



CHEL TENHAM

BOROUGH COUNCIL

Notice of a meeting of Planning Committee

Thursday, 21 August 2014
6.00 pm

Membership	
Councillors:	Garth Barnes (Chair), Jacky Fletcher (Vice-Chair), Paul Baker, Andrew Chard, Matt Babbage, Diggory Seacome, Flo Clucas, Bernard Fisher, Colin Hay, Helena McCloskey, Andrew McKinlay, Klara Sudbury, Pat Thornton and Malcolm Stennett

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 MEETINGS HELD ON 17TH JULY AND 31ST JULY** (Pages 1 - 58)
5. **PLANNING/LISTED BUILDING/CONSERVATION AREA CONSENT/ADVERTISEMENT APPLICATIONS, APPLICATIONS FOR LAWFUL DEVELOPMENT CERTIFICATE AND TREE RELATED APPLICATIONS**
 - a) **14/01003/FUL 21 The Avenue** (Pages 59 - 78)
 - b) **14/01032/FUL 281 Hatherley Road** (Pages 79 - 94)
 - c) **14/01070/FUL 10 Lilac Close, Up Hatherley** (Pages 95 - 102)
 - d) **14/01099/COU 81A New Barn Lane** (Pages 103 - 114)
 - e) **14/01166/FUL 12 Everest Road** (Pages 115 - 120)
 - f) **14/01171/FUL Bath Road utility boxes** (Pages 121 - 130)
 - g) **14/01203/COU 40 Newton Road** (Pages 131 - 140)

- h) **14/01226/FUL 16 Greenhills Road, Charlton Kings** (Pages 141 - 174)
- i) **14/01270/CONDIT Unit 3, Maida Vale Business Centre, Maida Vale Road** (Pages 175 - 202)

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

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Planning Committee

6.00 pm, 17 July 2014

Present at the meeting

Councillor Andrew Chard
Councillor Matt Babbage
Councillor Jacky Fletcher
Councillor Diggory Seacome
Councillor Bernard Fisher
Councillor Colin Hay

Councillor Andrew McKinlay
Councillor Klara Sudbury (Chair)
Councillor Pat Thornton
Councillor Malcolm Stennett
Councillor Rowena Hay (Reserve)
Councillor Paul Baker

Officers in attendance

Martin Chandler, Team Leader, Development Management
Tracey Crews, Head of Planning
Cheryl Lester, Legal officer
Mark Power, Gloucestershire Highways
Mike Redman, Director of Built Environment
Lucy White

1. Election of Chairman

In the absence of the chairman Councillor Garth Barnes and a vice chairman, due to no nomination having been approved in time for the meeting, One Legal Solicitor Cheryl Lester asked for nominations for a chairman for the meeting. Councillor Bernard Fisher proposed Councillor Klara Sudbury, who was appointed chairman for the purpose of this meeting.

2. Apologies

Apologies were received from Councillors Barnes, McCloskey and Wheeler.

3. Declarations of Interest

Councillor Fisher declared a prejudicial interest in item 14/01043 FUL 102 Mandarin Way, in that he would be speaking on behalf of the applicant as the councillor for this ward.

Councillor Colin Hay declared a prejudicial interest in item 14/00739/FUL Telford House, being a member of Cheltenham Borough Homes.

Councillor Baker declared that due to a prior interest in item 13/02174/FUL 86 Cirencester Road, as he would be speaking in his capacity as ward councillor, but then leave the Chamber for that item.

Councillor Sudbury declared a personal interest in item 13/02174/FUL 86 Cirencester Road being a county councillor representing that ward.

Councillor Colin Hay declared a personal interest in item 13/02174/FUL 86 Cirencester Road, as a personal friend of Cllr Baker who had objected to the application prior to becoming a Councillor of the Council

4. Public Questions

There were no public questions.

5. Minutes of last meeting

Resolved, that the minutes of the last meeting held on 19 June 2014 be approved and signed as a correct record.

6. Planning/Listed Building/Conservation Area Consent/Advertisement Applications, Applications for Lawful Development Certificate and Tree related applications**7. 13/02174/FUL 86 Cirencester Road**

The Senior Planning Officer, Lucy White, introduced the report regarding the proposal to erect a new convenience store (A1) with associated parking, following demolition of all existing buildings on the site. Landscaping, replacement boundary treatment and alterations to the existing access were also proposed. The application was before Committee at the request of former Councillor Penny Hall.

Public speaking :**Mr Russell Grimshaw, in objection**

Mr Grimshaw quoted that the NPPF stated that it was important to “recognise village centres as the heart of their communities and pursue policies to support their viability and vitality”. He explained that NISA, Coop and Budgens were the anchor stores in that part of Charlton Kings and their loss would threaten the viability of other independent businesses in those centres. The loss of Budgens would include losing the last Post Office. The DPDS report confirmed that NISA would close as a result of this application and the Coop was not at risk in the short term. He said that the planning fallback position of the site was not the the petrol filling station which was some 18 years ago but a new and used car sales operation. Little weight should therefore be given to this consideration. The comparison in terms of traffic flows was in his view therefore misleading and they should be compared to the current hand car washing facility or in his view the correct fall back position.

Mr Grimshaw highlighted that adherence to and enforcement of the Delivery Management Plan (DMP) was critical and he quoted examples where similar stores did not manage or coordinate their deliveries. He raised the issue of staff parking in Church Piece and the surrounding residential streets which would result in disturbance, obstruction, traffic congestion and loss of amenity to residents. The DMP stated that deliveries would not be timed to coincide and the public would not park in the loading bay. He gave the example of a store in Tuffley where a car had parked in the loading bay with a delivery lorry waiting behind it and a further lorry unloading in the road.

Mr Grimshaw also made reference to the fact that there had been no assessment of the use of the ATM.

The objector then raised the issue of noise and questioned the methodology used by the Hann Tucker Noise Assessment.

In conclusion Mr Grimshaw said the proposal would increase traffic flows and congestion and local residents would suffer loss of amenity with intrusive noise from the increased hours of operation, parking, congestion and obstruction. The character of the village would be in his view irrevocably damaged with the loss of one or more of the existing convenience stores and reduced viability of the surrounding independent retailers. He believed there would be no net economic gain to the area.

Mr Giles Brockbank, applicant’s adviser, in support

Mr Brockbank recognised that this application was before members due to local objection to the scheme. He asked Planning Committee members to consider the scheme on its

planning merits and in line with up-to-date planning policy and the recommendation from planning officers to approve the scheme.

He outlined the key planning issues as follows: -

1. The principle of a convenience store on this site fully accorded with planning policy and the independent advice sought by the Council on the retail issues clearly stated that objections to the retail use cannot be sustained from a planning policy perspective and this was not a reason for refusal.
2. In terms of the form and design of the building the mass of buildings had been considerably reduced following consultation with officers and local residents, with the two previously proposed A3 units now removed and the design simplified. The current design and appearance was supported by officers. The NPPF made it clear that local planning policies and decisions should not attempt to impose architectural styles or particular tastes upon development.
3. The highway issues had been carefully considered over the past 10 months and highway officers were happy that a safe and suitable access could be provided. In this respect, there were deemed to be no technical grounds to refuse the planning application.
4. In terms of noise and impact on amenity of surrounding residents, the proposed store has been carefully considered including times for deliveries to the site and the management of those deliveries to minimise any noise. The noise issues have been carefully considered by the Council's environmental health team and the proposal is considered appropriate with suitable planning conditions attached.

Mr Brockbank reiterated the conclusion from the officer report which stated :

'Following careful consideration, officers have no overriding objection to the proposed development in terms of the principle of a retail use on this site, loss of amenity to the locality, impact on existing neighbourhood centres, design and layout and highway safety.'

Mr Brockbank also added that the application had been assessed by a planning barrister who had examined the planning policy implications of this case and he concluded that there were no planning grounds from a retail, design, highway safety or amenity perspective that would justify refusing this application and that the officer recommendation was robust and indisputable.

In conclusion, Mr Brockbank highlighted that this was a credible application on an underused commercial brownfield site that considerably detracted from the area. The proposal replaced a shop and garage with a shop so would not be differing greatly from the historic use of the site. He believed that the proposed building would significantly enhance the appearance of the area.

Councillor Rob Reid, in objection

Councillor Reid stated that the fact that communities expressed support for affordable housing did not constitute a material consideration, and by implication, the voices of almost a thousand people who signed the petition would not be heard. He was of the understanding that localism meant the empowerment of people to shape their future. He also quoted Strategic Objective 5 of the Joint Core Strategy which stated that "all new developments should be valued by residents and be well located infrastructure which met the needs of residents" in the face of so much opposition. Councillor Reid stated that given that we have a legal obligation to demonstrate a five year housing supply and our priority is to use brownfield sites where possible before straying into green belt, housing would have been a priority.

He explained that the previous 4 petrol stations that disappeared in Charlton Kings were replaced by dwellings. They were contaminated sites, but the developers worked with the grain and provided what the people desired.

He expressed his concern about the application's impact on local commerce and how overall business activity could remain vibrant. He failed to see how this proposal supported the NPPF objectives of improving the environment and ensuring sustainability when existing retail outlets would be stressed and degraded. He also questioned how the application would fit with the JCS objective in that "the purpose of planning was to help achieve sustainable development."

Councillor Reid made reference to the DPDS report which confirmed that the NISA store would eventually close and he questioned the Retail Impact Assessment which asserted that this site did not constitute a commercial hub and therefore did not merit protection. In his view the area historically carried great importance for local people, acting as a meeting point for people of all ages and he feared that this element of the area's social fabric would be lost. The NPPF encourages "promoting healthy communities by retaining strong neighbourhood centres and providing opportunities for residents who might not normally come into contact with each other."

Councillor Reid then made reference to the influence the retail development would have on increasing footfall, particularly of young people and the elderly and vulnerable, across the A435 between the continuous line of parked cars. He referred to the lack of evidence in the Highways report relating to road width. Having measured the road himself he noted a considerable and sudden narrowing between Pumphreys Road and the proposed entrance before it then widens again. The carriageway reduces by four feet which was in his view significant. He noted that the report stated that roadside parking by the store would be inevitable, so as drivers sweep north round the bend, conditions change and two cars would then not have the space to pass, contradicting policies CP4 and TP1.

Councillor Reid hoped that the Committee would give particular attention to the comments put forward by the Parish Council who also site the NPPF test when approving applications of "improving the character and quality of an area and the way it functions". He also highlighted the comments submitted by his fellow Ward Councillor Helena McCloskey.

Councillor Paul Baker, ward councillor, in objection

Councillor Baker highlighted that the local community was united in its opposition to this application. It had received 120 letters of objection, a 900 signature petition and had been condemned by Charlton Kings Parish Council, the Architects Panel, Urban Design and some experienced planning committee members. He believed that land should be used for the maximum benefit of the community and those living and working within it. It should not be driven by the use which drives the most revenue with complete disregard for that community, its need and the amenity it enjoys. In his view the NPPF did not change the statutory status of the development plan as the starting point for decision making and proposed developments which conflicted with an up to date Local Plan should be refused. He believed the current plan, whilst it required updating, was robust and credible and continued to serve the town well.

Councillor Baker quoted from the NPPF that planning should be "genuinely plan-led, empowering local people to shape their surrounding" and be a creative exercise in finding ways to enhance and improve the places in which people live their lives. He believed that local people had not been empowered in respect of this application but sidelined and ignored and that their quality of life would be adversely impacted.

Councillor Baker stated that Local Plan policy RT7 stated that retail development would only be permitted outside of defined shopping areas where a need for additional floor space had been demonstrated and the proposals did not harm the vitality and viability of a neighbourhood centre. The new store would take 80 % of its trade from major supermarkets

but DPDS would take trade from like stores which are within 500 yards of the site. They also said NISA would close but the impact on other stores was unknown.

Policy CP4(a) stated that development would only be permitted where it would not cause unacceptable harm to the amenity of adjoining land users and the locality. This proposal extends the opening hours from 58 hours a week to 111 and in addition the cash machine would be open 24 hours a day. In his view this would result in a significant reduction in the amenity currently enjoyed, noise, light, disturbance, traffic, pollution, inconvenience, doors slamming, engines running, people shouting, lights on, vehicles parking on the roadside, refrigeration units running.

Councillor Baker challenged whether the Delivery Management Plan would satisfy the tests of the NPPF because it relied upon ongoing interventions from staff taking calls from delivery drivers, operating the delivery area bollards and ensuring this area is clear. This represented a serious and ongoing responsibility as was ensuring car park spaces were not blocked with refuse.

Councillor Baker said residents wished to see the site redeveloped, but for something that would enhance their community in a sustainable way.

He believed there were sound grounds for refusal, both with reference to the NPPF and the Local Plan and believed that a robust and convincing case should be built to reject this unwanted application at the appeal which would surely follow.

Councillor Baker then withdrew from the Chamber for this item.

Member debate:

Councillor Fletcher asked whether remedial work would be necessary on site as the previous use was a petrol filling station. She spoke against the application and quoted the core planning principles of the NPPF and CP7 of the Local Plan. She believed the application would have an impact on residents including noise. She also quoted under CP4 that the Delivery Management Plan was unsustainable as it would be difficult to enforce.

Councillor Seacome highlighted the dangers with regard to the egress on the road with the proposed deliveries only entering the site from the left hand side and leaving at the right end. He believed that this had not been thought through properly.

Councillor Fisher thought that the Delivery Management Plan was a good idea but it was not enforceable. He referred to the oversupply of convenience stores in the town and made reference to some stores where the DMP was clearly not working. He would prefer to see an application for housing on this site.

Councillor Chard referred to the chaos which was likely with parking on the Cirencester Road and asked what provision there was for staff parking.

In response to questions the Senior Planning Officer confirmed that the site was contaminated as the tanks remained in situ. However remedial works were proposed to make the site safe. In terms of the loss of valued services she spoke in the context of paragraph 70 of the NPPF. It had been acknowledged that the Nisa store was likely to close as per the DPDS retail consultants report, but planning permission for a new store would mean there would be improved facilities for residents and better parking. It was important to assess the extent of the impact and the consequences of the proposed development. Noise was not deemed to be a significant issue and Environmental Health was satisfied given that a number of conditions had been placed on the use of plant equipment and the building itself. The store would be located on a busy arterial road and the current hand jet car washing facility on the site, whilst operational in working hours, did generate noise. She

highlighted that the site did have a commercial history with a petrol filling station being the former use of the site.

The Senior Planning Officer explained that with regard to the delivery management plan and its enforceability there were definite aspects which could be enforced such as the direction of deliveries, storage, opening hours and hours for deliveries. Should these stipulations not be adhered to a breach condition notice would be issued and there would be no right of appeal so would ultimately lead to prosecution. In terms of the point on need for a convenience store the Planning Officer explained that RT7 was out of date and it was a question of considering the impact and a sequential test. Use of the site for housing could not be expressed as a material preference, the application should be considered on its merits rather than on preference for an alternative use.

The Head of Planning, Tracey Crews, explained to members that the JCS was the strategic element of planning policy and therefore members comments were more relevant to the Cheltenham Plan.

Mark Power, Gloucestershire Highways said the DMP states that all deliveries would approach from the northern access and leave the site from the south There was no policy on staff parking but the planned customer parking would be attractive to use. Where there was evidence of customer parking on the roadside a financial contribution from the developer could be sought for implementing waiting restrictions and installing street furniture. He did not believe that this application could be judged as severe according to the NPPF criteria and he highlighted that the previous use of the site as a petrol filling station could not be ignored.

Councillor Colin Hay objected to the number of convenience stores in the town. He gave the example of a convenience store on Hewlett Road where there was an issue with parking for delivery lorries, particularly where there was more than one delivery at a time. He also raised the issue of the 24 hour ATM which could cause extra disturbance and he suggested that the hours of this should be restricted. He added that the actual location of the ATM was important as he believed customers would use the delivery bay unless there was a physical barrier to stop parking there.

Councillor Colin Hay reiterated the issue of delivery routes expressed by other members and he proposed that weight restrictions be implemented on surrounding residential roads as such vehicles could materially effect those living there with potentially 4 articulated lorries driving along those routes each day.

Councillor Stennett believed there was no material planning reason why the application should be refused but supported a proposal to add a condition regarding the ATM. He believed that the ATM should either be located inside the store or there should not be one at all. In terms of staff parking he believed staff should be allowed to use a couple of spaces on site rather than parking on the main road.

Councillor Sudbury asked what the permitted hours of opening were for the Petrol Filling Station when it was in operation and also asked whether a new planning application would be required should the site again be used as a PFS. She also agreed that the ATM would cause additional disturbance and this issue should be discussed with developers. Parking was very difficult on the main road and in her view it should be contained on the site and asked how this could be enforced. Like other members she also expressed concern about the access route for deliveries and believed that large lorries should not be allowed on to the neighbouring residential roads of Bafford Approach and Sandy Lane.

Councillor Chard reiterated concerns about delivery vehicles causing traffic hold ups when turning right on to the site.

Councillor Thornton also expressed her concerns about delivery vehicles and made

reference to a convenience store at the railway station which had no DMP and where lorries parked in the bus stop when making its delivery which caused chaos. It would not be an easy situation to manage and enforcement would be difficult. She did however support the application as she could see no sound planning reason for it to be rejected.

In response to questions the Senior Planning Officer acknowledged the issues with the Hewlett Road convenience store and explained that this was a retrofit store and did not require planning. She highlighted that the proposed development would have a dedicated loading and delivery bay and vehicular conflict would be minimal. She said that the issue of the ATM could be discussed. There were ATMs which could be silently operated but equally a discussion could be held as to whether the ATM should be located within the store. She reiterated her previous comments about land use and explained that in their consideration members could not express a preference for one retailer over another. It was likely that Nisa would suffer but the site could be put to an alternative use and the retail impact study had said that the new store would not affect the remaining shops which had a different trading pattern and would reinforce each other. It would remain a neighbourhood centre and the new store would provide for the local catchment.

In terms of traffic routing the Planning Officer explained that to a certain extent the route for deliveries was not a planning consideration but one for the supermarket itself although it was suggested that drivers approach from a certain direction. In terms of the numbers of staff at the store there would be no more than 20 at any one time. With regard to the opening hours of the petrol filling station the records were not to hand but if an application was received for a PFS again then planning would be required. As it was a relatively small shop the numbers of deliveries a day would be between 2 and 3 with a newspaper delivery at 6 am. There had been no noise complaints from residents with regard to the car wash operation.

Councillor Babbage highlighted that Newcourt Road could not handle much traffic and he also expressed concern about the removal of the trees facing Newcourt Road. He referred to paragraphs 70 and 58 of the NPPF and CP4 as he believed that this application would damage the sense of community and character of Charlton Kings as a whole.

Councillor Fletcher referred to the width of the road near the site and explained that it would be dangerous for two cars to pass if there were cars parked on the side of the road. She believed the application went against RT7-harming the vitality and viability of a neighbourhood centre and that there was no need for an additional convenience store.

Councillor Colin Hay reiterated his experiences with delivery vehicles at a convenience store on Hewlett Road and explained that when the delivery bay was full a second delivery vehicle would still park up which caused traffic issues. He also supported other members' in their objection to delivery vehicles using Bafford Approach and Sandy Lane which would be detrimental to the residents of those roads and would be very difficult to accept without weight restrictions in place. He would also like a physical barrier outside the entrance of the store to discourage use by cars when the shop was closed.

Mark Power, Gloucestershire Highways, explained that there were no powers to force the retailer to provide staff car parking. It was important that parking could accommodate customers as the store would have a high turnover of users. Staff could use the existing parking on the highway. He disputed the fact that the right turn would cause traffic chaos.

Councillor Sudbury asked if the former use as a petrol station fall back position was a strong argument. Mark Power, Gloucestershire Highways said that the inspector would say that a material consideration would be that a building was there which was capable of being brought back into use. He also made the point that the store was proposing to provide a surplus bay.

Mark Power then explained that applying weight restrictions would require a Traffic Regulation Order but first a decision would need to be made as to whether the routing was

acceptable or not. With regard to the road width, the car park was attractive to use and therefore parking on the road would be minimal. Preventing use of the car park outside of the store opening times would rely on a stipulation in the DMP of raising bollards to prevent entry. In terms of traffic on the Newcourt Road, Mark Power explained that there was likely to be an increase in linked or bypass trips of 5-10 % but not necessarily any new trips. The impact was therefore not judged to be severe so would not represent a grounds for refusal.

Councillor Sudbury asked whether the DMP was deliverable and enforceable. In response Mark Power said that it was important that the size of the DMP was not unwieldy and unenforceable. It mainly concerned routing and supermarkets well understood routing themselves. How the DMP operated internally was reliant on staff. In terms of parking restrictions on the car park he explained that there were several supermarkets in Gloucester where time limits were in operation and only customers used them. Customer parking on site would be controlled by the store and self-enforced.

The Head of Planning referred to the reference made by Councillor McCloskey on Local Development Orders. These were a planning tool and local authorities could use these to bring forward brownfield sites. Officers were reviewing all sites through the Cheltenham Plan process. The applicant was advised that the preferred option for the site was housing but officers had to look at the application on its merits.

In response to questions the Senior Planning Officer explained that whilst the landscape strip on Newcourt Road would be removed it would be reinstated on the boundary edge. She explained that there were some self seeded trees and shrubs where the root growth area was limited so they would never reach maturity. The issue had been discussed with the Council's landscape architect to encourage an improved landscape boundary. She explained that the footprint of the site had already been reduced and could not be reduced further. In terms of the detrimental effect on the character of the village this was somewhat subjective and the existing brownfield site did little to add to the character of this part of Charlton Kings. The view was that the proposed design of the site was acceptable and there would be little impact on Newcourt Park so in townscape terms the proposal was acceptable and an improvement on the current site.

Councillor Sudbury said that her view for reasons for refusal were the impact on Newcourt Road and the impact on the character for the area; parking and impact on amenities for local residents; delivery vehicles travelling on surrounding residential streets.

Councillor Fletcher quoted CP7, CP4, and RT7b as additional grounds for refusal and noise. Martin Chandler, Senior Planning Officer stated that noise could not be identified as a concern, it had always been a commercial site located on a busy A road and the existing operation already generated a degree of noise on site. A silent ATM would be discussed and HGVs would cause minimal disturbance. RT7 could not be used as grounds for refusal as this would be deemed as protecting the private interests of one store over another.

Councillor McKinlay expressed his preference for housing on this site but acknowledged that this was not a choice to be made. He highlighted the importance of being able to defend a decision in front of an appeals inspector and was therefore not convinced that there were planning reasons to refuse the application. He acknowledged that a decision could not be made with regard to the potential loss of an existing commercial enterprise and whilst he acknowledged the impact on the roads this would not, in other circumstances, be a reason to refuse.

Councillor Sudbury explained that the grounds for refusal were not protecting one local store over another but preserving the viability and character of a particular area. This was supported by Councillor Fletcher.

Martin Chandler explained that the report from the retail consultants said that the vitality of the local centre would be maintained as the other stores would not be unduly affected. They

stood alone as a parade and would reinforce each other. Therefore the NISA store should be detached from the parade of shops. He explained that it would be against the advice of officers to use this as grounds for refusal as this would almost certainly incur costs for the council in terms of an appeal.

Councillor Sudbury raised the issue of noise. The store would have longer hours of operation than the current jet wash car wash. In response Lucy White explained that Environmental Health had no concerns with the exception of adding a number of conditions in relation to opening hours and the ATM and the plant and extraction equipment where noise emissions should be 5 decibels below the background noise level. In terms of evening noise, this would tail off as the evening progressed, with the store closing at 11 pm.

Councillor Babbage believed that the application went against CP7 in terms of the design which had been viewed by the architect's panel as unpleasing and ascetically below what is expected on a key site.

Councillor Fisher said that the noise levels would continue beyond the hours of the current operation on site.

Councillor Sudbury referred to the comments of the urban design manager with regard to the fact that the space available was tight and that there was in his view little margin for error before noise and disturbance from manoeuvring cars and delivery vehicles, reversing alarms, movement of cages begin to affect the amenity of those living around it or using the open space. She believed the proposal was unconvincing and the DMP unenforceable with severe impacts on the residents of the area.

Councillor Fletcher made reference to the fact that she had gone through the NPPF thoroughly which was a powerful document. She quoted CP4, CP7 and RT7b as reasons to object to the application. She questioned whether it was a balanced application to suit all.

Martin Chandler, Senior Planning Officer, explained that positivity was the nub of the NPPF. The decision made by Members should be based on solutions not problems. He expressed his fear that the council would be taken to appeal and incur significant costs. The committee and officers had been given a clear steer on the retail impact of the proposal with independent retailers unlikely to be affected. In terms of noise, whilst the current use of the site was restricted in terms of hours of operation, it was noisy and traffic on the Cirencester Road also contributed to noise. It was difficult to suggest that this application would generate more noise than what currently existed and the Environmental Health team had not raised any objections in this respect. In terms of highway development management there were no particular implications and the DMP should be fully enforceable. Similar tools were in operation at other developments, e.g. Asda, and were working well. Therefore a refusal by Members would have very little substance and would inevitably lead to an appeal. Should members request a condition be attached to planning permission with respect to the ATM then this could be discussed with the developer and a form of wording could be agreed between officers and the Chair and the Vice-Chair.

Councillor Colin Hay believed that weight restrictions should be specifically introduced along Bafford Approach via the TRO process and that the developer should contribute to this process.

When asked about the trees along Newcourt Road, the Planning Officer, Lucy White, confirmed that a full landscaping scheme would be submitted and enhancements and improvements could be discussed. In response, Martin Chandler explained that in terms of the weight restrictions this was subject to section 106 sustainable transport measures. As the county highways representative was present at this meeting they could take a clear message back on this point.

Vote taken on Councillor Fletcher's move to refuse

7 in support
4 in objection

Motion WON
APPLICATION REFUSED

8. 14/00739/FUL Telford House, Princess Elizabeth Way
Councillor Colin Hay left the Chamber for this item

Senior Planning Officer, Martin Chandler, introduced the report proposing the replacement of soil/waste pipes to the external rear elevation of Telford House and explained the matter had to come to committee as Cheltenham Borough Council was the applicant. The officer recommendation was to permit the proposal.

Vote taken on the officer recommendation to permit
11 in support – unanimous
PERMIT

9. 14/00766/CONDIT Asda Stores Ltd, Hatherley Lane

Senior Planning Officer, Martin Chandler, introduced the report regarding the variation of condition 36 on planning permission 10/00252/FUL to extend the opening/closing times of the ASDA foodstore and petrol station. The update to the officer report outlined the proposed new operating hours of the supermarket and petrol station to open one hour earlier and to close one hour later, this being 6 am to midnight Monday to Saturday, 10 am to 4pm for the food store on Sundays and 8am to 8pm for the petrol station on Sundays. The officer stated that this was fully compliant with local plan policy CP4 to limit disturbance to neighbouring residents during unsocial hours and therefore recommended approval to the variation on operating hours.

Councillor Fletcher questioned the timing of the noise impact survey which was carried out over a Sunday night and which was not a typical trading day and Councillor Thornton asked if any noise complaints had been received.

The Planning Officer reported that although there had been some complaints to the store itself, no noise complaints had been reported to the council's Environmental Health Officers. It was also explained that the noise analysis survey was carried out along best practice guidelines which were difficult to go against. The officer stated that additional noise generated by cars parking after 11pm would be minimal as the number of customers would also be minimal and thus parking would be possible near to the entrance to the store, thus avoiding disturbance to nearby neighbours.

Vote taken on the officer recommendation to permit
10 in support
1 in objection
1 abstention
PERMIT

10. 14/00938/FUL 126 Warden Hill Road

Senior Planning Officer, Lucy White, introduced the report regarding a two storey side and single storey rear extension which had previously received planning permission, however the applicant now wished to add a lean to roof instead of the formerly approved flat roof. The Officer explained that the previous application had been approved subject to a reduction in size to reduce the impact on the neighbour and with a flat roof on the single storey extension. The applicant now wished to re-instate the lean-to roof with roof lights over the single storey element at the side and rear of the property. Officers considered that any

additional harm caused by the slight increase in height of the single storey extension of 300mm would be minimal and was not sufficient to warrant refusal of this application. Therefore the officer recommendation was to permit the proposal.

Public Speaking:

Clare Williams in support of the application

The applicant Clare Williams stated that they had resubmitted the plans still retaining the permitted footprint, layout and scale of the extensions, but proposing a pitched tiled roof rear extension instead of a flat roof. In her opinion, a tiled roof was more sustainable and would last in excess of 50 years, whereas a felt flat roof would only last 10-20 years. A tiled roof was also more in keeping with the main roof of the house and the rest of the row of houses. The applicant pointed out that out of the 23 houses in their row, 6 had pitched tiled rear extensions and only 4 had flat roof extensions, with a further 6 having pitched roof conservatories.

Member debate

Members questioned the light impact on the neighbours with the increase of 300mm in the height of the pitch and whether it passed the light test. The planning officer replied that a second light test had not been carried out as it was felt that a 300mm increase was not substantial enough to result in any significant extra loss of light to the neighbours.

One member favoured the proposed change stating that the angle of a pitched roof could almost improve the light situation, as opposed to the previous flat roof plan with velux windows and raised roof lights.

Vote taken on the officer recommendation to permit

11 in support

1 in objection

PERMIT

11. 14/01017/FUL 4 Keynsham Bank

The Senior Planning Officer, Martin Chandler, introduced the report regarding a three storey side extension, having received a revised submission after two previous refusals in June 2013 and November 2013. The officer pointed out the difference between the recently refused scheme and the one now proposed was a 500mm reduction in the width and depth of the extension at first and second floor level and as such did not feel the alterations were sufficient enough to alleviate the impact on the neighbouring property at No.5. The application had been brought back to committee as the request of Cllr Jordan. The officer recommendation was to refuse the application.

Public speaking:

Mr Ralph Staelens, applicant, in support

In support of his application Mr Staelens told the committee that he had lived at 4 Keynsham Bank for 6 years, in an attractive three storey town house property in a terrace of four houses set back from the London Road. There was a wide path and side yard with tall trees to the right. The interior had small rooms and a central staircase which was restrictive and two bedrooms on the third floor that were used and thus prevented family from staying. In addition, there was no sun in the side yard due to the tall trees, but morning sun at the back and sun at the front in the afternoon.

A further concern of his was security, having had several burglaries during the past 6 years with the property being accessed from back via the side wall.

His proposal was for a sympathetic three storey side extension with additional bedroom and family bathroom on the third storey, dining room/family room on the second storey and a garage and utility room on the ground floor. This would address the bedroom situation and security.

The applicant also felt that the present 2 storey premises gave an unbalanced look, whilst a 3 storey premises would give a pleasing visual aspect.

The neighbour at 5 Keynsham Road who was objecting was not present but had submitted a letter.

Member debate

Councillor Stennett indicated that he could not see a problem with the extension and that with the hedge and trees at the side, the effect of the extension on the neighbour's patio would be negligible. It was also further away than the other houses. He also agreed with the two story imbalance. Councillor Stennett moved to permit the application.

Councillor Chard was also in favour of the application, as from the planning view inspection he felt there was plenty of room.

Councillor Seacome recognised there would be an impact on the neighbouring house and commented that the four houses were built as a unit and by adding an extension it would destroy the symmetry of those four houses and aesthetically it would not work.

Councillor Hay did not favour permitting the application on grounds of the light impact and failing the light test as well as its close proximity to the neighbouring house. In addition Councillor Sudbury referred to the useful planning view visit and in her opinion she could see the reason for the officer's recommendation for refusal.

Vote taken on Councillor Stennett's move to permit

4 in support

8 in objection

MOVE LOST

APPLICATION REFUSED

12. 14/01043/FUL 102 Mandarin Way

Senior Planning Officer, Lucy White, introduced the report regarding the erection of two storey side and single storey front extensions, wood burner flue in roof of proposed two storey extension and velux window in front roof slope of main dwelling. The previous application for a two story side extension had been granted in April on submission of revised drawings showing a reduction in width and depth. The applicant had now submitted plans for a single storey pitched roof extension, which extended the front elevation of the main dwelling by 2.6 metres. Furthermore the characteristics of Mandarin Way were open plan in nature, and this would detract from the overall appearance of the area as the proposed development almost doubled the footprint of the property.

This application was put to the committee at the request of Councillor Fisher, however the officer recommendation was to refuse the application.

Public Speaking:

Mr K Taylor, applicant, in support

Mr Taylor told the committee that he had moved into the house in 1972 when it was built and had paid an extra £200 for the land at the side. In 1982 he had applied to Tewkesbury Borough Council to build an extension which included wheelchair access, but had not carried out the work. In his previous application to this planning committee, he had reduced the area of the extension from 12.25 sq m to 10.2 sq m., but now this was no longer sufficient as, due to various operations and medical needs, he required sleeping accommodation downstairs and wheelchair access. Mr Taylor thanked Councillor Fisher for his support and reiterated that all he requested was a downstairs bedroom.

Councillor Bernard Fisher, friend of applicant, in support

Councillor Fisher spoke in support of this application, advocating that we all live longer and with an ageing population Mr Taylor was trying to make provision for this, with a single storey downstairs bedroom built on the land he had bought to the side of his house. Councillor Fisher had issues with the refusal reasons cited. The row of dwellings were not identical with two detached houses, four dormer roofs, six flat fronted, two with porches and the line of the row was staggered. The extension would not cause harm to the architectural integrity of the building or the unacceptable erosion of open space around the existing building as outlined in CP7. Councillor Fisher also highlighted that the existing hedge which can be conditioned and which is necessary for privacy would conceal the single story extension.

Finally no objections from neighbours had been received.

Councillor Fisher then left the Chamber for this item.

Member debate

Councillor Stennett agreed with Councillor Fisher's comments. He concurred that there would be minimal effect on the neighbourhood and with no objections having been received, Councillor Stennett moved to permit the application.

Other members also favoured permitting the application on the grounds that the house was at the end of a row, tucked away in a corner with land dropping away at the side, surrounded by a wall and a hedge.

In reply to members' comments to permit, the Planning Officer referred again to the doubling in size of the footprint which would alter the building line and pointed out that the hedge / wall would have to be removed so the pitched roof would be visible above that.

Councillor Sudbury questioned the officer about the materials to be used and suggested that if it was proposed to permit that a condition be applied on the subject of the materials to be used. This was agreed.

Vote taken on Councillor Stennett's move to permit

11 in support

MOTION WON

APPLICATION PERMITTED

13. 14/01079/FUL 40 Dagmar Road

Senior Planning Officer, Lucy White, introduced the report regarding the rendering of the rear two storey wing and increase in height of the rear boundary fence from 1.8 metres to 2.5 metres. This matter had come before committee as a member of the Built Environment team lived at the application site. The officer recommendation was to permit the proposal.

The Officer reported that the proposed rendering of the two storey rear service wing in white painted smooth render was considered acceptable, as the wing was concealed from view by the main two storey element and this section of the building would remain as red brick, and thus the impact on the character and appearance of the conservation area would be minimal.

The proposed increase in height to 2.5 metres of the rear boundary fence was also acceptable and would prevent direct overlooking into the rear of the application site and into the property at the rear of the application site.

Members were generally in support of this application, with no further questions.

Vote taken on the officer recommendation to permit

11 in support

1 in objection

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

One Legal Solicitor, Cheryl Lester, said that three nominations had been required from the planning committee for the Planning Code of Conduct working group. This working group consisted of three members of planning and three members of Standards committee. The former members from Planning had been Councillors Thornton, Garnham and Coleman and replacements were needed for Councillors Garnham and Coleman. Councillor Fisher confirmed that Councillor Barnes as the newly appointed chair of planning had agreed to be nominated as a member, and the Solicitor thus requested another nomination. It was further pointed out that the matter was urgent as it was intended that a revised protocol be produced by September/October. . Councillor Stennett proposed Councillor Chard.

Resolved, that Councillors Barnes and Chard be appointed to the Planning Code of Conduct Working group along with Councillor Thornton.

The meeting concluded at 9.25 pm

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DRAFT MINUTES

Extraordinary Planning Committee

**13/01605/FUL
Land at Leckhampton**

31st July 2014

Present:

Members (13)

Councillors Barnes, Chair (GB); Fletcher, Vice-Chair (JF); Babbage (MB); Baker (PB); Chard (AC); Fisher (BF); Colin Hay (CHay); McCloskey (HM); McKinlay (AM); Seacome (DS); Stennett (MS); Thornton (PT).

Substitute: Councillor Coleman (CC)

Present as observers: Councillors Whyborn and Mason.

Officers

Tracey Crews, Head of Planning (TC)
Martin Chandler, Team Leader, Development Management (MC)
Craig Hemphill, Senior Planner (CH)
Philip Stephenson, Team Lead, Planning Policy (PS)
Wilf Tomaney, Townscape Manager (WT)
Paul Scott, Environmental and Public Health Officer (PScott)
Mark Power, Gloucestershire Highways (MP)
Sandra Donaldson, Gloucestershire County Council Education (SD)
Cheryl Lester, Legal Officer (CL)

Present as observers: Mike Redman, Director Environmental and Regulatory Services; Emma Pickernell, Planning Officer; Lucy White, Planning Officer; Chloe Smart, Planning Officer; Michael Glaze, Gloucestershire Highways.

1. Apologies: Councillors Clucas and Sudbury.

2. Declarations of interest

Councillor Fletcher: personal – has organised events for the Chamber of Commerce (which has objected to the proposal).

Councillor Baker: made a representation on the JCS some time ago, before becoming a councillor, but does not consider this a personal or prejudicial interest.

Councillor Coleman: asked for advice – there is a very large number of representations, all of which are published with names removed. Having lived in Cheltenham and specifically Leckhampton for many years, is bound to know some of the objectors – but how does he know if he does or not, and what should he do when considering whether or not he has a personal or prejudicial interest?

CL, in response:

- as has been advised previously, where there is a close association with an objector, Members need to consider their position, but if unaware of any such association, he or she is not in a position to make this judgement.

CC: is not aware, therefore has no declaration of interest to make.

3. Public Questions

There were none.

4. Application

Application Number:	13/01605/OUT
Location:	Land at Leckhampton, Shurdington Road, Cheltenham
Proposal:	Residential development of up to 650 dwellings; mixed use local centre of up to 1.94ha comprising a local convenience retail unit Class A1 Use (400sqm), additional retail unit Class A1 Use for a potential pharmacy (100sqm), Class D1 Use GP surgery (1,200sqm,) and up to 4,500sqm of additional floorspace to comprise one or more of the following uses, namely Class A Uses, Class B1 offices, Class C2 care home, and Class D1 Uses including a potential dentist practice, children's nursery and/or cottage hospital; a primary school of up to 1.72ha; strategic open space including allotments; access roads, cycleways, footpaths, open space/landscaping and associated works; details of the principal means of access; with all other matters to be reserved.
View:	Yes
Officer Recommendation:	Permit subject to a 106 Obligation
Committee Decision:	Refuse
Letters of Rep:	Update Report: Officer update; additional representations; letters from objectors' planning consultant and traffic consultant

GB: the committee is fully aware of the emotion generated and the elevated feelings arising from this application, from the many letters and emails demonstrating the strength of opposition and the crowded public gallery. We are now at the point of making a decision and the level of apprehension is palpable. Asks for an uninhibited debate – members of the public are requested not to applaud, cheer etc, and to allow Members to speak. Much care and thought has gone into who should be allowed to speak publicly on this application, and therefore the public are requested to maintain a dignified silence when listening to the debate. Speakers must be sure to stick to their allotted time slots.

[Five minutes allowed for Members to read blue updates.]

CH explained that this is an outline application, with all matters other than access reserved for the full application, including appearance, landscaping, lay-out and scale. The applicant has provided a masterplan, parameter plans and illustrative lay-outs to elaborate on the indicative lay-out in terms of land use, housing density, access and movement, green infrastructure, public open space and phasing. Under the pre-submission JCS, the application site forms part of the strategic allocation SA1, which allows for up to 1141 dwellings. The principle is well-advanced and the role of Planning Committee today is not to consider that issue. Members are required to consider the application before them on its merits and technical considerations. There are national requirements for planning applications to be considered within specific time scales, which mean it is not possible to defer a decision on this scheme any further without the risk of an appeal. The merits of the scheme, the development plan, the Local Plan, and the NPPF's presumption in favour of sustainable development should all be taken into account.

DRAFT MINUTES

Extra officers have been invited to the meeting to assist Members in their decision-making: Philip Stephenson (policy and technical matters), Wilf Tomaney (urban design, landscaping and lay-out issues), Paul Scott (air pollution), Sandra Donaldson (education), and Mark Power and Michael Glaze (highways).

The application is recommended for permission subject to an S106 agreement.

Public Speaking

(transcripts of all speeches attached)

In objection

- i. Martin Horwood, MP
- ii. Councillor Anne Regan, Warden Hill
- iii. Councillor Chris Nelson, Leckhampton
- iv. Dr Adrian Mears, Leckhampton with Warden Hill Parish Council
- v. Hugh Lufton, Lufton & Associates Planning Consultant, on behalf of LEGLAG
- vi. Letter from Michael Ratcliffe, Cheltenham Chamber of Commerce, read out by Martin Horwood MP

In support

- vii. Mark Sackett, RPS

Member debate:

GB: in view of the level of detail in the report, will take one or two Members' questions at a time and then go to officers for their responses.

BF: didn't realise that part of the land is owned by Gloucestershire County Council. There are three county councillors present this evening. (I thought there were two but might be wrong)

CH, in response:

- in this application, none of the land is owned by GCC, although it does own land in the larger strategic allocation of Leckhampton.

PB: would like clarification on affordable housing. We are told that it will meet policy requirements, and the town needs housing – but it must be the right sort of housing in the right place. Policy requirement is 40% but how much will we actually end up with, bearing in mind how much the application will cost the developer in terms of infrastructure?

AC: sees a conflict here. Members have received advice about the risk of deferral, but is concerned about the Local Green Space proposal which was submitted before the application came in. If the application is approved, the LGS application will be wiped out, when Members should clearly be considering it first.

BF: regarding education, attended a GCC planning meeting this morning where it was agreed that extra classrooms are needed right now to cope with current entries to primary schools in the area – schools which this application will feed. Any extra provision at the senior schools in the area will be taken up by those children already in primary education.

CH, in response:

- to PB, Policy HS4 of the Local Plan expects 40% affordable housing on a development of this size, and the emerging JCS Policy SD13 also asks for 40%, so policy requirement as it stands is 40%.

PB: this is the expectation – but what does it mean in practice?

CH, in response:

- it means that 40% of the houses built will be affordable.

PS, in response:

- to AC, there are a number of issues concerning the Local Green Space application and neighbourhood concept plan;
- the principle of LGS is included in the NPPF. It is important to say that LGS designation won't be appropriate for most areas or local spaces – a very specific set of requirements is needed to qualify;
- Paragraph 76 of the NPPF states that local communities should be able to identify local green spaces of particular importance to them through local and neighbourhood plans. However, there is no designation of LGS at present and no neighbourhood plan – formalities have not yet taken place. What has been submitted is not an application for LGS; because there is no process by which LGS can be applied for separately from the Development Plan process;
- the neighbourhood plan concept statement has been considered through the JCS, which was accepted by Council in April, with recommendations made regarding the Council's wish to evaluate LGS in Leckhampton and NW Cheltenham. JCS policies INF4 and SA1 both refer to the identification of local green space;
- we have to balance the JCS process and allocations against consideration of any planning application in those areas, and consider what we are doing in evaluating the local green space within the application, what the Development Plan says, and what the JCS says as a material consideration;
- the Cheltenham Local Plan 2006 is silent on local green space, and there is no adopted neighbourhood plan;
- we must therefore look to the JCS and NPPF for guidance. JCS Policy SA1 states that new development within strategic allocations will be provided to deliver the scale and distribution of development in line with policies SP1 and SP2. Areas of local green space should be retained and enhanced within the boundaries of strategic allocations;
- so new development must be provided in the allocation, and areas of local green space must be retained and enhanced. We need to balance these requirements;
- in South Cheltenham/Leckhampton, 1124 units are required, and any applicant seeking to meet the strategic allocation should have regard to SA1 – which states that any application/the area as a whole must meet the number requirements for that particular allocation and identify areas of local green space in it.

[Martin Horwood – THIS IS WRONG!]

- national planning policy guidance, published this year, on the subject of how local green space development should relate to development, makes it clear that local green space should not be used to undermine plan-making.

CH, in response:

- will ask SD of Gloucestershire CC Education Department to answer BF's questions on education provision.

SD, in response:

- is it secondary education that BF is concerned about?

BF: the report refers to the developer contributing towards increasing secondary education provision in the area, but there is already a demand for any extra places which might be created – from the additional primary classes that are being provided currently and will feed into the local secondary schools. If children have to be bussed out of the area to Chosen Hill, there will be an additional financial burden on the county through transport costs.

SD, in response:

- last year, discussions were held with Cheltenham Secondary Heads and Governors regarding opportunities for growth. Additional places have been created at Balcarras for this September, and there is ongoing dialogue looking at other potential areas for growth. When the dialogue resumes in November, the development of this site will be part of the discussion – the county is planning for growth in secondary provision in the area.

AC: will come back during the debate on the local green space issue, but officers should be prepared for a motion to defer.

JF: most Members are not in favour of outline planning applications, having been bitten by them many times before. There is a lot of talk about 40% affordable housing, and the developers have undertaken to provide 40% affordable of the 650 dwellings proposed, but what about a financial viability assessment? Have the developers provided one? They may say later that they can't afford to provide 40% affordable housing, and it would be very sad to see the number come down as it has done with other developments. We should have been provided with a financial assessment. Members have been advised against deferral, but why is this not an option if they require further information?

PT: was going to say the same thing.

MS: is also interested in the possibility of a deferral. Highways issues have featured predominantly in the report and representations, with a lot of talk about the difficulty that will be caused by stopping up Kidnappers Lane. What is the logic in that, in forcing traffic past the school and through the new estate? Kidnappers Lane is a pleasant, rural road – why not use it?

CC: month after month, Members express the need to see the affordable housing targets met, yet developers come back with various excuses, saying the land is contaminated or the figures don't stack up etc, and we end up with a far lower figure, sometimes only 20%. We have heard tonight both the developer and CH state forcefully that 40% affordable housing will be achieved. Would like officers to talk through the viability assessment, as he has heard a guarantee of 40% tonight and would like to know if there any mechanism for the developer to come back at a later stage to say there are difficulties in achieving this – yes or no?

Regarding education, has raised the issue with County officers on various occasions, regarding secondary provision, the JCS and future requirements, and has found the issue not particularly on their radar – their eyes seem to glaze over and they are quite surprised to hear these discussions on this and other applications. Residents and councillors are acutely aware of the issue of secondary education on the south side of Cheltenham, so why was a new secondary school not considered? From door-to-door calls, has heard that there is no space for local teenagers at Balcarras and Bournside; this development will add to the problem, so why no new secondary school? Can the education officer give assurance that Balcarras and Bournside have been approached and offered the opportunity to expand – all he has heard is that they have not? As a county councillor, has the impression the county education officers are not interested, and this is not good enough, considering an application of this size.

CH, in response:

- on the matter of affordable housing, we are told that the developers have undertaken to supply the policy requirement figure. If they only wanted to supply 20-30%, we would expect a viability assessment to be undertaken to show why they could not do more. We have an offer of 40% on the table, but there is obvious scope in the future for viability issues to come forward that have not been considered to date, and independent advice on that position would then be needed. There is no viability assessment and we are being told that there is no need to ask for one because policy criteria are being met.

CC: is he right in understanding that if the applicants say they will provide 40% affordable housing, no viability assessment is needed, but if they say they will provide 39%, it would be? Is it right that all we have to go on is somebody's word?

CH, in response:

- the specifics of the provision of 40% affordable housing will be tied up in the S106 agreement. This is a technical requirement, and if policy is achievable, it will be. If it isn't, officers would look for this to be addressed and ask for a viability assessment at that point.

MP, in response:

- will attempt to explain how the closures work, with the help of the diagrams;
- the first closure is to make sure that the main access into the site can be accommodated the geometric layout of the proposed access would result in properties being moved if it was to stay in its current location
- the second closure forms a diversion along Farm Lane, but won't come forward until the whole of the masterplan area is developed, it is not proposed as part of this application
- Farm Lane will remain open to improve visibility; cars travelling from Brizen Lane to Leckhampton will still be able to use Brizen Lane;
- there will be a small diversion off Kidnappers Lane through the new access; the reason for this was explained on planning view. Kidnappers Lane is a leafy, single carriageway, with vegetation on both sides – to make use of this it would require widening, more drainage, streetlighting etc – the attractive green lane would have to be urbanised;
- residents say it is currently used as a rat run, but in connecting with the main access and new route through the estate, it will not be as attractive for rat-running;
- only small areas of road are being blocked and the disadvantages to motorists are not huge;
- Crippets crossroads is only being stopped up as part of the masterplan.

SD, in response:

- is quite surprised to hear CC's account of education officers' glazed eyes on the subject of secondary education in South Cheltenham;
- works in the planning and development team, whose job it is to ensure that enough places are available, and the team has been working hard on this over the last three years with primary take-up growing. 150 additional primary places have been found, and officers are already planning for when this primary bulge moves to secondary school and the impact this will have on places;
- has attended meetings with all secondary school heads over the last year to discuss this extra growth. Head teachers are aware of the needs, and 23 extra places have been created at Balcarras for this September;
- planning for growth in secondary education is high on the county's agenda, particularly in this area of Cheltenham, but this development in itself is not sufficient to generate a new secondary school, the cost of which would be £20-30 million;
- education officers are aware of the pressure in the system from the population rise and are looking at all options – they have not discounted the possibility of providing a new secondary school at some point, but timing is important here to ensure that growth does not have a negative impact elsewhere;
- a further meeting is scheduled for November, with all secondary heads and county councillors, to consider what needs will be 2016-17 onwards; all proposed and new housing developments will be taken into consideration within that. It may be agreed that a new secondary school is needed – this has not been ruled out – but expanding existing schools is an option and both will also be discussed.

TC, in response:

- the issue of education provision has previously been raised at planning committee and at full council, and also discussed in relation to the JCS. Further conversations are taking place,

with pressure being put on the county council to consider how it is going to manage the bulge coming through;

- CBC is facilitating a meeting between the head teacher and Chair of Governors of Bournside and the Chief Executive and Head of Planning, and is pushing the matter forward for Cheltenham. Changes won't necessarily occur this year or next year, but it should be remembered that not all children are coming on board at once;
- Bournside School certainly seems open to the idea of growth but this needs to be worked through, and CBC will support the process throughout.

CH, in response:

- on the question of deferral and what will happen next from the applicants' perspective, a non-determination appeal would be likely to follow. If there is any technical reason for deferral, the decision might reasonably be deferred for a month or two, but if deferral is proposed on the grounds of prematurity and requires the JCS to be finalised, the applicant would not be prepared to wait for this and would lodge a non-determination appeal. This decision is in the applicants' hands;
- there is a section in national planning policy guidance which states that deferral on the grounds of prematurity is seldom justified, and where there is a refusal of these grounds there needs to be a clear indication of how granting permission could prejudice the outcome of the plan-making process.

JF: if Members vote for deferral and there is a non-determination appeal, what will happen next?

CH, in response:

- if a non-determination appeal goes ahead, the application will be brought back to Committee for a decision on whether Members were minded to approve or refuse; it would then go before an Inspector at a public inquiry.

BF: regarding affordable housing, current policy requires 40%, but under the emerging JCS this is an *aspiration* rather than a requirement. Which would it be in this case? Has concerns about this. Regarding education, Balcarras is an academy and can set its own admissions policy and limit its intake. The education authority can put pressure on but could be told to go away. There is no quick fix here, although it is good to be talking.

PB: this is a huge application and does not feel he is not getting the clarity needed to consider it properly and make a decision. Housing is a big issue for the town - does not want to see 350 three-bedroomed houses with garages, but is not hearing any guarantee that we are going to get 40% affordable housing from this development unless it is in the S106 agreement. How many times is CBC successful in getting 40%? Regarding local green space, our MP wrote the document and does not agree with the officer who is interpreting it; it is a shame we cannot hear from the MP. The JCS has been passed but we should look at the LGS application from Leckhampton as part of the process.

CHay: regarding secondary school places, this is more an issue for county councillors, but was looking at the figures about a year ago, and noted that more children than go to Bournside actually go out of the town to school – so we could clearly build a new school just to accommodate existing Cheltenham pupils. There are strong arguments for extra growth for local secondary schools, not as part of the JCS, as it is a shame to send pupils to Gloucester, Bishops Cleeve and other places out of Cheltenham – sticking a few extra pupils here and there is not good enough.

The question of whether prematurity can be used as a refusal reason is critical – asked this question when the JCS was approved by Council with regard to the Local Green Space application. An LGS application is already in for Leckhampton, for an area where the local community wants it, not where the developers want it - this will prejudice part of the process. Specifically asked whether the LGS issue would be mopped up in the Local Plan and whether that

would prejudice the applications and was assured it wouldn't, yet here is an application that will prejudice it, despite assurances given at the time. Would have difficulty with this unless it can be argued how to go about it. Guidance at the time stated that the LGS was not there just to block development – understands this, but has had no answer on how we actually look at LGS applications already in.

DS: much is being made of the traffic situation, and the highways officer has explained why two access points between the A46 and the main body of the site are needed, with one priority junction. Would it not be easier at rush hour to install a roundabout here? If not, why not? These could also be used at junctions within the site.

PT: on the S106 situation, Members all know that they vote through developments which say 'permit subject to S106' and promise this, that or the other, and all know that developers come back saying sorry, we couldn't do this...and changes are made under delegated powers, so Members don't even know if the things they wanted to happen have happened or not – it doesn't stack up. S106 agreements should have teeth, with legal redress if they are broken. Has seen this happen so many times and is very wary of these promises. We need 40% affordable housing - that's 260 houses. How can we be sure of getting them, and not of this figure being knocked down to 10%?

HM: the junction referred to by DS is marked as having bus priority, and is concerned about the safety of drivers exiting from the junction on other side when a bus is turning right. What is the distance between the junctions for buses and cars? This is the wrong solution: buses will be leaving the site every ten minutes, making it difficult for other motorists to turn left onto Shurdington Road. Regarding the proposed primary school – at which phase of the development will this be built? It would be pointless if it were the third phase. Regarding the proposed doctors' surgery, notes from the objectors' letters that this may be a transfer of the existing Leckhampton Surgery in Moorend Park Road. Is this the case or will it be a new practice? If it is to be relocated, how many extra patients are likely to be catered for as a result of the development?

CH, in response:

- regarding affordable housing, the 40% required has been broken down in the application in accordance with what is required in the heads of terms: 13 one-bed, 132 two-bed, 104 three-bed and 13 four-bed units. This overall provision demonstrates that not only three-bedroomed dwellings will be provided and the lay-out shows a mix of housing types within the development. It should be remembered, however, that these drawings are only illustrative, and a reserved matters application will be brought back to planning committee;
- this mix can be changed. The policy requirement of 40% is based on local need, and if local need is reduced to 30%, this would be OK – the policy requirement is the demand at the time;
- it is an ever-moving picture, but we always look to provide 40% - it was achieved at the Midwinter site, and is the starting point in negotiations. We have to look at other issues, such as the 5-year housing supply, and sometimes have to look to change, but as it stands today, the proposal includes 40% affordable housing with break-down.

TC, in response:

- Members must remember that this is an outline planning application, not a full one. It should be looked at on its merits. Very long and detailed negotiation has already taken place, especially on the S106, and this includes delivery of 40% affordable housing;
- a lot of work has taken place behind the scenes by the housing enabling officer and this has changed over time.
- the reserved matters application would come back before following exactly the same process – all the same consultations and all commitments achieved with the scheme;
- we are not looking for the sort of detail required for a full application at this stage.

CL, in response:

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- under current legislation, a developer cannot seek to modify a S106 agreement for a period of five years unless the Council agrees, except on viability reasons due to affordable housing requirements;
- in this case, a formal application can be made before any five-year period has expired and a refusal could be subject to an appeal process;
- planning permission could be granted and the 40% affordable housing would be binding unless an application comes in for modification;
- this application has been submitted with 40% affordable housing and there are no viability issues being put forward at the moment.

PS, in response:

- on the subject of local green space, the question was asked as to why there is conflict between matters discussed earlier and the MP's view of these, and what we are determining this issue on;
- it is quite clear what the committee should determine the planning application on – planning law requires that it must be determined in accordance with the Development Plan, together with any other material considerations;
- the Development Plan is the 2006 Local Plan; material considerations are the NPPF, national planning practice guidance, and the emerging JCS;
- a decision is needed on the application and we need to decide if the Development Plan is absent or silent on a matter; or whether material considerations indicate that the application should be decided otherwise than according to the Development Plan;
- on the matter of prematurity, the presumption in favour of sustainable development, applies in this case, in accordance with Paragraph 14 of the NPPF; this means granting permission unless any adverse impacts of doing so would 'significantly and demonstrably outweigh the benefits' of the development;
- where planning permission is refused on the ground of prematurity, it should be where granting permission would be seen to prejudice the outcome of the plan-making process;
- there has been a number of significant cases of call-ins by the Secretary of State:
 - at Lytham St Anne's in 2012 – ruled that the prematurity defence cannot be used if no other settlement is being deprived of an opportunity to expand by the new development;
 - at Yew Tree Hill in 2014 – extra homes were proposed with no decision as to where to allocate them – the prematurity argument advanced by the council was rejected by the Secretary of State;
 - even if there is a degree of conflict with the emerging plan, this doesn't mean the prematurity argument will be successful. At Tetbury, a development was proposed in the AONB, contrary to the emerging development plan, but the Inspector granted permission.

MP, in response:

- a roundabout would not fit at the end of Kidnappers Lane – roundabouts take up a lot of space, and need to be off-set against the main road. There would be no room for deflection and it would be unsafe;
- the main access is designed to give buses the advantage, which is critical here at this priority junction on a main route, with buses every ten minutes;
- for buses turning right from the bus-only exit, the traffic turning left from the priority junction will be held briefly by lights;
- this is the right type of junction for these particular circumstances, allowing bus advantage.

SD, in response:

- for the record, both Bournside and Balcarras are academies;
- it should be remembered that many children migrate voluntarily out of Cheltenham for their schooling – parental preference, to grammar schools etc – parents are opting for a preference of school;

- the size of this development wouldn't sustain a new school itself, but with population growth and other factors, the education authority is looking at the potential for new development from 2016-17;
- reaching the trigger point for a new primary has been taken into account given the fact that spaces in local primary schools are at a premium. The county is in negotiation with the developer for early release of the land to support a new school.

CH, in response:

- to HM's question about the doctor's surgery, if the existing Leckhampton Surgery were to relocate to the new development, it would offer additional capacity to cope with the new population.

GB: a lot of issues have been covered, and officers have given their best answers. Members should be aware that they do not need to go over the same ground again.

AM: Members have been provided with a lot of detail in the papers, and there has been a lot of discussion about affordable housing, schooling, traffic etc, as if this was a full application. It is an outline, and we need to clarify what this means. It should be remembered that Paragraph 1.3.1 of the officer report lists potential uses and facilities but all the developers are really asking for at this point is permission to build – any, some or all of these uses could be included in the full application. Can officers clarify exactly what the applicant is committing to at this stage?

MB: on the subject of prematurity, if the application is approved and we are committed to an S106 agreement on the site, but the JCS subsequently changes, how does this affect the other Leckhampton site? Where does this stand with the whole issue?

CC: looking at Condition 12 and wearing his cabinet hat, notes this is a standard condition which has let people down too many times. Difficulties experienced by UBICO in collecting waste from new housing developments are well-documented, so can we firm up the condition if the proposal is approved. Express confirmation from UBICO that it is happy with all the road lay-outs should be sought. The same applies to Condition 32, bearing in mind the weight of the refuse vehicles. This is a significant question and worthy of consideration at this point, in view of the new relationship between CBC and UBICO – can UBICO be included as a standard consultee on applications such as this, and nothing be signed off until it is happy?

BF: is surprised by Condition 2. We need houses by 2031, but the developers may not even start building for five years. When will the primary school be built? There should be a condition about when the development must be finished. If the developers get permission to build, when they actually finish the development is entirely their choice.

JF: is in a quandary. The highways report states that the development will have some impact but it will not be severe, but what does severe mean? The NPPF states at Paragraph 32 that developments can be refused if the cumulative impact is severe. Clarification is needed here.

CH, in response:

- to AM's question about what precisely this outline application is for, the applicants have reserved a lot of matters for later consideration. If permission is granted, the access points will be fixed, but the remainder of the drawings are indicative only. A lot of detail has been provided to demonstrate that what the developers are proposing can be achieved and brought forward at a later date;
- the applicants have identified an area for community facilities, with a number of uses put forward. What is actually built there will depend on the S106 and further information about local requirements, which will be brought forward at a later date - a lot of what is shown could come forward with the reserved matters application;

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- to CC regarding UBICO access, UBICO has recently circulated a new guidance document which could be referred to in conditions to ensure that new schemes comply with their requirements;
- to BF, apologises that Condition 2 is actually the wrong condition – it should refer to the application of reserved matters and a start within two years from approval of reserved matters - this is a standard condition. The planning authority cannot influence the finish date of a development – its hands are tied on that. (Correct)

MP, in response:

- to JF's concern about the NPPF's reference to 'residual cumulative impact' and what can be classed as severe, this is intended to ensure that local authorities only prevent developments in extreme conditions;
- the development will inevitably lead to more trips on Shurdington Road, but with the solutions proposed by the highways department, the impact will not be severe in the context of the NPPF.

PS, in response:

- to MB's question, if the application is approved but the JCS isn't, there are a number of issues here;
- the trajectory of the JCS is moving forward – it is currently at pre-submission stage. If the Inspector or the authorities change the sites before adoption, or if the JCS is not adopted, that will not alter any decision made today;
- if the JCS is adopted in its current form, a permission granted today will form part of the strategic allocation. If the rest of the site, for any reason, was not required to come forward to fulfil the requirements of the strategic allocation, the planning permission would still stand in its own right;
- the JCS is a material consideration when looking at this application but is not part of the Development Plan. Cheltenham's 2006 Local Plan is absent and silent on some of these issues, and the 2006 plan period ended in 2011. Cheltenham is currently without an up-to-date plan;
- there are implications of this when taken together with the lack of a 5-year supply, although we are seeking to demonstrate that supply through joint working with the JCS. The strategic allocations at South Cheltenham and NW Cheltenham demonstrate how we will seek to meet the 5-year supply in the future, which we currently cannot show;
- the NPPF takes a harsh line on this at Paragraph 49, stating there is a presumption in favour of sustainable development and that relevant policies for the supply of housing should not be considered up-to-date if the planning authority cannot demonstrate a 5-year housing supply;
- the current situation is that we have not planned for our needs at the moment, but are seeking to do so in the JCS;
- Paragraph 14 of the NPPF sets out what to do regarding decision-taking where the Development Plan is absent, silent or out of date – permission should be granted unless the adverse impacts outweigh the benefits or specific policies in the NPPF indicate the development should be restricted. Policies which might restrict development relate to birds and habitats, greenbelt land, local green space, AONB, national park, heritage assets, and locations at risk of flooding, all of which have been dealt with by consultees in the officer report;
- in the absence of a new development plan or up-to-date Borough plan, this application must be assessed in the light of the NPPF.

[comments from public gallery]

CL, in response:

- reminds those present that the meeting is open to the public but is not a public meeting. Calling from the gallery is not appropriate

[Martin Horwood: has a statement from a senior officer of the council saying that the 2006 Local Plan is still valid.]

GB: is sure that the local MP understands that CBC rules and protocol must apply here and that the debate is not open to the general public. People in the gallery have been asked to observe that protocol. They have had opportunities to make their comments known on all issues via email and letter, and there should be no more interruptions from the public gallery.

TC, in response:

- addressing Members only, reminds them that this is not a debate for members of the public or for the MP to join in;
- the issue here is clarity about the status of the Development Plan – the Cheltenham Local Plan 2006;
- the Local Plan was approved in 2006, with an end date of 2011. The council has saved some of its policies under regulations and is allowed to do so;
- the NPPF has subsequently come along and stated that if the Local Plan is silent or absent on a particular matter, the planning authority must look to the NPPF for guidance;
- the Local Plan has been silent on development since 2011, although it is not invalid on all issues; parts of it are out of step with the NPPF and in that context, we must use the NPPF when considering the requirement for the delivery of a 5-year housing land supply;
- the status of the Local Plan is that it is dated, and will be replaced by the JCS and a new Cheltenham Plan. The authority is some way behind in its new local plan preparation, but until it is approved, we must still use the old one.

GB: there are several Members indicating to speak, but one and three-quarter hours into the discussion, there has only been one reference to deferral. Many Members have spoken in opposition to various parts of the application but no moves to refuse or defer have come forward. Reminds Members that we will need a substantial reason to defer or refuse the application, and they should be thinking about this.

PT: is once again confused. AM has raised the point that what we are considering is an outline application, but there is an awful lot of detail in the various documents, of which Members have read as much as they can absorb. Is confused about what we are going to decide tonight, and would be grateful if TC would explain. Would be happy to support a deferral, but is not happy about finding planning reasons for deferral. Would like an officer steer.

BF: suggests a five-minute break. There are still many questions to be answered. Paul Scott has yet to speak about air pollution. Does not want this decision to be rushed – Members need to debate it.

GB: is conscious that the meeting has been long so far. Has four more Members indicating they want to speak, after which the meeting can be adjourned for a short break.

AC: regarding the local green space, has heard a lot of fudge but not an answer. Is there an LGS application on this site? If so, why has it not been heard by the committee?

CHay: one speaker referred to a number of cases where the Secretary of State approved applications where there was no 5-year housing supply – officers quoted all cases which support the officer view. Are there any cases where an appeal was dismissed despite there being no 5-year supply in place? Our 5-year supply will be shared with the other authorities in the JCS – this has been mentioned before – and is not sure where this stands at the moment, although the authorities seem to be working well together. Supports GB in his efforts to stick to normal committee procedure and protocol at this meeting. This is important, not because the decision may or may not be the same but because at an appeal, any variation in procedure or going against

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protocol may weaken our case. This is not to say there are valid comments which could be made, but we could end up in serious trouble if we vary procedure.

GB: thanks CHay for his support – this was his concern, not to deviate from what we normally do.

CC: agrees with CHay's position and supports GB too, suggesting that this advice should flow through the upcoming break in the meeting and afterwards. Is a lay member of the committee, but as a councillor is able to listen to the advice of experts, and also pay regard to the MP – who was involved in writing the document on which a senior member of the council is now giving conflicting advice. Members of the public no doubt feel that hearing what the MP has to say could resolve the problem.

Has a question for the legal officer to consider: would there be any scope for a judicial review based on the decision today if the substance turns out to be questioned by written documents in the possession of others? Confirmation of the position of the committee on this conflict would be welcome.

Where are Members in regard to this application now? Is struggling with the possibility of deferral and a non-determination appeal, but is troubled by what he is hearing but doesn't want to be put over a barrel. Is moving towards reasons to refuse and will expect support from officers and assurance to members of the public that this will be the case – expects them to spend the break considering how this can be achieved. Will be looking for assistance as a lay member of the committee and an elected member of the council on behalf of the people of Cheltenham.

JF: remains concerned about traffic on the A46, and believes the impact of the new development will be severe, allowing the NPPF to be rightly and properly used as a refusal reason. Also considers that local policy TP1 is a valid refusal reason. Uses the A46 regularly, and it is frequently chock-a-block; the traffic lights outside Endsleigh building do not help and it only takes one cyclist for there to be long tailbacks. The road is not ready or able to cope with an extra 650 houses.

CH, in response:

- to PT's comments about the volume of information provided for this outline application, it has been previously stated that although this is an outline, the applicant is trying to provide as much information as possible to give security that the development can be brought forward at a later date. The detailed drawings and supporting documents provide a lot of information to show that the scheme is achievable;
- the design and access statement has been provided with this illustrative scheme, and by way of reference to elements in conditions, will pull through to the reserved matters and will be accommodated the full details as submitted. The applicants have made commitments to bring forward to scheme as written. Officially the only fixed matters are the points of access, but Members can be sure that the reserved matters application will need to be in accordance with the outline.

GB: before the break, will ask PS for further comment on the local green space and 5-year supply.

PS, in response:

- the question has been asked as to whether there is a LGS application and if so, why it has not been considered by the council;
- as stated in the previous answer, there is no process set out in legislation or in the NPPF except to state that the local green space is identified in the Local Plan or neighbourhood plan;
- the concept of neighbourhood plans and local green space was considered when drafting the JCS and subsequently at full council, but other than in the Development Plan, there is no discrete process to address this particular issue;

- the Leckhampton LGS application can be considered through a formally-made neighbourhood plan;
- the council's resolutions about local green space are being enacted, and a proposal has been made to cabinet to assess local green space within communities and provide a toolkit. There is no specific timescale as to when this will conclude. The ball is rolling and the process is about to start but it cannot form part of members' consideration of this application;
- it is not for the applicants to identify or allocate local green space. Under Policy SA1 of the JCS they can be asked to retain and enhance existing green space within development, and in officers' estimation, the developers at Leckhampton have done this;
- it is now up to Members to decide whether they consider the applicants have done this;
- regarding the 5-year land supply, the question was asked as to whether we are working together with our JCS partners to create a 5-year supply?
- the answer is yes. In January 2013, a 5-year supply statement was issued, based on RSS figures and figures from the structure plan; both these documents have now been deleted;
- in April, the JCS was approved by the council, with an ongoing shared 5-year supply. National planning practice guidance allows us to do this, and into the future, we will plan to meet our needs on a joint basis using the joint 5-year land supply

MP, in response:

- as stated in the report, it is inevitable that this development will have an impact on the A46, which is particularly busy during the peak hours of 7.00-8.00am and 4.00-6.00pm;
- the developer has tried to use the maximum corridor along the A46; however this part of the network is constrained
- apart from those peak hours, A46 traffic is relatively free-flowing for much of the day. On planning view, Members viewed the site from Leckhampton Hill and could see there was no queuing at that time;
- there is unarguably some congestion along this road, but the highways department does not consider it to be severe; is not sure that this would stand up at an appeal. Has looked at other appeal cases, and can only find two where traffic issues were successful, and in those instances, the traffic was initially much more severe;
- in Gloucestershire, there are many, many corridors with much worse queuing than that seen on the A46. If the A46 congestion is considered severe, elsewhere it is much more severe. The advice of the highways department is that the traffic situation on the A46 is not severe.

CHay: do the three JCS areas together show a 5-year supply?

PS, in response:

- together the three JCS authorities can show an ongoing 5 year supply based on the strategic allocations coming forward. However we will need to caveat this with some caution because the trajectory is based on how quickly these sites can come forward;
- we need to work on a trajectory that everyone is happy with for the delivery of the sites ;
- 5-year housing supply cases cover a wide field, but the cases where schemes were refused in spite of there not being a 5-year supply are cases where the area of the development was in the green belt or otherwise protected, though such protections are not absolute;
- for example, the proposal at Hunting Butts was refused at appeal, because although the council does not have a 5-year supply, the area is in the green belt. There are a number of other cases similar to this;
- there are other cases where the complete failure of an authority to provide a 5-year supply has meant appeals succeeding even in the AONB;
- maintaining a 5-year land supply has consistently been shown to be of a very high order of importance. It is all about balancing the different elements of each individual scheme.

GB: the meeting will now break for 15 minutes. Members are reminded not the discuss issues outside the Chamber or with members of the public.

[Break]

GB: Members need to think about how to move the meeting forward regarding a conclusion. There will need to be a vote to continue after 10.00pm, and does not want to adjourn the meeting to another day if possible.

PB: officers have given information about appeals won or lost on land supply issues, but surely CBC is in a strong position here with 4+ years' supply. Is there any information about cases won or lost on prematurity?

MS: sees this application as a sales document, to encourage Members to vote for it: facilities for local residents, nice green areas and playgrounds etc. At the end of the day, this is not realistic – it is purely indicative, and anything can happen between now and implementation. Is not saying the developers don't have good intentions – is sure they have – and as a basis of the full application, this is going in the right direction. Will move to defer, pending receipt of the full application. The developers owe it to the people, regarding the housing side, the road lay-out etc, and all the missing bits of the equation. This is not too much to ask – the scheme has been worked on since 2008, and a full application could be worked up in a couple of months. Then Members will know exactly what they are being asked to vote on.

PT: on planning view, Members considered the size of the units – two and three storeys – which doesn't fit with the local scenery in this location, particularly regarding the view to the scarp. Members need to know whether this can be altered.

AM: Agrees with MS. Members are being asked to vote in principle on whether development of the whole of the site is acceptable, with no commitment from the applicant. Does anyone really think there will be a cottage hospital on the site? This outline application must be rejected, with the comment that a full application will be considered. The applicant is circumventing the JCS which is still at consultation stage. This land is a strategic allocation, but if this proposal is approved tonight, the status of the land will be changed making that consultation invalid. Members are being asked to do the wrong thing. Will be happy to look at a full application and debate traffic, schooling etc, but debate on an outline application is all hot air – the scheme is a shopping list of things the developer would like Members to approve. The developer should put in a full application or wait for the JCS to take force. Approving this application at this stage would be wrong.

TC, in response:

- an outline application before a full application is submitted is usual, and the planning authority has a statutory obligation to consider it. Planning Committee has considered many outline applications in the past and although Members are uncomfortable about receiving them, they know that the reserved matters application will fill in all the details;
- the conditions on this scheme are very detailed, and a thorough Design and Access Statement has been provided by the applicant, which provides a lot of detail about the reserved matters. It is the principles established at the outline stage which will need to be taken through to the reserved matters stage. We cannot ask the developer for a full application at this stage;
- regarding a deferral, a lot of information has been given about prematurity, NPPF and national planning policy guidance – deferral will lead us to a non-determination appeal, which will come back to Members requiring an indication of whether they were minded to refuse or permit the scheme;
- at a non-determination appeal, the local authority will lose control of the application over conditions – the Inspector will make those decisions instead;
- however, it is up to Members to decide – officers cannot make the decision for them.

CL, in response:

- MS's suggestion to defer and request a full application is not appropriate. There is an application before Members, and it is the local authority's duty to determine it – to refuse or permit, unless there is some technical issue which warrants a deferral. Officers have given their advice, and although it is not unknown for Members not to take it and they do not have to follow it, they should bear in mind that there could be serious cost implications if the Inspector considers that the authority has behaved unreasonably.

PS, in response:

- to PB's question regarding prematurity and whether we know of any cases decided in favour of a council's refusal to permit a scheme on the grounds of prematurity – cannot recall any cases in the last five years, with the opposite being overwhelmingly the case. Prematurity was used considerably 6-7 years ago, but things started to change after that. In a complicated case at Queensway, St Anne's in Lytham, prematurity was fully debated but the Secretary of State did not uphold the argument. This is relevant here, as there is no evidence that any other settlement will be deprived of the opportunity to expand. Regarding the JCS, Cheltenham is a large settlement where development is expected, as made clear by the Inspector when considering the Hunting Butts appeal. He recognised that development somewhere in the greenbelt close to Cheltenham is inevitable: – and this land at Leckhampton is not greenbelt.

WT, in response:

- to PT, the parameter plan sets out where the developer suggests areas of the site for two- and three-storey development (shown by different shades of blue on the drawing). Of the areas where three-storey buildings are proposed, only 20% of the buildings will actually be built to that height, at focal point, corners etc – it will not be blanket development across the whole area. The three-storey elements are currently suggested as offices and will probably be no more than six or seven individual buildings with gaps in between. This is not unreasonable, as the buildings need to work as office space. TC has outlined the status of the application, and if it is approved, we would seek to hold the developer to these plans.

HM: thanks officers for the wide-ranging conditions on this application in order to make clear what we would expect to see in the full application. Asks if the drawing numbers the conditions refer to are fixed, for now and in the future?

PT: is not happy with WT's comments that we would *seek* to ensure the developer carried through the outline proposals to the reserved matters scheme. This is not good enough when making such an important decision – it is pie in the sky. Members have been told that if the applicant goes to appeal, there could be huge costs to the council. Is there any indication of how much this is likely to be? It is ludicrous to spring this on Members and not good enough.

CC: there appears to be some conflict between advice from officers and information from the MP. Would there be grounds for a judicial challenge if the advice Members have been given by officers was proved to be incorrect?

CH, in response:

- to HM, the condition gives an approved document list and other conditions also refer to submitted documents. The conditions go beyond 'seek to achieve'. For example, Condition 6 of the outline application covers design principles and requires the reserved matters application to comply with the objectives of the outline.

TC, in response:

- to CC, we all know procedures have to apply in the Chamber, and the passing of information from the MP or anyone is not acceptable. The matter in question was not referred to during his five minutes' speech.

CC: it was.

TC, in response:

- officers have provided guidance on that point;
- to PT, if the application goes to appeal, there will be financial implications, and although it is not appropriate to talk about the likely level of costs, it will be greater than that at the Hunting Butts appeal, as technical advice from outside officers will be needed.

WT, in response:

- to PT, the word 'seek' was a slip of the tongue – what he meant is that we *will* condition these plans.

CL, in response:

- to CC re possibility of judicial review, this is always open if incorrect advice has been given, but officers are confident that they have given correct advice.

CHay: can officers clarify the difference between refusal and deferral on this case and whether the applicant can appeal on both.

CH, in response:

- a deferral could trigger a non-determination appeal, when the decision has gone beyond the statutory timescales. The Committee may not be able to make full comment, but would be asked by an Inspector what it was *minded* to do;
- an outline application is a legitimate process – allowed for in regulations and supported with a lot of information in line with the officer recommendation.

CHay: so if Members defer, they would have to say what they might have refused on, or they can refuse with stated reasons – Members must decide which option they feel would be easier to defend. If Members are moving in one of these directions, they need support from officers as to which route is better to take. Even if it is not officers' preferred option, what sort of thing should Members be including in order to better defend their position?

TC, in response:

- deferral for prematurity regarding the JCS would be weak case. On deferral for prematurity regarding the Local Green Space application – as officers have explained, we are now entering a process agreed by the Cabinet to be included in the Cheltenham Plan but which is as yet undetermined;
- if Members are looking to refuse, they need planning reasons. Officers can help with this, but not give them the reasons;
- officer advice is that the reasons suggested for deferral are weak and that the officer recommendation is to permit. If Members don't support this, they need to bring forward refusal reasons through debate.

CHay: but which is the better route – refusal or deferral – in officers' opinion? Knows how strongly officers feel on this, but one route must be better than the other.

CL, in response:

- if the decision is deferred and a non-determination appeal is lodged, officers will come back to Planning Committee to ask what their decision was likely to have been, so Members would only be putting off a decision which they should maybe be making now. Unless there are real technical reasons for deferral – such as an issue requiring further technical information or advice – it should be avoided.

CC: is anxious about going down the deferral route as there are no technical reasons for it, but doesn't want to vote until he has heard all the possible outcomes. There are, however, potential reasons for a move to refuse, but before pursuing these, would like to make some comments as a

matter of record. Many Members have received an email – included in the blue update – which comprises a sad set of accusations, calling Members ‘Little Hitlers’ amongst other things, accusing them of taking back-handers etc. Wants to assure the applicants he feels under no pressure on account of this email, and equally to assure objectors to the scheme that this email doesn’t water down their comments and genuine concerns.

As a councillor, is well aware that we need more houses in Cheltenham. Has spoken to people on their doorsteps in his ward, St Mark’s, who worry about where their children are going to live. Recognises the need for good-quality housing and is sure that all Members feel the same. Does not consider the objectors to be NIMBYs – they are concerned local residents. In recognising the need for good-quality housing for local people, Members have permitted schemes at Travis Perkins, Chris College, and other large-scale developments, despite the fact that they were not popular with local residents –it would be wrong to say that Cheltenham is not open to development.

However, considers this outline application to be like something he might have built out of Lego as a child and been rather pleased with the result. The first major issue concerns traffic, and although MP’s comments are welcome, he cannot agree with them. Has serious concerns about the A46 as a resident of the town, and notes there is no real reference to the pollution issues at the junction of Shurdington Road and Moorend Park Road. The proposed diversion through the new development would become a rat run – there has been no discussion of this – and everyone knows about the traffic problems arising from the weight of traffic on this side of the town, with the County Council currently working hard to alleviate problems outside Leckhampton School. The proposed development will cause such severe disruption and no amount of alleviation will meet the mark.

After four hours of debate, hopes that members of the public will leave with a good opinion of Planning Committee.

We have not heard about environmental issues on the site. On planning view, Members viewed the site from Leckhampton Hill and also walked along the A46 to look up into the site. The view to the hill is singularly unique, an important view, and it will be lost, although we are told that by standing at a certain point, it will still be viewable. The proposed local centre is so big and of such proportion that the view will inevitably be destroyed. Questions whether this is even needed, with a number of local shops in the vicinity.

In addition, the land which will be lost has great local value, and is part of a network of historic footpaths which stretches across the whole of the town. Valued agricultural land would also be lost. These are his initial thoughts – on the views, the unique nature of the land, and its amenity value.

Another issue is flooding. Has heard the advice of the Environment Agency, but as a local person who saw the effects of the 2007 flooding, is not satisfied with this. We are being told that the proposed scheme won’t make it worse, but this advice conflicts with what local people know.

Then there is the pre-emptive nature of the proposal. The issue of Local Green Space is very much alive. Is concerned we could be put over the barrel if this is pushed into a space where it can be ignored.

Suggests the following Local Plan policies could be used to refuse the scheme:

- CP1: sustainable development – conserving and enhancing natural resources and environmental assets – this doesn’t;
- CP3: sustainable environment – the proposal will cause harm to this particular setting and the view from Shurdington Road;
- CP4: safe and sustainable living – takes issue with advice received and the unacceptable levels of additional traffic;

- CP7: design – although this is only an outline application, it doesn't complement the local environment.

Will move to refuse the proposal, although MS's move to defer may need to be taken first, allowing Members to nail their colours firmly to the mast. Other Members may support his suggested refusal reasons or want to enlarge on them, and officer advice on whether he has quoted the right policies would be helpful.

GB: in minded to take the vote on MS's move to defer pending a full application. If this is lost, the meeting can go on and the move to refuse be taken forward. Does MS still want to move to defer?

MS: yes. Looking at the lay-out given, considers this is probably as good as we will get as far as the developers are concerned, but would like the opportunity to take it apart in more detail and see a full application on this site - the debate tonight will then be a lot more meaningful. A lot of areas in the outline plan are indicative – they may or may not come about – but the developers have clearly done a lot of work and should be given the benefit of the doubt, as this is a whitefield site and part of our strategic plan in the JCS. Looking for sound refusal reasons is very hard, so we should ask the developer to come back and say exactly what they intend to do with the site. It may only take a month or two.

PT: on a point of information, Members should be reminded that if they decide to wait for the move to refuse and don't actually support the move to defer, the application could go through on default.

CL, in response:

- with reference to committee protocol, it's correct that if there is a move to refuse and the majority vote for it, the application is refused, while if the majority vote against it, the application is permitted by default, and vice versa. Protocol is not specific about deferral – an application isn't automatically permitted if the move to defer is lost. If it is lost, officers will look to Members to vote on the officer recommendation or move to refuse.

Vote on MS's move to defer, pending full application

1 in support

12 in objection

MOTION LOST

JF: CC has come up with some good ideas, but would like to add TP1(a) regarding new access onto existing main highway network, and also Paragraph 32 of the NPPF, which states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe – this has been referred to earlier and conflicts with MP's use of the word 'severe'.

BF: in addition, would like to include all the policies suggested in Paragraph 5 of Lufton & Associates' letter to Committee on behalf of LegLag – the significant adverse affect of the AONB and local landscape, contrary to Paragraphs 109 and 115 of the NPPF, policies CO1 and CO2 of the Local Plan, and policies SD7 and SD8 of the pre-submission JCS.

GB: is CC willing to take on additional refusal reasons in his move to refuse?

CC: will confirm his position after the debate, but would like to make the refusal as strong as possible. Would also like to include AM's comments on prematurity.

PB: suggests that Policy GE2, concerning private green space, is relevant here. Councillors are not planning experts and need professional advice from officers on this. Two weeks ago, Members

voted against officer recommendation on the application at Cirencester Road, and officers subsequently came up with a coherent set of reasons to refuse. Who is setting policy here? Wants the council to have the strongest possible chance of winning an appeal.

GB: officers cannot put forward refusal reasons; it is up to Members to decide where their concerns lie.

CHay: not sure if this is ground to refuse in itself, but would like to use the issue. There has been talk about the application being premature in relation to the JCS, but considers that it actually undermines the whole JCS process – not sure if this is simply because it is premature and takes one piece of it out of context. Has seen far worse proposals than this and maybe, at the end of the JCS process, a very similar scheme will be put forward, but at this stage, it is undermining the JCS. Exactly the same concern applies to the Local Green Space application – this has been put in for communities to use, the community has tried to use it, but this proposal pulls the rug out from under it. Prematurity is not a strong enough word – this proposal completely undercuts the JCS and LGS application.

GB: we have now reached the four-hour mark. Members need to vote now on whether to continue the meeting or adjourn.

Vote taken on whether to continue to the meeting

13 in support – unanimous

CONTINUE MEETING

GB: to officers, for clarification about refusal reasons put forward so far.

TC, in response:

- Members may not want to hear officers' responses, but it is important to set out their view on all the points put forward;
- regarding concerns about the network of footpaths, flooding issues etc, we have technical support these matters, and the Council has included this land as a strategic allocation in the JCS – from that it has to be concluded that this committee supports development in this location;
- it is important to narrow down the points – throwing the book at refusal reasons isn't necessarily positive from an Inspector's perspective;
- two particular issues have been highlighted by the debate – the impact on the AONB and the problems with traffic on the A46;
- regarding transport, there is disagreement between Members and officers. Members must be sure in their minds about the evidence of Gloucestershire Highways. It is then up to Planning Committee whether it accepts that advice;
- a number of other areas of concern have been thrown in, in particular concerning the AONB and loss of views. While this is a weaker argument than the transport issue, it could be worked into a refusal;
- to repeat, loss of the site, the network of footpaths, and prematurity are issues which would be difficult to defend. Members should concentrate on the two issues above.

PB: why is GE2 not relevant in this case?

TC, in response:

- GE2 is largely concerned with the development of private green areas – land in gardens, viewable from the town. Here we are talking about an area of town with options already agreed between the landowners and developers, and it is the will of the landowner that the land be brought forward for development.

MJC, in response:

- regarding the impact on views into the AONB, there are better policies to use if Members are minded to go down that route. GE2 is a negative policy and shouldn't be pursued. This land has already been allocated for development under the JCS and to use this policy would undermine the whole process at appeal;
- CP1, 3 and 4 have a better chance at appeal.

CHay: is not happy to drop the prematurity issue and method in place for determining Local Green Space. It is clear that there are a number of concerns about how LGS is determined. CBC has agreed that this land will be developed, but this proposal predetermines the JCS process and goes against government advice by seeking to determine one part of it. We need to wait and see what the Inspector will say about the JCS. Is loath to drop this as a refusal reason.

BF: on planning view, Members were shown enhanced photos of the site looking down from Leckhampton Hill, but none of what it will look like from Shurdington Road, looking into the site. Is keen that up-to-date policies – NPPF and pre-submission JCS – should be used; these are important.

GB: does CC want to encompass these extra refusal reasons, regardless of advice from officers?

CC: is looking to achieve a firm decision, and if it is to refuse, wants as many Members on board as possible – doesn't want Committee to be judge and jury. Maybe PB wants to remove his suggestion of GE2, but the other reasons seem strong and defensible and should be included. Knows what the answer is likely to be, but can't the refusal reasons be dealt with and voted on a point by point basis – to ensure as solid a refusal as possible?

GB: it would not be appropriate to take the vote on a point by point basis. If Members are disinclined to accept a particular refusal reason, they can vote to strike it out.

CH, in response:

- before the vote, it would be beneficial for Members to hear from members of the officer team with their expertise on the landscape impact and air quality.

WT, in response:

- Members seem to have two main points of concern regarding the landscape – the view from the hill and the view to the hill;
- Members should be aware that they are dealing with the site in draft plan and this must colour their thinking when making judgements;
- notes CC's comments' about the 'singularly unique' view – but all views are unique by their very nature;
- there is an intrinsic relationship between the built-up area of Cheltenham and the scarp. It would be impossible to build strategically in the town and not have some impact on the scarp. It can be viewed from many areas of the town, and as the town has developed, it has been impossible to avoid affecting it in some way;
- driving along Shurdington Road towards Cheltenham, there is a series of 'singularly unique' views to the scarp, interspersed with views of trees and houses, before opening up into an attractive view of the scarp at the point where development is proposed;
- this would alter with the development, but the masterplan is misleading – it looks like a large block of three-storey buildings but it is not – it is a series of buildings set back from the road, and this is conditioned in the Design and Access Statement;
- it's true that the extensive views enjoyed at the moment will go but it is important to see the impact in terms of the draft JCS. This site has been allocated for development, and the frontage is the least sensitive area;

- officer recommendations have been based on balanced judgements of all elements. There will be a series of views where there is currently just one; other views won't change.

CC: in 2003, the planning Inspector cited this particular view as a significant reason for refusing development on this site.

WT, in response:

- the view hasn't changed but material considerations have – the nature the JCS and housing requirements.

PScott, in response:

- regarding air pollution issues, we have a statutory requirement as a council to monitor air quality across the borough. This is done monthly at 60 monitoring locations; where it fails national requirements, an air quality action plan is put in place. This has now been done, with a number of proposed measures which should improve air quality all over Cheltenham;
- regarding this, no locations will exceed national objectives for air quality. An environmental statement included in the officer report has nothing to say regarding a negative impact on air quality as a result of the proposed development, with no increase in exposure to pollutants for residents;
- consultants have been asked to set up an assessment at two locations on Shurdington Road, and their results demonstrate that the likely effects of air pollution at this location are negligible.

CH, in response:

- CC made reference earlier to the local centre and questioned whether there was really a need for this. The overall site area is below the requirement for an impact assessment, but the applicant has demonstrated that the development will create a need for additional facilities for the additional residents. The impact will be minimal on other retail locations in their area;
- so far, the policies Members are moving as refusal reasons are CP1, CP3, CP4, CP7, CO1 and TP1 in the Local Plan;
- it is up to Members whether they want to pursue prematurity of the JCS and LGS as refusal reasons.

CL, in response:

- if CC wants to put forward his original suggestions and these additions as refusal reasons, other Members can move to make amendments, add/remove words etc;
- the procedure for amendments to motions is that only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of, although notice of further amendments may be given;
- if an amendment is not carried, other amendments to the original motion may be moved;
- suggests that CC puts forward all the refusal reasons he is prepared to move.

CC: would like to move to refuse on the policies he originally put forward, and is happy to include the reasons put forward by JF and BF. PB's suggestion of GE2 will be removed. If Members want to strike any of these reasons out, that is OK. Additional comments from AM and CH should also be included.

GB: the refusal reasons are therefore:

- **CP1, CP3, CP4 and CP7**
- **prematurity regarding the JCS and LGS application**
- **TP1**
- **NPPF Paragraphs 32, 105 and 109**

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DRAFT MINUTES

- **all policies mentioned by Lufton Associates in Paragraph 5 of their letter to Committee [NPPF Paragraphs 109 and 115, Local Policies CO1 and CO2, and Policies SD7 and SD8 of the emerging JCS]**

This is a very comprehensive list.

MS: has listened intently to the debate, and from experience of 14 years on Planning Committee, fears that Members are straying into very, very dangerous territory regarding an appeal. Will have difficulty in supporting the move to refuse. Was happy to move to defer, which would have tested the moral fibre of the developers in coming back with a full application, but a refusal will place a great burden on officers. Members have already put their hands up for the JCS and thus for developing this land, and should exercise caution in where they go from here. Will not support the move to refuse.

GB: Members have given a great deal of thought and debate to this proposal, and with the time at 10.30, and if no other comments are coming forward, it is time to vote on CC's move to refuse.

Vote on CC's move to refuse on the above grounds

10 in support

2 in objection

1 abstention

REFUSE

GB: thanks to officers, Members, and everyone in the public gallery for their perseverance and good behaviour.

The meeting ended at 10.35pm

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Statement by Martin Horwood MP

CBC Planning committee 31 July 2014

Thank you, chair.

The best argument in favour of this application is that 40% of the housing might be affordable. But beware. Birmingham council affordable housing target 35% - recently found itself defending the last 3.4% - just 12 dwellings – in one major development. The new viability loophole offers developers copious wriggle I'm afraid, after outline permission is granted.

There are many more good reasons to refuse this application.

Three of the strongest planning grounds are first of all the loss of agricultural land as pointed out by Hugh Lufton in his short but very expert paper.

Then there's the transport impact on congested and narrow local roads serving Hatherley, and I declare an interest since my son Sami is one of the many Leckhampton schoolchildren who cross them every day. Add to that the bizarre plan to block off Kidnapper's Lane and Farm Lane for new and existing residents and encourage rat-running through the brand new estate and you have a recipe for traffic chaos.

Then there's the loss of one of the finest views of the Cotswold escarpment from within urban Cheltenham. Planning inspectors Mary Travers in 2003 and David Asher in 2004 both rejected development in Leckhampton, Asher saying that development here would "materially harm the rural character and appearance of the area, and the important contribution that this makes to the landscape within the site and when seen from the AONB".

This Cheltenham local plan explicitly supports the Inspectors' conclusions and protects Leckhampton for its "recreational, landscape, wildlife and archaeological interest". Two specific policies apply:

Policy CO1 rules out development where it would harm "the character, distinctiveness, quality and amenity value of the landscape". CP3 contains an impressive list of sustainability criteria which anticipated those in the NPPF and include biodiversity, landscape character and the views into and out of the AONB.

And in case you're doubting whether this is still valid, Mike Redman confirmed to me recently that it is. He cited this back garden development in Charlton Kings turned down on appeal last September by a planning inspector quoting the local plan. Undermine it at your peril.

When parliament approved the National Planning Policy Framework in March 2012, we were quite clear we intended to empower local people. The very first core planning principle in the NPPF, paragraph 17, is that planning should be "genuinely plan-led, empowering local people to shape their surroundings, with succinct local and neighbourhood plans". Paragraph 155 gives particular weight to neighbourhood plans.

There isn't yet a Neighbourhood Plan for Leckhampton but there is a concept plan drafted by the body designated in the NPPF, the parish council, which covers the history of 'open' or common

meadows and fields in the area, the rich local ecology, agricultural value and more. It seeks protection for the site of this application.

There's obviously another emerging policy – the JCS – which contradicts this but is still a year from completion and out to further consultation right now. NPPF paragraph 216 says councillors *may* take account of emerging policy, giving weight to its degree of preparation but also to the extent to which there are significant unresolved objections.

Boy, are there significant unresolved objections to this part of the JCS. Cheltenham borough council; itself has twice qualified its support for the JCS even while voting for it to proceed to the next stage by questioning the inclusion of Leckhampton – most recently in April. Steve Jordan has argued in the steering group for Leckhampton to be removed from the plan which could still happen in whole or in part with even a slight adjustment in the total JCS numbers.

Passing this application against the wishes of local people and the current democratically determined local plan would go against everything parliament intended when we approved the National Planning Policy Framework.

But on 8 April full council also voted to evaluate possible Local Green Space status specifically for Leckhampton and NW Cheltenham which the council recognised as “green areas of particular local significance”.

I'm rather proud of Local Green Space status.

LGS went from my draft into this LibDem policy paper, then into our manifesto, the coalition agreement and finally the NPPF. It sought to close the loophole whereby you could protect green spaces because they had great crested newts but not because they were important to local people. It called for a new designation “comparable to Site of Special Scientific Interest” or SSSI. It wasn't designed for extensive tracts of land like Green Belt but for smaller areas like Starvehall Farm or Leckhampton. At 56 hectares, incidentally, the whole of the Leckhampton green land is almost exactly the same size as the nearest SSSI at Crickley Hill. We're too late for most of Starvehall Farm because LGS status cannot be given once planning permission is granted but we're not too late for Leckhampton or Swindon Village, unless we start undermining that process before it's even begun.

And let's be clear: LGS status is not for the leftovers after developers have had their pick. It is a protection against development and I have it confirmed in writing by the planning minister that LGS status allows planners to reduce the housing number required in plans like the JCS without undermining them if they make a very good case.

I would be quite upset if the Local Green Space policy I drafted and championed and which this council recognised when it voted for Steve Jordan's motion, and which is supported in the kind of emerging Neighbourhood Plan both coalition parties wanted, was pre-empted in Cheltenham of all places.

Please refuse this application.

Thank Chair

Leckhampton Land Development

I am addressing you this evening as the Ward Councillor for Warden Hill and I am objecting to this application on behalf of the residents in my ward who have expressed very strong views regarding the effect this development will have on their properties and their lives.

As a Councillor in 2007 I was involved with those who were affected by the extreme flooding in Warden Hill. The amount of water that flowed through the estate and entered people's homes was catastrophic. Approximately 80 properties were affected by flood water reaching 4ft inside their homes

Since that time a flood alleviation scheme has been installed that would safeguard the area

From a document I hold from CBC Built Environment report dated 27th August 2010 it stated that.

When deciding what type of prevention should be installed two options were put forward Storage and Structural Intervention. The Storage option was not preferred as the flow pathway of the land upstream of the A46 was insufficient to permit sufficient confidence in the scheme.

I therefore question how effective the proposed balancing ponds within this application will be?

Will the balancing ponds hold sufficient water to protect Warden Hill from flooding?

Will they just take on the amount of water from the loss of soak away produced by the new development? i.e. Homes, a school, hospital, business buildings etc.

I doubt they would be able to protect our area should we experience the amount of heavy rainfall flowing down from the Hill onto the Warden Hill estate. And we have already this year experienced extreme torrential rainfall that is possibly due to the climate change.

Please make sure you fully realise the impact of flooding issues in my Ward when contemplating a decision.

Traffic

The equally troubling issue of the traffic flow on the A46 running alongside the Boundary of the Warden Hill estate is causing a lot of concern, This highway is gridlocked morning and evening every day. With the possibility of several hundreds more cars from the development flowing onto the A46 not to mention the business traffic into and out of this new development this small narrow road will have over- reached its capacity and the tailbacks will considerably increase, so- to the pollution that will affect those living along this road. Measurements taken by this council show that the pollution levels exceed the EU permitted limit near the A46 junction with Moorend Park road now, and likely to exceed its limit throughout the year.

The existing residents of Leckhampton are going to be forced to use the new roads to gain access onto the A46 pushing higher numbers onto this very busy road and I believe that by blocking off the Kidnappers lane entrance will be a big mistake.

The Chairman of Leckhampton with Warden Hill Parish Council has conducted a detailed traffic analysis of the A46 and has given a written report on the dangers raised. I do hope you have had time to study this excellent document.

I believe that the whole traffic plan for the development is so short-sighted that it alone should be enough for you to decide on a refusal on this application.

I do urge you to deliberate very carefully on the issues I have raised as the result could have serious consequences for the people of Warden Hill.

Cllr Nelson
Leckhampton Ward

650 PLANNING APPLICATION

THANK YOU MR CHAIRMAN. THIS EVENING YOU WILL HEAR MANY QUESTIONS TESTING THE VALIDITY AND CREDIBILITY OF THIS OUTLINE PLANNING APPLICATION WHICH GIVES THE APPEARANCE OF SUBSTANCE BUT IS ACTUALLY AN ILLUSTRATIVE PLAN THAT LACKS A LOT OF IMPORTANT DETAIL.

SOME OF THESE IMPORTANT QUESTIONS, I AM SURE, HAVE ALREADY OCCURRED TO MEMBERS OF THIS COMMITTEE. FOR INSTANCE:

- IS THE 40% AFFORDABLE HOUSING PROMISED GUARANTEED, GIVEN THE HIGH LEVEL OF INFRASTRUCTURE COSTS AND PLANNING OBLIGATIONS THAT WILL BE IMPOSED ON THE DEVELOPER TO MITIGATE THE IMPACT OF TRAFFIC? WITHOUT A FINANCIAL VIABILITY ASSESSMENT FROM THE DEVELOPER HOW CAN WE REALLY KNOW WHETHER 40% IS DELIVERABLE OR NOT?
- ARE WE SATISFIED ABOUT THE LACK OF PLANS TO SECURE SECONDARY SCHOOL EDUCATION FOR ALL THE EXTRA CHILDREN THESE HOUSES WILL BRING? IT IS ALL VERY WELL TALKING ABOUT THE MONEY WE WILL RAISE FROM THE DEVELOPER TO BUILD EXTRA CLASSROOMS BUT THE COUNTY EDUCATION AUTHORITY HAS NOT EVEN HAD DISCUSSIONS WITH THE SCHOOLS CONCERNED TO TEST IF THAT EXTRA CAPACITY CAN ACTUALLY BE BUILT!

BUT THESE TYPE OF QUESTIONS, ALTHOUGH IMPORTANT, ARE NOT THE MAIN PROBLEMS WITH THIS APPLICATION. AS ONE OF THE TWO COUNCILLORS FOR LECKHAMPTON, I HAVE STUDIED THIS FLAWED APPLICATION IN SOME DETAIL AND THERE ARE 2 REASONS WHY I BELIEVE YOU SHOULD NOT SUPPORT THE RECOMMENDATION TO PERMIT AND RATHER YOU SHOULD MOVE TO DELAY THE APPLICATION UNTIL MORE INFORMATION IS AVAILABLE AND DUE PROCESS IS FOLLOWED.

FIRST, THE JOINT CORE STRATEGY HAS CHOSEN LECKHAMPTON AS ONE OF ITS STRATEGIC SITES AND THAT GIVES SOME LEGITIMACY TO THIS APPLICATION. YET THE JCS IS STILL ONGOING AND IS IN ITS FINAL PUBLIC CONSULTATION PHASE BEFORE GOING TO THE INSPECTOR FOR ASSESSMENT. COMMENTS WILL NOW BE ALLOWED UP TO 18 AUGUST. BUT TO CONSIDER THIS 650 HOUSE APPLICATION BEFORE ALL THOSE COMMENTS ARE IN IS AN ABUSE OF THE DEMOCRATIC PROCESS. THERE ARE STILL MANY ISSUES THAT THE PUBLIC AND OTHER STAKEHOLDERS HAVE TO SAY ABOUT THE JCS. FOR INSTANCE:

- ARE THE HOUSING TARGETS IN THE PLAN CORRECT?
- AND THE RECENT SUCCESS OF THE COUNTY LOCAL ECONOMIC PLAN, ANNOUNCED ONLY WEEKS AGO, HAS HIGHLIGHTED THAT IT HAS INCLUDED LAND NEAR JUNCTION 10 OF THE M5 FOR BUSINESS DEVELOPMENT, IN ADDITION TO ALL THE BUSINESS LAND ALREADY IDENTIFIED NORTH WEST OF CHELTENHAM WITHIN THE JCS. THIS DOUBLE COUNTING AND LACK OF COMMUNICATION BETWEEN THE 2 GROUPS DRIVING THESE PLANS GENERATES REAL POTENTIAL TO RECONSIDER EARLIER DECISIONS.

SO IT IS PREMATURE TO CONSIDER THIS APPLICATION BEFORE THE PUBLIC HAVE PROVIDED THEIR COMMENTS CHALLENGING THE SOUNDNESS OF THE JCS AND BEFORE THE COUNCIL HAS AN OPPORTUNITY TO CONSIDER THOSE COMMENTS. STEVE JORDAN HAS GONE ON RECORD A NUMBER OF TIMES SAYING THAT HE IS PREPARED TO GO BACK TO COUNCIL FOR IT TO RECONSIDER THE JCS IF THE CONCERNS COMING IN ON THE PLAN ARE SERIOUS ENOUGH. HOWEVER UNLIKELY THIS MAY BE IN THE EYES OF THE JCS AUTHORS, IT IS SIMPLY OUTRAGEOUS TO IGNORE THE POSSIBILITY OF THIS HAPPENING.

MY SECOND AND PROBABLY THE MOST IMPORTANT REASON FOR DELAYING THIS APPLICATION BEFORE YOU, IS THAT WE HAVE YET TO DEFINE THE PRECISE LOCATION AND SIZE OF THE LOCAL GREEN SPACE THAT THIS COUNCIL AGREED WE MUST DO WHEN IT ACCEPTED THE JCS LAST APRIL. IF WE VOTE THROUGH THIS APPLICATION FOR 650 HOUSES TONIGHT, WE WILL NOT MEET OUR LEGAL OBLIGATIONS TO CONSIDER LECKHAMPTON FOR LOCAL GREEN SPACE STATUS.

ACCEPTING THIS ILLUSTRATIVE MASTER PLAN AND THE DESIGN PRINCIPLES UNDERPINNING IT WILL MEAN THAT OUR HANDS ARE TIED AND THAT WE WILL NOT BE ABLE TO PROPERLY ASSESS AND PROTECT THOSE PARTS OF THE LAND THAT HAVE AMENITY, LANDSCAPE, ECOLOGICAL AND HISTORICAL VALUE. EVEN THOUGH THERE IS A LOT OF GREEN SPACE PROTECTION ALREADY OFFERED BY THE DEVELOPER, IT IS THE DEVELOPERS IDEA OF WHAT SHOULD BE PROTECTED, NOT THE LOCAL POPULATION'S OR OTHER EXPERTS, SUCH AS NATURAL ENGLAND, CPRE AND THE COTSWOLD CONSERVATION BOARD.

PLEASE CONSIDER THIS. THE PIG FIELD ON SHURDINGTON ROAD IS A HIGH POINT ON THAT ROAD THAT PROVIDES A MAGNIFICENT AND FAMOUS VIEW OF THE LECKHAMPTON ESCARPMENT AND THE AREA OF OUTSTANDING NATIONAL BEAUTY. YET THE DEVELOPER PLANS TO BUILD THE PRIMARY SCHOOL AND A 3 STOREY BUSINESS PARK THERE, WHICH WILL DESTROY THAT VIEW FOR EVER. PERHAPS THAT IS WHY THEY HAVE NOT PROVIDED THE USUAL LANDSCAPE VIEWS THAT EVEN OUR OWN PLANNING OFFICERS WOULD HAVE EXPECTED TO SEE IN THIS APPLICATION.

WHAT WE NEED TO DO IS CONSULT IN DETAIL WITH THE PARISH COUNCIL, WHICH IN ITS LOCAL GREEN SPACE APPLICATION HAS CONSIDERED EVERY FIELD IN QUESTION AND ASSESSED ITS LANDSCAPE AND VISUAL SIGNIFICANCE. ALTHOUGH THE PARISH MAY HAVE BEEN SEEN AS ATTEMPTING TO STOP ALL DEVELOPMENT ON THE LECKHAMPTON FIELDS, THAT IS NOT THE CASE. IT HAS ALWAYS BEEN PREPARED FOR A MATURE DEBATE ABOUT SELECTING THE MOST IMPORTANT AREAS FOR PROTECTION AND IF THE JCS AUTHORS HAD CONSIDERED ITS LOCAL GREEN SPACE APPLICATION AS PART OF THE JCS, RATHER THAN RELEGATING IT TO THE CHELTENHAM LOCAL PLAN WHICH HAS YET TO BE ADDRESSED, THEN THAT DEBATE COULD HAVE TAKEN PLACE A YEAR AGO WHEN IT WAS SUBMITTED, AND WE WOULD NOT BE IN THIS POSITION TODAY, WHERE IT WOULD BE ILLOGICAL, UNWISE AND UNSOUND TO ACCEPT THIS APPLICATION FOR 650 HOUSES.

Dr Adrian Mears
Leckhampton with Warden Hill Parish Council

In 1993, the planning inspector said the Leckhampton Fields should be protected from development - *'because of their varied topography, landscape history, dense network of footpaths, and pedestrian access from several residential districts.'* And he said that *'it would be very sad indeed if development were to proceed at Leckhampton.'* In 2003, an expert study commissioned by the Borough Council reached the same conclusion suggesting that the land might be incorporated into the AONB. In 2012, the JCS Landscape, Visual Sensitivity and Urban Design report also showed how special this land is - far more so than any other site considered in the JCS, including Highnam where no development is proposed though it is not green belt.

The Borough Council has defended the fields for decades, and rightly so. It was the RSS that recommended building, and this carried through into the JCS. But the RSS was wrong and was revoked.

In August 2013, Leckhampton with Warden Hill and Shurdington Parish Councils jointly submitted a Local Green Space (LGS) application to safeguard the fields from inappropriate development. It predates the Bovis-Miller application. It was accepted as an input to the JCS consultation. But it was then wrongly set aside. Cheltenham Borough is committed to urgently address the issue. However, that will become impossible if you allow this planning application.

In working on the local green space, we have assessed the value of each field, both in itself and in how it affects the view from eight main viewpoints along Leckhampton Hill and Charlton Kings Common. Because the proposed development would build on the field north of Lotts Meadow and the land between Lotts Meadow and Kidnappers Lane, it would spoil the most important views: from the Devil's Chimney and the observation table. As Natural England says, it will no longer be a predominantly rural view across the Severn Valley, but instead a view across urban Cheltenham. The view from Leckhampton Hill is nationally famous, it is valued by local people, it draws tourists to Cheltenham and it adds greatly to our reputation that attracts employment. It must be protected but it seems to have been ignored.

In 2012 and 2013, in our neighbourhood planning, we did 35 days of traffic surveys in the peak morning period and modelled the traffic queue on the A46. Modelling the A46 is easy. The Moorend Park Road junction limits the flow into Cheltenham to about 14 vehicles per minute. Above this limit, extra traffic builds up as a queue. The 650 houses would create 390 extra vehicles in the peak period. If half go in each direction, 195 add 1 mile extra to the A46 queue into Cheltenham. Many drivers will then decide at Shurdington to divert onto Leckhampton Lane to by-pass this long A46 queue. This extra traffic will choke

Church Road. To discourage this, the developers propose using complex chicanes to impede the traffic. But, according to the Department for Transport, chicanes cause more accidents and are only justified to reduce speed to save lives, primarily in built up areas. It is vital to avoid Church Road choking. It handles 1300 vehicles in the peak morning period and you cannot afford that to go through central Cheltenham. But there is no robust solution. And even if it works for the 650 homes, it will not work if you add the other proposed developments at Leckhampton and Brockworth.

I should point out that on page 139 Gloucestershire Highways amazingly claim they do not understand the modelling. Tellingly, they also describe as a 'gross exaggeration' a minor point which they admit is a lack of clarity in their own highways plan. To me this suggests they are desperate to avoid the evidence.

The traffic assessment still leaves it all far too vague. Entran have detailed other problems, including the unrealistic assumption that the Travel Plan Measures proposed will be 100% successful. It will be bad for our local economy if we make it very difficult for people to commute into Cheltenham on the A46. And because the other developments at Leckhampton and Brockworth proposed in the JCS add to the traffic problems, this application if allowed could pre-empt these, including at Brockworth. This also seems to have been missed.

In summary, I urge you to reject this application. It is very strongly opposed by residents. It is gravely and unnecessarily destructive of local amenities and beautiful landscape including the view from Leckhampton Hill. The traffic problems remain very serious. Allowing this application would pre-empt other developments. And it would reject the Local Green Space application without any proper consideration.

Thank you.

✓) Hugh Lufton, Lufton & Associates, Planning
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Consultant on behalf of LEGLAS

NOTE: ONLY THOSE PARTS NOT STRUCK
THROUGH FROM THE SPEECH DELIVERED
TO THE PLANNING COMMITTEE



Thank you Chairman

Hugh Lufton - Planning Consultant Chartered Town Planner - representing LEGLAG.

Limited time to address committee – like to refer members to the
Submitted 'Blue Pages' **submitted - Grounds for Refusal.**

Obviously this is a significant proposal for Cheltenham – it will have significant
impacts on the locality – the AONB – the local road network – services.

But approving this application NOW would have a significant impact on prejudicing the
whole direction of planning for town.

HOUSING SUPPLY

Of course we want to ensure that the future population have good housing – and a
choice of housing.

Good planning and good planning decisions are about housing in the right place and at
the right time.

Should not just be when the development industry see a profitable opportunity and a
hiatus in the Development Plan.

5-year land supply –

Much is made of the government's policy about - ensuring a 5 year land supply - one
of the most contested issues at appeals.

5 year supply - Must not be the only consideration – assure you elsewhere it is not –
Secretary of State himself has recently refused applications – where this '5-year land
supply' is only 0.7 years Land off Glebelands in Thundersley in Essex – a recovered
appeal – July 2013.

There is housing land in Cheltenham – Housing Land supply show there is planning
permissions for 2,000 dwellings on the ground now in the Borough.

Council can update.

4.7 years in Cheltenham Borough.



PREMATURITY

Everything about this proposal feels rushed and pushed.

Your JCS at Pre-Submission is a Plan for the future of the Boroughs to 2031 not 2020 not 2015.

I understand that Full Council on 9th April were still looking at evidence about the overall housing numbers and at 28th February Full Council resolved to remove Leckhampton as a JCS Strategic site.

This proposal is a major component of that Strategy and if approved now prejudices that JCS process that's simply not yet concluded.

JCS has not been through Public Examination.

NOT A COMPREHENSIVE PROPOSAL

This proposal is uni-lateral just one part of a strategic allocation.

There's no substantial evidence of the landowners/developers working together. No joint Masterplan.

There can't be assurances that necessary infrastructure can be delivered adequately – across the much larger strategic allocation.

Been very clearly envisaged by the LPA's for this location to in anyway be acceptable in must be a comprehensive scheme,

ENVIRONMENTAL STATEMENT UNDER-ESTIMATES THE IMPACT

The ES accompanying application under-estimates the env. impacts.

Substantially under-estimates the landscape impacts and visual impacts to and from the AONB.

STOPPED

~~In under-estimating these impacts what the ES is saying is that this site is much more influenced by the adjoining urbanity of Cheltenham than it is any the AONB and the broad countryside. This is not true.~~

~~The LVIA assessment and description of CA1 and CA2 land units (CA1 particularly) continually refers to them as 'already heavily influenced by urban edge land', 'urban edge land uses', 'urban characteristics and unmanaged / neglected landscape' and 'urban fringe land uses... surrounded by built development'.~~



~~These descriptions are used at~~

~~**paragraphs 6.5.4.1, 6.5.4.2, 6.5.5.2, 6.5.8.1, 6.5.8.2, 6.5.8.8, 6.5.8.10, 6.5.9.1, 6.5.9.2, 6.5.9.3, 6.5.10.4, 6.5.10.5, 6.5.10.6, 6.6.3.1, 6.6.3.2, 6.6.3.4, 6.6.9.3, and 6.7.2.1.**~~

~~Proposal offers lots of mitigation but to mitigate substantial development you need to plant lots of trees and if you plant lots of trees all the views to the AONB from the south of Cheltenham will be lost.~~

~~I understood that this Council strongly protected the integrity of the AONB~~

TRAFFIC, TRANSPORT AND HIGHWAYS

~~Refer to Statement made by ENTRAN - Blue Pages.~~

~~The traffic modelling that supports the application advises that by 2023 traffic conditions in across Cheltenham resultant of all development proposals will increase;~~

- ~~1. The number of over capacity queues at junctions by 1000% (150 to 1,500)~~
- ~~2. Total travel time by 40%~~
- ~~3. Total distance travelled by 20%.~~
- ~~4. Transient queues by 60%~~

~~Local impacts and wider cumulative impacts on network from this proposal and other pipeline developments and SA's. All impact on network.~~

~~Critically the HA doesn't consider impacts at junctions are severe because it assumes all TP measures will be successful. Very optimistic modal shift to sustainable modes.~~

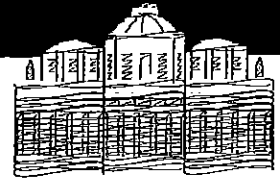
~~Entran don't agree impacts on Kidnappers Lane are minor.~~

~~Serious ? of TA accuracy. ? of HGV flows that are wrong.~~

~~Entran also seriously ? the pedestrian and cycle infrastructure will cope and this is a requirement for modal shift.~~

~~Just not assured at all that this proposal is in the right place and absolutely not assured it's at the right time.~~

[Read out at committee by
Martin Horwood MP]



CHELTENHAM
CHAMBER OF COMMERCE

CLlr Garth Barnes
Chair
Cheltenham Borough Council Planning Committee
Municipal Offices
Promenade
Cheltenham
GL50 9SA

31 July 2014

Dear Mr Barnes

Outline Planning Application for up to 650 dwellings, other uses including A1 retail, surgery, pharmacy, primary school of up to 1.72ha land area, principal access and open space - 13/01605/OUT

The Chamber of Commerce has studied the detail of the above outline planning application. However we do still have the same concerns over large scale development in Leckhampton affecting the southern access to the town as stated in our JCS letter of 9 February 2012. The allocation of over 650 houses potentially increasing to over 1,100 in the Leckhampton area will without doubt worsen the existing traffic congestion along the A46. Whilst the addition of two extra sets of prioritised traffic lights and T junction to provide access for the new development will by the applicant's own admission create longer and slower traffic queues, putting junctions beyond capacity.

- we would like to ask that a detailed master plan is produced prior to approval whilst more detailed traffic modelling is carried out together with some analysis on opportunities for job creation
- we note the transport assessment and highway mitigation work to date highlights future problems on junction capacity across the area. By 2023 it is anticipated that the number of junctions which will be 'over capacity' will increase from 150 to 1500, together with travel times which are increased by 40% thereby creating even longer and slower traffic queues. This all impacts on local business and our ability to attract new business to the town

Contd/...

- WORKING FOR BUSINESS
- PROMOTING CHELTENHAM
- CREATING NETWORKING OPPORTUNITIES
- PROTECTING OUR ENVIRONMENT

President

Secretary

Contd/2...

It is therefore understandable why large scale development to the south of Cheltenham is of real concern to the business community and could adversely affect both existing businesses and future relocations to the town. Good maintenance of access to the town from the south is vital for a successful high level strategy but unfortunately the current level of JCS traffic modelling in the assessment of development of Leckhampton has some perceived gaps. Keeping a free flow of traffic on the A46 to the south of the town, providing the motorway link from junction 11A, is we believe vital to the wellbeing of commerce. Worryingly the traffic and transport analysis work documented in the transport assessment to date shows that the highways network to the south of the town is finely balanced with junctions likely to be at full capacity in the near term without this additional development.

To restate one of our principle concerns of our February 2012 letter, creating housing without the necessary employment opportunities, will make Cheltenham even more of a commuter town, serving the rest of the region and beyond. Cheltenham is an extremely attractive town and it is no surprise that people want to live here. It is therefore important that there is an appropriate level of employment which supports both existing and new residents. Unnecessary congestion on a major road network is certainly not conducive in assisting this objective.

We note the Leckhampton green areas are highly valued by both residents and visitors alike and widely recognised as a sensitive area when considering development, providing not least access to Leckhampton Hill. In addition we would question whether employment opportunities have to date been explored around both eco-tourism and agricultural research with our local Universities.

Our request is that this application at least be deferred until more detailed traffic modelling has been completed under the JCS, enabling the Planning Committee to take a more informed view upon the impacts raised both in this letter and by other concerned parties.

Yours sincerely



Michael Ratcliffe
CE Cheltenham Chamber of Commerce

JBB7795: LECKHAMPTON – PLANNING COMMITTEE: 31 JULY 2014

Mark Sackett, RPS

Introduction

Good evening

Thank you for the opportunity to speak to you at this Planning Committee Meeting which has been allocated specifically to consider the application by Miller Homes and Bovis Homes for the substantial first phase of development at South Cheltenham.

I am Mark Sackett of RPS and am agent for the application having worked on the proposal since 2008, leading a team of consultants who have advised on the proposals for several years.

The proposal represents a substantial first phase of planned development at South Cheltenham and has been prepared and consulted on extensively.

The application is consistent with the proposed South Cheltenham allocation in the Joint Core Strategy. The Council's recommendation on the application confirms that the proposals do not prejudice delivery of comprehensively designed proposals for the South Cheltenham.

The applicants have consulted widely with local stakeholders, including community groups, parish and ward representatives, service providers and other landowners with interests in the area. This includes the promoters of land west of Farm Lane in Tewkesbury Borough as well as the County Council which owns land within the masterplanned area off Kidnappers Lane in Cheltenham.

Significant changes have been made to the plans in response to comments received from the public. This includes our commitment to create and protect in perpetuity an area of public open space at Lotts Meadow, and the making available of land for delivery of a new GP Surgery.

Since submission of the application in September last year, the very thorough consultative process has allowed all parties to have a say in the proposals including on amended aspects of the plans in response to comments received.

The Proposals

I am sure you will be fully aware of how the proposals relate to the Council's emerging development plan policies.

A key part of our work and role has been to ensure that our clients' proposals conform with the Council's aspirations and requirements for a comprehensively designed and planned proposal, which is sustainable and delivered in accordance with well understood planning principles.

The applicants have sought to engage with all relevant service providers to ensure their requirements are addressed through appropriate and legally compliant conditions and planning obligations.

Our extensive assessment work with the Council's Planning Team and statutory consultees over a long period has enabled all material issues to be addressed during the determination period. In particular, we have ensured that the community facilities within the wider proposals are secured as part of this application.

In addition to up to 650 planned homes, the proposals include:

- proportionate contributions towards primary school provision on site,
- secondary school provision off site,
- reserving of land for primary healthcare facilities within the proposed local centre at the Shurdington Road frontage, together with local scale shopping and further commercial or community floorspace, and
- extensive open space.

In discussions with the local Leckhampton Surgery, the GPs have expressed an interest in acquiring land for a new surgery. It is proposed that land be reserved for a suitable period to allow negotiations over the land to proceed following the grant of planning permission.

The application also includes potential for a Care Home and/or a Cottage Hospital within the local centre as well as offices and business premises to serve the local area.

Open Space

It is significant that this site is not located in the Green Belt or Cotswold AONB. Nevertheless, we recognise the public interest in maintaining a high level of greenspace in the scheme.

This application makes a very significant contribution towards open space provision above the minimum level sought under the Council's adopted policies.

Paragraph 8.2.1 of your officers' report identified a need for a minimum of 2.77 ha of youth/adult greenspace and 0.9 ha for children's outdoor play space. The application actually provides some 14ha of strategic and local open space which is suitable to meet a wide range of recreation needs. This extends to over 40% of the site.

The Council should attach significant weight to the scheme's open space proposals which respond very positively to locally expressed interest in the availability of new public greenspace.

Our proposals would not preclude the possibility of a Local Green Space Designation in future at Lotts Meadow.

Affordable Housing and Care

The proposals address the need for affordable housing in line with the Borough Council's policies.

Infrastructure Benefits

Alongside benefits to the local economy through job creation in the scheme, and the significant additional support for existing and new businesses, the Borough Council would receive a total of over £5.85 million over a six-year period through the Government's New Homes Bonus scheme.

As part of the proposals, the developers will also fund significant transport upgrades to encourage future residents and visitors to travel by foot, cycle and public transport and to encourage existing car drivers to use other means of travel instead. These measures in addition to local junction improvement works will total over £1 million funded by the development.

Environmental Assessment

The proposals have been carefully and thoroughly assessed in respect of potential environmental impacts through the formal EIA regulations procedures. The EIA process has included full and proper consideration of environmental effects and has identified appropriate mitigation measures.

The statutory consultees have not raised objections to the proposals.

Transport

The Highway Authority and Highways Agency have assessed the application on both a stand-alone and cumulative impact basis in the context of the wider South Cheltenham proposals.

Mitigation measures have been identified and agreed with the Highway Authority which will ensure the impacts are safely and appropriately managed.

The Highway Authority's response has confirmed that agreed measures will suitably address the impacts of the proposals on the local road network.

Landscape

On landscape, the proposals have been prepared and assessed on the basis of cumulative and specific impacts. The scheme includes mitigation measures which have been carefully considered and designed in consultation with the Council's professional consultees.

In addition to the extensive work through the planning application, the Applicants have also been assisted by the extensive evidence base assembled by the local authorities for the Joint Core Strategy which has consistently confirmed the suitability of the land for a sustainable urban extension.

Flooding Risk

The Environment Agency has fully considered and agreed the detailed Flood Risk Assessment of the proposals which has also addressed the cumulative impact of the wider South Cheltenham proposals.

The proposed Sustainable Urban Drainage system delivers additional control over the current greenfield conditions – this is a positive outcome from the planning process compared to the current situation on site.

Education

We have maintained a close dialogue with the Education Authority throughout the consideration of the application. The conditions and planning obligations will ensure that necessary new school places are secured and provided in accordance with the requirements of the statutory authorities.

In this case, the Diocese of Gloucester proposes to be the delivery body for a new primary school on site. Additional contributions will be secured from other parts of the South Cheltenham strategic allocation through the planning obligation.

The planning agreement will secure the delivery of required secondary school places. Your officer's report identifies the availability of some spare capacity in the shorter term after the grant of permission but thereafter a series of contributions will be required linked to the rate of development. The developers remain committed to working with the Education Authority to ensure requirements are met as part of the scheme.

Library Provision

A library contribution has been agreed.

Noise and Air Quality

On air quality, as demonstrated through the Environmental Assessment work, and in discussion with the Council's Environmental Protection team, the proposals will result in satisfactory conditions in and around the site.

Ecology and Heritage

On ecology and heritage issues, the application proposals have been assessed in respect of cumulative impact and the direct impact of this application in isolation. The statutory consultees have raised no objections to the proposals and have confirmed identified impacts can be appropriately managed and mitigated.

Conclusion

In conclusion, the Applicants commend the very thorough assessment that the local authority and technical statutory consultees have made of the application in bringing the scheme forward for determination today.

We would also like to take this opportunity to thank the significant number of people who have given up their time and energy to engage constructively with the extensive consultation process which has informed this application. We have found this feedback invaluable in refining and improving our proposals in line with the comments of local people and representative organisations.

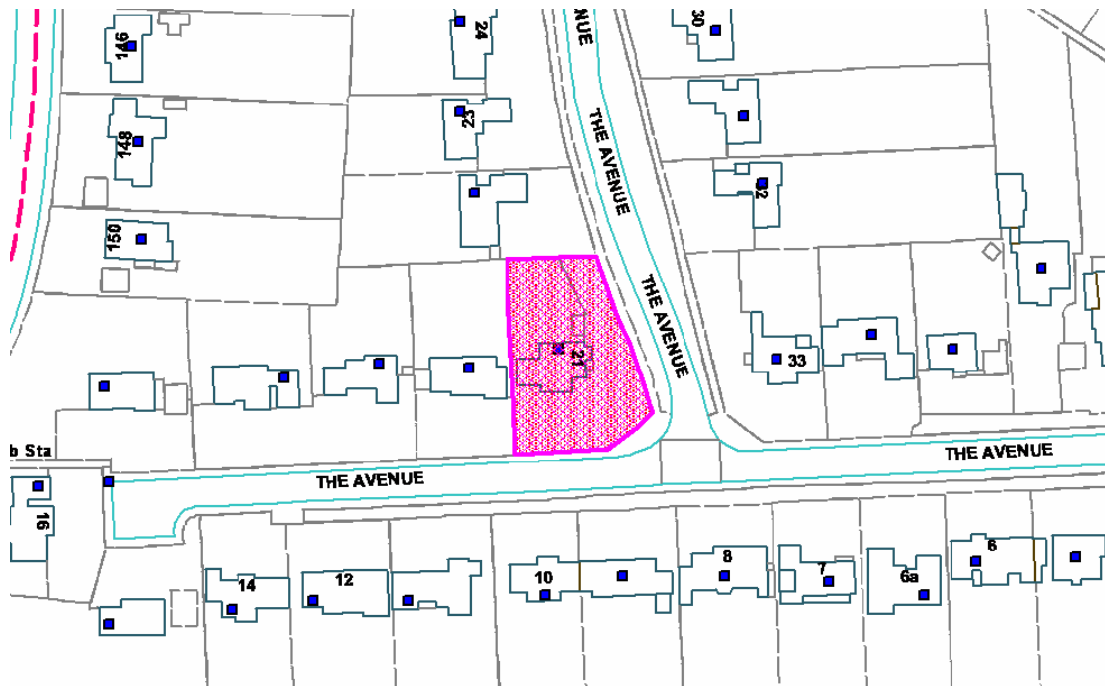
The proposals have appropriately considered the cumulative impact of wider development in South Cheltenham and, in the planning balance, there are compelling merits which support and justify the grant of planning permission.

There are no unresolved technical issues which require further consideration prior to the grant of planning permission as outlined in the Council's recommendation on this application.

Accordingly, the Applicants commend the proposed development and invite the Committee to resolve to grant planning permission subject to the completion of a planning obligation which can secure necessary contributions.

APPLICATION NO: 14/01003/FUL	OFFICER: Mrs Emma Pickernell
DATE REGISTERED: 4th June 2014	DATE OF EXPIRY: 30th July 2014
WARD: Charlton Park	PARISH:
APPLICANT:	Mr And Mrs L Sperring
AGENT:	PSK Architect
LOCATION:	21 The Avenue, Cheltenham
PROPOSAL:	Proposed two-storey side extension, single storey side and rear extensions

RECOMMENDATION: Permit



1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site is a detached, two storey pitched roof dwelling which is brick and tile hanging under a tiled roof. There is an attached flat roof garage.
- 1.2 The Avenue is laid out in a T shape and the property in question is located on a corner plot at the junction with the spur road.
- 1.3 This application proposes the demolition of the existing garage and the erection of a two storey side extension. The first floor would be set back 2.7m from the existing front gable of the property and 0.3m from the main frontage of the property. It would also project 2.5m from the rear face of the building. This would provide two bedrooms and an en-suite on the upper floor and a garage, study and family room on the ground floor.
- 1.4 The application also includes the remodelling of the existing single storey side extension to move the front door onto the front of the existing property, provide a porch and WC. To the rear it is proposed to extend at single storey across the rear of the property at a depth ranging from 3.4m to 2.5m, this would provide an enlarged kitchen and a utility room.
- 1.5 The plans also indicate that the driveway would be reconfigured and that planting would occur to the side of the property, however these works do not require planning permission provided the hard surfacing is permeable.
- 1.6 The application has been revised since its original submission. The original drawings included a double garage on the eastern side of the property and the two storey extension was further forward on the site with a gabled front elevation.
- 1.7 The application is before committee at the request of Cllr Baker who has requested it to be determined by Planning Committee due to its prominence in the street scene.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Smoke Control Order

Relevant Planning History:

None

3. POLICIES AND GUIDANCE

Adopted Local Plan Policies

CP 4 Safe and sustainable living

CP 7 Design

Supplementary Planning Guidance/Documents

Residential Alterations and Extensions (2008)

National Guidance

National Planning Policy Framework

4. CONSULTATIONS

Gloucestershire Centre for Environmental Records

12th June 2014

Report available to view on line.

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	6
Total comments received	7
Number of objections	7
Number of supporting	0
General comment	0

5.1 The application was publicised by way of letters to neighbouring properties. Re-consultation letters were sent upon the receipt of revised plans. 7 objections have been received. The main issues raised can be summarised as follows:

- Object to the design of the extensions
- Overdevelopment of the site
- Object to the two storey extension in terms of neighbour amenity including overbearing impact, invasion of privacy, reduction in sunlight
- Concerns about the loss of the separation between the houses through the two storey element coming closer to the boundary
- Concerns about the impact on the character of The Avenue
- Concerns were raised about the proposed garage, however this element has been omitted from the plans.

6. OFFICER COMMENTS

6.1 Determining Issues

The key issues in determining this application are considered to be (i) design and appearance, (ii) impact on neighbouring properties.

6.2 The site and its context

As mentioned above the site is on a corner plot within The Avenue. The Avenue is characterised by large detached dwellings in good sized plots. The two corner properties at this junction are set back from the road, as are the properties continuing down the spur road which gives the area a spacious character.

6.3 Design and layout

The proposal involves a two storey side extension. This has been redesigned since the application was originally submitted in order to increase the subservience of the extension and to simplify the design. This element of the proposals is now considered to be in line with advice contained in the Residential Alterations and Extensions SPD.

Concerns have been raised by neighbours that this element of the proposal will result in the loss of a sense of space between the buildings. Officers agree with the neighbours that the spaces between buildings are important to the character of the area, however the neighbouring property has a flat roof, single storey garage adjacent to the boundary and as such views are still afforded between the properties at a first floor level. Whilst it is accepted that this will result in an erosion of the space, it is not to an unacceptable degree which would be sufficiently harmful to warrant the refusal of the application.

The single storey elements of the proposal are now considered to be relatively modest, following the removal of a garage on the east side of the dwelling. Concerns have been expressed in relation to the side elevation which has a double pitched roof design, tying in to the lean to extension at the rear and the pitched roof over the porch at the front. Whilst the design of this element is somewhat idiosyncratic, it is not considered that it will result in a harmful visual impact, as it projects only 1.4m from the main side elevation and replaces an existing flat roof side extension which adds nothing to the side elevation. Members will be aware that the NPPF states that planning decisions should not attempt to impose architectural styles or particular tastes.

The proposed facing materials are a combination of brick and render with roof tiles to match the existing. There are rendered houses in the vicinity and as such this would not be out of character, however a condition is attached requesting further details of the proposed materials, via annotated elevations, to ensure the blend of materials is appropriate.

For these reasons the visual impact and design is considered to be acceptable and as such the proposal is in accordance with policy CP7 of the Adopted Local Plan, the SPD and the NPPF.

6.4 Impact on neighbouring property

The site has two immediate neighbours; 22 The Avenue to the rear and 20 The Avenue to the side.

22 The Avenue is 20m away and is off-set from the application property. There are no windows to habitable rooms on the first floor of the side elevation and as such no window-to-window overlooking would occur and neither would any adverse loss of light.

20 The Avenue is directly adjacent to the application site. The two storey element of the proposal would project beyond the rear of this property and as such it is important to ensure that it has an acceptable relationship. The proposed extension complies with the 45 degree light tests which are explained within the Residential Alterations and Extensions SPD. As such there would be no significant loss of light to the rear windows of this property. The portion of the neighbouring property closest to the boundary contains a garage and utility room.

Concerns have been expressed that the proposal would result in a loss of sun light to the neighbouring garden and would have an overbearing impact when viewed from the garden. Whilst the extension will certainly be visible from within the garden, it is not considered to be of sufficient size and length to represent an unacceptably overbearing structure. Whilst there may be some loss of direct sun light to certain parts of the garden at certain times of the day, this is not considered to be sufficiently harmful to warrant the refusal of the application, especially given that the proposal complies with the tests set out in the SPD.

As such the proposal is considered to have an acceptable impact upon neighbour amenity and is therefore in accordance with policy CP4 of the Local Plan, advice contained in the SPD and the NPPF.

6.5 Other considerations

Concerns have been raised regarding the proposed planting shown on the plan to the eastern boundary of the site however planting does not constitute development and as such is outside of the control of the Local Planning Authority.

Concerns have also been raised in relation to the alterations to the driveway and the formation of a new access. Provided the hard surface is permeable, or drains to a permeable area planning permission would not be required for these works as they constitute 'permitted development'. As such it is not appropriate to seek to remove these aspects of the proposal. The size of the driveway has, however been reduced since the original submission, following the removal of the new garage from the scheme.

7. CONCLUSION AND RECOMMENDATION

- 7.1 When tested against the key considerations i.e. visual impact and neighbour amenity, the proposal is considered to be acceptable in both regards. The proposal is therefore recommended for approval

8. CONDITIONS / INFORMATIVES

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The development hereby permitted shall be carried out in accordance with drawing numbers 1445/4A, 1445/5A, 1445/6A received 14/7/14 and 1003.02A received 4/8/14.
Reason: To ensure the development is carried out in strict accordance with the approved drawings.
- 3 Prior to the commencement of development, annotated elevations with a detailed specification of all external materials and finishes (including all windows and external doors) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented strictly in accordance with the details so approved and maintained as such thereafter.
Reason: To ensure a satisfactory form of development in accordance with Local Plan Policy CP7 relating to design.

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.

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In this instance, the authority sought amendments to overcome the concerns which were raised to the initial plans.

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

APPLICATION NO: 14/01003/FUL		OFFICER: Mrs Emma Pickernell	
DATE REGISTERED: 4th June 2014		DATE OF EXPIRY : 30th July 2014	
WARD: Charlton Park		PARISH:	
APPLICANT:	Mr and Mrs L Sperring		
LOCATION:	21 The Avenue, Cheltenham		
PROPOSAL:	Proposed two storey side extension, single storey side and rear extensions		

REPRESENTATIONS

Number of contributors	7
Number of objections	7
Number of representations	0
Number of supporting	0

22 The Avenue
Cheltenham
Gloucestershire
GL53 9BL

Comments: 25th June 2014
Letter attached.

Comments: 4th August 2014

As the next door neighbours to No 21 we have reviewed the revised planning application to which we have 2 basic objections.

1. The east side elevation where there was previously the front door is now replaced by a single storey largely blank wall with a zigzag roof line and retains an existing window that has no relation to the rest of the wall. Given the prominence of this facade on a corner site, highly visible in this otherwise attractive road, we consider this to be poor design lacking any respect for its location.

Surely we should expect good design encompassing unity, harmony, form and attention to detail. None of these are obvious within the proposed design, rather the minimum needed to fill the space.

PPS1 states that:

"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.

The Supplementary Planning Document - Residential Alterations and Extensions states that "Development will only be permitted where it:

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

2. The first floor extension on the west side of the property over the garage and extending out beyond the back wall of the existing house will not only be overbearing on the neighbouring property, invading their privacy, significantly reducing their sunlight, but also removes the separation between the houses, particularly when viewed on the northern branch of the Avenue.

The character of the Western Estates houses of which this is one has been to maintain relatively wide gaps at first floor level, this second storey not coming within 3 metres of the boundary, avoiding invasions of privacy and maintaining separation of houses, a principle recognised in previous planning refusals and by other property owners.

The Supplementary Planning Document - Residential Alterations and Extensions states

"The spaces between the houses, the greenery and the nature of the front boundary fences, walls, hedges (or the lack of them) all contribute to this character."

It also states that

"The guide's purpose 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."

Finally, The Avenue is a road with a great sense of place, having largely retained its mid-twentieth century high quality residential status with complementary individual houses set in a green open environment. Surely this is a fine twentieth century interpretation of what makes Cheltenham special and it should be respected and defended for future generations.

We urge refusal of this planning application in its current form.

Claire Cottage
32 The Avenue
Cheltenham
Gloucestershire
GL53 9BL

Comments: 19th June 2014

We object strongly to this application. This house (21) is connected between two roads of The Avenue. There is a rhythm in The Avenue of houses connected with their own garage, which leaves a gap between each house, to give an openness, and feeling of space and airiness. This is the essence of The Avenue, a tree lined open planned area of well designed and well aligned homes. It is for this reason the garage must remain in the same place.

Secondly, the houses are in alignment with the road on both sides. This line is parallel to the road and should be considered. His garage and playroom come completely out of the housing boundary and alignment of any other house, and secondly destroy a large piece of green garden which is essential to keep as his plan takes up this grass and is well over the housing boundary. You do not finish on the alignment line with two buildings that look like factory storerooms, spreading over a whole front garden. The proposed trees will remove the feeling of open plan and are proposed on the alignment line of the house. Also, this house, being a corner plot must consider that it is connected with two roads in The Avenue, and as such the garage should stay in situ where it is, to keep the rhythm of what is already established.

Comments: 26th July 2014

REVISED PLAN 14TH JULY 2014

The alignment with the road has been respected. However, building above the garage does not respect the rhythm of the buildings that are already present. i.e. each house has a flat roof in between the garages of each house, leaving an airy, light feel and country views, which is what the concept of The Avenue was. By building above the garage, the space between the two houses has been lost and the gap and view lost. If you look at the damage and devastation caused by allowing this to happen at number 33, with its overlooking windows, which compromise the privacy of property number 32, and worst of all the lack of any gap now between number 33 and number 34, making it lose its special ambience of space, light and hillside views. Houses number 21 and 33 have the smallest number of bedrooms because they make the junction between two lines of buildings look at 18,19,20,21,22,23,24. Also on the opposite side between houses 32, 31, 30, 34 and 35.

Finally the two large sheds on the side elevation present the wrong incline of roof. It would be more appropriate to have the same angle as above the entrance to have continuity. This however, is still totally unacceptable, and it's about time the committee LISTENED to the people who live in The Avenue, and want it kept to the beautiful way it once was.

20 The Avenue
Cheltenham
Gloucestershire
GL53 9BL

Comments: 27th June 2014
Letter attached.

Comments: 30th July 2014
Letter attached.

23 The Avenue
Cheltenham
Gloucestershire
GL53 9BL

Comments: 23rd June 2014

As close neighbours of this proposed development at No 21 the Avenue, we wish to object to the building of a garage on the open space on the east side of this property. When The Avenue was developed the late 60s the remit was ensure an open plan aspect for the whole estate, was maintained. No 21 is a corner plot and the area upon which this garage is to be built is a significant open space, and the essence of the original plan.

The proposal to place an unattractive double garage, in this prominent position, would destroy the original concept of the designers. In our opinion this is an unnecessary overdevelopment of the site.

Brown Gables
8 The Avenue
Cheltenham
Gloucestershire
GL53 9BJ

Comments: 18th June 2014

Letter attached.

24 The Avenue
Cheltenham
Gloucestershire
GL53 9BL

Comments: 25th June 2014

The Avenue is an important example of the successful integration of 1930's and 1960's/70's quality housing.

The T junction within The Avenue is central to the blending of the old with the new. This junction forms a natural focal point within The Avenue and it is set within an open vista defined by building lines, their facades and by gardens. The proposal appears to require inappropriate changes to the building line/position and facade/appearance as viewed from the junction.

This planning application as presented will significantly compromise the 'open vista' intentions and values that the 1960's designers and planners were able to achieve.

I/We object to this application.

Planning Application 14/01003/FUL Proposed extensions to 21 The Avenue

Comments of owners of 22 The Avenue

We live and own 22 The Avenue and thus we are next door neighbours to No 21. We are concerned that the planning application for extensions to No 21 does not pay sufficient attention to the distinct and important character of The Avenue and is out of scale with the existing house. Hence we object to the current application.

The Context: The character of The Avenue

1. The Avenue is a high value road with a consistency and rhythm of layout rarely found in the town. As such it is a fine example of its time and whilst not currently a conservation area, it could well become one in the future if it retains its current character. This, we suggest, is an important factor in a town renowned for its nineteenth century architecture and sense of place whereas good quality twentieth century examples are in short supply. Indeed it is one of few Cheltenham suburban roads referred to by David Verey in "The Buildings of England".
2. No 21 is one of the Western Estates development of the late 1960s/early 1970s which is particularly characterised by wide separation between the houses, often by single story garages and rooms, allowing light and views between the houses and with each house set back from the road.
3. The current Local Plan (Paragraph 3.23) does place emphasis "on the promotion of good design, both for individual buildings and urban design, which it considers can help promote sustainable development, improve the quality of the existing environment, attract business and investment, and reinforce civic pride and sense of place".
4. Similarly Policy CP 7 states that "Extensions or alterations to existing buildings will be required to avoid (d) causing harm to the architectural integrity of the building and (e) the unacceptable erosion of open space around the existing building".
5. Cheltenham Local Development Plan: Supplementary Planning Guidance on Residential Alterations and Extensions adopted in 2008 states "The spaces between the houses, the greenery and the nature of the front boundary, fences, walls, hedges (or the lack of them) all contribute to this character."
6. No 21 stands on a prominent site mid-way down The Avenue on a corner of a spur of the Avenue at the centre of the whole development. Hence it is very important in its impact on the whole character, attractiveness and openness of the road.

The Objections

This is the context in which we raise a number of objections to the application 14/01003/FUL for 21 The Avenue.

1. The proposed garage extension is unacceptable being built in the front garden on this prominent open corner site, taking approximately half the width of the garden. It erodes the

open nature of The Avenue and contravenes a number of the covenants that were aimed at protecting the open nature of the road.

2. The blank wall of the side of the garage in itself is unacceptable facing on to the road in such a prominent site.
3. The full height side extension over the existing garage erodes the separation of the houses No 20 and 21. It removes the view between the houses of the hills and the trees.
4. The design of the elevation of the full height extension over the garage is of poor quality with a gable and frontage offset from the existing gable. It results in 3 different building lines along the front of the house and erodes the integrity of the original design of the house.
5. The hedge along the eastern edge of the property will erode the open nature of the estate. We would welcome the addition of some individual specimen trees and shrubs similar to those found elsewhere within the Avenue but a hedge changes the open nature of the road.
6. The proposed design and layout does not respect its position on a corner, seeming to attempt to take the house from the corner and put it on to the main stretch of the Avenue, narrowing the openness to the spur road which then becomes almost a lesser side road rather than an integral component of The Avenue, dramatically eroding the "sense of place".
7. In general we find the proposed extensions too large and out of proportion to the existing house. Indeed the proposed extensions are far larger in proportion to any previously carried out elsewhere within The Avenue.

Our Recommendations

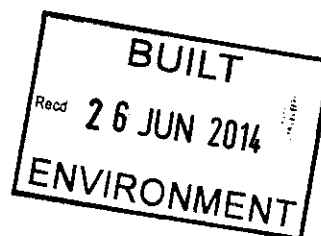
We believe that the application should be refused on the grounds that it erodes the open nature of The Avenue and the spacing of houses, and erodes the architectural integrity of the existing house and its size is out of proportion to the existing buildings, and contravenes a number of the Council's Planning Policies. The Avenue is a fine example of its age and its character should be protected from inappropriate and poorly designed alterations to existing buildings.

[REDACTED]

22 The Avenue, Charlton Kings, Cheltenham GL53 9BL

[REDACTED]

20 The Avenue
Charlton Kings
Cheltenham
Gloucestershire
GL53 9BL



Mrs Emma Pickernell
Planning Officer
Cheltenham Borough Council
Built Environment
Municipal Office
The Promenade
Cheltenham
GL50 1PP

16 June 2014

Dear Mrs Pickernell

Reference: Planning application 14/01003/FUL

OBJECTION to proposed two storey side extension, single storey side and rear extensions at No.21 The Avenue, Cheltenham, Gloucestershire.

The scheme proposes to extend the property on all four sides with a two storey extension near the western boundary with No.20. In effect the proposed extensions almost doubles the size of the house. The two storey extension extends forward of the front of the existing garage and continues back from the existing garage to be level with the existing rear wall of the house.

We live next door to the proposed extension site and are writing to ask that CBC refuse this planning application on the following grounds.

Application form

The application, which has been submitted as a full application, is incomplete.

There is no indication of the brick type or colour.

The applicant has indicated that there will be NO new or altered vehicle access proposed to or from the public highway. However the block plan clearly shows a new access to the public highway. It is also questioned whether the proximity of this new access is a hazard to the nearby road junction.

This proposed vehicular access should have been included within the description of development. The County Highway Officer must be consulted on this application and no determination made on the application before his/her comments on the suitability or otherwise of the proposed access are considered.

No pre-application advice was sought.

Relevant Policy

The Cheltenham Local Plan Second Review (adopted July 2006) constitutes the adopted plan for the Borough. Policy CP7 of the Cheltenham Local Plan relates to design and states that: *“Development will only be permitted where it: (a) is of a high standard of architectural design; and (b) adequately reflects principles of urban design; and (c) complements and respects neighbouring development and the character of the locality and/or landscape. Extensions or alterations of existing buildings will be required to avoid: (d) causing harm to the architectural integrity of the building or group of buildings; and (e) the unacceptable erosion of open space around the existing building”*.

The Cheltenham Local Development Framework - Supplementary Planning Document: Residential Alterations and Extensions (adopted February 2008) states *“Cheltenham has an image of an elegant, spacious town with groups of well-proportioned buildings set in generous gardens, with open space extending into the heart of the town. The spaces between the houses, the greenery and the nature of the front boundary fences, walls, hedges (or the lack of them) all contribute to this character”*.

We believe that the application is not in keeping with the character of the neighbourhood or the guidance in the Local Development Framework.

Character of the Area

The Avenue is a pleasant tree lined road with large houses set in large plots with space between the dwellings at two storey level. The houses have a feeling of space between each one allowing glimpses of greenery and the hills in the distance. The houses built as part of the development approximately forty years ago were required to be set thirty feet back from the road. This gives a feeling of spaciousness to the road as a whole. Any extensions built in the area have blended in with the original house materials and design and retained the character of the area.

The proposed two storey extension would bring the property close to No.20 reducing the space at two storey level between the dwellings. This would appear cramped and would give rise to the potential for visual coalescence with No.20. It has the effect of closing the space between the houses and having a detrimental effect on the character of the area.

Further, No.21 is in a very prominent position on a corner within The Avenue. This open space constitutes an important feature which helps to create the open and spacious nature of the street scene. The single storey eastern side extension would extend the built form of the property into this open space on a prominent corner plot. The proposed alterations would not, therefore, be in keeping with the street scene to the detriment of the character and appearance of the area.

The proposed development would clearly be contrary to Local Plan Policy CP7 and the guidance set out with the Residential Alterations and Extensions SPD.

Design and Materials

The proposed extension would almost double the size of the house as well as encroaching, with a new garage, on open space.

It is intended to render the whole of the existing house and build the extensions in an unspecified brick which may not match the existing houses. It also gives the impression of being semi-detached and dominant, not subservient to the original building.

Shading and Overlooking

The proposed two storey extension adjacent to No.20 has a considerably bigger footprint than the existing garage and will result in a very large wall reaching up to ridge height to the western side of No.21. The effect is compounded because the rear of No.21 extends far beyond that of our property at the moment.

The bulk of this will be totally overbearing and cast shade over a pleasant seating and planting area even in the height of summer.

The rear-bedroom window would result in total loss of privacy for the occupants of No.20 in the garden due to its close proximity to the boundary fence.

Overdevelopment

The sheer bulk of the proposal seems to be overdevelopment of this site.

Concerns

It may not be regarded as relevant to the planning application but we are also concerned about any demolition and excavations involved. The close proximity to our foundations and main drains, which are sited under the side path and down the garden, mean we are concerned about damage caused by the development works. We believe the Party Wall Act 1996 may apply.

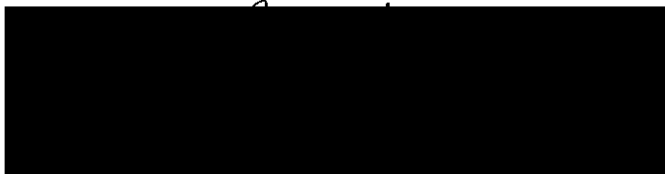
Conclusion

The planned extensions to No.21 are excessive, overbearing and have a seriously detrimental impact on our residential amenity.

As they also seem to go against local and national development policy we feel there is no justification to allow them.

We would ask the Council to refuse this application.

Yours faithfully



20 The Avenue
Charlton Kings
Cheltenham
GL53 9BL

Mrs Emma Pickernell
Planning Officer
Cheltenham Borough Council
Built Environment
Municipal Offices
The Promenade
Cheltenham
GL50 1PP

30th July 2014

Dear Mrs Pickernell

Reference: Planning application 14/01003/FUL

OBJECTION to revised plans for No.21 The Avenue, Cheltenham, Gloucestershire.

The revised plans have removed the garage on the East side but have retained the very large extension on the West side. The two storey extension has been set back slightly at the front, over the garage but has now been moved even further back from being level with the existing back wall of the house to the level of the proposed rear single storey extension.

Relevant Policy

The Cheltenham Local Development Framework - Supplementary Planning Document : Residential Alterations and Extensions (adopted February 2008) states " *a proposed extension may simply be too large for the site, or it may deprive neighbours of daylight.*"

This extension is too large for this site as it is still almost doubling the size of the house and presenting a massive wall close to the boundary with No.20 and a blank wall on the eastern elevation. "*An extension should not dominate or detract from the original building, but play a 'supporting role'.*"

It must be emphasised that the impact of the wall on the western side is far greater, as No.21 is set much further back in the plot than No.20 and the altered plan has now moved it level with the single storey rear extension.

Shading

Any two storey extension on this site is going to have a major impact on the light and sunlight to No.20 as the gardens are on the north side of the houses.

No. 20 has enjoyed the Right to Light and Sunlight to the back rooms and garden , uninterrupted, for well over 20 years. The proposed two storey extension will cut out the sunlight to the kitchen and dining room as well as sunlight coming through the back door into the kitchen. The garden will also be very badly shaded, affecting the vegetable and fruit growing area as well as the whole

of the rear of the house. The extra shading outside the back door will encourage damp on the paving leading to unsafe, slippery conditions.

Overlooking

The bedroom window of the extension is very close to the boundary and will look right down into the garden of No.20.

The study window is set on the side of the extension and will look right across the back garden of No.20, taking into account the floor height of the house.

These windows take away privacy from the whole garden of No.20 and give the feeling of being under constant surveillance.

An application for No.5 was rejected on the grounds of shading and overlooking where the garden was on the south.

Maintaining Character

The proposed extensions are shown as brick and the existing house rendered with no mention of colour of either. *"The materials should either match or complement the existing building"*.

Covenants state *"the elevation and design of each dwellinghouse and of any outbuildings shall be in conformity with the character of the dwellinghouses already erected on the Avenue Estate"*.

The local plan states *"Cheltenham has a reputation as a spacious town. This spaciousness derives from the spaces at the front, back and at the sides of buildings. Glimpses of trees, gardens and surrounding hills are essential if the spacious character of the town is to be maintained"*.

It is becoming apparent that creeping infill, regardless of size, is having a detrimental effect on the spacious character of the surroundings. The decision to allow the extension to No.33 is an unfortunate example.

Conclusion

It is accepted that the sight of natural greenery and space has a beneficial effect on people generally. Anyone who strolls around The Avenue can enjoy this feeling, not just the residents. Any blocking of the gaps, or even narrowing, is a permanent mistaken legacy for the future. It is a decision not to be made lightly as everyone has to live with the results.

As stated in my previous objection, I believe the extension proposed is excessive, dominant and would have a very serious impact on our light, privacy and ability to use and enjoy our garden.

They also appear to go against the Residential Alterations and Extensions guidance.

I would ask the Council to refuse this application.

Yours faithfully

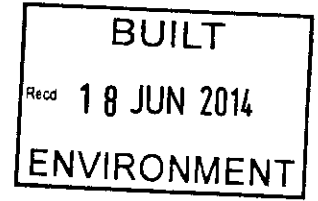


Brown Gables
8 The Avenue Cheltenham Glos. GL53 9BJ



18 June 2014

Tracey Crews
Head of Planning
Cheltenham Borough Council
PO Box 12
Municipal Offices
Promenade
Cheltenham
Glos.
GL50 1PP



Ref: 14/01003/FUL

Dear Ms Crews

Proposal: PROPOSED EXTENSION AT 21 THE AVENUE, CHARLTON KINGS, CHELTENHAM

We object to one aspect of the proposed extension – the proposed garage encroaching onto the existing greensward. It would stick out like a sore thumb because it extends well beyond the building line of the other houses behind it which is visually important particularly given the property's prominent position on the corner.

Yours sincerely



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APPLICATION NO: 14/01032/FUL	OFFICER: Miss Chloe Smart
DATE REGISTERED: 10th June 2014	DATE OF EXPIRY: 5th August 2014
WARD: Up Hatherley	PARISH: Up Hatherley
APPLICANT: Phillip Perry	
AGENT: Agent	
LOCATION: 281 Hatherley Road, Cheltenham	
PROPOSAL: Erection of two storey side extension	

RECOMMENDATION: Permit



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site is a semi-detached property within a residential area in the ward of Up Hatherley.
- 1.2 The applicant seeks planning permission for a two storey side extension to the property to provide additional living accommodation.
- 1.3 The proposed extension would extend 3.2 metres from the side wall of the original property with a depth of 8.05 metres.
- 1.4 The application is before Planning Committee as the Parish Council has raised no objection to the application providing there are no neighbour objections. Four letters of objection have been received.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

N/A

Relevant Planning History:

09/00452/FUL 8th August 2011 DISPOS

Two storey side extension and single storey rear extension

12/01572/FUL 16th January 2013 WDN

Erection of attached two bedroom dwelling

3. POLICIES AND GUIDANCE

Adopted Local Plan Policies

CP 4 Safe and sustainable living

CP 7 Design

Supplementary Planning Guidance/Documents

Residential Alterations and Extensions (2008)

National Guidance

National Planning Policy Framework

4. CONSULTATIONS

Gloucestershire Centre for Environmental Records

18th June 2014

Report available to view on line.

Parish Council

11th June 2014

No objection providing the neighbours are happy and it meets the usual legal requirements.

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	7
Total comments received	4
Number of objections	4
Number of supporting	0
General comment	0

5.1 Seven letters have been sent to neighbouring properties, with four households objecting to the application.

5.2 **Summary of comments:**

- Visual impact
- Overbearing
- Overshadowing/Loss of light
- Drainage
- Damage to tree roots
- Loss of privacy

6. OFFICER COMMENTS

6.1 **Determining Issues**

6.2 The main considerations in relation to this application are the design and the impact of the proposal on neighbouring amenity.

6.3 **Design**

6.4 Local Plan Policy CP7 requires development to be of a high standard of architectural design and to complement and respect neighbouring development.

6.5 The Supplementary Planning Document: Residential Alterations and Extensions seeks to avoid a terracing effect with properties by enclosing important space between buildings. The application property benefits from a generous plot size, with considerable space between no. 281 and the neighbouring bungalow at no.279 Hatherley Road. As such, the principle of extending to the side of the property is acceptable.

6.6 The applicant has made changes to the proposal from the original submission which incorporated a wider, lower two storey side extension. Officers considered this would be too wide and would read as an overly large and poorly proportioned single storey extension and therefore advised that a more conventional two storey side extension be explored.

6.7 The applicant has amended the scheme accordingly, and the proposal now incorporates a very slight set back of the extension from the front elevation of the original property. In this instance, a set back of at least one metre is not required as the property benefits from a brick pier, which breaks up the mass of the extension from the original property, thereby ensuring that the extension plays a supporting role to the parent dwelling.

6.8 The proposed materials for the development are concrete tiles and brick to match the original dwelling. The existing upvc cladding to the original property is to be replaced with timber cladding and this is also proposed for the extension.

- 6.9** The occupiers of no. 283 Hatherley Road have raised an objection to the proposal on the basis that it would not be in keeping with the rest of the houses on Hatherley Road and affect no. 283 when viewed from the front.
- 6.10** There is a mix of property styles within the Hatherley Road area, with a number of properties having been extended to the side. The aforementioned Supplementary Planning Document provides specific guidance when extending to the side of semi-detached properties. The proposal meets all the design requirements set out within this document, particularly in terms of achieving subservience and respecting the space between properties.
- 6.11** The surrounding properties incorporate a range of materials with semi-detached properties on nearby Wards Road incorporating a mix of tile hanging, stone pebble dash and upvc cladding.
- 6.12** Given the original dwelling incorporates horizontal cladding, the proposed replacement, albeit with a different material would have the same horizontal lines where the boarding goes. As such, the proposed replacement of upvc cladding with timber cladding is considered acceptable.
- 6.13** For the reasons identified above, the proposal is considered a subservient addition to the original dwelling and reflects the character of the original house. As such, the extension accords with Local Plan Policy CP7 and the Supplementary Planning Document: Residential Alterations and Extensions.
- 6.14 Impact on neighbouring property**
- 6.15** Local Plan Policy CP4 requires development to protect the existing amenity of neighbouring land users and the locality.
- 6.16** A number of objections have been raised in relation to the application from the occupiers of nearby properties. The main concerns raised in these objections relate to visual amenity, loss of privacy and overshadowing/loss of light.
- 6.17** The occupier of no. 11 Kingscote Close raised a visual amenity concern due to the proximity of the extension from the boundary of this property. The rear wall of the proposed extension would be sited 9.5 metres from the rear boundary with no.11 with a further 15.5 metres from the rear wall of the neighbouring property itself.
- 6.18** Whilst the extension would be visible from this property, in light of the considerable distance from the boundary it would not have any negative impact on visual amenity and certainly could not be construed as an overbearing form of development.
- 6.19** Further objections have been received in relation to an overshadowing effect of the extension and a loss of light. Paragraph 6.5 of this report highlights the generous plot size of the application site, with significant space to the side of the property. The eastern site boundary is on an angle with the distance of the proposal to the boundary increasing further into the site.
- 6.20** The occupier of no. 279 Hatherley Road has a side elevation window which serves the kitchen of this property. A site visit has been carried out to this property to establish the impact of the proposed extension.
- 6.21** No. 279 is set some five metres forward of the front elevation of the application site and not directly adjacent. The kitchen window would be approximately 7.5 metres from the side wall of the proposed extension and two metres back from the front elevation of the extension. There would be some impact on the neighbouring property given the application property would be closer to the neighbouring bungalow but having assessed

the proposal fully, this would not be unacceptable. The detailed light test reveals there would be no unacceptable reduction in light to no. 279 as a result of the extension.

- 6.22** The final concern raised in relation to amenity relates to a loss of privacy to the neighbouring properties. The occupiers of no. 9 and 11 Kingscote Close and no. 279 Hatherley Road have raised concerns regarding privacy.
- 6.23** The proposal initially incorporated rooflights within the rear elevation. The applicant has amended the internal layout of the room to incorporate an en-suite facing onto the rear garden, which would have obscure glazed windows. The occupier of no. 9 Kingscote Close has raised an objection to these amended drawings despite the obscure glazing, as the window could still be opened.
- 6.24** Officers feel it would be unreasonable to attach a condition requiring the window to be non-opening as well as obscure glazed. The window would be 9.5 metres from the boundary and would serve a bathroom. Furthermore, the existing first floor rear elevation windows are also 9.5 metres from the boundary, so this would be no worse than the effect of existing windows to the property.
- 6.25** Overall, despite the objections from the occupiers of neighbouring properties, officers are satisfied there would be no unacceptable impact on neighbouring amenity. There would be no increased element of overlooking or loss of privacy, and the proposal would not result in an unacceptable loss of light to neighbouring properties.
- 6.26** The proposal therefore meets the criteria set out in Local Plan Policy CP4 in terms of protecting the amenity of adjoining land users.

6.27 Drainage/Sewage

- 6.28** A number of comments have been received raising a concern as a public sewer runs beneath the application site.
- 6.29** This is not a planning consideration. The applicant would require separate approval from Severn Trent prior to commencing any building works and if there are issues then these would need to be overcome first. Therefore, whilst these concerns have been noted, they would not warrant the refusal of planning permission.

6.30 Trees

- 6.31** A comment has been received in relation to the tree to the rear of the application site between no. 281 Hatherley Road and no.11 Kingscote Close. The tree is not protected and is some distance from the proposed works and therefore the Tree Officer would not normally be consulted on this application.
- 6.32** Notwithstanding this, the works have been discussed with the Tree Officer who considers the proposal would not have any detrimental impact on this tree. Whilst the Tree Officer has not raised any concerns, an informative has been attached to the recommendation to ensure the applicant is mindful of the tree during construction works.

6.33 Ecology

- 6.34** Notification has been received from Gloucestershire Centre for Environmental Records regarding species of conservation importance recorded within a 250m search area of the application site. Due to the small scale nature of the proposal, it is not considered that there would be any negative impact on the ecology of the area.

7. CONCLUSION AND RECOMMENDATION

- 7.1 For the reasons discussed above, whilst there have been a number of objections to the application, the proposal is in accordance with policy CP7 in terms of achieving an acceptable standard of design and would not have an unacceptable impact on neighbouring amenity.
- 7.2 As such, the recommendation is to permit this application subject to the conditions set out below.

8. CONDITIONS / INFORMATIVES

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The development hereby permitted shall be carried out in accordance with drawing numbers 03A and 02B received 18th July 2014.
Reason: To ensure the development is carried out in strict accordance with the approved drawings.
- 3 The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
Reason: To ensure a satisfactory form of development in accordance with Local Plan Policy CP7 relating to design.
- 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 rear elevation window hereby approved 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.

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.

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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 applicant should be mindful of nearby trees during the construction of the extension.

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APPLICATION NO: 14/01032/FUL		OFFICER: Miss Chloe Smart	
DATE REGISTERED: 10th June 2014		DATE OF EXPIRY : 5th August 2014	
WARD: Up Hatherley		PARISH: UPHATH	
APPLICANT:	Phillip Perry		
LOCATION:	281 Hatherley Road, Cheltenham		
PROPOSAL:	Erection of two storey side extension		

REPRESENTATIONS

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

11 Kingscote Close
Cheltenham
Gloucestershire
GL51 6JU

Comments: 20th June 2014
Letter attached.

Comments: 1st August 2014
Letter attached.

9 Kingscote Close
Cheltenham
Gloucestershire
GL51 6JU

Comments: 16th June 2014
Letter attached.

Comments: 31st July 2014
Letter attached.

283 Hatherley Road
Cheltenham
Gloucestershire
GL51 6HP

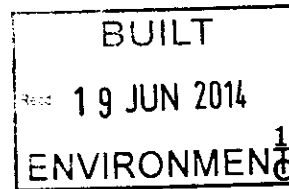
Comments: 30th June 2014
We do not feel that this extension is necessary, the house is big enough for its purpose. The extension will not be in keeping with the rest of the houses on Hatherley Road and it will affect how our house is viewed from the front.

279 Hatherley Road
Cheltenham
Gloucestershire
GL51 6HP

Comments: 20th June 2014
Letter attached.

Comments: 25th July 2014
Letter attached.

Tracey Crews – Head of Planning
 Cheltenham Borough Council
 Municipal Offices
 Promenade
 CHELTENHAM
 Glos
 GL50 9SA



11 Kingscote Close
 CHELTENHAM
 Glos
 GL51 6JU

Date: 18/06/14

Your ref: 14/1032/FUL

Planning Officer: Miss Chloe Smart

Dear Ms Crews

Proposal: Erection of two storey side extension at 281 Hatherley Road, Cheltenham, Gloucestershire.

It appears that the comments made within the rejection of the application made by the previous family have been somewhat taken on board however, I still strongly object to the above for the following reasons, even if everything is on a 'smaller' scale.

1) Loss Of Privacy

The proposed bedroom windows, even though 'Velux' style within the roof of the extension, when stood looking out of them, would still have direct visibility into my lounge & kitchen, totally removing any privacy I am currently able to enjoy.

2) Visual Impact

I am still concerned about the proximity & size of the proposed extension being too close to my boundary & still having a considerable detrimental visual impact on my outlook.

3) Overshadowing

The proposed extension, as a two storey, would still cause considerable loss of sun and daylight in my garden, especially during the winter months when the sun is much lower.

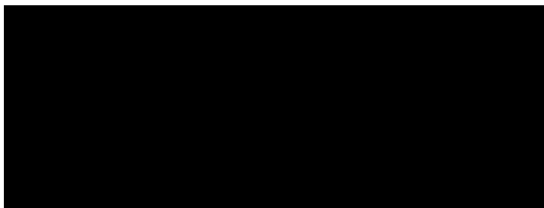
4) Amenity - Drains & Sewers

I understand that during the summer of 2007, the garden of 281 was worryingly 'knee deep' in sewage. As I understand from Severn Trent, the proposed extension would be classed as a 'Build over'. Whilst not a planning matter, I wish to register my concerns of access to the sewage pipes, surface water drainage etc. If these were to be moved, I wish to know the impact on my property with regards to the drainage, both sewage and surface water from my property.

5) Roots

There is a large Walnut tree 'sat in the middle' of the boundary between my garden and that of 281. I am already concerned as to the spread of the roots of this tree and the likelihood of damage to the tree from digging the required foundations for the proposed dwelling. Therefore potential falling of the walnut tree & the significant damage this could cause, furthermore any likely impact on the already 'challenged' drainage system.

Yours sincerely



Tracey Crews – Head of Planning
Cheltenham Borough Council
Municipal Offices
Promenade
CHELTENHAM
Glos
GL50 9SA

11 Kingscote Close
CHELTENHAM
Glos
GL51 6JU

Date: 28/07/14 Your ref: 14/1032/FUL Planning Officer: Miss Chloe Smart

Dear Ms Crews

Proposal: Erection of two storey side extension at 281 Hatherley Road, Cheltenham, Gloucestershire.

I have looked at the resubmission of drawings & I still strongly object to the above for the following reasons:

1) Loss Of Privacy

The proposed en-suite, even though indicated as obscured glass is negated by the fact the one window is clearly a window that opens, therefore would still have direct visibility into my lounge & kitchen, totally removing any privacy I am currently able to enjoy.

2) Visual Impact

I am still concerned about the & size & proximity of the proposed extension, even more so as the height is now the same as the existing house, therefore even more of substantial detrimental visual impact on my outlook & being too close to my boundary.

3) Overshadowing

The proposed extension, as a two storey, even more so as the height is now the same as the existing house, would cause even more significant loss of sun and daylight in my garden, especially during the winter months when the sun is much lower.

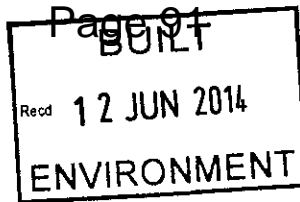
4) Amenity - Drains & Sewers

I understand that during the summer of 2007, the garden of 281 was worryingly 'knee deep' in sewage. As I understand from Severn Trent, the proposed extension would be classed as a 'Build over'. Whilst not a planning matter, I wish to register my concerns of access to the sewage pipes, surface water drainage etc. If these were to be moved, I wish to know the impact on my property with regards to the drainage, both sewage and surface water from my property.

5) Roots

There is a large Walnut tree 'sat in the middle' of the boundary between my garden and that of 281. I am already concerned as to the spread of the roots of this tree and the likelihood of damage to the tree from digging the required foundations for the proposed dwelling. Therefore potential falling of the walnut tree & the significant damage this could cause, furthermore any likely impact on the already 'challenged' drainage system.

Yours sincerely



Tracey Crews
Cheltenham Borough Council
Municipal Offices
Promenade
CHELTENHAM
Glos
GL50 9SA

9 Kingscote Close
CHELTENHAM
Glos
GL51 6JU

Date: 12/06/14
Your ref: 14/1032/FUL

Dear Miss Crews

**Proposal: Erection of a two storey side extension at 281 Hatherley Road,
Cheltenham, Gloucestershire.**

I strongly object to the above for the following reasons:

1) Loss Of Privacy

From the upstairs windows of the proposed dwelling the owner/occupiers would be able to look directly into my garden and lounge totally removing any privacy I am currently able to enjoy. It will also have considerable visual impact on my outlook.

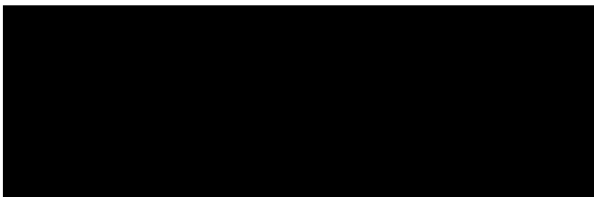
2) Overshadowing

The extension would cause loss of sun and daylight in my garden, especially during the winter months when the sun is much lower. I find this totally unacceptable.

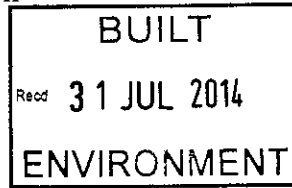
3) Drains & Sewers

We have in the past had problems with flooding due to back-up of sewage. The main sewerage system runs through the garden of 281 Hatherley Road to the main outlet in Hatherley Road and as I understand this outlet will be under proposed new building. We have had visits by the environmental health officer about this problem. Severn Trent have now taken over the system, so I presume they will be informed if planning is given as overbuild of the sewerage outlet may cause considerable problems in the future for one side of Kingscote Close as they are all connected via this outlet.

Yours sincerely



Tracey Crews
Cheltenham Borough Council
Municipal Offices
Promenade
CHELTENHAM
Glos
GL50 9SA



9 Kingscote Close
CHELTENHAM
Glos
GL51 6JU

Date: 28/07/14
Your ref: 14/1032/FUL

Dear Miss Crews

Proposal: Erection of a two storey side extension at 281 Hatherley Road, Cheltenham, Gloucestershire.

I strongly object to the above for the following reasons:

1) Loss Of Privacy

From the upstairs windows of the proposed dwelling the owner/occupiers would be able to look directly into my garden and lounge totally removing any privacy I am currently able to enjoy. Having looked at the new plans, the big window being able to be opened will still have that negative impact on my privacy. It will also have considerable visual impact on my outlook.

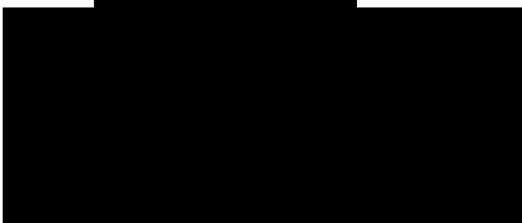
2) Overshadowing

The extension would cause loss of sun and daylight in my garden, especially during the winter months when the sun is much lower. I find this totally unacceptable.

3) Drains & Sewers

We have in the past had problems with flooding due to back-up of sewage. The main sewerage system runs through the garden of 281 Hatherley Road to the main outlet in Hatherley Road and as I understand this outlet will be under proposed new building. We have had visits by the environmental health officer about this problem. Severn Trent have now taken over the system, so I presume they will be informed if planning is given as overbuild of the sewerage outlet may cause considerable problems in the future for one side of Kingscote Close as they are all connected via this outlet. We have had problems as recently as May 2014 resulting in Severn Trent being called out.

Yours sincerely



Ms T Crews
Head of Planning
Built Environment
Cheltenham Borough Council
P.O. Box 12
Municipal Offices
Promenade
Cheltenham
GL50 1PP

279 Hatherley Road
Cheltenham
Gloucestershire
GL51 6HP

19 June 2014

Dear Ms Crews

Planning Application 14/01032/FUL

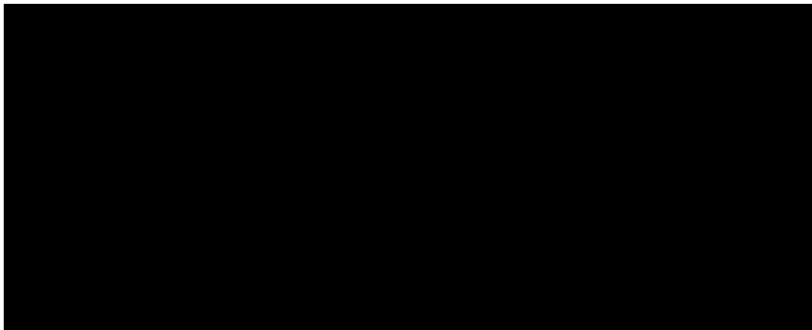
The proposed two storey side extension at 281 Hatherley Road will result in a loss of open space at the side of my property and will have an overbearing effect on my bungalow. Any further development at 281 Hatherley Road should be restricted to a single storey extension.

The bedroom and ensuite windows on the gable wall of the proposed extension face and overlook the kitchen window on my property. These windows are only acceptable if they are obscure glazed and are non-opening.

The Severn Trent sewer which runs along the side of 281 Hatherley Road is known to be overloaded already and the addition of a shower room with WC will add to this problem. A retaining wall exists at the boundary of 281 and 279 Hatherley Road due to a difference in levels between the two properties. This retaining wall is over fifty years old and belongs to my property. Any attempts to divert the existing sewer around the proposed extension would bring it very close to this retaining wall which could cause damage or even collapse of the wall.

I hope you will consider all the points that I have raised when assessing this planning application.

Yours Sincerely



Page 94 BUILT
Recd 25 JUL 2014
ENVIRONMENT

Mrs T Crews
Head of Planning
Built Environment
Cheltenham Borough Council
P.O. Box 12
Municipal Offices
Promenade
Cheltenham
GL50 1PP

279 Hatherley Road
Cheltenham
Gloucestershire
GL51 6HP

24 July 2014

Dear Ms Crews

Planning Application 14/01032/FUL

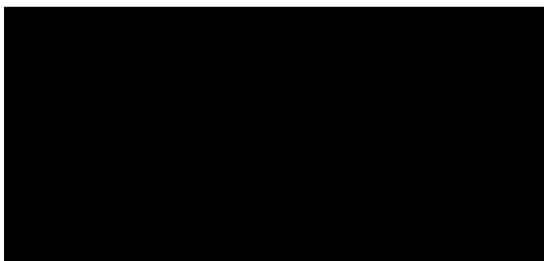
The revised plans for the proposed two storey side extension at 281 Hatherley Road will still result in a loss of open space at the side of my property. The increase in roof height will almost certainly cause some loss of daylight to my kitchen window and small conservatory which are situated on the side of my bungalow facing the proposed extension.

The two storey side extension lacks visual appeal with a large gable wall which will have an overbearing effect on my bungalow. The proposed design could be improved by lowering the roof line of the extension and moving the front wall back a little. This will reduce the mass effect of the gable wall and the loss of light to my property would be much less and therefore acceptable.

The addition of an en-suite shower room and downstairs WC will increase the amount of water running into the Severn Trent sewer which is already known to be overloaded.

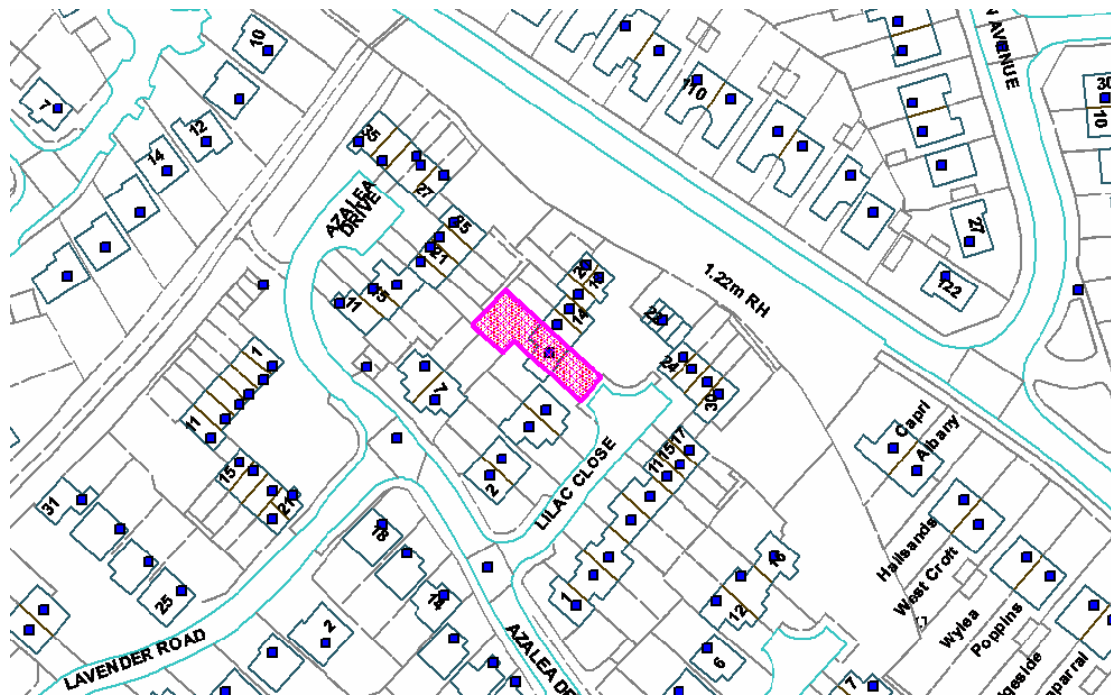
I hope you will take all of these factors into consideration when assessing this planning application.

Yours Sincerely



APPLICATION NO: 14/01070/FUL		OFFICER: Mr Ben Hawkes
DATE REGISTERED: 17th June 2014		DATE OF EXPIRY: 12th August 2014
WARD: Warden Hill		PARISH: Up Hatherley
APPLICANT:	Mr & Mrs N Dring	
AGENT:	Peter A Marshall Architect Limited	
LOCATION:	10 Lilac Close, Up Hatherley, Cheltenham	
PROPOSAL:	Erection of single storey rear extension	

RECOMMENDATION: Permit



1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site is an end of terrace Cotswold stone-effect property located within a residential area on Lilac Close.
- 1.2 The applicant is seeking planning permission for the erection of a single storey extension at the rear of the property.
- 1.3 This application has been called to committee at the request of Councillor Anne Regan following an objection from neighbours at number 8 Lilac Close. The points of concern raised were the proposed height of the extension potentially being overbearing and intrusive, issues regarding drainage and a loss of light to the garden of number 8 Lilac Close

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Relevant Planning History:

91/01300/PM 30th April 1992 PER

The Erection of 110 Dwelling Houses Complete With Garages/Car Parking And Associated Drainage, Roads And Footpaths (Revised Scheme)

90/01340/PF 27th February 1991 PER

Outline application for residential development, conversion farm to residential and provision of public open space.

90/01371/PF 7th August 1990 REF

Residential development, conversion to residential public open space and restaurant/motel. New and altered access.

3. POLICIES AND GUIDANCE

Adopted Local Plan Policies

CP 4 Safe and sustainable living

CP 7 Design

Supplementary Planning Guidance/Documents

Residential Alterations and Extensions (2008)

National Guidance

National Planning Policy Framework

4. CONSULTATIONS

Gloucestershire Centre for Environmental Records

2nd July 2014

Report available to view on line.

Parish Council

25th June 2014

No objection providing it meets the usual criteria and is acceptable to the neighbours.

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	7
Total comments received	1
Number of objections	1
Number of supporting	0
General comment	0

5.1 Seven letters have been sent out to neighbouring properties with one letter of objection received.

5.2 Comments Received

1. The proposed height of the extension and its affect on amenity
2. Visual impact where the flat roof joins the existing structure.

The above comments have been addressed in the report below.

6. OFFICER COMMENTS

6.1 Determining Issues

6.2 The main considerations in relation to this application are the design and the impact of the proposal on neighbouring amenity.

6.3 Design

6.4 Local Plan Policy CP7 requires development to be of a high standard of architectural design and to complement and respect neighbouring development.

6.5 The proposed flat roof extension will project 5.75 metres from the rear wall of the attached garage and will have a width of 3.15 metres.

6.6 The proposed materials are bricks to match existing, flat mineral felt roof and upvc to match the existing property.

6.7 With reference to concerns in relation to the junction of the proposed flat roof and existing pitched roof of the garage, whilst this may not be considered the most desirable approach to extending the property, it is also not considered to be unacceptable. The proposed extension does not dominate or detract from the original building and is of a relatively small scale. Overall, the extension is considered a subservient addition to the original property and meets the criteria set out in the above policy and the Supplementary Planning Document: Residential Alterations and Extensions (Adopted 2008).

6.8 Impact on neighbouring property

6.9 Local Plan Policy CP4 requires development to protect the existing amenity of neighbouring land users and the locality.

6.10 Although there will be some impact on the amenity of the adjoining land users at number 8 Lilac Close it will not be of an unacceptable level. The location of the proposed extension in relation to the current existing garage block means there will be a limited impact on amenity and any unacceptable loss of light or outlook.

- 6.11 With regard to concerns over the loss of light, no windows or openings of the adjoining land user would be affected by this proposal; therefore there will be no unacceptable loss of light or increase in overlooking to neighbouring property.
- 6.12 The proposed materials are to match existing which will reduce the overall visual impact of the extension.
- 6.13 An issue was raised in regards to rain water drainage of the proposed extension. As confirmed in writing by the agent the proposed flat roof extension will either connect into the existing storm system or into a new soakaway. Both located within the application site; this will therefore not have an impact on the neighbour.
- 6.14 The proposal is in accordance with Local Plan Policy CP4 in terms of protecting the existing amenity of neighbouring land users.

7. CONCLUSION AND RECOMMENDATION

- 7.1 For the reasons discussed above it is considered that the proposal is in accordance with policy CP4 and CP7 in terms of achieving an acceptable standard of design and would not have an unacceptable impact on neighbouring amenity.
- 7.2 The recommendation is to permit this application subject to the conditions set out below

8. CONDITIONS / INFORMATIVES

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The development hereby permitted shall be carried out in accordance with drawing numbers 14-35-01 received 16th June 2014.
Reason: To ensure the development is carried out in strict accordance with the approved drawings.
- 3 The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
Reason: To ensure a satisfactory form of development in accordance with Local Plan Policy CP7 relating to design.

INFORMATIVES

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

At the heart of this positive and proactive approach is the authority's pre-application advice service for all types of development. Further to this however, the authority

Page 99

publishes guidance on the Council's website on how to submit planning applications and provides full and up-to-date information in relation to planning applications to enable the applicant, and other interested parties, to track progress.

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

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APPLICATION NO: 14/01070/FUL		OFFICER: Mr Ben Hawkes	
DATE REGISTERED: 17th June 2014		DATE OF EXPIRY : 12th August 2014	
WARD: Warden Hill		PARISH: UPHATH	
APPLICANT:	Mr & Mrs N Dring		
LOCATION:	10 Lilac Close, Up Hatherley, Cheltenham		
PROPOSAL:	Erection of single storey rear extension		

REPRESENTATIONS

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

8 Lilac Close
Up Hatherley
Cheltenham
Gloucestershire
GL51 3BP

Comments: 11th July 2014

As the immediate neighbour, whose property is adjacent to the applicants', I object to this proposal for the following reasons:

1. The proposed height of the extension at 3 metres which is considerably higher than the existing boundary fence between our two properties. The increased height will impact on my amenity - it will block out an unacceptable amount of light to my entire rear garden and will be oppressive. The length of the extension which extends beyond the length of my garden will exacerbate this. I would have less of a problem if the height of the extension matched the base of the roof line of our existing garages which is 2.3m which is some 0.7m below the proposed height of the extension.
2. I am also concerned by the visual impact where the flat roof joins the existing structure. A reduced height would remove this issue.

To conclude, I don't object in principle to my neighbours building a single storey extension. However, I am very concerned about the height and length of the proposal.

38A Canterbury Walk
Cheltenham
Gloucestershire
GL51 3HG

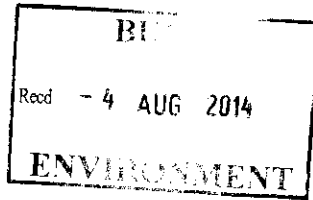
Comments: 5th August 2014

Letter attached.

Mr Ben Hawkes

Planning Officer

Cheltenham Borough Council



17th July 2014

Ref Planning Application 14/01070/FUL

Dear Mr Hawkes.

On behalf of the residents at 8, Lilac Close ,Hatherley, Cheltenham I wish to place an objection to the proposed side extension from the applicant at 10 Lilac Close.

I request that this is heard and determined at a full Planning Meeting and a site view is arranged.

The following reasons are asked to be taken into consideration for a refusal to this application.

1. The height of the proposed extension is 3 metres, giving an overbearing and intrusive boundary to number 8, Lilac Close. The occupants at number 8 are reasonably asking that the height be lowered to 2.3m. They then would find the extension plans more agreeable to accept.
2. The issue of drainage between the proposed extension and the garage roof raises issue of where the water run off would be.
3. The loss of light to the garden of no 8 would be extensive as it is such a small garden area and the proposed extension would run beyond the existing fence. The area would be to the detriment of the children's health and wellbeing who would then be expected to play in a very dark and enclosed garden.

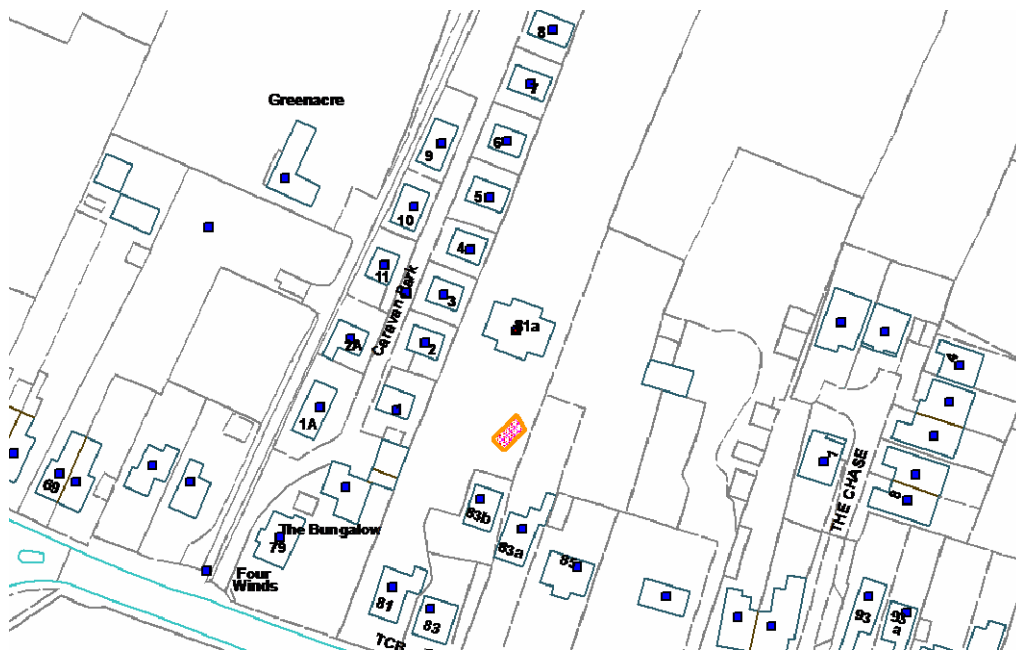
I would ask that all the above issues brought to my attention by the objectors are conveyed to all members of the planning Committee.

Yours Sincerely

Anne Regan
Ward Councillor
Warden Hill

APPLICATION NO: 14/01099/COU		OFFICER: Miss Chloe Smart
DATE REGISTERED: 27th June 2014		DATE OF EXPIRY: 22nd August 2014
WARD: Prestbury		PARISH: Prestbury
APPLICANT:	Mr Andrew Sullivan	
AGENT:	Harrison-Russell	
LOCATION:	Five Oaks, 81A New Barn Lane, Cheltenham	
PROPOSAL:	Retrospective change of use from ancillary garage to use as holiday let accommodation for not more than 42 weeks in any calendar year	

RECOMMENDATION: Permit



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

1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 This application seeks retrospective planning permission for change of use of the upper floor of an existing garage to allow it to be used as holiday let accommodation.
- 1.2 The garage was originally granted outline permission through application 01/01032/OUT, with its details approved as part of a later reserved matters application (05/00166/REM), with a subsequent amendment application in 2007 (07/01734/FUL).
- 1.3 The application is before Planning Committee due to the Parish Council objection on the grounds of inappropriate development.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Greenbelt

Relevant Planning History:

01/01032/OUT 10th July 2002 PER

New single dwelling

04/01141/REM 31st August 2004 APREM

New dwelling (Revised Scheme)

04/01859/REM 17th December 2004 REF

Garage ancillary to dwelling (approval ref. 04/01141/REM - approval of reserved matters)

04/02168/REM 23rd February 2005 APREM

Revised details. (New dwelling approved 26/08/04: CBC ref. 04/01141/REM)

05/00166/REM 24th March 2005 APREM

Garage ancillary to dwelling. Approval of reserved matters.

05/00782/REM 17th June 2005 APREM

Revised details (new dwelling approved 26.08.04, CBC Ref: 04/01141/REM)

07/01734/FUL 5th February 2008 PER

Amendment to detached garage as approved in March 2005 ref: 05/00782/REM

3. POLICIES AND GUIDANCE

Adopted Local Plan Policies

CP 4 Safe and sustainable living

CP 7 Design

CO 5 Definition of green belt

CO 6 Development in the green belt

National Guidance

National Planning Policy Framework

4. CONSULTATIONS

Parish Council

15th July 2014

In view of previous applications which have been rejected, the Parish feel this is an inappropriate development and object to the proposal.

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	9
Total comments received	2
Number of objections	1
Number of supporting	1
General comment	0

5.1 Two letters have been received, one in support of the proposal and one objection from the occupier of the neighbouring property.

5.2 Comments Received

Summary of comments:

Support:

- Desirable accommodation for visitors of the many festivals, in particular those in the nearby Racecourse.

Objection:

- Precedent for further similar development, particularly lower level of the garage.
- Tandem development
- Previous Local Government Ombudsman case for the approval of the garage
- Increase in noise and disturbance to the detriment of the amenities enjoyed by the neighbouring property.
- Large green tank adjacent to property which is in connection with the use of the loft as accommodation.

6. OFFICER COMMENTS

6.1 Determining Issues

6.2 There are no specific policies within the Local Plan which relate to the change of use of a building to holiday let accommodation. Paragraph 14 of the National Planning Policy Framework requires decision takers to grant permission where the development plan is absent or silent on a matter unless, *'Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits of the scheme, when assessed against the policies in this framework as a whole'*.

6.3 With that in mind, the main considerations relate to the impact of the scheme on the Green Belt, neighbouring amenity and access and highway issues.

6.4 Impact on Green Belt

- 6.5** The northern section of the existing building lies within the Green Belt. For that reason, the impact on the Green Belt has been assessed as part of this application.
- 6.6** Paragraph 79 of the National Planning Policy Framework refers to the openness and permanence of the Green Belt as being essential characteristics.
- 6.7** Local Plan Policy CO6 states that any material change of use will not be permitted unless this change maintains the openness of the Green Belt.
- 6.8** The proposal relates purely to the change of use of the garage as a holiday let. There are no extensions or alterations to the existing building proposed as part of this application. The accommodation provided is at first floor level, with the ground floor storage and parking to be retained as existing.
- 6.9** Given there would be no external alterations to the building, the change of use is considered to maintain the openness of the Green Belt and is in line with the guidance within the NPPF and Local Plan Policy CO6.
- 6.10 Impact on neighbouring property**
- 6.11** Local Plan Policy CP4 requires development to protect the existing amenity of neighbouring land users and the locality.
- 6.12** One letter of objection has been received from the occupier of the neighbouring property at no. 83b New Barn Lane. A number of issues are raised in this letter; however amenity concerns relate to noise and disturbance, particularly due to the close proximity of the building.
- 6.13** The accommodation consists of a small living/sleeping area, a kitchen and a bathroom. The building is closer to the boundary of the neighbouring property than the main house; however, given the small scale nature of the proposal, the increase in activity generated as a result of the change of use is minor.
- 6.14** Furthermore, there is no unacceptable increase in overlooking as a result of the change of use as the first floor of the building incorporates rooflights facing into the land within the applicant's ownership.
- 6.15** Finally, given the small scale nature of the proposal the increase in vehicular trips to the site would be minimal and would not cause any adverse impact over and above any existing vehicular trips to the property.
- 6.16** Overall, despite the concerns raised by the neighbour, the proposal would have no adverse impact on the amenities enjoyed by the neighbouring properties. The development is therefore in accordance with Local Plan Policy CP4.
- 6.17 Access and highway issues**
- 6.18** Access to the holiday let accommodation would remain the same as existing access arrangements. There is an access which serves no. 81A New Barn Lane and sufficient parking within the curtilage of this property to accommodate additional parking.
- 6.19** The vehicular movements created as a result of this change of use would be minimal and have no impact on the surrounding highway network.
- 6.20 Other considerations**
- 6.21** The occupier of the neighbouring property has raised additional comments in relation to a previous Ombudsman case which relates to the previous approval of the garage. The

previous Ombudsman case is of no relevance to the determination of this application. The change of use must be considered on its planning merits when assessed against the relevant planning policies.

- 6.22** In respect of the green tank to the rear of the building, this is a water tank and would not require the benefit of planning permission.

7. CONCLUSION AND RECOMMENDATION

- 7.1** Overall, the proposal is considered to accord with the guidance set out within the National Planning Policy Framework and the Local Plan. There would be no adverse impacts on the Green Belt, neighbouring amenity or highway safety.
- 7.2** The recommendation is to approve planning permission subject to the conditions set out below.

8. CONDITIONS / INFORMATIVES

- 1 The development hereby permitted shall be carried out in accordance with drawing numbers 1099.01, 1099.02A, 1099.03A and 1099.05 received 27th June 2014.
Reason: To ensure the development is carried out in strict accordance with the approved drawings.
- 2 The proposed development shall only be occupied as a holiday unit and shall not be let to any one occupant for more than one month in any one period of 12 months.
Reason: To ensure that the holiday units are not occupied for independent occupation. Planning permission is required for independent occupation and the Local Planning Authority will require a further planning application in accordance with statute.

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.

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APPLICATION NO: 14/01099/COU		OFFICER: Miss Chloe Smart	
DATE REGISTERED: 27th June 2014		DATE OF EXPIRY : 22nd August 2014	
WARD: Prestbury		PARISH: PREST	
APPLICANT:	Mr Andrew Sullivan		
LOCATION:	Five Oaks, 81A New Barn Lane, Cheltenham		
PROPOSAL:	Retrospective change of use from ancillary garage to use as holiday let accommodation for not more than 42 weeks in any calendar year		

REPRESENTATIONS

Number of contributors	2
Number of objections	1
Number of representations	0
Number of supporting	1

3 Glensanda Court
 Montpellier Spa Road
 Cheltenham
 Gloucestershire
 GL50 1UF

Comments: 11th July 2014

I am totally in support of this planning application. The Proposed plans will offer desirable accommodation for visitors of the many festivals, in particular those in the nearby Racecourse.

It is a quiet area with an established access point and will cause any harm to the nearby environment or properties.

Whytehurst
 83B New Barn Lane
 Cheltenham
 Gloucestershire
 GL52 3LF

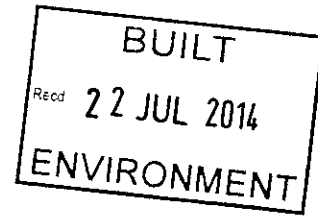
Comments: 23rd July 2014

Letter attached.



Whyteburst

83b New Barn Lane, Cheltenham, GL52 3LF



**Miss Chloe Smart
Planning Department
Cheltenham Borough Council
Promenade
Cheltenham**

Ref 14/01099/COU

Tuesday, 22 July 2014

Dear Miss Smart

Proposal: Retrospective change of use from ancillary garage to use as a holiday let accommodation at Five Oaks, 81A New Barn Lane.

Use of this building as a residential unit, albeit as a holiday home, would set a precedent for further similar development, especially in the lower level of the garage building, to be used for purposes contrary to the land's Green Belt status which remains unaltered since its original conception.

Furthermore, change of use to residential purposes would surely introduce a tandem development.

The Council will not have forgotten that the Local Government Ombudsman became involved over the ill conceived granting of permission to build on this land, found in favour of a complainant and required the Council to make two separate compensation payments, the second of which followed the granting of permission for the enormous garage. Correspondence from the Council to the Ombudsman at that time confirmed that the loft was to be used for storage. This latest proposal may well stimulate further interest from the Ombudsman.

The proposed holiday unit, together with the recently installed additional four en-suite rooms in the house at 81A New Barn Lane, would have the potential to attract five additional vehicles on to the site and could lead to noise and general disturbance to the detriment of the amenities enjoyed in my property especially due to its close proximity.

As a result of the recent unauthorised use of the garage as a holiday let the area adjacent to my garden has become somewhat untidy through the provision of a very large green tank which I'm led to believe is used in connection with the unauthorised use of the loft as accommodation. Also to be seen there is a builders lavatory, a caravan apparently used for storage, a pickup truck and a trailer plus various other bits of detritus which contribute to changing what should be a residential garden to the appearance of an abandoned building site on the edge of the Green Belt.

Councillors and the Government Inspector on a recent visit would not have seen this since it was removed for the duration of their visit.

Yours sincerely



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APPLICATION NO: 14/01099/COU		OFFICER: Miss Chloe Smart	
DATE REGISTERED: 27th June 2014		DATE OF EXPIRY: 22nd August 2014	
WARD: Prestbury		PARISH: Prestbury	
APPLICANT:	Mr Andrew Sullivan		
AGENT:	Mr Ron Harrison		
LOCATION:	Five Oaks, 81A New Barn Lane, Cheltenham		
PROPOSAL:	Retrospective change of use from ancillary garage to use as holiday let accommodation for not more than 42 weeks in any calendar year		

Update to Officer Report

1. OFFICER COMMENTS

- 1.1. Since the publication of the main officer report an additional condition has been attached to the conditions suggested as part of the recommendation.
- 1.2. Officers consider condition 3 below is necessary to define the permission as submitted by the applicant and to avoid any doubt as to the use of the overall site.
- 1.3. A full list of the suggested conditions and informative has been provided below.

2. CONDITIONS

- 1 The development hereby permitted shall be carried out in accordance with drawing numbers 1099.01, 1099.02A, 1099.03A and 1099.05 received 27th June 2014.
Reason: To ensure the development is carried out in strict accordance with the approved drawings.
- 2 The proposed development shall only be occupied as a holiday unit and shall not be let to any one occupant for more than one month in any one period of 12 months.
Reason: To ensure that the holiday units are not occupied for independent occupation. Planning permission is required for independent occupation and the Local Planning Authority will require a further planning application in accordance with statute.
- 3 The change of use hereby permitted shall remain ancillary to the overall residential use of the dwelling known as 81 A New Barn Lane.
Reason: The use relates to the first floor of the existing structure with the ground floor continuing to be used by 81A New Barn Lane and therefore the Local Planning Authority wishes to have the opportunity of exercising control over any subsequent use.

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.

1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site is a semi-detached property within a residential area in the Charlton Park ward.
- 1.2 The proposal seeks planning permission for the erection of a first floor rear extension and two storey side extension.
- 1.3 The proposed two storey side extension would project 1.6 metres from the side elevation of the property which is in line with the side wall of the existing single storey extension.
- 1.4 The extension will have a depth of 7.6 metres which and would extend above the part of the existing single storey extension. The two storey extension would project 3.1 metres from the rear wall of the original property.
- 1.5 The application is before planning committee as the applicant is Councillor Coleman.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Landfill Sites boundary
Smoke Control Order

Relevant Planning History:

None.

3. POLICIES AND GUIDANCE

Adopted Local Plan Policies

CP 4 Safe and sustainable living
CP 7 Design

Supplementary Planning Guidance/Documents

Residential Alterations and Extensions (2008)

National Guidance

National Planning Policy Framework

4. CONSULTATIONS

Gloucestershire Centre for Environmental Records

9th July 2014

Report available to view on line.

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	3
Total comments received	0
Number of objections	0
Number of supporting	0
General comment	0

Three letters have been sent to neighbouring properties and no responses have been received.

6. OFFICER COMMENTS

6.1 Determining Issues

6.2 The main considerations in relation to this application are the design and the impact of the proposal on neighbouring amenity.

6.3 Design

6.4 Local Plan Policy CP7 requires development to be of a high standard of architectural design and to complement and respect neighbouring development.

6.5 The proposed extension would be set back from the front elevation of the property by 1.3 metres at ground floor level and 3.3 metres at first floor level. The ridge of the extension would also be approximately 1.2 metres lower than the ridge of the original dwelling. For those reasons, the extension is considered not to dominate or detract from the original building.

6.6 The proposed roof pitch for the extension is a hipped roof which is consistent with the original property and the materials proposed are to match.

6.7 The extension is fairly large in size; however it meets all the necessary design principles set out in the Residential Alterations and Extensions Supplementary Planning Document and Local Plan Policy CP7, in that it would be subservient to the original dwelling and would respect the character of the surrounding area.

6.8 Impact on neighbouring property

6.9 Local Plan Policy CP4 requires development to protect the existing amenity of neighbouring land users and the locality.

6.10 As stated earlier in the report there have been no letters received in relation to the application.

6.11 The first floor extension at the rear would be set in 2.4 metres from the eastern boundary with the neighbouring property. A light test has been carried out as part of the application and centre of the downstairs window of the neighbouring property lies just outside of the area affected by the proposed extension. The current guidance on site planning for daylight and sunlight, which is referred to in policy, states that when the centre of the window lies outside of the affected area, the impact is likely to be small.

6.12 As such, there would be a loss of light as a result of the extension, but the light test has shown this would not be unacceptable.

6.13 The property at no.10 has an existing two storey rear extension and single storey wrap around side and rear extension which extends slightly further than the proposed extension.

6.14 For the reasons above, the impact of the proposed extension is reduced, however notwithstanding this; there would be no unacceptable loss of light or overbearing impact as a result of the proposal.

6.15 A first floor side elevation window is proposed as part of the scheme. To ensure there is no unacceptable increase in overlooking a condition has been suggested requiring this

window to be glazed with obscure glass. There is an additional window proposed to this room, so this is considered a reasonable condition.

6.16 Overall, there would be no adverse impact on neighbouring amenity and therefore the proposal accords with Local Plan Policy CP4.

6.17 Ecology

6.18 Notification has been received from Gloucestershire Centre for Environmental Records regarding species of conservation importance recorded within a 250m search area of the application site. Due to the small scale nature of the proposal, it is not considered that there would be any negative impact on the ecology of the area.

7. CONCLUSION AND RECOMMENDATION

7.1 For the reasons discussed above it is considered that the proposal is in accordance with policy CP7 in terms of achieving an acceptable standard of design and would not have an unacceptable impact on neighbouring amenity.

7.2 As such, the recommendation is to permit this application subject to the conditions set out below.

8. CONDITIONS / INFORMATIVES

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The development hereby permitted shall be carried out in accordance with drawing numbers 1166:03, 915.02 and 915/03 received 27th June 2014.
Reason: To ensure the development is carried out in strict accordance with the approved drawings.
- 3 The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
Reason: To ensure a satisfactory form of development in accordance with Local Plan Policy CP7 relating to design.
- 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 elevation window shall be glazed with obscure glass and shall be maintained as such thereafter.
Reason: To safeguard the amenities of the adjoining properties in accordance with Local Plan Policy CP4 relating to safe and sustainable living.

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.

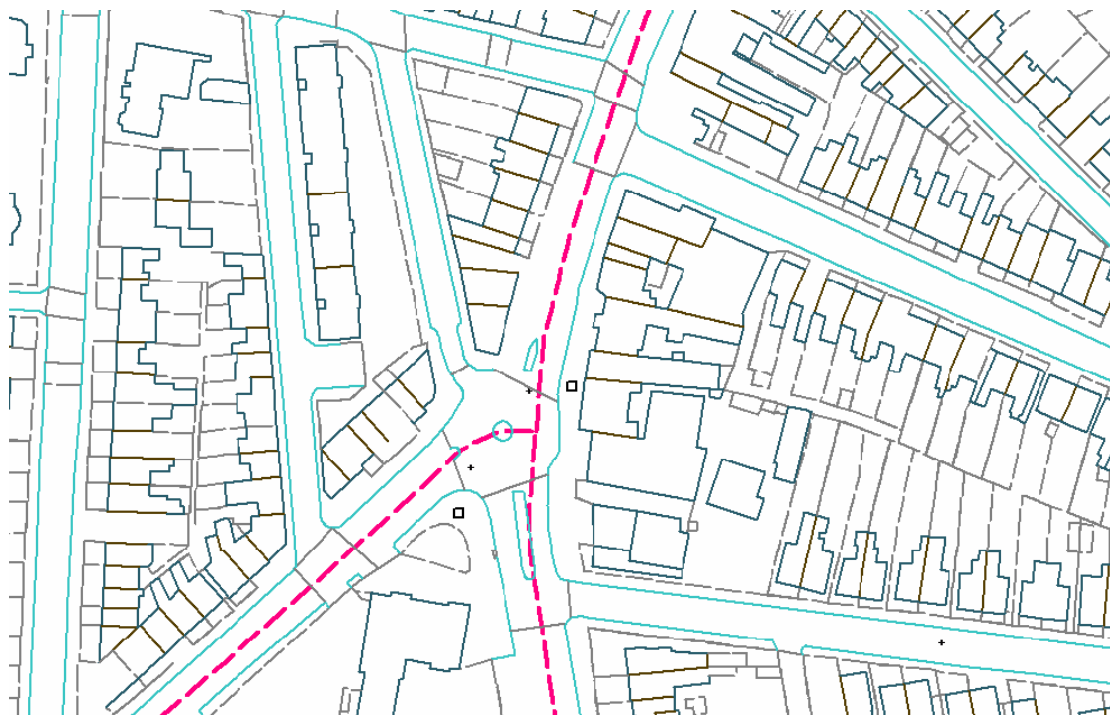
At the heart of this positive and proactive approach is the authority's pre-application advice service for all types of development. Further to this however, the authority publishes guidance on the Council's website on how to submit planning applications and provides full and up-to-date information in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

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APPLICATION NO: 14/01171/FUL	OFFICER: Miss Chloe Smart
DATE REGISTERED: 2nd July 2014	DATE OF EXPIRY: 27th August 2014
WARD: College	PARISH:
APPLICANT: Mr Adrian Phillips	
AGENT:	
LOCATION: Roundabout, Bath Road, Cheltenham	
PROPOSAL:	Proposed decoration of 19 utility boxes within the Bath Road area and decoration of existing roundabout (junction of Bath Road, Leckhampton Road and Shurdington Road).

RECOMMENDATION: Permit



1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 This application relates to the Bath Road area and seeks planning permission for the decoration of 19 utility boxes and the decoration of the existing roundabout at the junction of Bath Road, Leckhampton Road and Shurdington Road.
- 1.2 The application has been made by the Cheltenham Connect subgroup 'Connect Streets' which is a community scheme to improve the Bath Road area and involves the Bath Road traders and local community groups.
- 1.3 The applicant has served the necessary notice on the owners of the utility boxes and roundabout which are Gloucestershire Highways, BT Open Reach and Virgin Media. Extensive discussions have also taken place between the applicant and the owners of the utility boxes and roundabouts to ensure the proposal would be feasible.
- 1.4 The site lies within the Bath Road Character Area of the Central Conservation Area.
- 1.5 The application is before planning committee as officers at the Council have been extensively involved with the preparation of the application. A committee decision is deemed appropriate to ensure a transparent determination of the application.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Conservation Area
District Shopping Area

Relevant Planning History:

N/A

3. POLICIES AND GUIDANCE

Adopted Local Plan Policies

CP 4 Safe and sustainable living
CP 7 Design

Supplementary Planning Guidance/Documents

Central conservation area: Bath Road Character Area and Management Plan (July 2008)

National Guidance

National Planning Policy Framework

4. CONSULTATIONS

GCC Highways Planning Liaison Officer

4th July 2014

I refer to the above planning application received on 3rd July 2014. The application is for the decoration of 19 utility boxes and one roundabout as a community project for the enhancement of the local community, in the Bath Road Leckhampton Road and Shurdington Road area of Cheltenham.

The applicant will require the permission of the relevant authorities the local Highway authority who may be contacted on 0800514514, and also BT Open Reach.

I raise no highway objections to this application.

Heritage and Conservation

28th July 2014

Comments:

1. The main conservation issues for consideration with this proposal are the impact on the conservation area and in particular its character and whether the painted meter boxes will have an adverse impact on the setting of any listed buildings in the Bath Road area.
2. The intention of the project is to reinforce the identity and character of the commercial section of the Bath Road through creating a visual connection. The utility boxes were identified as potential canvases for artwork inspired by initiatives in other cities and countries: they come in a variety of sizes, materials and conditions.
3. Most of the boxes are located on the main road but despite the prominence of their location they are largely overlooked and unnoticed by the public, and in some instances their maintenance has been long neglected.
4. There are five design motifs for the utility boxes, which take inspiration from local and historic sources, and the roundabout artwork is an adaptation of a design detail from these motifs.
5. The positioning of each design and colourway has been carefully considered and is particularly notable with the use of the Cedar design near to the College and the repeated use of the Iris motif on the very small steel boxes that are regularly distributed along the road.
6. The key characteristics identified in the Conservation Area Character Appraisal are the area's vibrancy and unique character, largely derived from specialist shops and public houses: the proposed scheme will enhance this character by introducing a unified, colourful and well-designed scheme without adding extra physical elements to the already cluttered street scene.
7. Having considered each design in its proposed location and settings, no harm has been identified to the historic setting or to the views in and out of the area.
8. Additional benefits of this scheme are to the medium to long-term maintenance of the artwork and by extension to the meter boxes: they will remain the responsibility of their corporate owners but overseen by the community group. The Connect Streets group has undertaken in a Maintenance Statement submitted with this application to maintain/repair or replace the artwork should it deteriorate or become the target of tagging or graffiti, and will liaise with the owners regarding replacement and maintenance of the boxes as required.

Summary: this unusual scheme has been cleverly designed to augment the character of the Bath Road by using local and recognisable visual sources to distinguish and define the area. The artwork will not harm the conservation area and concerns regarding the maintenance of such a scheme have been addressed by the applicant.

CONCLUSION:

Approve.

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	6
Total comments received	3
Number of objections	0
Number of supporting	3
General comment	0

5.1 Six site notices have been displayed at various locations along the Bath Road to draw attention to the application. Three comments have been received in support of the application.

5.2 Comments Received

Summary of representation comments:

- Will brighten up and enhance the environment
- Working hard to maintain the uniqueness of Bath Road and this goes a long way to make it feel special.
- Delighted with the work of Connect Streets. This will enhance the neighbourhood and be an attraction to visitors and shoppers on the Bath Road.

6. OFFICER COMMENTS

6.1 The main consideration in relation to this application is whether the proposal will preserve or enhance the character of the conservation area.

6.2 The Council’s Conservation Officer has provided detailed comments on the application and considered each of the proposed designs set out in the submitted Schedule of Designs.

6.3 The applicant’s intention is to reinforce the identity and character of the Bath Road district centre area which incorporates a range of commercial uses on a busy road. The utility boxes have been identified as a canvas on which to reinforce this identity and create a visual connection in the area.

6.4 The artwork includes five design motifs for the utility boxes which have all taken inspiration from local and historic sources. These include the Cedar design, the Iris and a motif from St Phillips and St James Church window.

6.5 The roundabout design is an adaptation of a design detail from the motifs and would reinforce the unique identity of the area by providing a feature on one of the primary routes into Bath Road.

6.6 The positioning of each design and colourway has been carefully considered and is particularly notable with the use of the Cedar design near to the College and the repeated use of the Iris motif on the very small steel boxes that are regularly distributed along the road. Officers felt the consistency of the design would be particularly important throughout the scheme and the use of the Iris is successful in achieving this.

6.7 The key characteristics identified in the Conservation Area Appraisal are the area’s vibrancy and unique character, largely derived from specialist shops and public houses.

6.8 Most of the boxes are located on the main road but despite the prominence of their location they are largely overlooked and unnoticed by the public, and in some instances their maintenance has been long neglected.

- 6.9** The proposed scheme will enhance this character by introducing a unified, colourful and well-designed scheme without adding extra physical elements to the already cluttered street scene.
- 6.10** The proposal has been assessed on the basis of each design in its proposed location and setting. There has been no harm identified in relation to the historic setting of the area or the views into and out of the conservation area.
- 6.11** During pre-application discussions, officers raised the importance of the maintenance of the proposed artwork to ensure a strategy is in place should the artwork deteriorate or become the target of graffiti. Whilst the applicant does not own the boxes, a Maintenance Statement accompanies the application, which states Connect Streets will liaise with the owners to repair or replace the artwork. Furthermore, the utility boxes will be finished with an anti-graffiti protective coating.
- 6.12** Overall, officers consider the proposal has been well thought out by the applicant with the siting of the designs relating to specific characteristics of the area. Some of the utility boxes are in a poor state or repair and the proposal is a proactive way of improving the street scene, whilst fully respecting the character of the conservation area and making use of existing street features.
- 6.13** The applicant's have fully considered the potential for maintenance in the future and a satisfactory statement has been put forward which demonstrates this will be monitored.
- 6.14** The Conservation Officer summarises that, '*This unusual scheme has been cleverly designed to augment the character of the Bath Road by using local and recognisable visual sources to distinguish and define the area. The artwork will not harm the conservation area and concerns regarding the maintenance of such a scheme have been addressed by the applicant*'.
- 6.15** Finally, the applicant's have liaised with local community groups and three letters of support have been submitted, recognising the positive impact of the proposal within the area.
- 6.16** Given these positive comments from the Conservation Officer regarding the impact of the proposal on the conservation area, officers consider the proposal fully accords with Local Plan Policy CP7 in terms of achieving a high standard of design which will complement and respect the character of the locality.

7. CONCLUSION AND RECOMMENDATION

- 7.1** The proposal fully accords with Local Plan Policy CP7 and will enhance the conservation area in line with the Bath Road Character Area Appraisal.
- 7.2** With the above in mind, the recommendation is to approve this application, subject to the conditions set out below.

8. CONDITIONS / INFORMATIVES

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out in accordance with drawing numbers 1171:01 and 1171:02, together with the Schedule of Designs and Designs Lifted from Sources documents received 1st July 2014.
Reason: To ensure the development is carried out in strict accordance with the approved drawings.

INFORMATIVES

- 1 The applicant's attention is drawn to the details within the submitted Method and Maintenance Statement to ensure the utility boxes are maintained in a satisfactory manner.
- 2 In accordance with the requirements of The Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 and the provisions of the NPPF, the Local Planning Authority adopts a positive and proactive approach to dealing with planning applications and where possible, will seek solutions to any problems that arise when dealing with a planning application with the aim of fostering the delivery of sustainable development.

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

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

APPLICATION NO: 14/01171/FUL		OFFICER: Miss Chloe Smart	
DATE REGISTERED: 2nd July 2014		DATE OF EXPIRY : 27th August 2014	
WARD: College		PARISH:	
APPLICANT:	Mr Adrian Phillips		
LOCATION:	Roundabout, Bath Road, Cheltenham		
PROPOSAL:	Proposed decoration of 19 utility boxes within the Bath Road area and decoration of existing roundabout (junction of Bath Road, Leckhampton Road and Shurdington Road).		

REPRESENTATIONS

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

Flat 1
Churchill Lodge
67 Painswick Road
Cheltenham
Gloucestershire
GL50 2EP

Comments: 10th July 2014

What a fantastic scheme to improve the Bath Road. It will brighten it up and enhance the environment. Great project.

73 Leckhampton Road
Cheltenham
Gloucestershire
GL53 0BS

Comments: 14th July 2014

I moved to Leckhampton Road from London and one of the reasons for choosing this particular area was the traditional community feel of the Bath Road

It is evident that many people are working very hard to maintain the uniqueness of the Bath Road and I think this idea goes a long way to making it feel special.

121 Bath Road
Cheltenham
Gloucestershire
GL53 7LS

Comments: 4th July 2014

I have lived on the Bath Road for seven years and have been delighted with the work Connect Streets and the Borough Council have done on the Bath Road to make it an even better and more pleasant environment.

Page 128

The latest proposal to paint the Utility boxes with stencils based on designs found on and around the Bath Road has my wholehearted support. I believe it will enhance the neighbourhood and be an attraction to both visitors and shoppers on the Bath Road.

I would request that Planning permission be granted quickly to enable the changes to be made.

14/01171/FUL Bath Road utility boxes

Pages 75-82

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

From: Councillor Tim Harman

Sent: 15 August 2014 08:59

To: Smart, Chloe

Cc:

Subject: Planning Committee - Painting of Utility Boxes in Bath Road

Hi Chloe

I write in support of the application by Connect Streets to paint various utility Boxes in the area. I am pleased to see that the Officers recommendation is to Permit. This is one of a number of proposals coming forward to improve the area for the Community.

I would be grateful if you would make the Committee aware of my support for the application in my role as one of the local Ward Councillors

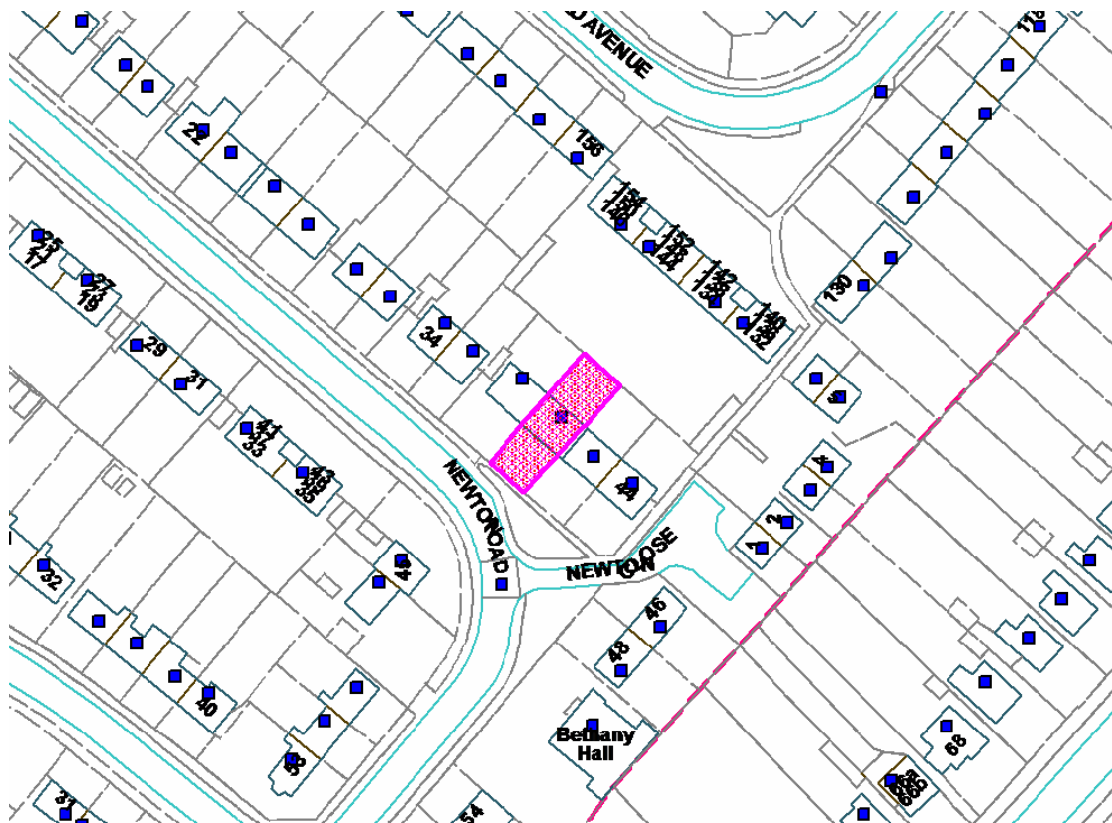
Many Thanks

Tim Harman

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APPLICATION NO: 14/01203/COU		OFFICER: Mrs Emma Pickernell
DATE REGISTERED: 5th July 2014		DATE OF EXPIRY: 30th August 2014
WARD: Hesters Way		PARISH:
APPLICANT:	Mrs Julia Sawers	
AGENT:	Agent	
LOCATION:	40 Newton Road Cheltenham Gloucestershire	
PROPOSAL:	Change of use from residential dwelling to House in Multiple Occupation (HMO) comprising 8 letting rooms	

RECOMMENDATION: Permit



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site comprises a mid-terraced property the east side of Newton Road. It is a rendered property under a tiled roof. It is two storeys with rooms in the roof. There is access to the rear garden through a passage way.
- 1.2 This application proposes the change of use of the house to a House in Multiple Occupancy (HMO) for 8 people. The accommodation provided comprises a shared kitchen and living room on the ground floor along with two bedrooms and a bathroom. 4 further bedrooms and another bathroom are provided on the first floor and two bedrooms, one of which has an en-suite, within the roof space.
- 1.3 The property is already in use as a HMO with 6 bedrooms. A local company rent this out to provide accommodation for 4 employees.
- 1.4 Planning permission is required for this change of use as it would provide a HMO for 8 people which is classed as a *sui generis* use (i.e. a use which does not fall within the specified use classes). Planning permission would not be required to utilise a house as a HMO for up to 6 people as this constitutes a lawful change of use between use classes C3 (Dwelling houses) and C4 (Houses in Multiple Occupation). As such it is the addition of two letting rooms which means that this proposal requires planning permission.
- 1.5 The application comes before planning committee at the request of Cllr Wheeler who is concerned about the intensity of the use and the number of cars.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Landfill Sites boundary

Relevant Planning History:

None

3. POLICIES AND GUIDANCE

Adopted Local Plan Policies

CP 1 Sustainable development
CP 4 Safe and sustainable living
CP 5 Sustainable transport
HS 8 Houses in multiple occupation
TP 1 Development and highway safety
TP 6 Parking provision in development

National Guidance

National Planning Policy Framework

4. CONSULTATIONS

Environmental Health

30th July 2014

My main query would be does the applicant intend on installing new windows in order to provide protection from noise break out from within the house which could potentially adversely affect other nearby residential properties?

Lastly, the premises current use is as a house for a reduced number of residents than this application is for, which could be therefore a quieter use than the intended end use as stated in this application. Given that the area is predominantly residential, I have concerns that this many people living in one property has the potential to cause an issue stemming from noise for other nearby properties inhabited by a reduced number than this is intended to house.

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	15
Total comments received	3
Number of objections	2
Number of supporting	1
General comment	0

- 5.1 The application was publicised by way of letters to 15 nearby properties. 3 responses have been received; two in objection and one in support.

The main issues which have been raised are as follows:

Objections:

- Lack of parking
- Noise
- Control of rubbish
- Noise and disturbance

Support:

- The owner has been quick to respond to previous concerns

6. OFFICER COMMENTS

6.1 Determining Issues

As mentioned at 1.4 it is the addition of two letting rooms at this property which triggers the requirement for planning permission. Therefore the fall back position for the applicant is to utilise it as a HMO for 6 people. As such, the key considerations in determining this application are the impact of these two additional people in terms of (i) principle, (ii) impact on neighbouring properties, (iii) Access and highways issues, (iv) waste and recycling storage.

6.2 The site and its context

The application site is a mid-terraced property on the east side of Newton Road. This road is characterised by a mixture of housing types; short terraces, semi-detached houses and small apartment blocks in a mixture of brick and render. The road is relatively wide with the houses set back from the pavement behind sections of highway verge and front gardens.

6.3 Principle

Policy HS8 of the Local Plan relates to houses in multiple occupation. It states that they will be permitted where a) the proposal complies with policy HS3, b) the property can accommodate the proposed use satisfactorily and, c) an appropriate amount of amenity space is provided.

- a) Policy HS3 relates to the sub-division of existing dwellings. It states that it will not be permitted where it would cause harm to the character of a residential area by virtue of the size and character of existing buildings and the location, concentration or balance of subdivided dwellings. As mentioned above Newton Road is characterised by a variety of dwelling types. It is not considered that this proposal would have any adverse impact upon the character of the area which would still retain a residential character. Officers are not aware that the area has a concentration of such uses which might lead to cumulative impacts.
- b) The floorplans show that the property has sufficient shared bathroom, kitchen and living room facilities and still provide reasonable sized bedrooms.
- c) The property benefits from a good sized garden at the rear and therefore has sufficient amenity space.

For these reasons the proposal is considered to be in compliance with policy HS8 and therefore acceptable in principle.

6.4 Impact on neighbouring property

There are no physical works to the building proposed as part of this application and therefore it is necessary to consider whether the presence of two additional residents at this address would be likely to result in undue loss of amenity to neighbouring properties.

Environmental Health has queried whether new windows are proposed. The existing windows at the property are relatively modern and are double glazed and as such it is not considered necessary to attach further conditions or requirements in this regard.

There is always going to be the possibility of noise from the residents, as there is in any residential environment. It is important, given the nature of the accommodation, that controls are in place to tackle any issues if and when they occur and whether they are adequate to overcome any perceived harm.

The applicant has explained that an agency will be used to manage the property and that neighbours can contact them in the event of any issues arising. Each tenant will sign a licence to live in the property which includes their obligations as a tenant. Bedrooms and communal rooms will display a code of ethics affixed to the door.

The property will be maintained by a cleaner and gardener who will also play an oversight role.

As such whilst the concerns of neighbours are understood, officers consider that there is no reason to believe that the addition of two residents at this property would result in an impact on neighbour amenity so harmful as to warrant the refusal of the application. Should issues arise, a robust system for dealing with them has been put in place. It must also be remembered that there is legislation in place to deal with such issues, outside of the planning system, should they occur.

For these reasons the proposal is considered to be in accordance with Policy CP4 which seeks to protect residential amenity and advice contained in the NPPF which echoes these requirements.

6.5 Access and highway issues

The property accommodates a minimum of two cars on the driveway and the site is within close proximity to bus routes. There is also a shed in the back garden which is available for cycle storage. If additional cars were required to park on the street, there appears to be capacity within the street to accommodate additional parked cars without resulting in a

danger to highway safety. As such it seems unlikely that the proposal will result in a severe impact (para 32 of the NPPF).

The comments of the Highway Authority have been sought and will be reported through an update.

6.6 Waste and Recycling

The property benefits from a side passage meaning that bins etc, can be stored at the rear and easily brought to the road side on bin collection day. The applicant is considering an arrangement whereby one tenant is responsible for ensuring this happens, in return for a small reduction in their rent. This arrangement is considered to be acceptable.

7. CONCLUSION AND RECOMMENDATION

- 7.1 As explained, to use this property as a HMO for 6 people would not require planning permission. The additional impact brought about by the additional 2 tenants is not considered to result in any significant impacts in terms of, impact on neighbouring properties or highways and access. Suitable arrangements have been put in place to deal with bin and cycle storage and for the maintenance and management of the property. As such the application is recommended for approval.

8. CONDITIONS / INFORMATIVES

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The development hereby permitted shall be carried out in accordance with drawing numbers 1203.02 received 4/7/14.
Reason: To ensure the development is carried out in strict accordance with the approved drawings.

INFORMATIVES

- 1 This property may require registration as a House in Multiple Occupation under the Cheltenham Borough Council (Registration of Houses in Multiple Occupation) Control Scheme 1999.
- 2 In accordance with the requirements of The Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 and the provisions of the NPPF, the Local Planning Authority adopts a positive and proactive approach to dealing with planning applications and where possible, will seek solutions to any problems that arise when dealing with a planning application with the aim of fostering the delivery of sustainable development.

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

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

APPLICATION NO: 14/01203/COU		OFFICER: Mrs Emma Pickernell	
DATE REGISTERED: 5th July 2014		DATE OF EXPIRY : 30th August 2014	
WARD: Hesters Way		PARISH:	
APPLICANT:	Mrs Julia Sawers		
LOCATION:	40 Newton Road, Cheltenham		
PROPOSAL:	Change of use from residential dwelling to House in Multiple Occupation (HMO) comprising 8 letting rooms		

REPRESENTATIONS

Number of contributors	3
Number of objections	2
Number of representations	0
Number of supporting	1

46 Newton Road
Cheltenham
Gloucestershire
GL51 7QY

Comments: 1st August 2014
Letter attached.

38 Newton Road
Cheltenham
Gloucestershire
GL51 7QY

Comments: 29th July 2014

My concerns are to many people crammed into a family home in a terrace block, it was bad before with only 4 young people coming and going late at night; loud music, shouting outside, rubbish left to blow around and only enough space to park two cars surely you cant consider more than six bedrooms in this sort of residence to be able to sustain it long term without upsetting the local residents. We have already endured eight weeks of building work so have they already been granted planning permission and why have we had a letter from our lib/dem councillor if it is not a concern

42 Newton Road
Cheltenham
Gloucestershire
GL51 7QY

Comments: 4th August 2014

I've found the owner quick to respond to my concerns regarding his property. When a group of four chaps were there and not very sensitive to neighbours I contacted him twice and he sorted it out on both occasions.

The tradesmen he's had doing work on his property haven't actually made much noise at all and have been very civil and friendly.

22/07/14

BUILD

Recd - 1 AUG 2014

ENVIRONMENT

H6 NEWTON RD
CHELT, GLOS.
GL517QY

TO WHOM IT MAY CONCERN REGARDS
P.A. NUMB 11/01203/001. HO. NEWTON
ROAD THE MAIN CONCERN IS LACK
OF PARKING + THE FACT ACCESS
TO THESE PROPERTIES IS CLOSE
TO A DANGEROUS BEND. THERE
IS NO PARKING DUE TO THE
HIGH VOLUME OF CARS ALREADY
THERE. THESE HOUSES HAVE
ALREADY BEEN ALTERED ANYWAY
SO IT IS PROBABLY A FORGONE
CONCLUSION THAT PERMISSION
WILL BE GRANTED, IF IT ALREADY
HASNT BEEN

Sincerely,

[REDACTED]

APPLICATION NO: 14/01203/COU	OFFICER: Mrs Emma Pickernell
DATE REGISTERED: 5th July 2014	DATE OF EXPIRY: 30th August 2014
WARD: Hesters Way	PARISH:
APPLICANT:	Mrs Julia Sawers
AGENT:	Mr Andy Sawers
LOCATION:	40 Newton Road, Cheltenham
PROPOSAL:	Change of use from residential dwelling to House in Multiple Occupation (HMO) comprising 8 letting rooms

Update to Officer Report

1. OFFICER COMMENTS

- 1.1 Further to the previous report the comments of the Highways Officer have now been received which are as follows:

This application proposes to change the use of 40 Newton Road from a residential dwelling to a house with multiple occupations comprising of 8 letting rooms. Newton Road is an unclassified road with a two way working carriageway and pedestrian footways either side of the highway.

A small car parking survey has been carried out to provide evidence vehicle parking can be accommodated on-street as well as within the site for the residents at 40 Newton Road.

The survey was carried out at two different times on the 13th August 2014 with photo evidence. From the report there are no parking restrictions within 300 metres of the site. I note from the photo evidence on the same side of 40 Newton Road the majority of properties have on-site parking which may reduce some on-street vehicle parking. With the results of the car parking survey it demonstrates that vehicle parking on-street is available for residents at the site.

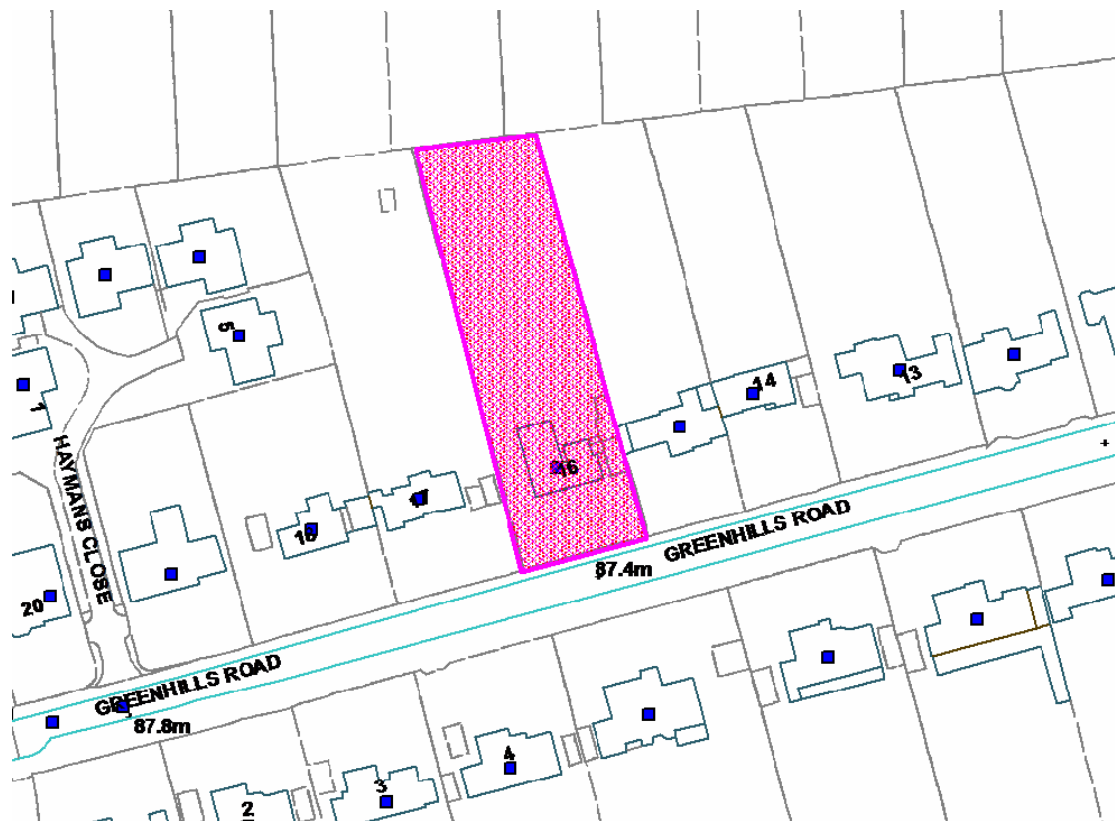
Therefore, I raise no Highway objection.

- 1.2 The recommendation is unchanged.

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APPLICATION NO: 14/01226/FUL	OFFICER: Miss Michelle Payne
DATE REGISTERED: 9th July 2014	DATE OF EXPIRY: 3rd September 2014
WARD: Charlton Park	PARISH: Charlton Kings
APPLICANT:	Mr Pete Leahy
AGENT:	Evans Jones LLP
LOCATION:	16 Greenhills Road, Charlton Kings, Cheltenham
PROPOSAL:	Erection of a single dwelling to the rear of 16 Greenhills Road and associated access drive, following demolition of existing attached garage and re-instatement of integral garage within existing dwelling (revised scheme following refusal of planning permission ref. 14/00660/FUL)

RECOMMENDATION: Permit



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1. DESCRIPTION OF PROPOSAL

- 1.1 This is a full application for the erection of a four bedroomed dwelling to the rear of no.16 Greenhills Road. It is a revised scheme following a recent refusal of planning permission by members at the June committee meeting.
- 1.2 The refused application proposed a contemporary dwelling, the main body of which was two storeys with single elements on either side; the application was refused on design grounds for the following reason:
- The proposed dwelling by virtue of its scale, form and massing would constitute an overdevelopment of this backland location and would fail to complement or respect the prevalent form of neighbouring development and the character of the locality. Furthermore, the proposed dwelling would fail to be subservient to the existing dwelling or achieve a satisfactory hierarchy of development within the site. The proposal is therefore contrary to the requirements of Local Plan Policy CP7(c) and the Council's Supplementary Planning Document relating to Development on Garden Land and Infill Sites in Cheltenham.*
- 1.3 Copies of the refused scheme will be available to view at the committee meeting.
- 1.4 This revised application now proposes a dwelling which would be the same as that recently approved by members on the adjacent site, no.17 Greenhills Road; the scale, height, massing and footprint of which is greatly influenced by the properties in the recent Hayman Close development to the west, with the first floor accommodation provided within a steeply pitched hipped roof.
- 1.5 The application is before planning committee following a further objection from Charlton Kings parish council and at the request of Cllrs Smith and Baker due to the level of concern amongst local residents. Members will have the opportunity to revisit the site on planning view.

2. CONSTRAINTS AND PLANNING HISTORY

Constraints:

Smoke Control Order

Planning History:

CB13650/00

PERMIT

11th October 1977

Demolition of existing sun lounge and erection of two storey extension to rear

CB13650/01

PERMIT

10th May 1979

Erection of extension to existing garage to form utility (laundry) room and larger garage

CB13650/02

PERMIT

19th October 1995

Erection of two storey rear extension

04/02019/FUL

PERMIT

1st February 2005

Two storey side extension, alterations to porch and addition of pitched roof to garage

14/00660/FUL

REFUSE

19th June 2014

Erection of a single dwelling to the rear of 16 Greenhills Road and associated access drive, following demolition of existing attached garage and re-instatement of integral garage within existing dwelling

3. POLICIES AND GUIDANCE

Adopted Local Plan Policies

CP 1 Sustainable development
CP 3 Sustainable environment
CP 4 Safe and sustainable living
CP 7 Design
GE 5 Protection and replacement of trees
GE 6 Trees and development
HS 1 Housing development
RC 6 Play space in residential development
TP 1 Development and highway safety

Supplementary Planning Guidance/Documents

Development on garden land and infill sites in Cheltenham (2009)
Residential alterations and extensions (2008)
Play space in residential development (2003)

National Guidance

National Planning Policy Framework

4. CONSULTATIONS

Contaminated Land Officer

14th July 2014

No comment.

Tree Officer

28th July 2014

The Tree Section has no objection to this application provided the following conditions are attached to any planning permission which may be issued:

TRE04B-No Fires

TRE09B-Gutter cover to help negate problems caused by falling leaves especially in north east corner of the garden where the large Lombardy poplar is situated.

TRE08B-Arbicultural monitoring

All ground protection, construction exclusion zones and work methods as defined by the Revised Arbicultural report of Jim Unwin (incorporating the revised layout scheme of July 2014), conforms to methods described within.

It is recommended to reduce the height of poplar tree T16 by 8 metres. This may reduce any new occupiers' perception of dominance of this tree and also possible associated fears or anxieties regarding possible tree or branch failure, as this (recommended) 17 metre high tree is to be within 9 metres of this property.

However it is also noted that the tree is situated within the border (and is therefore the responsibility of) the adjacent property owner. It is recommended that regular and cyclical

safety inspections by a suitably qualified and experienced arboriculturalist and the re-pruning of this tree are undertaken should such a reduction in height occur.

This revised site layout is to be further from this tree than the previous application 14/00660/FUL where previously no objection was made.

Parish Council

29th July 2014

OBJECTION

Although we note the changes compared with the earlier application, it is still a substantial building in comparison to the size of the plot and constitutes over development. If permitted, as a condition we would recommend entry and exit in forward gear only on to a busy road.

Architects Panel

30th July 2014

This proposal represents a re-design of a previous scheme and although it mimics an adjacent approval, the panel felt that the mass created by the roof was too great and should ideally be reduced.

5. PUBLICITY AND REPRESENTATIONS

- 5.1 On receipt of this application, letters of notification were sent out to 14 neighbouring properties and, in response to that publicity, nine representations have been received – eight in objection to the proposal and one in support.
- 5.2 All of the comments have been circulated in full to Members but briefly the main objections relate to:
 - Overdevelopment
 - Impact on privacy
 - Highway safety

6. OFFICER COMMENTS

6.1 Background

6.1.1 Some Members will recall that planning permission was recently granted in October 2013 for the erection of a dwelling on land to the rear of the adjoining property, no.17 Greenhills Road. At that time, Members were reminded of a report to Cabinet in November 2002 which recommended the preparation of a development brief for this particular area as a means of avoiding numerous individual or small cul-de-sac style developments, and securing a comprehensive co-ordinated development, with the provision of open space and affordable housing, however this was not progressed. As a direct result, applications have in the past been approved for what is in effect a new secondary line of development. Members have therefore previously been advised that it was quite likely that similar applications such as this would follow.

6.2 Determining Issues

6.2.1 The main considerations when determining this application relate to the principle of the development, design and layout of the proposed dwelling, potential for impact on neighbouring amenity, and highway safety.

6.3 Principle of development

- 6.3.1 Local plan policy HS1 states that housing development will be permitted on land allocated for residential development and previously-developed land. Annex 2 of the NPPF defines previously developed land as land which is or was occupied by a permanent structure, including the curtilage of the developed land but excludes private residential gardens.
- 6.3.2 Paragraph 49 of the NPPF advises that when determining applications for housing they should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites; as it stands, the Council is currently unable to demonstrate such a five year supply.
- 6.3.3 Where housing policies are not considered to be up-to-date, the NPPF is quite clear that development proposals should be approved without delay unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies within the framework, taken as a whole.
- 6.3.4 Further to the above, paragraph 53 of the NPPF suggests that local planning authorities should consider setting out policies to resist inappropriate development of residential gardens and this is what the Council's adopted SPD relating to 'Development of Garden Land and Infill Sites in Cheltenham' seeks to achieve. The document is therefore a material consideration when determining this application.
- 6.3.5 It is however important to remember that the aim of the Garden Land SPD is not to prevent development on garden land but to ensure that development proposals are based upon a thorough understanding of the character of the neighbourhood, and in particular the street and block within which the site is located.
- 6.3.6 Therefore, in conclusion, there is no fundamental reason to suggest that the principle of developing this site for a single dwelling would be unacceptable; indeed, the principle of development did not form part of the previous refusal reason.

6.4 The site and its surroundings

- 6.4.1 The application site is located on the northern side of Greenhills Road within Charlton Kings parish. The existing property currently benefits from a large rear garden which is approximately 50 metres long by 23 metres wide and largely laid to lawn. The garden is reasonably well screened on all three sides and is bounded on either side by residential properties in Greenhills Road, and The Avenue to the rear.
- 6.4.2 Greenhills Road is predominantly characterised by substantial detached dwellings in large sized plots; the properties are set back quite some distance from the edge of the carriageway, giving the road an open and spacious feel.
- 6.4.3 The character and urban grain of the locality has changed quite significantly in recent years as a result of a number of developments having taken place on the rear gardens of nos. 18, 19 and 20 Greenhills Road in the form of a cul-de-sac consisting of five dwellings, nos. 1 – 5 Hayman Close, with a shared access running alongside no. 20 Greenhills Road.
- 6.4.4 A development of five dwellings, nos.1 – 5 Charlton Gardens, has also taken place on the rear gardens of nos. 108, 110, 112 and 114 Charlton Lane further to the west.

6.4.5 Recently, planning permission was granted by members of the planning committee for the erection of a single dwelling to the rear of the adjacent property, no. 17 Greenhills Road; however this permission has not yet been implemented.

6.5 Design and layout

6.5.1 Local plan policy CP7 requires all new development to be of a high standard of architectural design; to adequately reflect principles of urban design; and to complement and respect neighbouring development and the character of the locality.

6.5.2 Greater detail can be found in the Council's adopted SPD relating to Development on Garden Land and Infill Sites in Cheltenham which sets out that various elements combine to create the character of an area and include grain, type of building, location of buildings within the block or street, plot widths and building lines. The document states at paragraph 3.3 that *"The aspects of a place that are visible or experienced from the public realm are generally understood to contribute most to the character of a place"* but does also acknowledge that *"areas which are less visible, such as back gardens also have a role to play – the extent to which this is the case depends on the visibility of those gardens from the public realm"*.

6.5.3 Members will recall that the previous application on this site was refused only on design grounds in that it proposed a contemporary dwelling, the scale, form and massing of which were considered unacceptable; Members determined that the building would have failed to respect the prevalent form of neighbouring development or achieve a satisfactory hierarchy of development within the site.

6.5.4 The dwelling now proposed would be the same as that previously deemed acceptable by members on the adjacent site in October 2013; the scale, height, massing and footprint is greatly influenced by the properties in the recent Hayman Close development to the west, with the first floor accommodation provided within a steeply pitched hipped roof.

6.5.5 Access for both the existing and proposed dwellings would be provided via the existing albeit altered access from Greenhills Road. The existing garage to the eastern side of the existing dwelling would be demolished to provide access to the rear of the site however the application is proposing to form a garage in an existing extension to the western side.

6.5.6 Whilst page 36 of the garden land SPD suggests that single 'tandem' development which shares the same access or plot as the frontage development will not normally be acceptable, it does not preclude such developments. In this particular case, backland developments have already taken place, and a secondary line of housing has been established. The proposed block plan clearly indicates that the proposed dwelling would sit well within its context and would respect the already altered character of the locality.

6.5.8 Adequate levels of on-site car parking and private amenity space would be provided for both the existing and proposed dwelling.

6.5.9 The proposal is therefore considered to meet the aims and objectives of policy CP7 and the garden land SPD.

6.6 Impact on neighbouring property

6.6.1 Local plan policy CP4 advises that development will only be permitted where it will not cause unacceptable harm to the amenity of adjoining land owners or locality.

- 6.6.2 Officers consider that the proposed dwelling could be comfortably accommodated within the site without significant harm to neighbouring amenity in respect of privacy, daylight or outlook.
- 6.6.3 Whilst the dwelling would be located in quite close proximity to the rear gardens of properties in The Avenue (approximately 7.5 metres at its closest point) these neighbouring gardens are in excess of 40 metres in length; the upper floor windows in the rear elevation would therefore more than achieve the required minimum distance of 21 metres between clear glazed first floor windows. The proposed dormer window to the side elevation facing east would achieve the desired distance of 10.5 metres to the boundary. There are no first floor windows proposed to the west facing side elevation, only two high level roof lights with a cill height of 1.75m.
- 6.6.4 As a result, officers consider that given the existing boundary screening, the positioning and mass of the building would not result in any significant loss of privacy, loss of outlook from the surrounding properties or have an overbearing effect. Additionally, levels of daylight currently afforded to neighbouring properties would not be unduly affected.
- 6.6.5 Therefore, whilst all of the concerns of the local residents have been duly noted, the proposal is considered to be in accordance with policy CP4.

6.7 Access and highway issues

- 6.7.1 Local plan policy TP1 states that development which would endanger highway safety by creating a new or altered access will not be permitted.
- 6.7.2 Given the small scale nature of the development, the Local Highway Authority has not commented on this proposal as it covered by their standing advice. They did however provide informal comments on the recent application at no. 17 Greenhills Road, given the concerns raised by local residents and the parish council, which read, in part:

I note that the proposed access is 4.1m, however to make this a genuine two way working access I would suggest that the access be widened to 4.8m, I would also suggest that the access be moved slightly to the west in order to accommodate a pedestrian visibility splay, this would also help improve emerging visibility to the east”.

- 6.7.4 Currently, this application indicates a 4.1m wide access however it is anticipated that a revised plan will be submitted prior to the committee meeting to show a 4.8m wide access together with the required pedestrian visibility splay; alternatively, such alterations could be reasonably secured by way of a suitably worded condition. Members are reminded that concerns in respect of highway safety did not form part of the previous reason for refusal.

6.8 Other considerations

- 6.8.1 As with all new residential development, provision for play space would be required to meet the requirements of local plan policy RC6. As on-site play space provision is clearly not feasible in this location, policy RC6 envisages a commuted sum in order to achieve its requirements and it is considered that this matter could be adequately dealt with by way of a condition.
- 6.8.2 Members will be aware that matters relating to restrictive covenants are a civil matter and not a material consideration in the determination of an application for planning permission.

6.9 Conclusion and recommendation

6.9.1 Officers consider that the dwelling now proposed successfully overcomes the previous reason for refusal and the recommendation therefore is to grant planning permission subject to the following conditions:

7. CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The development hereby permitted shall be carried out in accordance with Drawing Nos. 12232/2-1, 12232/2-3, 12232/2-4, 12232/2-5 and 12232/2-6 received by the Local Planning Authority on 8th July 2014.
Reason: To ensure the development is carried out in strict accordance with the approved drawings.
- 3 Prior to the commencement of development, samples of the proposed facing materials 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.
- 4 Tree protective fencing and/or ground protection shall be installed in accordance with the specifications set out within the submitted Tree Survey dated February 2014 (revised July 2014) and accompanying Drawing No. 16GRTRP-JUL14 (Tree Retention and Protection Plan). The tree protection shall be erected/installed, 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.
- 5 All demolition and construction works within the root protection area of trees to be retained, on or adjacent to the site, are to be carried out strictly in accordance with the Tree Survey dated February 2014 (revised July 2014) and Drawing No. 16GRTRP-JUL14 (Tree Retention and Protection Plan).
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.
- 6 No fires shall be lit within 5m of the Root Protection Area(s) and materials that will contaminate the soil such as cement or diesel must not be discharged within 10m of the tree stem. Existing ground levels shall remain the same within the Root Protection Area(s) and no building materials or surplus soil shall be stored therein. No trenches for services or drains shall be sited within the crown spread of any trees to be retained.
Reason: In the interests of local amenity in accordance with Local Plan Policies GE5 and GE6 relating to the retention, protection and replacement of trees.
- 7 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.

- 8 Prior to the commencement of development, a scheme for the provision or improvement of recreational facilities to serve the proposed dwelling(s) shall be submitted to and approved in writing by the Local Planning Authority. The dwelling(s) shall not be occupied until the approved scheme has been implemented.
Reason: To avoid any increase in the Borough's imbalance between population and the provision of outdoor play space and related facilities in accordance with Local Plan Policy RC6 relating to play space in residential development.
- 9 Prior to the commencement of development (including any works of demolition), a Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period and shall provide for:
- a) the parking of vehicles of site operatives and visitors;
 - b) loading and unloading of plant and materials;
 - c) storage of plant and materials used in constructing the development;
 - d) wheel washing facilities; and
 - e) measures to control the emission of dust and dirt during construction.
- Reason: To ensure that the development is carried out in a considerate and sustainable manner in accordance with Local Plan Policy CP1 relating to sustainable development.
- 10 Notwithstanding the approved drawings, prior to commencement of development, a revised site layout plan shall be submitted and approved in writing by the Local Planning Authority to incorporate a 4.8m wide vehicular access and adequate pedestrian visibility splay. The approved access shall be completed in all respects prior to first occupation of the new dwelling and maintained as such thereafter.
Reason: To reduce any potential highway impact by ensuring that satisfactory pedestrian visibility and access arrangements are provided in accordance with Local Plan Policy TP1 relating to development and highway safety.
- 11 Prior to first occupation of the development, the car parking and turning facilities shall be completed in all respects in accordance with the approved plans. The car parking and turning facilities shall thereafter be retained as such and shall not be used for any purpose other than the garaging of private motor vehicles and ancillary domestic storage without planning permission.
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.
- 12 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.

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.

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

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

- 2 The foundation depth and design must take account of adjacent trees and their future growth potential, so as to avoid future nuisance.

APPLICATION NO: 14/01226/FUL		OFFICER: Miss Michelle Payne	
DATE REGISTERED: 9th July 2014		DATE OF EXPIRY : 3rd September 2014	
WARD: Charlton Park		PARISH: CHARLK	
APPLICANT:	Mr Pete Leahy		
LOCATION:	16 Greenhills Road, Charlton Kings, Cheltenham		
PROPOSAL:	Erection of a single dwelling to the rear of 16 Greenhills Road and associated access drive, following demolition of existing attached garage and re-instatement of integral garage within existing dwelling (revised scheme following refusal of planning permission ref. 14/00660/FUL)		

REPRESENTATIONS

Number of contributors	9
Number of objections	8
Number of representations	0
Number of supporting	1

Heathfield
4 The Avenue
Cheltenham
Gloucestershire
GL53 9BJ

Comments: 5th August 2014

I wish to object to the above planning application. An additional house in the rear garden would be quite alien to this particular area. It may not be visible from the road but none the less would affront the very nature of Greenhills Road. The gardens along this road provide open space which benefits the whole of the area and whilst such spaces cannot be preserved in aspic where they can be saved to maintain the quality they ought to be so preserved. I submit the proposal falls outside so many of the planning regulations. In detail these are set out below.

I have reviewed the plans submitted and wish to object to the amended version of the above application. I set out below the grounds of my objection as owner of 4 The Avenue. There appears to be confusion in what is being applied for- the Design, Access and Planning statement at 1.1 asks for Full Planning permission. But the Conclusion 12.2 asks for Outline Planning Permission? Neither should be granted.

The scheme proposes an extra 4 bedroom dwelling with an additional footprint of 183sqm (including the garage) to be built in the rear garden of number 16 Greenhills Road situated close to the Northern boundary.

The additional house proposed is two storeys high and is a "rear garden (backland)" development measuring in total approximately 2400sqft of living space (plus the areas on the first floor with less than 1.8m head height). Access would be achieved by demolition of a garage built fairly recently.

The proposed additional house would be highly visible and seriously affect the privacy of both No 14 and No 15 Greenhills Road as well as properties on The Avenue. I object to the proposed scheme for the following reasons:-

GARDEN LAND DEVELOPMENT

The Development on Garden Land and Infill Sites in Cheltenham Supplementary Planning Document, June 2009, gives clear guidance as to what sort of development on garden land and infill sites is and is not acceptable - that is in line with the requirements of the National Planning Policy Framework paragraph 53 that states:

"Local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area."

The Supplementary Planning Document (SPD) provides key guidance in considering this application. Page 36 of the SPD states:

"On a rear garden site, single 'tandem' development which shares the same access or even the same plot as the frontage development, will not normally be accepted."

The proposed 'tandem' development at No.16 is contrary to the SPD. Tandem development is not encouraged within the SPD for very good planning reasons and if more of this type of development is granted consent, then the planning harm identified in the SPD will be multiplied. The neighbours all objected to the proposed development at No. 17 with one exception -No. 16. It is now clear why support was given. Fundamentally the planning committee must ask themselves what the street / community be like if every property in Greenhills Road and the Avenue undertook tandem development? It would totally change the character of the existing neighbourhood and the quality of life and amenities enjoyed by the residents.

The SPD (page 39) describes why a rear garden development should be on a reduced scale compared with the frontage houses. The scale could never be described as "reduced scale" at over 2400 sq ft of living space (plus a double garage) when compared to the original houses on Greenhills Road.

DESIGN

On 27 March 2012 the government published the National Planning Policy Framework (NPPF) which confirms at paragraph 58 "that the Government attaches great importance to the design of the built environment". The NPPF requires development to "take the opportunities available for improving the character and quality of an area" and states that permission should be refused for development that does not.

The Cheltenham Borough Local Plan Second Review, although adopted in July 2006 contains saved policies that are in conformity with the NPPF and which therefore are material in the consideration of this proposal. In particular, Policy CP7 sets out that development will only be permitted where it:

- (a) is of a high standard of architectural design; and
- (b) adequately reflects principles of urban design; and
- (c) complements and respects neighbouring development and the character of the locality and/or landscape (note 3).

The "Principles of Architectural Design" set out in the Local Plan stress that the alteration of existing buildings should demonstrate a creative response to a specific site and locality and that particular attention should be paid to the urban grain (the pattern and density of routes, street blocks, plots, spaces and buildings of the locality) and the size of the building its elements and its details in relation to its surroundings massing (the arrangement, volume and shape of the building) height (the effect on shading views skylines and street proportion)

The Supplementary Planning Document "Residential Alterations and Extensions February 2008" notes that "Cheltenham has an image of an elegant spacious town with groups of well

proportioned buildings set in generous gardens" and acknowledges that the spaces between the houses, and the greenery contribute to this character.

The purpose of the Guide is to ensure that the character of each of the residential areas is not eroded through un-neighbourly poorly designed residential properties. It is intended especially for use in residential areas that are not protected by conservation area status, where good design is as essential as it is in the historic parts of the town.

The Design Guide notes that the spaciousness of the town derives from spaces at the front back and sides of buildings. "Glimpses of trees, gardens and the surrounding hills are essential if the spacious character of the town is to be maintained. The Council will maintain such spaces between buildings to prevent a terracing effect between existing houses."

The emerging Draft Gloucester Cheltenham & Tewkesbury Joint Core Strategy policy S4 requires proposals for all new development to demonstrate how the development will "respond positively to, and respect the character of, the site and its surroundings, enhancing local distinctiveness, addressing the urban structure and grain of the locality in terms of street pattern, layout, mass, and form and ensuring that new development is of a scale, type, density and materials appropriate to the site and its setting."

The character of the area

Although Greenhills Road does not fall within a conservation area, it is nevertheless a pleasant but busy road with an open aspect which is characterised by large houses set within large plots. No 16 is around 0.17 hectares -the house has been extended to the rear and in other areas. It is a feature of the road that each of the individually designed dwellings is set in ample green space. The SPD, Appendix 2 makes specific reference to the fact that in Battledown the area benefits from a covenant which means that garden land is not subject to sub-division. There are restrictive covenants on every property including No 16 Greenhills Road (GR1165) which flow down from title GR957 which permit not more than one dwellinghouse per plot of land and specifically prohibits "outbuildings behind or so as to extend beyond the back of the dwellinghouse to which it belongs".

Is it Council policy to actively encourage an owner to knowingly breach these covenants? The restrictive covenant was established for a very good reason-any such erection would impact on the urban grain. Every owner of land comprising the original field owned by William Henry Jordan is a successor in title who can enforce the covenant. The current owners were well aware of it when they acquired No.16 Greenhills Road and agreed to be bound by it.

The proposed extra house will result in a massive loss of garden area to accommodate the footprint of the proposed house, garage and the driveway needed to link it to Greenhills Road, which would be totally out of character with the street scene. The proposed extra house is for this reason at odds with the urban grain.

Scale and Massing

The development proposed would result in a doubling of the footprint of the buildings on the current No 16 plot as well as a 4 metre wide roadway to the Eastern side of the plot. As such the scale of the proposed extra house is inappropriate.

The massing of the proposed property being a 2 storey building built close to the northern boundary is inappropriate. Although it is a chalet style design, the large footprint results in a roofline of similar height to a traditional design two storey house. It will result in an over bearing development with no sunshine falling on the garden at the northern end.

It is contrary to Local Plan Policy CP4(a) relating to safe and sustainable living which seeks to prevent development that would cause unacceptable harm to the amenity of adjoining land owners.

Privacy and Security

The latest application has moved the gate to several metres behind the back of the current No.16 property. All the properties on Greenhills Road and The Avenue have always enjoyed privacy in their rear gardens. Permitting a further house to be built at No 16 would be a massive loss of privacy to all the houses in the immediate vicinity and will reduce the existing security of not only 15 & 16 but also all the neighbouring properties due to the driveway providing easy access to their rear gardens (again contrary to CP4 (a)).

Overdevelopment

The proposed dwelling results in an overdevelopment of the GR1165 plot of land. In February 2005 a 2- storey extension was permitted and now the owner wishes to demolish the garage that was built then, for the sole purpose of building on his back garden.

Materials, Size and Design

The application is totally inappropriate. The proposed design is far too large and is contrary to Local Plan Policy CP7 relating to design. The proximity of the building to the northern fence ensures that the "garden" for the new property will be in permanent darkness; almost certainly it will be paved/concreted to the rear to leave no remaining greenery and increase the risk of flooding that conflicts with CP3 (f) that seeks to minimise the risk of flooding as part of a sustainable environment..

Effect on Area/Traffic

Greenhills Road is an established rat run for traffic on that side of Cheltenham. In rush hour, the traffic is static in both directions from Sandy Lane to Pilley Bridge making it extremely difficult to turn right or left from the properties on the North side of Greenhills Road. When traffic is flowing it is like a drag strip for many drivers who seem to wish to do 40-50 mph by the time they pass 14/15/16 Greenhills Road. Cyclists regularly use the pavement in lieu of the road presenting another unpredictable danger. Boundary walls or hedges on the north side (where the pavement is) are only a pavement width (1.45m) from the road. A substantial house added at the back of No 16 brings further certainty of a serious traffic accident. And where is the required amenity for the occupants of this proposed new property (or indeed for the residents of the original much reduced No 16)?

Conclusion

The NPPF requires that good design should "contribute positively to making places better for people." This proposal is out of character with the area. It does not represent a good design and it has a seriously detrimental impact upon my residential amenity. It should not be allowed and neither should a single storey alternative. It is contrary to development plan policies to build on this garden area. There are no material considerations that would justify a departure from development plan policy in this case.

I therefore urge the Council to refuse this inappropriate application to build an extra property on the land comprising GR1165.

14 Greenhills Road
Charlton Kings
Cheltenham
Gloucestershire
GL53 9EB

Comments: 4th August 2014

Letter attached – from Green Avenue Ltd, residents group

Comments: 4th August 2014

Letter attached.

Comments: 5th August 2014

Letter attached.

White House
6 The Avenue
Cheltenham
Gloucestershire
GL53 9BJ

Comments: 5th August 2014

I wish to object to this proposal on the grounds that it does not conform to the agreed provisions made by your department and the developer with our Residents Association when the initial planning permission was agreed for Charlton Gardens which was the initial development on this area.

The agreement was that such houses are of a dormer style so that the visual impact is reduced. Presently the proposal shows a house which is too high and therefore invasive on present residences of immediate neighbours.

We now therefore look to the department to implement the precedent which was set on this occasion. This has been done successfully in 1-5 Hayman Close and 174 Old Bath Road a total of eleven houses.

I understand that there is no point in opposing the application if the regional office in Bristol will overturn the decision but in view of the recent flooding and the governing alliance rhetoric on 'the lungs of the towns and cities and the paving of natural drainage areas diminishing the soaking away of rainwater' is it worth considering the refusal to develop being upheld on the basis of this enlightened thinking?

I shall be grateful for your responses.

South Lawn
9 The Avenue
Cheltenham
Gloucestershire
GL53 9BJ

Comments: 3rd August 2014

We are opposed to this development because:

- a. It would have a significant adverse impact on the neighbouring properties. Neighbours would suffer considerable loss of privacy.
- b. The house is far too big for the proposed location with only a minimal garden. It is far too close to the northern boundary.
- c. This is another development of a back garden in the area and eventually there will be no large gardens and the green space will be lost. Little by little the character of the area is being eroded which is against planning policy.
- d. The increased traffic brought by these developments will exacerbate the traffic problems on Greenhills Road and increase the risk of pedestrian injury as the pavements are not wide, especially given the number of schoolchildren jostling while using these pavements.

Furthermore this development conflicts with the planning guidance given in the Development on Garden Land and Infill Sites in Cheltenham Supplementary Planning Document, June 2009. This states "On a rear garden site, single tandem development which shares the same access or even

the same plot as the frontage development, will not normally be accepted". The SPD (page 39) describes why a rear garden development should be on a reduced scale compared with the frontage houses. Not only is this tandem development inappropriate, but also the scale at about 2400 sq ft of living space is comparable to the original houses on Greenhills Road.

The application should be rejected.

Brown Gables
8 The Avenue
Cheltenham
Gloucestershire
GL53 9BJ

Comments: 5th August 2014
Letter attached.

7 The Avenue
Cheltenham
Gloucestershire
GL53 9BJ

Comments: 31st July 2014
Letter attached.

Merton House
6A The Avenue
Cheltenham
Gloucestershire
GL53 9BJ

Comments: 2nd August 2014

We have looked at the proposed development that is broadly similar to the previous proposal that was refused. We remain strongly opposed to this development because:

- a. It would have a significant impact on the neighbouring properties. The immediate neighbours would suffer considerable loss of privacy, and the proposed two storey house would visually impact an even greater number of surrounding homes.
- b. The house is too big for the proposed location with only a minimal garden. It has over 2400 sq ft of living space (not including first floor area with head height below 1.8m) plus a double garage. The Northern boundary is only about 7 Metres from the back of the house and the East and West boundaries are 3.25 metres to the side.
- c. This is another development of a back garden in the area and eventually there will be no large gardens and the green space will be lost. More building will lead to increased flooding in heavy rain.
- d. There is very little provision for off-road parking in the proposed property plan. The planning statement (para 9.1) claims 2 garage and 2 parking spaces, but the site layout only shows 1 parking space. This will increase the likelihood of visitors parking on Greenhills Road and create a serious bottleneck at a narrow point of what is now a major route in the area.

Furthermore this development conflicts with the planning guidance given in the Development on Garden Land and Infill Sites in Cheltenham Supplementary Planning Document, June 2009. This states in a rear garden site, single tandem development which shares the same access or even the same plot as the frontage development, will not normally be accepted. The SPD (page 39) describes why a rear garden development should be on a reduced scale compared with the

frontage houses. Not only is this tandem development inappropriate, but also the scale at about 2400 sq ft of living space is comparable to the original houses on Greenhills Road.

17 Greenhills Road
Charlton Kings
Cheltenham
Gloucestershire
GL53 9EB

Comments: 2nd August 2014

We're pleased to see this new design in keeping with one already approved in our own garden. We believe it fits in with the neighbourhood and are pleased to give it our support.

Tracy Crews –Head of Planning
Cheltenham Borough Council
PO Box 12
Municipal Offices
The Promenade
Cheltenham
GL50 1PP



3 August 2014

Hand Delivered and
Email: dcomments@cheltenham.gov.uk

Dear Ms Crews,

Proposed erection of extra house – 16 Greenhills Road - 14/01226/FUL

I have reviewed the plans for erecting an extra 4 bedroom house in the garden of 16 Greenhills Road (as amended). The proposal is very similar to the previous scheme (ref. 14/00660/FUL that was refused) and once again I wish to object to the above application on behalf of Green Avenue (a group of neighbours formed to protect the area from inappropriate development).

I have taken the opportunity to set out below the grounds of our objection in the context of the council's published guidance, especially: Development on Garden Land and Infill Sites in Cheltenham Supplementary Planning Document, June 2009. This gives specific guidance on appropriate development on garden land and is in line with the requirements of the National Planning Policy Framework.

The scheme proposes a single dwelling with a footprint of about 183sqm (including the garage) be built in the rear garden of number 16 Greenhills Road located close to the Northern boundary. The additional house proposed is two storey and provides over 2400sq ft of living space (not including the first floor with head height below 1.8m).

The proposed additional house will be highly visible and seriously affect the privacy of the neighbouring properties in both Greenhills Road and The Avenue. We object to the proposed scheme for the reasons set out below.

GARDEN LAND DEVELOPMENT

The Development on Garden Land and Infill Sites in Cheltenham Supplementary Planning Document, June 2009, gives clear guidance as to what sort of development on garden land and infill sites is and is not acceptable, that is in line with the requirements of the National Planning Policy Framework paragraph 53 that states:

Local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.

Hence we consider this Supplementary Planning Document (SPD) to be key guidance in considering this application. Page 36 of the SPD states:

On a rear garden site, single 'tandem' development which shares the same access or even the same plot as the frontage development, will not normally be accepted.

The proposed 'tandem' development is contrary to the SPD and whilst we acknowledge this type of development has been permitted at No. 17 (but not yet started) this does not necessarily create a precedent for other similar developments being permitted in the road/ area. Tandem development is not encouraged within the SPD for very good planning reasons and if more of this type of development is granted consent then the planning harm identified in the SPD will be multiplied. The neighbours all objected to the proposed development at No. 17 with one exception, No. 16 whose motivation is now clear. At the end of the day what

would the street / community be like if every property in the road undertook tandem development? It would totally change the character of the existing neighbourhood and the quality of life and amenities enjoyed by the residents.

The SPD (page 39) describes why a rear garden development should be on a reduced scale compared with the frontage houses. So not only is this tandem development inappropriate, but the scale at over 2400 sq ft of living space (plus a double garage) is comparable to the original houses on Greenhills Road.

DESIGN

On 27 March 2012 the government published the **National Planning Policy Framework (NPPF)** which confirms at paragraph 58 "that the Government attaches great importance to the design of the built environment". The NPPF requires development to "take the opportunities available for improving the character and quality of an area" and states that permission should be refused for development that does not.

The Cheltenham Borough Local Plan Second Review, although adopted in July 2006 contains saved policies that are in conformity with the NPPF and which therefore are material in the consideration of this proposal.

In particular, Policy CP7 sets out that development will only be permitted where it:

- (a) is of a high standard of architectural design; and
- (b) adequately reflects principles of urban design; and
- (c) complements and respects neighbouring development and the character of the locality and/or landscape (note 3).

The "**Principles of Architectural Design**" set out in the Local Plan stress that the alteration of existing buildings should demonstrate a creative response to a specific site and locality and that particular attention should be paid to

- the urban grain (the pattern and density of routes, street blocks, plots, spaces and buildings of the locality) and
- the size of the building its elements and its details in relation to its surroundings
- massing (the arrangement, volume and shape of the building)
- height (the effect on shading views skylines and street proportion)

The **Supplementary Planning Document "Residential Alterations and Extensions February 2008"** notes that "Cheltenham has an image of an elegant spacious town with groups of well proportioned buildings set in generous gardens" and acknowledges that the spaces between the houses, and the greenery contribute to this character.

The purpose of the Guide is to ensure that the character of each of the residential areas is not eroded through un-neighbourly poorly designed residential properties. It is intended especially for use in residential areas that are not protected by conservation area status, where good design is as essential as it is in the historic parts of the town.

The Design Guide notes that the spaciousness of the town derives from spaces at the front back and sides of buildings. "Glimpses of trees, gardens and the surrounding hills are essential if the spacious character of the town is to be maintained. The Council will maintain such spaces between buildings to prevent a terracing effect between existing houses."

The emerging **Draft Gloucester Cheltenham & Tewkesbury Joint Core Strategy** policy S4 requires proposals for all new developments to demonstrate how the development will "respond positively to, and respect the character of, the site and its surroundings, enhancing local distinctiveness, addressing the urban structure and grain of the locality in terms of street pattern, layout, mass, and form and ensuring that new development is of a scale, type, density and materials appropriate to the site and its setting"

The Character of the Area

Although Greenhills Road does not fall within a conservation area, it is nevertheless a pleasant but busy road with an open aspect which is characterised by large houses set within large plots. No 16 is around 0.17 hectares -the house has been extended to the rear and in other areas. It is a feature of the road that each of the

individually designed dwellings is set in ample green space. There are restrictive covenants on every property including No 16 Greenhills Road (GR1165) which flow down from title GR957 which permit not more than one dwellinghouse per plot of land. The restrictive covenant specifically prohibits "outbuildings behind or so as to extend beyond the back of the dwellinghouse to which it belongs" for a very good reason-any such erection would impact on the urban grain.

The proposed extra house will result in a massive loss of garden for the footprint of the proposed house, garage and the driveway needed to link it to Greenhills Road, which would be totally out of character with the street scene. The proposed extra house is for this reason at odds with the urban grain.

Scale and Massing

The development proposed would result in a doubling of the footprint of buildings on the current No 16 plot, as well as a 4 metre wide roadway to the Eastern side of the plot. As such the scale of the proposed extra house is inappropriate.

The massing of the proposed property being a 2-storey building built close to the northern boundary is inappropriate. Although it is a chalet style design, the large footprint results in a roofline of similar height to a traditional design two storey house. It will result in an over bearing development with no sunshine falling on the garden at the Northern end.

It is contrary to Local Plan Policy CP4 (a) relating to safe and sustainable living which seeks to prevent development that would cause unacceptable harm to the amenity of adjoining land owners.

Privacy and Security

The latest application has moved the gate to several metres behind the back of the current No.16 property. All the properties on Greenhills Road and The Avenue have always enjoyed privacy in their rear gardens. Permitting a further house to be built at No 16 would be a massive loss of privacy to all the houses in the immediate vicinity and will reduce the existing security of both 15 & 16 and all the neighbouring properties due to the driveway providing easy access to their rear gardens (again contrary to CP4 (a)).

Overdevelopment

The proposed dwelling results in an overdevelopment of the GR1165 plot of land. In February 2005 a 2- storey extension was permitted and now the owner wishes to demolish the garage that was built then for the sole purpose of building on his garden.

Materials, Size and Design

The application is totally inappropriate. The proposed design is far too large and is contrary to Local Plan Policy CP7 relating to design. The proximity of the building to the fence ensures that the north facing "garden" for the new property will be in permanent darkness – almost certainly it will be paved/concreted to leave no remaining greenery and increase the risk of flooding that conflicts with CP3 (f) that seeks to minimise the risk of flooding as part of a sustainable environment.

Effect on Area/Traffic

Greenhills Road is an established "rat run" for traffic on that side of Cheltenham. In rush hour, the traffic is static in both directions from Sandy Lane to Pilley Bridge making it extremely difficult to turn right or left from the properties on the North side of Greenhills Road. When traffic is flowing it is like a drag strip for many drivers who seem to wish to do 40-50 mph by the time they pass 14/15/16 Greenhills Road. Cyclists regularly use the pavement in lieu of the road, presenting another unpredictable danger. Boundary walls or hedges are only a pavement width (1.45m) from the road. A substantial house added at the back of No 16 brings further certainty of a serious traffic accident. There was another car accident outside 14 Greenhills Road at the end of May. 3.18 of the SPD, Box 6 sets out Elements of Amenity which are considered important but not addressed in this proposal.

Conclusion

The NPPF requires that good design should "contribute positively to making places better for people." This proposal is out of character with the area. It does not represent a good design and it has a seriously detrimental

impact upon residential amenity. This development would cause harm to the local area and therefore conflicts with para 53 of the NPPF on garden land development and should not be allowed. Furthermore it is contrary to Cheltenham's SPD on garden development to build this large house in tandem style on a single plot. There are no material considerations that would justify a departure from development plan policy in this case.

We therefore urge the Council to refuse this inappropriate application to build an extra property on the land comprising GR1165.

Yours faithfully



Tracy Crews –Head of Planning
Cheltenham Borough Council
PO Box 12
Municipal Offices
The Promenade
Cheltenham
GL50 1PP



4 August 2014

Hand Delivered and Email: dccomments@cheltenham.gov.uk

Dear Tracy,

Proposed erection of extra house – 16 Greenhills Road - 14/01226/FUL as amended

I have reviewed the plans submitted and wish to set out my objections as owner of No 14 Greenhills Road. There is confusion in what is being requested- the Design, Access and Planning statement at 1.1 asks for Full Planning permission. But the Conclusion 12.2 asks for Outline Planning Permission? Neither should be granted.

The scheme proposes an extra 4 bedroom dwelling with an additional footprint of 183sqm (including the garage) to be built in the rear garden of number 16 Greenhills Road situated close to the Northern boundary. The additional house proposed is two storeys high and is a "rear garden (backland)" development measuring in total approximately 2400sqft of living space (plus the areas on the first floor with less than 1.8m head height). Access would be achieved by demolition of a garage built fairly recently.

The proposed additional house is separated from my house by number 15 Greenhills Road, but will be highly visible and seriously affect the privacy of both No 14 and No 15 Greenhills Road as well as properties on The Avenue. I object to the proposed scheme for the following reasons:-

GARDEN LAND DEVELOPMENT

The Development on Garden Land and Infill Sites in Cheltenham Supplementary Planning Document, June 2009, gives clear guidance as to what sort of development on garden land and infill sites is and is not acceptable - that is in line with the requirements of the National Planning Policy Framework paragraph 53 that states:

"Local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area."

The Supplementary Planning Document (SPD) provides key guidance in considering this application. Page 36 of the SPD states:

"On a rear garden site, single 'tandem' development which shares the same access or even the same plot as the frontage development, will not normally be accepted."

The proposed 'tandem' development at No.16 is contrary to the SPD. Tandem development is not encouraged within the SPD for very good planning reasons and if more of this type of development is granted consent, then the planning harm identified in the SPD will be multiplied. The neighbours all objected to the proposed development at No. 17 with one exception -No. 16. It is now clear why No.16 supported that application. Fundamentally the planning committee must ask themselves what the street / community would be like if every property in Greenhills Road and the Avenue undertook tandem development? It would totally change the character of the existing neighbourhood and the quality of life and amenities enjoyed by the residents.

The SPD (page 39) describes why a rear garden development should be on a reduced scale compared with the frontage houses. The scale could never be described as "reduced scale" at over 2400 sq ft of living space (plus a double garage) when compared to the original houses on Greenhills Road.

DESIGN

On 27 March 2012 the government published the **National Planning Policy Framework (NPPF)** which confirms at paragraph 58 "that the Government attaches great importance to the design of the built environment". The NPPF requires development to "take the opportunities available for improving the character and quality of an area" and states that permission should be refused for development that does not.

The Cheltenham Borough Local Plan Second Review, although adopted in July 2006 contains saved policies that are in conformity with the NPPF and which therefore are material in the consideration of this proposal.

In particular, Policy CP7 sets out that development will only be permitted where it:

- (a) is of a high standard of architectural design; and
- (b) adequately reflects principles of urban design; and
- (c) complements and respects neighbouring development and the character of the locality and/or landscape (note 3).

The "**Principles of Architectural Design**" set out in the Local Plan stress that the alteration of existing buildings should demonstrate a creative response to a specific site and locality and that particular attention should be paid to

- the urban grain (the pattern and density of routes, street blocks, plots, spaces and buildings of the locality) and
- the size of the building its elements and its details in relation to its surroundings
- massing (the arrangement, volume and shape of the building)
- height (the effect on shading views skylines and street proportion)

The **Supplementary Planning Document "Residential Alterations and Extensions February 2008"** notes that "Cheltenham has an image of an elegant spacious town with groups of well proportioned buildings set in generous gardens" and acknowledges that the spaces between the houses, and the greenery contribute to this character.

The purpose of the Guide is to ensure that the character of each of the residential areas is not eroded through un-neighbourly poorly designed residential properties. It is intended especially for use in residential areas that are not protected by conservation area status, where good design is as essential as it is in the historic parts of the town.

The Design Guide notes that the spaciousness of the town derives from spaces at the front back and sides of buildings. "Glimpses of trees, gardens and the surrounding hills are essential if the spacious character of the town is to be maintained. The Council will maintain such spaces between buildings to prevent a terracing effect between existing houses."

The emerging **Draft Gloucester Cheltenham & Tewkesbury Joint Core Strategy** policy S4 requires proposals for all new development to demonstrate how the development will "respond positively to, and respect the character of, the site and its surroundings, enhancing local distinctiveness, addressing the urban structure and grain of the locality in terms of street pattern, layout, mass, and form and ensuring that new development is of a scale, type, density and materials appropriate to the site and its setting."

The Character of the Area

Although Greenhills Road does not fall within a conservation area, it is nevertheless a pleasant but busy road with an open aspect which is characterised by large houses set within large plots. No 16 is around 0.17 hectares -the house has been extended to the rear and in other areas. It is a feature of the road that each of the individually designed dwellings is set in ample green space with no buildings behind the back line. The SPD, Appendix 2 makes specific reference to the fact that in Battledown the area benefits from a covenant which means that garden land is not subject to sub-division. There are restrictive covenants on every property

including No 16 Greenhills Road (GR1165) which flow down from title GR957 which permit not more than one dwellinghouse per plot of land and specifically prohibits "outbuildings behind or so as to extend beyond the back of the dwellinghouse to which it belongs". Is it Council policy to actively encourage an owner to knowingly breach these covenants? The restrictive covenant was established for a very good reason-any such erection would impact on the urban grain. Every owner of land comprising the original field owned by William Henry Jordan is a successor in title who can enforce the covenant. The current owners were well aware of it when they acquired No.16 Greenhills Road and agreed to be bound by it.

The proposed extra house will result in a massive loss of garden area to accommodate the footprint of the proposed house, garage and the driveway needed to link it to Greenhills Road, which would be totally out of character with the street scene. The proposed extra house is for this reason at odds with the urban grain.

Scale and Massing

The development proposed would result in a doubling of the footprint of the buildings on the current No 16 plot as well as a 4 metre wide roadway to the Eastern side of the plot. As such the scale of the proposed extra house is inappropriate.

The massing of the proposed property being a 2 storey building built close to the northern boundary is inappropriate. Although it is a chalet style design, the large footprint results in a roofline of similar height to a traditional design two storey house. It will result in an over bearing development with no sunshine falling on the garden at the northern end.

It is contrary to Local Plan Policy CP4(a) relating to safe and sustainable living which seeks to prevent development that would cause unacceptable harm to the amenity of adjoining land owners.

Privacy and Security

The latest application has moved the gate to several metres behind the back of the current No.16 property. All the properties on Greenhills Road and The Avenue have always enjoyed privacy in their rear gardens. Permitting a further house to be built at No 16 would be a massive loss of privacy to all the houses in the immediate vicinity and will reduce the existing security of not only 15 & 16 but also all the neighbouring properties due to the driveway providing easy access to their rear gardens (again contrary to CP4 (a)). In addition there are major windows facing East and West. I would urge you to consider the responsibilities of the Council under the Human Rights Act, in particular Protocol 1, Article 1 which states that a person has the right to peaceful enjoyment of all their possessions which includes the home and other land. The proposed development would have a dominating impact on No15 & 14 Greenhills Road and our right to the quiet enjoyment of our property.

Overdevelopment

The proposed dwelling results in an overdevelopment of the GR1165 plot of land. In February 2005 a 2- storey extension was permitted and now the owner wishes to demolish the garage that was built then, for the sole purpose of building on his back garden.

Materials, Size and Design

The application is totally inappropriate. The proposed design is far too large and is contrary to Local Plan Policy CP7 relating to design. The proximity of the building to the northern fence ensures that the "garden" for the new property will be in permanent darkness –almost certainly it will be paved/concreted to the rear to leave no remaining greenery and increase the risk of flooding that conflicts with CP3 (f) that seeks to minimise the risk of flooding as part of a sustainable environment..

Effect on Area/Traffic

Greenhills Road is an established rat run for traffic on that side of Cheltenham. In rush hour, the traffic is static in both directions from Sandy Lane to Pilley Bridge making it extremely difficult to turn right or left from the properties on the North side of Greenhills Road. When traffic is flowing it is like a drag strip for many drivers who seem to wish to do 40-50 mph by the time they pass 14/15/16 Greenhills Road. Cyclists regularly use the pavement in lieu of the road presenting another unpredictable danger. Boundary walls or hedges on the north side (where the pavement is) are only a pavement width (1.45m) from the road. A substantial house added at

the back of No 16 brings further certainty of a serious traffic accident. And where is the required amenity for the occupants of this proposed new property (or indeed for the residents of the original much reduced No 16)?

Conclusion

The NPPF requires that good design should “contribute positively to making places better for people.” This proposal is out of character with the area. It does not represent a good design and it has a seriously detrimental impact upon my residential amenity. It should not be allowed and neither should a single storey alternative. It is contrary to development plan policies to build on this garden area. There are no material considerations that would justify a departure from development plan policy in this case.

I therefore urge the Council to refuse this inappropriate application to build an extra property on the land comprising GR1165.

Yours faithfully



14 Greenhills Road
Charlton Kings
Cheltenham
GL53 9EB

Mr & Mrs P Leahy
16 Greenhills Road
Charlton Kings
Cheltenham
GL53 9EB

4 August 2014

Dear Mr and Mrs Leahy,

**Planning Application 14/01226/FUL
Property 16 Greenhills Road Charlton Kings Cheltenham**

It is understood that you have lodged an application for planning permission (14/01226/FUL) in respect of the erection of an additional 4 bedroom dwelling in the garden of 16 Greenhills Road.

We write to advise you that 16 Greenhills Road is subject to certain restrictive covenants (the details of which are set out in Schedule 1 below) (the Restrictive Covenants) and your proposed development would be in breach of the Restrictive Covenants.

We (the persons set out in Schedule 2 below) (the Beneficiaries) have the benefit of the Restrictive Covenants and will oppose any development that is in breach of them, by way of injunction proceedings if necessary.

We have sent a copy of this letter to your Agent for his information as well as the local planning authority.

Yours faithfully

[REDACTED]
The Beneficiaries

[REDACTED]
Copy David M. Jones - Evans Jones Ltd
[REDACTED]

Schedule 1 - the Restrictive Covenants

A Transfer dated 11 December 1946 made between (1) William Henry Jordan and (2) Olive Jane Thompson contains restrictive covenants.


Title number P23276 -Transfer of Part. 11 Dec 1946 from WH Jordan to Olive Jane Thompson.

The said Olive Jane Thompson for herself and her successors in title hereby covenants with the said William Henry Jordan and his successors in title to observe and perform the following stipulations conditions and restrictions, that is to say:-

- (a) That not more than four dwellinghouses* with suitable outbuildings and garages, if required, shall be erected on the said land and that every such dwellinghouse and its outbuildings shall be erected at a cost of not less than £1,200 in labour and building materials alone and exclusive of the value of the land.
- (b) That every such dwellinghouse shall have a frontage to Greenhills Road of not less than 60 feet and the elevation and design thereof with its outbuildings and fences shall be in conformity with the character of the dwellinghouses outbuildings and fences already erected on the Avenue Estate.
- (c) That the frontage of any such dwellinghouse and outbuildings shall be set back to the general frontage line of the houses already erected on the North side of Greenhills Road and no outbuildings shall be erected behind or so as to extend beyond the back of the dwellinghouse to which it belongs.
- (d) That every such dwellinghouse when erected shall be used as a private dwellinghouse only and that no trade manufactory or business (other than a profession) of any kind whatsoever shall be carried on therein or on any part of the said land nor any act done by any owner or occupier thereof which may be or become a nuisance or annoyance to the adjoining or neighbouring owners and occupiers.

(e) * GR1165 is one of 4 properties which resulted from GR957

Schedule 2 - the Beneficiaries

Property	Owner
2 The Avenue	
3 The Avenue	
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9 The Avenue	
11 The Avenue	
12 The Avenue	
14 The Avenue	
15 The Avenue	
13 Greenhills Road	
14 Greenhills Road	
5 Haymans Close	
4 Haymans Close	

Brown Gables
8 The Avenue Cheltenham Glos. GL53 9BJ

RECEIVED

4 AUG 2014

4 August 2014

Tracey Crews
Head of Planning
Cheltenham Borough Council
PO Box 12
Municipal Offices
Promenade
Cheltenham
Glos.
GL50 1PP

Ref: 14/01226/FUL

Dear Ms Crews

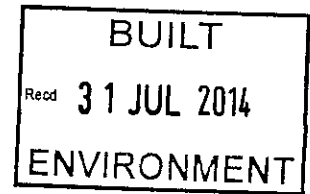

Proposal: Erection of a single dwelling to the rear of 16 Greenhills Rd and associated access drive, following demolition of existing attached garage and re-instatement of integral garage within existing dwelling at 16 Greenhills Rd Charlton Kings Cheltenham

Thank you for your letter of 14 July.

Whilst the appearance of this building is much improved from the previous applications, its size still represents an overdevelopment of this small site. It is also still a significant intrusion into our privacy.

Yours sincerely

Page 170
**7 The Avenue
Charlton Kings
Cheltenham
GL53 9BJ**



Tracey Crews
Head of Planning
Cheltenham Borough council
PO Box 12
Promenade
Cheltenham
GL50 1PP

27 July 2014

Dear Madam

Planning Application 14/01226/FUL – 16 Greenhills Road

We wish to object to the planning application on the following grounds

1. The proposed building still represents an overdevelopment of the site.
2. In the event that planning were granted it needs to be conditional on the Lombardy Poplar (T16 on the applicant's plan) being reduced in height as recommended in the applicant's tree survey.

Yours faithfully



APPLICATION NO: 14/01226/FUL		OFFICER: Miss Michelle Payne	
DATE REGISTERED: 9th July 2014		DATE OF EXPIRY: 3rd September 2014	
WARD: Charlton Park		PARISH: Charlton Kings	
APPLICANT:	Mr Pete Leahy		
AGENT:	Mr David Jones		
LOCATION:	16 Greenhills Road, Charlton Kings, Cheltenham		
PROPOSAL:	Erection of a single dwelling to the rear of 16 Greenhills Road and associated access drive, following demolition of existing attached garage and re-instatement of integral garage within existing dwelling (revised scheme following refusal of planning permission ref. 14/00660/FUL)		

Update to Officer Report

1. OFFICER COMMENTS

- 1.1. As anticipated in the main report, a revised site layout plan has now been received which shows an altered 4.8 metre wide access with pedestrian visibility splay, and the proposal is now considered to be wholly acceptable on highway safety grounds.
- 1.2. The recommendation therefore remains to grant planning permission subject to the following revised conditions:

2. REVISED CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The development hereby permitted shall be carried out in accordance with Drawing No. 12232/2-1 received by the Local Planning Authority on 8th July 2014 and Drawing Nos. 12232/2-3A, 12232/2-4A, 12232/2-5B and 12232/2-6A received 13th August 2014.
Reason: To ensure the development is carried out in strict accordance with the approved drawings.
- 3 Prior to the commencement of development, samples of the proposed facing materials 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.
- 4 Tree protective fencing and/or ground protection shall be installed in accordance with the specifications set out within the submitted Tree Survey dated February 2014 (revised July 2014) and accompanying Drawing No. 16GRTRP-JUL14 (Tree Retention and Protection Plan). The tree protection shall be erected/installed, 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.

- 5 All demolition and construction works within the root protection area of trees to be retained, on or adjacent to the site, are to be carried out strictly in accordance with the Tree Survey dated February 2014 (revised July 2014) and Drawing No. 16GRTRP-FEB14 (Tree Retention and Protection Plan).

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.

- 6 No fires shall be lit within 5m of the Root Protection Area(s) and materials that will contaminate the soil such as cement or diesel must not be discharged within 10m of the tree stem. Existing ground levels shall remain the same within the Root Protection Area(s) and no building materials or surplus soil shall be stored therein. No trenches for services or drains shall be sited within the crown spread of any trees to be retained.

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

- 7 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.

- 8 Prior to the commencement of development, a scheme for the provision or improvement of recreational facilities to serve the proposed dwelling(s) shall be submitted to and approved in writing by the Local Planning Authority. The dwelling(s) shall not be occupied until the approved scheme has been implemented.

Reason: To avoid any increase in the Borough's imbalance between population and the provision of outdoor play space and related facilities in accordance with Local Plan Policy RC6 relating to play space in residential development.

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

- a) the parking of vehicles of site operatives and visitors;
- b) loading and unloading of plant and materials;
- c) storage of plant and materials used in constructing the development;
- d) wheel washing facilities; and
- e) measures to control the emission of dust and dirt during construction.

Reason: To ensure that the development is carried out in a considerate and sustainable manner in accordance with Local Plan Policy CP1 relating to sustainable development.

- 10 Prior to first occupation of the new dwelling, the alterations to the existing access to the site to include the provision of an adequate pedestrian visibility splay, shall be completed in all respects in accordance with Drawing No. 12232/2-3A and maintained as such thereafter.

Reason: To reduce any potential highway impact by ensuring that satisfactory pedestrian visibility and access arrangements are provided in accordance with Local Plan Policy TP1 relating to development and highway safety.

- 11 Prior to first occupation of the development, the car parking and turning facilities shall be completed in all respects in accordance with the approved plans. The car parking and turning facilities shall thereafter be retained as such and shall not be used for any

purpose other than the garaging of private motor vehicles and ancillary domestic storage without planning permission.

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.

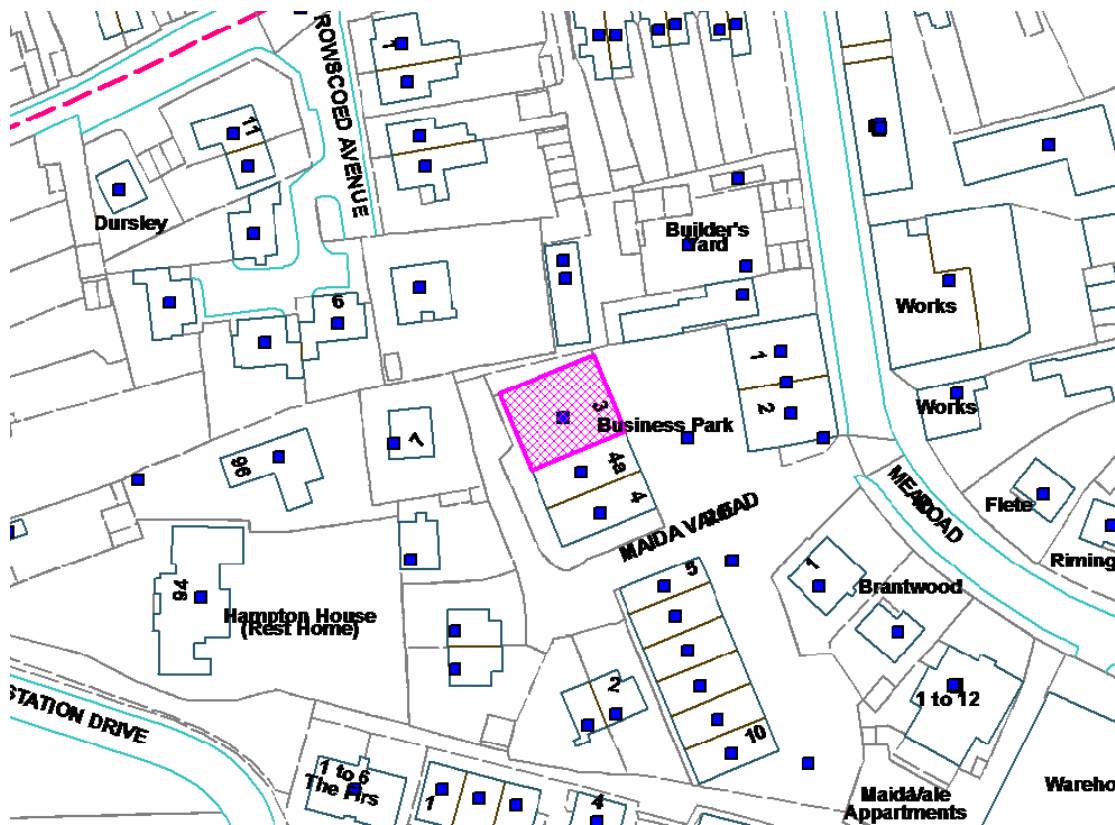
- 12 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and/or re-enacting that order with or without modification), no additional openings shall be formed in the development without planning permission.

Reason: Any further openings require detailed consideration to safeguard the amenities of the locality in accordance with Local Plan Policies CP4 and CP7 relating to safe and sustainable living and design.

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APPLICATION NO: 14/01270/CONDIT	OFFICER: Miss Michelle Payne
DATE REGISTERED: 15th July 2014	DATE OF EXPIRY: 9th September 2014
WARD: Leckhampton	PARISH: None
APPLICANT:	Mr Umesh Korant
AGENT:	None
LOCATION:	Unit 3, Maida Vale Business Centre, Maida Vale Road
PROPOSAL:	Variation of condition 2 (hours of business) and condition 3 (hours of loading/unloading) on planning permission ref. 02/00813/CONDIT granted 25th July 2002 to allow the premises to be used between the hours of 7.00am and 7.00pm Monday to Friday, and 7.00am and 3.00pm on Saturday, Sunday and Bank Holidays

RECOMMENDATION: Recommendation at Committee



1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 This application relates to Unit 3 within the Maida Vale Business Park at Maida Vale Road in Leckhampton; Unit 3 has been occupied by Cotswold Linen Care, a commercial laundry business, for a number of years.
- 1.2 Planning permission ref. CB19293/07 was granted in 1999 for the erection of ten industrial starter units; planning permission having previously been granted for 9 units in 1991 and subsequently renewed in 1996.
- 1.3 Condition 5 of the implemented planning permission relates to hours of operation and reads:

The premises shall be used for the purpose specified only between the hours of 8.00am and 6.00pm on Mondays to Fridays inclusive 8.00am to 1.00pm on Saturdays and at no time on Sundays or Bank Holidays.

Reason: To safeguard the amenities of the occupiers of the adjoining residential properties.

- 1.4 Condition 6 of the planning permission relates to loading and unloading and reads:

No loading or unloading shall take place between the hours of 6.00pm and 8.00am Mondays to Fridays, between noon on Saturday and 8.00am Mondays, nor at any time on Bank Holidays.

Reason: To safeguard the amenities of the occupiers of the adjoining residential properties.

- 1.5 The planning history sets out that such relatively tight controls were imposed on the original planning permission because of the nature of the development and its proximity to adjoining residential development, particularly where the end user of the industrial units was not known.
- 1.6 Since the original grant of planning permission, a number of applications have been made on various units within the business centre to extend their hours of operation.
- 1.7 With specific regard to Unit 3, Cotswold Linen Care first applied to extend their hours of operation and loading and unloading in March 2002. This application sought permission to use the premises from 7.00am to 8.00pm Monday to Friday, 7.00am to 3.00pm on Saturdays and 9.00am to 2.00pm on Bank Holidays. The application was refused by the Planning Committee in May 2002 as it was considered at that time that such "a relaxation of controls imposed in respect of hours of operations and deliveries to and from the premises would...give rise to an intensification of activity within this industrial/business centre which would have a harmful effect on the amenities at present enjoyed by the occupiers of adjoining and nearby residential premises".
- 1.8 Subsequently a revised application, ref. 02/00813/CONDIT, was submitted in May 2002 – this application was approved by the Planning committee in July 2002 subject to the following conditions:

- 1 *The variation in hours of operations and deliveries hereby permitted shall be carried on only by Cotswold Linen Care Ltd.*

Reason: The development proposed is only acceptable because of the special circumstances of the applicants business and business practices (as noted in the letter from the applicant/agent accompanying the application), and the Local Planning Authority wishes to have the opportunity of exercising control over any subsequent use or user in the event of the applicant ceasing the use hereby permitted.

2 *The premises shall be used only between the hours of 7.00am and 6.00pm on Mondays to Fridays inclusive and 7.00am and 1.00pm on Saturdays and at no time on Sundays or Bank Holidays.*

Reason: To safeguard the amenities of the occupiers of residential properties in the locality.

3 *No vehicles may arrive or depart, be loaded or unloaded at or from the site outside the hours of 7.00am and 6.00pm on Mondays to Fridays and outside the hours of 7.00am and 1.00pm on Saturdays, and at any time on Sundays and Bank Holidays.*

Reason: To safeguard the amenities of the occupiers of residential properties in the locality.

1.9 Cotswold Linen Care serve a high number of local businesses throughout Gloucestershire, and as a direct result of changes in trading practices, the volume of laundry needing to be processed has greatly increased, and the company is struggling to comply with the restricted hours of use.

1.10 This application is therefore seeking to vary conditions 2 and condition 3 on planning permission ref. 02/00813/CONDIT to allow the premises to be used between the hours of 7.00am and 7.00pm Monday to Friday, and 7.00am and 3.00pm on Saturday, Sunday and Bank Holidays.

1.11 The application is before planning committee at the request of Cllr Sudbury with particular regard to the impact on the amenity of neighbouring properties in respect of noise.

1.12 Members will visit the site on planning view.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Smoke Control Order

Relevant Planning History:

CB19293/02 PERMIT

22nd August 1991

Demolition of existing joinery and timber works and erection of industrial units

CB19293/04 PERMIT

27th June 1996

Renewal of planning permission CB19293/02 dated 22nd August 1991 for the demolition of existing joinery and timber works and erection of industrial units

CB19293/07 PERMIT

29th July 1999

Erection of ten industrial starter units

02/00453/CONDIT REFUSE

22nd May 2002

Variation of condition 5 (relating to hours of operations) and condition 6 (relating to times of loading and unloading) imposed on planning permission ref. CB19293/07 dated 29th July 1999 -

02/00813/CONDIT PERMIT

25th July 2002

Variation of condition 5 (relating to hours of operations) and condition 6 (relating to times of loading and unloading) imposed on planning permission ref. CB19293/07 dated 29th July 1999 (revised application)

3. POLICIES AND GUIDANCE

Adopted Local Plan Policies

CP 4 Safe and sustainable living

National Guidance

National Planning Policy Framework

4. CONSULTATION RESPONSES

Environmental Health

25th July 2014

I think the hours of use requested on Sundays and Bank Holidays are likely to lead to loss of amenity for residents of nearby properties. I would therefore recommend the following as suitable hours of operation:

Monday - Friday 7:00AM - 7:00PM

Saturdays 7:00AM - 3:00PM

Sundays and Bank Holidays 9:00AM - 3:00PM

5. PUBLICITY AND REPRESENTATIONS

- 5.1 Letters of notification were sent out to 14 neighbouring properties. In response to the publicity, six representations have been received; three in objection, and three in support, one of which is from the applicant in response to the objections. The comments have been circulated to Members in full but, in summary, the objections relate to noise and disturbance largely in respect of operations within the building.

6. OFFICER COMMENTS

6.1 Determining Issues

6.1.1 The main consideration when determining this application relates to the amenity of the adjoining neighbours in respect of noise and disturbance.

6.2 The site and its context

6.2.1 The Maida Vale Business Park is located on the eastern side of Mead Road and is bounded by a number of residential properties; the area has long since been an established mix of residential and industrial uses.

6.2.2 The industrial units were constructed in 2000 on the site of a former joinery and timber yard.

6.2.3 Some of the surrounding houses to the rear of the business park are accessed through the business park.

6.3 Impact on neighbouring amenity

6.3.1 Local plan policy CP4 (safe and sustainable living) seeks to prevent unacceptable harm to the amenity of adjoining land users or the locality.

6.3.2 To date, in response to the application, the specialist advice from the Senior Environmental Health Officer has suggested that subject to a 9.00am start on Sundays and Bank Holidays, to which the applicant has agreed, the proposed hours are acceptable and unlikely to lead to a loss of amenity for local residents.

6.3.3 However following a meeting with the principal objector, the owner of no.6 Maida Vale Road, an assessment of the noise generated by Cotswold Linen Care is to be undertaken. This assessment is scheduled to take place on Wednesday 13th August to allow the results to be available prior to the committee meeting.

6.3.4 The results of the noise assessment and any further comments from the Environmental Health team will be forwarded to members.

6.4 Conclusion and recommendation

Recommendation to follow

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APPLICATION NO: 14/01270/CONDIT		OFFICER: Miss Michelle Payne	
DATE REGISTERED: 15th July 2014		DATE OF EXPIRY : 9th September 2014	
WARD: Leckhampton		PARISH:	
APPLICANT:	Mr Umesh Korant		
LOCATION:	Unit 3, Maida Vale Business Centre, Maida Vale Road		
PROPOSAL:	Variation of condition 2 (hours of business) and condition 3 (hours of loading/unloading) on planning permission ref. 02/00813/CONDIT granted 25th July 2002 to allow the premises to be used between the hours of 7.00am and 7.00pm Monday to Friday, and 7.00am and 3.00pm on Saturday, Sunday and Bank Holidays		

REPRESENTATIONS

Number of contributors	6
Number of objections	3
Number of representations	0
Number of supporting	3

2 Maida Vale Road
Cheltenham
Gloucestershire
GL53 7EA

Comments: 30th July 2014

Having been a resident here for many years, well before the units were reopened, I am naturally not pleased about the proposal for CLC to extend their opening hours. When the unit in question, and those adjacent, were reopened the residents agreed to reasonable hours of trade. These are the hours that CLC and the other units currently adhere to, which we are still happy with, even though as the previous comment highlights, these hours are disturbance enough with CLC's noisy extractors and noisy loading and unloading. In our original agreement we did not agree to the units opening on Sunday's and Bank Holidays and I would still not be willing to agree to this and strongly object to CLC's proposal to extend their opening hours.

CLC is by far the noisiest unit on the estate and already takes away our peace and quiet. It would be unreasonable to suggest that we should give up the limited peace and quiet that we currently get in evenings and weekends.

6 Maida Vale Road
Cheltenham
Gloucestershire
GL53 7EA

Comments: 29th July 2014

Maida Vale Road / Business centre is mixed residential and business. This is the second such area I have lived in, in Cheltenham. Balance is key, the businesses are noisy and bring many vehicles into the shared area, and therefore our quiet time becomes even more precious. The houses are tucked behind the business units and I think people can be out of sight out of mind about the residents, however we are very aware of the business centre.

CLC are the noisiest unit here by far, and are currently permitted to work 61 hours per week. The noise and disturbance during these hours is more than enough, I can hear the extractors from

7am in my bedroom 6 days per week (no need for an alarm clock), I can hear them as I work from home in an office to the rear of my house over a radio, and I can hear them in my garden. I clock watch for when they should go off and breathe a sigh of relief when they finally do, in the summer I get 1 hour of sun in my garden after 6pm and it is so precious to me. My property is approx. 8 meters from the rear of the units; my garden is to the front of my property so for me there is no escape from the 4 extractors in the uninsulated metal unit that is CLC.

Anyone in a position of power to make this decision is welcome to spend time in my house / garden and assess whether they would like to put up with this, and more, 13 hours more in fact per week. Whether their Saturdays, Sundays and Bank Holidays should be accompanied by the sounds emitted from 4 extractor fans or the birds and the wind in the trees. I think it is clear that CLC have outgrown the site and that it is time for them to find premises elsewhere where they will cause less disturbance to others, maybe by their house?

I love my characterful house and garden and I have invested in it over the 7 years I have lived here, visitors comment that it is a hidden gem and secret hideaway, when it is quiet here it is super. I need this balance to continue so that I have a quality of life in my home. Any increase to the noise from the business centre is going to affect the value of my property, estate agents have previously pointed out that just accessing the property via a business centre affects the value. My home is a one off, as are the other houses - I couldn't move and replace it.

The comments on the submission letter about Unit 7 and the Saw Mill do not have any effect on me or my property, the comments about liaising with Environmental Health about potential noise and disturbance and the recent improvements do though. 2 silver uninsulated tubes which bend around the corner of the building by less than 1 foot do nothing to improve the current noise and disturbance let alone 13 more hours of it. Anyone making a comment or recommendation about this application needs to get around the rear of the building and stay there a while.

Between end May and end July I have sent 13 emails / photos to the council about CLC, varying from starting / making noise before 7am, continuing to work /make noise post 6pm weekdays. It also covered the bank holiday on 26th May. Easter this year was disturbed, particularly on Good Friday where a noisy upgrade seemed to take place most of the day, people were on the premises all weekend as well. This upgrade has resulted in the noise levels changing from a flat noise all day to a variety of pitches, hence my contact with the council. Christmases and New Years have all been disturbed over the years; I recall a few where I have been awoken at 6.45am by noise. CLC have not respected the permissible hours to date, have been awful, confrontational neighbours, so I do not see why they should be granted anything more. The council have not managed to enforce anything as conveniently they do not work when all the incidences are going on (weekends / bank holidays). This is a recipe for disaster, one that will only affect the residents to the rear of this unit. Please respect our right to some peace and quiet.

Comments: 1st August 2014

2 further points:

1. Bank Holidays a bit ambiguous. CLCs submission document says Monday Bank Holidays 7am - 3pm and the Environmental Health comment on 25.7.14 says Bank holidays 9am-3pm.

We have 8 Bank Holidays per annum, CLC want to work any BH that falls on a Monday, so this could include Christmas Day, Boxing Day, New Year's Day, but would automatically include Easter Monday, the 2 May Bank Holidays and August Bank Holiday. The only day out of 365 that CLC are saying they wouldn't work is actually just Good Friday.

I have submitted evidence this year and over the past 7 years that I have lived here that Umesh has had people on the premises, with machinery on during all of those Bank Holidays already, and the Council have chosen to do nothing about it. Specifically there was a noisy upgrade on Good Friday this year, which is now the only day of the year Umesh doesn't want to work and make noise on.

2. The obvious solution to CLCs pressures is for their customers to increase their stocks of the items they need laundering, so they have spares when demand is high. It is not for the residents to lose our precious peace and quiet on Saturday afternoons, Sunday's and Bank Holidays if businesses will not invest correctly in the right amount of towels / sheets / table cloths etc that they will need during their busiest times. If times are changing and demand is increasing then their stocks of essentials should also.

Comments: 4th August 2014

With regards to the above proposal, and the fact that I have not had replies from Mark Nelson and Louise Metcalfe yet about key information, including why none of my 5 immediate neighbours have been notified via letter as i have, I want to request an extension on the Tuesday 5th Aug date.

The reason for this is 2 of the 5 neighbours are currently abroad and cannot be contacted.

I do not think proper process has been followed on this matter at all, and its all appearing very pro business and anti residential rights.

Comments: 4th August 2014

2 points to raise:

1. Why is there no notice on a telegraph pole in the vicinity?
2. Why was i not notified, and i assume my neighbours as well, when unit 7 got granted extended hours?

Unit 3
Maida Vale Business Centre
Maida Vale Road
Cheltenham
Gloucestershire
GL53 7ER

Comments: 5th August 2014

In response to the objections logged regarding planning application 14/01270/CONDIT. I would like to make the following points.

- I) I fully endorse [*name supplied – No 6 Maida Vale Road objector – see above*] offer to finally allow anyone to visit the site to assess any noise or disturbance issues with recording equipment. This offer has always been open from CLC.
- II) The four Extractors at the back of the laundry that seem to be the main key issue, are in fact vents from tumble dryers that are only used as required and not on all day everyday as suggested.
- III) As with all seasonal service businesses, CLC does have quite periods when staff finish early and no machinery is on. This point has not been noted on the objections.
- IV) As a business we have invested heavily on modern energy efficient and quieter machinery over the years which just makes good business sense.
- V) With reference to the suggestion from Ms Wiseman that all of CLC's customers should increase their stock holding for busy periods. When should CLC actually process the work that will obviously be at least doubled to cover these periods?
- VI) CLC has made every effort to work alongside their neighbours and council recommendations, and welcome any enquiries to support this fact.
- VII) With reference to the point regarding property values, would Ms Wiseman not have taken full advantage of the fact that her property was at the back of a fully operational business centre when she purchased the property 7 years ago.

VIII) The planning application should be judged purely on facts and not on any personal feelings, opinions or discriminations that are not relevant or cannot be confirmed.

23C Finchcroft Lane
Cheltenham
Gloucestershire
GL52 5BD

Comments: 5th August 2014

It is well known that there has been a certain degree of animosity generated by certain residents of Maida Vale Road, which is fairly obvious from the comments raised here.

We would like to address some of the points raised as follows:

At Unit 1, we are further from CLC than the households concerned but would certainly disagree with the allegations that they are the noisiest occupants on the estate, given that CLC has neighbours either side of them who use large industrial sawing equipment regularly, but don't seem to have to endure a similar barrage of objections. During the summer months especially it is not uncommon to have to endure exceptionally loud & intrusive noise from the Disco Equipment premises on Mead Road, but these activities never seem to draw similar attention from the local residents.

"Noisy" is hardly an appropriate adjective to describe the loading & unloading activities at CLC. Given that their core function involves the handling & laundering of relatively soft fabric, which is loaded & unloaded by hand (not machine) in cloth sacks, it is difficult to understand how such activities could be considered noisy.

Sunday trading is now an accepted (& in many cases welcomed) part of modern society in this country. As such, there should be no discrimination between the relatively quiet activities of CLC & those carried out by businesses in other industrial areas. Objections would be understandable if an application was made to operate a sawmill on a Sunday, but the use of washing machines or tumble dryers is hardly likely to exceed acceptable noise levels. In many cases similar (albeit smaller) machines are used in domestic environments at all times, regardless of the day. Bank holidays are defined as holidays when most businesses & non-essential services close down, & very few of these have religious connotations. Given that CLC's customers have clearly created a demand for their services, it would be reasonable to assume that those services cannot be considered to be "non-essential" & therefore that status may not apply in this instance.

The resident of No 3 Maida Vale Road has made comparisons with CLC & a former employer. Given that these businesses are different, there is no basis for giving such comparisons consideration. Unless the person concerned has an in-depth knowledge of CLC's business statistics, customer base, workload & turnover, such comments can only be treated as speculative & without merit.

The suggestion that CLC's customers carry larger stocks is not for unconnected individuals to make. Businesses have their own methods of operation & unqualified suggestions made as to their methods of linen usage & stock control etc are irrelevant.

It seems that the situation has been over-exaggerated to a degree by certain individuals who may have allowed personal feelings to cloud their otherwise rational judgment. When compared with the sound of vehicles from both Mead Road & Leckhampton Road, plus other sounds which are a normal consequence of living in this relatively busy Cheltenham suburb, any noise emanating from the CLC premises should not be considered as excessive. Their environmental impact from an audible aspect is probably lower than that of many businesses, with the loudest noise generated being the sound of a local radio station. The vehicles that deliver to & collect from the premises are generally (and acceptably) quiet, as they would have to be in order to comply with

current UK regulations governing noise levels & emissions. Many of these vehicles are privately-owned family cars which are no different to any others in general use. Otherwise, the small commercial vehicles that are also in evidence (visiting the estate generally) are often powered by derivatives of family-car diesel engines - again governed by the same regulations.

CLC obviously provide a valuable resource to their local customers, & at the same time, much-needed employment. Any attempt to force them to move to premises elsewhere could very well result in a different type of business in occupation, the activities of which may well create greater animosity from nearby residents.

We would like to see a mature & measured resolution to this issue. Any decisions should be made on the basis of clear factual evidence which may or may not prove excessive noise/pollution levels, with (obvious) personal & prejudicial considerations being disregarded. Out of respect to both the nearby residents and the wider local community we would suggest the following be given consideration:

A restriction on the use of roller shutter doors outside the hours of 7am & 8pm: Given that this operation is only likely to occur no more than twice a day, it should hardly be deemed a nuisance or repetitive, but in order to maintain a compromise, this would seem a fair & reasonable restriction.

Measurement of the noise levels created by CLC at the rear of their unit: The results to be compared with other ambient noise that might be expected to be normal - perhaps on a summer Sunday afternoon.

Laneside
Undercliff Avenue
Cheltenham
Gloucestershire
GL53 9AA

Comments: 4th August 2014

We lived at 94a Leckhampton Road which is less than 25 metres from the premises, Unit 3 Maida Vale Business Park, for ten years and in all that time we experienced no nuisance of noise, mess, or any other disruption from them. We would like to say that compared to the other industrial users on this site they are probably the cleanest and least intrusive. I would have no objection whatsoever to them extending their working hours as to be perfectly frank you can't tell if they are even there or not.

3 Maida Vale Road
Cheltenham
Gloucestershire
GL53 7EA

Comments: 11th August 2014

I agree fully with the submission from [*name supplied – No 6 Maida Vale Road objector – see above*]. Back in the day I worked for a laundry that was also privately owned, our hours were 08.00am - 5.30pm, 5 days per week, and I estimate that the business was 50x larger than CLC. It covered all hotels in Cheltenham, plus the largest in Oxford, Cheltenham colleges, RAF stations as well as private customers. Overtime was only needed when the races were on as we did all the linen for Letherby & Christopher. Therefore I do not understand CLC's need for more hours.

When the units on Maida Vale Business centre were first constructed and let the residents were given a document recording the permitted hours allowed. If the businesses wanted longer hours they were clear that they needed to find new premises to accommodate their needs. The

Cotswold Linen Company was very interested in the site but when they were aware of the hours they withdrew.

I was not aware of the planning proposal for CLC wanting more hours as no-one gave me the courtesy of a letter.

APPLICATION NO: 14/01270/CONDIT		OFFICER: Miss Michelle Payne
DATE REGISTERED: 15th July 2014		DATE OF EXPIRY: 9th September 2014
WARD: Leckhampton		PARISH: None
APPLICANT:	Mr Umesh Korant	
AGENT:	None	
LOCATION:	Unit 3 Maida Vale Business Centre Maida Vale Road	
PROPOSAL:	Variation of condition 2 (hours of business) and condition 3 (hours of loading/unloading) on planning permission ref. 02/00813/CONDIT granted 25th July 2002 to allow the premises to be used between the hours of 7.00am and 7.00pm Monday to Friday, and 7.00am and 3.00pm on Saturday, Sunday and Bank Holidays	

Update to Officer Report

1. OFFICER COMMENTS

- 1.1. As set out in the original report, following a meeting with the owner of no.6 Maida Vale Road, an assessment of the noise generated by Cotswold Linen Care was to be undertaken on Wednesday 13th August.
- 1.2. As a result of this assessment, the following updated comments were received from Environmental Health:

I have reviewed the above application further and made measurements of noise levels at the site. I now offer the following revised comments:

I have visited the site today and made an assessment of noise from the operation of the laundry affecting residential properties to the rear. This assessment was made to the standards of BS 4142:1997 "Method for rating industrial noise affecting mixed residential and industrial areas". The dominant noise source was noise from tumble dryer vents, and in particular 2 vents serving larger capacity machines, which have been ducted to discharge just round the north-western corner of the building. This standard assesses the difference in noise levels between the plant operating (known as the rating level) and the background noise level. The measurements and corrections in the standard produced a rating level of 49.4 dBA and a background level of 39.5dBA. This is a difference of +9.9dBA.

The standard states that a difference of +10 means "complaints are likely".

I have therefore suggested to the applicant that he needs to control noise levels more effectively in order for this department not to object to the current application. This can be achieved relatively easily by extending the ductwork further around the building, so that the building itself screens residential property from the noise. Control could also be achieved by limiting the hours that these particular 2 dryers operate. The applicant has indicated to me that he will extend the ductwork as soon as possible, and for preference before this application is decided. If he can achieve this I will be happy to re-visit and re-assess the revised installation.

Should a satisfactory noise level be achieved I would repeat my recommended hours of opening from my previous response, i.e.:

*Monday - Friday 7AM - 7PM
Saturdays 7AM - 3PM
Sundays 9AM - 3PM*

Note that the later start time I recommend for Sunday working is to account for the increased sensitivity of a residential population at that time.

[Note that the Environmental Health Officer has verbally confirmed that the suggested hours for Sunday are also acceptable on Bank Holidays.]

- 1.3. Subsequently, the applicant has extended the ductwork as advised and fitted attenuators to the ducts. In response to this, two further noise assessments have taken place on Friday 15th August and Monday 18th August and the following additional comments have been submitted by the Senior Environmental Health Officer:

As discussed in my e-mail of 13th August the applicant in this case has made efforts to improve the acoustic performance of ducting to tumble dryers at the application site. I have now carried out 2 surveys of the noise levels being produced.

The first survey, carried out on Friday 15th August was affected by noise from other sources, including a dog barking, and interrupted by vehicles accessing and leaving the properties around the measuring point. There was also a malfunction in the measuring equipment being used. As a result, the survey results indicate that fitting attenuators to the ducts and siting them further away actually increased noise levels, which subjectively was not the case.

I repeated the survey this morning to the standards of BS4142. On this occasion I used 2 sound level meters, calibrated using the same source, which produced almost identical results. The survey was begun at approximately 9:00AM, with a background measurement made for one hour from 9:00AM to be comparable to the time the site will be operating. This exercise has produced a difference between the rating level and background noise level of 7dB.

The standard indicates that a difference in level of +10dB means that complaints about this source are "likely", and that a difference of +5dB is of "marginal significance". No further guidance is available on interpolating other results, however it may be worth noting that a change of +3dB is the smallest change in level that can be perceived by a person with normal hearing.

In summary, the results of this monitoring exercise do not justify an objection to the application.

Subjectively, the recent adaptations to the ductwork have reduced the level of noise at the assessment position when compared to my initial visit. On occasion during the drying cycle, some machines stop for a few seconds before re-starting and the change in noise level this produces is barely noticeable. Myself and a colleague were invited in to 6 Maida Vale Road on Friday to discuss the application, and during this time the noise level from the fans (which were operating) had no effect on our conversation. In my opinion the level of interference produced by this noise source during this visit did not constitute a statutory nuisance and is unlikely to do so if the plant operates

within the time limits applied for (as amended by the recommendations of my first e-mail, dated 25th July).

2. RECOMMENDATION

- 2.1. With the specialist Environmental Health advice in mind, the recommendation is to permit the application subject to the following conditions:

3. CONDITIONS

- 1 The variation in hours of operations and deliveries hereby permitted shall be carried on only by Cotswold Linen Care Ltd.
Reason: The development is only acceptable because of the special circumstances of the business (as noted in the letter from the applicant accompanying the application) and the Local Planning Authority wishes to have the opportunity of exercising control over any subsequent use or user due to the close proximity of residential properties in accordance with Local Plan Policy CP4 relating to safe and sustainable living.
- 2 The premises shall be used only between the hours of 7.00am and 7.00pm on Mondays to Fridays inclusive; 7.00am and 3.00pm on Saturdays; and 9.00am and 3.00pm on Sundays and Bank Holidays.
Reason: To safeguard the amenities of the occupiers of residential properties in the locality in accordance with Local Plan Policy CP4 relating to safe and sustainable living.
- 3 No vehicles may be loaded or unloaded at the site outside the hours of 7.00am and 7.00pm on Mondays to Fridays inclusive; 7.00am and 3.00pm on Saturdays; and 9.00am and 3.00pm on Sundays and Bank Holidays.
Reason: To safeguard the amenities of the occupiers of residential properties in the locality in accordance with Local Plan Policy CP4 relating to safe and sustainable living.

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APPLICATION NO: 14/01270/CONDIT		OFFICER: Miss Michelle Payne	
DATE REGISTERED: 15th July 2014		DATE OF EXPIRY : 9th September 2014	
WARD: Leckhampton		PARISH:	
APPLICANT:	Mr Umesh Korant		
LOCATION:	Unit 3, Maida Vale Business Centre, Maida Vale Road		
PROPOSAL:	Variation of condition 2 (hours of business) and condition 3 (hours of loading/unloading) on planning permission ref. 02/00813/CONDIT granted 25th July 2002 to allow the premises to be used between the hours of 7.00am and 7.00pm Monday to Friday, and 7.00am and 3.00pm on Saturday, Sunday and Bank Holidays		

ADDITIONAL REPRESENTATIONS

20 Brizen Lane
Cheltenham
Gloucestershire
GL53 0NG

Comments: 18th August 2014

I strongly object to this application for an extension of the working hours. Having previously lived for 6 years at number 6 Maida Vale Road I can confirm that the noise from the various extractors causes a significant nuisance to that property.

The noise and pitch is such that it is not easy to relax at the property during the working hours of the laundry. The whole garden is to the front of the property - the rear wall of the property is on the boundary - so it is only when the business is closed and the extractor fans are off that sitting in the garden is pleasant.

The noise and vibration from the extractors can be experienced in all rooms of the house, at different times the noise can be slightly quieter than others but generally the noise pervades the whole property when the business is open.

When the laundry is closed, the area is very tranquil and peaceful, so even though it is noisy to live next door to it, the peace and tranquillity during closed periods make up for it.

The few existing hours in the day when the business is not allowed to operate are very precious, just a handful of Bank Holidays per year, Saturday afternoons and Sundays, they really are so important to be able to unwind from the grinding hum, whirr and vibrations from the extractors.

I am surprised to see that other people have written in support of this application without any knowledge of how this business impacts on the residents nearest to it. I also do not recognise the noise nuisance alleged by the applicant and another supporter regarding noise from a nearby saw mill.

In the six years I lived at number 6 the only noise pollution we regularly experienced was when Cotswold Linen Care were operating - during their permitted and also hours when they were not allowed to work. In those years on no occasions did I hear any noise from a saw mill nearby.

Occasionally I recall hearing some noise from Sound and Vision Express on Mead Road but that was really very rarely and in no way as intrusive throughout the whole property on a daily basis as the noise from the many extractor fans at Cotswold Linen Care.

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The owner of Unit 1 in the business park has written in support of this application but this property is nowhere near to the extractor fans at the back of unit 3. The extractors mainly face the rear of Unit 3 only feet from the gardens of the residential properties nearby. Unit 3 is across the trading estate to unit 1 and so they can have no idea how much the noise impacts on residents behind the unit as they face the other side. In any case noise in the work place is really very different from noise in a residential property.

It is very disappointing for us as a family to know that after we had moved (and things had improved for a year or so before we moved after years of nagging), this business has been repeatedly ignoring the hours of operation they legally have.

The person who bought our house did so knowing what the hours of operation of the laundry were and that was accepted. In the same way so did the person who owns the laundry; they knew the restriction on hours when they took on this unit right next door to residential properties.

I find it very difficult to understand why a business which is a significant noise polluter, would decide to set up right next door to where people live and where they now claim the hours of operation are not enough for them.

It is interesting to note that despite all the years of assurances from the owners that they only work when they are permitted to that they are admitting in this application that they need to work on Bank Holidays etc.

In my job as a builder my work environment can be very noisy. On the jobs I manage and when working for others I never undertake noisy jobs before 8am so as not to disturb people living next door. It is a shame such consideration is not given to residents by other noise polluting businesses such as Cotswold Linen Care.

The correspondent from Leckhampton Road who has written in support has two residential properties between their home and the back of the laundry and so they will not experience the noise that the nearest properties do.

Those who support this application would not be quite so keen to have the noise going through their home and garden over longer periods if they were affected in the way the closest properties are.

I urge the planning committee to refuse this application on the grounds that relaxing the conditions relating to the working hours of this business will lead to an intensification of the use, which will unacceptably harm the amenity of nearby residential properties - just as the committee did in 2002.

20 Brizen Lane
Cheltenham
Gloucestershire
GL53 0NG

Comments: 18th August 2014

I have decided to declare a personal and prejudicial interest and not take part in the debate at planning committee. However I want to let the committee know why I very strongly believe the right decision is to refuse this application.

I lived with my family for 6 years at number 6 Maida Vale Road between 2001 and 2007. This was mainly a very happy time for us, it is a lovely little cottage in a tucked away location and we spent a lot of time and energy renovating it until ultimately we outgrew it and moved to a larger property.

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The only negative part of living there was the close proximity to Cotswold Linen Care; the proliferation of their extractor fans and their penchant for working when it suited them regardless of the impact on nearby residents.

I spent a good few years reporting problems with noise and working outside of their permitted hours. I am particularly disturbed to read comments which seem to suggest that it is only one named person is not happy with this business.

When I lived in Maida Vale Road all of the residents who lived there at the time told me they could hear the extractor noises and it blighted their lives. The then occupier of the end property in Trowscoed Avenue even came round to knock on my door to ask about the noise coming from this business.

We all felt blessed when the business was not operating. Unfortunately there is a long history of non compliance with the working hours which I have witnessed first-hand, as I know my former neighbours and current residents have.

There have been complaints about both the noise from this business and of working out of hours for over 13 years. I understand the planning officer feels this record of complaints is not material to your decision but I believe it is crucial. Complaints about the laundry are because of the very negative impact it has on the quality of life of residents in nearby properties when the machinery is operating, it is not simply because of a desire to make CLC keep to their permitted hours for the sake of it.

If the machines and extractors were not operated during out of hours most likely no one nearby would even notice there was anyone in the unit working but the noise from the extractor fans goes through the nearby properties, you simply cannot ignore it.

When we lived at number 6 all we all wanted was a quiet life; to enjoy our property in peace during the hours when the business was not supposed to operate. We did not want ANY conflict with Cotswold Linen Care; we just wanted them to respect our right to some sort of quality of life during the hours they were not legally allowed to operate.

On Christmas Days and other Bank Holidays the first clue they were working would be sat at the dining table or relaxing to find suddenly a rumble through the property of their extractor fans being on. We would go out to investigate, find other neighbours out in the street wondering why there the noise was coming from the premises, see cars parked outside the laundry, see and hear the noise and steam directly coming from the extractors.

Time and again the owners denied working out of hours with an interesting array of completely implausible explanations. One time they said the fans had gone on automatically because of the cold air, it happened to be on a very mild Christmas Day I seem to recall. In freezing cold weather during the night the machinery mysteriously did not switch on however.

Now they seem to be blaming a saw mill nearby for the noise that people have complained about. I have to say this is the very first I even knew a saw mill was nearby. I don't recall ever hearing anything barely resembling a sawing noise. As my husband is a builder and we have renovated a number of houses together I am very familiar with what sawing sounds like and I think it is somewhat insulting for the applicant to suggest that for 13 years people have mistaken the noise and steam coming from his many extractor fans, which are feet away from their property with something completely different. If I had been disturbed by the saw mill I would have complained about it. I wasn't and I didn't.

The revised working hours the company have now (7am-6pm weekdays) were granted after lengthy complaints about working before 7am when they were not allowed to start work until 8am. Complaints then did not end in enforcement but two planning applications. The first application which is very similar to the one before you now was refused by the planning committee who were

concerned about the impact of the intensification of this business use on the amenity of nearby residential properties.

The second, which was granted, extended their opening times to 7am from 8am weekday mornings. However, in the main the results of these applications on working hours were subsequently ignored whenever the applicant felt like it during the following few years. Although the breaches in conditions had got less in the last year or so when we were there, sadly I hear from the person who bought the house from us they have repeatedly worked out of their permitted hours since she bought the property.

Maida Vale Road is a quiet backwater and when the trading estate is closed it is very peaceful, this is particularly important for residents to experience some down time when the businesses are closed due to the very close proximity to their homes and the shared use of the road for access to their properties.

I am very, very disappointed to read the brief comments from the Environmental Health Officer's recommendation to the hours of operation. Recipients of the noise pollution from this business deserve much better; I honestly cannot believe the impact of the noise from this business on the nearest properties has been fully understood if this is the conclusion that has been arrived at. It is not just noisy for one or two hours it is for 11 hours a day on week days currently. To extend that by another hour and increase hours of operation on Saturday afternoons, Sundays and Bank Holidays is just a horrific thought. Residents will barely have any peace and at no 6 where the sun completely disappears from the garden about 7pm there will be no daylight hours to sit in the garden without listening to the noise from the extractors.

Also I want to point out that the noise can vary, I am particularly disappointed that I cannot attend the site visit due to a hospital appointment as I wanted to be there to ensure the noise being emitted during the visit was representative of what it is really like. Most of the time it is very noisy but depending on weather conditions etc there are times when it is slightly less audible. On many occasions when I lived there the Environmental Health person would turn up to listen to the noise when the extractors had been switched off or were not on full pelt and I am concerned the same could happen during the site visit.

The EH comments also directly contradict the decision made by the planning committee in 2002 when it rightly concluded that such an intensification of this business use at this location would cause an unacceptable harm to the amenity of people living nearby. Concerns about noise and repeated violations of conditions relating to working hours by me (on behalf of my whole family and then neighbours) and then by the subsequent occupier of number 6 demonstrates that this is a genuine problem that has a significant harmful impact on the amenity of anyone who lives in that property.

There is also years of evidence and experience that the business will work when they want to regardless of the quality of life this takes from residents living nearby and regardless of their legal working hours. The hours being recommended are not what the applicant is asking for; experience suggests they will just do as they want even if these hours are extended. What is needed now is firm enforcement action to show that this council sets conditions for a reason and will act to back them up.

I would strongly urge the EH officer to rethink or at least explain how on earth the recommendation could possibly have been arrived at. I urge the planning officer to take account of the significant negative impact on amenity this business has on those living closest to it, as demonstrated by the long history of complaints and recommend the application is refused.

Failing that I beg the committee to understand how much this will impact on residents who are extremely distressed not just about this application but the way the enforcement has not happened. Please be the voice for these residents who have for too long not been listened to.

5 Trowscoed Avenue
Cheltenham
Gloucestershire
GL53 7BP

Comments: 18th August 2014

We have been living at the above address for nearly 10 years and were not aware of the fact that the units on the industrial estate are supposed to work restricted hours.

Over the past 10 years, both Bloxham Joinery and CLC Laundry have often operated well into the evening, weekends, bank holidays and on the odd occasion through the night.

We can tolerate the noise/bi-product during the week but feel the nearby residents should be entitled to at least one day per week free from the noise/smoke pollution generated by both businesses.

If the businesses are on restricted usage, who has been monitoring this for the past 10 years?

Unit 7
Maida Vale Business Centre
Maida Vale Road
Cheltenham
Gloucestershire
GL53 7ER

Comments: 19th August 2014

Letter attached.

Ian George (Funerals) Ltd
7 Maida Vale Business Centre
Maida Vale Road
Leckhampton
Cheltenham
GL53 7ER

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

11th August 2014

Dear Sir,

Your reference: 14/01270/CONDIT.

I understand that a planning application has been made by Mr Umesh Korant of Cotswold Linen Care Ltd, Unit 3 Maida Vale Business Centre, Maida Vale Road, Leckhampton, Cheltenham, GL53 7ER to Cheltenham Borough Council regarding a proposed extension of operating hours.

As I am the current occupier of Unit 7, Maida Vale Business Centre, Maida Vale Road, Leckhampton, Cheltenham, GL53 7ER I wish to enforce the reason why we applied for the extension of hours and the nature of our business.

We are Funeral Directors and the Unit is used solely for the garaging of vehicles (Hearse and Limousines) and the storage of coffins!

We do not operate our business from this unit on a daily basis as our Funeral Home is situated on the Gloucester Road in Cheltenham.

It may be misleading (*refer to correspondence letter from Cotswold Linen Care Ltd*) to believe that we operate fully during the times stated on our hours of access! My understanding is that permission for the extension of hours was granted on the basis of returning vehicles following a distance funeral?

I therefore object to being named in the correspondence letter by Mr Umesh Korant, and further advise the Planning Department at Cheltenham Borough Council that we **do not** fully operate within the hours the applicant has applied for!

I would suggest you contact those residents opposite Unit 7 to support my comments.

If Mr Korants business has outgrown his present site it may be in his best interest to relocate, and to give the residents surrounding Maida Vale Business Centre the peace and enjoyment of their homes they justly deserve!

You will note that a couple of the properties is within 10 metres of the rear wall of Mr Korants premises, and I am sure that when these Units were built they were not intended to fully operate to the proposed extension of hours?

I therefore wish to implement my **objection** to the proposed extension as we **do not** operate within our granted hours and intend to respect the peace and tranquillity of those residents who surround our boundaries!

Yours faithfully,



Ian George (Funerals) Ltd

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APPLICATION NO: 14/01270/CONDIT		OFFICER: Miss Michelle Payne	
DATE REGISTERED: 15th July 2014		DATE OF EXPIRY: 9th September 2014	
WARD: Leckhampton		PARISH: None	
APPLICANT:	Mr Umesh Korant		
AGENT:	None		
LOCATION:	Unit 3, Maida Vale Business Centre, Maida Vale Road		
PROPOSAL:	Variation of condition 2 (hours of business) and condition 3 (hours of loading/unloading) on planning permission ref. 02/00813/CONDIT granted 25th July 2002 to allow the premises to be used between the hours of 7.00am and 7.00pm Monday to Friday, and 7.00am and 3.00pm on Saturday, Sunday and Bank Holidays		

Update to Officer Report

1. OFFICER COMMENTS

- 1.1. Further to the previous update, discussions have taken place with the Enforcement team in respect of the conditions previously imposed on this unit.
- 1.2. In particular, the wording of condition 2 (refer to main report) is considered too ambiguous and as such does not meet the six required tests in that it was not enforceable, precise or reasonable; this has therefore lead to inaction previously.
- 1.3. It is therefore proposed that the wording of suggested condition 2 be amended to read:

Machinery associated with the laundry operations on the premises shall be used only between the hours of 7.00am and 7.00pm on Mondays to Fridays inclusive; 7.00am and 3.00pm on Saturdays; and 9.00am and 3.00pm on Sundays and Bank Holidays. No machinery shall be used outside these hours.

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

- 1.4. Such a condition would ultimately enable the Authority to better control the use and allow the applicant to reasonably be on site outside of these hours to carry out other activities such as attending to paperwork or preparing the linen for processing the following day. The amended condition is fully endorsed by the Environmental Health Officer.
- 1.5. The following comments have also been received from the applicant since the last update:

...I would like to confirm that only a maximum of 2 staff will ever be expected on site on Sundays and only 3 on Bank Holidays.

There would be 2 delivery/collection runs on Sundays using 1 light vehicle and 3 on Bank Holidays using 2 light vehicles.

On Sundays and Bank holidays access to the unit would only be through the office door not the roller shutter.

The application is purely to have the flexibility should we need to cover exceptionally busy periods and not for permanent extension to operational times.

- 1.6. In spite of the above comments, the hours suggested by the Environmental Health Officer are based on a worst case scenario i.e. all machines running at full capacity.

2. RECOMMENDATION

- 2.1. The recommendation remains to permit the application subject to the following amended conditions:

3. CONDITIONS

- 1 The variation in hours of operations and deliveries hereby permitted shall be carried on only by Cotswold Linen Care Ltd.
Reason: The development is only acceptable because of the special circumstances of the business (as noted in the letter from the applicant accompanying the application) and the Local Planning Authority wishes to have the opportunity of exercising control over any subsequent use or user due to the close proximity of residential properties in accordance with Local Plan Policy CP4 relating to safe and sustainable living.
- 2 Machinery associated with the laundry operations on the premises shall be used only between the hours of 7.00am and 7.00pm on Mondays to Fridays inclusive; 7.00am and 3.00pm on Saturdays; and 9.00am and 3.00pm on Sundays and Bank Holidays. No machinery shall be used outside these hours.
Reason: To safeguard the amenities of the occupiers of residential properties in the locality in accordance with Local Plan Policy CP4 relating to safe and sustainable living.
- 3 No vehicles may be loaded or unloaded at the site outside the hours of 7.00am and 7.00pm on Mondays to Fridays inclusive; 7.00am and 3.00pm on Saturdays; and 9.00am and 3.00pm on Sundays and Bank Holidays.
Reason: To safeguard the amenities of the occupiers of residential properties in the locality in accordance with Local Plan Policy CP4 relating to safe and sustainable living.

Objection~~Case Reference Number~~

Date

19/8/14

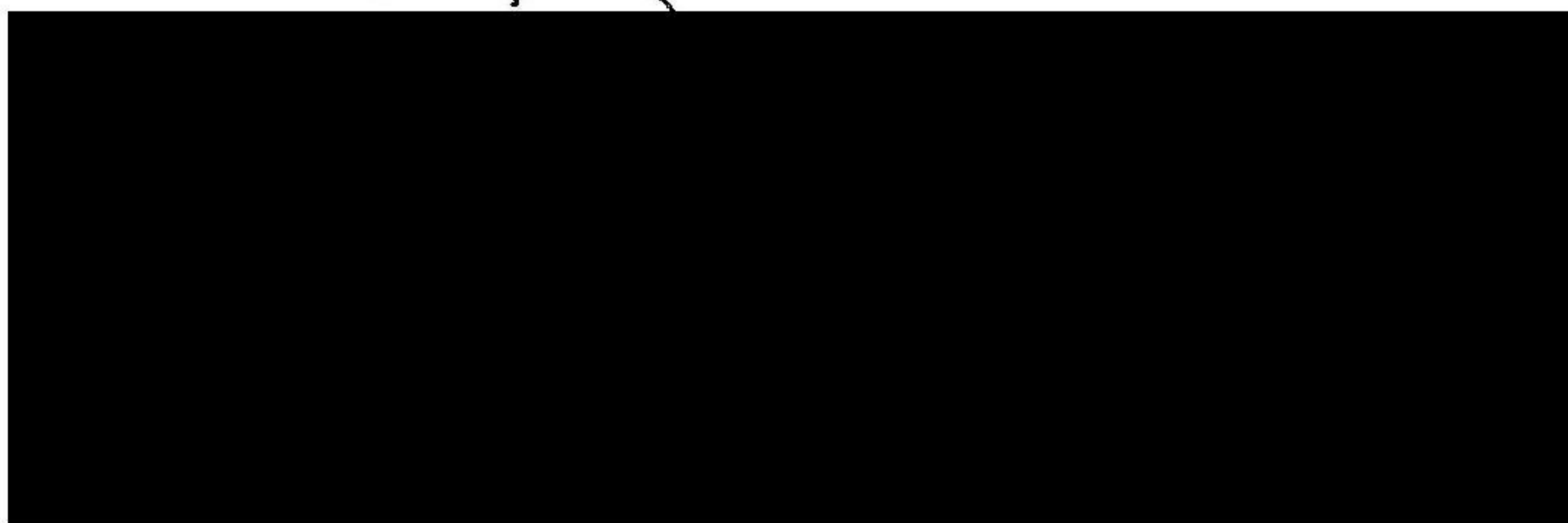
REF :- 14/01270/CONDIT**B****BLOXHAM
JOINERY***"Bespoke Carpentry Specialists"*

To Michelle Payne, (Planning Dept)

I would like to put the record straight concerning noise pollution over Bank holidays & Sundays. As you know, my company does work over the occasional Holidays and Sundays but, and I emphasise we only assemble and sweep up. No machines are turned on over those days.

I'm respectfully of local residents feeling about work related noise, it's called good Public Relations. We haven't had not one complaint yet. It'll be crying shame if that would end, as I know it will.

Your faithfully



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