



# CHEL TENHAM

## BOROUGH COUNCIL

### Notice of a meeting of Planning Committee

**Thursday, 20 November 2014  
6.00 pm**

<b>Membership</b>	
<b>Councillors:</b>	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. **DECLARATIONS OF INDEPENDENT SITE VISITS**
4. **PUBLIC QUESTIONS**
5. **MINUTES OF LAST MEETING** (Pages 1 - 22)
6. **PLANNING/LISTED BUILDING/CONSERVATION AREA  
CONSENT/ADVERTISEMENT APPLICATIONS,  
APPLICATIONS FOR LAWFUL DEVELOPMENT  
CERTIFICATE AND TREE RELATED APPLICATIONS**
  - a) **14/01317/REM Christ College, Arle Road** (Pages 23 - 56)
  - b) **14/01612/OUT Land off Harp Hill** (Pages 57 - 76)
  - c) **14/01667/FUL 331 Hatherley Road** (Pages 77 - 84)
  - d) **14/01812/FUL Australia House, Princess Elizabeth  
Way** (Pages 85 - 88)
7. **ANY OTHER ITEMS THE CHAIRMAN DETERMINES  
URGENT AND REQUIRES A DECISION**

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

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## Planning Committee

23<sup>rd</sup> October 2014

**Present:**

**Members (13)**

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

**Substitute:** Councillor John Walklett (JW)

**Present as observer:**

Councillor Chris Nelson

**Officers**

Tracey Crews, Head of Planning (TC)  
Martin Chandler, Team Leader, Development Management (MC)  
Emma Pickernell, Planning Officer (EP)  
Lucy White, Planning Officer (LW)  
Chloe Smart, Planning Officer (CS)  
Cheryl Lester, Legal Officer (CL)

**Officer in attendance:**

Mike Redman, Director Built Environment (MR)

**Also present:** Duncan McCallum, DPDS

**1. Apologies**

Councillors Clucas and Councillor Hay.

**2. Declarations of interest**

**14/01522/FUL 72 Moorend Park Road**

- i. Councillor Chard - will speak in support of the application then withdraw from the Chamber for the debate.

**14/01436/FUL 86 Cirencester Road**

- i. Councillor McCloskey – was not present at the July meeting when the previous application at this site was considered, so submitted a written objection to the proposal. Has taken legal advice and been advised not to take part in the debate due to pre-determination. Will withdraw from the Chamber for the debate.
- ii. Councillor Baker – will speak in objection to the proposal as ward councillor then withdraw from the Chamber for the debate due to pre-determination.

### 3. Declarations of independent site visits

- i. Councillor McCloskey – was not on Planning View but has visited all the sites apart from Cleeve, Church Court Cottages.
  
- ii. Councillor Baker – was not on Planning View, but has independently visited 86 Cirencester Road, 7 St Michael's Close, and Diamond Jubilee, Old Bath Road.

**Members present on Planning View:** Councillors Barnes, Chard, Fletcher, Seacome, Stennett and Thornton.

**Apologies:** Councillors Babbage, Clucas, Hay, McCloskey and Sudbury.

### 4. Public Questions

There were none.

### 5. Minutes of last meeting

Resolved, that the minutes of the meeting held on 18<sup>th</sup> September 2014 be approved and signed as a correct record *without* corrections

### 6. Planning applications

GB introduced Duncan McCallum of DPDS, who is present to answer Members' questions – these should be addressed to the officer in the first instance. He said that Mark Power of GCC highways team cannot be present at the meeting, but as highways issues were dealt with at the last meeting, officers do not consider it essential that a county highways officer is present tonight.

Application Number:	<b>14/01436/FUL</b>
Location:	<b>86 Cirencester Road, Charlton Kings, Cheltenham</b>
Proposal:	<b>Erection of a new convenience store (A1) with associated parking following demolition of all existing buildings on the site (revised scheme following 13/02174/FUL)</b>
View:	<b>Yes</b>
Officer Recommendation:	<b>Permit subject to a 106 Obligation</b>
Members present for debate:	<b>11</b> <i>(Councillor McCloskey left the Chamber before the public speaking; Councillor Baker spoke in objection and then left the Chamber.)</i>
Committee Decision:	<b>Permit subject to a 106 Obligation</b>
Letters of Rep: 120 + petition	Update Report: <b>Officer comments; additional representation</b>

***Councillor McCloskey left the Chamber at this point for the duration of the debate.***

LW introduced the application as above, and provided some background to the site and proposals. It is currently used for a hand car-wash service, having previously been a car sales workshop and petrol filling station. The revised application being considered today is similar to the scheme refused in July. Refusal reasons were:



- (1) impact on the viability of Croft Road shops and potential loss of facilities, contrary to policy RT7 and NPPF paragraph 70;
- (2) the design, appearance and impact on the character of the area, and removal of trees along Newcourt Road with insufficient replacement, contrary to policy CP7 and NPPF paragraph 58;
- (3) the increase in noise and disturbance and harm to the amenity of local residents, due to the increase in traffic, delivery vehicles, car parking, and the ATM, contrary to policy CP4 and NPPF paragraph 58.

The applicant has addressed these refusal reasons, following discussion with officers. Various options have come forward, culminating in the current application, which officers consider to be much improved – a good design, in keeping with local character, and providing additional shopping facilities. The previous refusal has focussed the applicant's mind in thinking about these issues, and was therefore a helpful decision in improving the scheme. Landscaping, layout, footprint and design are all considered acceptable by officers; the Civic Society and Architects Panel have approved the scheme, there are no objections from Environmental Health or Highways, subject to relevant conditions.

The application has been thoroughly scrutinised, with regard to the retail impact, noise levels, transport issues, and landscaping. Following the July meeting, improvements have been made to the scheme, including a review of the retail issues, and all previous refusal reasons addressed in a satisfactory manner. The recommendation is to permit.

GB checked that all Members had read the updates.

#### **Public Speaking:**

##### **Mr Russell Grimshaw, neighbour, in objection**

Other people have commented on the terrible impact this development would have on the quality of life of residents and the independent businesses, including the last Post Office, which form part of the social fabric and give Charlton Kings its village feel. Will therefore focus on factual planning matters. The 'fall-back' position is a material consideration, and one to which the developer could 'fall back' to without planning consent, but the site hasn't operated as a filling station since 1996, so this is not a use the developer could fall back to. It's been said that, as the tanks still exist, they could be re-used, but in fact they were filled with concrete in the mid-90s and are not re-usable; the fall-back position cannot be a filling station. The Transport Statement's analysis has been based on forecast traffic flows for a filling station, but as this isn't a valid fall-back position, such comparisons are irrelevant and the conclusions are therefore meaningless.

The Mango Retail Statement states this distance on foot between the development and existing neighbourhood centres relates to the impact on those centres, and that any centres closer than 500m will be affected. It then states incorrectly that Lyefield Road West and Church Piece are further than 500m and will therefore be unaffected, but in fact they are 465m and 389m respectively. The DPDS also fails to measure these distances correctly; this basic failure, and agreement in both reports that this is relevant to the impact of the proposed store, makes their assessment of the impact wrong.

The acoustic assessment has been produced using a methodology that the report's own author admits 'is widely considered to be stretching the use of the standard'. The chosen method of averaging noise incidents over a five-minute period and comparing them to background noise has been used to produce the required result, not to accurately assess the noise impact on residents. The World Health Organisation's 'Guidelines for Community Noise' would have been more relevant, providing guidance

to noise levels suitable to protect surrounding residents against sleep disturbance. The report is therefore flawed and its conclusions meaningless.

Does not have time to waste on the ridiculous and unenforceable DMP. Members have not been provided with accurate information on which to base their decision, as the documents are incorrect and use misleading methods. The proposal does not represent sustainable development, is deeply flawed and should be rejected for these sound planning reasons.

**Mr Giles Brockbank, Hunter Page Planning, in support**

When the previous application was refused in July, the applicants listened to the long debate, noted the issues of concern to Members, and have since taken considerable time to address all three refusal reasons. This is explained in detail in the officer report, which is thorough, robust and comprehensive, and officers consider the proposed development to be consistent with policy, with no justifiable reasons for refusal.

The size of the store has been reduced to allow a meaningful and appropriate landscape buffer to Newcourt Road to help retain its character. The ATM has been moved inside the store, so can only be used when the store is open; opening hours have been reduced. The design of the store has been amended in line with comments from the Architects Panel and urban design officer, and the plant associated with the store relocated to protect residential amenity of surrounding properties. The traffic impact has been re-evaluated, and shows that the store will account for less than 1% of the traffic on Cirencester Road, considerably less than previous uses associated with the site. The retail impact has been assessed and, as previously, shows that there are no justifiable grounds to refuse the scheme on retail grounds – this has been independently assessed and the Council's consultant is present to clarify the point.

The proposal will enable the re-use of a brownfield site and its decontamination. Alternative proposals have been looked at for the site, including residential development, but this has proved unviable. The scheme at committee today is a genuine opportunity for a bespoke development which will enhance the site on an arterial route into town and provide much-needed employment.

All consultee groups and professionals have provided their qualified expertise when giving consideration to the proposal, applying their qualifications and experience to evaluate huge amounts of information. Their recommendations have put the proposal in context, giving due consideration to local and national planning policy, and the potential effect on those who live opposite and in the vicinity. In the context of the previous refusal reasons, the revised application has been examined by professional officers who consider the development should be given unequivocal acceptance.

The proposal before committee today is the result of the planning system working at its best to respond to and improve schemes, in this case addressing the concerns of the committee. There is now a very robust recommendation to approve which deals with all the planning issues thoroughly. It is clear from the resubmissions that there are no justifiable or defensible reasons to refuse; therefore trusts that Members will follow the advice of their officers and approve the scheme.

**Councillor Reid, in objection**

It must have been quite a marathon for Councillors examining all the evidence in this case, and the large number of objections shows the strength of feeling against this proposal. Charlton Kings Parish Council reached their own conclusions, as follows: (a) the deleterious impact on the sustainability of

local businesses; (b) loss of amenity for nearby resident, regarding noise and traffic; (c) failure to meet the JCS objection 'to ensure that all new developments are valued by residents as they...provide well-located infrastructure which meets the needs of residents'; (d) failure to meet the NPPF test of improving the character and quality of an area and the way it functions; (e) concerns about the hazard of likely parking on both sides of Cirencester Road opposite the proposed store's entrance; (f) concern over access arrangements for delivery lorries. Members will have read their expanded arguments on each aspect of these, which effectively summarise the situation and mirror the numerous concerns from local residents.

The improvements in the design and more sympathetic treatment of Newcourt Road are acknowledged, but the fundamental difficulty remains that these proposals are an unwelcome solution to how the car wash site might be developed to enhance the lives of people in Charlton Kings. If localism means anything, it must mean that the developer works with the grain and reflects the needs of residents. At the heart of the NPPF is the presumption in favour of sustainable development and the core planning principle of empowering local people to shape their surroundings. This includes the need to promote mixed use and deliver sustainable development, which this scheme fails on both counts; it is more of the same, and admits that an existing retail outlet is likely to close – so doesn't reflect the NPPF aim to promote the retention and development of local services and community facilities. The historic hub around the Nisa site is held in special regard by Charlton Kings – as a meeting point it plays an important part in people's lives, not recognised in business evaluation though a key element in the social fabric of south Charlton Kings. It will be degraded with the loss of Nisa.

Concerns about traffic and pedestrian safety on Cirencester Road are strengthened, and the previously accident-free zone could be seriously compromised. The road narrows by four feet at the entrance to the store, and two cars will not be able to pass if there are parked cars on both sides of the road. The traffic report stated that casual parking on the carriageway is expected, and this coupled with an increased footfall across the main road, by elderly and vulnerable people, is a receipt for disaster. At seasonal peak times, shoppers are likely to use the east side of the road, causing displacement into Pumphrey's Road, which is already crowded.

Any breaches of the Delivery Management Plan will be difficult to challenge, due to demands on enforcement team and the complexity of presenting credible evidence. Will delivery drivers comply with all the requirements? Evidence from other parts of town shows disturbance for neighbours.

The impact on neighbouring business cannot be accurately predicted, but empirical evidence from Smith & Mann shows that the development of a new store at a distance and expansion of a local shop depressed takings by 25%; a further reduction of 15% and the business will no longer be viable, which would mean losing the one remaining Post Office in the village – not sustainable, in line with the NPPF.

In view of the extensive reasoned arguments by residents that this development doesn't reflect local, national or JCS policies, hopes that Members will be minded to reject it.

### **Councillor Baker, in objection**

Three months ago, Members voted to reject essentially the same application, an unashamedly speculative scheme to build a convenience store which the local community doesn't want or need as demonstrated by 113 letters and a petition of 600 signatures in objection. With three convenience stores close by, how does this application accord with the NPPF statement that local planning authorities should positively seek opportunities to meet the development needs of their area – there is clearly no need for another convenience store in this area. A core NPPF principle talks about empowering local people to shape their surroundings, and about helping people to enhance and

improve where they live. Far from empowering local people, this application ignores them and will reduce the quality of their lives, especially those living close by.

Although this scheme is marginally better than the previous one, it still proposes 104 operating hours a week (currently 58), from 7.00am to 10.00pm – potentially 104 hours of traffic noise and congestion, doors slamming, inconsiderate parking, delivery lorries coming and going, refrigeration units and engines left running. How does this not represent loss of amenity? Also of concern is the lack of staff parking, which means staff will inevitably use the nearby lay-by used for people visiting Newcourt Park.

On the retail impact – or more importantly the community impact – the applicant cites other locations where similar shops have existed side by side, but the DPDS has challenged each of these examples, stating that Nisa will close and that no-one actually knows the impact on the other two stores which play an anchor role in the community, and include Charlton Kings' last post office. How does this accord with the NPPF which states that planning decisions should ensure that established shops are able to develop and modernise in a sustainable way and are retained for the benefit of the community.

We should listen to the community. Planning is a subjective science, and this is a difficult and controversial application. Members should be consistent and reject it, giving residents the opportunity of convincing an Inspector of the power of their arguments, strength of their feeling, and passion for their community. They should not let the spectre of appeal costs influence their judgement.

One of the objectors has made reference to appeal decisions on similar applications elsewhere in the country. In Camberley, as here, it was noted that local residents did not feel any need for another convenience store, and that loss of residential amenity, traffic issues, and threat to the vitality of the local area were all valid reasons for refusal. In Wallasey, a proposal like this one on a car sales site as considered to have too great an effect on the living conditions of local people and cause too much noise and disturbance.

There are very, very strong reasons to throw this application out. Members should listen to residents and reject it.

***Councillor Baker left the Chamber at this point for the duration of the debate.***

**Member debate:**

**JF:** the first speaker made reference to sustainability of local businesses. What does the DPDS expert feel the impact of the development will be on the local retail shops?

**KS:** one of the drawings shows a white car parked to the left – can cars go through the site this way? Understood this area was for delivery lorries. Welcomes the debate, but will move to refuse based on two of the previous grounds for refusal which have not been addressed properly. Agrees that the application has been improved - has looked closely at the revised landscaping and it is an improvement but the scheme will still affect the character of the area. Is concerned about the impact on people living nearby – the benefits of the convenience store are far outweighed by the loss of quality of life they will suffer. A small local shop can be a real pain to people living in houses close by – if there is no room in the car park, people will park anywhere, even on the pavement, as happens at the Co-op on Leckhampton Road. Is sceptical about the delivery management plan.

**BF:** regarding noise levels, Members should be quite clear that at this stage there is no particular end user. A lot of detail has been submitted and comments made about the noise, plant, equipment etc,

but how can we assess what equipment will be used? Chiller and air-conditioning units would be running 24 hours a day, and are big and noisy, depending on the make, manufacturer and specification. Recalls an application for one small unit on a domestic house where the neighbours were measuring the noise levels. This varies with the weather as well, and fridges need to run constantly. Does not consider enough information has been provided, and is concerned that the measurements are wrong. We cannot make judgements based on misleading information. What is the right way to measure the noise – what the speaker said or what is in the report?

**JF:** asked about access for delivery vehicles, and the proposal that drivers of articulated lorries will notify the store of their arrival, and how they will be able to turn round on the site.

**MB:** asked for clarification regarding the prior use of the site. The speaker has stated that a petrol station is not the fall-back position, so what prior use can we consider?

**LW, in response:**

- to KS, the car on the elevation drawing is shown as travelling along Cirencester Road, not parked in the delivery bay. The delivery bay is for delivery vehicles only, and there will be bollards and road markings to prevent customers from parking there;
- to BF, it's correct to say that we do not know who the end user will be, but the plant is likely to consist of one floor-mounted condenser, 2 floor-mounted air-conditioning units, and one for the office, which will not operate 24/7. There is a suggested condition requiring noise emission from the units to be 5db or below background noise levels, and all equipment and emissions to be approved by the Environmental Health team in order to satisfy criteria;
- regarding Leq/LMax criteria– this issue was referred back to the Environmental Health officer this week who had looked at this same issue when considering the earlier application, and was happy that the survey had been done correctly. Applying the Lmax criteria alone will pick up occasional loud sound (sirens/alarms), not the ambient background noise so was not considered appropriate for this assessment;
- to JF's question about delivery vehicles and the possibility of drivers trying to turn round when approaching from the north, this was discussed at the last meeting. There will be bollards at the car park end which will be lowered when a lorry leaves. Lorries won't be able to access the site from the north as the bollards will be in place, and drivers will be aware of this. There is no possibility of an articulated lorry turning round in the road;
- to MB, the 'fall-back' terminology has been used by the highways officer; the highway authority position is that the fall-back position may be the site's current authorised use or any previous use that could come back into effect. The officer view is that the site has a long history as a petrol filling station, back to the early 1960s – this is a material consideration and should be given significant weight. Technically, the fall-back position is the current use, but any previous use is a material consideration.

**Duncan McCallum, of DPDS, in response:**

- to JF's question about what the likely effect of this development will be on local shops, it is always difficult to say what the impact will be – there is an element of doubt with all sites. Feels that Mango has underestimated the turnover of the proposed store and assumed it will draw trade from existing supermarkets; there is a large one some distance away but DPDS consider this unlikely and that it is more likely to draw trade from Nisa;
- no-one knows how well the Nisa store is trading at present so we can only guess. Independent shops cannot continue to trade for long when they are making a loss, whereas large conglomerates can and may prefer to continue trading even when they are making a minor loss;

- there is a significant risk that Nisa will close. There is less chance of a significant adverse effect on the shops at Lyefield Road and in the village centre as they are some distance from the proposed store;
- regarding the distance from the proposed store to other local shops, DPDS was aware of the footpaths when doing the initial appraisal of the routes; 500m is the distance by car. This is not crucial when assessing the impact in this case. Will people swap where they shop in large numbers when walking? Probably not;
- the NPPF glossary states that 'district centres' and 'local centres' do not include small parades of shops of purely neighbourhood significance. Croft Road falls into this category, and effectively this means that the NPPF wouldn't protect that centre against development. This is what an Inspector would find;
- the appeal decision at Camberley involved 31 shops and would definitely have been categorised as a district or local centre, unlike the four shops in Croft Road;
- RT7 protects neighbourhood centres but this is out of date, dating back the 2006, and an Inspector would note that it doesn't comply with the NPPF and accordingly give it very little weight.

**KS:** understands that the parade of shops at Croft Road and Nisa do not qualify as a local centre under the NPPF, but isn't Lyefield Road, including the post office, large enough to come into that category?

**DM, in response:**

- it is arguable about what constitutes a neighbourhood or local centre; Lyefield Road is larger and would therefore be more defensible than the Nisa/Croft Road shops.

**LW, in response:**

- the refusal reason on the previous application relates only to Croft Road. The impact on the other two centres (Lyefield Road and Church Road) did not form part of the refusal reason.

**BF:** notes the appeal at Borough Green in Kent; knows the area, and there is no large parade of shops there – it is a tiny place.

**DM, in response:**

- cannot comment on this; information is not included in the background papers.

**GB:** asked KS to elaborate on her proposed grounds to refuse.

**KS:** concerns relate to the impact on neighbouring residents rather than the first refusal reason relating to the likely impact on Nisa and the Croft Road shops. Is concerned about the post office at Smith & Mann, but if it wasn't included last time, it can't be included now and would not be defensible at an appeal. Considers the impact on local residents will be significant – not just from the increased traffic and worries about parking, but also potentially from the signage, the windows, and the appearance of the area being brought down. The report states that the impact has been addressed but does not feel that it has been. In her experience as a councillor has found that, even when people want a store to be built, it can cause a lot of nuisance for the locality, and in this case, people don't want it. The proposal is contrary to policy CP4 and paragraph 58 of the NPPF. We should promote safe and sustainable living.

**JF:** at the July committee meeting, was very concerned about everything, but cannot come to the same conclusion today. There are no real planning grounds for refusal. The proposal is in line with planning guidance. Cannot support KS's reasons for refusal.

**MS:** agrees with JF. Was fairly comfortable with the application last time, but this scheme is even better, has addressed concerns – the planting on Newcourt Road, ATM and other problems have all been resolved. Will support the application.

**PT:** would like to reassure residents to some extent – has had a similar situation near to her home, where a supermarket has been built even closer to local houses, with people actually living over the shop. There is an external ATM which causes no problems. Delivery lorries do not cause any problems either – very occasionally two arrive at once, but these are not articulated lorries, and the situation is managed – and the Cirencester Road site is much more spacious. There is also a café on site, which could add to any chaos, but in fact works extremely well. Other local shops haven't been lost, and three other local cafes continue trade in the immediate area. One of the other stores includes a post office and is still well-used. Hopes this will reassure residents if the application is permitted and comes to fruition.

**MB:** NPPF paragraph 58 states that developments should respond to local character and history and reflect the identity of local surroundings and materials – Charlton Kings is a village within a town with a distinct identity, so the policy must apply here. Regarding the loading bay, there are no restrictions to entering it from the Cirencester Road side, so what will stop people from driving into it if the car park is full? Are there any restrictions to prevent vehicles from reversing out onto Cirencester Road?

**KS:** in response to PT's comments, does not consider the Tesco store opposite the station to be totally relevant here. There is huge footfall around the station; this is a quieter road and local shops will suffer. Residents' lives will suffer, and as a councillor, it is her job to help residents have better lives. Finding the right planning grounds for refusal is difficult, but anyone who lives nearby will say that this development will affect their lives. Regarding the fall-back position, it is stretching logic to believe that the petrol station will ever be brought back into operation, and disappointing that this has been given so much weight. Disagrees with officers' conclusions and urges Members to refuse the scheme and do what is best for local residents.

**LW, in response:**

- harm to neighbouring amenity must be demonstrable. Cirencester Road is a busy road, used by 7,000 cars a day, and the increase in traffic will be negligible – less than 1%. The majority of users will be cars already on the network, and a lot of customers will be pedestrian traffic – a third to a half are expected to be walking;
- the car park is contained in the site, and shielded by the building, so noise of car doors slamming at night when front doors are closed is unlikely to cause problems. The car wash uses a hand jet wash system which generates significant noise levels on the site;
- questions whether any increased noise will be heard above the noise of the traffic, and reminds Members that hours have been reduced and are restricted on Sundays. During the evening, trade will drop off, and it is therefore difficult to say that the store will harm neighbouring amenity in a significant and demonstrable way on this busy road.
- With regard to the fall back situation. Whilst planning permission would be required for a petrol filling station, should an application be submitted it would be difficult for this authority to resist give the long history of this use on the site

**KS:** knows the road well and disagrees with LW. It is quiet at night. Customers will have music playing in their cars, will be smoking and talking, coming and going. One car may be OK, but several will have a demonstrably harmful impact on residents nearby.

**AC:** his heart says no to this application, although his head is beginning to say yes, but is concerned about noise, the effect on residents, and that officers have said that this is a busy road. People will have to cross the road, and there is no crossing nearby. Would hate the new store to be responsible for causing any accidents nearby.

**KS:** before Members vote on her move to refuse, they need to be clear on all the conditions. Do any Members have additional conditions they would like to add?

**GB:** the officers have provided a comprehensive list of conditions and informatives, and no Members have indicated that they want to add to these.

**MB:** in response to AC's comments about pedestrian safety, is there likely to be S106 money available for a new pedestrian crossing nearby?

**LW, in response:**

- there will be S106 money, to provide a build-out (traffic island), together with works to reduce the junction width between Newcourt Road and Cirencester Road and impose waiting restrictions. Provision to ensure highway safety has been generous.

**BF:** would like to be sure that the parking restrictions and bollards are in place before the store opens.

**LW, in response:**

- this would happen prior to commencement of the use.

**Vote on KS's move to refuse on Local Policy CP4 and NPPF Paragraph 58**

3 in support

8 in objection

**PERMIT**

***Councillors McCloskey and Baker returned to the Chamber at this point.***

Application Number:	<b>14/01124/FUL</b>
Location:	<b>51 Leckhampton Road, Cheltenham</b>
Proposal:	<b>Erection of detached dwelling on land to the rear</b>
View:	<b>Yes</b>
Officer Recommendation:	<b>Permit</b>
Members present for debate:	<b>13</b>
Committee Decision:	<b>Permit</b>
Letters of Rep:	<b>7</b>
Update Report:	<b>None</b>

**MJC** introduced the application described above, telling Members that the proposed house will be accessed via the existing access of 51 Leckhampton Road. Parking will be to the front of the existing villa. The development area is shaded on the drawing, and is adjacent to Whitley Court. The



application is at Planning Committee following concerns in respect of amenity issues from the Architects Panel. The recommendation is to permit.

**Public Speaking:**

There was none.

**Member debate:**

**AC:** thanks goodness for Planning View – there is a lot of space here, which might not be evident from the drawings. Has grounds for wondering if the design of the building is as good as it could be – personally doesn't like it – but there is no doubt that there's enough space for another dwelling here. Access is good, and there is parking for the new dwelling on the site, not in front of the villa as stated by MJC. Despite his doubts about the building, in his view this house would be an addition to local amenity.

**BF:** unlike AC, likes the design, and agrees that there is plenty of space. Notes the Trees Officer's comments about the building being too close to the yew tree at No. 51 – has been told that this has been addressed, but where?

**MJC, in response:**

- apologises to AC for confusion re parking in front of the villa;
- to BF, the yew tree is sizeable and the Trees Officer had concerns. A tree survey was subsequently carried out and the tree can be retained. Tree protection details are necessary and included in the conditions on the earlier purple update, setting out the root protection area, method of installation and so on;
- has spoken to the Trees Officer who is satisfied with the arboricultural report

**HM:** one of the local residents has expressed concern about the narrowing of the drive to Whitley Court. Is this the case and, if so, will it still be suitable for refuse collection and emergency vehicles?

**MJC, in response:**

- the driveway will not be narrowed – it will remain as it is, and can take another dwelling. The Highways Authority is happy for a third dwelling to use this access.

**Vote on officer recommendation to permit**

11 in support

0 in objection

2 abstentions

**PERMIT**

Application Number:	<b>14/01281/FUL</b>
Location:	<b>7 St Michaels Close, Charlton Kings, Cheltenham</b>
Proposal:	<b>Proposed single storey rear extension and conversion of garage to living accommodation</b>
View:	<b>Yes</b>
Officer Recommendation:	<b>Permit</b>
Members present for debate	<b>13</b>
Committee Decision:	<b>Refuse</b>

Letters of Rep: <b>9</b>	Update Report: <b>None</b>
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**CS** described the proposal as above, which is at Planning Committee due to objections from the Parish Council. The officer recommendation is to permit, subject to conditions.

**Public Speaking:**

**Ms Helen Lucas, neighbour, in objection**

Moved to the house next door 16 months ago. Does not object to anyone wanting to extend their home, but is concerned about the scale of the proposed rear extension and the impact it will have on her living accommodation. The applicant has reduced the height of the extension by 20cm, but it still remains 9ft high, 12ft long, and just 23 inches from her window. It will overshadow the kitchen/diner, the only habitable room on the ground floor, where she spends a lot of time – and also the patio area. Being on the south side, it will block out daylight and sunlight from midday until dusk, casting a shadow from October to April and blocking late afternoon sun in the summer. A light test has been carried out, but this is not conclusive – it was not done on site, and the proposed extension will definitely make a difference. Does not want to prevent the extension being built, but to make it acceptable. A neighbouring rear extension is 2m high, has glass panels above and a sloping roof – this fits well and would be acceptable. A comparison has been made by the residents at No 11 to the extension at No 10, but the extensions are different – this is not a like-for-like comparison. The other extension is seven courses of brick lower, with a glass sloping roof. Similarly, the extension at No 12 is lower, shorter and narrower, and is on the north side of the neighbour concerned. Letters of objection outweigh those in support. Regarding the garage conversion and insertion of a window on the ground floor, the terraces are not uniform but they are designed in pairs, and the addition of a window will affect the symmetry - No 7 will stand out and look inconsistent with the rest of the Close. There have been many objections to this, citing the restrictive covenant which is intended to protect the Close from unreasonable building.

**Mrs Louise Hooker, applicant, in support**

Has lived in St Michael's Close since 2007. The current living space has become inadequate for her family's needs and, not wanting to move and noting that four other owners have extended their properties without any issues, decided to explore extending her property and converting the garage. Consulted an architect, who sought an early opinion from the planning department; spoke with adjoining neighbours who confirmed they had no objection, understood why the extension was needed, and were happy with the proposals. Did not consult the management company at this stage, as planning permission would be required in the first instance and such an approach would have been premature. Was astounded and upset when neighbours and the owner of No 10 registered objections. There have been four similar extensions in the close since 2006, all without objection to the planning department or management company. Her plans are consistent in size and scale with approved development and the design is the produce of cooperation with the planning office, amended to further address neighbours' concerns. The owners of No. 11 have confirmed no impact to their light or view from similar extensions at both Nos. 10 and 12. Her garden, and that of her neighbour, are west facing and benefit from direct sunlight from midday onwards. Cannot see how her proposals will impact on light, cause any shadow or impair views. Many residents of the Close have adapted their garages as informal living space or utility/storage areas, and conversion of her garage will not contribute to the parking problem in the Close, as she will retain two off-road parking spaces for her one car. Regarding the visual impact, the designs sit comfortably with the existing building and neighbouring properties, and the rear extension reflects work undertaken at other properties. There will be no alteration of the current features, merely replacement of a garage door with a window consistent with those in the existing dwelling. Believes her plans will enhance and add value to the appearance of the Close.

**Member debate:**

**DS:** agrees with the first speaker. Considers the rear extension could be approved at a lower height but cannot agree with the conversion of the garage. The terraces were designed as a unit, and the proposal will destroy the look of the terrace. Asks whether the application can be considered in two parts or has to be voted on as a whole.

**JF:** is concerned about the impact of the rear extension on the neighbours. Went into the property on Planning View and noted how dark it will be. The proposal will be detrimental to the neighbours' living standards. Cannot vote for it.

**PB:** no-one objects to residents wanting to improve and increase their living accommodation but the issue here is scale and design. Members have seen pictures which show how oppressive the outlook will be for neighbours; other rear extensions in the Close are not as obtrusive or overbearing. Members who went on Planning View will appreciate the extent to which this proposal will impact on the neighbours. It should be thrown out, and revisited, so as not to have such a significant impact. St Michael's Close is a nice development – its symmetry has not changed since it was built and is a real attraction of the Close. This proposal would change that which would be a shame. The rear extension will be overbearing on the neighbours' key downstairs living area – it will have a major impact on the daylight in this well-used family area. If this was a utility room it may not be quite so important, but it is a key living area. The applicant should come up with something more considerate.

**MS:** has similar concerns. This very large extension will be clearly noticeable and may or may not have impact on the neighbours' light, but his prime concern is with the removal of the garage - it will throw the Close into disarray. If the garage has to be converted, the door should be kept identical and the two windows above used to provide the light – the architect could have come up with a way of converting the garage so that all the properties would remain similar. Will listen to the rest of the debate, but is concerned by this proposal.

**AC:** would object very strongly if he lived next door to this proposal. These are not big houses; the other extensions mentioned are more like conservatories, of glass and brick, and if this development was the same, would have no objection, but cannot support the great expanse of brick proposed. Removal of the garage door will change the look of the close and be out of keeping. Appreciates that the applicant wants extra bedrooms, but this isn't the right solution.

**PT:** also has concerns, and doesn't understand how the photographs work – they don't look right, and it isn't possible to see where the shadow comes from. The wall is high – this was evident on Planning View – and would be more acceptable if it was lowered. The officers say that the proposal passes the light test – is the shading on the drawing accurate? Regarding the garage, is surprised officers put this forward for approval in view of the appearance of the terrace and the whole area.

**GB:** a few Members have made comments which suggest they are thinking of refusal, but no reasons have yet been put forward.

**CS, in response:**

- to DS, the application has to be decided in full; part permission/refusal is not an option;
- to the suggestion that the height of the extension should be reduced, officers have already obtained changes to the original proposal, and consider the scheme complies with CP4;
- the proposal also passes the light test, and officers do not consider there will be any loss of neighbouring amenity;

- it is worth mentioning permitted development rights here: this property doesn't benefit from PD rights but what is proposed is a common type of development with terraced properties, which can be built 3m high and 3m from the property's rear wall without planning permission. This proposal is 2.75m high and 3.6m long;
- the proposal passes the light test comfortably with regard to No. 8, and acceptably for No. 7, so there is no amenity reason to reduce the height;
- regarding the garage conversion, the original plan included a bespoke garage door, which officers felt to be rather contrived; they considered a simple casement window to be acceptable;
- there is nothing in policy to say that terraces or semi-detached houses have to be symmetrical. Although symmetry is a feature of this area, officers do not feel that a window will have a detrimental impact, whereas a bespoke garage door would look very different and out of place;
- also, under permitted development, the replacement of a door with a window would not need planning permission in a terraced property. As there are no PD rights here, it is up to officers and Members to assess the impact.

**PT:** is a little confused by what CS is saying. Are the applicants able to make changes whether Committee says yes or no?

**CS, in response:**

- no, these houses have no PD rights, so any work to the property needs planning permission. Members just need to remember that a 3m-high extension against the boundary of a terraced property wouldn't normally require planning permission.

**JF:** understands from reading the SPD on residential alterations and extensions that extensions must be subservient; this is not. The SPD also states that extensions should not prevent adequate daylight from reaching neighbouring properties, but having been in the house next door, it is clear that the proposal would block out a significant amount of light. Considers CP4 and CP7 to be grounds for refusal.

**MS:** how much will the proposed extension project above the existing fence? Will the neighbour still see a wooden fence, or just a brick wall?

**JW:** did CS say the original design was reduced in size following officers' suggestions? If so, was the height reduced, and if so, by how much?

**PB:** policy CP4(a) states that development must not cause unnecessary harm to the amenity of adjoining land users and the locality.

**KS:** supports all that has been said, and hopes that the message goes back about the garage doors. They are important to the look of this beautiful estate, and while sympathetic with the applicant, there must be a solution to introducing a study while keeping the garage doors as they are. The proposal as it stands would detract from the development, and this is the strong message from the community, even though the officers don't agree.

**GB:** would JF like to specify CP4(a) as a reason to refuse?

**JF:** yes, and also the SPD on Residential Alterations and Extensions, 2.1.2 (subservience), 2.1.5 (daylight) and 3.2 (rear extensions).

**CS, in response:**

- to MS, the height of the extension will be about 1m above the existing boundary fence;
- to JW, the proposal initially failed the light test with regard to No 6. The light test is designed to show if the impact of the proposed development will be significant, and as a result, the applicant reduced the height of the extension to remove the impact. The neighbours' kitchen is already quite a dark room, and the additional impact of the extension was not considered significant, and passed the light test at No 6 and No 8;
- to JF, this extension is subservient because it is only a single storey. It is not a dominating structure, and complies with the policy definition of subservience;
- also to JF, the paragraph on daylight in the SPD on residential alterations and extensions refers to the light test which, as already mentioned, is not coming out at an unacceptable level. There will be a noticeable but not harmful change as a result of the additional height on the boundary.

**MS:** will the fence be retained or will the extension replace the fence? Will the neighbours be looking at wood or brick?

**CS, in response:**

- as shown in the drawing, they will look at a fence with brick projecting over the top.

**GB:** would JF like to confirm her move to refuse – on CP4(a) and CP7?

**JF:** yes, and also the SPD paras 2.1.2 (subservience), 2.1.5 (daylight) and 3.2 (rear extensions). Is also worried about the garage at the front – some alteration needs to be taken into consideration.

**Vote on JF's move to refuse on CP4(a), CP7, SPD on Residential Alterations and Extensions paras 2.2, 2.5 and 3.2**

8 in support

2 in objection

3 abstentions

**REFUSE**

Application Number:	<b>14/01398/FUL</b>
Location:	<b>282 London Road, Charlton Kings, Cheltenham</b>
Proposal:	<b>Demolition of existing dwelling and erection of 2 no. new dwellings</b>
View:	<b>Yes</b>
Officer Recommendation:	<b>Permit</b>
Members present for debate:	<b>11</b> ( <i>Councillors Walklett and McKinlay were out of the Chamber during this item.</i> )
Committee Decision:	<b>Permit</b>
Letters of Rep:	<b>2</b>
Update Report:	<b>None</b>

**EP** described the application as above, saying Members have already considered and refused two schemes for two houses on this site, one a flat-roofed design, and the other with asymmetrically pitched roofs, both contemporary in style. Officers found both the previous schemes acceptable, but in line with comments at Committee, this design is a more traditional building form and the recommendation is to permit. It is at Committee due to objection from the Architects' Panel.

**Public Speaking:**

There was none.

**Member debate:**

**HM:** considers this the best application for this site so far. The design fits better with Nos. 284 and 286 London Road, and the property nearest the Ryeworth Road boundary has been moved further into the site. It is an excellent scheme.

**KS:** this is a case of third time lucky – a good result for the appearance of the area. The other designs were inappropriate for the area. If this application is approved, it is clearly because the design is good. Is pleased that the applicant has listened to Planning Committee, and is happy to support it.

**BF:** unlike the others, considers the design to be bland and poor; liked the first design best. Realises this is a conservation area, but that doesn't mean that anything new has to look like everything else in the conservation area – this is 2014 not 1930. The design takes bland to a new high – where is a decent, modern 2014 design? It is in the conservation area, so should have a high standard of design as well as materials.

**PT:** it might be bland but it fits in with its neighbours. A modern design in the conservation area may be OK if it was a small development, tucked away and out of sight. Local people like this scheme.

**Vote on officer recommendation to permit**

9 in support

1 in objection

1 abstention

**PERMIT**

Application Number:	<b>14/01448/FUL</b>
Location:	<b>Cleeve, Church Court Cottages, Mill Street, Prestbury</b>
Proposal:	<b>Erection of bin store to front of property</b>
View:	<b>Yes</b>
Officer Recommendation:	<b>Permit</b>
Members present for debate:	<b>13</b>
Committee Decision:	<b>Permit</b>
Letters of Rep:	<b>3</b>
Update Report:	<b>None</b>

**CS** introduced this application, which is situation in the Prestbury Conservation Area and also in the greenbelt. The application originally included the construction of boundary walls along the edge of the site, but these have subsequently been removed from the application as they are 1.8m high and do not require planning permission. Following re-consultation, the application is at Planning Committee at the request of Councillor Stennett, and due to a Parish Council objection. Officers are satisfied that the proposal will preserve the character of the conservation area, will not affect the openness of the greenbelt, and the recommendation is to permit, subject to conditions.

**Public Speaking:**

There was none.

**Member debate:**

**MS:** it is unfortunate that the erection of a 1.8m wall around this tiny garden comes under permitted development rights, but it does. However, the proposed bin store in front of the wall is right in front of the neighbour's window. The neighbour will have no choice but to look at the roof of the bin store – this is very anti-social, particularly as there is no real reason to have a bin store in this position. There is a small bin store further along, which causes no offence to anyone. If it has to be here, it should be below the level of the wall. Will move to refuse on CP4.

**PT:** what is the exact distance from the back of the bin store to the window mentioned by MS? Will support the move to refuse this application.

**CS, in response:**

- the impact of the proposed roof will be felt by the residents of Bredon, but the light test has been carried out and comfortably passed. There is therefore no reason to ask the applicant to reduce the height of the bin store.
- the fall-back position here is that without the roof, the structure would be permitted development and not as aesthetically pleasing;
- the distance from the windows of Bredon to the bin store is 9.4m.

**PB:** is the light test a nationally accepted standard or one of our own tests? Will it be reviewed in the local plan going forward?

**AC:** appreciates that we have no choice about the wall, although he doesn't like it, but the bin store is ugly and not a nice view for residents to look out at. Notes that the applicant lives in Norway, and the cottage is used for short lets. For the people living there permanently, it will be dreadful. Will vote against this application.

**CS, in response:**

- the light test is referred to in policy CP4 – it is a detailed document, designed to assess the impact of a proposal on light for windows around it. If it is carried out and a small loss of light is noted, then the proposal is still considered to pass the light test. If there is an overbearing impact, it is not. This proposal comfortably passed the light test. The test is written in policy and used every day by officers. It is a desk-based exercise, using scale drawings.

**MS:** is not only concerned with the loss of light, but the general appearance and unnecessary obstruction which will be evident when looking out of the window. It is not a pretty design. It may not be blocking a large amount of light but it is not appropriate in the conservation area in that place. The applicant hasn't positioned the bin store in front of his own cottage, which is rented out, but in front of the cottages in private ownership.

**MJC, in response:**

- for the record, the light test is a national regulated best practice;
- has listened to the debate and noted a lack of objective analysis from Members. They have said they don't like the proposal, that it isn't neighbourly and so on, but these are not refusal reasons;
- Members need to be objective: the proposal passes the light test comfortably; it is 9.3m away from the neighbour's window; it is 2.3m tall; it is not overbearing. Members may not like it but this is not a reason to refuse and nothing said so far tonight would be defensible at appeal;

- the NPPF encourages planners to be positive, but this has been a negative debate. Members need to take a more positive view.

**BF:** was not on Planning View. What is the existing situation? Are bins left in the lane?

**PT:** there is a little brick bin store which has already been demolished. Notes the store is 1.75m high excluding the roof. Are bins 1.75m high? With apologies to MJC, this will affect someone's life in the cottage behind and the roof on the bin store is just wrong. It is anti-social, and very annoying that there is no planning reason to stand up at appeal. We are being forced to defend the indefensible, and it is Members' duty to say so.

**GB:** it is also their duty to ensure that there are sufficient grounds to refuse.

**MS:** will add CP7 to CP4 as a refusal reason.

**CS, in response:**

- the height of the ridge of the bin store is 2.3m, with the window and eaves height lower – the roof will slope away from the property.

**Vote on MS's move to refuse on CP4 and CP7**

6 in support

7 in objection (*including Chairman's casting vote*)

1 abstention

**PERMIT**

Application Number:	<b>14/01522/FUL</b>
Location:	<b>72 Moorend Park Road, Cheltenham</b>
Proposal:	<b>Loft conversion including dormers to front and rear roof slopes and rooflights to rear and side elevations</b>
View:	<b>Yes</b>
Officer Recommendation:	<b>Refuse</b>
Members present for debate:	<b>12</b> ( <i>Councillor Chard spoke in support of the application and then left the Chamber.</i> )
Committee Decision:	<b>Permit</b>
Letters of Rep:	<b>3</b>
Update Report:	<b>None</b>

**EP** introduced the application, which is recommended for refusal due to officers' concerns about the proposals for the front of the dwelling being overly scaled and prominent. It is at committee at the request of Councillor Chard.

**Public Speaking:**

**Mr Williams, applicant, in support**

Is the applicant and owner of 72 Moorend Park Road, and wants to add an extra bedroom and en suite bathroom to the property to make it more functional without spoiling its charm. Showed his designs to the neighbours with whom he has co-resided for many years - they were all happy with them, and their support is evident from their letters. Planning officers were not happy with the size and mass; therefore withdrew his application, and re-consulted his architect with officers' concerns about the dormer windows and re-submitted his application. It was amended to include obscure glass to the rear, a reduction in the size of the dormer, a reduction in height, a hipped roof rather than gable,



and a sunken balcony area. The application is at committee for the sake of 400mm – not 700mm as stated – which is what the officers want to reduce the width of the window by, and 1800mm narrower than the windows below, the largest of which is 2.4m and the window proposed is 2.2m. A dormer window in an identical building in the road is exactly 2m wide internally, and looks identical to what he is asking for, as well as being in the conservation area where his house is not. The full height of the windows to the front of the property is hidden by the sunken balcony. To sum up, the property isn't in a conservation area, the difference in size is 400mm not 700mm, and all the other officer's wishes have been complied with. It comes down to personal opinion; the architect considers the design architecturally pleasing and sympathetic with the dwelling and neighbourhood, and hopefully Members will agree. The proposal has the support of people in the neighbourhood, and will allow his family to enjoy a light and airy building.

**Councillor Chard, in support**

The officer's report states on Page 320 that the property is outside the conservation area, yet the documents referred to further down the page are to do with being in the conservation area. Does not see the logic of this. In his view, the case comes down to opinion – you like it or you don't. Notes there are no objections from neighbours - three have written in support and like the proposal; the applicant likes it – only the officers don't. Much has been made of the visual impact and the design, and the effect this will have on neighbouring properties, yet the neighbours support it. The report states that the proposed dormer will be harmful to the appearance of the local area. Moorend Park Road is a nice road but it isn't The Avenue; it has a mixture of houses, so the requirement for consistency cannot be applied. Officers say that the windows on the upper floor should be smaller than those below, but the picture of the house next door which he has circulated to Members shows larger windows upstairs. The proposed new window will look more symmetrical with this. To sum up, the dwelling isn't in the conservation area, the neighbours like the proposal and there have been no objections from the public. Asks Members to grant planning permission and allow Mr Williams to enhance his home as the architect has designed it.

***Councillor Chard then left the Chamber before the start of the member debate.***

**Member debate:**

**KS:** is interested in this application - read the report carefully and understood all the officer wrote, but after being here and listening to the speakers, will not be supporting the officer recommendation. Considers the harm is over-stated. Has a real soft spot for these period bungalows, and something which allows it to continue as a loved, cherished family home ticks a lot of boxes. This will improve the dwelling and safeguard it for the future, and give the occupants a better standard of life. In addition, there are no objections from neighbours. Thinks Members should vote to support the proposal.

**MS:** agrees with KS and moves to permit the application. All is in the eye of the beholder, and does not consider the window issue will cause any problem in that location. It would not be right that every bungalow has a front-facing dormer, but in this location is fine.

**BF:** has a bugbear with bungalows – there is always so much roof – and a dormer window breaks up the wide expanse of tiling well. Honestly believes that this proposal is an improvement to the original dwelling.

**EP, in response:**

- the SPD on residential alterations includes a section on dormer windows. These are the principles that planners use day in, day out for the bread and butter applications, and the

stated principle relating to dormers is that if they are overly wide they can cause disruptive element in the street scene. Subservience is important here, and if the dormer is wider than the windows below, the officers' view is that it will dominate the roof slope;

- in addition, this property is on a prominent street corner. It is not in the conservation area, but is very close to it and in a very noticeable location;
- the application has been considered against the principles laid down by the council on how to extend a property – the principles voted for by Members and which officers rely on every day.

**KS:** will the roof stay in the same type of material? This is not stated. What will the roof look like?

**EP, in response:**

- the proposal would retain and match the existing roof slope.

**Vote on MS's move to permit**

9 in support

2 in objection

1 abstention

**PERMIT**

Application Number:	<b>14/01649/COU</b>
Location:	<b>Diamond Jubilee, Old Bath Road, Cheltenham</b>
Proposal:	<b>Change of Use from Sui-Generis (former public conveniences, Cox's Meadow) to A1 (retail) including minor building works</b>
View:	<b>Yes</b>
Officer Recommendation:	<b>Permit</b>
Members present for debate:	<b>13</b>
Committee Decision:	<b>Permit</b>
Letters of Rep:	<b>0</b>
Update Report:	<b>Conservation officer's comments</b>

**MJC** introduced the application as above, at committee at the request of Councillor Baker to consider the impact of the COU at this prominent site. The recommendation is to permit.

**Public Speaking:**

There was none.

**Member debate:**

**PB:** when he asked for this application to go to committee, it was not because of concerns about the building being used for a sandwich business, but in terms of the principle of a change of use to A1 retail use and what that might mean. Was concerned about what use we may be granting but is happy with the use that has been proposed. Cox's Meadow is very popular with dog walkers and children, and this building is very prominent. A sandwich business here will be great, the proposed hours of operation are fine, and understands that the business cannot be changed to a hot food take-away without coming back for planning permission.

**DS:** supports the proposal but is concerned about the potential build-up of traffic. The lay-by is used by people visiting Cox's Meadow. Is thinking about the lay-by by the Post Office Depot which gets very busy and causes problems. There is no obvious passing pedestrian traffic here, so not a lot of trade from them so is concerned that the new business might attract too many cars.

**MB:** has no issue with the change of use, but would like to raise the issue of PB's comments in the *Echo* earlier today and whether these cause any problems regarding pre-determination.

**CL, in response:**

- this has already been brought to her attention, and she feels that PB's comments did not reveal any pre-determination of this matter.

**KS:** considers this application a good thing and hopes it will be welcomed, but is also concerned about parking. Were residents of nearby houses consulted? Most people living there are tenants, and the owners may never go past the site to see the site notices.

**GB:** to Members with concerns about traffic, would say there is no need to worry. The site is so close to the roundabout that it would be impossible to park illegally. If the lay-by is full, drivers will have to go and find somewhere else to park.

**MJC, in response:**

- has spoken to the case officer and to the County Council regarding parking, having anticipated that questions would arise at committee;
- the lay-by has space for five or six cars, but in view of the nature of the site and the proposed use, officers do not anticipate it will attract a significant numbers of additional visitors – it is not likely to be a destination - and illegal parking is therefore not anticipated. Cox's Meadow is used by students, dog walkers, passing trade – the sandwich business will be an incidental use to the road, and the County Council is happy with the parking situation;
- to DS, it wouldn't be right to compare this lay-by with the one next to the Post Office depot, which is a much larger scale operation;
- regarding publicity and advertising of the application, did not write to neighbouring properties, but a site notice was posted, together with an advert in the *Echo*. The local authority is not obliged to write letters to neighbouring properties, and although this authority generally does, it was felt that a site notice was appropriate and fulfilled our statutory obligations. There were no objections to the proposal;
- officers are comfortable with the publicity given to this proposal.

**HM:** notes that the water authority was consulted and commented that the apparatus may be at risk during construction. Should this be included as an informative?

**MJC, in response:**

- considers this would be appropriate and should be added if Members vote in support of the proposal.

**KS:** is there any provision for staff parking? The lay-by is well used by users of Cox's Meadow. Is there any parking within the site?

**GB:** parking at the lay-by is restricted to 30 minutes.

**MJC, in response:**

- it's correct that there are parking restrictions in the lay-by. The building is part of the wider site of Cox's Meadow and it would not be appropriate to introduce parking to that site and would be to the detriment of important space in the conservation area.

**PT:** it will be difficult if staff do have cars, as all roads in the area have double yellow lines due to the hospital. The area is also accessed by a small roundabout. Staff will have trouble finding somewhere to park.

**GB:** at the risk of sounding unsympathetic, this has to be seen as their problem, not ours.

**Vote on officer recommendation to permit**

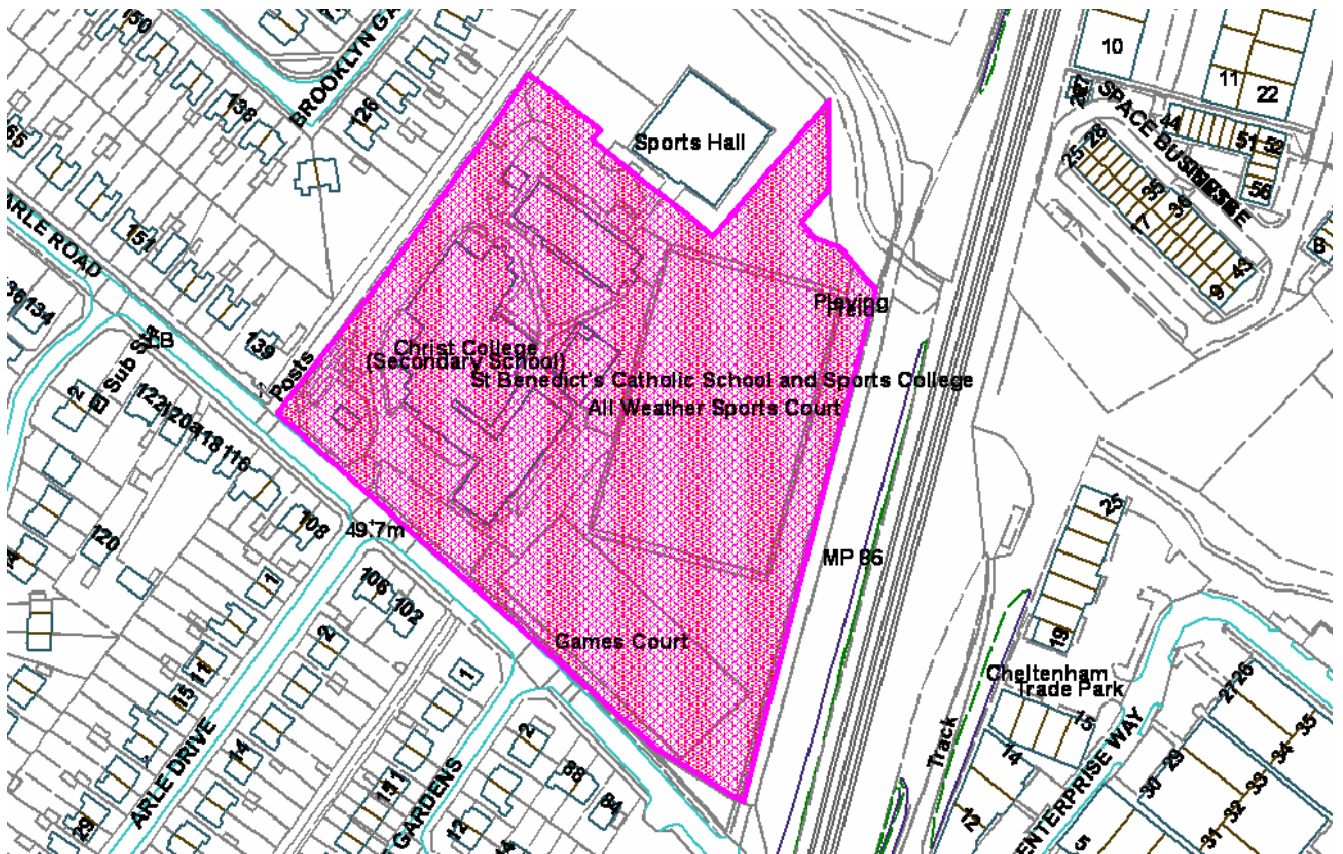
13 in support – unanimous

**PERMIT**

*The meeting ended at 8.40pm.*

<b>APPLICATION NO:</b> 14/01317/REM	<b>OFFICER:</b> Mrs Emma Pickernell
<b>DATE REGISTERED:</b> 23rd July 2014	<b>DATE OF EXPIRY:</b> 22nd October 2014
<b>WARD:</b> St Peters	<b>PARISH:</b>
<b>APPLICANT:</b> Taylor Wimpey Bristol	
<b>AGENT:</b> Pegasus Planning Group Ltd	
<b>LOCATION:</b> Christ College, Arle Road, Cheltenham	
<b>PROPOSAL:</b>	Approval of reserved matters in connection with permission 13/00911/OUT. Residential development of 90 dwellings and associated roads, footways, parking, landscaping, and public open space.

**RECOMMENDATION:** Permit



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## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site comprises the majority of a former school site located on the north-east side of Arle Road, opposite the junctions of Arle Road with Arle Drive and Arle Gardens. Public footpaths run adjacent to the north western and south eastern boundaries of the site. The river is to the north east of the site and the railway line runs parallel with the south eastern boundary of the site.
- 1.2 The surrounding area is largely residential although Cheltenham Trade Park exists to the east of the train tracks.
- 1.3 The site has been cleared of all buildings and structures. The sports hall has been retained and this is excluded from the application site. This is now occupied by the YMCA.
- 1.4 In terms of constraints; Flood Zone 3 adjoins to the north of the site, however does not actually fall within the red line. A locally indexed building, 108 Arle Road is located opposite the site.

### Background

- 1.5 This is a Reserved Matters application following on from the approval of outline consent which was approved following consideration by committee on 17<sup>th</sup> January 2014. The outline consent reserved all matters for future consideration except for access. This Reserved Matters application seeks to agree all outstanding matters i.e. appearance, landscaping, layout and scale.

### Current Proposal

- 1.6 The outline application was indicatively proposed for 85 dwellings. This reserved matters application is for 90 dwellings.
- 1.7 In accordance with the outline consent, access is provided via one vehicular access point located towards the west of the site. The main access road leads around the central part of the site with a shared space running back towards the entrance of the site. A footpath leads into the site at a roughly central point. A sewer easement leads under the path and road. Two further spurs of shared space lead towards the eastern section of the site. The dwellings which front Arle Road are accessed directly off the road.
- 1.8 The proposal provides for public open space in the form of a LEAP in the north-eastern corner of the site, a LAP within the central section of the site and a LAP to the east of the site.
- 1.9 The proposed dwellings are a mixture of detached, semi-detached and terraced houses at 2, 2.5 and 3 storeys in height. The dwellings which front Arle Road are now all two storey semi-detached properties, as are those to the eastern part of the site. The 2.5 storey dwellings are located along the entrance into the site, around the central LAP and overlooking the LEAP towards the north of the site. The three storey dwellings are provided in 2 terraces of 3 dwellings to the west of the central LAP.
- 1.10 The accommodation which would be provided is as follows:
  - 45 x 4 bed
  - 36 x 3 bed
  - 9 x 2 bed

- 1.11** The affordable housing is provided in small groups. The shared ownership properties would be adjacent to the northern LEAP and adjacent to the central footpath into the site. The affordable rent properties would be located to the east of the central LAP, to the north eastern corner of the site, fronting the footpath and at the entrance to the spur road leading to the northern LEAP.
- 1.12** Parking is provided through a variety of detached garages and allocated parking spaces. The three storey dwellings have integral garages on the ground floor.
- 1.13** The style of buildings is pitched roof dwellings constructed of a mixture of brick and render with slate-grey roofs. Where dormers are proposed they are flat roofed.
- 1.14** Amended plans have been submitted during the course of this application in response to Officer comments. The main changes which have been achieved are as follows:
- Amendments to the Arle Road frontage to ensure that all these units are two storeys and semi-detached to reflect the prevailing character of the area.
  - Simplification of materials palette – removal of timber cladding, fewer colours of bricks, render and roofing materials now proposed.
  - Reconfiguration of internal layout of three storey dwellings to assist in overlooking of central LAP.
  - The introduction of additional windows on previously blank gable ends to add interest.
  - Amendments to some of the garages and parking areas to improve their accessibility, appearance and safety.
  - Alterations to hard and soft landscaping, boundary treatments and layout of public open space.
- 1.15** This application comes before committee at the request of Cllr Rawson principally due to concerns relating to the access but also due to the scale of the application.
- 1.16** It was confirmed at outline stage that no Environmental Impact Assessment would be required for this proposal.

## **2. CONSTRAINTS AND RELEVANT PLANNING HISTORY**

### **Constraints:**

Landfill Sites boundary

### **Relevant Planning History:**

**12/00662/DEMCON 23rd May 2012 NPRIOR**

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

**13/00911/OUT 17th January 2014 PER**

Outline application for residential development including means of access (indicative layout of 85 dwellings)

### 3. POLICIES AND GUIDANCE

#### Adopted Local Plan Policies

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

#### Supplementary Planning Guidance/Documents

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

#### National Guidance

National Planning Policy Framework

### 4. CONSULTATIONS

#### **Wales and West Utilities**

*14th August 2014*

Wales & West Utilities acknowledge receipt of your notice received on 04.08.2014. advising us of the planning application and proposals at Christ College, Arle Road, Cheltenham.

We enclose an extract from our mains records of the area covered by your proposals together with a comprehensive list of General Conditions for your guidance. This plan shows only those pipes owned by Wales & West Utilities in its role as a Licensed Gas Transporter (GT). Gas pipes owned by other GTs and also privately owned pipes may



be present in this area. Information with regard to such pipes should be obtained from the owners. The information shown on this plan is given without obligation, or warranty and the accuracy thereof cannot be guaranteed. Service pipes, valves, syphons, stub connections, etc., are not shown but their presence should be anticipated. No liability of any kind whatsoever is accepted by Wales & West Utilities, its agents or servants for any error or omission.

Wales & West Utilities have no objections to these proposals however our apparatus may be at risk during construction works and should the planning application be approved then we require the promoter of these works to contact us directly to discuss our requirements in detail. Should diversion works be required these will be fully chargeable.

Wales & West Utilities apparatus may be directly affected by these proposals and the information you have provided has been forwarded to Asset Management for their comments. If Wales & West are affected an Engineer will then contact you direct.

Please note this is in regard only to those pipes owned by Wales & West Utilities in its role as a licensed Gas Transporter (GT). Gas pipes owned by other GT's and also privately owned may be present in this area and information with regards to such pipes should be obtained from the owners.

Please note that the plans are only valid for 28 days from the date of issue and updated plans must be requested before any work commences on site if this period has expired. If you have any queries please contact Theresa Cubitt on 02920 278835 who will be happy to assist you.

### **Contaminated Land Officer**

*19th August 2014*

Unsure whether the original permission 13/00911/OUT conditions are retained. If so, then no further comment. Otherwise the inclusion of the contaminated land condition is required as before.

*3rd November 2014*

Comment as per Comment Date: Tue 19 Aug 2014

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

*14th August 2014*

TOWN AND COUNTRY PLANNING ACT 1990  
HIGHWAY RECOMMENDATION

#### General

This application relates to the outline permission 13/00911/OUT. This permission allows for the development of 85 dwellings. Application 14/01317/REM includes 90 dwellings. This is not a concern in terms of highways capacity, notwithstanding design comments below, however this point is raised to the LPA as this may affect other aspects of the application.

The proposed masterplan includes the agreed site access and accords with the principles of the masterplan as set out in the outline permission. Whilst the use of shared surface areas designated through the use of surface treatments is considered appropriate, block paving should be removed where the intention is for the highways to be adopted as this can present a maintenance liability to GCC. Details of footway and carriageway widths to be annotated on plan for all areas and at any changes in width/alignment.

### Parking

The proposed development provides 140 allocated parking spaces and states that a further 61 garages are appropriate for use as parking spaces. In order for a garage to be included in the parking allocation it must have internal dimensions of 3m x 6m. These dimensions should be confirmed by the applicant. A further 8 unallocated parking spaces are provided.

It is important to provide an appropriate level of parking for residential development in order to limit the potential for overspill parking to occur which could impact on highway safety and capacity. The level of parking is considered acceptable. Whilst a higher level of unallocated parking would be desirable, GCC is satisfied that additional visitor parking could be accommodated safely through on-street parking or by using an allocated space of the dwelling being visited.

The parking spaces allocated to Plots 52, 53 and 54 are not directly over-looked by their dwellings as they are situated on the opposite side of the road. Whilst it is recognised that this is a shared surface street, this arrangement introduces unnecessary conflict between vehicles and pedestrians as people will need to cross the road to travel between the car and the house. This is likely to include small children who may not be aware of the potential dangers and enter the carriageway unaware. The layout should be revised for these spaces to be located in the plot curtilage for each dwelling.

Where dwellings do not include garages, garden sheds are shown to provide safe and secure cycle parking. This is acceptable. The development should also identify locations for publicly available cycle parking to be provided for visitors.

### Swept Path Analysis (SPA)

SPA should be provided to demonstrate that a refuse vehicle and a large estate car can pass each other on the internal access roads. Additionally SPA should be presented to show all movements between the main access road and side roads expected to occur within the development. This is especially pertinent on bends to determine if any bend widening is required. SPA should show 500mm clearance between vehicles and kerb lines.

The SPA for the access road serving Plots 65 to 73 shows kerb over-runs on both the movement out of the access road and the use of the turning head. Revised SPA should be presented to demonstrate that clearance can be achieved or the layout should be adjusted.

### Visibility

The internal road layout plans do not provide visibility splays for the internal access roads or forward visibility around bends. Details of junction visibility onto the spine road and forward visibility around bends to accord with a 20mph design speed, 22m junction visibility and 25m forward visibility will need to be demonstrated.

### Pedestrian/cycle access

The development should provide a footway on both sides of the main access road to provide safe and suitable access on foot. Footway has not been provided along the east side of the access road between Plots 60 and 65. This will need to be revised. Where shared surface streets are shown, a minimum width of 6.8m should be provided. This should be confirmed. It would be acceptable to reduce this width if a 2m continuous pedestrian corridor is demonstrated.

The permeability for pedestrians and cyclists between the site and the surrounding area is welcomed. All links with off-site connections and away from the carriageway should be designed to accommodate both pedestrians and cyclists. The applicant should confirm that

these routes have been designed in accordance with LTN 02/08. A shared route for pedestrians and cyclists should have a minimum width of 3m. A segregated route should have a minimum cycle track width of 2m and a minimum footpath of 1.5m. It would be desirable to provide a cycle track width of at least 3m and footpath width of at least 2m. Minimum standards should not be seen as design targets. In designing such facilities, reference should be made to the numbers of pedestrians and cyclists expected to use these facilities. Safety should be a major consideration in designing pedestrian/cycle routes away from carriageways used by motor vehicles.

It is recognised that it may not be possible to provide natural surveillance for all routes. However, a high standard of surfacing, wide open paths without overgrown vegetation, good forward visibility and appropriate lighting should be provided. Having reviewed the submitted information GCC does not raise any concerns in this respect.

### RSA (Road safety audit)

In line with GCC and the CIHT safety audit guidance a stage 1 road safety audit together with an appropriate risk assessment, designers response and exception report is required.

### **Tree Officer**

*7th August 2014*

Proposed size, species, root type and planting pit details for this site look interesting, reliable and likely to successfully establish with the exception of Magnolia Koster which I understand can take up to 15 years before it starts to flower. It may be better to plant matching Prunus avium Plena or I suggest Liquidambar 'Worplesdon' slightly smaller and more colourful than Liquidambar styraciflua.

*22nd October 2014*

It appears from the soft landscaping proposals that my comment that the Magnolia kobus to be planted within the public open space was inappropriate due to the length of time it takes to flower (15 years) As such I recommended that this is changed to Prunus avium 'Plena'. However on re-reading my previous comment I referred to this Magnolia as Magnolia koster-which is perhaps why the revised plan tree schedule does not appear to have changed. Please could this be attended to - many thanks

### **Crime Prevention Design Advisor**

*11th August 2014*

I write with reference to the above and thank you for the opportunity to make comments regarding this planning application. The content contained within this letter refers specifically to designing out crime.

It is recommended that the development is built to meet Secured by Design standards. Secured by Design (SBD) is a police initiative owned by the Association of Chief Police Officers (ACPO), to encourage the building industry to adopt crime prevention measures in the design of developments. It aims to assist in reducing the opportunity for crime and the fear of crime, creating a safer and more secure environment, where communities can thrive.

Research conducted by Secured by Design has proven that SBD developments are half as likely to be burgled, have two times less vehicle crime and show a reduction of 25% in criminal damage, thereby increasing the sustainability of a development.

The boundary with the sports centre requires a buffer between the rear gardens of the dwellings (plots 30-36) and the public area of the sports centre (in addition to the rear boundary treatment 1.8m mini. This will help prevent nuisance from ball games or

inappropriate loitering.

It appears from the plans that the path between plots 70 and 71 is one long footpath linking to plots 77 & 78. This provides easy access to the rear of multiple plots (68 to 73 and 76 to 78). This arrangement is discouraged as these types of paths can become crime generators, compromising security and safety. The majority of burglaries are perpetrated by gaining access to the rear of dwellings. It is preferred that only one path serves plots 76 to 78 and a separate path for plots 68 to 73. These paths should not be linked. Lockable gates should be fitted to both.

All rear access paths must be gated, lockable and fitted as flush to the building line as possible to prevent the creation of recessed areas. The following paths require lockable gates:

22 & 23,  
42 & 43,  
47 & 48,  
59 & 60,  
85 & 86

It appears that the path located between plots 25 & 26 has a gate fitted. This also needs to be lockable.

The back to back garden arrangement is a good design feature as it prevents easy access to the rear of dwellings.

Rear and accessible side boundaries should be a minimum 1.8m and of solid construction to prevent unauthorised access and reduce risk of burglary. External fencing should take into consideration the likelihood of being breached by access to overhanging trees.

The proposed link to the footpath next to the LAP will increase the likelihood of non-residents accessing the estate and subsequent anti-social behaviour.

Please feel free to contact myself should you require any further assistance.

### **County Archaeology**

*29th July 2014*

The archaeological implications of development on this site was considered at outline stage by a desk-based assessment compiled by Wessex Archaeology (report dated October 2012).

The assessment identified low potential for any archaeological remains to be present on this site, especially in view of the scale of previous development there.

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

### **Landscape Architect**

*28th October 2014*

Drawing No: 0269.11.02 Rev H Soft Landscape Proposals and Management Plan, Plot Nos 30-38 and POS

## Bike Rack

I think there may have been a misunderstanding about the location of the bike rack. In my previous comments I suggested moving the bike rack to one side of the proposed tarmac path. I meant the path which leads to the sports centre. However, the plan has been amended to include an area of tarmac at the front of the play area with a reinforced grass maintenance path alongside. I think this area of tarmac will look obtrusive in this location and is not acceptable. Suggest relocating the bike rack to one side of the proposed tarmac path leading to the sports centre, perhaps next to the gate to the play area. The bike rack should be on hard standing as previously suggested. The planting beds containing Ceanothus, Mahonia, Hypericum could be moved further along the perimeter of the play area, so they soften the bike rack area but do not screen it. The area of tarmac currently proposed for the bike rack could then revert to grass and reinforced grass maintenance access. This will be a more aesthetic solution.

Drawing No: 0269.11.01 Rev H Soft Landscape Proposals and Management Plan, Plot Nos 1-29 & 40-90 & POS

## Plot 62

Block paviors would be preferable to tarmac. The paviors proposed for the road are Formpave Natural, laid diagonally across the road. Suggest using the same paviors but laid parallel to the boundary to distinguish the edge of the property from the road.

18th August 2014

## General Comments

### Amenity Space

Play areas comprise the greater part of the open space proposed. More general amenity space should be included within the proposed development. The provision of amenity space should be central to the design layout, leading to the creation of a green and spacious neighbourhood. (NPPF *Requiring good design* Para 58 (bullet point 3); Cheltenham Borough Council Local Plan: *Policy RC7; SPG Amenity Space in Residential Development*).

### Sustainable Drainage System (SuDS)

A drainage strategy based on a landscape approach to sustainable urban drainage would be preferable. This could be integrated with increased provision of amenity space. (JCS Pre-Submission Document 2014: *Policy INF3 2-iv; Para 5.3.7 (bullet point 4)*. Cheltenham Borough Council SPG: *Amenity Space in Residential Development (paras 4.3, 4.4); Sustainable Drainage Systems*).

### Rear Gardens

Rear gardens are shown as soil. This is not acceptable - rear gardens to all dwellings should be turfed. - Each dwelling requires a paved path from the front of the dwelling to the rear garden and to its bin/cycle store. This will facilitate bin management, allowing occupiers to return their bins to their back gardens after refuse collection and so prevent 'wheelie bin blight' of the street. - Revised drawings showing turfed rear gardens with paved paths are required. (NPPF *Achieving sustainable development Para 9 (bullet points 3&4), Para 17 (bullet point 4)*; JCS Pre-Submission Document 2014 *Policy SD5: Design Requirements para.iii Amenity and Space*)

Drawing No: CIR.T.0269 131 Means of Enclosure

### Plots 35, 36, 37, 38

The close board fencing forming the rear boundaries of these plots should be replaced with a 1.8 metre high brick wall, as is shown for the side wall of Plot 38. Whereas fencing is an

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appropriate choice for boundaries between gardens, where gardens abut parking or communal areas a wall is a more aesthetic alternative, providing better continuity with built form. Does the car port of Plot 35 have a solid rear wall? If so the parking space on the garden side will be unusable. Consider setting back the car port from the building line and locating the extra parking space in front of it.

### Plot 36

The garden boundary of Plot 36 is incomplete. A closeboard fence is shown between the parking bays of Plots 36 & 38 and the rear garden of Plot 36. There is no fence shown between the side of parking bay 38 and the boundary of the sports hall, but only a short section of fence perpendicular to the boundary and the corner of the parking bay. Completing the boundary is not really an option because it would leave Plot 36 with an unusable area of garden space. Consider the following: - *Extend the boundary between the parking bays of Plots 36 & 38 and the rear garden of Plot 36 along to the boundary with the sports hall. Remove the 'stranded' section of fence at the front of the parking bay 38. Extend planting along the boundary with the sports hall.*

### Boundary Fence Along Eastern Public Footpath

Please could clarification be sought regarding how much of the existing steel palisade boundary fence is being retained. The drawing shows new railings installed around the boundary of Plot 1 and the LAP. What is intended for the section between these two?

### POS Boundary

Details are required of the boundary treatment for the POS, bearing in mind that the bank drops quite steeply to the River Chelt on the other side of the site red line.

What boundary treatment is proposed between the sports centre and the POS? Is it proposed to have an entrance from the POS to the sports centre? Please could details be supplied.

*Drawing No: 0269.11.01 Soft Landscape Proposals and Management Plan, Plot Nos 1-29 & 40-90 & POS*

### Plot 52

Consider planting a tree in the garden of Plot 52, near to the boundary wall so that the canopy will provide visual amenity to the streetscene when viewed from the entrance off the spine road.

### Central LAP

*Prunus avium* 'Plena' Although a lovely tree, it will eventually outgrow these locations. A smaller, less spreading variety would be more appropriate - consider *Prunus* 'Umineko'. Suggest planting *Prunus avium* 'Plena' in the northern POS instead, where there is more space for it to grow to maturity.

Clarification is required regarding the planting arrangement for 3 *Sambucus* BT & 3 *Clematis* MJC

### Plot 62

The Site Layout drawing suggests that there is a landscape strip along the side of the dwelling and boundary wall, but this is not shown planted on the planting plan. Elsewhere in Cheltenham soft landscape strips such as this have proved problematical due to lack of

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maintenance and overrun by vehicles. Please clarify what hard or soft landscape treatment is proposed here.

### Plot 75

The area of grass behind the hedge is awkwardly shaped and could be difficult to maintain. Suggest replacing with shrub and/or herbaceous planting.

### East Boundary - Turfed Area

There is an area of turf shown along the eastern site boundary, between the boundary and the gardens of the proposed dwellings. Consider including an alternative form of groundcover as grass may not thrive in the dry shade under the trees. Suggest planting with a woodland edge mix of low-growing shrubby and herbaceous groundcover. This would also be more beneficial for wildlife.

### Eastern LAP

Similar concern to above. Consider a shade tolerant groundcover under the trees.

### *Drawing No: 0269.11.02 Soft Landscape Proposals and Management Plan, Plot Nos 30-38 and POS*

### POS and LEAP

Please see the comments below from the Green Space Development team regarding the proposed play areas.

### *Trees and Hedging Along Southern & Western Boundaries of POS*

It is essential to have a high level of informal surveillance of the play area. To this end the 7 *Carpinus betulus* 'Frans Fontaine' should be removed from the locations shown on the plan and consideration given to planting trees to the north of the play area, along the site boundary. Suggest selecting species for spring flower and autumn colour to provide a seasonal backdrop to the play area. Removing the trees from the edge of the POS might make this area vulnerable to vehicle overrun. The low *Prunus* 'Otto Luyken' hedge is unlikely to be a robust enough barrier to prevent this, especially when first planted. Consider the following alternatives: - Remove the hedge. Install a knee rail, with gaps to allow for hard surface paths to the play area. Plant groups of mixed, low-growing shrubs at intervals for seasonal interest. - Remove the hedge and install knee rail as above. Plant native shrubs along the east and west boundaries, keeping the southern boundary clear by extending grass to the edge. - Remove the fencing from around the play area and install it along this boundary instead, setting back the fence to allow for outward opening gates. Wildflowers could be planted on the play area side of the fence for visual amenity and wildlife benefit.

### **Cheltenham Tree Group**

*4th August 2014*

We defer to the Trees Officer's expertise & judgement in this application. We would want to see his requirements (present and future) satisfied in full before approval is given.

### **Architects Panel**

*30<sup>th</sup> July 2014*

The panel previously reviewed this scheme at outline stage, the main difference being the addition of 5 units bringing the total to 90.

The main frontage elevation did not seem to be as successful as some of the other elevations, and a greater degree of variation in height would seem to help this; in particular, around the vehicular and pedestrian access points which did not seem to have been articulated in any significant way. It was suggested that the pitch to the set-back garages could also be rotated to present a gable to the front to add variety to the frontage. The design of the single garages is also quite odd and switching the direction of the pitch may help this as well. In some units the distance between parking and the front door was quite great and a reduction in density may help this issue.

Whilst we understand the reasons behind the positioning of the vehicular entrance, some attention to the experience of entering the site would be of benefit as it is currently very non-descript and the distance from the entrance to the first spatial event is quite long. Again, a reduction in density may help here.

On a detail level, we felt that the render surround shown on some units seemed a little dated and a more contemporary approach to traditional forms may be of benefit.

Overall we felt that the increase in numbers was detrimental to the scheme and the loss of some of the units would help some of the perceived design issues.

### **Townscape Manager**

*7<sup>th</sup> November 2014*

This proposal has been through a series of iterations during lengthy pre-application and post-application discussions.

The proposal as now presented works well – the structural concept, layout, and contextual relationships are satisfactory and, if well delivered on site, should provide a pleasant and safe living environment for occupants.

Over the course of the negotiations there have been a number of important changes which now make the proposal acceptable:

- rear parking courts have been eliminated and internally there is now a network of linked streets and spaces;
- public spaces and streets are fronted-up by well-elevated, active frontages and there is improved surveillance of the public footpath to the east;
- the scale and mass of buildings on the Arle Road frontage is now consistent with those which form the existing street-scene and should sit comfortably within it;
- the building facades and forms are calm and well-grounded within those of the surrounding context, but with contemporary elements which give them a distinct identity and character;
- what at one time was an over-fussy approach to creating distinctive character areas on what is a comparatively modest site, appears to have been calmed and is acceptable;
- the street and footpath layout within the site is now permeable and legible;
- car park allocation and distribution has been rationalised and is now acceptable.

The site has had its challenges:

- Addressing the retained sports centre was always a difficult proposition and whilst the relationship to the rear of adjacent proposed properties is tight, there is little alternative, it should not be problematic. The proposed solution in terms of vehicular and pedestrian access is acceptable.
- Attempting to take advantage of what, on the existing cleared site, are expansive views of the scarp to the north-west was always an aspiration. On reflection the enclosure necessitated by the development of the site would always make the retention of



- significant views difficult to achieve if the site layout was to retain any logic. The solution does retain limited views across and from the LEAP and is acceptable.
- The central sewer easement has been successfully dealt with, providing a spine which now shifts between pedestrian-only footpath through shared spaces, LAP, segregated street space and on to the LEAP and pedestrian access to the sports centre. This is a logical sequence of spaces.
  - The landscape concept – with tree-lined streets; retained and strengthened planting on the site edge; and a series of well-distributed open spaces is a good basis for the detailed landscape scheme.

## 5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	44
Total comments received	9
Number of objections	8
Number of supporting	1
General comment	0

**5.1** The application was publicised by way of letters to 44 neighbouring properties, site notices and a notice in The Echo. 8 objections and one letter of support have been received. The consultation exercise was repeated upon receipt of revised plans.

### 5.2 Summary of Comments Received

- Concern about the scale of the houses and internal space.
- Entrance is inadequate and should be moved to the centre of the site
- Proposed gardens are inadequate
- Too many houses for site/cramped/density too high
- Houses not in keeping with homes in Arle Road
- Inadequate parking
- Impact on local congestion
- Exacerbation of anti-social behaviour on Chelt Walk
- Object to trees and vegetation being removed – impact on privacy and security of Brooklyn Gardens properties.
- Concern about proposed materials
- Can local schools meet demand?

## 6. OFFICER COMMENTS

### 6.1 Determining Issues

The key issues in determining this application area considered to be: (i) principle of development, (ii) highways and access issues, (iii) layout and design, (iv) trees and landscaping, (v) affordable housing and other contributions, (vi) neighbour amenity, (vii) flood risk and drainage, (viii) ecology, (iv) utilities, (v) contamination.

### 6.2 Principle of development

**6.2.1** The principle of developing the site has been established through the granting of outline consent under reference 13/00911/OUT.

**6.2.2** The outline application did not specify a maximum capacity for the site although the indicative material submitted with the application indicated 85 dwellings. This application proposes 90 dwellings. The layout has been changed, largely in response to Officer's comments, in addition to operational requirements and applicant preferences. However

the layout is in general accordance with the principles agreed at outline stage. Similarly although the proposed number of dwellings has increased, the increase of 5 is not considered to be sufficient to represent a departure from the principles of the outline application.

- 6.2.3** For these reasons the principle is considered to be acceptable and does not need to be revisited.

### **6.3 Highways and access issues**

- 6.3.1** As mentioned above the access was agreed as part of the outline application. The agreed access point is to the north west of the existing access.

- 6.3.2** A number of the objections which have been received make reference to the impact of the proposal on the local road network. The highways modelling which was carried out at the time of the outline application modelled the impact of 100 dwellings on this site in order to represent the 'worst case scenario'. This concluded that when compared to the previous use of the site (school) there would not be a significant impact on the highway.

- 6.3.3** The Highways Officer has confirmed that the increase from 85 to 90 dwellings is not a concern in terms of highways capacity and that the proposed masterplan includes the agreed site access and accords with the principles of the masterplan as set out in the outline permission.

- 6.3.4** The Highways Officer raised issues in relation to detailed highways matters pertaining to the internal layout of the site as detailed above. Revised plans have now been received which seek to address these points and the Highways Officer has now confirmed that the layout and parking provision is acceptable.

- 6.3.5** For these reasons the proposal is considered to be in accordance with policies TP 1 Development and highway safety, TP 2 Highway Standards and TP 6 Parking provision in development and advice contained within Section of the NPPF.

### **6.4 Design and layout**

- 6.4.1** There have been significant improvements to the layout when compared to the indicative plan which was included in the outline submission. The flow of the streets work better and all parking courts have now been eliminated from the scheme. The Townscape Manager is supportive of the scheme as outlined in his comments above.

- 6.4.2** Officers have met with the applicant and agent on a number of occasions to seek amendments to improve the proposal. A significant outcome of these discussions was to ensure that all of the frontage properties which face Arle Road are semi-detached in form and are two storeys in height. The original scheme included a number of 2.5 storey buildings along this frontage with very large roofs and Officers were concerned that they would be overly prominent and not in keeping with the character of the area.

- 6.4.3** The proposals do still include a number of 2.5 storey buildings and there are residual concerns that these building types do have a top-heavy appearance and in places juxtapose awkwardly with their two storey neighbours. However these instances are internal to the site and would not be widely visible from public vantage points and as such, on balance, Officers consider that the inclusion of these units is acceptable.

- 6.4.4** Similar concerns are retained about the three storey block towards the centre of the site which Officers felt was overly tall in comparison with its two storey neighbours and presented a blank frontage at ground floor level to the central LAP. There is a group of three storey buildings within Arle Gardens which have been cited as precedent by the

applicant although it should be stressed that this comparison is of limited relevance. Officers considered view is that given the central location of this accommodation to the site and the role it could play in framing the public open space, on balance this group of buildings is acceptable. Whilst the ground floor still presents a black elevation to the street the first floor front facing accommodation is now a living room which assists in providing surveillance to the central LAP.

- 6.4.5** The buildings themselves take a relatively traditional pitched roof form which is considered to be appropriate for the context. The original palette of materials included 3 colours of render including orange and pink, 3 different red bricks, 3 different roof materials and sections of timber cladding. The current scheme includes a much simplified palette which will help the development to have a coherent appearance and an identity of its own. The elevations of the individual buildings are considered to be acceptable and now include features to liven them up such as projecting bays, window surrounds, porches and windows on otherwise blank gables.
- 6.4.6** With regards to parking layout, Officers were concerned that a number of parking spaces were quite divorced from the houses which they serve which could result in people parking in an ad-hoc manner on the sides of roads and on pavements in order to be parked in closer proximity to their properties. Some improvements have been made in this regard and all parking spaces and garages are now of dimensions which accord with Highways Standing advice. There are still some areas where parking is slightly contrived, however this is much improved and it is now not considered that this would lead to an unacceptable situation with relation to on-street parking.
- 6.4.7** The permeability of the site is considered to be appropriate with links to the existing footpath on the eastern boundary. The applicants do not have control over the western boundary but provision is made for a footpath link in the vicinity of the sports hall. A footpath link is also provided between the northern LEAP and the sports hall on the adjacent land. This will provide a positive functional link between these two facilities.
- 6.4.8** Overall the proposal is now considered to represent a good scheme which will make a positive contribution to the Arle Road street frontage, which provides a good standard of accommodation with adequate parking and amenity space along with good access to areas of public open space.
- 6.4.9** For these reasons, the proposal is considered to be in accordance with policy CP 7 Design of the Local Plan and advice contained in the NPPF at section 7 which relates to achieving good design.

### **6.5 Trees and landscaping**

- 6.5.1** The outline planning consent considered the implications on the trees within and adjacent to the site in quite some detail. Some trees were proposed to be removed including one of the street trees on Arle Road. A contribution of £1,200 was secured through the section 106 agreement for a replacement tree.
- 6.5.2** A number of conditions were attached to the outline consent in relation to the trees including the installation of protective fencing, no-dig build methods in the vicinity of retained trees, no fires within 5m of the RPA, all service runs to be outside of the RPA, paths and hard landscaping in RPA to use no-dig build methods, time table or arboricultural inspections and details of leaf guards for guttering and down pipes.
- 6.5.3** A landscaping scheme has been submitted with this reserved matters application and this has been the subject of a number of re-designs following discussions with the Council's Landscape Architect. These suggestions have largely been taken on board and included in the amended plans. There are some residual points which have not yet been resolved as detailed in the latest comment dated 28<sup>th</sup> October. The outstanding matters relate to the

position of the bike rack within the LEAP and the detail of the hard standing to the perimeter of plot 62. The tree officer has also requested a change in tree species within the Public Open Space. Given the relatively minor nature of these issues it is considered appropriate to require them to be addressed through a revised landscaping scheme by condition rather than delaying a decision on the application.

**6.5.4** It has been confirmed that the Council will not be adopting the areas of public open space provided within the development and as such it will be necessary for these to be maintained by a private management company at the expense of the developer. A condition to this effect is recommended.

**6.5.5** Subject to these controls it is considered that the proposal is acceptable with reference to trees and landscaping.

**6.5.6** For these reasons the proposal is considered to be in accordance with policies GE 5 Protection and replacement of trees and GE 6 Trees and development of the Local Plan and section 11 of the NPPF

### **6.6 Impact on neighbouring property**

**6.6.1** The relationships of the proposed buildings with neighbouring properties are considered to be acceptable. The properties which face the development on the opposite side of Arle Road are all in excess of 25m away from the proposed dwellings. Existing properties which neighbour the site to the north west are all in excess of 35m away from the proposed dwellings. As such the proposal would not result in any harmful impacts upon neighbours by way of loss of privacy or light.

**6.6.2** Representations received by residents of Brooklyn Gardens have made reference to the removal of vegetation alongside the western footpath. Whilst this might provide a welcome screen for these residents it is not considered that its retention can be insisted upon. A landscaping scheme shows a comprehensive scheme of planting in this area. Officers have been keen to ensure that the development addresses the footpath whilst realising that existing residents do not wish the development to open on to it, thereby encouraging significantly more activity to the rear of the gardens of Brooklyn Gardens. It is considered that the detailed scheme no proposed achieves a good balance between these aims.

**6.6.3** For these reasons the proposal is considered to be in accordance with policy CP 4 Safe and sustainable living of the Local Plan

### **6.7 Flood Risk and Drainage**

**6.8.1** The Environment Agency were consulted on the outline application and had no comments to make. Condition 10 of the outline consent requires that prior to the commencement of development a scheme for surface water management drainage system be submitted to the Authority. It requires that this be designed in accordance with the principles of Sustainable Urban Drainage Systems (SUDS).

### **6.8 Ecology**

**6.9.1** The ecological implications of the development were fully considered at outline stage when an ecological appraisal was submitted. Conditions were attached to the outline consent in relation to a watching brief for birds, the removal or management of Cotoneaster, the erection of bird boxes and landscaping proposals.

### **6.9 Contamination**

**6.10.1** Condition 4 of the approved outline consent requires a full assessment and remediation scheme to be submitted and complied with prior to any occupation. Further information has

been submitted to the Council on contamination, however this as a multi-stage condition and it will not be possible to discharge in until the remediation strategy is in place and signed off by the Contaminated Land Officer.

#### 6.10 Other considerations

- 6.11.1 The revised plans respond to the concerns of the police architectural liaison officer by introducing lockable gates to side accesses to buildings and ensuring that they do not link together to provide potential areas for anti-social behaviour.

### 7. CONCLUSION AND RECOMMENDATION

- 7.1 The principle of developing this site for residential purposes was agreed at outline stage. Considerable effort has gone into negotiating a scheme which will result in a positive addition to the Town's housing stock. Despite concerns about some of the building heights, the layout is considered to be acceptable and will provide a development with a sense of identity which will be a good place to live. A comprehensive landscaping scheme has been designed which provides access for residents to green spaces.
- 7.2 The access arrangements were established at outline stage and whilst there are still reservations from neighbours on this point, the County Council are supportive of the scheme.
- 7.3 It is considered then that the proposal is in accordance with local and national planning policy and as such is recommended for approval.

### 8. CONDITIONS / INFORMATIVES

- 1 The development shall be started on or before whichever is the later of the following dates:-

- (a) Five years from the date of the outline permission;
- (b) Two years from the date of this decision.

Reason: To enable the Local Planning Authority to review the development should it not be started within the time specified.

- 2 The development hereby permitted shall be carried out in accordance with the following drawing numbers:

3

0269.11.01 H received 17/10/14  
0269.11.02 H received 17/10/14  
CIR.T.0269\_08E received 17/10/14  
CIR.T.0269\_11D received 17/10/14  
CIR.T.0269\_12B received 3/10/14  
CIR.T.0269\_13D received 17/10/14  
Housetype pack T.0269\_14 Rev C received 3/10/14  
CIR.T.0269\_15B received 3/10/14  
CIR.T.0269\_16A received 3/10/14  
CIR.T.0269\_17D received 17/10/14  
CIR.T.0269\_19D received 17/10/14  
31 Rev A received 22/7/14  
34-01 Rev D received 17/10/14  
34-02 received 17/10/14  
34-03 received 17/10/14  
20938 35 received 22/7/14

35-01 Rev D received 17/10/14

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

- 3 Prior to the commencement of development, a detailed scheme for landscaping, tree and/or shrub planting and associated hard surfacing (which should be permeable or drain to a permeable area) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall specify species, density, planting size and layout, protection, aftercare and maintenance. The size of the trees shall be at least a Selected Standard as per BS 3935-1:1992. The scheme approved shall be carried out in the first planting season following the occupation of the building or completion of the development, whichever is the sooner. The trees shall be maintained for 5 years after planting and should they be removed, die, be severely damaged or become seriously diseased within this period they shall be replaced with another tree as originally required to be planted.

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

The landscaping scheme shall take account of the comments of the Council's Landscape Architect dated 28/10/14 and the comments of the Council's Tree Officer dated 22/10/14.

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

- 4 All areas of public open space and landscaped areas of the site which do not form the residential curtilage of a property shall be maintained in accordance with a Management Agreement which shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of a dwelling on the site.

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

- 5 Prior to the first occupation of the development, the car parking areas including garages shall be completed and marked out in accordance with the approved plan(s). The car parking areas including garages shall thereafter be retained in accordance with the approved plans and kept available for use as car parking.

Reason: To ensure adequate car parking within the curtilage of the site in accordance with Local Plan Policy TP1 relating to development and highway safety.

- 6 Affordable housing shall be provided on the site in accordance with the approved plans and in accordance with the terms of the signed s.106 agreement dated 17/1/14.

Reason: To ensure that an adequate level of affordable housing is provided in accordance with policy HS4 of the Local Plan.

## **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.

## Page 41

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

In this instance, the authority sought amendments to the layout and design in order to make the scheme acceptable.

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

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<b>APPLICATION NO:</b> 14/01317/REM	<b>OFFICER:</b> Mrs Emma Pickernell
<b>DATE REGISTERED:</b> 23rd July 2014	<b>DATE OF EXPIRY :</b> 22nd October 2014
<b>WARD:</b> St Peters	<b>PARISH:</b>
<b>APPLICANT:</b>	Taylor Wimpey Bristol
<b>LOCATION:</b>	Christ College, Arle Road, Cheltenham
<b>PROPOSAL:</b>	Approval of reserved matters in connection with permission 13/00911/OUT. Residential development of 90 dwellings and associated roads, footways, parking, landscaping, and public open space.

### REPRESENTATIONS

Number of contributors	<b>9</b>
Number of objections	<b>8</b>
Number of representations	<b>0</b>
Number of supporting	<b>1</b>

33 Netherwood Gardens  
Cheltenham  
Gloucestershire  
GL51 8LQ

**Comments:** 18th October 2014

I look forward to the site being developed; it will brighten up the area.

I am not a planning expert but I have a concern about the scale of the houses. From my experience, new houses are typically built with small rooms, limiting the ongoing value of the house and the affluence of the area. Such a number of new houses built with no space will be in conflict with the area.

I would recommend that for all properties the first and second bedrooms are above 3m x 3m and the rest of the houses designed to an equivalent scale. This might seem an odd consideration but in the long term it will support the quality of the area and be consistent with the many 50's/60's builds in near streets.

This area is close to town and has the opportunity to flourish as Cheltenham grows.

Thank you for your consideration.

122 Arle Road  
Cheltenham  
Gloucestershire  
GL51 8LF

**Comments:** 14th August 2014

Objections for this planning application are:

1. The entrance is inadequate and needs to be moved to be central to the site
2. There needs to be an entrance and a separate exit to this site to accommodate traffic from occupants and the sports facility

3. The gardens are totally inadequate in size - most appear to be the size of the individual base of these compact houses. Where will children play or families relax?
4. Too many houses/dwellings proposed. Cramped style housing developments cause social problems - families need space indoors and outdoors to minimize noise and interference from neighbours.
5. The style and size of housing proposed does not blend with the current 3/4/5 bedroom homes in Arle Road.
6. The quantity of parking spaces are inadequate - most families have at least 2 cars - nowhere for occupants or visitors park.
7. Increased quantity of vehicles will create further problems attempting to access The Old Gloucester Road or Princess Elizabeth Way which are already clogged and overloaded with impatient vehicle owners every day, at busy times it is like a carpark with vehicles stationary in all directions.
8. A spacious development of quality decent sized homes is needed with adequate parking and open grassed areas that will enhance the district.

**Comments:** 20th October 2014

I formally object to this proposed development.

Comparing the size of the houses and the gardens with existing properties in this area, highlights the need to provide substantial, suitable housing that conforms to the existing style and size.

Cramped conditions can only result in social unrest and problems. A prime example being Hester's Way and Springbank!!!

There is still only one entry and exit road and it appears that very little - if any - consideration has been given to local residents opinions.

106 Brooklyn Gardens  
Cheltenham  
Gloucestershire  
GL51 8LW

**Comments:** 2nd August 2014

I object to the proposed plans as they stand primarily on the grounds of density and the impact of this on:

1. The Chelt Walk that runs to the rear of properties on Brooklyn Gardens; and
2. Vehicle traffic on Arle/Grevil Road at the junction with Princess Elizabeth Way.

With respect to number 1 (Chelt Walk), there is currently considerable noise and anti-social behaviour that detracts from our privacy and enjoyment of our property. We also have security concerns. Our worry with respect to this planned development is that these problems will be exacerbated as the traffic/use generated by 90 additional families directly adjacent to the Chelt Walk will be considerably increased.

With respect to number 2 (Arle Road/Grevil Road junction with Princess Elizabeth Way) this is already a difficult and dangerous junction and turning right onto Princess Elizabeth Way at any time of day can only be done with considerable risk. I understand that local residents have previously requested that the Council install traffic lights at this junction, a request that was turned down for reasons not understood by residents to whom I have talked. If this development goes ahead as planned there is bound to be an increase in use of this junction so the need for traffic lights will be even more urgent. I urge the Planning Committee to insist on the installation of traffic lights at this junction if the development goes ahead.

112 Brooklyn Gardens  
Cheltenham  
Gloucestershire  
GL51 8LW

**Comments:** 3rd August 2014

I would like to object to the number of houses, original application was for less houses and the number of parking spaces leading to further traffic congestion etc.

I object to tress and vegetation being removed on the lane which would take away privacy and security from rear of my property. Therefore meaning I would then be overlooked if trees are removed.

These trees were originally planted to obscure our property's from the sports center that was built and I would like to see them kept.

139 Arle Road  
Cheltenham  
Gloucestershire  
GL51 8LJ

**Comments:** 18th August 2014

Would you please submit my comments for the above application due to your server being down.

Too many houses / dwellings proposed for the size of the plot

One road in and the same road to exit is not acceptable considering the already congested Arle Road especially as the road will be used by people using the sports facility as well.

Housing type doesn't blend with what is in the local Arle Road area especially as we were told by local councillors at the on set that it would be.

Houses that are too small and small gardens are already proven to be a problem later on so the sizes including vehicle space needs to be reconsidered.

No visitor parking considered for houses that will end up with 2 or more vehicles causing frustration and congestion and will end up with pavement parking.

Do not want to see Oak panelling used which seems to be on other houses being built around Cheltenham which eventually looks unsightly.

Consideration to the colour of rendering used but none would be preferred.

Due to the increase in traffic in Arle Road that this development will cause the Council needs to consider a round about or lights where Arle Road joins Princess Elizabeth Way.

15 Netherwood Gardens  
Cheltenham  
Gloucestershire  
GL51 8LQ

**Comments:** 18th August 2014

Letter attached.

43 Arle Gardens  
Cheltenham  
Gloucestershire  
GL51 8HP

**Comments:** 19th August 2014

I would like to offer my objection towards the proposed planning of 90 houses by Taylor Wimpey on the Christ College site in Arle Road.

We live in Arle Gardens and feel 90 houses are too many for the site and are more than the original proposed application.

Our main concern is the increased amount of traffic this development would cause and believe the road infrastructure would become too busy and unsafe.

Arle Gardens already has parking issues for the residents, particularly with the increased cars from the student houses. It is a cut through for many cars and lorries, who drive too fast and the road already feels unsafe for the children and residents who live here. The increased traffic from the development will only increase these problems.

I believe Arle Gardens would benefit from traffic calming measures that has been done in residential surrounding roads.

Arle Road is also a busy road and the access roads that are planned into the new site will also cause problems with cars that are trying to come out from Arle Drive and Arle Gardens. In particular the traffic comes over the railway bridge quite speedy & it appears the plans have a couple of access roads into the site where it will become potentially dangerous and an 'accident waiting to happen'. There is also a bus stop along this road that will also lead to difficulties with seeing cars coming in and out of the development.

Traffic problems will also be increased at the junction of Arle Road leading to Princess Elizabeth Way - this junction is already difficult to turn right from and has had serious traffic accidents over the last few years - the development will increase these problems or increase the traffic using Arle Gardens and Arle road as mentioned above.

I was unable to make out if any trees will be removed from Arle Road to make way for the development - I assume some will have to be - and believe this would have a strong impact on the current aesthetics of this road and the wildlife of the area, we have seen slow worms and a wide assortment of birds.

Also can the local schools meet the demand for all the new pupils this development will bring?

I would like all my concerns to be considered and support Councillor John Rawson's view that due to the size and significance of this development application that it should be decided by the Planning Committee rather than being delegated to officers to decide.

12 Arle Gardens  
Cheltenham  
Gloucestershire  
GL51 8HR

**Comments:** 21st August 2014

Letter attached.

6 Arle Gardens  
Cheltenham  
Gloucestershire  
GL51 8HR

**Comments:** 3rd September 2014

I apologise that this email is late (I understand that the closing date for comments was 18th August). However I thought that I would still send you my thoughts in case there was a chance that they may be considered.

I am a local resident & live in Arle Gardens. I went to see Taylor Wimpey's plans in July when they invited local residents to view them. I felt that only 13 residences for affordable housing out of 91 properties was exceedingly poor. There is a great need for affordable housing in the immediate area & this is in need of being seriously addressed.

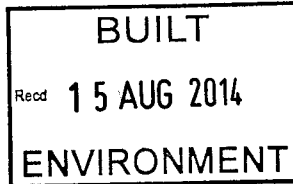
**Comments:** 22nd October 2014

My partner and I wish to echo the comments made by others regarding the effect that the additional traffic will have on Arle Gardens and Arle Road.

Arle Gardens is becoming increasingly busy through traffic using it as a cut-through to avoid the railway crossing. Cars far exceed the speed limit as they zoom down the road. A road where it is impossible to drive down without passing cars that have been parked on pavements. Pedestrians are increasingly having to walk into the road to pass the said cars as not enough room has been left free on the pavement for prams and pushchairs and wheelchairs to get past. Pedestrians + speeding cars does NOT make a safe environment. Arle Gardens desperately needs to be made one-way in order that traffic flows towards the railway crossing only.

Similarly, the traffic calming measures on Arle Road are becoming obsolete! They do not deter irresponsible drivers for speeding along the road.

Until Arle Gardens and Arle Road are made safer we remain in opposition to the proposed development because of the additional traffic that will be brought into the immediate area.



  
15 Netherwood Gardens  
Cheltenham  
GL51 8LQ

14 July 2014

Emma Pickernell  
Cheltenham Borough Council  
Municipal Offices  
The Promenade  
Cheltenham  
GL50 1PP

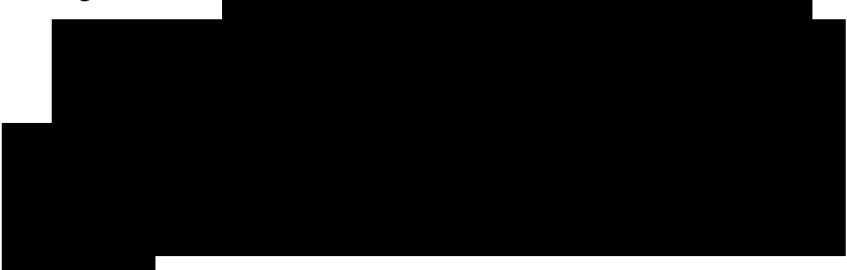


Dear Emma

With reference to the Housing Development on the Christ College Site, Arle Road (Saxon Court) Application No: 14/01317/REM. I would like to object strongly about the access and departure of vehicles in particular allowing some 200 cars onto the Arle Road with no provision for their access out onto Princess Elizabeth Way from Grevil Road a notoriously difficult junction. Problems and concerns go back several years, it wasn't until 2013 that ex Cllrs Shepherd and Skinner after campaigning for some time obtained funds and persuaded the Glos. County Council to paint a yellow box on the junction as a temporary measure until a more permanent solution could be addressed potentially from funding arising from the redevelopment of the former Christ College site.

I was informed by one of the Highways Representatives at the outline planning stage that he didn't think it was going to make as big an impact on the area as I thought, how can you allow an extra 200 cars into an area with a junction problem and it not have an impact. I respectfully urge you to look again at this potentially hazardous situation with a view to resolving what maybe a flaw in the development.

Regards



16 August 2014

Dear Emma,

Regarding the development of the Christ College site on Arle Road, I and probably the other residents in Arle Gardens have a number of concerns / objections as it is going to be a huge development and will have a bearing on traffic as well as other resources. Some of the main concerns are:

- There will be a big increase in the amount of traffic in the area, especially Arle Gardens. This street is used as a “Rat Run” by a lot of traffic at present in order to avoid the railway crossing. Other streets are not used as some have been made into “one way traffic” streets. Drivers often race along at high speed and the street itself is narrower than some of the other streets which make things difficult for oncoming traffic. This street needs to be turned into a “one way traffic” similar to the other streets or “humps right across the road” need to be introduced.
- Over the last few years there has been a very large increase in student houses in Arle Gardens and with that there has been an increase in the number of cars on this street. These cars very often are parked on the pavement thus blocking them as there is not enough space on their driveways. Added to this, the traffic is running in both directions at high speeds and with the number of vehicles parked on the road it makes it difficult for traffic to flow smoothly and in a lot of cases for people to reverse out of their driveways due to unclear visibility from oncoming traffic. There is also the problem of blocking access to the pedestrians especially old people and mothers with prams and young children who often have to walk on the road to get past the parked cars across the pavements.
- There seems to be a “decrease in water pressure” at weekend times in the last few years in the area and with the proposed increase in a large number of dwellings in the area possibly feeding of the same water supply things will get even worse.

These are some of the main concerns in this area.

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<b>APPLICATION NO:</b> 14/01317/REM	<b>OFFICER:</b> Mrs Emma Pickernell
<b>DATE REGISTERED:</b> 23rd July 2014	<b>DATE OF EXPIRY:</b> 22nd October 2014
<b>WARD:</b> St Peters	<b>PARISH:</b>
<b>APPLICANT:</b>	Taylor Wimpey Bristol
<b>AGENT:</b>	Mr Chris Cox
<b>LOCATION:</b>	Christ College, Arle Road, Cheltenham
<b>PROPOSAL:</b>	Approval of reserved matters in connection with permission 13/00911/OUT. Residential development of 90 dwellings and associated roads, footways, parking, landscaping, and public open space.

## Update to Officer Report

### OFFICER COMMENTS – AFFORDABLE HOUSING AND CONTRIBUTIONS

- 1.1.1 As mentioned in the main report the outline application was indicatively shown to be for 85 dwellings. That outline application proposed that 15% of the units be provided as affordable units.
- 1.1.2 Members will be aware that Local Plan policy HS4 requires that on sites of 15 or more dwellings, or of a site area of 0.5ha a minimum of 40% of the total dwellings proposed will be sought for the provision of affordable housing. The notes attached to that policy allow for exceptions to be made and this is also enshrined in the NPPF. However any reductions must be fully justified and the case made must be assessed independently.
- 1.1.3 In the instance of the outline application the Council employed the District Valuer to assess the viability situation. The conclusion of their initial report was that it was not viable to provide 40% affordable housing. They were subsequently asked to consider what the maximum percentage of affordable housing would be that the scheme could provide whilst still being viable. The conclusion of this work was that 15% would be viable and that it might be possible to achieve up to 20%, depending on the mix of units proposed.
- 1.1.4 Officers subsequently negotiated with the applicants to find an appropriate mix of units which equated to 20% of the total 85 units proposed at the time. The provision which was agreed was for 12 affordable rent houses (6no. 2 bed and 6 no. 3 bed) and for 5 shared ownership houses (3 no. 2 bed and 2 no. 3 bed), thereby providing a total of 17 units.
- 1.1.5 When the outline application was discussed at planning committee, members raised the legitimate question of whether the percentage of affordable housing would rise should the overall capacity of the site rise. Officers consequently undertook to seek to ensure provisions to allow this to be looked at again, should a subsequent reserved matters application propose a higher figure overall. The relevant mechanism to achieve this would have been through the s.106 agreement.
- 1.1.6 Unfortunately no such clause was included within the s.106 and legal advice is now that there is no legal mechanism to insist on the level of affordable housing being reassessed. Officers acknowledge that it is regrettable that this has occurred and that it is not possible to reassess the level of affordable housing in line with members wishes. Officers fully intended to include a clause which would have allowed a re-assessment of the viability, however shortcomings in the drafting and checking processes, meant that this did not occur.

- 1.1.7 It should be stressed that officers did act upon the debate at committee and discussions with the applicant and the legal team did take place following the committee's resolution to grant outline consent with the genuine intention to include such a clause, but these discussions were not translated into the subsequently signed legal agreement.
- 1.1.8 Within the agreement there are clauses which require education, library and playspace contributions to be directly related to the number of units proposed; in relation to affordable housing, officers had anticipated a simple review mechanism to allow the matter to be revisited should number increase at the reserved matters stage. It is with regret that members are informed that this did not happen.
- 1.1.9 Members are subsequently advised that mechanisms which allow a re-assessment of viability related matters are becoming increasingly more common but it remains a complex area. Moving forward, discussions are already taking place with the Planning Advisory Service (PAS) in relation to additional training being provided in this area to improve the knowledge of the department.
- 1.1.10 Officers did suggest to the developer at pre-application stage in respect of the Reserved Matters application, that they assess the viability situation in any event in order to provide a commentary on the level of affordable housing included in the scheme. An affordable housing statement has been submitted with the application, however this does not comment on the viability or possibility of providing additional units.
- 1.1.11 The 17 affordable units secured within the S.106 agreement equates to 19% of the 90 dwellings now proposed. To extrapolate the 20%, which was found to be viable on 85 units, across this reserved matters proposal would have resulted in one additional affordable unit. However it must be acknowledged that a fresh viability assessment would have looked at the proposed mix of dwelling types/sizes proposed here and this may have resulted in a higher percentage.
- 1.1.12 The developers have been asked to consider offering up one additional dwelling as affordable, however no response to this suggestion has been received to date. Members will be updated on this point before Thursday's meeting.
- 1.1.13 In any event, whilst there is no legal mechanism to insist on a reassessment of the viability it seems unlikely given the relatively modest increase of 5 dwellings, that this would have yielded significant amounts of additional affordable housing. However it must be acknowledged that in the absence of a full report on this matter, it is not possible to decisively say what its conclusions might have been.
- 1.1.14 To conclude, officers accept that it is regrettable that a review mechanism was not included in the S106 agreement although discussions with the applicant remain ongoing. It is also accepted that members will be frustrated with this position but legal advice is quite clear that this matter cannot now be revisited. Members are advised that this Authority's approach to dealing with viability matters is continually evolving and improving, and with future training being considered, it is anticipated that our knowledge and experience in this area will improve yet further. Whilst this may not compensate fully, it shows that the department is willing to learn from its mistakes with the intention of making further improvements to the service provided by the Local Planning Authority.
- 1.1.15 The recommendation remains that permission be granted for this reserved matters application.

<b>APPLICATION NO:</b> 14/01317/REM	<b>OFFICER:</b> Mrs Emma Pickernell
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<b>WARD:</b> St Peters	<b>PARISH:</b>
<b>APPLICANT:</b>	Taylor Wimpey Bristol
<b>AGENT:</b>	Mr Chris Cox
<b>LOCATION:</b>	Christ College, Arle Road, Cheltenham
<b>PROPOSAL:</b>	Approval of reserved matters in connection with permission 13/00911/OUT. Residential development of 90 dwellings and associated roads, footways, parking, landscaping, and public open space.

## Update to Officer Report

### 1. OFFICER COMMENTS

- 1.1 The previous update to committee included a report on the position with regards to affordable housing and contributions. Within that report Officers explained that discussions were on-going with the applicant to seek an additional affordable dwelling.
- 1.2 As mentioned in the previous report the Council is not in a position to insist upon the provision of any additional affordable housing over and above that included in the s.106 attached to the outline consent (17 dwellings). However the applicant has now offered an additional 3 bedroom dwelling as an affordable unit, as a goodwill gesture.
- 1.3 As such the position is now that the scheme contains 18 affordable dwellings and this equates to 20% of the accommodation on the site. The result of this is that the overall level of affordable housing as a percentage of the scheme would not fall below that agreed at outline stage.
- 1.4 The additional affordable dwelling is in the north eastern section of the site, overlooking the LEAP.
- 1.5 Members are further advised of recent discussions between the Council and the Homes and Communities Agency (HCA). It is understood that the HCA has a budget to 'top up' affordable housing provision, through grant funding, on sites where provision has been reduced in response to viability issues (as is the case here). The HCA are currently looking at whether there are any appropriate sites within Cheltenham for such funding. Any increased provision/funding through this mechanism would need to be the subject of discussions between the HCA, the Borough Council and the developer and as such it is not possible to confirm in advance of a decision on this current application whether increased provision will be achieved. However this is a positive avenue to explore which may assist in improving the overall level of affordable housing provision within the Borough.

### 2. CONCLUSION AND RECOMMENDATION

- 2.1 The recommendation remains to permit the application. Condition 2 has been updated to reflect the revised drawings numbers and revisions to condition 6 are required to secure the additional affordable dwelling as discussed above.

### 3. CONDITIONS

- 1 The development shall be started on or before whichever is the later of the following dates:-  
(a) Five years from the date of the outline permission;  
(b) Two years from the date of this decision.  
Reason: To enable the Local Planning Authority to review the development should it not be started within the time specified.

- 2 The development hereby permitted shall be carried out in accordance with the following drawing numbers:

0269.11.01 H received 17/10/14

0269.11.02 H received 17/10/14

CIR.T.0269\_08F received 20/11/14

CIR.T.0269\_11E received 20/11/14

CIR.T.0269\_12B received 3/10/14

CIR.T.0269\_13E received 20/11/14

House-type pack T.0269\_14 Rev D received 20/11/14

CIR.T.0269\_15B received 3/10/14

CIR.T.0269\_16A received 3/10/14

CIR.T.0269\_17E received 20/11/14

CIR.T.0269\_19E received 20/11/14

31 Rev A received 22/7/14

34-01 Rev D received 17/10/14

34-02 received 17/10/14

34-03 received 17/10/14

20938 35 received 22/7/14

35-01 Rev D received 17/10/14

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

- 3 Prior to the commencement of development, a detailed scheme for landscaping, tree and/or shrub planting and associated hard surfacing (which should be permeable or drain to a permeable area) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall specify species, density, planting size and layout, protection, aftercare and maintenance. The size of the trees shall be at least a Selected Standard as per BS 3935-1:1992. The scheme approved shall be carried out in the first planting season following the occupation of the building or completion of the development, whichever is the sooner. The trees shall be maintained for 5 years after planting and should they be removed, die, be severely damaged or become seriously diseased within this period they shall be replaced with another tree as originally required to be planted.

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

## Page 55

The landscaping scheme shall take account of the comments of the Council's Landscape Architect dated 28/10/14 and the comments of the Council's Tree Officer dated 22/10/14.

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

- 4 All areas of public open space and landscaped areas of the site which do not form the residential curtilage of a property shall be maintained in accordance with a Management Agreement which shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of a dwelling on the site.

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

- 5 Prior to the first occupation of the development, the car parking areas including garages shall be completed and marked out in accordance with the approved plan(s). The car parking areas including garages shall thereafter be retained in accordance with the approved plans and kept available for use as car parking.

Reason: To ensure adequate car parking within the curtilage of the site in accordance with Local Plan Policy TP1 relating to development and highway safety.

- 6 Affordable housing shall be provided on the site in accordance with the approved plans and in accordance with the terms of the signed s.106 agreement dated 17/1/14, except that an additional dwelling (plot 67 on drawing number T.0269\_08F) shall also be provided as a shared ownership dwelling on the same terms as those secured within the s.106 agreement.

Reason: To ensure that an adequate level of affordable housing is provided in accordance with policy HS4 of the Local Plan.

### INFORMATIVES:-

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

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

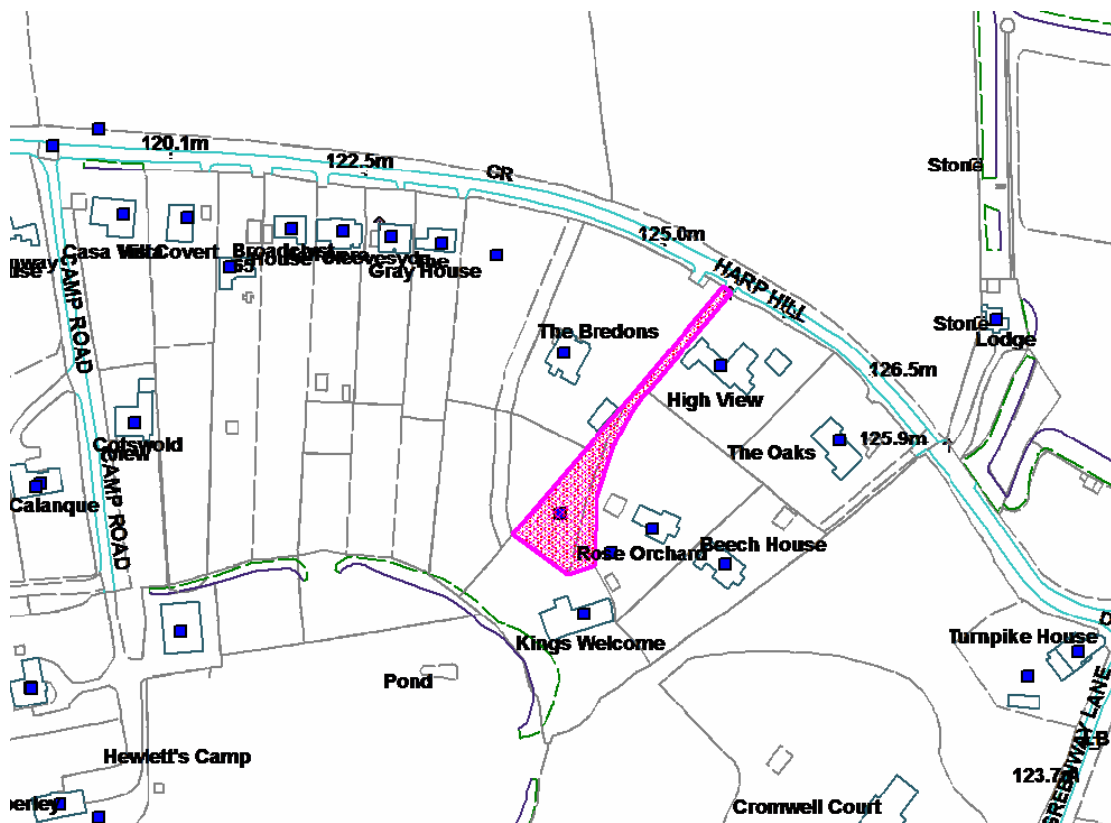
In this instance, the authority sought amendments to the layout and design in order to make the scheme acceptable.

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

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<b>APPLICATION NO:</b> 14/01612/OUT		<b>OFFICER:</b> Mrs Emma Pickernell
<b>DATE REGISTERED:</b> 16th September 2014		<b>DATE OF EXPIRY:</b> 11th November 2014
<b>WARD:</b> Battledown		<b>PARISH:</b> Charlton Kings
<b>APPLICANT:</b>	Mr R. J. Ashton	
<b>AGENT:</b>	SF Planning Limited	
<b>LOCATION:</b>	Land off Harp Hill, Charlton Kings	
<b>PROPOSAL:</b>	Outline application for the erection of 1 dwelling	

**RECOMMENDATION:** Refuse



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

## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site comprises a triangular plot which narrows to a point and at its widest is 24m wide. It is accessed via a track which leads off Harp Hill; this currently provides primary access to Rose Orchard and also provides a secondary access to Kings Welcome, whose main access is further to the west. The site is bound by hedging and trees and is currently empty.
- 1.2 This application is made in outline with all matters reserved except for access, which would be provided via the existing track. The proposal is for one dwelling.
- 1.3 The application pack includes an indicative scheme which suggests how the site might be developed. This shows a two storey, flat roofed dwelling formed in an L shape with detached garage to the front.
- 1.4 The application is before planning committee at the request of Cllr Babbage.

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

### Constraints:

Area of Outstanding Natural Beauty

### Relevant Planning History:

**96/00206/PF 23rd May 1996 PER**  
Erection of Two Replacement Dwellings

**98/00441/PF 25th June 1998 PER**  
Erection of Dwelling - Change of House Type On Plot 1 Of Consent Cb21544/00 (In Accordance With Revised Plan Received 19 June 1998 And Additional Plan Received

**98/00599/PF 30th July 1998 PER**  
Erection of Dwelling - Change of House Type on Plot 2 of Permission CB21544/00

**87/01378/PF 19th January 1988 REF**  
Erection of Two Houses

**97/00948/PF 11th December 1997 PER**  
Outline Planning Permission for the Erection of a Dwelling House

## 3. POLICIES AND GUIDANCE

### Adopted Local Plan Policies

CP 4 Safe and sustainable living  
CP 7 Design  
GE 5 Protection and replacement of trees  
GE 6 Trees and development  
CO 2 Development within or affecting the AONB  
RC 2 Youth and adult outdoor playing facilities  
TP 1 Development and highway safety  
TP 2 Highway Standards  
TP 6 Parking provision in development



Supplementary Planning Guidance/Documents

Development on garden land and infill sites in Cheltenham (2009)

National Guidance

National Planning Policy Framework

#### 4. CONSULTATIONS

**Tree Officer**

*8th October 2014*

The Tree Section does not oppose to this proposal in principle however more tree related detail is necessary if this is to become a full application.

Currently there is no tree related information and a full BS5837 (2012) survey showing all trees on and adjacent to the site must be submitted as well as proposals for all tree removals, pruning etc. If trees are to be retained near to the entrance to the site itself (ie behind the proposed garage), then I would anticipate a no dig method of construction being employed so as not to damage adjacent tree roots.

**Parish Council**

*30th September 2014*

No objection

**Cheltenham Civic Society**

*25th September 2014*

We think that this site provides the opportunity for an exciting scheme. We hope something bold will be put forward at the next stage

**Gloucestershire Centre For Environmental Records**

*24th September 2014*

Report available to view in documents tab

#### 5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	20
Total comments received	3
Number of objections	1
Number of supporting	0
General comment	2

5.1 The application was publicised by way of letters to 20 neighbouring properties. Three representations have been received. The comments raised relate to the following issues:

- Balconies would be intrusive given proximity to boundaries

- Houses in this area are normally on plots of minimum of half an acre
- Potential development in surrounding area
- Previous applications in area have been dismissed at appeal (03/01494/OUT)
- Contrary to AONB policy

## 6. OFFICER COMMENTS

### 6.1 Determining Issues

The key issues in determining this application are considered to be (i) principle, (ii) design and layout issues, (iii) impact on neighbouring properties, (iv) highways and access.

### 6.2 The site and its context

The application site comprises a triangular parcel of land which is surrounded by other residential plots. Whilst there is a relatively irregular pattern of plots in this area they do share common themes in that they are sizeable buildings set in good sized plots with plenty of space around and between the buildings.

The site itself is backland in nature, being set back from the frontage development, three neighbouring properties; Kings Welcome, Rose Orchard and Beech House are also in a set back position, albeit within significantly larger plots.

### 6.3 Principle of development

The application site is within the AONB. The relevant local plan policy is CO2 which states:

*Development which would harm the natural beauty of the landscape within the AONB will not be permitted. Major developments will not be permitted within the AONB except in exceptional circumstances.*

The policy does not rule out small scale development within the AONB, however the overriding objective is to preserve the natural beauty of the area.

The NPPF at para 115 states that *great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty.*

As such there is no policy which precludes small scale development within the AONB, although it is clear that the landscape considerations are crucial in determining individual applications.

### 6.4 Design and layout

This is an outline application with all matters reserved except for access. As such the material which has been submitted by way of proposed plans is purely indicative albeit the purpose of which is to demonstrate that the site can be satisfactorily developed with one dwelling as proposed by the application.

The Development on Garden Land and Infill Sites in Cheltenham SPD contains helpful guidance in assessing the appropriateness of proposals within back land and infill locations. It makes it clear that the layout of developments should respond to the layout of

development in the vicinity. This includes a consideration of grain, type of building, location of buildings on plots, plot widths, building lines and the amount of frontage which is built on.

Officers consider that the plot proposed to be formed here is distinctly at odds with the established character of the area. It is significantly smaller than the plots around it and is irregular in shape. The nature of the site means that the design solution which has been suggested is the siting of a building on the extremities of the site in very close proximity to the rear boundary. This is at odds with the spacious character of the area and would result in a development that is out of keeping with the prevailing character and which would fail to conserve the natural beauty of the AONB. The indicative scheme represents a very cramped form of development and this is further highlighted by the lack of amenity space which would be available for occupants and the contrived parking and access arrangements.

Photomontages have been submitted by the applicant which seek to demonstrate that the proposal would not be visible from public vantage points within the AONB. It is acknowledged that the site is not widely visible, due to its backland location, however it would be equally, if not more, visible from Harp Hill as Kings Welcome is at present and this property can be clearly seen from the main road.

In any event the townscape contribution of a site need not necessarily depend solely on how visible it is from the street. A recent appeal decision in relation to a proposal for a back garden site off Cold Pool Lane stated:

*The SPD seeks to provide an objective means of assessing proposals such as this appeal scheme. Even so, it clearly states "there are few, if any, absolutes in the assessment process"<sup>3</sup> and, through a series of questions, it addresses the need to take account of a wide range of different factors. These begin with matters relating to local character and distinctiveness "within the street, block or neighbourhood, including its spacious character"<sup>4</sup>. Thus, even though rear gardens are unlikely to have townscape significance if they are not particularly prominent or visible in the street scene, their spaciousness and mature planting may be of 'environmental significance'<sup>5</sup>, thereby contributing to the area's character. (emphasis added)*

*In this case, the existing dwelling at 1 Manor View is within a suburban residential area on the outskirts of Cheltenham. It is part of a row of frontage dwellings which have long rear gardens with established trees, hedges and other planting. The relatively green, open and spacious nature of this combined rear garden space contributes positively to the area's character, and acts as a relatively tranquil counterpoint to the built development. That contribution is all the more significant given the enclosing effect of a new and relatively high density housing development that has recently been completed to the north, beyond the appeal site, its immediate neighbours and a green strip alongside their rear garden boundaries. I find this to be an important consideration in assessing the appeal proposal.*

In this instance the undeveloped nature of the site at present contributes to the character of the area which is loose knit development with plenty of space around buildings (including this site). This character is appropriate for this semi-rural location.

In summary Officers do not consider that this outline application has adequately demonstrated that the site is capable of successfully accommodating a dwelling which would respect the pattern of development in the area and which would conserve the natural beauty of the AONB. For these reasons, it is considered that the proposal is contrary to policy CO2, as discussed above and it is also considered to be contrary to policy CP7 which requires development to be of a high standard of design and to complement and

respect neighbouring development and the character of the locality and/or landscape. It is also contrary to the SPD and guidance set out within the NPPF, as detailed above.

### 6.5 Impact on neighbouring property

The building comes to within relatively close proximity of Kings Welcome to the south west. The building which is shown on the indicative plans would not result in direct overlooking of windows, however there are windows to the first floor living room and kitchen on the rear elevation which would be within 3m of the boundary of the site and would therefore result in overlooking of the curtilage of Kings Welcome. It might be possible to design an internal layout which would not necessitate windows on the rear elevation, however this is likely to result in a contrived form of development and adds weight to the conclusion of Officers that the site is not appropriate for an independent dwelling.

### 6.6 Access and highway issues

County Highways have considered the proposal and advised that, at present, it does not appear that the proposal complies with their standing advice for developments of this nature. There are two main issues; the first is the width of the access which is too narrow to allow two cars to pass one another which could result in vehicles reversing out onto Harp Hill resulting in highway danger.

The second issue is the visibility onto Harp Hill. Speed surveys have been carried out and these indicate that a visibility splay of 51m in each direction would be required in order to provide adequate visibility. This cannot be achieved. It is understood that the agent has been looking into ways of resolving this matter, however no further information has been received at the time of writing.

As such it has not been demonstrated that the proposal can ensure safe and suitable means of access.

Para. 32 of the NPPF states that:

*Plans and decisions should take account of whether:*

- *the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;*
- *safe and suitable access to the site can be achieved for all people; and*
- *improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.*

The agent argues that the impact should not be considered to be 'severe' and therefore the application should not be refused on these grounds. However, Officers consider that the scheme would result in specific highway danger and therefore fails against the second bullet point detailed above. This is opposed to a general 'impact' caused by the development. Furthermore the failure of the scheme to comply with the standing advice adds weight to the conclusion that the site is unsuitable for development.

### 6.7 Other considerations

- 6.7.1 The Gloucestershire Centre for Environmental Records have advised that a badger was spotted 185m from the site in 2006. However having visited the site it seems unlikely that it could host significant habitats and as such, bearing in mind that this sighting was not at the

actual site, and was 8 years ago it is not considered necessary to require an ecological survey.

### 7. CONCLUSION AND RECOMMENDATION

- 7.1 The proposal is in outline with only access to be considered at this stage. The regulations require sufficient information to be submitted to demonstrate that a site can adequately accommodate that amount of development being proposed. Officers consider that this development would be out of keeping with that around it, therefore failing to respect the prevailing character of the area. The indicative scheme does not allay these concerns and lead officers to conclude that the development of this site is likely to lead to a cramped form of development. Furthermore, the one matter which is not reserved is access and this has been found to be inadequate in terms of both the dimensions of the access itself and the visibility from it. As such the application is recommended for refusal.
- 7.2 Any recommendation for refusal must be balanced against any positive benefits arising from the scheme. In this instance the proposal would add one dwelling to the supply of housing but this limited contribution is not considered sufficient to outweigh the concerns which have been raised.

### 8. INFORMATIVES / REFUSAL REASONS

- 1 The application site is within the AONB and contributes to the spacious semi-rural character of the area. The development of the site would be detrimental to this character and would result in a cramped form of development which would fail to respond to the prevailing character and layout of the surrounding area. As such the application is contrary to policies CP7 and CO2 of the Adopted Local Plan, the Development on Garden Land and Infill Sites in Cheltenham SPD and advice contained in the NPPF.
- 2 The application fails to demonstrate that the proposal can ensure safe and suitable means of access. The existing access and visibility from it are inadequate to accommodate the vehicular movements associated with the proposal and as such the proposal would result in highway danger. Therefore the application is contrary to policy TP1 and advice contained in the NPPF.

### INFORMATIVES

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

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

In this instance, having had regard to all material considerations, the authority cannot provide a solution that will overcome the harm which has been identified.

As a consequence, the proposal cannot be considered to be sustainable development and therefore the authority had no option but to refuse planning permission.



<b>APPLICATION NO: 14/01612/OUT</b>		<b>OFFICER: Mrs Emma Pickernell</b>	
<b>DATE REGISTERED:</b> 16th September 2014		<b>DATE OF EXPIRY :</b> 11th November 2014	
<b>WARD:</b> Battledown		<b>PARISH:</b> CHARLK	
<b>APPLICANT:</b>	Mr R. J. Ashton		
<b>LOCATION:</b>	Land off Harp Hill, Charlton Kings		
<b>PROPOSAL:</b>	Outline application for the erection of 1 dwelling		

### REPRESENTATIONS

Number of contributors	<b>3</b>
Number of objections	<b>1</b>
Number of representations	<b>2</b>
Number of supporting	<b>0</b>

Rose Orchard  
Harp Hill  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL52 6PR

**Comments:** 3rd October 2014

I note the very long and wordy planning and access statement, together with the supporting documents submitted with this application.

However the Applicant has failed to consider the following.

1. ANOB Policy CO2 states for no new building, except in very exceptional circumstances.
2. ANOB Policy CO3 states only replacement dwellings, subject to increase in size of 10% or 45M3.
3. Related cases 'Land off Harp hill' was the subject of an earlier refusal.
4. Related cases 'Land at Harp Hill' Rose Orchard was permitted only by the replacement policy existing at the time, subject to many conditions.
5. I now refer to application 03/01494/OUT Haytor Harp Hill This was refused by the Planning officer and his decision was subsequently backed up by a dismissed appeal from the inspector.

The carefully considered reasons for refusal, are most relevant to 14/01612/OUT. With particular respect to the location, the openness and sloping nature of the site and the close proximity of existing dwellings. Kindly refer to the various documents on 03/01494/OUT, rather than me quoting them verbatim.

In consideration of all the historical precedents related to above, the decision on this application must be refusal.

The Bredons  
Harp Hill  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL52 6PR

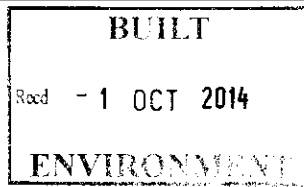
**Comments:** 7th October 2014  
Letter attached.

Kings Welcome  
Harp Hill  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL52 6PR

**Comments:** 7th October 2014  
Letter attached.



[REDACTED]  
The Bredons  
Harp Hill  
Charlton Kings  
Cheltenham  
GL52 6PR



M/s Tracey Crews  
Head of Planning  
Cheltenham Borough Council  
P O Box 12  
Municipal Offices  
Promenade  
Cheltenham  
GL50 1PP

Your Ref: 14/01612/OUT

1st October 2014

Dear M/s Crewes,

Proposal: Outline application for the erection of 1 dwelling at land off Harp Hill, Charlton Kings

Thank you for your letter dated 16th September regarding the above proposal.

We have no objections as such to the proposed development of this land, however we would like to make the following observations which perhaps you could take into account: -

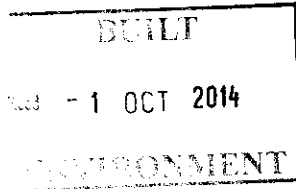
- The "specimen" design of the proposed dwelling incorporates reverse living accommodation with balconies at first floor level. We consider that such balconies would be unduly intrusive given the proximity to adjacent properties, particularly bearing in mind that individual houses on the Battledown Estate, of which this is part, normally occupy a minimum half acre plot.
- Together with my neighbour at one of the adjacent properties, Kings Welcome, we are in the process of putting together an Application for development of the adjoining 2 acre site with 4 luxury detached houses each on a half acre plot. If it is appropriate, or possible, could I ask you please to bear this in mind in your deliberations.

Yours sincerely

[REDACTED]



Kings welcome  
Harp Hill  
Charlton Kings  
Cheltenham  
GL52 6PR



M/s Tracey Crews  
Head of Planning  
Cheltenham Borough Council  
P O Box 12  
Municipal Offices  
Promenade  
Cheltenham  
GL50 1PP

Your Ref: 14/01612/OUT

1st October 2014

Dear M/s Crewes,

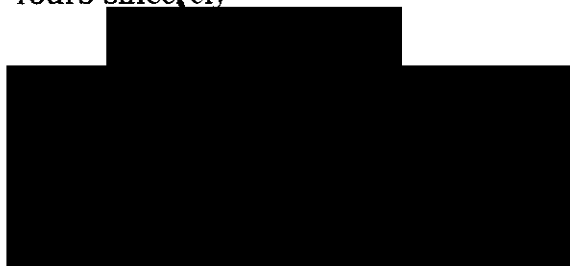
Proposal: Outline application for the erection of 1 dwelling at land off Harp Hill, Charlton Kings

Thank you for your letter dated 16th September regarding the above proposal.

I have no objections as such to the proposed development of this land, however I would like to make the following observations which perhaps you could take into account: -

- The “specimen” design of the proposed dwelling incorporates reverse living accommodation with balconies at first floor level. I consider that such balconies would be unduly intrusive given the proximity to adjacent properties, particularly bearing in mind that individual houses on the Battledown Estate, of which this is part, normally occupy a minimum half acre plot.
- Together with my neighbour at one of the adjacent properties, The Bredons, we are in the process of putting together an Application for development of the adjoining 2 acre site with 4 luxury detached houses each on a half acre plot. If it is appropriate, or possible, could I ask you please to bear this in mind in your deliberations.

Yours sincerely





**Development Management**

Shire Hall  
Gloucester  
GL1 2TH

Emma Pickernell  
Cheltenham Borough Council  
P.O. Box 12  
Municipal Offices  
Promenade  
Cheltenham Glos  
GL50 1PP

email: owen.parry@gloucestershire.gov.uk

Please ask for: Owen Parry

Phone: 01452 426951

Our Ref: B/2014/032655

Your Ref: 14/01612/OUT

Date: 14 November 2014

Dear Emma Pickernell,

**TOWN AND COUNTRY PLANNING ACT 1990  
HIGHWAY RECOMMENDATION**

**LOCATION: Land Off Harp Hill, Charlton Kings, Cheltenham, Gloucestershire**  
**PROPOSED: Outline application for the erection of 1 dwelling**

I refer to the above outline application for the erection of 1 dwelling at Land Off Harp Hill, Charlton Kings, Cheltenham, Gloucestershire together with Drawing No B/SFPHarpHill.0/01 Rev B, Planning and the Design and Access Statement.

**Visibility**

Harp Hill is a Class 4 road subject to a speed restriction of 30mph. Therefore the default Visibility Splays required for a Class 4 road subject to a speed restriction of 30mph requires Visibility Splays x-distance (m) 2.4m & Y-distance (m) 54m for the proposed access. Having considered the proposed access and the road usage a Visibility Splays x-distance of 2m is not acceptable for the proposed access.

I note Drawing No B/SFPHarpHill.0/01 Rev B shows achievable Visibility Splays for the proposed access being an x-distance of 2.4m & Y-distance 13m to the west of the access and x-distance 2.4m & Y-distance 42m to the east of the access. Visibility of 54m can be achieved to the west over third party land, however visibility of 54m cannot be achieved to the east, even over third party land. Therefore a speed survey is required to determine if the deemed to satisfy visibility standards of 54m can be relaxed. If actual vehicle speeds are shown to be below 34mph, the 54m visibility splay requirement can be reduced, which MAY result in the access being acceptable, subject to the LPA accepting visibility splays over third party land.

Should the applicant seek to secure rights over adjoining private land to achieve the required visibility, a Section 106 agreement would be need to be entered into (with a negatively worded condition) so as to secure that the area between the splays and the carriageway shall be reduced in level and thereafter maintained so as to provide clear visibility between those points at a height of between 1m and 2.1m above the adjacent carriageway level.

**Note to Planning Officer**

The LHA would recommend a negatively worded condition requiring visibility splays to be provided prior to any other development commencing, the visibility splay would cross third party land, therefore the applicant will have to enter into a sc106 agreement with the adjacent landowner to ensure that the splays are maintained.

**Access Driveway – Passing Spaces**

I note Drawing No B/SFPHarpHill.0/01 Rev B shows a passing place near to the proposed new garage and parking area. Although the provision of this passing space provides for vehicles 2 vehicles to pass when travelling in opposite directions, it would appropriate that in addition a passing space is provided as close to the junction as possible. In this way vehicles 2 vehicles will be able to pass as close to the junction as possible and will subsequently reduce the probability of vehicles reversing out onto Harp Hill. This parking space would need to be at least 6m in length however to accommodate service vehicles it would be preferable that up to 12m be achieved.

I refer to the above outline application for the erection of 1 dwelling at Land Off Harp Hill, Charlton Kings, Cheltenham, Gloucestershire together with Drawing No B/SFPHarpHill.0/01 Rev B, Planning, and the Design and Access Statement, I **recommend that this application be refused on highway grounds for the following reason(s):-**

**The existing vehicular access is located at a point along Harp Hill where visibility is severely restricted and the intensification in use of that access would increase highway dangers and hazards contrary to the interests of highway safety and paragraph 32 of The Framework.**

Informative

More favourable consideration maybe given if :-

A speed survey is undertaken in accordance with DMRB TA22/81 to determine the actual vehicle speeds and therefore the necessary visibility splays, commensurate with the speeds.

Yours sincerely,

*Owen Parry*

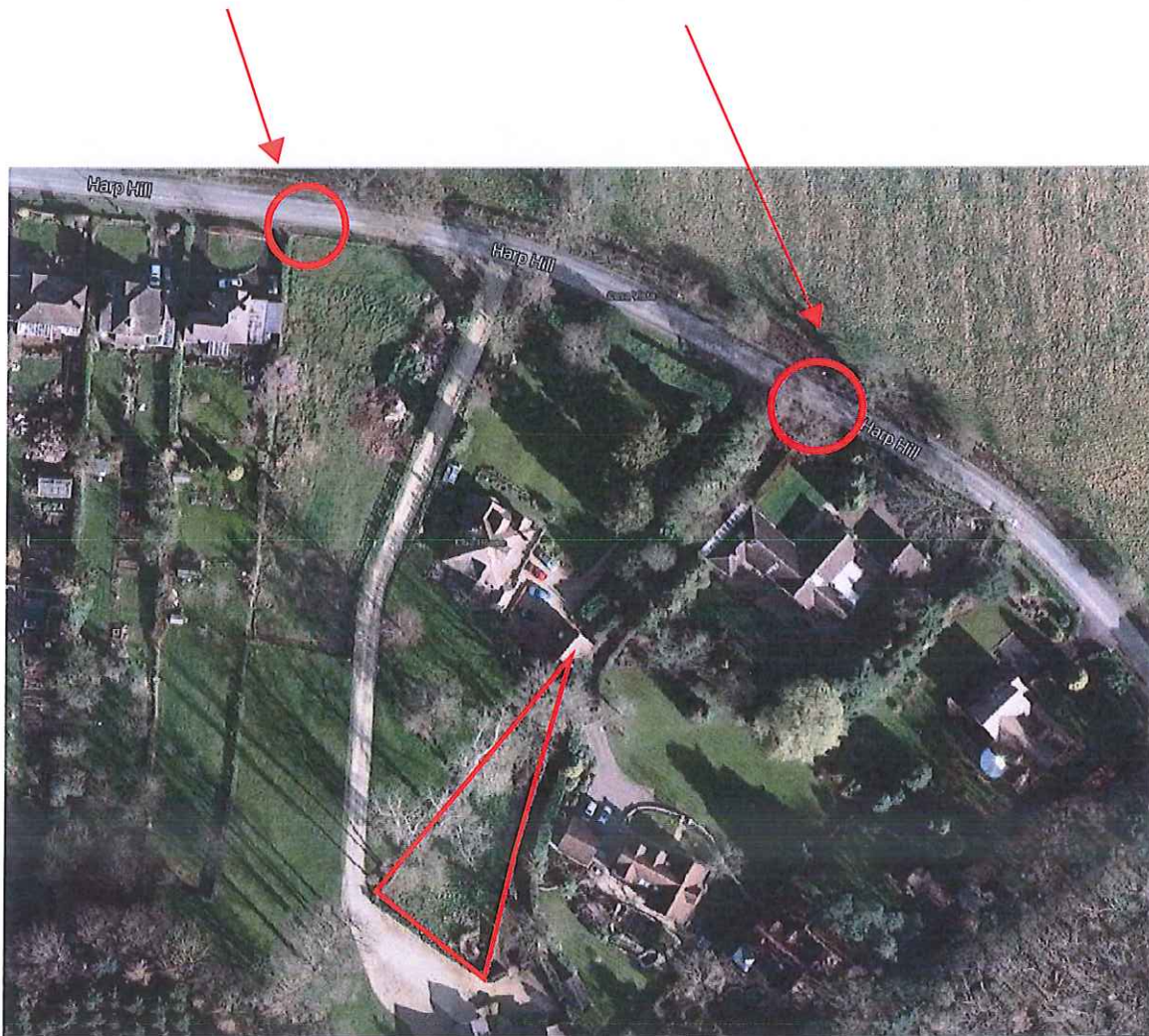
Owen Parry  
Development Management

Page 71  
Planning Committee 20 Nov 2014  
Agenda Item 6.b)  
Land off Harp Hill  
Application ref. 14/01612/OUT

**Impact on the Cotswold AONB**

Location from where  
photograph was taken.  
Location A.

Location from where  
photograph was taken.  
Location B.



Application site edged in red



Location A

Existing view of the application site from location A.



Proposed view of the application site from location A with proposal superimposed onto image.



N.B. It is important to mention that the open space at the forefront of this image has an extant planning permission (ref. 08/00485/FUL) for the erection of a 4 bedroom bungalow and garage. This is also located within the Cotswold AONB.

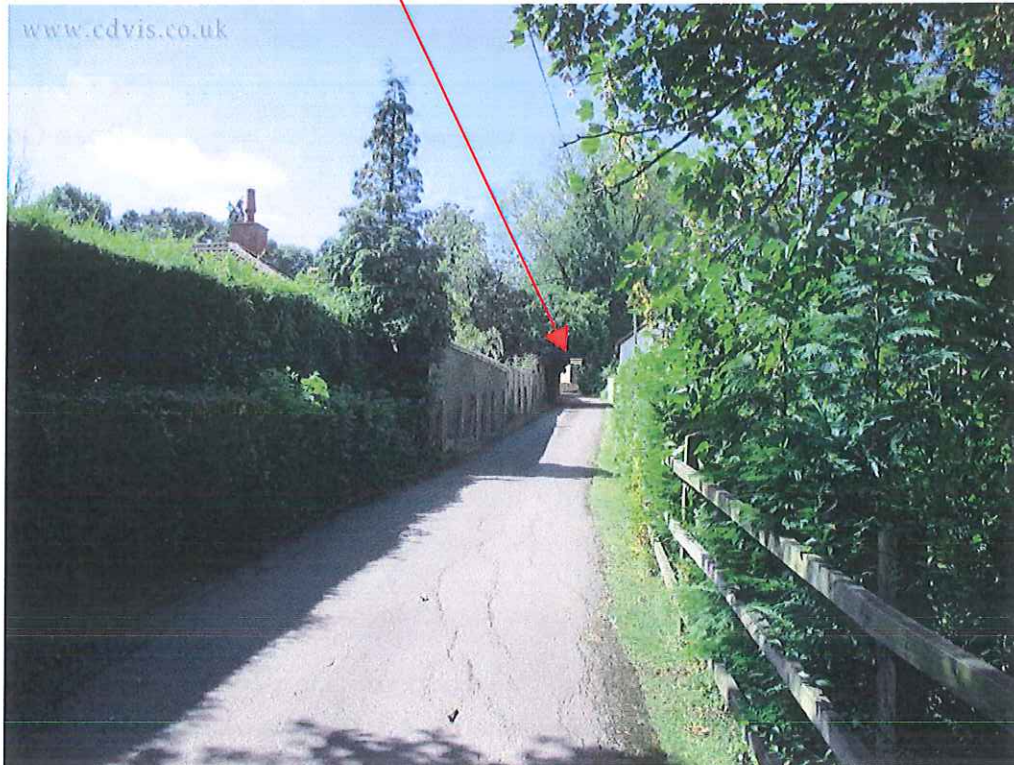


Location B

Existing view of the application site from location B.



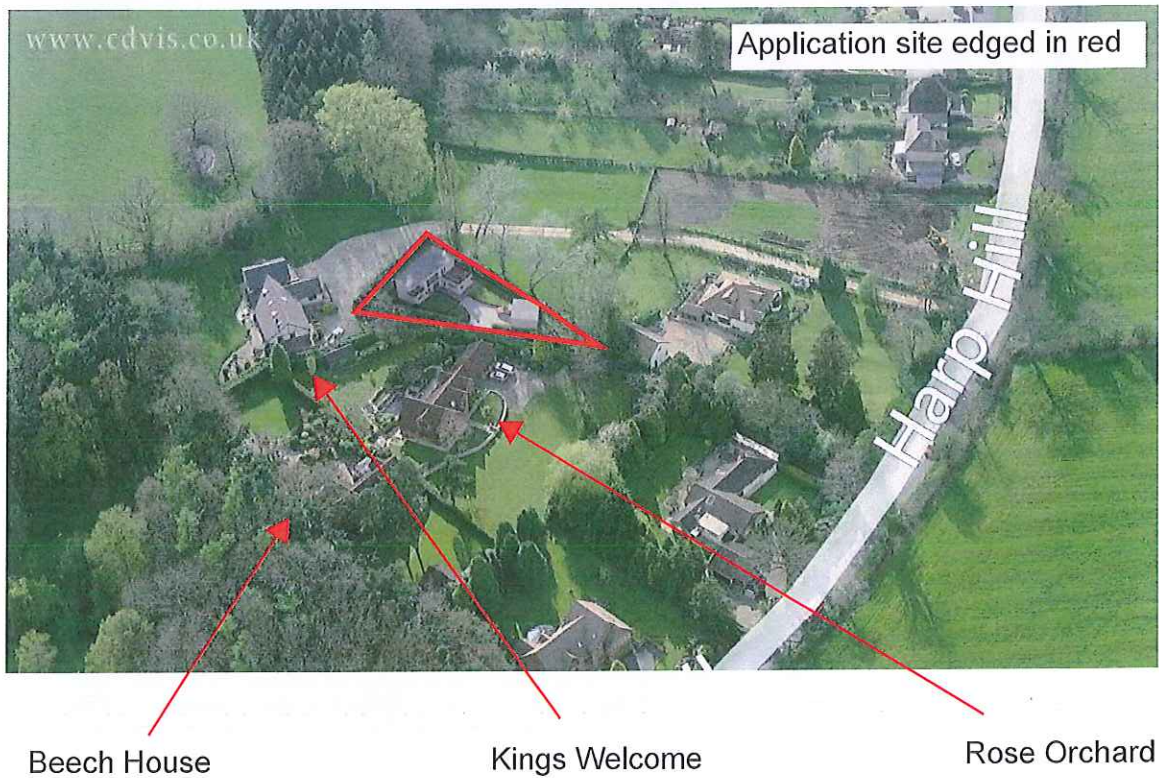
Proposed view of the application site from location B with proposal superimposed onto image.





**Grain/Pattern of Development**

Aerial view of the site, with the proposed dwelling superimposed onto the application site. The grain/pattern of development is not restricted to frontage development, as displayed by the location of Kings Welcome, Rose Orchard and Beech House. It is clear the distribution of properties are scattered and the proposal corresponds with the pattern of development.





## Visibility Issues

Photo taken from the access from a distance 2 metres back from the edge of the carriageway:



White-topped bollard in verge on opposite side of road

Photo taken from bollard looking back up to the access:



The distance is approximately 90 metres. The 54 metre point is here (see aerial view below).



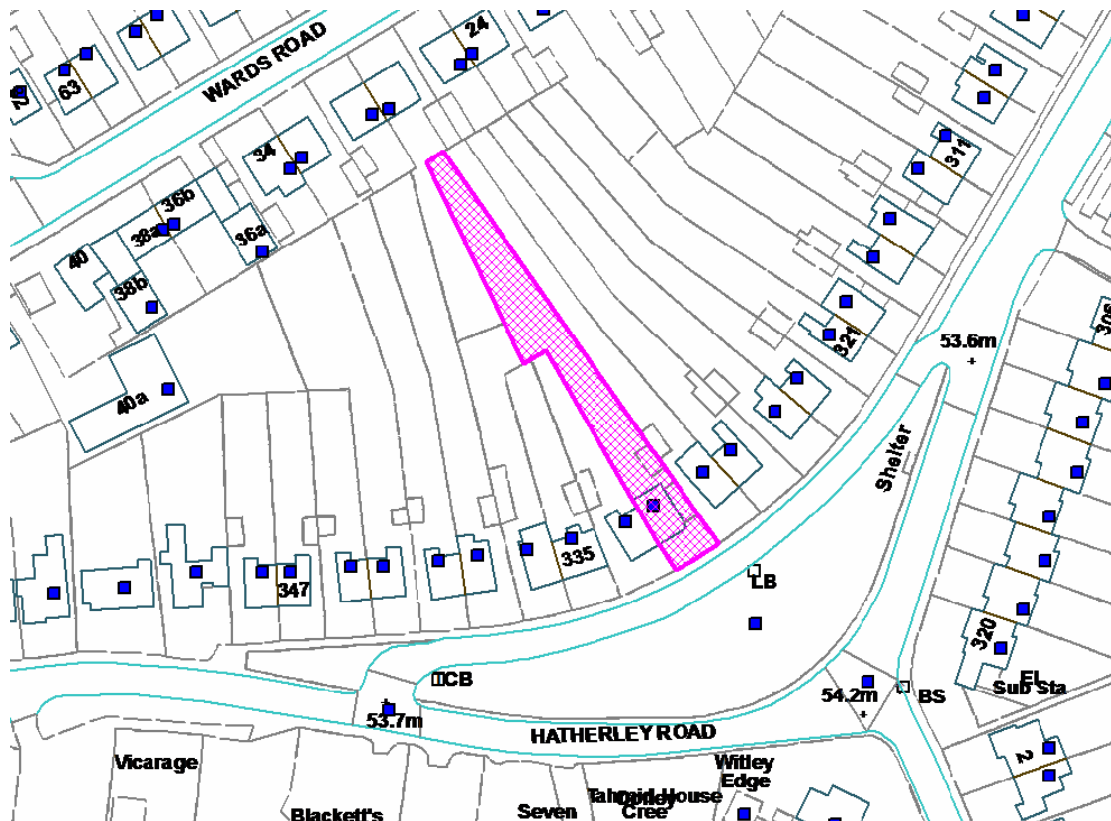
Aerial photo showing 2 metre x 54 metre visibility splay (a greater distance can be achieved):



The photos above show the canopy of the tree does not hinder visibility.

<b>APPLICATION NO:</b> 14/01667/FUL	<b>OFFICER:</b> Miss Chloe Smart
<b>DATE REGISTERED:</b> 17th September 2014	<b>DATE OF EXPIRY:</b> 12th November 2014
<b>WARD:</b> Up Hatherley	<b>PARISH:</b> Up Hatherley
<b>APPLICANT:</b>	Mr And Mrs Perks
<b>AGENT:</b>	Phillip Thomas - Architect
<b>LOCATION:</b>	331 Hatherley Road, Cheltenham
<b>PROPOSAL:</b>	Erection of entrance porch, two storey side extension and part two storey and single storey rear extension (Following demolition of single storey rear extensions, detached rear garage and side car port)

**RECOMMENDATION:** Refuse



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## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application proposes the erection of a two storey side extension as well as a part single storey, part two storey extension to the rear of the dwelling. It is also proposed to construct a porch to the front of the property.
- 1.2 The application site is a semi-detached dwelling and forms part of a series of houses which front on to an area of public open space.
- 1.3 The application is before planning committee at the request of Cllrs McKinlay and Whyborn. The reason given is to allow the application to be fully discussed by the Committee, thereby ensuring a full democratic airing.
- 1.4 Members will visit the site on planning view.

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

### Constraints

None.

### Relevant Planning History

#### **14/00063/PREAPP 4th February 2014 CLO**

Erection of two storey side and rear extension, together with single storey rear extension (Also includes removal of car port and rear extensions)

#### **14/00999/FUL 17th July 2014 WDN**

Erection of entrance porch, two storey side extension, single and two storey rear extension (Following demolition of single storey rear extensions, detached rear garage and side car port)

## 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

### **Parish Council**

*17th September 2014*

This appears to be a substantial alteration but we have no objection providing it meets all the planning criteria. However, should any neighbour object then we would be grateful if you would let us know in which case we may reconsider our view.

**Gloucestershire Centre For Environmental Records**

*24th September 2014*

Report available to view on line.

**5. PUBLICITY AND REPRESENTATIONS**

Number of letters sent	<b>4</b>
Total comments received	<b>0</b>
Number of objections	<b>0</b>
Number of supporting	<b>0</b>
General comment	<b>0</b>

- 5.1** Four letters were sent to neighbouring properties to publicise the application. No representations have been received in response to this publication, although members should be made aware of the fact that the application was accompanied with two letters of support from the immediate neighbours on either side of the application site.

**6. OFFICER COMMENTS**

- 6.1** Officer comments will follow by way of an update to this report.

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<b>APPLICATION NO:</b> 14/01667/FUL		<b>OFFICER:</b> Miss Chloe Smart	
<b>DATE REGISTERED:</b> 17th September 2014		<b>DATE OF EXPIRY:</b> 12th November 2014	
<b>WARD:</b> Up Hatherley		<b>PARISH:</b> Up Hatherley	
<b>APPLICANT:</b>	Mr And Mrs Perks		
<b>AGENT:</b>	Mr Phillip Thomas		
<b>LOCATION:</b>	331 Hatherley Road Cheltenham Gloucestershire		
<b>PROPOSAL:</b>	Erection of entrance porch, two storey side extension and part two storey and single storey rear extension (Following demolition of single storey rear extensions, detached rear garage and side car port)		

## Update to Officer Report

### 1. OFFICER COMMENTS

#### 1.1. Determining Issues

- 1.2. The main considerations relating to this application are the design and the impact of the proposal on neighbouring amenity.

#### 1.3. Design

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

- 1.5. The application dwelling is a semi-detached property with generous space to the side. The neighbouring dwelling at no. 329 Hatherley Road has not extended to the side and therefore there are no issues relating to the loss of any important visual gap between properties.

- 1.6. The Supplementary Planning Document: Residential Alterations and Extensions emphasises the importance of subservient extensions to existing dwellings; it is one of the five basic design principles. The guidance states;

- 1.7. *An extension should not dominate or detract from the original building, but play a 'supporting role'.*

- 1.8. Having assessed all elements of the application in its current form, officers consider the proposal is contrary to the adopted guidance in relation to residential extensions.

- 1.9. The proposed two storey side extension projects 2.7 metres from the side wall of the original property. The principle of this extension is considered acceptable. Members will be aware that the SPD referred to above advises that two storey extensions are required to be set back from the front elevation of the property. More specifically, the guidance relating to side extensions to semi-detached properties *normally* requires a recess of at least one metre.

- 1.10. The purpose of the set back is to ensure the evolution of the parent dwelling is understood. In this instance, the applicant proposes a set back of 550 mm which is less than the standard requirement within the SPD. Having considered the proposal, officers are of the view that this is an instance in which the guidance allows for flexibility. Firstly, the applicant has proposed a set back, albeit less than one metre; but this still ensures the

extension can be differentiated from the parent dwelling. Secondly, the original property benefits from a generous eaves overhang, which extends beyond the projecting bay at the front. The importance of this is that the side extension reads as a more subservient addition than it would without this roof overhang. Finally, the side extension still achieves a generous reduction in ridge height to the parent dwelling as a result of the deep overhang of the original roof and therefore would be clearly distinguishable as a later addition.

- 1.11. In light of the above, whilst it is not truly compliant with the guidance within our SPD, on balance and as a stand alone entity, the proposed side extension is considered acceptable.
- 1.12. In addition, the applicant proposes a porch to the front of the property. This would be positioned within the recess between the bay window and projecting ground floor garage proposed. The overall scale and design of this aspect of the proposal is considered to complement the character of the original property and respect the surrounding street scene.
- 1.13. The proposed two storey rear extension would extend 4.95 metres beyond the rear wall of the original property and would have a width of 5 metres. The applicant has engaged in pre-application discussions regarding extensions to the application site. Throughout this process and also as part of a previously withdrawn application, officers have consistently raised concerns about the overall scale and mass of the rear extension in particular.
- 1.14. As a result of these discussions, the proposal has been reduced in size and improvements made to the overall design, but officers consider the proposed two storey extension remains overly large and would overwhelm and dominate the building, contrary to the guidance.
- 1.15. In the context of the original dwelling, the two storey element of the rear extension would have a width only 750 mm less than the original property itself. In addition, the submitted floor plans demonstrate the proposed rear bedroom would be considerably larger than any of the existing bedrooms in the property, thereby suggesting the original proportions of the dwelling have not been respected as part of this proposal.
- 1.16. The ground floor of the proposed extension would project 6.1 metres from the rear wall of the original property (4.7 metres from the rear wall of the existing single storey extension). Officers have considered this aspect of the proposal and as a standalone, this is acceptable. The neighbouring property has a generous single storey rear extension and therefore there would be no amenity issues arising from this aspect of the proposal.
- 1.17. Throughout the pre-application process and the previously withdrawn application, the applicant has been advised on the adopted guidance and whilst some changes have been made, these do not overcome the concerns previously raised. Officers are fully supportive of the principle of extending this property and this has not been in dispute throughout the pre-application and planning application process. Indeed, within this report there is recognition that certain elements of the proposal are acceptable as standalone extensions.
- 1.18. Notwithstanding this, officers are unable to support the overall scale of the two storey rear extension in its current form. It fails to comply with the relevant policy and guidance in terms of responding to and not dominating the scale of the original dwelling. The extension would be significantly larger than those permitted to similar dwellings in the locality and would overwhelm the original property.
- 1.19. In light of all of the above, the proposal is considered unacceptable in design terms, fails to comply with Local Plan Policy CP7 and the adopted SPD.



### 1.20. **Impact on neighbouring property**

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

1.22. There have been no letters of representation received in relation to the application. Whilst no letters of objection have been received, officers have visited the site and considered the proposal from an amenity perspective.

1.23. The adjoining property benefits from a single storey rear extension. As a result of this existing extension, the proposal does not fail the light test. This confirms there would be no unacceptable loss of light to the neighbouring properties.

1.24. Notwithstanding this, it is the overbearing impact of the extensions which is considered unacceptable. This would be slightly mitigated by the existing extensions to the neighbouring property; however, officers consider the overall scale and mass of the rear extension would be oppressive and imposing. As such, the two storey rear extension would fail to protect the existing amenity enjoyed by neighbouring properties, contrary to Local Plan Policy CP4.

### 1.25. **Ecology**

1.26. 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.

## 2. **CONCLUSION AND RECOMMENDATION**

2.1. To conclude, officers are firmly of the view that the proposed extension fails to comply with local plan policy CP7 and the advice contained within the supplementary planning document titled 'Residential alterations and extensions'. The proposal fails to respond to the original dwelling in terms of its scale and massing, and therefore lacks the necessary subservience.

2.2. The principle of extending the original dwelling is not disputed; however the current proposal does not comply with the relevant policies and is therefore not an acceptable means of extending this property.

2.3. Finally, despite a lack of objection from neighbours, the proposed two storey rear extension would have an oppressive and overbearing impact on the adjoining property, by virtue of its scale and mass.

2.4. It is recommended that members resolve to refuse planning permission based on the analysis set out within this report, and for the reason set out below.

## 3. **REFUSAL REASONS**

- 1 The cumulative impact of the proposed extensions is considered harmful to the character of the original dwelling, by virtue of their overall scale and mass.

In particular, the proposed two storey rear extension is considered is overly wide and deep, which as a result, lacks subservience to the original dwelling and would have an overbearing impact on the neighbouring properties.

The proposed development would therefore be contrary to the Council's Supplementary Planning Document titled 'Residential Alterations and Extensions' (Adopted 2008) , together with the aims and objectives of Local Plan Policies CP4 and CP7, and national guidance set out within the NPPF.

### **INFORMATIVES**

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

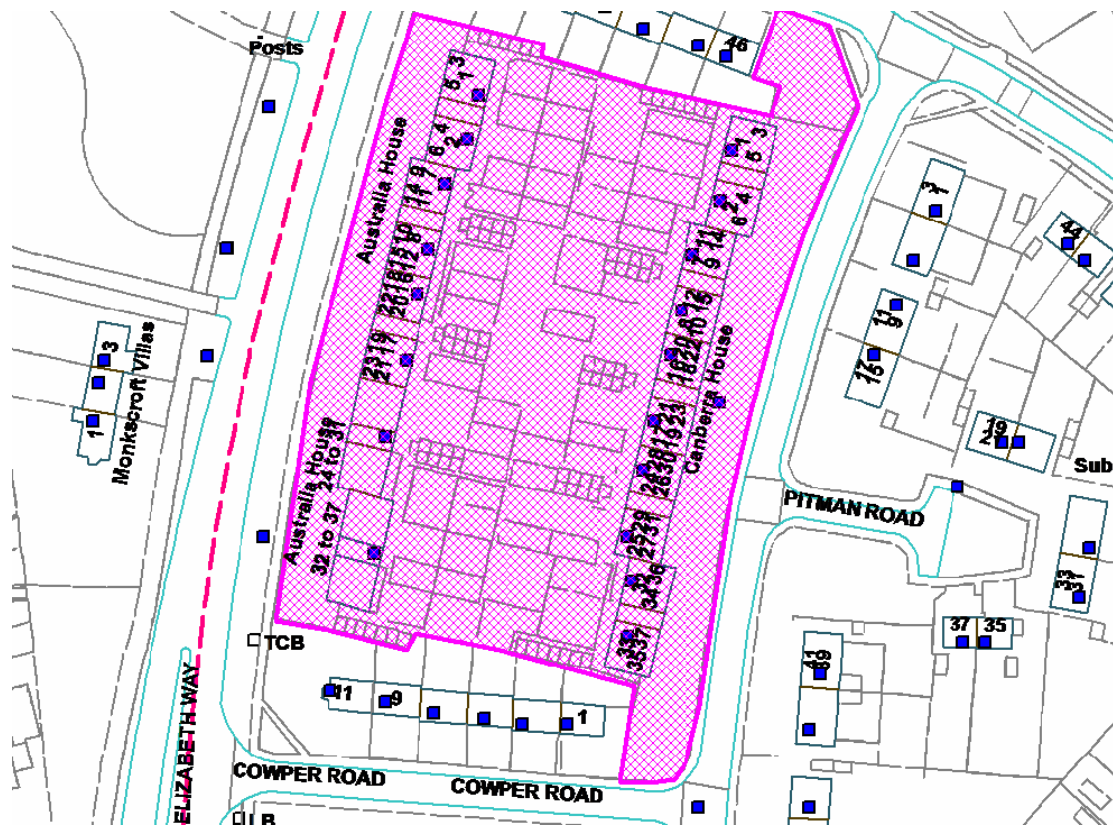
At the heart of this positive and proactive approach is the authority's pre-application advice service for all types of development. Further to this however, the authority publishes guidance on the Council's website on how to submit planning applications and provides full and up-to-date information in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

In this instance, having had regard to all material considerations, the authority cannot provide a solution that will overcome the design and amenity concerns with this development.

As a consequence, the proposal cannot be considered to be sustainable development and therefore the authority had no option but to refuse planning permission.

<b>APPLICATION NO:</b> 14/01812/FUL	<b>OFFICER:</b> Mr Ben Hawkes
<b>DATE REGISTERED:</b> 13th October 2014	<b>DATE OF EXPIRY:</b> 8th December 2014
<b>WARD:</b> St Marks	<b>PARISH:</b>
<b>APPLICANT:</b>	Cheltenham Borough Council
<b>AGENT:</b>	Cheltenham Borough Homes
<b>LOCATION:</b>	Australia House, Princess Elizabeth Way, Cheltenham
<b>PROPOSAL:</b>	New soil pipes to Australia House and Canberra House

**RECOMMENDATION:** Permit



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## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site is a development of flats comprising 10 blocks in two separate rows on the east side of Princess Elizabeth Way, between the side roads of Cowper Road and Shelley Road.
- 1.2 This application seeks planning permission for the installation of 2 external soil and vent pipes on the rear of each block to replace the current internal pipes which are beyond repair. To replace them in situ would require the residents having to be temporarily re-housed whilst the works were being carried out.
- 1.3 The application is before committee as the Local Authority own the site.

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

### Constraints

None

### Relevant Planning History

**03/00080/GDO 14th March 2003 PRIOR**

(Grass verge opposite Australia House) Installation of a 12.5m telecommunications column with internal antennae and 2 no. equipment cabins at ground level

**04/01567/FUL 5th August 2011 DISPOS**

External encapsulation works to include roof refurbishment and UPVc fascia and rainwater goods

## 3. POLICIES AND GUIDANCE

### Adopted Local Plan Policies

CP 4 Safe and sustainable living

CP 7 Design

### National Guidance

National Planning Policy Framework

## 4. CONSULTATIONS

**Gloucestershire Centre For Environmental Records**

*17th October 2014*

Report available to view on line.

## 5. PUBLICITY AND REPRESENTATIONS

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

- 5.1 The application was publicised by way of a site notice erected at the site. No responses have been received.

### 6. OFFICER COMMENTS

#### 6.1 Determining Issues

The key issues in determining this application are considered to be the visual impact and the impact on neighbouring properties.

#### 6.2 The site and its context

The blocks which make up Canberra House and Australia House are a common design in this area and match that of similar blocks in the area such as Hobart House which is the next block further north on Princess Elizabeth Way.

The views of the rear of the buildings from the public areas/highways in the locality are limited due to the two blocks within this application being back to back with a communal open area for the use by residents in between.

#### 6.3 Design and layout

There are a number of drain pipes on the rear elevations of these buildings, the proposed soil and vent pipes will be seen in the context of these. Whilst the addition of these soil and vent pipes will be visible on the exterior of the property it is not considered that this is harmful to the visual amenities of the locality, particularly as the proposed works are at the rear of the buildings with limited views of these elevations.

#### 6.4 Impact on neighbouring property

The row of houses at each end of the blocks running along Cowper Road and Shelley Road will have a view of the proposed pipes but it is not considered that this will result in any adverse impact upon their residential amenity.

#### 6.5 Other considerations

The proposed works are necessary in order to upgrade the existing services which are deteriorating due to age. This application is the latest in a number of similar applications which are being made to improve local authority housing.

#### 6.6 Environmental Impact

- 6.7 Whilst records show that important species or habitats have been sighted on or near the application site in the past, it is not considered that the proposed small scale development will have any impact on these species.

### 7. CONCLUSION AND RECOMMENDATION

- 7.1 For the reasons outlined above the application is considered to be acceptable and is therefore recommended for approval.

### 8. CONDITIONS / INFORMATIVES

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.  
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The development hereby permitted shall be carried out in accordance with drawing numbers 1812.01 and 1812.02 received 3rd October 2014.  
Reason: To ensure the development is carried out in strict accordance with the approved drawings.

### **INFORMATIVES**

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

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

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