advice\\_and\\_Information/Crime\\_Prevention\\_Advice/Bicycle\\_Security.aspx](http://www.safergloucester.co.uk/Advice_and_Information/Crime_Prevention_Advice/Bicycle_Security.aspx)

Footpaths

The designs of public footpaths should be clearly influenced by the principles described in 'Manual for Street'; any footpaths exceeding 1.5m wide should have vehicle mitigation designed into the entry/ exit points to restrict motor vehicles from entering, using them as a thoroughfare or as an ad hoc parking area.

### Boundary treatments

These should be in line with the requirements of BMW, who no doubt have learned from experiences from other sites and the natural progression of shared learning to make such developments, secure and safe, so as to prevent access, both speculative and or aggressive insertion from the point of possible criminal activity.

### Soft landscaping

The planting scheme and hard landscaping plan in the public areas needs to assist with surveillance, 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.

The location of trees and taller shrubs should not provide climbing aids onto or over built structures.

A long-term strategy should be considered so that a maintenance and improvements program would be implemented.

### Car parking

"Parked cars can be particularly vulnerable to crime" (Safer Places).

Buildings should provide sympathetic placement of windows, allowing the opportunity for natural surveillance over the parking areas. Each parking area should be lit to BS 5489-1:2003 or the equivalent.

All vehicles should be prohibited from parking on the road network; this should also include HGV's parking over night as these breaks down any natural surveillance, offers criminal opportunities and hinders the flow of traffic through this compact area.

### Street games

We have seen in the past at similar locations, that the modern design of smooth paving surfaces, kerb edges, railings and variations in height may provide an urban course for various street games including skate boarding and BMX tricks. Therefore appropriate rules setting via signage should be used to discourage such, due to the presence of "a capable guardian" (CCTV and or site guard to address such issues)

### CCTV

To assist with the security of the building, CCTV needs to be positioned in order to cover the numerous blind spots across the site, the car park, various entrances and any receptions areas. The CCTV system needs to be designed to allow seasonal variations within the planting scheme and in conjunction with the Lux plan and be effective during night time conditions. Further advice and approved installers can be found via this web address, so as to meet Insurer, Industry and Police requirements of such (see attached Pdf). <http://www.nsi.org.uk/>

### Alarms

The building should be provided with an alarm system, commensurate with the status and type, to reflect the site user. Further advice and approved installers can be found via this web address, so as to meet Insurer and Industry requirements of such. <http://www.nsi.org.uk/>

### Forensic Marking

The end user should identify and protect their property with a forensic property marking kit, identifiable and traceable through a recognised database. The use of these products should be displayed on the site entrance, along with stickers on external windows and door.

### 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.

**g) Cheltenham Civic Society**

*15th August 2013*

This is an important gateway site and we approved of the unashamedly modern approach. But we thought there would have been an opportunity for something more iconic

**h) Architects Panel**

*9th August 2013*

1. Project Description and Reference - 13/01101/FUL

2. Is the information sufficient to understand the application?

Plans and elevations are difficult to read and get an understanding of the depth of the built form. There are some small 3D views which are helpful but the elevations lack depth and the clarity to show the transparency of the building.

3. Context

Although the site is well screened from the A40 some attempt has been made to open up the treeline and it would be interesting to understand how visible the proposal would be to passing motorists as it could be seen as a long bland elevation. The main access starts to present a more interesting building as the scale is broken down and has more visual interest. We would suggest the site is suitable for a motor dealership with its good access.

4. Massing and Scale

The overall scale of the building appears acceptable for the site although it would benefit more in a clarity of the design intent.

5. External Appearance

The main body of the building is set up with a horizontal emphasis with slab floors expressed externally and separated with glass screens. However the floor thicknesses vary and the elevations lack any depth and idea of how the building will actually be perceived. Assuming the more 'fun' mini section of building is designed as a foil to the calmer BMW building we would like to this being expressed clearer and more definition in the central link building which houses the entrance and café. This may be simply a presentation issue but we would like more confidence in the design before we can comment further.

6. Detailing and Materials

The materials appear suitable but we would like to see a more robust design approach taken and this to then follow through on the detailing.

7. Environmental Design

No comments.

8. Summary

The principal of the scheme is acceptable but we believe the design needs to express its design intent in a more robust manner. This would lead to a higher quality building and experience for both visitors and passers-by.

9. Recommendation

Refuse.

**Comments on revised drawings***17th September 2013*1. Is the information sufficient to understand the application?

The presentation provided further precedent and information on the inspiration behind the design which gave some comfort about the desired quality of the scheme. The plans and elevations were however the same as the original application which had the same issues of being difficult to read and get an understanding of the depth of the built form. There was also a physical model but there appeared to be some discrepancies between this and the 2 dimensional drawings?

2. Context

Although the site is well screened from the A40 some attempt has been made to open up the treeline and it would be interesting to understand how visible the proposal would be to passing motorists as it could be seen as a long bland elevation. The main access starts to present a more interesting building as the scale is broken down and has more visual interest. We would suggest the site is suitable for a motor dealership with its good access.

3. Massing and Scale

The overall scale of the building appears acceptable for the site although it would benefit from more clarity of the design intent.

4. External Appearance

The precedents provided suggest a contemporary 'barcelona' type pavilion aesthetic with horizontal and vertical elements being used to define space. This appeared to be reflected in the motorcycle building but was lacking in the main body of the building. There was also a lot of debate about the entrance 'atrium' space and how this worked as a link between the varied BMW and MINI aesthetics. The key is to approach the scheme with more vigour and ensure the design ethos is reflected throughout the design....as it appears to be with the motorcycle showroom. This would provide more confidence that the final scheme would be worthy of the landmark location and the brand.

5. Detailing and Materials

The materials appear suitable but we would like to see a more robust design approach taken and this to then follow through on the detailing.

6. Environmental Design.

No comments.

7. Summary

The principal of the scheme is acceptable and could provide the high quality scheme the client and franchise demands. However it needs more development to ensure the design intent is achieved.

8. Recommendation

Our original comments still stand and we would like to see the design being updated and resubmitted.

**5. PUBLICITY AND REPRESENTATIONS**

Number of letters sent	<b>49</b>
Total comments received	<b>25</b>
Number of objections	<b>24</b>
Number of supporting	<b>0</b>
General comment	<b>1</b>

- 5.1** A total of 49 letters were sent out to occupiers of neighbouring residential properties. In addition the receipt of the application and the fact that it was a departure was advertised on site and in the local press.
- 5.2** A total of 25 letters have been received to date. The writers of a large number of letters question the coverage of the publicity afforded to the application, with the clear implication that the coverage was deliberately restricted to ensure few representations. This was certainly not the case and the publicity was, as is usual practice in Cheltenham well in excess of that required by statute.
- 5.3** In addition the above the principal objections to the development relate to traffic generation; loss of green belt and undeveloped agricultural land; loss of wildlife habitat; inappropriate style of architecture for a building sited at one of the major approaches to Cheltenham; scale and height of proposed building too great; lack of sufficient parking within development; BMW constitutes the 'thin end of the wedge' and will allow retail to be established on the site.
- 5.4** The e-mails and letters that have been received are attached to this report for members' information.

## **6. OFFICER COMMENTS**

### **6.1 Determining Issues**

**6.1.1** Matters that need to be considered in determining this application relate to the following;

**6.1.2** The Site and its context, the Planning History of the site and the context of the application, Design and layout, planning Policy considerations, Transport issues and lastly impact on neighbouring amenity.

### **6.2 The site and its context**

**6.2.1** The application site comprises some 2.2ha of land adjacent to the north west of Grovefield Way and south of the A40. The site is part of a wider parcel of land that amounts to some 6.4ha in area; the land is all under the control of the applicant. The land is bounded principally by Grovefield Way, North Road West and the A40.

**6.2.2** The site is located within the Green Belt, surrounded by a mix of residential, commercial and employment uses including the Arle Court Park and Ride site.

**6.2.3** The general topography of the site is that the land is highest in the south east and east falling away towards the west. The north of the application site is separated from the A40 dual carriageway road by an earth bank planted with a belt of trees. The site is accessed off Grovefield Way a relatively new road link which runs from the A40 roundabout interchange southwards through The Reddings to Hatherley and south west Cheltenham.

### **6.3 Planning History**

**6.3.1** The planning history of this site relates to the wider site and is particularly involved and of great significance.



**6.3.2** Following an initial refusal of permission (05/00799/OUT) in March 2006, planning permission was granted on appeal in May 2007 (APP/B1605/A/06/2015866/NWF) for the wider site at Grovefield Way for B1 industrial uses along with the option to provide for an extension of the existing Arle Court Park and Ride facility.

**6.3.3** Subsequently further reserved matters applications were approved in May 2009 (09/00369/REM) for details of the main access road into the site, parking and the siting of the buildings; December 2009 (09/00720/REM) for details of the landscaping scheme and management plan, the design and appearance of Phase 1, including a Design Handbook relating to the design and appearance of the remaining phases of the development and boundary treatments; and July 2010 (10/00690/REM) for the design, appearance and landscaping of Phase 2.

**6.3.4** The details that were approved showed a mix of 2 and 3 storey buildings with a maximum height of 12 metres with the taller buildings at the A40 end of the site. The development was to be access by a central spine road running east to west and the buildings were shown to be of simple contemporary design. A comprehensive landscape scheme, covering the whole site was also approved.

**6.3.5** In May 2011 a further application was submitted as a revision to the reserved matters already approved in an attempt to tie them all together and at the same time extend them to include the remaining phase that had not up till then been the subject of a stand-alone reserved matters approvals was approved (10/1562/REM). That approval was, however, subject to Judicial Review and the decision to approve was subsequently quashed by the Courts on 24 October 2011.

**6.3.6** Prior to that decision of the Courts, however, the applicants submitted yet another application, this time for an extension of the time limit for implementation of the outline planning permission originally granted on appeal in 2007. That application (10/00468/TIME) was approved by Planning Committee on 22 June 2010. The time scale for submission of details reserved by the renewed outline, therefore, was up to June 2015.

**6.3.7** Following that approval, however, leave was requested in November 2012 from the High Court to once again challenge the legality, this time of the extension of time permission by way of Judicial Review. It was argued that the decision to grant the extension of time was fundamentally flawed since the procedures; in particular those relating to time scales for the submission of an extension of time application had not been met and correctly adhered to.

**6.3.8** The request was originally made in the form of written representations and was denied, thus no challenge was held. Subsequently, however, the Challenger made an application to the Court for a Renewal Hearing where again, leave from the High Court to challenge the decision was requested. That Hearing took place on 15 July 2013 by way of oral (as opposed to written, as previously) representations and the decision was that permission to apply for a Judicial Review in respect of the planning approval was refused and the Challenger was ordered to pay the costs incurred by the Council.

**6.3.9** Following that decision, a comprehensive list of matters reserved by the extant outline (granted by way of application 10/00468/TIME), was approved under application reference 12/01086/REM on 21 August 2013.

**6.3.10 Planning permission to develop the larger site for the purposes of a Business Park is therefore extant and will not lapse until whichever is the later of the following dates:- 5 years from the date of the outline permission (22<sup>nd</sup> June 2017) or 2 years from the date of the REM decision (21<sup>st</sup> August 2015).**

**6.3.11** It is clear that the site benefits from an extant permission to develop for commercial purposes and that alone constitutes a significant material consideration in determining any

subsequent applications to develop the site. It follows that the circumstances against which the Inspector determined the previous planning application must be revisited 6 years on; though it should also be borne in mind that the Council saw fit in 2012 to renew that outline permission.

**6.3.12** With regard to the need for employment land, the Inspector concluded in 2007 that there was a 'serious' shortfall in local employment land provision up to 2011 at least. He considered that such a shortfall was a very special circumstance that justified the use of this Green Belt site for B1 development at that time. The report to Committee only last year, in 2012, dealing with the TIME application to extend the time in which the outline could be implemented contained the following report by the then Council's Strategic Land Use Manager.

*"From a planning policy perspective the issue to consider in respect of application 10/00468/TIME is whether there have been any significant changes arising since the determination of the planning appeal granted on 1st May 2007.*

#### Green Belt Review

*In March 2007 a green belt review for Cheltenham was undertaken by consultants AERC. This review looked specifically at the application site (denoted as sub area E1 within the review) and categorised the site as falling within the ranking of an average score. Sub zone E1 scored 130, with the lowest sub zone scoring 68 and the highest 202 across the Borough.*

*In arriving at this score the review identified the purposes of the green belt relevant to the site as being; checking unrestricted sprawl of built up areas, assisting in safeguarding the countryside from encroachment and preserving the setting and special character of historic towns. The site did score against the merging of neighbouring towns, but this received only the minimal score of 1.*

*The findings of the green belt review were presented to the Inquiry in 2007, and therefore taken into account by the Inspector in reaching his decision of allowing the development at Grovefield Way.*

*Since 2007 a further green belt assessment has been undertaken, prepared by consultants AMEC to inform preparation of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy – published September 2011. This green belt assessment includes the area of the application within assessment area SE10. This assessment area is defined as making a significant contribution to the green belt; however it should be noted that the 2011 review is a strategic assessment relating to clusters of green belt segments rather than a localised assessment looking at much smaller areas of land as was the methodology of the 2007 green belt review.*

#### Employment Land Position

*The last employment land assessment report was published in October 2010 which covers the period 2009/10.*

*In considering the employment land position at the time of preparation of the local plan, the Inspector, reporting in March 2005 concluded that he was in "no doubt that the plan does not provide enough employment land", in considering the Inquiry into the non determination appeal in 2007 the Inspector supported this view, considering that the shortfall in new employment provision demonstrated very special circumstances and therefore justified development of land within the green belt.*

*As shown in the tables 1 and 2 below, since 2007, overall Cheltenham has continued to lose more employment land. Whilst some new employment land has been developed, this*



has not been at a rate to balance the loss or make a positive contribution to the Structure Plan requirement of 12 hectares.

New employment land commitments, as of 1st April 2010, totalled 23.47ha (76,478sqm), of which the site at Grovefield Way contributes 6.4ha (64,000sqm).

Monitoring against the Structure Plan identifies a shortfall of 6.1ha. If the site at Grovefield Way is not implemented this will increase the shortfall to 12.5ha.

Employment land assessment monitoring for 2010/11 and 2011/12 will be carried out in April/May 2012. Initial review of commitments and losses indicate that there will be increasing losses to employment stock further increasing the employment land deficit.

**TABLE 1: Employment land completions in Cheltenham Borough from 1991**

Year	1991 - 2006/07	2007/08	2008/09	2009/10	2010/11	Total
<b>Completions</b>	<b>7.741</b>	3.468	1.282	0.6482		<b>13.1392</b>
<b>Losses</b>	<b>22.334</b>	2.13	1.574	0.9403		<b>26.9783</b>
<b>Net Change</b>	<b>-14.593</b>	1.338	-0.292	-0.2921		<b>-13.8391</b>

**TABLE 2: Gloucestershire Structure Plan Second Review employment requirements: Cheltenham Borough: 1st April 2010**

<b>Area (ha)</b>	
Land developed since mid-1991	13.1392
Land Not Started at 01/04/2010	22.7543
Land Under Construction at 01/04/2010	0.7208
Local Plan Allocations to 2011	-
<b>Gross Land Supply</b>	<b>36.6143</b>
<b>Area (ha)</b>	
Losses since mid-1991	26.9783
Expected losses at 01/04/2010	3.8257
<b>Total Losses</b>	<b>30.804</b>
<b>Net Land Supply</b>	<b>5.8103</b>
Gloucestershire Structure Plan Requirement	12.00
<b>Residual to mid-2011</b>	<b>6.1897</b>

#### Cheltenham Employment Land Review

In December 2010 an assessment of Cheltenham, Gloucester and Tewkesbury employment land reviews was published to help inform the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy, prepared by consultants Nathaniel Lichfield and Partners. This report concluded that over the period 2006 – 2026 the employment land requirement for Cheltenham for around 11.9ha of employment land. Taking into account the monitoring information above, Cheltenham is currently under performing if this level of land was to be met.

#### Planning Policy Statement 4 (PPS4) – Planning for Sustainable Economic Growth

In setting out Government policy in respect of determining planning applications for economic development (policy EC10) PPS4 states “Local planning authorities should adopt a positive and constructive approach towards planning applications for economic development. Planning applications that secure sustainable economic growth should be

*treated favourably". In addition policy EC11 provides further advice in regard to determining planning applications not in accordance with an up to date development plan, this includes;*

*"(a) weigh market and other economic information alongside environmental and social information*

*(b) take full account of any longer term benefits, as well as the costs, of b. development, such as job creation or improved productivity including any wider benefits to national, regional or local economies; and*

*(c) consider whether those proposals help to meet the wider objectives of the development plan".*

*Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS)*

*In December 2011 the 3 JCS authorities published the Joint Core Strategy – developing the preferred option. This emerging strategy identified the need for around 46 ha of employment land to be developed across the JCS area up to 2031. Currently there is a gap in the economic evidence base; this is currently being addressed. However Cheltenham plays an important role in supporting the economy of the JCS area, wider Gloucestershire and the region and as such the JCS will need to identify opportunities for new employment.*

*Not all new employment will require new sites, there will be some opportunities for redevelopment and some new jobs will be created through space-less growth. New land will*

*Given the constrained nature of Cheltenham at the boundary of the urban area, together with limited opportunities within the urban boundary to create new employment sites, alongside competing pressure for development of other land uses, employment opportunities will need to be considered outside the principal urban area boundary.*

### Conclusions

*Cheltenham is involved in collaborative working through the JCS and an option in regard to the application site is whether the provision could be made via the JCS process. However, the evidence, as briefly outlined above clearly indicates that provision should not be stalled, reflecting guidance set out in PPS4. It is therefore recommended that the time extension on the application be granted."*

**6.3.13** It is clear that the conclusions indicate that not only has the employment land deficit worsened since the 2007 appeal decision but that there is a need to rely on the development of the application site to meet that deficit.

**6.3.14** The Inspector also paid regard to the visual prominence of the site and its overall appearance within its immediate surroundings. Clearly, this has not altered since the 2007 decision. At the time his conclusions were that the given its immediate surroundings, principally the Park and Ride site to the north east, the residential estate to the east and the less dense housing along part of North Road west to the south, it seemed to him that the urbanising influence of the A40 corridor added to the those factors meant that the site did not only appear as part of the countryside outside the built up area but rather more as an urban fringe. He concluded that : *"Accordingly, I am satisfied that, subject to detailed design and layout and providing that suitable landscaping scheme, especially along the southern boundary, is included with any detailed proposals, new B1 buildings here would need not be unnecessarily intrusive in the local landscape".* Any visual impact of the currently proposed scheme must now add to that view the fact that the development of the site by substantial buildings already been approved and that that approval is extant.

**6.3.15** Furthermore, the Inspector in 2007 considered the effect of the proposal on the local transport network. In 2010 the Council required the submission of an updated Transport Impact Assessment to reflect any possible changes that had arisen in the intervening years (the outline was submitted in 2005, even though the decision was not issued until 2007). Thus the transport impacts of the extant scheme have been assessed more recently than the impacts arising in 2007; and the scheme was considered acceptable in terms of transport implications.

## **6.4 Design and Layout**

**6.4.1** The proposal is intended to provide for the relocation and expansion of the applicant's existing business operations from its Tewkesbury Road site which the company argues no longer serves its purposes. The proposal is intended to represent the BMW, Mini and Motorrad (BMW's motorcycle marque) as a flagship dealership within the region. It is claimed that the proposed development is expected to provide some 250 full and part time jobs amounting to an increase of 100 jobs from at their existing site.

**6.4.2** It is contended by the applicant's planning consultants that the development of this part of the wider site that has the benefit of an extant permission would in effect "unlock the much needed development potential of the site by providing a prestige employment use at the gateway to the land and will deliver the required access into the site.

**6.4.3** The proposed development site comprises some 2.2ha of land and includes the creation of some 7,595 m<sup>2</sup> of employment floorspace over 4 floors to provide servicing and valeting facilities on the lower ground floor, showrooms and sales space and café on the ground and first floors and office and administrative space on the top floor. Externally there would be customer car parking and circulation space along with an area for the display of demonstration and used cars.

**6.4.4** The scheme includes a comprehensive landscape scheme (detailed in the submitted landscape assessment) along with the creation of a site access to and from Grovefield Way and follows the access principles already established. As with the previous approvals, there would be no access to the site off North Road West. The proposed access has been designed to allow its extension as a spine road to serve future development of the total site.

**6.4.5** It is confirmed that the principles of site drainage are to be based on the implementation of Sustainable Urban Drainage techniques across the site. It is proposed that the rate of run-off from hard surfaced areas within the east of the site will be slowed down through SUDS systems and rainwater harvesting at the roof of the showroom. In addition water run-off would be directed to the west of the site towards the car storage area which will have a permeable surface and a water attenuation system to further control run-off.

**6.4.6** The design principles adopted by the applicant's architects are set out in full in the D&A Statement submitted with the application. The architecture of the main building is shown as a two part structure. The BMW element to the west provides a clean and contemporary pavilion style building comprising a series of flat white slab sections making up the floors and ceiling structures with a predominance of glass in the elevations. To the east, however, the building is based on the black cubed design 'synonymous with the Mini brand' of architecture and includes a highlighted display for the Mini model. Additionally the Mini cube is finished with a pedestal feature indicating a road coming away from the cube structure to display a Mini to the front of the building. The 2 segments of the building are linked by a 'neutral' glazed element which provides the entrance to the 2 halves, housing the café area and shared space. To the front of the building in line with the edge of the

BMW branded building is the Motorrad showroom which exhibits a similar design ethic to the main BMW element.

**6.4.7** The main building has been designed to be dual aspect; the front facing southwards towards Grovefield Way and the 'back' would face the north, the A40 and marking its presence at one of the main gateways into Cheltenham. The north elevation would appear as 3 floors with the lower ground floor below the level of the bank. The glazed elevations of the building would mean that both BMW and Mini cars would be displayed towards both Grovefield Way and the A40.

**6.4.8** The Architects Panel have criticised the design of the building and the Civic Society, though welcoming the contemporary approach, consider the location to be such that it would be appropriate for a more iconic structure than that proposed. Clearly that illustrates the very subjective basis for architectural critique. However, Officers' view is that the building provides a clean, crisp, overtly contemporary structure, well suited to its important location at a major approach into the town. It is not too outrageous in its approach; in fact despite some flamboyant and 'adventurous' touches (Mini design on roof for example) it is almost reserved and yet exhibits a quality of design and architecture that is well suited to this location.

**6.4.9** It is stated that the building will exceed a BREEAM 'Very Good' standard which in fact is a requirement of BMW. The building will also incorporate rainwater harvesting systems on the roof to recycle water for valeting and the applicants also envisage that solar PV panels will be incorporated onto the roof.

## **6.5 Planning Policy Considerations**

**6.5.1** The only real recent major change in Planning Policy is the advent of the National Planning Policy Framework published in March 2012. This, it should be noted was, however, before the renewal of the outline permission was granted in June of that year.

**6.5.2** As already stated the planning history and in particular the fact that there is an extant permission to develop the site constitutes a significant material consideration in determining this application. In 2007 the Inspector considered that there were 3 main issues in determining the appeal, these are equally relevant today. Firstly he identified special circumstances including an agreed shortfall in employment land that outweighed the general presumption against development; secondly he considered the visual impact to be not sufficient to counteract the significance of the 'special circumstances' and thirdly he identified highway matters and concluded that these could be satisfactorily overcome by requiring the applicant to undertake certain off site works and allow for the possibility of expansion of the P&R facility.

**6.5.3** The comments of the Planning Policy team included in section **4(c)** above forensically examine the proposal in the light of current planning policy and the policy approach being pursued by the Borough Council. Members' attention is drawn to the contents of that section of the report. The conclusions reached are *"that the development would contribute well to the economic role of sustainable development as defined in National Planning Policy. The development would represent an opportunity to bring forward a job generating use on the site which would be an effective and reasonable alternative the permitted use, and may free up the potential for development of the remaining part of the site."*

**6.5.4** The Policy team in effect concludes that permission should be granted.

## 6.6 Transport Issues

**6.6.1** The Highways advice from Gloucestershire Highways, the Highway Authority is laid out in detail in **4 (b)** above and once again Members' attention is drawn to that section in particular. The conclusions reached are that there can be *"no highway objection subject to a signed s106 agreement for a South West Cheltenham Corridor Transport Strategy Development Report and a South West Cheltenham Corridor Transport Contribution total of £503,000,"* in addition the Highways Officer suggests several highway related conditions that he considers should be attached to any permission if granted.

## 6.7 Impact on Neighbouring properties

**6.7.1** Despite the applicants trying to engage with the local community and setting in place a public consultation event, it is perhaps not surprising that there has been a weight of opposition to the proposal. Letters of representation in the main centre on issues of principle relating in the main to the green belt and traffic generation. The submission of a new application to develop a site does not 'wipe the slate clean', and this report has stressed the significant weight that must be afforded to the extant permission.

**6.7.2** In terms of traffic, the Highways Officer has clearly agreed with the applicant's contention that the current proposal will generate less traffic than that of the extant permission and that the proposed on site parking spaces for staff is acceptable when viewed in combination with the Travel Plan designed to encourage a modal shift of staff journeys.

**6.7.3** In terms of the physical impact of the building itself no houses should be adversely impacted. At the closest point the corner of the building would be at least 75m away from the nearest house, on the other side of Grovefield Way; the building is in fact closest to the A40 and the existing Park and Ride facility.

## 7. CONCLUSION AND RECOMMENDATION

- 7.1** It is considered that the proposal for a flagship BMW dealership in this location is acceptable. The involved planning history of site is of significant weight and the extant planning permission to develop the wider site than just the current application site is an extremely weighty material consideration in determining the application and provides the very special circumstances necessary to justify departure from the presumption against development in the Green belt, as similarly identified by the Inspector in 2007.
- 7.2** The proposal will bring with it significant economic benefits to the town and will directly contribute to an improvement in relation to the existing Park and Ride facility.
- 7.3** The development should have the potential to unlock the remainder of the site, thus further augmenting any economic benefits and should provide an exciting and contemporary development at a major gateway into Cheltenham.
- 7.4** It is concluded that permission, subject to a Section 106 Agreement should be granted and that the matter be referred to the SoS for ratification.

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<b>APPLICATION NO: 13/01101/FUL</b>		<b>OFFICER: Mr Ian Crohill</b>
<b>DATE REGISTERED:</b> 29th June 2013		<b>DATE OF EXPIRY :</b> 28th September 2013
<b>WARD:</b> Benhall/The Reddings		<b>PARISH:</b> NONE
<b>APPLICANT:</b>	Mr Peter Harris	
<b>LOCATION:</b>	Land at North Road West and Grovefield Way, Cheltenham	
<b>PROPOSAL:</b>	Proposed erection of a flagship BMW, Mini and Motorrad dealership including vehicle sales and servicing facilities and will include the creation of an access from Grovefield Way	

## REPRESENTATIONS

Number of contributors	<b>25</b>
Number of objections	<b>24</b>
Number of representations	<b>1</b>
Number of supporting	<b>0</b>

24 Appleton Avenue  
Cheltenham  
Gloucestershire  
GL51 6TS

**Comments:** 13th September 2013  
This is an objection to this scheme.

### Traffic:-

The traffic in this area is already reaching standstill in midweek mornings and all day Saturday. The scheme to add further traffic in the middle of the congestion area is going to lockup the area. There must be a traffic survey done on a normal school day as the usage will need to be measured not guessed.

Since Grovefield Way was built, we have had the following extra allowed by the planning system:-

- Overnight Camping and Caravan site on the corner of the Reddings and Grovefield Way from July 2013
- Nearly 400 homes on the old M&G sports ground just coming to completion
- New Sports Ground opposite the old M&G sports ground
- Two new superstores on B&Q site
- Morrisons doubling in size
- ASDA Superstore
- Office development next to ASDA
- Park and Ride original and extension
- KFC and Hotel on Golden Valley roundabout
- Opening of the Nuffield Hospital after this building being closed for about 10 years
- GCHQ itself moving to the one site and with insufficient parking the staff use the Park and Ride
- Development of the Dowty site giving the massive increase of businesses and Housing (Redgrove Park, Grace Gardens and Wade Close).

There is also a planning application in progress for 1400 to 1800 houses next to the Shurdington Road which will use Grovefield Way to access Gloucester and the Motorway.



Grovefield Way was not built to take this traffic. The cumulative effect of these will be well into three digits per hour and four in a day.

There is already a problem with Grovefield Way backing up to a few car lengths of the Reddings Road roundabout most midweek mornings and the ASDA superstore petrol station causing backups onto the Park and Ride Roundabout is common mid morning on a Saturday.

With the delaying of the Junction 10 access South for an unknown period of time the pressure on Junction 11 will increase and there is a noticeable increase of cars leaving the A40 at the Park and Ride and using the residential roads as they are not as congested. This could be best relieved by removal of the Park and Ride bus lane.

Vehicle access to Grovefield Way and North Road West from this development area should be banned and then planners should require it to be accessed onto the Golden Valley alone.

### Other reasons:-

- As a Gatekeeper point for Cheltenham we need a positive statement for Cheltenham that is in keeping not a Lazy and incongruent eyesore.
- It should continue to be Green Belt.
- There appears to be insufficient parking for all the requirements of the dealership and as such there is a risk of overspill to local streets.
- Café is not required as there are eating places in ASDA, KFC, the Harvester, B&Q and the film studios.
- There is already a main BMW dealer on the Tewkesbury Road. All the other dealers are gradually moving there and there is no need to let them into a new area. It is not in keeping with the area. No new jobs will be added by building here as they will just move.
- No consultation has been done either on this change of use and as far as I am aware on the 2007 planning application.
- The design is a glass box and as such will be hot in the summer and cold in the winter. The design should be Eco friendly and at a minimum be self generation of electricity to run the temperature controls.

In summary, it is clearly agreed by the planners and by the Inspectorate at appeal, that the B1 development originally proposed is inappropriate within the green belt. Previous permissions are not relevant to a new proposal for the BMW development and it should be refused.

Please refuse the application in total.

Elm Farm  
North Road West  
Cheltenham  
GL51 6RG

### **Comments:** 31st July 2013

Should these plans not be resubmitted to a full planning board/ committee meeting? These plans have no bearing on the original plans that have been 'approved'. We were under the impression that new plans required new approval.

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The original argument for building on what was originally green belt land was that GCC and CBC had to comply with government employment strategies. At this point there will not be an increase in employment, only a transfer of existing business to a new site. How will this build benefit the people of Cheltenham?

The proposed development will adversely affect the amenity of nearby residences.

The proposed units are too large for the area in terms of height, scale and massing.

The proposed site access will create a dangerous junction on to a road which is already gridlocked at peak times. There will be further increases in traffic volume with added noise and air pollution.

There is insufficient parking proposed, as with all new builds there are unrealistic goals with regards to car sharing etc. particularly in an area with limited public transport facilities.

Alternative brownfield site should be found.

8 Frampton Mews  
The Reddings  
Cheltenham  
Gloucestershire  
GL51 6UG

**Comments:** 27th August 2013  
Letter attached.

Springfield  
The Reddings  
Cheltenham  
Gloucestershire  
GL51 6RY

**Comments:** 29th July 2013  
Letter attached.

**Comments:** 30th July 2013

1. Whilst you have set out consultation dates with neighbours from 11 July 2013 to 1 August 2013, we can find no neighbours that have been contacted by you in respect of this application. We have already recorded this with you in a separate letter of representation. We believe that failing to obtain proper consultation is contrary to the planning process at law.
2. We note that this application is actually two applications. The first area is shown in red on the site plans and relates to the proposed erection of the BMW, Mini and MOTORAD dealership. The second "piggyback" application impinges on reserved matters on planning application 12/01086/REM in respect of the removal of trees and hedging along the Grovefield Way ring-road. This is not therefore a matter that can be dealt with as a delegated decision and the matter must pass to the full planning committee as have all other applications for this inappropriate development within the greenbelt.
3. The purpose of the Grovefield Way ring-road was to be a clearway to direct traffic away from existing urban areas and ease travel from the A40 towards Hatherley and Shurdington. Aerial photographs and drawings show that the logic of the ring-road was to contain it within hedged boundaries, with there being no direct access onto or off the ring-

road, other than for existing roads, some of which were deliberately severed (North Road East and The Reddings). Deeds of properties within North Road East confirm that the road has been permanently blocked onto Grovefield Way and no right to reinstate access onto Grovefield Way will ever exist. Why then is it now considered appropriate to allow access for this proposed development?

4. To date, existing development has always been deliberately set back from Grovefield Way. This policy has not been adopted in either Proposals Reference 13/01101/FUL or 12/01086/REM.
5. All development on Grovefield Way (with the exception of B&Q, which is in any event directly accessed from the road traffic island rather than off Grovefield Way) is no greater than two storey height. The proposals in applications ref 13/01101/FUL and 12/01086/REM include storey heights above the existing heights to create four storey buildings. To locate those buildings close to Grovefield Way is contrary to the original planning and Highways philosophy.
6. The proposal to locate the entrance to the proposed site off Grovefield Way is entirely inconsistent with the maintenance of traffic flows and the original concept and philosophy for the ring-road and indeed any ring-road. The applicant's documents do not make any direct reference to the proposal to increase the road widths, and they use only very light grey or light turquoise colours on the drawings to show the removal of extensive amounts of existing indigenous and established tree and hedge lines. This being to allow a third lane/refuge to be created in order to let traffic destined for the proposed garage and the wider proposals for offices to turn right against the main flow of traffic on the ring-road which is heading out towards the Golden Valley.
7. The scale drawings showing the elevations along Grovefield Way are not fully representative. For example, the Mini parked in the proposed development and the SUV on the road both appear only slightly smaller than the man walking along the footpath. Assuming the man to be average height (1.8m) the hummock separating the site from the road is dimensioned as 1m. However, on the drawing it is almost the same size as the pedestrian. No doubt this illusion results from the use of perspective, but with so little planting above the hummock, it is clear that any person with an eye-line higher than 1m will broadly see the 2.4m high security fencing to the compound before seeing the four storey building with the car hanging off it.
8. Architecture should be imaginative and not follow fashion. The planning statement confirms that the proposed user has strict design criteria leaving little room for flexibility and creates a very sterile and stereotypical building. What has been created is unimaginative in fashion, yet it is being lauded in press releases as somehow innovative. There is nothing of merit in this very uninspiring building.
9. There are diametrically opposed views expressed by the applicant in relation to the traffic usage of the site when comparing arguments advocated for the B1 usage under Application 12/01086/REM and those advocated for proposal 13/01101/FUL. The former congratulates itself for providing only very limited parking so as to control vehicular movements onto and off the site. The latter congratulates itself on providing much more car parking and a greater number of vehicle movements. The two applications do not fit at all well together with both of the sites being under the same ownership and indicates a reactive rather than proactive approach.
10. There are inaccuracies on the drawings, in particular, on the drawings of the existing tarmac crossovers on the illustrative landscape master plan. This appears to create a chicane opposite No 19 Chalford Avenue, immediately adjacent to a chevron traffic separation zone on the approach to the central refuge. This illustrates the ill-conceived/lazy and opportunistic nature of the application.

11. Proposal 13/01101/FUL recognises that nearby significant development has occurred since the time that permission was granted for the B1 usage on the site under application 12/01086/REM. The applicant then seeks to dismiss the effect of the recent developments (which are now creating very significant tailbacks on both Hatherley Lane and Grovefield Way during the times that the applicant identifies peak traffic flows into and out of the proposed site) by saying that the additional development has occurred following B1 permission being granted in 2011. The argument is wholly irrelevant as this is a new application for non-B1 usage and reliance on existing traffic flow data is neither relevant, nor appropriate.
12. Whilst there appear to be two pedestrian crossings close to the site, with the exception of the proposed right turn refuge lane (which is no more than 6 vehicles in length), there are no proposals for traffic controls on Grovefield Way to ensure that traffic entering, or leaving, the proposed site has significantly less priority than those vehicles already using Grovefield Way in its intended purpose as a ring-road.

With the traffic volumes predicted in connection with reference 13/01101/FUL for the BMW dealership and without combining the traffic flows for any other development on the site, but taking account of the traffic stacking over the entrance to the site (which now occurs and backs-up to North Road East, Monday to Friday from 0745 to 0845), this small refuge will soon fill and vehicles will back-up onto the B&Q roundabout, particularly during peak times such as Christmas when shoppers will be using the Park and Ride, and Christmas traffic will be heading into Asda, B&Q, Pets at Home, Homestore, together with other traffic using KFC, leaving the Travelodge Hotel via the B&Q roundabout and entering or leaving the hospital and the new Asda business park.

This is in addition to the large volumes of local traffic leaving The Reddings/Hatherley for daily commutes. Regular gridlock onto B&Q roundabout and to the Golden Valley is entirely foreseeable. If the developer's proposals are allowed, other traffic will be unable to progress along Grovefield Way due to the proposed development. Traffic will then inevitably back-up to The Reddings roundabout and The Reddings will then become a rat run.

Even if traffic control measures were placed on The Reddings (note, previous proposals for traffic control measures have failed to find a solution to these problems and have met with much strong and organised opposition from residents) traffic would still have to use The Reddings in preference to Grovefield Way in an attempt to turn left onto Hatherley Lane, past the new Asda store. This will completely defeat the object and purpose of the recent traffic control measures introduced in Hatherley Lane as a consequence of the new Asda store.

There is no consideration of this within any of the applicant's documents, either in the traffic analysis, Design and Access statement or, on the developer's drawings. Further consideration of the reserved matters on application 12/01086/REN should continue to be held in abeyance until it has been dealt with satisfactorily. Likewise, the application for proposal 13/01101/FUL (BMW) must be refused until the traffic flows are adequately dealt with.

13. If approval is given to the development of this site, overspill parking into the surrounding roads will inevitably occur and will further restrict and frustrate traffic flows. The applicant identifies (whether mistakenly or otherwise) that the Park and Ride is being used as an unofficial car park. This simply highlights current parking for the saturation development in this area of Cheltenham is already inadequate. If traffic management is not adequately and properly considered before granting any approvals for the development of this site, the inevitable consequence will be a reactive traffic management policy of single and double yellow lines, chicanes, parking permits and the like being proposed.

The local Councillors and planners will be more than aware of the extreme local opposition to these proposed measures when the new Asda store was constructed. If the BMW proposal is approved or the reserved matters for the B1 offices are approved, the onus for resolving the problem will shift to CBC Highways instead of the developer (with the resultant use of council tax payers' money in endeavouring to find a solution) and both applications should be refused until an adequate solution/submission is made.

14. The applicant "cherry picks" the Inspector's report. The Inspector allows the B1 usage application on the basis of the Park and Ride extension which the applicant now says that they will no longer undertake. Further, that creation of employment land/opportunity may create a presumption against the greenbelt.

The applicant already has 150 employees and premises on the Tewkesbury Road. The applicant's Travel and Transport documents concentrate solely upon the existing 150 employees. Even within those numbers of employees, paragraph 3.17 of the Transport Assessment identifies 49 car parking spaces for staff, whilst also identifying that 30 will have a company car. This leaves 19 spaces for the other 120 members of staff, 70% of whom are car drivers. On the assumption that of the 105 employees that are identified as car drivers, 30 are the company car drivers referred to above, this leaves 19 spaces for 75 car drivers!

The inappropriateness of the analysis is further compounded by the analysis concerning itself only with the proximity of staff to the current premises on the Tewkesbury Road site, not on the proposed site. The travel distances to the new site are not known, and the viability of staff using alternative transport to their cars is not set out. Having had experience of garage servicing over many years, we are extremely sceptical about the proposal that car drivers will wait for their vehicles to be serviced, as most garages ask that the car is left with them at 0800 hours and collected at 1700 hours.

The applicant places so much reliance upon his proposed Travel Plan that his target is only for 85% of the employees to be aware of the existence of the plan within the first 3 years! There is no provision within the plan to see that it is implemented and indeed, the document allows for it to be varied at any time and in any way that the applicant may see fit. No reliance can therefore be placed upon either of these documents, and the proposal must be refused.

15. The Planning Inspector at appeal says that the B1 application should be permitted because it creates employment opportunity. The applicant/the applicant's agents have made press releases implying that all current employees will be moving to the proposed site, as well as a further 100 new jobs being created. However, none of the documents prepared by the applicant in support of their application identify these jobs. Presumption against the green belt is not therefore upheld, and the application should be refused because no employment is created.
16. The third basic tenet of the Inspector's allowance for the B1 development at appeal was in relation to B1 offices. The applicant's press release/press article in the Gloucestershire Echo 10 June 2013 states that "motoring bosses hope that the creation of the flagship will pave the way for more businesses to move onto the site". The applicant's agents simply say that the good thing about this is it will open up the site for further employment. The application for the BMW dealership is not in line with any of the three main tenets of the Inspector's contemplation, i.e., there is no identification of new employment, it is not a B1 development as originally allowed and the Park and Ride extension has been withdrawn. As such, it remains inappropriate development in the green belt and there is no presumption in planning law upon which to permit it.
17. The Inspector's report on the appeal notes that additional traffic flow analysis is required in the light of developments to other areas. The applicant has not fulfilled this obligation.



With the local traffic problems that are now being encountered, it is clear that the local infrastructure has reached saturation, and the Local Authority's Highways Department have not been able to propose solutions to the existing problems without adding significantly more problems with this proposal. Some "joined-up thinking" is required and any entrance off Grovefield Way should be resisted.

18. BS5837:2012 gives presumption in favour of existing trees and planting and requires greater levels of preplanning than has been submitted. The species proposed are generally not indigenous species and do not replace the indigenous species which it is proposed will be removed. Imaginative design would allow the existing hedges to be retained and used to break up the site without the need for the "demolition" that the developer's agents call up on their drawings. The current BMW proposal and the reserved matters proposal should be refused on this basis.
19. With the presumption in favour of maintaining existing hedges along the edge of Grovefield Way and the precedent of development away from the line of the hedges, the developer's proposal to remove much of the existing hedge along Grovefield Way to expose the development along the ring-road is entirely contrary to the philosophy of the ring-road, BS5837:2012 and the local plan, as well as being contrary to good traffic management and very simply, to common sense. It should be refused for this reason.
20. The Planning Inspectorate seem to raise the prospect of Badgeworth Lane becoming the new boundary with the green belt, which raises the presumption that further "inappropriate" development on the green belt between Grovefield Way and Badgeworth Lane is in contemplation, and will be permitted in the future (as the planners will no doubt be aware, the area of green belt separating Gloucester from Cheltenham is already the smallest in England). If either of the current proposals were permitted, it would set a precedent for taking an entrance and delivering traffic flows directly onto the ring-road. This would be entirely contrary to the concept of existing traffic management, but would be difficult to resist on appeal. The current proposals should be refused for this reason.
21. If this proposal is to eventually be permitted, very significant traffic management measures need to be implemented along the full length of Grovefield Way, including traffic light controlled junctions on The Reddings roundabout, North Road West and Cold Pool Lane, as well as on the entrance to the site, with the latter taking very low precedence, or an alternative entrance to the site must be found.

Traffic lights would need to be introduced on the B&Q roundabout and these would need to be linked with "intelligent" traffic island management system on the main Golden Valley roundabout, in order to prevent gridlock occurring at several times of the day, exacerbated by Christmas traffic flows in December, further expansion of the Park and Ride, the Asda business park and the new retail units that have recently been built on the B&Q site.

The applicant and their agents have had 6 years to develop robust proposals to take account of other developments that have occurred in the interim. Previous permissions are not relevant to a new proposal for the BMW development and it should be refused.

22. The developer congratulates itself on sustainable construction but uses high carbon materials. The space contained within the building will have a very high solar gain and heat leakage. A good deal of fossil fuel will be used in attempting to maintain ambient temperatures in all seasons. The water feature will not enhance the local environment and is not sustainable, requiring the consumption of fossil fuels to maintain pumps and water levels due to evaporation rates.

The building architecture follows a very bespoke BMW design which is identifiable with its brand. The building is therefore bespoke and were BMW to leave the site over the intended lifespan of the building, finding another buyer/tenant may prove difficult, such that

premature redevelopment of the site would then be required. This further raises the potential carbon footprint.

23. Permitting BMW to occupy the site will be a thin entering wedge allowing a motor estate to be created on one of the most prestigious sites on the entrance to Regency Cheltenham. This has to be entirely contrary to the local plan.
24. In summary, it is clearly agreed by the planners and by the Inspectorate at appeal, that the B1 development originally proposed is inappropriate within the green belt. The Inspectorate has not made any decision, or been consulted, in respect of the proposed motor dealership and no precedents can be inferred from the previous appeal. There is no requirement to permit the applicant to be allowed to further "impose" upon the local green belt and the existing community with this inappropriate BMW development or the inappropriate reserved matters on the B1 development by allowing a wide expanse of hedging along Grovefield Way to be removed in order to display the developer's site, whilst also erecting significant and visually intrusive security bollards, hoardings, fences, the suspended vehicle, etc.

The applicant will no longer be undertaking development of the Park and Ride and this was clearly within the contemplation of the Inspectorate at appeal. The applicant does not establish any case for new employment on the proposed BMW site. The applicant wholly disregards the requirements of BS5837:2012 and proposes to remove much indigenous planting and hedgerows to the detriment of local wildlife, contrary to the Countryside & Wildlife Act.

The whole development is not in sympathy with its surroundings and remains inappropriate development in the green belt. The applicant seeks to intrude vertically to a much greater extent than is desirable or appropriate with both the building and the cars displayed within it and hanging off it. The BMW proposal would not have been within the contemplation of the Inspectorate.

The applicant has not carried out any proper assessment of the traffic conditions or the effect of same that will result from the development, or whilst it is being constructed. Public consultation has been extremely limited and neighbour consultation has been non-existent. The applicant identifies that the site has a very high local profile and a delegated decision for such a massive departure from the Inspectorate's determination cannot possibly be properly considered to be permissible. Much wider consultation with far more appropriate timeframes must be allowed, with the matter being referred to the Planning Committee. Traffic flows in the area have already created highly charged problems with Highways and the local councillors.

Existing traffic management associated with new housing, rat runs, congestion, etc, must all be properly considered and integrated into the proposals for the development of this site, otherwise, Cheltenham Borough Council and Gloucestershire County Council will be left trying to solve a problem which has already become divisive.

The onus on finding and funding a harmonious solution must rest with the applicant, and the current application for a BMW dealership and the reserved matters must be refused, because the submission made does not serve the local community, the wider community, nor does it create any new employment opportunity. Rather, it is simply that BMW prefer to move their operation and have chosen this site. The public consultation held before the application was submitted has been summarised by the applicant, and the data has been spun.

There is clearly significant public interest in the proposal and if the percentages in favour of the development are compared to those against on the 24 written comments received, it is clear that if a proper consultation were to take place in the way that previous



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proposals for developments on this site have been conducted, the balance of local opinion would be against the proposal.

Maison Des Femme  
North Road East  
The Reddings Cheltenham  
Gloucestershire  
GL51 6RE

**Comments:** 1st August 2013

I strongly object to this application and I thoroughly endorse the others objections raised so far against this application. They have raised every issue I have with this application and more technical aspects that I hadn't even considered. My neighbours are very well informed about carbon footprint and sustainability it seems.

I also object to the way I had to find out about it too - you should be more transparent and keep locals better informed about such matters and deadlines affecting them.

I am going to communicate with my local councillors about this because I'm confused and upset as to how Green Belt is now seen as prime building land. As such I want to know who owns the land and how come it can be sold off.

The adjacent Park and Ride should never have been built on Green Belt but I suppose if needs are urgent and there is a positive effect on our town then so be it. We don't urgently need BMW on the Green Belt and it has no positive effect locally. I spoke to man in the BMW dealership and he seemed fairly convinced this move will happen - note the word "move" so it's not creating a completely new employment opportunity, these guys already have a site. So please reject this and all future applications to bulldozer our Green Belt in the name of commercial gain/expansion.

Applications to build on this land have been rumbling on for years now. You are not attracting any support, quite the opposite. Sadly, people I have spoken to reckon you'll ignore all the objections and that it comes down to money somewhere along the line. Shame on you all in planning, where's your loyalty to Cheltenham and our beautiful local countryside.

The Community Centre  
North Road West  
The Reddings  
Cheltenham  
GL51 6RF

**Comments:** 1st August 2013

Letter attached.

Lynwood  
The Reddings  
Cheltenham  
Gloucestershire  
GL51 6RL

**Comments:** 11th October 2013

Letter attached.

Iona  
The Reddings  
Cheltenham  
Gloucestershire  
GL51 6RT

**Comments:** 2nd August 2013  
Letter attached.

19A Barrington Avenue  
The Reddings  
Cheltenham  
Gloucestershire  
GL51 6TY

**Comments:** 12th September 2013

Main concern is parking for the staff as it states they propose to have 250 full time staff which is quite obvious that they will not have enough car parking spaces which will then result in the staff parking in residential areas nearby which will lead to a lot of unhappy neighbours with cars parked outside our houses plus the traffic is going to be 10 times worse than it now!

Andalin  
The Reddings  
Cheltenham  
Gloucestershire  
GL51 6RY

**Comments:** 31st July 2013

I strongly object to the proposal and would like to also to register my grievance that the vast majority of households in the affected area know nothing about this proposal therefore I believe the consultation to be inadequate and not to be in the spirit of existing planning guidance. Also given the potential impact and ramifications of this proposal I would ask that it is submitted to the full council planning committee and not dealt with under the auspices of reserved matters.

I object to the proposal on the following grounds:

The controversial decision by the Government Inspector to grant planning consent for this greenbelt site was for B1 use only i.e. Offices (other than those that fall within A2), research and development of products and processes, light industry appropriate in a residential area. This proposal is for A1 retail usage and conflicts with the consent given, as such it is inappropriate for the site and inappropriate for the residential areas that border the site.

The design not in keeping with the surrounding area and would not only be an eyesore to the residents but also to persons using the A40. The loss of mature trees proposed by this development again would damage the character of the local environment.

Since consent for a B1 development was given for the site on 2007 the traffic situation has changed significantly, the addition of an Asda, Pets at Home, Home Bargains and the new housing developments that feed Grovefield Way have increased traffic considerably with the result that the roads are congested and tailbacks on these and the surrounding roads are common place. The roads simply cannot cope with the current traffic already so the proposal to move an existing dealership from Tewkesbury Road to this site with the accompanying vehicle movements makes no sense and would be reckless.

## Page 53

This proposal is a simple ploy to turn the whole site into a retail park by stealth. If such a proposal was granted it would set a dangerous precedent that would for the reasons above adversely impact those living in the surrounding neighbourhoods.

25 Appleton Avenue  
Cheltenham  
Gloucestershire  
GL51 6TS

**Comments:** 18th September 2013

I am concerned about the application on a number of points:-

- the inevitable increase in traffic/road noise
- further commercial development in a semi-rural area, a number of developments have had to be absorbed over the recent years, see above comment re traffic which has increased greatly over the last 10 years.
- loss of yet more natural environment and concern over the range of wildlife affected, badgers, birds (barn owls are regularly seen hunting in the area) and deer (group of at least 4 are regularly seen) to name but a few.
- car parking in surrounding residential roads, already increased with the move of GCHQ to new site with staff walking in to work, does not seem to be sufficient parking provision on the site

Flowerdale House  
The Reddings  
Cheltenham  
Gloucestershire  
GL51 6RL

**Comments:** 1st August 2013

Letter attached.

Baytree Cottage  
Branch Road  
The Reddings  
Cheltenham  
Gloucestershire  
GL51 6RP

**Comments:** 1st August 2013

Letter attached.

24 Appleton Avenue  
Cheltenham  
Gloucestershire  
GL51 6TS

**Comments:** 12th September 2013

I wish to strongly object to the proposed Cotswold Motor Group project on the following grounds:

Additional traffic: Over the last couple of years we have seen a steady growth in the number of local housing and business developments in this area of Cheltenham eg: Asda, housing on Grovefield Way, additional spaces at the Park and Ride, additional offices behind the Nuffield

## Page 54

Hospital, additional stores on the B & Q site, the re-opening of the camping site in The Reddings. Some of these have been major developments. This has all added to the traffic, regularly causing peak hour grid-lock and queueing onto the B & Q and Arle Court roundabouts, increased traffic noise and no doubt air pollution. It has also had a knock-on effect of diverting vehicles through the local residential areas, causing "rat-runs".

The early starting times at BMW and the large car delivery vehicles would compound the problems. The anticipated number of cars for the new local housing estates, and when they might be driven, was woefully underestimated and I am concerned that the same "spin" is being applied to this proposal. Despite the Travel Plans claiming that the local bus routes will be used by employees and customers - do you realistically believe that BMW drivers will catch the bus? (I have nothing personally against BMW drivers).

Secondly, I object because this is green belt land and should be retained as a semi-rural environment, for the benefit of local residents, and the wildlife. The quality of life, for the locals, will deteriorate if this proposal goes through.

In summary, I urge you to decline this proposal: BMW already have a strong presence on the Tewkesbury Road.

Fosseway  
North Road East  
The Reddings Cheltenham  
Gloucestershire  
GL51 6RE

**Comments:** 30th July 2013

This application completely ignores the green belt status of the land in question. It also inadequately considers the impact of traffic on Grovefield Way and the A40, and inadequate provision of parking for the claimed new business workforce will adversely affect parking in the adjacent residential areas.

We have seen the same ill conceived planning applications granted for the new GCHQ which has largely grid locked the A40/Grovefield Way during peak hours and where the GCHQ workforce has blighted the local Benhall residents with inconsiderate parking during the working week.

So far Council has been unable to resolve the shortfalls in the GCHQ development and yet this planning application will suffer from all of the same symptoms.

This is a wholly inappropriate development and should be rejected and the applicant guided towards more appropriate (brown fields) opportunities elsewhere within the Cheltenham area. Without proper assessment and consideration the A40 gateway to Cheltenham will result in Cheltenham's thriving city centre being inaccessible for the majority for the benefit of BMW who already have a successful business within the town.

2 Barrington Avenue  
The Reddings  
Cheltenham  
Gloucestershire  
GL51 6TY

**Comments:** 1st August 2013

Firstly, I am disgusted that I have not been notified of this application!

## Page 55

I object to both planning applications and fully support ALL of the other objections this application has received. I cannot believe that this is even being considered.

There are already large volumes of traffic in this area during peak times and I note that when the traffic analysis was conducted for the Asda development, it was done during half term giving a completely inaccurate analysis. The Golden Valley roundabout is already at maximum capacity during peak hours. Traffic backs right up along Grovefield Way, close to the proposed development to the Golden Valley roundabout in the mornings and from GCHQ right through to the B&Q roundabout late afternoon.

I am certain, if properly consulted, the majority of those would object to this application.

9 Shakespeare Cottage  
North Road West  
The Reddings  
Cheltenham  
Gloucestershire  
GL51 6RF

**Comments:** 18th September 2013  
Letter attached.

4 Shakespeare Cottage  
North Road West  
The Reddings  
Cheltenham  
Gloucestershire  
GL51 6RF

**Comments:** 30th July 2013  
The proposed development will adversely affect the amenity of nearby residences.

The proposed units are too large for the area in terms of height, scale and massing.

The proposed site access will create a dangerous junction on to a road which is often gridlocked at peak times.

There is insufficient parking proposed.

Alternative brownfield site should be found.

10 Shakespeare Cottage  
North Road West  
The Reddings  
Cheltenham  
Gloucestershire  
GL51 6RF

**Comments:** 1st August 2013  
Our objection is for the change of use from B1 Industrial to Retail premises as detailed above. We have accepted the enforced original planning application for B1 industrial use but there appears to a strategy from the planning consultants, now that planning has been passed, to change the parameters to suit any interested parties. Reasons for our objections are as follows:

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1. Green Belt should be protected and if not every effort must be made to ensure compatibility with surrounding areas for residents / wildlife and vegetation.
2. Wildlife habitat and plant life must be protected replaced as and where appropriate.
3. Increased commercial traffic to North Road West used as a 'rat run' as well as other areas i.e. Badgeworth / Staverton.
4. Increased traffic turning right on Grovefield Way causing congestion and accidents.
5. Problems with traffic turning right onto Grovefield way from North Road West.
6. Increasing Speed of vehicles using North Road West.
7. With the recent housing developments along Grovefield Way the area affected is largely residential.
8. Spoiling the local community's use of the countryside for walking cycling and horse riding on minor roads.
9. Increased Noise Pollution to local residents of Industrial use of a car workshop.
10. Increased traffic noise from delivery vehicles outside normal working areas.
11. Increased Light Pollution to local residents as the site will need to be lit during darkness.
12. Noise and traffic 7 days a week as this is a retail outlet.
13. Privacy invasion of local residents of The Reddings due to height of buildings.
14. Loss of daylight due to overshadowing as we are directly opposite this site, and are most affected by this proposal. The proposed 2/3/4 storey buildings are completely unsuited to the look of the area , and in keeping with the 1930's traditional design of the nearest houses , namely North Road West
15. The BMW building application is not innovative or pleasing to look at.
16. Flooding is already a concern to all areas and can only be exasperated by digging down.
17. The new employment created by this proposal is not sufficient to override the above concerns. Most jobs on the new site are merely transferred roles from other sites and it appears that many of the new jobs created are likely to be part time.

These are in addition to the original petition submitted by local residents which still stands as the view of the local community that this should not become a retail area.

Should this be passed this will only open the floodgate to further retail / car showroom applications to the surrounding area which is as currently greenbelt/ semi rural .

2 Appleton Avenue  
Cheltenham  
Gloucestershire  
GL51 6TS

**Comments:** 19th August 2013

## Page 57

Whilst walking with my young children along north rd west this weekend, I was shocked to notice a planning notice subtly placed summarising this proposal, to propose such a significant development and notify local residents in such an ineffective way will obviously only target a very low audience, perhaps this underhand process will achieve what I suspect to be a predetermined outcome probably influenced by money.

I agree with all previous postings and suspect 90% of the local residence will be unaware of this development until their daily commute gets worse again, this is a sad fact that we have watched get progressively worse as more housing is built on 'safe' green belt land.

I suspect a future committee will force me to drive over bumps, or stop at tragic lights as a fix to the predictable increase in local traffic.

This proposal along with ASDA and the recent expansion on the B&Q site is quickly removing many of the qualities to this area that attracted me to move here.

Why can't existing brownfield eyesores be tidied up with this proposal? We haven't even filled up all of the space next to ASDA yet.

3 Verda Place  
Cheltenham  
GL51 6GL

**Comments:** 31st July 2013

Should these plans not be resubmitted to a full planning board/ committee meeting? These plans have no bearing on the original plans that have been 'approved'. We were under the impression that new plans required new approval.

The original argument for building on what was originally green belt land was that GCC and CBC had to comply with government employment strategies. At this point there will not be an increase in employment, only a transfer of existing business to a new site. How will this build benefit the people of Cheltenham?

The proposed development will adversely affect the amenity of nearby residences.

The proposed units are too large for the area in terms of height, scale and massing.

The proposed site access will create a dangerous junction on to a road which is already gridlocked at peak times. There will be further increases in traffic volume with added noise and air pollution.

There is insufficient parking proposed, as with all new builds there are unrealistic goals with regards to car sharing etc. particularly in an area with limited public transport facilities.

21 Appleton Avenue  
Cheltenham  
Gloucestershire  
GL51 6TS

**Comments:** 17th September 2013

I wish to add my strong objection to this planning application. I cannot add much, if anything, to the numerous well-informed and detailed objections already lodged as regards the design, change of use and more technical points.



## Page 58

Simply, traffic is already chaotic at various times during the day, particularly the regular gridlock during rush hour at each end of the day. Allowing yet more building work to add to that traffic is just ridiculous - the roads barely cope as it is.

Yet more building will result in more traffic. More traffic means more chance of road accidents, serious injury, etc. Do we need a fatality or two before enough is enough?

There seems to have been a blatant attempt to bring the application in 'under the radar' - there has been very little, if any publicity for this potential development.

This planning application to inflict industrial and retail construction on Green Belt land cannot be allowed.

4 The Grange  
The Reddings  
Cheltenham  
Gloucestershire  
GL51 6RL

**Comments:** 31st July 2013  
Letter attached.

1 Barrington Mews  
Barrington Avenue  
The Reddings  
Cheltenham  
Gloucestershire  
GL51 6TZ

**Comments:** 3rd September 2013  
Letter attached.

**From:** Internet - Built Environment  
**Sent:** 27 August 2013 08:56  
**To:** Internet - Planning Comments; Crohill, Ian  
**Subject:** FW: 13/01101/FUL

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

**From:** [REDACTED]  
**Sent:** 24 August 2013 18:28  
**To:** Internet - Built Environment  
**Subject:** 13/01101/FUL

With ref to above planning for BMW development on Grovefield Way, I am not at all happy with the lack of consultation. The traffic has not been considered at all. Grovefield way is already getting badly gridlocked with extra traffic due to additional housing. There has been no improvements made to the roundabout by B&q and KFC. Extra traffic is coming in for Asda and extra stores by B&q. Gchq people are parking on roads around here. The situation will get worse with this BMW development. Their staff will end up parking on residential roads.  
THE DEVELOPMENT IS NOT NEEDED. There is already a perfectly good BMW garage on Tewksbury road.

Regards,

[REDACTED]  
8 Frampton Mews,  
Cheltenham,  
GL51 6UG.  
[REDACTED]

## Page 60

**From:** [REDACTED]  
**Sent:** 29 July 2013 09:26  
**To:** Internet - Planning Comments; Gloucestershire Highways; Councillor Nigel Britter; Councillor Jacky Fletcher; info@gloucestershirewildlifetrust.co.uk; consultations@naturalengland.org.uk; Internet - Built Environment  
**Subject:** 13/01101/FUL - URGENT - NEIGHBOUR CONSULTATION

Dear Mr Crohill

With reference to the above application, we URGENTLY advise that the Neighbour consultation has not taken place as set out in your key dates and the situation needs to be addressed urgently. We only chanced upon it.

We have spoken to many neighbours in many streets & roads surrounding this proposes development and NONE have received any notification from you that the application has been submitted & that comments are invited.

You cannot reach a considered, fair or equitable decision on the proposal without proper neighbour consultation.

Please confirm that the necessary notices will be posted and neighbours will be written to and the statutory periods for consultation extended to address this error.

This are many reasons why this is proposal is not appropriate & previous local petitions have demonstrated this. You are not allowing sufficient consultation time & the "pre-application" consultation is not relevant.

We look forward to hearing from you.

Yours sincerely

29/07/2013

# The Reddings & District Community Association

The Community Centre, North Road West, The Reddings, Cheltenham. Glos. GL51 6RF  
(Charity Registration No. 266092)

Mr. I. Crohill  
Planning Officer  
Cheltenham Borough Council  
Municipal Offices  
Promenade  
Cheltenham  
GL50 1PP

31st July 2013

Dear Sir                    **Planning Application - 13/01101/FUL**  
                                 **Proposed BMW Development, Land at North Road West and Grovefield Way**

With regard to this application I can confirm that the Community Centre has not received any notification of the above Planning Application which we would have expected under the neighbour consultation stage.

We have become aware of the deadline of 1<sup>st</sup> August as the expiry date for this consultation and today have found a notice taped to a lamp post opposite the centre hidden to view behind overgrown brambles and hedging in contrast to the Notice about Tree Preservation still displayed in full view on our gas meter housing.

We are therefore writing to give comment on the proposal where we consider the proposals may effect the Community Centre, its patrons and access to and from the site.

The points raised in our letter of the 14<sup>th</sup> August 2012 still reflects our views on the B1 part of this site which we assume are still subject to approval of reserved matters.

We comment as follows:-

1. The application is for BMW/Motorad to erect showroom, offices, workshops, external storage on part of the site approved under 10/00468/TIME (as B1 development) and subject to 12/01086/REM but the landscape drawings in particular cover the whole development site not just that defined for BMW.  
The application includes substituted detail (in particular boundary landscaping) on the part of the site still within Use Class B1 and which, is subject to reserved matters. Application 13/01101/FUL does not state this as its intention to address reserved matters and with its change of Use Class should therefore be subject to full council planning meeting and not be decided by delegated powers as is stated on the CBC website.
2. The BMW proposal shows that the line of the carriageway has been widened and re-aligned in order to create a right turn vehicle lane refuge and in order to achieve this all the existing planting on the east of the site has to be removed.  
The intentions for this section of landscape planting were not clear on the approved B1 scheme and this question was raised in our letter of the 14<sup>th</sup> August 2012 which queried whether it was the intention to keep the highway planting as original designed for the SW Distributor Road or not. Subsequently this landscaping was subject to reserved matters.  
The BMW proposal clearly intends to remove all existing hedgerow, and trees, within this boundary, to create a clear view into the site therefore destroying the semi-rural nature of this location and breaches the principles upon which Grovefield Way landscaping was created and approved. It also contravenes the requirements of BS5837:2012 which seeks to preserve indigenous planting & hedgerows being particularly relevant as the site boundary still remains the Green Belt boundary along this road.  
It must be born in mind that the B1 part of the development could still have industrial operations together with any ancillary supporting external equipment visible at any point within the estate and a robust dense landscape boundary is essential.
4. The Travel Assessment in its introduction (1.1) states that its purpose is to examine the highway transportation issues associated with the development and concludes (1.5) that the development vehicular traffic would be accommodated without detriment to the future operation and safety of the local highway. Nowhere in the document is there any examination of the current traffic volumes that have increased since the traffic survey was undertaken for 10/00468/TIME and completion of other local developments have fed into the road system.  
Also the Travel Plan and Transport Assessment gives a variety of figures relating to staff car usage, daily vehicular repair visits and sales test drives but makes no reference to numbers arising from delivery and service vehicle visits and possibly road testing of repaired vehicles.  
These numbers are significant enough to warrant a complete reassessment of the capability of the local infrastructure to cope with the additional activity.  
The existing traffic volumes on the Arle Court and B&Q roundabouts are already creating long queues of traffic at both

roundabouts at peak times and by adding more movement to the system will only make it worse.

There are fears that North Road West will become an adopted route for test drives and that the congestion on Grovefield Way will lead to vehicles looking for alternative routes along North Road West and Reddings Road creating Rat Runs.

5. There is a right turn refuge lane proposed at the site entrance with the length of this refuge accommodating approx. 5/6 vehicles. Together with employees and customers all aiming to get into the site at peak times this refuge is likely to fill up quickly and tailbacks to, and on, the B&Q roundabout (and beyond) can be expected.  
With current traffic volumes, backed-up traffic reaches approx. half way from the B&Q roundabout to North Road West and it is reasonable to expect that this will back up past North Road West with the anticipated additional volumes and the consequence of features noted in 6 below.
6. The development drawings faintly illustrate that the carriageway is also narrowed, at an island position, north of North Road West, by creating a projection from the east side (B&Q) pathway into the carriageway further restricting the traffic flow. Along with the existing pedestrian crossing near North Road West this means that as well as the right turn into the site there will be three pedestrian crossings on Grovefield Way in a very short length of road which can only reinforce the argument that these features, and the traffic queuing into the site, will result in further backing up the traffic.
7. Those of us that live locally, know, without any argument, that traffic volumes have increased considerably in the last two years. Partly it could be said as a result of recent developments, partly as a result of motorists avoiding bottlenecks and traffic congestion elsewhere and partly as a result of Grovefield Way delivering the purpose for which it was built.  
The construction of what is in effect another retail outlet will put further strain on this particular area.

If the traffic flow increases are not addressed now, it will be too late to recover a sensible resolution once the development is complete and it will be left to Cheltenham Borough Council and Gloucestershire Highways to find the solution which will be at a considerable cost to rate payers.

8. The removal of parking to supplement the Park and Ride parking is of concern if there ever becomes a shortfall on the BMW site and Park & Ride spaces are used for that business.  
Likewise we are concerned that the Community Centre car park will be seen as an easy way to avoid the congestion and any parking shortfalls and we will be forced to adopt and pay for higher security measures to protect the car park and building and it is important that our facilities are not compromised by unauthorised parking which requires us to police our car park, or indeed be effected by yellow line restrictions in the vicinity of the centre.

This concern is raised by the differing numbers being quoted in various sources against the drawn plans:-

- a. The Planning application states that there will be 318 car spaces provided.
- b. The Plan Drawings indicate: 142 spaces in external storage area: 37 spaces (for 105) in the staff area :54 Service parking: :93 other spaces (326 Total)
- c. The Travel Plan states: 105 car drivers employed
- d. The Travel Assessment states: 49 spaces are allocated for staff (including 30 staff cars) : 47 spaces provided for customers
- e. The Plan drawings also show motor cycle parking and sales areas which are not covered at all in the documents.

It is unclear therefore from these documents if there will be spare capacity to accommodate business expansion.

9. In the context of the whole site, the remaining B1 part of the site could also be subject to a complete redesign and different Use, as has been the BMW part of the site, and therefore the BMW application should not be determined in isolation.

Yours faithfully



Honorary Secretary  
Reddings & District Community Association



Lynwood  
The Reddings  
Cheltenham  
GL51 6RL  
10th October 2013

**Your ref: Planning Application 13/01101/FUL**

Dear Sir / Madam

I am writing to express some concerns and views with regard to the above planning application, which I understand is due to be discussed at the next planning meeting.

I understand from visiting your offices that permission has already been granted to develop this area of Green Belt Land. I think this is a great shame, as once our precious Green Belt has gone, it has gone forever.

However, given that development is a fait accompli, my comments below are related to trying to ensure that it disturbs the current social and ecological balance as little as possible.

- 1) **Retention of existing hedgerows** – I believe from viewing the plans that the external boundary hedgerows will be retained. I do hope that it will be the **existing** mixed hedgerows which will be retained and not a replacement once development is complete. This will be a good thing as this retains a wildlife habitat and will visually soften the development. If any internal hedgerows can be retained then this would also be beneficial.
- 2) **Screening trees along the A40 Golden Valley bypass** - I notice that there is an intention to thin this. This would be a very bad move for local residents because of the traffic noise from the Golden Valley. I have lived in the Reddings (roughly parallel to the bypass) for over 10 years, and during that time the traffic noise has increased significantly. We would benefit from thicker planting of trees which would baffle the traffic noise.
- 3) **Increased volume of traffic** – since people have settled in the new development of houses along Grovefield Way, traffic has already increased to be impractical on the current roads. The queuing at the Park & Ride roundabout and onto the Arle Court roundabout is already dreadful at peak times. I understand there will be about 250 employees at the proposed site and this will only add to the problem. I strongly urge you to consider how this can be alleviated by working with the Highways department. Here are a few possibilities which may improve the situation:
  - a. Include traffic lights for this junction onto the Arle Court roundabout. At present this queue of traffic only gets a chance to enter the roundabout in the gap between the other traffic lights changing.
  - b. Allow this junction a slip road directly onto the bypass, for the same reasons.
  - c. At the junction of Badgeworth Lane and the Reddings, turning out of the Reddings is hazardous as it is very blind from the right. If a mirror were

placed at the junction (as there is for Court Road) this turn would be safer and improve traffic flow.

- 4) **Parking problems** – There does not appear to be sufficient parking provision for the 250 employees and other visitors to the site. This is likely to mean that people will park in the surrounding residential roads. As the roads are not coping well with the volume of traffic at present, this feels like an accident waiting to happen as drivers have to negotiate more congested roads with the extra hazards of parked vehicles. Please can you consider the parking provision again with BMW to find an appropriate solution. As a further note to this, I see planning for car transporter parking is on-site. This is vital, and it is most important that this designated parking is kept clear of other vehicles so that the car transporter can park there. Otherwise the car transporter will be parked outside in the road, creating a blockage and traffic queues.

Thank you for reading this letter, and I hope you will be able to consider my concerns.

Yours sincerely

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



Iona  
The Reddings  
Cheltenham  
Glos  
GL51 6RL

Ref planning application 13/01101/FUL

Dear Sir

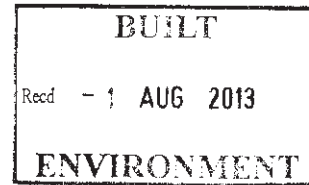
I wish to object to the above planning application on the following grounds

1. The development is in the green belt between Cheltenham and Gloucester an area that should be kept as green belt to protect the area against urban sprawl.
2. The development will have a direct impact on traffic flows in the area. These have already been increased by the housing estates which have been built on Grovefield Way.  
North Road West is not suitable to support the amount of vehicles which would use this facility.
- 3 The Houses in North Road West would suffer from Light and Noise pollution if this planning application is approved.
- 4 The Reddings has already had enough development from the ASDA site and the addition businesses on the B&Q site.

Yours sincerely



**Flowerdale House  
The Reddings  
Cheltenham  
Glos, GL51 6RL**



**Dear Sir/ Madam**

**31<sup>st</sup> July 2013**

**Planning Application 13/01101/FUL – BMW Grovefield Way**

Firstly, I have been unable to register on the website so I am putting this in writing and will hand deliver it to the Planning Office – such is the level of my objection to this proposed development.

My Objection is based on the following:

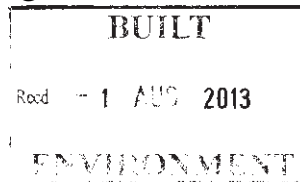
- This is greenbelt land and therefore no development should be permitted
- This area of greenbelt makes an effective barrier between Gloucester and Cheltenham and must not be lost
- Grovefield Way is unable to cope with the current level of traffic and further development will exacerbate the problem and lead to the creation of additional “rat runs”
- There is inadequate provision for parking on the site so local residential roads will be used for parking – as is the case with GCHQ in Benhall
- The access to the site is off a dangerous bend where traffic already regularly travels to fast
- The removal of trees along the A40 will eradicate the green corridor currently achieved and will increase noise pollution
- This part of The Reddings is a Residential Area and industrial units are not appropriate
- The style of the building is inappropriate to Cheltenham – the statement that it will be the gateway to Cheltenham will make the town a laughing stock – welcome to a beautiful Regency town; here is a modern monstrosity!

- The positioning of the showroom will cause a distraction to motorists coming into and leaving Cheltenham along the busy A40 corridor increasing significantly the risk of an accident on a de-restricted stretch of dual carriageway
- The height of the building is inappropriate bearing in mind there are no other buildings higher than two storeys in the vicinity
- If our planners are so keen to develop this plot of land then the only suitable development is an extension to the Park and Ride; creating more parking spaces and increasing the number of buses, therefore encouraging a greener journey into the centre of Cheltenham
- The Asda development was granted on the back of major traffic calming measures in the area which two years later are non-existent

Please, please, please refuse this application

Yours faithfully

A large black rectangular redaction box covering the signature area.



Baytree Cottage  
Branch Road,  
The Reddings  
Cheltenham  
Glos  
GL51 6RP

Planning Ref: 13/01101/FUL

Dear Mr Crohill,

July 30<sup>th</sup> 2013

I write to make representation regarding the above planning application which was granted at appeal in May 2007 where a detailed application has now been submitted for a new BMW car showroom etc., with an entrance off Grovefield Way near to the Arle Court Park and Ride site.

My neighbours and I can see no justification for this incursion into our precious greenbelt land, and do not believe that a car showroom with workshops etc., will bring any benefit to our local area - these facilities already exist on the Tewkesbury Road, and surely we already have enough car dealerships locally!!

We believe that the Cheltenham Borough Council were right when they originally turned down this planning request, and that it should never have been allowed on appeal.

Please will you make our feelings known to the appropriate authorities.

Yours sincerely,



**From:** Internet - Built Environment  
**Sent:** 18 September 2013 08:56  
**To:** Internet - Planning Comments  
**Subject:** FW: 13/01101/FUL - Land At North Road West And grovefield way, Cheltenham

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

**From:** [REDACTED]  
**Sent:** 17 September 2013 21:42  
**To:** Internet - Built Environment  
**Subject:** Re: 13/01101/FUL - Land At North Road West And grovefield way, Cheltenham

Of course, it is 9 Shakespeare Cottages, North Road West, The Reddings, Cheltenham, Glos GL 51 6RF Regards, [REDACTED]

Sent from my iPad

On 16 Sep 2013, at 09:09, builtenvironment@cheltenham.gov.uk wrote:

> [REDACTED]  
> [REDACTED]  
> Thank you for your email.  
>  
> Can you please reply to this email with your postal address? We  
> require this for registering all representations on planning  
> applications. We will then forward this to be registered against this  
> application. Alternatively you may send it directly to  
> dccomments@cheltenham.gov.uk .  
>  
> I hope this is helpful.  
>  
> Yours sincerely.  
>  
> Dave Anderson  
> Customer Liaison Officer  
> Built Environment  
> 01242 264170  
> david.anderson@cheltenham.gov.uk  
>  
> Website: www.cheltenham.gov.uk  
> Working together to create a great future for Cheltenham Follow us on  
> twitter: www.twitter.com/cheltenhambc  
>  
>

> -----Original Message-----

> [REDACTED]  
> **Sent:** 14 September 2013 19:41  
> **To:** Internet - Built Environment  
> **Subject:** 13/01101/FUL  
>  
>

> Dear Sir/ Madam,  
> I wish to voice our concerns with the BMW planning application at  
> Grovefield Way. Our concerns are as follows: There is already traffic  
> congestion along Grovefield way with long tailbacks at peak times. It  
> will be much worse if retail moves into this site. The original plan  
> was for non retail, but letting BMW in is the thin end of the wedge  
> and more will follow. Parking provision is no where near enough and  
> the local side roads will fill with many more cars causing further  
> congestion. Large mature trees will be removed for this site to become  
> more visible which cannot be encouraged for the sake of advertising.  
> We hope you will consider these concerns, as these green field areas  
> which boarder Cheltenham and which give the town it's character are  
> under such pressure. As the land is developed on this side of town and

> the development moves towards the motorway, when the same happens the  
> other side the two conurbations of Gloucester and Cheltenham will  
> become one, losing the distinctive nature of both. Yours, Rupert and

> [REDACTED]

> Sent from my iPad

---

> 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](http://www.cheltenham.gov.uk)

---



[REDACTED]  
4 The Grange, The Reddings,  
Cheltenham, Gloucestershire, GL51 6RL.  
[REDACTED]

Mr Crohill,  
Cheltenham Borough Council,  
Planning Dept.  
Municipal Offices,  
Cheltenham,  
GL50 9SA

30/7/13

Dear Mr Crohill,

Ref: 13/01101/FUL

We are writing to you about the application made by Cotswold BMW to build a dealership on the greenbelt land between the A40 and Grovefield Way. We are opposed to it for several reasons:

**Suitability of this type of development on this land** – How can this development welcome people to regency Cheltenham? This will be the first thing visitors to the town will see. It will be an eye sore and will ruin the green approach to Cheltenham from the West. It is totally out of keeping with the surrounding greenbelt land. This is a greenbelt/residential area and is the main reason the majority of people purchased their housing in The Reddings area. This type of development will dramatically increase the amount of traffic, air and noise pollution that we will have to live with on a daily basis and will undoubtedly set a precedent for further similar application in this area.

**Layout and design of the building** - Having the main buildings at the Grovefield Way end of the site means this eyesore will be more obvious when passing the site. If it is going to be built the parking area should be at the Grovefield Way end as this will then be able to be hidden more easily by clever planting along the road.

**Architecture of the development** – Apart from looking like a cruise ship plonked in the middle of the site they really can't seriously think that this is an appropriate building to replace this precious greenbelt land. Nowhere in the immediate area are there buildings with 4 stories making it totally out of keeping with the area. I appreciate that this land has been lost to the local community for ever but surely this can not be an acceptable alternative to greenbelt land. They should be making some attempt at replacing what is going to be lost by using curved architecture to reflect the surrounding Cotswold Hills rather than an unimaginative block building that can be seen at BMW dealerships anywhere in the country. Why could they not make this a flagship building to show they

Cheltenham Borough Council			
Environment Group			
REF TO			
31 JUL 2013			
Date of		Type of	
Form 1000		Response	
Initials of		File	
Form 1000		Ref.	

are really interested in replacing this land with something interesting or ground breaking? Planting the roof with sedum or meadow plants and planting around the site with native hedgerows, native seed and fruit bearing trees would help to hide this development from local residents who don't want to see their ugly building every time they pass the site. Make BMW consider the local ecology and Cheltenham's reputation as a tourist location rather than putting their soul-less, cheap, blueprint buildings here.

**Landscaping of the land** – Amenity grass is barren land as far as wildlife is concerned. Please encourage the planting of meadow grasses and wild flowers along the A40 and Grovefield Way.

The removal of trees along the A40 boundary will not only be a loss of a green corridor necessary for wildlife but will result in increased noise levels from vehicles travelling along the A40 and the M5. This is already a problem and I can't imagine what it will be like if trees are removed.

Flooding is already a problem at the Badgeworth Road end of North Road West and the increased paved areas proposed on this site and the resulting water run off could be a major flooding problem waiting to happen. Using green roofs would help with this as would increased use of meadow/grassland. At present this land is used by overwintering birds such as fieldfare, redwing and bullfinch. They feast on the berries in the hedges and fruit on the trees. The loss of the hawthorn hedge along Grovefield Way at the new housing development has already had a major impact on the loss of food for overwintering birds so please ensure this balance is redressed at this new development by insisting on the planting of native hedgerows that are allowed to fruit and are not cut back until the early spring. Also replanting with native fruit trees such as the locally endangered Perry pear and other berry bearing trees will help the situation.

As far as we can see, major landscaping will be required to 'screen' the neighbouring residential homes making it an inappropriate development for this site. The light, noise and increased traffic pollution resulting from this development far outweighs any contrived benefit.

This land has been approved for light industrial use and not retail units which is what BMW are proposing.

We urge you to reject these plans and make BMW show they are considering the local ecology, local residents as well as regency Cheltenham town. Should planning be approved we are hoping that the council will insist that BMW take this opportunity to be a flagship dealership for local wildlife, ecology and residents rather than sticking to their usual blue print for dealership buildings and municipal landscaping.

Yours sincerely,

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Cheltenham Borough Council			
Environment Group			
Page 73			
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REC'D	- 3 SEP 2013		
Date of Response		Type of Response	
Initials of Res		File Ref	

1 Barrington Mews,  
The Reddings,  
Cheltenham  
Gloucestershire  
GL51 6TZ

Cheltenham Borough Council,  
Municipal Offices,  
Promenade,  
Cheltenham  
Gloucestershire  
GL50 1PP

Monday, 2<sup>nd</sup> September 2013

Your Ref: **Planning Application 13/01101/FUL**

Dear Mr Crohill,

I am writing to provide you with my official objection to the proposed development of a BMW dealership on designated Green Belt Land on Grovefield Way, Cheltenham.

Much akin to other residents in the area, the lack of formal notification that this planning application is under consideration by the committee is alarming. I certainly do not feel as though I have been kept informed of this development by any official body and that the volume of responses received cannot be considered a fair representation of local residents views, as I am sure that the majority are not even aware of this application.

With this in mind, there are four key issues that I believe are cause enough for this application to be rejected.

1. **This is designated Green Belt Land.** The primary application for development on this land was rejected for this very reason and as far as I am concerned, nothing has changed. The lack of development of this land is essential to ensure restriction of urban sprawl from this suburb of Cheltenham into the suburbs of Gloucester.
2. **The increased volume in traffic during peak hours will be excessive.** As a local resident, I am acutely aware of the chronic problem associated with the queuing of traffic from this area of Cheltenham to the Arle Court roundabout. This accompanied with the introduction of vehicle delivery wagons and ca. 250 new employee vehicles will only serve to worsen the problem. I note that there is no provision of any improvement to the existing road layout in this application (note: I do not consider a protected turn box off Grovefield Way to the proposed development site as a traffic improvement as this will only serve benefit in one direction and will not assist during employee exodus from the site during peak hours). It should also be noted that the increase in stationary vehicles queuing to gain access to the Arle Court roundabout and the A40 Golden Valley roundabout will result in an increase in gaseous pollution in the area. I would very much urge you to request an official survey of this application by Gloucestershire Highways.
3. **The lack of parking provisioned on the site.** As noted in several other objections to this development and drawing comparisons to other local large employers such as Ultra Electronics and GCHQ, it is not unreasonable to assume that the over-spill of vehicles due to lack of parking from the

proposed development into the local residential streets will occur. As I am sure you are already aware, residential streets in the local area could not sustain such activity for the following reasons:

- a. There are no parking restrictions in the area, either in the form of double yellow lines or designated no parking areas, allowing for a "free for all" for anyone to park where they like, resulting in congestion.
  - b. The residential streets in the area are designed to reduce the speed of vehicles and as such there are many tight turns and narrow approaches to the adjoining capillary roads. The increase in parked vehicles from this development will result in the inability of refuse collection vehicles navigating the streets – due to both the reduced road width and also the access to refuse bins placed on the curb. I am aware that this is already a real problem in streets near GCHQ, where refuse collection is regularly abandoned and residents go without having their refuse bins emptied for weeks at a time.
4. **The increase in vehicular noise as a result of the removal of established screening vegetation alongside the A40 approaching the Gold Valley roundabout.** It is already true that low-level traffic noise can be heard in this area of Cheltenham and the removal of this screening vegetation will only lead to an increase in this unwanted noise resulting in a reduction in quality of life to local residents.

Taking all of these critical points into account, I very much urge you to decline this appeal to the original rejection of development of this land. I believe that the original planning committee definitely made the right decision in protecting Cheltenham from this clear destruction of Green Belt Land and ensuring that, although not perfect, the infrastructure that currently supports the area isn't stretched even further beyond its original design capacity.

Yours sincerely,



<b>APPLICATION NO:</b> 13/01101/FUL	<b>OFFICER:</b> Mr Ian Crohill
<b>DATE REGISTERED:</b> 29th June 2013	<b>DATE OF EXPIRY:</b> 28th September 2013
<b>WARD:</b> Benhall/The Reddings	<b>PARISH:</b> None
<b>APPLICANT:</b>	Mr Peter Harris
<b>AGENT:</b>	Mr Ian Gilbert
<b>LOCATION:</b>	Land at North Road West and Grovefield Way, Cheltenham
<b>PROPOSAL:</b>	Proposed erection of a flagship BMW, Mini and Motorrad dealership including vehicle sales and servicing facilities and will include the creation of an access from Grovefield Way

### **REPORT UPDATE**

The local Member, Councillor Nigel Britter, has sent an e-mail to the case officer expressing objection to the proposal; unfortunately this was not referred to in the original report.

His e-mail reads as follows:

*"In my role as local ward councillor I have received many concerns / objections regarding this application from local residents. I have waited until now to gain as much feedback as possible.*

*I am aware that some residents have written to you directly within the consultation period. But from all the comments I have received I feel I must express objections to this Planning Application.*

*Resident's objections and concerns to this proposal are as follows:*

#### **1. Building within the Green Belt**

*The Regional Spatial Strategy (RSS) for Gloucestershire has yet to be confirmed so this application is premature. The current Cheltenham Borough Local Plan confirms that the Green Belt between Gloucester and Cheltenham will be maintained. The main purpose of the Green Belt is to protect the land from urban sprawl and keep the area permanently open not to mention protecting the unique character of this semi rural community. This application is very much an 'inappropriate' development*

#### **2. Creating a precedent**

*Residents fear that approval of this development will create a precedent allowing other similar businesses to follow, with all that it entails in terms of impact on the infrastructure, environment and quality of life. This proposal is simply the thin end of the wedge and is likely to turn the whole site into a retail park, as well as the neighbouring open areas south of Grovefield Way.*

#### **3. Turning the area into a potential retail park**

*The site in question is very close to a highly populated and predominantly residential area. Historically an application on the same site for a B1 development was granted at appeal where Sadly the Inspector decided that the objection of hundreds of local people was not enough and overturned the Council's refusal for the planning*



application. The main thread for overturning the original application was that the town did not have sufficient employment allocated land what has changed?

#### 4. Use Brownfield sites

The best towns and cities constantly renew themselves organically for the benefit of their citizens and it is common sense to make best use of the existing infrastructure. Developers always choose Greenfield development regardless of the environmental and social consequences because it makes them the most profit. There are plenty of Brownfield sites and derelict properties across the town that should be considered first before destroying this green area.

#### 5. Unacceptable Noise

The local neighbourhood especially homes adjacent to Grovefield Way already suffer from noise generated by heavy road traffic. The application, if approved will create even more not to mention the noise that the development itself will generate doing what it does especially if delivery vehicles are unloaded outside normal working hours. Excessive noise can have a serious impact on the health and well being of local residents.

#### 6. Pollution

The introduction of further motorised traffic into this residential neighbourhood will inevitably lead to pollution being deposited on the environment. The transport infrastructure in this area is already heavily congested with traffic tailbacks frequently stretching back from Arle Court roundabout along Grovefield Way as far as the proposed new entry road in to the development. This queueing further traffic will not only increase the noise levels but the monoxide deposited into the environment. With traffic turning right from Grovefield Way into the development site, this is likely to increase the risk of more road traffic accidents not only by the poor sight lines but also the current speed of traffic.

#### 7. Building Design

The design is not in keeping with the surrounding pastoral area and would not only be an eyesore to the residents but also to persons using the A40. This is an important gateway site into Cheltenham and a proper assessment should be undertaken before any major decision is taken.

#### 8. Flooding

Flooding is already a concern to residents bordering a tributary of the Hatherley brook which runs adjacent to the proposed site. If the development is permitted the potential flooding issue is likely to be exaggerated.

#### 9. Staff Parking

The planning brief suggests that new employment will be created by this proposal yet in the consultation exercise undertaken by Hunter Page it was confirmed that many jobs on the new site are merely transferred roles from other sites and it appears that many of the new jobs created are likely to be part time. This is likely to create a problem of staff car parking no less similar to the problems already encountered by residents with GCHQ parking, the end result being that many local residential roads



*will become further congested with staff having to park their vehicles somewhere.*

10. Environment

*The applicant proposes to remove much indigenous planting and hedgerows to the detriment of local wildlife, contrary to the Countryside & Wildlife Act. Every effort must be made to ensure compatibility with the surrounding areas for residents / wildlife and vegetation. Wildlife habitat and plant life must be protected replaced as and where appropriate. The loss of mature trees by this development is again a demonstration of the damage to not only the character of the area but also the local environment. The whole development is not in sympathy with its surroundings and remains inappropriate development in the Green Belt.*

11. No gain for the Community

*The applicant has not followed the appeal inspector's recommendation for this site which would have seen the Park and Ride extended. This application clearly does not serve the local community or even the wider community. There is no gain for the neighbourhood-only more misery and disruption.*

**OFFICER RECOMMENDATION**

That permission be granted subject to the applicant entering into a Section 106 Agreement to secure a financial contribution of **£503,000 towards ensuring that modal shift occurs along the South West Cheltenham transport corridor by either extending the existing Park & Ride facility or measures to increase modal shift. The Gloucestershire Highways Officer has made it clear that the measures to increase modal shift, along transport corridors in and out of Cheltenham, shall include but not necessarily limited to, the A40 west of the M5, Grovefield Way, Up Hatherley Way, Hatherley Lane, Hatherley Road, Reddings and Reddings Road, or extension of the Arle Court Park and Ride. He also confirms that increase in demand in the P&R will be assessed by a South West Cheltenham Corridor Transport Strategy Development Report, which will form part of the contribution 7.5% of contribution to a maximum of 10%, to be defined as the South West Cheltenham Corridor Transport Contribution.**

Upon completion of the above S106 Agreement planning permission would be granted subject to the following conditions:

- 1      The development hereby permitted shall be begun before the expiration of five years from the date of this permission.  
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004..
- 2      The development hereby permitted shall be carried out in accordance with drawing numbers 2784-02E; 2784-04A; 2784-05; M999.01.D; M999.02.D; M999.03.D; M999.04.D; M999.05.D; M999.06.D; M999.07.D; M999.08.D; M999.09.D received 28 June 2013.  
Reason: To ensure the development is carried out in strict accordance with the approved drawings.

- 3 Prior to the commencement of development, samples of all the proposed facing materials and the 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.
- 4 Prior to the occupation of the development hereby permitted the vehicular access shall be laid out and constructed broadly in accordance with the submitted plan drawing no.H11/E, with the area of access road within at least 10.0 m of the carriageway edge of the public road surfaced in bound material, and shall be maintained for the duration of the development.  
Reason: - To reduce potential highway impact by ensuring the access is suitably laid out and constructed.
- 5 Details of the layout and access shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out in accordance with the approved plans. Prior to the occupation of the development hereby permitted until the carriageway (including surface water drainage/disposal, vehicular turning heads and street lighting) providing access from the nearest public Highway to the development have been completed to at least binder course level and the footway(s) to surface course level.  
Reason: To minimise hazards and inconvenience for users of the development by ensuring that there is a safe and suitable means of access for all people.
- 6 Details of vehicular parking and loading/unloading facilities within the site, shall be submitted to and approved in writing by the local planning authority before any development begins and the development hereby permitted shall not be occupied until those facilities have been provided in accordance with the details so approved and shall be maintained available for those purposes for the duration of the development.  
Reason To reduce potential highway impact by ensuring that adequate parking and manoeuvring facilities are available within the site, in the interests of highway safety.
- 7 Notwithstanding the submitted plan, no works shall commence on the development hereby permitted until full details of pedestrian crossing facilities, and associated junction layout amendments, have been submitted to and agreed in writing by the Local Planning Authority, and the highway works shall then be constructed in accordance with those agreed details before any beneficial occupation of the development  
Reason: To minimise hazards and inconvenience for users of the development by ensuring that there is a safe and suitable means of access for all people.
- 8 Six months prior to beneficial occupation of the development hereby permitted a Travel Plan shall be submitted to and agreed in writing by the Local Planning Authority, setting out:

  - i. objectives and targets for promoting sustainable travel,
  - ii. appointment and funding of a travel plan coordinator,
  - iii. details of an annual monitoring and review process,
  - iv. details of annual reporting to GCC;

- v. means of funding of the travel plan, and;
- vi. an implementation timetable including the responsible body for each action.

The approved Travel Plan shall be implemented in accordance with the details and timetable therein, and shall be continued thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To encourage non-car modes.

- 9 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. specify the intended hours of construction operations;
- vii. measures to control the emission of dust and dirt during construction

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

- 10 In the event that any contamination is found at any time when carrying out the approved development, it must be reported immediately in writing to the Local Planning Authority. An investigation and risk assessment must then be undertaken in accordance with the Environment Agency's Model procedures for the Management of Land Contamination and a remediation scheme submitted for approval by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report must be produced and submitted for approval.

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.

- 11 Prior to the commencement of development, a landscaping and planting scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include a survey of all existing trees on the land showing the size and species and identifying those trees, if any, it is proposed to remove. In addition it shall show in detail all proposed tree and shrub planting, hard surfacing (which should be permeable or drain to a permeable area) and areas to be grassed. 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 or in accordance with a programme agreed in writing with the Local Planning Authority. All planted materials shall be maintained for 5 years after planting and any trees or plants removed, dying, being severely damaged or becoming seriously diseased within this

period shall be replaced with others of similar size and species to those originally required to be planted.

Reason: To ensure that the development is completed in a manner that is sympathetic to the site to ensure that the planting becomes established and thereby achieves the objectives of Local Plan Policies CP1 and CP7 relating to sustainable development and design.

- 12 Prior to the commencement of any works on site (including site clearance) a Tree Protection Plan (TPP) particularly in respect of the large oak on the north side of the development and the ash tree on the edge of the woodland shall be submitted to and approved in writing by the Local Planning Authority. The TPP shall detail the methods of tree/hedge protection and clearly detail the positioning and specifications for the erection of tree protective fencing. The development shall be implemented strictly in accordance with the details so approved.

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

- 13 Details of the landscape management proposals for the woodland area (identified 2 on the illustrative landscape master plan) comprising mainly elm and ash shall be submitted to the Local Planning Authority prior to any work commencing on site. Such proposals shall identify those trees to be retained, those to be removed and any new planting along with a management plan covering the short, medium and long term.

Reason: To ensure that the development is completed in a manner that is sympathetic to the site to ensure that the woodland is managed, thereby securing its establishment and at the same time meeting the objectives of Local Plan Policies CP1 and CP7 relating to sustainable development and design.

- 14 A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas shall be submitted to and approved by the local planning authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.

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.

- 15 No development shall take place until a schedule of landscape maintenance for a minimum period of 5 years has been submitted to and approved in writing by the local planning authority. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the approved schedule.

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.

- 16 No new buildings or structures shall be erected or raised ground levels created within 6 metres of the top of any bank of any watercourse or culverted watercourse inside or along the boundary of the site unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that there is no impediment that could contribute to flooding or pollution of the watercourse.

- 17 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.

- 18 Details of the on going maintenance regime for the support, clearance of silt/blockages and repair where necessary of the permeable paving areas, any permeable paving and surface water attenuation tanks, and associated sewer runs shall be submitted to the Local Planning Authority before any work on site is commenced. The surface water drainage system shall be maintained in accordance with the details so approved.

Reason: To ensure that the development is provided with a satisfactory means of drainage to reduce the risk of creating or exacerbating a flooding problem and to maintain the risk of pollution.

- 19 Details of any external lighting within the development (other than street lighting) that shall be agreed shall be submitted to and approved by the Local Planning Authority before any of the buildings are first occupied. The development shall be carried out in accordance with the approved details.

Reason: In the interests of security and at the same time to ensure that any lighting does not impact on amenity of neighbouring users.

- 20 Prior to the commencement of work on the water feature indicated on the submitted plans full details (including design, materials and the future maintenance regime) of the proposed gateway water feature shall be submitted to the Local Planning Authority for approval. The water feature shall be installed and maintained in accordance with the details so approved.

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

### **Informatives;**

- 1 In accordance with the requirements of The Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 and the provisions of the NPPF, the Local Planning Authority adopts a positive and proactive approach to dealing with planning applications and where possible, will seek solutions to any problems that arise when dealing with a planning application with the aim of fostering the delivery of sustainable development.

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

relation to planning applications to enable the applicant, and other interested parties, to track progress.

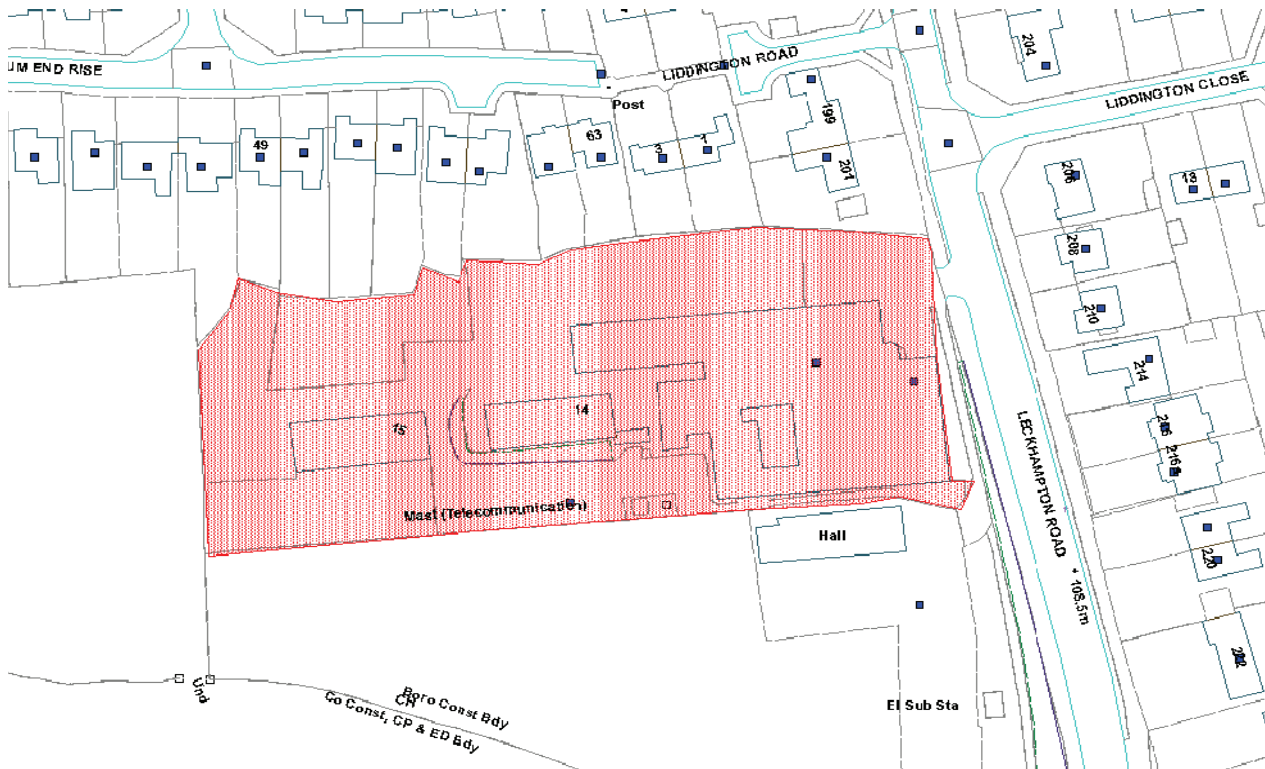
In this instance, having had regard to all material considerations, the application constitutes sustainable development and has therefore been approved in a timely manner.

- 2 The proposed development will involve highway works to be carried out on the public highway, and the Applicant/Developer is required to enter into a legally binding Highway Works Agreement, including an appropriate bond, with the County Council before commencing works.



<b>APPLICATION NO:</b> 13/00756/FUL	<b>OFFICER:</b> Mrs Wendy Hopkins
<b>DATE REGISTERED:</b> 10th May 2013	<b>DATE OF EXPIRY:</b> 9th August 2013
<b>WARD:</b> Leckhampton	<b>PARISH:</b> Leckhampton With Warden Hill
<b>APPLICANT:</b>	Martin Scott Homes
<b>AGENT:</b>	David Keyte
<b>LOCATION:</b>	Leckhampton Industrial Estate, Leckhampton Road, Cheltenham
<b>PROPOSAL:</b>	Demolition of existing buildings and residential development comprising the construction of 28 dwellings

**RECOMMENDATION:** Recommendation at Committee



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## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site area is locally known as the 'Leckhampton Industrial Estate' which extends 0.93 hectares and comprises a variety of late C19 and C20 light industrial buildings. Although allocated and termed an employment site wherein the B use class is normally associated the site accommodates a variety of other uses including retail and leisure.
- 1.2 The site is located within the predominantly residential suburb of Leckhampton and forms part of the Southern fringe area of Cheltenham.
- 1.3 Full planning permission is sought for the redevelopment of the site with 28 dwellings and associated works that include the construction of an internal estate road, implementation of a soft landscaping scheme, the erection of bat roost and installation of a surface water attenuation system following the demolition of the existing buildings. Vehicular access would remain as per existing access arrangements, albeit upgraded, via the main Leckhampton Road.
- 1.4 In addition, to the proposed demolition and construction works the proposal details engineering works to reduce existing land levels across the site from between 0.09 metres and 2.546 metres. This is to suitably accommodate residential development on the site.
- 1.5 The proposal details a mix of 2-storey detached and semi detached dwellings some of which have a third floor with further accommodation in the roof space. In terms of unit size the proposal details 10 x 3 bed units, 14 x 4 bed units and 4 x 5 bed units.
- 1.6 A viability assessment has been submitted to accompany this application.
- 1.7 The units would be built to Code of Sustainable Homes Level 3 which is the equivalent of current building regulations.
- 1.8 This application is brought to Committee for determination at the request of the local Ward Member.

## 2. RELEVANT PLANNING HISTORY

### Relevant Planning History:

**12/01640/PREAPP**

**CLO**

Change from commercial premises to residential development

## 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  
GE 5 Protection and replacement of trees  
GE 6 Trees and development  
CO 14 Development abutting the countryside  
NE 1 Habitats of legally protected species  
NE 3 Biodiversity and geodiversity of local importance  
NE 4 Contaminated land

EM 2 Safeguarding of employment land  
HS 1 Housing development  
HS 4 Affordable Housing  
HS 5 Mixed Communities  
RC 6 Play space in residential development  
RC 7 Amenity space in housing developments  
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)

National Guidance

National Planning Policy Framework

## 4. CONSULTATIONS

**Strategic Land Use Team**

18th September 2013

*The relevant policy documents for consideration in regard to this application are the National Planning Policy Framework, The Cheltenham Borough Local Plan Second Review 2006 and the emerging Tewkesbury, Cheltenham and Gloucester Joint Core Strategy (GCT JCS), particularly the Draft Joint Core Strategy October 2013 which has now been considered by the three JCS Councils and agreed for public consultation.*

*The following policies are felt by the Policy team to be relevant to the principle of redeveloping the site for residential use:*

NPPF Policies

*The NPPF states that the presumption in favour of sustainable development should be a golden thread running through both plan making and decision taking (paragraph 14). This presumption in favour of sustainable development places the development plan as the starting point for decision making. (paragraph 12)*

*The NPPF aims to ensure that significant weight is placed on the need to "support economic growth through the planning system" (paragraph 19).*

*Paragraph 22 of the NPPF advises that planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.*

*Paragraph 51 of the NPPF advises that decision takers should normally approve planning applications for change to residential use and any associated development from*

*commercial (currently in the B use classes) where there is an identified need for additional housing in that area, provided that there are not strong economic reasons why such development would be inappropriate.*

### Policy in the Cheltenham Borough Local Plan:

*With reference to paragraph 215 of the NPPF, Planning Authorities should give due weight to relevant policies of the development plan according to their degree of consistency with the NPPF.*

*The Council considers that policy EM2 is in general conformity with NPPF policy on 'Building a strong, competitive economy'.*

*Policy EM2 of the Local Plan seeks to retain land that is currently or was last in use for employment purposes unless one of the listed exception tests are met.*

*Policy EM2 of the Local Plan states, in part, that:-*

*"A change of use of land and buildings in existing employment use, or if unoccupied to a use outside Use Classes B1, B2 or B8 inclusive will not be permitted, except where:*

- a) buildings on the land were constructed and first occupied for residential use; or..."*
- b) the retention of the site for employment purposes has been fully explored without success (note1)*

*Note 1 Evidence will be required to demonstrate demand; this may include details of past advertising vacancy rates and rent levels. This list is not exhaustive and other information may be requested.*

*NPPF paragraph 7 identifies three dimensions to sustainable development: economic, social and environmental.*

*The economic role is defined as "contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation."*

*In view of the limited opportunities for development of new employment sites in the urban area, Policy EM2 is intended to guard against the loss of existing employment land and premises to alternative uses unless the retention of the site in question has been fully explored without success. This is in the light of historic losses of employment land to other uses, approximately 11ha since 1991.*

*Emerging policy in the October 2013 Draft JCS is in keeping with this need to protect employment sites in Policy E1, which requires applicants to demonstrate 12 months active marketing for employment uses.*

### Comment on the application

*The application site is in existing employment use with a range of firms occupying units mostly in use class B2, although some units are vacant. There is also an element of retail/leisure. It is located outside of the Core Commercial Area but within the Principal Urban Area in a predominantly residential location.*

*The applicants have submitted information on subsequent request to demonstrate that there has been an ongoing and relevant effort since at least 2000 to market the vacant units on site.*

*Whilst there are existing units still in occupation and the Cheltenham's Employment Land Review 2007 identifies the site as 'average' quality, reasonable marketing has not demonstrated that the site is economically viable as a whole.*

*This being the case, it is the view of the Planning Policy team that the requirements of EM2 (b) have been met.*

*Therefore the re use of the site for housing is acceptable in principle, given that the development would not harm the setting of Cheltenham or landscape character and that it would utilise previously developed land in a largely residential setting.*

*Developers of the site should ensure that the proposal assists as much as possible in helping the remaining businesses on site to relocate within Cheltenham, and such would be favourable to the sustainability of the proposals in line with paragraphs 11 and 21 of the NPPF.*

### **Social Housing**

13th June 2013

*The site falls below that of the policy compliant level which requires a minimum of 40% affordable housing. In addition, the proposed affordable housing split of 56:44 rent to intermediate housing is outside our local plan affordable housing split of 70:30.*

### Recommendations

*Due to the high aspiration for this site, this department has analysed the Application careful to take into account of the site as a whole and makes the following recommendation.*

*An additional dwelling for affordable housing would increase the affordable housing obligation to a level which is policy compliant. We recommend that this additional dwelling be a 4-bed set at a social rent, to take account of affordability issues likely to be brought about as a result of the introduction of the Benefit Cap.*

*Although the proposed mix still falls short of the 70:30 split of rent to intermediate housing it is a more acceptable offer than the original proposal.*

<u>Size</u>	<u>Total Site</u>	<u>Total affordable</u>	<u>% affordable</u>	<u>Social Rent</u>	<u>Affordable Rent</u>	<u>Shared Ownership</u>
3-bed	12	9	75%	-	5	4
4-bed	10	3	30%	3	-	0
5-bed	7	0	0%	0	-	0
<b>Total</b>	<b>29</b>	<b>12</b>	<b>41%</b>	<b>3</b>	<b>5</b>	<b>4</b>
				<b>67%</b>		<b>33%</b>

*Note: It is very important to this department that all future documents that make reference the affordable dwellings acknowledge the council's requirements for the tenures as stated above - social rented housing, affordable rented housing and shared ownership.*

*Further information required*

*This department would like to understand the level of engagement with registered providers who can advise further on the affordable split and levels of affordability.*

**Gloucestershire County Council Strategic Planning Officer**

16<sup>th</sup> October 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 28 dwellings at 205 Leckhampton Road, 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**

*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.*

*Contributions are ring-fenced for capital works specified by GCC, held in independent accounts and are not interchangeable.*

*GCC will account for unspent contributions, expenditure and accrued interest. Unless programmed or otherwise agreed, unused contributions are returnable, with interest, to the developer.*

*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.*

*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 is for 28 dwellings which are all qualifying dwellings. 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

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 The nearest primary school is Leckhampton C of E Primary School. This school is forecasted to be over capacity for the foreseeable future and 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 this school.
- ii In accordance with 2g above, 28 qualifying dwellings will give rise to 7 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  $7 \times £11,434 = £80,038$**  to be used towards capital works to extend, remodel, upgrade and improve the capacity and suitability of Leckhampton C of E Primary School. If the number of qualifying dwellings change from 28, this contribution will be increased or decreased by £2,858 per qualifying dwelling.
- v This contribution will be payable in two instalments; 12 and 24 months after commencement of development.

j. Secondary requirements

- i There are two secondary schools within equal distance of this site which are Cheltenham Bournside and Balcarras. Both of these schools are forecasted to be over capacity for the foreseeable future.
- ii In accordance with 2g above, 28 qualifying dwellings will give rise to 4.2 secondary pupils.
- iii The DfE pupil capital cost multipliers are £17,438 per secondary 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 secondary education contribution of  $4.2 \times £17,438 = £73,239$**  to be used towards capital works to extend, remodel, upgrade and improve the capacity and suitability of Cheltenham Bournside School and/or Balcarras School. If the number of qualifying dwellings changes from 28, this contribution will be increased or decreased by £2,615 per qualifying dwelling.
- v This contribution will be payable in two instalments; 12 and 24 months after commencement of development.



### **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 library is at Charlton Kings.*

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 28 dwellings this will be a total contribution of £5,488 for Charlton Kings 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 education but **contributions will be required towards primary and secondary 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.***

**County Ecologist**

25th June 2013

Introduction and Application Content

*My advice to you is based on the analysis of documents available on-line on the Cheltenham Borough Council website and information resources available to me at the County Council. I have not visited the application site.*

*The application comes with the following reports:*

- *Extended Phase 1 Habitat Survey dated February 2013*
- *Inspection Survey for Bat Roost Potential dated November 2012*
- *Bat Hibernation Survey (Revision 2) dated April 2013, and Drawing*
- *Proposed Bat Roost 2004.1068 Rev. A dated Feb 2013*

The site, biodiversity resource and impacts

*Aerial photography shows that the application site is on the edge of town with tree lines and hedgerow corridors leading out into the surrounding countryside. I have no reason not to agree with the description of the site as set out at 4.5 to 4.12 in the Extended Phase 1 Habitat Survey dated February 2013 and at 4.3 to 4.13 in the Inspection Survey for Bat Roost Potential dated November 2012. In both of these reports a series of photographs back up the site characteristics.*

*As you will be aware all bat species are European Protected Species (EPS) under the Conservation of Habitats and Species Regulations 2010 (Habitats Regulations) as well as being additionally protected by the Wildlife and Countryside Act 1981 (as amended). Bats are the main biodiversity matter to consider with respect to the development proposal for Leckhampton Industrial Estate. Common Pipistrelle has been recorded in the general area and the Inspection Survey for Bat Roost Potential reports the presence of a Lesser Horseshoe and Natterer's bat.*

*The Lesser Horseshoe is a priority species on the English List (S41 of the NERC Act) and so in relation Cheltenham BC's statutory biodiversity duty (S40 of the NERC Act) the species is an important consideration. The many trees on site (mainly on the boundaries) are reported as not having suitable roosting features for bats however the tree lines and hedgerows present will be providing important commuting/foraging routes out into and back from the surrounding countryside.*

*I would agree with the ecological consultants that the presence of breeding birds at certain times of the year is also material consideration due to the variety of nesting habitats and features present (scrub, trees & buildings) on site.*

*Some trees will be lost due to the proposal but there are also proposals for new planting which includes native hedgerow planting and various trees. An arboriculturalist and landscape architect can advise you further on this topic but from my perspective given the mitigation and enhancement measures proposed (see below) this is not considered to be a significant or long-term impact of concern for biodiversity conservation as long as appropriate safeguards are put in place for long-term management.*

*The final biodiversity matter that needs addressing is the potential for mammals to become trapped in trenches and excavations on site during the construction period if this*

*development is permitted. Ensuring there is mitigation for impacts and some enhancement of biodiversity. A precautionary condition can be used to minimise the risk of mammals becoming trapped on during the construction phase.*

*Bird nesting opportunities should be taken up given that birds already utilise features (including buildings) on site. A small scale biodiversity scheme for nesting birds is therefore recommended which can be conditioned.*

*The Inspection Survey for Bat Roost Potential (dated November 2012) report concludes that a further (summer) survey of Building 1 and 2 is required to confirm presence or likely presence of bats. This report also recommended a further winter survey was needed of the identified underground bunker roost with confirmed bat occupation and presence of droppings. The scope of these further surveys is provided at 6.3 and 6.4 of the Inspection Survey for Bat Roost Potential.*

*At 6.1 of the report the main potential impacts on bats are summarised which include loss of roosting sites, foraging (commuting) habitat and disruption from changes in lighting. At 6.6 some predictions are made about potential mitigation measures but clearly the consultant is right to assume that if the development were to go ahead it would have to make alternative provision for both summer and winter roosting bats. A special bat house (see Drawing 2004.1068, Rev. A dated Feb 2013), bat boxes and more acceptable bat features built into the new dwellings are being predicted as potential measures that will need to be implemented. Roosting provisions should be made as safe as possible from predators (including cats as domestic properties adjoin the development site). The exact measures to be employed to make the development allowable and legal cannot be decided yet as the nature of the species present, population size and bat behaviour has not been properly established but further work is underway to remedy this.*

*The first part of the recommended further work has however been completed and is submitted with the planning application namely a 'Bat Hibernation Survey' report (Revision 2 - dated April 2013). Two visits to the underground bunker in January and February produced records for a single Natterer's bat and Lesser Horseshoe bat. The bunker roost based on all the visits of November, January and February is given medium conservation significance and is an important matter to address if the development is to go ahead. The large numbers of droppings and anecdotal evidence of many bats using the bunker in the summer months indicates a dual use and potentially increased conservation significance. The need to establish this significance is critical and for the biodiversity value of the application site as a whole. This will become evident once the status of bat roosting in the bunker and the buildings has been confirmed using results from the final piece of bat activity survey work which is being completed this summer.*

*Although much work has already been carried out to assess the impact of the development on bats we are still lacking some important information concerning summer activity which will reveal species, populations and flight patterns. The summer use of the identified underground roost and potential over ground building roosts (particularly buildings 1 & 2) must be properly established and in the ecological consultant's own words 'in order to gather sufficient data to inform the planning application and a potential European Protected Species licence application'.*

*I understand that the final piece of survey work is already underway (was due to start May 2013) and without the results and assessment from this the planning application cannot be properly informed. The developer/applicant's ecological consultant now needs time to gather this final piece of information for the Local Planning Authority (LPA). If the LPA deems it unacceptable to defer the application until late summer or autumn then consideration may have to be made as to whether to refuse it. I would recommend deferral given that a genuine attempt has been made to collect the information required to support a planning application on a site where a complex picture of winter and summer bat usage is*

*emerging and still needs clarification. The extent of the information required to inform any development at the site that may be able to be consented could not have easily been predicted by most people.*

*Actual and as yet undetermined impacts are identified on the populations and habitat of more than one species of bat. All bat species are European Protected Species (EPS). If the impacts on bats can be acceptably addressed (benefited by the awaited further survey and assessment information to be submitted by the applicant) then a Mitigation Strategy/Method Statement will be required that meets the requirements of the Habitats Regulations. The implementation of the Mitigation Strategy/Method Statement will be subject to the granting of a Natural England licence if planning consent can be granted for the development. Natural England has produced guidance to developers on such licensing - 'EPS: Mitigation Licensing -How to Get a Licence - 2012' which worth looking at.*

*In the circumstances of this application the planning authority must consider the three tests in Regulation 53 of the Conservation of Habitats and Species Regulations 2010 before determination (ODPM Circular 06/2005, paragraphs 99, 112 & 116). Regulation 53(2) defines the circumstances where derogation is allowed for an affected EPS and a licence could be issued by Natural England. Firstly at 53(2)(e) there must be a justification of public health, public safety or an imperative reason of overriding public interest, which includes beneficial consequences of primary importance for the environment. The judgement here will ultimately be made by the planning officer under delegated powers or the planning committee but there must be a high degree of need for the development. The second test set out in 53(9)(a) deems that there should be 'no satisfactory alternative'. In this case the LPA will need to judge whether there are other viable options for the site (including doing nothing) or that the activity proposed can be done differently and/or at another more suitable location. The third test set out in 53(9)(b) deems that the development should have no detrimental effect on the favourable conservation status of an EPS, i.e. no net loss in the local population status of the species concerned, taking into account factors such as population size, viability and connectivity.*

*Currently it is not possible to consent the application in accordance with the planning authority's obligations of Regulation 53 of the Conservation of Habitats and Species Regulations 2010. However this development might be possible to allow dependent on the submission of the further bat survey information awaited and the ability to put appropriate measures and safeguards in place. In the recommendations section below I have given you an outline of what might be possible in this scenario.*

*This medium sized development proposal is near to countryside and with notable protected species presence it should offer some enhancement of biodiversity (NPPF paragraphs 109 & 118). Looking at the Soft Landscaping proposed (Drawing 03 Rev E dated 08.05.2013 and in the Habitat report at 5.5) this is being put forward. There is an appropriate planting schedule and locations for some new mixed and native hedgerow planting are identified. My view is that a small biodiversity enhancement may accrue but this is highly dependent on the outcomes of further assessment of the impact of the development on bats (see above).*

*The trees, hedgerows and built features for birds/bats will certainly need to be protected and managed sympathetically for biodiversity to make this development acceptable. There could be at risk from unsympathetic management or damage once the development is implemented (if granted). This is especially true of the garden boundaries and these green corridors should not be allowed to be replaced in the future by fencing. If this happens this would create significant breaks in the hedgerows/tree lines discouraging bats from using them and reducing the amount of bird nesting habitat available. We therefore must have a mechanism to protect and manage the boundaries of this development in the long-term to maintain the sites biodiversity interest.*



Records

*It is recommended that records from the ecological survey work commissioned from the applicant should be copied electronically to Gloucestershire Centre for Environmental Records (GCER). An advice note is recommended to cover this.*

Recommendations

*The following items need to be addressed to be able to consent this development:*

Pre-determination:

*A report on the further survey and assessment work being carried out this summer must be submitted along with a Bat Mitigation Strategy/Method Statement that satisfies the 3 tests in the Habitats Regulations and which will form the basis of a subsequent EPS licence application to Natural England. The strategy/method statement must be based on the Inspection Survey for Bat Roost Potential (dated November 2012) report, Bat Hibernation Survey (Revision 2 - dated April 2013) report and the outcome of the further survey work being carried out this summer.*

Determination:

*As part of a consent that may be able to be granted, because a satisfactory Bat Mitigation Strategy which accords with the 3 tests of the Habitats Regulations has been submitted, then items based on the following should be attached:*

- 1. Condition - The approved Mitigation Strategy/Method Statement for bats (see above) shall be implemented.*
- 2. Condition - A Monitoring, Aftercare and Long-term Management Scheme for Biodiversity is submitted for approval and then implemented as approved to ensure protected species are conserved. You may wish to consider whether this measure is better safeguarded within a Section 106 Agreement.*
- 3. Condition - No demolition, hedgerow, tree or shrub removal shall take place between 1st March and 31st August inclusive unless a survey to assess the nesting bird activity on the site during this period has been undertaken and a method of working to protect any nesting bird interest found is established and then implemented. Reason: To ensure that wild birds building or using their nests are protected as required by law and in accordance with ODPM Circular 06/2005 plus National Planning Policy Framework paragraphs 109 and 118.*
- 4. Condition - A small scale biodiversity enhancement scheme for nesting birds including features based on paragraph 5.12 of the Extended Phase 1 Habitat Survey dated February 2013 shall be submitted for approval by the Local Planning Authority prior to development commencing. Locations and descriptions of features will need to be specified plus any required maintenance regime to maintain biodiversity interest or use. The scheme shall be implemented as approved within three months of the occupation of the dwellings. Reason: This is in accordance with National Planning Policy Framework paragraphs 109 and 118 and also Section 40 of the Natural Environment and Rural Communities Act 2006, which confers a general biodiversity duty upon Local Authorities.*
- 5. Condition - During the construction phase all hazardous chemicals, if left on site overnight, are to be secured and any excavations covered or designed with one sloped side or ramp in place. Also all open pipes to be capped off overnight that are larger than 150mm outside diameter. Reason: As a precaution to ensure the site is made safe from environmental pollution and that animals including those legally protected are prevented from becoming trapped within excavations. In accordance with ODPM Circular 06/2005 plus National Planning Policy Framework paragraphs 109 and 118.*
- 6. Condition - The approved Soft Landscape Plan and Hard Landscaping Plan shall be implemented.*

7. Condition - A Lighting Scheme is submitted for approval and then implemented as approved. To avoid light pollution and impact on protected species (bats) and local amenity. You may wish to consider whether this measure is better safeguarded with a Section 106 Agreement.

8. Advice Note - To assist in the strategic conservation of countywide biodiversity, all species and habitat records from the ecological work commissioned by the applicant should be copied [preferably in electronic format] to the Gloucestershire Centre for Environmental Records (GCER).

9. Advice Note - If a protected species (such as any bat, badger, reptile, barn owl or any nesting bird) is discovered using a feature on site that would be affected by the development or construction work all activity which might affect the species at the locality should cease. If the discovery can be dealt with satisfactorily by the implementation of biodiversity mitigation measures already approved by the Local Planning Authority then these should be implemented. Otherwise a suitably qualified ecological consultant should be contacted and the situation assessed before operations can proceed. This action is necessary to avoid possible prosecution and ensure compliance with the Wildlife & Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 and/or the Protection of Badgers Act 1992. This advice note should be passed on to any persons/contractors carrying out the development/works.

These recommendations are in accordance with the National Planning Policy Framework and ODPM Circular 06/2005 and in accordance with Section 40 of the Natural Environment and Rural Communities Act 2006 which confers a general biodiversity duty upon Local Authorities whilst exercising their functions.

### **County Ecologist**

15th July 2013

In my previous memo to you dated 14th June 2013 I recommended that before the above application could be determined that further bat survey and assessment work was required this summer. In addition a Bat Method Statement (Strategy) was needed to help determine if the 3 tests in the Habitats Regulations could be met and that a subsequent European Protected Species (EPS) licence application to Natural England would be likely to be granted.

We are now receipt of the following further information produced by the consultancy 'All Ecology' on behalf of the applicant as follows:

- Dusk Emergence and Pre-dawn Re-Entry Surveys for Bats, dated June 2013
- Document 1: Background and supporting information for the Bat Method Statement (created 24/06/2013)
- Document 2: Bat Method Statement/Strategy (created 24/06/2013)

On reading these documents in conjunction with all previous information submitted and my observations dated 14th June 2013 my updated advice to you is as follows.

The dusk and dawn surveys were required to investigate the summer use of the underground bunker by bats and also of the standing buildings on the estate particularly Buildings 1 and 2 (as shown on the photographic plan in Section 8 of the 'Inspection Survey for Bat Roost Potential', dated November 2012).

A significant maternity roost of lesser horseshoe bats has been confirmed in the underground bunker which is, as we already know, also a modest winter roost for

*hibernating bats. Of limited significance is the discovery of a single common pipistrelle bat roosting under a tile of Building 1. Also of importance is the confirmation on how the bats move through the site and out into the surrounding countryside (see Plan 1 in Section 8 of the report). The results are presented in Section 4 of the 'Dusk Emergence and Pre-dawn Re-Entry Surveys for Bats' report. Clearly we now have a much better idea of how the development will be likely to impact on local bat populations and informed mitigation has been proposed by the developer's ecologist.*

*I would agree that the impact of the loss of the bunker on bat populations is high and so we must have confidence that this impact can be mitigated to give at least a comparable local population of bats in the medium to long-term. Although the development is a threat it does provide an opportunity of making sure the population is looked after by someone which is certainly not the case at present and the do nothing approach is not really a good option to take. Provision for pipistrelle bat roosting within some of the new buildings must not be forgotten either but since we are only talking about a single confirmed animal this is easy to achieve with appropriate measures. The development also provides an opportunity to secure some general biodiversity enhancement, i.e. new mixed and native hedgerow planting plus provisions for nesting birds (as well as bats) on the new buildings (see my previous memo).*

*A mitigation approach is outlined in the 'Dusk Emergence and Pre-dawn Re-Entry Surveys for Bats' report but expanded upon in 'Document 2: Bat Method Statement/Strategy'. The summary of this is bulleted in Section A of Document 2. Crucially the construction of the new dedicated bat house must be completed and be in use by bats BEFORE the underground bunker is disturbed. This should be spelt out in a planning obligation or condition.*

*Cheltenham Borough Council as the Local Planning Authority (LPA) will now need to consider the planning application against the 3 test of the Habitats Regulations to see if the development could be allowed legally. If the development (looking at all material considerations not just biodiversity) is deemed to be allowable then the developer will need to apply for a EPS licence from Natural England who will look at the planning consent, the mitigation proposals and compliance with the Habitats Regulations. The LPA must be reasonably satisfied if it grants consent to the development that Natural England will also grant the developer an EPS licence in due course. Any advice received from Natural England will obviously help in this judgement.*

*So the planning authority must consider the three tests in Regulation 53 of the Conservation of Habitats and Species Regulations 2010 before determination (ODPM Circular 06/2005, paragraphs 99, 112 & 116). Regulation 53(2) defines the circumstances where derogation is allowed for an affected EPS and a licence could be issued by Natural England.*

*Firstly at 53(2)(e) there must be a justification of public health, public safety or an imperative reason of overriding public interest, which includes beneficial consequences of primary importance for the environment. Natural England gives some illustrative examples of considering this test in the Annex of 'European Protected Species and the Planning Process - WML-G24'.*

*The second test set out in 53(9)(a) deems that there should be 'no satisfactory alternative'. In this case the LPA has to judge whether there are other viable options for the site (including doing nothing) or that the activity proposed can be done differently and/or at another more suitable location. In this particular case the approach being offered is a suitable one for the location and a 'do nothing' approach would leave an uncertain future for the recently discovered bat roosts with no secure mechanism in place to protect and manage features for bats in the longer term.*



*The third test set out in 53(9)(b) deems that the development should have no detrimental effect on the favourable conservation status of a European Protected Species. In the short-term there is some potential for some impact on the local bat population but with the recommended mitigation measures being implemented this should not be great or even largely avoided. Overall in the medium to long-term the strategy presented should help to conserve a local bat population and improve its viability as roosting opportunities will be greater and commuting features of hedgerow, shrubs and trees, which are linked to the wider countryside, will be better.*

*My view as an ecologist must be limited to offering advice on the second and third tests which can probably be met in this instance (see above). The judgement on the first test at regulation 53(2)(e) must be wholly made by the planning officer under delegated powers or the planning committee. To pass this test there must be a high degree of need for the development which will result in beneficial results to the local area that are likely to be in accordance with local planning policy requirement(s). If yourself/the planning committee agree that the first test can be met then I believe a licence application for a European Protected Species licence would probably be successful and so consenting the planning application is possible.*

*It is recommended that in relation to the County Council's Service Level Agreement with the Local Biological Records Centre (and to assist in the strategic conservation of countywide biodiversity) records from the ecological survey work commissioned from the applicant should be copied electronically to Gloucestershire Centre for Environmental Records (GCER). An advice note is recommended to cover this.*

### Recommendations

*Subject to the views of Natural England it is my advice that as part of a consent that may be able to be granted the following items should be attached:*

*1. Condition - The provision of bats measures shall be implemented in accordance with 'Document 2: Bat Method Statement/Strategy' created 24/06/2013 which include: A new dedicated bat house is to be in constructed at the commencement of the development and be based on Figures 1 and 2. The underground bunker which is a lesser horseshoe bat roost shown in Section 8 of the 'Inspection Survey for Bat Roost Potential', dated November 2012 is to be retained and appropriately fenced off with a suitable margin to protect it from construction activities. The bunker should not be disturbed or destroyed until a new dedicated bat house is in place and has been checked by an ecologist to confirm it is in use by lesser horseshoe bats. No works or demolition to occur on the underground bunker or Building 1 as shown in Section 8 of the 'Inspection Survey for Bat Roost Potential', dated November 2012 unless carried out under direction of an ecologist and in accordance with a Natural England European Protected Species licence held for the development. There should be installed permanent roosting sites on the new houses in the form of bat access panels and as boxes on boundary trees as shown on Figure 2. Appropriate long-term management of the site's lighting, bat house, bat roost features and the boundary hedgerows, shrubs and trees is secured through a Section 106 Agreement with the Local Planning Authority. Post development monitoring of the new dedicated bat house is to be for a minimum period of 2 years.*

*Reason - To ensure that biodiversity is conserved and in accordance with ODPM Circular 06/2005 plus National Planning Policy Framework paragraphs 109 and 118.*

*2. Condition - No demolition, hedgerow, tree or shrub removal shall take place between 1st March and 31st August inclusive unless a survey to assess the nesting bird activity on the site during this period has been undertaken and a method of working to protect any nesting bird interest found is established and then implemented. Reason: To ensure that wild birds building or using their nests are protected as required by law and in accordance with ODPM Circular 06/2005 plus National Planning Policy Framework paragraphs 109 and 118.*

3. Condition - A small scale biodiversity enhancement scheme for nesting birds including features based on paragraph 5.12 of the Extended Phase 1 Habitat Survey dated February 2013 shall be submitted for approval by the Local Planning Authority prior to development commencing. Locations and descriptions of features will need to be specified plus any required maintenance regime to maintain biodiversity interest or use. The scheme shall be implemented as approved within three months of the occupation of the dwellings.

Reason: This is in accordance with National Planning Policy Framework paragraphs 109 and 118 and also Section 40 of the Natural Environment and Rural Communities Act 2006, which confers a general biodiversity duty upon Local Authorities.

4. Condition - During the construction phase all hazardous chemicals, if left on site overnight, are to be secured and any excavations covered or designed with one sloped side or ramp in place. Also all open pipes to be capped off overnight that are larger than 150mm outside diameter. Reason: As a precaution to ensure the site is made safe from environmental pollution and that animals including those legally protected are prevented from becoming trapped within excavations. In accordance with ODPM Circular 06/2005 plus National Planning Policy Framework paragraphs 109 and 118.

5. Condition - The approved Soft Landscape Plan and Hard Landscaping Plan shall be implemented.

6. Condition - A Lighting Scheme comprising of low-level bollards and sensitively placed columns with luminaries that limit light spillage and avoid illumination of the new dedicated bat house, bat boxes, bat panels and the boundary hedgerows, shrubs and trees shall be submitted to and approved by the Local Planning Authority prior to the commencement of the development. The scheme shall be implemented as approved. Reason - To avoid light pollution and impact on protected species (bats) and local amenity and in accordance with ODPM Circular 06/2005 plus National Planning Policy Framework paragraphs 109 and 118. (NOTE: You may wish to consider whether this measure is additionally safeguarded with the Section 106 Agreement - see below).

7. Section 106 Agreement - This is probably needed for other matters too but for biodiversity it needs to cover: Ownership and maintenance of the new dedicated bat house, bat boxes, bat panels and bird nesting features Maintenance of the boundary hedgerow, shrubs and trees Operation and maintenance of lighting (see also condition above which just covers the type and installation of lighting).

8. Advice Note - To assist in the strategic conservation of countywide biodiversity, all species and habitat records from the ecological work commissioned by the applicant should be copied [preferably in electronic format] to the Gloucestershire Centre for Environmental Records (GCER).

9. Advice Note - If a protected species (such as any bat, badger, reptile, barn owl or any nesting bird) is discovered using a feature on site that would be affected by the development or construction work all activity which might affect the species at the locality should cease. If the discovery can be dealt with satisfactorily by the implementation of biodiversity mitigation measures already approved by the Local Planning Authority then these should be implemented. Otherwise a suitably qualified ecological consultant should be contacted and the situation assessed before operations can proceed. This action is necessary to avoid possible prosecution and ensure compliance with the Wildlife & Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 and/or the Protection of Badgers Act 1992. This advice note should be passed on to any persons/contractors carrying out the development/works.

These recommendations are in accordance with the National Planning Policy Framework and ODPM Circular 06/2005 and in accordance with Section 40 of the Natural Environment

*and Rural Communities Act 2006 which confers a general biodiversity duty upon Local Authorities whilst exercising their functions.*

**Natural England**

30th October 2013

*Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.*

*Natural England has previously commented on this proposal and made comments to the authority in our letter dated 17 July 2013.*

*The advice provided in our previous response applies equally to this amendment although we made no objection to the original proposal.*

*The proposed amendments to the original application relate largely to design and layout, and are unlikely to have significantly different impacts on the natural environment than the original proposal.*

*Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again. Before sending us the amended consultation, please assess whether the changes proposed will materially affect any of the advice we have previously offered. If they are unlikely to do so, please do not re-consult us.*

**GCC Highways Planning Liaison Officer**

29th October 2013

*I refer to amended drawing numbers 2004.2000 Rev P19 and Dwg-03 in relation to the above planning application received here on 14th August 2013.*

*The Highway Authority initially raised a number of concerns by email to the Local Planning Authority (LPA) dated 3rd September 2013, mainly relating to the site access, the proposed road layout widths and the levels of car parking within the development, following ongoing discussions the applicant/developer has now addressed those original concerns.*

*'Fallback position' and impact upon the surrounding highway network*

*When assessing proposals such as this it is important to establish the 'fallback position' (the worst case scenario likely to be created by the existing planning use) of the site. The gross floor area (GFA) of buildings on the site totals 2,800sqm, there are use classes within these buildings ranging from A1 (shops), B2 (general industrial) and D2 (assembly and leisure) uses. As the Transport Note dated October 2013 quite rightly points out, given the diversity of planning uses involved and their sizes the TRICS database (a nationally recognised tool used for assessing the number of trips generated by different land uses) wouldn't be particularly useful. The impact upon the highway during the busiest road periods needs to be established therefore the traffic consultant has undertaken a traffic count at the site access during the morning and evening peak hours, guidance suggests this is the correct way of assessing the traffic impact of such uses. The count was carried out in September 2013 (exact date unknown), however the results show that there were a total of 40 two way trips in the AM peak (7:45 to 8:45), 11 of which were Heavy Goods Vehicles (HGV's), and 35 during the PM peak (16:30 to 17:30), 9 of which were HGV's. It also needs to be taken into consideration that the units are also only currently 60% occupied, the 'fallback position'*

*is that all of the units could be fully occupied without the need for any further planning permissions and this represents the worst case scenario. Were all units to be occupied then the site could be likely to generate in the region of approximately 60 two way peak hour trips.*

*The TRICS database has been used to assess the number of trips likely to be associated with a residential development of 28 units in the morning and evening peak hours. In summary the proposed development of 28 houses would be likely to generate approximately 17 two way vehicular movements in the AM peak, and 18 in the PM peak, there would also be a significant reduction in total daily trips from approximately 360 to between 140-160. 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 significant reduction in number of vehicular trips, including HGV's in both the AM and PM peaks, and total daily trips, the Highway Authority do not believe that the proposed development can be refused on highway safety grounds or the impact upon the surrounding highway network.*

### Site Access

*The site access currently serves the existing industrial estate, there haven't been any collisions/accidents associated with site access within the last 5 years. Although slight amendments are being proposed to the site access onto Leckhampton Road, visibility isn't being compromised and the arrangement of a 5.5m wide carriageway meets the Highway Authority's deemed to satisfy standard for an access road serving such a scale of development, again given the significant reduction in the number of vehicular movements from the recognised fallback position it would not be reasonable to recommend refusal on the suitability of the site access and its impact upon highway safety.*

### Internal Layout/Tracking

*Given that the proposed estate road is to be a shared environment the Highway Authority originally raised concerns over the widths of the proposed road/environment, especially near plots 1-4 and 9-12. The plans have now been amended to include a minimum of 6m wide shared surface area which given the fairly small size of development (28 houses) is considered suitable to cater for pedestrians and vehicles likely to be associated with the use. The car parking has also been well located to ensure all vehicles have sufficient room so as they can manoeuvre in and out of the spaces, on street parking has also been designed into the layout so no pinch points should be created by parked vehicles that may hamper pedestrian movement or safety. Notwithstanding this the agent/developer has provided vehicle tracking to include parked vehicles on the access road into the site adjacent to plots 1 to 5, the tracking shows that the road is also wide enough to accommodate a 3 axle refuse vehicle should a car park at this point. It is for these reasons that the internal layout of the highway is considered appropriate to serve the level of development.*

### Car Parking

*Car parking was a concern raised by the Highway Authority on the previous layout, especially given the lack of designated visitor and on street car parking. Census data for the Leckhampton Ward suggests that car ownership levels would be 1.764 per dwelling in 2026, the majority of dwellings benefit from 2 dedicated car parking spaces and have an internal garage; such provision is above the recommended standard and is accepted. I appreciate that plots 6 to 10 only have a single dedicated car parking space, however they also have an internal garage with the minimum internal dimensions of 2.85m by 6.2m which is appropriate to allow for storage and a parked vehicle, and given this size can be counted as part of the car parking provision, the use of the garages for car parking can also be covered by an appropriately worded condition. Notwithstanding this, there are 9 dedicated visitor parking spaces very close to these dwellings, plus a small area adjacent to plot 20 that can accommodate some on street parking without having an impact on Leckhampton*



Road. The Highway Authority are of the opinion that appropriate levels of car parking have been provided within the proposed development to accommodate the likely demand, and it could not be considered to have a severe or significant impact upon highway safety.

### Parking Issues Involving the Community Hall

I note the public comments relating to car parking for the community hall which is located to the south of the proposed site. The objections reference that people using the site currently park within the industrial estate and this parking will be forced out onto Leckhampton Road as a result of the proposed development. It must be taken into consideration that the industrial estate is located on private land and is not dedicated parking for the community hall. As this is private land the owner could erect a gate to stop people parking at this location, or the site could shut down and the same thing could happen, therefore the car parking could be lost without the need for additional planning permissions, and this must be taken into consideration when assessing the proposal. Notwithstanding this, Leckhampton Road is wide enough to accommodate parked vehicles and allow for the free flow of traffic without causing a significant highway safety danger, this is backed up by the fact parking already occurs along this stretch, however there are no trends of collision/accidents occurring as a result and there has only been one collision/accident in the vicinity of the site access within the last 5 years, this is explored in greater detail below. It is for these reasons that it would not be reasonable to insist that the developer provide car parking for the community hall within their development.

### Collisions/Accidents & need for a crossing point on Leckhampton Road

There have not been any accidents attributed to the current site access along Leckhampton Road within the last 5 years. I understand concerns have been raised from the local residents over the very unfortunate fatality involving a pedestrian and a vehicle near the junction with Liddington Road to the north of this application site. As already mentioned, when assessing applications such as this the 'fallback position' needs to be taken into consideration, the existing A1, B2 and D2 uses would already have a number of pedestrian movements associated with them, especially the D2 gym. I have carried out a multi modal assessment for both the number of pedestrian and cycle movements likely to be associated with the existing uses and the proposed 28 dwellings, and although you may be likely to have more vulnerable road users (children, the elderly etc) associated with the proposed residential development overall there would be a similar number of pedestrian and cycle movements associated with both uses. You then need to look at the facilities people would be travelling towards, food shop, primary school, bus stop etc. There is a food shop on the same side of the road with other crossing facilities along Leckhampton Road including a traffic light crossing to the north of the junction with Pilley Lane to aid pedestrians and other vulnerable road users to safely cross to the opposite side of Leckhampton Road to access facilities further afield. Therefore on balance, given the existing facilities and the similar number of pedestrian movements from the existing uses, there would be no grounds to reasonably request that a further crossing point is provided in association with the proposed development and notwithstanding this would not meet the tests in paragraph 204 or 206 of the NPPF.

### Public Right Of Way (PROW)

There is a PROW that runs from the site access to the community hall to the south of the site, the original scheme proposed an access road adjacent to this PROW which was a cause for concern. This secondary access has now been omitted from the scheme and the PROW will operate in the same manner that it presently does. Notwithstanding this, there should also be very minimal conflict over vehicular use of public footpath CHL/18/1. It is an offence to drive a motor vehicle over a public footpath without the correct consents. There aren't currently any vehicle licenses for this PROW however I would imagine the community hall would have private vehicle rights over the said track, any further usage however would require consent of the landowner, and a license under Section 34 of The Road Traffic Act 1988.

SPG/Accessibility

*Given the reduction in overall number of vehicular trips and the similar number of pedestrian movements, it is not considered reasonable or necessary to request that a contribution towards Cheltenham Borough Councils SPG, or provide further highways works outside the site.*

*Thus, it is for the reasons given above that I recommend no highway objection be raised subject to the following conditions being attached to any permission granted:*

*1) No dwelling on the development hereby permitted shall be occupied until 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 have been completed to at least binder course level in accordance with the submitted plans (drawing no: 2004.2000 Rev P19), and those access roads, shall 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.*

*2) No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved in writing by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as either a dedication agreement has been entered into or a private management and maintenance company has been established.*

*REASON: 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.*

*Note: The applicant is advised that to discharge condition 2. that the local planning authority requires a copy of a completed dedication agreement between the applicant and the local highway authority or the constitution and details of a Private Management and Maintenance Company confirming funding, management and maintenance regimes.*

*3) The car parking (including garages and car ports where proposed) and manoeuvring facilities serving each dwelling shall be completed in all respects in accordance with the submitted details (drawing number: 2004.2000 Rev P19) 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 the interests of highway safety.*

*4) 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 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*
- wheel washing facilities*

*REASON: To minimize disruption, congestion and hazards on the public highway, in the interests of highway safety.*

*INFORMATIVE'S:*



1) *The Local Highway Authority will require the developer to enter into legally binding agreement to secure the proper implementation of the proposed site access highway works, including an appropriate bond.*

2) *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. The applicant is advised to contact the Gloucestershire County Council Public Rights of Way Team on 01452 425577.*

**NOTE:**

*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 a 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.*

**Cheltenham Civic Society**

20th June 2013

*We are concerned that this proposal will result in the loss of an appropriate location for employment. There may be visibility issues concerning the access to the site because of the trees. The design of the dwellings is a bit dull, and we prefer the brick design*

**County Archaeology**

23rd May 2013

*I note that this planning application is supported by an archaeological desk-based assessment (compiled by CgMs Consulting, report dated December 2012) which reviews the evidence for the history of the site. Evidence from historic maps confirms that throughout much of the 19th century the application site contained the terminus and depot of a tram road associated with the nearby stone quarries at Leckhampton, and that a complex of structures - including a lime-kiln and stabling for horses - was present.*

*No trace of these 19th century structures is now visible above ground, and they appear to have been demolished and replaced by a factory building at some point before the 1950s. An historic map dating to the 1950s depicts a caravan factory, and to the west a quarried area containing a structure which CgMs Consulting interprets as a possible World War II bomb shelter. A structure currently visible in that area of the site may also have functioned as such.*

*In their report (para. 6.3) CgMs Consulting recommend that a condition should be attached to any planning permission granted for development in order to investigate the potential bomb shelter, and I agree with that recommendation. In addition, there may be some potential for archaeological remains relating to the 19th century tramway depot to be preserved below ground, and these may be revealed by ground works required for the proposed development.*

*I recommend that a programme of archaeological investigation of the potential bomb shelter, and monitoring of construction ground works, should be undertaken should development proceed, so as to make provision for the recording of any archaeological remains which may be revealed during the development.*

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

*'No development shall take place within the application site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority'.*

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

*I would be pleased to provide the applicant on request with a brief confirming the scope of the archaeological mitigation.*

*I have no further observations.*

### **County Archaeology**

21st October 2013

*I advise that I have reviewed the revised plans, and for the reasons outlined to you in my letter of 23.5.2013 I recommend the attachment of an appropriate planning condition to secure the recording of any heritage assets which may be revealed during the development.*

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

*'No development shall take place within the application site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority'.*

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

*I would be pleased to provide the applicant on request with a brief confirming the scope of the archaeological mitigation.*

*I have no further observations.*

### **Environment Agency**

17th May 2013

*Thank you for referring the above numbered application, however the proposals do not feature in our checklist for consultation purposes.*

*The proposed development is located in Flood Zone 1 (low probability) based on our indicative Flood Zone Maps. Whilst development may be appropriate in flood zone 1, Table 1 of the Technical Guidance to the National Planning Policy Framework (NPPF) states that a Flood Risk Assessment (FRA) is required for 'development proposals on sites comprising one hectare or above' where 'there is the potential to increase flood risk elsewhere through*

*the addition of hard surfaces and the effect of the new development on surface water run-off.*

*We note a FRA has been submitted in support of this application.*

*The West Area (Midlands) operates a risk based approach to planning consultations, and therefore we do not intend to make a bespoke response to the proposed development.*

*Please see the attached Flood Risk Standing Advice, which we trust will be of assistance in reviewing the flood risk matters of the proposed development, and in determining the planning application.*

*Whilst we are not providing comments on matters relating to land contamination as the proposed development does not feature in our checklist for this issue (i.e. the site area is less than 2 hectares on a Major or Minor Aquifer, given the previous use of the site there may be contamination present as a result of this use. As such you are advised to seek the comments of your Environmental Health or Contaminated Land Officer.*

**Land Drainage Officer**

5th June 2013

*Having reviewed the Drainage Strategy and Flood Risk Assessment and the associated drainage related drawings, I am satisfied that the proposed development will generally reduce the level of flood risk on and adjacent the site, from that which currently exists.*

*The strategy for the management of surface water is set out in the above mentioned document; however, the rationale linking the strategy to the actual drainage proposals is not clearly explained. The proposal is very "traditional" in its approach and does not appear to utilise any of the various infiltration methods.*

*The application acknowledges the issue of surface water entering the site from the higher ground to the south and measures have been proposed to mitigate its effect. However, it is not clear from the drawings how the captured/intercepted run-off will be discharged.*

*The Drainage Strategy and Flood Risk Assessment refers to a "Highway" drain on the eastern side of Leckhampton Road, into which the existing surface water drainage from the site is **assumed** to connect. Notwithstanding that the ownership of such a drain lies with the County Council and connection to it will require its consent, I would suggest that a greater degree of certainty about the connection is required.*

**Land Drainage Officer**

8<sup>th</sup> November 2013

*Subsequent to the submission of revised drainage details for this application, I confirm that they are an improvement upon those previously submitted (increased permeable area). Given that I had no major objections to the previous submission and that the particular issues raised in my earlier comment (see below) have been addressed, I am satisfied that the drainage strategy is appropriate.*

**Landscape Architect**

25th June 2013

Entrance Square

*Suggest moving proposed small blossom tree to the mixed border rather than planting it within paving, in order to avoid future problems with tree roots lifting paving blocks.*

Entrance Pillars

*Suggest locating south pillar at the corner of the square to match the north pillar. This might require removing a small section of the existing hedge, but would give symmetry to the entrance to the square.*

Middle Square

*Suggest that this is set within the main access road and does not extend into the side access road.*

Boundary Wall

*There is a proposed brick wall extending along the boundary between Plots 20 & 21 and the street, with a service strip alongside. Mixed planting is proposed for the service strip, with espalier apples trained against the walls. This is a lovely idea. However, I would caution against it unless maintenance can be guaranteed. This is because elsewhere in Cheltenham, where service strips such as that shown have been planted up, it has not been successful. The planting suffered from vehicle overrun and received little maintenance. As a more practical, though admittedly less attractive alternative, consider replacing the planting with a paving detail. The design of the wall then becomes very important in order to provide visual interest to the dwellings opposite.*

*Whatever option is chosen, design details for the boundary wall, including the proposed brick bond, coping, damp proof course, pillars, should be provided.*

Railings/Fences

*Details of the proposed railings and fences should be provided.*

*Please also clarify if estate railings are proposed along the edge between the native hedge, at the front of the site, and the road in front of Plots 1-4.*

**Landscape Architect**

2nd September 2013

*The comments I made in June still stand - please see previous comments.*

*In addition to my previous comments, I would like to add that the inclusion of SUDS (sustainable drainage system) in the drainage strategy should be investigated. The green space at the entrance could be a possible candidate for a rain garden or other form of bioretention.*

*The plant species proposed are acceptable for the scheme as currently presented, but may require revision should the planting form part of a SUDS.*

*Please could standard conditions for landscaping and SUDS be attached to planning permission, if granted.*

## **Landscape Architect**

8<sup>th</sup> November 2013

*I understand that the client wishes to submit as much detail as possible at this stage to avoid the need for a further stage requiring discharge of conditions. I've therefore tried to list as much of the information as I think will be required for the landscape aspects of the proposed scheme. I appreciate that it's for you to decide if conditioning the application would be more appropriate. If so, then the information requested would be required as part of the landscape conditions.*

### Hard Landscape

- *A detail drawing of the feature wall should be submitted.*
- *The type of proposed Charcon block pavior should be specified.*
- *The type, colour and aggregate size of the gravel finish to tarmacadam road should be specified.*

### Planting Schedule

- *Trees*  
*In addition to girth and root supply form, the minimum height, age and number of the proposed trees should also be specified.*
- *Hedges, Mixed Planting, Front Garden Mix*  
*In addition to the information already supplied, the total number of each type of plant should also be stated.*

### Planting Specification

*In addition to the Plant Schedule a Planting Specification should also be submitted. Included in this should be:*

- *Ground Preparation instructions*
- *Tree pit detail drawing*
- *Instructions for tree staking*
- *Details of root barriers around trees (if proposed)*
- *Instructions for planting, fertiliser application, watering immediately after planting and mulching*
- *References to the relevant British Standards and trade standards: e.g. Plants to conform to BS3936-1 1992 Nursery Stock and be in accordance with the National Plant Specification. Nurseries to be registered under HTA Nursery Certification Scheme.*

*Tree works to be carried out in accordance with BS5837: 2012 Trees in relation to design, demolition and construction.*

### Recommendations

*Planting to be carried out in accordance with BS4428 1989 Code of practice for general landscape operations (excluding hard surfaces).*

### Landscape Maintenance Plan

*The landscape maintenance plan should address the following issues:*

- *Nesting Birds: Birds, their nests and eggs are protected by law. Avoid work on trees, shrubs and hedgerows during bird-nesting season (1st March to 31st July - though some sources extend the period to the end of August). More information can be found on the RSPB and Natural England websites.*
- *Rectification period, during which any dead, dying or diseased plants should be replaced by the landscape contractor at his own expense.*
- *Watering regime for trees, shrubs and other planting*
- *Checking trees - stakes and ties etc.*



- Weed clearance
- Litter clearance
- Formative pruning
- Maintenance pruning
- Hedge trimming
- Mulching
- Grass cutting
- Frequency and timing for site visits for the above tasks.

Management of common areas

*I am not qualified to give an opinion of the management structure proposed.*

**Tree Officer**

5th June 2013

*The Tree Section has several reservations to this proposal but on the condition that these issues can be addressed and agreed with this council, in principal CBC Tree Section has no objection to this application:*

- 1) *As the subsoil is considered to be clay, I suggest that the foundation design of buildings near to proposed vegetation takes account of the ultimate size and water demand/soil shrinkage from tree/other vegetation root activity.*
- 2) *The Drainage Strategy plan states that 'the proposed drainage system is to utilise existing damage outfall. It appears as if a drain is to be used which is to pass almost underneath the trunk of a large lime tree situated within the highway and under the management of Gloucestershire Highways. If such pipe work is to be utilised then a method statement must be submitted and agreed prior to the commencement of works which demonstrates that such utility installation can be achieved without damage to this important street tree. Alternatively it would be better if such utilities are located outside the Tree Protection Zone of any trees to be retained (in line with SPG).*
- 3) *Various trees are marked for felling which are located outside the site-T5, T20. Agreement with the tree owner must be agreed before any felling.*
- 4) *Ts 18+ 19 are growing just outside the site but their crown is within the site. These have been categorised by the arb consultant as 'U Quality' trees and have been described as in 'poor condition and unsuitable for retention'. They would likely overwhelm the rear garden of plots 16+17.*
- 5) *A Tree Protection Plan for all trees to be retained on and adjacent to the site must be submitted and agreed. This plan should be as per BS5837 (2012). Protection should also be afforded to the line of hedge/trees which front onto Leckhampton Road. If the 'small bushes' as marked on the Tree Survey are to be retained as a part of the landscaping in the rear garden of plots 26,27,28 then these too should be protected during development. All protection must be erected before the commencement of any demolition. Access to the Scout hut and the footpath must be retained at all stages during demolition and construction.*
- 6) *Trees T11+12 are 'C' category trees and are unlikely to be suitable for long term retention due their poor form. However they are needed to act as screening to properties in Column End Rise.*
- 7) *Plot 24 appears to be located only 2-3 metres from the boundary to the north and there no specific screening by plants proposed to block the view to/from 61 Column End Rise. It may be difficult to achieve maintainable effective screening to this side of proposed*



plot 24. It may be better to reconfigure the layout of the plots in this area to take account of this and point 6 above.

- 8) There are no tree pit details within the soft landscaping plans. The proposed *Prunus* and *Malus* can be demanding of good soil quality and as such I suggest imported topsoil (ideally using Amsterdam Soil which contains a high proportion of sand assisting drainage) is worked into the tree pit which will promote growth into the future. Similarly, particularly *Prunus* species are shallow rooted and combined with clay, subsoil, I anticipate that there could be significant disruption of hard landscaping by roots. As such root directors should be incorporated into the planting pit to encourage deep rooting.
- 9) The maintenance and aftercare of the proposed espalier crab apples adjacent to plots 20 + 21 needs to be addressed. Such espalier work is quite time consuming and difficult to successfully achieve. However if successful, apart from spring flowering, the retained apples on the bare trees in autumn and early winter would look very well indeed.
- 10) There appears to be insufficient landscaping to achieve privacy to properties 1+3 Liddington Road. Consideration should be given to the planting of suitable (possibly evergreen for year round screening) tree species.
- 11) I suggested that an adequate proportion of any commuted money is directed towards the adjacent footpath and hedgerow leading to the Scout hut and beyond. Frequency and intensification of use of this area is likely to increase and as such sufficient resource is needed to take account of this

**Tree Officer**

30th August 2013

Many of my previous comments (5/5/13) appear to have been addressed:

- 1) It is not clear whether the foundation design has taken account of the clay subsoil and the potential for tree related subsidence.
- 2) The revised Drainage Strategy of 31st July abandons the previous plan to utilise the existing Drainage outfall and as such this is welcomed.
- 3) Trees T5 + T20 outside the site are now been shown to be retained as per drawing proposed tree Plan -05 submitted July 31st.
- 4) Trees 18 + 19 are shown retained but could overwhelm the gardens of plots 16 + 17. A proposed intended pruning scheme for these trees would be welcome.
- 5) No Tree Protection Plan has yet been submitted. Such a plan should be submitted and agreed prior to any determination of permission.
- 6) Trees T11 + 12 are now shown to be retained. If there is a desire to have them removed, then a proposed replacement planting scheme should be submitted and agreed. Such planting should consider the screening/privacy that any tree species at this location would offer.
- 7) The Soft Landscaping Plan -04 still does not sufficiently address the likely view of the gable end of plot 24 from 61 Column End rise. The proposed Close boarded fence and trellis is insufficient and further detailed soft landscaping should be added to the plan. Such landscaping should involve the use of evergreen plants so as to provide year round screening.

- 8) *The original proposed use of Prunus species has been changed to Amelanchier. This is welcome. However it may be difficult to source the suggested Extra Heavy Standard size Amelanchier. A study should be undertaken as to whether such procurement is possible. If it is not then an alternative species should be detailed. There are still no tree pit details or details of aftercare, maintenance or guarantee descriptions of any of the proposed planting.*
- 9) *There are still no details of the maintenance of the proposed espalier crab apples adjacent to plot 20 + 21.*
- 10) *The proposed Betula nigra at the rear gardens of Plots 25-28 may not thrive on the assumed clay soil and could outgrow their position and cast shade onto the properties on Leckhampton Rd and Liddington Rd adjacent. I suggest that the proposed species is changed to Crataegus (hawthorn). There are many species and varieties available and such trees should mature into a tree of more suitable proportion as well as provide better screening, of better ecological value and year round interest. It is desirable to have a variety of Crataegus in different gardens.*

**Tree Officer**

12<sup>th</sup> November 2013

*The Tree Section has no objection to the proposed plan provided the following can be submitted and agreed prior to the commencement of any work on site:*

- 1) *Whilst the proposed exotic Amelanchier and Malus (apple) will ultimately be of a suitable proportion for this site I suggest that a row of small (eg half standard size) Ilex aquifolium (spineless holly) or Ilex aquifolium JC Von Tol (self pollinating spineless holly) or Laurus nobilis (evergreen bay tree) are planted in the rear gardens as a screen from plots 23 to 28 to the properties to the north. This will enable the removal of the proposed close-boarded fence as the trees mature and should provide an evergreen back drop as seen from the new plots for the proposed colourful apple and Amelanchier.*
- 2) *The proposed trees within the site are will require upgraded soil if they are to thrive. Details of the tree pits need to be submitted and agreed. Such tree pit details should include generous addition of topsoil or Amsterdam Soil within the pits.*
- 3) *The surface water attenuation tank at the north side of the entrance to the site is to be buried approx 1 metre deep. As such I suggest another (Selected standard size) Ilex aquifolium JC Van Tol to be planted here as well as the proposed hedging mix. This will improve the amenity of the site as seen from the Leckhampton Road. Similarly a further such holly could also be planted on the south side of the estate entrance. Such hollies are shade tolerant (of the large street trees adjacent) and are of a low water demand and so should establish and grow well at this location. The trees ultimate height of 5-8 metres is proportionate for this site.*
- 4) *A detailed Tree protection plan must be submitted and agreed. This should be based on measurements taken from the original Tree King Arb Survey. Such tree protection must be to BS 5837 (2012).*

**Parish Council**

25th June 2013

*The Parish Council objects to the proposal on the following grounds*

1. Unacceptable harm to the amenities of local properties and impact on the AONB.

*The proposed development would do unacceptable harm to the amenities of neighbouring properties in Collum End Rise and Liddington Road. Most seriously, the site elevation is considerably above that of the neighbouring properties and, as proposed, the development would badly overlook the gardens of the neighbouring properties, with views into their windows, including upstairs windows.*

*Secondly, the proposed heights of the houses on the north side of the site would mean that they would overshadow the neighbouring properties and deprive them of their current outlook to the scarp of Leckhampton Hill. Whilst loss of view does not constitute strong grounds of objection, the proposed development errs too far towards maximising the profit to the developer and takes too little account of the deprivation to local residents.*

*The Council understands, from attending the meeting of residents with the planning officer, Mrs Wendy Hopkins, on Sunday 2 June, that the invasion of privacy is made worse because it is proposed to increase the ground height of the site by a metre or more over its existing level. This appears unnecessarily detrimental. The Council does not know the reason for the proposed increase in elevation, but if it is due to concerns about flood risk, it would be much better to install an adequate land drain on the south side of the site. As discussed below, the Council believes this is needed anyway to protect the development adequately from surface water flooding.*

*The Council's overall view is that the site is too small to take so many houses. Also, such high density housing is not appropriate for the area and adjacent to the AONB. The Council recommends that the number of houses should be reduced to not more than 18 and the layout of the houses should be changed so that they are further away from the north boundary of the site and so that they look better from the AONB. In particular, the view of the west end of the development from the AONB is ugly because the houses are so cramped together. The Council also recommends lowering rather than raising the ground level of the site.*

*At the very least the Council recommends the following package of measures: reduce rather than raise the ground level of the site, delete houses 16 and 17 and space houses 13, 14 and 15 so that they are less overbearing as viewed from AONB, remove the first floor balcony from house 15 to avoid it overlooking neighbouring gardens, make houses 18, and 19 into bungalows or into chalet bungalows provided they have no outlook north, delete house 24 and make house 23 into a bungalow or chalet bungalow with no outlook north, make houses 25, 26, 27, 28 and 29 into bungalows with shallow roofs.*

2. Risk of flooding

*The Council is concerned that the severity of the surface water flooding is not sufficiently appreciated in the proposal. As the Council told the drainage and flooding consultants at the public exhibition, the fields above the site are prone to extreme rainfall. Most recently, on 27 June 2007, 50 mm of rain fell in a little more than an hour. A similar extreme event occurred in September 1978. Very heavy rainfall, although not quite as intense, has occurred several times a decade since the 1960s. For example, on 20 July 2007, 130 mm of rain fell on the fields, mostly over a period of 8 hours, with a peak rainfall of 25 mm per hour. The contours of the hillside above the site tend to channel the runoff onto the site.*

*The proposal recognises the need to avoid any increase in the risk of flooding to houses. For this reason, the proposal rejects the idea of building a retaining wall on the north side of the site to divert water to Leckhampton Road. But it does not provide a sufficiently detailed or robust drainage plan to give confidence that the potential surface water run-off through the site can be adequately handled.*

3. Parking on the development

*All the properties have two parking spaces, and house types 2 and 3 also have single garages. However, the Council is concerned that there is insufficient parking space for visitors. There is room for on-road parking of about 9 cars to the south of properties 20 and 21 and possibly for a further 5 cars on the road outside properties 1, 2 and 3. The Council believes that there should be more communal parking within the proposed estate. At the very least, in order to keep enough parking for visitors, delivery vehicles and other traffic, residents must be strictly prohibited from parking their own vehicles on the roads. This prohibition might be achieved through the deeds of the properties and also by parking restriction signs on the road.*

*The Parish Council requests that the following points should also be taken into account:*

*It was discussed at the meeting on 2 June that this development will mean that more parents bringing children to the play school in the scout hut adjacent to the site will have to park on Leckhampton Road. The Council recommends that, if approval is given for this development, the 30 mph speed restriction should be moved 300 metres up Leckhampton Hill so that vehicles start to slow down as they descend the hill. At present drivers do not see the 30 mph sign until they turn the corner by the reservoir.*

*As was observed at the meeting on 2 June, it is important to keep enough industrial sites within Cheltenham. However, this site has been allowed to decay to a level where it would be hard to sustain it as an industrial site. The Council strongly favours building on brown field sites rather than on green field sites. However, the Council believes that in recognition of the agreement over the change of use, the developers should make an appropriate contribution to the benefit of the local community. Rebuilding the adjacent scout hut, which is in need of replacement because of its age and its asbestos roof, would be an appropriate contribution. Some way should be found to make this a binding condition of the approval, possibly by including the demolition and rebuilding within the plans and planning application. Demolishing and repositioning the scout hut might also make it easier to incorporate the necessary land drain to protect the site from flooding.*

*There is a lack of secondary school places for families in the area of this site. Currently, because of the lack of places at Bournside and Balcarras schools, some children have to travel through Cheltenham to Pittville School or travel to Chosen Hill School. The situation is expected to become worse as both of these schools become full in a few years time and, with a bulge of younger children of primary school age now beginning, the situation is set to become even worse. If no solution is found, the area will no longer be suitable for families. This would undermine much of the purpose of building more houses in this area.*

**Contaminated Land Officer**

17th May 2013

*Please include the full contaminated land condition for this development.*

**Contaminated Land Officer**

20th August 2013

*Please include the full contaminated land condition to this proposal as attached.*

**Contaminated Land Officer**

7th October 2013

*Please include the full contaminated land condition to this proposal as attached.*

## 5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	
Total comments received	<b>28</b>
Number of objections	<b>22</b>
Number of supporting	<b>1</b>
General comment	<b>5</b>

### 5.1 In summary representations received relate to:

- The redevelopment would not support local businesses and will force the closure of existing businesses and put people out of work
- Redevelopment would result in the unacceptable loss of a fitness club
- The proposed density, height and layout would be detrimental to adjoining residential amenities
- Loss of privacy and overlooking of adjoining residential properties
- Reduced daylight to adjacent properties
- “Lack of amenity and infill of our vision” and “block out views for local houses”
- Poor design and layout
- Redevelopment is too dense
- Over development of site – too many houses
- Proposals do not reflect character of neighbourhood
- Loss of trees
- Drainage – risk of flooding.
- Exacerbate existing drainage problems from surface water run-off
- Inadequate parking and access
- Unacceptable increase to local traffic
- Compromise highway safety
- Adverse impact on local infrastructure
- Inaccurate drawings and not to stated scale
- “Redevelopment will be beneficial to the local community, it will remove the current unsightly industrial estate and will support local shops just down the road”
- Proposal will give a “positive impression of Cheltenham as visitor drive down the hill into town”
- “We do not object to the principle of this very run down site”



## 5.2 Comments Received

All representations received have been reproduced in full and are attached to the end of this report.

## 6. OFFICER COMMENTS

6.1 The main issues for consideration in the determination of this application are:

- The principle of development
- Housing supply
- Affordable housing
- Design and layout
- Safeguarding residential amenity
- Access arrangements, highway safety and parking provision
- Flood risk and drainage
- Ecology
- Archaeology

### The Principle of Development

6.2 The site is an existing allocated employment site located within the 'Principal Urban Area' (PUA). The principle of development within the confines of the PUA is normally considered acceptable unless it conflicts with other development plan policies or material considerations indicate otherwise.

6.3 Policy EM2 of the Local Plan seeks to retain land currently or last in employment use for employment purposes unless one of the listed exceptions are met. EM2 states *"A change of use of land and buildings in existing employment use, or if unoccupied to a use outside Use Classes B1, B2 or B8 inclusive will not be permitted, except where:*

- a) buildings on the land were constructed and first occupied for residential use; or...*
- b) the retention of the site for employment purposes has been fully explored without success" (note 1).*

*Note 1 – Evidence will be required to demonstrate demand; this may include details of past advertising vacancy rates and rent levels. This list is not exhaustive and other information may be requested.*

6.4 Paragraph 14 of the National Planning Policy Framework (NPPF) sets out a *"presumption in favour of sustainable development"*. As identified in paragraph 7 of the NPPF sustainable development has three dimensions: economic, social and environmental.

6.5 Of particular relevance to this application is paragraph 22 of the NPPF which advises that *"Planning policies should avoid the long term protection of sites allocated for employment*



*use where there is no reasonable prospect of a site being used for that purpose... Where there is no reasonable prospect of a site being used for the allocated employment use, applications of alternative uses of the land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities”.*

- 6.6** In addition to paragraph 22, paragraph 51 of the NPPF goes onto say that Local Planning Authorities should *“normally approve planning applications for change to residential use and any associated development from commercial buildings (currently in B use class) where there is an identified need for additional housing in that area, provided that there are not strong economic reasons why such development would be appropriate”.*
- 6.7** Following Officers’ request, additional information to evidence existing vacancy rates, rent levels and to demonstrate marketing of the site for employment purposes has been submitted to accompany the application. This additional information has been reviewed and Officers’ are satisfied that a suitable level of marketing of the vacant units has been ongoing since 2000.
- 6.8** In light of the above, it is considered that the requirements of Local Plan Policy EM2 (b) have been met and the proposal would be fluent with the aims of the NPPF to *“support sustainable economic growth” (Para. 19, NPPF)* and *“to boost significantly the supply of housing” (Para.47, NPPF)*. For this reason, the principle of residential development in this location is considered policy compliant.

#### Housing Supply

- 6.9** It is established that the District cannot demonstrate a 5-year housing land supply as required by paragraph 49 of the NPPF. Currently we can only demonstrate 4.7 years. As such, local plan policies relating to housing land supply are out of date and accordingly, the development should be considered against paragraph 14 of the NPPF.
- 6.10** Notwithstanding the above, Local Plan Policy HS1 relating to residential development states that *“Housing development will be permitted on;*
- a) land allocated for residential development; and...*
  - b) previously development land, subject to policies BE2, BE9, GE2 and HS3*
- In all cases, development should make the most efficient and effective uses of the site”.*
- 6.11** Previously development land is defined in annex 2 of the NPPF as *“Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure... “.*
- 6.12** Clearly, the application site can be categorised as previously developed land. As such (subject to other policies detailed in HS1 (b)) the proposal is compliant with the requirements of HS1; albeit currently considered out-of-date; and would thereby support this proposal for the residential re-development of the site.
- 6.13** Paragraph 14 of the NPPF sets out a presumption in favour of sustainable development and requires that, unless material consideration indicate otherwise *“where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:*

- *Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or...*
- *Specific policies in this Framework indicate development should be restricted”.*

- 6.14** In accordance with paragraph 14 of the NPPF the consideration and ultimate determination of this application should be a balanced exercise of benefits and any adverse impacts.
- 6.15** Of significant benefit would be the contribution of 28 residential units that are located within the defined PUA toward the 5-year housing land shortfall.

### Affordable Housing and Planning Obligations

- 6.16** Local Plan Policy HS4 requires that *“in residential developments of 15 or more dwellings or residential sites of 0.5 hectare or greater a minimum of 40% of the total dwellings proposed (note 1) will be sought for the provision of affordable housing”*. Note 2 goes on to state *“this proportion may vary to take account of the exceptional circumstances relating to a site”*.
- 6.17** Paragraph 173 of the NPPF states that *“pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking. Plans should be deliverable. Therefore, the sites and scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. To ensure viability, the cost of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other 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 delivered”*.
- 6.18** In light of Policy HS4 and the advice set out within the NPPF, where proposals can demonstrate exceptional circumstances or the deliverability of the site is threatened through the level of contributions sought, it is accepted that these matters can outweigh, in whole or part, the requirement of planning obligations.
- 6.19** A confidential viability assessment has been submitted to accompany this application, in which the applicant contends that should a policy compliant level of obligation be sought on this application then the redevelopment would be unviable and therefore undeliverable.
- 6.20** For clarity, the contributions relevant to this proposal would be 40% affordable housing and education, library and play space contributions.
- 6.21** An independent review of the viability assessment submitted by the application has been undertaken by the District Valuation Service (DVS). The DVS is the property arm of the Valuation Office Agency (VOA) and provides professional property advice across the public sector.
- 6.22** At the time of writing this report the DVS assessment had not been received and therefore Officers’ are unable to provide Members with advice on this matter. To this end, an update on this matter will be provided when the assessment is received.

## Design and layout

- 6.23** The application is accompanied by a Design and Access Statement and detailed drawings. Contained within the submission is an assessment of the character of the site and the wider locality. This assessment has been undertaken through site visits and a 'Nolli' plan which visually indicates the urban grain of the site and the surrounding area is submitted in section 5 of the Design and Access Statement. It is prudent to remind Members' at this point that a prescript approach to development density is not considered relevant following the revision of PPS3 and the subsequent publication of the NPPF. The density of any development should be considered on a site for site basis within its surrounding context. Officers concur with the site assessment contained within the Design and Access Statement that:
- The area is predominantly residential;
  - Residential buildings are typically 2 – 2.5 storeys in height;
  - Buildings within the immediate locality range from large detached villas to terraced/semi detached homes;
  - A variety of architectural styles exist within the locality;
  - General building line along the main Leckhampton Road is a strong feature and should be maintained;
  - Views south through the site are important to retain.
- 6.24** Lengthy pre-application and application negotiations have been undertaken between Officers and the applicant and their agent on the redevelopment of this site. Much of these discussions have focused on ensuring the redevelopment safeguards the amenities of the adjoining properties; is fluent with the immediate context; and sympathetic to the adjoining Cotswold Area of Outstanding Natural Beauty (AONB).
- 6.25** Dealing firstly with the site and its context. This site forms a transition between the urban form of the settlement and the countryside beyond. The western site boundary adjoins the Cotswold AONB. The southern boundary adjoins a local Scout site which although lies outside the AONB visually forms part of the open countryside beyond. It is therefore important that this 'town meets country' juncture is reflected in the design approach.
- 6.26** To this end, the application considers this juncture important to visually translate in the redevelopment of the site. The proposal seeks to retain views through the development to achieve this visual transition. The layout introduces a loose urban grain along the site frontage which reflects the built rhythm of large single houses with wide frontages along the western side of Leckhampton Road.
- 6.27** Although loss of a view is not a planning consideration the design approach of providing views through the development to retain and reinforce the edge of settlement works well in the opinion of Officers. Views will be available from within the site area and from public vantage points within the immediate locality via gaps in the built form and over single storey garage elements to the countryside beyond.
- 6.28** During negotiations Officers have raised concerns with the applicant in respect of the heights of the buildings proposed and the size of individual plots. Earlier schemes to this current revised proposal were considered to detail overly tall houses within small plots. In response to this concern the applicant at the same time as reducing site land levels reduced the overall height of each individual house by 300mm. The ridge heights of the buildings vary across the site which will provide an aesthetically pleasing variation.

Following a reduction in building heights the plot sizes relate much better in terms of size and are considered acceptable.

- 6.29** This site is not influenced by a strong local vernacular as a variety of architectural styles existing within the immediate locality. The appearance of the proposed buildings is relatively contemporary in design using a simple palette of materials and level of detailing. Officers are satisfied that the appearance of the proposed buildings would be fluent with the site and its surroundings.
- 6.30** Although discreetly located along the Leckhampton Road the redevelopment would offer potential benefit to the visual amenity of the site and wider locality. Moreover, the site forms part of a main entrance or gateway into Cheltenham which would provide a more attractive welcome to visitors and residents than the existing industrial estate.
- 6.31** In light of the above, Officers consider that the redevelopment of this site with 2 / 2.5 storey detached and semi detached houses, each set within a suitable level of private amenity space, is acceptable in terms of scale, form, design and appearance with the site and immediate locality and therefore accords with relevant development plan policy CP7 and the NPPF. A number of third party representations have suggested that the proposal is too dense but following a considered review of the surrounding urban grain and the reduction in houses from 29 to 28, the form and number of units proposed is considered acceptable.

### Residential Amenity

- 6.32** The site is constrained in part due to its location part way up Leckhampton Hill and the historic 'cut and fill' of the land which has in places artificially increased site land levels. This situation results in the site lying at a higher level than the existing residential properties to the north along Collum End Rise and Liddington Road. Key therefore to the consideration of the redevelopment of this site is how this matter is addressed.
- 6.33** Again this matter has been the subject of lengthy negotiations and a number of revisions to the original application. The applicant has sought to address the impact of the redevelopment by 1) reducing existing land levels, 2) orientating development along the northern boundary gable end on to existing development thereby minimising the amount of built form along the boundary, 3) reducing building heights, 4) limiting fenestration along the northern boundary to prevent any overlooking and 5) providing suitable distances between the existing and proposed buildings to protect residential amenities of both existing properties and future occupants.
- 6.34** Revised drawings show a considerable reduction of land levels across the whole of the application site area that will vary between a 0.009 metre and 2.546 metre reduction. Existing site levels increase in height along the northern boundary. Following the reduction in land levels across the site the northern boundary will effectively forms a ridge. Adjoining land levels, toward the existing development to the north along Collum End Rise and the site area to the south, will reduce in height. The southern part of the site has the highest land levels and is where the greatest reduction would be seen.
- 6.35** Detailed drawing number 2004.200 Rev P21 entitled 'Proposed Site Plan' shows the orientation of the proposed buildings along the northern boundary which are proposed to be gable end on to the existing development along Collum End Rise and Liddington Road. The orientation of gable ends onto existing development acts to minimise impact from the adjacent built form.
- 6.36** The aforementioned site drawing also annotates distances between existing and proposed buildings. The distances proposed all exceed the prescribed distances in Local Plan Policy CP4 (Note 3). The minimum distance of 21 metres between buildings with

clear glazed windows has been exceeded to take account of the land level difference between Collum End Rise and the application site.

- 6.37** The relationship between number 61 Collum End Rise and Plot 23 has throughout negotiations been a point of concern. So much so that a unit in this location was removed from the scheme to achieve a better relationship between existing and proposed. Officers are now satisfied that due to the reduction in unit numbers from 28 to 29, a reduction in land levels and an adequate distance of 22.3 metres between the rear elevation of the main dwelling house known as 61 Collum End Rise and the side elevation of Plot 23 (which does not constitute an elevation with clear glazed windows) this relationship is now considered acceptable.
- 6.38** In respect of assessing a reasonable level of daylight reaching the properties along Collum End Rise and Liddington Road; as required by Local Plan Policy CP4 (Note 2); this has been undertaken using the P J Littlefair 'Site Planning for Daylight and Sunlight'.
- 6.39** When assessing daylight and sunlight level of facing buildings a 25 degree calculation is used. This measurement is taken from 1.6 metres above finished floor level of, in this case, the existing building. This calculation has been applied to all buildings along Collum End Rise that adjoin the application site (number 49-63), numbers 1 and 3 Liddington Road and number 201 Leckhampton Road which all adjoin the site area along the northern boundary.
- 6.40** Without exception all of the new development falls below the 25 degree angle which demonstrates that a reasonable level of daylight shall be afforded to the rear windows of the properties assessed along Collum End Rise, Liddington Road and Leckhampton Road.
- 6.41** As part of the proposed landscaping scheme the existing soft landscaping along the northern site boundary is proposed to be thinned out and new planting in strategic locations to provide screening for existing and proposed properties. At present the vegetation along this boundary is dense and overshadows the gardens at Collum End Rise throughout the year.
- 6.42** A shadow analysis has been submitted to accompany the application which although does not take account of the trees (which is the correct approach) demonstrates that the proposed development would not cast significant shadow over the garden areas or homes on the adjoining existing development along Collum End Rise and Liddington Road. The analysis is undertaken at key points of the year which are Spring Equinox, Summer Solstice, Autumn Equinox and Winter Solstice. The analysis shows that a shadow would be cast over the garden areas of the adjoining development during the Winter Solstice but not at other times. Shadowing at this time of year is expected and typically occurs within most urban environments. Due to likely weather conditions this is not considered to be significant in terms of garden use.
- 6.43** For the above reasons, the development proposed shall not adversely impact the residential amenities of the adjoining properties by way of overlooking, overbearing presence or loss of daylight and thereby accord with the requirements of Local Plan Policy CP4.

### Highway Safety and Parking Provision

- 6.44** A detailed Highway response has been provided in Section 4 of this report. In summary, the proposal could potentially offer a significant reduction in the number of vehicle movements to and from this site per day; proposes a suitable site access; would not result in any detrimental impact on highway safety or the surrounding highway network; the



internal layout complies with adoptable standards and the level and size of car parking provision meets relevant standards and addresses likely demand.

- 6.45** A number of representations received from the local community have raised the issue of the existing on-site parking provision for the Community Hall. This matter has also been addressed in the Highway comments and it is considered that this parking is currently at the goodwill of the land owner and does not form any sort of allocated parking associated with the Hall.
- 6.46** In light of Highway comments received the proposal accords with relevant local plan policies and the NPPF. Furthermore, the reduction in vehicle movements can be seen as a benefit to the proposal when balancing benefit and adverse impacts as per paragraph 6.14 of this report.

### Flood Risk and Drainage

- 6.47** A Flood Risk Assessment has been submitted to accompany this application. As detailed in the response received from the Environment Agency (EA), which has reproduced in Section 4 of this report, the site lies within Flood Zone 1 (low probability). For clarity, the EA classification covers fluvial flooding (pertaining to rivers) and not surface water run off.
- 6.48** Originally the planning application submission detailed a traditional drainage strategy which discharged surface water into the mains highway drain found in the adjacent Leckhampton Road. The application site has a history of high surface water run-off rates which has resulted in localised flooding of the site area and adjacent land and buildings. This is due in part to its position, near the bottom of Leckhampton Hill, and the existing lack of suitable on-site drainage which is unable to deal with the rate of surface water run-off. For this reason and matters relating to increasing land levels Officers' requested the applicant investigate the opportunity to implement a Sustainable Urban Drainage System (SUDS).
- 6.49** The applicant has subsequently submitted a SUDS scheme to address surface water run-off. The drainage scheme details an underground water attenuation tank at the site entrance. The revised drainage scheme has been reviewed by the Council's Land Drainage Officer. These comments can be found in section 4 of this report and conclude that the drainage strategy is appropriate and compliant to the requirements of UI2, UI3 and the NPPF.

### Ecology

- 6.50** A very comprehensive response has been provided by the County Council's Ecology Officer which can be found in section 4 of this report.
- 6.51** As detailed in these comments confirm that from an ecology perspective Bats are the main biodiversity matter. The application is accompanied by a number of reports on this matter the first of which is entitled 'The Inspection Survey for Bat Roost Potential' which was undertaken during the summer months and confirmed the presence or likely presence of bats. The report identifies an underground bunker roost (believed to be a World War II bunker) with confirmed bat occupation and presence of droppings. This report recommended a further winter survey to understand the significance of this roost.
- 6.52** Following the recommendations of the 'Inspection Survey' a further 'Bat Hibernation Survey' was undertaken during winter months and forms part of the application information. This report records a single Natterer's bat and Lesser Horseshoe bat and gives the roost medium conservation significance. This level of significance has potential to increase depending on a further piece of bat survey work which shall determine if the



bunker and buildings are being utilized during the winter and summer months. A final piece of bat survey and assessment work was undertaken in May this year (2013).

- 6.53** This information confirms a significant maternity roost of lesser horseshoe bats in the underground bunker which is also a modest winter roost for hibernating bats. In addition, a single common pipistrelle bat was discovered hibernating under a building roof tile.
- 6.54** In the interim, a revised site layout has been submitted in response to other planning matters which has involved the relocation of the proposed new bat roost. For this reason, further information and a conclusion will be provided in an update to this report following receipt of further comments from the County Ecologist.

### Archaeology

- 6.55** An archaeological desk based assessment accompanies the planning submission. Historic map evidence shows that the site during the 19<sup>th</sup> century was the terminus and depot for a tramroad that served the nearby stone quarries. A number of structures are shown which include a lime-kiln and stabling for horses. None of these structures are evident above ground today but traces may since be evident below.
- 6.56** In addition, a possible World War II bomb shelter which is still visible is accommodated within the application site area.
- 6.57** A formal consultee response has been received from the Gloucestershire County Council Archaeologist. This response has been reproduced in Section 4 of this report.
- 6.58** Following review of the submitted desk based assessment the County Archaeologist concurs with recommendations made in the assessment which suggests that the bomb shelter and tramway have potential for archaeological remains. These locations should therefore be investigated and any archaeological interest recorded if revealed. To facilitate this and subject to the grant of permission a condition is suggested to secure a programme of archaeological work.
- 6.59** Subject to securing the above archaeological works via condition the proposal accords with paragraph 141 of the NPPF.

## 7. CONCLUSION AND RECOMMENDATION

- 7.1** For the reasons outlined in the above report, this redevelopment shall bring forward benefits, namely, a significant contribution to housing land supply; development of a brown-field site, reduction in vehicle movements to and from the site per day; installation of a SUDS drainage system which addresses not only the development proposed but will also improve existing deficiencies. Notwithstanding these benefits the redevelopment proposed does not provide any affordable housing, education, library or play space contributions. As detailed in the above report, Officers await an independent viability assessment from the DVS on the viability of this proposal and until such time that this is received; Officers are unable to make any recommendation to Members'.
- 7.2** For clarity, an Officer recommendation will form an update to this report when the DVS assessment is received.

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<b>APPLICATION NO:</b> 13/00756/FUL		<b>OFFICER:</b> Mrs Wendy Hopkins
<b>DATE REGISTERED:</b> 10th May 2013		<b>DATE OF EXPIRY :</b> 9th August 2013
<b>WARD:</b> Leckhampton		<b>PARISH:</b> LECKH
<b>APPLICANT:</b>	Martin Scott Homes	
<b>LOCATION:</b>	Leckhampton Industrial Estate, Leckhampton Road, Cheltenham	
<b>PROPOSAL:</b>	Demolition of existing buildings and residential development comprising the construction of 28 dwellings	

## REPRESENTATIONS

Number of contributors	<b>28</b>
Number of objections	<b>22</b>
Number of representations	<b>5</b>
Number of supporting	<b>1</b>

Sport Connection  
205 Leckhampton Road  
Leckhampton  
Cheltenham  
GL53 0AL

**Comments:** 25<sup>th</sup> May – 7<sup>th</sup> June 2013  
**Petition** available to view in the Members' Room.

Salterley Banks  
Salterley Grange  
Leckhampton Hill  
Cheltenham  
GL53 9QW

**Comments:** 6th June 2013

I object to the proposed redevelopment of the Leckhampton Industrial Estate into a residential estate on the grounds that the plans would cause the loss of the only fitness club in the south of Cheltenham, causing harm to the well-being of a section of the local community. I believe that it is in the strong interests of the local area to retain this facility as part of any redevelopment.

This facility has been in existence for over 25 years and has provided affordable access to a range of aerobic and anaerobic fitness activities for the local community. Many of its members, such as myself, are over fifty and, living in close proximity, the club has provided an easily accessible, personalised and safe environment for us to maintain fitness and therefore, our health. With no other facility anywhere on the south side of Cheltenham, it is likely that many of us would have to curtail this activity.

Whilst there is obviously ample opportunity for outdoor cardio-vascular exercise, the frequently inclement weather, particular in winter months, restricts this opportunity for many older people. The fitness club has enabled all-year-round exercise to be maintained. On a personal level, I was extremely grateful to be able to progressively rebuild my fitness in the club following heart surgery in the winter months.

In an age when the need for exercise and healthy lifestyle is being promoted by Government, to permit this application, which would wipe out a valuable local amenity, unlikely to be replaced in the area, would contradict statements contained in the Cheltenham Council Local Plan.

Within its objectives, - O26 "to maintain and enhance existing opportunities for recreation and leisure" and O27 "to increase the range of facilities for recreation and leisure"

There are various positive references under "Indoor Sports Facilities" which would suggest that the Council should be seeking to protect this unique facility:

*12.22 "The Council is committed to increasing participation in sport and enabling greater use of the available facilities... Most of this work will be achieved without the need for land and capital investment to construct new facilities, the intention being to maximise use of existing facilities... includes an action plan for the provision and improvement of sports facilities in the period up to 2020."*

It then proceeds to recognise the importance of Private indoor sports facilities in paragraph 12.27

*"While the Council will seek to ensure that a range of sports facilities is available to meet demand through direct provision and community sports partnerships, it also acknowledges the popularity of fitness clubs and indoor leisure centres, and the contribution of the private sector towards meeting demand. The Council will monitor supply of facilities provided by the private sector over the plan period."*

It would seem from the plans for the proposed development that, by reducing the number of houses by one or two, depending on the size, the fitness club building could be preserved (and enhanced in keeping with the development) and thus create a mixed-use development which the Council Plan supports in para 3.6 thereby creating "vitality and diversity and reduce the need to travel."

I understand from a public meeting which I attended recently and from the proposed plans, that there is some intention to preserve the Scout hut, which also houses a pre-school group. This is obviously considered to be an important local community facility and I totally concur. However, in the same way, the Sports Connection fitness club, although privately owned, is an important facility for the well-being of community and should be preserved.

### **Comments:** 16th August 2013

The revised proposals have done nothing to preserve the Sports Connection Fitness Club.

I therefore, continue to [object to the proposed redevelopment of the Leckhampton Industrial Estate into a residential estate ... *The Council will monitor supply of facilities provided by the private sector over the plan period.*] – as above.

Accordingly, if this application was to be granted permission in its present form, I believe that the Cheltenham Borough Council should have a responsibility, in line with its own Local Plan, to provide, or to assist Sports Connection to provide an equivalent replacement facility, in sufficiently close proximity to the current facility, for this local community on the south side of Cheltenham.

However, it would seem from the plans for the proposed development that, by reducing the number of houses by just one or two, (depending on the size), the fitness club building could be preserved (and enhanced in keeping with the development) and thus create a mixed-use development which the Council Plan supports in para 3.6 thereby creating 'vitality and diversity and reduce the need to travel'.

I understand from a public meeting which I attended and from the proposed plans, that there is some intention to preserve the Scout hut, which also houses a pre-school group. This is

obviously considered to be an important local community facility and I totally concur. However, in the same way, the Sports Connection fitness club, although privately owned, is an important facility for the well-being of the local community which it serves and should also be preserved.

**Comments:** 1st November 2013

Thank you for affording me the opportunity to comment on the revised proposals in Planning Application 13/00756/FUL.

Although the plans have been further revised, they still do nothing to preserve the Sports Connection fitness club. I therefore, continue to object to the proposed redevelopment of the Leckhampton Industrial Estate into a residential estate, in particular on the grounds that the plans would cause the loss of the only fitness club in the south of Cheltenham, causing harm to the well-being of a significant section of the local community, especially those over 50. I believe that it is in the strong interests of the local area, and in line with the Cheltenham Council Local Plan, to retain this facility as part of any redevelopment.

This application should also be viewed against the National Planning Policy Framework, paragraph 74. Following the criteria in this paragraph, this existing sports building should not be demolished for residential development or permitted change of use. There is a clear need for this sports facility, it is in no way surplus to requirements and there appears to be no opportunity for relocation in the catchment area.

Indeed, with so much housing being built or proposed elsewhere around the Cheltenham area, I believe there is a strong need to retain and develop areas of commercial enterprise to provide the increasing number of residents with employment, services and products. Therefore, this whole Industrial Estate, which serves the community, should be preserved and revitalised. A number of existing small businesses, their employee livelihoods and local customers are dependent on it.

The Sports Connection fitness facility has been in existence on this site for over 25 years and has provided affordable access to a range of aerobic and anaerobic fitness activities for the local community. Many of its members, such as myself, are over fifty and, living in close proximity, the club has provided an easily accessible, personalised and safe environment for us to maintain fitness and therefore, our health. With no other similar facility anywhere on the south side of Cheltenham, it is likely that many of us would have to curtail this activity. Whilst there is obviously ample opportunity for outdoor cardio-vascular exercise, the frequently inclement weather, particular in winter months, restricts this opportunity for many older people. The fitness club has enabled all-year-round exercise to be maintained.

On a personal level, I was extremely grateful to be able to progressively rebuild my fitness in the club following heart surgery in the winter months. In an age when the need for exercise and healthy lifestyle is being promoted by Government, to permit this application, which would wipe out a valuable local amenity, unlikely to be replaced in the area, would contradict statements contained in the Cheltenham Council Local Plan. Within its objectives, it states - O26 to maintain and enhance existing opportunities for recreation and leisure and O27 to increase the range of facilities for recreation and leisure.

There are various positive references under Indoor Sports Facilities which would suggest that the Council should be seeking to protect this unique facility: 12.22 The Council is committed to increasing participation in sport and enabling greater use of the available facilities... Most of this work will be achieved without the need for land and capital investment to construct new facilities, the intention being to maximise use of existing facilities... includes an action plan for the provision and improvement of sports facilities in the period up to 2020. It then proceeds to recognise the importance of private indoor sports facilities in paragraph 12.27 While the Council will seek to ensure that a range of sports facilities is available to meet demand through direct provision and community sports partnerships, it also acknowledges the popularity of fitness clubs and indoor leisure centres, and the contribution of the private sector towards meeting demand. The Council will monitor supply of facilities provided by the private sector over the plan period.

It would seem from the plans for the proposed residential development that, by reducing the number of houses by a further one or two, depending on the size, the fitness club building could be preserved (and enhanced in keeping with the development) and thus create a mixed-use development which the Council Plan supports in para 3.6 thereby creating vitality and diversity and reduce the need to travel.

I understand from a public meeting which I attended some time ago and from the proposed plans, that there is intention to preserve the Scout hut, which also houses a pre-school group. This is obviously considered to be an important local community facility and I totally concur. I also fully applaud the measures being proposed to protect the bat population. However, in the same way, the Sports Connection fitness club, although privately owned, is an important facility for the health and well-being of the local community and should be preserved. If this fails to happen, I believe that the Cheltenham Borough Council has a duty, in line with its own Local Plan and the NPPF, to provide, or to assist Sports Connection to provide an equivalent replacement facility in sufficiently close proximity to this local community on the south side of Cheltenham.

Lastly, as a daily traveller along Leckhampton Road, I am concerned that the proposed residential development would negatively impact road safety by a) generating an increased traffic flow in and out of the site onto an already-busy road and b) displacing parking onto the main road both from the new housing and by parents transporting children to/from the Scout group and pre-school group.

18 Pilley Crescent  
Cheltenham  
Gloucestershire  
GL53 9ET

**Comments:** 4th June 2013

I'm not sure if I'm "neighbour" or "other" as I live nearby (approx 5 mins walk away) and am a regular user of Sport Connection gymnasium. Forcing closure of the only convenient gym (as far as I'm aware) is destroying a valuable amenity for local residents. There is no obvious candidate site for the gym to move to nearby.

In addition, given that there is a lot of interest elsewhere in Leckhampton for new housing, do we seriously need another 29 houses at the cost of the gym and garage? Speaking as a resident I object to this, because of the enforced change of use on valuable facilities. I don't know whether that objection carries any weight in terms of planning law, but this is the only way I know of to even have my opinion considered, and I would hope that there is consideration given to those in the local community who use the facilities on this site.

Finally, having witnessed flooding on the site at first hand in heavy rain, I'm really not convinced that the potential for flooding has been properly assessed. A vast amount of water collects on that site in heavy rain, and it is not (currently) well drained. I would not want to live in the houses built there in a wet winter.

**Comments:** 16th August 2013

My previous comment still stands in light of the revisions to the proposal. I repeat it below, to save anyone having to search for it. [*Comment as above*]

1 Liddington Road  
Cheltenham  
Gloucestershire  
GL53 0AJ



**Comments:** 6th June 2013

Letter attached.

**Comments:** 4th September 2013

Letter attached.

193 Leckhampton Road  
Cheltenham  
Gloucestershire  
GL53 0AD

**Comments:** 26th August 2013

I maintain all my objections to this proposed development, as now amended. Among these objections are that the application is still for too many houses; it still removes local employment facilities as well as a popular and well-used local gym; the diminution in height of the buildings is unlikely to assuage the immediate neighbours' fears about loss of privacy; the issue of traffic safety onto Leckhampton road is still unsatisfactory.

**Comments:** 31st October 2013

So now we are on the umpteenth revision of these plans but the reduction of the number of houses from 29 to 28 does not address the objections on the grounds of traffic safety, potential increase in run-off flooding lower properties, loss of employment and business premises and excessive impingement on the Collum End houses.

22 Leckhampton Road  
Cheltenham  
Gloucestershire  
GL53 0AY

**Comments:** 18th May 2013

There is a public right of way namely Footpath CHL18/1 along the East side of the site. This should not be obstructed if development takes place.

Compound A  
Leckhampton Industrial Estate  
Leckhampton Road  
Cheltenham  
Gloucestershire

**Comments:** 4<sup>th</sup> June 2013

Letter attached.

**Comments:** 29th August 2013

[Letter as above]

53 Collum End Rise  
Leckhampton  
Cheltenham  
Gloucestershire  
GL53 0PA

**Comments:** 23rd October 2013

It is not possible to assess the proposals and comment on the documents provided for the following reasons.

1. The drawings are not to scale. When printed the figured dimensions on the site plan do not match the scale bar.
2. There are no scale bars or figured dimensions on the House Type drawings.
3. The Area Schedule and House types state different floor areas
4. The existing properties on Collum End Rise are not shown accurately (Conservatories and Extensions are missing, Ridge heights are shown between 1.7 and 2.2m too high)
5. Roof lights shown on the house types are missing on the site plan
6. The outline of the existing Collum End Rise and Liddington Road properties has been removed from the contextual elevation.
7. There are discrepancies between the site plan and proposed Tree / Soft Landscape Plan
8. Dwellings and Roads are being proposed over root protection zones of retained trees.

I would therefore request that these items are corrected with amended plans and a sufficient period provided for consultation to take place.

**Comments:** 6th November 2013

I would note that revised and new drawings have been uploaded and would request that the consultation period is extended to allow sufficient time for the new and revised information to be properly reviewed.

Please note:

1. Drawing 13/00756/FUL

ADDITIONAL PLAN COMMUNAL AREAS FOR MANAGEMENT PLAN - 565039, does not identify the visitors parking outside plots 6, 7, 8, 9, 10 and 11 (visitors parking is labelled outside plot 11 but the location of the parking is not clear). Has this therefore been removed with the parking now within the curtilage of the plots for private use. If this is the case can justification for the removal of 6 spaces please be provided and the site plan updated to avoid any conflicting information.

2. Page 23 of the 13/00756/FUL – LANDSCAPE DESIGN STATEMENT - 528296 issued in May notes the following in relation to the western Boundary:

View 4 - New residential development will be partially visible from the public right of way which runs to the west of the site. Residential development at this part of the site is set back from the boundary. Mitigation will include strengthening the existing boundary hedge and planting in back gardens and The view from viewpoints 4 and 5 will be a partial view of upper storeys and rooflines set behind a mature hedge. Additional planting and strengthening of this hedgerow will help to provide some mitigation.

The current drawings do not propose any works to the native hedgerow as recommended within the Landscape Design Statement. I would therefore request that scaled and verified visualisations are provided to demonstrate the proposals will not materially harm the setting of the AONB. As there are no proposed levels provided for the Bat Roost I would request that these are added to the drawings so relative heights can be understood.

3 Liddington Road  
Cheltenham  
Gloucestershire  
GL53 0AJ

**Comments:** 6th June 2013

Letter attached.

55 Collum End Rise  
Leckhampton  
Cheltenham  
Gloucestershire  
GL53 0PA

**Comments:** 12th June 2013  
Letter attached.

**Comments:** 17th September 2013  
Letter attached.

201 Leckhampton Road  
Cheltenham  
Gloucestershire  
GL53 0AL

**Comments:** 6th June 2013  
Letter attached.

47 Collum End Rise  
Leckhampton  
Cheltenham  
Gloucestershire  
GL53 0PA

**Comments:** 5th June 2013  
Particular points I would like to make concerning the above are :-

1. We have a common boundary with the development and would have an unobstructed view of the proposed houses but appear not to have been included in the survey carried out on behalf of the developers.

2. I note that there appears to be a systematic error in interpreting the loss of light recommendations in the information provided by the developers. For example, in Appendix 3 the section shown for Nos 49 and 51 takes no account of the fact that the proposed buildings are planned to be built on land which is at a considerably higher level than the existing houses. I note also that the bat roost, although relevant to this section, is not shown.

Section 2.2.4 of the referenced document "Site Layout and Planning" etc states "Loss of light to existing windows need not be analysed if the distance of each part of the new development from the existing window is three or more times its height above the centre of the existing window (i.e. not above the level of the new development)". In my view, this statement clearly indicates that the height of the land on which the proposed building stands should, as logic would indicate, be taken into account in assessing loss of light. I would therefore request that the loss of light assessment be corrected, that my own house be included (taking into account that it is built on a lower level to that of No 49) and that the bat roost be shown as it may be relevant depending on its height.

3. The plans seem to indicate that the proposed houses on the western extremity of the development would have first floor balconies on their western sides. These would clearly provide a very good view of our house and garden and would destroy any privacy which we currently enjoy. I therefore request that this detail be reviewed in light of the above.

4. The plans indicate that the level of the ground close to our boundary fence with the proposed development is to be built up on top of what is already a very steep bank. I therefore request that a retaining wall or other suitable means of preventing the land from slumping into our fence and garden be included.

63 Collum End Rise  
Leckhampton  
Cheltenham  
Gloucestershire  
GL53 0PA

**Comments:** 12th June 2013  
Letter attached.

59 Collum End Rise  
Leckhampton  
Cheltenham  
Gloucestershire  
GL53 0PA

**Comments:** 14th June 2013  
Letter attached.

57 Collum End Rise  
Leckhampton  
Cheltenham  
Gloucestershire  
GL53 0PA

**Comments:** 6th June 2013

We live directly below this proposed development and although we are aware of the necessity of building new homes, we find many aspects of these proposals will have a detrimental effect on our home.

The density and height of the houses and their proximity to our boundary will have an unfavourable effect and alter the nature of our living conditions.

As the houses are to be built on rising land we will lose our privacy. Many of the houses, being at the top of a slope, will effectively be 5 storeys high compared to ours.

We need to preserve the trees in the area to help prevent flooding and stabilise the bank. We have mature deciduous trees on our boundary and need to have firm assurance that they will be protected - that building will not affect roots or otherwise cause trees to die. This would be environmentally and visually unacceptable.

The site emerges onto Leckhampton Road. There is already a large development feeding into Leckhampton Road from Charlton Lane (not to mention the plans to build over 1000 homes in the Kidnappers Lane area) and this proposal will add further to traffic movements in the area.

I hope the planning department will consider the implications of the points made above. I know that neighbours have submitted other, more technical responses and I endorse their comments.

53 Collum End Rise

Leckhampton  
Cheltenham  
Gloucestershire  
GL53 0PA

**Comments:** 4th June 2013

Letter attached.

37 Collum End Rise  
Leckhampton  
Cheltenham  
Gloucestershire  
GL53 0PA

**Comments:** 2nd June 2013

I object to this development for a number of reasons.

1. I do not believe the full extent of the water run off and its potential to cause flooding in the lower half of Collum End Rise has been properly considered. It is not just the properties that adjoin the proposed development that are subject to flooding from water run off. After heavy rain the topography of Collum End Rise means that any water run off from the current site flow into the adjoining gardens, then as the ground slopes away a waterfall effect is created in the gardens that don't adjoin the that proposed development. In 2007 this effect was so bad that my extended family had to help me push out the water out of my rear garden to stop the house from flooding, this was a process that went on for hours and the displaced water had the effect of destroying the road from 35 Collum End Rise downward. Any heavy rain has a similar effect on my property, flooding my lean-to/shed and patio in the process. Current proposals will only make this worse as the proposed new height of the site will also divert current run off into the fields at the side which in turn will flow into the gardens of the house west of the site. Contrary to Policy CP3(f) and 7

2. The height of the development is easily seen from the houses and public footpath to the west of the site. Destroying both views to the householders and anyone using the footpath to access the lower slopes of Leckhampton Hill , an AONB and SSSI.

3. There is no consideration to secondary school places for the children who would live in any new development. Even with newly designed catchment areas for the two local schools straight line distance is the final arbiter, frequently local children fail to gain spaces at the closest schools this will only become worse should this development go ahead. Couple this to other recent developments in the school catchment areas and proposed local development it is clear any children are likely to be allocated spaces outside of the local area necessitating additional car or bus journeys adding to an already congested traffic problem in the area.

4. The proposed new development will cause a hazard to traffic and pedestrians using the road and crossing it. There is unrealistic parking for the houses in the proposed development this will mean additional car parking on Leckhampton road. The School bus stop is just down from the proposed development on the opposite side of the road and I believe that their lives will be put at risk crossing the road as the views will become obstructed and traffic pushed into a narrower area. There has already been 1 recent death in the vicinity. Speeding on this section of the Leckhampton road has always been a problem The poor proposal for the site will only exacerbate the problem.

5. There is no firm binding commitment to provide the Scouts with a new facility or redevelopment of the old, any proposal to develop the site should have a binding commitment to provide new facilities for them.

6. The loss of the local gym is also a detriment to the community; it is currently in walking distance for most of its members many of whom are in retirement providing necessary health and social benefits. Should it close all 700 of the members would be making additional journeys to gyms situated elsewhere in Cheltenham as there are no other local gyms. Given just an average visit of 3 times per week this will be an additional 4200 individual journeys a week. The local roads cannot cope with this.

Collum House  
214 Leckhampton Road  
Cheltenham  
Gloucestershire  
GL53 0AW

**Comments:** 24th May 2013

I object to the proposal on the basis that there are too many residences planned for the plot. This is not in keeping with the area. There are inadequate parking spaces provided which will cause parking on Leckhampton Road and this will be detrimental to safety. The traffic in this section of Leckhampton Road is subject to frequent speeding which is why the local police use the parking area as a speed trap. When I discussed with the traffic enforcement officer over 50% of vehicles were over the speed limit descending the hill with many over 15 mph above the limit. Speeding was the major factor in the death of the lady from 208 Leckhampton Road and this cause is conveniently not mentioned in the report despite members of the public having reported the vehicle to the police for speeding immediately prior to the fatality and the statements of eye witnesses.

The report provided is very poor with numerous errors. On a basic level in the introduction (and many other places) it states the application is for the east side of Leckhampton Road. I hope not because this would be over my property! It should read the west side.

381 Old Bath Road  
Cheltenham  
Gloucestershire  
GL53 9AH

**Comments:** 10th June 2013

I live just up the road from the planned development and I am very supportive of it going ahead.

I think that the redevelopment will be beneficial to the local community, it will remove the current, unsightly industrial estate and it will support the local shops just down the road.

If the landscaping is well done it will give a positive impression of Cheltenham as visitors drive down the hill into the town.

I am also very pleased to see that the developer is going to support the scouts by redeveloping their base; this is a very encouraging aspect to the planned development

210 Leckhampton Road  
Cheltenham  
Gloucestershire  
GL53 0AW

**Comments:** 24th October 2013

Letter attached.



206 Leckhampton Road  
Cheltenham  
Gloucestershire  
GL53 0AW

**Comments:** 6th June 2013

This development needs to ensure it has adequate parking spaces for visitors in addition to the 2 spaces per property proposed. 2 spaces per property, whilst compliant with planning requirements, is not a sufficient number for a 4 or 5 bed house where you may have 3 or 4 cars per property quite easily. This problem will only be exacerbated if there are insufficient visitor parking spaces/on road parking spaces within the residential development.

The current industrial site, as an example, does not have sufficient parking at all, resulting in visitors to the gym parking in neighbouring residential cul-de-sacs and on the main road constantly and indeed staff working on this industrial site also parking in neighbouring cul-de-sacs and on the main road constantly.

We are concerned as to what safe parking provisions are proposed for the use of the scout hut should this site become a residential development, both during the day when used by the pre-school group and the evenings for cubs/beavers and scouts.

Additionally, what parking facilities are proposed for construction traffic/construction workers during the development period?

We would also seek some clarity regarding the proposed hours and days of work during the work, as there are currently restrictions in place for the businesses to operate and would expect to see some parameters regarding the start finish times and the days acceptable to work, as this is a residential area already it would be an appropriate condition on the builders.

The speed of vehicles travelling both up and down the hill is a very serious concern. We note the developer states that at the time of the site visit carried out, traffic was seen to be observing the 30mph speed limit". Having lived on Leckhampton Road for 16+ years, we strongly disagree with this statement. We have even witnessed cyclists setting off the 30 mph speed light as they travel down the hill as well as many, many motorists exceeding the speed limit when travelling both up the hill in order to gain enough speed for their ascent and also down the hill. The visibility splays produced by Savoy Consulting for exiting the proposed residential development are based on 30mph speeds so these cannot be a truly accurate picture.

Our neighbour was killed last year whilst crossing the road on the corner of Leckhampton Road/Liddington Road and speed and vision (due to the parked vehicles on the road at that time) were without doubt contributory factors to this awful tragedy. When vehicles are parked on Leckhampton Road, particularly higher sided vehicles such as vans, this creates a blind spot due to the curve in the road as you come down the hill. You can see vehicles coming down the hill at the very top, but when vehicles are parked on the road, you lose vision again until the vehicle is more or less at the point of the entrance to the proposed residential development site.

We would like to see the trees on the road remain in situ as they create an important green gateway into the town. However, if the larger tree on the bottom side of the entrance is removed, we would strongly object to the T junction entrance be widened or moved at this point, as the access would then be directly opposite our drive (206 Leckhampton Road) which would create a very serious and unacceptable hazard.

As we do not live in Collum End Rise ourselves, we are not commenting in detail on this aspect of the development. However, we feel the impact on these neighbouring properties in terms of height of the proposed houses and the impact this will have on these residents should be very closely scrutinised and improvements sought.

With regard to flooding, whilst the developers may feel they have put adequate measures in place to deal with flooding issues for this site only, consideration should also be given to the water run-off from the hill onto the site as this will remain an issue moving forward.

Finally, we feel that the proposal for 29 properties is too dense and should be reduced.

We do not object to the principle of this very run down site that is far from fully occupied becoming a residential development, however we would like all of the above comments to be taken into serious consideration when deciding on this application.

376 Old Bath Road  
Cheltenham  
Gloucestershire  
GL53 9AD

**Comments:** 5th June 2013

We do not agree with the change of use of Vulcan Works Trading Estate to a housing development. We feel that the units on this trading estate provide services and amenities that are not available elsewhere in the locality. They also provide employment which the Council and Leckhampton residents should encourage. Most particularly we feel that the loss of the gym will be felt keenly by residents. This gym serves all age groups but there are many older residents who will be unable to have access to a gym which will bring health consequences. We feel that the owner of the trading estate has neither invested nor encouraged new businesses over a substantial period of time. We have not seen any notices indicating that there are units available to rent. We are concerned that Leckhampton will become completely characterless, just streets of houses with no diversity and no amenities for the local residents - should the Council agree to this change of use to yet another housing development.

193 Leckhampton Road  
Cheltenham  
Gloucestershire  
GL53 0AD

**Comments:** 6th June 2013

I object to this application on a number of grounds.

Firstly, I object on the basis that this trading estate has been allowed to decline for no obvious reason other than, presumably, eventually to be sold for housing development at huge profit. This totally disregards the needs of the people who work there, the business people who have run businesses from the site for decades, and the local people for whom they provide services. In our current economic state I would hardly have thought this is a desirable situation.

I object on the grounds that the design and layout of the houses is far too dense and tall for the site. The houses (at least some of which are 3 storeys, not 2 storeys as stated on the applicants documents) will severely overshadow immediate neighbours and because of the topography of the site, will have a huge visual impact on views to the hill for other local residents. These views are important, we are Leckhampton residents and it is "our" hill! The plans and drawings are very poor in that they fail to take account of the true topography of the site, someone who doesn't know the area would not appreciate how impactful that development would be. The application is inaccurate in that it says the development is not visible from any public footpath, it would be very

visible from at least two. The present buildings have very little impact on the surrounding area and ideally, roof levels of any new building should be no higher than at present.

I object because of the flooding risk. Having lived in our house for over 20 years I can assure you that storm water flooding off the hill floods our garden far more often than a so-called 'once in a hundred years' event. This has got worse over the years, as the drainage on the trading estate appears either to have been poorly maintained or inadequately upgraded, and other uphill properties have been extended. The impermeable roofs and roads of this development will lead to more run-off and thus more flooding. It is proposed that their drainage be connected to existing but that already cannot cope with the water coming downhill! It will be too late to say "I told you so" when houses are flooded and damage done.

I object on road safety grounds. I find it incredible that the applicants claim virtually no speeding was observed on Leckhampton Road. I regularly walk past the illuminated sign and my observation, at any time of the day, is that the vast majority of vehicles light up that sign and very few indeed bother to brake when they do so. Police often set up their speed traps outside my property and my perception is that they catch as many people speeding up the road as coming down it. To claim, as the applicants do, that their development would lead to less traffic entering and exiting the site, is quite astonishing. Yes, a primary school and 2 shops are within walking distance but the fact of life today is that many people will use their cars to drop their children off at school and then head on to work or other destination, including shopping. The layout of the houses, and their density, means there would be very little parking for all the residents' cars (which will almost certainly exceed the number allowed for in the plans), let alone any visitors. The result will be a lot more parking on Leckhampton Road. This means residents on that road will have to negotiate parked cars to get in and out of their properties and this will certainly be much more dangerous than it is at present.

I object on environmental grounds. One bat roost does not compensate for all the natural habitat, quiet out of the way places around the site, and mature trees and hedges, which will be lost. There will be light pollution as I imagine there will be street lighting, this is known to have a detrimental effect on wildlife, and nibbles away at the dark skies an AONB should enjoy. There will inevitably be noise pollution as normal everyday life goes on in the evening whereas the trading estate operates within limited hours.

I would also strongly object if any of the mature trees on Leckhampton Rd were to be removed for this development. These trees form a vital part of the locale and are important as a green gateway to Cheltenham.

I object to the style and materials of the proposed houses. This site was the former Tramway works/offices and using cheap-looking, presumably machine-made buff and grey brick has no connection with the history or location of the site. Surely stone should be the preferred material. This is overall a very poor proposed development. The applicants should be told to go back to the drawing board.

1 Chatsworth Drive  
Cheltenham  
Gloucestershire  
GL53 0AG

**Comments:** 14th June 2013

Though not totally against some housing here, there are many issues which need to be addressed. My concerns are:

1. The proposed house numbers for this site is ridiculously high. Apparently they will be 3/4/5 bed houses. I can not imagine anyone wanting a 4 or 5 bed house will want to be in such a crowded

development with little garden space. This also poses the problem of parking space, no doubt the developers have underestimated the car to house ratio.

The site is currently not attractive but from the drawings I have seen the houses are not much better. They are also too tall and will block out views for local houses.

2. Flooding is a major issue for the surrounding houses, lets face it heavy rain storms are becoming more frequent, and Leckhampton Road turns in to a river at these times.

3. School places. Leckhampton Primary turned away 28 pupils last year. With this development and the extra houses at Delancey where are all these children going to go to school? Not to mention secondary school places.

4. The Bat Roost. I fail to see how the developers can provide a 'superior home' for the bats. These animals like dark, damp, undisturbed places, that's why they are there. And what will happen to them whilst construction takes place? I thought they were a protected species.

5. Equally where will the Scouts and the playgroup, which runs daily and serves the local community, be housed whilst construction is taking place?

6. I'd just like to agree with previous comments that a huge number of vehicles speed on Leckhampton Road. I have asked the police who stand at the end of my road to target the cars which absolutely floor it up the hill!!

7. On a more general note, just how much of Leckhampton do we want to concrete over? With the big developments being proposed off Farm Lane, Kidnappers Lane and Shurdington Road, we will be changing the whole character of Leckhampton and therefore destroy the reason people want to live here!

193 Leckhampton Road  
Cheltenham  
Gloucestershire  
GL53 0AD

**Comments:** 25th May 2013

I will be making a more detailed objection to this application in due course, as I am most concerned about the number of houses developers wish to cram onto the site, the consequent increase in traffic, the loss of local employment opportunities and the environmental damage which will result from this development.

However my present comment is merely to ask why all 78 documents associated with this application are currently unavailable to view?

**Comments:** 28th May 2013

I do not believe a change of use of the site is justified. The current use is not out of character with the area- it is very discrete. Although there are vacancies there is nevertheless useful employment. Investment in new modern single story workshops in the character of the existing ones would no doubt encourage more new businesses. This would be much more suitable and sustainable than housing which at this density will be a real traffic danger emerging onto Leckhampton Road. Evicting current businesses would be a loss of amenity to the town. Why is the gravel yard not mentioned?

Also the visual impact right on the border of outstanding scenic country is not properly addressed.. The street scenes drawings might as well be on planet Zoid as on this site.

**Comments:** 31st May 2013

## Page 137

As a postscript to my last comment relating to the drawings of street scenes, there is a very great concern about visual impact. The summary of the application document states it is a development of 2 story homes but the housing placement and house drawings show very clearly that there are 3 story houses at the rear and side of the development. They would dominate the landscape in a terrible way.

**Comments:** 30th August 2013

The revised application has done nothing material to address any of my previously stated objections.

26 Pilford Avenue  
Cheltenham  
Gloucestershire  
GL53 9EH

**Comments:** 6th June 2013

Leckhampton is becoming overdeveloped with houses. They are being built in gardens, the old Delancey hospital site, a new Berkeley site at Sandford Road, not to mention the planned development at Kidnappers / Shurdington Road. This is putting pressure on schools, NHS services and roads. The roads are in a terrible state and when these homes are occupied the traffic will increase heavily.

I strongly object to this development and it will mean that local services are taken away from our community. We are NOT talking about a disused piece of land. We are talking about a gym, scout club and other business being used by local people. The gym is a fantastic way to keep fit and appeals to both young and old. When I became a member I was so pleased to see so many elderly people there keeping fit and active. There is no other gym like it in the area. It is so cheap with free parking. The Leisure centre is very hard to get to from Leckhampton and even harder when the town is closed to traffic. The gyms in town are not accessible unless you are paying high car parking fees and the membership fees there are 3 or 4 times the price.

We need community services like the Bath Road where there are no street restrictions or car parking meters. The Bath Road is successful because local residents can access it and there is a community / vibrant feel about it. The gym and other business at this site should not have to close because someone wants to develop more homes for a profit!

Perhaps a compromise would be to build a smaller number of houses enabling the successful business to remain providing a great service to the community.

60 Collum End Rise  
Leckhampton  
Cheltenham  
Gloucestershire  
GL53 0PB

**Comments:** 10th June 2013

Letter attached.

**Comments:** 30th August 2013

Letter attached.

PASSED TO

REC'D

- 5 JUN 2013

Date of  
ResponseType of  
ResponseInitials of  
Responder1 Liddington Road,  
Leckhampton,  
Cheltenham.

Glos.

GL53 0AJ

Mrs W Hopkins

Development Management

Cheltenham Borough Council

Municipal Offices

Promenade

Cheltenham

Glos

GL50 9SA

Dear Mrs Hopkins,

RE: Planning Application 13/00756/FUL

Demolition of existing buildings and residential development comprising the construction of 29 dwellings. Leckhampton Industrial Estate, Leckhampton Road, Cheltenham, Gloucestershire. GL53 0AL, by Martin Scott Homes (205 Leckhampton Road)

We wish to make you aware of a number of strong objections that we have with regard to the proposed development as referenced above. As an immediate neighbour to the site of the proposed development, we are of the view that the proposed development will have a serious, detrimental impact upon us as neighbours. Our specific objections are as follows:

#### 1 Loss of privacy and overlooking

**Cheltenham Borough Council Local Plan Policy CP1: Sustainable Development refers to an 'acceptable impact on adjoining developments' and CP4 states that there should not be 'unacceptable harm to the amenity of adjoining land users and the locality'**

The proposed development sites four houses directly overlooking the rear of our property. We have lived at this address for twenty years and our back garden has never been overlooked and we enjoy complete privacy from the primary amenity area of our garden, a decked area with seating, adjacent to our home. The proposed development does not afford adequate privacy for the occupants of the adjacent residential properties in Liddington Road and Collum End Rise, particularly with regard to overlooking and their quiet enjoyment of their garden amenities.

We believe that the proposed development would therefore create an unacceptable impact and harm our amenity as neighbours by reason of overlooking, loss of privacy, overshadowing and loss of outlook. This would be in contravention of Policies CP1 and 4.

(We note that no drawings have been submitted by the developer which illustrate the perspective from the neighbouring properties)

2<sup>nd</sup> June 2013



2 Detrimental impact upon residential amenities

**The guidance in 'Site Layout for Daylight & Sunlight: A Guide To Good Practice, BRE Trust' highlights the importance of sunlight between buildings and the impact on the overall appearance and ambience of a development, which is not limited to summer months.**

**Cheltenham Borough Local Plan Policy CP7: Design part c which states that any development should 'complement and respect neighbouring development and the character of the locality and/or landscape (note 3)**

**Planning considerations Amenity**

We currently enjoy an open aspect to the rear of our garden, with views of four pollarded ash trees (and a beautiful view of Leckhampton Hill!), which allow for maximum light to reach our home and garden, which we enjoy throughout the year. We are particularly concerned about the loss of light to our property and garden and we note that there will be a reduction in daylight to both our garden and rooms, as well as a reduction in sunlight and overshadowing of rooms.

Building, in our opinion, five two storey houses and two garages so close to our boundary and on an elevated site, (ground floor levels 3.0 to 4.0 metres higher than our property) would contravene the above. We are fully aware that if the development were to proceed, it is highly likely that residents of plots 27 and 28 might at some point in the future seek to build above the proposed garages, thereby creating a wall of building and further reducing the amount of light to neighbouring homes and gardens. We would seek from the Council some reassurance for terms or conditions attached, which would prevent this from being a permitted development in the future.

We note that drawings for the proposed garages to Plots 27 and 28 are not available on the Planning Portal and have not been included in the Design and Access Statement. These should have been provided.

3 Visual Impact is unacceptable and overbearing

**Cheltenham Borough Local Plan Policy CP7: Design part c states that any development should 'complement and respect neighbouring development and the character of the locality and/or landscape (note 3)**

**SPD Development on Garden Land and Infill Sites**

We are seriously concerned about the height of the housing and by the fact that the ground floor levels are to be 3.0 to 4.0m higher than our existing properties. The development does not respect local context and street pattern, in particular, the scale and proportions of surrounding buildings. We note that within the width of the gardens of the two semi-detached properties in Liddington Road, four houses and two garages are proposed. This demonstrates 'cramming' which would harm the amenities enjoyed by local residents, in particular privacy and the right to enjoy a quiet residential environment.

We note that the gardens of these properties will be north facing and therefore any future residents will, on a practical level have to sit at the very edge of their boundary, if they are to enjoy any sunlight (or no sunlight at all?) in their gardens. This will result in noise and disturbance to us as immediate neighbours. At present, there is no disturbance from noise from the industrial units in the evenings or at week-ends as there are restrictions in place to ensure neighbours are not unduly disturbed. The noise level, in our opinion will significantly increase from such a high density of building, both from access arrangements and noise from so many neighbouring gardens.

The scale and overbearing nature of the houses will simply add to the issues of loss of privacy and overlooking as detailed in point 1. In our opinion, the scale, massing and topography of the site would contravene CP7 and SPD on Garden Land and Infill Sites.

4 Poor design and site layout which further increases the visual impact on neighbours

By positioning the houses so close to the boundary and by raising the ground levels, this serves to maximise the visual impact upon us as neighbours. It would seem sensible to us if the site was actually lowered and the height and positioning of the houses altered away from the boundary with existing residents. We are particularly concerned by the close proximity of such a large number of houses (plots 25 – 29), which are directly overlooking, as well as the proposed loss of existing trees. Please see point 5.

5 Loss of trees / soft landscaping

**Policy HS 2 – Housing Density 10.64 - Amenity space is an essential and integral element of residential development. It generally comprises green space and planting, which reduces the density of development.....**

At present there are four ash trees which grow on the boundary of our property. We note that the developer wishes to remove these and replace them with a 1.8metre fence. We are of the opinion that we would not wish to see the ash trees removed, as they would serve as a screen from the proposed properties. A 1.8 metre fence will not adequately provide sufficient screening to ensure privacy for all. The removal of the trees would only serve to further exacerbate the issues of overlooking and loss of privacy. We would be prepared to maintain these trees at their current height. ( as we have maintained them for the last twenty years) We strongly believe that the existing planting should be preserved as a natural barrier to benefit all residents.

We wish to draw your attention to the design failure that the number of trees proposed for removal is significantly greater than those being planted.

NB The boundary line to the rear of the properties in Liddington Road does not accurately reflect the present fencing line. Accurate drawings should have been provided.

6 Drainage

We cannot express strongly enough our views at the very real, ongoing risk of flooding to this area. Having being flooded and nearly flooded on many occasions, we would like to bring to your attention the great difficulties that are faced both in terms of rainwater run-off from Leckhampton Hill and a lack of adequate drainage facilities in this area. We understand that the Gym has been flooded no less than 23 times in 26 years! We have written to our local councillor and Mr Jenkins on numerous occasions and we understand that Mr Jenkins has footage of the rainwater run-off, having visited the site at a time of heavy rainfall.

7 Inadequate parking and access

The plans appear to allow for 2 cars per house. To us this would appear insufficient for 3, 4 and 5 bed-roomed houses and their visitors. On a practical level, we question where the additional cars would be parked and we are concerned that cars would be parked on the Leckhampton Road and nearby cul-de-sacs, which would cause safety, parking and access issues for local residents. The proposals appear to take no account of daily traffic to Leckhampton Pre-School and traffic associated with the Scout and private Scout hut bookings. We feel that the inevitable displaced parking will cause real issues for local residents.

8 Impact on local infrastructure

Whilst we are very aware of the need for borough councils to provide additional housing, some consideration must be paid, in practical terms, as to where the children will go to school at both primary and secondary level. I know as both a parent and a teacher at the nearest primary school, which is already oversubscribed, that demand for local school places is intense, to say the least. These issues will only be further exacerbated by the proposed development, particularly when considered in relation to the new housing developments at Delancey, the Kier site, Shurdington Road and now this proposed development!

We would be very grateful if the planning committee would take our objections into consideration when deciding this application. Whilst we are generally supportive of the overall proposals, we take significant issue with the overbearing impact of the proposed houses along the northern boundary of the site on us as neighbours.

We would be happy for any members of the committee to view the site from our garden, if that would be considered helpful.

Yours faithfully,



Mrs W Hopkins  
Development Management  
Cheltenham Borough Council  
Municipal Offices  
Promenade  
Cheltenham

Cheltenham Borough Council Environment Group			
PASSED TO			
REC'D	- 4 SEP 2013		
Date of Response		Type of Response	
Initials of Recorder		File Ref.	

1 Liddington Road,  
Leckhampton,  
Cheltenham.  
Glos.  
GL53 0AJ

Glos

1st Sept '13

GL50 9SA

Dear Mrs Hopkins,

RE: Planning Application 13/00756/FUL

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We wish to make you aware of a number of strong objections that we continue to have with regard to the proposed development as referenced above. As an immediate neighbour to the site of the proposed development, we are of the view that the proposed development will have a serious, detrimental impact upon us as neighbours. Our specific objections are as follows:

#### 1 Loss of privacy and overlooking

**Cheltenham Borough Council Local Plan Policy CP1: Sustainable Development refers to an acceptable impact on adjoining developments` and CP4 states that there should not be unacceptable harm to the amenity of adjoining land users and the locality`**

The proposed development sites five houses directly overlooking the rear of our property. We have lived at this address for twenty years and our back garden has never been overlooked and we enjoy complete privacy from the primary amenity area of our garden, a decked area with seating, adjacent to our home. The proposed development does not afford adequate privacy for the occupants of the adjacent residential properties in Liddington Road, particularly with regard to overlooking and their quiet enjoyment of their garden amenities.

We believe that the proposed development would therefore create an unacceptable impact and harm our amenity as neighbours by reason of overlooking, loss of privacy, overshadowing and loss of outlook. This would be in contravention of Policies CP1 and 4.

**2 Detrimental impact upon residential amenities**

The guidance in 'Site Layout for Daylight & Sunlight: A Guide To Good Practice, BRE Trust' highlights the importance of sunlight between buildings and the impact on the overall appearance and ambience of a development, which is not limited to summer months.

Cheltenham Borough Local Plan Policy CP7: Design part c which states that any development should 'complement and respect neighbouring development and the character of the locality and/or landscape (note 3)

**Planning considerations Amenity**

We currently enjoy an open aspect to the rear of our garden, with views of four pollarded ash trees (and a beautiful view of Leckhampton Hill!), which allow for maximum light to reach our home and garden, which we enjoy throughout the year. We are particularly concerned about the significant loss of light to our property and garden. (please see attached photos)

Please note that the sketch-up model clearly indicates the complete overshadowing of our ENTIRE garden throughout the months of November, December and January. This represents a QUARTER of the year! This will have a significant detrimental impact upon our enjoyment of our property and garden, in terms of the reduction in sunlight and overshadowing of rooms. We consider this to be completely unacceptable.

Building, in our opinion, five two storey houses and two garages so close to our boundary and on an elevated site is unacceptable. We are fully aware that if the development were to proceed, it is highly likely that residents of plots 27 and 28 might at some point in the future seek to build above the proposed garages, thereby creating a wall of building and further reducing the amount of light to neighbouring homes and gardens. We would seek from the Council some reassurance for terms or conditions attached, which would prevent this from being a permitted development in the future.

**3 Visual Impact is unacceptable and overbearing**

Cheltenham Borough Local Plan Policy CP7: Design part c states that any development should 'complement and respect neighbouring development and the character of the locality and/or landscape (note 3)

**SPD Development on Garden Land and Infill Sites**

We remain seriously concerned about the scale and height of the housing, given that the site is significantly higher than our property. The development does not respect local context and street pattern, in particular, the scale and proportions of surrounding buildings. We note that within the width of the gardens of the two semi-detached properties in Liddington Road, four houses and two garages are proposed. This demonstrates 'cramming' which would harm the amenities enjoyed by local residents, in particular privacy and the right to enjoy a quiet residential environment.

We note that the gardens of these properties will be north facing and therefore any future residents will, on a practical level have to sit at the very edge of their boundary, if they are to enjoy any sunlight (or no sunlight at all?) in their gardens. This will result in noise and disturbance to us as immediate neighbours. At present, there is no disturbance from noise from the industrial units in the evenings or at week-ends as there are restrictions in place to ensure neighbours are not unduly disturbed. The noise level, in our opinion will significantly increase from such a high density of building, both from access arrangements and noise from so many neighbouring gardens.

The scale and overbearing nature of the houses will simply add to the issues of loss of privacy and overlooking as detailed in point 1. In our opinion, the scale, massing and topography of the site would contravene CP7 and SPD on Garden Land and Infill Sites.

#### **4 Poor design and site layout which further increases the visual impact on neighbours**

By positioning the houses so close to the boundary on an elevated site, this serves to maximise the visual impact upon us as neighbours. The proposed minor amendment in terms of lowering the site does not, in any way represent a change to the fact that we shall still be overlooked by five houses (plots 25-29) on an elevated site, resulting in a significant loss of light to our property, as well as the proposed loss of the existing trees. Please see point 5.

#### **5 Loss of trees / soft landscaping**

**Policy HS 2 – Housing Density 10.64 - Amenity space is an essential and integral element of residential development. It generally comprises green space and planting, which reduces the density of development.....**

At present there are four ash trees which grow on the boundary of our property. Please see the attached photos, taken from our patio. We note that the developer originally wished to remove these and replace them with a 1.8metre fence. We are of the opinion that we would not wish to see the ash trees removed, as they would serve as a screen from the proposed properties. A 1.8 metre fence will not adequately provide sufficient screening to ensure privacy for all. The removal of the trees would only serve to further exacerbate the issues of overlooking and loss of privacy. We would be prepared to maintain these trees at their current height. (as we have maintained them for the last twenty years) We strongly believe that the existing planting should be preserved as a natural barrier to benefit all residents.

We wish to draw your attention to the design failure that the number of trees proposed for removal is significantly greater than those being planted.

NB The boundary line to the rear of the properties in Liddington Road does not accurately reflect the present fencing line. Accurate drawings should have been provided for comment.



## 6 Drainage

We cannot express strongly enough our views at the very real, ongoing risk of flooding to this area. Having being flooded and nearly flooded on many occasions, we would like to bring to your attention the great difficulties that are faced both in terms of rainwater run-off from Leckhampton Hill and a lack of adequate drainage facilities in this area. We understand that the Gym has been flooded no less than 23 times in 26 years! We have written to our local councillor and Mr Jenkins on numerous occasions and we understand that Mr Jenkins has footage of the rainwater run-off, having visited the site at a time of heavy rainfall.

## 7 Inadequate parking and access

The plans appear to allow for 2 cars per house. To us this would appear insufficient for 3, 4 and 5 bed-roomed houses and their visitors. On a practical level, we question where the additional cars would be parked and we are concerned that cars would be parked on the Leckhampton Road and nearby cul-de-sacs, which would cause safety, parking and access issues for local residents. The proposals appear to take no account of daily traffic to Leckhampton Pre-School and traffic associated with the Scout and private Scout hut bookings. We feel that the inevitable displaced parking will cause real issues for local residents.

## 8 Impact on local infrastructure

Whilst we are very aware of the need for borough councils to provide additional housing, some consideration must be paid, in practical terms, as to where the children will go to school at both primary and secondary level. I know as both a parent and a teacher at the nearest primary school, which is already oversubscribed, that demand for local school places is intense, to say the least. These issues will only be further exacerbated by the proposed development, particularly when considered in relation to the new housing developments at Delancey, the Kier site, Shurdington Road and now this proposed development!

We would like to add that we are in agreement with the objections submitted by the Parish Council. In addition, we would like to draw your attention to the recent government planning guidance, that local governments are being urged to build bungalows to cater for the ageing population. **We would be more than happy to accept a proposal for bungalows to be built on the northern boundary of this development.**

We would be very grateful if the planning committee would take our very strong objections into consideration when deciding this application. We take significant issue with the overbearing impact of the proposed houses along the northern boundary of the site on us as neighbours.

Yours faithfully,

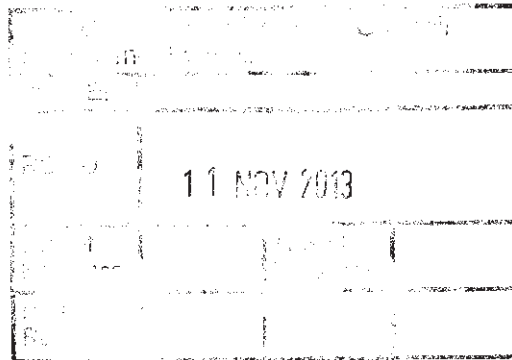








Mrs W Hopkins  
Development Management  
Cheltenham Borough Council  
Municipal Offices  
Promenade  
Cheltenham



1 Liddington Road,  
Leckhampton,  
Cheltenham.  
Glos.  
GL53 0AJ

Glos

9th Nov '13

GL50 9SA

Dear Mrs Hopkins,

RE: Planning Application 13/00756/FUL

Demolition of existing buildings and residential development comprising the construction of 29 dwellings. Leckhampton Industrial Estate, Leckhampton Road, Cheltenham, Gloucestershire. GL53 0AL, by Martin Scott Homes (205 Leckhampton Road)

Having looked at the revised proposals, much to our dismay, it is apparent to us that no consideration has been taken of any of the points we have made in our earlier letters. We therefore attach a copy of our last letter which reflects our very strong views.

We are very concerned that the developers, despite the offers of access, have not viewed the proposed site from our property or investigated the visual impact of their proposals using 3d models or drawings. Given the size of their houses and the elevated site I don't believe they understand the impact their proposals will have on my outlook or the enjoyment I currently get from my property. The impact is made worse as they are proposing a terrace of 5 houses with only a single break which is filled by the gable of a 3 storey property in the distance.

House Types K, L and M (Plots 24 to 28) all scale approximately 9.1m to the ridge making the proposals 2m higher than our house. According to the proposed site plan the level outside our house is 101.55 and the proposed floor level of Plot 26 is 103.89 equating to a rise in level of 2.34m. Adding together puts the proposed ridges 4.34m higher than our ridge which is equivalent to over 1 1/2 storeys. Not only are the proposals higher than our house but the only drawing showing the development in relation to my property, REVISED\_SECTION\_CC\_AND\_DD, has over estimated the ridge height and is showing our roof ~0.65m higher than it actually is. I believe this is giving a false impression of the size of the proposed development which is significantly larger than our and other existing houses along Liddington Road and Collum End Rise.

The proposed development of high density, large houses on small plots is visually overbearing and totally out of keeping with the area and will have a significant and detrimental impact on my outlook and the enjoyment I receive from house and garden. The proposed terrace of houses is directly south of my property and I remain concerned the proposals will overshadow my house and garden during the colder months when sunlight is especially valuable. I don't believe the planning authority would accept a 3.5 storey property in such close proximity to an existing house on a level site and therefore ask that you refuse the application.

Yours faithfully,



Mrs W Hopkins

1 Liddington Road,

Development Management

Leckhampton,

Cheltenham Borough Council

Cheltenham.

Municipal Offices

Glos.

Promenade

GL53 0AJ

Cheltenham

Glos

1st Sept '13

GL50 9SA

Dear Mrs Hopkins,

RE: Planning Application 13/00756/FUL

Demolition of existing buildings and residential development comprising the construction of 29 dwellings. Leckhampton Industrial Estate, Leckhampton Road, Cheltenham, Gloucestershire. GL53 0AL, by Martin Scott Homes (205 Leckhampton Road)

We wish to make you aware of a number of strong objections that we continue to have with regard to the proposed development as referenced above. As an immediate neighbour to the site of the proposed development, we are of the view that the proposed development will have a serious, detrimental impact upon us as neighbours. Our specific objections are as follows:

**1 Loss of privacy and overlooking**

**Cheltenham Borough Council Local Plan Policy CP1: Sustainable Development refers to an acceptable impact on adjoining developments` and CP4 states that there should not be unacceptable harm to the amenity of adjoining land users and the locality`**

The proposed development sites five houses directly overlooking the rear of our property. We have lived at this address for twenty years and our back garden has never been overlooked and we enjoy complete privacy from the primary amenity area of our garden, a decked area with seating, adjacent to our home. The proposed development does not afford adequate privacy for the occupants of the adjacent residential properties in Liddington Road, particularly with regard to overlooking and their quiet enjoyment of their garden amenities.

We believe that the proposed development would therefore create an unacceptable impact and harm our amenity as neighbours by reason of overlooking, loss of privacy, overshadowing and loss of outlook. This would be in contravention of Policies CP1 and 4.

## **2 Detrimental impact upon residential amenities**

The guidance in 'Site Layout for Daylight & Sunlight: A Guide To Good Practice, BRE Trust' highlights the importance of sunlight between buildings and the impact on the overall appearance and ambience of a development, which is not limited to summer months.

Cheltenham Borough Local Plan Policy CP7: Design part c which states that any development should 'complement and respect neighbouring development and the character of the locality and/or landscape (note 3)

### **Planning considerations Amenity**

We currently enjoy an open aspect to the rear of our garden, with views of four pollarded ash trees (and a beautiful view of Leckhampton Hill!), which allow for maximum light to reach our home and garden, which we enjoy throughout the year. We are particularly concerned about the significant loss of light to our property and garden. (please see attached photos)

Please note that the sketch-up model clearly indicates the complete overshadowing of our ENTIRE garden throughout the months of November, December and January. This represents a QUARTER of the year! This will have a significant detrimental impact upon our enjoyment of our property and garden, in terms of the reduction in sunlight and overshadowing of rooms. We consider this to be completely unacceptable.

Building, in our opinion, five two storey houses and two garages so close to our boundary and on an elevated site is unacceptable. We are fully aware that if the development were to proceed, it is highly likely that residents of plots 27 and 28 might at some point in the future seek to build above the proposed garages, thereby creating a wall of building and further reducing the amount of light to neighbouring homes and gardens. We would seek from the Council some reassurance for terms or conditions attached, which would prevent this from being a permitted development in the future.

## **3 Visual Impact is unacceptable and overbearing**

Cheltenham Borough Local Plan Policy CP7: Design part c states that any development should 'complement and respect neighbouring development and the character of the locality and/or landscape (note 3)

### **SPD Development on Garden Land and Infill Sites**

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Yours faithfully,





Old Vulcan Works, 205 Leckhampton Road,  
Cheltenham, Gloucestershire. Tel: 01242 232002

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

Mrs Tracey Crews  
Head of Planning  
Cheltenham Borough Council  
PO Box12  
Cheltenham  
GL50 1PP

03 June 2013

Dear Mrs Crews

Planning Housing Leckhampton road Ref 13/00756/FUL

I operate a sand and gravel business from Leckhampton Trading Estate and have done so for the last 29 years. If this development goes ahead my business will have to close as there is no possibility of relocating . Planning would be imposible to obtain anywhere in Cheltenham and even if I could find an alternative site the cost of moving my weighbridge, office and bays would be prohibitive.

Approximately 40 people work on this Estate and many of them are in the same situation. This closure would put the 4 people who work in my business and many others out of work and on the dole.

It has always been my understanding that the council would not change the use of land from commercial to private housing for this very reason I urge you to keep to this policy.

Many local small building and landscaping companies collect aggregates from my yard, and if it were to close they would have to travel across Cheltenham to obtain their supplies elsewhere causing a considerable increase in town



Old Vulcan Works, 205 Leckhampton Road,  
Cheltenham, Gloucestershire. Tel: 01242 232002

The reason this estate is run down is because Mr Gardner has neglected it and stopped new tenants coming in by offering only short term leases, Obviously he has done this to increase his chances of getting Planning Permission, and the situation could be easily rectified if it stays as a Trading Estate.

Yours sincerely





**Mrs W Hopkins**  
Development Management  
Cheltenham Borough Council  
Municipal Offices  
Promenade  
Cheltenham  
Gloucestershire  
GL50 9SA

[REDACTED]  
3Liddington Road  
Leckhampton  
Cheltenham  
GL53 0AJ  
[REDACTED]

For the attention of Mrs W Hopkins, case officer

09 June 2013

Dear Wendy

**Reference:**

PLANNING APPLICATION NO 13/00756/FUL

**Demolition of existing buildings and residential development comprising the construction of 29 dwellings. Leckhampton Industrial Estate, Leckhampton Road, Cheltenham, Gloucestershire, GL53 0AL, by Martin Scott Homes (205 Leckhampton) Ltd.**

In response to your letter of 16<sup>th</sup> May inviting me to submit any comments on the above planning application, whilst I would support and encourage a well-designed development of the site, I wish to register my objections to the application in its current form. I ask for the details of the proposed development to be reconsidered and changed to address my objections.

The key objections are as follows:

**1. Adverse effect on the residential amenity of neighbours**

The proposed development would create an unacceptable impact and harm our amenity as neighbours, by reason of overlooking, loss of privacy, overshadowing and loss of outlook (CP1 and CP4).

It is an established principle of planning that new developments should not borrow amenity from adjacent land, and, as a general rule, the greater part of any overshadowing caused by a new building must be confined to the developers own land.

According to the guidance in 'Site Layout for Daylight & Sunlight: A Guide to Good Practice, BRE Trust'; 'in assessing the impact of buildings on sunlight in gardens, trees and shrubs are not normally included in the calculations... This is because the dappled shade of a tree is more pleasant than the deep shadow of building'. The BRE Guide also highlights the importance sunlight between buildings and the impact on the overall appearance and ambience of a development. This is not limited to summer months and 'is valuable for a number of reasons, to:

- provide attractive sunlit views (all year)
- make outdoor activities like sitting out and children's play more pleasant (mainly warmer months)



- encourage plant growth (mainly spring and summer)
  - dry out ground, reducing moss and slime (mainly in colder months)
  - melt frost, ice and snow (in winter)
  - dry clothes (all year)
- Building close to the Northern Boundary of an elevated site has a significant impact on the adjoining properties.
  - The design of House Type 3 (Plot 17) proposes a first floor terrace with doors from the bedroom and a glazed door to the side of the property. The eye line of a typical adult standing in the doorway is approximately 2.8m above the ground level at the site boundary or 1.0m above the proposed boundary treatment (assuming a 1.8m high fence - see below) and nearly 8m above the ground floor of the properties on Collum End Rise.
  - The designs of House Type 6B (Plots 18 and 24) propose windows at ground and first floor. The cill levels are 1.075m and 1.25m respectively. With the elevated site levels the eye line of a typical adult standing at the kitchen sink will be 2.65m above the ground level at the site boundary or 0.85m above the proposed boundary treatment (again, assuming a 1.8m high fence) and more at first floor.
  - The designs of House Type 8 (Plots 25 to 29) face the existing properties on Collum End Rise and Liddington Road with ground floor levels 3.0m to 4.0m higher than the existing properties.

**2. The visual impact is unacceptable**

The design of the proposals is inappropriate in that the scale, massing, and height are overbearing and do not respect neighbouring developments or take account of the topography of the site (CP7 and SPD Development on Garden Land and Infill Sites).

- By proposing dwellings at the boundary on the top of a 6m high bank the development may achieve desired densities but it does so to the detriment of the amenity of its neighbours and adversely affects the quality of the environment. (Policy HS2).
- The effective height to the eaves of the proposed buildings is 11.4m on Plot 18. This is comparable to a 4.5 storey dwelling (at the eaves) within 27m of the existing houses. The ridge being nearly 14m high but set back.
- The effective height of the proposed building on Plot 24 is 11.5m to the ridge, again equal to a 4.5 storey building, with this building proposed to be less than 20m from the existing houses.
- The effective height of Plots 24-29 directly behind our house is even higher at 14.2m with the proposed buildings being 25m from the existing houses, actually 22m when calculating from the extension, which is omitted from the plans as stated.
- The proposed dwellings should be moved away from the existing fence line and the height of the proposals should be limited to a single storey along the boundary.

**3. The design and site layout is poor and significantly increases the visual impact on neighbours**

The design is inappropriate in its context; by positioning houses close to the boundary the visual impact of the proposals is increased. The site layout should aim to keep houses away from the boundaries to mitigate the bulk, mass and scale of the proposals especially as they are on an elevated site.

The proposals should minimise the physical dominance of the new development over neighbouring properties and take due account of the topography of the site and build on existing planting to develop a natural barrier zone that will benefit both existing and new developments.



- The new design might have been expected to employ low ground floor levels in order to minimise its impact on existing neighbours. Instead, the proposed site and floor levels on the Northern boundary are raised by between 0.72m and 1.36m. The raised levels are greatest to the North West of the site where the bank is at its highest and the proposed houses are closest to the boundary, between 1.7m and 2.0m.
- The effect of raising levels on existing planting and natural drainage is not investigated or explained and access to the sides of the proposed houses and Bat Roost is not considered.
- No reason is given for raising the site levels although it should be noted that 'the most cost effective solution is not justification for an exception to CP7' and good design which 'is indivisible from good planning'.

**4. The proposals do not reflect the character of the neighbourhood.**

The design should consider and complement the character of the locality with due consideration of the location of the site, the scale and proportions of the surroundings, the relationship with adjoining buildings, spaces around them, the topography and the general pattern of heights in the area including views and landmarks.

The existing development on the site has a minimal visual impact on neighbouring properties and retains views of Leckhampton Hill for neighbours and passing pedestrians. In contrast the proposals are tight to the boundary and given the elevated site have a significant impact on the character of the neighbourhood and adjacent properties.

- While the loss of a view is not in itself a planning matter the proposals in their current form obscure existing views of Leckhampton Hill (an important landmark) and the Area of Outstanding Natural Beauty (AONB). Views in to and out AONBs are a planning consideration and have only been mentioned in passing but not addressed in the submitted information.
- The form of residential developments around the site have back to back gardens, views between buildings and single storey elements to reduce massing as reflects the edge of town nature of Collum End Rise and Leckhampton Road. The scale and form of the proposed development not only removes the open aspect of the neighbourhood it also removes the views of Leckhampton Hill to the South and blocks the skyline from the back of the neighbouring properties that is particularly evident in wintertime when daylight is also a premium.

**5. Statement of Community Involvement (SCI) and Public Consultation**

The SCI and Public Consultation were ineffective, as the information presented did not present the full design intent.

- The raising of site levels was not made clear and no contextual information was provided to show the visual impact of the proposed development from the North of the site or the elevations of the proposed houses.
- The Planning Statement and Design and Access Statement both acknowledge the impact of the proposals on the amenity of the neighbours and propose to address this by moving the proposals 0.5-1.1m further from the boundary. This is insignificant in comparison to a greater increase in the height of the proposed developments as a result of raising the site levels.
- The plans were inaccurate in that they failed to include a 3m extension on the rear of our property No 3 Liddington Road, present for 13 years. Even taking into consideration adjustments made to the plans to move plots 25 & 26 back 1.1m from the boundary, the distance between the rear of our property and the proposed dwellings will be 22m, and will not be within the 25 degree rule in our opinion.
- Similarly at No 61 Collum End Rise, no account has been taken of the recent extension to the rear of that property in making the calculations.



There are further matters that I believe should be taken in to consideration:

**Submitted Information:**

If Planning Permission is granted it will be on the basis of the Submitted Application. I would ask that the drawn and written information is reviewed and any contradictory or incorrect information is addressed to enable the application to be properly assessed.

This should particularly apply to the questionable application of the rule of measurement of angles, distances and heights and the selective approach to the instances illustrated (see below).

**1. Drawings and written submission**

- a. The Planning Statement refers to 2 storey dwellings (Section 3.1) - The proposed plans show both 2 and 3 storey dwellings; Ground Floor, First Floor and Second Floors. Specifically House Types 2, 3, 4 and 5. While the impact of House Types 2, 4 and 5 is negligible on the Northern Boundary House Type 3 on Plot 17 is within 1.6m of the boundary.
- b. All the drawings state 'do not scale from this drawing' or similar words. In the absence of scale bars can critical dimensions be added to all submitted drawings including but not limited to eave and ridge heights, dimensions to boundaries, distances between dwellings (existing and proposed), proposed levels along the site boundary etc.

The distance from the Northern most corner of Plot 24 appears on the drawings to be nearer to our property at 3 Liddington Road, than the plots 25 & 26 directly facing us, but no measurements or calculations are shown for this, and again I would question the 25 degree rule here.

**2. Site Layout and Design**

- a. The proposed distance between Plots 18 to 20 and 21 to 24 is approximately 17m which is less than the minimum '21 metres between dwellings which face each other where both have windows with clear glazing' prescribed under Policy CP4.
- b. The soft landscaping proposals locate trees and other soft landscaping over the proposed surface water attenuation in the North East Corner of the site meaning these are unlikely to be planted due to technical issues.
- c. The proposed design of the site whilst considering drainage, hasn't sufficient regard for the substantial run off from agricultural land behind. This has been a concern in the past (as you will see from your records) and we can provide video evidence of the sheer volume of water which runs off from the area on a very regular basis.
- d. Proposed soft landscaping does not ameliorate visual impact of the development on its neighbours. It ought to be strengthened and employed to enhance the amenity of existing and new residents and the natural life of locality. This design failure is evident in that the number of removed trees (9No) along the Northern Boundary is significantly greater than those being planted (4No).
- e. The impact of the proposed soft / hard landscaping (gardens, parking, garden access etc) cannot be assessed. No proposed levels are provided to areas of both Soft and Hard Landscaping (proposed levels are limited to Finished Floor Levels and Road Centre Lines). The impact of the development on neighbours is not limited to the location of doors and windows with a significant potential impact on privacy and amenity from the proposed parking, gardens and garden access.
- f. The Planning Statement notes 'secure cycle spaces and bin locations are provided within each property's curtilage'. The Design and Access Statement does not mention Bicycles and states 'all houses have external access to rear gardens. Refuse bins will be located within rear gardens'. These statements do not appear considered in relation to the site plan and



proposed changes of level. The likely outcome of the proposals will mean bins stored on the street or against the rear fences of neighbouring properties.

- g. The proposal for an external store provides a security risk as it is reached by a shared public access and provides a hiding place for anyone wishing to use it, and the obvious exit would be over the fence at both 63 Collum End Rise and 3 Liddington Road.
- h. Appendix 4 of the Design and Access Statement incorporates trees in the shadow analysis. As noted above trees are not normally included in calculations. By including trees in the diagrams the true shadows cast by the development are obscured, especially during winter when deciduous trees cast minimal shadows and sunlight is at a premium (see reasons from 'Site Layout for Daylight & Sunlight: A Guide to Good Practice, BRE Trust' above). Can the trees be removed from the diagrams to show the true extent of the shadows and can the applicant confirm the correct topography has been used.
- i. Drawings for the proposed garages to Plots 27 and 28 are not available on the Planning Portal and have not been included in the Design & Access Statement. Can these please be provided?
- j. There is a scaling issue with the proposed Bat Roost drawings. The roost measures ~5m x 4m on the site plan and 2.5m x 2m on the 'Proposed Bat Roost Drawing 2004.1068' which is 1:50@A3. The height of the building is either 2.7m or 5.4m. Can the proposed size be confirmed along with the finished floor level? As the proposed building is tight to the Northern boundary this information is essential in understanding the visual impact of the proposals.
- k. I have not had sight of the report from the Bat Inspector concerning the bat population. A further consideration should be given to the timing of the development, to influence the success of moving bat roosts from one location to another, as they are protected under law.

### 3. Privacy, day/sunlight, overlooking and overbearing.

- a. Both the Planning and Design & Access Statements, to ensure privacy and avoid overlooking, confirm that gable / 'side elevations of properties that are adjacent to the site boundary' (plots 17, 18 and 24) will contain no windows. The submitted drawings for House Type 6B (plots 18 and 24) show widows at Ground and First Floor and, House Type 3 (Plot 17) has a glazed Ground Floor door and side glazing to the bay window to the front elevation. These windows should be removed from the submitted elevations.
- b. House Type 3 Plans show the inclusion of a First Floor Roof Terrace. The impact is not addressed within any of the submitted information.
- c. The proposals to raise the existing ground level at the site boundary have not been addressed in the submitted information.
- d. Overbearing was raised as a concern by the Planning Department in their Design Surgery held on 24 April 2013. The application is implying that these concerns have been addressed although pertinent information was not provided during the consultation.
- e. The diagrams in Appendix 3 of the Design and Access Statement refer to 2 forms of guidance from 'Site Layout for Daylight & Sunlight: A Guide to Good Practice, BRE Trust'. This includes a measurement to justify the proximity of the proposal. The '3 x (Height of proposed development – Height of centre of existing window)' appears to be wrongly calculated, as the height of the proposals should be measured from the centre of the existing window (Section 2.24 - Light from Sky and Section 3.2.7 Sunlighting). This would increase the acceptable distance of the proposals by 3 x the height of the bank. For Plot 18 this translates to a minimum of 39m and not 21m between the proposed and existing buildings; currently proposed at 27.2m.

Regarding our property at 3 Liddington Road; our rear ground floor windows to both main living areas are 2m tall, nearly floor to ceiling deliberately in order to maximise light, in an already lower location than the ground level at the fence boundary to the South. In the winter months when the sun is low in the sky, this also helps our property with warmth via solar gain. The proposed height of the buildings on plots 21-24 and 25-29 represent a significant loss of sunlight and daylight affecting the amenity within our property and garden.





Photograph from the inside of 3 Liddington Road (living room extension) facing the south garden raised boundary, showing minimal screening during winter months and benefit of low level sunlight to our living space.

#### 4. Telecommunications Mast

The Planning Statement confirms that the telecommunications masts are not to be replaced within the proposed development - Can a plan be provided confirming the proposed demolition works and removal of the telecommunications masts.

#### 5. Supplementary Planning Document

Development on Garden Land and Infill Sites SPD Adopted 29<sup>th</sup> June 2009 is not considered in the submitted information. The nature of the development and its proximity to existing dwellings means that it gives rise to similar issues as those covered in the SPD. The SPD is therefore relevant and should be considered in assessing the proposals

##### Considerations:

- Impact on adjoining developments
- unacceptable harm to the amenity of adjoining land users
- loss of sunlight and/or diffuse daylight loss of outlook, loss of privacy
- complements and respects neighbouring development
- layout and scale (topography, size, height)
- amenity space (reduces the density of development, softens the urban fabric)

Proposals that result in unacceptable harm to the amenity of neighbouring dwellings will not be permitted... This impact on 'amenity' includes the following:

- Reduction in daylight to neighbouring gardens and rooms
- Reduction in sunlight to neighbouring gardens and overshadowing of rooms

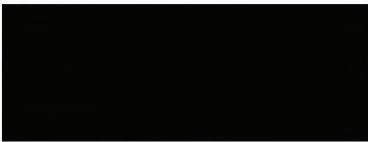


- The neighbour's ability to use their garden due to overlooking and lack of privacy
- An overbearing appearance of the neighbouring development in relation to existing gardens and buildings, by virtue of its height or position
- Noise and disturbance from access arrangements and other activity (proximity of the proposed dwellings to the boundary) at the rear of gardens

I support the overall proposals but feel that the above matters need to be addressed and the proposals amended accordingly. Specifically the significant and overbearing impact of the proposed houses, along the Northern Boundary of the site, on the existing neighbouring properties.

I feel the applicant should consider retaining or lowering the existing site levels, single storey dwellings to the North of the site, increasing the distance of the proposals from the boundary and landscaping to improve the proposals. I do not believe a limited combination or any single one of the above in isolation is sufficient to ameliorate the proposals and a more holistic rethink should be considered.

Yours Sincerely





55 Collum End Rise  
Leckhampton  
Cheltenham  
GL53 0PA

05 June 2013

**Mrs W Hopkins**  
Development Management  
Cheltenham Borough Council  
Municipal Offices  
Promenade  
Cheltenham  
Gloucestershire  
GL50 9SA

For the attention of Mrs W Hopkins, case officer.

Dear Wendy

**Reference:**  
PLANNING APPLICATION NO 13/00756/FUL

**Demolition of existing buildings and residential development comprising the construction of 29 dwellings. Leckhampton Industrial Estate, Leckhampton Road, Cheltenham, Gloucestershire, GL53 0AL, by Martin Scott Homes (205 Leckhampton) Ltd.**

My wife and I are in favour of a well designed re-development of this site. However, having viewed the proposed plans, I wish to register our objections to the application in its current form and ask for details of the proposed development to be reconsidered and changed to address these objections.

We are not accustomed to reading planning drawings but, fortunately, Bastin Bloomfield (our neighbour) has been able to explain and take us through many of the details. We feel that the elevations showing the land and building levels in respect to our property are misleading and difficult to appreciate in 'plan form'. We feel that, to fully appreciate the impact the proposed development will have on us, you/the planning committee should make a site visit. We extend you an invitation for this and will try to accommodate your schedule.

For the last 11 years, as a growing family, we have enjoyed feeling 'not overlooked' both when within our house and whilst playing and enjoying time with visitors in our garden. We have enjoyed living on the edge of Cheltenham with a leafy rural outlook and views to the nearby Leckhampton Hill. The current buildings on the site are low rise and unobtrusive. However, the houses along the Northern boundary of the proposed development will have a major impact on us and many of our neighbours living in Collum End Rise. The proposed raising of the ground levels within the site, along with the position of the buildings extremely close to the boundary, will have an overbearing effect on us. We will suffer from loss of light, views and most importantly, be overlooked.

I have also attached 2 photographs to try and demonstrate the severe banking at the rear of our property and therefore the impact the proposed houses on the northern boundary of proposed development would have on us.





View from second floor window at 55 Collum End Rise



Eye level view from top of rear garden at 55 Collum End Rise

We also have concerns over the drainage proposed on the site. I understand that our neighbour Dave Fozzard has provided a more detailed account of potential/foreseen drainage problems. Our garden is frequently waterlogged from periods of heavy rain. Fortunately, we have not experienced flooding on our property in the 11 years that we have lived in Collum End Rise, however some of our neighbours have. I was particularly concerned to hear, at the residents meeting with you on the 2nd of June, that the 'Sport Connection' building has flooded 22 times and has been unable to obtain insurance for many years. We feel that drainage proposals for the site should be scrutinised to avoid future flooding issues in Collum End Rise caused by the proposed development and within the development. We would hate to see a family having spent good money on one of the proposed properties, suffer flooding because it was not given sufficient thought in the planning!



During the Public Consultation Involvement and Public Consultation held recently the developer/the developer's agent discussed the matter of the local scout hut which is situated close to the proposed development. It is common knowledge that the scout hut in its current form is in 'well used' condition and would benefit from rebuilding to look smart alongside the lovely new houses! The Scout Hut is well used by the local community not only by the Beavers, Cubs, Scouts and Guides, but also daily by a playgroup along with other clubs. Indeed all 3 of my children have and continue to benefit from it. We have concerns that the redevelopment/rebuilding talk by the developers is potentially them dangling a carrot to carry favour with local residents and that these words will not become reality. We would, as would many of the local residents, feel strongly that the developers should make clear (in writing) their plans to contribute towards/bear the cost in full for redevelopment/rebuilding of the 'scout hut'. This should form part of the total planning proposal. If this request is 'not how the planning process works' I would appreciate your advice on the procedure that should be followed to achieve this outcome.

More detailed key objections are as follows:

### **1. Adverse effect on the residential amenity of neighbours**

The proposed development would create an unacceptable impact and harm our amenity as neighbours, by reason of overlooking, loss of privacy, overshadowing and loss of outlook (CP1 and CP4).

It is an established principle of planning that new developments should not borrow amenity from adjacent land, and, as a general rule, the greater part of any overshadowing caused by a new building must be confined to the developers own land. According to the guidance in 'Site Layout for Daylight & Sunlight: A Guide to Good Practice, BRE Trust'; 'in assessing the impact of buildings on sunlight in gardens, trees and shrubs are not normally included in the calculations... This is because the dappled shade of a tree is more pleasant than the deep shadow of building'. The BRE Guide also highlights the importance sunlight between buildings and the impact on the overall appearance and ambience of a development. This is not limited to summer months and 'is valuable for a number of reasons, to:

- provide attractive sunlit views (all year)
- make outdoor activities like sitting out and children's play more pleasant (mainly warmer months)
- encourage plant growth (mainly spring and summer)
- dry out ground, reducing moss and slime (mainly in colder months)
- melt frost, ice and snow (in winter)
- dry clothes (all year)
- Building close to the Northern Boundary of an elevated site has a significant impact on the adjoining properties.
- The design of House Type 3 (Plot 17) proposes a first floor terrace with doors from the bedroom and a glazed door to the side of the property. The eyeline of a typical adult standing in the doorway is approximately 2.8m above the ground level at the site boundary or 1.0m above the proposed boundary treatment (assuming a 1.8m high fence - see below) and nearly 8m above the ground floor of the properties on Collum End Rise.
- The designs of House Type 6B (Plots 18 and 24) propose windows at ground and first floor. The cill levels are 1.075m and 1.25m respectively. With the elevated site levels the eyeline of a typical adult standing at the kitchen sink will be 2.65m above the ground level at the site boundary or 0.85m above the proposed boundary treatment (again, assuming a 1.8m high fence) and more at first floor.
- The designs of House Type 8 (Plots 25 to 29) face the existing properties on Collum End Rise with ground floor levels 3.0m to 4.0m higher than the existing properties.

### **2. The visual impact is unacceptable**

The design of the proposals is inappropriate in that the scale, massing, and height are overbearing and do not respect neighbouring developments or take account of the topography of the site (CP7 and SPD Development on Garden Land and Infill Sites).

- By proposing dwellings at the boundary on the top of a 6m high bank the development may achieve desired densities but it does so to the detriment of the amenity of its neighbours and adversely affects the quality of the environment. (Policy HS2).
- The effective height to the eaves of the proposed buildings is 11.4m on Plot 18. This is comparable to a 4.5 storey dwelling (at the eaves) within 27m of the existing houses. The ridge being nearly 14m high but set back.
- The effective height of the Plot 17 is 15.8m to the ridge, equal to a 6-storey building within 26m of the existing houses.
- The proposed dwellings should be moved away from the existing fence line and the height of the proposals should be limited to a single storey along the boundary.



**3. The design and site layout is poor and significantly increases the visual impact on neighbours**

The design is inappropriate in its context; by positioning houses close to the boundary the visual impact of the proposals is increased. The site layout should aim to keep houses away from the boundaries to mitigate the bulk, mass and scale of the proposals especially as they are on an elevated site.

The proposals should minimise the physical dominance of the new development over neighbouring properties and take due account of the topography of the site and build on existing planting to develop a natural barrier zone that will benefit both existing and new developments.

- The new design might have been expected to employ low ground floor levels in order to minimise its impact on existing neighbours. Instead, the proposed site and floor levels on the Northern boundary are raised by between 0.72m and 1.36m. The raised levels are greatest to the North West of the site where the bank is at its highest and the proposed houses are closest to the boundary, between 1.7m and 2.0m.
- The effect of raising levels on existing planting and natural drainage is not investigated or explained and access to the sides of the proposed houses and Bat Roost is not considered.
- No reason is given for raising the site levels although it should be noted that 'the most cost effective solution is not justification for an exception to CP7' and good design which 'is indivisible from good planning'.

**4. The proposals do not reflect the character of the neighbourhood.**

The design should consider and complement the character of the locality with due consideration of the location of the site, the scale and proportions of the surroundings, the relationship with adjoining buildings, spaces around them, the topography and the general pattern of heights in the area including views and landmarks. The existing development on the site has a minimal visual impact on neighbouring properties and retains views of Leckhampton Hill for neighbours and passing pedestrians. In contrast the proposals are tight to the boundary and given the elevated site have a significant impact on the character of the neighbourhood and adjacent properties.

- While the loss of a view is not in itself a planning matter the proposals in their current form obscure existing views of Leckhampton Hill (an important landmark) and the Area of Outstanding Natural Beauty (AONB). Views in to and out AONBs are a planning consideration and have only been mentioned in passing but not addressed in the submitted information.
- The form of residential developments around the site have back to back gardens, views between buildings and single storey elements to reduce massing as reflects the edge of town nature of Collum End Rise and Leckhampton Road. The scale and form of the proposed development not only removes the open aspect of the neighbourhood it also removes the views of Leckhampton Hill to the South and blocks the skyline from the back of the neighbouring properties that is particularly evident in wintertime when daylight is also a premium

**5. Statement of Community Involvement (SCI) and Public Consultation**

The SCI and Public Consultation were ineffective, as the information presented did not present the full design intent.

- The raising of site levels was not made clear and no contextual information was provided to show the visual impact of the proposed development from the North of the site or the elevations of the proposed houses.
- The Planning Statement and Design and Access Statement both acknowledge the impact of the proposals on the amenity of the neighbours and propose to address this by moving the proposals 0.5-1.1m further from the boundary. This is insignificant in comparison to a greater increase in the height of the proposed developments as a result of raising the site levels.

We support the overall proposals but feel that the above matters need to be addressed and the proposals amended accordingly. Specifically the significant and overbearing impact of the proposed houses, along the Northern Boundary of the site, on the existing neighbouring properties. I feel the applicant should consider retaining or lowering the existing site levels, single storey dwellings to the North of the site, increasing the distance of the proposals from the boundary and landscaping to improve the proposals. I do not believe a limited combination or any single one of the above in isolation is sufficient to ameliorate the proposals and a more holistic rethink should be considered.

Yours Sincerely





[REDACTED]  
55 Collum End Rise  
Leckhampton  
Cheltenham  
GL53 0PA

12th September 2013

**Mrs W Hopkins**  
Development Management  
Cheltenham Borough Council  
Municipal Offices  
Promenade  
Cheltenham  
Gloucestershire  
GL50 9SA

For the attention of Mrs W Hopkins, case officer.

Dear Wendy

**Reference:**  
PLANNING APPLICATION NO 13/00756/FUL

**Demolition of existing buildings and residential development comprising the construction of 29 dwellings. Leckhampton Industrial Estate, Leckhampton Road, Cheltenham, Gloucestershire, GL53 0AL, by Martin Scott Homes (205 Leckhampton) Ltd.**

As I stated in my earlier letter dated 5th June 2013, my wife and I are in favour of a well designed re-development of this site.

We welcome the revisions made by the developers to their original plans - lowering the ground level of the proposed development (back to a similar level to it's current level) rather than significantly raising it to incorporate drainage solutions. We understand that the roof levels of the proposed dwellings on the Northern boundary have also been reduced slightly but feel we must object to the revised proposals as our original concerns have not been addressed.

However, we still feel that the proposed development will have a significant detrimental impact on us and our neighbours in Collum End Rise. We have viewed the proposed plans along with views (generated by a neighbour) from the developers Sketchup model which has given us our first real feel for how the proposed development will look from our property. We feel that the overbearing nature and high density of large properties on small plots within this elevated site is a matter of concern. We feel that the proposed development plans are unsympathetic to the surrounding properties and suggest that the building heights and positions within the development should be more in keeping with the existing buildings on and around the site. If buildings were positioned further away from the boundary with the access road or gardens backing onto the Northern boundary (as per existing buildings on the site), the impact of the buildings on us would be acceptable. It would also stop the proposal from casting shadows across our gardens but more importantly our kitchen window at midday in November, December and January.

We feel that, to fully appreciate the impact the proposed development will have on us, you/the planning committee should make a site visit. We again extend you an invitation for this and will try to accommodate your schedule.

Yours Sincerely

[REDACTED]

enclosed - 2 photo's to help illustrate the elevated site in relation to our property





View from second floor window at 55 Collum End Rise



Eye level view from top of rear garden at 55 Collum End Rise



Cheltenham Borough Council Environment Group			
Page 167			
PASSED TO			
REC'D	- 5 JUN 2013		
Date of Response		Type of Response	
Initials of Responder		File Ref.	

201 Leckhampton Road  
Cheltenham  
Gloucestershire  
GL53 0AL

**Mrs W Hopkins**  
Development Management  
Cheltenham Borough Council  
Municipal Offices  
Promenade  
Cheltenham  
Gloucestershire  
GL50 9SA

3<sup>rd</sup> May 2013

For the attention of Mrs W Hopkins, case officer

Dear Wendy

**Reference:**

PLANNING APPLICATION NO 13/00756/FUL

**Demolition of existing buildings and residential development comprising the construction of 29 dwellings. Leckhampton Industrial Estate, Leckhampton Road, Cheltenham, Gloucestershire, GL53 0AL, by Martin Scott Homes (205 Leckhampton) Ltd.**

I would support and encourage a well-designed development of the site however, I wish to register my objection to the application in its current form and ask for details of the proposed development to be reconsidered and changed to address these objections.

The key objections are as follows:

**1. Adverse effect on the residential amenity of neighbours**

The proposed development would create an unacceptable impact and harm our amenity as neighbours, by reason of overlooking, loss of privacy, overshadowing and loss of outlook (CP1 and CP4).

It is an established principle of planning that new developments should not borrow amenity from adjacent land, and, as a general rule, the greater part of any overshadowing caused by a new building must be confined to the developers own land.

According to the guidance in 'Site Layout for Daylight & Sunlight: A Guide to Good Practice, BRE Trust'; 'in assessing the impact of buildings on sunlight in gardens, trees and shrubs are not normally included in the calculations... This is because the dappled shade of a tree is more pleasant than the deep shadow of building'. The BRE Guide also highlights the importance sunlight between buildings and the impact on the overall appearance and ambience of a development. This is not limited to summer months and 'is valuable for a number of reasons, to:

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  - dry out ground, reducing moss and slime (mainly in colder months)
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- Building close to the Northern Boundary of an elevated site has a significant impact on the adjoining properties.
  - The design of House Type 3 (Plot 17) proposes a first floor terrace with doors from the bedroom and a glazed door to the side of the property. The eyeline of a typical adult standing in the doorway is approximately 2.8m above the ground level at the site boundary or 1.0m above the proposed boundary treatment (assuming a 1.8m high fence - see below) and nearly 8m above the ground floor of the properties on Collum End Rise.
  - The designs of House Type 6B (Plots 18 and 24) propose windows at ground and first floor. The cill levels are 1.075m and 1.25m respectively. With the elevated site levels the eyeline of a typical adult standing at the kitchen sink will be 2.65m above the ground level at the site boundary or 0.85m above the proposed boundary treatment (again, assuming a 1.8m high fence) and more at first floor.
  - The designs of House Type 8 (Plots 25 to 29) face the existing properties on Collum End Rise with ground floor levels 3.0m to 4.0m higher than the existing properties, this also has a bearing on property 201 Leckhampton Road.

**2. The visual impact is unacceptable**

The design of the proposals is inappropriate in that the scale, massing, and height are overbearing and do not respect neighbouring developments or take account of the topography of the site (CP7 and SPD Development on Garden Land and Infill Sites).

- By proposing dwellings at the boundary on the top of a 6m high bank the development may achieve desired densities but it does so to the detriment of the amenity of its neighbours and adversely affects the quality of the environment. (Policy HS2).
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The design is inappropriate in its context; by positioning houses close to the boundary the visual impact of the proposals is increased. The site layout should aim to keep houses away from the boundaries to mitigate the bulk, mass and scale of the proposals especially as they are on an elevated site.

The proposals should minimise the physical dominance of the new development over neighbouring properties and take due account of the topography of the site and build on existing planting to develop a natural barrier zone that will benefit both existing and new developments.

- The new design might have been expected to employ low ground floor levels in order to minimise its impact on existing neighbours. Instead, the proposed site and floor levels on the Northern boundary are raised by between 0.72m and 1.36m. The raised levels are greatest

to the North West of the site where the bank is at its highest and the proposed houses are closest to the boundary, between 1.7m and 2.0m.

- The effect of raising levels on existing planting and natural drainage is not investigated or explained and access to the sides of the proposed houses and Bat Roost is not considered.
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**4. The proposals do not reflect the character of the neighbourhood.**

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The existing development on the site has a minimal visual impact on neighbouring properties and retains views of Leckhampton Hill for neighbours and passing pedestrians. In contrast the proposals a tight to the boundary and given the elevated site have a significant impact on the character of the neighbourhood and adjacent properties.

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- The Planning Statement and Design and Access Statement both acknowledge the impact of the proposals on the amenity of the neighbours and propose to address this by moving the proposals 0.5-1.1m further from the boundary. This is insignificant in comparison to a greater increase in the height of the proposed developments as a result of raising the site levels.

There are further matters that I believe should be taken in to consideration:

**Submitted Information:**

If Planning Permission is granted it will be on the basis of the Submitted Application. I would ask that the drawn and written information is reviewed and any contradictory or incorrect information is addressed to enable the application to be properly assessed.

This should particularly apply to the questionable application of the rule of measurement of angles and distances and the selective approach to the instances illustrated (see below).

**1. Drawings and written submission**

- a. The Planning Statement refers to 2 storey dwellings (Section 3.1) - The proposed plans show both 2 and 3 storey dwellings; Ground Floor, First Floor and Second Floors. Specifically House Types 2, 3, 4 and 5. While the impact of House Types 2, 4 and 5 is negligible on the Northern Boundary House Type 3 on Plot 17 is within 1.6m of the boundary
- b. All the drawings state 'do not scale from this drawing' or similar words. In the absence of scale bars etc can critical dimensions be added to all submitted drawings including but not limited to eave and ridge heights, dimensions to boundaries, distances between dwellings (existing and proposed), proposed levels along the site boundary....

**2. Site Layout and Design**

- a. The proposed distance between Plots 18 to 20 and 21 to 24 is approximately 17m which is less than the minimum '21 metres between dwellings which face each other where both have windows with clear glazing' prescribed under Policy CP4.
- b. The soft landscaping proposals locate trees and other soft landscaping over the proposed surface water attenuation in the North East Corner of the site meaning these are unlikely to be planted due to technical issues.
- c. Proposed soft landscaping does not ameliorate visual impact of the development on its neighbours. It ought to be strengthened and employed to enhance the amenity of existing and new residents and the natural life of locality. This design failure is evident in that the number of removed trees along the Northern Boundary is significantly greater than those being planted.
- d. Appendix 4 of the Design and Access Statement incorporates trees in the shadow analysis. As noted above trees are not normally included in calculations. By including trees in the diagrams the true shadows cast by the development are obscured, especially during winter when deciduous trees cast minimal shadows and sunlight is at a premium (see reasons from 'Site Layout for Daylight & Sunlight: A Guide to Good Practice, BRE Trust' above). Can the trees be removed from the diagrams to show the true extent of the shadows and can the applicant confirm the correct topography has been used.
- e. Drawings for the proposed garages to Plots 27 and 28 are not available on the Planning Portal and have not been included in the Design & Access Statement. Can these please be provided.
- f. There is a scaling issue with the proposed Bat Roost drawings. The roost measures ~5m x 4m on the site plan and 2.5m x 2m on the 'Proposed Bat Roost Drawing 2004.1068' which is 1:50@A3. The height of the building is either 2.7m or 5.4m. Can the proposed size be confirmed along with the finished floor level. As the proposed building is tight to the Northern boundary this information is essential in understanding the visual impact of the proposals.

**3. Privacy, day/sunlight, overlooking and overbearing.**

- a. Both the Planning and Design & Access Statements, to ensure privacy and avoid overlooking, confirm that gable / 'side elevations of properties that are adjacent to the site boundary' (plots 17, 18 and 24) will contain no windows. The submitted drawings for House Type 6B (plots 18 and 24) show windows at Ground and First Floor and, House Type 3 (Plot 17) has a glazed Ground Floor door and side glazing to the bay window to the front elevation. These windows should be removed from the submitted elevations.
- b. House Type 3 Plans show the inclusion of a First Floor Roof Terrace. The impact is not addressed within any of the submitted information.
- c. The proposals to raise the existing ground level at the site boundary have not been addressed in the submitted information.
- d. Overbearing was raised as a concern by the Planning Department in their Design Surgery held on 24 April 2013. The application is implying that these concerns have been addressed although pertinent information was not provided during the consultation.
- e. The diagrams in Appendix 3 of the Design and Access Statement refer to 2 forms of guidance from 'Site Layout for Daylight & Sunlight: A Guide to Good Practice, BRE Trust'. This includes a measurement to justify the proximity of the proposal. The '3 x (Height of



proposed development – Height of centre of existing window)' appears to be wrongly calculated, as the height of the proposals should be measured from the ground floor level of the existing properties. This would increase the acceptable distance of the proposals by 3 x the height of the bank. For Plot 18 this translates to a minimum of 39m and not 21m between the proposed and existing buildings; currently proposed at 27.2m.

**4. Telecommunications Mast**

The Planning Statement confirms that the telecommunications masts are not to be replaced within the proposed development - Can a plan be provided confirming the proposed demolition works and removal of the telecommunications masts.

**5. Supplementary Planning Document**

Development on Garden Land and Infill Sites SPD Adopted 29<sup>th</sup> June 2009 is not considered in the submitted information. The nature of the development and its proximity to existing dwellings means that it gives rise to similar issues as those covered in the SPD. The SPD is therefore relevant and should be considered in assessing the proposals

**Considerations:**

- Impact on adjoining developments
- unacceptable harm to the amenity of adjoining land users
- loss of sunlight and/or diffuse daylight loss of outlook, loss of privacy
- complements and respects neighbouring development
- layout and scale (topography, size, height)
- amenity space (reduces the density of development, softens the urban fabric)

Proposals that result in unacceptable harm to the amenity of neighbouring dwellings will not be permitted... This impact on 'amenity' includes the following:

- Reduction in daylight to neighbouring gardens and rooms
- Reduction in sunlight to neighbouring gardens and overshadowing of rooms
- The neighbour's ability to use their garden due to overlooking and lack of privacy
- An overbearing appearance of the neighbouring development in relation to existing gardens and buildings, by virtue of its height or position
- Noise and disturbance from access arrangements and other activity (proximity of the proposed dwellings to the boundary) at the rear of gardens

In addition to the above, I have great concerns to the amount of parking that has been allocated to the development. The size of the properties, would suggest that the future residents would be of a size that would require multiple vehicles per house hold. Taking into consideration that most children live with their parents for longer, due to the cost and difficulties of renting or buying their own home there is most likely going to be a heavy amount of parking displacement. This displacement is without doubt going to affect not only the main road (Leckhampton Road), but also the side roads. My concern is purely down to the visibility that the increased parking would place on those residents trying to leave their driveways, and those that use the road.

The current site, although has a higher volume of traffic arriving and leaving during the day, I believe that the amount of vehicles that will have residency on the new development will out way the current level of traffic recorded. This is further weighted by the wonderful trees that line the road, which restrict visibility of approaching traffic. The speed at which traffic travels up and down the Leckhampton Road either climbing or descending the hill adds further risk to all that use the road.

During the recent meeting of the residents it was clear to me that the consensus was that any development application that would be accepted by the community, with the above items addressed individually, would also require that some investment by the developer to sustain the scout centre. I feel that every effort should be taken to encourage the developer to pursue this, and have added to any agreement and contract that a new scout centre is provided for. I think this would be of great benefit to the Leckhampton community and the scouts.

With regards to the development design, having looked at the plans provided to me by the developer, and taking in to consideration that I don't possess the skills to read the plans with complete confidence, nonetheless I feel that the proximity of plots 28 and 29 to the rear garden of my home will cause great distress, and will be over bearing to the rear of my property. I have three young step daughters that like to play in the garden. The design has not taken into its calculations that we have a conservatory that we use all year round, as our dining room. This greatly reduces the distance between the rear of the conservatory and the rear of plot 29. The plan current indicates that distance is 23.1m between the two properties; however this is reduced by approximately 4 m, which is unacceptable. To add to this, the line of sight from plot 29 is directly into our property and conservatory, which would remove any level of privacy and amenity that we currently enjoy. I feel this is totally over bearing, and the design should be changed to reflect our lack of privacy that current design plan suggests.

See picture below.

I support the overall proposals but feel that the above matters need to be addressed and the proposals amended accordingly. Specifically the significant and overbearing impact of the proposed houses, along the Northern Boundary of the site, on the existing neighbouring properties.

Please do not hesitate to contact me should you wish to discuss the above.

Yours Sincerely





63 Collum End Rise  
Leckhampton  
Cheltenham  
GL53 0PA

Mrs W Hopkins  
Development Management  
Cheltenham Borough Council  
Municipal Offices  
Promenade  
Cheltenham  
Gloucestershire  
GL50 9SA

30th May 2013

For the attention of Mrs W Hopkins, case officer

Dear Mrs Hopkins

Reference:

**PLANNING APPLICATION NO 13/00756/FUL**

**Demolition of existing buildings and residential development comprising of the construction of 29 dwellings, Leckhampton Industrial Estate, Leckhampton Road, Cheltenham, Gloucestershire, GL53 0AL, by Martin Scott Homes (205 Leckhampton) Ltd.**

I am in receipt of the Council's letter of 16th May inviting me to submit any comments on the above referenced planning application. Whilst I am not opposed to development of the site in keeping with the surroundings, I am writing to register my objections to the proposed development as currently submitted and ask for the details to be reconsidered and changed to address my objections.

The key objections I raise are as follows:

**1. Adverse effect on the residential amenity of neighbours**

Referring to Cheltenham Borough Council Local plan Policy CP1 and CP4 – the proposed development would create an unacceptable impact on adjoining developments and harm our amenity, by reason of overlooking, loss of privacy, overshadowing and loss of outlook.

- Buildings close to the northern boundary of the elevated development site have a significant impact on the adjoining properties.



- The design of House Type 6B (Plots 24 and 18) propose windows at ground and first floor to the north facing end elevation. This contradicts the response given by the developers in the Public Access Statement appendix 1 to the Design Surgery Comments of 24/04/13. Given the raised ground floor level and the proximity of the dwelling to our boundary this will mean that we are significantly overlooked. With the elevated site levels the eyeline of a typical adult standing at the kitchen sink will be 2.65m above the ground level at the site boundary and over 6m above the ground floor level of the adjacent properties on Collum End Rise.
- The designs of House Type 8 (Plots 25 to 29) facing the existing properties on Collum End Rise have ground floor levels 3.0m to 4.0m higher than the existing adjacent properties.
- The design of House Type 3 (Plot 17) proposes a first floor terrace with doors from the bedroom and a glazed door to the side of the property. The eyeline of a typical adult standing in the doorway is approximately 2.8m above the ground level at the site boundary and nearly 8m above the ground floor of the properties on Collum End Rise.

It is an established principle of planning that new developments should not borrow amenity from adjacent land, and, as a general rule, the greater part of any overshadowing caused by a new building must be confined to the developers own land.

According to the guidance in 'Site Layout for Daylight & Sunlight: A Guide to Good Practice, BRE Trust'; 'in assessing the impact of buildings on sunlight in gardens, trees and shrubs are not normally included in the calculations..... This is because the dappled shade of a tree is more pleasant than the deep shadow of a building'. The BRE Guide also highlights the importance of sunlight between buildings and the impact on the overall appearance and ambience of a development. This is not limited to summer months and 'is valuable for a number of reasons' to:

*Provide attractive sunlit views (all year).*

*Make outdoor activities like sitting out and children's play more pleasant (mainly warmer months).*

*Encourage plant growth (mainly spring and summer).*

*Dry out ground, reducing moss and slime (mainly in colder months).*

*Melt frost, ice and snow (in winter).*

*Dry clothes (all year).*

- The Shadow analysis submitted by the developer includes the northern boundary line trees and also shows more trees than are actually present. The conclusion is therefore drawn that overshadowing will be insignificant. However overshadowing, particularly from plot 24, will be significant as this proposed building is less than 20 m from the adjacent properties in Collum End Rise, is in an elevated position and does not have any boundary line trees to mitigate the overshadowing effect.



## **2. The visual impact is unacceptable**

I refer to Policy CP7, SPD Development on Garden Land and Infill Site and Policy HS2. The design of the proposed development is inappropriate in that the scale, massing, and height are overbearing and do not respect neighbouring developments or take account of the topography of the site.

- By proposing dwellings at the boundary on the top of a bank ranging in height of between 3.5 to 6m, the development is detrimental to the amenity of the adjacent neighbours and adversely affects the quality of the environment.
- The effective height to the eaves of the proposed building on Plot 18 is 11.4m. This is comparable to a 4.5 storey dwelling (at the eaves).
- The effective height of Plot 24 is 11.5m to the ridge, again equal to a 4.5 storey building, with this building proposed to be less than 20m from the existing houses.
- The effective height of Plots 25-29 is even higher at 14.2m, with the proposed buildings being 25m from the existing houses.

## **3. The design and site layout is poor and significantly increases the visual impact on neighbours**

The design is inappropriate in its context; by positioning houses close to the boundary the visual impact of the proposals is increased. Any development should aim to keep houses away from the boundaries to mitigate the bulk, mass and scale of the proposals especially as they are on an elevated site.

The proposals should minimise the physical dominance of the new development over neighbouring properties and take due account of the topography of the site and build on existing planting to develop a natural barrier zone that will benefit both existing and new developments.

- Considering the elevated site, the new design might have been expected to employ low ground floor levels in order to minimise its impact on existing neighbours. Instead, the proposed site and floor levels on the Northern boundary are raised by between 0.72m and 1.36m. The raised levels are greatest to the North West of the site where the bank is at its highest and the proposed houses are closest to the boundary, between 1.7m and 2.0m.
- The effect of raising levels on existing planting and natural drainage is not investigated or explained and access to the sides of the proposed houses and Bat Roost is not considered.
- No reason is given for raising the site levels although it should be noted that 'the most cost effective solution is not justification for an exception to CP7' and good design which 'is indivisible from good planning'.

#### **4. The proposals do not reflect the character of the neighbourhood.**

The design should consider and complement the character of the locality with due consideration of the location of the site, the scale and proportions of the surroundings, the relationship with adjoining buildings, spaces around them, the topography and the general pattern of heights in the area including views and landmarks.

The existing development on the site has a minimal visual impact on neighbouring properties and retains views of Leckhampton Hill for neighbours and passing pedestrians. In contrast the proposals are tight to the boundary and given the elevated site have a significant impact on the character of the neighbourhood and adjacent properties.

- While the loss of a view is not in itself a planning matter the proposals in their current form obscure existing views of Leckhampton Hill (an important landmark) and an Area of Outstanding Natural Beauty (AONB). Views in to and out of an AONB are a planning consideration and have only been mentioned in passing but not addressed in the submitted information.
- The existing residential developments around the site have back to back gardens, comparatively low ridge heights, views between buildings and single storey elements to reduce massing as reflects the edge of town nature of Collum End Rise and Leckhampton Road. The scale and form of the proposed development not only removes the open aspect of the neighbourhood it also removes the views of Leckhampton Hill to the South and blocks the skyline from the back of the neighbouring properties that is particularly evident in wintertime when daylight is also a premium. In addition the proposed developments have significantly higher ridge heights than existing properties in Collum End Rise thereby making them out of character to the surrounding developments.

#### **5. Statement of Community Involvement (SCI) and Public Consultation**

The SCI and Public Consultation were ineffective, as the information presented did not present the full design intent.

- The raising of site levels was not made clear and no contextual information was provided to show the visual impact of the proposed development from the North of the site or the elevations of the proposed houses.
- The Planning Statement and Design and Access Statement both acknowledge the impact of the proposals on the amenity of the neighbours and propose to address this by moving the proposals 0.5-1.1m further from the boundary. This is insignificant in comparison to a greater increase in the height of the proposed developments as a result of raising the site levels.

**Further points for consideration:**

'Site Layout for Daylight & Sunlight: A Guide to good Practice, BRE Trust', section 2.2 sets out the following calculation to assess whether the proposed development will have an impact upon the loss of light to an existing window

$3 \times (\text{Height of proposed development} - \text{Height of centre point of existing window})$

The Guide shows this calculation with the height of the development taken from the ground floor of the existing properties but the calculations for this measurement on the Design and Access Statement appears to be wrongly calculated as it only includes the height of the proposed buildings and ignores the change in height of the site. For Plot 24 this translates to a minimum distance of over 29.5m between the proposed and existing buildings, not 19.578m as currently proposed.

The Design and Access Statement also refers to the '25<sup>th</sup> Planning Rule' for assessing the loss of light to existing windows but both the height calculation and 25<sup>th</sup> rule have been measured from in-accurate plans of the existing houses, to the north of the site, that do not include new building extensions or conservatories to the rear of these properties.

The proposals to raise the existing ground level at the site boundary have not been addressed in the submitted information.

Overbearing was raised as a concern by the Planning Department in their Design Surgery held on 24 April 2013. The application is implying that these concerns have been addressed although pertinent information was not provided during the consultation

Drawings for the proposed garages to Plots 27 and 28 are not available on the Planning Portal and have not been included in the Design & Access Statement. Can these please be provided.

The Planning Statement confirms that the telecommunications masts are not to be replaced within the proposed development. Can confirmation that they will not be replaced or details of where they will be re-positioned please be provided.

The Transport Statement concludes that there will be a significant reduction in 2-way journeys from the site under the proposed development, but the conclusion is based on the site being fully occupied and, as stated elsewhere in the application, the site is only 60% occupied and is unlikely ever to be fully occupied given the age and condition of the units. The Transport Statement also considers the journey to school, especially children of primary school age and concludes that the local primary school is within easy walking distance therefore the development will not increase the number of pupils being dropped off at the school. However both the local primary school and the two nearest secondary schools are significantly oversubscribed and this will inevitably result in children having to attend schools at a greater distance away from the development. In reality therefore it is likely that the number of 2-way journeys will increase rather than reduce.

The Transport Statement also examines the personal injury accident data in the vicinity of the development from the last five years, including the death of a pedestrian crossing the Leckhampton Road opposite Liddington Road within 100m of the site entrance. The conclusion is that most of the accidents 'resulted from drivers or pedestrians being inattentive'. However it could also be argued that a contributing factor in these accidents is the restricted view when emerging on to Leckhampton Road due to the number and location of the large trees lining both sides of the road.

The development proposes on average 1.5 parking spaces per dwelling household will be provided but, given the number of 3, 4 and 5 bedroom houses, it is highly likely that there will be a significant number of households with 2 or more cars. There is no provision within the development for additional parking for households with additional vehicles or for visitor parking. It is likely therefore that overflow parking will spill out on to Leckhampton Road causing further obstruction of view for emerging drivers or pedestrians.

The Transport Statement has assessed the local amenities and concludes that all the necessary local amenities can be reached on foot, by bicycle or by using the local bus service. In reality residents of the development are likely to use their private motor vehicle or bus to reach the amenities in Bath Road due to the significant incline on the return journey back up Leckhampton Road. Use of the local bus service is to be encouraged but it should be noted that due to the circular bus route both the outbound and return service collect and alight passengers on the east side of Leckhampton Road. This will significantly increase the number of pedestrians crossing the Leckhampton Road and consideration should be given to this especially in view of the recent fatality and likelihood of further obstruction of view from overflow parking from the development.

#### **Supplementary Planning Document**

Development on Garden Land and Infill Sites SPD Adopted 29th June 2009 is not considered in the submitted information. The nature of the development and its proximity to existing dwellings means that it gives rise to similar issues as those covered in the SPD. The SPD is therefore relevant and should be considered in assessing the proposals

#### **Considerations:**

- unacceptable harm to the amenity of adjoining land users
- Impact on adjoining developments
- loss of sunlight and/or diffuse daylight loss of outlook, loss of privacy
- complements and respects neighbouring development
- layout and scale (topography, size, height)
- amenity space (reduces the density of development, softens the urban fabric)

Proposals that result in unacceptable harm to the amenity of neighbouring dwellings will not be permitted... This impact on 'amenity' includes the following:

- Reduction in daylight to neighbouring gardens and rooms
- Reduction in sunlight to neighbouring gardens and overshadowing of rooms
- The neighbour's ability to use their garden due to overlooking and lack of privacy
- An overbearing appearance of the neighbouring development in relation to existing gardens and buildings, by virtue of its height or position
- Noise and disturbance from access arrangements and other activity (proximity of the proposed dwellings to the boundary) at the rear of gardens.

If Planning Permission is granted it will be on the basis of the Submitted Application and I would ask that the drawn and written information is reviewed and any contradictory or incorrect information is addressed to enable the application to be properly assessed.

Yours Sincerely





59 Collum End Rise  
Cheltenham  
Glos GL53 0PA

Mrs W Hopkins  
Development Management  
Cheltenham Borough Council  
Municipal Offices  
Promenade  
Cheltenham  
Gloucestershire  
GL50 9SA

Cheltenham Borough Council Environment Group			
PASSED TO			
REC'D	11 JUN 2013		
Date of Response		Type of Response	
Initials of Responder		File Ref.	

10 June 2013

For the attention of Mrs W Hopkins, case officer

Dear Mrs Hopkins

Reference:

**PLANNING APPLICATION NO 13/00756/FUL**

**Demolition of existing buildings and residential development comprising of the construction of 29 dwellings, Leckhampton Industrial Estate, Leckhampton Road, Cheltenham, Gloucestershire, GL53 0AL, by Martin Scott Homes (205 Leckhampton) Ltd.**

I have been resident at the above address since 1992. My garden backs directly on to the proposed development.

I am in receipt of the Council's letter of 16th May inviting me to submit any comments on the above referenced planning application. Whilst I am not opposed to development of the site in keeping with the surroundings, I am writing to register my objections to the proposed development as currently submitted and ask for the details to be reconsidered and changed to address my objections.

The key objections I raise are as follows:

**1. Personal Privacy**

My garden has been until now almost entirely secluded from view. I am concerned that the proposed development will violate this seclusion and will lead to my private land being overlooked by others immediately behind my garden fence. I would at the very least hope and expect that no windows of dwellings in the proposed development would overlook my garden.

**2. Drainage**

The flow of water downhill from the site of the proposed development has been a source of both irritation and potential hazard over the years. I am

concerned that the planners of the proposed development have not paid sufficient attention to this.

**3. Light and Shadow**

Because the proposed development is at a considerably higher level than my property, I am concerned at the possibility of losing light in my house and my garden at all times of the year. I understand that the height of some of the proposed dwellings exceeds two storeys, which I object to rigorously.

**4. Car Parking**

I am concerned that not enough allowance for car parking has been made in the plans for the proposed development. Already the top of Collum End Rise is frequently used as a car park for parents dropping off their children at the adjoining Scout Hut. If there is not enough car parking on the development site, I am concerned that both construction workers and subsequently residents will utilise the already limited space outside my house for car parking.

**5. Density**

The proposed construction of 29 dwellings is, in my view, far too many for such limited space.

**6. Schools**

Leckhampton Primary School is already oversubscribed. The proposed development is pretty much equidistant from both Balcarras and Bournside Comprehensive secondary schools, which are likewise oversubscribed. I am concerned at the fact that the local authority will on the one hand grant planning permission for an influx of families into the area and on the other hand not make sufficient provision for schooling of local children.

The conversion of this land from industrial to residential use is on the whole to be welcomed. However, you will be aware of the grave concerns of myself and other local residents at the lack of sensitivity in these proposals on the part of the developers and the lack of consideration for the well-being and quality of life of those of us who have lived in the area for many years.

I hope the planning authorities take note of my objections.

Yours sincerely





**Mrs W Hopkins**  
Development Management  
Cheltenham Borough Council  
Municipal Offices  
Promenade  
Cheltenham  
Gloucestershire  
GL50 9SA

[REDACTED]  
53 Collum End Rise  
Leckhampton  
Cheltenham  
GL53 0PA

For the attention of Mrs W Hopkins, case officer

03 June 2013

Dear Wendy

**Reference:**  
PLANNING APPLICATION NO 13/00756/FUL

**Demolition of existing buildings and residential development comprising the construction of 29 dwellings. Leckhampton Industrial Estate, Leckhampton Road, Cheltenham, Gloucestershire, GL53 0AL, by Martin Scott Homes (205 Leckhampton) Ltd.**

I would support and encourage a well-designed development of the site however, I wish to register my objection to the application in its current form and ask for details of the proposed development to be reconsidered and changed to address these objections.

The key objections are as follows:

**1. Adverse effect on the residential amenity of neighbours**

The proposed development would create an unacceptable impact and harm our amenity as neighbours, by reason of overlooking, loss of privacy, overshadowing and loss of outlook (CP1 and CP4).

It is an established principle of planning that new developments should not borrow amenity from adjacent land, and, as a general rule, the greater part of any overshadowing caused by a new building must be confined to the developers own land.

According to the guidance in 'Site Layout for Daylight & Sunlight: A Guide to Good Practice, BRE Trust'; 'in assessing the impact of buildings on sunlight in gardens, trees and shrubs are not normally included in the calculations... This is because the dappled shade of a tree is more pleasant than the deep shadow of building'. The BRE Guide also highlights the importance sunlight between buildings and the impact on the overall appearance and ambience of a development. This is not limited to summer months and 'is valuable for a number of reasons, to:

- provide attractive sunlit views (all year)
- make outdoor activities like sitting out and children's play more pleasant (mainly warmer months)
- encourage plant growth (mainly spring and summer)
- dry out ground, reducing moss and slime (mainly in colder months)
- melt frost, ice and snow (in winter)



- dry clothes (all year)<sup>1</sup>



Photo from patio of 53 Collum End Rise showing minimal shading and screening from deciduous trees on the Southern boundary of gardens from late autumn to early spring. Photo taken spring 2011.

- Building close to the Northern Boundary of an elevated site has a significant impact on the adjoining properties.
- The design of House Type 3 (Plot 17) proposes a first floor terrace with doors from the bedroom and a glazed door to the side of the property. The eyeline of a typical adult standing in the doorway is approximately 2.8m above the ground level at the site boundary or 1.0m above the proposed boundary treatment (assuming a 1.8m high fence - see below) and nearly 8m above the ground floor of the properties on Collum End Rise.
- The designs of House Type 6B (Plots 18 and 24) propose windows at ground and first floor. The cill levels are 1.075m and 1.25m respectively. With the elevated site levels the eyeline of a typical adult standing at the kitchen sink will be 2.65m above the ground level at the site boundary or 0.85m above the proposed boundary treatment (again, assuming a 1.8m high fence) and more at first floor.
- The designs of House Type 8 (Plots 25 to 29) face the existing properties on Collum End Rise with ground floor levels 3.0m to 4.0m higher than the existing properties.

## 2. The visual impact is unacceptable

The design of the proposals is inappropriate in that the scale, massing, and height are overbearing and do not respect neighbouring developments or take account of the topography of the site (CP7 and SPD Development on Garden Land and Infill Sites).

- By proposing dwellings at the boundary on the top of a 6m high bank the development may achieve desired densities but it does so to the detriment of the amenity of its neighbours and adversely affects the quality of the environment. (Policy HS2).
- The effective height to the eaves of the proposed buildings is 11.4m on Plot 18. This is comparable to a 4.5 storey dwelling (at the eaves) within 27m of the existing houses. The ridge being nearly 14m high but set back.



- The effective height of the Plot 17 is 15.8m to the ridge, equal to a 6-storey building within 26m of the existing houses.
- The proposed dwellings should be moved away from the existing fence line and the height of the proposals should be limited to a single storey along the boundary.

**3. The design and site layout is poor and significantly increases the visual impact on neighbours**

The design is inappropriate in its context; by positioning houses close to the boundary the visual impact of the proposals is increased. The site layout should aim to keep houses away from the boundaries to mitigate the bulk, mass and scale of the proposals especially as they are on an elevated site.

The proposals should minimise the physical dominance of the new development over neighbouring properties and take due account of the topography of the site and build on existing planting to develop a natural barrier zone that will benefit both existing and new developments.

- The new design might have been expected to employ low ground floor levels in order to minimise its impact on existing neighbours. Instead, the proposed site and floor levels on the Northern boundary are raised by between 0.72m and 1.36m. The raised levels are greatest to the North West of the site where the bank is at its highest and the proposed houses are closest to the boundary, between 1.7m and 2.0m.
- The effect of raising levels on existing planting and natural drainage is not investigated or explained and access to the sides of the proposed houses and Bat Roost is not considered.
- No reason is given for raising the site levels although it should be noted that 'the most cost effective solution is not justification for an exception to CP7' and good design which 'is indivisible from good planning'.

**4. The proposals do not reflect the character of the neighbourhood.**

The design should consider and complement the character of the locality with due consideration of the location of the site, the scale and proportions of the surroundings, the relationship with adjoining buildings, spaces around them, the topography and the general pattern of heights in the area including views and landmarks.

The existing development on the site has a minimal visual impact on neighbouring properties and retains views of Leckhampton Hill for neighbours and passing pedestrians. In contrast the proposals are tight to the boundary and given the elevated site have a significant impact on the character of the neighbourhood and adjacent properties.

- While the loss of a view is not in itself a planning matter the proposals in their current form obscure existing views of Leckhampton Hill (an important landmark) and the Area of Outstanding Natural Beauty (AONB). Views in to and out AONBs are a planning consideration and have only been mentioned in passing but not addressed in the submitted information.
- The form of residential developments around the site have back to back gardens, views between buildings and single storey elements to reduce massing as reflects the edge of town nature of Collum End Rise and Leckhampton Road. The scale and form of the proposed development not only removes the open aspect of the neighbourhood it also removes the views of Leckhampton Hill to the South and blocks the skyline from the back of the neighbouring properties that is particularly evident in wintertime when daylight is also a premium.



## **5. Statement of Community Involvement (SCI) and Public Consultation**

The SCI and Public Consultation were ineffective, as the information presented did not present the full design intent.

- The raising of site levels was not made clear and no contextual information was provided to show the visual impact of the proposed development from the North of the site or the elevations of the proposed houses.
- The Planning Statement and Design and Access Statement both acknowledge the impact of the proposals on the amenity of the neighbours and propose to address this by moving the proposals 0.5-1.1m further from the boundary. This is insignificant in comparison to a greater increase in the height of the proposed developments as a result of raising the site levels.

There are further matters that I believe should be taken in to consideration:

### **Submitted Information:**

If Planning Permission is granted it will be on the basis of the Submitted Application. I would ask that the drawn and written information is reviewed and any contradictory or incorrect information is addressed to enable the application to be properly assessed.

This should particularly apply to the questionable application of the rule of measurement of angles, distances and heights and the selective approach to the instances illustrated (see below).

## **1. Drawings and written submission**

- a. The Planning Statement refers to 2 storey dwellings (Section 3.1) - The proposed plans show both 2 and 3 storey dwellings; Ground Floor, First Floor and Second Floors. Specifically House Types 2, 3, 4 and 5. While the impact of House Types 2, 4 and 5 is negligible on the Northern Boundary House Type 3 on Plot 17 is within 1.6m of the boundary.
- b. All the drawings state 'do not scale from this drawing' or similar words. In the absence of scale bars can critical dimensions be added to all submitted drawings including but not limited to eave and ridge heights, dimensions to boundaries, distances between dwellings (existing and proposed), proposed levels along the site boundary etc.

## **2. Site Layout and Design**

- a. The proposed distance between Plots 18 to 20 and 21 to 24 is approximately 17m which is less than the minimum '21 metres between dwellings which face each other where both have windows with clear glazing' prescribed under Policy CP4.
- b. The soft landscaping proposals locate trees and other soft landscaping over the proposed surface water attenuation in the North East Corner of the site meaning these are unlikely to be planted due to technical issues.
- c. Proposed soft landscaping does not ameliorate visual impact of the development on its neighbours. It ought to be strengthened and employed to enhance the amenity of existing and new residents and the natural life of locality. This design failure is evident in that the number of removed trees (9No) along the Northern Boundary is significantly greater than those being planted (4No).
- d. The impact of the proposed soft / hard landscaping (gardens, parking, garden access etc) cannot be assessed. No proposed levels are provided to areas of both Soft and Hard Landscaping (proposed levels are limited to Finished Floor Levels and Road Centre Lines). The impact of the development on neighbours is not limited to the location of doors and windows with a significant potential impact on privacy and amenity from the proposed parking, gardens and garden access.



- e. The Planning Statement notes 'secure cycle spaces and bin locations are provided within each property's curtilage'. The Design and Access Statement does not mention Bicycles and states 'all houses have external access to rear gardens. Refuse bins will be located within rear gardens'. These statements do not appear considered in relation to the site plan and proposed changes of level. The likely outcome of the proposals will bins stored on the street or against the rear fences of neighbouring properties.
- f. Appendix 4 of the Design and Access Statement incorporates trees in the shadow analysis. As noted above trees are not normally included in calculations. By including trees in the diagrams the true shadows cast by the development are obscured, especially during winter when deciduous trees cast minimal shadows and sunlight is at a premium (see reasons from 'Site Layout for Daylight & Sunlight: A Guide to Good Practice, BRE Trust' above). Can the trees be removed from the diagrams to show the true extent of the shadows and can the applicant confirm the correct topography has been used.
- g. Drawings for the proposed garages to Plots 27 and 28 are not available on the Planning Portal and have not been included in the Design & Access Statement. Can these please be provided.
- h. There is a scaling issue with the proposed Bat Roost drawings. The roost measures ~5m x 4m on the site plan and 2.5m x 2m on the 'Proposed Bat Roost Drawing 2004.1068' which is 1:50@A3. The height of the building is either 2.7m or 5.4m. Can the proposed size be confirmed along with the finished floor level. As the proposed building is tight to the Northern boundary this information is essential in understanding the visual impact of the proposals.

### **3. Privacy, day/sunlight, overlooking and overbearing.**

- a. Both the Planning and Design & Access Statements, to ensure privacy and avoid overlooking, confirm that gable / 'side elevations of properties that are adjacent to the site boundary' (plots 17, 18 and 24) will contain no windows. The submitted drawings for House Type 6B (plots 18 and 24) show widows at Ground and First Floor and, House Type 3 (Plot 17) has a glazed Ground Floor door and side glazing to the bay window to the front elevation. These windows should be removed from the submitted elevations.
- b. House Type 3 Plans show the inclusion of a First Floor Roof Terrace. The impact is not addressed within any of the submitted information.
- c. The proposals to raise the existing ground level at the site boundary have not been addressed in the submitted information.
- d. Overbearing was raised as a concern by the Planning Department in their Design Surgery held on 24 April 2013. The application is implying that these concerns have been addressed although pertinent information was not provided during the consultation.
- e. The diagrams in Appendix 3 of the Design and Access Statement refer to 2 forms of guidance from 'Site Layout for Daylight & Sunlight: A Guide to Good Practice, BRE Trust'. This includes a measurement to justify the proximity of the proposal. The '3 x (Height of proposed development – Height of centre of existing window)' appears to be wrongly calculated, as the height of the proposals should be measured from the centre of the existing window (Section 2.24 - Light from Sky and Section 3.2.7 Sunlighting). This would increase the acceptable distance of the proposals by 3 x the height of the bank. For Plot 18 this translates to a minimum of 39m and not 21m between the proposed and existing buildings; currently proposed at 27.2m.

### **4. Telecommunications Mast**

The Planning Statement confirms that the telecommunications masts are not to be replaced within the proposed development - Can a plan be provided confirming the proposed demolition works and removal of the telecommunications masts.

### **5. Supplementary Planning Document**



Development on Garden Land and Infill Sites SPD Adopted 29<sup>th</sup> June 2009 is not considered in the submitted information. The nature of the development and its proximity to existing dwellings means that it gives rise to similar issues as those covered in the SPD. The SPD is therefore relevant and should be considered in assessing the proposals

**Considerations:**

- Impact on adjoining developments
- unacceptable harm to the amenity of adjoining land users
- loss of sunlight and/or diffuse daylight loss of outlook, loss of privacy
- complements and respects neighbouring development
- layout and scale (topography, size, height)
- amenity space (reduces the density of development, softens the urban fabric)

Proposals that result in unacceptable harm to the amenity of neighbouring dwellings will not be permitted... This impact on 'amenity' includes the following:

- Reduction in daylight to neighbouring gardens and rooms
- Reduction in sunlight to neighbouring gardens and overshadowing of rooms
- The neighbour's ability to use their garden due to overlooking and lack of privacy
- An overbearing appearance of the neighbouring development in relation to existing gardens and buildings, by virtue of its height or position
- Noise and disturbance from access arrangements and other activity (proximity of the proposed dwellings to the boundary) at the rear of gardens

I support the overall proposals but feel that the above matters need to be addressed and the proposals amended accordingly. Specifically the significant and overbearing impact of the proposed houses, along the Northern Boundary of the site, on the existing neighbouring properties.

I feel the applicant should consider retaining or lowering the the existing site levels, single storey dwellings to the North of the site, increasing the distance of the proposals from the boundary and landscaping to improve the proposals. I do not believe a limited combination or any single one of the above in isolation is sufficient to ameliorate the proposals and a more holistic rethink should be considered.

In support of the above points I attach the following drawings as an analysis of the submitted proposals:

SK01 - Collum End Rise Contextual Elevation  
SK02 - Submitted Information Analysis Drawing A  
SK03 - Submitted Information Analysis Drawing B

Please do not hesitate to contact me should you wish to discuss the above.

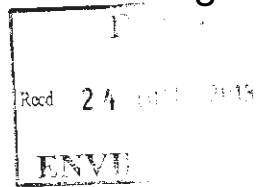
Yours Sincerely



BSc(Hons)., Dip Arch, RIBA



23rd October 2013



Dear Madam,

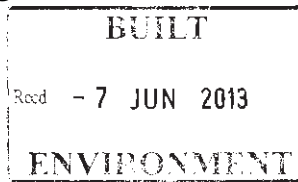
With Reference to the construction of houses which are to be built opposite to where I live, I am very concerned about the safety on the Leckhampton Road, both during & after the construction. My elderly neighbour, the late Mrs Gwen Greenstade, was killed on the road last year.

Another problem which may present itself before any new houses are built is that we have a severe shortage of local secondary school places in Cheltenham. Many children have to travel to Gloucester already. I understand that a number of children from as far away as Bristol are taking up places at Cheltenham Grammar School. This is most unfair.

Yours sincerely,



Mrs W Hopkins,  
Development Management  
Cheltenham Borough Council,  
Municipal Offices  
Promenade,  
Cheltenham,  
GL50 9SA



60 Collum End Rise  
Leckhampton,  
Cheltenham,  
Glos  
GL53 0PB  
6<sup>th</sup> June 2013

For the attention of Mrs W Hopkins, case officer.

Dear Mrs Hopkins

**Planning Application No 13/00756/FUL**

**Residential Building Development of 29 dwellings by Martin Scott (205 Leckhampton ) Ltd at Leckhampton Industrial Estate, Leckhampton, Cheltenham, GL53 0AL**

Today I logged onto the Cheltenham Borough Council Website and registered in order to forward my comments on the above development to you. I endeavoured to send them to you three times and after each attempt I was informed by the site that I had been logged out. As I am aware that this is the last day for comments on the proposed development I consider that under these circumstances this letter is only remaining way open to me to communicate my opinions, and they are:

Although I have no objection to the residential development of the site, I wish to register my objection to the proposals as shown under the current application.

My main objection is as follows:

**Overall lack of Amenity and infill of our vision to the detriment of the quality of our environment.**

From the position of No 60 Collum End Rise, being approximately 2.00 metres lower than No 55 on the opposite side of the road, the effective height of the eaves of the development's plot No's 18 & 19 will be approximately 13.5 metres . This is the equivalent to a 5 storey building at a distance 50.0 metres.

In addition the roof ridge of plot No 17 will be approximately 17.8 metres resulting in an effective height of a 7 storey building. This situation is exacerbated by the relative fall of Collum End Rise to the West in relation to the increased height of the development's site ( 1.146 metres) and its rise to the West.

I consider the current proposals are overbearing and the visual impact unacceptable. These points require addressing and the applicant should consider retaining or lowering the site, and consider the construction of single storey buildings along the northern boundary of the site.

In conclusion at a meeting recently with the developer I expressed my concern that after recently investing considerably in solar panels their current proposals may affect sunlight to the roof. His reply was that it would not. This was of course before their recent proposal to raise the site by 1.146 metres.

For your information my comments have been made in conjunction with the following drawings already in your possession:

SK01 – Collum End Rise Contextual Elevation.

SK02 – Submitted information Analysis Drawing A.

SK03 – Submitted Information Analysis Drawing B.

Yours Sincerely

A large black rectangular redaction box covers the signature and any text that might have followed the closing.

Ms Tracy Crews,  
Head of Planning  
Cheltenham Borough Council,  
Municipal Offices  
Promenade,  
Cheltenham,  
GL50 9SA

Recd 30 AUG 2013

ENVIRONMENT

60 Collum End Rise  
Leckhampton,  
Cheltenham,  
Glos  
GL53 0PB  
29<sup>th</sup> August 2013

For the attention of Mrs W Hopkins, case officer.

Dear Mrs Hopkins

**Planning Application No 13/00756/FUL**

**Revised Plans Showing Demolition of existing buildings and residential development comprising the construction of 29 dwellings at Leckhampton Industrial Estate, Leckhampton road, Cheltenham.**

Thank you for letter of the 14<sup>th</sup> August notifying me of the availability of the revised plans for the above proposed development.

As outlined in my letter of the 6<sup>th</sup> June to you, I have no objection to the residential development of the site. However, I still wish to register my objection to the revised proposals as submitted to you by BNP Architects in their letter to you of 29<sup>th</sup> July 2013.

My main objection is still as follows:

**Overall lack of Amenity and infill of our vision to the detriment of the quality of our environment.**

The revised proposals show a reduction in height of 1600 mm for the proposed development. As outlined to you previously, from the position of No 60 Collum End Rise being approximately 2.00 metres lower than No 55 on the opposite side of the road this is still the equivalent of looking out on 4 and 6 storey buildings, depending on whether you look towards plot No's 18 / 19 or 17.

I still consider the current revised proposals overbearing and the visual impact unacceptable.

These points require addressing and the applicant should still consider the construction of single storey buildings such as – without overlooking north bungalows, or revise the layout to give back to back gardens with those in Collum End Rise and Liddington Road along the northern boundary of the site. I realise these changes for the developer may result in a reduction of build numbers, but in a development adjacent to an area of outstanding natural beauty I believe a reduction in density will also make it more appropriate, alleviating many of the concerns of parking and access to the site.

Yours Sincerely

[Redacted Signature]

Mike Bee



# PETITION

Cheltenham Borough Council  
Environment Group

## TO THE CHELTENHAM PLANNERS

Page 193

We have been informed that a planning proposal has been submitted to build 29 houses on the Leckhampton Industrial Estate, Leckhampton Road.

28 MAY 2013

Please sign this petition to object on the following points -

The Sport Connection established since 1987 will be forced to stop trading, as a result the valuable service it provides to the local area will cease.  
There will be no other gym within walking distance for members including teenagers, over 50's, the elderly and those in recuperative training.  
There would be no comparable facility with parking south of the town centre.  
Loss of jobs for those employed at the gym and on the rest of the site.  
Dangerous volume increase of traffic for the area.

Name	Date of Birth	Address	Signature	Date
1 [REDACTED]	21/09/83	2 SHURDINGTON ROAD	[REDACTED]	25/05/13
2 [REDACTED]	20/11/63	18 Soudy Lane	[REDACTED]	25/5/13
3 [REDACTED]	11/4/83	9 LYPLATHE COURT	[REDACTED]	25/5/13
4 [REDACTED]	01/8/87	9 LYPLATHE COURT	[REDACTED]	25/5/13
5 [REDACTED]	6/6/48	4 Stancombe Grove UPPER CHERLEY	[REDACTED]	25/5/13
6 [REDACTED]	21-5-77	1 MADDOCK	[REDACTED]	25-5-13
7 [REDACTED]	27/02/1972	9 FENWLEIGH CRESCENT GL51 3QJ	[REDACTED]	26/05/13
8 [REDACTED]	1/11/70	62 WHITEHORN DRIVE CHELTENHAM	[REDACTED]	25/5/13
9 [REDACTED]	23/12/68	Sherris Wotton GL52 9HL	[REDACTED]	25/5/13
10 [REDACTED]	26/5/47	14, MOORSIDE RD LECKHAMPTON CHESHIRE	[REDACTED]	25/5/13
11 [REDACTED]	27/1/67	23 WINCHESTER	[REDACTED]	26/5/13
12 [REDACTED]	22.12.64	21 CASTLEPIEDS R CHARLTON KINGS CHESH	[REDACTED]	26-5-13
13 [REDACTED]	9/12/66	21 Castlefields Road Charlton Kings Cheltenham	[REDACTED]	26-5-13
14 [REDACTED]	21/8/63	4, Coldstream Cottages GL6 7RQ	[REDACTED]	1 4

# PETITION

## TO THE CHELTENHAM PLANNERS

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Name	Date of Birth	Address	Signature	Date
1 Comment	16/09/85	8 Balmoral Court, King George Close	[Signature]	24/5/13
2 Comment	1/03/82	41 Mearend Rd, Chelt GL51 6PS	[Signature]	24/5/13
3 Comment	25/9/72	MADJON STACE BOXIP Q48J	[Signature]	24/5/13
4 Comment	05-03-76	12 WELCH HOUSE, SHURDINGTON	[Signature]	29/5/13
5 Comment	08 9/9/1990	17 Unwin Rd GL51 6PQ	[Signature]	11
6 Comment		19 CAERNARVON ROAD GL51 3JD	[Signature]	
7 Comment		19 Caernarvon Road GL51 3JD	[Signature]	
8 Comment	22.08.96	6 Coombe Glen Lane GL51 3LE	[Signature]	24/5/13
9 Comment		2 Churchill Gardens, Chelt.	[Signature]	24/5.
10 Comment		8 Fairhaven Street Leckhampton GL53 7PQ	[Signature]	
11 Comment		48 NAUNTON CRESCENT, LECKHAMPTON, GL53 7BD	[Signature]	
12 Comment		15 DITFVILL CRESCENT, CHELT GL52 2QZ	[Signature]	
13 Comment	17/07/96	129 GRENCESTER ROAD, CHARLTON KINGS, CHELT	[Signature]	25/5/13
14 Comment		183 Leckhampton Rd.	[Signature]	25/5/13

# PETITION

## TO THE CHELTENHAM PLANNERS

Page 195

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Name	Date of Birth	Address	Signature	Date
1 (C) [REDACTED]	12/04/79	54 ALLEN CRESCENT LECKHAMPTON CHESHIRE	[REDACTED]	24/05/13
2 (C) [REDACTED]	9/1/56	99 NAUNTON LANE CHELTENHAM GLOS	[REDACTED]	24/05/13
3 (C) [REDACTED]	14/03/48	338 OLD BATH RD CHELTENHAM	[REDACTED]	24/05/13
4 (C) [REDACTED]	22/05/96	37 KING GEORGE CLOSE CHELTENHAM	[REDACTED]	24/05/13
5 (C) [REDACTED]	14/09/96	7 Chestnut Pl. Cheltenham	[REDACTED]	24/05/13
6 (C) [REDACTED]	<del>21/12/59</del> 21/12/59	7 Chestnut Place CHELTENHAM	[REDACTED]	24/5/13
7 (C) [REDACTED]	28/5/81	49 Francis Street	[REDACTED]	24/5/13
8 (C) [REDACTED]		211 BATH RD CHELTENHAM	[REDACTED]	24/5/13
9 (C) [REDACTED]		19A LAWN CRESCENT CHELTENHAM	[REDACTED]	24/5/13
10 (C) [REDACTED]	13/02/97	56 Leckhampton Road Cheltenham	[REDACTED]	24/5/13
11 (C) [REDACTED]	25/7/47	12 Bonham Ave	[REDACTED]	24/5/13
12 (C) [REDACTED]	24/5/93	16 Church road leckhampton	[REDACTED]	24/5/13
13 (C) [REDACTED]	24/5/13	62 Brighton Rd Cheltenham	[REDACTED]	24/5/13
14 (C) [REDACTED]	9/2/60	30 FICKERS DRIVE Cheltenham	[REDACTED]	24/5/13

# PETITION

## TO THE CHELTENHAM PLANNERS

Page 196

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Name	Date of Birth	Address	Signature	Date
1 [REDACTED]	22/06/1991	219 CIRENCESTER ROAD	[REDACTED]	23/5/13
2 [REDACTED]	21/01/1986	15 CONNOR ROAD	[REDACTED]	23/5/13
3 [REDACTED]	17/7/74	243 OLD PATH RD	[REDACTED]	23/5/13
4 [REDACTED]	11/08/83	18 SELWORTHY	[REDACTED]	23/5/13
5 [REDACTED]	6/04/19	8 BRASSINGTON GARDENS	[REDACTED]	23/5/13
6 [REDACTED]	6/06/19	88 GULL SERIAL PARADE	[REDACTED]	23.5.13
7 [REDACTED]	02/11/86	50 LONG MYND AVE	[REDACTED]	23/5/13
8 [REDACTED]	19/5/68	45 CHARLTON COTT	[REDACTED]	23/5/13
9 [REDACTED]	15/5/84	8 EDWARD STREET	[REDACTED]	23/5/13
10 [REDACTED]	22/04/82	15, CHANDLER DRIVE.	[REDACTED]	23/5/13
11 [REDACTED]	28/01/78	14 THOMPSON DRIVE CHELTENHAM GL53 0PL	[REDACTED]	23/5/13
12 [REDACTED]	07/08/90	29 MOSSELLE DRIVE	[REDACTED]	23/5/13
13 [REDACTED]	31/8/74	5 TIGER WAY SWINDON	[REDACTED]	23/5/13
14 [REDACTED]	29/09/72	14 THURMERE RD CHELTENHAM GL51 3NQ	[REDACTED]	23/05/13



# PETITION

## TO THE CHELTENHAM PLANNERS

Page 197

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Name	Date of Birth	Address	Signature	Date
1 [REDACTED]	22.02.75	SANDWELL LODGE WHITTINGTON	[REDACTED]	4.05.13
2 [REDACTED]	11/7/91	10 Fairfield Rd Chelt.	[REDACTED]	4/05/13
3 [REDACTED]	15.2.51	10 Remembrance Rd Cheltenham	[REDACTED]	24.5.13
4 [REDACTED]	24.5.13	102 Broadway Cheltenham	[REDACTED]	24.5.13
5 [REDACTED]	21.10.72	6 Rose Terrace	[REDACTED]	24.5.13
6 [REDACTED]	15.07.94	58 Long Mynd Aberystwyth	[REDACTED]	24.5.13
7 [REDACTED]	11/7/90	9 BEECHES ROAD CHARLTON KING	[REDACTED]	24.5.13
8 [REDACTED]	5-12-75	35 HILLARY RD CHELT.	[REDACTED]	24.5.13
9 [REDACTED]	21.04.54	1 WARDRISTON	[REDACTED]	24.05.13
10 [REDACTED]	06/12/1985	1 Fairhaven Road Cheltenham GL53 7PH	[REDACTED]	24.05.13
11 [REDACTED]				
12 [REDACTED]				
13 [REDACTED]				
14 [REDACTED]	11.12.65	8 Hillview Road	[REDACTED]	24.5.13

Comment: INCREASE IN TRAFFIC WOULD BE DANGEROUS. WHAT ABOUT THE ENVIRONMENT?  
It will damage to environment.  
We have to protect environment.

Comment: I'd hate to see this gym closed. It is important to local economy.  
Important to keep local from business going.

# PETITION

## TO THE CHELTENHAM PLANNERS

Page 198

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Loss of jobs for those employed at the gym and on the rest of the site.

Dangerous volume increase of traffic for the area.

Name	Date of Birth	Address	Signature	Date
1 Co	-09-85	THE PARK, CHELTENHAM		23-5-13
2 Co	-09-83	16 Pine hult Andrews Road Chelt Glos		23-5-13
3 Co	-9-61	26 SHEDDINGTON LANE CHELTENHAM		23-5-13
4 Co	-6-75	35 Lotnleigh, Cheltenham, GL51 3PS		23-5-13
5 Co	-12-73	35 Rowley Road Cheltenham GL51 3PS		23-5-13
6 Co	6/9/77	10 DROCK WALK, CHELTENHAM GL52 5GE		23/5/13
7 Co	3/07/1990	31 The Close, Cheltenham GL53 0PG		23/05/13
8 Co	25/04/1995	31 The Close, Cheltenham GL53 0PG		23/05/13
9 Co	28/3/1991	21 Amersham Way GL51 3YU		23/5/15
10 Co	19/07/92 28/3	11 Welwynians GL51 3YB		23/5/13
11 Co	25-2-62	Vineyard Berley St		23/5/13
12 Co	25/02/73	274 OLD BATH ROAD GL53 9AP		23/5/13
13 Co	28/8/72	9 DORCHESTER CT THE PARK		23/5/13
14 Co	25/3/62	17 SANDY LANE CHELTENHAM		23/5/13

# PETITION

## TO THE CHELTENHAM PLANNERS

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Name	Date of Birth	Address	Signature	Date
1 [REDACTED]	10.5.42	21 HOLESLATER ROAD CHELT	[REDACTED]	23/5/13
0 [REDACTED]		"planners" giving serious thought to	[REDACTED]	point 1
2 [REDACTED]	18.3.70	29 Cheltenham Rd East	[REDACTED]	23.5.13
3 [REDACTED]	12.11.89	Pill House Farm SHEEPSCOMBE	[REDACTED]	23.5
4 [REDACTED]	8.9.95	27 Compton Rise Withington	[REDACTED]	23/5/13
5 [REDACTED]	21/04/1993	8 Blackthorn End Leckhampton	[REDACTED]	28/5/13
6 [REDACTED]	2/12/1995	8 Blackthorn End Leckhampton	[REDACTED]	23/5/13
7 [REDACTED]	1/10/13	2 Evelyn Terrace Leckhampton	[REDACTED]	23/5/13
8 [REDACTED]	9/3/71	3 MEAS ROAD CHELTENHAM	[REDACTED]	23/5/13
9 [REDACTED]	15/2/51	COURT BARN HAM ROAD CHELTENHAM	[REDACTED]	23/5/13
10 [REDACTED]	26/15/66	CONLINE COY CHELTENHAM	[REDACTED]	23/5/13
11 [REDACTED]	19/05/69	19 GWERNANT RD CHELTENHAM	[REDACTED]	23/5/13
12 [REDACTED]	26/06/96	19 Gwernant Rd Cheltenham	[REDACTED]	31/05/13
13 [REDACTED]	13/5/45	326 Old Bldg Rd Cheltenham	[REDACTED]	23/5/13
14 [REDACTED]	13 Jun 55	102 Nampton Cts Cheltenham GL53 7HA	[REDACTED]	23/5/13

Comment

Shocked about the news been coming here for years.

# PETITION

## TO THE CHELTENHAM PLANNERS

Page 200

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Loss of jobs for those employed at the gym and on the rest of the site.

Dangerous volume increase of traffic for the area.

Name	Date of Birth	Address	Signature	Date
[REDACTED]	16/4/68	14 Oxford Way	[REDACTED]	23/5/13
[REDACTED]	19.4.1964	CAPRI FARMFIELD DR	[REDACTED]	23/5/13
[REDACTED]	17/04/66	55 GREAT NOREWOOD ST	[REDACTED]	23/5/13
[REDACTED]	06/02/96	15 Thoushagh new up Hatherly	[REDACTED]	23/05/13
[REDACTED]	03/3/96	9 the Hawthornes	[REDACTED]	23/05/13
[REDACTED]	17/10/96	Cirencester Road, Che	[REDACTED]	23/05/13
[REDACTED]	19/06/97	Cirencester Road Che	[REDACTED]	23/05/13
[REDACTED]	<del>23/06</del> 29/09/93	69 worden hill road	[REDACTED]	23/05/13
[REDACTED]	13/03/94	7 Redthorne Way	[REDACTED]	23/05/13
[REDACTED]	06/07/95	11 Timperley way	[REDACTED]	23/05/13
[REDACTED]	19/10/69	82a Ryewood Rd	[REDACTED]	23/5/13
[REDACTED]	17/12/73	112 NAVINGTON CRESC.	[REDACTED]	23/5/13
[REDACTED]	01/03/68	212, OLD BATH RD CHELT.	[REDACTED]	23/5/13
[REDACTED]	11/04/65	148 BATH RD	[REDACTED]	23/5/13



# PETITION

## TO THE CHELTENHAM PLANNERS

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Name	Date of Birth	Address	Signature	Date
1 Comment	[REDACTED] 30/7/1970	16 STATION CLOSE CHELTENHAM GL53 0AB	[REDACTED]	22/5/13
2 Comment	[REDACTED] 27/04/1982	72 Leckhampton Rd chelt GL53 0AB	[REDACTED]	23/05/13
3 Comment	[REDACTED] 10/1/63	61 MOOREND ROAD LECKHAMPTON	[REDACTED]	23/5/13
4 Comment	[REDACTED] 9/2/78	34 FLECKERS DRIVE CHELT	[REDACTED]	23/5/13
5 Comment	[REDACTED] 12/4/93	9 Turberry Grove Chelt	[REDACTED]	23/5/13
6 Comment	[REDACTED] 26-7-93	21 Whittington Chelt	[REDACTED]	23/5/13
7 Comment	[REDACTED] 13/3/94	52 Dinas RD	[REDACTED]	23.5.13
8 Comment	[REDACTED] 2/8/74	16 Fairfield Rd	[REDACTED]	23.5.13
9 Comment	[REDACTED] 24/05/70	55 STURDINGTON RD CHELT.	[REDACTED]	u
10 Comment	[REDACTED] 2/8/1974	Protect (some Alcohol here Cheltenham GL50 4XX	[REDACTED]	23/5/13
11 Comment	[REDACTED] 21/10/1946	COPTHORPE, STATION RD CHURCHDOWN, GL5 2ND	[REDACTED]	23/5/13
12 Comment	[REDACTED] 21/09/1995	Chantilly Mead Close, Leckhampton, Cheltenham Glos GL53 7DX	[REDACTED]	23/5/13
13 Comment	[REDACTED] 8/01/40	2 FIRCROFT CLOSE HUCKLESTONE GL5. GL5 3DW	[REDACTED]	23/5/13
14 Comment	[REDACTED] 22/2/80	4 pilford close Cheltenham GL53 9HA	[REDACTED]	23/5/13
	[REDACTED] 13/10/88			

# PETITION

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- There would be no comparable facility with parking south of the town centre.
- Loss of jobs for those employed at the gym and on the rest of the site.
- Dangerous volume increase of traffic for the area.

Name

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# PETITION

## TO THE CHELTENHAM PLANNERS

Page 203

We have been informed that a planning proposal has been submitted to build 29 houses on the Leckhampton Industrial Estate, Leckhampton Road.

Please sign this petition to object on the following points -

The Sport Connection established since 1987 will be forced to stop trading, as a result the valuable service it provides to the local area will cease.

There will be no other gym within walking distance for members including teenagers, over 50's, the elderly and those in recuperative training.

There would be no comparable facility with parking south of the town centre.

Loss of jobs for those employed at the gym and on the rest of the site.

Dangerous volume increase of traffic for the area.

Name	Date of Birth	Address	Signature	Date
1 Comment	15/07/94	1 Geniste Way up Hathorly Chelt		22/05/13
2 Comment	22/07/87	49 FRANCIS ST CHELTENHAM GL51 2NY		22/05/13
3 Comment	29/11/62	44, ST. MICHAELS ROAD CHELTENHAM GLOS.		22/5/13
4 Comment	09/02/83	62 Colman End Rise Cheltenham Glos		22/5/13
5 Comment	2/5/96	66 Hall rd. Cheltenham GLOS		2/5/13
6 Comment	4/5/71	62 Pilleys Crescent		2/5/13
7 Comment	12/05/59	140 Abbotswood Rd, Brookwood		22/05/13
8 Comment	08/01/13	3, Pilleys Crescent		22/05/13
9 Comment	15/10/89	149 OLD BATH RD. CHELTENHAM GLOS		22/05/13
10 Comment	5/9/93	BRAESIDE CHAFFINIA LANE CHURCHDOWN GL32 2LL		22/05/13
11 Comment	20/10/89	39 Harrington Drive Hathorley GL51 6ER		22/05/13
12 Comment	22/06/1989	58 Norton Lane Cheltenham GL53 7BA		22/05/13
13 Comment	20/07/79	23 Moorland Crescent GL53 0EJ		22/5/13
14 Comment	04/08/1991	Birchfield, chapel road kempsford, fourford Glos GL7 4NS		22/5/13

# PETITION

## TO THE CHELTENHAM PLANNERS

We have been informed that a planning proposal has been submitted to build 29 houses on the Leckhampton Industrial Estate, Leckhampton Road.

Please sign this petition to object on the following points -

The Sport Connection established since 1987 will be forced to stop trading, as a result the valuable service it provides to the local area will cease.  
There will be no other gym within walking distance for members including teenagers, over 50's, the elderly and those in recuperative training.  
There would be no comparable facility with parking south of the town centre.  
Loss of jobs for those employed at the gym and on the rest of the site.  
Dangerous volume increase of traffic for the area.

Name	Date of Birth	Address	Signature	Date
1		28 Pottersfield Rd		
Comment		CHELTENHAM		22/5/13
		GL5		
2				22.5.13
Comment				
3		38 FLECKLES		22.5.13
Comment		DRIVE CHELTENHAM		
4		63 Andover Road		22/5/13
Comment		Tivoli		
5		44 ST MICHAELS		22/5/13
Comment		ROAD		
6		128 CANTON ROAD		22/5/13
Comment		CHLOUGH		
7		5 FAIRVIEW CLO		22/5/13
Comment		CHELTENHAM		
8		16 COLNE		22/5/13
Comment		AVENUE		
9		25/08/87		22/5/13
Comment		50 Humber		
10		23/12/68		22/5/13
Comment		8 Brookdale		
11		13.08.71		22.05.13
Comment		8 Fairview		
12		10.4.61		22.5.13
Comment		CHELTENHAM		
13		11.82		22.5.13
Comment		60 MOORENDEN		
14		29.12.51		22.5.13
Comment		20 Jersey St		
		Chesterham		



# PETITION

## TO THE CHELTENHAM PLANNERS

Page 205

We have been informed that a planning proposal has been submitted to build 29 houses on the Leckhampton Industrial Estate, Leckhampton Road.

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There would be no comparable facility with parking south of the town centre.

Loss of jobs for those employed at the gym and on the rest of the site.

Dangerous volume increase of traffic for the area.

Name	Date of Birth	Address	Signature	Date
1 Co	15.2.66	40 UPPER NORW LECKHAMPTON Cheltenham GL53		22.5.13
2 Co		40 Upper Norw Leckhampton Cheltenham		22.5.
3 Co	18/4/59	2 Nourse Close Cheltenham		22/5/13
4 Co	12-4-85	130 Broad Oak Way Huddell's Cheltenham		22.5.13
5 Co	30/6/73	46 WIMBORNE COURT CHILTHAM GL53 9SD		22.5.17
6 Co		50 LONG RYND A NATHURLEY CHELT		22.5.13
7 Co	20/08/1991			22.5.13
8 Co	02/03/1992	2 Coltham RD Cheltenham Kings Cheltenham		22.5.13
9 Co	17/10/87	9 Jubilee Meadows Andoversham Cheltenham		22.5/13
10 Co	22/10/88	4 Wychbury Close Leckhampton Cheltenham		22.5.13
11 Co	15/07/89	209 LONDON ROAD. CHELTENHAM		22/05/13
12 Co	23/5/91	51 Dark Lane, Swindon Village		22/5/13
13 Co	13/4/65	36 Redgrave Park,		22/5/13
14 Co	08/10/88	32 Longscale road		22/5/13

# PETITION

## TO THE CHELTENHAM PLANNERS

Page 206

We have been informed that a planning proposal has been submitted to build 29 houses on the Leckhampton Industrial Estate, Leckhampton Road.

Please sign this petition to object on the following points -

The Sport Connection established since 1987 will be forced to stop trading, as a result the valuable service it provides to the local area will cease.

There will be no other gym within walking distance for members including teenagers, over 50's, the elderly and those in recuperative training.

There would be no comparable facility with parking south of the town centre.

Loss of jobs for those employed at the gym and on the rest of the site.

Dangerous volume increase of traffic for the area.

Name	Date of Birth	Address	Signature	Date
1 Con	8-8-74	MADISON COTTAGE BIRCHUP, GL25 6L4 8JH		22.5.13
2 Con	7.12.59	50, LONG MYND AVE HATFIELD CHERT.		22.5.13.
3 Con	-01.58	187 SWAD ROAD STRAUD		22.5.13
4 Con	10-56	1a Bucklehaven Stachow Close		22-5-13
5 Con	8-11-1952	5 Blackthorn End Leckhampton		22-5-13
6 Con	22-7-85	207 GLOS RD CHERT		22-5-13
7 Con	3/08/91	24 Massey Dr		22.5.13
8 Con	8/11/88	23 Princes Street GL52 6BE		22.05.15
9 Con	20/9/76	12 Hermitage St GL53 2AB		22/5/13
10 Con	22/21/05/82	40A Dunally Parade		22/5/13
11 Con	21.10.50	289 OLD BATH RD		22.5.13
12 Con	24/07/63	5 SPENCER A		22 5/13
13 Con	<del>24/7/72</del> 15/2/72	6 BRUNDELL WALK CHELTENHAM		22/5/13
14 Con	22/5/11 12/11/63	3 BRYONY BANK CHELTENHAM		22/5/13

Petition Cheltenham Planning

Name	Date of Birth	Address	Signed
[REDACTED]	[REDACTED]	18 SANDY LANE	[REDACTED]

I am a local resident and have been made aware of the potential change of use to the Leckhampton Ind Estate.  
**I object to the change for the reasons prioritised below.**

I wish to continue to use a local Gym which is within walking/cycling distance of my home/work \_\_\_\_\_

Sport Connection has been here since 1987. There would be no comparable facility with parking south of the town centre \_\_\_\_\_

I enjoy having a private health club who is conscious of the needs of the over 50's near to home/work \_\_\_\_\_

OTHER: It provides health & fitness area to a large number of  
local residents old & young. who are being told to do more  
exercise but as they have it done!!!

Priority

1
2
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5

Petition Cheltenham Planning

Name	Date of Birth	Address	Signed
[REDACTED]	[REDACTED]	MADSON WATKES, LINDUP, GLEBEY	[REDACTED]

I am a local resident and have been made aware of the potential change of use to the Leckhampton Ind Estate.  
**I object to the change for the reasons prioritised below.**

I wish to continue to use a local Gym which is within walking/cycling distance of my home/work \_\_\_\_\_

Sport Connection has been here since 1987. There would be no comparable facility with parking south of the town centre \_\_\_\_\_

I enjoy having a private health club who is conscious of the needs of the over 50's near to home/work \_\_\_\_\_

OTHER: \_\_\_\_\_

Priority

1
2
3
4
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Petition Cheltenham Planning

Name	Date of Birth	Address	Signed	Priority
[Redacted]	[Redacted]	8 Balmoral Court, King George Close, Chelt	[Redacted]	
I am aware of the potential change of use to the Leckhampton Ind Estate.				
I object to the change for the reasons prioritised below.				

I wish to continue to use a local Gym which is within walking/cycling distance of my home/work

Sport Connection has been here since 1987. There would be no comparable facility with parking south of the town centre

I enjoy having a private health club who is conscious of the needs of the over 50's near to home/work

OTHER: \_\_\_\_\_

1

Petition Cheltenham Planning

Name	Date of Birth	Address	Signed	Priority
[Redacted]	[Redacted]	16 Pine Hill, Ashmole, Chelt Glos	[Redacted]	
I am a local resident and h aware of the potential change of use to the Leckhampton Ind Estate.				
I object to the change for the reasons prioritised below.				

I wish to continue to use a local Gym which is within walking/cycling distance of my home/work

Sport Connection has been here since 1987. There would be no comparable facility with parking south of the town centre

I enjoy having a private health club who is conscious of the needs of the over 50's near to home/work

OTHER: \_\_\_\_\_

1



Petition Cheltenham Planning

Name	Date of Birth	Address	Signed
		THE PARK, CHELTENHAM	

I am a local resident and aware of the potential change of use to the Leckhampton Ind Estate.

I object to the change for the reasons priorotised below.

Priority

I wish to continue to use a local Gym which is within walking/cycling distance of my home/work	2
Sport Connection has been here since 1987. There would be no comparable facility with parking south of the town centre	1
I enjoy having a private health club who is conscious of the needs of the over 50's near to home/work	3
OTHER:	

Petition Cheltenham Planning

Name	Date of Birth	Address	Signed
		14 THEWYKE RD, MATHELMY CHELTENHAM GL51 3ND	

I am a local resident and aware of the potential change of use to the Leckhampton Ind Estate.

I object to the change for the reasons priorotised below.

Priority

I wish to continue to use a local Gym which is within walking/cycling distance of my home/work	1
Sport Connection has been here since 1987. There would be no comparable facility with parking south of the town centre	2
I enjoy having a private health club who is conscious of the needs of the over 50's near to home/work	3
OTHER:	

Petition Cheltenham Planning

Name	Date of Birth	Address	Signed
[REDACTED]	[REDACTED]	BRASSIDE, CRIFTYCRAFT LANE, CHURCHDOWN	[REDACTED]

I have been made aware of the potential change of use to the Leckhampton Ind Estate.

I object to the change for the reasons prioritised below.

I wish to continue to use a local Gym which is within walking/cycling distance of my home/work \_\_\_\_\_

Sport Connection has been here since 1987. There would be no comparable facility with parking south of the town centre \_\_\_\_\_

I enjoy having a private health club who is conscious of the needs of the over 50's near to home/work \_\_\_\_\_

OTHER: \_\_\_\_\_

Priority

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<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>

Petition Cheltenham Planning

Name	Date of Birth	Address	Signed
[REDACTED]	[REDACTED]	Fine 2 35 <sup>A</sup> Malden Rd Cheltenham	[REDACTED]

I am a local resident and have been made aware of the potential change of use to the Leckhampton Ind Estate.

I object to the change for the reasons prioritised below.

I wish to continue to use a local Gym which is within walking/cycling distance of my home/work \_\_\_\_\_

Sport Connection has been here since 1987. There would be no comparable facility with parking south of the town centre \_\_\_\_\_

I enjoy having a private health club who is conscious of the needs of the over 50's near to home/work \_\_\_\_\_

OTHER: \_\_\_\_\_

Priority

<input checked="" type="checkbox"/>
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<input checked="" type="checkbox"/>

Petition Cheltenham Planning

Name	Date of Birth	Address	Signed
[REDACTED]	[REDACTED]	14 Cedar Close, Cheltenham	[REDACTED]

I am a local resident and have been made aware of the potential change of use to the Leckhampton Ind Estate.  
**I object to the change for the reasons prioritised below.**

**Priority**

I wish to continue to use a local Gym which is within walking/cycling distance of my home/work \_\_\_\_\_

A

Sport Connection has been here since 1987. There would be no comparable facility with parking south of the town centre \_\_\_\_\_

A

I enjoy having a private health club who is conscious of the needs of the over 50's near to home/work \_\_\_\_\_

A

OTHER: \_\_\_\_\_

Petition Cheltenham Planning

Name	Date of Birth	Address	Signed
[REDACTED]	[REDACTED]	167 Leckhampton Road Cheltenham	[REDACTED]

I am a local resident and have been made aware of the potential change of use to the Leckhampton Ind Estate.  
**I object to the change for the reasons prioritised below.**

**Priority**

I wish to continue to use a local Gym which is within walking/cycling distance of my home/work \_\_\_\_\_

✓

Sport Connection has been here since 1987. There would be no comparable facility with parking south of the town centre \_\_\_\_\_

✓

I enjoy having a private health club who is conscious of the needs of the over 50's near to home/work \_\_\_\_\_

✓

OTHER: \_\_\_\_\_

Petition Cheltenham Planning

Name	Date of Birth	Address	Signed
		25 St Philips Street, Cheltenham	

I am a local resident and have been made aware of the potential change of use to the Leckhampton Ind Estate.

I object to the change for the reasons priorotised below.

Priority

I wish to continue to use a local Gym which is within walking/cycling distance of my home/work \_\_\_\_\_

A

I am concerned about the loss of jobs caused by the closing of businesses which cannot relocate. \_\_\_\_\_

A

24 hour traffic in and out of the estate is more obtrusive than the present ruling (9.00pm closing on weekdays and 2.00pm weekends) \_\_\_\_\_

A

I enjoy having a private health club who is consious of the needs of the over 50's near to home/work \_\_\_\_\_

A

I am concerned that 29 Houses may create up to 50 vehicles using one dangerous access (numerous accidents and a fatality) \_\_\_\_\_

A

Dangerous drop off for children visiting the Scout Hall forced to Leckhampton road if the estate closes. \_\_\_\_\_

A

Sport Connection has been here since 1987. There would be no comperable facility with parking south of the town centre \_\_\_\_\_

A

OTHER: \_\_\_\_\_



Petition Cheltenham Planning

Name  Date of Birth 29/4/80 Address 

I am a **local** resident and have been made aware of the potential change of use to the Leckhampton Ind Estate.

**I object to the change for the reasons prioritised below.**

Priority

I wish to continue to use a local Gym which is within walking/cycling distance of my home/work \_\_\_\_\_

1

I am concerned about the loss of jobs caused by the closing of businesses which cannot relocate. \_\_\_\_\_

2

24 hour traffic in and out of the estate is more obtrusive than the present ruling (9.00pm closing on weekdays and 2.00pm weekends) \_\_\_\_\_

3

I enjoy having a private health club who is consious of the needs of the over 50's near to home/work \_\_\_\_\_

6

I am concerned that 29 Houses may create up to 50 vehicles using one dangerous access (numerous accidents and a fatality) \_\_\_\_\_

5

Dangerous drop off for children visiting the Scout Hall forced to Leckhampton road if the estate closes. \_\_\_\_\_

4

Sport Connection has been here since 1987. There would be no comperable facility with parking south of the town centre \_\_\_\_\_

3

OTHER: \_\_\_\_\_

Petition Cheltenham Planning

Name	Date of Birth	Address	Signed
[REDACTED]		31 LEYSON ROAD CHELTENHAM GL51 6RX	[REDACTED]

I am a local resident and have been made aware of the potential change of use to the Leckhampton Ind Estate.

I object to the change for the reasons prioritised below.

Priority

I wish to continue to use a local Gym which is within walking/cycling distance of my home/work \_\_\_\_\_

A

I am concerned about the loss of jobs caused by the closing of businesses which cannot relocate. \_\_\_\_\_

A

24 hour traffic in and out of the estate is more obtrusive than the present ruling (9.00pm closing on weekdays and 2.00pm weekends) \_\_\_\_\_

B

I enjoy having a private health club who is conscious of the needs of the over 50's near to home/work \_\_\_\_\_

B

I am concerned that 29 Houses may create up to 50 vehicles using one dangerous access (numerous accidents and a fatality) \_\_\_\_\_

C

Dangerous drop off for children visiting the Scout Hall forced to Leckhampton road if the estate closes. \_\_\_\_\_

B

Sport Connection has been here since 1987. There would be no comperable facility with parking south of the town centre \_\_\_\_\_

A

OTHER: JUST CONCERNED ABOUT JOB LOSS.

Petition

Cheltenham Planning

Name



Address

105 Old Bath Rd.

Signed



I am a **local** resident and have been made aware of the potential change of use to the Leckhampton Ind Estate.

**I object to the change for the reasons priorotised below.**

Priority

I wish to continue to use a local Gym which is within walking/cycling distance of my home/work \_\_\_\_\_

A

I am concerned about the loss of jobs caused by the closing of businesses which cannot relocate. \_\_\_\_\_

BA

24 hour traffic in and out of the estate is more obtrusive than the present ruling (9.00pm closing on weekdays and 2.00pm weekends) \_\_\_\_\_

A

I enjoy having a private health club who is consious of the needs of the over 50's near to home/work \_\_\_\_\_

B

I am concerned that 29 Houses may create up to 50 vehicles using one dangerous access (numerous accidents and a fatality) \_\_\_\_\_

A

Dangerous drop off for children visiting the Scout Hall forced to Leckhampton road if the estate closes. \_\_\_\_\_

B

Sport Connection has been here since 1987. There would be no comperable facility with parking south of the town centre \_\_\_\_\_

A

OTHER: \_\_\_\_\_

A
BA
A
B
A
B
A

Petition Cheltenham Planning

Name



Address 106 Leckhampton Road

Signed



I am a local resident and have been made aware of the potential change of use to the Leckhampton Ind Estate.  
I object to the change for the reasons priorotised below.

Priority

I wish to continue to use a local Gym which is within walking/cycling distance of my home/work

A

I am concerned about the loss of jobs caused by the closing of businesses which cannot relocate.

A

24 hour traffic in and out of the estate is more obtrusive than the present ruling (9.00pm closing on weekdays and 2.00pm weekends)

A

I enjoy having a private health club who is consious of the needs of the over 50's near to home/work

A

I am concerned that 29 Houses may create up to 50 vehicles using one dangerous access (numerous accidents and a fatality)

A

Dangerous drop off for children visiting the Scout Hall forced to Leckhampton road if the estate closes.

B

Sport Connection has been here since 1987. There would be no comperable facility with parking south of the town centre

A

OTHER:



Petition

Cheltenham Planning

Name



Date of Birth

Address

315 Ad Bath Road Cheltenham

Signature



I am a **local** resident and have been made aware of the potential change of use to the Leckhampton Ind Estate.

I **object** to the change for the reasons priorotised below.

Priority

I wish to continue to use a local Gym which is within walking/cycling distance of my home/work \_\_\_\_\_

A

I am concerned about the loss of jobs caused by the closing of businesses which cannot relocate. \_\_\_\_\_

A

24 hour traffic in and out of the estate is more obtrusive than the present ruling (9.00pm closing on weekdays and 2.00pm weekends) \_\_\_\_\_

B

I enjoy having a private health club who is consious of the needs of the over 50's near to home/work \_\_\_\_\_

A

I am concerned that 29 Houses may create up to 50 vehicles using one dangerous access (numerous accidents and a fatality) \_\_\_\_\_

A

Dangerous drop off for children visiting the Scout Hall forced to Leckhampton road if the estate closes. \_\_\_\_\_

A

Sport Connection has been here since 1987. There would be no comperable facility with parking south of the town centre \_\_\_\_\_

A

OTHER: \_\_\_\_\_

Petition Cheltenham Planning

Name	Date of Birth	Address	Signed
		315 OLD BATA RD. GILSYTHA	
re of the potential change of use to the Leckhampton Ind Estate.			
I object to the change for the reasons prioritised below.			

I wish to continue to use a local Gym which is within walking/cycling distance of my home/work \_\_\_\_\_

I am concerned about the loss of jobs caused by the closing of businesses which cannot relocate. \_\_\_\_\_

24 hour traffic in and out of the estate is more obtrusive than the present ruling (9.00pm closing on weekdays and 2.00pm weekends) \_\_\_\_\_

I enjoy having a private health club who is consious of the needs of the over 50's near to home/work \_\_\_\_\_

I am concerned that 29 Houses may create up to 50 vehicles using one dangerous access (numerous accidents and a fatality) \_\_\_\_\_

Dangerous drop off for children visiting the Scout Hall forced to Leckhampton road if the estate closes. \_\_\_\_\_

Sport Connection has been here since 1987. There would be no comperable facility with parking south of the town centre \_\_\_\_\_

OTHER: \_\_\_\_\_

A
A
A
A
A

Petition Cheltenham Planning

Name	Date of Birth	Address	Signed
		315 OLD BATH RD, LECKHAMPTON, CHELTENHAM, GLOS	

I am a local resident and have been made aware of the potential change of use to the Leckhampton Ind Estate.

**I object to the change for the reasons prioritised below.**

Priority

I wish to continue to use a local Gym which is within walking/cycling distance of my home/work \_\_\_\_\_

1

I am concerned about the loss of jobs caused by the closing of businesses which cannot relocate. \_\_\_\_\_

3

24 hour traffic in and out of the estate is more obtrusive than the present ruling (9.00pm closing on weekdays and 2.00pm weekends) \_\_\_\_\_

6

I enjoy having a private health club who is consious of the needs of the over 50's near to home/work \_\_\_\_\_

7

I am concerned that 29 Houses may create up to 50 vehicles using one dangerous access (numerous accidents and a fatality) \_\_\_\_\_

2

Dangerous drop off for children visiting the Scout Hall forced to Leckhampton road if the estate closes. \_\_\_\_\_

4

Sport Connection has been here since 1987. There would be no comperable facility with parking south of the town centre \_\_\_\_\_

5

OTHER: \_\_\_\_\_

Petition Cheltenham Planning

Name	Date of Birth	Address	Signed
		4 Cynlun Walk GL51 3xy	

I am a local resident and have been made aware of the potential change of use to the Leckhampton Ind Estate.

**I object to the change for the reasons prioritised below.**

**Priority**

I wish to continue to use a local Gym which is within walking/cycling distance of my home/work \_\_\_\_\_

1

I am concerned about the loss of jobs caused by the closing of businesses which cannot relocate. \_\_\_\_\_

2

24 hour traffic in and out of the estate is more obtrusive than the present ruling (9.00pm closing on weekdays and 2.00pm weekends) \_\_\_\_\_

5

I enjoy having a private health club who is consious of the needs of the over 50's near to home/work \_\_\_\_\_

6

I am concerned that 29 Houses may create up to 50 vehicles using one dangerous access (numerous accidents and a fatality) \_\_\_\_\_

7

Dangerous drop off for children visiting the Scout Hall forced to Leckhampton road if the estate closes. \_\_\_\_\_

4

Sport Connection has been here since 1987. There would be no comperable facility with parking south of the town centre \_\_\_\_\_

3

OTHER: \_\_\_\_\_



Petition Cheltenham Planning

Name	Date of Birth	Address	Signed
		FLAT 10, 2 ASHWOOD RD CHELTENHAM	

I am a local resident and have been made aware of the potential change of use to the Leckhampton Ind Estate.

**I object to the change for the reasons prioritised below.**

**Priority**

I wish to continue to use a local Gym which is within walking/cycling distance of my home/work \_\_\_\_\_

A

I am concerned about the loss of jobs caused by the closing of businesses which cannot relocate. \_\_\_\_\_

A

24 hour traffic in and out of the estate is more obtrusive than the present ruling (9.00pm closing on weekdays and 2.00pm weekends) \_\_\_\_\_

B

I enjoy having a private health club who is consious of the needs of the over 50's near to home/work \_\_\_\_\_

B

I am concerned that 29 Houses may create up to 50 vehicles using one dangerous access (numerous accidents and a fatality) \_\_\_\_\_

A

Dangerous drop off for children visiting the Scout Hall forced to Leckhampton road if the estate closes. \_\_\_\_\_

A

Sport Connection has been here since 1987. There would be no comperable facility with parking south of the town centre \_\_\_\_\_

A

OTHER: \_\_\_\_\_

# PETITION

## TO THE CHELTENHAM PLANNERS

We have been informed that a planning proposal has been submitted to build 29 houses on the Leckhampton Industrial Estate, Leckhampton Road.

Please sign this petition to object on the following points -

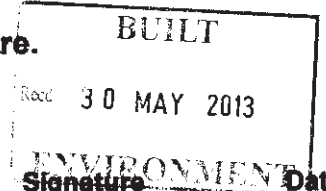
The Sport Connection established since 1987 will be forced to stop trading, as a result the valuable service it provides to the local area will cease.

There will be no other gym within walking distance for members including teenagers, over 50's, the elderly and those in recuperative training.

There would be no comparable facility with parking south of the town centre.

Loss of jobs for those employed at the gym and on the rest of the site.

Dangerous volume increase of traffic for the area.



Name	Date of Birth	Address	Signature	Date
1 [Redacted]	[Redacted]	GL51 6JN	[Redacted]	29/5/13
Comment: I believe the site should remain industrial. Maintaining jobs & businesses.				
2 [Redacted]	[Redacted]	GL50 2PT	[Redacted]	29/5/13
Comment: NOT ONLY WILL THERE BE A HUGE LOSS OF JOBS - IT WILL IMPACT THE LOCAL COMMUNITY GREATLY - A HUGE LOSS.				
3 [Redacted]	[Redacted]	GL53 0PU	[Redacted]	29-15-13
Comment: Another community facility going for housing development.				
4 [Redacted]	[Redacted]	GL50 2LW	[Redacted]	29-05-13
Comment: GL45FD				
5 [Redacted]	[Redacted]	[Redacted]	[Redacted]	29/05/13
6 [Redacted]	[Redacted]	GL53 7DN	[Redacted]	29/05/13
7 [Redacted]	[Redacted]	GL51 6HT	[Redacted]	29/05/13
8 [Redacted]	[Redacted]	GL51 3DH	[Redacted]	29/05/13
9 [Redacted]	[Redacted]	GL3 4CA	[Redacted]	29/5/13
10 [Redacted]	[Redacted]	GL51 6LJ	[Redacted]	29/5/13
11 [Redacted]	[Redacted]	GL55 7PE	[Redacted]	29/5/13
12 [Redacted]	[Redacted]	GL52 6SP	[Redacted]	29/5/13
13 [Redacted]	[Redacted]	GL53 0BT	[Redacted]	29/5/13
14 [Redacted]	[Redacted]	GL53 0BT	[Redacted]	29/5/13

# PETITION

## TO THE CHELTENHAM PLANNERS

Page 223

We have been informed that a planning proposal has been submitted to build 29 houses on the Leckhampton Industrial Estate, Leckhampton Road.

Please sign this petition to object on the following points -

The Sport Connection established since 1987 will be forced to stop trading, as a result the valuable service it provides to the local area will cease.  
There will be no other gym within walking distance for members including teenagers, over 50's, the elderly and those in recuperative training.  
There would be no comparable facility with parking south of the town centre.  
Loss of jobs for those employed at the gym and on the rest of the site.  
Dangerous volume increase of traffic for the area.

Name	Date of Birth	Address	Signature	Date
1 [REDACTED] Comment	[REDACTED]	49 Naunton Lane Leckhampton. Chelt	[REDACTED]	26/5/13
2 [REDACTED] Comment	[REDACTED]	17 TIMPERLEY WAY UPHATHELEY	[REDACTED]	26/5/13
3 [REDACTED] C	[REDACTED]	43 BEAUFORT RD. CHARLTON KINGS CHERT	[REDACTED]	26-05-13
4 [REDACTED] Comment	[REDACTED]	257 HAMMERSLEY RD CHELTENHAM	[REDACTED]	26.5.13
5 [REDACTED] C	[REDACTED]	46 LINWELL CLOSE CHELTENHAM	[REDACTED]	28/5/13
6 [REDACTED] Comment	[REDACTED]	111 smay Rd. Cheltenham	[REDACTED]	28/5/13
7 [REDACTED] Comment	[REDACTED]	37 COLLUM END RISE	[REDACTED]	28/5/13
8 [REDACTED] Comment	[REDACTED]	21 SOUTHCOAT CLOSE CHELTENHAM	[REDACTED]	28/05/13
9 [REDACTED] Com	[REDACTED]	64 GRATTON ROAD CHELTENHAM	[REDACTED]	28/5/13
10 [REDACTED] Comment	[REDACTED]	5 CREEVE CROFT PRYSTBURY CHELTENHAM GL52 5SE	[REDACTED]	28/5/13
11 [REDACTED] Comment	[REDACTED]	56 COLLUM END RISE Cheltenham	[REDACTED]	28/5/13
12 [REDACTED] Comment	[REDACTED]	13 Pilley Leckhampton crescent Cheltenham	[REDACTED]	29/05
13 [REDACTED] Comment	[REDACTED]	47 SNOWDON Gdns CHURCHDOWN GLOUCESTER GL3 1TH	[REDACTED]	
14 [REDACTED] Comment	[REDACTED]	41, Collum End Rise Leckhampton Cheltenham GL53 0PA	[REDACTED]	28.5.13

# PETITION

## TO THE CHELTENHAM PLANNERS

We have been informed that a planning proposal has been submitted to build 29 houses on the Leckhampton Industrial Estate, Leckhampton Road.

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There would be no comparable facility with parking south of the town centre.  
Loss of jobs for those employed at the gym and on the rest of the site.  
Dangerous volume increase of traffic for the area.

Name	Date of Birth	Address	Signature	Date
[REDACTED]	[REDACTED]	8 Redgrave Park, Cheltenham, GL51 6QY	[REDACTED]	29.05.95
Comment				
2 [REDACTED]	[REDACTED]	7 Pittford Close Cheltenham, GL53 9HA	[REDACTED]	29.05.95
Comment				
3 [REDACTED]	[REDACTED]	31 Pilley Crescent Cheltenham GL53 9ES	[REDACTED]	29.05.95
Comment				
4 [REDACTED]	[REDACTED]	315 OLD BATH RD LECKHAMPTON CHELTENHAM GL53 9AJ	[REDACTED]	29/5/13
Comment				
5 [REDACTED]	[REDACTED]	289 OLD BATH RD LECKHAMPTON CHELT GL53 9AJ	[REDACTED]	29/5/13
Comment				
6 [REDACTED]	[REDACTED]	96 LECKHAMPTON RD. CHELT GL53 0BP	[REDACTED]	29/05/13
Comment				
7 [REDACTED]	[REDACTED]	44 ST STEPHENS ROAD CHELT GL53 3AB	[REDACTED]	29/05/13
Comment				
8 [REDACTED]	[REDACTED]	3 Blackthorn End Cheltenham GL53 0QB	[REDACTED]	29/05/13
Comment				
[REDACTED]	[REDACTED]	2 Coltham road, Cheltenham Cheltenham GL53 6RN	[REDACTED]	29/05/13
Comment				
[REDACTED]	[REDACTED]	12 PILLEY LANE CHELTENHAM GL53 9ER	[REDACTED]	29/5/13
Comment				
11 [REDACTED]	[REDACTED]	46 MEDOC CLOSE Cheltenham	[REDACTED]	29/5/13
Comment				
12 [REDACTED]	[REDACTED]	6 LANSOOD RD LECKHAMPTON	[REDACTED]	29-5-13
Comment				
13 [REDACTED]	[REDACTED]	35 ORIOLE WAY ABBEYDALE GLoucester	[REDACTED]	29/5/13
Comment				
14 [REDACTED]	[REDACTED]	87 college road cheltenham	[REDACTED]	30/5/13
Comment				



# PETITION

## TO THE CHELTENHAM PLANNERS

We have been informed that a planning proposal has been submitted to build 29 houses on the Leckhampton Industrial Estate, Leckhampton Road.

Please sign this petition to object on the following points -

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There will be no other gym within walking distance for members including teenagers, over 50's, the elderly and those in recuperative training.

There would be no comparable facility with parking south of the town centre.

Loss of jobs for those employed at the gym and on the rest of the site.

Dangerous volume increase of traffic for the area.

Name	Date of Birth	Address	Signature	Date
1 [REDACTED]	[REDACTED]	31 MODERN ROAD, GLS1 7DR	[REDACTED]	28.5.13
Comment				
2 [REDACTED]	[REDACTED]	5 Ivy Bank, GL52 5LW.	[REDACTED]	28.5.13
Comment				
3 [REDACTED]	[REDACTED]	14 upper norwood st Leck	[REDACTED]	
Comment				
4 [REDACTED]	[REDACTED]	19 Chelmsford Avenue	[REDACTED]	28.5.13
Comment				
5 [REDACTED]	[REDACTED]	MARSH CLOSE CHELTENHAM	[REDACTED]	28.5.13
Comment				
6 [REDACTED]	[REDACTED]		[REDACTED]	
Comment				
7 [REDACTED]	[REDACTED]	40 Shelley Rd Cheltenham	[REDACTED]	28/5/13
Comment				
8 [REDACTED]	[REDACTED]	8 CHATSWORTH DRIVE, LECKHAMPTON, CHELTENHAM, GL53 0AG	[REDACTED]	28.05.13
Comment				
9 [REDACTED]	[REDACTED]	31 Hottelbury way	[REDACTED]	28.05.13
Comment				
10 [REDACTED]	[REDACTED]	195 Grange Rd Glos	[REDACTED]	28/05/13.
Comment				
11 [REDACTED]	[REDACTED]	16 Willersey Rd.	[REDACTED]	29/05/13.
Comment				
12 [REDACTED]	[REDACTED]	30 LANGDALE ROAD	[REDACTED]	29/05/13
Comment				
13 [REDACTED]	[REDACTED]	295 London Road	[REDACTED]	29/05/13.
Comment				
14 [REDACTED]	[REDACTED]	165, OLD BATH RD.	[REDACTED]	29/05/13.
Comment				

Petition Cheltenham Planning

BUILT
Recd 30 MAY 2013
ENVIRONMENT

Name	Date of Birth	Address	Signed
		27 Mead Road Leckhampton, Cheltenham, GL53 7DT	

I am a local resident and have been made aware of the potential change of use to the Leckhampton Ind Estate.  
 I object to the change for the reasons prioritised below.

Priority

I wish to continue to use a local Gym which is within walking/cycling distance of my home/work \_\_\_\_\_

I am concerned about the loss of jobs caused by the closing of businesses which cannot relocate. \_\_\_\_\_

24 hour traffic in and out of the estate is more obtrusive than the present ruling (9.00pm closing on weekdays and 2.00pm weekends) \_\_\_\_\_

I enjoy having a private health club who is consious of the needs of the over 50's near to home/work \_\_\_\_\_

I am concerned that 29 Houses may create up to 50 vehicles using one dangerous access (numerous accidents and a fatality) \_\_\_\_\_

Dangerous drop off for children visiting the Scout Hall forced to Leckhampton road if the estate closes. \_\_\_\_\_

Sport Connection has been here since 1987. There would be no comperable facility with parking south of the town centre \_\_\_\_\_

OTHER: \_\_\_\_\_

✓
✓
✓
✓
✓

Petition Cheltenham Planning

Name	Date of Birth	Address	Signed
[REDACTED]		50, Church Lane, SEVENHAMPTON. GL545SW	[REDACTED]

I am a local resident and have been made aware of the potential change of use to the Leckhampton Ind Estate.

I object to the change for the reasons priorotised below.

Priority

I wish to continue to use a local Gym which is within walking/cycling distance of my home/work \_\_\_\_\_

A

I am concerned about the loss of jobs caused by the closing of businesses which cannot relocate. \_\_\_\_\_

A

24 hour traffic in and out of the estate is more obtrusive than the present ruling (9.00pm closing on weekdays and 2.00pm weekends) \_\_\_\_\_

B

I enjoy having a private health club who is consious of the needs of the over 50's near to home/work \_\_\_\_\_

A

I am concerned that 29 Houses may create up to 50 vehicles using one dangerous access (numerous accidents and a fatality) \_\_\_\_\_

A

Dangerous drop off for children visiting the Scout Hall forced to Leckhampton road if the estate closes. \_\_\_\_\_

B

Sport Connection has been here since 1987. There would be no comperable facility with parking south of the town centre \_\_\_\_\_

A

OTHER: \_\_\_\_\_

Petition

Cheltenham Planning

Name

Date of Birth

Address

41 Beaufort Road, Charlton Kings,  
Chelt, GL52 6SS

Signed

I am a local resident and aware of the potential change of use to the Leckhampton Ind Estate.

I object to the change for the reasons prioritised below.

Priority

I wish to continue to use a local Gym which is within walking/cycling distance of my home/work

A

I am concerned about the loss of jobs caused by the closing of businesses which cannot relocate.

A

24 hour traffic in and out of the estate is more obtrusive than the present ruling (9.00pm closing on weekdays and 2.00pm weekends)

B

I enjoy having a private health club who is consious of the needs of the over 50's near to home/work

A

I am concerned that 29 Houses may create up to 50 vehicles using one dangerous access (numerous accidents and a fatality)

A

Dangerous drop off for children visiting the Scout Hall forced to Leckhampton road if the estate closes.

A

Sport Connection has been here since 1987. There would be no comperable facility with parking south of the town centre

A

OTHER:



Petition

Cheltenham Planning

Name

Date of Birth

Address

23 Princes Street, Cheltenham GL52 6BE

Signature

I am a **local** resident and have been made aware of the potential change of use to the Leckhampton Ind Estate.

**I object to the change for the reasons prioritised below.**

**Priority**

I wish to continue to use a local Gym which is within walking/cycling distance of my home/work \_\_\_\_\_

A

I am concerned about the loss of jobs caused by the closing of businesses which cannot relocate. \_\_\_\_\_

A

24 hour traffic in and out of the estate is more obtrusive than the present ruling (9.00pm closing on weekdays and 2.00pm weekends) \_\_\_\_\_

A

I enjoy having a private health club who is consious of the needs of the over 50's near to home/work \_\_\_\_\_

A

I am concerned that 29 Houses may create up to 50 vehicles using one dangerous access (numerous accidents and a fatality) \_\_\_\_\_

A

Dangerous drop off for children visiting the Scout Hall forced to Leckhampton road if the estate closes. \_\_\_\_\_

A

Sport Connection has been here since 1987. There would be no comperable facility with parking south of the town centre \_\_\_\_\_

A

OTHER: This gym and its staff have made for an incredibly comfortable and friendly atmosphere - Losing this gym may mean I would not join another and I'm sure many other members would feel the same.

Petition

Cheltenham Planning

Name

Date of Birth

Address

14 LEDMORE RD, CHARLTON KINGS

Signed

I am a **local** resident and have been made aware of the potential change of use to the Leckhampton Ind Estate.

**I object to the change for the reasons prioritised below.**

Priority

I wish to continue to use a local Gym which is within walking/cycling distance of my home/work

A

I am concerned about the loss of jobs caused by the closing of businesses which cannot relocate.

A

24 hour traffic in and out of the estate is more obtrusive than the present ruling (9.00pm closing on weekdays and 2.00pm weekends)

C

I enjoy having a private health club who is consious of the needs of the over 50's near to home/work

B

I am concerned that 29 Houses may create up to 50 vehicles using one dangerous access (numerous accidents and a fatality)

B

Dangerous drop off for children visiting the Scout Hall forced to Leckhampton road if the estate closes.

A

Sport Connection has been here since 1987. There would be no comperable facility with parking south of the town centre

A

OTHER:

Petition Cheltenham Planning

Name	Date of Birth	Address	Signed
		14 OXFORD WAY	

I am a local resident and have been made aware of the potential change of use to the Leckhampton Ind Estate.

**I object to the change for the reasons prioritised below.**

Priority

I wish to continue to use a local Gym which is within walking/cycling distance of my home/work	A
I am concerned about the loss of jobs caused by the closing of businesses which cannot relocate.	A
24 hour traffic in and out of the estate is more obtrusive than the present ruling (9.00pm closing on weekdays and 2.00pm weekends)	A
I enjoy having a private health club who is consious of the needs of the over 50's near to home/work	A
I am concerned that 29 Houses may create up to 50 vehicles using one dangerous access (numerous accidents and a fatality)	A
Dangerous drop off for children visiting the Scout Hall forced to Leckhampton road if the estate closes.	A
Sport Connection has been here since 1987. There would be no comperable facility with parking south of the town centre	A
OTHER: I THINK IT RIDICULOUS.	

Petition Cheltenham Planning

Name	Date of Birth	Address	Signed
		CAPRI / FARMFIELD RD WARDENHILL	

I am a local resident and have been made aware of the potential change of use to the Leckhampton Ind Estate.

I object to the change for the reasons priorotised below.

Priority

I wish to continue to use a local Gym which is within walking/cycling distance of my home/work \_\_\_\_\_

A

I am concerned about the loss of jobs caused by the closing of businesses which cannot relocate. \_\_\_\_\_

A

24 hour traffic in and out of the estate is more obtrusive than the present ruling (9.00pm closing on weekdays and 2.00pm weekends) \_\_\_\_\_

B

I enjoy having a private health club who is consious of the needs of the over 50's near to home/work \_\_\_\_\_

B

I am concerned that 29 Houses may create up to 50 vehicles using one dangerous access (numerous accidents and a fatality) \_\_\_\_\_

B

Dangerous drop off for children visiting the Scout Hall forced to Leckhampton road if the estate closes. \_\_\_\_\_

A

Sport Connection has been here since 1987. There would be no comperable facility with parking south of the town centre \_\_\_\_\_

A

OTHER: \_\_\_\_\_



Petition Cheltenham Planning

Name

Date of Birth

Address

Sign

[Redacted Name and Date of Birth]

50, LONG MYND AVENUE HATHERLEY

[Redacted Signature]

I am a local resident and have been made aware of the potential change of use to the Leckhampton Ind Estate.

I object to the change for the reasons priorotised below.

Priority

I wish to continue to use a local Gym which is within walking/cycling distance of my home/work \_\_\_\_\_

A

I am concerned about the loss of jobs caused by the closing of businesses which cannot relocate. \_\_\_\_\_

A

24 hour traffic in and out of the estate is more obtrusive than the present ruling (9.00pm closing on weekdays and 2.00pm weekends) \_\_\_\_\_

A

I enjoy having a private health club who is consious of the needs of the over 50's near to home/work \_\_\_\_\_

A

I am concerned that 29 Houses may create up to 50 vehicles using one dangerous access (numerous accidents and a fatality) \_\_\_\_\_

A

Dangerous drop off for children visiting the Scout Hall forced to Leckhampton road if the estate closes. \_\_\_\_\_

A

Sport Connection has been here since 1987. There would be no comperable facility with parking south of the town centre \_\_\_\_\_

A

OTHER: \_\_\_\_\_

Petition Cheltenham Planning

Name [REDACTED] Date of Birth [REDACTED] Address 35 St Phillip Street, GL50 2LP Signed [REDACTED]

I am a local resident and have been made aware of the potential change of use to the Leckhampton Ind Estate.

I object to the change for the reasons priorotised below.

Priority

I wish to continue to use a local Gym which is within walking/cycling distance of my home/work \_\_\_\_\_

A

I am concerned about the loss of jobs caused by the closing of businesses which cannot relocate. \_\_\_\_\_

A

24 hour traffic in and out of the estate is more obtrusive than the present ruling (9.00pm closing on weekdays and 2.00pm weekends) \_\_\_\_\_

B

I enjoy having a private health club who is consious of the needs of the over 50's near to home/work \_\_\_\_\_

C

I am concerned that 29 Houses may create up to 50 vehicles using one dangerous access (numerous accidents and a fatality) \_\_\_\_\_

A

Dangerous drop off for children visiting the Scout Hall forced to Leckhampton road if the estate closes. \_\_\_\_\_

B

Sport Connection has been here since 1987. There would be no comperable facility with parking south of the town centre \_\_\_\_\_

A

OTHER: \_\_\_\_\_

## Petition

## Cheltenham Planning

Name

Date of Birth

Address

Signed

[Redacted] Postleot Cottage, Albert Lane, Cheltenham

I am a local resident and have been made aware of the potential change of use to the Leckhampton Ind Estate.

**I object to the change for the reasons prioritised below.**

Priority

I wish to continue to use a local Gym which is within walking/cycling distance of my home/work \_\_\_\_\_

A

I am concerned about the loss of jobs caused by the closing of businesses which cannot relocate. \_\_\_\_\_

A

24 hour traffic in and out of the estate is more obtrusive than the present ruling (9.00pm closing on weekdays and 2.00pm weekends) \_\_\_\_\_

A

I enjoy having a private health club who is consious of the needs of the over 50's near to home/work \_\_\_\_\_

A

I am concerned that 29 Houses may create up to 50 vehicles using one dangerous access (numerous accidents and a fatality) \_\_\_\_\_

A

Dangerous drop off for children visiting the Scout Hall forced to Leckhampton road if the estate closes. \_\_\_\_\_

A

Sport Connection has been here since 1987. There would be no comperable facility with parking south of the town centre \_\_\_\_\_

A

OTHER: I have been a Member here for 15 years and am appalled  
by these actions.

Petition Cheltenham Planning

Name	Date of Birth	Address	Signed
		51 Dark lane, Swindon Village, Chelt	

are of the potential change of use to the Leckhampton Ind Estate.

I object to the change for the reasons prioritised below.

Priority

I wish to continue to use a local Gym which is within walking/cycling distance of my home/work

B

I am concerned about the loss of jobs caused by the closing of businesses which cannot relocate.

A

24 hour traffic in and out of the estate is more obtrusive than the present ruling (9.00pm closing on weekdays and 2.00pm weekends)

E

I enjoy having a private health club who is consious of the needs of the over 50's near to home/work

C

I am concerned that 29 Houses may create up to 50 vehicles using one dangerous access (numerous accidents and a fatality)

F

Dangerous drop off for children visiting the Scout Hall forced to Leckhampton road if the estate closes.

G

Sport Connection has been here since 1987. There would be no comperable facility with parking south of the town centre

D

OTHER:



Petition Cheltenham Planning

Name	Date of Birth	Address	Signed
		8, Wells Close, GL51 3BX	

I am a local resident and have been made aware of the potential change of use to the Leckhampton Ind Estate.

I object to the change for the reasons priorotised below.

Priority

I wish to continue to use a local Gym which is within walking/cycling distance of my home/work \_\_\_\_\_

☒

I am concerned about the loss of jobs caused by the closing of businesses which cannot relocate. \_\_\_\_\_

☒

24 hour traffic in and out of the estate is more obtrusive than the present ruling (9.00pm closing on weekdays and 2.00pm weekends) \_\_\_\_\_

☒

I enjoy having a private health club who is consious of the needs of the over 50's near to home/work \_\_\_\_\_

☒

I am concerned that 29 Houses may create up to 50 vehicles using one dangerous access (numerous accidents and a fatality) \_\_\_\_\_

☒

Dangerous drop off for children visiting the Scout Hall forced to Leckhampton road if the estate closes. \_\_\_\_\_

☒

Sport Connection has been here since 1987. There would be no comperable facility with parking south of the town centre \_\_\_\_\_

☒

OTHER: \_\_\_\_\_

☒

Petition Cheltenham Planning

Name	Date of Birth	Address	Signed
		47 SNOWDON GARDENS CHURCHDOWN	

I am a local resident and have been made aware of the potential change of use to the Leckhampton Ind Estate.  
**I object to the change for the reasons prioritised below.**

Priority

I wish to continue to use a local Gym which is within ~~walking~~/cycling distance of my home/work \_\_\_\_\_

I am concerned about the loss of jobs caused by the closing of businesses which cannot relocate.

DEEPLY CONCERNED

24 hour traffic in and out of the estate is more obtrusive than the present ruling (9.00pm closing on weekdays and 2.00pm weekends) \_\_\_\_\_

I enjoy having a private health club who is consious of the needs of the over 50's near to home/work \_\_\_\_\_

I am concerned that 29 Houses may create up to 50 vehicles using one dangerous access (numerous accidents and a fatality)

GIVEN THE  
LATEST FATALITY

Dangerous drop off for children visiting the Scout Hall forced to Leckhampton road if the estate closes. \_\_\_\_\_

Sport Connection has been here since 1987. There would be no comperable facility with parking south of the town centre \_\_\_\_\_

OTHER: \_\_\_\_\_

A
A
A
B
A
C
B

Petition Cheltenham Planning

Name AB

Date of Birth

Address

Signed

FLAT 5 THE FIDS, OLD STATION DRIVE.  
CHELTENHAM. GL53 6AN

I am a local resident and have been made aware of the potential change of use to the Leckhampton Ind Estate.

**I object to the change for the reasons prioritised below.**

Priority

I wish to continue to use a local Gym which is within walking/cycling distance of my home/work \_\_\_\_\_

A

I am concerned about the loss of jobs caused by the closing of businesses which cannot relocate. \_\_\_\_\_

C

24 hour traffic in and out of the estate is more obtrusive than the present ruling (9.00pm closing on weekdays and 2.00pm weekends) \_\_\_\_\_

E

I enjoy having a private health club who is consious of the needs of the over 50's near to home/work \_\_\_\_\_

G

I am concerned that 29 Houses may create up to 50 vehicles using one dangerous access (numerous accidents and a fatality) \_\_\_\_\_

D

Dangerous drop off for children visiting the Scout Hall forced to Leckhampton road if the estate closes. \_\_\_\_\_

F

Sport Connection has been here since 1987. There would be no comperable facility with parking south of the town centre \_\_\_\_\_

B

OTHER: \_\_\_\_\_

Petition Cheltenham Planning

Name	Date of Birth	Address	Signed
[REDACTED]	[REDACTED]	5 GREAT WOODWOOD ST	[REDACTED]

I object to the change for the reasons priorotised below.

Priority

- I wish to continue to use a local Gym which is within walking/cycling distance of my home/work \_\_\_\_\_
- I am concerned about the loss of jobs caused by the closing of businesses which cannot relocate. \_\_\_\_\_
- 24 hour traffic in and out of the estate is more obtrusive than the present ruling (9.00pm closing on weekdays and 2.00pm weekends) \_\_\_\_\_
- I enjoy having a private health club who is consious of the needs of the over 50's near to home/work \_\_\_\_\_
- I am concerned that 29 Houses may create up to 50 vehicles using one dangerous access (numerous accidents and a fatality) \_\_\_\_\_
- Dangerous drop off for children visiting the Scout Hall forced to Leckhampton road if the estate closes. \_\_\_\_\_
- Sport Connection has been here since 1987. There would be no comperable facility with parking south of the town centre \_\_\_\_\_
- OTHER: \_\_\_\_\_

A
A
B
B
A
B
A



Petition Cheltenham Planning

Name [REDACTED] Date of Birth [REDACTED] Address THE QUEENS, HAZLETON, GL54 4DX Signed [REDACTED]

I am a local resident and have been made aware of the potential change of use to the Leckhampton Ind Estate.  
I object to the change for the reasons priorotised below.

Priority

I wish to continue to use a local Gym which is within walking/cycling distance of my home/work \_\_\_\_\_

B

I am concerned about the loss of jobs caused by the closing of businesses which cannot relocate. \_\_\_\_\_

A

24 hour traffic in and out of the estate is more obtrusive than the present ruling (9.00pm closing on weekdays and 2.00pm weekends) \_\_\_\_\_

A

I enjoy having a private health club who is consious of the needs of the over 50's near to home/work \_\_\_\_\_

A

I am concerned that 29 Houses may create up to 50 vehicles using one dangerous access (numerous accidents and a fatality) \_\_\_\_\_

C

Dangerous drop off for children visiting the Scout Hall forced to Leckhampton road if the estate closes. \_\_\_\_\_

C

Sport Connection has been here since 1987. There would be no comperable facility with parking south of the town centre \_\_\_\_\_

A

OTHER: \_\_\_\_\_

Petition Cheltenham Planning

Name	Date of Birth	Address	Signed
		209 LONDON RD CHELTENHAM	

I am a local resident and have been made aware of the potential change of use to the Leckhampton Ind Estate.  
**I object to the change for the reasons prioritised below.**

Priority

I wish to continue to use a local Gym which is within walking/cycling distance of my home/work \_\_\_\_\_

C

I am concerned about the loss of jobs caused by the closing of businesses which cannot relocate. \_\_\_\_\_

D

24 hour traffic in and out of the estate is more obtrusive than the present ruling (9.00pm closing on weekdays and 2.00pm weekends) \_\_\_\_\_

E

I enjoy having a private health club who is consious of the needs of the over 50's near to home/work \_\_\_\_\_

B

I am concerned that 29 Houses may create up to 50 vehicles using one dangerous access (numerous accidents and a fatality) \_\_\_\_\_

G

Dangerous drop off for children visiting the Scout Hall forced to Leckhampton road if the estate closes. \_\_\_\_\_

F

Sport Connection has been here since 1987. There would be no comperable facility with parking south of the town centre \_\_\_\_\_

A

OTHER: Losing a community that promotes health and fitness for housing  
 I feel is a great shame as I know that with the gym closing many members especially the elderly will not join a new gym, a real shame as it is so benyefical for the physical as well as mental well being.

Petition

Cheltenham Planning

Name

Date of Birth

Address

Flat 9, 28 Edward Rd, Cheltenham

Signed

I am a **local** resident and have been made aware of the potential change of use to the Leckhampton Ind Estate.

**I object to the change for the reasons prioritised below.**

**Priority**

I wish to continue to use a local Gym which is within walking/cycling distance of my home/work \_\_\_\_\_

B

I am concerned about the loss of jobs caused by the closing of businesses which cannot relocate. \_\_\_\_\_

A

24 hour traffic in and out of the estate is more obtrusive than the present ruling (9.00pm closing on weekdays and 2.00pm weekends) \_\_\_\_\_

A

I enjoy having a private health club who is consious of the needs of the over 50's near to home/work \_\_\_\_\_

B

I am concerned that 29 Houses may create up to 50 vehicles using one dangerous access (numerous accidents and a fatality) \_\_\_\_\_

A

Dangerous drop off for children visiting the Scout Hall forced to Leckhampton road if the estate closes. \_\_\_\_\_

A

Sport Connection has been here since 1987. There would be no comperable facility with parking south of the town centre \_\_\_\_\_

A

OTHER: Sports Connection is a friendly gym - cost effective also.

The potential <sup>change of</sup> use to the Leckhampton Industrial estate would be a huge personal loss + a great loss to the local community.

Petition Cheltenham Planning

Name [Redacted] Address 10 Queens Court GL50 2LW Sign [Redacted]

I am a local resident and have been made aware of the potential change of use to the Leckhampton Ind Estate.  
 I object to the change for the reasons prioritised below.

BUILT  
 Recd 30 MAY 2013  
 ENVIRONMENT

Priority

I wish to continue to use a local Gym which is within walking/cycling distance of my home/work

3
2
1

Sport Connection has been here since 1987. There would be no comparable facility with parking south of the town centre

I enjoy having a private health club who is conscious of the needs of the over 50's near to home/work

OTHER: THIS IS A COMMUNITY RESOURCE GREATLY APPRECIATED FOR MANY YEARS PARTICULARLY AS I AM OVER 50.

Petition Cheltenham Planning

Name [Redacted] Date of Birth [Redacted] Address 165 OLD BATH RD. Signed [Redacted]

I am a local resident and have been made aware of the potential change of use to the Leckhampton Ind Estate.  
 I object to the change for the reasons prioritised below.

Priority

I wish to continue to use a local Gym which is within walking/cycling distance of my home/work

3
1
2

Sport Connection has been here since 1987. There would be no comparable facility with parking south of the town centre

I enjoy having a private health club who is conscious of the needs of the over 50's near to home/work

OTHER:



Petition Cheltenham Planning

Name Date of Birth Address Signed

[Redacted] 1, MARSH CLOSE, CHELTENHAM [Redacted]

I am a local resident and have been made aware of the potential change of use to the Leckhampton Ind Estate.  
I object to the change for the reasons prioritised below.

Priority

I wish to continue to use a local Gym which is within walking/cycling distance of my home/work \_\_\_\_\_

A

Sport Connection has been here since 1987. There would be no comparable facility with parking south of the town centre \_\_\_\_\_

A

I enjoy having a private health club who is conscious of the needs of the over 50's near to home/work \_\_\_\_\_

B

OTHER: \_\_\_\_\_

Petition Cheltenham Planning

Name Date of Birth Address Signed

[Redacted] 31 MOOREND RD - GL53 0ER [Redacted]

I am a local resident and have been made aware of the potential change of use to the Leckhampton Ind Estate.  
I object to the change for the reasons prioritised below.

Priority

I wish to continue to use a local Gym which is within walking/cycling distance of my home/work \_\_\_\_\_

1

Sport Connection has been here since 1987. There would be no comparable facility with parking south of the town centre \_\_\_\_\_

2

I enjoy having a private health club who is conscious of the needs of the over 50's near to home/work \_\_\_\_\_

3

OTHER: \_\_\_\_\_

Petition Cheltenham Planning

Name	Date of Birth	Address	Signed
[REDACTED]	[REDACTED]	99 NAVINGTON LANE, CHELTENHAM, GLOS	[REDACTED]

I am a local resident and have been made aware of the potential change of use to the Leckhampton Ind Estate.

**I object to the change for the reasons prioritised below.**

Priority

I wish to continue to use a local Gym which is within walking/cycling distance of my home/work \_\_\_\_\_

3

Sport Connection has been here since 1987. There would be no comparable facility with parking south of the town centre \_\_\_\_\_

1

I enjoy having a private health club who is conscious of the needs of the over 50's near to home/work \_\_\_\_\_

2

OTHER: \_\_\_\_\_

Page 246

Petition Cheltenham Planning

Name	Date of Birth	Address	Signed
[REDACTED]	[REDACTED]	295 London Road GL52 6TY	[REDACTED]

I am a local resident and have been made aware of the potential change of use to the Leckhampton Ind Estate.

**I object to the change for the reasons prioritised below.**

Priority

I wish to continue to use a local Gym which is within walking/cycling distance of my home/work \_\_\_\_\_

2

Sport Connection has been here since 1987. There would be no comparable facility with parking south of the town centre \_\_\_\_\_

2

I enjoy having a private health club who is conscious of the needs of the over 50's near to home/work \_\_\_\_\_

2

OTHER: \_\_\_\_\_

Petition

Cheltenham Planning

Name



Date of Birth



Address

2A FAIRMARVEN ST, CHELTENHAM.

Signed



I am a local resident and have been made aware of the potential change of use to the Leckhampton Ind Estate.  
**I object to the change for the reasons priorotised below.**

I wish to continue to use a local Gym which is within walking/cycling distance of my home/work

Sport Connection has been here since 1987. There would be no comparable facility with parking south of the town centre

I enjoy having a private health club who is conscious of the needs of the over 50's near to home/work

OTHER:

PTO

BUILT

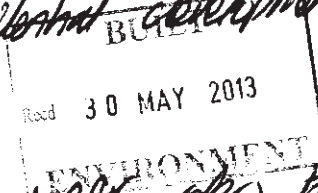
30 MAY 2013

ENVIRONMENT

Priority


→ The starting point for such a planning application, which will involve the loss of both employment and established employment use, is the Cheltenham Borough Local Plan (adopted 2006) which remains part of the adopted Development Plan. The CBLP seeks to protect such employment uses + local facilities. Accordingly the proposed residential development is contrary to the Local Plan and adopted policy.

→ Whilst it is recognised that paragraph 49 of the NPPF goes to housing land supply and in the absence of sufficient supply of deliverable housing such applications should be considered favourably ~~the~~ <sup>in</sup> excess. Any harm in doing so would outweigh the benefit. In this case the harm caused by the loss of a valuable community facility (with potential of in excess of 1000 members) is a material consideration of VERY SUBSTANTIAL WEIGHT. Accordingly the presumption is in favour of sustainable development (NPPF para 14) does not apply in this case. Planning permission should be refused accordingly.





# PETITION

## TO THE CHELTENHAM PLANNERS

Page 249

We have been informed that a planning proposal has been submitted to build 29 houses on the Leckhampton Industrial Estate, Leckhampton Road.

Recd - 7 JUN 2013

ENVIRONMENT

Please sign this petition to object on the following points -

The Sport Connection established since 1987 will be forced to stop trading, as a result the valuable service it provides to the local area will cease.

There will be no other gym within walking distance for members including teenagers, over 50's, the elderly and those in recuperative training.

There would be no comparable facility with parking south of the town centre.

Loss of jobs for those employed at the gym and on the rest of the site.

Dangerous volume increase of traffic for the area.

Name	Date of Birth	Address	Signature	Date
1		16 Overton Road		4/6/13
Comment		Cheltenham		money!
2		48 Turledean RD		4/6/13
Comment		Bennall		
		Cheltenham		
3		48 Turledean RD		4/6/13
Comment		Bennall		
		Cheltenham		
4		16 MEAD RD WICK		4/6-13
Comment		CHELTENHAM		
5		16 Mead Rd		4-6-13
Comment		Cheltenham		
6		16 Mead RD		-6-13
Comment		Cheltenham		
7		17 UPPER		4-6-13
Comment		MONWOOD ST		
8		26 Pilford Ave		4-6-13
Comment				
9		16 GIFFORD WAY		4-6-13
Comment		GL53 0P		
10		57 pilley		4.6.13
Comment		Crescent		
11		14 Higgs		5/6/13
Comment		Beach rd		
12		6A EXMOUTH STREET		16/13.
Comment		GL53 7NS		
13				
Comment				
14				
Comment				

# PETITION

## TO THE CHELTENHAM PLANNERS

We have been informed that a planning proposal has been submitted to build 29 houses on the Leckhampton Industrial Estate, Leckhampton Road.

Please sign this petition to object on the following points -

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There would be no comparable facility with parking south of the town centre.  
Loss of jobs for those employed at the gym and on the rest of the site.  
Dangerous volume increase of traffic for the area.

Name	Date of Birth	Address	Signature	Date
1				
Comment		44 Millbrook St Chelt.		6/13
2				
Comment		18 SWINGEN RD		3/6/13
3				
Comment		6 CHELMSFORD AVE		3.6.13
4				
Comment		77 19, PILGRIME		3/6/13
5				
Comment		200 OLD BATH RD		3/6/13
6				
Comment		11 Frodo's Villa Newbury Rd		3/6/13
7				
Comment		24 Howeswater Rd Cheltenham		4/6/13
8				
Comment		35, Hilary Rd.		4/6/13
9				
Comment		30 St Phillips Street		4/6/13
10				
Comment		10 Redgrave Park		4/6/13
11				
Comment		61 Quernway road		4/6/13
12				
Comment		18 PILLEY CRESCENT		4/6/13
13				
Comment		5 Ivy Bank, Prestbury, Chelt GL52 5LW		4/6/13
14				
Comment				

# PETITION

## TO THE CHELTENHAM PLANNERS

Page 251

We have been informed that a planning proposal has been submitted to build 29 houses on the Leckhampton Industrial Estate, Leckhampton Road.

Please sign this petition to object on the following points -

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There would be no comparable facility with parking south of the town centre.

Loss of jobs for those employed at the gym and on the rest of the site.

Dangerous volume increase of traffic for the area.

Name	Date of Birth	Address	Signature	Date
1 Comme		VERGREEN COTTAGE BRIMPSFIELD.		01/06/13
2 Comme		Rye worth Road. Cheriton Kings		01/06/13
3 Comme		76 Old Bath Rd		2/6/13
4 Comme		95 Sandy Lane, Cheriton Kings.		3/6/13
5 Comme		3 QUEENS RETREAT CHELT		3-6-13
6 Comme		6 Gavelands Close CH1 Kings		3-6-13
7 Comme		Pound Cottage Brimpsfield		03/06/13
8 Comme		46 Highfield Drive Cheltenham		3/6/13
9 Comme		7 Fairhaven Street		3/6/13
10 Comme				
11 Comme		17D St Louis Rd, Cheltenham GL53 7JF		
12 Comme		41 HAMWAPPS RD CHELTENHAM		3/6/13.
13 Comme		58 FAIRFIELD PARADE CHELTENHAM		3/6/13
14 Comme		238, OLD BATH RD CHELTENHAM, GL53 9BE		3/6/13

# PETITION

## TO THE CHELTENHAM PLANNERS

Page 252

We have been informed that a planning proposal has been submitted to build 29 houses on the Leckhampton Industrial Estate, Leckhampton Road.

Please sign this petition to object on the following points -

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There would be no comparable facility with parking south of the town centre.  
Loss of jobs for those employed at the gym and on the rest of the site.  
Dangerous volume increase of traffic for the area.

Name	Date of Birth	Address	Signature	Date
1				
Comment		23 Turkdean Road		31/6/13
		28 Cranham Lane		31/6/13
		29 Joyford Passage		31/6/13
		74 CAERNARVON RD		31/6/13
		26 Dagmar Road		31/5/13
		NAUNTON CRESCENT		31/5/13
		2 LIN HOUSE OAKFIELD ST GL50 2US		31/5/13
		67, 12 SEVERN ROAD		31/5/13
		04/93 Dinas V		31/5/13
		947 SALTERS GRANGE		31/5/13
		EVERGREEN COTTAGE BRIMPSFIELD		01/06/13
		20 Pyrton mews UP HAMERLEY GL51 3RG		1/6/13
		1 The Barn Berenden, Kent		1/6/13



# PETITION

## TO THE CHELTENHAM PLANNERS

Page 253

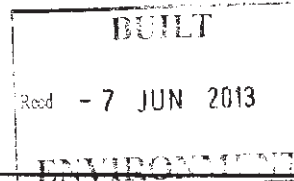
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There would be no comparable facility with parking south of the town centre.  
Loss of jobs for those employed at the gym and on the rest of the site.  
Dangerous volume increase of traffic for the area.

Name	Date of Birth	Address	Signature	Date
1		4 Little Hills cottages, Shurdington		30/5/13
		67 Menastones Drive		30/5/13
		14 OXFORD WAY, CHIL		30/5/13
		43 Francis Street		30/5/13
		Golden Heart, Nettleton		30/5/13
		Burdip		
		28 Brookfield		20/13
		RD G105		
		11 Montpelier House		
		Suffolk Square		30/13
		chelt		
		18 HAMFIELD GROVE		30/5/13
		DUNDEE, DD2 7CE		
		71 EASTEND		
		CO. GL53 8QW		30/5/13
		5, LEAMINGTON ROAD, CHIL		30/5/13
		2 Tensley Road, Leck		30/5/13
		GL53 9LX		
		11		30/05/13
		4 Admirals		
		Fielders green		
		Cheltenham		30/05/13
		1 Blackthorn End		
		Leckhampton GL5		31/05/13

Petition Cheltenham Planning



Name	Date of Birth	Address	Signed
[REDACTED]	[REDACTED]	Golden Heart, Nealeton Burdip A103	[REDACTED]

I am a local resident and have been made aware of the potential change of use to the Leckhampton Ind Estate.

**I object to the change for the reasons prioritised below.**

Priority

I wish to continue to use a local Gym which is within walking/cycling distance of my home/work \_\_\_\_\_

VB

Sport Connection has been here since 1987. There would be no comparable facility with parking south of the town centre \_\_\_\_\_

A

I enjoy having a private health club who is conscious of the needs of the over 50's near to home/work \_\_\_\_\_

C

OTHER: \_\_\_\_\_

Page 254

Petition Cheltenham Planning

Name	Date of Birth	Address	Signed
[REDACTED]	[REDACTED]	4 Little Hills	[REDACTED]

I am a local resident and have been made aware of the potential change of use to the Leckhampton Ind Estate.

**I object to the change for the reasons prioritised below.**

Priority

I wish to continue to use a local Gym which is within walking/cycling distance of my home/work \_\_\_\_\_

A

Sport Connection has been here since 1987. There would be no comparable facility with parking south of the town centre \_\_\_\_\_

B

I enjoy having a private health club who is conscious of the needs of the over 50's near to home/work \_\_\_\_\_

C

OTHER: \_\_\_\_\_

Petition Cheltenham Planning

Name [REDACTED] Date of Birth [REDACTED] Address 9 BEECHES ROAD GLS3 8NG Signed [REDACTED]

I am a local resident and have been made aware of the potential change of use to the Leckhampton Ind Estate.

I object to the change for the reasons prioritised below.

Priority

I wish to continue to use a local Gym which is within walking/cycling distance of my home/work \_\_\_\_\_

3

Sport Connection has been here since 1987. There would be no comparable facility with parking south of the town centre \_\_\_\_\_

I enjoy having a private health club who is conscious of the needs of the over 50's near to home/work \_\_\_\_\_

OTHER: its the best gym around, been coming here for two years, couldn't think of losing the gym as it'll be near impossible to train.

Petition Cheltenham Planning

Name [REDACTED] Date of Birth [REDACTED] Address 14 OXFORD WAY - CHELTENHAM. Signed [REDACTED]

I am a local resident and have been made aware of the potential change of use to the Leckhampton Ind Estate.

I object to the change for the reasons prioritised below.

Priority

I wish to continue to use a local Gym which is within walking/cycling distance of my home/work \_\_\_\_\_

B
C
A

Sport Connection has been here since 1987. There would be no comparable facility with parking south of the town centre \_\_\_\_\_

I enjoy having a private health club who is conscious of the needs of the over 50's near to home/work \_\_\_\_\_

OTHER: Used by over 50's because of price & friendly staff

Name

Date of Birth

Address

Signed

[Redacted] 2 HERMITAGE ST GLS3 7NX [Redacted]

I am a local resident and have been made aware of the potential change of use to the Leckhampton Ind Estate.

I object to the change for the reasons prioritised below.

Priority

I wish to continue to use a local Gym which is within walking/cycling distance of my home/work \_\_\_\_\_

Sport Connection has been here since 1987. There would be no comparable facility with parking south of the town centre \_\_\_\_\_

I enjoy having a private health club who is conscious of the needs of the over 50's near to home/work \_\_\_\_\_

OTHER: \_\_\_\_\_

1
2
3

Name

Date of Birth

Address

Signed

[Redacted] 7 Fairhaven Street [Redacted]

[Redacted] potential change of use to the Leckhampton Ind Estate.

I object to the change for the reasons prioritised below.

Priority

I wish to continue to use a local Gym which is within walking/cycling distance of my home/work \_\_\_\_\_

Sport Connection has been here since 1987. There would be no comparable facility with parking south of the town centre \_\_\_\_\_

I enjoy having a private health club who is conscious of the needs of the over 50's near to home/work \_\_\_\_\_

OTHER: Don't close the gym it's the closest and cheapest  
than anywhere near me, Don't get rid of the gym

✓
✓



Petition Cheltenham Planning

Name	Date of Birth	Address	Signed
[REDACTED]	[REDACTED]	12 Seased Road	[REDACTED]

I am a local resident and have been made aware of the potential change of use to the Leckhampton Ind Estate.

I object to the change for the reasons prioritised below.

Priority

I wish to continue to use a local Gym which is within walking/cycling distance of my home/work WALKING DISTANCE

Sport Connection has been here since 1987. There would be no comparable facility with parking south of the town centre \_\_\_\_\_

I enjoy having a private health club who is conscious of the needs of the over 50's near to home/work \_\_\_\_\_

OTHER: \_\_\_\_\_

<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>

Petition Cheltenham Planning

Name	Date of Birth	Address	Signed
[REDACTED]	[REDACTED]	16, Overton Road, Cheltenham GL50 3BL	[REDACTED]

I am a local resident and have been made aware of the potential change of use to the Leckhampton Ind Estate.

I object to the change for the reasons prioritised below.

Priority

I wish to continue to use a local Gym which is within walking/cycling distance of my home/work \_\_\_\_\_

Sport Connection has been here since 1987. There would be no comparable facility with parking south of the town centre \_\_\_\_\_

I enjoy having a private health club who is conscious of the needs of the over 50's near to home/work \_\_\_\_\_

OTHER: Well run friendly business providing important health related service at exceptional value for money.

<input type="checkbox"/>
<input checked="" type="checkbox"/>
<input type="checkbox"/>
<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>

Petition Cheltenham Planning

Name	Date of Birth	Address	Signed
[REDACTED]		94 NAUNTON CRESCENT	[REDACTED]

I am a local resident and have been made aware of the potential change of use to the Leckhampton Ind Estate.

**I object to the change for the reasons prioritised below.**

Priority

I wish to continue to use a local Gym which is within walking/cycling distance of my home/work \_\_\_\_\_

A

Sport Connection has been here since 1987. There would be no comparable facility with parking south of the town centre \_\_\_\_\_

A

I enjoy having a private health club who is conscious of the needs of the over 50's near to home/work \_\_\_\_\_

B

OTHER: \_\_\_\_\_

<b>APPLICATION NO: 13/00756/FUL</b>		<b>OFFICER: Mrs Wendy Hopkins</b>	
<b>DATE REGISTERED:</b> 10th May 2013		<b>DATE OF EXPIRY :</b> 9th August 2013	
<b>WARD:</b> Leckhampton		<b>PARISH:</b> LECKH	
<b>APPLICANT:</b>	Martin Scott Homes		
<b>LOCATION:</b>	Leckhampton Industrial Estate, Leckhampton Road, Cheltenham		
<b>PROPOSAL:</b>	Demolition of existing buildings and residential development comprising the construction of 28 dwellings		

**ADDITIONAL REPRESENTATIONS**  
**11<sup>th</sup> – 13<sup>th</sup> November 2013**

1 Liddington Road  
Cheltenham  
Gloucestershire  
GL53 0AJ

**Comments:** 11th November 2013  
Letter attached.

53 Collum End Rise  
Leckhampton  
Cheltenham  
Gloucestershire  
GL53 0PA

**Comments:** 13th November 2013  
Letter attached.

55 Collum End Rise  
Leckhampton  
Cheltenham  
Gloucestershire  
GL53 0PA

**Comments:** 13th November 2013  
Letter attached.

51 Collum End Rise  
Leckhampton  
Cheltenham  
Gloucestershire  
GL53 0PA

**Comments:** 12th November 2013  
The revised scheme continues to have little or no regard to the impact of the development on the properties in Collum End Rise, in particular numbers 47-61. The height of the proposed 2-3 storey walls set virtually against the boundary is excessive even before the significant change in ground level is taken into account.

The revised plans still show gable/side walls of large span and a considerable expanse of solid wall, which would be unacceptably dominant and overbearing when viewed from the rear of the Collum End Rise properties. They are currently unrelieved by any return or set back. In addition, it should be noted that properties in Collum End Rise rely heavily on the light from the South. The proposed buildings set at the boundary would significantly overshadow the rear of homes in Collum End Rise for much of the day, with even more of a detrimental impact during the autumn/winter months.

It is the combination of siting, height, form and context that determines the impact of a development. The proximity, height and depth of walls created by the proposed two & three storey properties, combined with the significantly higher ground level on the application site, would result in the dominating of the gardens and rear habitable rooms of homes in Collum End Rise. It would severely restrict light and result in an unacceptable level of overshadowing.

CP4 Safe and Sustainable Living states development will only be permitted where it would 'not cause harm to the amenity of adjoining land users and the locality'.

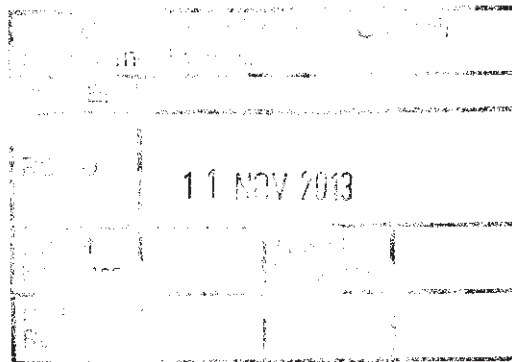
Policy CP7 Design states that development will only be permitted where it 'is of a high standard of design; and adequately reflects principles of urban design; and complements and respects neighbouring development and the character of the locality and/or landscape.' Key point in this instance being 'respects neighbouring development'.

Because of significant change in ground level I would suggest that could only be alleviated by setting the proposed plots back from the boundary or reducing the height of the buildings to a less intrusive level

In conclusion, the proposal would result in a vast two & three storey expanse of solid wall and curtilage within 1m of the boundary with Collum End Rise. The impact is accentuated by the difference in ground levels between the two properties and the orientation of the applicant properties to the south of Collum End Rise. The development in its current form would result in a significant loss of light and an overbearing impact. The rear of all the Collum End Rise properties and gardens will be greatly overshadowed and the walls of the proposed development will be a dominant and oppressive feature. The outlook from rooms in the rear of Collum End Rise at both ground and first floor level will be similarly unacceptably dominated. As currently proposed, the developments adjacent to the Collum End Rise boundaries will be overbearing and have significant impact on the amenities of the occupiers and their ability to enjoy their property.



Mrs W Hopkins  
Development Management  
Cheltenham Borough Council  
Municipal Offices  
Promenade  
Cheltenham



1 Liddington Road,  
Leckhampton,  
Cheltenham.  
Glos.  
GL53 0AJ

Glos

9th Nov '13

GL50 9SA

Dear Mrs Hopkins,

RE: Planning Application 13/00756/FUL

Demolition of existing buildings and residential development comprising the construction of 29 dwellings. Leckhampton Industrial Estate, Leckhampton Road, Cheltenham, Gloucestershire. GL53 0AL, by Martin Scott Homes (205 Leckhampton Road)

Having looked at the revised proposals, much to our dismay, it is apparent to us that no consideration has been taken of any of the points we have made in our earlier letters. We therefore attach a copy of our last letter which reflects our very strong views.

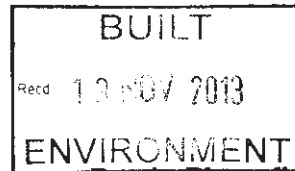
We are very concerned that the developers, despite the offers of access, have not viewed the proposed site from our property or investigated the visual impact of their proposals using 3d models or drawings. Given the size of their houses and the elevated site I don't believe they understand the impact their proposals will have on my outlook or the enjoyment I currently get from my property. The impact is made worse as they are proposing a terrace of 5 houses with only a single break which is filled by the gable of a 3 storey property in the distance.

House Types K, L and M (Plots 24 to 28) all scale approximately 9.1m to the ridge making the proposals 2m higher than our house. According to the proposed site plan the level outside our house is 101.55 and the proposed floor level of Plot 26 is 103.89 equating to a rise in level of 2.34m. Adding together puts the proposed ridges 4.34m higher than our ridge which is equivalent to over 1 1/2 storeys. Not only are the proposals higher than our house but the only drawing showing the development in relation to my property, REVISED\_SECTION\_CC\_AND\_DD, has over estimated the ridge height and is showing our roof ~0.65m higher than it actually is. I believe this is giving a false impression of the size of the proposed development which is significantly larger than our and other existing houses along Liddington Road and Collum End Rise.

The proposed development of high density, large houses on small plots is visually overbearing and totally out of keeping with the area and will have a significant and detrimental impact on my outlook and the enjoyment I receive from house and garden. The proposed terrace of houses is directly south of my property and I remain concerned the proposals will overshadow my house and garden during the colder months when sunlight is especially valuable. I don't believe the planning authority would accept a 3.5 storey property in such close proximity to an existing house on a level site and therefore ask that you refuse the application.

Yours faithfully,





**Mrs W Hopkins**  
Development Management  
Cheltenham Borough Council  
Municipal Offices  
Promenade  
Cheltenham  
Gloucestershire  
GL50 9SA

55 Collum End Rise  
Leckhampton  
Cheltenham  
GL53 0PA

For the attention of Mrs W Hopkins, case officer

13 November 2013

Dear Wendy

**Reference:**  
PLANNING APPLICATION NO 13/00756/FUL

**Demolition of existing buildings and residential development comprising the construction of 28 dwellings. Leckhampton Industrial Estate, Leckhampton Road, Cheltenham, Gloucestershire, GL53 0AL, by Martin Scott Homes (205 Leckhampton) Ltd.**

In my original letter dated 03 June 2013 I noted I would support and encourage a well-designed development of the site.

'I support the overall proposals but feel that the above matters (see letter dated 06 June) need to be addressed and the proposals amended accordingly. Specifically the significant and overbearing impact of the proposed houses, along the Northern Boundary of the site, on the existing neighbouring properties.

I feel the applicant should consider retaining or lowering the existing site levels, single storey dwellings to the North of the site, increasing the distance of the proposals from the boundary and landscaping to improve the proposals. I do not believe a limited combination or any single one of the above in isolation is sufficient to ameliorate the proposals and a more holistic rethink should be considered.'

Since the original application submitted in May 2013 there have been no less than four revisions to the proposals submitted on the PublicAccess website. With the exception of the first revision which reduced ridge heights by 300mm and no longer raised the proposed site levels (the original proposals raised the site by up to 1.36m on the northern boundary) there have only been limited and piecemeal changes (Plot 18 has remained unchanged since August).

The applicants, despite the offers of access, have not viewed the site from my property and therefore, I believe, do not understand the magnitude of the level changes across my garden; 5.15m from my patio to the fence at the rear of the garden (No 51 Collum End Rise has a more significant level change of 5.33m). Neither have they submitted any drawings or information that explores the visual impact of their proposals on existing neighbours or demonstrates that 2 and 3 storey properties at the top of a 5m bank will not have a significant and detrimental visual impact.

I therefore wish to register my objection to the application and note the following in support of my objection.

**1. Adverse effect on the residential amenity of neighbours**

I believe the recent amendments to the proposals have not addressed my previous objections and the proposed development will still create an unacceptable impact and harm our amenity as neighbours, by reason of overlooking, loss of privacy, overshadowing and loss of outlook (CP1 and CP4).

It is an established principle of planning that new developments should not borrow amenity from adjacent land, and, as a general rule, the greater part of any overshadowing caused by a new building must be confined to the developers own land.

According to the guidance in 'Site Layout for Daylight & Sunlight: A Guide to Good Practice, BRE Trust'; 'in assessing the impact of buildings on sunlight in gardens, trees and shrubs are not normally included in the calculations... This is because the dappled shade of a tree is more pleasant than the deep shadow of building'. The BRE Guide also highlights the importance sunlight between buildings and the impact on the overall appearance and ambience of a development. This is not limited to summer months and 'is valuable for a number of reasons, to:

- provide attractive sunlit views (all year)
- make outdoor activities like sitting out and children's play more pleasant (mainly warmer months)
- encourage plant growth (mainly spring and summer)
- dry out ground, reducing moss and slime (mainly in colder months)
- melt frost, ice and snow (in winter)
- dry clothes (all year)

**2. The visual impact is unacceptable**

The design of the proposals is still inappropriate in that the scale, massing, and height are overbearing and do not respect neighbouring developments or take account of the topography of the site (CP7 and SPD Development on Garden Land and Infill Sites).

- By proposing dwellings close to the boundary at the top of a 5.0m high bank the development may achieve desired densities but it does so to the detriment of the amenity of its neighbours and adversely affects the quality of the environment. (Policy HS2).
- Plot 18 is unchanged since August. Scaled from the submitted drawing the eaves are 9.56m and the ridge 12.26m higher than my patio or the equivalent of a 4/5 storey property.
- The revised Plot 17 (now further from the boundary) when scaled is 10.73m higher at the eaves and 13.63m higher at the ridge than my patio. From 51 Collum End Rise Plot 17 is a further 0.3m higher. This is equivalent to 5.5 storey property within 30m of the existing houses.
- The proposed dwellings should be moved away from the existing fence line and the height of the proposals should be limited to a single storey along the boundary.

**3. The design and site layout is poor and significantly increases the visual impact on neighbours**

The design remains inappropriate in its context; by positioning houses close to the boundary the visual impact of the proposals is increased. The site layout should aim to keep houses away from the boundaries to mitigate the bulk, mass and scale of the proposals especially as they are on an elevated site.

The proposals should minimise the physical dominance of the new development over neighbouring properties and take due account of the topography of the site and build on existing planting to develop a natural barrier zone that will benefit both existing and new developments.

**4. The proposals do not reflect the character of the neighbourhood.**

The design fails to consider or complement the character of the locality. Although considered in the submitted Design and Access Statement the proposals fail to follow the assessment of the location of the site, the scale and proportions of the surroundings, the relationship with adjoining buildings, spaces around them, the topography and the general pattern of heights in the area including views and landmarks.

The existing development on the site has a minimal visual impact on neighbouring properties and retains the outlook on to Leckhampton Hill for neighbours and passing pedestrians due to its scale (predominantly single storey) and the nature of the existing layout (buildings are located away from the northern site boundary). In contrast the proposals are tight to the boundary and given the elevated site have a significant impact on the character of the neighbourhood and adjacent properties.

- While the loss of a view is not in itself a planning matter the proposals in their current form will significantly impact on the outlook by obscuring existing views of Leckhampton Hill (an important landmark) and the Area of Outstanding Natural Beauty (AONB). Views in to and out AONBs are a planning consideration and have only been mentioned in passing but not addressed in the submitted information.
- The form of residential developments around the site have back to back gardens, views between buildings and single storey elements to reduce massing as reflects the edge of town nature of Collum End Rise and Leckhampton Road. The scale and form of the proposed development not only removes the open aspect of the neighbourhood it also removes the views of Leckhampton Hill to the South and blocks the skyline from the back of the neighbouring properties that is particularly evident in wintertime when daylight is also a premium.
- I am concerned that there will be an adverse impact on the setting of the AONB. Plots 6 to 17 (House Types C, D and E) are 3 storey dwellings along the South and West boundary of the site.
- Development on Garden Land and Infill Sites SPD Adopted 29<sup>th</sup> June 2009 is not considered in the submitted information. The nature of the development and its proximity to existing dwellings means that it gives rise to similar issues as those covered in the SPD. The SPD is therefore relevant and should be considered in assessing the proposals as advised by Cheltenham Borough Councils Planning Department in an email dated 22 August 2013:

'Finally, in relation the potential impact on neighbouring amenity, this aspect will be assessed against our local plan policies (including relevant supplementary planning documents - particularly 'Garden Land and Infill Developments in Cheltenham) and the advice within the NPPF'

**Considerations:**

- Impact on adjoining developments - the scale of the development casts a shadow across a number of the existing houses ground floor kitchen and living room windows between October / November and January at 12 noon.
- unacceptable harm to the amenity of adjoining land users
- loss of sunlight and/or diffuse daylight loss of outlook, loss of privacy
- complements and respects neighbouring development



- layout and scale (topography, size, height)
- amenity space (reduces the density of development, softens the urban fabric)

Proposals that result in unacceptable harm to the amenity of neighbouring dwellings will not be permitted... This impact on 'amenity' includes the following:

- Reduction in daylight to neighbouring gardens and rooms
- Reduction in sunlight to neighbouring gardens and overshadowing of rooms
- The neighbour's ability to use their garden due to overlooking and lack of privacy
- An overbearing appearance of the neighbouring development in relation to existing gardens and buildings, by virtue of its height or position
- Noise and disturbance from access arrangements and other activity (proximity of the proposed dwellings to the boundary) at the rear of gardens

The applicants need to address the significant and overbearing impact of the proposed houses, along the Northern Boundary of the site, on the existing neighbouring properties and demonstrate the impact of their proposals.

Having looked at the visual impact along the northern boundaries the proposals remain excessively high due to the existing topography and I still believe a more holistic rethink should be considered. The big houses on small plots close to the boundary still have a large and unacceptable adverse impact on the setting of the AONB and the outlook and amenity of neighbouring properties to the north of the proposals.

In support of my objection I attach an 'Analysis of the Proposed Development at 205 Leckhampton' dated 13 November 2013 which includes:

- An analysis of the existing and proposed site
- Views from the East to show the relative scale of the existing and proposed developments
- Existing and Proposed Views from View 4 identified in the Landscape Design Statement
- A shadow study to show the loss of sunlight and impact on gardens and houses between October and February
- Existing and Proposed views from each neighbouring property to show the scale of the proposed development
- Notes on the submitted information including the site, context and landscape assessments
- An assessment of the proposed density and,
- A review of Cheltenham Borough Council Planning Policies

Please do not hesitate to contact me should you wish to discuss the above.

Yours Sincerely



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# **Planning Application 13/00756/FUL**

Demolition of existing buildings and residential development comprising the construction of 28 dwellings. Leckhampton Industrial Estate, Leckhampton Road, Cheltenham, Gloucestershire, GL53 0AL, by Martin Scott Homes (205 Leckhampton) Ltd

## **ANALYSIS OF THE PROPOSED DEVELOPMENT AT 205 LECKHAMPTON**

13 November 2013

## Existing Site Layout

Existing site building taken from survey information and photos submitted by the applicant.

Existing 1 and 2 storey industrial properties

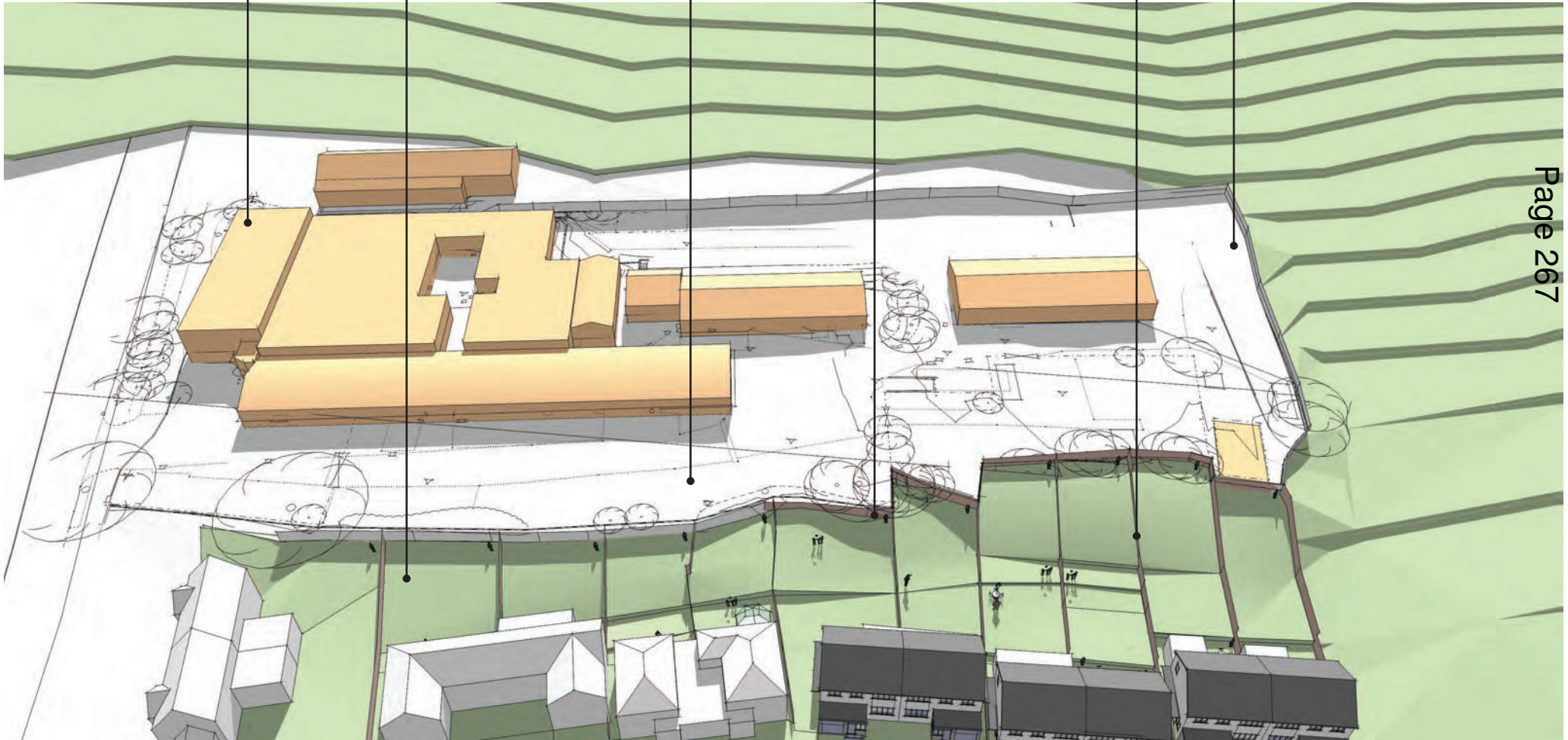
Existing 2.58m high bank

Existing buildings set back from site boundaries

Access road and parking provides a separation between the buildings and boundary

Existing 5.23m high bank

Buildings set back from boundary with AONB





## Proposed Site Layout

Proposals taken from applicants sketchup model (site plan Rev P11) and updated as follows;  
-existing neighbouring properties redrawn at correct heights.

- Existing gardens redrawn to show more accurate representation
- Yellow houses not updated to latest site plan Rev P21
- Red Houses updated as Rev P21

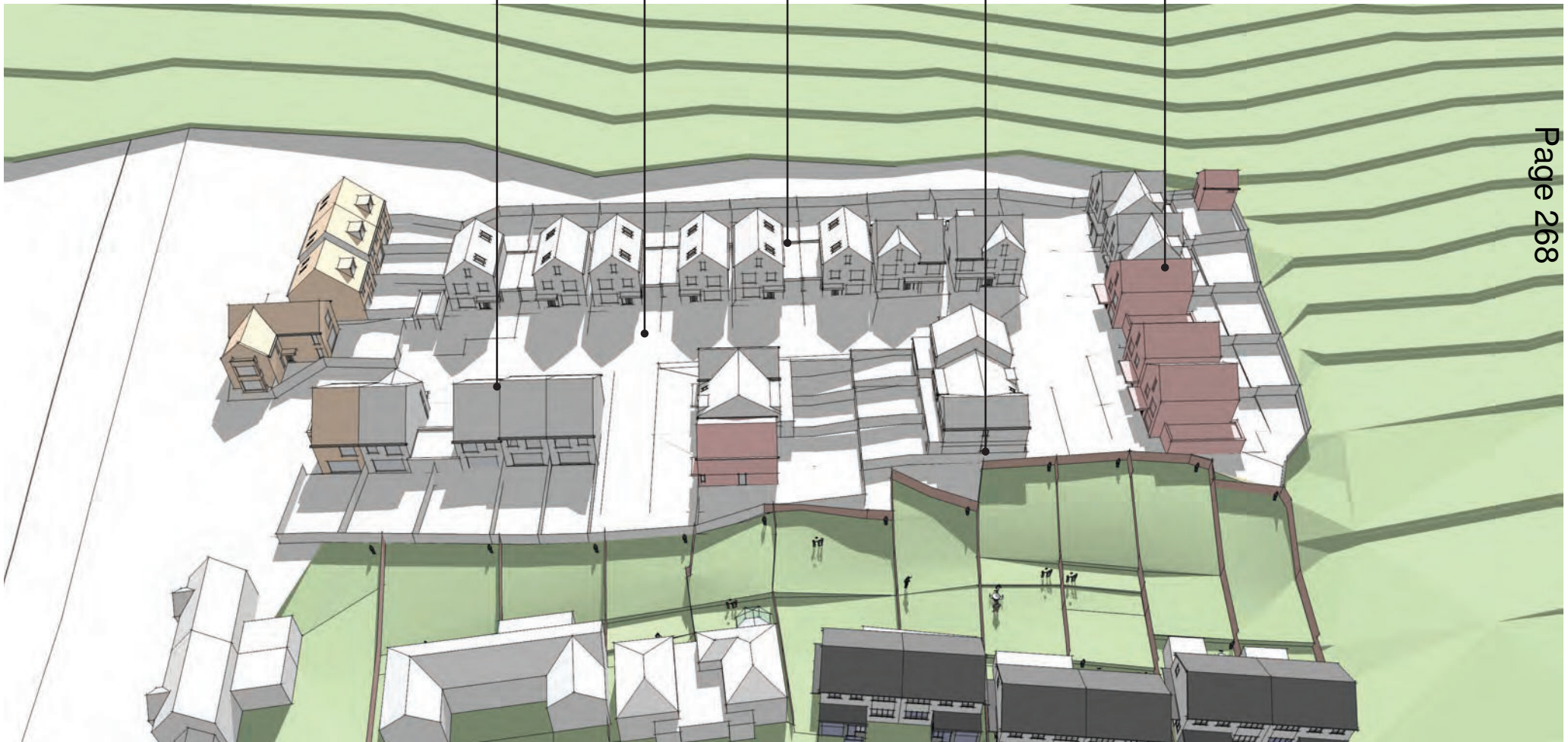
Terrace of 3 storey properties close to the boundaries

2 and 3 storey properties

Proposals tight to boundary

Access road in centre of site pushes development to boundaries

Proposals overlook existing houses



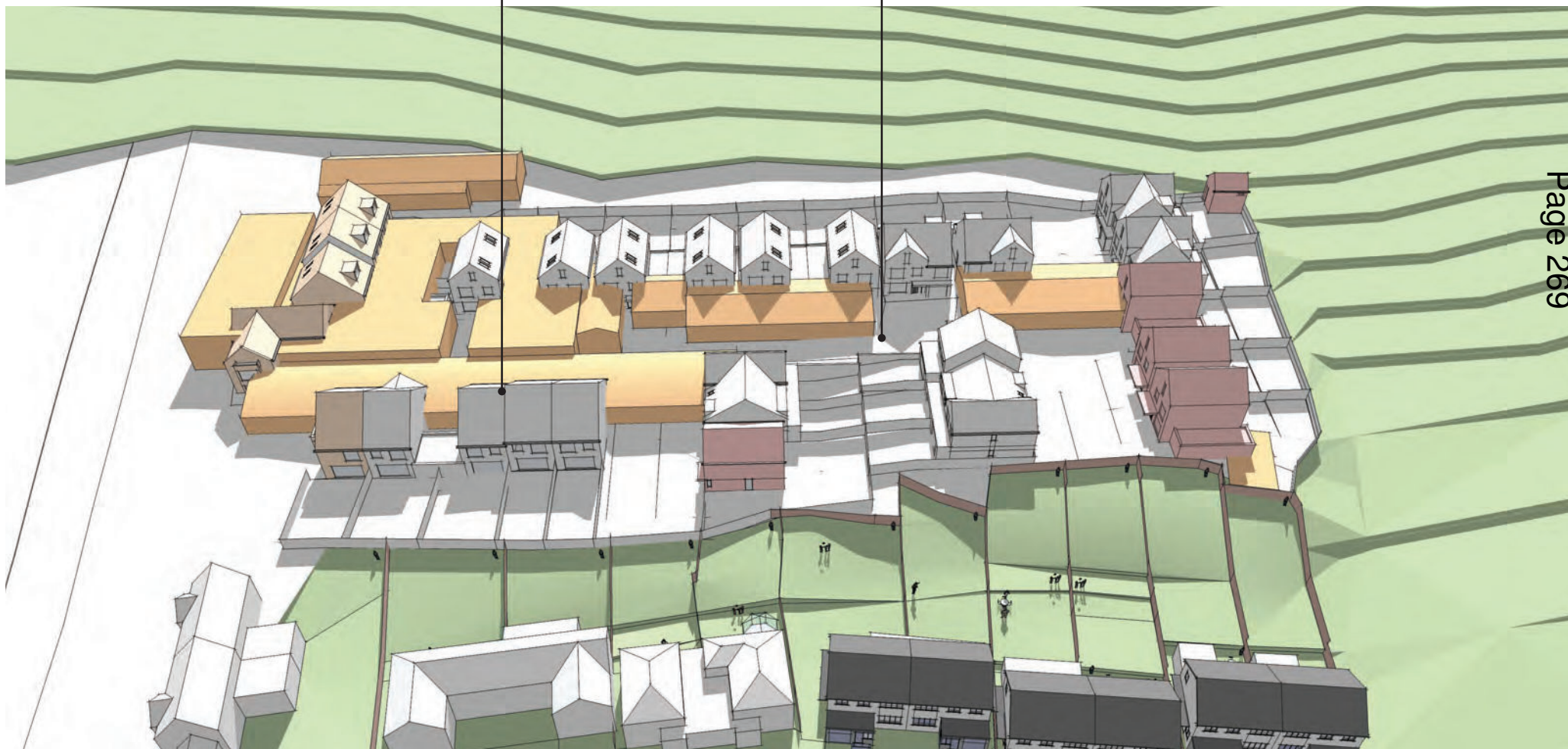


## Proposed Compared

Overlay of existing and proposed

Significant increase in density and volume of building on the site

Large extent of proposals extend beyond and above envelope of existing buildings

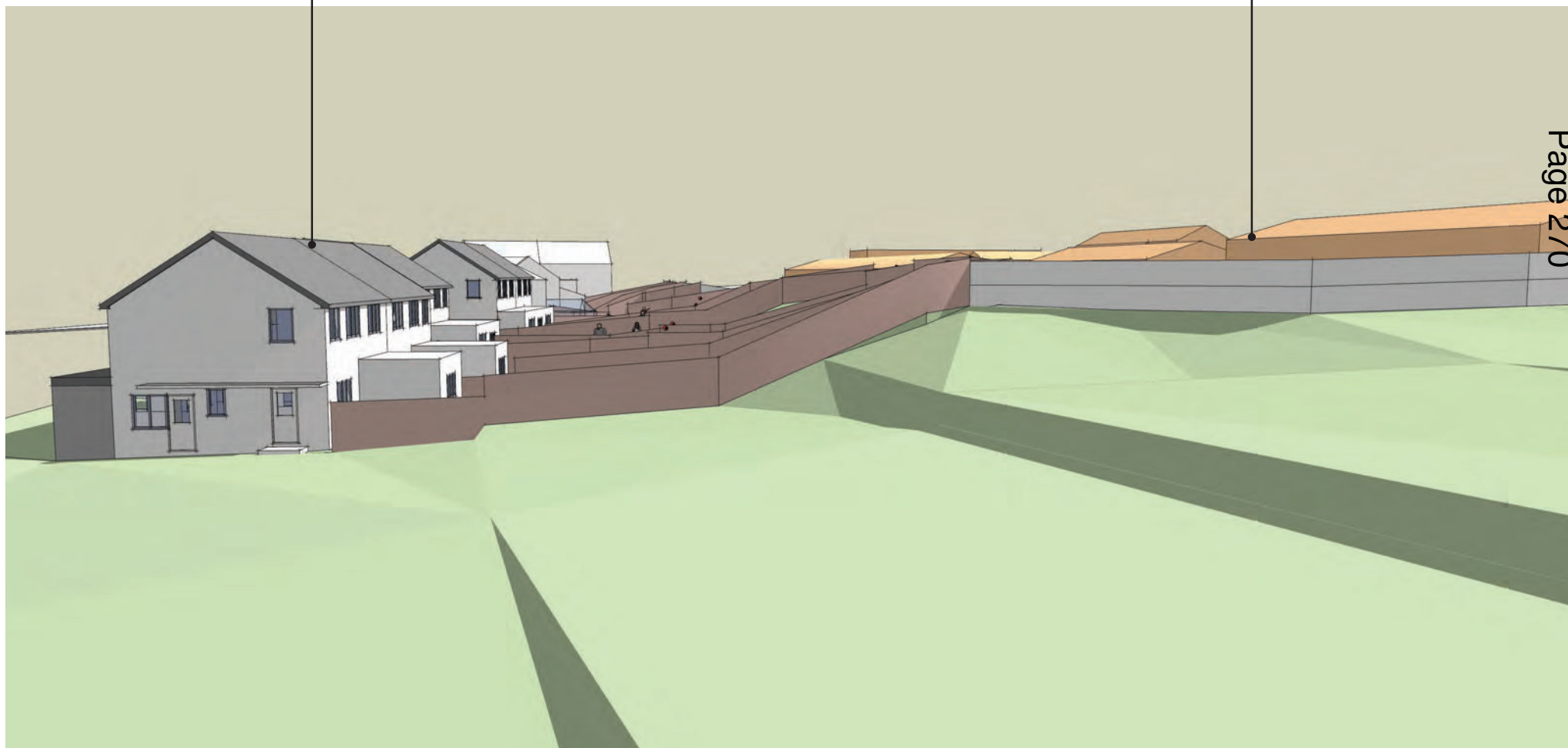


## View looking East

Illustration of existing view looking east

Existing houses at bottom of existing bank

Existing single storey units set back from boundary



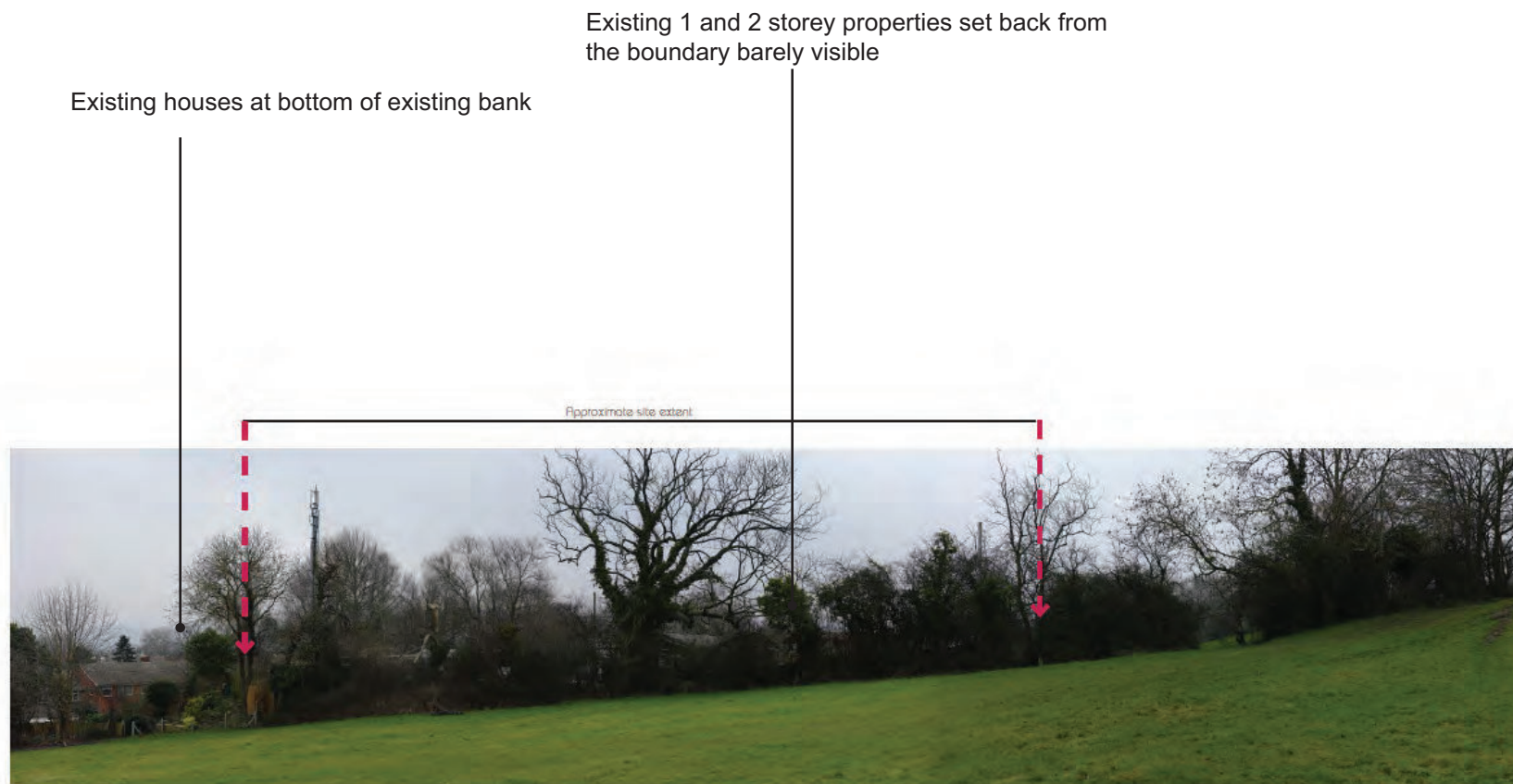
## View looking East

Illustration of proposed view looking east



## View 4 - Existing Site

View 4 from the Landscape Design Statement



View 4: East along the western boundary of the site: low visibility into the site due to established hedgerow. Communications mast visible



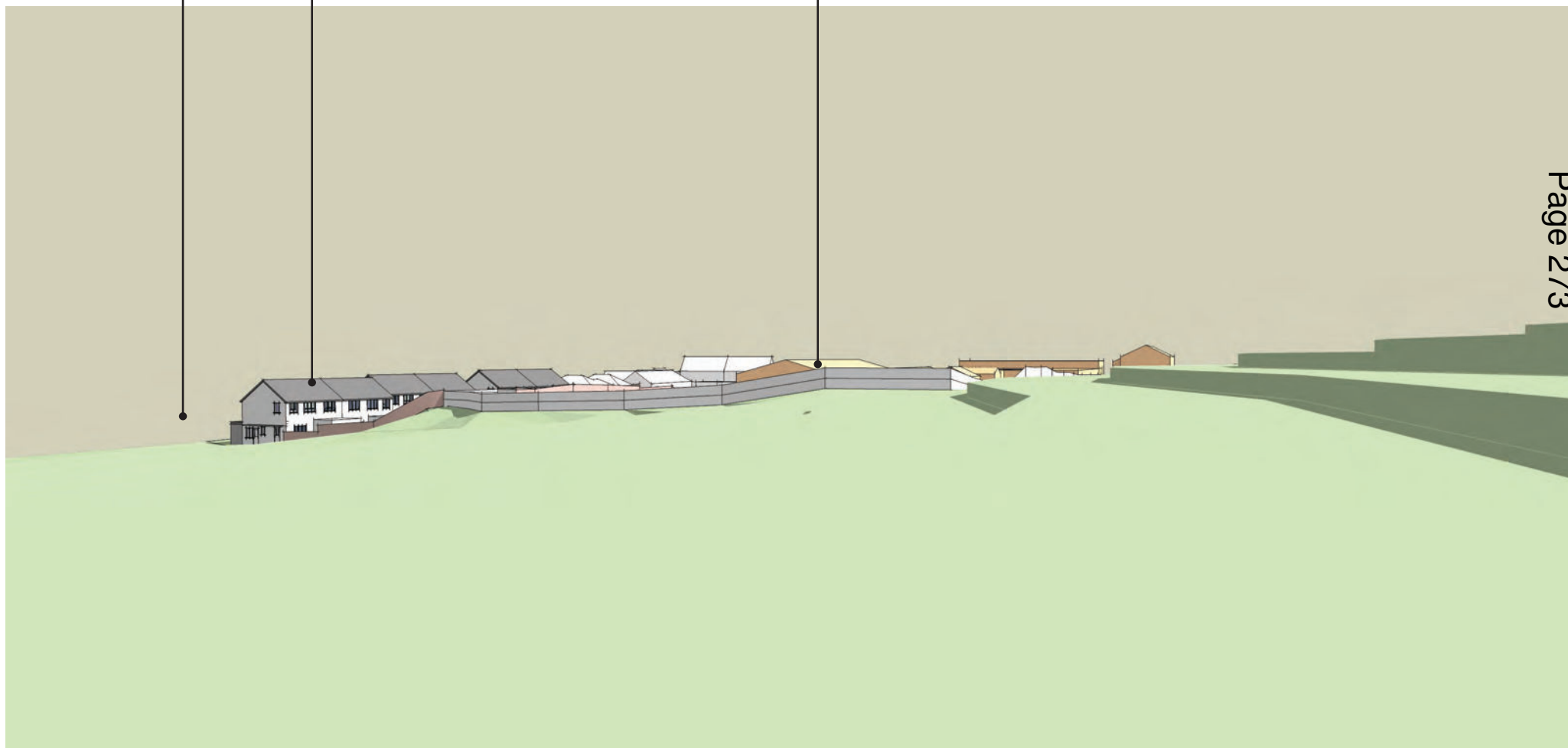
## View 4 - Existing Site

Illustration of existing site from View 4 as shown in the Landscape Design Statement

47 Collum End Rise and beyond not shown

Existing houses at bottom of existing bank

Existing 1 and 2 storey properties set back from the boundary



## View 4 - Proposed Site

Illustration of proposed site from View 4 as shown in the Landscape design statement

Proposed 3 storey development has a significant visual presence from the AONB

Existing houses at bottom of existing bank



## View 4 - Proposed Site

Overlay of proposed site with View 4 from the Landscape design statement

Proposed 3 storey development has a significant visual presence from the AONB

Existing houses at bottom of existing bank



View 4: East along the western boundary of the site: low visibility into the site due to established hedgerow. Communications most visible

Leckhampton Road, Chesham Landscape Design Statement - 10

NOCE Urban design Creating a sense of place

Shadows cast by plot 17 across the kitchen window and the majority of the garden at midday

Shadows cast by plot 17 across living room window and the majority of the garden at midday

Shadows cast by plot 18 across the kitchen and dining room window and the majority of the garden at midday

Shadows cast by plot 23 across the conservatory and the majority of the garden at midday

## Shadow Study - 21 January @ 12.00

View of existing properties to show extent of cast shadows

The elevated site, height of the bank and orientation of the site has a significant affect of the extent of shadows. Any properties facing due north and close to the boundary will create a permanent shadow of the adjoining gardens





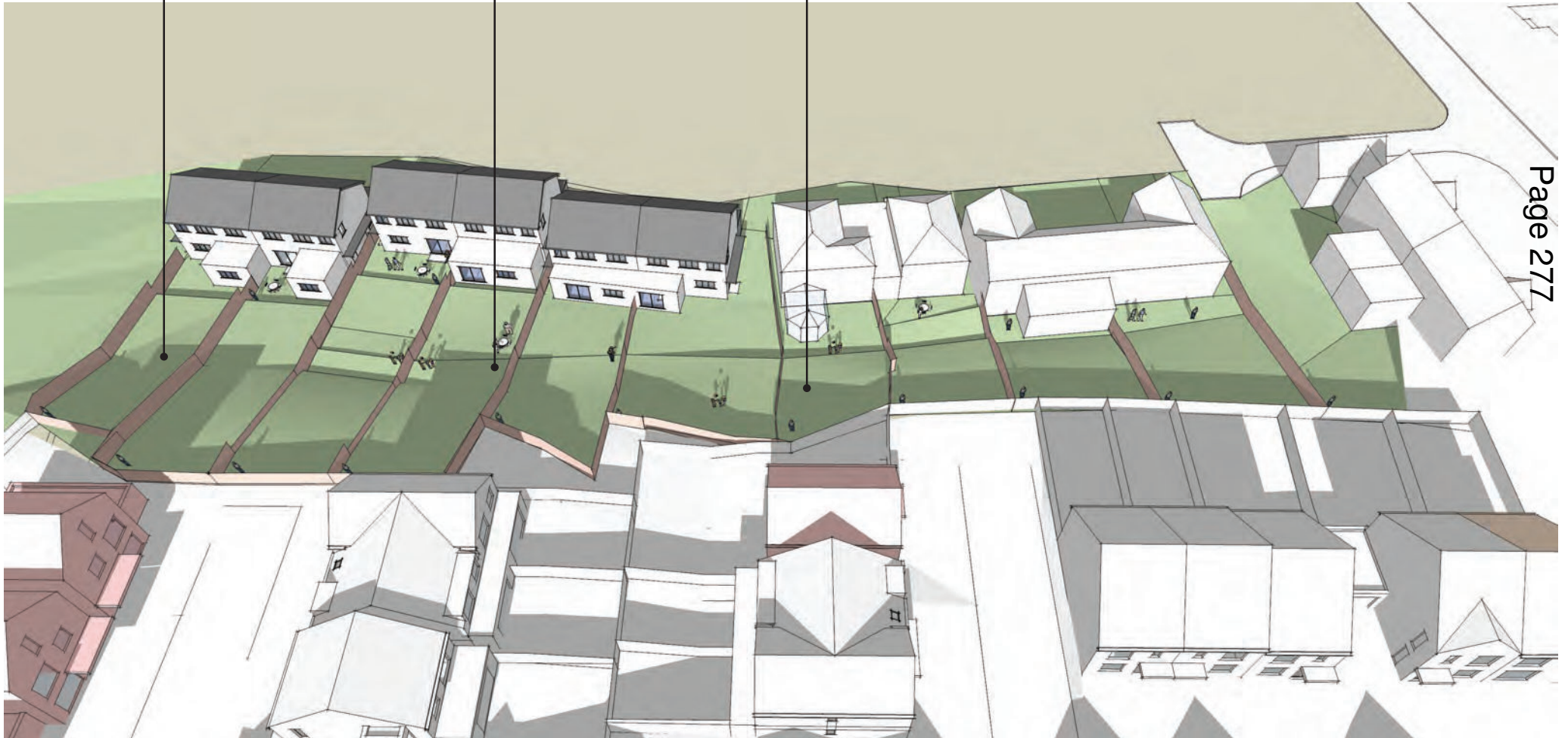
Shadows cast by plot 17 across the gardens at midday

Shadows cast by plot 18 across gardens at midday

Shadows cast by plot 23 across gardens at midday

## Shadow Study - 21 February @ 12.00

View of existing properties to show extent of cast shadows



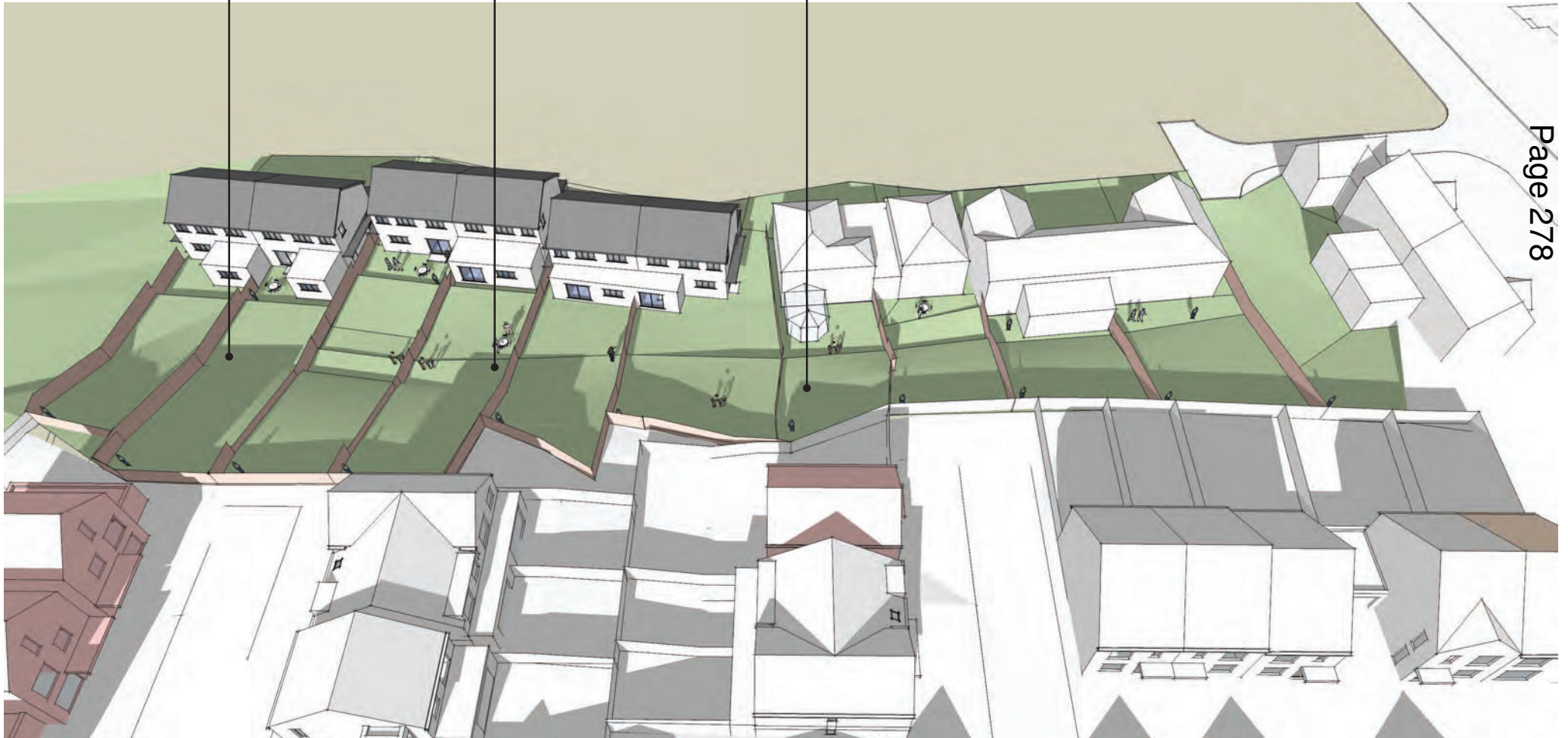
Shadows cast by plot 17 across the gardens at midday

Shadows cast by plot 18 across gardens at midday

Shadows cast by plot 23 across gardens at midday

## Shadow Study - 21 October @ 12.00

View of existing properties to show extent of cast shadows





Shadows cast by plot 17  
across the kitchen window  
and the majority of the  
garden at midday

Shadows cast by plot 17  
across living room and kitchen  
window and the whole of the  
garden at midday

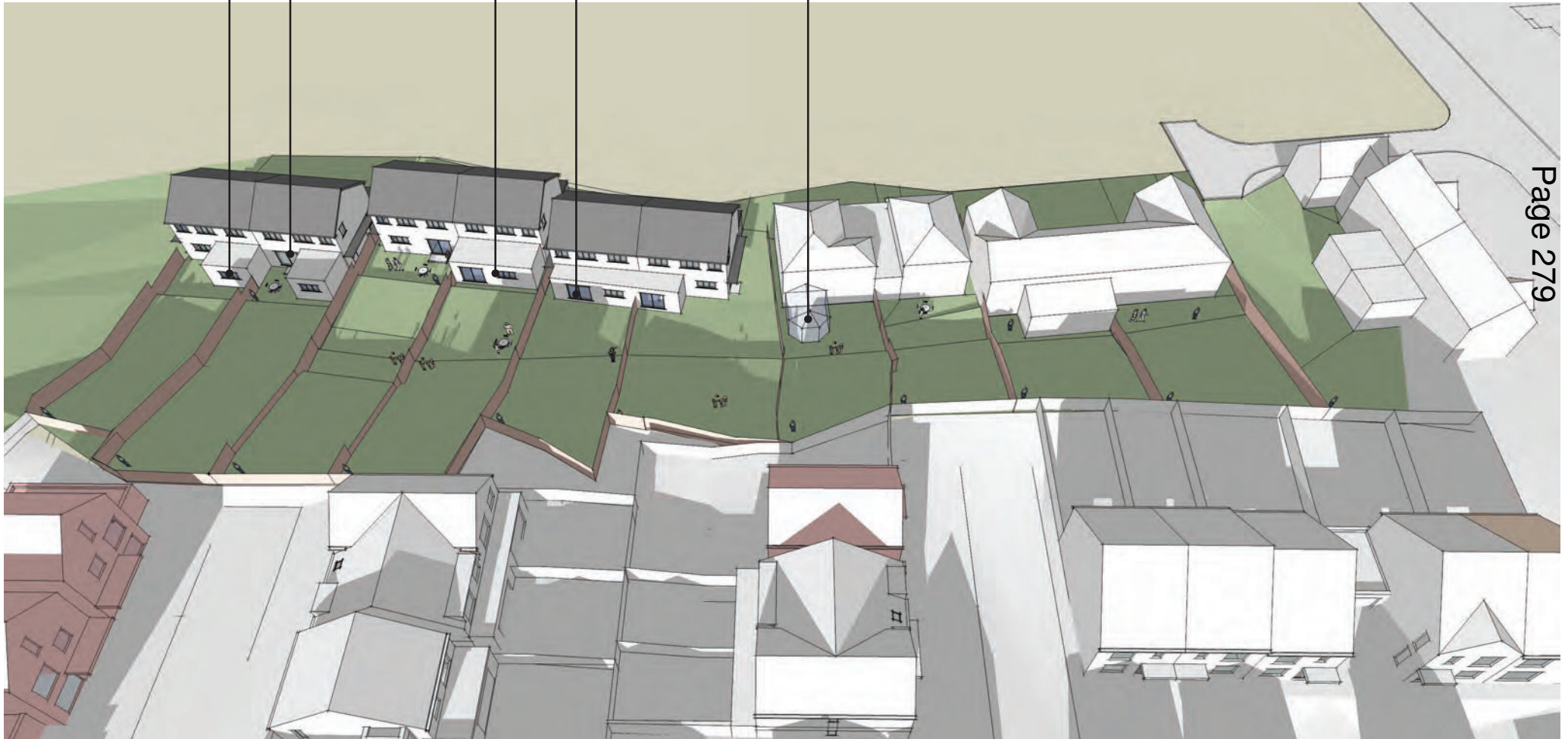
Shadows cast by  
plot 18 across the  
kitchen window and  
the majority of the  
garden at midday

Shadows cast by plot 18  
across the dining room  
window and the majority  
of the garden at midday

Shadows cast by plot 23 across  
parts of the conservatory and  
the whole of the garden at  
midday

## Shadow Study - 21 November @ 12.00

View of existing properties to show extent of cast  
shadows



Shadows cast by plot 17 the whole of the garden,  
ground floor and first floor windows at midday

Shadows cast by plot 23 across the conservatory  
and the whole of the garden at midday

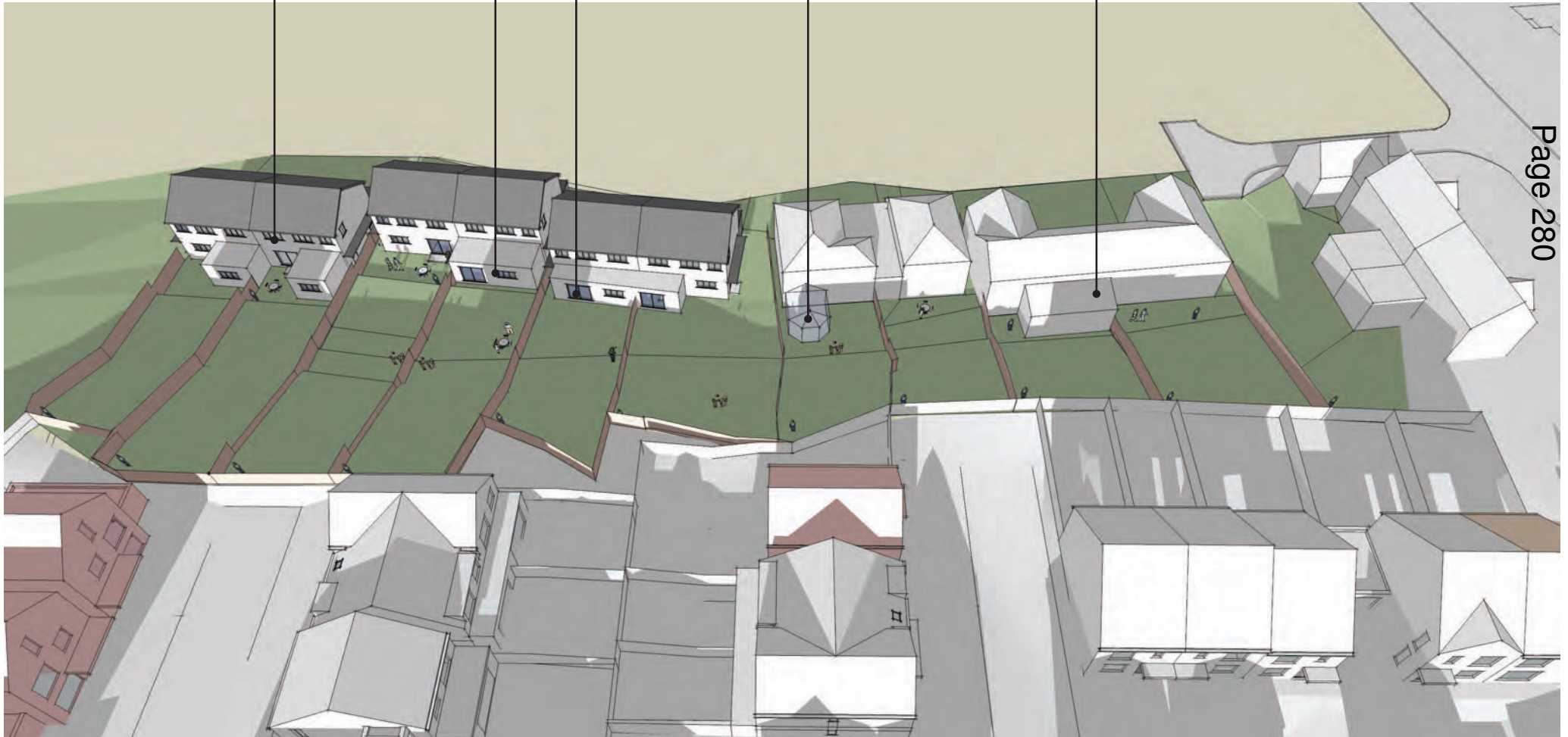
## Shadow Study - 21 December @ 12.00

View of existing properties to show extent of cast  
shadows

Shadows cast by plot 18 across the kitchen  
window and the majority of the garden at midday

Shadows cast by plot 18  
across the dining room  
window and the whole of  
the garden at midday

Shadows cast by plots 24 to 26 across the whole  
garden and ground floor facades at midday





## Site Key

Proposed layout showing location of views.

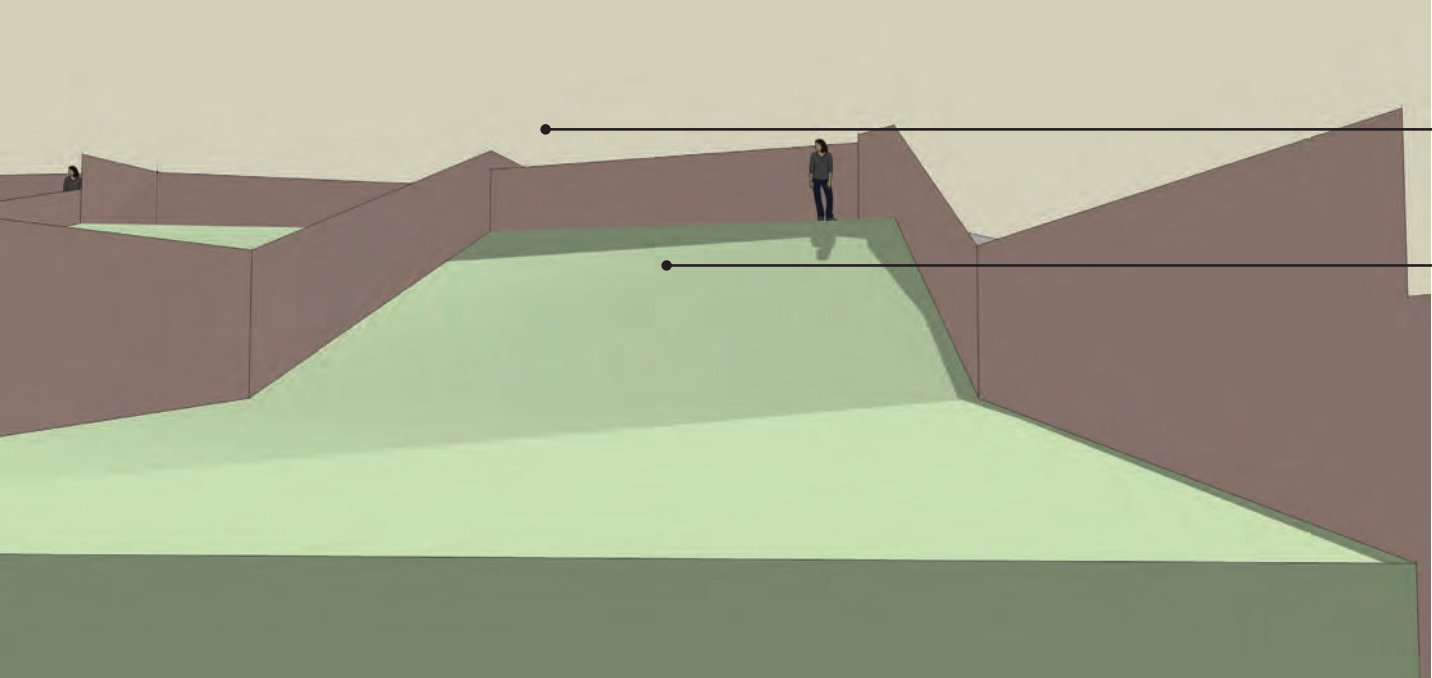
Numbers refer to house numbers of existing properties.

Proposed 3 storey development has a significant visual presence from the AONB

Existing houses at bottom of existing bank



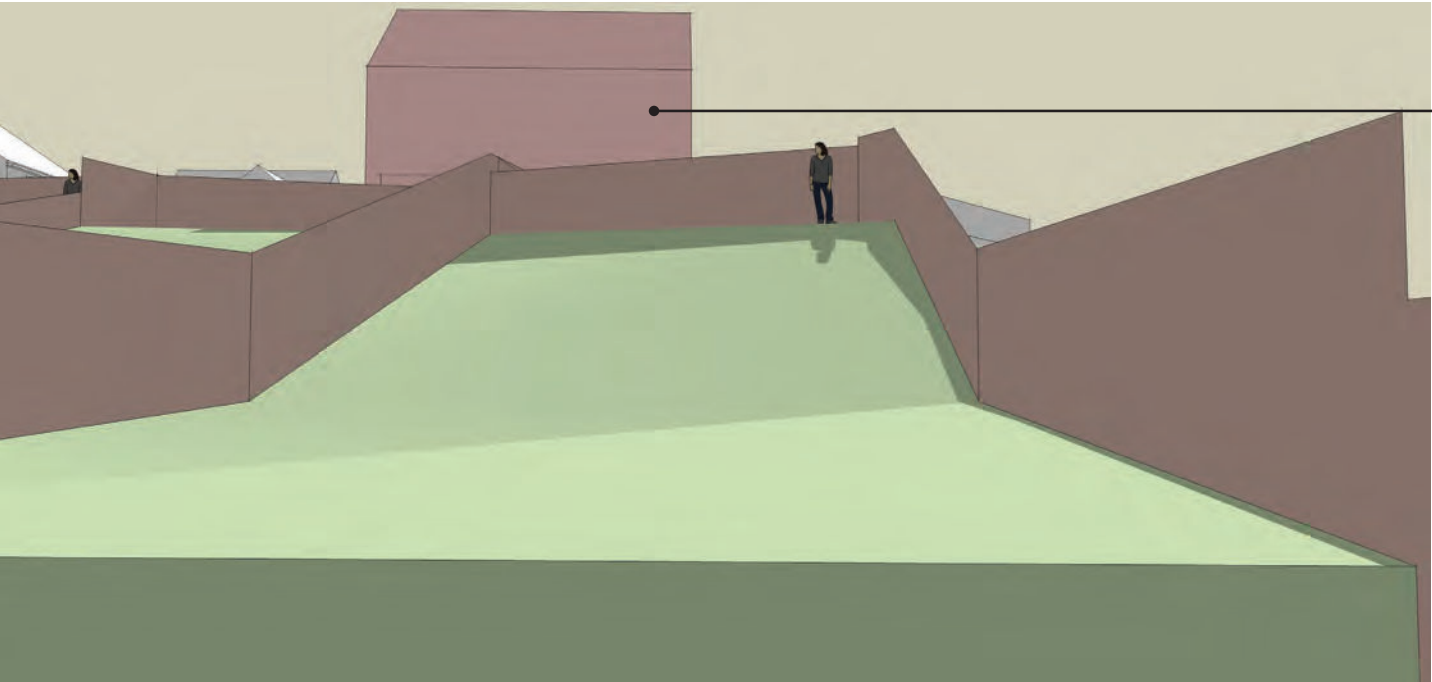
**49 Collum End Rise  
Ground Floor**



Existing buildings are not visible from Ground Floor

The existing garden rises 5.15m from the patio to the boundary

Existing View from Ground Floor



Building a large 3 storey property on an elevated site has a significant visual impact on the existing neighbours

Proposed View from Ground Floor



## 49 Collum End Rise First Floor

Extent of existing buildings visible from First Floor

Exiting View from First Floor



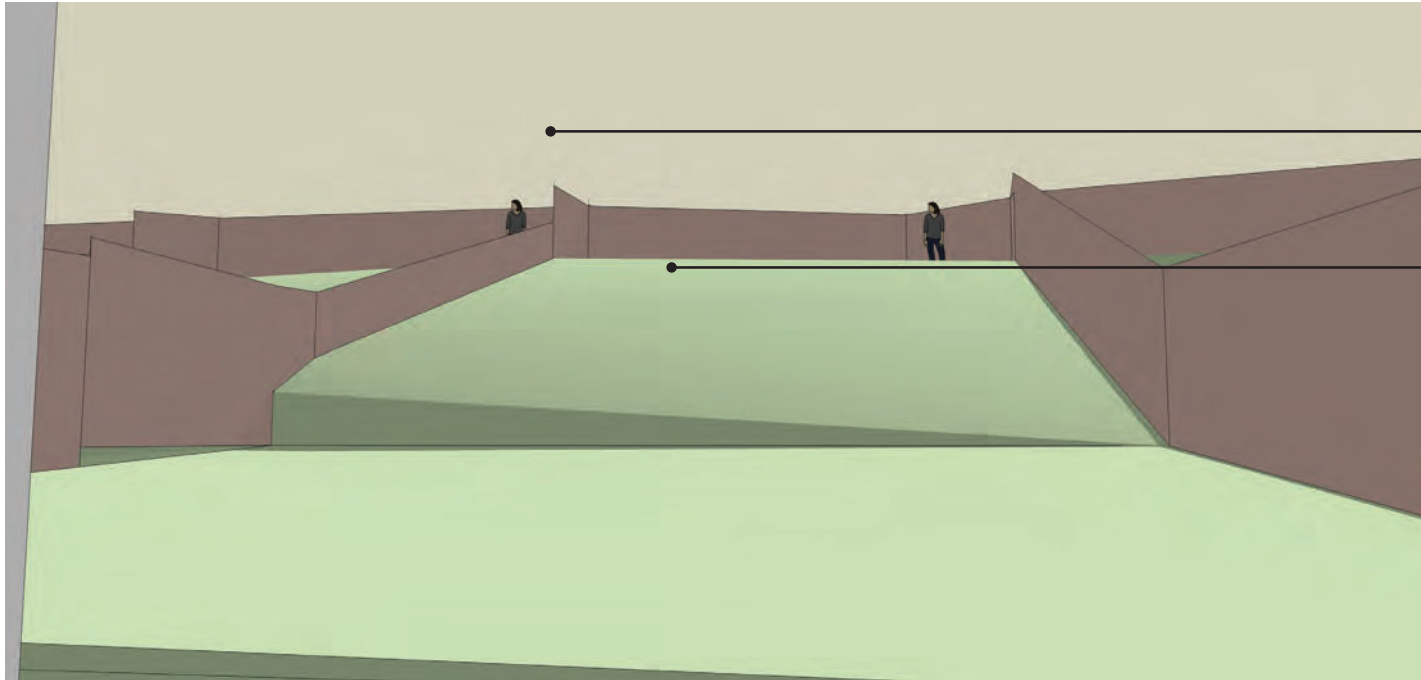
Proposed 3 storey property has a significant visual impact due to scale of the proposals and elevated site.

The Ground Floor of the proposed house (plot 17) is 5.01m above the existing patio level adding nearly two storey to the effective height.

The proposed house has a significant presence at the end of the garden.

Proposed View from First Floor

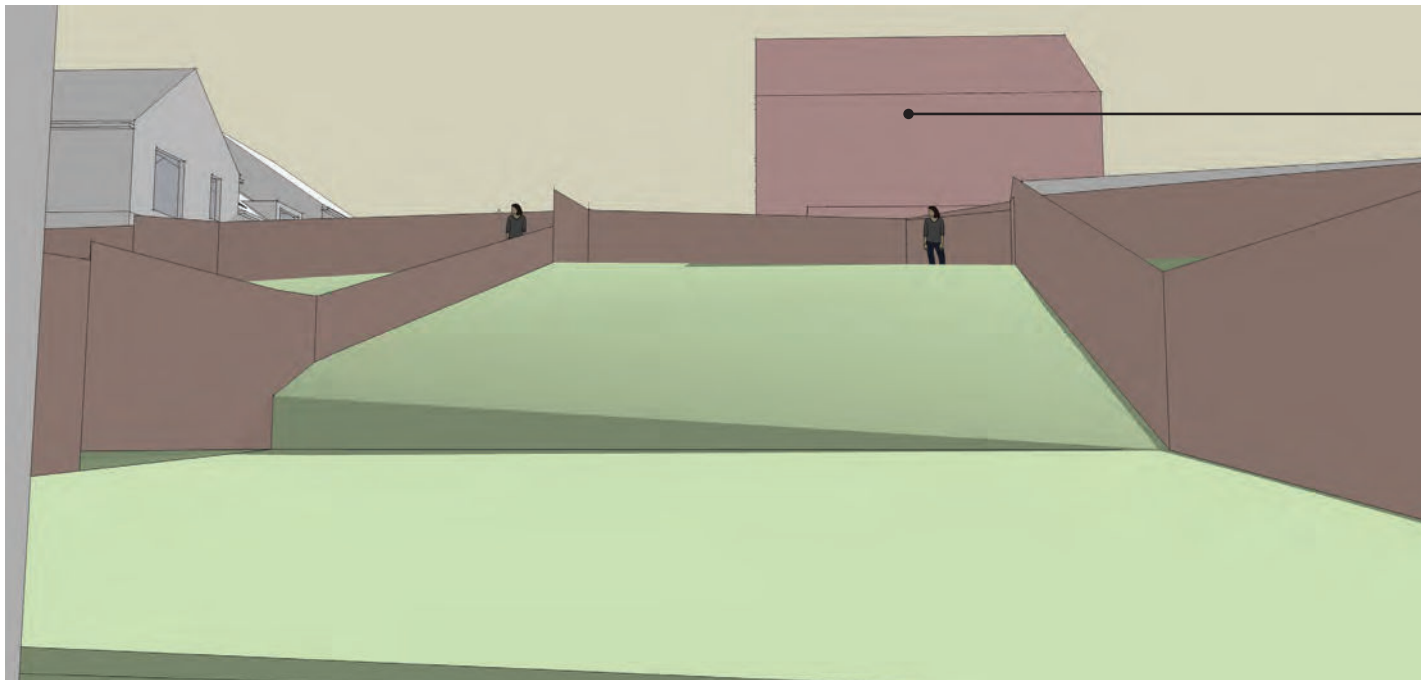
## 51 Collum End Rise Ground Floor



Existing buildings are not visible from Ground Floor

The existing garden rises 5.34m from the patio to the boundary

Existing View from Ground Floor



Due to the proposed houses being 3 storey the effective height visible over the proposed 1.8m high fence is significant. Added to the 5.01m elevated level of the proposed ground floor makes for a proposed development that dominates the skyline.

With the proposed Ground Floor 5.01m above the patios and a 6m high side elevation the effective height of the eaves is over 11.01m. This is nearly equivalent to a 4 storey building to the eaves with a ridge height 13.9m above the existing patios level.

Proposed View from Ground Floor

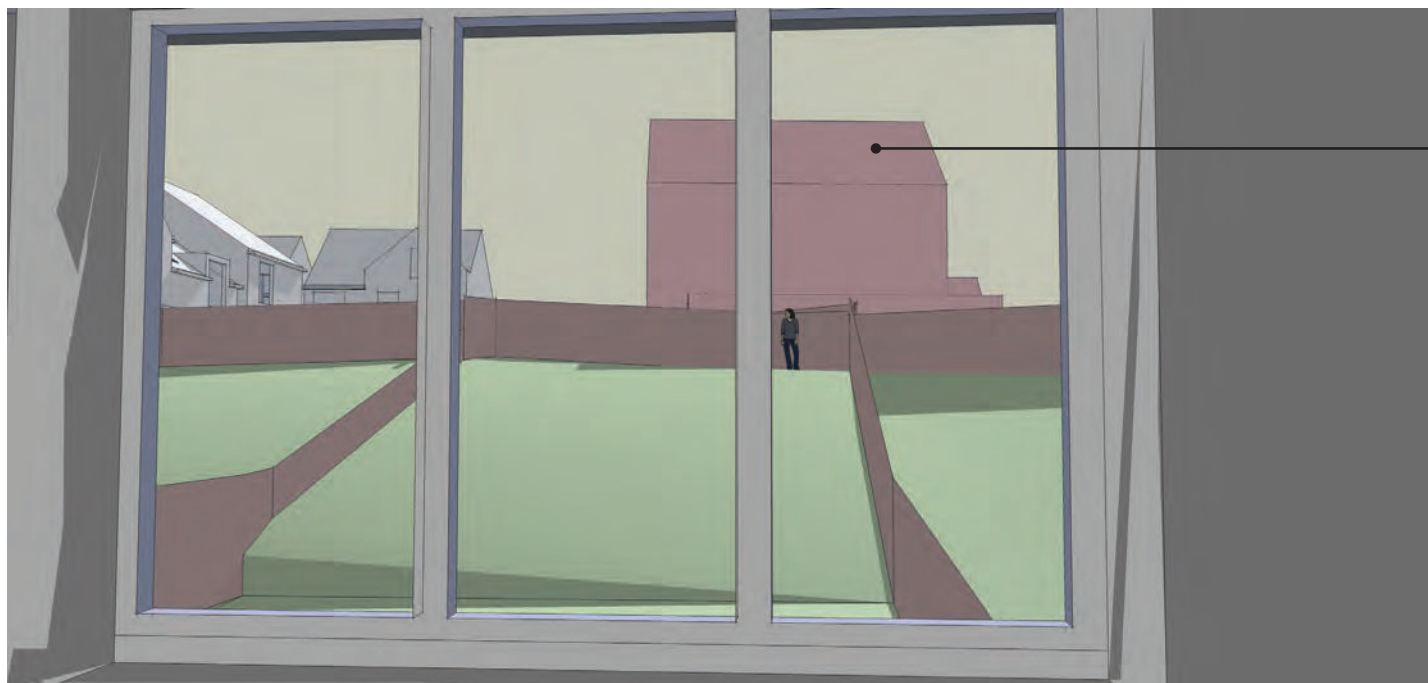


## 51 Collum End Rise First Floor



Extent of existing buildings visible from First Floor

Existing View from First Floor



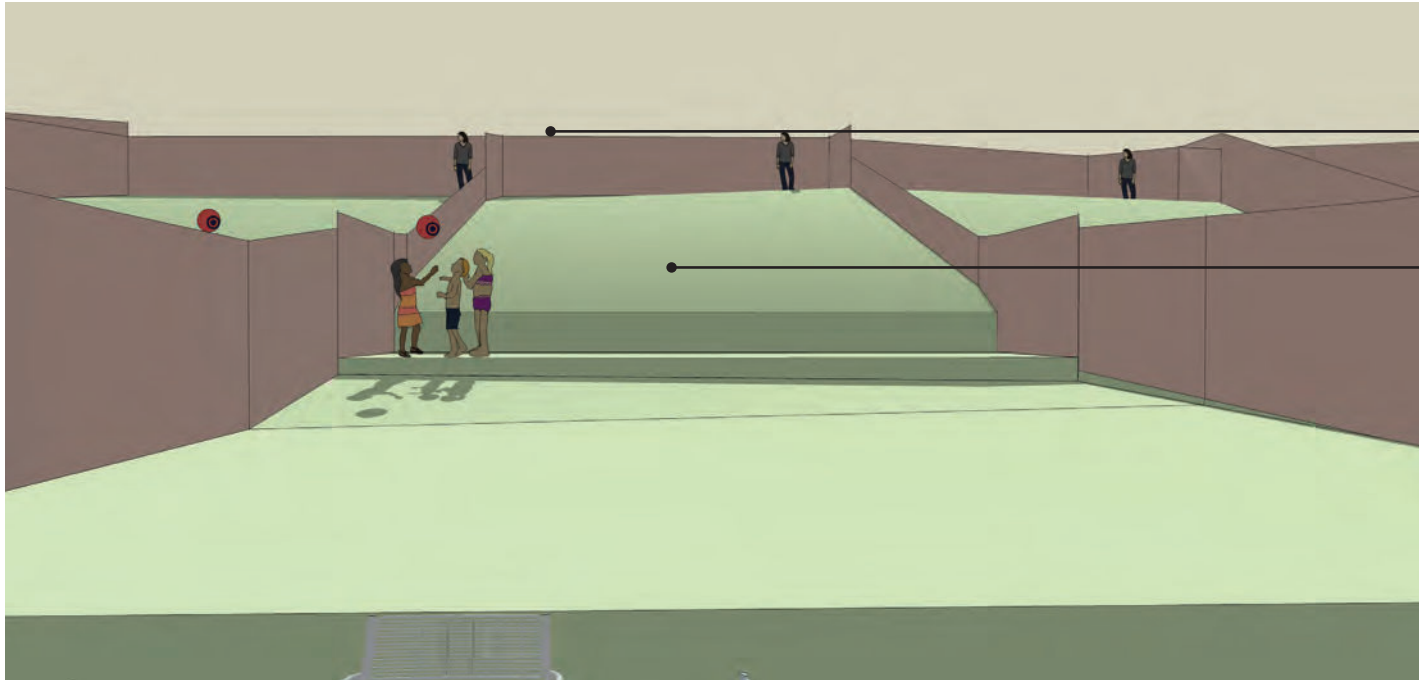
Proposed 3 storey property has a significant visual impact due to scale of the proposals and elevated site.

The Ground Floor of the proposed house (plot 17) is 5.01m above the existing patio level adding nearly two storey to the effective height.

The proposed house has a significant presence on the skyline

Proposed View from First Floor

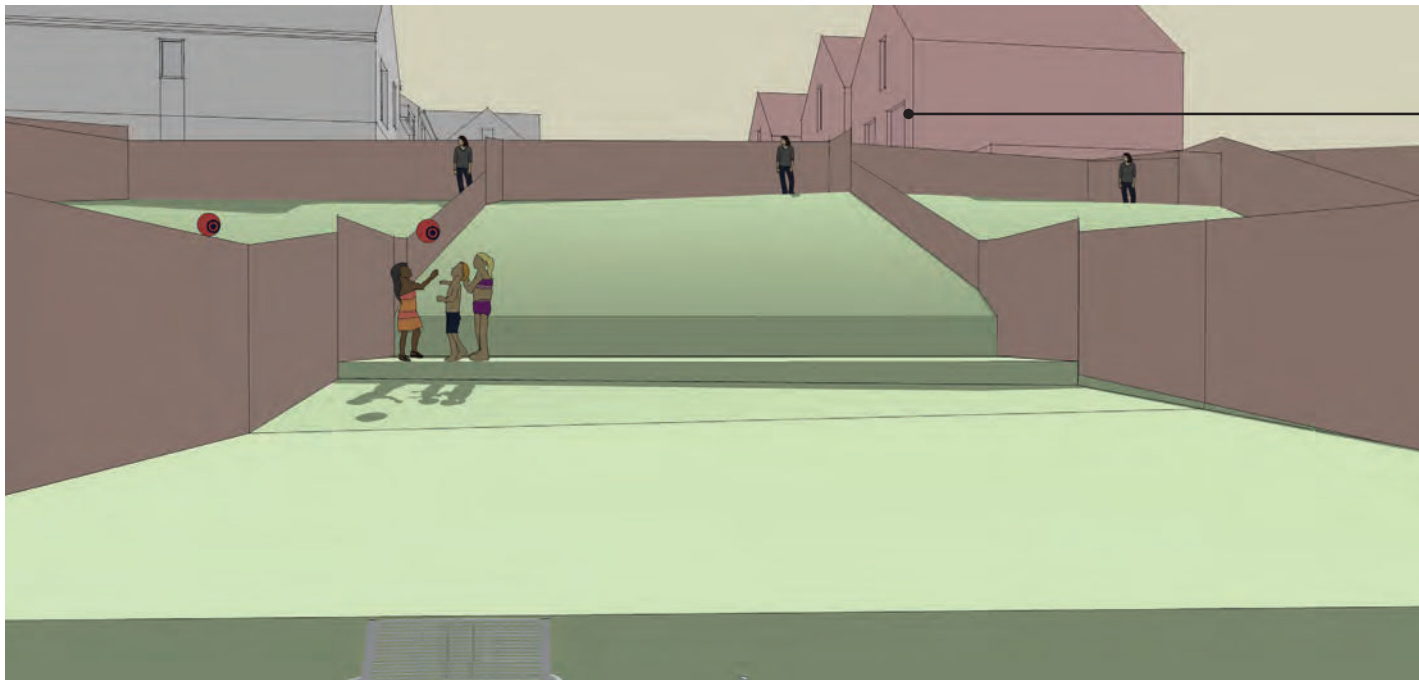
## 53 Collum End Rise Ground Floor



Existing buildings are not visible from Ground Floor

The existing garden rises 5.15m from the patio to the boundary

Existing View from Ground Floor



Due to the proposed houses being 3 storey the effective height visible over the proposed 1.8m high fence is significant. Added to the 4.71m elevated level of the proposed ground floor makes for a proposed development that dominates the skyline.

With the proposed Ground Floor 4.71m above the patios and a 6m high side elevation the effective height of the eaves is over 10.7m. This is nearly equivalent to a 4 storey building to the eaves with a ridge height 13.6m above the existing patios level.

Proposed View from Ground Floor



### 53 Collum End Rise Ground Floor Internal View

Due to the existing bank there is only a limited outlook above the existing boundary fence with limited views of the sky.

The existing garden rises 5.15m from the patio to the boundary or nearly 2 storeys.

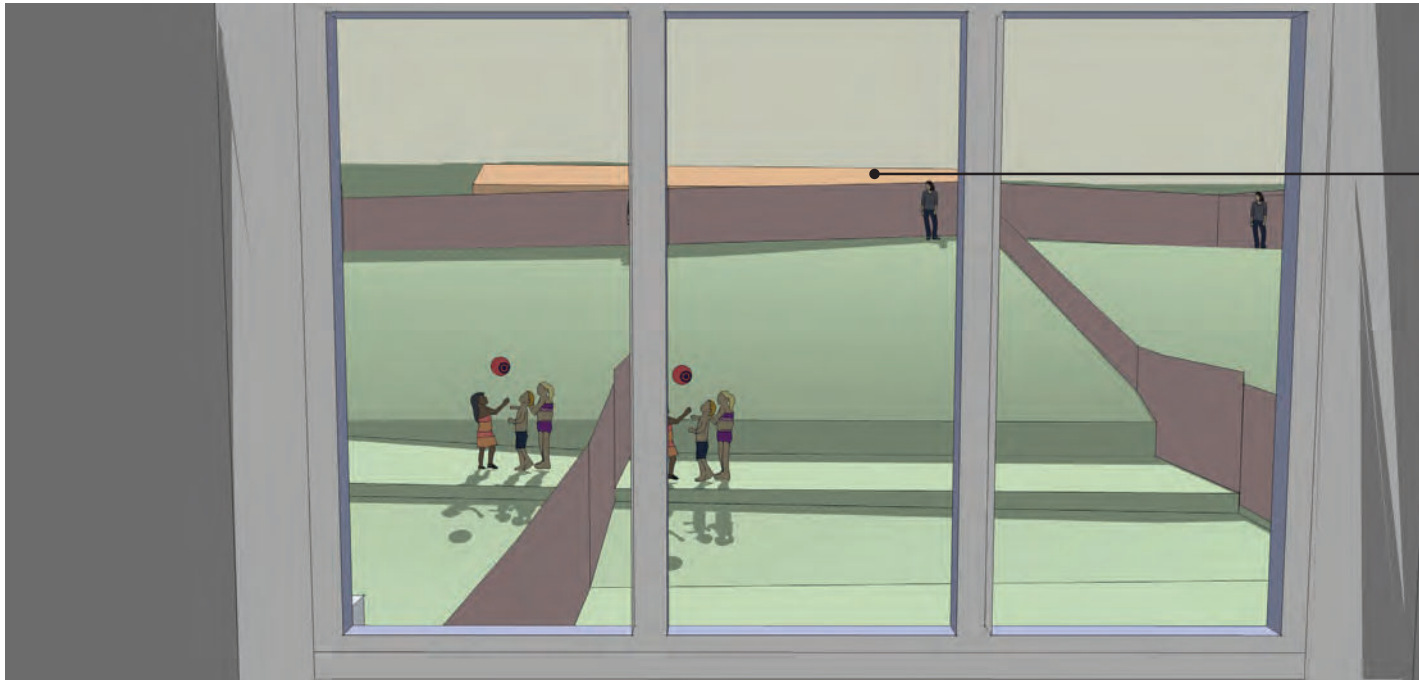
Existing View from Ground Floor



Over 70% of the limited outlook above the existing fence is obscured by the proposed development.

Proposed View from Ground Floor





## 53 Collum End Rise First Floor

Extent of existing buildings visible from First Floor

Existing View from First Floor



Proposed 3 storey properties have a significant visual impact due to scale of the proposals and elevated site. The oblique view of the gables adds to the mass and visual impact.

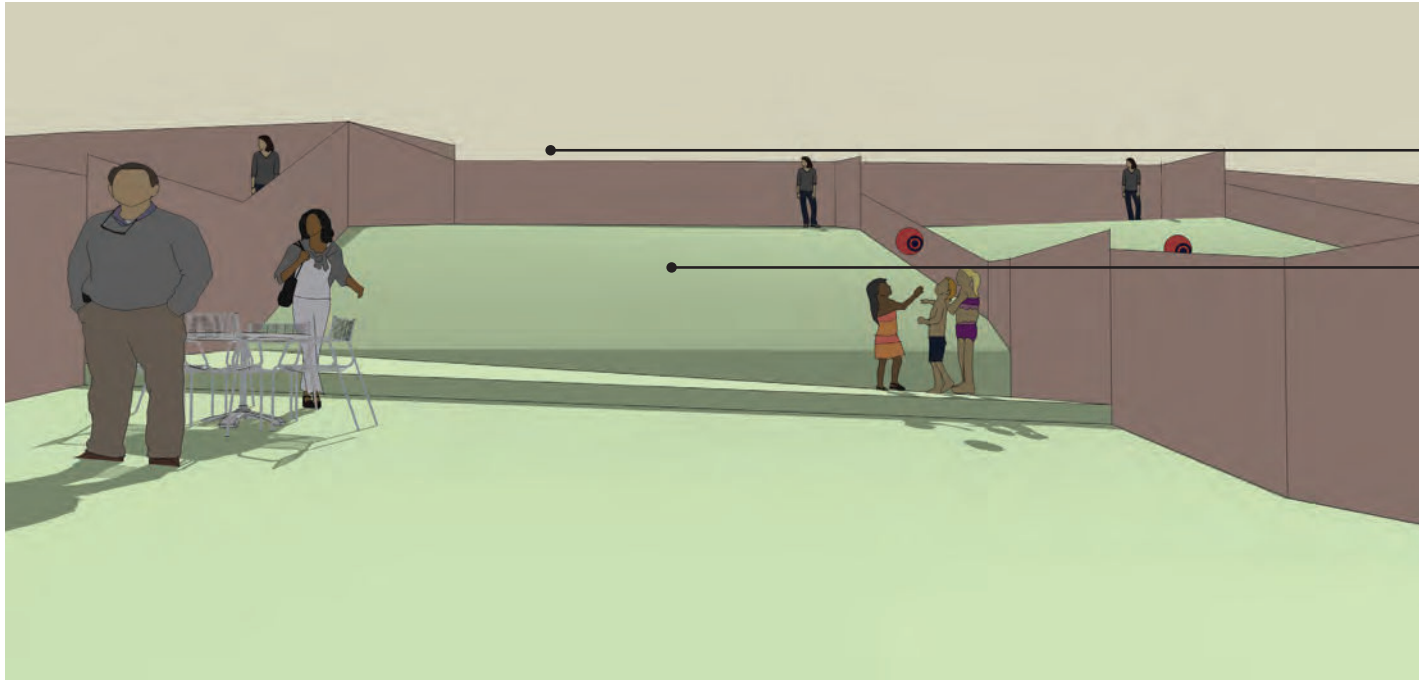
The Ground Floor of the proposed house (plot 17 and 18) is 4.71m above the existing patio level adding nearly two storey to the effective height.

Oblique views of the upper 2 floor gives the perception of overlooking and directly effects privacy. This will be exacerbated at night when large elevated windows are lit.

Proposed View from First Floor



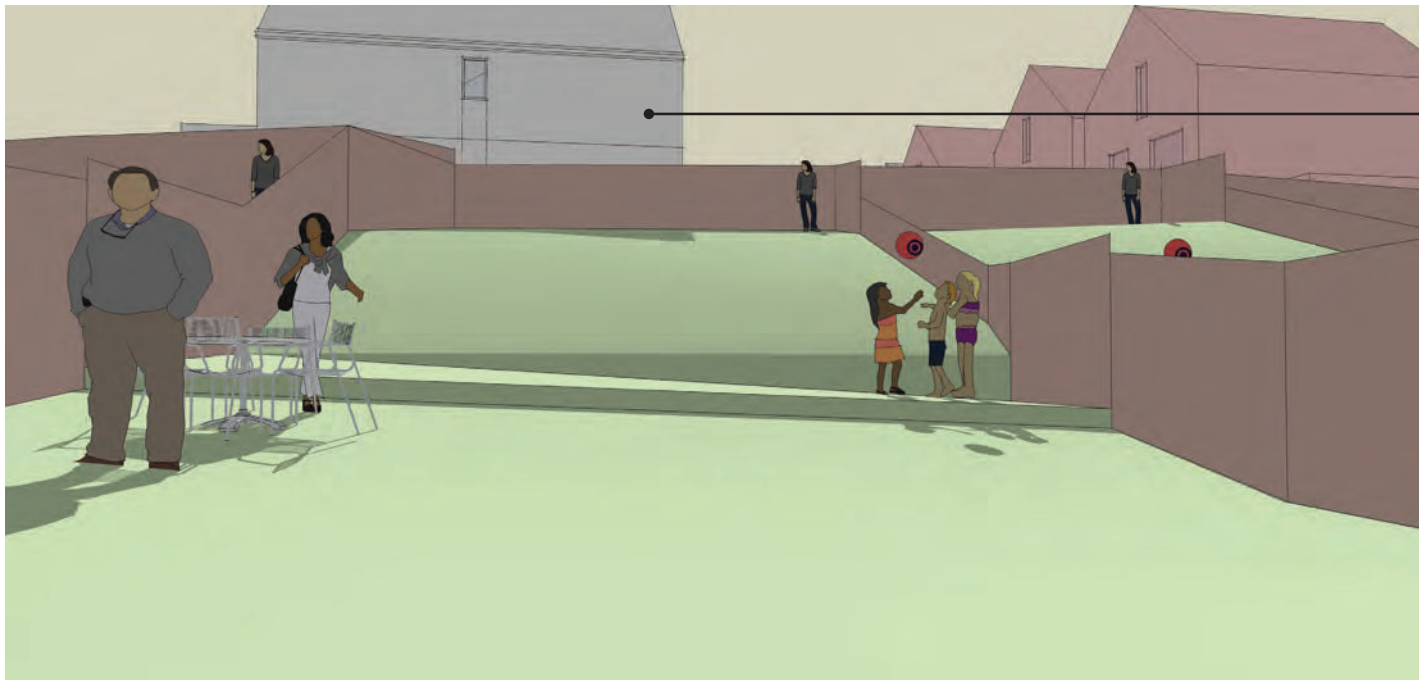
## 55 Collum End Rise Ground Floor



Existing buildings just visible from Ground Floor

The existing garden rises 4.96m from the patio to the boundary

Existing View from Ground Floor

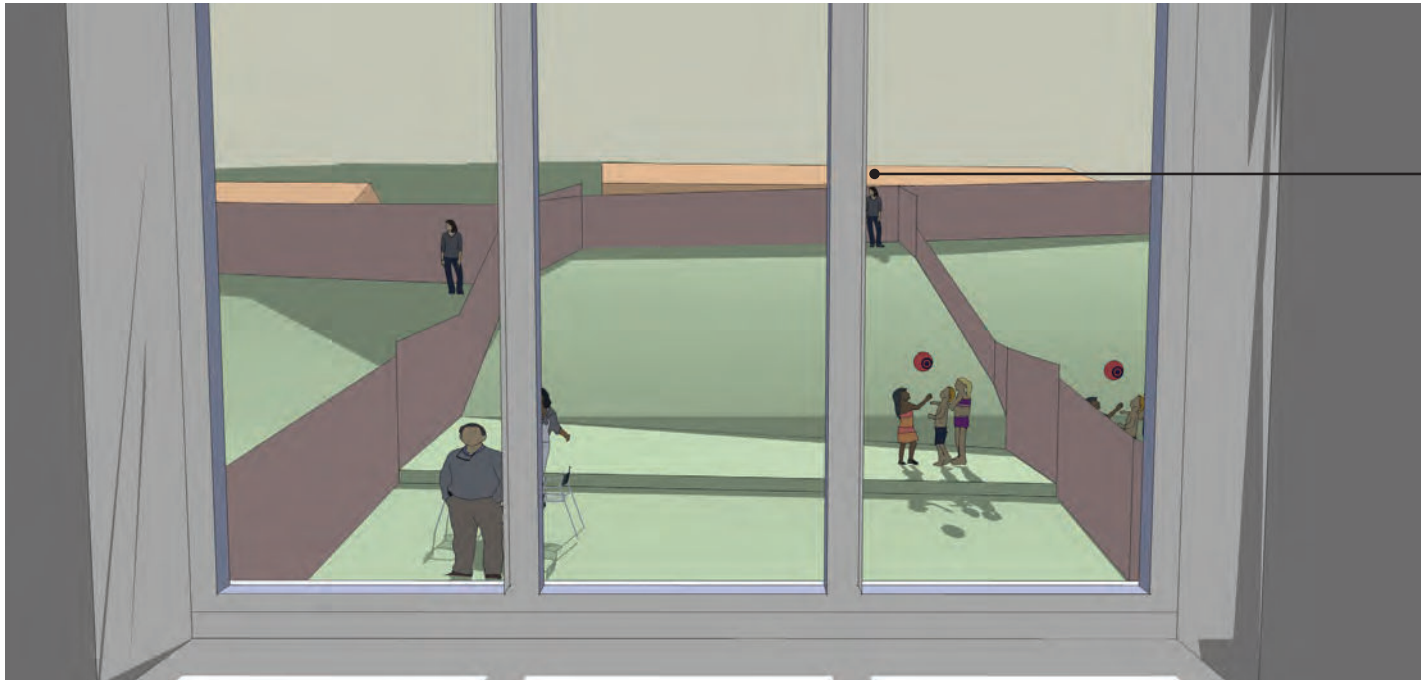


Over a storey of the proposed properties are visible over the proposed 1.8m high boundary fence.

With the proposed Ground Floor 4.71m above the patios a 5m high side elevation the effective height of the eaves is over 9.5m. This is equivalent to a 3 storey building to the eaves.

The scale of the proposed house will be overbearing and have a detrimental impact on the use of the garden, outlook from the property and amenity of the occupants.

Proposed View from Ground Floor



## 55 Collum End Rise First Floor

Existing buildings visible from First Floor

Existing View from First Floor



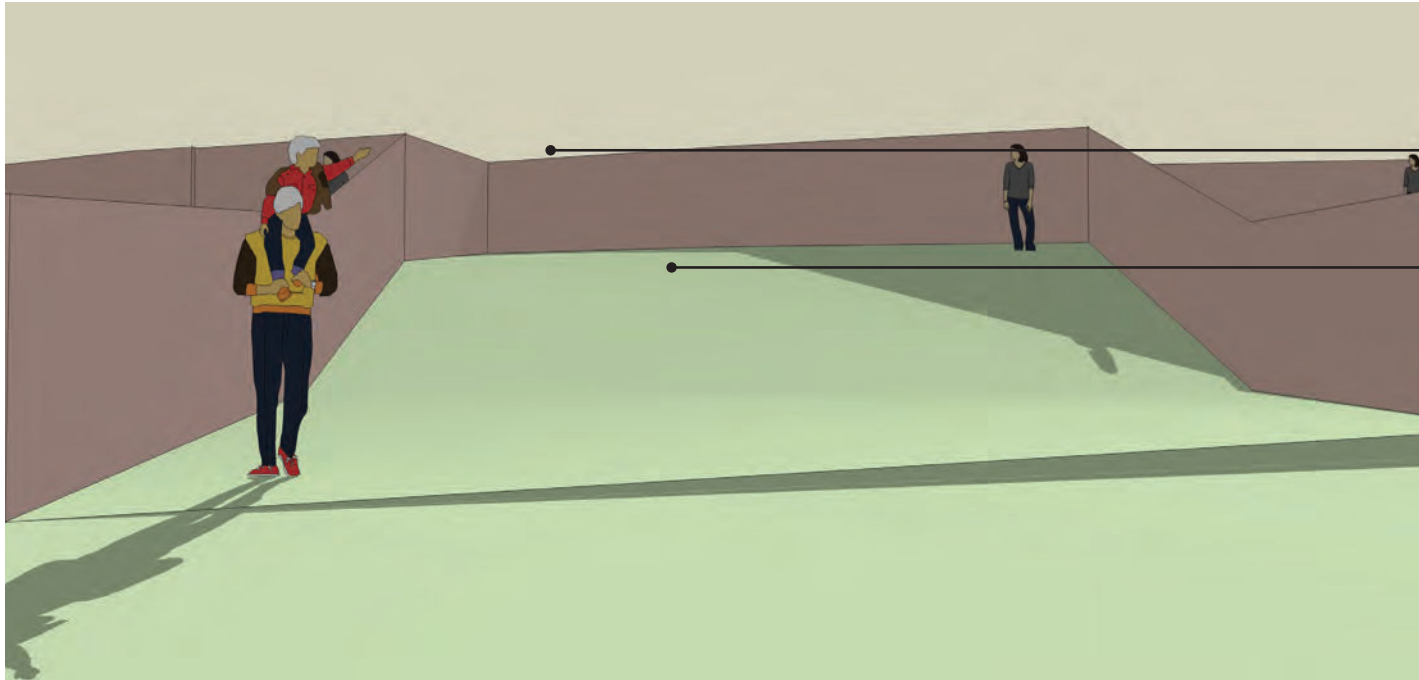
Proposed properties have a significant visual impact due to scale of the proposals and elevated site.

The Ground Floor of the proposed house (plot 18) is 4.71m above the existing patio level adding nearly two storey to the effective height.

The proposed house is exactly due south and the side elevation blocks more than 50% of the end of the garden. In addition to the overbearing this will create significant overshadowing of the garden and house all year and especially during the winter months when sun light is so valuable.

Proposed View from First Floor

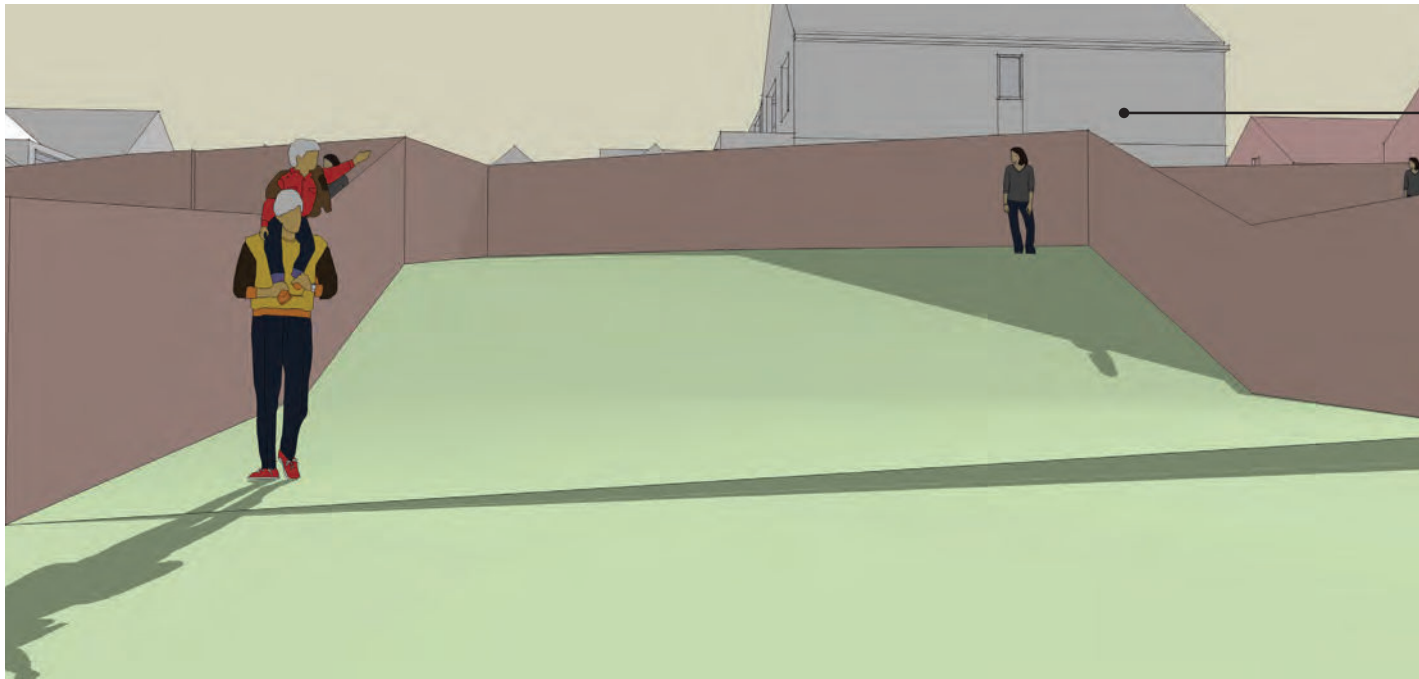
## 57 Collum End Rise Ground Floor



Existing buildings just visible from Ground Floor

The existing garden rises 3.65m from the patio to the boundary

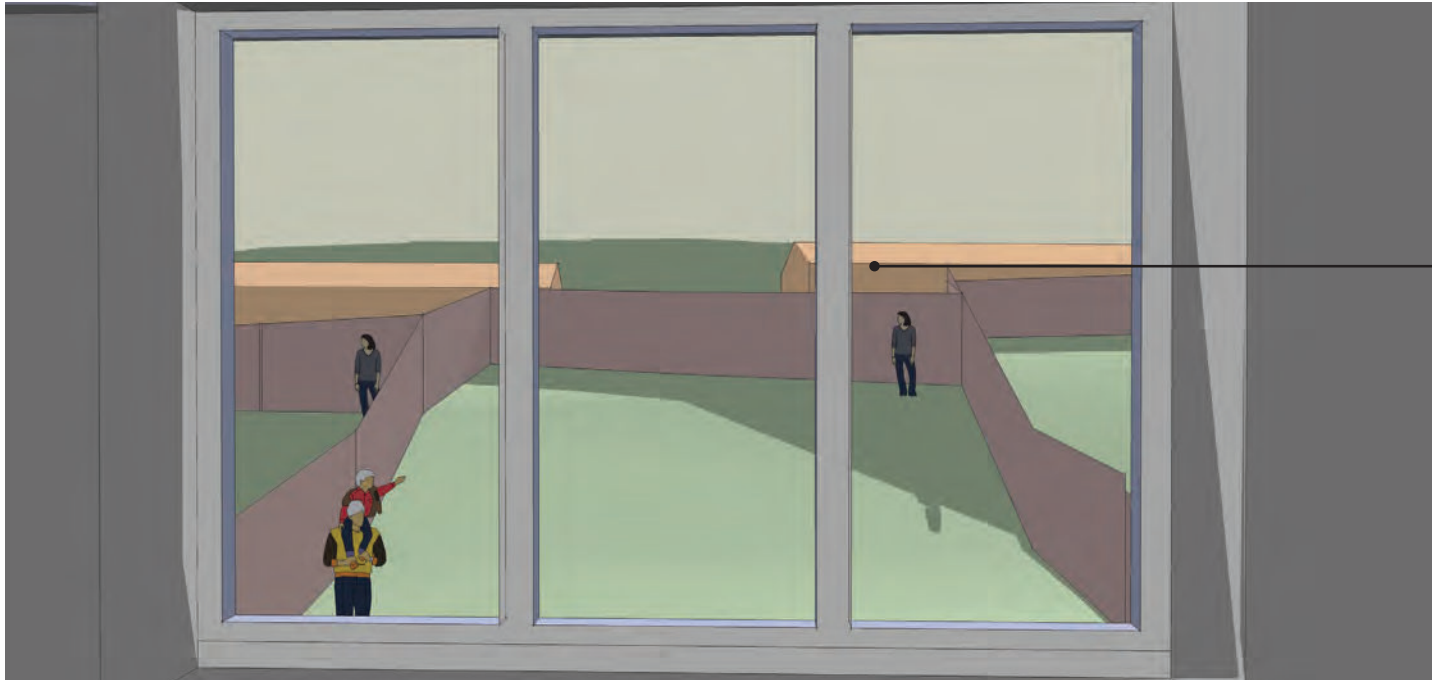
Existing View from Ground Floor



Over a storey of the proposed properties are visible over the proposed 1.8m high boundary fence.

With the proposed Ground Floor 4.23m above the patios a 5m high side elevation the effective height of the eaves is over 9m. This is equivalent to a 3 storey building to the eaves.

Proposed View from Ground Floor



**57 Collum End Rise  
First Floor**

Existing buildings visible from First Floor

Existing View from First Floor



Proposed properties have a significant visual impact due to scale of the proposals and elevated site.

The Ground Floor of the proposed house (plot 18) is 4.23m above the existing patio level adding nearly two storey to the effective height.

Proposed View from First Floor



## 59 Collum End Rise Ground Floor



Existing buildings just visible from Ground Floor

Existing View from Ground Floor



Over a storey of the proposed properties are visible over the proposed 1.8m high boundary fence. The oblique view of the gable adds to the overbearing mass of the proposals.

Proposed windows have an oblique view across gardens and the existing houses.

Proposed View from Ground Floor



## 59 Collum End Rise First Floor

Existing buildings visible from First Floor

Existing View from First Floor

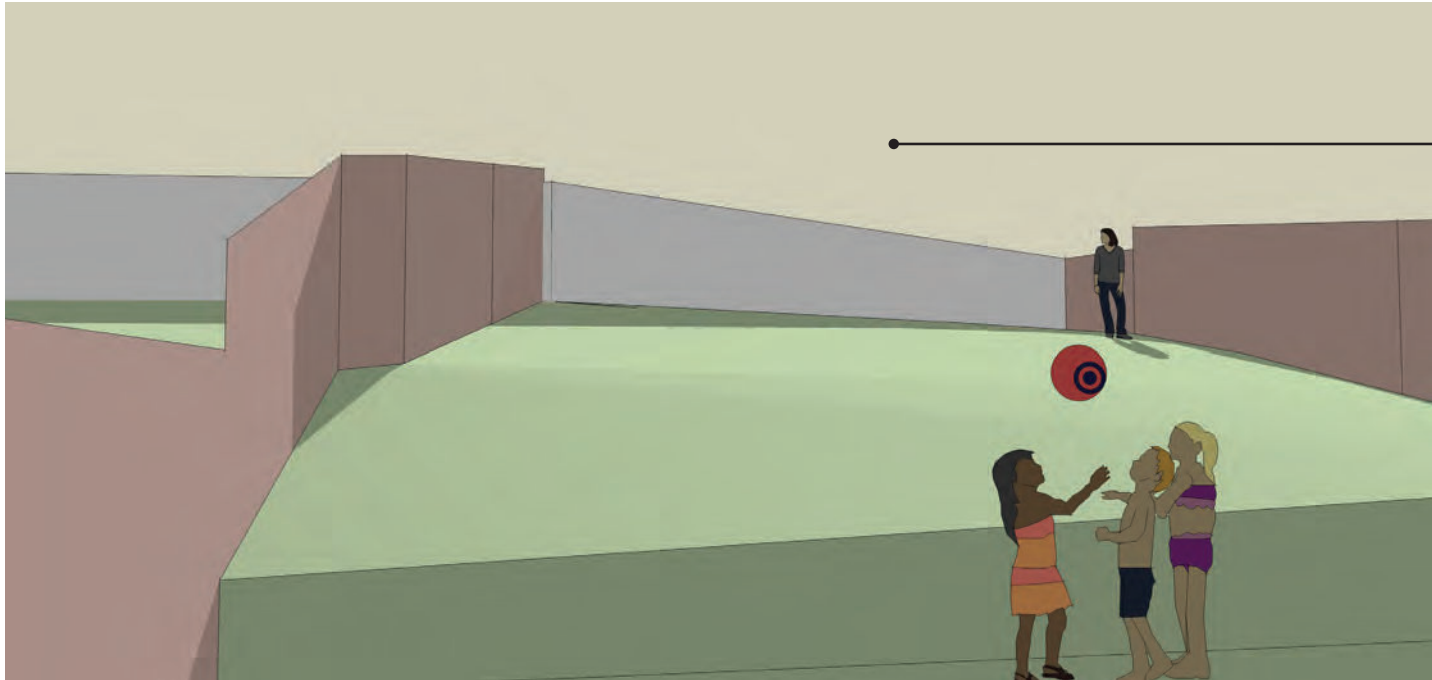


3 storey proposed properties have a significant visual presence between plots 18 and 23.

Proposed properties have a significant visual impact due to scale of the proposal and elevated site.

The Ground Floor of the proposed house (plot 23) is 2.305m above the existing patio level adding nearly a storey to the effective height.

Proposed View from First Floor



**61 Collum End Rise  
Ground Floor**

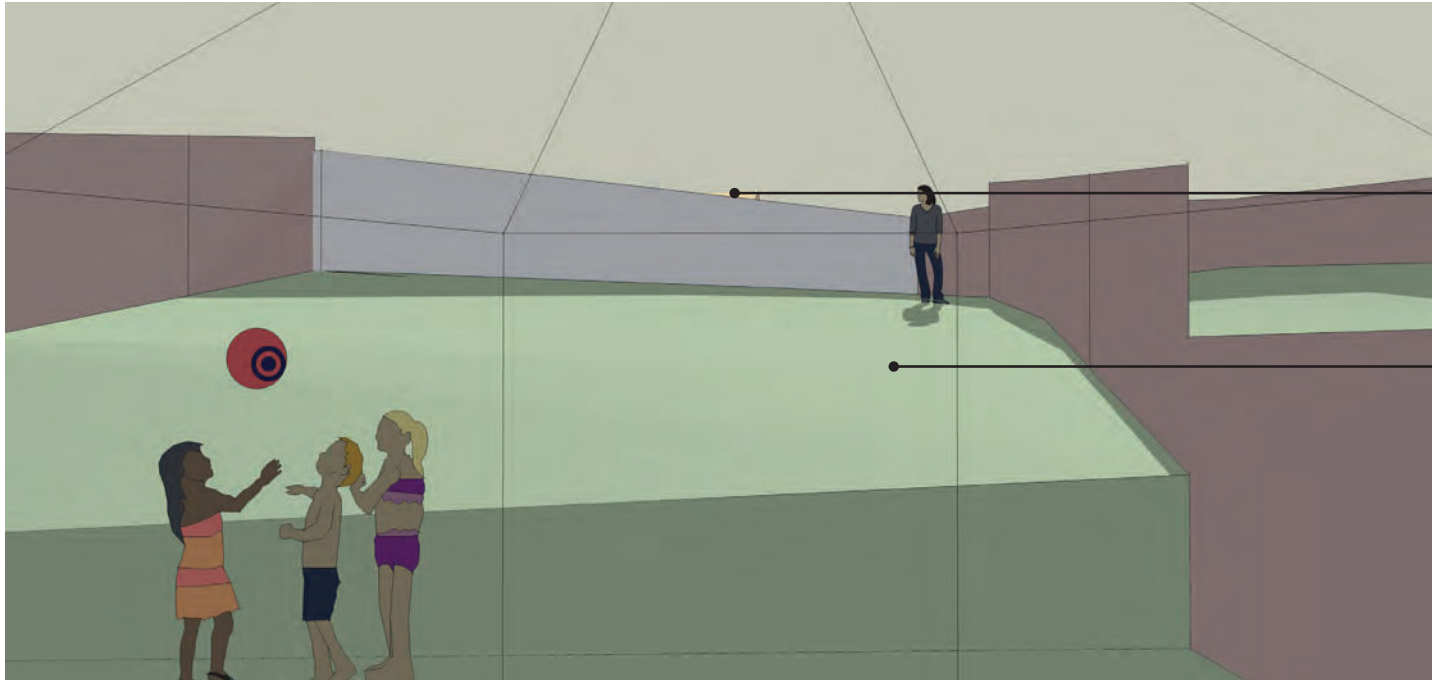
Existing buildings not visible from Ground Floor

Existing View from Ground Floor



Proposed properties are visible over the proposed 1.8m high boundary fence.

Proposed View from Ground Floor

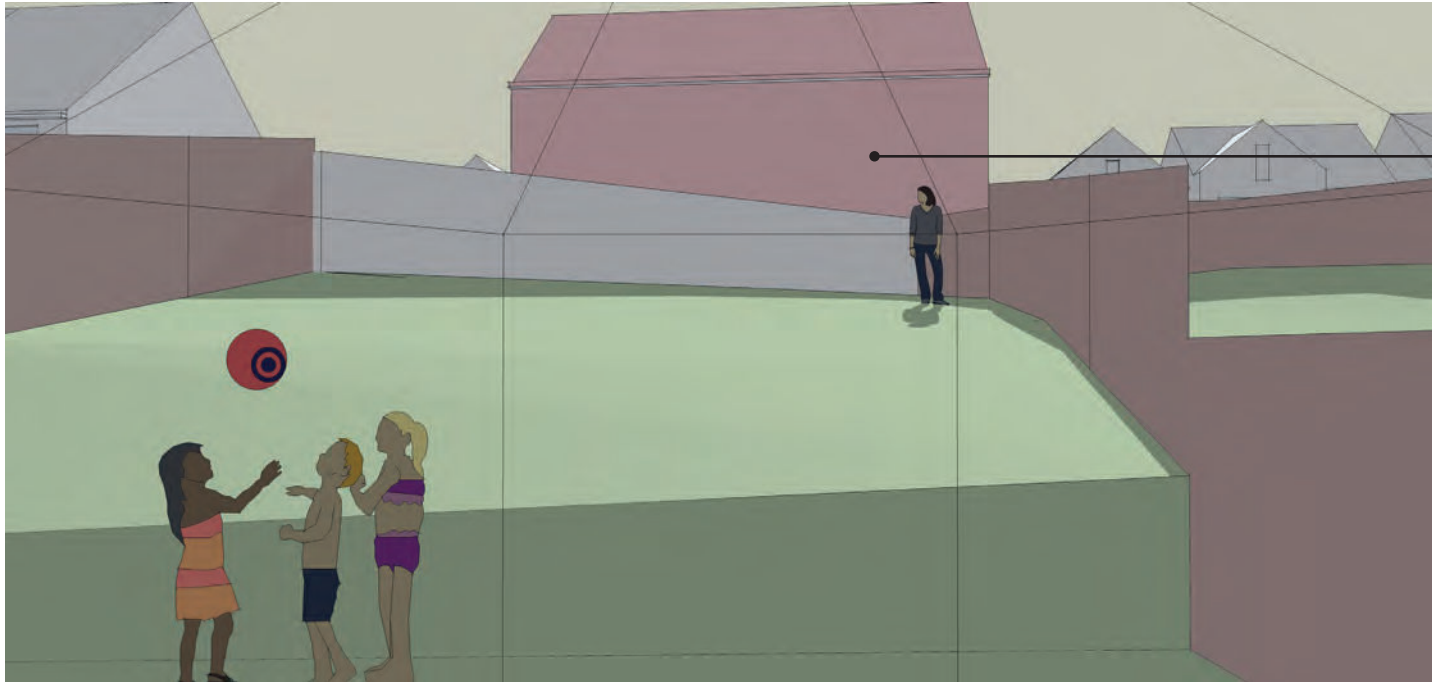


**61 Collum End Rise  
Ground Floor**

Roof of existing building barely visible over fence

Existing view from conservatory

Exiting View from Ground Floor

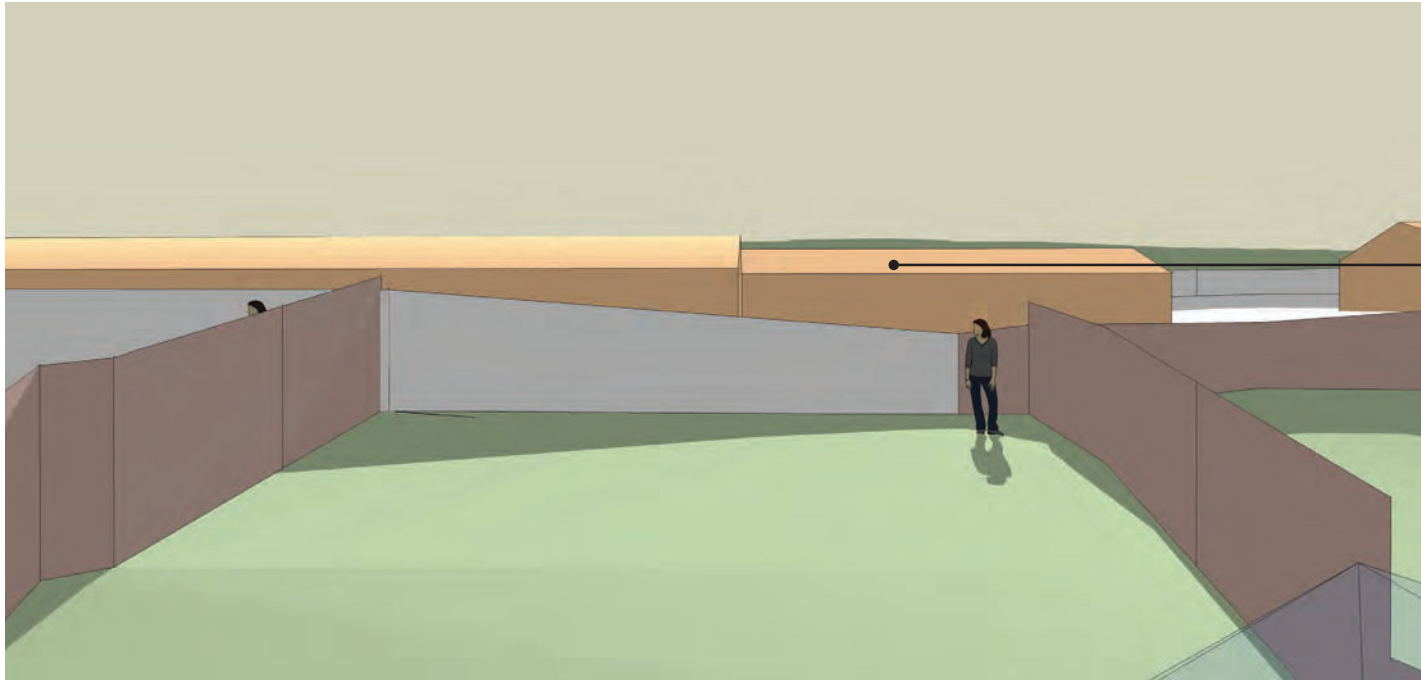


Proposed view from conservatory. The proposed property has a significant impact on the outlook from the conservatory over the proposed 1.8m high boundary fence.

Proposed View from Ground Floor



## 61 Collum End Rise First Floor



Existing buildings barely visible from First Floor

Existing View from First Floor

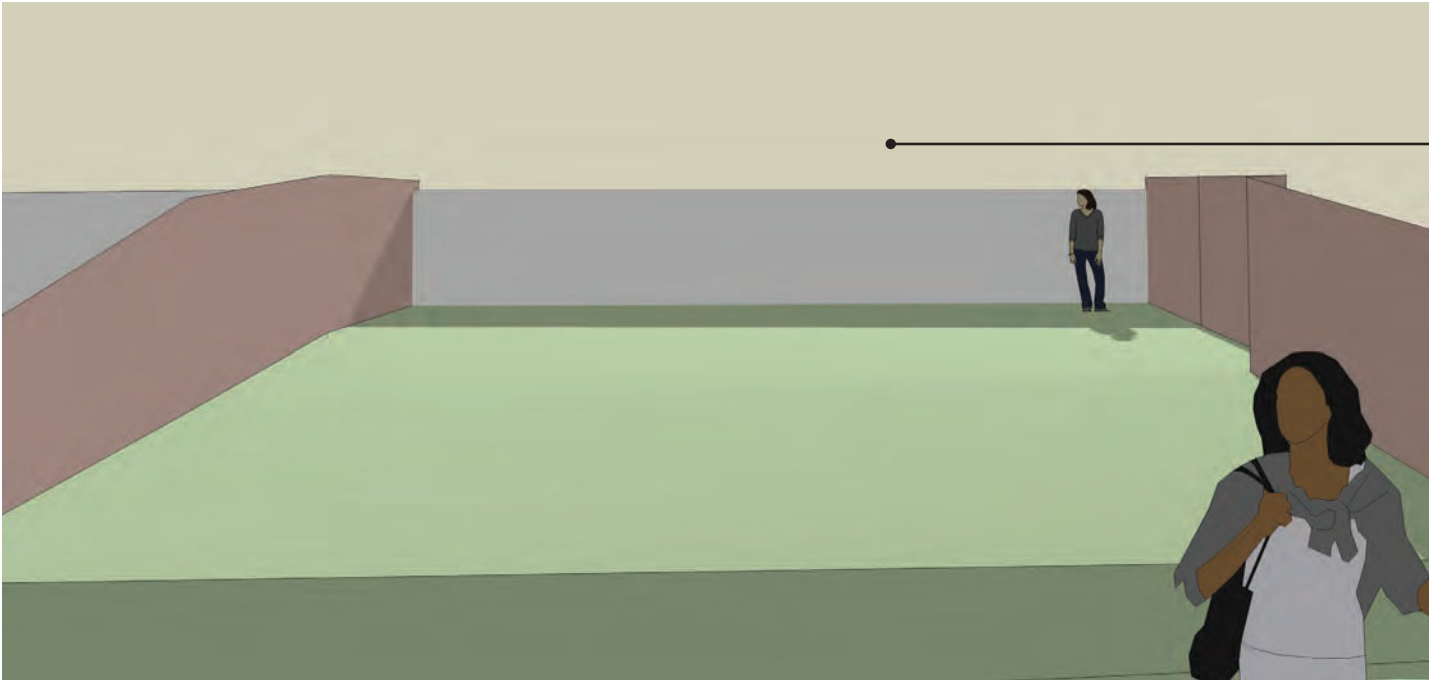


3 storey proposed properties have a significant visual presence either side of plot 23. Thin spaces/gaps between the proposed plots do not break up the facades due to oblique views.

Proposed properties have a significant visual impact due to scale of the proposals and elevated site. Reducing plot 23 to a single storey would have significantly reduce the impact.

The Ground Floor of the proposed house (plot 23) is 2.205m above the existing patio level adding nearly a storey to the effective height.

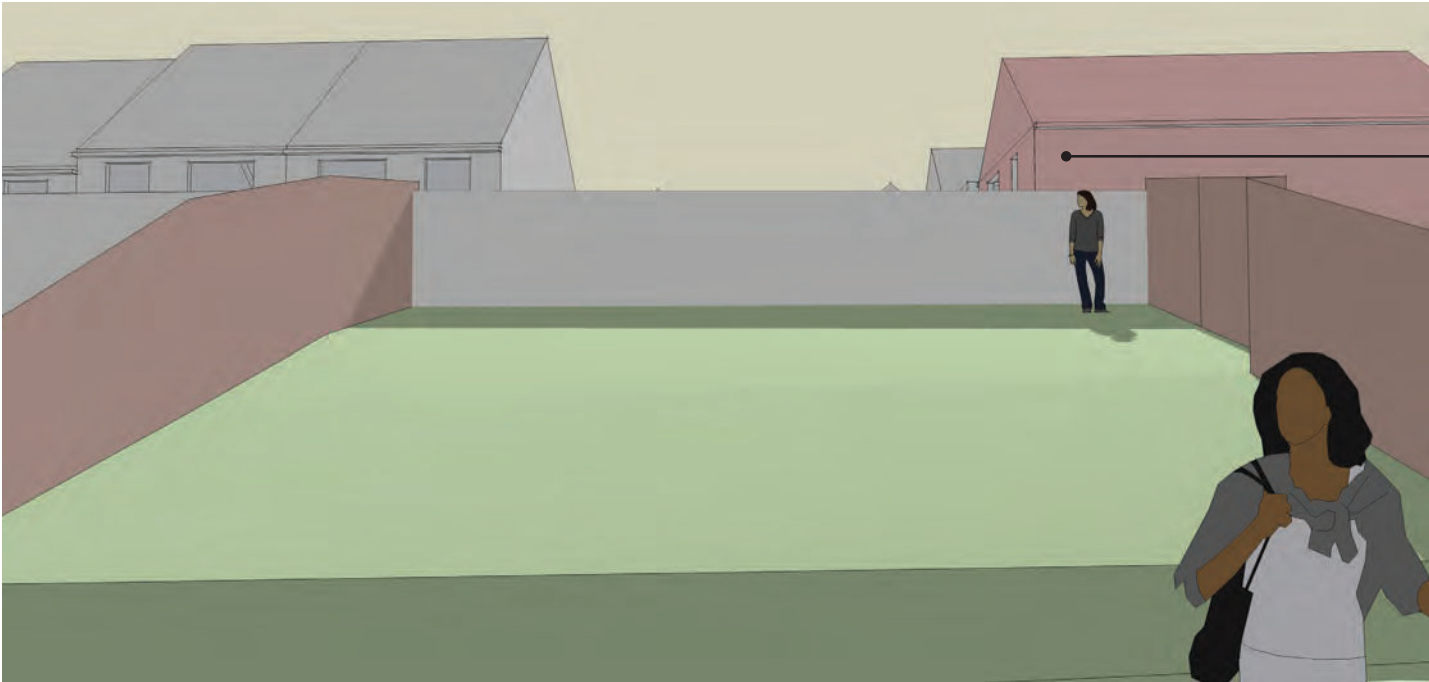
Proposed View from First Floor



**63 Collum End Rise  
Ground Floor**

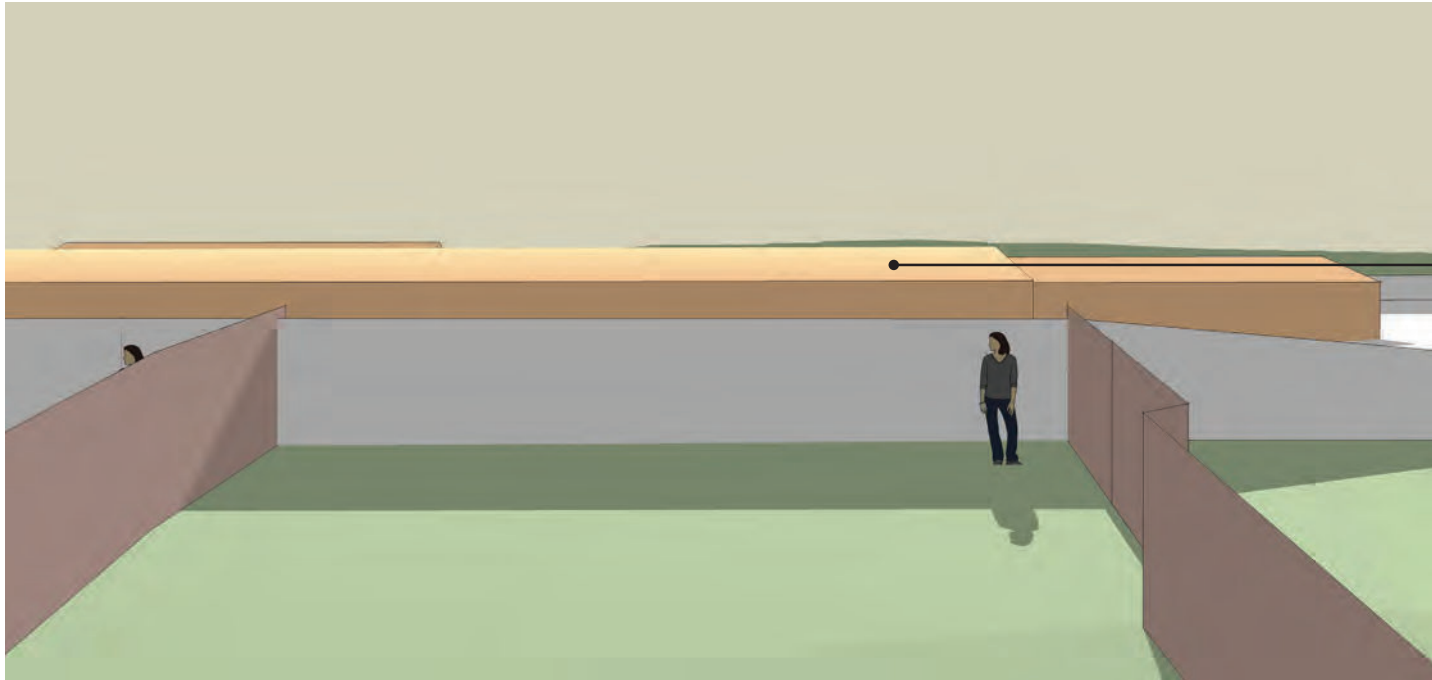
Existing buildings not visible from Ground Floor

Existing View from Ground Floor



Proposed properties are visible over the proposed 1.8m high boundary fence.

Proposed View from Ground Floor



**63 Collum End Rise  
First Floor**

Existing buildings barely visible from First Floor

Existing View from First Floor

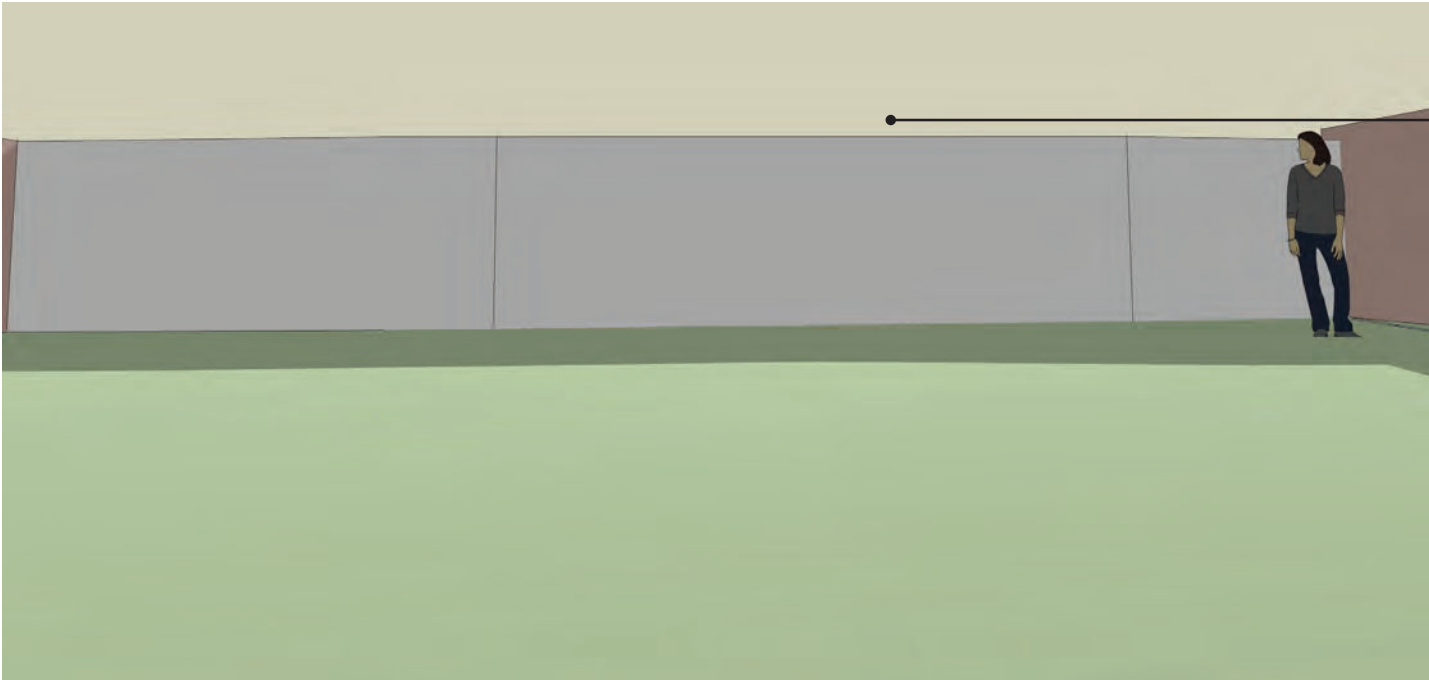


3 storey proposed properties visible through gaps in buildings adds to overall mass of the proposals

Proposed properties have a significant visual impact due to scale of the proposals, elevated site and proposed habitable rooms with views into existing bedrooms.

The Ground Floor of the proposed house (plot 24) is 2.77m above the existing patio level adding a storey to the effective height.

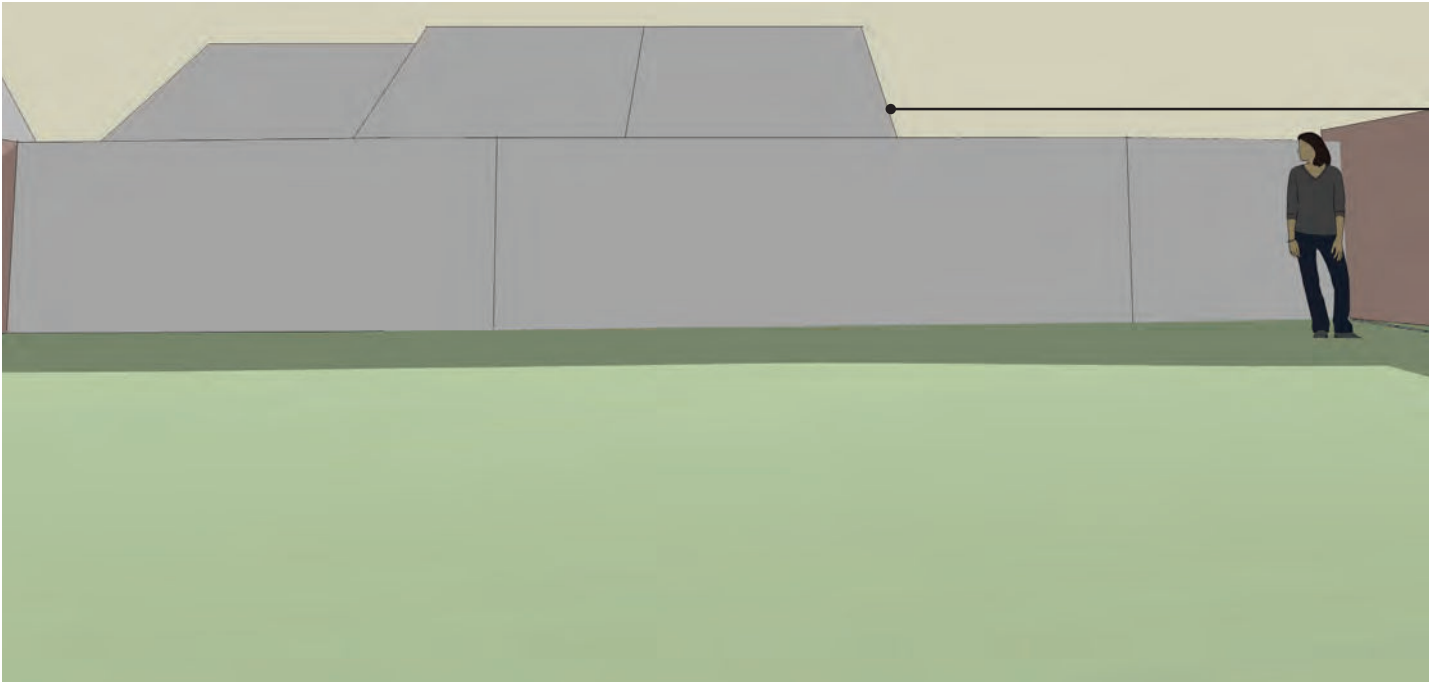
Proposed View from First Floor



**3 Liddington Road  
Ground Floor**

Existing buildings not visible from Ground Floor

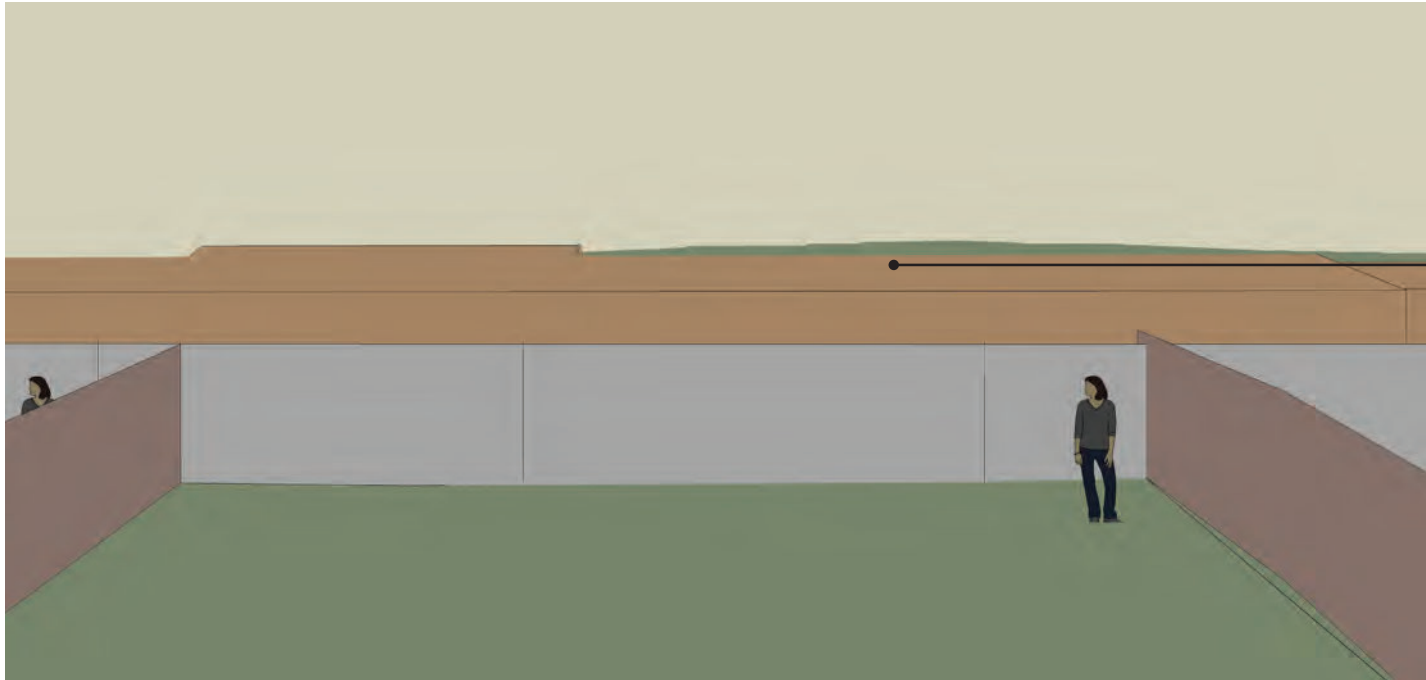
Existing View from Ground Floor



Proposed properties are visible over the proposed 1.8m high boundary fence.

Proposed View from Ground Floor





### 3 Liddington Road First Floor

Existing buildings barely visible from First Floor

Existing View from First Floor



3 storey proposed properties visible through gaps in buildings adds to overall mass of the proposals

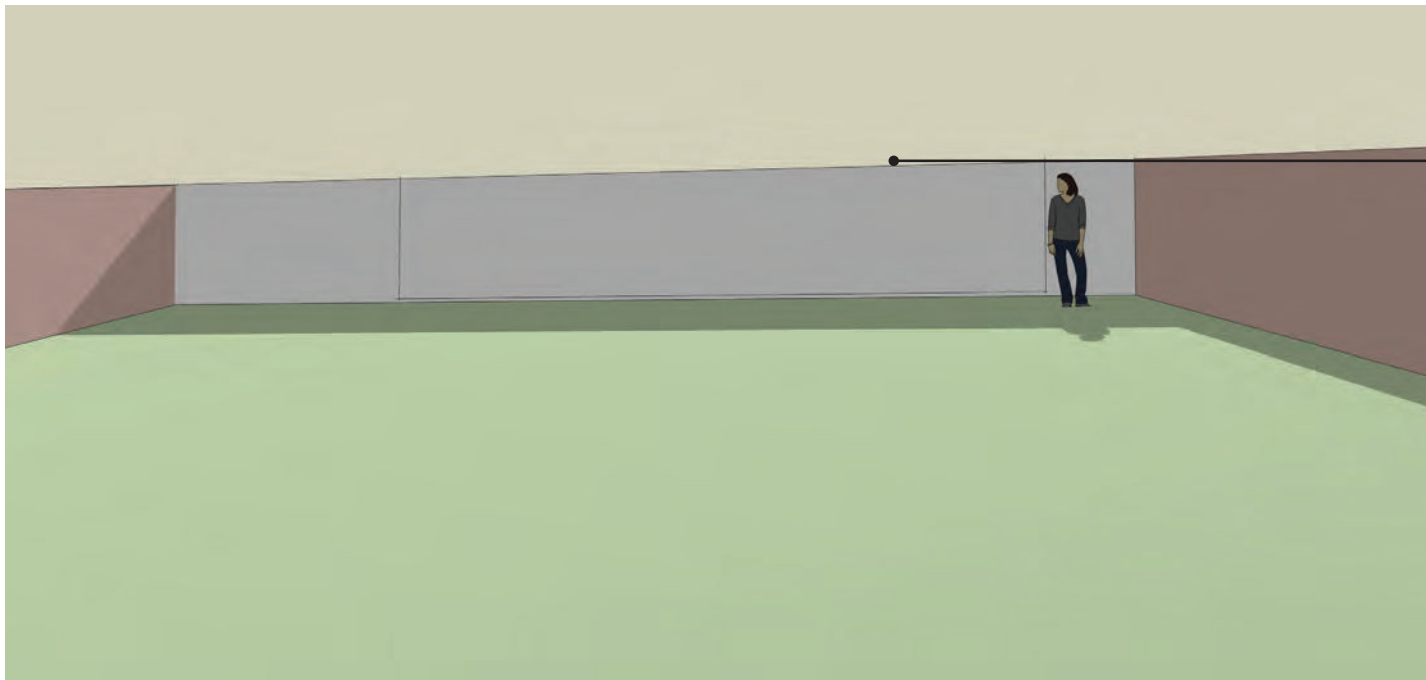
Proposed properties have a significant visual impact due to scale of the proposals, elevated site and proposed habitable rooms with views into existing bedrooms.

The Ground Floor of the proposed houses (plot 24) is 2.79m above the existing patio level adding a storey to the effective height.

Proposed View from First Floor

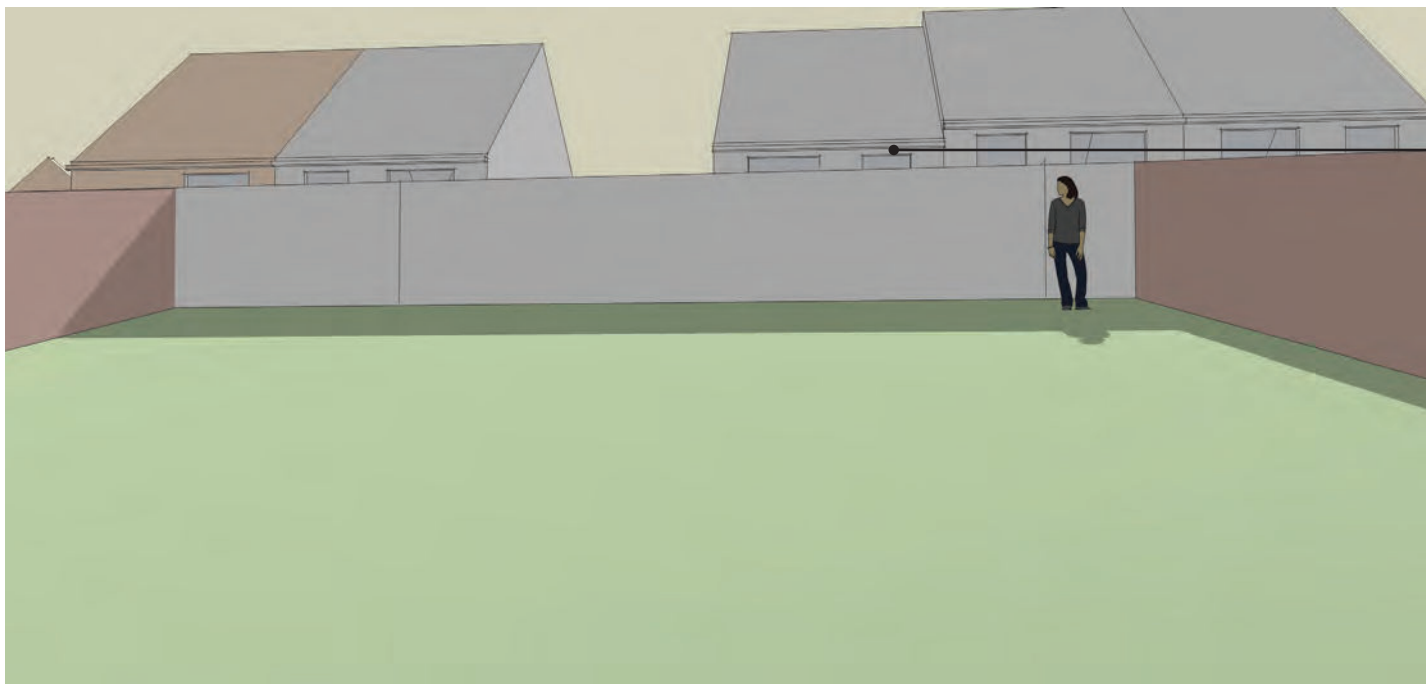
## 1 Liddington Road Ground Floor

Existing buildings not visible from Ground Floor



Existing View from Ground Floor

First Floor windows of the proposed properties  
are visible over the proposed 1.8m high boundary  
fence.



Proposed View from Ground Floor

## 1 Liddington Road First Floor



Existing buildings barely visible from First Floor

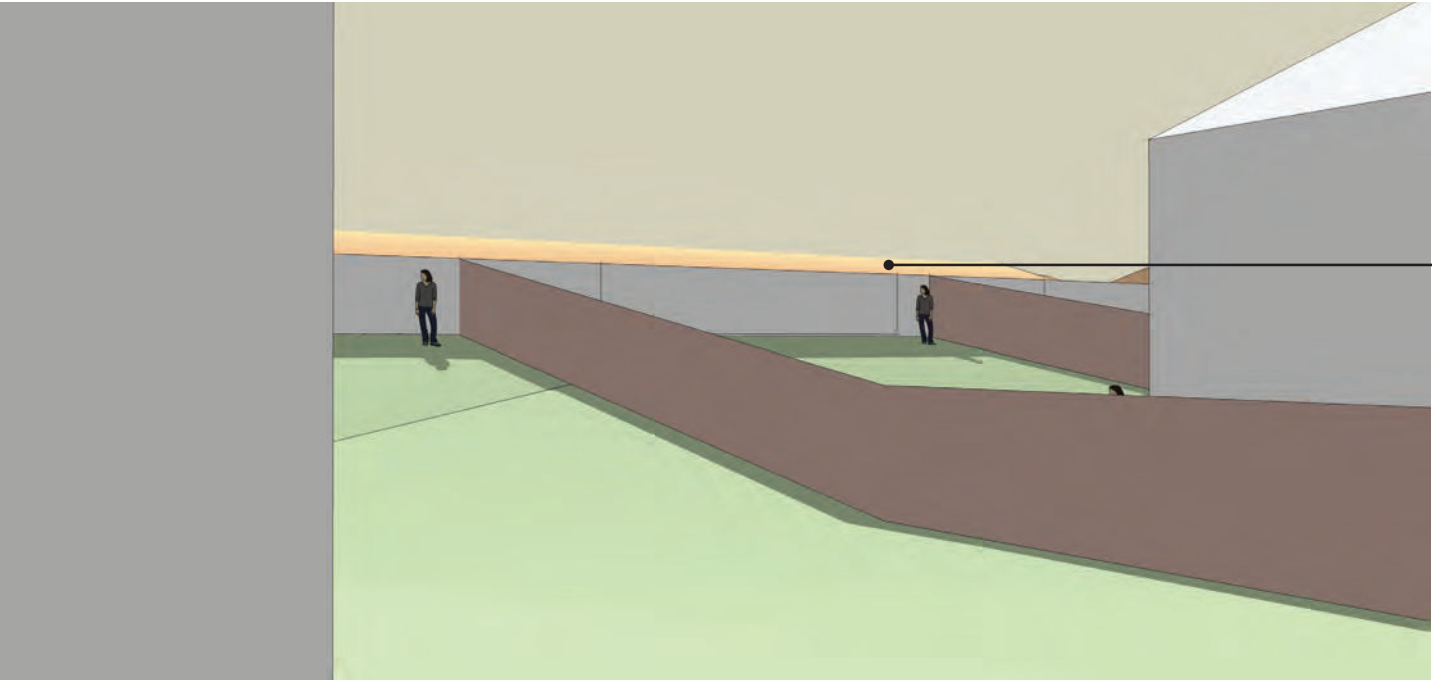
Existing View from First Floor



Proposed properties have a significant visual impact due to scale of the proposals, elevated site and proposed habitable rooms with views in to existing bedrooms.

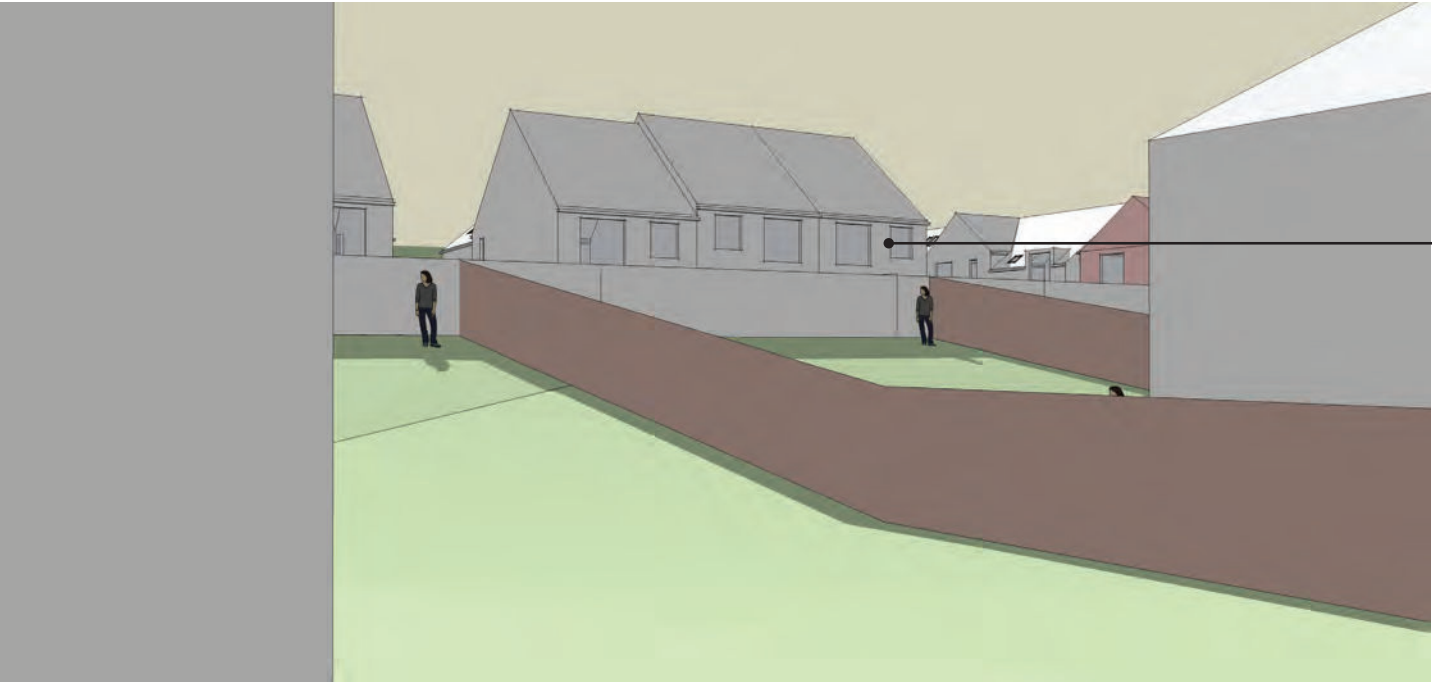
The Ground Floor of the proposed houses (plot 26) is 2.34m above the existing patio level adding nearly a storey to the effective height.

Proposed View from First Floor



Existing buildings barely visible from garden

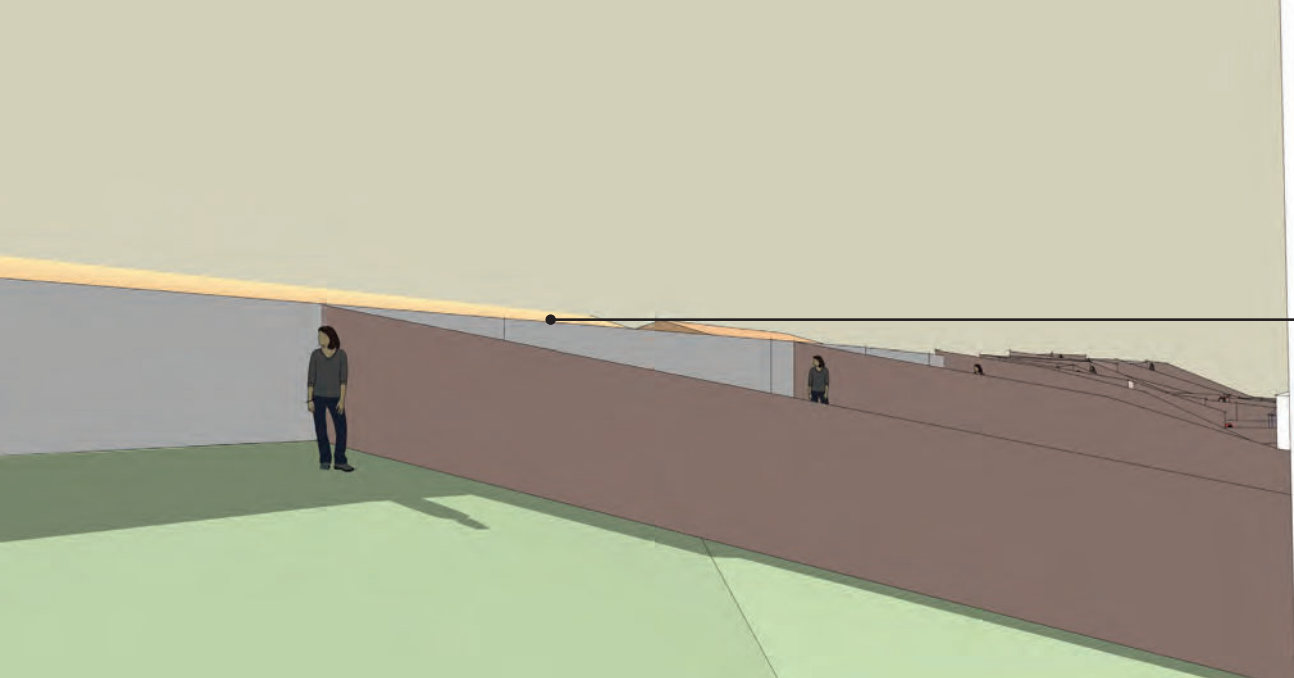
Existing View from Ground Floor



Proposed properties have a significant visual impact

Proposed View from Ground Floor





Existing buildings barely visible from garden

Existing View from Ground Floor



Proposed properties have a significant visual impact

Proposed View from Ground Floor

## Submitted Information

According to the Planning Portal 'Design and access statements' guidance a 'Design and Access Statement must explain the design principles and concepts that have been applied to the development. It must also demonstrate how the proposed development's context has influenced the design.'

CABE 'Design and access statements. How to write, read and use them' gives further guidance on scale and recommends 'the statement needs to show why those sizes are right for the site, which often means explaining how the size of new buildings relates to the size of existing neighbouring ones'. It goes on to state 'drawings that show the relationship between existing buildings on or around the site and those proposed will normally be very useful' and 'it is important to get the three-dimensional aspect of scale across. Computer graphics or plans can often flatten or distort a view, and so mislead the people reading the statement. Pictures should also place the viewer where people would really be, and offer a realistic interpretation of the scale of open space as well as buildings'.

The applicants, as recommended by the Planning Portal and CABE, have assessed the site and the context and stated in Section 5.00 Scale;

'The site is currently occupied by a number of large single and two storey buildings. They are out of character with the area, which is predominantly two storey residential properties.

The scale of the proposed residential development will reflect the scale and urban grain of the existing context. This is demonstrated by the comparative figure ground plans opposite.

Within the submitted Design and Access Statement the applicants have assessed site and its context'.

The Design and Access Statement in 'Section 3.00 Urban Grain' goes on to identify the site as; 'Medium - coarse grain, Medium density, Large rear gardens' and identifies the AONB and open landscape to the south and west of the site. In 'Section 3.00. Context - Site Constraints' the 'significant level change across the site with a general incline of approximately +4.0m towards the south west' is identified and 'Collum End Rise to the north of the site, being significantly lower than the current site levels'.

The submitted site plan and house types are at odds with the applicants own Design and Access Statement and site analysis. Over 50% of the proposed houses are two and half / three storey with dormer windows and roof lights not two storeys as suggested. The proposals are high density not medium density and nothing has been included within the submission to demonstrate the impact from either the AONB or neighbouring properties.

The proposals are higher density than other recent residential developments on flatter sites in more built up areas of Cheltenham. See later analysis of densities.

In addition to the Design and Access Statement the applicants have provided a Landscape Design Statement. Issued in May the Landscape Design Statement notes the following in relation to the western Boundary: 'View 4 - New residential development will be partially visible from the public right of way which runs to the west of the site. Residential development at this part of the site is set back from the boundary. Mitigation will include strengthening the existing boundary hedge and planting in back gardens' and 'The view from viewpoints 4 and 5 will be a partial view of upper storeys and rooflines set behind a mature hedge. Additional planting and strengthening of this hedgerow will help to provide some mitigation.'

The current drawings do not propose any works to the native hedgerow as recommended within the Landscape Design Statement and there are also no visualisation provided to demonstrate the proposals will not materially harm the setting of the AONB.

The revised site plan P21 has reduced the distance between plots Plots 15 to 17 and Plots 18, 19 and 20 and the 2 facades with clear glazing are now only 16.7m apart.

CP 4 states 'In determining privacy for residents, the Council will apply the following minimum distances: 21 metres between dwellings which face each other where both have windows with clear glazing.'

Drawing '13\_00756\_FUL-ADDITIONAL\_PLAN\_COMMUNAL\_AREAS\_FOR\_MANAGEMENT\_PLAN-565039' does not identify the visitors parking outside plots 6, 7, 8, 9, 10 and 11 ('visitors parking' is labelled outside plot 11 but the location of the parking is not clear).

Has this therefore been removed with the parking now within the curtilage of the plots for private use. If this is the case can justification for the removal of 6 spaces please be provided and the site plan updated to avoid any conflicting information.

To assess the density of the development we have carried out an analysis of proposals and other recent schemes in and around Cheltenham. These include Collum End Rise, Gloucester Road, Grovefield Way and Midwinter Site.

The assessment of the proposals and schemes in and around Cheltenham are based on the information submitted to, and approved by, the Local Planning Authorities including, Site Plans, Design and Access Statements and House Types.

### **205 Leckhampton**

The topography of the site as the site survey and drawings submitted with this and previous objections. To the North are the existing residential properties on Collum End Rise and Liddington Road. To the East is Leckhampton Road with Leckhampton Hill and the Scout Hut to the South. To the West is the AONB.

### **Collum End Rise and Liddington Road**

Collum End Rise and Liddington Road are to the North of the site at the bottom of a bank that starts on the site boundary. At its highest the bank measure 5.34m from the existing patios to the ground level on the site boundary. The assessment is based on the semi-detached properties adjoining the site. These are approximate figures as detailed surveys are not available.

### **Gloucester Road Development (13/00106/FUL)** for the erection of 107 dwellings.

The topography of the site is flat in comparison to Leckhampton Hill. The site is bounded by Gloucester Road to the North, Christchurch Villas to the East (which are elevated above the site), the Honeybourne Line to the South and existing commercial units to the West.

### **Grovefield Way Development (Tewkesbury Borough Council 04/3185/1844/OUT)** Reserved matters application pursuant to for the erection of 136 dwellings, including open space and infrastructure.

The topography of the site is flat in comparison to Leckhampton Hill. The site is bounded by Railway Line to the North, existing residential properties to the East, the Cold Pool Lane / Grovefield Way to the South and West.

### **Midwinter Site Development (11-00266-FUL)**-Redevelopment of the Midwinter site to provide 176 dwellings, including access, public open space and landscaping works.

The topography of the site is flat in comparison to Leckhampton Hill. The site is bounded by existing residential properties to the North West, North, East and South. To the West are allotments.

## **Conclusion**

As the development, relative to the existing residential properties to the North, is on an elevated site and is bounded by the AONB to the West a good design solution would be to maintain a sufficient distance from the boundary and reduce the height, massing and scale of the properties along these boundaries. This would minimise the impact on both the existing properties and on views from the AONB.

The figures show the following (see table on following page):

- there is a high number of beds per acre; comparable to the higher density Gloucester Road and Midwinter Site schemes and a lot greater than the similar density Grovefield Way scheme
- there are high number of habitable rooms; 2 to 3 times Grovefield way and the Midwinter Sites
- there is a high sqft per acre; 1,720 sqft per acre more than the Midwinter Site and 7,250 sqft per acre more than Grovefield Way. This equates to 1 or 5 additional dwelling respectively

The figures demonstrate that the proposed scheme is large houses on small plots. Considering the comparison schemes are all on relatively flat sites it could be argued that the proposals should be at a more appropriate scale and density (as identified in the applicants Design and Access Statement) to take account of the topography adjoining properties and AONB.

A scheme with smaller dwellings and a mix of single storey properties would enable the site layouts to minimise the impact on neighbours while providing a more sustainable mix of units for all ages. There would be additional space between and around the proposed houses, a reduction in the potential number of cars and a significant increase of amenity space on site.

## Density Comparison

Head Lines									
Development		Dwellings/Ha		Beds / Acre		Habitable/ Ha		sqft/Acre	
205 Leckhampton*			33		52		210		20,152
205 Leck Oct 13*			32		48		200		19,085
Gloucester Road*			43		59		235		19,369
Grovefield Way*			30		35		80		11,833
Midwinter Site*			43		51		76		17,369
CABE**			15 to 30				90		13,308
Planning			30 to 50		No Guide		No Guide		No Guide
DbN****		Mod Exec	5 to 10		No Guide		40		No Guide
		20th GC	30 to 40		No Guide		165		No Guide
		Sub Semi	15 to 30		No Guide		90		No Guide
Collum End Rise***			23		34		145		13,308
Notes	* Taken from information submitted on the planning portal								
	** Taken from 2005 CABE report 'Better Neighbourhoods: Making higher densities work'								
	*** Approx area, beds and habitable room. NB areas based on Semi detached houses.								
	**** Driven by Necessity article from Inside Housing dated 23 June 2006								
	Updated to reflect revised schedule Rev G 131025								



Policy CP 1 Sustainable Development states that development will be permitted only where it takes adequate account of the principles of sustainable development. The principles of sustainable development include 'safeguarding attractive landscape', 'utilising the highest density of development consistent with high quality design, the amenity and character of the locality, and acceptable impact on adjoining development' and 'promoting and enhancing quality of life'

Policy CP 3 Sustainable Environment notes development will be permitted only where it would 'not harm the setting of Cheltenham' (the Cotswold escarpment), 'including views into or out of areas of acknowledged importance' (area of outstanding natural beauty and green belt); and 'not harm landscape character'.

Policy CP 4 Safe and Sustainable Living stated development will be permitted only where it would 'not cause unacceptable harm to the amenity of adjoining land users and the locality. 'In assessing impact on amenity, the Council will have regard to matters including loss of sunlight and/or diffuse daylight, loss of outlook, loss of privacy, and potential disturbance from noise, smells, dust, fumes, vibration, glare from artificial lights'.

Policy CP 7 Design will only permit development where it 'is of a high standard of architectural design', 'adequately reflects principles of urban design' (reflect existing topography, landscape and ecology) and 'complements and respects neighbouring development and the character of the locality and/or landscape'.

## **Development on Garden Land and Infill Sites in Cheltenham Supplementary Planning Document June 2009**

As advised by the Planning Department on 22 August 2013 the Development on Garden Land and Infill Sites in Cheltenham is of particular relevance to the application.

The SPD recognises gardens are 'important to the health and wellbeing of communities' and, if development is 'poorly considered... it can be to the detriment of the character of existing neighbourhoods, and detract from the amenities enjoyed by residents.' The purpose of the SPD is to 'ensure that the impacts on the amenities of neighbours are acceptable' and to 'provide a consistent and robust approach to the assessment of applications for development'.

I believe there are a number of assessment criteria within the SPD the proposals fail to consider and adequately address. These are as follows:

Question C3: Does the proposal respond to the local topography and respect or enhance key local views and vistas where appropriate?

- The proposals do not respond to the topography and level changes and sit on top of the bank rather than 'sit into' the hill side.

Question C10: Does the scale, height and massing of the proposals complement and respect that of existing development in the area?

- The development is a significantly greater density to the existing neighbouring urban grain. The scale and height of the proposals are significantly greater than adjoining properties. Existing 2 storey properties are approximately 7 to 7.5m to the ridge where proposed 2 storey properties are over 9m to the ridge.

Question A1: Is the proposals likely to cause harm to enjoyment of neighbouring properties (either internally or externally), and the locality due to the layout, scale or massing?

- The large houses on small plots against the boundary are overbearing and cause overshadowing of the gardens and houses. This will reduce the sunlight to both homes and gardens. The existing topography means the proposals have an overbearing appearance in relation to existing gardens and buildings and by virtue of their height and position will impact on the amenity and affect existing residents enjoyment of their properties.

## **Supplementary Planning Guidance Submission of Planning Applications** Adopted 20th July 2004

Section 4 of the SPG gives guidance on the Supplementary Information. These include 'Accurate and up-to-date drawings and models – Clear drawings are essential in determining development proposals. These should highlight the proposed site in context form, including plans (supplied using up to date Ordnance Survey data) and elevations of adjoining and adjacent buildings, supplemented as appropriate by perspective drawings. Appendix 2; Elevations states; 'Show elevations in the context of adjacent buildings. This includes street scene elevations.'

The proposals fail to provide adequate drawings and perspectives that show the elevations in the context of adjacent buildings.

## **Cheltenham Borough Council's Local Requirements - Validation Checklist - Glossary of Terms** dated March 2008


**Contextual Plans** - In certain circumstances it will be necessary to supply further contextual information to enable this Authority to assess a development's impact both in terms of urban design and neighbouring amenity. This Authority will require evidence that the neighbouring buildings have been properly and accurately surveyed.

Although the height of the existing neighbouring buildings shown in the submitted information was questioned the applicants have made no attempt to survey or check existing eaves and ridge heights despite the offers of access. This has fallen to local residents to check and determine that existing buildings were shown between 1.7 and 2.3m higher on the applicants' drawings.

While the applicants have now revised the section 'diagrams' in the Design and Access Statement to reduce the ridge heights they have not addressed the increased disparity between the scale and heights of the existing properties and proposed development.

**Daylight/Sunlight assessment** - In circumstances where there is a potential adverse impact upon the current levels of sunlight/daylight enjoyed by adjoining properties or building(s), including associated gardens or amenity space then applications may also need to be accompanied by a daylight/sunlight assessment. Further guidance is provided in, for example, BRE guidelines on daylight assessments 2. Please also refer to Adopted Local Plan Policy CP4 (Safe and Sustainable Living).  
2 For example, Site layout planning for daylight and sunlight: a guide to good practice. BRE Report 209, 1991 (now 2nd edition published 2011)

Within the local requirements the impact upon sunlight / daylight includes gardens and amenity space. Nowhere within the submitted information has an assessment been included that describes the impact or whether this is acceptable.

  
55 Collum End Rise  
Leckhampton  
Cheltenham  
GL53 0PA

12th November 2013

**Mrs W Hopkins**  
Development Management  
Cheltenham Borough Council  
Municipal Offices  
Promenade  
Cheltenham  
Gloucestershire  
GL50 9SA

For the attention of Mrs W Hopkins, case officer.

Dear Wendy

**Reference:**

PLANNING APPLICATION NO 13/00756/FUL

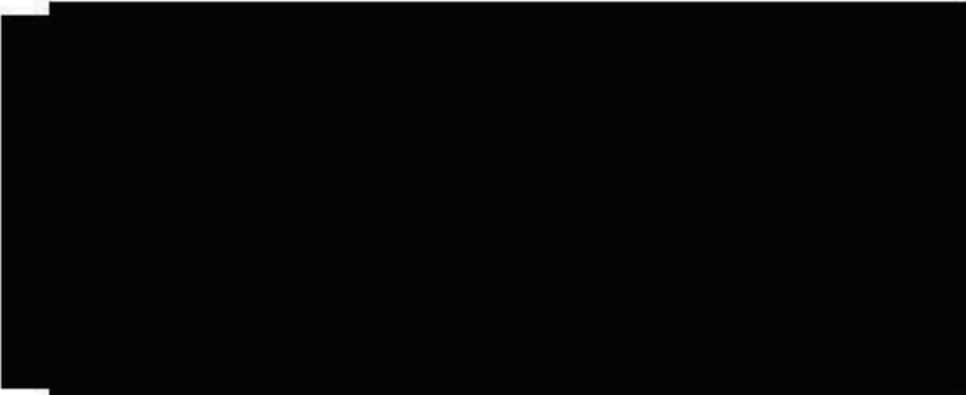
**Demolition of existing buildings and residential development comprising the construction of 28 dwellings. Leckhampton Industrial Estate, Leckhampton Road, Cheltenham, Gloucestershire, GL53 0AL, by Martin Scott Homes (205 Leckhampton) Ltd.**

As the planning details for plot 18 seems to have remained unchanged since the planning submission at the beginning of the summer and my earlier objections have remained ignored by the developers my objections still stand.

Please refer to my objections stated in my earlier letters dated 12th September and 5th June 2013.

We remain convinced that to fully appreciate the impact the proposed development will have on us you/the planning committee should make a site visit. This is becoming more evident as we now move into autumn, as the leaves on the trees that will partly shield the development are falling and it is apparent how the shadows that will be cast by the proposed development will effect us. We again extend you an invitation for this and will try to accommodate your schedule.

Yours Sincerely







<b>APPLICATION NO: 13/00756/FUL</b>		<b>OFFICER: Mrs Wendy Hopkins</b>
<b>DATE REGISTERED:</b> 10th May 2013		<b>DATE OF EXPIRY :</b> 9th August 2013
<b>WARD:</b> Leckhampton		<b>PARISH:</b> LECKH
<b>APPLICANT:</b>	Martin Scott Homes	
<b>LOCATION:</b>	Leckhampton Industrial Estate Leckhampton Road Cheltenham	
<b>PROPOSAL:</b>	Demolition of existing buildings and residential development comprising the construction of 28 dwellings	

### ADDITIONAL REPRESENTATIONS

63 Collum End Rise  
Leckhampton  
Cheltenham  
Gloucestershire  
GL53 0PA

**Comments:** 14th November 2013  
Letter attached.

60 Collum End Rise  
Leckhampton  
Cheltenham  
Gloucestershire  
GL53 0PB

**Comments:** 14th November 2013  
Letter attached.

63 Collum End Rise  
Leckhampton  
Cheltenham  
GL53 0PA

Mrs W Hopkins  
Development Management  
Cheltenham Borough Council  
Municipal Offices  
Promenade  
Cheltenham  
Gloucestershire  
GL50 9SA

12th November 2013

For the attention of Mrs W Hopkins, case officer

Dear Wendy,

Reference:

**PLANNING APPLICATION NO 13/00756/FUL – Revised Plans Dated 24/10/2013**

**Demolition of existing buildings and residential development comprising of the construction of 28 dwellings, Leckhampton Industrial Estate, Leckhampton Road, Cheltenham, Gloucestershire, GL53 0AL, by Martin Scott Homes (205 Leckhampton) Ltd.**

I am in receipt of the Council's letter of 30th October inviting me to submit any comments on the above referenced planning application. Whilst I am not opposed to development of the site in keeping with the surroundings, I am writing to register my objections to the proposed development as currently submitted and ask for the details to be reconsidered and changed to address my objections.

It is noted that the site levels to the North have been reduced and original Plot 24 has been deleted but this is not enough to address the objections raised in my letter of 30<sup>th</sup> May

I reiterate my objections as follows:

**1. Adverse effect on the residential amenity of neighbours**

Having reviewed the revised plans the proposed development still creates an unacceptable impact on adjoining developments and harms our amenity. Despite the lowering of site levels, buildings close to the northern boundary of the elevated

development site have a significant impact on the adjoining properties by reason of overlooking, loss of privacy, overshadowing and loss of outlook.

**2. The visual impact is unacceptable**

The design of the proposed development is inappropriate in that the scale, massing, and height are overbearing and do not respect neighbouring developments or take account of the topography of the site.

**3. The design and site layout is poor and significantly increases the visual impact on neighbours**

The design is inappropriate in its context; by positioning houses close to the boundary the visual impact of the proposals is increased. Any development should aim to keep houses away from the boundaries to mitigate the bulk, mass and scale of the proposals especially as they are on an elevated site.

The proposals should minimise the physical dominance of the new development over neighbouring properties and take due account of the topography of the site and build on existing planting to develop a natural barrier zone that will benefit both existing and new developments.

**4. The proposals do not reflect the character of the neighbourhood.**

The design should consider and complement the character of the locality with due consideration of the location of the site, the scale and proportions of the surroundings, the relationship with adjoining buildings, spaces around them, the topography and the general pattern of heights in the area including views and landmarks.

The existing development on the site has a minimal visual impact on neighbouring properties and retains views of Leckhampton Hill for neighbours and passing pedestrians. In contrast the proposals are still tight to the boundary and given the elevated site have a significant impact on the character of the neighbourhood and adjacent properties.

While the loss of a view is not in itself a planning matter the proposals in their current form obscure existing views of Leckhampton Hill (an important landmark) and an Area of Outstanding Natural Beauty (AONB). Views in to and out of an AONB are a planning consideration and have only been mentioned in passing but not addressed in the submitted information.

The existing residential developments around the site have back to back gardens, comparatively low ridge heights, views between buildings and single storey elements to reduce massing as reflects the edge of town nature of Collum End Rise and Leckhampton Road. The scale and form of the proposed development not only removes the open aspect of the neighbourhood it also removes the views of

Leckhampton Hill to the South and blocks the skyline from the back of the neighbouring properties that is particularly evident in wintertime when daylight is also a premium. In addition the proposed developments have significantly higher ridge heights than existing properties in Collum End Rise thereby making them out of character to the surrounding developments.

### **Conclusion:**

Despite various revisions to the proposals the developer has not understood or fully addressed the concerns of the neighbouring properties. No visit has been made to view the development from the properties on Collum End Rise and no drawings have been submitted to show the development in its full context from this perspective. Sectional drawings submitted have been inaccurate in that existing properties were shown higher than they actually are and house plans and elevations were (initially) not dimensioned and still do not show any heights, even though height is of significant concern.

In order to address the concerns raised I believe there should be a fundamental rethink of the proposed design with properties close to the Northern Boundary (plots 17, 18 and 23) being limited to single story and all other plots to the South of the road (plots 16, 19, 20, 21, 22 and 24 – 28) being proposed with ridge heights in keeping with the neighbouring properties, i.e. not more than 8 mts in height. In addition roofs should be pitched in both directions to break up the massing and keep overshadowing to an absolute minimum. Consideration should also be given to reducing the total number of plots to bring the proposed development into keeping with the surrounding neighbourhood.

Development on Garden Land and Infill Sites SPD Adopted 29th June 2009 is not considered in the submitted information. The nature of the development and its proximity to existing dwellings means that it gives rise to similar issues as those covered in the SPD. The SPD is therefore relevant and should be considered in assessing the proposals

### **Considerations:**

- unacceptable harm to the amenity of adjoining land users
- Impact on adjoining developments
- loss of sunlight and/or diffuse daylight loss of outlook, loss of privacy
- complements and respects neighbouring development
- layout and scale (topography, size, height)
- amenity space (reduces the density of development, softens the urban fabric)

Proposals that result in unacceptable harm to the amenity of neighbouring dwellings will not be permitted... This impact on 'amenity' includes the following:

- Reduction in daylight to neighbouring gardens and rooms
- Reduction in sunlight to neighbouring gardens and overshadowing of rooms



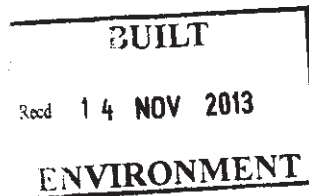
- The neighbour's ability to use their garden due to overlooking and lack of privacy
- An overbearing appearance of the neighbouring development in relation to existing gardens and buildings, by virtue of its height or position
- Noise and disturbance from access arrangements and other activity (proximity of the proposed dwellings to the boundary) at the rear of gardens.

If Planning Permission is granted it will be on the basis of the Submitted Application and I would ask that the drawn and written information is reviewed and any contradictory or incorrect information is addressed to enable the application to be properly assessed.

Yours Sincerely



Ms Tracy Crews,  
Head of Planning  
Cheltenham Borough Council,  
Municipal Offices  
Promenade,  
Cheltenham,  
GL50 9SA



60 Collum End Rise  
Leckhampton,  
Cheltenham,  
Glos  
GL53 0PB  
13<sup>th</sup> November 2013

For the attention of Mrs W Hopkins, case officer.

Dear Mrs Hopkins

**Planning Application No 13/00756/FUL**

**Revised Plans Showing Demolition of existing buildings and residential development comprising the construction of 28 dwellings at Leckhampton Industrial Estate, Leckhampton road, Cheltenham.**

Thank you for letter of the 30<sup>th</sup> October 2013 notifying me of the availability of the revised plans for the above proposed development.

As outlined in my letter of the 6<sup>th</sup> June and 29<sup>th</sup> August to you, I have no objection to the residential development of the site. However, I still wish to register my strong objections to the revised proposals as submitted to you by BNP Architects in their plans dated 24<sup>th</sup> October 2013

My main objection is still as follows:

**Overall lack of Amenity and infill of our vision to the detriment of the quality of our environment.**

Although the proposed site building levels have previously been reduced, due to the approximately 2.0 metre level difference between numbers 60 and 55 Collum End Rise combined with the fall of Collum End Rise to the West, and in relation to the increasing height of the proposed site to the West, I consider the proposals will have a significant and detrimental visual impact.

Relative to 60 Collum End Rise Plots 15,16, and 17 are still equivalent to viewing 5 storey (to the eaves) buildings and Plot 18 is still the equivalent of viewing a 4 storey (to the eaves) building.

Relatively few objections could be raised on a development where the existing and proposed developments levels were the same. But this is just not the case with this site. The developer still persists in treating it as a level site with no consequential visual impact on the surrounding properties. He is failing to address the real problem, i.e. the existing Collum End Rise levels and the proposed site levels.

I still consider the current revised proposals overbearing and the visual impact unacceptable.

These points require addressing and the applicant should still consider the construction of single storey buildings such as – without overlooking north bungalows, and with back to back gardens with Collum End Rise. I realise these changes for the developer may result in a reduction of build numbers, but in a development adjacent to an area of outstanding natural beauty I believe a reduction in

density will also make it more appropriate, alleviating many of the concerns of parking and access to the site.

Yours Sincerely



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APPLICATION NO: 13/00756/FUL		OFFICER: Mrs Wendy Hopkins
DATE REGISTERED: 10th May 2013		DATE OF EXPIRY: 9th August 2013
WARD: Leckhampton		PARISH: Leckhampton With Warden Hill
APPLICANT:	Martin Scott Homes	
AGENT:	David Keyte	
LOCATION:	Leckhampton Industrial Estate, Leckhampton Road Cheltenham	
PROPOSAL:	Demolition of existing buildings and residential development comprising the construction of 28 dwellings	

## Update to Officer Report

### 1. Ecologist consultee response

- 1.1. Following on from the main report a response has been received from the County Ecologist and is reproduced below:

#### Submission of Further Information

*This memo updates previous advice to you dated 15th July 2013 where I recommended that the above application could be determined subject to conditions, advisory notes and a S106 agreement. Since July a significant number of revised plans and documents have been submitted in connection with this application. I have therefore looked at those documents that are relevant to biodiversity matters.*

*The Revised Bat Roost drawing shows a very similar structure except that the access for bats is now restricted to one opening on the east facing wall (strangely labelled rear) to help direct bat movement along a particular pathway. Looking at the revised site plan it is noticed that the replacement bat roost structure (house) is now to be placed in the south west corner of the development (instead of the north west). This gives immediate access to another of the boundaries of the site. The revised soft landscape plan shows that there will be a planted embankment along the southern side of the development which the bat access entrance/exit will be orientated onto. What however appears to be missing is a planting schedule list on the soft landscape plan for this embankment adjoining or to be part of the existing southern hedgerow? This is crucial to successful bat movement and foraging to and from the new roosts(s). If the embankment is sufficiently covered with shrubs/hedgerow and trees then the new location for the bat house would be adequate. It is therefore recommended that the missing embankment planting details are sought for submission under a condition. The early construction of the bat house and its use by horseshoe bats is very important and must happen before the existing bunker roost is demolished. The full bat measures involved in this development proposal are set out in 'Mitigation and Compensation (Revision 1, October 2013)' which is a strategy for bats and is also reflected in 'Document 1 Background and supporting information (Revision 1, Oct 2013)' which appears to have been drawn up for the prospective EPS licence application to Natural England. Figure 2 within the (Bat) Mitigation & Compensation (Strategy) shows the locations of the required bat house but also importantly the bat boxes and bat access panels. In regards the latter the exact bat box and panel types (all higher quality Schwegler) are confirmed which is important.*

*Post development safeguards are also covered including roost and boundary maintenance. Monitoring is also proposed which would also be a requirement of the proposed bat licence but still needs to be secured by a prospective planning consent too. Usefully it is intended to register the monitoring of the bat house roost with the National Bat Monitoring Programme so that it is visited in the much longer term. Ownership of the*

*bat house will be transferred to a reputable body such as the Gloucestershire Wildlife Trust, Bat Group or perhaps I should add the Vincent Wildlife Trust. A S106 agreement is recommended to cover certain measures which probably relates to my earlier comments on this planning application. Helpfully for planning (and licensing) enforcement (if needed) a timetable of works is included in the strategy.*

*Choice of lighting columns and luminaires (shrouded down lighters) is probably appropriate but a final lighting scheme showing final lighting positions and lux contours should be conditioned to ensure the measures in the (Bat) Mitigation & Compensation Strategy will be put in place correctly.*

*The submitted 'Annex 2' Outline Landscape Maintenance Plan compliments the soft landscape plan (drawing) and needs to be implemented through the S106 agreement. Finally to cover all the bat requirements to make this application acceptable and confirm it is compliant with the Habitats Regulations (see my previous memo) there is Annex 1 'Management of Common Areas' which I assume would be part of the S106 for this development if consented. It covers the essential maintenance requirements for bats and how this will be funded.*

#### Revised Recommendations

*My updated advice is that as part of a consent that may be able to be granted the following items should be attached:*

*1. Condition – The measures of the bat strategy shall be implemented in accordance with the approved document 'Mitigation and compensation (Revision 1, October 2013)' Reason - To ensure that biodiversity is conserved and in accordance with ODPM Circular 06/2005 plus National Planning Policy Framework paragraphs 109 and 118.*

*2. Condition – No demolition, hedgerow, tree or shrub removal shall take place between 1st March and 31st August inclusive unless a survey to assess the nesting bird activity on the site during this period has been undertaken and a method of working to protect any nesting bird interest found is established and then implemented. Reason: To ensure that wild birds building or using their nests are protected as required by law and in accordance with ODPM Circular 06/2005 plus National Planning Policy Framework paragraphs 109 and 118.*

*3. Condition – A small scale biodiversity enhancement scheme for nesting birds including features based on paragraph 5.12 of the Extended Phase 1 Habitat Survey dated February 2013 shall be submitted for approval by the Local Planning Authority prior to development commencing. Locations and descriptions of features will need to be specified plus any required maintenance regime to maintain biodiversity interest or use. The scheme shall be implemented as approved within three months of the occupation of the dwellings. Reason: This is in accordance with National Planning Policy Framework paragraphs 109 and 118 and also Section 40 of the Natural Environment and Rural Communities Act 2006, which confers a general biodiversity duty upon Local Authorities.*

*4. Condition – During the construction phase all hazardous chemicals, if left on site overnight, are to be secured and any excavations covered or designed with one sloped side or ramp in place. Also all open pipes to be capped off overnight that are larger than 150mm outside diameter.*

*Reason: As a precaution to ensure the site is made safe from environmental pollution and that animals including those legally protected are prevented from becoming trapped within excavations. In accordance with ODPM Circular 06/2005 plus National Planning Policy Framework paragraphs 109 and 118.*

5. Condition – A final Soft Landscape Scheme based on the Soft Landscape Plan – 04 dated 04.11.2013 showing additionally and clearly a planting schedule for the planted embankment along the southern side of the site shall be submitted to and approved by the Local Planning Authority prior to the commencement of the development. The plan shall be implemented as approved by the Local Planning Authority. Reason: To conserve and enhance a location of recognised nature conservation importance and in accordance with ODPM Circular 06/2005 plus National Planning Policy Framework paragraphs 109 and 118.

6. Condition – A Lighting Scheme comprising of low-level bollards and sensitively placed columns with luminaires that limit light spillage and avoid illumination of the new dedicated bat house, bat boxes, bat panels and the boundary hedgerows, shrubs and trees shall be submitted to and approved by the Local Planning Authority prior to the commencement of the development. The scheme shall include a lux plan and be implemented as approved. Reason - To avoid light pollution and impact on protected species (bats) and local amenity and in accordance with ODPM Circular 06/2005 plus National Planning Policy Framework paragraphs 109 and 118.

7. Section 106 Agreement – This is probably needed for other matters too but for biodiversity it needs to cover: Ownership and long-term maintenance of the new dedicated bat house, bat boxes, bat panels and bird nesting features as set out in the bat strategy; Retention and long-term maintenance of the southern and eastern boundary hedgerow, shrubs and trees as set out in the bat strategy AND Annex 2 Outline Landscape Maintenance Plan AND Annex 1 Management of Common Areas; Operation and long-term maintenance of lighting (see also condition above which just covers the type and installation of lighting).

8. Advice Note - To assist in the strategic conservation of countywide biodiversity, all species and habitat records from the ecological work commissioned by the applicant should be copied [preferably in electronic format] to the Gloucestershire Centre for Environmental Records (GCER).

9. Advice Note – If a protected species (such as any bat, badger, reptile, barn owl or any nesting bird) is discovered using a feature on site that would be affected by the development or construction work all activity which might affect the species at the locality should cease. If the discovery can be dealt with satisfactorily by the implementation of biodiversity mitigation measures already approved by the Local Planning Authority then these should be implemented. Otherwise a suitably qualified ecological consultant should be contacted and the situation assessed before operations can proceed. This action is necessary to avoid possible prosecution and ensure compliance with the Wildlife & Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 and/or the Protection of Badgers Act 1992. This advice note should be passed on to any persons/contractors carrying out the development/works.

These recommendations are in accordance with the National Planning Policy Framework and ODPM Circular 06/2005 and in accordance with Section 40 of the Natural Environment and Rural Communities Act 2006 which confers a general biodiversity duty upon Local Authorities whilst exercising their functions.

- 1.2. In light of these comments and subject to the suggested conditions and securing a section 106 agreement, as outlined above, to ensure the on-going protection of biodiversity on the site the proposal accords with national and European legislation, ODPM Circular 06/2005, Local Plan Policy NE3 and paragraphs 109 and 118 of the NPPF.

## 2. Development viability and affordable housing

- 2.1. The final District Valuers Service (DVS) report on the viability of the development in respect of the level of contributions to be sought as part of the planning application is awaited. In the interests of securing a viable level of affordable housing with an acceptable tenure mix the following comments have been provided by the Housing Enabling Team. These comments shall be used to inform the DVS assessment and are reproduced below:

*The site comprises of 28 dwellings, in order to be policy compliant, a minimum of 40% of total dwellings must be affordable dwellings on this site. This equates to 12 affordable housing units. Local Plan Policy also requires a mix of 70:30 rented to intermediate housing.*

*Having regard to local needs, we would seek the following mix of affordable dwellings on a policy compliant site:*

	<b>Affordable rented</b>	<b>Social Rented</b>	<b>Intermediate Affordable</b>	<b>Total</b>
3 bed houses	5		4	9
4 bed houses		3		3
<b>Total</b>	<b>5</b>	<b>3</b>	<b>4</b>	<b>12</b>
	67%		33%	

*If there is a viability issue on 40% affordable housing then the following would be our required mix:*

**Affordable Housing at 30% - 9 properties**

	<b>Affordable rented</b>	<b>Social Rented</b>	<b>Intermediate Affordable</b>	<b>Total</b>
3 bed houses	4		3	7
4 bed houses		2		2
<b>Total</b>	<b>4</b>	<b>2</b>		<b>9</b>
	67%		33%	

**Affordable Housing at 20% - 6 properties**

	<b>Affordable rented</b>	<b>Social Rented</b>	<b>Intermediate Affordable</b>	<b>Total</b>
3 bed houses	2		2	4
4 bed houses		2		2



<i>Total</i>	<i>2</i>	<i>2</i>	<i>2</i>	<b>6</b>
	<i>67%</i>		<i>33%</i>	

***Affordable Housing at 10% - 3 properties***

	<b><i>Affordable rented</i></b>	<b><i>Social Rented</i></b>	<b><i>Intermediate Affordable</i></b>	<b><i>Total</i></b>
<i>3 bed houses</i>	<i>1</i>		<i>1</i>	<i>2</i>
<i>4 bed houses</i>		<i>1</i>		<i>1</i>
<i>Total</i>	<i>1</i>	<i>1</i>	<i>1</i>	<b>3</b>
	<i>67%</i>		<i>33%</i>	

2.2 Following receipt of the DVS final report this will reported to Members along with Officers' recommendation as an update or at Committee should that be necessary.

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<b>APPLICATION NO:</b> 13/00756/FUL		<b>OFFICER:</b> Mrs Wendy Hopkins
<b>DATE REGISTERED:</b> 10th May 2013		<b>DATE OF EXPIRY:</b> 9th August 2013
<b>WARD:</b> Leckhampton		<b>PARISH:</b> Leckhampton With Warden Hill
<b>APPLICANT:</b>	Martin Scott Homes	
<b>AGENT:</b>	David Keyte	
<b>LOCATION:</b>	Leckhampton Industrial Estate, Leckhampton Road, Cheltenham	
<b>PROPOSAL:</b>	Demolition of existing buildings and residential development comprising the construction of 28 dwellings	

**Recommendation:** PERMIT subject to conditions and S106 agreement

## Update to Officer Report

### 1. OFFICER COMMENTS

#### Development Viability

- 1.1. Following the previous Officer update the viability assessment has been received from the District Valuers Service (DVS).
- 1.2. The DVS assessment concludes that the redevelopment proposal is **not viable** at any of the levels tested. These were:
  - Basis 1 – 0% education, library and play space contributions and 40% affordable housing (12 units);
  - Basis 2 – 0% education, library and play space contributions and 20% affordable housing (6 units);
  - Basis 3 - 0% education, library and play space contributions and 10% affordable housing (3 units);
- 1.3. The DVS assessment considered a number of substantial abnormal costs that are associated with this proposal and include site remediation (initial investigations have found asbestos and other pollutants on-site) and the reduction of site land levels (historically the site area has been subject to large areas of fill which are required to be removed to accommodate the redevelopment of the site). For this reason and other cost factors, the assessment has not resulted in any margin to seek a whole or partial contribution to the relevant obligations.
- 1.4. Notwithstanding the conclusions of the DVS financial assessment the application includes a 10% affordable housing contribution which is compliant with the Affordable Housing Officers requirements of 3 units – 1 x 3 bed affordable rent, 1 x 3 bed shared ownership and 1 x 4 bed social rent.
- 1.5. In Officers' view, this contribution is over and above what is required or could be successfully secured following the DVS assessment. This matter is significant and material to the consideration of this application.
- 1.6. In conclusion and referring back to paragraph 6.14 of the main report and the necessity of balancing the development benefits against any adverse impacts,

Officers consider that this redevelopment proposal offers significant benefits through i) the delivery of housing against the 5-year housing land supply, ii) the redevelopment of a brown field site within the PUA, iii) the contribution of affordable housing within the District, iv) improvements to local visual amenity through the redevelopment, v) the 'cleaning up' of a polluted site and vi) improvements to surface water drainage. The view of Officers is that these benefits coupled with the advice set out in paragraph 179 of the NPPF; which precludes Local Planning Authorities to seek development contributions where it renders the development undeliverable; outweighs a reduced provision of affordable housing. The proposal thereby accords with relevant development plan policies and national planning policy set out within the NPPF.

- 1.7. Not material to the consideration of this application but an item that should be noted as part of the discussion is that the applicant has entered into discussions with the adjoining Scout group and has offered to prepare and submit a planning application, on behalf of the Scouts, for a replacement scout hut. This offer of goodwill followed the public consultation event in April which raised this issue as an important desire of the local community.

## **2. CONCLUSION AND RECOMMENDATION**

- 2.1. For the above reasons and those discussed in the main report, Officers recommend permission is granted subject to conditions detailed below and a S106 legal agreement securing 10% affordable housing (3 units – 1 x 3 bed [affordable rent], 1 x 3 bed [shared ownership] and 1 x 4 bed [social rent]); the ownership and long-term maintenance of the new dedicated bat house, bat boxes, bat panels and bird nesting features and the retention and long-term maintenance of the southern and eastern boundary hedgerow, shrubs and trees as detailed in the bat strategy; the future management and maintenance of the surface water drainage system; and the future management and maintenance of the site access and estate streets including landscaped areas.

## **3. CONDITIONS**

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.  
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The development hereby permitted shall be carried out in accordance with revised drawing numbers 2004.2000 Rev 21 (24.10.13), 2004.2002 Rev P4 (16.10.13), 0004 Rev A03 (20.10.13), 0001 Rev A05 (20.10.13), Section AA, BB, CC, DD, EE (24.10.13), 2004.2010 Rev P13 (13.11.13), 2004.2011 Rev P9 (24.10.13), 2004.2012 Rev P5 (24.10.13), 2004.2013 Rev P8 (13.11.13), 2004.2015 Rev P1 (25.10.13), 2004.2016 Rev P1 (24.10.13), 2004.2014 Rev P6 (13.11.13), 2004.2017 Rev P2 (13.11.13), 2004.1101 Rev D (24.10.13), 2004.1100 Rev C (24.10.13), 2004.1103 Rev C (24.10.13), 2004.1102 Rev C (24.10.13), 2004.1105 Rev C (24.10.13), 2004.1104 Rev C (24.10.13), 2004.1107 Rev D (24.10.13), 2004.1106 Rev D (24.10.13), 2004.1109 Rev C (24.10.13), 2004.1108 Rev C (24.10.13), 2004.1111 Rev B (24.10.13), 2004.1110 Rev B (24.10.13), 2004.1113 Rev C (24.10.13), 2004.1112 Rev C (24.10.13), 2004.1115 Rev D (19.11.13), 2004.1114 Rev D (19.11.13), 2004.0007 Rev C (13.11.13), 2004.1116 Rev B (24.10.13), 2004.1119 Rev C (13.11.13), 2004.1118 Rev B (24.10.13), 2004.1121 Rev B (24.10.13),



2004.1120 Rev B (24.10.13), 2004.1123 Rev B (24.10.13), SK004 Rev A06 (20.10.13), 2004.A (14.10.13), 2004.1068 Rev B (31.07.13), 03 Rev H (06.11.13), 04 Rev H (06.11.13), 05 Rev H (06.11.13), 06 Rev H (06.11.13) and documents entitled Design and Access Statement Rev P1 (08.11.13), Document 1: Background and supporting information Rev 1 (14.10.13) and Mitigation and Compensation Rev 1 (14.10.13).

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

- 3 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 strictly adhered to throughout the construction period. The Statement 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
- wheel washing facilities

Reason: To minimize disruption, congestion and hazards on the public highway, in the interests of highway safety.

- 4 No works shall commence, including demolition, until a scheme for the control of noise, dust, vibration and other nuisances is submitted to and approved in writing by the Local Planning Authority. The development shall be strictly implemented in accordance with the approved details. Scheme details shall include:

1. Hours of work. Recommended hours are: 7:30AM-6:00PM, Mon - Fri; 8:00AM-1:00PM; Saturdays and no noise-producing work on Sundays or Bank Holidays. Any work outside these hours should be agreed well in advance with the Environmental Protection Team.
2. No bonfires will be permitted on site.
3. Any stockpiles of dusty materials, including crushed material must be kept covered or suitably dampened to avoid wind-borne dust.

Reason: To safeguard nearby residential amenities in accordance with CP4 relating to safe and sustainable living.

- 5 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 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.

- 6 No development shall take place within the application site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.

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

- 7 The measures of the bat strategy shall be fully implemented in accordance with the approved document 'Mitigation and compensation (Revision 1, October 2013)'.  
Reason: To ensure that biodiversity is conserved and in accordance with ODPM Circular 06/2005 plus National Planning Policy Framework paragraphs 109 and 118.
- 8 No demolition, hedgerow, tree or shrub removal shall take place between 1st March and 31st August inclusive unless a survey to assess the nesting bird activity on the site during this period has been undertaken and a method of working to protect any nesting bird interest found is established and then implemented.  
Reason: To ensure that wild birds building or using their nests are protected as required by law and in accordance with ODPM Circular 06/2005 plus National Planning Policy Framework paragraphs 109 and 118.
- 9 A small scale biodiversity enhancement scheme for nesting birds including features based on paragraph 5.12 of the Extended Phase 1 Habitat Survey dated February 2013 shall be submitted for written approval by the Local Planning Authority prior to development commencing. Locations and descriptions of features will need to be specified plus any required maintenance regime to maintain biodiversity interest or use. The scheme shall be implemented as approved within three months of the occupation of the first dwelling.  
Reason: This is in accordance with National Planning Policy Framework paragraphs 109 and 118 and also Section 40 of the Natural Environment and Rural Communities Act 2006, which confers a general biodiversity duty upon Local Authorities.
- 10 During the construction phase all hazardous chemicals, if left on site overnight, are to be secured and any excavations covered or designed with one sloped side or ramp in place. Also all open pipes to be capped off overnight that are larger than 150mm outside diameter.  
Reason: As a precaution to ensure the site is made safe from environmental pollution and that animals including those legally protected are prevented from becoming trapped within excavations. In accordance with ODPM Circular 06/2005 plus National Planning Policy Framework paragraphs 109 and 118.
- 11 Notwithstanding the submitted information a soft landscaping scheme with detailed planting schedule for the planted embankment along the southern side of the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The plan shall be strictly implemented as approved by the Local Planning Authority.  
Reason: To conserve and enhance a location of recognised nature conservation importance and in accordance with ODPM Circular 06/2005 plus National Planning Policy Framework paragraphs 109 and 118.
- 12 A Lighting Scheme comprising of low-level bollards and sensitively placed columns with luminaires that limit light spillage and avoid illumination of the new dedicated bat house, bat boxes, bat panels and the boundary hedgerows, shrubs and trees shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The scheme shall include a lux plan and be implemented in strict accordance with the approved details.  
Reason: To avoid light pollution and impact on protected species (bats) and local amenity and in accordance with ODPM Circular 06/2005 plus National Planning Policy Framework paragraphs 109 and 118.

- 13 Notwithstanding the submitted information and prior to the commencement of development, a landscaping and planting scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include a survey of all existing trees on the land showing the size and species and identifying those trees, if any, it is proposed to remove. In addition it shall show in detail all proposed tree and shrub planting, hard surfacing (which should be permeable or drain to a permeable area) and areas to be grassed.  
Reason: To ensure that the development is completed in a manner that is sympathetic to the site and its surroundings in accordance with Local Plan Policies CP1 and CP7 relating to sustainable development and design.
- 14 The landscaping proposals hereby approved shall be carried out no later than the first planting season following the date when the development is ready for occupation or in accordance with a programme agreed in writing with the Local Planning Authority. All planted materials shall be maintained for 5 years after planting and any trees or plants removed, dying, being severely damaged or becoming seriously diseased within this period shall be replaced with others of similar size and species to those originally required to be planted.  
Reason: To ensure that the planting becomes established and thereby achieves the objectives of Local Plan Policies CP1 and CP7 relating to sustainable development and design.
- 15 Notwithstanding the submitted information and 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.
- 16 Tree protective fencing shall be installed in accordance with the specifications set out within BS 5837:2012. The fencing shall be erected, inspected and approved in writing by the Local Planning Authority prior to the commencement of any works on site (including demolition and site clearance) and shall remain in place until the completion of the construction process.  
Reason: In the interests of local amenity, in accordance with Local Plan Policies GE5 and GE6 relating to the retention, protection and replacement of trees.
- 17 All service runs shall fall outside the Root Protection Area(s) unless otherwise agreed in writing by the Local Planning Authority. Any such works shall be in accordance The National Joint Utilities Group; Volume 4 (2007).  
Reason: In the interests of local amenity in accordance with Local Plan Policies GE5 and GE6 relating to the retention, protection and replacement of trees.
- 18 As part of the landscaping scheme all tree pit details shall be submitted to and approved in writing by the Local Planning Authority. Tree pits and planting shall be carried out in strict accordance with the approved details.  
Reason: To ensure new tree planting is given the opportunity to successfully establish in accordance with Local Plan Policies GE5 and GE6 relating to the retention, protection and replacement of trees.
- 19 No dwelling on the development hereby permitted shall be occupied until 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 have been completed to at least binder



course level in accordance with the submitted plans (drawing no: 2004.2000 Rev P19), and those access roads, shall 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.

- 20 No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved in writing by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as either a dedication agreement has been entered into or a private management and maintenance company has been established.

Reason: 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.

Note: The applicant is advised that to discharge the above condition the local planning authority requires a copy of a completed dedication agreement between the applicant and the local highway authority or the constitution and details of a Private Management and Maintenance Company confirming funding, management and maintenance regimes.

- 21 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 the submitted details (drawing number: 2004.2000 Rev P19) 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 the interests of highway safety.

- 22 Prior to the commencement of development, samples of the proposed facing materials 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.

- 23 Prior to the first occupation of any part of the development, the surface water drainage system hereby approved 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.

- 24 No development shall be commenced until details of the proposed arrangements for future management and maintenance of the surface water drainage system have been submitted to and approved in writing by the local planning authority. The surface water drainage system shall thereafter be maintained in accordance with the approved management and maintenance details 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.

- 25 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.
- 26 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.
- 27 All windows on the rear and side elevations at first floor facing the northern site boundary of the development hereby approved shall be obscurely glazed and retained as such thereafter.  
Reason: To safeguard the amenities of adjoining properties in accordance with Local Plan Policy CP4 relating to safe and sustainable living.

## 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.

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

- 2 To assist in the strategic conservation of countywide biodiversity, all species and habitat records from the ecological work commissioned by the applicant should be copied [preferably in electronic format] to the Gloucestershire Centre for Environmental Records (GCER).
- 3 If a protected species (such as any bat, badger, reptile, barn owl or any nesting bird) is discovered using a feature on site that would be affected by the development or construction work all activity which might affect the species at the locality should cease. If the discovery can be dealt with satisfactorily by the implementation of biodiversity mitigation measures already approved by the Local Planning Authority then these should be implemented. Otherwise a suitably qualified ecological consultant should be contacted and the situation assessed before operations can proceed. This action is necessary to avoid

possible prosecution and ensure compliance with the Wildlife & Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 and/or the Protection of Badgers Act 1992. This advice note should be passed on to any persons/contractors carrying out the development/works.

- 4 The Local Highway Authority will require the developer to enter into legally binding agreement to secure the proper implementation of the proposed site access highway works, including an appropriate bond.
- 5 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. The applicant is advised to contact the Gloucestershire County Council Public Rights of Way Team on 01452 425577.

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<b>APPLICATION NO: 13/00756/FUL</b>		<b>OFFICER: Mrs Wendy Hopkins</b>
<b>DATE REGISTERED:</b> 10th May 2013		<b>DATE OF EXPIRY :</b> 9th August 2013
<b>WARD:</b> Leckhampton		<b>PARISH:</b> LECKH
<b>APPLICANT:</b>	Martin Scott Homes	
<b>LOCATION:</b>	Leckhampton Industrial Estate, Leckhampton Road, Cheltenham	
<b>PROPOSAL:</b>	Demolition of existing buildings and residential development comprising the construction of 28 dwellings	

### ADDITIONAL REPRESENTATION

3 Liddington Road  
Cheltenham  
Gloucestershire  
GL53 0AJ

**Comments:** 19th November 2013

After examining the revised proposals, I was very disappointed to note that very little had changed. Although a minor adjustment to the ridge height of the houses directly overlooking our property has been made, and a decision not to raise the already elevated ground level has been taken, this will not make a difference to the overbearing nature and significant impact on our amenity from this development.

As I expressed in my letter of objection in June: "Regarding our property at 3 Liddington Road; our rear ground floor windows to both main living areas are 2m tall, nearly floor to ceiling deliberately in order to maximise light, in an already lower location than the ground level at the fence boundary to the South. In the winter months when the sun is low in the sky, this also helps our property with warmth via solar gain. The proposed height of the buildings on plots 21-24 and 25-29 represent a significant loss of sunlight and daylight affecting the amenity within our property and garden."

The proposed development of 3.5 storey, large houses on small plots does not reflect the surrounding housing and is out of keeping with the area. Added to this the fact that these extremely tall houses are on an elevated site, on the edge of an Area of Outstanding Natural Beauty make this development unacceptable as it stands, and I urge the planning authorities to decline the application.

I would be happy to see a significantly altered application to include fewer houses and a reduction in height down to single storey dwellings along the Northern boundary with our properties. I am very willing for any representatives of the planning committee to visit my property in order to fully appreciate the impact which these proposals will have on our property and our daily lives.

I would also like to see the developers take on board and adjust their drawings to take account of the rear extension which runs along 4/5ths of our house (No 3 Liddington Road). This has been there for the last 13 years and has been pointed out several times over the months. This obviously impacts on the proximity of the new development to our living spaces. Again the most recent plans and drawings are inaccurate in that they still do not show this.

In summary, I remain strongly opposed to this application as fully stated in my letter dated 9th June 2013.

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<b>APPLICATION NO:</b> 13/01386/FUL	<b>OFFICER:</b> Miss Chloe Smart
<b>DATE REGISTERED:</b> 6th September 2013	<b>DATE OF EXPIRY:</b> 1st November 2013
<b>WARD:</b> Battledown	<b>PARISH:</b> Charlton Kings
<b>APPLICANT:</b>	Cheltenham Borough Council
<b>AGENT:</b>	Mr Stephen Rosagro
<b>LOCATION:</b>	Coronation Flats, Oak Avenue, Charlton Kings
<b>PROPOSAL:</b>	Provide new refuse bin storage stores

**RECOMMENDATION:** Permit



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## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 Coronation Flats is a red brick three storey block of flats located at the junction of Beaufort Road and Oak Avenue within the ward of Battledown.
- 1.2 The application is seeking permission for the erection of two bin storage areas, one to be located to the west of the block facing Oak Avenue on a grass verge; the other to the east of the block facing Beaufort Road on an area of hardstanding.
- 1.3 The existing bin storage area is located to the rear and middle of the block which is accessed via a narrow path and does not comply with UBICO recommendations that bins are pushed or pulled no more than 10 metres by operatives.
- 1.4 The application was included on the agenda for October's Planning Committee but was deferred as some additional amendments have been made to the scheme.
- 1.5 The application is before planning committee as the applicant is Cheltenham Borough Council.

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

**Constraints:**

None

**Relevant Planning History:**

None

## 3. POLICIES AND GUIDANCE

Adopted Local Plan Policies

CP 4 Safe and sustainable living

CP 7 Design

National Guidance

National Planning Policy Framework

## 4. CONSULTATIONS

**Parish Council**

*2nd October 2013*

No Objection on condition that the existing right of way to the rear of the flats is maintained and that the new storage areas do not lead to a reduction in the number of garage/off road parking spaces.

## 5. PUBLICITY AND REPRESENTATIONS

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



- 5.1 Twelve letters have been sent out to neighbouring properties and no responses have been received.

### 6. OFFICER COMMENTS

- 6.1 The main considerations in relation to this application are the design and the impact of the proposed bin storage on neighbouring amenity.
- 6.2 Local Plan Policy CP7 requires development to be of a high standard of architectural design and to complement and respect neighbouring development. Policy CP4 seeks to protect the existing amenity of neighbouring land users.
- 6.3 As previously stated, the existing bin store to the rear of Coronation Flats does not comply with UBICO recommendations that bins are pushed or pulled no more than 10 metres by operatives. This has meant there is a requirement for bin storage areas which do fit with these requirements.
- 6.4 The applicant proposes a bin store on both the Beaufort Road and Oak Avenue elevation of Coronation Flats. The Oak Avenue bin store will have a height of 1.8m and will measure 4 metres by 3 metres. This storage area will be slightly larger to allow some of the properties to have a 180 litre bin each.
- 6.5 The Beaufort Road bin storage area will also have a height of 1.8 metres and will measure 2.6 metres by 2.6 metres. This refuse storage area will be smaller than the one proposed on Oak Avenue as fewer bins are required in this area.
- 6.6 Officers consider the Beaufort Road bin store to be in a slightly more prominent location than the Oak Avenue store, which is set amongst existing trees and landscaping. As such, the applicant has agreed to carry out landscaping around the bin storage area. A condition has been included requiring details of the proposed landscaping to be submitted to and approved by the local planning authority.
- 6.7 Both structures are proposed to be constructed in timber and are considered to be low key and in keeping with the surrounding area. The proposals would not adversely affect the character of the existing building or locality or have any unacceptable impact on the amenity of the residents or neighbouring properties.
- 6.8 **Other Considerations**
- 6.9 The Parish Council have been consulted on the application and have raised no objection to the proposal providing the existing right of way is maintained and there is no reduction in parking spaces as a result of the proposal.
- 6.10 The existing right of way will not be affected by the proposal however the applicant has confirmed there will be a loss of one parking space. Notwithstanding this, there will still be off road parking available and there is also plenty of parking on surrounding roads. As such, the loss of one parking space is not considered unacceptable.
- 6.11 In conclusion, the proposal is considered to comply with the objective of policies CP7 and CP4 of the Local Plan and the recommendation is therefore to approve the application with the suggested conditions.

## 7. 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 1386.01, 6 Rev B and 2 Rev C received 8th August, 11th November 2013.  
Reason: To ensure the development is carried out in strict accordance with the approved drawings.
- 3 Prior to the commencement of development, a detailed scheme for landscaping, tree and/or shrub planting for the Beaufort Road bin store 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 completion of the development, whichever is the sooner.  
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.

## INFORMATIVES

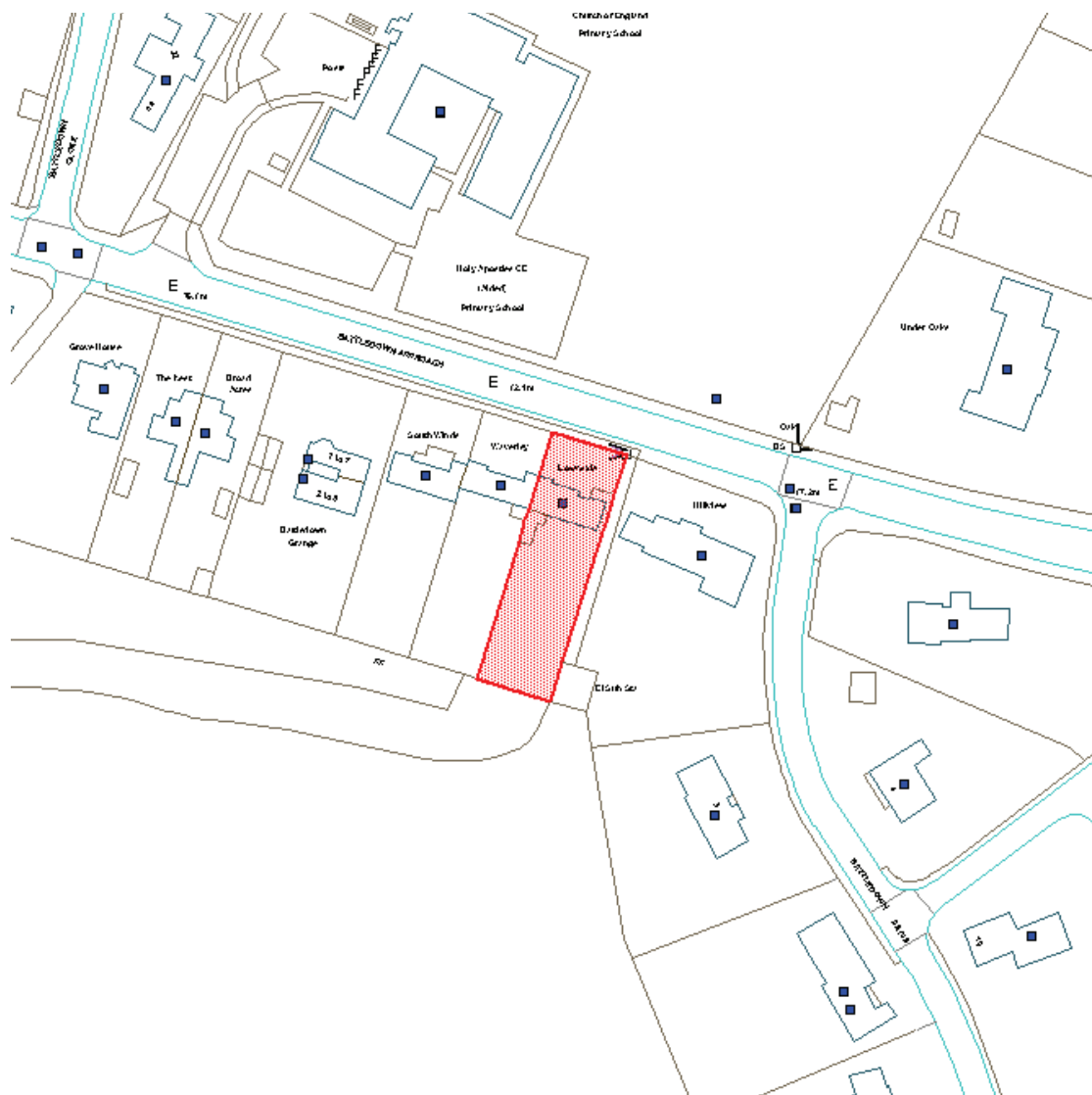
- 1 In accordance with the requirements of The Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 and the provisions of the NPPF, the Local Planning Authority adopts a positive and proactive approach to dealing with planning applications and where possible, 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.

<b>APPLICATION NO:</b> 13/01483/FUL	<b>OFFICER:</b> Mrs Emma Pickernell
<b>DATE REGISTERED:</b> 29th August 2013	<b>DATE OF EXPIRY:</b> 24th October 2013
<b>WARD:</b> Battledown	<b>PARISH:</b> None
<b>APPLICANT:</b>	Mr Hodgkinson
<b>AGENT:</b>	Mr Bob Packer
<b>LOCATION:</b>	Downside, Battledown Approach, Cheltenham
<b>PROPOSAL:</b>	Demolition of existing single storey side and rear extension, erection of two storey extensions to the side and rear, single storey extensions to the front and rear (revised plans)

**RECOMMENDATION:** Permit



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## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site comprises a link detached two storey dwelling on the south side of Battledown Approach, west of the junction with Battledown Drive.
- 1.2 This application proposed the demolition of the existing garage and front porch and the erection of a two storey side and rear extension to the west side of the property and a two storey rear extension to the eastern side of the plot. A single storey rear extension would be constructed between these two rear wings. A single storey front extension is also proposed which would provide a porch and part of a study. The front and side elevations would be rendered with the rear elevation being stone.
- 1.3 The plans have been amended since their original submission to secure the shortening of the two storey extension to the western side of the building by 1.5m, the removal of a flat roof car port within the front garden and the simplification of the porch design.
- 1.4 This application is being considered by planning committee at the request of Cllr Paul McLain who has *“concerns about the overbearing aspects of the application and the impact it would have on adjacent properties.”*

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

### Constraints:

Landfill Sites boundary

### Relevant Planning History:

None

## 3. POLICIES AND GUIDANCE

### Adopted Local Plan Policies

CP 4 Safe and sustainable living

CP 7 Design

TP 1 Development and highway safety

### Supplementary Planning Guidance/Documents

Residential Alterations and Extensions (2008)

### National Guidance

National Planning Policy Framework

## 4. CONSULTATIONS

### Contaminated Land Officer

3rd September 2013 - no comment

## 5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	2
Total comments received	8
Number of objections	7
Number of supporting	0
General comment	1



- 5.1** The application was advertised by way of letters sent to the two neighbouring properties. 8 representations have been received.

The main points raised can be summarised as follows:

- Loss of privacy
- Overbearing impact exacerbated by change in levels
- Loss of light
- Excessive size
- Overdevelopment
- Highways Issues
- Insufficient parking
- Discrepancy in plans [since rectified]
- Loss of unity in building group

## **6. OFFICER COMMENTS**

### **6.1 Determining Issues**

The key issues in determining this application are considered to be (i) design, (ii) impact on neighbours and (iii) highways and parking.

### **6.2 The site and its context**

The house is one of a group of three similar properties, however on the whole the properties in this area are very mixed in terms of design, materials and size.

### **6.3 Design and layout**

The mixed character in the area means that the changes can be accommodated without them being harmful to the character and appearance of the area. The two storey side extension has not been set back from the frontage of the dwelling and does partially close the gap between the application site and Waverley, next door. However there is an existing forward projection to the building so the mass is broken up. Furthermore the side extension is under 2.5m in width and therefore is subservient to the main house and does not overwhelm it. A 1m gap is retained between the properties and Waverley has a single storey element adjacent to the boundary with the two storey element set approximately 4m away. This proposal would effectively make the house detached, rather than link-detached, therefore there would remain a feeling of space between the two properties. As such the impact on the street scene is considered to be acceptable. It is proposed to render the front and side elevations. The majority of the houses in this area are rendered and therefore this is considered to be acceptable. The design of the porch has been simplified to a parapet roof which is in keeping with the style of house and those nearby.

As such the proposal is considered to be in accordance with Policy CP7 and the NPPF which encourage a good standard of design.

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

The two properties which need to be assessed in detail are Hillview to the east and Waverley to the west. Hillview is a large detached property set in spacious grounds. An access path to an electricity substation exists between Hillview and the application site therefore creating a separation between the two properties. Hillview is also on slightly higher ground than Downside. The extension would be visible from part of the garden however it is sufficiently far removed from this property not to have any adverse impacts by way of loss of light or overlooking. It is recommended that a condition is attached limiting further openings which could potentially overlook Hillview.

Waverley is the property to the west. The two storey side extension extends beyond the rear of Waverley and is on higher ground, reflecting the local topography. Therefore the relationship between these two properties has been carefully assessed. The part of the extension nearest to the boundary has been reduced in length from 5.5m to 4m (from the rear elevation) since its original submission and although the occupants have maintained their objection it is the opinion of Officers that the current proposal has an acceptable impact upon Waverley. It complies with the light tests and no windows are proposed in the side elevation. Those windows located on the rear elevation would achieve oblique views towards the rear of the neighbouring garden, but this is a common relationship in residential areas.

Members will have the opportunity to assess the relationship between these properties in more detail at planning view.

For these reasons the impact on residential amenity is considered to be acceptable and is in accordance with policy CP4 and the NPPF which requires that a good standard of amenity is secured.

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

The proposal results in the loss of the integral garage. However, three parking spaces are indicated within the curtilage of the property which is considered to be sufficient to serve the dwelling. The access is unchanged from the existing arrangement and as such no objection is raised on highway grounds.

As such the proposal is considered to be in accordance with policy TP1 and the NPPF which requires safe and suitable access.

### **7. CONCLUSION AND RECOMMENDATION**

- 7.1** The proposal does propose relatively large extensions to this property. However, no harm has been identified. The applicant has made changes to the proposal to seek to overcome the concerns raised. For the above reasons the proposal is considered to be acceptable and as such 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 number T.D.12159/1c received 8/11/13  
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.
- 4 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 side facing windows 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.
- 5 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.
- 6 Prior to the first occupation of the development, the car parking area shall be completed and marked out in accordance with the approved plan(s). The car parking area shall thereafter be retained in accordance with the approved plans and kept available for use as car parking.  
Reason: To ensure adequate car parking within the curtilage of the site in accordance with Local Plan Policy TP1 relating to development and highway safety.

## 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 amendments to address concerns relating to design and impact on neighbouring properties.

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

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<b>APPLICATION NO:</b> 13/01483/FUL		<b>OFFICER:</b> Mrs Emma Pickernell	
<b>DATE REGISTERED:</b> 29th August 2013		<b>DATE OF EXPIRY :</b> 24th October 2013	
<b>WARD:</b> Battledown		<b>PARISH:</b> NONE	
<b>APPLICANT:</b>	Mr Hodgkinson		
<b>LOCATION:</b>	Downside, Battledown Approach, Cheltenham		
<b>PROPOSAL:</b>	Demolition of existing single storey side and rear extension, erection of two storey extensions to the side and rear, single storey extensions to the front and rear (revised plans)		

## REPRESENTATIONS

Number of contributors	<b>8</b>
Number of objections	<b>7</b>
Number of representations	<b>1</b>
Number of supporting	<b>0</b>

Glevum  
Battledown Approach  
Cheltenham  
Gloucestershire  
GL52 6QZ

### Comments: 21st September 2013

We are deeply concerned at the prospect of this application being approved. The impact on the immediate and other neighbours would be dramatic, with a loss of privacy from such an overbearing extension, along with a significant reduction of natural light, which would impact severely on their quality of life.

Battledown Approach is a quiet tree lined avenue comprising mainly mid sized family homes, and the virtual doubling of the size of the house in question would be completely inappropriate, and oppressive to all of the residents living nearby.

We ask that this ill-judged application be rejected in its entirety.

### Comments: 23rd October 2013

I have noticed that the application has been amended, but given that the changes are quite minor my previous comments still stand - I still feel strongly that the work planned is inappropriate for the size of the plot, and would adversely affect not only the neighbours who live in the immediate proximity, but also the character of the road. I therefore wish my objection to be noted and the application to be rejected in its entirety

Hillview  
Battledown Approach  
Cheltenham  
Gloucestershire  
GL52 6RE

### Comments: 30th September 2013

Letter attached.

**Comments:** 25th October 2013

I have looked at the revised plans for this project. They are a small step in the right direction but do not go far enough to alter my views as expressed in my recent letter.

My wife and I are particularly worried at the dangerous situation created in Battledown Approach during school collection times. Other major works carried out recently in this area have been to houses where off-road parking for lorries is available on private drives.

South Winds  
Battledown Approach  
Cheltenham  
Gloucestershire  
GL52 6RE

**Comments:** 20th September 2013

I consider this application to be over development of the house on a site that is too small to accommodate it. There are 5 plus bedroom houses in the road but they sit in sites that are concomitant to their size. Additionally they have sufficient off road parking in relation to the possible number of occupants.

This end of Battledown Approach is already impossible to park in twice a day due to children being dropped off/collected from the school opposite to the proposed development. Our house (also opposite the school) is regularly inaccessible due to cars parking across the drive. Additional cars will only make it worse. Residents who live further into Battledown regularly speed down the hill (which has no traffic calming measures); further parked cars can only mean that it will be just a matter of time before a horrible accident occurs.

**Comments:** 21st October 2013

The revised plans do not look substantially different to the original plans. Therefore I still consider the proposed development to overbearing for the existing plot.

I also note that no further provision has been included for parking - a 5 bedroom house needs parking for at least 3 cars, there is barely room for 2 at present without any extensions to the front. I therefore fail to see how 3 cars could be accommodated.

People who are unaware of the twice daily congestion/road block/carnage outside the school opposite to the property need only visit at school dropping off and collecting time. Further on road parking by residents can only make it worse.

Waverley  
Battledown Approach  
Cheltenham  
Gloucestershire  
GL52 6RE

**Comments:** 27th September 2013

Letter attached.

**Comments:** 24th October 2013

Letter attached.

38 Leckhampton Road  
Cheltenham  
Gloucestershire  
GL53 0BB

**Comments:** 27th September 2013

This proposed extension would I think result in a house quite out of keeping with other properties in Battledown Approach. Its size and height would make it stand out in an ugly way and be very overbearing especially for the neighbours. This is a beautiful, wide, tree-lined road, sloping down from the Battledown Estate, with fine views, hedges and other sensitive planting fronting the various houses. The back of the property in question gives onto a large public green space adding to the rural feel of this location. The proposed extension would block light from the neighbours and in my view spoil a fine residential road.

**Comments:** 22nd October 2013

The revised application here seems little changed from the original. I still think it would be most detrimental to the immediate neighbours and would spoil the character of a very attractive road. This could set a precedent for other undesirable structures, especially in a road with a large primary school which surely also needs to be considered.

4 Battledown Approach  
Cheltenham  
Gloucestershire  
GL52 6QZ

**Comments:** 26th September 2013

The proposed extension to Downside would virtually double the size of the existing house which would shadow the houses either side of it. This is a pretty tree lined road and having an extension of this size in this location would be very over bearing and set a precedent for future applications in the area.

[REDACTED]  
**Hillview, Battledown Approach**  
**Cheltenham, Gloucestershire GL52 6RE**  
[REDACTED]  
[REDACTED]

27 September, 2013

Mrs Emma Pickernell  
Development Services  
Cheltenham Borough Council  
Municipal Offices  
Promenade  
Cheltenham  
GL50 9SA

Environment Group		Council	
30 SEP 2013			
REC'D		Type of Response	
		File Ref.	

Dear Mrs Pickernell,

***Planning Application Downside Battledown Approach***

Further to our recent telephone conversation, we have now had the chance to study the plans for the proposed redevelopment of Downside. Thank you for agreeing to extend the original deadline for comments.

The scope of the changes proposed have come as quite a surprise to us as it appears that the house is being nearly doubled in size. However we live uphill from Downside and are separated both by our rear access pathway and by the electricity company's access path to their substation. This combined with the screening of our boundary by a number of mature trees means that we are unlikely to be effected greatly by the proposed changes.

However there is also the effect the proposed change would have both on Battledown Approach as a road and on our neighbours who live downhill from Downside. On both of these aspects we have severe reservation as to the wisdom of the proposed development.

Downside is one of a development of three homes built in the 1950's. These homes are very similar in size and design creating a tenuous link between them so that they form an entity within Battledown Approach; Downside is the upper of the three being further up the hill. The expansion of Downside so that it fills its plot more or less completely

*across the whole of its road access, together with the extension being built with new bricks and tiles means that this unity would be destroyed.*

*We are also worried about the impact of this proposed development on our neighbours at Waverley on the other side of Downside. At present they share a rear building line with Downside, so from their living rooms they are able to enjoy a panoramic view of gardens and trees spanning 180 degrees. If the new development goes ahead a large part of this view will be replaced by a two story plain brick wall. All of these Battledown Approach houses back in a south westerly direction which also means that sunlight would reach Waverly much later in the day if this change went ahead.*

*Finally there is another aspect of the proposed development that worries us greatly. Over the last several years the number of cars arriving in Battledown Approach to deposit and collect young children at Holy Apostles School has grown until twice a day it becomes literally "an accident waiting to happen". Cars park across our driveways and on the pavement, people become bad tempered, and at times screech away. Battledown Approach is packed with cars on both sides. Into this situation it is proposed to add builders lorries which could not be accommodated on the drive at Downside. We already live in fear that a child will be injured because of this problem.*

*We hope that this is useful input and as we are not used to planning applications, please forgive us if some of our comments are not appropriate.*

*Yours sincerely,*





## **DJ planning**

Planning & Design Consultancy

Richwood House  
50 – 54 Fairview Road  
Cheltenham  
Gloucestershire  
GL52 2JL

Our Ref: djp0213  
LPA Ref: 13/01483/FUL

23 September 2013

Mrs Emma Pickernell  
Development Services  
Cheltenham Borough Council  
Municipal Offices  
Promenade  
Cheltenham  
Gloucestershire  
GL50 9SA

Dear Mrs Pickernell,

**Ref: 13/01483/FUL**

**Proposal: Demolition of existing single storey side and rear extension, erection of two storey extensions to the side and rear, single storey extensions to the front and rear and detached car port**

**Applicant: Mr Hodgkinson**

**Site: Downside Battledown Approach Cheltenham GL52 6RE**

I am writing to you on behalf of [REDACTED] of Waverley, Battledown Approach to express their strong opposition to the proposal to construct substantial single and two storey front, side and rear extensions and detached car port at the neighbouring property, Downside, Battledown Approach as referred to above.

This letter seeks to highlight the adverse impact that the proposed two storey side and rear element, positioned in very close proximity to the western boundary of the site with [REDACTED] property, would have on their outlook and amenity.

The scheme has little or no regard to the impact of the development on Waverley and, neither the applicant nor the agent has sought to explore fully the potential for harm to [REDACTED] amenities through discussion, consultation or site visit.

The applicant, Mr Hodgkinson does not, as it is suggested on the planning application form, live at Downside. Mr Hodgkinson, it is understood, is in fact the son-in-law of the previous owner of the house, a Mr Wilf Handley, who passed away some 5 years or so ago leaving the property he had occupied since its construction to his son and daughter. Downside is at present occupied by a Mr Patrick Lewis and his family and has been for the last 4-5 years.

It seems most likely that Mr Hodgkinson, a local solicitor (recently retired), and Mr Handley's children are seeking speculatively to exploit as much development potential out of the site as possible with little or no regard to the impact on [REDACTED] at Waverley.

The online measuring tool on the Council's website confirms from the 1:50 floor plans that the depth of the proposed 2-storey element running parallel to and within 1m of the boundary of the site with Waverley as being significant at 11.5m. The greater part of this large expanse of wall would be visible from Waverley above and beyond the single storey structure on the boundary with the application site. The ridge height of the proposed gable flank wall, taken from the 1:100 elevations, would be 7.75m to the ridge of the main house. Around half of the 11.5m depth of this side and rear wing 2-storey extension, some 5.61m, extends beyond the rear face of the original 2 storey building of Downside which lines through with that of Waverley. The eaves and ridge heights of the 2 storey rear wing element are 5.3m and 7.1m respectively. The height of the structure so close to the boundary with Waverley is however further exacerbated by the change in ground levels between the two properties. [REDACTED] property, Waverley, sits downhill of Downside and has an external ground level significantly lower than that of Downside at the rear. The two storey side extension and rear 2-storey wing addition would appear visibly higher from the rear of Waverley. The built form in close proximity to the western boundary of the site with neighbouring Waverley would be considerably increased by this proposed development with a side wall of excessively large span and considerable expanse of solid wall becoming unacceptably dominant and overbearing when viewed from the rear of Waverley and its garden. The extension would have a hugely overbearing impact on Waverley and contrary to what is suggested on the proposed elevation plans would be unrelieved by any return or set back.

The orientation of the properties Waverley and Downside are such that the proposed development would also significantly overshadow the rear rooms and external decking of Waverley for at least the first half of the day. In addition, it should be noted that Waverley relies heavily on the light from the southeast of their property closest to the rear of the dwelling where the large 2-storey wing is now proposed. The presence of a number of tall mature trees within and along the boundary of the garden of the application site and on land immediately adjacent to the southern boundary of [REDACTED] property already overshadow the garden. The proposal would thus have a far more significant impact in terms of loss of light than one otherwise might have thought.

It is the combination of siting, height, form and context that determines the impact of a development. The proposed development brings the two storey side extension and rear wing element up to within 1m of the boundary with neighbouring Waverley from a position currently some 7m away from it. At the same time it sees the depth of the 2-storey element doubled with the additional depth of the rear wing extending beyond the main rear face of [REDACTED] property and alongside its rear garden and beyond the existing single storey structure at Downside. This, combined with the significantly higher ground level on the application site would result in the western 2-storey side elevation of Downside dominating over the garden and rear habitable rooms of Waverley. The extension would severely restrict light to [REDACTED] home, and alongside the existing mature landscaping outside of [REDACTED] control, completely block light reaching Waverley from the southeast and result in an unacceptable level of overshadowing.

The proposed extension would essentially represent a doubling of the footprint of the original dwelling and almost doubles the overall floorspace of the house. The application proposals show the property becoming a 5 bedroom property with the first floor of the two storey side and rear wing extension along the boundary with neighbouring Waverley becoming one large bedroom suite with large bedroom to the rear, small en suite shower room to the front and an excessive amount circulation space and what are assumed to be built in wardrobe spaces in between. This extravagantly large bedroom suite would be constructed to the detriment of [REDACTED] living amenities. Even if a smaller 2 storey extension could be justified on the western side of Downside without the rear wing element, a further bedroom and en suite could easily be achieved. It seems that the applicant is seeking to gain as much additional floorspace as possible with absolutely no regard to its impact on neighbouring property.

It is further noted that the two rear wing elements either side of the rear elevation leave 2 bedrooms within the main house of Downside with a particularly poor rear outlook restricted by the long inside walls of the two wings either side and over the roof of a proposed single storey extension in between. Again, it seems that gaining the most additional floorspace is the priority rather than the quality of the accommodation provided. At ground floor level it seems that habitable rooms within the original building will rely to a greater or lesser extent on borrowed light from the rooms added by way of extension to the rear. Not only does the proposal have a detrimental impact on [REDACTED] but also, it is argued, provides less than ideal accommodation for the future occupiers of Downside.

The built form on the site would be further increased by the erection of an ugly flat roofed car port forward of the house. The proposed block plan also suggests a further 2 car parking spaces within the front curtilage of the site. The result would be a front curtilage dedicated almost solely to parking and turning and an ugly flat roof building.

Both applicant and agent have failed to consider the amenities of neighbouring residents and the appearance of the area in the formulation of the proposed plans. The proximity, height and depth of wall created by the proposed two storey extension in combination with a higher ground level and other factors to consider on site suggests that the scheme should be deemed to have an unacceptable impact on the amenities of [REDACTED]

### **Policy Background**

Cheltenham Borough Local Plan Policy CP4 Safe and Sustainable Living states that development will only be permitted where it would 'not cause harm to the amenity of adjoining land users and the locality'.

Policy CP7 Design states that development will only be permitted where it 'is of a high standard of design; and adequately reflects principles of urban design; and complements and respects neighbouring development and the character of the locality and/or landscape.'

The purpose of Residential Alterations and Extensions Supplementary Planning Document (SPD) adopted by Cheltenham Borough Council in 2008 is to ensure that the character of each of the residential areas within the Borough is not eroded through un-neighbourly, poorly - designed extensions and alterations to residential properties. The document is a material consideration in the assessment of planning applications.

The SPD states that 'Central Government planning guidance stresses the importance of high standards of design, throughout the built environment, not just in conservation areas'. Good design ensures attractive, usable, durable and adaptable places and is a key element in achieving sustainable development. Good design is indivisible from good planning. One of the main principles of good design is for the proposal to relate to its context and hence this is embodied in Core Policy CP7 (Design) previously referred to.

The 5 basic design principles in developing plans for development of residential dwellings: Maintaining character; Subservience; Maintaining spaces between buildings; Maintaining privacy; and ensuring adequate daylight. Amongst others, issues with rear extensions are identified as the potential impact on 'daylight, sunlight and outlook from an adjacent neighbour's windows or garden to an unacceptable degree'.

It is considered that the proposal is out of keeping in scale with the host property and, it is our contention, the extension proposed at Downside fails to respect neighbouring property Waverley. In terms of the host property, the proposed extensions swamp the original simple and pleasant proportions of the original building which sit comfortably on the site and within the street scene. The proposed car port and overall larger built form will undoubtedly have a visual impact on the surrounding area.

The proposal would result in a vast two storey expanse of solid wall within 1m of the boundary with Waverley. The impact is accentuated by the difference in ground levels between the two properties and the orientation of the applicant property to the south east of Waverley. The building if allowed to proceed would undoubtedly result in a significant loss of light and an overbearing impact on [REDACTED] property. The rear of the property and garden will be greatly overshadowed by reason of the extension and the wall will be a dominant and oppressive feature. The outlook from rooms in the rear of Waverley will be similarly unacceptably dominated by the wall. The structure will be overbearing and have significant impact on the amenities of the occupiers of Waverley and their ability to enjoy their property.

It would seem that no consideration has been given to the amenities of [REDACTED] in the development of the scheme. There has been a blatant disregard for their well-being with the emphasis being on achieving the largest extension they can and the greatest financial return. Effectively, the right of [REDACTED] to quiet enjoyment of their property would be compromised if the application proposal was approved.

### **Conclusion**

There are fundamental flaws in the design of the application proposal. It would have a significantly adverse impact on the occupiers of the neighbouring property, Waverley, and would be out of keeping with the scale and simple character of the existing dwelling. The scheme fails to satisfy all the requirements of Core policies in the Local Plan and Supplementary Planning Document on householder extensions.

[REDACTED] feel considerable disappointment that the applicant, who is not the occupant of the house, has chosen to pursue a scheme that would have such devastating effects on their amenity and living conditions for what appears to be purely the possibility an increased financial return on the property. No attempt has been made by either the applicant or agent to consider the change in levels between the two properties and the amount and height of building proposed within a metre of the boundary. [REDACTED] are compelled to object to the application proposal in the strongest possible terms, given the wholly unacceptable nature of the scheme and the potentially harmful impact on their future ability to enjoy their home and garden. The loss of light, the overbearing effect and overshadowing resulting from the development would seriously impact the amenities [REDACTED] currently enjoy.

The impact of the scheme can only be truly measured from the rear garden of Waverley. It is the request of [REDACTED] that the planning committee view the site from their property in the event that you, as case officer, recommend approval of the scheme. To this end they have been in touch with their local councillors.



It is our belief, however, that the only reasonable conclusion is to refuse the application.

Yours sincerely

Diana Jones  
DJ Planning



Cllrs Paul McLain and Andrew Wall



Richwood House  
50 – 54 Fairview Road  
Cheltenham  
Gloucestershire  
GL52 2JL

Our Ref: djp0213  
LPA Ref: 13/01483/FUL

23 October 2013

Mrs Emma Pickernell  
Development Services  
Cheltenham Borough Council  
Municipal Offices  
Promenade  
Cheltenham  
Gloucestershire  
GL50 9SA

Dear Mrs Pickernell,

**Ref: 13/01483/FUL**

**Proposal: Demolition of existing single storey side and rear extension, erection of two storey extensions to the side and rear, single storey extensions to the front and rear (revised plans)**

**Applicant: Mr Hodgkinson**

**Site: Downside Battledown Approach Cheltenham GL52 6RE**

I am writing to you on behalf of [REDACTED] Waverley, Battledown Approach to inform you that they maintain their very strong opposition to the proposal to construct substantial single and two storey front, side and rear extensions at the neighbouring property, Downside, Battledown Approach as referred to above.

The revised plans lodged with the Council fail to address fully the adverse impact that the proposed two storey side and rear element, positioned in very close proximity to the western boundary of the site with [REDACTED] property, would have on their outlook and amenity. The very small reduction in the depth of the rear two storey wing by just over 1.5m is not sufficient to address the impact of a new two storey structure within 1m of the boundary with Waverley which will still extend for a depth of nearly 10m. The higher ground level of Downside greatly exacerbates the situation.



The revised scheme continues to have little or no regard to the impact of the development on Waverley and, neither the applicant nor the agent has sought to explore fully the potential for harm to [REDACTED] amenities through discussion, consultation or site visit. This is likely as a result of the fact that the applicant, [REDACTED] does not, as is suggested on the planning application form, live at Downside. [REDACTED] it is understood, is in fact the son-in-law of the previous owner of the house, a [REDACTED] who passed away some 5 years or so ago leaving the property he had occupied since its construction to his son and daughter. Downside is at present occupied by a [REDACTED] [REDACTED] and has been for the last 4-5 years.

It seems most likely that [REDACTED] a local solicitor (recently retired), and [REDACTED] [REDACTED] are now seeking speculatively to exploit as much development potential out of the site as possible and for this reason probably have little or no interest in the impact of the development on existing residents including [REDACTED]

The online measuring tool on the Council's website confirms from the 1:50 floor plans that the depth of the proposed 2-storey element running parallel to and within 1m of the boundary of the site with Waverley remains significant at 9.7m including the 4m wing to the rear of the main dwelling annotated on the drawing from which the scale was set. There is concern however, using the same online measuring tool, that the elevation drawings at the smaller 1:100 illustrate this elevation to be 500mm smaller than the floor plans and that, as such, they don't correctly represent the proposed elevation towards Waverley. Notwithstanding this, it is a fact that this large expanse of wall would be visible from and overly dominant as viewed from Waverley.

The height of the proposed gable flank wall, taken from the 1:100 elevations, measures as 7.4m from ground level to the ridge of the main house, the eaves and ridge heights of the 2 storey rear wing element are shown as 4.85m and 6.85m respectively. There remains some doubt however that these measurements can be taken as strictly accurate (see above). Again notwithstanding this, it is fact that the height of the structure so close to the boundary with Waverley is further exacerbated by the change in ground levels between the two properties. [REDACTED] Waverley, sits downhill of Downside and has an external ground level significantly lower than that of Downside at the rear. The two storey side extension and rear 2-storey wing addition would therefore appear visibly higher from the rear of Waverley.

The built form in close proximity to the western boundary of the site with neighbouring Waverley would be considerably increased by this proposed development, even in its revised form, with a side wall of excessively large span and considerable expanse of solid wall becoming unacceptably dominant and overbearing when viewed from the rear of Waverley and its garden. The extension would have a hugely overbearing impact on Waverley and contrary to what is suggested on the proposed elevation plans would be unrelieved by any return or set back.



The orientation of the properties Waverley and Downside are such that the proposed development would also significantly overshadow the rear of Waverley for at least the first half of the day. In addition, it should be noted that Waverley relies heavily on the light from the southeast of their property closest to the rear of the dwelling where the large 2-storey wing is now proposed. The presence of a number of tall mature trees within and along the boundary of the garden of the application site and on land immediately adjacent to the southern boundary of [REDACTED] property already overshadow the garden. The proposal would thus have a far more significant impact in terms of loss of light than one otherwise might have thought.

It is the combination of siting, height, form and context that determines the impact of a development. The proposed development brings the two storey side extension and rear wing element up to within 1m of the boundary with neighbouring Waverley from a position currently some 7m away from it. At the same time it sees the depth of the 2-storey element significantly increased with the addition of a 4m deep rear wing extending beyond the main rear face of [REDACTED] property and alongside its rear garden. This, combined with the significantly higher ground level on the application site would result in the western 2-storey side elevation of Downside dominating over the garden and rear habitable rooms of Waverley. The extension would severely restrict light to [REDACTED] property, and alongside the existing mature landscaping outside of Mr and Mrs Jockelson's control, block light reaching Waverley from the southeast and result in an unacceptable level of overshadowing.

The proposed extension would still in its revised form essentially represent a doubling of the footprint of the original dwelling and almost doubles the overall floorspace of the house. The application proposals show the property becoming a 5 bedroom property with the first floor of the two storey side and rear wing extension along the boundary with neighbouring Waverley becoming one large bedroom suite with bedroom to the rear, small en suite shower room to the front and an excessive amount circulation space and what are assumed to be built in wardrobe spaces in between. This large bedroom suite would be constructed to the detriment of [REDACTED] living amenities. Even if a smaller 2 storey extension could be justified on the western side of Downside without the rear wing element, a further bedroom and en suite could easily be achieved. It seems that the applicant is seeking to gain as much additional floorspace as possible with absolutely no regard to its impact on neighbouring property.

It is further noted that the two rear wing elements either side of the rear elevation, one now proposed slightly shorter than the other, leave 2 bedrooms within the main house of Downside with a particularly poor rear outlook restricted by the long inside walls of the two wings either side and over the roof of a proposed single storey extension in between. Again, it seems that gaining the most additional floorspace is the priority rather than the quality of the accommodation provided. At ground floor level it seems that habitable rooms within the original building will rely to a greater or lesser extent on borrowed light from the rooms added by way of extension to the rear.



Therefore, not only does the proposal have a detrimental impact on [REDACTED] but also, it is argued, provides less than ideal accommodation for the future occupiers of Downside.

The revised proposal no longer pursues permission for an ugly flat roof car port at the front of the house but identifies instead 3 forecourt parking spaces extending right up to the building. Proposals remain to integrate the existing garage into the main house and convert it to a study and to extend the downstairs hall forward of the main house and provide new front entrance door. The new front entrance and study elements are shown in the revised plans with a flat roof including large cornice detail, projecting forward of the main building. This cornice feature is wholly at odds with the existing building and neighbouring property Waverley and sits uncomfortably with the existing simple elevation of Downside. Both the single storey element to the front of Downside and the greatly increased depth of the building, through the addition of rear wings either side of the rear elevation, would have an adverse impact on the appearance of the building and the area when viewed from Battledown Approach.

It is clear that even in the formulation of revised plans both applicant and agent have failed to consider the amenities of neighbouring residents and the appearance of the building and the area. The proximity, height and depth of wall created by the proposed two storey extension in combination with a higher ground level and other factors to consider on site suggests that the scheme should be deemed to have an unacceptable impact on the amenities of Mr and Mrs Jockelson. The design and significant increase in the footprint of the development and its built form suggest the scheme should be rejected.

### **Policy Background**

Cheltenham Borough Local Plan Policy CP4 Safe and Sustainable Living states that development will only be permitted where it would 'not cause harm to the amenity of adjoining land users and the locality'.

Policy CP7 Design states that development will only be permitted where it 'is of a high standard of design; and adequately reflects principles of urban design; and complements and respects neighbouring development and the character of the locality and/or landscape.'

The purpose of Residential Alterations and Extensions Supplementary Planning Document (SPD) adopted by Cheltenham Borough Council in 2008 is to ensure that the character of each of the residential areas within the Borough is not eroded through un-neighbourly, poorly - designed extensions and alterations to residential properties. The document is a material consideration in the assessment of planning applications.



The SPD states that 'Central Government planning guidance stresses the importance of high standards of design, throughout the built environment, not just in conservation areas'. Good design ensures attractive, usable, durable and adaptable places and is a key element in achieving sustainable development. Good design is indivisible from good planning. One of the main principles of good design is for the proposal to relate to its context and hence this is embodied in Core Policy CP7 (Design) previously referred to.

The 5 basic design principles in developing plans for development of residential dwellings: Maintaining character; Subservience; Maintaining spaces between buildings; Maintaining privacy; and ensuring adequate daylight. Amongst others, issues with rear extensions are identified as the potential impact on 'daylight, sunlight and outlook from an adjacent neighbour's windows or garden to an unacceptable degree'.

It is considered that the proposal is out of keeping in scale and design with the host property and, it is our contention, the extension proposed at Downside fails to respect neighbouring property Waverley. In terms of the host property, the proposed extensions swamp the original simple and pleasant proportions of the original building which sit comfortably on the site and within the street scene.

The proposal would result in a vast two storey expanse of solid wall within 1m of the boundary with Waverley. The impact is accentuated by the difference in ground levels between the two properties and the orientation of the applicant property to the south east of Waverley. The building if allowed to proceed would undoubtedly result in a significant loss of light and an overbearing impact on [REDACTED] property. The rear of the property and garden will be greatly overshadowed by reason of the extension and the wall will be a dominant and oppressive feature. The outlook from rooms in the rear of Waverley will be similarly unacceptably dominated by the wall. The structure will be overbearing and have significant impact on the amenities of the occupiers of Waverley and their ability to enjoy their property.

It would seem that no consideration has been given to the amenities of [REDACTED] in the development of the scheme. There has been a blatant disregard for their well-being with the emphasis being on achieving the largest extension they can and the greatest financial return. Effectively, the right of [REDACTED] to quiet enjoyment of their property would be compromised if the application proposal was approved.

## **Conclusion**

There are fundamental flaws in the design of the application proposal. It would have a significantly adverse impact on the occupiers of the neighbouring property, Waverley, and would be out of keeping with the scale and simple character of the existing dwelling. The scheme fails to satisfy all the requirements of Core policies in the Local Plan and Supplementary Planning Document on householder extensions.



██████████ feel considerable disappointment that the applicant, who is not the occupant of the house, has chosen to pursue a scheme that would have such devastating effects on their amenity and living conditions for what appears to be purely the possibility an increased financial return on the property. No attempt has been made by either the applicant or agent to consider the change in levels between the two properties and the amount and height of building proposed within a metre of the boundary.

██████████ are compelled to object to the application proposal in the strongest possible terms, given the wholly unacceptable nature of the scheme and the potentially harmful impact on their future ability to enjoy their home and garden. The loss of light, the overbearing effect and overshadowing resulting from the development would seriously impact the amenities ██████████ currently enjoy.

The impact of the scheme can only be truly measured from the rear garden of Waverley. It is the request of ██████████ that the planning committee view the site from their property in the event that you, as case officer, recommend approval of the revised scheme. To this end they have been in touch with their local councillor.

It is our belief, however, that the only reasonable conclusion is to refuse the application.

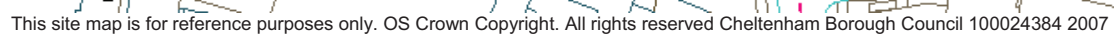
Yours sincerely

Diana Jones  
DJ Planning

c.c. ██████████  
Cllr Paul McLain



**RECOMMENDATION:** Refuse



## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site is located within the Central Conservation Area. It is a two storey detached dwelling on the corner of Hayes Road and Pittville Circus Road. The dwelling is set in from the entrance of Hayes Road, with a private garden to the side enclosed by a high boundary hedge. The side garden is approximately 26 metres long.
- 1.2 The proposal is for a wooden summer house with a felt roof. The summer house will be placed 2 metres away from the side boundary between the site and Pittville Circus Road. The summer house will be 8500mm wide, 3500mm deep with a ridge height of 2430mm.
- 1.3 The application is before committee at the request of Cllr Hay. The reason given is because there is already an existing structure on the site and that this is a replacement summer house. Members will visit the site on planning view.

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

### Constraints:

Conservation Area  
Residents Associations  
Smoke Control Order

### Relevant Planning History:

**02/01056/FUL 6th September 2002 PER**  
Construction of a conservatory

**78/00589/PF 6th February 1979 REF**  
Demolition of Garage and Building Of Extension to form Garage,  
W.C. Kitchen and Bedroom

**79/00554/PF 31st December 1979 PER**  
Erection of Kitchen, Garage, Lounge, Dining Room, Bedroom and  
Bathroom

**87/00548/PF 30th July 1987 REF**  
Erection of Two-Storey Extension

**87/01015/PF 22nd October 1987 PER**  
Erection of Two Storey Extension

## 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 1 Open space in conservation areas

### Supplementary Planning Guidance/Documents

Residential Alterations and Extensions (2008)  
Central conservation area: Pittville Character Area and Management Plan (July 2008)



#### 4. CONSULTATIONS

None

#### 5. PUBLICITY AND REPRESENTATIONS

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

2 letters were sent to nearby properties, 2 notices were displayed close to the site and a notice published in the Echo. In response to this publicity, no letters have been received.

#### 6. OFFICER COMMENTS

##### 6.1 Determining Issues

- 6.1.1** The key issues in determining this application are considered to be the design and location of the proposed structure, its impact on the Central Conservation Area and neighbouring amenity.

##### 6.2 The site and its context

- 6.2.1** The site is within the Central Conservation Area identified in the Pittville Character area appraisal and management plan.
- 6.2.2** The Character area identifies that *“The formal town planning of the road layouts and building relationships include parks, green squares and buildings arranged around a circular road. Many historic individual buildings are set within generous grounds. Together these factors, which formed the original Pittville Estate, have been retained and are still very much in evidence today. This is despite the presence of later 20th and 21st century building developments throughout the Pittville area. The presence of wide and frequently tree lined streets, extensive green open spaces which form public gardens and areas of parkland, sizeable private gardens and building plots combine to create a sense of spaciousness and grandeur.”*
- 6.2.3** This special character is the case along Pittville Circus Road where the buildings are set back from the street with large front gardens, including 1 Hayes Road which has been built to respect this well established building line. These front gardens provide a sense of openness and spaciousness which makes an important contribution to the character of the Conservation Area.

##### 6.3 Design and layout

- 6.3.1** 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.

- 6.3.2** The summer house is proposed forward of the historic building line along Pittville Circus Road in the side garden of 1 Hayes Road. The location of the building will erode the open space and will be out of keeping with the area which will have a harmful impact on the character and appearance of the Conservation Area contrary to Local Plan Policy BE1 which states; "Development in a conservation area will only be permitted where it does not detract, individually or cumulatively, from the green or open character, including private gardens, of the area."
- 6.3.3** The Heritage and Conservation Manager has reviewed the application and agrees that the proposal will have a harmful impact on the character and appearance of the Conservation Area for the reason identified above.
- 6.3.4** Members will note on site that there is a high hedge which officers accept will partly screen the proposed structure. Notwithstanding this, the existence of a hedge does not justify granting consent for a harmful form of development. The proposed summer house would be a large and alien addition set forward of this strong and important building line and even if partly screened from the road, views would still be achieved across the open space which adjoins the neighbouring property, Ballaghy.
- 6.3.5** The existing outbuilding is a small, unassuming and incidental building set within this large garden. Its minimal size ensures that the hedge comfortably screens its presence. Officers accept that this is not a particularly harmful addition to the locality but the proposed replacement, given its size and location, will harm what is a defining feature of this part of the conservation area (openness) and therefore fails to comply with the aspirations of Local Plan policy CP7.

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

- 6.4.1** There is little impact on neighbouring properties. The proposal is therefore in accordance with saved Local Plan Policy CP4.

## **7. CONCLUSION AND RECOMMENDATION**

- 7.1** Taking the above into consideration and the verbal comments made by the Heritage and Conservation Manager it is recommended that the above application be refused. The proposal will have a harmful impact on the conservation area and in accordance with advice within the NPPF, does not bring with it any public benefit to outweigh this harm. The proposal also fails to comply with local plan policy CP7.

## **8. CONDITIONS / INFORMATIVES / REFUSAL REASONS**

- 1 The application site is located within the Central Conservation Area, the appearance of which it is desirable to preserve or enhance. The proposed summer house in the side garden, forward of the established and important building line along Pittville Circus Road, will erode the open space of the garden and would have a harmful impact on the character and appearance of the Conservation Area. The proposal is therefore contrary to policies CP3, CP7, and BE1 of the Cheltenham Borough Local Plan and National Planning Policy Framework.

### **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 authority cannot provide a solution that will overcome the impact on the Conservation Area.

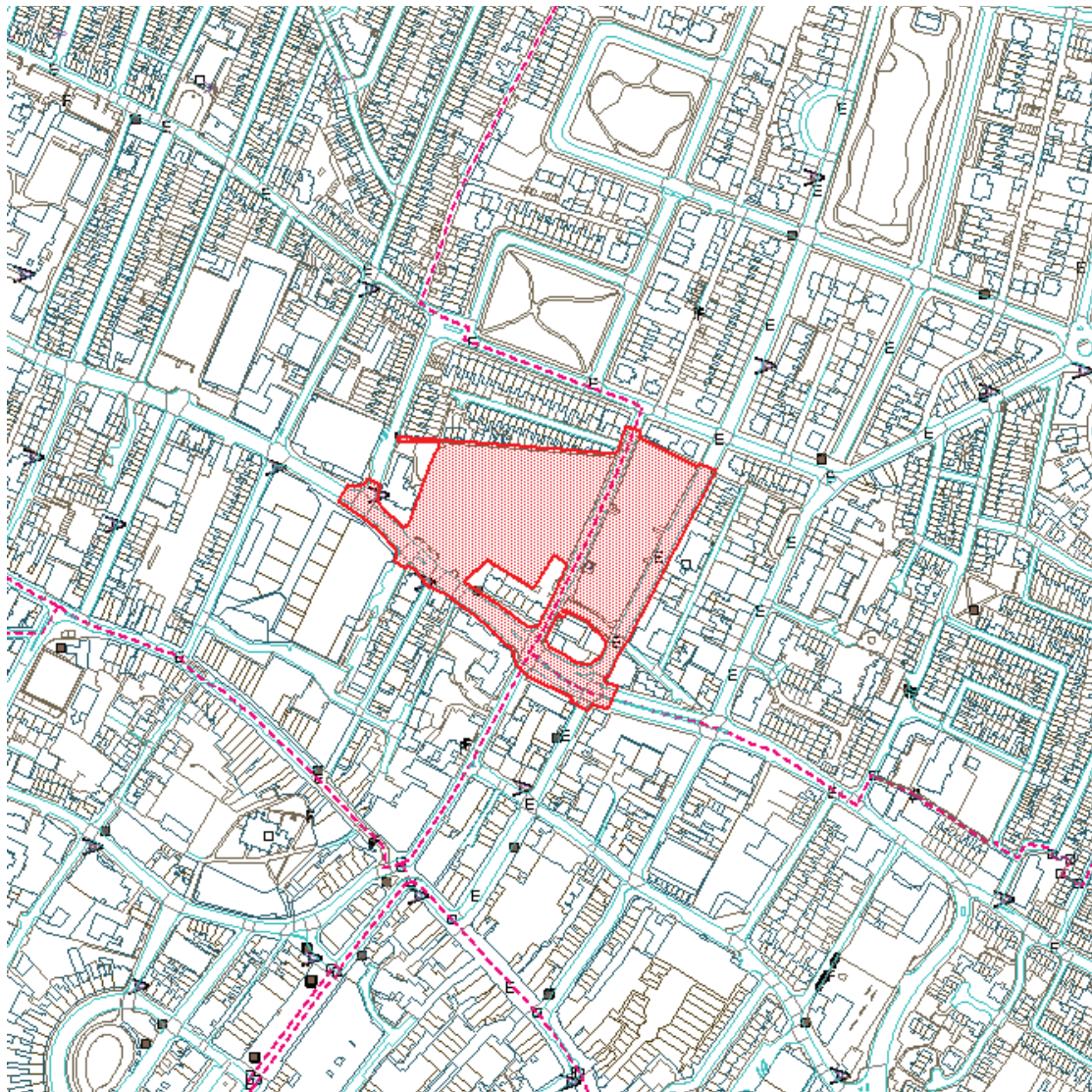
As a consequence, the proposal cannot be considered to be sustainable development and therefore the authority had no option but to refuse planning permission.

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Page 372



<b>APPLICATION NO:</b> 13/01500/CONDIT	<b>OFFICER:</b> Mr Martin Chandler
<b>DATE REGISTERED:</b> 2nd September 2013	<b>DATE OF EXPIRY:</b> 28th October 2013
<b>WARD:</b> St Pauls	<b>PARISH:</b> None
<b>APPLICANT:</b>	Mr John Henley
<b>AGENT:</b>	
<b>LOCATION:</b>	Car Park, North Place, Cheltenham
<b>PROPOSAL:</b>	Variation of condition 28 on planning permission ref: 12/01612/FUL - Insert word 'Superstructure' after the words "Prior to the commencement of" at the start of the condition

**RECOMMENDATION:** Permit



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## 1. DESCRIPTION OF SITE AND PROPOSAL

1.1 The application proposes the amendment of condition 28 of the original planning permission. For ease of reference, this condition required the following;

1.2 *Prior to the commencement of works on the food store and multi storey car park hereby approved, the design and details including materials, finishes and colour of the following shall be submitted to and approved in writing by the Local Planning Authority:*

1. *All windows including heads, cills and reveals (including timber panels where appropriate) sample window, and proposed method of opening;*
2. *All external doors including heads, thresholds and reveals and any door canopies;*
3. *Soffit of the projecting first floor area, above east entrance to the foodstore;*
4. *Atrium roof of foodstore including eaves and soffit of projecting eaves;*
5. *All parapet roof details including copings;*
6. *All roof eaves and soffits to any roof projections;*
7. *Clock in clock tower and roof edge detail to clock tower;*
8. *Cycle store adjacent to clock tower including cycle store roof;*
9. *Plant enclosure screens to foodstore;*
10. *Delivery yard canopy including edge details and any structural supports;*

*The design and details shall be accompanied by elevations and section drawings to a minimum scale of 1:10 together with full size cross section profiles (where appropriate). 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.*

1.3 The applicant proposes to amend this condition to allow certain ground works to commence on site before providing this additional information.

1.4 The application is before committee as the Borough Council still own the land in question

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

### **Constraints:**

Conservation Area  
Core Commercial Area  
Residents Associations  
Smoke Control Order

### **Relevant Planning History:**

**12/01612/FUL    16th August 2013    OBL106**

Erection of a mixed use development comprising; 5,792sqm (gross external floor space) of class A1 food store, 739sqm (gross) of class A1 shops and 19sqm (gross) of class A2 within atrium space and 336sqm (gross) of class A3 (customer restaurant); multi-storey car park providing 634 spaces over 5 floors (300 spaces for public use and 334 spaces for food

store customers); 143 no. residential units within a mix of 1, 2, 3, and 4 bedroom houses and flats, (57 units to be affordable) with associated 143 car parking spaces at ground and basement level; creation of new public open spaces; provision of new parking bays for buses and erection of a passenger information kiosk and waiting room; associated other operations to facilitate the mixed use development including alterations to and from the existing highway for vehicular, pedestrian and cycle access. All following the demolition of existing buildings and other built structures on the site.

**12/01612/CAC 16th August 2013 GRANT**

Demolition of existing buildings and other built structures on the site to facilitate the erection of a mixed use development comprising of; 5,792sqm (gross external floor space) of class A1 food store, 739sqm (gross) of class A1 shops and 19sqm (gross) of class A2 within atrium space and 336sqm (gross) of class A3 (customer restaurant); multi-storey car park providing 642 spaces over 5 floors (308 spaces for public use and 334 spaces for food store customers); 143 no. residential units within a mix of 1, 2, 3, and 4 bedroom houses and flats, (57 units to be affordable) with associated 143 car parking spaces at ground and basement level; creation of new public open spaces; provision of new parking bays for buses and erection of a passenger information kiosk and waiting room; associated other operations to facilitate the mixed use development including alterations to and from the existing highway for vehicular, pedestrian and cycle access.

**13/01698/AMEND 5th November 2013 PAMEND**

Non material amendment to planning permission 12/01612/FUL and 12/01612/CAC - Amendment to internal car parking arrangement and atrium area of the foodstore. Re-alignment of car parking spaces to provide 303 spaces for foodstore customers and 300 spaces for public use. Inclusion of 2nd customer lift in the atrium area

**13/01767/ADV PDE**

Various illuminated signs to the store and car park

### 3. POLICIES AND GUIDANCE

Adopted Local Plan Policies

CP 4 Safe and sustainable living

CP 7 Design

Supplementary Planning Guidance/Documents

Central conservation area: Old Town Character Area and Management Plan (Feb 2007)

National Guidance

National Planning Policy Framework

### 4. CONSULTATIONS

- 4.1 The Council's Conservation and Heritage Team were consulted on the application but have not provided a written response. The application has been discussed with them and no objection has been raised. This will be discussed further in the officer comments section set out below.

## 5. PUBLICITY AND REPRESENTATIONS

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

- 5.1 No letters were sent out to advertise the application given its minor nature. However, site notices were posted adjacent to the site as well as an advert placed within the Echo.
- 5.2 No representations have been received.

## 6. OFFICER COMMENTS

- 6.1 The key consideration with this application is whether or not the proposed change to condition 28 will in anyway compromise the quality of the scheme that will be delivered on site.
- 6.2 Members will be well aware that the use of conditions asking for additional information happens regularly when determining applications. The use of such conditions enables timely decisions to be made whilst also ensuring the detailed design of schemes (particularly those within the central conservation area) is of a high quality. This is the rationale behind condition 28.
- 6.3 The need for the condition is not disputed by the applicant but it does require a significant amount of work to be carried out, including the submission of a number of large scale drawings. Once submitted, these drawings will also have to be carefully considered by Officers.
- 6.4 Understandably, the developer is eager to commence development on site. Information has already been submitted to discharge a number of conditions prior to the commencement of development and this is currently under consideration by officers.
- 6.5 The suggested amendment to condition 28 is that the information required be submitted prior to work commencing on the superstructure of the development approved. This would enable the applicant to proceed with preparatory ground works whilst the more detailed information was under consideration. Having reflected on this, officers consider this to be a reasonable approach. The developer has already started work on discharging conditions and is well aware of the conditions that need attention before any works start on site. By amending condition 28 however, the applicant is able to proceed with ground works whilst the detailed information is considered and agreed.
- 6.6 Members will be aware that the NPPF encourages a positive and proactive approach to decision making and it is considered that by agreeing to amend this condition, this is entirely what this Authority would be doing. It would allow development to commence but in a controlled way; the applicant would still be required to discharge the condition before proceeding beyond ground works. This procedure would have no impact on neighbouring amenity or affect the development that is ultimately delivered on the ground.

## 7. CONCLUSION AND RECOMMENDATION

- 7.1 For the reasons identified above, it is recommended that condition 28 is amended as set out below.



## 8. CONDITIONS / INFORMATIVES

28. Prior to the commencement of works on the super structure of the food store and multi storey car park hereby approved, the design and details including materials, finishes and colour of the following shall be submitted to and approved in writing by the Local Planning Authority:

1. All windows including heads, cills and reveals (including timber panels where appropriate) sample window, and proposed method of opening;
2. All external doors including heads, thresholds and reveals and any door canopies;
3. Soffit of the projecting first floor area, above east entrance to the foodstore;
4. Atrium roof of foodstore including eaves and soffit of projecting eaves;
5. All parapet roof details including copings;
6. All roof eaves and soffits to any roof projections;
7. Clock in clock tower and roof edge detail to clock tower;
8. Cycle store adjacent to clock tower including cycle store roof;
9. Plant enclosure screens to foodstore;
10. Delivery yard canopy including edge details and any structural supports;

The design and details shall be accompanied by elevations and section drawings to a minimum scale of 1:10 together with full size cross section profiles (where appropriate). 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.

### INFORMATIVE

1. This decision relates solely to condition 28. The applicant's attention is drawn to all other conditions on planning permission ref: 12/01612/FUL and the need to comply with their requirements.

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<b>APPLICATION NO: 13/01500/CONDIT</b>		<b>OFFICER: Mr Martin Chandler</b>
<b>DATE REGISTERED:</b> 2nd September 2013		<b>DATE OF EXPIRY:</b> 28th October 2013
<b>WARD:</b> St Pauls		<b>PARISH:</b>
<b>APPLICANT:</b>	Mr John Henley	
<b>AGENT:</b>	No agent used	
<b>LOCATION:</b>	Car Park, North Place, Cheltenham	
<b>PROPOSAL:</b>	Variation of condition 28 on planning permission ref: 12/01612/FUL - Insert word 'Superstructure' after the words "Prior to the commencement of" at the start of the condition	

**Recommendation:** Delegate back to officers

## Update to Officer Report

### 1. OFFICER COMMENTS

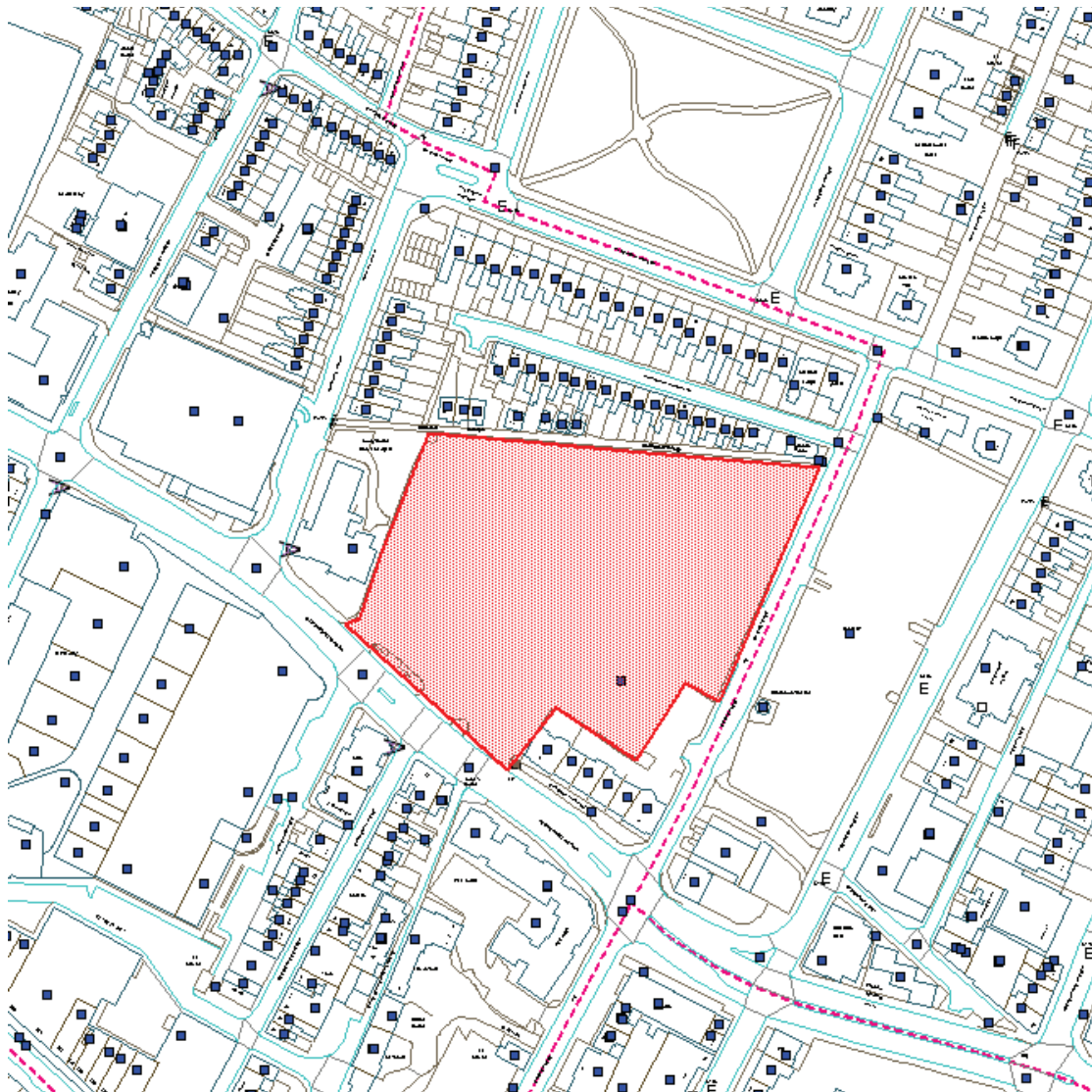
- 1.1. Members are advised that having received legal advice on this application, it is important that the recommendation be amended to allow for a procedural matter to be resolved prior to the issuing of the consent.
- 1.2. To summarise the legal position, if this application to vary condition 28 is approved, we would in effect be issuing a new planning permission for the whole site as the applicant would then benefit from the original planning permission (ref: 12/01612/FUL) and the varied consent; they could then choose which one to implement. This in itself is not a problem; the approved scheme was of course acceptable and the proposal to amend condition 28 is also acceptable in its own right. What is important however is that if this varied consent is issued, all other aspects of the original permission (including the S106 legal agreement) are appropriately referenced.
- 1.3. With this in mind, if members are minded to vary condition 28 as described in the original officer report, it is recommended that the application be delegated back to officers to formulate an appropriate decision notice that makes reference to all previously suggested conditions and to also amend/prepare a varied legal agreement.

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<b>APPLICATION NO:</b> 13/01767/ADV	<b>OFFICER:</b> Mr Martin Chandler
<b>DATE REGISTERED:</b> 12th October 2013	<b>DATE OF EXPIRY:</b> 7th December 2013
<b>WARD:</b> St Pauls	<b>PARISH:</b> None
<b>APPLICANT:</b>	Mr John Henley
<b>AGENT:</b>	
<b>LOCATION:</b>	Car Park, North Place, Cheltenham
<b>PROPOSAL:</b>	Various illuminated signs to the store and car park

**RECOMMENDATION:** Recommendation at Committee



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## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 This application seeks advertisement consent for a number of adverts to be applied to the recently approved supermarket and multi-storey car park. The application proposes the following signs;
- 'Morrisons' individually applied lettering (internally illuminated) to the glazed store entrance and the vehicular entrance to the multi-storey car park;
  - A Morrisons clock face located on the glazed entrance;
  - Two internally illuminated 'M' box signs; one located on the Monson Avenue elevation and one on the approved clock tower;
  - An internally illuminated car park totem sign located adjacent the approved vehicular access to the multi-storey car park.
- 1.2 The application is before Planning Committee as the land is still in the ownership of Cheltenham Borough Council.

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

### Constraints:

Conservation Area  
Core Commercial Area  
Residents Associations

### Relevant Planning History:

#### **12/01612/FUL 16th August 2013 OBL106**

Erection of a mixed use development comprising; 5,792sqm (gross external floor space) of class A1 food store, 739sqm (gross) of class A1 shops and 19sqm (gross) of class A2 within atrium space and 336sqm (gross) of class A3 (customer restaurant); multi-storey car park providing 634 spaces over 5 floors (300 spaces for public use and 334 spaces for food store customers); 143 no. residential units within a mix of 1, 2, 3, and 4 bedroom houses and flats, (57 units to be affordable) with associated 143 car parking spaces at ground and basement level; creation of new public open spaces; provision of new parking bays for buses and erection of a passenger information kiosk and waiting room; associated other operations to facilitate the mixed use development including alterations to and from the existing highway for vehicular, pedestrian and cycle access. All following the demolition of existing buildings and other built structures on the site.

#### **12/01612/CAC 16th August 2013 GRANT**

Demolition of existing buildings and other built structures on the site to facilitate the erection of a mixed use development comprising of; 5,792sqm (gross external floor space) of class A1 food store, 739sqm (gross) of class A1 shops and 19sqm (gross) of class A2 within atrium space and 336sqm (gross) of class A3 (customer restaurant); multi-storey car park providing 642 spaces over 5 floors (308 spaces for public use and 334 spaces for food store customers); 143 no. residential units within a mix of 1, 2, 3, and 4 bedroom houses and flats, (57 units to be affordable) with associated 143 car parking spaces at ground and basement level; creation of new public open spaces; provision of new parking bays for buses and erection of a passenger information kiosk and waiting room; associated other operations to facilitate the mixed use development including alterations to and from the existing highway for vehicular, pedestrian and cycle access.

**13/01500/CONDIT PDE**

Variation of condition 28 on planning permission ref: 12/01612/FUL - Insert word 'Superstructure' after the words "Prior to the commencement of" at the start of the condition

### 3. POLICIES AND GUIDANCE

#### Adopted Local Plan Policies

CP 4 Safe and sustainable living

CP 7 Design

BE 12 Advertisements and signs

BE 13 Advertisements and signs in conservation areas

#### Supplementary Planning Guidance/Documents

Central conservation area: Old Town Character Area and Management Plan (Feb 2007)

#### National Guidance

National Planning Policy Framework

### 4. CONSULTATIONS

#### **Heritage and Conservation**

*8th November 2013*

Comments:

1. There are a number of large illuminated signs being proposed and of which are being attached to the supermarket and/or car park building. Some of these proposed signs are acceptable but some are unacceptable in my opinion.
2. My detailed comments are as follows-
  - a. The word Morrison's to the south elevation of the supermarket is acceptable.
  - b. The word Morrison's to the east elevation above the entrance to the car park is acceptable.
  - c. The proposed word Morrison's to the south elevation of the supermarket on the feature clock tower is not acceptable.
  - d. The proposed Morrison's clock to the south elevation of the supermarket is not acceptable.
  - e. The letter M to the west elevation of the supermarket is not acceptable.
  - f. The car park totem signs are totally unacceptable.

CONCLUSION : please ask for revised drawings or refuse

### 5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	<b>62</b>
Total comments received	<b>4</b>
Number of objections	<b>4</b>
Number of supporting	<b>0</b>
General comment	<b>0</b>

- 5.1** Letters were sent out to 62 neighbouring properties advising that the application had been received. In addition, site notices were posted adjacent to the site and an advertisement was placed in the Echo. In response to this publicity, four comments have been received.

- 5.2 The concerns raised relate to potential light pollution caused by the proposed signs, with specific concerns relating to the sign addressing Monson Avenue.
- 5.3 These matters will be considered in the main body of the report.

## **6. OFFICER COMMENTS**

- 6.1 To follow by way of update.



<b>APPLICATION NO:</b> 13/01767/ADV		<b>OFFICER:</b> Mr Martin Chandler	
<b>DATE REGISTERED:</b> 12th October 2013		<b>DATE OF EXPIRY :</b> 7th December 2013	
<b>WARD:</b> St Pauls		<b>PARISH:</b> NONE	
<b>APPLICANT:</b>	Mr John Henley		
<b>LOCATION:</b>	Car Park, North Place, Cheltenham		
<b>PROPOSAL:</b>	Various illuminated signs to the store and car park		

## REPRESENTATIONS

Number of contributors	<b>4</b>
Number of objections	<b>4</b>
Number of representations	<b>0</b>
Number of supporting	<b>0</b>

11 Northfield Terrace  
Cheltenham  
Gloucestershire  
GL50 4JJ

**Comments:** 5th November 2013

The Morrisons sign seems totally unnecessary and would cause ugly and intrusive visual and light pollution as well. As well as inflicting this unsightly, gargantuan, ugly, disgusting and totally soul-destroying monolith onto us, you now are prepared to flood our properties with light pollution. I am totally against this proposal.

Malvern House  
Malvern Road  
Cheltenham  
Gloucestershire  
GL50 2NU

**Comments:** 5th November 2013

I wish to OBJECT to the signage being proposed on the Monson Avenue side of this development, as it has little commercial purpose, and will interfere with and upset local residents, which include a home for the elderly. Please forward this objection to your website, as I have been unable to gain access.

22 St Pauls Lane  
Cheltenham  
Gloucestershire  
GL50 4AT

**Comments:** 6th November 2013

The large illuminated external sign is quite unnecessary. It will cause light pollution and interfere with the quiet enjoyment of the homes and gardens of the neighbours.

16 Monson Avenue  
Cheltenham  
Gloucestershire  
GL50 4EN

**Comments:** 1st November 2013

Please, please do NOT allow an illuminated "M" box sign on the West Elevation of the supermarket development. This will cause unnecessary and intrusive visual and light pollution for the houses and residents on Northfield Terrace, Monson Avenue and in Dowty House. It does not seem to be of any promotional benefit as it faces into a residential area and is not on a main or approach road to the supermarket. During the planning application process, the developer repeatedly claimed that the development would be sympathetic to local residents, for example, by including using "green" walls. A nearly 2-metre illuminated (presumably 24 hours?) sign contradicts these claims and promises.

This is a small concession for the developer which would make a massive difference to the people living on this side of the site.

<b>APPLICATION NO: 13/01767/ADV</b>		<b>OFFICER: Mr Martin Chandler</b>
<b>DATE REGISTERED:</b> 12th October 2013		<b>DATE OF EXPIRY :</b> 7th December 2013
<b>WARD:</b> St Pauls		<b>PARISH:</b> NONE
<b>APPLICANT:</b>	Mr John Henley	
<b>LOCATION:</b>	Car Park North Place Cheltenham	
<b>PROPOSAL:</b>	Various illuminated signs to the store and car park	

**ADDITIONAL REPRESENTATION**  
**12<sup>th</sup> November 2013**

15 Monson Avenue  
Cheltenham  
Gloucestershire  
GL50 4EN

**Comments:** 12th November 2013

I wish to object to this application. The 2m high sign facing Monson Avenue will create light pollution. It is totally unnecessary as the building is clearly recognisable from all directions.

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APPLICATION NO: 13/01767/ADV		OFFICER: Mr Martin Chandler
DATE REGISTERED: 12th October 2013		DATE OF EXPIRY: 7th December 2013
WARD: St Pauls		PARISH: None
APPLICANT:	Mr John Henley	
AGENT:	No agent used	
LOCATION:	Car Park, North Place, Cheltenham	
PROPOSAL:	Various illuminated signs to the store and car park	

## Update to Officer Report

### 1. OFFICER COMMENTS

- 1.1. When assessing applications for advertisement consent, the two areas for consideration are visual amenity and public safety. Given that the site is prominently located within the central conservation area, visual amenity takes on a heightened importance.

- 1.2. The NPPF advises, at para 67 that:

*Poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. Control over outdoor advertisements should be efficient, effective and simple in concept and operation. Only those advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to the local planning authority's detailed assessment.*

- 1.3. With this advice in mind, and with reference to the comments provided from the Conservation and Heritage team which are set out within the original officer report, officers are content with the two signs which advertise the word 'Morrisons' – one on the glazed atrium and one on the vehicular entrance to the multi-storey car park.
- 1.4. This leaves four proposed signs which officers have reservations over; the 'M' box sign facing Monson Avenue, the 'M' box sign on the consented clock tower, the proposed clock face above the store entrance, and the proposed totem sign located adjacent the vehicular access to the multi-storey car park.
- 1.5. It is considered that the proposed 'M' box sign facing Monson Avenue (which is 1.8 metres by 1.9 metres) relates poorly to the consented supermarket building. This sign will be viewed across the grounds of Dowty House and officers consider that it would be overly intrusive in this prominent location, 10 metres above ground level.
- 1.6. The 'M' box sign proposed on the clock tower is also considered to be unacceptable. Members will recall that the clock tower was a pleasing component of the approved scheme and in light of this, an advert which has an awkward and jarring relationship with the approved clock face is something that officers cannot support as it would be detrimental to the approved building.
- 1.7. The additional clock face that is proposed to the glazed atrium is also an addition that has frustrated officers, again due to the success of the approved tower. Officers cannot understand the logic of a building with two clock faces and have asked the applicant to provide additional justification on this point. Members will be updated accordingly.
- 1.8. The final sign to consider is the proposed totem sign located adjacent to the vehicular access of the multi-storey car park. Members will note from the original report that the

Conservation and Heritage Manager has advised that this sign is '*totally unacceptable*'. Although not explicitly stated within the comments, this concern relates to the height of the sign at 5.5 metres. This matter has been discussed with the applicant who has provided additional information regarding the sign, including the submission of a visual 'mock-up' of how the sign would sit in the street.

- 1.9. The rationale behind the height of the sign is due to the red brick wall which encloses the car park serving St. Margaret's Terrace; the totem sign is located behind this wall. The applicant has expressed a desire that the sign be read above the wall and this is understood by officers. Notwithstanding this, it is considered that a compromise position between protecting the amenity value of the conservation area whilst also allowing the supermarket to achieve their advertising needs should be sought. At the time of writing this updated report, officers were still in discussions with the applicant regarding this point and members will be updated further when these negotiations have been resolved.
- 1.10. Regarding public safety, it is not considered that any of the proposed signs will have an adverse impact.

## **2. CONCLUSION AND RECOMMENDATION**

- 2.1. Discussions are ongoing with the applicant regarding the advertisements. Members will be fully updated once these negotiations are concluded. It is worth highlighting at this stage that split decisions can be issued when considering applications for advertisement consent and this may well be how the officer recommendation proceeds, given the reservations set out above.

<b>APPLICATION NO: 13/01767/ADV</b>		<b>OFFICER: Mr Martin Chandler</b>	
<b>DATE REGISTERED:</b> 12th October 2013		<b>DATE OF EXPIRY:</b> 7th December 2013	
<b>WARD:</b> St Pauls		<b>PARISH:</b>	
<b>APPLICANT:</b>	Mr John Henley		
<b>AGENT:</b>	No agent used		
<b>LOCATION:</b>	Car Park, North Place, Cheltenham		
<b>PROPOSAL:</b>	Various illuminated signs to the store and car park		

## Update to Officer Report

### 1. OFFICER COMMENTS

- 1.1. Further to the initial officer report, negotiations with the applicant have now been resolved in an acceptable manner. The two 'M' box signs have been removed from the proposal and the proposed clock face has been relocated to an acceptable location within the glazed atrium.
- 1.2. Furthermore, and most pleasingly, the proposed totem sign has been reduced in height from 5.5 metres to 4 metres.
- 1.3. In light of these amendments, it is recommended that advertisement consent be granted subject to the conditions set out below.

### 2. CONDITIONS/REFUSAL REASONS

- 1 This consent shall be restricted to a period of five years from the date of the consent.  
Reason: This condition is specified by The Town and Country Planning (Control of Advertisements) (England) Regulations 2007.
- 2 (a) Any advertisements displayed, and any site used for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Local Planning Authority.  
  
(b) Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition.  
  
(c) Where an advertisement is required under these regulations to be removed, the removal shall be carried out to the reasonable satisfaction of the Local Planning Authority.  
  
(d) No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.  
  
(e) No advertisement shall be sited or displayed so as to obscure, or hinder the ready interpretation of any road traffic signs, railway signal or aid to navigation by water or air, or so as otherwise to render hazardous the use of any highway, railway, waterway (including any coastal waters) or aerodrome (civil or military).

Reason: These conditions are specified by The Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

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- 3 The illumination of the signs hereby permitted shall be static and shall be permanently maintained as such thereafter.  
Reason: In the interests of the visual amenities of the area in accordance with Local Plan Policy BE12 relating to advertisements and signs.
- 4 The development hereby permitted shall be carried out in accordance with drawing numbers 12322/SK/50 Rev C received on 21 November 2013 and 1761.01 received on 11 November 2013.  
Reason: To ensure the development is carried out in strict accordance with the approved drawings.