



## Notice of a meeting of Planning Committee

**Thursday, 19 February 2015  
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, Adam Lillywhite, 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 - 18)
6. **PLANNING/LISTED BUILDING/CONSERVATION AREA  
CONSENT/ADVERTISEMENT APPLICATIONS,  
APPLICATIONS FOR LAWFUL DEVELOPMENT  
CERTIFICATE AND TREE RELATED APPLICATIONS**
  - a) **14/01304/FUL One Stop Shop, Alma Road** (Pages 19 - 72)
  - b) **14/01423/FUL 391 High Street - DEFERRED** (Pages 73 - 96)  
DEFERRED to March Planning Committee
  - c) **14/01586/LBC 159 Fairview Road** (Pages 97 - 124)
  - d) **14/14/02039/COU Land adjacent to 6 Saville Close** (Pages 125 - 130)

e) 14/02174/FUL 7 Keynsham Road

(Pages 131 - 140)

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

**Contact Officer:** Judith Baker, Planning Committee Co-ordinator,  
**Email:** [builtenvironment@cheltenham.gov.uk](mailto:builtenvironment@cheltenham.gov.uk)







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## Planning Committee

22<sup>nd</sup> January 2015

### Present:

#### Members (15)

Councillors Barnes, Chair (GB); Fletcher, Vice-Chair (JF); Babbage (MB); Baker (PB); Chard (AC); Clucas (FC); Fisher (BF); Colin Hay (CH); Lillywhite (AL); McKinlay (AM); Seacome (DS); Stennett (MS); Sudbury (KS); Thornton (PT).

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

Present as observers: Councillors Flynn, Rowena Hay and Coleman.

#### Officers

Tracey Crews, Head of Planning (TC)  
Martin Chandler, Team Leader, Development Management (MC)  
Lucy White, Planning Officer (LW)  
Victoria Harris, Planning Officer (VH)  
Karen Radford, Heritage and Conservation Manager (KR)  
Wendy Tomlinson, Heritage and Conservation Officer (WT)  
Chris Chavasse, Senior Trees Officer (CC)  
Mark Power, Gloucestershire Highways (MP)  
Cheryl Lester, Legal Officer (CL)

#### 1. Apologies

Councillor McCloskey.

#### 2. Declarations of interest

There were none.

#### 3. Declarations of independent site visits

Councillor Fisher – was not on Planning View but has visited Pittville Campus and The Royal Oak.  
Councillor Walklett – has visited Pittville Campus several times in the last few days.  
Councillor Lillywhite – viewed 27 Arle Road independently, as missed it during Planning View.

#### 4. Public Questions

There were none.

#### 5. Minutes of last meeting

Resolved, that the minutes of the meeting held on 18<sup>th</sup> December 2014 be approved and signed as a correct record *with the following correction*

Page 1: **2. Declaration of Interest: 14/01276/OUT Land off Stone Crescent:** Councillor Babbage – personal only – plays team ~~football~~ rugby at King George V Playing Field, adjacent to the site.

## 6. Planning applications

Application Number:	<b>14/01928/FUL</b>
Location:	<b>Pittville Campus, Albert Road, Cheltenham</b>
Proposal:	<b>Erection of a student village incorporating 603 new-build student bedrooms, the refurbishment of the existing media centre (which will include a reception/security desk, a gym, retail facilities, multi-faith area, refectory and bar, quiet study area, laundrette, ancillary office space), and the provision of a mixed use games area. In addition, the proposal involves the demolition of existing teaching facilities, 23 existing rooms and the retention and refurbishment of 191 existing student rooms.</b>
View:	<b>Yes</b>
Officer Recommendation:	<b>Refuse</b>
Committee Decision:	<b>Defer</b>
Letters of Rep: 153	Update Report: <b>Officer comments; letter to Members from GFirst LEP; additional representations</b>

**LW** introduced the application as above, for a student village comprising 794 student bedrooms in seven new accommodation blocks, with on-site ancillary facilities and support services, and demolition of all existing buildings other than the Media Centre and all but one of the existing halls of residence. The proposal was subject to pre-app discussion, but officers felt more could have been made of this stage of negotiations. They feel the application was made too early, particularly as Officers and the Architects Panel have significant reservations regarding design, impact on local amenity, the number of students proposed on site and their management, and weaknesses in the draft Transport Statement and Travel Plan documents. Officers were keen to continue pre-app discussion, but the University submitted its application in October, due to deadlines imposed on it by the funding bid for the project.

CBC and Highways officers have spent a great deal of time since then prioritising the application to progress it to a point where Officers felt they could support it, but there are still significant concerns re design and amenity, as well as outstanding highway issues.

The University has recently put forward an economic argument in support of its application, identifying its direct and indirect benefits to the local and regional economy, emphasising the importance of the proposed additional accommodation for the continuing success of the University in an increasingly competitive market. They also highlight the potential for future investment and improvements to existing teaching facilities which would be funded largely by the capital receipt released as a result of the proposed development. In addition, the University has identified the timescale problems and uncertainties moving forward which are associated with the funding package for the scheme, and for these reasons, considers that the economic argument should outweigh all other material considerations when determining this application.

Officers are aware of the importance of the University to the local economy and of increasing student numbers, but believe careful consideration must be given to the weight attached to the economic argument. For perspective, in an addendum to its application, the University states that current forecasts do not anticipate any financial cuts and expect modest growth in student numbers.

The Officer report identifies shortcomings in the proposed development in detail: lack of quality and robustness in architectural design, potential harm to neighbouring amenity, and outstanding highway/transport issues. Strategies and initiatives put forward by the applicant to control student behaviour are good in principle, but not sufficiently advanced and too reliant on existing schemes used by the University, giving rise to uncertainties about their effectiveness, appropriateness, enforceability



and long-term delivery. The conclusion reached by Officers is that the importance of the University to Cheltenham and the benefits of it gaining planning permission at this point do not outweigh other material considerations i.e. the long-term harm to the character and amenities of the locality. The principle of student accommodation on this site is acceptable, and Officers are confident that with more time and discussion with the applicants, a good scheme could be brought forward for this site, although, unfortunately, this doesn't fit in with the timescale of the funding bid for the development – we have simply run out of time. The recommendation is to refuse.

**Member debate:**

**Mrs Walker, on behalf of local residents, in objection**

Pittville is one of Cheltenham's finest and most sought-after areas, with period architecture and beautiful green spaces. Local residents are supportive of the University and welcome redevelopment of the site, but their strongly-held view is that the area will be spoilt because the scale and nature of this proposal is disproportionate to the area. The people in the immediate vicinity will suffer disturbance resulting from 800 young people living in a cramped site in the middle of a residential area – the number is too high for the location. Anti-social behaviour by existing students is not currently controlled by the University despite its claims, with 31 complaints filed in the last four months, and in any case, by the University's own admission, it cannot manage its students when they are off campus. If the development is permitted as proposed, the whole of Pittville and its park will be jeopardised – the high blocks are hideous and more suited to Pentonville than Pittville. Traffic is another concern – there will be additional buses, cars, bikes and pedestrians at all hours, all out of the University's control. Without adequate on-site parking, students and staff will park their cars on local residential streets, making them more unsafe. The proposal poses a serious risk to this part of the Cheltenham; we cannot afford to ruin Pittville, and there are better opportunities to grow the University elsewhere. Local residents have seen no evidence that the points they have raised have been taken into account in the consideration of this application, and have no confidence that their concerns will be taken seriously in future. Objects to the scheme on behalf of local residents; to permit it would defy the natural argument and be a grave error of judgement.

**Stephen Marston, Vice-Chancellor, on behalf of the University**

Finds the officers' reasons for refusal perplexing, as set out in his letter to Committee members. Despite conflicting views, the design reflects the function – student accommodation; it is fit for purpose and a huge improvement on what is there now, with more green space and less built footprint. The principle and massing is not contested by officers, and the University is happy to accept conditions relating to material and landscaping. On amenity, respects residents' concerns about potential disruption, but the site will accommodate just 10% of the total number of students; the University successfully manages student behaviour elsewhere and has provided a 90-page operational plan for this site. It's an impossible Catch 22 if the proposal is refused for 'uncertainties' about how it might work before the village is even created. On highways, good progress has been made with the Highways Authority, and the University will happily accept conditions on management of highways issues. Also, a lot fewer people will be using the site than when it was an Art School. The overarching judgement for the Committee is whether the scheme is in the overall interests of Cheltenham. It is; a dilapidated brownfield site will become an attractive, well-managed village, helping the University compete in the demanding higher education market by offering excellent student accommodation – which must be ready for the start of an academic year. The proposal is key to the University's future and the well-being of the borough: in voluntary and community activity, supporting arts and culture, spending power, bringing talented young people to study and work here, the University is part of a vibrant, prosperous, forward-looking future for Cheltenham. To achieve this, it needs Members' support as part of a long-term partnership working together in the interests of Cheltenham.

**Councillor Payne, on behalf of Pittville & Prestbury wards, in objection**

Speaks for local residents, who cannot support this inappropriate application. Student numbers has been a contentious issue from Day 1, when the applicants proposed 664 bedrooms; after the first consultation, the Vice-Chancellor said local residents' views had been taken into account, but the application now proposed 794 bedrooms. Residents conclude that the application is being driven by the developer; the University has stated that the number is not based on what the University needs but what the draft plan anticipates can be accommodated at the site.

There have been three energy statements; the third corrected errors in the first two. The proposal will put further strain on infrastructure, and the applicants do not have a clear response to this, stating that it is 'unknown' if there is spare capacity for electricity, that there 'should be' enough gas to supply the increased demand, and making no comment on the additional 40 million litres of water the proposal will require annually.

There have been issues surrounding transport from the start, and these have not been addressed. GCC has fast-tracked the application, but still has concerns with every issue. The required legal agreement cannot be drafted as the applicant has not supplied the necessary information. As a result, the Highways Authority recommends refusal due to insufficient information.

The poor design has been rightly criticised, with the Conservation and Heritage Officer stating that the proposal will harm the setting of the conservation area and locally indexed buildings. This makes the proposal contrary to the NPPF and Local Policies CP7 and BE11. The Architects Panel suggested seven salient points which would have improved the first submission, without adding any cost or time to the scheme, and regrets that none of these were considered in the revised plan. The Panel remains unable to support the proposal, and is increasingly disappointed with it.

These are just four examples from a plethora of reasons to refuse the scheme; others include the 'mad' response to concerns about site management, health and safety issues, and anti-social behaviour. The Committee should follow Officers' advice and refuse the application.

**Member debate**

**BF:** has several questions: would the additional 603 new bedrooms attract New Homes Bonus? How many would count towards the 5-year supply? Is the site in the conservation area? Could the existing buildings be modified to create accommodation blocks without planning permission if their outside appearance didn't change? Can contribution to public art be part of a condition?

**CH:** it would be useful to hear from the Highways Officer before we go much further, as understands there have been continuing discussion and some developments since he wrote his report, and some previous concerns have been addressed.

**LW, in response:**

- the 603 new bedrooms will not attract NHB, as this is based on council tax receipt;
- regarding the 5-year housing land supply, NPPG states that student accommodation can be go towards the Council's 5 year housing land supply, but the applicant has not submitted any detailed information on this matter and this has therefore not been considered further at this stage. In terms of off-setting the number of units to be included the point to remember is that students tend to live in shared accommodation and therefore the number of units would not equate to 603 new dwellings;
- the site is not in the Conservation Area, but on the edge of the conservation area; the boundary runs along the southern boundary of the site adjoining Pittville School;

- planning permission would be required to convert the existing buildings to student accommodation.

**BF:** was thinking about Rivershill House, and understood that buildings could be converted from other uses to residential as long as the outside of the building isn't altered – this was introduced by Grant Shapps.

**LW, in response:**

- Rivershill House was a very different scheme to the one proposed – an office conversion to residential accommodation; this is a change of use from D1 to C1, and therefore requires planning permission;
- to BF's last question, conditions have been used to secure public art in the past, but if a legal agreement is present it is normal practice to include public art as heads of terms of the s106.

**MP, in response:**

- as Members have heard, this has been an increasingly challenging application to deal with; he and LW have spent considerable time on it every day since it was submitted; he has well over 200 emails concerning the scheme;
- if all the required information were to be provided, can imagine the highway authority would probably be able to support the proposal, but it is all about managing, controlling and improving;
- more information has been coming in daily, up to and including this week, but there are still outstanding issues without which a final report cannot be produced. The comments in the Officer report were provided on 9<sup>th</sup> January, the last date MP could send his comments to LW, and were in line with the information provided up to that time;
- in a few more weeks, would probably have everything he needs to make a full recommendation, but these things take time, and need to be agreed with legal officers; the university did not do provide all the information it should have done and the application simply ran out of time.

**CH:** a lot of the Officer's recommendation to refuse seems to be based on student numbers. Officers have had a lot of discussions with the University over a long period – were there any discussions about numbers? If 800 is considered too many, what is acceptable? It is important to establish this before moving forward, as Officers are clearly content with the principle of student accommodation at this site.

Regarding loss of amenity due to student behaviour, it is speculation to assume that anti-social behaviour will increase with the number of students; there is no evidence that this will be the case or that the University will not be able to manage groups of students. The application shouldn't be refused on those grounds – the appeal decision quoted on Page 3 of the green update relates to this issue. It refers to not taking speculation into account; any refusal on those grounds should be based on evidence.

**JW:** is also concerned about the Officer response to the risk of anti-social student behaviour. In St Paul's ward, 45% of the residents are students, and although they may pose some problems, particularly in the first two months of the academic year, St Paul's has measures to curb and control this. The students live in shared houses, in an area not much bigger than the campus, which could make it more difficult to control, but there are ways of doing this. Students will be students, particularly when away from home for the first time, but on what premise are these assumptions about their behaviour made?

**AC:** to MP, notes that Gloucestershire Highways consider that there are access problems surrounding the site, yet the application for 650 homes at Leckhampton was supported and didn't

apparently pose any harm to the surrounding roads. There will be far fewer cars here. What is the difference?

**PT:** looking at the site plan, there doesn't appear to be any particular route that emergency vehicles can take. What is the situation regarding ambulances and fire engines? Surely there should be some consideration of that area.

**LW, in response:**

- to CH, regarding pre-app discussion of student numbers, at the second round of bidding, the applicant presented a proposal for 794 bedrooms which has increased from earlier numbers proposed by Uliving. Uliving had no discussion with officers about this number of students prior to this;
- regarding student numbers that would be acceptable to officers, this is a difficult question since it is not for officers to suggest numbers. It should be determined on the basis of the numbers that can be successfully managed on and off site. 794 is a large number; if the numbers were reduced by 100-200 for example it starts to feel more comfortable and manageable;
- the appeal case quoted in the letter to Members from the University was a very different scenario – far less units proposed, with approximately 200 students in a more town central area with a lot of existing student halls accommodation and close to University teaching facilities, shops and other local facilities. The students here would be more integrated in the local community.;
- to CH and JW, regarding the assumptions/prejudice about student behaviour, it can't be denied that there will be some disruption, noise and disturbance - it would be foolish to assume otherwise. There have been a number of complaints made to the environmental health team concerning the existing campus and others, and with increasing numbers of students, the level of complaints are likely to rise. The students on the Pittville Campus will be predominantly first year undergraduates, new to university, excitable – there will be problems;
- regarding how the University proposes to deal with this, there are schemes set out in principle and modelled on existing schemes operating at Park and Francis Close Hall campuses; these rely on student volunteers and local residents to patrol the area. We are told that these schemes are successful, and understand that about 20 volunteer patrol students are involved on certain nights of the week. A similar scheme is proposed at the Pittville site, but is 20 volunteers enough to cope with 794 students, how will this be modelled, managed, enforced and extended if necessary? Will other people be involved? How will the police monitor the situation? We are told that there is a police partnership agreement but lacks detail on to how long this provision will last, how it will be delivered and allow for mitigation measures. Is it enforceable? If there are 20 students in the patrol group for example, how will they be organised? Will they work in a group or split up, where will they be placed, at what times etc? There are still a lot of questions and uncertainties;
- to PT, officers have been advised that emergency vehicles can access the site from New Barn Lane and from Albert Road through the access gates – these are wide enough.

**MP, in response:**

- it's not shown on the drawing, but highways officers have checked the tracking of a fire engine to the middle of the site and it is not an issue; to AC, the issue is not traffic impact as the fall back position has higher vehicle trips, the main outstanding issues are:
- (1) the 120 post-graduate students who would live on the Campus – many of them will need cars to access their teaching placements. The University arranges car sharing but there are only 15 car parking spaces provided on site, and no details as to how the other students will manage; a worst case scenario is that all 120 post-graduate students will have access to a car;
- (2) the University proposes a night-time shuttle bus, but has provided no details as to how this will be secured, where it will pick up, what the timetable will be;

- (3) three types of car-parking arrangements are proposed for staff, students, visitors etc, but these don't match up;
- (4) the proposed cycle parking is in the wrong place on the edge of the site – it should be more towards the centre – and more cycle parking is needed to encourage students to use bikes;
- (5) the travel plans need to be re-written; the legal agreement needs to be re-written; routes to the town centre, Francis Close Hall and the Park Campus need to be improved and to link in with traffic modelling in the town.

**PB:** notes that the refusal reason 2 states that 794 students on this site is excessive and will result in significant movements across the town in different directions and at different times of day. Yet in 2011, 1300 students and 200 staff were using the site – so the current proposal would mean far fewer people using the site.

**KS:** regarding the type of accommodation, are any flats or houses provided for students with children, living in family units? Mature students often end up living off-site and missing out on a lot of university life. They can be a civilising factor.

**AL:** regarding the transport plan and cycle routes, notes a contra-flow would be needed on the northern end of Rodney Road. How can that stretch of road be widened to accommodate this?

**LW, in response:**

- to PB, refusal reason 2 refers to movements across town – it is a matter of modes and patterns of student travel. There may be fewer movements overall, but these could be more concentrated, with a large proportion of the 794 students leaving the site in the morning peak flow period. There would also be a lot of evening movement and weekend activity, which there wasn't previously; a student village will create different patterns of travel, 7 days a week and into the evenings;
- to KS, there is no accommodation for families; there are studio apartments, but these are proposed for single occupancy.

**MP, in response:**

- to AL, under the transport plan, the contra-flow is an order that will allow cyclists to go against the movement of the rest of the traffic – this is common practice. The Cheltenham Transport Plan Traffic Regulation Order was debated by Members last week, and contra-flow was proposed for a short section of Rodney Road, to allow cyclists to cycle legally the wrong way. The road does not need to be widened. The aim is to create a series of safe routes for cyclists between Pittville, FCH, the town centre, and the Park campus.

**AL:** remains concerned about the width of the road and how it can accommodate the contra-flow.

**MP, in response:**

- reiterated that contra-flow is an order not widening, the High Street at the end of Rodney Road has a very wide section of footway. Part of the Transport Plan allows cyclists to be exempt from restrictions to cycle safely

**AL:** this doesn't explain how the width of Rodney Road can accommodate the contra-flow.

**MP, in response:**

- it will only be a short section – 10-15 metres – where the contra-flow order would be amended

**AL:** it will create a bottleneck – there will be safety issues here.

**MP, in response:**

- similar examples in other areas of the town, such as near to the hospital –a much longer stretch of contra-flow there, and it works well.

**AC:** LW clarified the question about accommodation, but we have been talking about the number of students in term-time. Is there any proposal for use of the accommodation outside term-time?

**MB:** regarding the town house – TH2 – on Albert Road, facing New Barn Lane – do the entrances and exits face out of the site?

**LW, in response:**

- students would enter into 41-week tenancy agreements; during holiday times (Christmas, Easter, Summer) most of them will return to their parental home. During the summer break maintenance will be carried out, some international students may stay in residence until the next academic year and the site may be used for conferences and summer schools, but with the same tenancy agreements as in term time and the no car policy;
- to MB, the front doors of TH2 face Albert Road.

**CH:** is somewhat surprised by the refusal and some of the grounds for it. If the University chose to start teaching again on this site, the number of movements, disruption, and loss of amenity would be worse. The proposal is designed as a village - it has coherence; would guess a lot of students will stay on campus, and there will be amenities there to encourage them to stay. Regarding the number of movements, operating as a college building would result in a lot more concentrated movement, with lectures and classes starting at different times of day.

Regarding the adverse effect on the area of so many students, nothing has been said about the positive aspects. Students get involved in volunteering, and may well end up joining the Friends of Pittville Park rather than destroying it. Local residents are concerned about disruptive students, and have made much of the extra crime and disorder, but the local police inspector has publicly supported the proposal, and must have good reason for that.

Regarding the numbers of students on site, there has to be a balance, and it is all a question of what can be achieved in the development. It will be a private development, and there will be people concerned with running and looking after the site to their best ability. Accepts that there are a number of outstanding issues, but the scheme as proposed works as a unit – if we ask for the numbers to be reduced, it will be diminished. Doesn't know what is or isn't acceptable or what financially will or won't work, but this needs to be balanced. If the management plan is based on 800 students, it is safe to assume that 800 is the optimum number.

Members have received a letter from the LEP, in strong support of the proposal, stating and providing evidence of how vital the University is to the economy of the town. It makes a strong case regarding the timing of the application and how critical this is to its funding. There are issues surrounding the details of the plans, but MP has stated that he could support the proposal if the highways issues are sorted out. The details – including the Management Plan for the students, and legal agreements – can be put in place in due course, with a condition that the site is not occupied until then. In that way, we could give the permission which allows the University to go forward; otherwise a message could go out that Cheltenham is not supportive of its University and that its students are difficult to manage.

Cheltenham needs to evolve and change. There is evidence of the social and economic benefits of having students in the town, and we will refuse this proposal at our peril. We cannot preserve the town in aspic; it is evolving all the time, and students and the university add to the town, both culturally and economically. Rejects the Officer recommendation, and would like to move to permit, with conditions to cover all the issues which still need to be sorted out.

**GB:** understands a lot of what CH is saying but reminds Members that they are here to discuss planning issues. Members have commented on a lot of issues which they do not necessarily need to take on board.

**MS:** it goes without saying that the University brings economic benefits to the area, and letters from GFirst LEP and Martin Horwood have highlighted this. But these are not planning reasons to allow inappropriate development. Supports the Officer recommendation at this stage, and believes the refusal reasons could be strengthened, to include over-development regarding the use of the site – 800 extra students in one hit will change the character of this area of Pittville. All the houses along the road are privately-owned, family residences, many occupied by an ageing population; 800 students will alter the dynamic.

Regarding the design of the buildings, agrees with the letters – the internal lay-out isn't bad but the buildings along Albert Road look like prison blocks. There should be some scheme where relief can be included, in keeping with the area, to enhance the adjacent conservation area. Was surprised by the letter from the Vice-Chancellor – he says the village will prevent excessive numbers of students elsewhere in the town, but this is what the people of Pittville are worried about.

The applicant 'must try harder' - the proposal should be deferred and be brought back to Committee later. Local residents want to see the site developed sympathetically with the area. There are currently 200 students living there; maybe 200 could be added next year, and another 200 the year after that, allowing them to blend in with the community in a progressive way. 800 all in one go is wrong. The Officer recommendation is right; we should ask for something better to be brought back to the table.

**BF:** a lot of his points were covered by CH. There has been a lot of talk about the management of students, but there are 400 students living in the Park Campus, in a conservation area. Has been told by the ward councillor for The Park that they are wonderful, part of the community, get on well with locals, and The Park wouldn't be without them. Students aren't gorgons or yobs; they are the children of people like us, the pick of the education system. This application is for 603 additional students. The site is 1.3h, and the buildings will have a 50% smaller footprint than those currently on the site. There is also an application to demolish the existing buildings; this could take time, allowing a gateway for the outstanding issues to be sorted in tandem.

The Architects Panel gives no actual reason to refuse - design is very subjective. We should also consider Paragraph 72 of the NPPF, which states that a 'proactive, positive and collaborative approach' should be taken to expand or alter schools. Students are important to the future of our town and the country.

Reminds Members of the application at 1 Gloucester Road for accommodation for 188 students, with six parking bays - the Officer recommendation was to permit. That site is only 0.2h, but there was no issue about managing students there. The University manages its students well. The major issues in the town aren't caused by students.

The principle of development of this site is not in doubt – it is a brownfield site and it's inevitable that something will be built there. If we refuse permission and the University walks away, it could be developed with a large number of houses and flats. The site isn't in the conservation area and, in line with the large buildings in Albert Road and Evesham Road, 4-6 storey blocks of flats wouldn't be out of place.

**KS:** it's important that all Members are clear that this is a planning application: it isn't part of LEP, and Members aren't here to promote Gloucestershire's economy. This has to be borne in mind but the correct decision must surely be to balance social, environmental and economic issues. If these get out of balance, the decisions will be wrong – it is important to stress this. This planning application may have wider implications but that doesn't mean we should throw the Officer recommendation out of the window. If the application is turned down, it doesn't mean Cheltenham doesn't want or care about the University.

If the applicant wasn't the University, and a developer came to us with a scheme of similar design and occupancy, would we say OK, the town will fall apart without this? We wouldn't. Members are proud of the town and expect the best for it at all times. Is very concerned; Members need to consider the Officer recommendation very carefully, as Officers rarely give this kind of steer, and when they do, alarm bells should ring.

Some Members have said that students aren't badly behaved, but they aren't well-behaved either. They can be very rowdy and it's ridiculous to say that they don't cause problems. This proposal would result in too many students on too small a site.

In one month's time, some of the questions might have been answered, but the scheme is not ready to be voted on now. Wants the best for the town, and only wants to make a decision when all the issues have been dealt with. Will vote with the Officer recommendation; it is the right thing to do. Planning decisions are there for ever; if permission is granted, it can't be put right afterwards.

To the Vice-Chancellor's comment that form follows function, would say the site is in the historic Pittville Estate – we don't want it to look like Milton Keynes. Functionality belongs to different areas; life is messy, and it won't just be the local residents who have to pick up the pieces – the students will also suffer. The site is some distance from the other campuses, library etc – they will spend a lot of time travelling to and fro.

This isn't the right development for this location. We have to turn it down. Doesn't want the town preserved in aspic but wants the right kind of development. It is not CBC's fault that the funding deadline is as imminent as it is. We have to make a planning decision, not an economic one.

**JF:** agrees with KS, and cannot believe some of the Members' comments about students. This is a Planning Committee. Yes, we want the town to be vibrant and to encourage economic growth, but not at the cost of a good application. Understands that for 3-4 months, there was no discussion with the applicant, and that this was not the Officers' fault. Cannot go with this; the design is appalling. Wants the University to thrive, and welcomes its social and educational excellence, but this planning application goes against all we stand for. It is contrary to Local Policy CP7 and the NPPF, as stated by the case officer. The applicant has to go back to the drawing board. Is sorry if this means the University loses its hoped-for funding stream, but the application was submitted too late, and that is the applicant's fault, not ours.

**GB:** feels that we're in a position we'd rather not be in. The application has come to Committee with big gaps that need resolution. Maybe the issues can be sorted out, but to ask Members to vote with their hands behind their backs in order to satisfy an economic deadline is not what we are about, and we have to be very, very careful about how we view this application. If it was a fully reasoned application with good arguments, we would deal with it appropriately, but it would not be right for the future of the town and for the people living nearby to say yes because of pressure due to a financial situation. We have to get this right; respect for Planning Committee will be diminished if the application is not considered properly.



**CH:** we do need to take the economic issue into account, and it is appropriate that the Committee properly addresses the grounds for refusal, but there are ways of getting round those concerns with conditions. If the application is refused now, the opportunity is lost to the town, and there is no way of recovering it, but we do have a way of sorting out the detail so the University can go forward with its funding bid.

If we go back a few years, there were 1000 students using the building every day, and the Gulf Oil building was student residences before Gulf took over. The area was able to cope with all their movements in the past.

Is the number of students proposed now too high? Probably not. Is it too far away from the rest of the University? No, it was designed that way some time ago. There are good reasons to take all this into consideration. The design is not terrible; it is reasonable. The student numbers can be dealt with. It's very important to allow the University to seize this opportunity.

**GB:** this is an important application. If we give approval today and try to condition all we are uncomfortable with, we will be redesigning on the hoof without the necessary Officer support. This isn't the way to run planning applications; we have to do it properly. If applications don't come to us correctly, it is not for the Committee to redesign them. Members can and occasionally do permit a scheme they are more or less happy with by adding a condition, but it would be much more than a simple case of minor tweaking here.

**AM:** looking at the refusal reasons on Page 56, is perplexed. The design is described as crude, basic, monotonous, overbearing – there's not much room for interpretation here. In the pictures, the proposal looks similar to the Gloucester Road/High Street development, and the density is probably very similar – could we be accused of double standards here? The proposal is for 800 students on the site; if not for students, how many houses and flats and how many people would we be looking to accommodate on the site? Are concerns being exercised consistently?

Notes in Section 4 of the report the Highways Officer recommends refusal at this stage, pending various highway improvements and a legal agreement. We cannot approve a significant application if we cannot agree the S106 areas or amounts. Is struggling to see a sensible solution here. Notes that report states that a decision is needed by 23<sup>rd</sup> March, in order to secure funding for the scheme before the general election, but the world doesn't end on 7<sup>th</sup> May. There may be cuts but things will still function, similar initiatives will exist, and they might be even better.

There are issues which need resolution; we should not permit this proposal but should defer it, to allow more time to address officer issues, and come back with a more appropriate scheme which has been thoroughly worked through. Would say students receive a bad rap – was ward councillor for St Paul's for 14 years and had no particular problems with them. Will vote against the proposal if it comes to it, but would like to move to defer, pending resolution of the issues – otherwise we may end up throwing out the baby with the bath water.

**MC, in response:**

- a lot has been said and a lot of good points have been made;
- to CH's comments about the Architects Panel's seven salient points, these are not overly dissimilar to Officer thinking: the principle of developing this site is entirely acceptable and, as LW has said, maybe 800 students could be accommodated, but Officers are in a similar position to MP in that they simply ran out of time to consider the application thoroughly;
- the application was submitted three months ago; the first six weeks was spent extracting information from the applicant; by the beginning of December, Officers felt they had an application they could work with, and the re-consultation exercise began. The applicants wanted the proposal

to be considered at January committee, which meant Officers had six weeks to consider an application that should normally take a minimum of 13; and for an application of this size, Officers would usually be looking for six months to give it full consideration;

- as LW has said, there have been a number of initiatives from the University regarding the management of students, but none of these are fully resolved or refined for Officers to feel confident that they will mitigate the problem. Maybe, with time, the University and local residents could come up with schemes to monitor the situation, but given the time constraints, this has not been possible;
- deferral will not be helpful for the University; it wants a decision today to be able to continue its bid for funding; the real issue is that Officers have been grappling with the application and the applicant is desperate to see it approved, officers want to recommend approval, but are not in a position to do so;
- regarding the amenity issue, with more time and co-operation between the University and residents – maybe some concessions re student numbers to gain the confidence of the neighbours – a solution could be worked out. Honest discussion is needed, similar to that undertaken by Cheltenham Festivals and residents of Montpellier and Imperial Square a couple of years ago;
- CH suggested granting permission pending several additional conditions, but we cannot use conditions or legal agreements to adequately mitigate the issues. Conditions have to comply with the 6 tests set out in the NPPG, they need to be precise, relevant, reasonable and enforceable, and this cannot be achieved in the time we have;
- the architecture is disappointing, as stated by the Architects Panel; the Civic Society rightly states that the site and the students deserve something better; the Heritage and Conservation Officer is concerned about the design of the scheme and its potential harm to the setting of the conservation area. This site deserves an exemplar scheme. With time, a high-quality scheme could be delivered, but we aren't there yet.

**GB:** in this situation and with such a significant application, is disappointed that no model has been provided by the applicant. Models give different dimensions to the opportunity to assess the scheme. Hopes that if the application is deferred, the University will produce a model before the scheme is reconsidered.

**BF:** if the scheme is deferred, the University can at least demolish the site and clear it in readiness for future development.

**FC:** thanks AM for his suggestion of deferral, which is probably the best way forward. The University will have heard that there is support for its continued growth in Cheltenham. Main areas of concern are highways issues not yet approved by the County, and the look of the buildings – form may follow function, but environment has to be taken into consideration. If the scheme is deferred, county and borough Officers will be able to follow through these concerns with the University, and take residents' views into account. If the University has listened to what has been said tonight, it will know that there is good will from the Planning Committee and from residents, who recognise the benefits of developing this site. Will support the move to defer – the University can look at the scheme again and come back with something which satisfies Officers, residents and Members.

**AL:** there are considerable architectural defects in the student blocks; the Architects Panel suggested means of improving this at no extra cost, but the applicants failed to consider this feedback. They have not taken on board the fundamental issues about design, resulting in a proposal which is difficult to condition or defer. A fundamental redesign is needed to make a better environment for students. If the applicants had taken this on board earlier, they may not have had to wait for their planning permission. Feedback is the breakfast of champions – ignore it at your peril.

**JF:** if the scheme is deferred, how long might it be until it comes back to Committee – or will timescale not be specified?

**MB:** if deferred, will we be waiting for further information or for the applicant to make minor changes? Does deferral imply tacit approval of any matters not specified?

**AM:** if deferred until the meeting on 19<sup>th</sup> March, the University could still have its approval in time for its 23<sup>rd</sup> March funding deadline, so would it suit all parties to pencil in that date? If the University doesn't go along with this, it will miss its deadline and have to suffer the consequences.

**GB:** Officers will also need sufficient time to prepare any revised scheme for Committee.

**MC, in response:**

- regarding the funding stream, in order to qualify, planning permission needs to be granted and the judicial review period of six weeks finished by 23<sup>rd</sup> March. So if the University doesn't have approval by the end of January, it will not be eligible for that particular funding opportunity before the general election. However, this doesn't trump every other consideration – it is a material consideration but not enough to outweigh all other concerns;
- in response to JF, how long the deferral is for is in the applicant's hands. The University has heard the discussion tonight, and will have picked up on certain issues and messages. A lot of work is needed, so it's unlikely that they will have a revised scheme ready for next month. Officers would ideally like 3-5 more months to give the proposal full consideration, but it is not our decision – if the applicant wants to come back to Committee next month, it can;
- would point out that in deferring, we risk an appeal for non-determination, though doesn't think this is very likely;
- there is merit in deferral - the application is undercooked – but there is also risk, and the applicant could bring the application back for determination in February should they wish.

**KS:** deferral sounds like a tantalising option but feels there is too much that needs to be addressed in this scheme. There is a big gap between where the scheme is and where it needs to be, as Officers have been saying all evening. The design is not acceptable in this location, although it might suit another area; there seems little sense of context. The design must be good, and we need to be confident that the materials are durable and won't end up looking ropey like the existing blocks on this site. Isn't sure that deferral is the right decision to make. If this really is such a big deal to the University, why has it knowingly not sorted it out before? It is a big issue, and would be different if the University had listened to Officer advice. Four weeks isn't long enough to sort everything out; management of students needs a lot of careful thought. Is not sure that deferral will help anybody.

**MS:** is against the idea of deferral. The scheme should be refused at this stage, and the applicants should come back with a re-thought scheme which takes all recommendations into account. Is worried that in only a matter of hours, there could be an appeal for non-determination – this would take the decision out of our hands, which would be wrong. For clarity, regarding the new voting system, if Members vote against deferral, do we revert to the substantive motion?

**CL, in response:**

- yes, if the deferral is lost, the officer recommendation to refuse will remain the substantive motion.

**PB:** feels caught between a rock and a hard place, but will ultimately support the move to defer. Members have had a good debate, and the University must be clear about the level of support for its continued development. Deferral will allow the applicant the opportunity to come back in a shorter time scale, having taken on board tonight's debate and the comments in the Officer report. On the refusal reasons, understands that a lot more information on highways issues has been produced since

the Officer recommendation, which may make a difference; also understands that student numbers will be less than in 2011. Regarding architectural design, the applicant can take note of the comments made tonight, that Members are proud of their town and want the best. On public art and S106 agreements, can't believe that these issues can't be addressed in 4-5 weeks. Members value the University but also respect residents' views, and would like to reach the point where these agree. Does not think the University will take the non-determination route – it wants a good relationship with the borough, and we will continue to work together, now and in the future.

**MB:** does deferral imply tacit approval of other issues?

**MC, in response:**

- no.

**KS:** do we need to give specific reasons for deferral or will Officers pick these out of the debate?

**CL, in response:**

- AM referred to the reasons for refusal listed in the officer report when he moved for deferral. There are lots of things to be worked on, so 'defer to see if all those refusal reasons can be resolved' sums it up neatly.

**Vote on AM's move to defer on the above grounds**

11 in support

4 in objection

**DEFERRED**

Application Number:	<b>14/02238/FUL</b>
Location:	<b>27 Arle Road, Cheltenham</b>
Proposal:	<b>Erection of two storey rear extension</b>
View:	<b>Yes</b>
Officer Recommendation:	<b>Refuse</b>
Committee Decision:	<b>Permit</b>
Letters of Rep:	<b>1</b>
Update Report:	<b>None</b>

**MJC** described the application as above, at Committee at the request of Councillor Rawson to give Members the opportunity to consider the design merits of the proposal. As set out in the Officer report, there have been similar applications in the area with different decisions – the reasons for this are set out in the report. The Officer view, however, is that this application does not comply with local policy or the SPD on Residential Alterations and Extensions, and the recommendation is therefore to refuse.

**Public Speaking:**

**Mrs Townsend, applicant, in support:**

Told Members that 27 Arle Road belonged to her father, and that she moved away from Cheltenham to Sheffield at the age of 21 and has been wanting to return ever since. She now has the chance to do this, but her father's house is not adequate for her needs – with her partner, five children, and 10 grandchildren, it is just too small. Wants to create a family home, and also needs additional space to be able to offer respite care to her disabled nephew from time to time. Properties either side of 27 Arle Road have been extended – there is a double extension next door, and a downstairs extension a few doors down. The houses are staggered at the back, her extension will not overlook the neighbours, and the property will look the same as next door from the front and side. Was told by Officers that it was OK to build the single-storey extension the full width of the house, but the upper storey should be

half the width. Did not understand which side this should be, so re-submitted the same application. Neighbours are in favour of the plans, and Councillor Rawson has looked at the drawings and given the proposal his backing. The downstairs alternations will allow her nephew to visit. Wants to extend the house through need, not for profit – is not intending to sell it but to create a family home.

**Member debate:**

**KS:** notes that the letter of objection is from a resident living across the road; the neighbours on either side of the proposal have not objected.

**CH:** looked at this extension and the extension next door, which was built before the introduction of the SPD in 2008. Notes the houses are staggered, and that the application which was refused and dismissed appeal a few doors up relates to a house which is much closer to the road where the extension would have been visible from the highway. There are lots of extensions like this around the town. There are some extensions which follow the subservience rule and look worse than they would if they followed the line of the building. Did not look at the SPD when considering this application; is going more on how he feels about the appearance of the proposal. Notes that it doesn't seem to interfere with the neighbours or cause any problems around. If the majority of Members feel that sticking to the SPD is the absolute and most important thing, together with the appeal decision on the property nearby, then OK, but sees many examples like this elsewhere.

**PT:** cannot see any reason to turn this application down, SPD or not. We don't have to take all the policies as pickled in aspic. With the best will in world, cannot see anything wrong with this – Arle Road is in her ward, and the proposed extension is reasonable. Would like to move to permit.

**AC:** planning view was very useful in this case, as the house next door has the same extension. Can see no reason to interfere here. The proposal is entirely reasonable and has his support.

**AM:** agrees with AC. The proposal isn't in breach of CP7. Regarding subservience, it is similar to the extension next door and enhances the overall view. There are no objections from the neighbours; the only objection is from the resident at No. 28 who had his own application turned down, but this is not a reason to refuse this application.

**MS:** would like to hear Officer comments regarding the dismissed appeal a few doors down for an extension almost identical to this one.

**MC, in response:**

- to MS, the appeal relates to a very similar application. The Inspector looked at the SPD guidance and endorsed it. It is a very relevant decision;
- would like Members to understand that Officers look at applications on a case by case basis. Has sympathy with the views expressed, but there is an issue with consistency, Officer decisions, and interpretation of the SPD;
- the applicant had the opportunity to negotiate an extension in line with Officer advice but chose not to. It is wrong for Members to pick and choose which cases are appropriate and which are not. Recent permissions at Hatherley Road and Moorend Road have been contrary to Officer recommendation, and show that Members are interpreting the SPD differently;
- if Members choose to approve this application, that is their decision, but they should approach the SPD in a consistent way; it represents the Council's advice and is endorsed by Planning Inspectors;
- is concerned that decisions like this will undermine the work of Officers, and there are more and more examples of this coming to Committee. It is important in terms of the Committee's professionalism in relation to how they interpret policy.

**PT:** appreciates MC's comments but circumstances alter cases, and sometimes policy isn't entirely right. There is a consistency in this house being extended in the same way as the house next door. Consistency with the SPD wasn't an issue when the neighbour extended his property, and cannot see it causes such a problem to step outside the boundaries. To approve this application when the house next door has the same type of extension is consistent.

**KS:** was not on planning view but knows the area well. Regarding subservience, we look for this as a means to an end, not as an end in itself. Members are told on planning training that each application should be considered on its own merits. Recalls an application for an extension which wasn't subservient – it was approved against Officer advice, but with full neighbour support who thought it would look better. In some instances, subservience can deliver what we want, but in other cases it isn't the best option. There are cases where this kind of development can have as much impact on neighbours as the previous proposal considered by Members tonight – each case must be considered on its own merits.

**BF:** according to the NPPF, only 10% of applications are decided by Committee. Members don't rule the roost; most applications are decided by Officers. Yes, there are rules, but we don't have to blindly follow.

**GB:** the Officer recommendation is to refuse and there has been a move to permit. CL will clarify how to proceed under the new voting system.

**CL, in response:**

- the Officer recommendation is to refuse; Members will vote on this first. If carried, the application is refused; if not carried, a new motion can be taken from the floor.

**Vote on Officer recommendation to refuse**

5 in support

9 in objection

1 abstention

**NOT CARRIED**

**PT:** moves to permit

**MC, in response:**

- conditions will be needed if the application is permitted. Suggests the standard condition requiring work to be commenced within five years and according to the drawings.

**KS:** should there be a condition about materials?

**GB:** it is up to PT to decide whether to include this.

**PT:** suggests any conditions should be agreed by Officers before the decision is sent - 'materials to match' would be appropriate.

**Vote on PT's move to permit, with conditions as above**

9 in support

5 in objection

1 abstention

**PERMIT**

Application Number:	14/01468/FUL and 14/01468/LBC
Location:	The Royal Oak, 43 The Burgage, Prestbury
Proposal:	Erection of front entrance porch, replacement and enlargement of window to rear elevation, demolition of some internal walls, formation of kitchen and installation of extraction system and extension over proposed kitchen.
View:	Yes
Officer Recommendation:	Permit / Grant
Committee Decision:	Permit / Grant
Letters of Rep:	0
Update Report:	None

**Officer Introduction:**

**MC** described the application as above. It is at Planning Committee because the Parish Council objects to the porch as inappropriate and obtrusive, but following some amendments, it is supported by the Conservation Officer, and therefore comes with a recommendation to permit.

**Public Speaking:**

There was none.

**Member debate:**

**PT:** understood that the Parish Council had withdrawn its objection to the porch.

**AC:** is in favour of the application overall, but cannot see the point of the porch. It will detract from the signage. Is surprised the Conservation Officer supports it, and remains dubious about that part of the scheme.

**BF:** is also amazed by the porch. Notes that the Parish Council has objected, yet there is an email of support from Councillor Payne included in the report – is this written as ward councillor, member of the public, or Chair of the Parish Council? Doesn't agree with the reasons for the porch. This is the oldest building in The Burgage, Grade II listed, and not designed to have a porch. It isn't a show-stopper, but it detracts from the look of the pub. Other pubs have porches, but these aren't in the conservation area.

**DS:** this proposal is a good example of working in collaboration before the application gets to Committee. Most of the work proposed will be carried out sympathetically, and notes reservations about the porch, but the front of the building is already a bit of a hotch-potch, with windows not all the same design.

**MC, in response:**

- was not aware that the Parish Council has withdrawn its objection.

**WT, in response:**

- as pointed out in the Officer report, there are a number of pubs of a similar age and architecture in the Cotswolds which have porches. The porch will be attached to the 19<sup>th</sup> century part of the building;

- the applicant's justification for wanting to add a porch to his pub is economic - people don't want to sit at the front of the pub with the door opening straight in, as a draught is created every time the door opens. Adding a porch will give full use of the internal space;
- negotiated with the applicant over materials to make sure that the porch would look right at the front of the pub.

**KS:** was perplexed by the porch when reading the papers, and would have liked to see more colour in the drawings in order to understand better what it would look like and whether it will damage the integrity of the old building. Not all the buildings in The Burgage have porches; it adds to the unique character of the pub not having one. Is not certain how much difference a porch will make to the draughts in cold weather.

**AC:** will the sign be moved when the porch is installed?

**MC, in response:** yes

**CH:** it isn't for Members to question why someone wants to do something to their property and the reasons why they want to do it is up to them; our job is to say whether it will look OK or not. In this case, there are two different buildings: the original building and the newer part. Buildings have bits added to them over the years, and feels that the proposal for The Royal Oak is OK. It is in character, not out of place with the rest of the street, and will not majorly detract from the building or the street scene. Can see no reason to refuse.

**Vote on Officer recommendation to permit**

14 in support

1 abstention

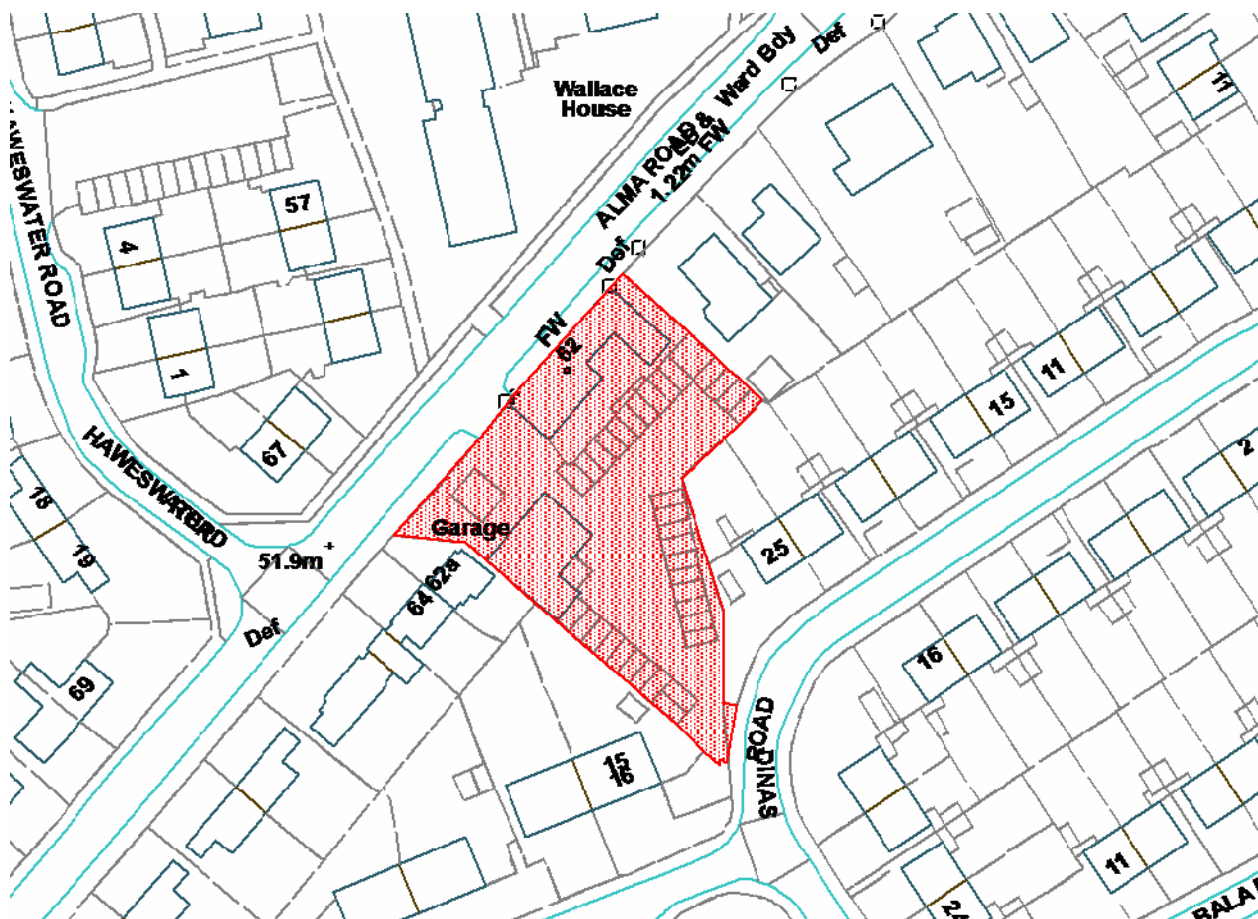
**PERMIT**

*The meeting ended at 8.30pm*



<b>APPLICATION NO:</b> 14/01304/FUL	<b>OFFICER:</b> Miss Michelle Payne
<b>DATE REGISTERED:</b> 22nd July 2014	<b>DATE OF EXPIRY:</b> 21st October 2014
<b>WARD:</b> Warden Hill	<b>PARISH:</b> Leckhampton With Warden Hill
<b>APPLICANT:</b>	Cotswold Homes Limited
<b>AGENT:</b>	Trower Davies Limited
<b>LOCATION:</b>	One Stop Shop, 62 Alma Road, Cheltenham
<b>PROPOSAL:</b>	Proposed residential development comprising 11no. dwellings (7no. three bed houses and 4no. two bed flats) with associated car parking and vehicular access following demolition of existing shop, lock-up garages and Alma Road Garage

**RECOMMENDATION:** Permit



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## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 This is a full application for a residential development of 11no. dwellings (comprising 7no. three bed houses and 4no. two bed flats) with associated car parking and vehicular access following the demolition of all existing buildings on site.
- 1.2 The application site is 0.19ha and is located approximately 1.5 miles south-west of the town centre within the parish of Leckhampton with Warden Hill; the site extends through from Alma Road to Dinas Road and is bounded by residential development on Alma Road on either side, and Dinas Road and Dinas Close to the rear. The surrounding character is suburban style housing typical of its age, dating from the 1950's -1970's.
- 1.3 The site is currently occupied by a two storey rendered shop building sited at the back edge of the pavement on Alma Road, a number of lock-up garages, and the Alma Road Garage; the entire site is covered either with buildings or hard standing.
- 1.4 Planning permission was granted in December 2007 for the erection of 4no. houses and 4no. flats on a large portion of the site following the demolition of the shop building and the lock-up garages. Subsequently, an application for an extension of the time limit for implementation of the approved scheme was granted in June 2012 and this permission remains extant until 19th June 2015.
- 1.5 The approved scheme proposed a terrace of 4no. two storey houses fronting Alma Road on the site of the existing shop unit, and 4no. apartments to the rear of the site in place of the of the lock-up garages. The houses were to have individual accesses from Alma Road, whilst the apartments were to be accessed from Dinas Road with a parking court behind.
- 1.6 The scheme now proposed is quite similar to that previously approved, albeit the current application proposes an additional terrace of three houses on the site of the garage.
- 1.7 The application is before planning committee at the request of Cllr Regan principally in respect of the loss of the garage, and policy EM2. An objection has also been received from the parish council.

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

### Constraints:

None

### Relevant Planning History:

**07/01502/FUL**

**PERMIT**

**14th December 2007**

Residential development consisting of 4 houses and 4 flats, demolition of existing shop and lock up garages

**12/00774/TIME**

**PERMIT**

**19th June 2012**

Application to extend the time limit for implementation of planning permission ref. 07/01502/FUL for residential development consisting of 4 houses and 4 flats, demolition of existing shop and lock up garages

## 3. POLICIES AND GUIDANCE

### Adopted Local Plan Policies

CP 1 Sustainable development

CP 3 Sustainable environment

CP 4 Safe and sustainable living  
CP 7 Design  
NE 4 Contaminated land  
EM 2 Safeguarding of employment land  
HS 1 Housing development  
RC 6 Play space in residential development  
TP 1 Development and highway safety

### Supplementary Planning Guidance/Documents

Play space in residential development (2003)  
Sustainable buildings (2003)  
Sustainable developments (2003)  
Development on garden land and infill sites in Cheltenham (2009)

### National Guidance

National Planning Policy Framework

## 4. CONSULTATIONS

### 4.1 **Contaminated Land Officer**

*30th July 2014*

Please add the standard contaminated land planning condition to this application due to the previous potentially contaminative use of the site.

### 4.2 **Parish Council**

*6th August 2014*

The Parish Council objects to this application as it conflicts with policy EM2.

The Council is concerned that the loss of the garage would be a significant loss to the area as this garage has been in operation for over 20 years and is used regularly by many local residents, particularly the elderly. There is a heavy reliance on this facility as it is the only garage in the vicinity of Hatherley and Warden Hill and the South West of Cheltenham generally. This business is highly regarded in the local community and would be much missed.

In addition the Council is concerned about the loss of 8 jobs which would have a significant impact on local employment in an area where there are few if any employment opportunities.

In respect of highway safety, Policy TP 1 is relevant. The off road parking proposals for the site as a whole will increase the risk to the safety of local pedestrians and road users as vehicles will have to reverse on or off their drives onto this narrow and very busy road with a 10 minute "D" bus service causing traffic congestion. This proposed use will increase the potential for accidents to occur and along a stretch of road where this type of incidents are already observed at present as there is parking on the opposite side of this road at all times of the day.

### Ground Conditions - Contaminated land

The Council requests that should the application be permitted that there is a condition attached requiring the underground storage containers previously used for fuel storage to be removed and the land reinstated to its former condition.

### 4.3 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 encouraging that the site will be built to meet Secured by Design standards. I would be more than happy to offer further advice as the development progresses.

The cycle store for the flats (plots 8-11) needs to be lockable. This will discourage thieves from stealing bicycle components leaving just the frame attached to robust hoops.

A lockable gate will need to be fitted to the path giving access to plots 5 & 6 in line with the side boundary of plot 5 and the existing fence. This will prevent the creation of a hidden recess.

It is noted from the elevation plans that a planted buffer is proposed to the sides of plots 3 & 4. This needs to extend the whole length of these units, providing defensible space and ensuring privacy to ground floor windows.

Rear and accessible side boundaries should be a minimum of 1.8m and of solid construction to prevent unauthorised access and reduce the risk of burglary.

### 4.4 Environmental Health

*11th August 2014*

In relation to application 14/01304/FUL for 62 Alma Road, Cheltenham, Gloucestershire, GL51 3NB please can I add the following condition and advisory point:

This proposal includes an amount of demolition of existing buildings, this will inevitably lead to some emissions of noise and dust which have a potential to affect nearby properties, including residential property. I must therefore recommend that if permission is granted a condition is attached along the following lines:

"The developer shall provide a plan for the control of noise and dust from works of construction and demolition at the site. The plan should also include controls on these nuisances from vehicles operating at and accessing the site from the highway. Such a plan is to be submitted to and approved by the Local Planning Authority before work commences on site."

Reason: to protect local residents

Advisory: For the construction phase to be kept within the times of work as follows: 7:30am - 6:00pm Monday - Friday and 8:00am - 1:00pm Saturdays with no noisy work on a Sunday or Bank Holiday and to be mindful of noise when deliveries arrive at the site.

Advisory: Should a survey of the existing building (prior to any work beginning) indicate the presence of any asbestos containing materials, the demolition of the building will need to be undertaken in accordance with the legislation surrounding asbestos removal and the demolition of buildings containing asbestos and the waste disposed of in a legally compliant manner.

### 4.5 **GCC Highways Planning Liaison Officer** *21st August 2014*

I refer to the above application received at our office on 22nd July 2014 with the Design and Access Statement, Site Layout Plan Drawing number:01 Revision:P2, and Site Layout block Plan Drawing No; 02 Revision:P1 for the proposed residential development comprising 11no. dwellings (7no. three bed houses and 4no. two bed flats) with associated car parking and vehicular access following demolition of existing shop, lock-up garages and Alma Road Garage.

I have spoken with Mr Alex Young, of Trower Davies Architectural Consultants on 5th August 2014 seeking clarification regarding elements contained within the Design and Access Statement, Site Layout Plan Drawing number: 01 Revision:P2 and Site Layout block Plan Drawing No: 02 Revision:P1 and it is with regard to these discussions the following is noted;

#### Accessibility

I consider that the proposed site is located within an accessible location, the application site is located close to a mix of local amenities including schools, shops, public houses, sports facilities and employment opportunities with highway links, including various bus service routes in and out of town with links to surrounding areas. The D Bus services runs along Alma Road with bus stops only a short distance from the site and provides access to Cheltenham town centre and railway station (less than 2 miles away).

The area offers many social amenities within walking distance. There are small local shopping facilities in the adjacent Windermere Road to the north and at Caernarvon Court on Caernarvon Road to the West. A major supermarket and a secondary shopping complex are within walking distance along Caernarvon Road. The site is located within 2 miles of 10x primary and 10x secondary schools. There is a good standard of pedestrian pathways and with provision for good cycling accessibility. I consider that the opportunities for sustainable transport modes have been taken up given the nature and location of the site in accordance with Paragraph 32 of the NPPF.

#### Accidents

There are 3 no reported accidents in the vicinity of the proposed development; these are all reported as slight. There is no road safety considerations related to the proposed application.

#### Proposed Site Access

Adjustment and slight improvements to the width of the entrance will provide suitable width for resident's vehicles. Private parking spaces to the frontage houses proposed to Alma Road are to be accessed directly from the highway to reinforce the ownership of each property.

#### Proposed Site Access - Visibility

It is noted that there are no drawing(s) submitted with the application that shows a visibility splay North East or North West towards the proposed junction of the site with Alma Road.

Alma Road is a Class 4 Road and subject to a speed restriction of 30mph and is on a local bus route.

To achieve the necessary visibility splay North East or North West towards the proposed junction of the site with Alma Road, will require a visibility splay North East of 2.4 x 47m towards the proposed junction of the site with Alma Road and 2.4 x 47m North West towards the proposed junction of the site with Alma Road.

## Page 24

Having reviewed the site and visibility splays I am satisfied that; provided visibility splays are clear of any hard landscape or vegetation then the visibility splay at the junction of the proposed access onto Alma Road can achieve a visibility splay North East of 2.4 x 47m towards the proposed junction of the site with Alma Road and 2.4 x 47m North West can be achieved towards the proposed junction of the site with Alma Road.

### Refuse Collection & Swept Path Analysis and Forward Visibility for refuse or service vehicle(s)

It is noted that no drawing(s) have been submitted showing Swept Path Analysis and Forward Visibility for refuse or service vehicle(s).

Having spoken with Mr Alex Young of Trower Davies Architectural Consultants, Mr Young has advised that the intention is for any refuse and recycling collections to be from the frontage with Alma Road and to the rear on Dinas Road (via a gated access).

It is noted that although the refuse collection has been determined as above, there is no mention of access to the C Type 4x - 2 Bed Flat(s) for service vehicles such as on-line supermarket delivery etc. Therefore it would be preferable to have a suitable path from the rear of Dinas Road throughout the development to service the C Type 4x - 2 Bed Flat(s) this will have the added advantage of access to the bin store and in providing interconnectivity for cycle users throughout the development between Alma Road and Dinas Road through a secure gated entrance.

### Shared Surface Street

It is noted that the new access is designed to be a shared surface access of sufficient width to allow for residential use. It is further noted that there are no drawing details submitted which sets out the detail for the shared space street.

Having spoken with Mr Alex Young of Trower Davies Architectural Consultants, Mr Young has advised that the intention is for the Shared Access Drive and Parking Courtyard to be a shared surfaced street and there is no proposal to seek adoption of the Shared Access Drive and Parking Courtyard.

Having noted the above;

Our local guidance "Manual for Gloucestershire Streets (3rd Edition Adopted 12th June 2013)" provides guidance for "Shared Surface Streets". All drawings submitted with the planning application showing the shared space street need to demonstrate the shared space street has adequate highway width and can accommodate vehicle tracking and bend widening to accommodate vehicle passing in both directions and provision for pedestrians throughout the shared space street within the development.

### Off-street Vehicle and Cycle Parking Provision

There are a total of 18 parking spaces provided within the site being; 7x off street parking spaces provided in the Parking Courtyard and a further 11x off-street parking spaces being accessed directly off the highway along Alma Road. A cycle store is shown on drawing no: 01 Revision:P1 to service the Type C 4x 2 bed flats and it is stated that Type A&B 7x 3bed unit's have rear garden access for cycle storage.

The Design Access Statement has stated; parking provision is generally made at two spaces per house and one space per flat.

### Conclusion

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

Prior to occupation of the proposed development details of the vehicular access to be formed by a dropped kerb shall be submitted to and agreed in writing by the LPA and those

details once approved shall be completed in all respects prior to any dwelling being brought into beneficial use.

Reason: To reduce potential highway impact by ensuring the access is suitably laid out and constructed and in accordance with paragraph 35 of the NPPF.

No dwelling on the development shall be occupied until the carriageway(s) (including surface water drainage/disposal, vehicular turning head(s) and street lighting) providing access from the nearest public highway to that dwelling have been completed to at least binder course level and the footway(s) to surface course level.

Reason: In the interest of highway safety; to ensure safe and suitable access has been provided for all people; and to safeguard the visual amenities of the locality and in accordance with paragraph 35 of the NPPF.

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

Reason: To ensure that safe and suitable access is achieved and maintained for all people in accordance with paragraph 32 of the NPPF and to establish and maintain a strong sense of place to create attractive and comfortable places to live, work and visit in accordance with paragraph 58 of the NPPF.

The dwelling hereby permitted shall not be occupied until the car parking associated with that dwelling has been provided in accordance with the submitted Drawing Number 01Revision P2 and shall be maintained available for that purpose thereafter.

Reason: To reduce potential highway impact by ensuring that vehicles do not have to park on the highway and in accordance with paragraph 39 of the NPPF.

The vehicular access hereby permitted shall not be brought into use until the proposed roadside frontage boundaries have been set back to provide visibility splays extending from a point 4.5m back along the centre of the access, measured nearer edge of the footway, extending at an angle of 45 degrees to the footway, and the area between those splays and the footway shall be reduced in level and thereafter maintained so as to provide clear visibility at a height of 600mm above the adjacent footway level.

Reason: To reduce potential highway impact by ensuring that adequate pedestrian visibility is provided and maintained and in accordance with paragraph 32 and paragraph 35 of the NPPF.

The vehicular access hereby permitted shall not be brought into use until all existing vehicular accesses to the site (other than that intended to serve the development) have been

permanently closed, and the footway/verge in front has been reinstated, in accordance with details to be submitted to and agreed in writing beforehand by the Local Planning Authority.

Reason: To reduce potential highway impact by ensuring there is no further use of an access that is deemed to be unsuitable to serve the development and in accordance with paragraph 32 of the NPPF.

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

- i. specify the type and number of vehicles;
- ii. provide for the parking of vehicles of site operatives and visitors;

- iii. provide for the loading and unloading of plant and materials;
- iv. provide for the storage of plant and materials used in constructing the development;
- v. provide for wheel washing facilities;
- vi. specify the intended hours of construction operations;
- vii. measures to control the emission of dust and dirt during construction;
- viii. specify the access points to be used and maintained during the construction phase(s).

Reason: To reduce the potential impact on the public highway and in accordance with paragraph 35 of the NPPF.

Note:

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

#### **4.6 Planning Policy Team** ***4th September 2014***

The relevant policy document for consideration in regard to this application is the Cheltenham Borough Local Plan Second Review 2006; Material Considerations include National Planning Policy Framework (NPPF) and the Tewkesbury, Cheltenham and Gloucester Joint Core Strategy Pre Submission Document June 2014.

The NPPF states that the presumption in favour of sustainable development should be a golden thread running through both plan making and decision taking (paragraph 14). This presumption in favour of sustainable development places the Development Plan as the starting point for decision making (paragraph 12). The Cheltenham Borough Local Plan Second Review 2006 constitutes the 'Development Plan' for the purpose of this application and should be read as a whole according to the degree of consistency of its policies with the Framework.

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

National Policy also requires that local authorities "boost significantly the supply of housing" (paragraph 47).

As the application seeks to redevelop the site for residential use, Cheltenham Borough Local Plan 2006, policy EM2: Safeguarding of Employment Land must be considered. The applicants set out their view that as the Council is unable to demonstrate a current 5 year supply of deliverable housing sites that policy EM2 should no longer be considered up to date and in light of the NPPF 'set aside'. Paragraph 49 of the NPPF makes clear that 'relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites'.

Local Plan Policy EM2 is not intended as a policy for the 'supply of housing' rather it seeks to safeguard employment land and buildings from being redeveloped for other purposes, subject to a number of criteria, recognising the need to retain existing employment sites within the Borough. The NPPF balances the need for housing alongside the need for sustainable economic growth and support for existing business sectors (paragraph 21)

The Council's evidence base shows that there remains a quantitative and qualitative shortage of viable employment land within the borough, and recommends that all existing employment land should continue to be used for that purpose unless there is clear



evidence that the land in question is no longer suitable for that use. Because of these circumstances policy EM2 in the Development Plan is broadly consistent with the NPPF and identifies strong economic reasons why, normally, housing development should not replace employment development in the B classes.

The council and applicants agree that the garage site has been in long established B1-B8 use. The garage integrates well into the street scene, is busy and has not been the source of noise complaints.

In order to be in accordance with the development plan, the tests set out in EM2 will need to be met by this application. Permission for 8 dwellings on the remainder of this site was granted in 2007 and time extended. The applicant's submission does not demonstrate how the application meets the requirements of EM2, other than a reference to (e) "employment use creates unacceptable environmental or traffic problems". This test is clearly not met in regard to the site, which has a long history of continuous operation without significant evidence of problems and is in a mixed residential area. Existing housing in the area is as close to the garage as houses proposed within the extant planning permission.

The applicants represent that their supplied report concludes that "the previously consented scheme cannot be implemented" until the underground storage tanks as part of the garage unit are removed. They also set out that "the remediation of the site is costly and can only be facilitated through the value secured through residential development, therefore re-accommodating a business use on the garage area would not be viable, nor would it be appropriate."

No viability appraisal has been included in the application which demonstrates that this is the case.

Advice from the Council's contaminated land officer, on reading the Core Geotechnics Report, indicates that a fully quantified risk assessment has not been provided in regard to the danger the existing tanks may pose. The report supplied does not indicate significant leakage from the tanks.

Insufficient evidence has been provided to demonstrate that removal of the tanks (and therefore removal of the existing garage use) is the only financially viable option. A full removal of all underground storage tanks is not always necessary or the only cost effective method, given that testing can be undertaken and membrane's/ other mitigation measures put in place. Comment from the officer is enclosed.

Therefore the Planning Policy team finds that the removal of the underground storage tanks has not been proven to be essential to facilitate the development of the previously consented scheme. Other options such as further investigation of the hazard and, if needed, alternative remediation do not seem to have been significantly considered or costed as part of the evidence presented. This therefore exposes a weakness in the marketing, as clearly the removal of the garage may be more attractive to prospective buyers.

Should further investigation and viability study prove that the only way of facilitating development of the originally consented scheme would be the removal of the garage and its associated employment by removing the tanks this need for remediation would be considered within the requirements of paragraph 173 of the NPPF. Given the evidence provided at present however, this is not proven to be the case.

More detail, investigation and costing of alternative solutions to the removal of the garage site and business may have the benefit of increasing interest in the consent already granted. From the submission it seems that some interest has been generated in the

consented element and perhaps if marketing was targeted on this part of the site only, as the economy continues to improve this may produce results.

In conclusion, the Planning Policy Team are of the view that the re-development of the garage site for residential accommodation would be contrary to the Development Plan, particularly policy EM2, and that insufficient information has been provided to demonstrate that the existing permission granted could not be enacted viably whilst the existing business remains on site. The NPPF's dimensions of sustainable development in paragraph 7 are not met, particularly the 'economic role' which requires the planning system to contribute to building a strong, responsive and competitive economy.

#### **4.7 Planning Policy Team (additional comments)**

*9th February 2015*

Subsequent to the initial comments made by the Planning Policy team regarding this application, independent viability assessment work has been submitted. The valuation office confirms that the consented scheme of 8 is unviable. Part of the reason for this is the cost of remediation of contamination necessary to bring the scheme of 8 about, and therefore the higher overall proportion of abnormal costs.

The initial planning policy comments sought to ensure that the shared use of the site with both housing and employment use would be fully and diligently investigated. A key theme of these comments was the lack of viability evidence indicating that the scheme of 8 as consented could not be brought about. The additional viability work is acceptable in meeting this requirement.

However, the planning policy issues concerning this application are still finely balanced. The submitted scheme would mean the removal of the garage element which is a use protected by Cheltenham Borough Local Plan Policy EM 2. EM 2 is an important part of the development plan and is consistent with the NPPF, particularly paragraphs 20 and 21. The garage business is a local employer, is functioning and valuable. It would therefore be valid for decision takers to follow the development plan in this case and refuse on these grounds.

However, because of specific material considerations which relate uniquely to this site, there is also a strong argument for a departure from the development plan in this case. The current consent for the scheme of 8 would mean the removal of both the shop and lock up garages on the site, were it to be implemented. The only part of this site which is protected by EM2 is the garage and associated workshop. This comprises only around a quarter of the site overall. The garage unit is not part of an industrial estate, and therefore its removal would not compromise or harm neighbouring businesses.

The NPPF and NPPG recognises the importance of scheme viability and this should be seen in the context of the application as a whole, particularly as we have previously given consent to development of the majority of the site; which it has been demonstrated can only be 'unlocked' through the removal of the garage element and its associated underground tanks. Paragraph 173 of the NPPF states:

"To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable."

Therefore viability can amount to a material consideration, particularly in regard to the redevelopment of brownfield sites, as set out in national planning practice guidance.

The lock up garages on the site are not an efficient use of the existing brownfield site, and are in varying conditions of repair and use. Their layout on the site creates a cut through which is not well overlooked. Therefore their removal as part of this scheme would contribute to the objectives of paragraph 58 of the NPPF:

"Planning policies and decisions should aim to ensure that developments...create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion"

The NPPF sets out that sustainable development has three dimensions. In this application they are finely balanced and the nature of the site contributes some specific material considerations.

In the Economic role, the *retention of the existing development* would be in accordance with the development plan, maintaining the business trading on the site, but the *redevelopment* to better utilise the site as a whole would also slightly benefit the local economy and provide new homes.

In the social role, the redevelopment would help to reduce the fear of crime by removing the existing lock up garages 'cut through', it would also support the Borough's provision of housing, and unlock the consented scheme on the rest of the site.

In the environmental role, the redevelopment would address contamination on the site through dealing with contamination from underground storage tanks.

On balance, the planning policy team take the view that in the particular circumstances of this case, the arguments for redevelopment of the site as a whole just tip the balance to justify a departure from the development plan in the removal of the garage and workshop without fully meeting the tests of policy EM2. The most significant reason for this is the small area of the site covered by the policy in relation to the whole, much of which is already covered by a consented but unviable scheme which the applicants have demonstrated could be unlocked by this departure.

## 5. PUBLICITY AND REPRESENTATIONS

5.1 Letters of notification were sent out to 84 neighbouring properties on receipt of the application. In response to the publicity, 6 representations have been received; four in objection, one in support and one general comment.

5.2 The comments have been circulated in full to Members but in brief the main concerns/objections relate to:

- The loss of the garage facility / employment use
- Parking and highway safety
- The two storey nature of the houses fronting Alma Road
- Potential for overlooking / loss of privacy

## 6. OFFICER COMMENTS

Officer comments to follow.

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<b>APPLICATION NO: 14/01304/FUL</b>		<b>OFFICER: Miss Michelle Payne</b>	
<b>DATE REGISTERED:</b> 22nd July 2014		<b>DATE OF EXPIRY :</b> 21st October 2014	
<b>WARD:</b> Warden Hill		<b>PARISH:</b> LECKH	
<b>APPLICANT:</b>	Cotswold Homes Limited		
<b>LOCATION:</b>	One Stop Shop, 62 Alma Road, Cheltenham		
<b>PROPOSAL:</b>	Proposed residential development comprising 11no. dwellings (7no. three bed houses and 4no. two bed flats) with associated car parking and vehicular access following demolition of existing shop, lock-up garages and Alma Road Garage		

## REPRESENTATIONS

Number of contributors	<b>6</b>
Number of objections	<b>4</b>
Number of representations	<b>1</b>
Number of supporting	<b>1</b>

1 Abbotswood Cottages  
Gloucester  
gl4 8eb

**Comments:** 12th August 2014

Planning Permission already exists for the demolition of the shop and garages to the rear, this provides 8 properties. This was on the basis of there being another shop near by.

A previous application to include Alma Road Garage was refused. The latest application to increase the volume of housing by 3, again includes the demolition of Alma Road Garage, a family business for over 20 years employing 8 staff. 3 houses = 8 peoples jobs. Local garages in Leckhampton have already been demolished for housing, leaving small garages no options for relocation.

23 Dinas Road  
Cheltenham  
Gloucestershire  
GL51 3ER

**Comments:** 11th August 2014

Letter attached.

23 Dinas Road  
Cheltenham  
Gloucestershire  
GL51 3ER

**Comments:** 13th August 2014

Letter attached.

**Comments:** 22nd September 2014

Letter attached.

38A Canterbury Walk  
Cheltenham  
Gloucestershire  
GL51 3HG

**Comments:** 14th August 2014  
Letter attached.

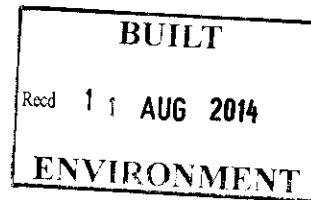
63 Alma Road  
Cheltenham  
Gloucestershire  
GL51 3ND

**Comments:** 1st August 2014  
So looking forward to having houses and flats built. The shop and garage are causing major noise and parking problems for us residents

60 Alma Road  
Cheltenham  
Gloucestershire  
GL51 3NB

**Comments:** 31st July 2014  
Letter attached.

The Planning officer  
Cheltenham Borough Council  
Municipal Offices  
Promenade  
Cheltenham  
GL50 1PP



23 Dinas Road  
Cheltenham  
GL51-3ER

10<sup>th</sup> August 2014

**RE: - planning application 14/01304/FUL**


Sir/Madam

I live at 23 Dinas Road, and my property backs on to the proposed development at Alma Road garages, Hatherley.

I have the following comments I would like put before the planning committee before planning is granted:

1. There is a substantial amount of asbestos on the site. What safety measures are to be put in place to protect my family and property during the removal and disposal of it?
2. On 'Site layout plan' (Drawing 01 Revision P2 Item G) at the rear of plot 6 there is a standing for a refuse bin. This is as far from No 6 as possible but as close to my residence as possible. It is adjacent to the area where I have a patio for outdoor dining and clothes drying. It is not an area where one would expect a refuse bin.
3. Item C on the drawing listed above shows trees adjacent to my property. The concerns I have for trees are losing light to my property, the potential for pollen falling on my clothes drying area and the nuisance of leaves.
4. The bin store for No's 8-11 on the drawing shows a double gate leading to Dinas Road. If access to the new residences is made available from Dinas Road, it will lead to people parking in Dinas Road and then walking to their residence. Dinas Road already has insufficient parking which causes people to park on the pavement. There is no room for any more vehicles. See pictures below.
5. If the double gate listed in comment 4 above remains, this will be used as a pedestrian shortcut between Dinas Road and Alma Road. This will reduce the security of the area and increase the foot traffic in Dinas Road.
6. At present, my rear boundary has substantial boundary walls. These are 6ft solid block walls on two sides and 6ft concrete block on half the rear wall with a 6ft' metal fence completing the other half. The proposal is to replace the rear wall with wooden panel fencing. I want the rear boundary constructed to the same standard as is now. A 6ft' fair face block wall matching and joining the two side walls.

I would like to bring another point to your attention. The on site garage used to be a filling station, this ceased trading as a filling station after the underground storage tanks (USTs) leaked causing contamination of the ground and water supply. We only became aware of this when the water board came to test the water supply from our tap and that of our neighbours on several occasions. These USTs are referred to in the Ground Investigation Report. With a recommendation to remove them (section 7.8.2). If the proposed building works proceed this would be a perfect opportunity to remove these potentially contaminating USTs.

A large rectangular area of the document has been redacted with black ink, obscuring several lines of text. The redaction covers approximately the middle third of the page's vertical space.





Position of  
proposed  
gates

Miss Michelle Payne  
Planning Officer  
Cheltenham Borough Council  
Municipal Offices  
Promenade  
Cheltenham  
GL50 1PP



23 Dinas Road  
Cheltenham  
GL51-3ER

11<sup>th</sup> August 2014

**RF: - Planning application 14/01304/FUL**

Dear Miss Payne,  
As you are aware I went to your office this morning, but you were unavailable for consultation. However, I managed to speak to the Duty Planning Officer Craigh Hamphill.

I would like to bring to your attention three discrepancies in information concerning the development of Alma Road garages.

**Discrepancy 1:**

This is a letter we received from Tracey Crews, Head of Planning, dated 22<sup>nd</sup> July, regarding the above planning Proposal. REF: 14/01304/FUL, and information that we received during a consultation in 2007.

The letter says that this application has been registered with the council, and before a decision is made, you invited us to view the submitted proposals and send any comments.

**Discrepancy 2:**

However, we have just been informed by Councillor Ann Reagan, that the proposal has already been approved, and it is only the Proposal for the Demolition of Alma Road Garage/MOT Workshop that is for consideration. Any comments regarding the development of two storey houses at the rear of my house has already been approved, totally misleading us.

As Councillor Reagan has in her possession a letter stating approval has already been granted, and we have another version of a letter indicating the contrary. Are we then wasting our time writing this comment?

We contacted the council after we saw some workers placing gates to block the access to Alma Road Garages, and then we were informed that development was imminent. Weeks later, we received the above letter from you. No previous communication regarding this development was received. Nor were any Development Notices placed in the local area.

**Discrepancy 3:**

The only meeting we were ever invited to was a public meeting held at the then-Bass House Pub, Councillor Reagan, two other Planning Officers, Developers, and Local Residents, were present at the meeting. This meeting can be confirmed by Councillor Reagan, and it was held just before 14 December 2007 when the Planning Decision was approved. On this occasion, I expressed my concern regarding the development at the back of my house and intrusion of our privacy to the Planning Officers. I was reassured that only a bungalow would be built at the back of my house, as the existing building is only a single storey, and as the rest of houses in Alma Road all constituted bungalows, the developers would have to follow the existing pattern. However, I was also explained,



due to the fact that the One Stop Shop is two storey, future development will follow this precedent. We then signed our support for this development.

I believed and trusted the information given to us by the Planning Officers, and now we are facing a totally different proposal which deviates from the original. Construction of two-storey houses will be an intrusion of our privacy, as the houses will be overlooking our living room, kitchen, conservatory, garden. On paper it looks satisfactory, but I would like to request for you to visit my house, so that you can appreciate the level of intrusion we will be subject to if these two-storey houses are built. Please see attached photographs.

I am available on my mobile so please do not hesitate to contact me.

Sincerely,

























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23 Dinas Road,  
Hatherley,  
Cheltenham GL51 3ER

To: Cheltenham Borough Council Planning Committee

Dear Members of the Committee,

**Re: Planning Application Ref: 14/01304/FUL**

Proposal: Proposed residential development comprising 11no. dwellings (7no. three bed houses and 4no. two bed flats) with associated car parking and vehicular access following demolition of existing shop, lock-up garages and Alma Road Garage at One Stop Shop 62 Alma Road, Cheltenham

Our home (No. 23 Dinas Road) is located directly behind the Alma Road Garages. My family and I have lived in this house for the last 36 years.

We would like to bring to your attention four issues of concern to us regarding the proposed development:

- 1- Intrusion of Privacy**
  - 2- Lack of Communication**
  - 3- New Gate: Dinas Road Access to the Development**
  - 4- Asbestos and Contaminated Land Removal**
- 

### **1 - Intrusion of Privacy (*see Pictures 1 & 2*)**

Under this proposal three new (two storey) houses will be positioned adjacent to our back garden, these houses having direct viewing access into our garden, conservatory, living-room, kitchen, bedroom and bathroom, thus totally compromising our privacy. This latest proposal has moved the houses forward by 2 metres from their position on earlier plans, placing them even closer to our garden and house.

Our garden and conservatory are an important part of our living and secure space, a safe haven used throughout the year. Our privacy and security is of paramount importance to us because they represent a space where we feel free from prying eyes, this being necessary because of previous experience, as follows.

We have for many years endured a barrage of harassment and racial abuse (I being of Peruvian background and my husband white British, an ex British army serviceman). Our windows have been broken; stones, bricks, and mud have been thrown at our house. We have been threatened with metal bars; I have been fired at with a BB gun, resulting in injury to my arm; acid has been poured on our car, and most recently, a laser gun was aimed at our conservatory and living room. Many incidents have been recorded on CCTV.



As you can appreciate, our garden and conservatory is a heaven of refuge for us, where we are shielded from the devastating activities that can occur at the front of the house facing Dinas Road.

We feel strongly that his new proposal, if accepted in its present form, would destroy the privacy and security we now enjoy in our back garden. We are fully aware of Policy CP4 Note 3, determining minimum distance to adjoining property, and theoretically on paper and on plan drawings the code of practice seems adequate but in practice we believe the development will prove devastating for us. The impact of the development and its encroachment into our living space will perhaps only be fully appreciated after building work has been completed and for this reason I have requested that members of the Planning Committee view our house and garden so they may better appreciate the potential negative impact on our daily lives. My family and I appeal to the Committee members to help us maintain a quality of life free from prying eyes and scrutiny and to be able to bring-up our family and grandchildren in comfort, privacy and security.

## **2 - Lack of Communication**

It is of great concern to us that no-communication regarding this proposal was sent to us. In 2007 we attended a Public Consultation Meeting held at the Bass House Public House. Present at this meeting were Counsellor Anne Reagan, two Cheltenham Borough Council Planning Officers, and neighbours. At this meeting we expressed our concerns regarding the intrusion into our privacy if two storey houses were to be built on this site. We were reassured by the Planning Officers that, adjacent to our back garden, only a bungalow was to be built and that the new bungalow would follow the built pattern of existing bungalows in Alma Road. However, it was also explained to us that, because the Alma Road *One Stop Shop* is an existing two storey building, it could be replaced by a similar structure. This proposal was rejected, and there was no more contact between us and the Council. It was only because of the presence of two new temporary gates, placed at each end of an existing driveway linking Dinas Road and Alma Road and thus blocking the entrance to the site, that I decided to phone the Council querying if any development was going to take place. I was informed they didn't know anything about a development on this site. I then made a second phone, speaking directly to the Planning department, and was told this development was nothing to do with me. I explained that I was directly affected by this development, giving my contact details, and on the 22<sup>nd</sup> July 2014 we received a letter from the Council informing us for the first time about the development Ref: 14/01304/FUL.

I have since spoken to the Planning Support officer, enquiring to whom *Neighbours Letters* had been sent regarding this proposal. She investigated the database and confirmed that no letters were sent to our home, 23 Dinas Road, except for the letter sent on the 22<sup>nd</sup> July 2014 which I had personally requested. However *Neighbours Letters* had been sent to 25 Dinas Road. She apologised for the error in not sending us copies of the letters.

Counsellor Anne Reagan explained to me that the planning application for new houses adjacent to the back of our back garden had already been approved, and that this present proposal it is only relevant to the demolition of the Alma Road MOT Garage.



We are extremely concerned that this application has already been approved without an opportunity being given to ourselves as affected neighbours to express our concern, also that no relevant planning notice was or is publicly displayed in the surrounding area.

We believed and trusted the information given to us by Council Planning Officers at the 2007 Public Meeting. They were aware of our concern regarding our privacy and they knew we would object to any development adjacent to our house other than a bungalow.

We appeal to you Committee Members to please uphold the planning information as it was given to us, which we believed and trusted. All the other houses on our side of Dinas Road have bungalows behind their back gardens and they all enjoy the privacy which will be denied to us if this development goes ahead, and we would ask you to take into consideration the concerns expressed in: **1- Intrusion of Privacy.**

### **3 – New Gate: Dinas Road Access to the Development (see Picture 3)**

The developer has proposed installation of a new double gate connecting the site to Dinas Road, for the purpose of providing access to communal dustbins, and this is of concern to us. We fear that criminal elements would use this gate, locked or not, as a short-cut to the new development. The Gloucestershire Police *Crime Prevention Design Advisor and Harm Reduction Officer* has been consulted regarding the overall development, and his report is accessible on-line at the Cheltenham Borough Council's website. However, we would like to bring to your attention some additional relevant facts that are not covered by this report:

#### **3.1 - History of Criminal activity (see Picture 4)**

The garages and especially the Dinas Road access to them have a long history of criminal activity including, amongst others, two serious assaults, two robberies, arson, drug-using, drug-dealing, anti-social behaviour and fly-tipping. There has been this month a serious assault with a machete, and last winter a garden hedge facing the entrance to the garages from Dinas Road was set on fire, the flames being so large and intense we were worried that our roof and that of our neighbours was in danger. Furthermore, at least one of the temporary gates installed by the garage owner was vandalised soon after installation, a car ramming the gate, flattening it to the ground.

We strongly believe a gate, even a lockable gate, providing access to the site from Dinas Road will perpetuate these criminal activities and that a preferable alternative is a solid high wall that would represent a barrier to such destructive behaviour, preventing future criminal activities directly affecting Dinas Road and the future occupants of the new development.

We would like to support our petition by applying well establish principles used by the Gloucestershire Police *Crime Prevention Design Advisor's "Crime Prevention through Environmental Design"* by C. Ray Jeffrey, 1971 and also *"Defensible Space: Crime Prevention through Urban Design"* by Oscar Newman 1972 which states: *"it recognised that a well-designed environment, well used by locals and visitors can lead to a reduction in the fear and incidence of crime, leading to the improvement in the quality of life..."*



We would also like to reinforce our petition by quoting Martin Surl, Police and Crime Commissioner, who has said: *"It is very tempting to look for a criminal justice solution, but my experience tells me that to achieve lasting change, you need a joined-up approach that includes the public sector and communities affected as well..."* and *"I believe solutions that come from local people most affected by a problem, sometimes have a better chance of success than those that are imposed on them..."*  
("Fears crime is on the increase in Cheltenham neighbourhoods", article by Michael Yong, posted August 28, 2014, Gloucestershire Echo)

#### **4 - Asbestos and Contaminated Land Removal (see Picture 1)**

A *Ground Investigation Report* on the site dated 21 July 2014, carried-out by Derwentside Environmental Testing Services Limited, revealed Asbestos roofing covering the garages and also contaminated land. The summary of chemicals found include Heavy Metals, Inorganics, Petroleum Hydrocarbons and PAHs. The presence of Arsenic, Cadmium, Chromium, Lead, Mercury, Thallium, Vanadium, Selenium in the soil, and the Water Chemical Analysis, make a horrific reading list as many of these substances are carcinogenic.

We are extremely concerned for the Health and Safety of our family and neighbouring families. We have previously suffered an incident with contamination of our water supply that occurred when underground Fuel Tanks belonging to the petrol station that previously occupied part of the site suffered a serious leak. As a result of this incident the petrol station was closed.

Worryingly, the developer *Cotswold Homes*, in their pre-application report paragraph 6.17 declares "these Underground storage tanks (UST) are a potential source of contaminants that would affect human health" but failing to mention that a serious incident has already occurred with contamination of our water supply, affecting homes in Dinas Road and Alma Road. Water samples taken in July 2014 revealed the presence of Benzo fluoranthene, naphthalene Pyrene, phenols, benzene, ethylbenzene, cyanide, and Aliphatic Petroleum Hydrocarbons. In this report I have read that the analysis of metals in water was performed on a filtered sample, therefore represents dissolved metals in the water. These heavy metals and other chemicals could percolate to adjacent lands of neighbouring gardens, infiltrating our water supply. We request that an independent body test our water supply and the land in our gardens, to safeguard the families that may be directly affected. Borehole BH03 is located on the development site immediately adjacent to our back garden area where the former pond was located. This issue raises our concern that such poisonous substances may be presently endangering the health and safety of ourselves and other neighbouring families. We ask you in the strongest possible way to please investigate as a matter of urgency this land contamination and its implications for the present and future health of residents.

Removal of Asbestos roofing and removal of contaminated land will be a huge undertaking and according to the on-line report by the Cheltenham Borough Council Land Contamination Officer, it is to be expected that dust particles, debris and some volatile substances will be released to the local environment during the removal processes, contaminating the

surrounding area, ie, our home. This is a risk we do not take lightly, and we are concerned about how the effects of this on us and neighbouring homes will be monitored. These are very dangerous substances that we do not want contaminating the inside of our homes or our water supply thus affecting the health of our family and grandchildren. The Contaminated Land officer who I have spoken with was not at that time aware of the leak from the Underground Storage Fuel Tanks (UST), nor had he then read the full Ground Survey Report. He indicated that suppression techniques will be used to contain airborne particles when cleaning the contaminated land and asbestos roofing. However, he placed the responsibility for checking if any contaminants have reached our house and garden onto ourselves. We request that the Planning Committee ensure that exhaustive tests are carried out, such as collection and analysis of dust particles (from our windows, carpets and floors, garden, dust settled on leaves, etc) as well as analysis of our water supply, soil and ground water.

We thank the Committee for your interest and time spent looking at this Development proposal. We highlight the issues raised above because experience has shown us that we need to be pro-active and take the initiative in requesting steps necessary for the safeguarding and the well-being of our family. We are aware of the housing shortage and the need to prioritise re-use of brown-field sites, but we appeal to you Committee Members to make balanced judgements that are appropriate for both existing and new residents and safe for the community.

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Proposed  
location of  
Three (two  
storey) houses

Asbestos  
Roofing

Picture 1

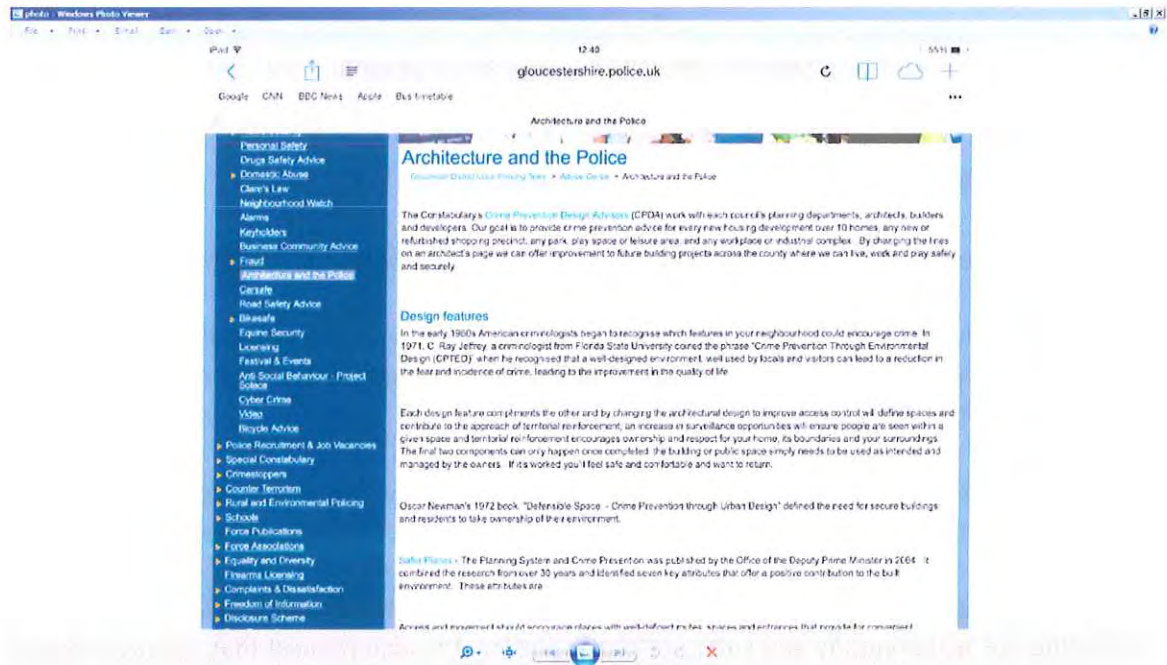


Picture 2



Dinas Road Access:  
Proposed Gates

Picture 3



Picture 4



## **Three minute address to Planning Committee:**

Members of the Committee, this address is regarding a proposed residential development on a brown-field site at 62 Alma Road.

Our home at 23 Dinas Road is located directly behind existing Garages on the Alma Road site. We have lived at this address for more than 36 years.

I would like to bring to your attention the two most important issues that concern us:

### **1-Intrusion of Privacy**

Under this proposal three new two storey houses will be positioned adjacent to our back garden, these houses having direct viewing access to all the daily activities in our garden, conservatory, living room and kitchen, thus totally compromising our privacy. This will be unlike the situation of neighbouring houses which have only bungalows behind them.

The privacy and security of our garden and conservatory is of paramount importance to us, a safe haven used throughout the year. This is because we have for many years endured a barrage of harassment and racial abuse. Our front windows facing Dinas Road have been broken; stones, bricks, and mud have been thrown at our house. We have been threatened with metal bars, I have been fired at with a BB gun, resulting in injury to my arm, and acid has been poured on our car. Many of these incidents have been recorded on CCTV.

This new proposal will destroy the privacy and security we presently enjoy in our back garden.

### **2-Asbestos and Contaminated Land Removal**

We are extremely concerned for the Health and Safety of our family and neighbouring families.

Garages on the site have Asbestos roofing and the land is contaminated by heavy metals, Inorganics, Petroleum Hydrocarbons and other carcinogenic substances, these identified by a ground investigation made in July 2014.

We have already suffered an incident with contamination of our water supply that occurred when the petrol station fuel tanks, previously occupying part of the site, suffered a serious leak.

We request that exhaustive testing be carried out to confirm that contamination is not presently affecting our water supply and soil in our back garden. We also request that, during removal of the contaminants from the site, dust particles be extracted from inside neighbouring homes and gardens to verify that no contaminants are reaching our homes during their removal.

**Thank you for your attention.** Fuller details of our concerns relating to this development are documented in my letter emailed to the committee on 12<sup>th</sup> September.

Michelle Payne

Planning Officer

Cheltenham Borough Council

Cheltenham

4<sup>th</sup> August 2014

Ref Application 14/01304/FUL

Dear Ms Payne.

On behalf of the tenants and staff of Alma Road Garage I wish to place an objection to the above application. I request this matter is placed before the full planning committee and a site view is arranged, also that all members have sight of this letter.

**The objection is placed under policy EM2.**

It should be noted that this garage facility has been in use for over 20 years and is in regular use by local residents particularly the elderly. They rely heavily on this amenity as it is the only garage in the vicinity of Hatherley and Warden Hill and the outlying area of this part of South West Cheltenham.

This business has a highly regarded reputation and **the loss of 8 staff** will be a severe blow to local employment.

I wish to take issue on behalf of the tenant with the comments made by the developers in their planning statement on page 13, note 6.27.

There has never ever been any suggestion of other uses for this site ie.( Car Wash) and to suggest otherwise is a completely misleading statement and casts doubts of accuracy within this document.

**TP 1 Development and Highway safety**

It should be brought to member's attention that the off road parking proposals for the site as a whole will bring considerable risk to the safety of local pedestrians and road users. With vehicles needing to reverse or drive onto this narrow and very busy road with a 10 minute "D" bus service it would cause traffic congestion and potential accidents which we do observe now with parking on the opposite side of this road.

**Ground Conditions- Contaminated land**

With the proposal of removal of the underground storage tanks because of a potential source of contaminants, it is noted that it is a condition of the approval of this application they be removed in the first instance.

The considerable cost to the developer of this significant operation raises the question of the benefit they will receive in monetary terms from the sale of the three homes to be built on this garage site.

I therefore request that members refuse permission to this application and safeguard the future of this much needed and greatly used local facility.

Yours sincerely

Anne Regan

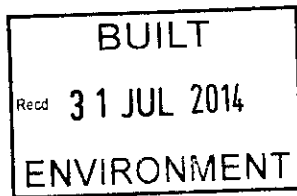
Ward Cllr Warden Hill

60, Alma Road,

Hatherley,

Cheltenham,

Glos.



July 30th 2014

Dear Sirs,

**Residential development adjacent 60, Alma Road, Hatherley.**

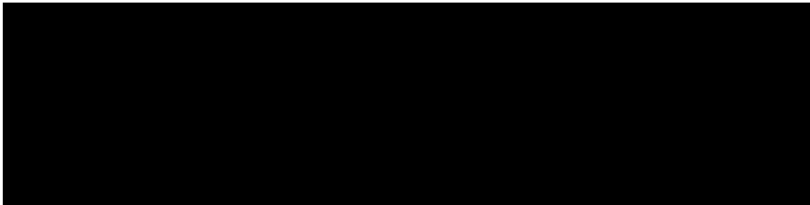
**Ref : 14/01304/FUL**

Thank you for your letter of 22nd July 2014.

I would like to express my concern with regard to boundary treatment adjacent to my property which is not fully detailed on the application plans.

When a start is made on site I would like you to ensure by condition that my boundary is made safe and secure and any works thereto are agreed to my satisfaction.

Yours faithfully,



<b>APPLICATION NO:</b> 14/01304/FUL		<b>OFFICER:</b> Miss Michelle Payne	
<b>DATE REGISTERED:</b> 22nd July 2014		<b>DATE OF EXPIRY:</b> 21st October 2014	
<b>WARD:</b> Warden Hill		<b>PARISH:</b> Leckhampton With Warden Hill	
<b>APPLICANT:</b>	Cotswold Homes Limited		
<b>AGENT:</b>	Mr Alex Young		
<b>LOCATION:</b>	One Stop Shop, 62 Alma Road, Cheltenham		
<b>PROPOSAL:</b>	Proposed residential development comprising 11no. dwellings (7no. three bed houses and 4no. two bed flats) with associated car parking and vehicular access following demolition of existing shop, lock-up garages and Alma Road Garage		

## Update to Officer Report

### 4. CONSULTATIONS

The following additional consultation response has been received from Up Hatherley Parish Council since the publication of the main agenda:

#### **Parish Council**

*13th February 2015*

Up Hatherley Parish Council was shocked and dismayed to discover this week, quite by chance, the above application to demolish Alma Road Garage in favour of four new flats. Sadly, we were not officially informed because the site is just over the border in Warden Hill parish but it is still very surprising that nobody thought to mention it to any of our councillors. We are, however, grateful to be given this late opportunity to express our unanimous joint comments.

The garage has served the local community for 27 years, employs five people and is extremely well thought of, indeed it is used by virtually everyone with a car and is the only business in Up Hatherley and Warden Hill which cannot be replaced like for like. The owners have searched diligently for a replacement site but found nothing. Its loss would be catastrophic for everyone in south Cheltenham and we therefore register our strongest possible objection. Why destroy a valuable local business for a handful of flats which will make little difference to the number of JCS homes apparently required?

We are also concerned about the environment in respect of underground storage tanks which would presumably have to be removed and might pollute the environment in the process.

Thank you for considering our comments even at this late stage.

### 6. OFFICER COMMENTS

#### 6.1 Determining Issues

6.1.1 The principle of developing the majority of this site for housing has been previously established by the granting of planning permission ref. 07/01502/FUL and the subsequent extension of time application ref. 12/00774/FUL in June 2012 which remains extant.

6.1.2 As such, the main consideration when determining this current application relates to the loss of the existing garage facility and its replacement with 3no. additional dwellings;

alongside matters relating to design, impact on neighbouring amenity, and access and highway safety.

## 6.2 Loss of existing garage facility / employment use

6.2.1 Local plan policy EM2 (safeguarding of employment land) seeks to protect existing land and buildings in an existing B1-B8 use.

6.2.2 The Planning Policy Team have provided comprehensive comments in respect of policy EM2 which are set out in the main report at sections 4.6 and 4.7 however the salient point is copied below:

*“On balance, the planning policy team take the view that in the particular circumstances of this case, the arguments for redevelopment of the site as a whole just tip the balance to justify a departure from the development plan in the removal of the garage and workshop without fully meeting the tests of policy EM2. The most significant reason for this is the small area of the site covered by the policy in relation to the whole, much of which is already covered by a consented but unviable scheme which the applicants have demonstrated could be unlocked by this departure”.*

6.2.3 In light of the above, officers are satisfied that the principle of development can be supported.

6.2.4 It is important to remember that it is the retention of the land for employment purposes that the policy seeks to protect, not the occupier.

## 6.3 Design and layout

6.3.1 Local plan policy CP7 (design) requires all new development to be of a high standard of architectural design and to complement and respect neighbouring development and the character of the locality.

6.3.2 The terrace of 4no. dwellings in the northern part of the site, and the apartment block to the rear, both adopt similar footprints to those buildings previously permitted. As before, parking for the houses is largely proposed to the frontage and accessed directly from the highway. Such an arrangement is also proposed for the additional terrace of 3no. dwellings on the site of the existing garage. These frontage buildings adopt a similar building line to the existing development within the vicinity. Additional parking is proposed within a rear parking court.

6.3.3 A traditional design approach has been taken with pitched tiled roofs and facing brick elevations to ensure that the development would sit comfortably in its context and reflect the character of the surrounding housing. Such an approach is considered to be wholly appropriate although to be certain of a high quality development, all of the external facing materials will need to be agreed; this can be achieved by way of a condition.

6.3.4 Bin storage spaces are proposed within the rear gardens of the houses and within a communal bin store for the flats. This communal bin store would be accessed via secure access gates on Dinas Road on collection days; further details relating to this secure access point will be required by way of condition.

6.4.5 In conclusion, the proposed redevelopment scheme is of a suitable scale, height, massing and footprint for this site and would sit comfortably within its context. Officers therefore considered that the proposal is fully in accordance with the aims and objectives of policy CP7 and guidance set out within the Council's SPD relating to development on garden land and infill sites, and the NPPF.

#### 6.4 Impact on neighbouring amenity

6.4.1 Local plan policy CP4 (safe and sustainable living) states that development will be permitted only where it would not cause unacceptable harm to the amenity of adjoining land users and the locality.

6.4.2 Officers consider that the proposed residential units could be comfortably accommodated within the site without significant harm to neighbouring amenity in respect of privacy, daylight or outlook.

6.4.3 As previously mentioned, despite the neighbour at no. 23 Dinas Road having understood that only bungalows were permitted to the rear of her property, the houses fronting Alma Road that were approved under the previous planning permission were a full two storeys in height.

6.4.4 As per the extant permission, the terrace of 4no. dwellings in the northern part of the site, to the rear of housing in Dinas Close, achieve a minimum distance of 10.5 metres from first floor windows to the rear boundary. In addition, the closest window to window distance at first floor is approximately 24.5 metres, well in excess of the normally accepted 21 metres.

6.4.5 Furthermore, the windows proposed to the side elevations of the buildings at first floor would serve en-suites or bathrooms and have been conditioned to be obscurely glazed.

6.4.6 Whilst the ridge height of the proposed dwellings, at 8 metres, is approximately 1.2 metres higher than that previously approved, given the distance from the rear boundary, such an increase would be unlikely to result in any significant or additional harm to neighbouring amenity.

6.4.7 It is also notable that in response to the high volume of letters sent out to local residents to notify them of the proposals only four objections have been received.

6.4.8 The development is therefore in accordance with the aims and objectives of policy CP4, and guidance set out within the Council's SPD relating to development on garden land and infill sites, and the NPPF.

#### 6.5 Access and highway issues

6.5.1 Local plan policy TP1 (development and highway safety) states that development will not be permitted where it would endanger highway safety.

6.5.2 The County's highway officer has raised no objection to the scheme subject to a number of conditions being imposed on any planning permission should permission be granted.

6.5.3 In response to the highway officers' comments some minor adjustments and improvements have been made to improve the proposed vehicular access to address concerns.

6.5.4 Overall 18 car parking spaces are proposed, at a rate of two spaces per dwelling and one space per flat. In addition, a secure cycle store is proposed to serve the flats.

6.5.5 As such, the development accords with the requirements of policy TP1, and guidance set out within the NPPF.

#### 6.6 Other considerations

6.6.1 As with all new residential development, provision for play space would be required to meet the requirements of local plan policy RC6 (play space in residential development). As on-site play space provision is clearly not feasible in this location, policy RC6 envisages a commuted sum in order to achieve its requirements and it is considered that this matter could be adequately dealt with by way of a condition should permission be granted.

6.6.2 Due to the previous potentially contaminative use of the site, the contaminated land officer has requested that the standard contaminated land condition be imposed in accordance with local plan policy NE4 (contaminated land) should permission be granted.

### 7. CONCLUSION AND RECOMMENDATION

- 7.1 Whilst the development would result in the loss of a parcel of employment land contrary to local plan policy EM2, officers consider that because of specific material considerations which relate uniquely to this site there is a strong argument for a departure from the development plan in this case. Independent viability assessment work has confirmed that the extant scheme for 8 units is not viable.
- 7.2 Officers consider that the proposed redevelopment scheme is of a suitable scale, height, massing and footprint for the site and would sit comfortably within its context.
- 7.3 In addition, the scheme would not result in any significant or unacceptable harm to neighbouring amenity or highway safety.
- 7.4 Therefore, in conclusion, the recommendation is to grant planning permission subject to the following conditions:

### 8. SUGGESTED CONDITIONS / INFORMATIVES

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.  
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The development hereby permitted shall be carried out in accordance with Drawing Nos. 511-01-P3, 511-02-P2, 511-03-P2, 511-10-P2, 511-11-P3, 511-20-P2 and 511-21-P2.  
Reason: To ensure the development is carried out in strict accordance with the approved drawings.
- 3 Prior to the commencement of development, plans showing the existing and proposed ground levels and slab levels of the proposed and adjacent buildings shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented strictly in accordance with the agreed details.  
Reason: To ensure a satisfactory relationship of the proposed building with the adjoining properties and land in accordance with Local Plan Policies CP4 and CP7 relating to safe and sustainable living, and design.



- 4 Prior to the commencement of development, an annotated elevation with a detailed specification of all external materials and finishes (including all windows and external doors) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented strictly in accordance with the details so approved and maintained as such thereafter.  
Reason: To ensure a satisfactory form of development in accordance with Local Plan Policy CP7 relating to design.
- 5 Prior to the commencement of development, a detailed scheme for landscaping, tree and/or shrub planting and associated hard surfacing (which should be permeable or drain to a permeable area) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall specify species, density, planting size and layout. The scheme approved shall be carried out in the first planting season following the occupation of the building or completion of the development, whichever is the sooner.  
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.
- 6 Prior to the commencement of development, a scheme for the provision or improvement of recreational facilities to serve the proposed dwelling(s) shall be submitted to and approved in writing by the Local Planning Authority. The dwelling(s) shall not be occupied until the approved scheme has been implemented.  
Reason: To avoid any increase in the Borough's imbalance between population and the provision of outdoor play space and related facilities in accordance with Local Plan Policy RC6 relating to play space in residential development.
- 7 Prior to the commencement of development, the surface water drainage system shall be designed in accordance with the principles of Sustainable Drainage Systems (SUDS). This shall include a maintenance strategy and full details (including calculations) shall be submitted to and approved by the Local Planning Authority. Prior to the first occupation of any part of the development, the surface water drainage system shall be completed in all respects in accordance with the details approved and shall be retained as such thereafter.  
Reason: To ensure the surface water drainage system does not contribute to flooding or pollution of the watercourse in accordance with Local Plan Policy UI3 relating to sustainable drainage systems.
- 8 Prior to the commencement of development, including any works of demolition, a Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period and shall:
- specify the type and number of vehicles;
  - provide for the parking of vehicles of site operatives and visitors;
  - provide for the loading and unloading of plant and materials;
  - provide for the storage of plant and materials used in constructing the development;
  - provide for wheel washing facilities;
  - specify the intended hours of construction operations;
  - measures to control the emission of dust and dirt during construction; and
  - specify the access points to be used and maintained during the construction phase(s);
- Reason: To reduce the potential impact on the public highway in accordance with Local Plan Policy TP1 relating to development and highway safety and paragraph 35 of the NPPF.

- 9 Notwithstanding the submitted details, prior to the commencement of development, a detailed scheme for boundary walls, fences or other means of enclosure shall be submitted to and approved in writing by the Local Planning Authority and the boundary walls, fences or other means of enclosure shall be erected before the development hereby permitted is first occupied. The scheme shall include details of the secure access gates to the refuse collection point adjacent to Dinas Close and shall also include details of how the gardens to 15 and 16 Dinas Close, 23 and 25 Dinas Road, 60 Alma Road and 62A Alma Road will be secured following the removal of the existing buildings.  
Reason: To ensure that the development is completed in a manner that is sympathetic to the site and its surroundings, and provides a secure residential environment in accordance with Local Plan Policies CP4 relating to safe and sustainable living and CP7 relating to design.
- 10 Prior to the commencement of development, a scheme for the provision of refuse and recycling storage facilities to serve the proposed dwelling(s) (including appropriate containers in accordance with adopted Supplementary Planning Document - Waste Minimisation in Development Projects) shall be submitted to and approved in writing by the Local Planning Authority. The dwelling(s) shall not be occupied until the approved scheme has been implemented.  
Reason: To achieve sustainable waste management and to facilitate recycling in accordance with Gloucestershire Waste Local Plan Policy W36 relating to waste minimisation.
- 11 Prior to the commencement of development, details the secure and covered cycle parking facilities for the apartments shall be submitted to and approved in writing by the Local Planning Authority. Prior to first occupation of the development, the cycle parking shall be completed in all respects and thereafter kept free of obstruction and available for the parking of cycles only.  
Reason: To ensure adequate provision and availability of cycle parking in accordance with Local Plan Policy TP6 relating to parking provision in development.
- 12 Prior to the commencement of development, details of the proposed arrangements for future management and maintenance of the proposed streets within the development shall be submitted to and approved in writing by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as either a dedication agreement has been entered into or a private management and maintenance company has been established.  
Reason: To ensure that safe and suitable access is achieved and maintained for all people in accordance with paragraph 32 of the NPPF and to establish and maintain a strong sense of place to create attractive and comfortable places to live, work and visit in accordance with paragraph 58 of the NPPF.
- 13 Prior to commencement of development, details of the vehicular access to be formed by a dropped kerb shall be submitted to and agreed in writing by the Local Planning Authority. The development shall thereafter be implemented strictly in accordance with the agreed details and be completed in all respects before the development hereby permitted is first occupied.  
Reason: To reduce potential highway impact by ensuring the access is suitably laid out and constructed and in accordance with Local Plan Policy TP1 relating to development and highway safety and paragraph 35 of the NPPF.

- 14 The new vehicular access hereby permitted shall not be brought into use until the proposed roadside frontage boundaries have been set back to provide visibility splays extending from a point 4.5m back along the centre of the access, measured nearer edge of the footway, extending at an angle of 45 degrees to the footway, and the area between those splays and the footway shall be reduced in level and thereafter maintained so as to provide clear visibility at a height of 600mm above the adjacent footway level.  
Reason: To reduce potential highway impact by ensuring that adequate pedestrian visibility is provided and maintained in accordance with Local Plan Policy TP1 relating to development and highway safety and paragraphs 32 and 35 of the NPPF.
- 15 Prior to first occupation of the development, the carriageway(s) (including surface water drainage/disposal, vehicular turning head(s) and street lighting) providing access from the nearest public highway to that dwelling shall be completed to at least binder course level and the footway(s) to surface course level.  
Reason: In the interest of highway safety; to ensure safe and suitable access has been provided for all people; and to safeguard the visual amenities of the locality in accordance with paragraph 35 of the NPPF.
- 16 The new vehicular access hereby permitted shall not be brought into use until all existing vehicular accesses to the site (other than that intended to serve the development) have been permanently closed, and the footway/verge in front has been reinstated in accordance with details to be submitted to and agreed in writing beforehand by the Local Planning Authority.  
Reason: To reduce potential highway impact by ensuring there is no further use of an access that is deemed to be unsuitable to the serve the development in accordance with Local Plan Policy TP1 relating to development and highway safety and paragraph 32 of the NPPF.
- 17 Prior to first occupation of the development, car parking shall be completed and marked out in accordance with Drawing No. 511-01-P3. The car parking shall thereafter be retained in accordance with the approved plans and kept available for use as car parking at all times.  
Reason: To ensure adequate car parking within the curtilage of the site in order to reduce potential highway impact by ensuring that vehicles do not have to park on the highway in accordance Local Plan Policy TP1 relating to development and highway safety and paragraph 39 of the NPPF.
- 18 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and/or re-enacting that order) the first floor windows to the side elevations of the houses and shall be glazed with obscure glass and shall incorporate a restricted opening mechanism, details of which shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The window shall be installed in accordance with the details so approved and shall be maintained as such thereafter.  
Reason: To safeguard the amenities of the adjoining properties in accordance with Local Plan Policy CP4 relating to safe and sustainable living.

## **INFORMATIVES**

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

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<b>APPLICATION NO:</b> 14/01304/FUL		<b>OFFICER:</b> Miss Michelle Payne	
<b>DATE REGISTERED:</b> 22nd July 2014		<b>DATE OF EXPIRY:</b> 21st October 2014	
<b>WARD:</b> Warden Hill		<b>PARISH:</b> Leckhampton With Warden Hill	
<b>APPLICANT:</b>	Cotswold Homes Limited		
<b>AGENT:</b>	Mr Alex Young		
<b>LOCATION:</b>	One Stop Shop, 62 Alma Road, Cheltenham		
<b>PROPOSAL:</b>	Proposed residential development comprising 11no. dwellings (7no. three bed houses and 4no. two bed flats) with associated car parking and vehicular access following demolition of existing shop, lock-up garages and Alma Road Garage		

## Update to Officer Report

### 6. SUGGESTED CONDITIONS / INFORMATIVES *(continued)*

The following contaminated land condition was omitted in error from the previous update:

- 19 The development hereby approved shall not commence on site until the following condition has been complied with and satisfactorily agreed, in writing, by the Local Planning Authority.

i) Site characterisation

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

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

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

ii) Submission of a remediation scheme

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

iii) Implementation of approved remediation scheme


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

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

iv) Reporting of unexpected contamination

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

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

  
23 Dinas Road,  
Hatherley,  
Cheltenham GL51 3ER

To: Cheltenham Borough Council Planning Committee

Dear Members of the Committee,

**Re: Planning Application Ref: 14/01304/FUL**

Proposal: Proposed residential development comprising 11no. dwellings (7no. three bed houses and 4no. two bed flats) with associated car parking and vehicular access following demolition of existing shop, lock-up garages and Alma Road Garage at One Stop Shop 62 Alma Road, Cheltenham

Our home (No. 23 Dinas Road) is located directly behind the Alma Road Garages. My family and I have lived in this house since 1986 following ten years of service in the armed forces

We would like to bring to your attention four issues of concern to us regarding the proposed development:

- 1- Intrusion of Privacy**
  - 2- Lack of Communication**
  - 3- New Gate: Dinas Road Access to the Development**
  - 4- Asbestos and Contaminated Land Removal**
- 

**1 - Intrusion of Privacy (see Pictures 1 & 2)**

Under this proposal three new (two storey) houses will be positioned adjacent to our back garden, these houses having direct viewing access into our garden, conservatory, living-room, kitchen, bedroom and bathroom, thus totally compromising our privacy. This latest proposal has moved the houses forward by 2 metres from their position on earlier plans, placing them even closer to our garden and house.

Our garden and conservatory are an important part of our living and secure space, a safe haven used throughout the year. Our privacy and security is of paramount importance to us because they represent a space where we feel free from prying eyes, this being necessary because of previous experience, as follows.

We have for many years endured a barrage of harassment and racial abuse (I being of Peruvian background and my husband white British, an ex British army serviceman). Our windows have been broken; stones, bricks, and mud have been thrown at our house. We have been threatened with metal bars; I have been fired at with a BB gun, resulting in injury to my arm; acid has been poured on our car, and most recently, a laser gun was aimed at our



conservatory and living room. Many incidents have been recorded on CCTV and reported to the police.

As you can appreciate, our garden and conservatory are havens for us, where we are shielded from the devastating activities that can occur at the front of the house facing Dinas Road.

We feel strongly that this new proposal, if accepted in its present form, would destroy the privacy and security we now enjoy in our back garden. We are fully aware of Policy CP4 Note 3, determining minimum distance to adjoining property, and theoretically on paper and on plan drawings the code of practice seems adequate but in practice we believe the development will prove devastating for us. The impact of the development and its encroachment into our living space will perhaps only be fully appreciated after building work has been completed and for this reason I have requested that members of the Planning Committee view our house and garden so they may better appreciate the potential negative impact on our daily lives. My family and I appeal to the Committee members to help us maintain a quality of life free from prying eyes and scrutiny and to be able to bring-up our family and grandchildren in comfort, privacy and security.

## **2 - Lack of Communication**

It is of great concern to us that no-communication regarding this proposal was sent to us. In 2007 we attended a Public Consultation Meeting held at the Bass House Public House. Present at this meeting were Counsellor Anne Reagan, two Cheltenham Borough Council Planning Officers, and neighbours. At this meeting we expressed our concerns regarding the intrusion into our privacy if two storey houses were to be built on this site. We were reassured by the Planning Officers that, adjacent to our back garden, only a bungalow was to be built and that the new bungalow would follow the build pattern of existing bungalows in Alma Road. However, it was also explained to us that, because the Alma Road *One Stop Shop* is an existing two storey building, it could be replaced by a similar structure. This proposal was rejected, and there was no more contact between us and the Council. It was only because of the presence of two new temporary gates, placed at each end of an existing driveway linking Dinas Road and Alma Road and thus blocking the entrance to the site, that I decided to phone the Council querying if any development was going to take place. I was informed they didn't know anything about a development on this site. I then made a second phone, speaking directly to the Planning department, and was told this development was nothing to do with me. I explained that I was directly affected by this development, giving my contact details, and on the 22<sup>nd</sup> July 2014 we received a letter from the Council informing us for the first time about the development Ref: 14/01304/FUL.

I have since spoken to the Planning Support officer, enquiring to whom *Neighbours Letters* had been sent regarding this proposal. She investigated the database and confirmed that no letters were sent to our home, 23 Dinas Road, except for the letter sent on the 22<sup>nd</sup> July 2014 which I had personally requested. However *Neighbours Letters* had been sent to 25 Dinas Road. She apologised for the error in not sending us copies of the letters.



Counsellor Anne Reagan explained to me that the planning application for new houses adjacent to the back of our back garden had already been approved, and that this present proposal it is only relevant to the demolition of the Alma Road MOT Garage.

We are extremely concerned that this application has already been approved without an opportunity being given to ourselves as affected neighbours to express our concern, also that no relevant planning notice was or is publicly displayed in the surrounding area.

We believed and trusted the information given to us by Council Planning Officers at the 2007 Public Meeting. They were aware of our concern regarding our privacy and they knew we would object to any development adjacent to our house other than a bungalow.

We appeal to you Committee Members to please uphold the planning information as it was given to us, which we believed and trusted. All the other houses on our side of Dinas Road have bungalows behind their back gardens and they all enjoy the privacy which will be denied to us if this development goes ahead, and we would ask you to take into consideration the concerns expressed in: **1- Intrusion of Privacy.**

### **3 – New Gate: Dinas Road Access to the Development (see Picture 3)**

The developer has proposed installation of a new double gate connecting the site to Dinas Road, for the purpose of providing access to communal dustbins, and this is of concern to us. We fear that criminal elements would use this gate, locked or not, as a short-cut to the new development. The Gloucestershire Police *Crime Prevention Design Advisor and Harm Reduction Officer* has been consulted regarding the overall development, and his report is accessible on-line at the Cheltenham Borough Council's website. However, we would like to bring to your attention some additional relevant facts that are not covered by this report:

#### **3.1 - History of Criminal activity (see Picture 4)**

The garages and especially the Dinas Road access to them have a long history of criminal activity including, amongst others, two serious assaults, two robberies, arson, drug-using, drug-dealing, anti-social behaviour and fly-tipping. There has been this month (September 2014) a serious assault with a machete, and last winter a garden hedge facing the entrance to the garages from Dinas Road was set on fire, the flames being so large and intense we were worried that our roof and that of our neighbours was in danger. Furthermore, at least one of the temporary gates installed by the garage owner was vandalised soon after installation, a car ramming the gate, flattening it to the ground.

We strongly believe a gate, even a lockable gate, providing access to the site from Dinas Road will perpetuate these criminal activities and that a preferable alternative is a solid high wall that would represent a barrier to such destructive behaviour, preventing future criminal activities directly affecting Dinas Road and the future occupants of the new development.

We would like to support our petition by applying well established principles used by the Gloucestershire Police *Crime Prevention Design Advisor's "Crime Prevention through Environmental Design"* by C. Ray Jeffrey, 1971 and also *"Defensible Space: Crime Prevention through Urban Design"* by Oscar Newman 1972 which states: *"it recognised that a well-designed environment, well used by locals and visitors can lead to a*



*reduction in the fear and incidence of crime, leading to the improvement in the quality of life..."*

We would also like to reinforce our petition by quoting Martin Surl, Police and Crime Commissioner, who has said: *"It is very tempting to look for a criminal justice solution, but my experience tells me that to achieve lasting change, you need a joined-up approach that includes the public sector and communities affected as well..."* and *"I believe solutions that come from local people most affected by a problem; sometimes have a better chance of success than those that are imposed on them..."*

("Fears crime is on the increase in Cheltenham neighbourhoods", article by Michael Yong, posted August 28, 2014, Gloucestershire Echo)

#### **4 - Asbestos and Contaminated Land Removal (see Picture 1 )**

A *Ground Investigation Report* on the site dated 21 July 2014, carried-out by Derwentside Environmental Testing Services Limited, revealed Asbestos roofing covering the garages and also contaminated land. The summary of chemicals found includes Heavy Metals, Inorganics, Petroleum Hydrocarbons and PAHs. The presence of Arsenic, Cadmium, Chromium, Lead, Mercury, Thallium, Vanadium, and Selenium in the soil, and the Water Chemical Analysis, make a horrific reading list as many of these substances are carcinogenic.

We are extremely concerned for the Health and Safety of our family and neighbouring families. We have previously suffered an incident with contamination of our water supply that occurred when underground Fuel Tanks belonging to the petrol station that previously occupied part of the site suffered a serious leak. As a result of this incident the petrol station was closed. This incident is recorded and held at the Gloucestershire County Council Archives, Environmental office.

Worryingly, the developer *Cotswold Homes*, in their pre-application report paragraph 6.17 declares "these Underground storage tanks (UST) are a potential source of contaminants that would affect human health" but failing to mention that a serious incident has already occurred with contamination of our water supply, affecting homes in Dinas Road and Alma Road. Water samples taken in July 2014 revealed the presence of Benzo fluoranthene, naphthalene Pyrene, phenols, benzene, ethyl benzene, cyanide, and Aliphatic Petroleum Hydrocarbons. In this report I have read that the analysis of metals in water was performed on a filtered sample, therefore represents dissolved metals in the water. These heavy metals and other chemicals could percolate to adjacent lands of neighbouring gardens, infiltrating our water supply. We request that an independent body test our water supply and the land in our gardens, to safeguard the families that may be directly affected. Borehole BH03 is located on the development site immediately adjacent to our back garden area where the former pond was located. This issue raises our concern that such poisonous substances may be presently endangering the health and safety of ourselves and other neighbouring families. We ask you in the strongest possible way to please investigate as a matter of urgency this land contamination and its implications for the present and future health of residents.

Removal of Asbestos roofing and removal of contaminated land will be a huge undertaking and according to the on-line report by the Cheltenham Borough Council Land Contamination Officer, it is to be expected that dust particles, debris and some volatile substances will be released to the local environment during the removal processes, contaminating the surrounding area, ie, our home. This is a risk we do not take lightly, and we are concerned about how the effects of this on us and neighbouring homes will be monitored. These are very dangerous substances that we do not want contaminating the inside of our homes or our water supply thus affecting the health of our family and grandchildren. The Contaminated Land officer who I have spoken with was not at that time aware of the leak from the Underground Storage Fuel Tanks (UST), nor had he then read the full Ground Survey Report. He indicated that suppression techniques will be used to contain airborne particles when cleaning the contaminated land and asbestos roofing. However, he placed the responsibility for checking if any contaminants have reached our house and garden onto ourselves. We request that the Planning Committee ensure that exhaustive tests are carried out, such as collection and analysis of dust particles (from our windows, carpets and floors, garden, dust settled on leaves, etc) as well as analysis of our water supply, soil and ground water.

We thank the Committee for your interest and time spent looking at this Development proposal. We highlight the issues raised above because experience has shown us that we need to be pro-active and take the initiative in requesting steps necessary for the safeguarding and the well-being of our family. We are aware of the housing shortage and the need to prioritise re-use of brown-field sites, but we appeal to you Committee Members to make balanced judgements that are appropriate for both existing and new residents and safe for the community.

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Proposed  
location of  
three (two  
storey) houses

Asbestos  
Roofing

Picture 1

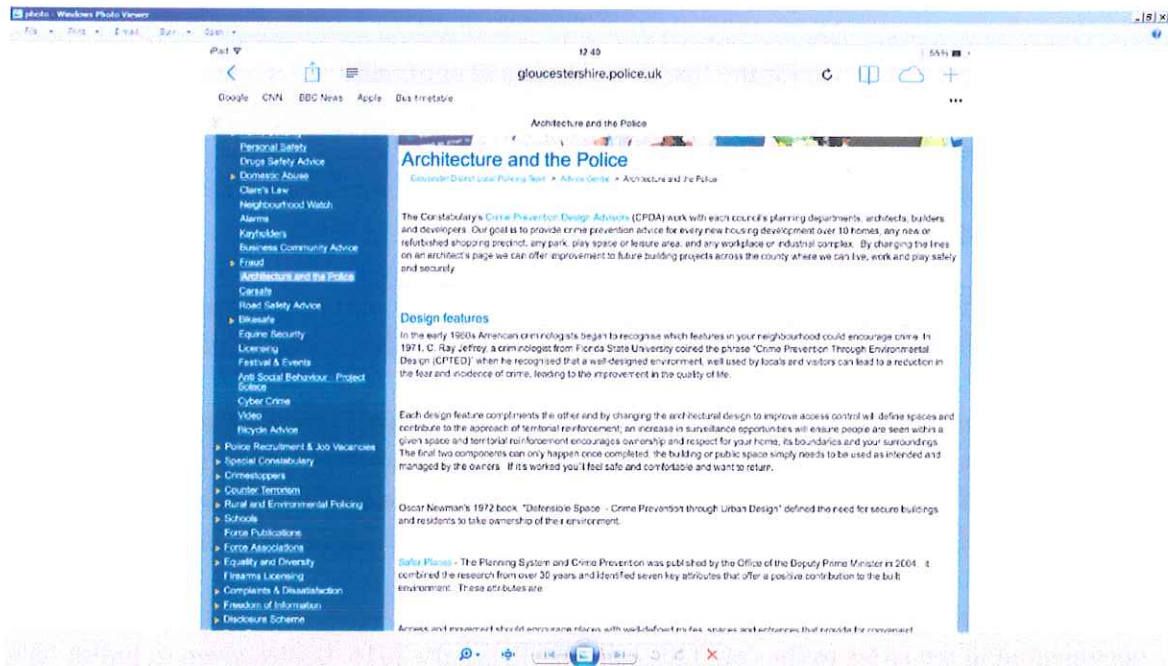


Picture 2



Dinas Road Access:  
Proposed Gates

Picture 3



Picture 4



## **Three minute address to Planning Committee:**

Members of the Committee, this address is regarding a proposed residential development on a brown-field site at 62 Alma Road.

Our home at 23 Dinas Road is located directly behind the existing Garages on the Alma Road site. We have lived at this address for more than 29 years.

I would like to bring to your attention the two most important issues that concern us:

### **1-Intrusion of Privacy**

Under this proposal three new two storey houses will be positioned adjacent to our back garden, these houses having direct viewing access to all the daily activities in our garden, conservatory, living room, bedroom and kitchen, thus totally compromising our privacy. This will be unlike the situation of neighbouring houses which have only bungalows behind them.

The privacy and security of our garden and conservatory is of paramount importance to us, a safe haven used throughout the year. This is because we have for many years endured a barrage of harassment and racial abuse. Our front windows facing Dinas Road have been broken; stones, bricks, and mud have been thrown at our house. We have been threatened with metal bars, I have been fired at with a BB gun, resulting in injury to my arm, and acid has been poured on our car. Many of these incidents have been recorded on CCTV and reported to the police.

This new proposal will destroy the privacy and security we presently enjoy in our back garden.

### **2-Asbestos and Contaminated Land Removal**

We are extremely concerned for the Health and Safety of our family and neighbouring families.

Garages on the site have Asbestos roofing and the land is contaminated by heavy metals, Inorganics, Petroleum Hydrocarbons and other carcinogenic substances, these identified by a ground investigation made in July 2014.

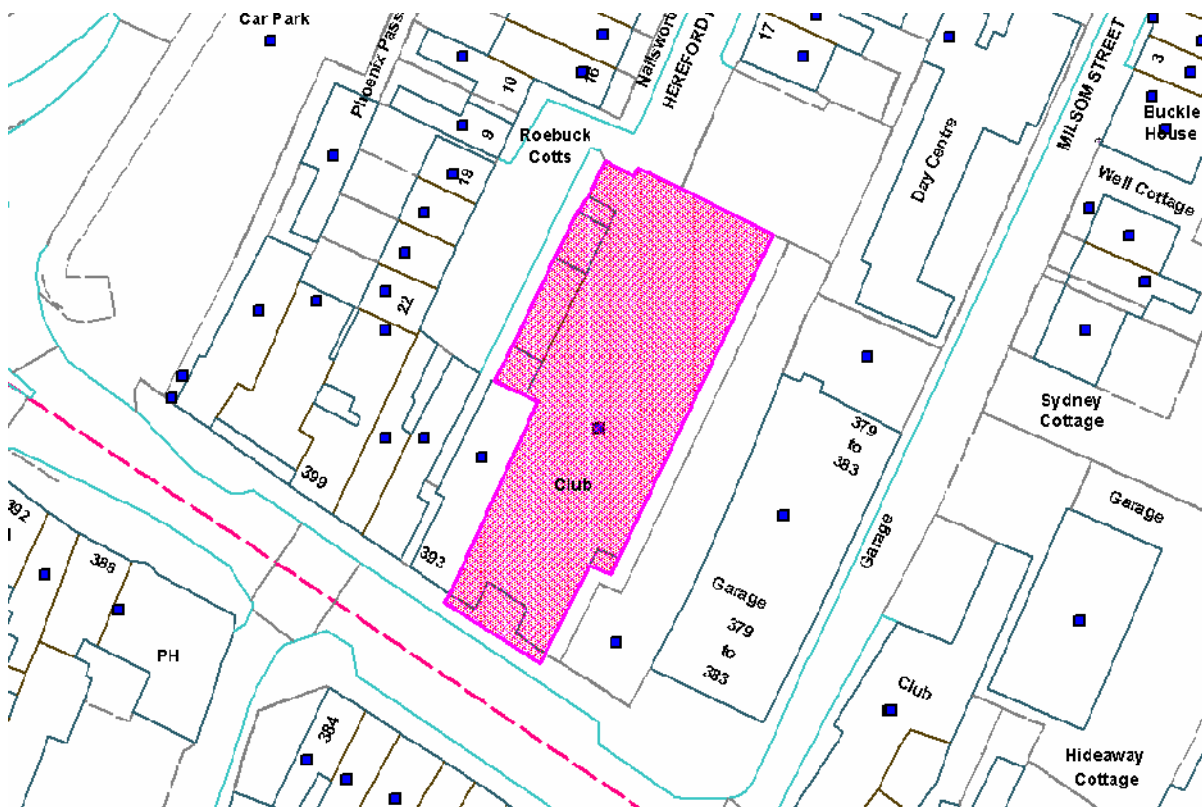
We have already suffered an incident with contamination of our water supply that occurred when the petrol station fuel tanks, previously occupying part of the site, suffered a serious leak.

We request that exhaustive testing be carried out to confirm that contamination is not presently affecting our water supply and soil in our back garden. We also request that, during removal of the contaminants from the site, dust particles be extracted from inside neighbouring homes and gardens to verify that no contaminants are reaching our homes during their removal.

**Thank you for your attention.** Fuller details of our concerns relating to this development are documented in my letter to the committee on 16<sup>th</sup> February 2015. Copies given to Judith Baker on this date.

<b>APPLICATION NO:</b> 14/01423/FUL	<b>OFFICER:</b> Mr Craig Hemphill
<b>DATE REGISTERED:</b> 12th August 2014	<b>DATE OF EXPIRY:</b> 11th November 2014
<b>WARD:</b> St Pauls	<b>PARISH:</b>
<b>APPLICANT:</b>	Lance Leisure Ltd
<b>AGENT:</b>	DK Planning & Development Ltd
<b>LOCATION:</b>	391 High Street, Cheltenham
<b>PROPOSAL:</b>	Demolition of existing building and the construction of a four storey building for residential use together with three town houses and associated parking

**RECOMMENDATION:** Recommendation to follow.



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## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 This is a full application for the re-development of a site on the northern side of High Street near the junction with A4019. The site is located within the Lower High Street Character Area of the Central Conservation Area.
- 1.2 The application proposes, following the demolition of the existing Ace Bingo building (391 High Street), the erection of 14 new residential units comprising 3 two storey houses to the rear of the site, with a four storey building to the front of the site, facing High Street, containing 11 one and two bed apartments. A car parking area is proposed between the proposed building and the houses which would provide 14 parking spaces, accessed via Milsom Street, Nailsworth Terrace and Hereford Place.
- 1.3 The application is before the Planning Committee at the request of Councillor Jon Walklett to consider the public objection to the application.
- 1.4 There is no relevant planning history for the site, however two permissions have been granted in close proximity to the site, 11/00514/FUL and 12/00518/FUL. Both permissions are still valid but work has not started.
- 11/00514/FUL - planning permission was granted for the construction of a new building for mixed residential and retail use, following the demolition of the existing building on land at 379-383 High Street (Widdows Motors).
  - 12/00518/FUL - planning permission was granted for the erection of a building comprising a shop unit and 2 bed flat at ground floor level, 2no x 2 bed apartments on first and second floors, 2no x 1 bed apartments on third floor as well as the provision of car parking facilities and a single storey building for storage of waste and bicycles on land at 385-387 High Street (strip of vacant land between Winddows Motors and the application site).

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

### Constraints:

Conservation Area  
Core Commercial Area  
Residents Associations  
Lower High Street Shopping Area  
Smoke Control Order

### Planning History:

**03/01690/FUL 11th December 2003 PER**

Installation of telecommunications equipment comprising 3 antenna, 1 transmission dish, cabinet equipment and ancillary equipment

**84/00557/PF 27th September 1984 REF**

Mecca Social Club - Tile Hanging To Upper Front Elevation

**94/00666/PF 25th August 1994 PER**

Alterations To Front Elevations To Include New Doors And Frames, New Ceramic Tiling And Decoration

**94/00672/AI 25th August 1994 REF**

Internally Illuminated High Level Sign



### 3. POLICIES AND GUIDANCE

#### Adopted Local Plan Policies

CP 1 Sustainable development  
CP 3 Sustainable environment  
CP 4 Safe and sustainable living  
CP 6 Mixed use development  
CP 7 Design  
BE 3 Demolition in conservation areas  
HS 1 Housing development  
RC 1 Existing community facilities  
RC 6 Play space in residential development  
TP 1 Development and highway safety

#### Supplementary Planning Guidance/Documents

Central conservation area: Lower High Street Character Area and Management Plan (July 2008)

#### National Guidance

National Planning Policy Framework

### 4. CONSULTATIONS

#### **Gloucestershire Centre for Environmental Records**

*21st August 2014*

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

#### **Architects Panel**

*23rd September 2014*

The panel felt that the modelling of the High Street elevation was weak and could perhaps benefit from picking up on floor levels of further vertical division. The detailing of the roof line was also seen as slightly weak. The rear elevation to units 1-3 could also possibly benefit from additional vertical sub-division. The panel would therefore support this application subject to some refinement.

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

*9th September 2014*

#### Site Location

The site is located in the town centre of Cheltenham along the High Street and the rear faces towards Nailsworth Terrace/Hereford Place.

#### Accessibility

I consider that the proposed site to be a very sustainable site within a town centre environment serviced by local amenities with many social amenities, public house(s), community centre a library shops and many employment sites.

There are good highway links and a local bus service connecting to the outlying residential and shopping areas together with schools and Cheltenham Railway and the National Express Coach facility being both within 1 mile of the site providing national rail and coach links.

The site has 10 primary school(s) within 0.6 and 1 mile and 10 secondary school(s) within 0.6 and 1.5 mile(s). There is a good standard of pedestrian pathways linking to Cheltenham Town Centre and adequate cycling accessibility. I consider that the opportunities for sustainable transport modes have been taken up given the nature and location of the site in accordance with Paragraph 32 of the NPPF.

### Accidents

There are no reported accidents along Milsom Street or Nailsworth Terrace/Hereford Place which are the proposed vehicle access routes to the site. There is no road safety considerations related to the proposed application.

### Existing Site Access

Site access is currently from High Street and along Milsom Street onto or Nailsworth Terrace/ Hereford Place.

### Proposed Site Access

I note from the public comment that there is no objection in principle to the development. However, some concern has been raised in regards to the access proposed from the square known as Hereford Place. I have made note of the comments made in addition to my site visit these being;

### Access

Vehicular access to the main site access is through a narrow access onto Hereford Place (described locally as a square) via Nailsworth Terrace/Hereford Place. Extra vehicular movement from the site would be considered to be a significant intensification to which is currently in place in particular the entrance into the shared parking area known as Hereford Place. At this point there is an area dedicated as footway to the North which is shown as servicing properties' No's 9 & 10 (width approximately 1m at it narrowest point) which appears to be currently covered over with a bitumen surface; however, part of the edging is still visible.

There is a Public Right of Way (No ZCH 21 with a width of approximately 2m) which runs from Nailsworth Terrace/Hereford Place across the access onto Hereford Place and along the side the existing Bingo Hall boundary onto the High Street. Hereford Place currently provides unallocated on-street parking for a minimum of 8 vehicles although no parking spaces are marked which the site visit confirmed. The proposed access as shown on Drawing No A1348.10 would have an impact on the current parking arrangements and lead to a reduction in the available parking spaces within Hereford Place due to the need to maintain access to the proposed site. In addition this would lead to a displacement of vehicles currently parking on Hereford Place onto Nailsworth Terrace/Hereford Place.

### Car Parking Survey & Survey Report

A Car Parking Survey & Survey Report has been commissioned and submitted by the applicant, the conclusion and results of the survey have been able to demonstrate that visitor parking is available on Nailsworth Terrace/Hereford Place.

### Resident Parking Scheme

The local community have been involved with informal discussions related to a proposal for the introduction of a local resident parking scheme for Milsom Street and Nailsworth Terrace/Hereford Place. If this scheme is implemented there will be a significant betterment to enable both resident and visitor permit parking to support the development.

### Proposed Site Access – Visibility

Drawing No A1348-11 shows one parking space entered directly from Terrace/Hereford Place across a section of unclassified and not adopted section of highway, the remaining vehicular access being from the non-adopted section of highway known as Hereford Place (locally described as the Square).

There is no current vehicular access and established visibility splay established from Hereford Place (locally described as the Square).

### Hereford Place (locally described as the Square) - Shared Space Street & Footway

It is noted from the site visit that Hereford Place (locally described as the Square) operates as a shared space street un-adopted highway. Highway plans reveal the Public Right of Way No ZCH 2, records further show a footway to the North which is shown as servicing properties' No's 9 & 10 (width approximately 1m at it narrowest point) which appears to be currently covered over with a bitumen surface however part of the edging is still visible.

### Shared Space Street & Footway

It is noted from drawing No A1348-11 that the site will operate as a shared space street.

*Our local guidance "Manual for Gloucestershire Streets (3rd Edition Adopted 12th June 2013)" provides guidance for "Shared Surface Streets". Therefore all drawings submitted with the planning application showing the shared space street needs to demonstrate the shared space street has adequate highway width and can accommodate vehicle tracking and bend widening to accommodate vehicle passing in both directions and provision for pedestrians throughout the shared space street within the development.*

*Highway Width: Generally 6.8m but subject to swept path analysis to determine the need of over-run areas on bends. Localised narrowings to a minimum of 3.7m over short distances on straight sections may be acceptable but will be subject to the provision of an unobstructed pedestrian corridor.*

### Adopted Highway & Public Right of Way

In addition to the identified Public Right of Way (No ZCH 21) highway records show that that the adopted highway ends at the boundary of No 16 Nailsworth Terrace/Hereford Place therefore the access to the site from this junction and via Hereford Place is not via adopted highway.

The Public Right of Way Team at Gloucestershire County Council will need to be consulted with reference to the Public Right of Way (No ZCH 21) prior to any proposed works being undertaken.

Please Note: According to Highway records, the area proposed for site access is not considered to form part of the highway maintainable at public expense (as listed under s.36[6] of the Highways Act 1980).

Note: Therefore the agent/developer will need to establish the access rights as proposed for the creation of the proposed accesses.

### Refuse Collection & Bin Storage

It is noted from the submitted drawings that bin storage is shown, however there is no turning point shown which would enable a refuse vehicle to service the site.

Having said this Hereford Place (Locally described as the Square), Nailsworth Terrace/Hereford Place are currently serviced by refuse collections.

**I refer to the above application received at our office on 12th August 2014 for Demolition of existing building and the construction of a four storey building for residential use together with three town houses and associated parking at 391 High Street, Cheltenham, Gloucestershire, GL50 3HU together with Block Plan Drawing**

**No(S) A1348.10, a1348-12 Application, Design and Access Statement, Car Parking Survey, Parking Report and public comment dated 31st August 2014 and a site visit that was undertaken.**

**I recommend that no highway objection be raised subject to condition(s) being attached to any permission granted.**

**Additional Highways comments**

*25th September 2014*

I have reviewed correspondence from the local resident representation regarding the outcome from the parking survey undertaken by the applicant.

I acknowledge that the concerns that have been raised relate to the issue that the parking survey was carried out during a non natural period that being that the survey was carried out during the term break both for local schools and the university.

It would therefore seem appropriate that a new survey is carried out during the current term time to establish if the level of parking availability shown in the previous survey is consistent with that of term time as opposed to a period in which the survey was undertaken during the term break.

**Cheltenham Civic Society**

*21st August 2014*

We found this uninspiring, and would favour something bolder with more articulation for the High Street, an important street

**County Archaeology**

*18th August 2014*

I advise that the application site is archaeologically sensitive, since it is located within Cheltenham's medieval settlement area. Therefore, significant archaeological deposits relating to medieval settlement may be adversely affected by construction ground works required for the proposed development.

In view of the potential for medieval settlement remains to be present within the application site I recommend that a programme of archaeological monitoring of construction ground works should be undertaken should development proceed, so as to make provision for the recording of any archaeological remains which may be revealed during the development.

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

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

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

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

I have no further observations.

### **Heritage and Conservation**

*7th January 2015*

Analysis of Site: comprises of two quite different part of the site, with quite different characters (ie the part of the site facing the High Street and the part of the site facing Hereford Place).

Historic analysis of the site:

Hereford Place was in existence in 1832 and is shown on the 1834 map as a narrow in a cu-de-sac opening into Swindon Road. Some of the historic houses in Hereford Place were demolished as part of the 1936 slum clearance programme.

#### Comments:

1. Please note that many of the comments set out below have already been stated in the previous pre-application comments and whilst some of my pre-application (13/01589/PREAPP) comments have now been addressed by the submitted application, some remain of a significant concern.
2. This site is adjacent to a vacant site on the south-east, which has already received planning permission for re-development. I suggest it is essential that this extant scheme is considered prior to discussing this application site in too much depth. A joint consideration of the two sites is a preferable form of development.
3. **EXISTING SITE AND ADJACENT BUILDINGS:**
  - a. Adjacent buildings: I remain unhappy about making comments about the proposals especially the proposed height, without an accurate survey drawing of adjacent properties. This point was made at pre-application stage and appears not to have been addressed. Indeed it is noted in the applicant's Planning Statement clause 6.14 states that the proposed four storey element on the High Street takes its lead from the height of the adjacent buildings immediately to the west. However whilst the proposed building has floor level given accurately the key heights of the adjacent buildings to the west such as the eaves height and window head heights and roof ridge height appear not to have been accurately recorded.
  - b. Bingo Hall:
    - i. It is accepted in principle that the demolition of the former cinema now Bingo Hall is acceptable although regrettable, subject to the detailed design of the replacement building being acceptable.
    - ii. However the Bingo Hall is in the conservation area and the applicant has failed to submit any appraisal of how its loss will impact on the conservation area. Such an appraisal is required under clause 128 of the NPPF.
    - iii. Whilst it is accepted that the former bingo hall has been identified as a neutral building in the conservation area appraisal, it does have some merits, in that it does provide an active street frontage. However the applicant has not provided any analysis of the existing building or its impact on its surroundings.
  - c. Site analysis: the applicant appears not to have submitted any through site analysis, or made an assessment of the impact of the proposals on the site as a whole including any proposed impact on the adjacent buildings including the Locally Indexed Building on Milsom Street.

### 4. PROPOSED SITE LAYOUT:

- a. The principle of developing the site in two sections seems to be acceptable.
- b. However whilst it seems suitable to access the site from Hereford Place, the existing access around the existing north-west corner of the site and the proposed access is extremely tight and may prove to be impossible for a fire engine and/or refuse lorry to gain access. Therefore it is extremely important to receive highway comments now given that the bin storage for the new proposed development is located on the south side of the access pinch point.
- c. The existing alleyway to the east side of the site is not within the application site but on adjacent land. It is not clear if this alleyway is a public right of way and this is an important consideration which needs to be confirmed, given the way the windows on the east elevation have been designed (see my later comments).
- d. The east/west orientation of the town house block, does seem to be ignoring the historic urban grain and is creating an even more awkward relationship to the houses at the south end of Hereford Place. I have major concerns about this element of the design. The size and location of these town houses would also adversely impact on the adjacent Locally Indexed former school building (ie former 19th school in Milsom Street).
- e. A more suitable site layout might to continue the two storey housing along the east side of Hereford Place, respecting and continuing the current building line.
- f. However at pre-application discussion it had been suggested that if the east-west orientation of this block was to be successful then the pinch point on the north-west corner needed to be resolved and the hard landscaped area of Hereford Place should be softened by green landscaping. The proposed tiny patch of green which is sandwiched between two parking spaces is not adequate to create a quality environment and address my fundamental concerns.
- g. The proposed location of the bin storage area is of concern given the potentially difficult access for refuse lorries (see comment above). However in addition the principle of enclosing the bin area with a timber enclosure/fence is totally unacceptable and wherever the bin storage is located it should be hidden by a brick enclosure.

### 5. PROPOSED DETAILED DESIGN, FORM AND MASS OF THE BUILDINGS:

- a. The proposal has now been changed since the pre-application submission to have a two storey block of three town houses instead of a three storey block on the north side of the site and this reduced height is welcomed.
- b. The proposed 3d sketches and the internal courtyard elevation of the town houses and the north-west and south-east elevations show a large balcony over car parking to the town houses on the north part of the site. However this location to the rear of the site is a small scale low height built environment and an under-croft parking solution does not seem appropriate here. Again this point was made at pre-application stage.
- c. The acceptability of the height of the proposed building on the High Street elevation depends on the height of adjacent properties being accurately surveyed and also the extant scheme on the adjacent site (see comment above).
- d. However notwithstanding the above comment, the proposed balconies facing on to the High Street are an alien feature in the High Street. Fortunately since the pre-

application submission the size of the balconies have been reduced and set back from the front parapet edge, but the front balcony to flat 10 is proposed to extend in front of the communal stairwell and this balcony and people on it will be very prominent. This balcony arrangement as shown is not acceptable.

### 6. DETAILED DESIGN OF THE NEW BUILDINGS:

#### a. Town houses:

- i. The layout and form of the town houses has been discussed above as being of concern.
- ii. However the principle of designing buildings in a
- iii. In addition the ground floor layout seems quite odd in some respects, because the houses are all accessed from the rear parking area via an external door leading into a bedroom. This arrangement may cause concerns to the Police secure by design officer.
- iv. The proportions of the north-west and south-east elevations are poor.
- v. The south-east elevation as shown does not agree with the first floor plan.
- vi. The large balcony/car port conceals the poor fenestration pattern on the south elevation. If the balcony/car port is removed in any revised scheme then the fenestration arrangement will need further consideration.

#### b. High Street flat block:

- i. Ground floor flat 1 has a bedroom with no window and therefore no natural ventilation. This is likely to be unacceptable to building control and I strongly suggest that their comments are obtained on this point.
- ii. In addition the windows which face on to the east side alley (see comments above) may be of concern in relation to unprotected areas for fire. Whilst the windows could be fitted with fire glass, the benefit is such glass will be lost as soon as the window is opened. Again this arrangement is likely to be unacceptable to building control and I strongly suggest that their comments are obtained on this point.
- iii. The front window on the front elevation to the main common staircase is located on the plan at the half landing level. However on the elevation it is shown on the main floor level. This needs to be checked as these staircase windows are quite likely to need to be staggered in height in relation to the main floor levels.
- iv. The ground floor main entrance door is hidden behind a return of wall. This arrangement may cause concerns to the Police secure by design officer.
- v. The front entrance lobby lacks any natural daylight or ventilation and this seems to be a missed opportunity. The provision of natural light reduces the need for artificial lights, also reduces the need for electricity and reduces the carbon footprint of the building.

SUMMARY: There are a number of fundamental concerns which were raised at pre-application stage and remain of concern. In addition there are a number of detailed design concerns.

### **Revised plans and additional information**

#### **Architects Panel**

*3rd February 2015*

The panel was referred to its previous comments. Following these, some changes have been included. The simple, vertical definition helps the proportion of the elevations, but will need to be reasonably robustly expressed in reality. The horizontal banding on the front also helps the overall composition and the comment above applies equally.

The panel is happy to support the scheme as proposed.

**Heritage and Conservation – to follow in an update**

**GCC Highways Planning Liaison Officer – to follow in an update**

### **5. PUBLICITY AND REPRESENTATIONS**

- 5.1** Letters of notification have been sent to 71 neighbouring properties on receipt of the original application. Further letters have been sent out following the submission of additional parking survey information and revised plans. A site notice was also displayed at the site along with an advert being placed in the Echo.
- 5.2** In response to the publicity, objections have been received from 11 local residents. All of the comments received have been circulated to Members in full, but the main objections relate to:
- Increase in traffic and reduction in parking spaces.
  - Existing narrow road with existing parking and congestion.
  - Access for emergency and refuse vehicles.
  - Parking survey has been done out side student term time.
  - Potential overlooking and the rear balconies.
  - Location and type of bin storage area.
  - Loss of the entertainment facility.
  - Loss of a building with historic interest.
- 5.3** Within the letters of objection comments have been made in support of general principal of redevelopment of the site and the replacement of the existing building.

### **6. OFFICER COMMENTS**

- 6.1** At the time of writing the report updated comments are awaited from the Conservation Officer and the GCC Highways Planning Liaison Officer.
- 6.2** Officer comments and recommendation will follow as an update.



<b>APPLICATION NO:</b> 14/01423/FUL		<b>OFFICER:</b> Mr Craig Hemphill
<b>DATE REGISTERED:</b> 12th August 2014		<b>DATE OF EXPIRY :</b> 11th November 2014
<b>WARD:</b> St Pauls		<b>PARISH:</b>
<b>APPLICANT:</b>	Lance Leisure Ltd	
<b>LOCATION:</b>	391 High Street, Cheltenham	
<b>PROPOSAL:</b>	Demolition of existing building and the construction of a four storey building for residential use together with three town houses and associated parking	

## REPRESENTATIONS

Number of contributors	<b>11</b>
Number of objections	<b>10</b>
Number of representations	<b>1</b>
Number of supporting	<b>0</b>

19 Hereford Place  
Cheltenham  
Gloucestershire  
GL50 4JQ

### Comments: 3rd September 2014

As owners of a property adjacent to the proposed redevelopment of the Bingo Hall we strongly object to the proposed plans mainly due to the increase in traffic and reduction in parking spaces the development would contribute to.

It must be one of the most congested areas of the town and vehicles are damaged by other traffic trying to manoeuvre in the very narrow streets on an almost daily basis.

As everyone in the area knows traffic and parking are a continual nightmare. We have lived in Hereford Place for over seven years and have lost count of the times delivery people have had to park even just medium sized vehicles north of Nailsworth Terrace and carry or bring on a trolley goods to our house due to the fact the narrow road was so congested. It beggars belief that this same road is expected to carry heavy plant vehicles that are needed for such a development! It has often been mentioned that emergency vehicles such as fire engines etc would find it near impossible to reach many of the properties down Nailsworth Terrace and Hereford Place if needed to.

The Parking Study appears to be a complete farce and we feel it seems very much biased in favour of the development. Many of the vehicles that use and park down Nailsworth Terrace and Hereford Place are owned by students and turn up in term time (which is when the Parking Study should have been conducted).

The Parking Study and development proposal in general has also shown a total disregard for the (ten plus) cars that park alongside the Bingo Hall (on the north side outside Roebuck Cottages and 19-22 Hereford Place). They have parked there for the seven years we have lived there and I expect many years before that. If the development went ahead all these spaces would be lost and the vehicles would have to find spaces elsewhere.

Also the road surface outside these properties is in poor repair and just about coping with the current flow of traffic.

We feel if this development or similar were to go ahead then it would definitely need access directly from the Lower High Street.

11 Hereford Place  
Cheltenham  
Gloucestershire  
GL50 4BD

**Comments:** 1st September 2014

I object to this proposal due to the access of the site being through Hereford Place. This is already an extremely narrow street, and as mentioned in a previous comment, the refuse collectors already have to stay parked at the end of the road and walk down to collect the waste as they're unable to fit their vehicles down the street. More traffic will inevitably create more problems more current and new residents.

I am in support however of demolishing the Bingo Hall. This is a complete eye sore to the street.

9 Hereford Place  
Cheltenham  
Gloucestershire  
GL50 4BD

**Comments:** 1st September 2014

As owner of 9 Hereford Place I strongly oppose the proposed development on the basis of both access and parking problems that would be caused.

1. The 14 extra vehicles travelling in and out of the new development would create a huge level of chaos and stress. There is not enough room for cars to pass anywhere on Hereford Place (the main street), and the street is too narrow for vehicles to be able to reverse when cars confront each other. The turning area by the proposed development is very tight and creates difficulties already. Cars are often knocked and most residents already always tuck their wing mirrors in. There are already major problems with the current level of use and fourteen extra cars regularly passing through the street would create an appalling situation for both existing residents and those living in the new development.
2. Refuse vehicles already struggle to get down the street at times. Would refuse collectors be willing to wheel all the new bins to the end of the street when they can't get down to the end of it? Emergency vehicles are likely to have similar problems.
3. On Milsom Street cars often have to mount the pavement to pass each other, and where cars are parked on single yellow lines, passing can be an issue on this street too (though much less than in Hereford Place). (The entrance to Milson Street often also has illegally parked cars, especially in the evenings outside the time covered by the parking survey carried out.)
4. Parking is already a major problem in Hereford Place; a residents' scheme is in progress. As 8 of the proposed properties have two bedrooms some of these are likely to have more than one car, I would assume residents of the new development would not also be eligible for parking permits on the street (as they have an allocated car park). They would also not be able to have visitors parking in the street as suggested in the plans, once the permit system is in place. Once the permit system is in place the nearest place to park legally will be some distance away.
5. Parking at the south end of the street by the back on the Bingo Hall it appears would no longer be available and this is essential to cater for the number of cars currently.

6. The parking survey was done one Friday and Saturday in July, where during term time there are around 15 extra cars that park in the street (including students living on Nailsworth Terrace and Milsom Street, and possibly other streets too.) Even outside of term time the single weekend chosen seemed unusually quiet. In terms of the parking review underway the street has been identified as being under the highest level of parking stress. If in doubt I suggest a much more thorough study during term time.

Whilst I'm not opposed to development of the building, access to parking via Hereford Place would simply not work. The planners should consult with residents before submitting a more suitable plan. I believe the only suitable means of parking access would be via the High Street and not Hereford Place. A committee decision would appear appropriate if this allows these matters to be assessed more fully.

[As an aside I'm also not sure if all the residents are fully aware of this and have been giving a chance to consider it. There was less than three weeks from the date of receipt the letter to the deadline for comments, and the information doesn't seem to have been posted in the area.]

[In terms of clarity it is worth pointing out some ambiguity over 'Hereford Place', noting some may refer to Hereford Place as the small area at very south of the street only, where some refer to the whole street as Hereford Place, with Nailsworth Terrace being only the houses on the west side of the main street. I have used the latter definition noting the addresses of the houses on the east side of the main street are also 'Hereford Place' and the maps used [including those in the Design and Access Statement] generally label the whole street as Hereford Place.]

393 High Street  
Cheltenham  
Gloucestershire  
GL50 3HU

**Comments:** 2nd September 2014  
Letter attached.

19 Hereford Place  
Cheltenham  
Gloucestershire  
GL50 4JQ

**Comments:** 25th August 2014

As a resident of Hereford Place I am very concerned about the proposed development mainly due to losing our parking. As you are aware parking is very limited in Cheltenham and especially in Hereford Place. It would not be right for us to lose our parking due to this new development. For me it would mean I would have to move. I do not disagree with the building being made into residential however I think that consideration of existing residences and properties should be made a priority.

9 Roebuck Cottages  
Hereford Place  
Cheltenham  
Gloucestershire  
GL50 4BG

**Comments:** 31st August 2014

As residents of Hereford Place, we strongly oppose the plans for the proposed development of 391 High Street, which involve site access in our road.

Our views and concerns are listed below;

1. Site access to the rear of the building is simply not a practical option, and one that provides considerable concern to those who are residents in the area of Hereford Place and Nailsworth Terrace.

Nailsworth Terrace is an extremely narrow road, with cars parked either side continuously throughout the day and night. To increase the volume of traffic from the opposite end of the road (Hereford Place) is of great concern, as cars are currently being damaged from reversing down the narrow street and parking on road corners restricting view and turning ability. The road turn into Hereford Place is also narrow and the cul-de-sac is extremely busy with cars parked all along the proposed site entrance.

2. The recent car parking survey carried out by National Data Collection, has no mention of the parking situation within Hereford Place. There are 6-7 parking spaces in this area, with cars also parking outside of their houses in the cul-de-sac when they can't obtain one of these spaces. The idea of wiping out this parking area to make way for a site entrance will lead to severe parking issues for the current residents.
3. The car parking survey was carried out on a Friday evening between 1600 and 1830 and on a Saturday between 1100 and 1430 hours during two dates in July. I would like to point out that there are a significant amount of students living on Nailsworth Terrace who are also car owners. The university term had finished at the time of the survey and therefore the students are unlikely to be in the area. These extra cars should be taken into consideration. We also feel that two dates in the same month do not offer a true representation of the volume of traffic and number of parked vehicles in the area.
4. There are plans to implement a residential parking permit in the areas of Milsom Street, Nailsworth Terrace and Hereford Place. This should highlight to you the parking issues in the area. Due to the parking difficulties in this town centre street, the council have proposed this scheme to help ease the parking problems we are encountering. Our concerns are that if the planning is approved with the access at Hereford Place, all 14 new dwellings could be entitled to permit parking on the street which will again increase the volume of cars in the area and cause more parking issues.
5. The flow of traffic past our property will be increased and this is a concern. We already have a number of cars trying to reverse and turn around in what is already a very narrow and restricted area.
6. Overlooking from the townhouses into our property is a concern, the proximity is too close and is directly opposite the residential properties currently on Hereford Place.

As residents of Hereford Place we are strongly concerned about the impact on local residents and feel that this proposed development is not suitable for this location.

**Comments:** 10th September 2014

Letter attached.

10 Roebuck Cottages  
Hereford Place  
Cheltenham  
Gloucestershire  
GL50 4BG

**Comments:** 2nd September 2014

I purchased a property in this area just last week, although I am keen for development in the lower end of Cheltenham one of the main reason I purchased the property is because of the parking. I am able to park my car close to my house and my visitors are able to park without causing problems to other residents.

If this development goes ahead it will reduce the amount of parking substantially. I know that permits are due to be put in to place which I have no problem with but there is a lack of space for resident parking with in Milsom Street and Hereford place.

The development will bring around 6-7 new cars to an area that currently doesn't have enough parking space already.

14 Nailsworth Terrace  
Cheltenham  
Gloucestershire  
GL50 4BE

**Comments:** 2nd September 2014

Objection because:

1. Had NO communication about the project with residents!
2. Unsolved and never ending parking problems in Nailsworth terrace and Hereford place! LACK OF SPACE!!!
3. The layout of the street is outrageous itself! Worth to have a look at it in person!!
4. Planned building works through Hereford place? When the waste collectors cannot access the road??? Really?

Flat 1  
47 Dartmouth Park Hill  
Dartmouth Park  
London  
NW5 1JB

**Comments:** 26th August 2014

Objection to Development Proposals

We understand that a planning application for redevelopment of the above property has been submitted to Cheltenham Borough Council and the development proposals comprise demolition of the existing building and the construction of a four storey building for residential use together with three town houses and associated parking. As the owners of 20 Hereford Place we wish to object to these proposals on the following grounds:

Lack of Public Consultation:

We are not aware of any consultation having taken place with local residents in respect of these development proposals despite the fact that they have a significant impact on the homes in Nailsworth Terrace and particularly Hereford Place. We consider the current application should be withdrawn until consultation with local residents has taken place and consideration given such

amendments as may mitigate the impact of the proposals on the neighbouring properties and their residents.

### Impact on Parking:

The Parking Study submitted with the application is inadequate and misleading. There are numerous occasions when Nailsworth Terrace is almost impassable because the road cannot cope with the demand for parking and inconsiderate drivers park in the turning areas at the end of the road. Furthermore, the Parking Study makes no reference to the demand on Hereford Place itself. For years Hereford Place has suffered from inconsiderate drivers parking there because it is private land and hence uncontrolled. We consider that the applicant should be asked to submit a more thorough parking study that covers a twenty four hour period over a weekday, that it includes Hereford Place and that it should address the potential loss of parking to local residents in Hereford Place. Furthermore the existing residents of Hereford Place have established rights of vehicular parking on the private land and accessing the proposed residential parking from Hereford Place conflicts with these rights.

### Impact on Highways:

Currently the bingo hall possibly generates 2 vehicle movements per week, one for collection of refuse and the other for deliveries. The proposed development will generate at least 99 vehicle movements per week (7 x 14 residential plus 1 refuse). Nailsworth Terrace and Hereford Place struggle to cope with the current vehicle movements generated by existing residents and the High Street shops backing on to the roads. They will not be able to cope with the near 5000% increase in traffic generated by these proposals. Furthermore it is not demonstrated within the application that refuse or emergency services could reach the development. Currently refuse trucks are unable to enter Hereford Place and have to reverse all the way down Nailsworth Terrace.

### Refuse Storage:

Whilst the proposed refuse storage is sited in a similar position to the existing its design is detrimental to the neighbouring residential properties. The current refuse store appears to be part of the overall building and is roofed; the proposed store appears to be slatted timber and is not roofed. The contents of the bin store will be readily visible from the first floor windows of Hereford Place and its timber construction will deteriorate quickly and less of a deterrent to vermin. In addition, the amount and type of refuse generated by the proposals is likely to differ greatly to that generated by the current use. As refuse vehicles cannot reach this part of the site it is particularly unneighbourly to site the refuse store so that refuse bins have to be wheeled up Hereford Place past the existing residential properties.

### Quality of Proposed Residential Accommodation:

The houses in the proposal include first floor terraces over parking at ground floor; double bedrooms with high level windows look directly over the parking. The first floor terraces will obscure the natural daylighting to the bedrooms the levels of which are highly unlikely to meet habitable standards. Furthermore, the introduction of first floor amenity space which has to be screened by a 1.8m timber fence to avoid overlooking is in reality unsightly, un-neighbourly and a device that is unsuccessfully trying to overcome overdevelopment of the rear of the site. In addition, the design of the north-west elevation gives no consideration to the outlook of the existing residential properties as it lacks any articulation and fails to screen the view of tarmac and parking. Basically it is detrimental to the local residential environment. If despite the above the Council is still minded to grant permission for the current proposal we would ask that the following conditions are attached to the permission:

#### a) That no works are commenced until:

- i. A Construction Management Statement has been submitted to and approved by the Council
- ii. A Traffic Management Plan has been submitted to and approved by the Council.

For the reasons explained under Highways above we consider Nailsworth Terrace / Hereford Place is not capable of servicing construction of this scale; furthermore the applicant would not have the right to locate site cabins and other facilities in Hereford Place.

- b) That no works are commenced until alternative designs for the refuse storage which shall include brick/render walls and solid pitched or flat roof have been submitted to and approved by the Council
- c) That no works are commenced until alternative drawings are submitted for enclosure of the first floor terraces, parking below the terraces and the site.

The photomontages show a rendered wall to the north-west elevation of the first floor terraces; this is preferable to a timber fence. The rendered wall should be continued down to ground level (in lieu of the columns) so that it screens the parking below. A brick wall to the site boundary would be preferable so that it screens the sliding gate gear and appears less industrial.

- d) That no works are commenced until proposals for the reinstatement of Hereford Place / Nailsworth Terrace are submitted to and approved by the Council. The proposed development is not to be occupied until the works have been carried out Hereford Place roadway is in a poor condition and there is no evidence that this private land is capable of taking the increased traffic proposed. With or without the construction being serviced from the rear the proposals will impact on the road condition. It is therefore reasonable that the applicant should reconstruct and improve the road on completion of the works.
- e) That the permission be subject to the applicant entering into a S106 agreement for the works described above to be carried out.

### Summary:

Whilst the principal of redevelopment of this site is welcomed the current proposal fails to address fundamental parking, highways access and neighbourly design issues. The layout of the development could be improved: a) To facilitate public and emergency services vehicles accessing the site and turning. b) To re-site and redesign the refuse storage so that it conceals the refuse, appears to be an integral part of the development and is more readily accessible to public service vehicles. c) To mitigate the impact of access to the development on the rights of existing residents d) To provide a design to the rear of the development that enhances the neighbouring residential environment e) Provide ground level amenity space for the housing and achieving daylighting to habitable standards in all the rooms.

Given the mass of the existing building there would appear to be no reason why the housing should not be three storeys to assist in achieving the above.

Overall we consider that the applicant should be asked to withdraw the current application, carry out consultation with local residents and subsequently submit a further application which addresses these issues. I would appreciate an acknowledgement of receipt of this letter of objection, advice as to when the application will be considered by the Council Planning Committee and whether there is the opportunity to make representations at the Committee meeting. I look forward to hearing from you.

### Comments: 8th December 2014

Thank you for your letter of the 26th November 2014 advising that revised plans for the above development have been registered with the Council. The new documents that have been placed on the website since my previous email are:

28/08/14 Crime Prevention Design Advisor  
02/09/14 Letter of Rep  
09/09/14 GCC Highway Response  
10/09/14 Letter of Rep  
26/11/14 Additional Info Car Parking Survey Nov 2014  
26/11/14 Additional Info Nov 2014 Parking Beat

## Page 90

There are no new plans. If the new plans are missing from the website I would ask that determination of this application be deferred until the new plans are published and proper consultation can take place.

If there are no new plans and the only new documents are as above then all the objections I have previously made still stand. None of these objections have been recognised by the applicant let alone considered and responded to.

Despite the GCC Highways response there is no consideration of access for emergency vehicles and only cursory consideration of that for service vehicles such as refuse trucks. I'm surprised that despite the concerns raised by local residents that the Fire Brigade, Ambulance Service and Council Refuse do not appear to have been consulted. In addition the proposals give no consideration to the provision of parking for the disabled contrary to Council policy.

The updated car parking survey still does not consider Hereford Place and the hours are arbitrarily limited. Any survey should consider a full twenty four hour period both weekday and weekends. It should also consider Hereford Place which as private land is outside the control of any Council Parking Control scheme. The imposition of residents parking elsewhere in the neighbourhood will only increase the problems in Hereford Place as motorists seek tariff free parking. The proposed development deprives local residents of their parking and gates off its own so it is not generally accessible. This is unreasonable and if the development is to have parking then it should be open to all. Alternatively the number of bays it is depriving local residents of should be replaced with new generally accessible bays.

The proposed plans only offer 1 bay per new residential unit despite Council policy recognising the need for up to 1.5 bays per unit depending on the nature of the home. Given that the GCC Highways response advises that the site is highly sustainable and in a town centre location surely it would make sense for the flats to be 'car free' and limit the additional traffic / parking to just that for the houses. This might have the additional benefit of enabling the houses to have proper gardens at ground level rather than in screened first floor boxes.

I have attached a copy of our previous objections all of which stand given the information currently available on the website.

The Cusphaus  
Blacksmith Lane  
Cheltenham  
Gloucestershire  
GL52 5JA

### **Comments:** 15th October 2014

I believe there is an opportunity here to retain the building as a place of entertainment and perhaps develop as an arts cinema/community hall. There doesn't seem to be the provision of many places of entertainment at that end of town.

Totally uninspiring housing that has been proposed. Usual postage stamp sized housing to cram as many buildings in such a small space.



Little Evesham House  
Wellington Road  
Cheltenham  
Gloucestershire  
GL52 2AE

**Comments:** 16th October 2014

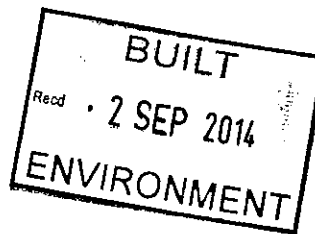
I would like to lodge my objection to this proposal on the following grounds:

1. The building is one of the last remaining cinema buildings in Cheltenham and its replacement with housing would remove the potential of its ongoing use for arts and leisure purposes. While the Bingo business may be in decline, other leisure or cultural activities, such as cinema, theatre, or arts/crafts might well be operable in the building, either alongside, or instead of the Bingo business. Cheltenham is lacking an arts centre facility.
2. The Lower High Street is not principally a residential street, and retaining the building in its present use, or a related use, for leisure purposes would provide an 'anchor' at that end of the Lower High Street which would give greater potential for the street to retain and improve on its character as one containing a mixture of shops, pubs and cafes. A small, and apparently unprepossessing, residential development would not achieve this, and might easily lead to a decline in the street's prospects.
3. The building itself is of some historical interest, having been opened as the Essoldo Cinema in 1937. It still retains some original interior features. Apart from the Daffodil Picture House (now operating as a restaurant) this is the only original cinema building in Cheltenham not to have already been demolished.

I would propose a 'stay of execution' during which time the possibilities for continued use of the building for arts and leisure purposes could be investigated more fully.

Reference: BH/01  
Date: 31.08.14

Cheltenham Borough Council  
Planning Department  
Municipal Offices,  
Promenade,  
Cheltenham,  
Gloucestershire,  
GL50 9SA



393 High Street  
Cheltenham  
Gloucester  
GL50 3HU

Dear Sir/Madam,

**RE: PLANNING APPLICATION REFERENCE 14/01423/FUL: BINGO HALL, HIGH STREET, CHELTENHAM. REPLACE ACE BINGO WITH RESIDENTIAL DEVELOPMENT COMPRISING THREE TOWNHOUSES AND ELEVEN APARTMENTS.**

As the son of the landlords of the neighbouring property to the above development proposal, I would like to comment on my and my parent behalf that we are not opposed to the principle of developing the bingo hall site to provide residential accommodation, but we do feel the application has a few issues that are mentioned below, and on the grounds of these issues we would currently have to object to this application, but with due consideration taken to resolve these issues we are willing to revoke our objection.

**Rear Vehicular Access to the site**

As an existing resident we are concerned about the impact the development would have on Hereford Place. The sites only vehicular access is from the square on Hereford Place and there are existing problems on this road with parking and a constricted access into the square.

With an additional 30 extra vehicular movements on average per day the constricted access point is not adequate and with the low number of parking spaces provided in the proposal the parking situation on the road would surely be further worsened.

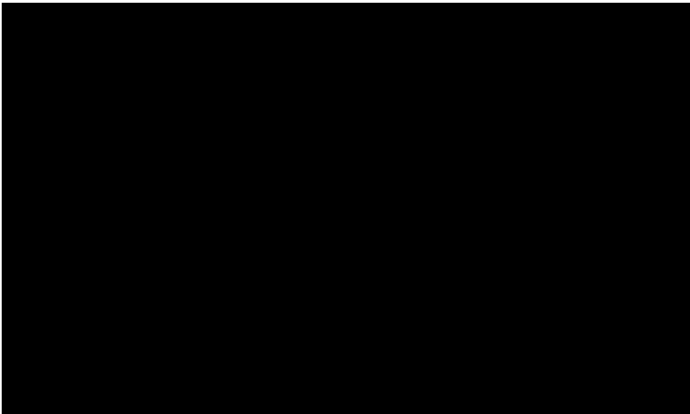
The constricted access point is also not adequate for refuse and emergency vehicles and the Turning Head requirement for such vehicles in front of the site gate has not been shown on the plans.

The existing parking use on the square has not been mentioned in the application, which currently provides 8 communal spaces for local residents, and with the proposal of the gated development as currently shown the communal spaces would be lost to proved vehicular access to the development.

In conclusion, I am strongly of the view that vehicular access to the gated development would be fairer to the local residents if it was provided directly from the northern boundary of the site as the current proposal does not provide the required access for refuse and emergency vehicles and will only further exacerbate the current parking issue on Hereford Place.

As a local resident, I trust this letter comes as constructive criticism and is not of great detriment to the applicant.

Yours sincerely,



In light of the recent planning application to demolish Ace Bingo, I have attached some images from the street, which should highlight to you further the parking situation and access issues within Nailsworth Terrace and Hereford Place. These pictures were taken at 4:30PM on Friday 5<sup>th</sup> September, before the usual rush hour traffic! The situation got even worse later on into the evening with cars parked on single yellow lines in Milsom Street, and cars parking on both corners of Hereford Place.

As requested, we have submitted our formal comments via the public portal, along with the other residents, and I trust our objections will be thoroughly considered regarding the access and parking issues.

(resident at 9 Roebuck Cottages, Hereford Place)



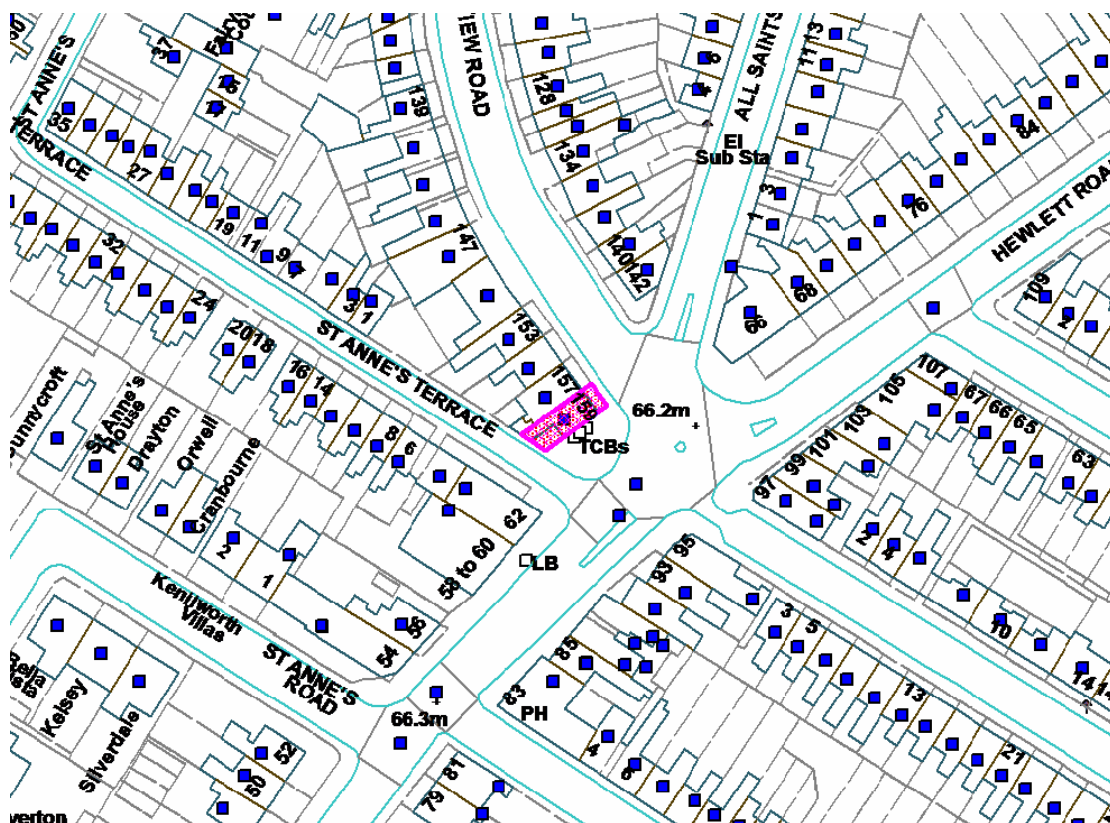




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<b>APPLICATION NO:</b> 14/01586/LBC		<b>OFFICER:</b> Mr Martin Chandler
<b>DATE REGISTERED:</b> 5th September 2014		<b>DATE OF EXPIRY:</b> 31st October 2014
<b>WARD:</b> All Saints		<b>PARISH:</b>
<b>APPLICANT:</b>	Mr Hekmat Kaveh	
<b>AGENT:</b>	SF Planning Limited	
<b>LOCATION:</b>	159 Fairview Road, Cheltenham	
<b>PROPOSAL:</b>	Installation of a Banksy mural on south east facing flank wall (incorporating the artwork and a communication dish) (Retrospective application)	

**RECOMMENDATION:** Grant



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

## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 This application seeks retrospective listed building consent for the installation of a Banksy mural on the south east facing flank wall of 159 Fairview Road. The application relates to the artwork and the communications dish.
- 1.2 The mural itself depicts three 1950s style secret agents carrying listening devices, appearing to 'eavesdrop' on the telephone box that is central to the work. The relevance of the mural stems from the presence of GCHQ within the town and the mural was confirmed as a genuine piece of work by the internationally renowned graffiti artist, Banksy, on his official website. The mural appeared on 13 April 2014.
- 1.3 The application relates purely to the flank wall of the property and this is reflected by the red line on the site location plan. The building is grade II listed and is prominently located within the Central Conservation Area. Members are advised that the applicant does not own the application site but has served the relevant notice on the owner; this is an entirely legitimate way to make an application.
- 1.4 Members will be aware that until recently, the mural has been protected by ply-board and scaffolding. This was removed in early February 2015.
- 1.5 The application is before members due to the level of interest in the case. Members will visit the site on planning view.

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

### **Constraints:**

Conservation Area  
Listed Buildings Grade 2  
Smoke Control Order

### **Relevant Planning History:**

**96/00068/LA 22nd February 1996 PER**  
Removal of Timber Framed Lean To At Rear of Property

## 3. POLICIES AND GUIDANCE

### Adopted Local Plan Policies

CP 4 Safe and sustainable living  
CP 7 Design  
BE 9 Alteration of listed buildings

### Supplementary Planning Guidance/Documents

Central conservation area: Fairview and All Saints Character Area and Management Plan (July 2008)

### National Guidance

National Planning Policy Framework



## 4. CONSULTATIONS

### Heritage and Conservation

26th September 2014

#### 1. REASONS FOR LISTING 159 FAIRVIEW ROAD:

- a. There are four reason for a building or structure to be statutory listed by the DCMS. These reasons as follows: architectural interest, historic interest, close historical association and group value. Government advice on selection of buildings for listing is quote: "In addition age and rarity are relevant considerations.... and most buildings of about 1700 to 1840 are listed, though some selection is necessary....."
- b. The building being considered in this application was listed in 1972 on its architectural and historic merits, age and its group value with its adjacent neighbours.

#### 2. APPEARANCE OF THE AREA PRIOR TO THE ROAD WORKS:

- a. From considering the historic maps it is apparent the (now demolished) end house had a front door and front garden facing on to Hewlett Road, which would have given the end of the Fairview Road terrace a considered and well designed architectural corner relationship, as well as a street presence to Hewlett Road.

#### 3. CURRENT APPEARANCE OF THE FLANK WALL TO 159 FAIRVIEW ROAD AND THE CURRENT APPEARANCE OF THE IMMEDIATE AREA:

- a. The current external appearance of this listed 19th century building is poor and its historic windows have been replaced with UPVC. However despite its current poor appearance it is not beyond repair or restoration and many of its historic features remain intact and it remains an historic building worthy of its listed status, albeit in need of repairing.
- b. It is noted that the side flank wall of this application building is currently a masonry brick wall which has been finished externally with a rendered coating. This external rendered wall finish is very typical of Cheltenham buildings. However the plain and undecorated nature of this flank wall in such a prominent position is very untypical of Cheltenham flank walls and its unadorned appearance is undoubtedly the result of the aftermath of the road works scheme. Usually Cheltenham corner buildings have flank walls with blind windows and render details, thus giving an architectural street presence in two directions.
- c. However it is also noted that this existing external render coat on this application building is very cracked and in parts it is quite unstable. It is understood that this cracked and unstable render has allowed rain penetration, causing the interior of the property to become very damp.
- d. Remedial works are needed to rectify this current situation regarding the rendering and the property has been deemed to be hazardous (as defined by the Housing Health and Safety Rating System (HHSRS)) until that render is replaced. The removal and re-rendering of a substantial area of external rendering on a listed building is a repair which affects its character and which will require LBC. However this current application neither considers the current parlous state of the render or how this render may be stabilised or replaced.
- e. It is understood that there is a risk of render at the higher levels of the flank wall falling on to passing pedestrians. The scaffolding which is currently on the pavement against the flank wall prevents this falling render causing injury.

- f. Also on the flank end wall is a satellite dish. This dish would have required listed building consent and this dish has been fitted to this listed building without the benefit of listed building consent.
- g. Following the demolition of the end of terrace property and the subsequent road work, the remaining adjacent land not used for the road works has become an unusually wide pavement which is covered in a large expanse of tarmac and also accommodates a modern style public telephone kiosk.
- h. On 13th April 2014, a mural/art work/graffiti appeared on this flank wall of this listed building. It has been applied to the surface of the unstable and cracked render finish on the flank wall. The installation of this mural/art work/graffiti was clearly an alteration which affected the character of the listed building and therefore required listed building consent but it had been applied without the benefit of listed building and it is considered to be an unauthorised alteration. This application for listed building consent is to regularise the current unauthorised mural and satellite dish on this flank wall of this listed building.

#### 4. THE APPEARANCE OF THE MURAL AND ITS IMPACT ON THE LISTED BUILDING AND WIDER CONSERVATION AREA:

- a. The mural/art work/graffiti depicts 1950s style secret agents listening in on the public phone kiosk by using a satellite dish. The three figures of the secret agents is an applied two dimensional paint image on the existing poor render and the satellite dish and telephone kiosk are real functioning three dimensional objects.
- b. It is believed that this mural/artwork/graffiti is by the internationally renowned artist called Banksy, whose real identity remains a mystery. Banksy is known for his art work often being witty and having a political content.
- c. The architectural style of this 19th century house is such that it would not have been intended to have an art mural or any other form of graffiti or art painted in its flank wall, irrespective of the artist or quality of the art work. This building despite its currently poor state remains a valued building because of its age, history, its architectural design and being part of a terrace of similar houses. Therefore this mural/art work/graffiti does not preserve the character of this historic building and it harms the historic character of this listed building.
- d. However the architectural style of typical 19th century Cheltenham buildings would have never had a blank plain rendered flank wall and this end of terrace house would have traditionally had a street presence on to Hewlett Road. This historic building and this part of the conservation area has already suffered harm and architectural vandalism when the road works were carried out. The setting of this historic building has further deteriorated by the expanse of tarmac, wide pavement and phone box, all of which are either of a poor design quality and/or poorly maintained and bear no logical relationship to their surroundings or adjacent buildings.
- e. So the Banksy mural/art work/graffiti is able to provide a visual focus to this end flank wall of this listed building, and is also able to provide a logical relationship to the phone box and the flank wall, albeit that this relationship is formed by a visual political satirical statement in the form of a mural/art work/graffiti. When considering the particular setting of this listed building 159 Fairview Road and the form and appearance of this particular mural/art work/graffiti, then the art work improves the setting of the listed building. That is not to say that there are not a number of other ways that the building's setting could be improved, but this application is considering this particular mural/art work/graffiti on this listed building and not other ways of improving the setting.

- f. Similarly because the mural/art work/graffiti creates a visual focus to this previously blank wall in a prominent location of the street scene, it does preserve and enhance the character and appearance of the conservation area.
- g. However the current situation on this site is a Banksy mural/art work/graffiti protected by ply boards to prevent attack or damage to it and two storey scaffolding erected on site which prevents injury to passers-by from falling defective render, and an historic house unable to be used as a dwelling due to damp penetration.

### 5. LONG TERM CONCERNS:

- a. This application is solely for the regularisation of the Banksy mural, which was applied to the wall of the listed building without listed building consent. This application does not consider the more complex and fundamental issues which are as follows:
  - i. How the mural can be retained long term on unstable render?
  - ii. How the render will be repaired or replaced whilst also retaining the mural at the same time?
  - iii. How can the house be used in the future as a residence without repairing the defective render which is causing damp penetration?
  - iv. If the render is not repaired is this listed building condemned to remaining empty and subject to further decay?
  - v. How can members of the public be protected from falling render without the retention of extensive scaffolding remaining in-situ or without the repair or replacement of the defective render?
  - vi. How can the mural/art work/graffiti be protected from attack by other graffiti artists or by being painted over?

### 6. SUMMARY

- a. The fact that the mural is by the internationally renown artist Banksy is a consideration because it is accepted that a number of visitors from a very wide area have come to see the mural/art work/graffiti. It is noted these visitors and interest from the general public have had a positive indirect influence on the local economy and the community spirit in the neighbourhood.
- b. The mural/art work/graffiti is not of a traditional historic form or design which relates to this historic listed building and is considered not to preserve the historic character of this building.
- c. However the mural/art work/graffiti is witty, well executed, visually eye catching, and gives a visual logic to the location of the phone box in this blank anonymous public space and gives a prominence of this end wall and all of these aspects are appropriate and traditional. Therefore this mural/art work/ is considered to preserve the setting of the listed building; and also preserves and enhances the character and appearance of the conservation area.
- d. However I have considered this application in terms of regularising the mural/art work/graffiti. Consequently because the application is not proposing to offer solutions to the long terms consequences of the retention of the art work and how this is done on unstable render, I am unable to suggest planning conditions on how the render problem

can be resolved. Therefore I strongly suggest that this application is only granted a temporary listed building consent of six months, which should be sufficient time to allow the applicant to offer answers to the render problem at the same time as keeping the art work. A time limited approval also will enable the Council to reconsider the situation of the scaffolding and ply protection boarding if these are still in place in six months time; and the deteriorating state of the listed building if it remains empty.

- e. Therefore when considering the conflicting impacts of this mural on the listed building and the conservation area, then overall consideration is that it causes harm but that harm is less than significance and the harm is outweighed by the public benefits. Therefore on balance my recommendation is to approve this application for a time limited period of six months.

CONCLUSION: approve for a maximum period of six months.

### **Additional comments following receipt of further information in relation to the render** *15th December 2014*

Comments:

1. I had previously written very full and detailed comments to this application and these revised comments should be read in conjunction with the previous comments which were dated 26th September 2014.
2. Previous comments noted and which remain relevant are as follows:
  - a. The existing external render coat on this application building is very cracked and in parts it is quite unstable. It is understood that this cracked and unstable render has allowed rain penetration, causing the interior of the property to become very damp.
  - b. Remedial works are needed to rectify this current situation regarding the rendering and the property has been deemed to be hazardous (as defined by the Housing Health and Safety Rating System (HHSRS)) until that render is replaced. The removal and re-rendering of a substantial area of external rendering on a listed building is a repair which affects its character and which will require LBC. However this current application neither considers the current parlous state of the render or how this render may be stabilised or replaced.
  - c. It is understood that there is a risk of render at the higher levels of the flank wall falling on to passing pedestrians. The scaffolding which is currently on the pavement against the flank wall prevents this falling render causing injury.
  - d. Also on the flank end wall is a satellite dish. This dish would have required listed building consent and this dish has been fitted to this listed building without the benefit of listed building consent.
  - e. The Banksy mural/art work/graffiti creates a visual focus to this previously blank wall in a prominent location of the street scene, it does preserve and enhance the character and appearance of the conservation area.
  - f. However the current situation on this site is a Banksy mural/art work/graffiti protected by ply boards to prevent attack or damage to it and two storey scaffolding erected on site which prevents injury to passers-by from falling defective render, and an historic house unable to be used as a dwelling due to damp penetration.
  - g. Long terms concerns:

This application is solely for the regularisation of the Banksy mural, which was applied to the wall of the listed building without listed building consent. This application does not consider the more complex and fundamental issues which are as follows:

- i. How the mural can be retained long term on unstable render?
- ii. How the render will be repaired or replaced whilst also retaining the mural at the same time?
- iii. How can the house be used in the future as a residence without repairing the defective render which is causing damp penetration?
- iv. If the render is not repaired is this listed building condemned to remaining empty and subject to further decay?
- v. How can members of the public be protected from falling render without the retention of extensive scaffolding remaining in-situ or without the repair or replacement of the defective render?
- vi. How can the mural/art work/graffiti be protected from attack by other graffiti artists or by being painted over?

### 3. Revised comments following receipt of render report:

- a. The application was registered on 5th September 2014 and the above comments were originally written on 26th September 2014.
- b. The applicant has now submitted a report on the state of the render and this report is dated 24th November 2014. The submission of this report is welcomed.
- c. However the conclusions of this report are fairly limited and the areas in the report which cause me concern are as follows:
  - i. Page 1 (bottom para) states: The render behind the Banksy mural is covered with a hard sand and cement render. This was tap tested and found to be quite sound but all noted to be cracked, probably induced by original shrinkage due to strong render mix but the rendering fairly sound. My concern over this point is the cracking and whether that cracking is letting rain penetrate into the interior of the building? The report remains silent on this point.
  - ii. Page 2 (top para) states: We would report that all the render to the mural area was tap tested and approximately 1m further from the painted area including the high level sky dish incorporated within the mural. The report states that the area tested was approximately 1m from the painted area. It would be helpful to have the area of sound render identified on an elevation drawing rather than relying on references to approximately 1m distance. The vagueness of the report is unhelpful.
  - iii. Page 2 (4th para) states: At high level to this wall which was not accessible we noted the render was well weathered and is breaking down.....However the full extent of repairs can only be determined by having full scaffolding access. This report clearly concludes that the render at high level is in a poor state but fails to comment on the full extent of repairs. Again such vagueness and incompleteness is unhelpful.

### 4. Conclusion of reading the report:

On 26th Sept 2014 I set out a number of questions which needed to be addressed and it would be helpful to revisit those questions following the receipt of the report:

i. How the mural can be retained long term on unstable render? The applicant's report has stated that the render under the mural is not unstable, although the precise area of render which was tested is vague.

ii. How the render will be repaired or replaced whilst also retaining the mural at the same time? The applicant's report has stated that the render under the mural is stable, but the render above the mural is unstable. However the report has not confirmed that this unstable render is intended to be repaired or how this can be repaired at the same time as keeping the mural in place.

iii. How can the house be used in the future as a residence without repairing the defective render which is causing damp penetration? The applicant has failed to answer this question. Without consideration of how the repair can be tackled and how such a repair will be possible with the mural being retained, implies that the repair of defective render is not being considered. If the retention of the mural is in anyway impeding repair of the historic building, then this is not good for the listed building.

iv. If the render is not repaired is this listed building condemned to remaining empty and subject to further decay? The applicant has failed to answer this question. If the retention of the mural is in anyway impeding repair of the historic building, then this is not good for the listed building.

v. How can members of the public be protected from falling render without the retention of extensive scaffolding remaining in-situ or without the repair or replacement of the defective render? Again the applicant has failed to answer this question.

vi. How can the mural/art work/graffiti be protected from attack by other graffiti artists or by being painted over? Again the applicant has failed to answer this question.

### SUMMARY

At the end of September I suggested that whilst the principle of the mural might be acceptable, a number of questions needed to be answered. So now some 3 months later the majority of these fundamentally important questions remain unanswered. I cannot see how this application can be considered without those answers to the questions itemised above.

### CONCLUSION

Please ask for more information and then re-consult when this information has been received.

**Cheltenham Civic Society**

*25th September 2014*

We support the retention of this mural on this site. It is witty, has captured the public imagination and is a suitable reminder of the presence of GCHQ in the town

## 5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	<b>14</b>
Total comments received	<b>28</b>
Number of objections	<b>5</b>
Number of supporting	<b>23</b>
General comment	<b>0</b>

- 5.1** To publicise this application, letters were sent to 14 neighbouring properties. In addition, a site notice was erected adjacent to the site and advertisement placed within the Gloucestershire Echo. In response to this publicity, 28 representations have been received, of which 23 are in support of the proposal and 5 raise objection. The representations are attached as an appendix to this report, but the comments are summarised below.
- 5.2** Those in support of the application state that the work in question is good for the town, attracting visitors and adding to the character of the wider area. It is stated that the work is bespoke to Cheltenham and given the status of the artist who conducted the work, consider that the mural should be retained.
- 5.3** Those against state that the work is criminal damage/vandalism and therefore should be treated as such. It is also suggested that if approved, the decision represents a dangerous precedent for further graffiti in the town.
- 5.4** These matters will be considered in the main body of the report set out below.

## 6. OFFICER COMMENTS

### 6.1 Determining Issues

- 6.1.1** The key consideration when assessing this application is the impact the mural has on the Listed Building and the wider conservation area. Given the nature of the application, the public interest surrounding the mural is also a material consideration.

### 6.2 Impact on the Listed Building and Conservation Area

- 6.2.1** When assessing applications for Listed Building Consent, Section 16(2) of the Planning (Listed Building and Conservation Areas) Act 1990 requires Local Planning Authorities to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Given that the application site is located within the central conservation area, the above act, at section 72(1) also requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
- 6.2.2** Within the NPPF, listed buildings and conservation areas are referred to as 'Designated Heritage Assets'. For the purpose of this report, this is the term that will be used.
- 6.2.3** The Conservation and Heritage Manager has been actively involved in the assessment of this application and her comments are set out above, in full, at section 4 of this report. Members will note from the analysis that the following conclusions have been reached;
- a) The mural harms the listed building;
  - b) The mural improves the setting of the listed building;



c) The mural preserves and enhances the character and appearance of the conservation area.

- 6.2.4** At face value, these may seem like a contradictory set of conclusions but the analysis that supports them is sound. Essentially, you would not expect to see a graffiti mural on the gable end of a building of this nature; in this respect, the work is harmful to the listed building. Nevertheless, typically in Cheltenham, you would also not expect to see blank gable ends in such prominent locations; buildings of this nature would have blind windows and render detailing, giving them a greater degree of architectural presence. The mural acts in a similar manner, giving the gable end more interest; in this respect one can argue that the setting of the building within the street scene is indeed improved. For the very same reason, the proposal preserves and enhances the wider conservation area.
- 6.2.5** Given the analysis provided by the Conservation and Heritage Manager concludes that there is harm to the listed building itself, the NPPF advice in relation to harm to designated heritage assets is of distinct relevance. Section 12 of the NPPF refers to two types of harm; substantial and less than substantial. Officers are firmly of the view that the harm to the listed building associated with the mural is less than substantial. Members are advised that the NPPF offers no guidance on what constitutes substantial harm but given that it is used in the same phrase as “total loss of significance”, it is considered that this level of impact has not been met.
- 6.2.6** It is paragraph 134 which refers to less than substantial harm and it is stated that where a development will lead to such harm, this should be weighed against the public benefit of the proposal. In this instance, it is quite apparent that the mural has generated a significant level of public interest, greater than the 23 letters of support that this application has received. The mural has been the subject of national media attention and attracts visitors to the site. It is the view of officers that this interest is a public benefit brought about by the mural and that this benefit outweighs the harm to the building that has been identified, particularly given the other benefits that the mural brings in terms of enhancement to the conservation area and setting of the listed building.
- 6.2.7** Notwithstanding the above, this public benefit can only be realised if the mural is exposed within the public realm and as members will be aware, until recently the mural has been hidden/protected by ply-board and scaffolding. Whilst this application seeks to retain the work, it would be a fruitless exercise to authorise the work and then not achieve the important benefits. This is a consideration that the Conservation and Heritage Manager has given thought to and it will form the next section of this report.

### **6.3 The future of the mural**

- 6.3.1** Members may be aware that the render of the side elevation of the application site is in poor condition; it is cracked, unstable, not weather proof and the property has been deemed hazardous (as defined by the Housing Health and Safety rating system) until the render has been made good. With this in mind and whilst not within the applicant's ownership, officers asked the applicant to conduct some work to further consider the condition of the render. It is accepted that the application simply seeks to retain the mural but it is the view of your officers that it would be a superficial exercise to authorise the mural without understanding the long-term implications. The applicant was also asked to consider how any necessary repair works could be conducted without impacting upon the mural.
- 6.3.2** In response to this request, the applicant undertook a survey of the external walls of the application site, with particular attention being paid to the flank wall. The survey found that the render to the flank wall is a hard sand and cement render. The render upon which the mural has been painted (and approximately 1 metre further from the painted area) was tap tested and whilst cracked, was found to be quite sound. It is at high level that the condition of the render worsens with damp problems. The full extent of these problems are not

established by the report and whilst this is unfortunate, importantly the report does confirm that the render behind the mural is essentially sound.

- 6.3.3** Despite these findings, the report remained silent on potential ways of carrying out the necessary repair works, something that disappointed officers. This was discussed further with the applicant, to which their Chartered Surveyor has provided written assurance that in his opinion, all of the necessary repair works can be undertaken without directly affecting the artwork. In light of this assurance, and having discussed the matter further with the Conservation and Heritage Manager, officers are now satisfied that the important repair works to the gable end can be carried out without compromising the mural. This is an important consideration given the hazardous condition of the render and the importance of bringing the listed building back into an active use.
- 6.3.4** Having established that the works can indeed be executed successfully, the difficulty which then arises is how to ensure that they do actually take place. If the applicant owned the building, it would be quite appropriate to recommend that certain conditions were attached to any consent to ensure that within a reasonable time frame, the render to the gable end was improved. This would help to preserve the long term future of the mural and would therefore be fully compliant with the relevant tests that apply to the use of conditions. In this instance however, the applicant does not own the application site and therefore it would be impossible to ensure compliance with any conditions which require further work to the building.
- 6.3.5** This presents a dilemma; without work taking place to the existing render, the public benefits identified above cannot be fully realised, but, without ownership of the property, it is impossible, through this application, to ensure that these works take place. Officers have reflected on this conundrum and consider that the appropriate course of action is to indeed regularise the work. What this cannot ensure, however, is that the necessary repair works do happen, or that they happen in a timely manner; this will need the consent of the owner of the building. Nevertheless, what a consent may help achieve, is to advance these discussions where appropriate and given the assurances from the applicant that the repair work is a viable option, officers see no reason to delay these discussions from continuing.
- 6.3.6** It is accepted that this is a difficult argument to swallow and that members are being asked to authorise works based on benefits that cannot yet be fully realised. Nevertheless, these benefits *can* be achieved without compromising the mural, and given the understandable limitations of the application that is before members, officers do not see any value in refusing listed building consent. Refusing listed building consent would be counter-intuitive in encouraging the necessary improvement works and given that the harm to the building caused by the mural is less than substantial, it is considered that encouraging these works to take place rather than stifling them is truly in the spirit of the NPPF which advises local planning authorities to look for solutions rather than problems.

## 7. CONCLUSION AND RECOMMENDATION

- 7.1** To conclude, it is apparent that what at face value appears to be a straight forward application, the proposal to retain the mural brings with it a number of important considerations. The application site is currently vacant with the render to the side elevation hazardous. To aid habitation, the render has to be repaired but given the public benefit associated with the Banksy mural, it is important that this can be achieved without compromising the mural itself.
- 7.2** The applicant has surveyed the render and has provided assurances that the necessary repair work can be executed without affecting the mural but given the ownership of the building, this cannot be secured through this application.

- 7.3** Having assessed all of the material considerations associated with this application, officers have concluded that it is one that should be supported. The mural, when exposed to the public realm, preserves and enhances the conservation area and preserves the setting of the listed building. It is considered to be harmful to the listed building itself, but a level of harm (less than substantial) that is outweighed by the public benefits of the work. Furthermore, if authorised, officers consider that the likelihood of the work being retained in situ will increase.
- 7.4** This cannot be guaranteed however, and members are advised that should you resolve to grant consent, this will not prevent future applications relating to this site coming before you. Authorisation does not automatically mean retention; what it would achieve, in the opinion of officers, is a greater level of certainty for the mural. Nevertheless, any future applications will have to be considered on their merits in the same way this application has been with the requirements of the Planning (Listed Buildings and Conservation Area) Act 1990 and the advice within the NPPF at the forefront of our minds.
- 7.5** It is recommended that listed building consent be granted for the authorisation of the mural and the associated communications dish.

## **8. CONDITIONS / INFORMATIVES**

To follow as an update.

<b>APPLICATION NO: 14/01586/LBC</b>		<b>OFFICER: Mr Martin Chandler</b>	
<b>DATE REGISTERED:</b> 5th September 2014		<b>DATE OF EXPIRY :</b> 31st October 2014	
<b>WARD:</b> All Saints		<b>PARISH:</b>	
<b>APPLICANT:</b>	Mr Hekmat Kaveh		
<b>LOCATION:</b>	159 Fairview Road, Cheltenham		
<b>PROPOSAL:</b>	Installation of a Banksy mural on south east facing flank wall (incorporating the artwork and a communication dish) (Retrospective application)		

## REPRESENTATIONS

Number of contributors	<b>28</b>
Number of objections	<b>5</b>
Number of representations	<b>0</b>
Number of supporting	<b>23</b>

Redstart House  
Battledown Approach  
Cheltenham  
Gloucestershire  
GL52 6RE

**Comments:** 24th September 2014

As a fairly local resident to Cheltenham's Banksy mural, I would love to see this artwork remain in situ. It is witty and eye catching, thoroughly apt in the context of the town and its connection to GCHQ and it brightens up a slightly dull corner. We have taken visitors from home and abroad to see it and it has caused much hilarity. The Banksy mural is a positive addition to the area and should be retained.

Garden Flat  
66 Hales Road  
Cheltenham  
Gloucestershire  
GL52 6SS

**Comments:** 12th September 2014

I live in the locality and I support the application for retrospective listed building consent. I think the Banksy mural enhances the building and adds to the rich heritage of the area.

64 Little Herberts Road  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL53 8LN

**Comments:** 29th September 2014

I support this application.

128 Fairview Road  
Cheltenham  
Gloucestershire  
GL52 2EU

**Comments:** 20th September 2014

I absolutely support this application. I think preservation of the Banksy would be fantastic for the local area and Cheltenham as a whole. I consider it a real gift to the town, and it would be such a missed opportunity to not do everything possible to protect it and keep it where it is.

67 Prestbury Road  
Cheltenham  
Gloucestershire  
GL52 2BY

**Comments:** 20th September 2014

I live a few streets away from "Spy Booth" and would like to register my support for this application. "Spy Booth" would lose its impact if it were removed from its original location; moreover the phone box and satellite dish are clearly integral parts of the work. This is an outstanding piece of street art which is an important piece of Cheltenham's heritage and it should be preserved in situ.

10 Century Court  
Montpellier Grove  
Cheltenham  
Gloucestershire  
GL50 2XR

**Comments:** 21st September 2014

I support this application.

7 Priory Terrace  
Cheltenham  
Gloucestershire  
GL52 6DS

**Comments:** 21st September 2014

I firmly support this application. The Banksy has proved enormously popular, and has benefitted both the local Fairview area and the town as a whole. It is a wonderful addition to Cheltenham. It is a unique work of art which should stay where Banksy intended it to remain.

69 St Pauls Road  
Cheltenham  
Gloucestershire  
GL50 4HZ

**Comments:** 24th September 2014

Although i am not against the Banksy artwork being in Cheltenham, I am opposed to this action as I feel it would set an unsettling standard that Graffiti is acceptable. The piece has been defaced twice already proving, i believe, that not everyone sees it as anything more than graffiti. It could probably do with being removed and put in a museum or gallery so it can be protected and admired by anyone who's interested. The final decision should be left with the private owner

of the building and not our borough council! Who would be responsible for the upkeep and security of this 'artwork'?

45 Cudnall Street  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL53 8HL

**Comments:** 21st September 2014

Banksy's whole point would be undermined if the mural were moved, particularly if the aim was to enrich the already rich. Keep it here, please.

49 Cleevelands Drive  
Cheltenham  
Gloucestershire  
GL50 4QD

**Comments:** 13th October 2014

We feel that this is not graffiti but a unique piece of art and should be retained for the people of Cheltenham.

8 Baylis Road  
Winchcombe  
Cheltenham  
Gloucestershire  
GL54 5GF

**Comments:** 1st October 2014

The Banksy artwork is a unique and special asset, and is adding to the vibrant cultural scene in Cheltenham, which attracts visitors from around the nation and worldwide. These visitors add a great deal to the local economy. We should do everything we can to safeguard this important piece of art.

Red House  
Brockhampton Lane  
Swindon Village  
CHELTENHAM  
gl51 9rs

**Comments:** 21st September 2014

I support keeping the mural in its original position. The painting relates directly to Cheltenham through the association with GCHQ, and would lose its relevance if located elsewhere. The artist meant it to be in Cheltenham, and meant it to stay here. I would very much support also the use of the building as a museum to GCHQ which would also bring in tourists and therefore income to the town.

30 Prestbury Road  
Cheltenham  
Gloucestershire  
GL52 2PW

**Comments:** 21st September 2014

I fully support this application. It will be a proud day for many when Cheltenham can safeguard its Banksy.

16 Arthur Bliss Gardens  
Cheltenham  
Gloucestershire  
GL50 2LN

**Comments:** 21st September 2014

This is a unique piece of art which has brought an unprecedented level of interest and joy from local residents and visitors.

79 Marsh Lane  
Cheltenham  
Gloucestershire  
GL51 9JE

**Comments:** 20th September 2014

I fully support keeping this mural. This is an already world famous piece of art by one of the 21st Centuries most well known and celebrated artists. This is precisely what the listed building regulations should be working to preserve. This wonderful gift to the town will bring tourists from the world over to come and see it and will be a sure fire destination for many of the attendees of the various jazz, music, literature and horse racing festivals. I have already met many festival goers at the site and hope to do so for many years to come.

Besides what is the alternative? Refuse the application and force the owner to paint over a world famous piece of art worth hundreds of thousands of pounds. Imagine the negative publicity that would ensue from the towns inhabitants, the art world and the general public. That surely can't be a consideration in even the most staunch revilers of street art within the council. Can it?...

4 Rowena Cade Avenue  
Cheltenham  
Gloucestershire  
GL50 2LA

**Comments:** 22nd September 2014

Letter attached.



The penthouse  
denham lodge  
Lansdown road  
Cheltenham  
GL51 6qb

**Comments:** 20th September 2014

This is a world class piece of art, as evidenced by the artist's reputation and interest from abroad. The artist is known as a master of his craft for the quality and content of his work and this is recognised by the desirability and value of his work.

The listed building scheme is designed to identify and protect buildings and features of special architectural or historical significance. The artwork has huge historical significance when viewed in the light of the Edward Snowden leaks and the length of time that GCHQ has been present in Cheltenham.

The listed building scheme was set up in response to the loss of national heritage when buildings and features were unprotected. If this artwork is not protected then the future is likely to judge this a significant missed opportunity to protect a key tourist attraction within Cheltenham.

This artwork brings many benefits to the local community:

It is an opportunity for anyone to see work by one of the most celebrated artists of this century without having to pay an entrance fee and without restriction on viewing hours (a truly inclusive cultural object).

It tells the story of one of the key news stories of this century in the town where one of the main parties is based.

It is a community asset that both encourages visitors to the area and builds relationships between visitors (whenever I have visited the artwork I have got into conversation with other visitors which has built strong community relationships).

Yew Tree House  
Pound Lane  
Little Rissington  
GL54 2NB

**Comments:** 21st September 2014

I hope you are able to allow this application because it's wonderful for Cheltenham to have an original Banksy and is very much a tourist draw. Presumably it will be better protected from vandals when it has your official recognition which is another excellent point.

Uplane Cottage  
Parabola Close  
Cheltenham  
Gloucestershire  
GL50 3AN

**Comments:** 28th September 2014

In support of the application I would like to highlight the fact that there is a difference between graffiti and street art. Banksy does street art, not graffiti. The council supports street art as demonstrated by the murals on the walls of the tunnels on the Honeybourne pedestrian/cycling way. Street art has become a source of income for local communities e.g. in London where

walking tours of street art are popular. It would be a painful irony if anyone were to make money from this piece of street art given free of any charge to the people of and visitors to Cheltenham.

3 Queensholme  
Pittville Circus Road  
Cheltenham  
Gloucestershire  
GL52 2QE

**Comments:** 22nd September 2014

The interest in this original piece of art by locals and the wider public has been great to see. It should be preserved for the enjoyment of all rather than removed for individual profit. This must surely have been the artist's intention.

76 Redgrove Park  
Cheltenham  
Gloucestershire  
GL51 6QY

**Comments:** 17th September 2014

I believe that the depiction of this Banksy mural is unique to Cheltenham, in relation to the town's longstanding association with GCHQ, & I suggest that was why Banksy painted the mural in the town. Removing &/or displaying the mural in another location away from Cheltenham would rather defeat the object of Banksy' exercise.

Retaining & protecting the mural will provide kudos for the town's efforts to secure public viewing & provide for additional trade for local traders.

I fully support the listed building application on that basis.

15 St Vincent Way  
Churchdown  
GL3 1NP

**Comments:** 21st September 2014

I absolutely support this application. I think preservation of the Banksy would be fantastic for the local area and Cheltenham as a whole. I consider it a real gift to the town, and it would be such a missed opportunity to not do everything possible to protect it and keep it where it is.

22 Marsh Lane  
Cheltenham  
Gloucestershire  
GL51 9JB

**Comments:** 21st September 2014

I can only agree with much of what has already been said in support. Unlike many pieces of artwork, this one will have almost no meaning if removed from its environment, and has already proved to be of financial value to the town. If the plans of the group (and Mr Kaveh in particular) come to fruition Cheltenham will be almost unique in having a preserved, in situ Banksy, and that will generate future income for the area.

IMPORTANT: IN ADDITION: Waiving discussion of the Banksy, it is important to note that the Grade II listed house itself is in poor condition, but should the property be bought by Mr Kaveh its

future will be secured. By listing the artwork, therefore, the authorities will be safeguarding the building itself.

159 Fairview Road  
Cheltenham  
Gloucestershire  
GL52 2EX

**Comments:** 24th September 2014

I object to the proposal, this graffiti has been reported to the police and is subject to a criminal investigation, i think it would set a very worrying precedent if the council were to list it just because the graffiti artist is popular, ultimately it criminal damage and the council should be treating it as such.

141 Hewlett Road  
Cheltenham  
Gloucestershire  
GL52 6TS

**Comments:** 22nd September 2014

Please can we save the Banksy for Cheltenham. I hate graffiti but this is street art at it's best and as it was done for Cheltenham about GCHQ which was just up the road at the time of the subject matter, it would not be relevant out of context anywhere else. It has put the town and the road very much on the map and has helped local business. I met a young Australian couple in Tetbury who had visited Cheltenham the day before to see it, they said it was the best he had done. I have never met anyone who does not like it.

Peter And Sons Barbers  
23 Bath Road  
Cheltenham  
Gloucestershire  
GL53 7HG

**Comments:** 24th September 2014

The mural belongs to the home owner. Who out there would like someone to come and vandalise their house and tell you that it is not your decision as what to do with it. It has already been vandalised a few times and will draw that type of attention again. The owner owns a house and it has been vandalised. Only because of who the vandal is and the fact that people like the artwork is it causing this much attention. The facts remain that the house belongs to the owner, so the mural belongs to the owner of the house. If someone wants to decide what is to be done with it, then surely all you have to do is to buy it. The people in question sound as though they have the money so why is this being debated.

2 Laxton Meadow  
Southam Road  
Cheltenham  
Gloucestershire  
GL52 3NQ

**Comments:** 24th September 2014

I am strongly in favour of taking such action as will preserve the Banksy mural in Cheltenham for the appreciation of the public at large. Given the condition of the wall on which it was painted,

there is a case for transferring the whole installation to a position within The Wilson Art Gallery & Museum

230 South Gate Street  
Gloucester  
GL1 2EZ

**Comments:** 21st September 2014

I object to this application on the following grounds

- 1) The property in question is in the ownership of Mr D. Possee yet he has had little say in the matter while Mr Kaveh tries to influence the Council in order to put himself in a position of eventual ownership of the building backed by Council Officials.
- 2) The listing of the building is in dispute, and on web site, the Constraints show Undecided against the listing constraint whereas the other two constraints are confirmed.
- 3) The ownership of the wall of the building is also in dispute. The council have put up no public documents in this case showing that they have any legal ownership of the wall on which the graffiti has been painted.
- 4) Damaging a listed building by graffiti is a criminal offence. Banksy has admitted causing the damage so why have the council not followed their Statutory Obligation and prosecuted the painter.
- 5) As Mr Possee is the beneficial owner of the graffiti by default, it is not the role of the Council to interfere in private ownership of property and it is certainly not their role to take influence from and have meetings with Mr Kaveh without the owner being present at those meetings.

Mr Kaveh has no legal interest in the property and is attempting to whip up public to strengthen his hand in getting hold of the property using the Council to undermine the rights of the Property Owner

**Comments:** 24th September 2014

*4 Rowena Cade Avenue Cheltenham Gloucestershire GL50 2LA (Supports)*

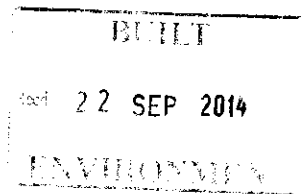
*Comment submitted date: Mon 22 Sep 2014*

*Letter attached.*

These people have not left a comment but a letter and their names and address have been blanked out.

Public comment should be made public, not wrapped up in a second link document file.

I suspect Mr Kaveh is enlisting friends to support a very weak case



4 Rowena Cade Avenue  
The Park  
Cheltenham  
Gloucestershire  
GL50 2LA

22<sup>nd</sup> September 2014

Planning Officer  
Cheltenham Borough Council  
The Promenade  
Cheltenham  
GL50 9SA

Ref; 14/01/1586/LBC - 159 Fairview Road, Cheltenham, GL52 2EX

Installation of BANKSY MURAL on south east wall incorporating the art work  
and communication dish.

Dear Sir,

#### BANKSY MURAL

Our first viewing of the Banksy when the public were unsure of the artist, I knew immediately that this was a piece of artwork of merit. At all cost it should be kept in place for the people of the Borough and visitors alike. The standard of the mural is excellent and any gallery worth its merit would be more than pleased to house it in their collection. The artist has world fame and is acknowledged for his inventiveness and often amusing and intelligent view of life.

The work in Cheltenham must be preserved and saved and we as a town should cherish our gift from Banksy. This type of graffiti is no ordinary art as it reflects on a special Cheltenham which we all can associate with.

We support all efforts to keep the work in place or at least in Cheltenham.

Yours faithfully,





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APPLICATION NO: 14/01586/LBC		OFFICER: Mr Martin Chandler	
DATE REGISTERED: 5th September 2014		DATE OF EXPIRY: 31st October 2014	
WARD: All Saints		PARISH:	
APPLICANT:	Mr Hekmat Kaveh		
AGENT:	Mr Mark Godson		
LOCATION:	159 Fairview Road, Cheltenham		
PROPOSAL:	Installation of a Banksy mural on south east facing flank wall (incorporating the artwork and a communication dish) (Retrospective application)		

## Update to Officer Report

### 1. CONSULTATIONS

- 1.1. Updated comments have been received from the Heritage and Conservation Officer.

#### **Heritage and Conservation**

*6<sup>th</sup> February 2015*

- 1.2. I understand that further information from John Bevan (surveyor acting for the applicant) has now been submitted on 22<sup>nd</sup> Jan 2015, in relation to the state of the external render on the side wall of this building, and in addition to that additional information the scaffolding to the side wall has also been removed.
- 1.3. My further revised comments are as follows:
- i. In my opinion the state of the rendering over the whole of the side wall of this building is an essential consideration when dealing with the future of this building. In particular due consideration should be given to how and when this rendering is repaired and ensuring that the retention of the Banksy mural does not impede the repairs to the defective render.
  - ii. The existing rendering is poor and letting in water, especially at high level. Partly as a consequence of this damp penetration caused by the defective render the house is currently not occupied or considered fit for habitation by the Council's Housing Standard Officer until the render is repaired.
  - iii. Unless the defective rendering is repaired the building will deteriorate and remain unoccupied.
  - iv. This application is for the regularisation of the Banksy mural which has been applied to the side wall of the listed building without consent. The Planning (Listed Buildings and Conservation Areas) Act 1990 section 16 states that the LPA shall have special regard to the desirability of preserving the building. In addition section 132 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Part of that preservation of the building and its future conservation is the repair of the render.
  - v. The report previously submitted by Mr Bevan did not confirm that repairs to the areas of defective render (principally but not necessarily at high level) could be

undertaken without affecting the art work. This assurance has now been provided and therefore the regularisation of the mural and its retention will not prevent the defective rendering being repaired. Such an assurance is welcomed.

**SUMMARY: Approve.**

APPLICATION NO: 14/01586/LBC		OFFICER: Mr Martin Chandler	
DATE REGISTERED: 5th September 2014		DATE OF EXPIRY: 31st October 2014	
WARD: All Saints		PARISH:	
APPLICANT:	Mr Hekmat Kaveh		
AGENT:	Mr Mark Godson		
LOCATION:	159 Fairview Road, Cheltenham		
PROPOSAL:	Installation of a Banksy mural on south east facing flank wall (incorporating the artwork and a communication dish) (Retrospective application)		

## Update to Officer Report

### 1. OFFICER COMMENTS

- 1.1. Attached is a representation received this afternoon on behalf of the owner of the application site which sets out two points that warrant further clarification.
- 1.2. Firstly, it is suggested that the owner was not made aware of the application when first submitted and that he was also unaware of the committee meeting until “*a few days ago*”. The point relating to notification was raised with the applicant shortly after the application was received in October 2014 with the applicant advising that notice was indeed served in the correct manner. Since the submission of the application, officers have had a number of discussions with the owner of the building about the application and whilst he is obviously disappointed that the application has been submitted without his input, the planning system does allow for this.
- 1.3. Secondly, the attached letter states that the officer recommendation is based on “*some sort of ‘verbal assurance’*.” This is not correct and the officer report makes this quite clear; officers have received written assurance in relation to the repair works and this is set out at paragraph 6.3.3 on page 89 of the committee papers.
- 1.4. Officers have considered the full content of this representation and advise members that the recommendation to grant listed building consent remains unchanged. That being said, members are directed back to the conclusion of the officer report that authorising this work does not automatically mean retention of the mural in the long term. Future applications may be submitted by the land owner, the current applicant or indeed a further third party and these applications will be considered on their merits in accordance with the relevant national guidance and legislation.

Mr Martin Chandler  
Planning Services  
Cheltenham Borough Council  
Municipal Office  
Promenade  
Cheltenham  
GL50 9SA

Your ref: 14/01586/LBC  
Our ref: BG/POS/1-1  
Email: ben.garbett@keystonelaw.co.uk

19 February 2015

Dear Sirs,

**Our client – Mr David Possee**  
**Listed Building consent application ref: 14/01586/LBC – 159 Fairview Road, Cheltenham**

We act on behalf of Mr David Possee, who is the owner of the listed building. We object most strongly to the application in light of the matters appearing below:-

#### Procedural errors

We are instructed that the application has been submitted without our client's knowledge or consent. He was in fact unaware of the committee meeting until a few days ago, and was not formally notified of the application by the Council before that. He did not receive notice from the applicant either, which is contrary to the declaration given at section 15 of the application form. Nor did he give any authority for the survey work which appears to have been carried out.

It is extremely poor that discussions surrounding the application have been conducted privately to the complete exclusion of our client. It is pretty obvious that the owner himself should be fully aware of the current plans, whilst our advice and assistance has now been sought as a matter of extreme urgency.

All this is highly significant given what has already occurred (uninvited) to bring about this situation, and what the applicant and Council officers can realistically hope to achieve without reaching a consensus.

#### Details of the objection

Regardless of one's view of the artistic merits, it is extremely important to remember that the Banksy artwork was itself a surprising revelation created without this owner's permission. By law these listed building works were not just unauthorised; they involve the commissioning of a criminal offence.

This now causes a significant financial problem for the owner because the building is currently empty, and uninhabitable, until urgent damp-proofing repairs have been carried out to the same flank wall. The building would normally be tenanted so this is lost revenue. The serious state of disrepair is also a current danger to passing members of the public. The Council will be well



aware of its own liabilities in respect of making planning decisions which create a danger to life and limb: *Kane v New Forest District Council* [2001] All ER (D) 397 (Nov). Granting consent will impede our client's attempts to carry out the badly needed repairs, and prolong these issues.

The feasibility of carrying out economic repairs is a critical issue to be satisfied, and yet the surveyor's report has not been published for public consumption. The owner himself has not seen it, and nor have we. The reporting officer has stated that some sort of "verbal assurance" has been received from the applicant's agent, but of far greater significance is that the writer of the report, upon which professional reputation rests – and liabilities too – was evidently not prepared to give any such assurance himself.

Our client's own knowledge lies with repair and restoration of buildings, and his own advisor states that it is impossible to repair the damp problems without causing serious damage to the mural. There is no rational basis for granting consent without an unequivocal guarantee that the needed repairs can be effected at reasonable economic cost, without causing lasting damage to the Banksy mural. In truth there can be no lasting solution whilst the artwork remains in situ.

There is a general consensus that both the artwork and the listed building should be preserved, but preservation in situ leads to an insoluble problem – that even after several months of wrangling there is no clear path as to how all this is to be achieved without landowner consent. The Council's attempted justification is vague and highly aspirational. It is simply not placed to direct the final outcome it so keenly desires. This fails the relevant national policy (para. 132 of the NPPF) which requires that "*any harm or loss should require clear and convincing justification*".

The Council states that it is seeking to "encourage" its preferred solution, but is not prepared to give any guarantee of what might happen if consent is granted. In plain language what this means is authorising an uninvited criminal act irrespective of the wishes of the owner himself, whilst shackling him with an unquantified financial burden. The owner would also face possible criminal prosecution in future if the listed building and the artwork are not preserved, regardless of any personal culpability. No guarantees are being offered, so how can this be right?

No property owner should be forced into a position where, unwittingly and through no fault of his own, he has to become a forced seller. The English legal system does not sanction such arcane interference with property rights. This is also embedded firmly in the justice principles of the European Convention on Human Rights: Article 6 (the right to a fair hearing); Article 8 (a right to respect for one's private and family life, his home and his correspondence); and Article 1 of the First Protocol (peaceful enjoyment of possessions).

It is incredible that such an ill-thought out strategy should have reached this committee vote, and we urge Committee members to refuse the application without hesitation. There are any number of places the artwork could ultimately be displayed, locally or nationally, which would also deliver a significant public benefit. That would truly mean securing the piece permanently, free from the sporadic acts of unwanted vandalism it presently attracts, and allowing the dwelling to be repaired and used once again for its proper purpose.

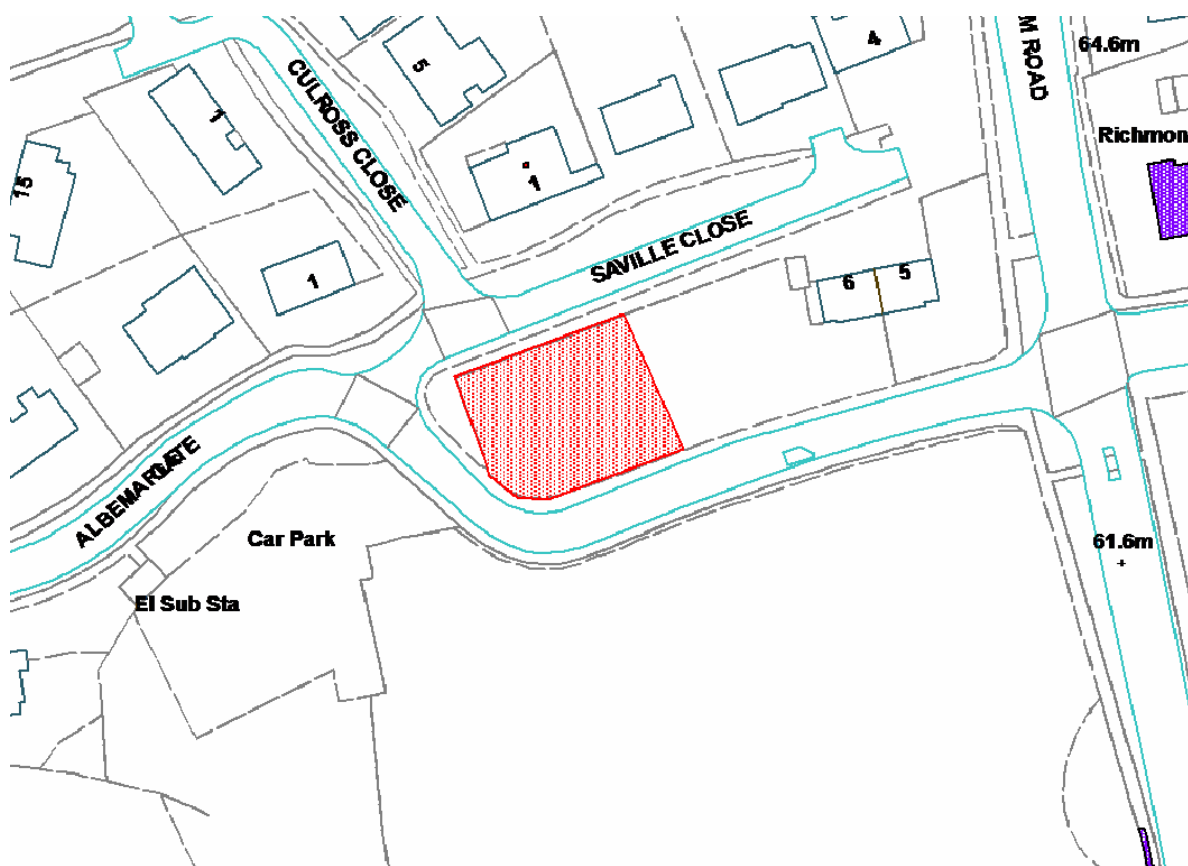
Yours faithfully,

**Keystone Law**

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<b>APPLICATION NO:</b> 14/02039/COU	<b>OFFICER:</b> Miss Michelle Payne
<b>DATE REGISTERED:</b> 8th December 2014	<b>DATE OF EXPIRY:</b> 2nd February 2015
<b>WARD:</b> Pittville	<b>PARISH:</b> None
<b>APPLICANT:</b>	Mr Vince Norvill
<b>AGENT:</b>	None
<b>LOCATION:</b>	Land adjacent to 6 Saville Close, Saville Close, Cheltenham
<b>PROPOSAL:</b>	Change of use of land to a community orchard garden, planting 31 fruit trees and the erection of a shed

**RECOMMENDATION:** Permit



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## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 This application relates to a parcel of land located between Saville Close and Albemarle Gate to the north of the pitch and putt course at Pittville Park, on the western side of Evesham Road. The land is bounded by hedging with an entrance provided from Saville Close.
- 1.2 The site is located at the edge of the Central Conservation Area, within the Pittville Character Area.
- 1.3 The land was formerly part of the garden to no. 6 Saville Close but has been physically separated at some point in the past. Planning permission was granted on two occasions in the 1980's for the erection of a detached dwelling with double garage but neither scheme was implemented.
- 1.4 The application is seeking a material change of use of the land to create a community orchard garden to include the planting of 31no. fruit trees and the erection of a shed.
- 1.5 The application is before planning committee as the land is Council owned. Members will visit the site on planning view.

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

**Constraints:**

Residents Association  
Conservation Area

**Relevant Planning History:**

None

## 3. POLICIES AND GUIDANCE

Adopted Local Plan Policies

CP 1 Sustainable development  
CP 3 Sustainable environment

National Guidance

National Planning Policy Framework

## 4. CONSULTATIONS

**Contaminated Land Officer**

*4th December 2014*

No comment.

**Gloucestershire Centre for Environmental Records**

*11th December 2014*

Report available to view on line.

**Tree Officer**

21st January 2015

The Tree Section welcomes this proposed development. Previously the land was underused and this project should not only diversify ecology and improve the tree heritage of the area but should also help strengthen social bonds within the local community.

It is imperative that all recommendations of Glos Orchard Group are acted upon as described so as to ensure maximum return of amenity and produce from the trees.

## **5. PUBLICITY AND REPRESENTATIONS**

- 5.1 Letters of notification were sent out to nine neighbouring properties. In addition, a site notice was posted and an advert published in the Gloucestershire Echo. One representation has been received from a local resident in full support of the proposal.

## **6. OFFICER COMMENTS**

- 6.1 The supporting information submitted by the applicant sets out that local residents within a one mile radius of the site have been working on 'The Albemarle Orchard Garden' for the last 18 months. The local community was given the opportunity to come up with an alternative use for the land that could benefit the community, following strong local objection to a decision by the Council's Asset and Property Committee to sell the land for development.
- 6.2 Following a successful application to the Community Pride Award, the group have been awarded funds to help set up and maintain the orchard, and a detailed 10 year management plan has been drawn up. It is anticipated that a 5 year lease on the land will be agreed initially.
- 6.3 31no. trees will be planted in a circular design, consisting of 10no. plum trees, 4no. pear trees, 16no. apple trees and 1no. quince tree. In addition, seating benches, log piles for insects and wildlife, a water bowser and a shed are proposed within the site. The management and maintenance of the orchard will be volunteer led by local residents
- 6.4 A document published by the Department for Communities and Local Government in 2011 entitled 'Community orchards: How to guide' identifies the benefits that green spaces such as orchards and community gardens can bring to the local community, recognising that such facilities are excellent in bringing people for community activities such as Apple Days; annual celebrations of apples and orchards, held throughout the UK in October. It also acknowledges that community orchards can be used as an educational resource by local school and children, and that they provide the opportunity for everyone to learn new skills.
- 6.5 The applicant's supporting information echoes this, and sets out that local schools and a local scout group have already shown an interest in the orchard and *"are all keen to get involved with learning horticultural skills and helping develop the biodiversity of the orchard. The garden will be open to the public [and] we will hold apple days and other community events throughout the year once the orchard is established."*
- 6.6 Overall, the creation of the community orchard will help to improve biodiversity within the area and provide opportunities to bring the local community together. As such the recommendation is to permit the application.



## **7. CONDITIONS**

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

## **INFORMATIVE**

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

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

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

<b>APPLICATION NO:</b> 14/02039/COU		<b>OFFICER:</b> Miss Michelle Payne
<b>DATE REGISTERED:</b> 8th December 2014		<b>DATE OF EXPIRY :</b> 2nd February 2015
<b>WARD:</b> Pittville		<b>PARISH:</b> NONE
<b>APPLICANT:</b>	Mr Vince Norvill	
<b>LOCATION:</b>	Land adjacent to 6 Saville Close, Saville Close, Cheltenham	
<b>PROPOSAL:</b>	Change of use of land to a community orchard garden, planting 31 fruit trees and the erection of a shed	

### REPRESENTATIONS

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

5 Culross Close  
Cheltenham  
Gloucestershire  
GL50 4NF

**Comments:** 23rd December 2014  
Letter attached.

Valeros Elise,  
Pittville Mt. Park,  
Mullis Lane.

Gr 50444.

21<sup>st</sup> Dec. 2014

Dear Mr. V. Elise,

Your letter  
Ref 14/02039/COU dated 4<sup>th</sup>  
December, 2014 refers.

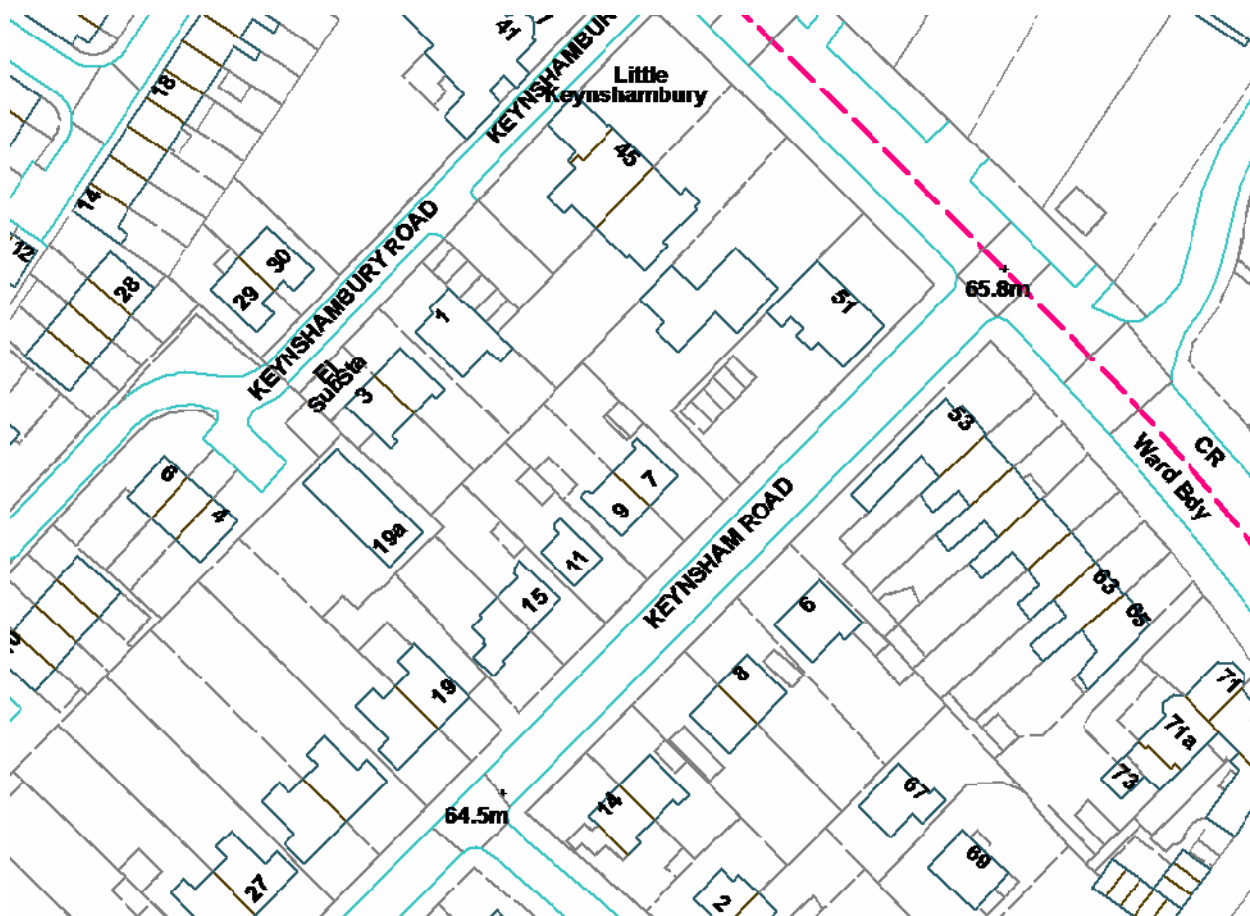
I am in full  
agreement with the proposal  
to change of use of land to a  
community orchard garden as  
stated in the above referenced  
letter.

Yours sincerely

[Redacted Signature]

<b>APPLICATION NO:</b> 14/02174/FUL		<b>OFFICER:</b> Miss Michelle Payne	
<b>DATE REGISTERED:</b> 16th December 2014		<b>DATE OF EXPIRY:</b> 10th February 2015	
<b>WARD:</b> Charlton Park		<b>PARISH:</b> None	
<b>APPLICANT:</b>	Mr & Mrs Church		
<b>AGENT:</b>	Urban Aspects Ltd		
<b>LOCATION:</b>	7 Keynsham Road Cheltenham Gloucestershire		
<b>PROPOSAL:</b>	Erection of part single storey/part two storey side/rear extension, and rear dormer in connection with loft conversion, following demolition of existing garage		

**RECOMMENDATION:** Permit



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## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 This is a householder application for the erection of a part single storey/part two storey side/rear extension and a rear dormer in connection with a loft conversion, following the demolition of an existing detached garage.
- 1.2 The property is a semi-detached dwelling on the north-west side of Keynsham Road close to the junction with London Road. The site is located just within the boundary to the St. Luke's Character Area, one of 19 character areas that together form Cheltenham's Central Conservation Area and the building is positively identified on the Townscape Analysis Map. The adjacent buildings on the London Road are grade II listed.
- 1.3 The existing building has a painted roughcast render finish with a red brick plinth and white uPVC windows and doors beneath a pitched tiled roof.
- 1.4 Revised drawings have been submitted during the course of the application to address concerns relating to design.
- 1.5 The application is before planning committee at the request of Cllr Sudbury on behalf of the neighbour at Elm Villa, London Road *"so that the committee can consider the impact on the listed building she lives in as well as the impact on her amenity"*; Members will visit the site on planning view.

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

### **Constraints:**

Conservation Area  
Smoke Control Order

### **Relevant Planning History:**

None

## 3. POLICIES AND GUIDANCE

### Adopted Local Plan Policies

CP 1 Sustainable development  
CP 3 Sustainable environment  
CP 4 Safe and sustainable living  
CP 7 Design  
TP 1 Development and highway safety

### Supplementary Planning Guidance/Documents

Residential Alterations and Extensions (2008)  
St. Luke's Character Area Appraisal and Management Plan (2008)

### National Guidance

National Planning Policy Framework

## 4. CONSULTATION RESPONSES

None

## 5. PUBLICITY AND REPRESENTATIONS

5.1 On receipt of the application, letters of notification were sent out to 16 neighbouring properties. In addition, a site notice was posted and an advert published in the Gloucestershire Echo. In response to the original scheme, two objections were received; the comments have been copied to Members in full but briefly the main concerns were:

- The size of the extension
- Loss of privacy/overlooking
- Loss of light
- Impact on outlook
- Impact on adjacent listed building

5.2 Further letters were sent out on receipt of the revised plans however no comments have been received in response to the revisions to date.

## 6. OFFICER COMMENTS

### 6.1 Determining issues

6.1.1 The main considerations when determining this application are design and impact on the conservation area, and neighbouring amenity.

### 6.2 Design / impact on the conservation area

6.2.1 Local plan policy CP7 (design) requires all new development to be of a high standard of architectural design and to complement and respect neighbouring development and the character of the locality.

6.2.2 During the course of this application, the proposal has been amended to achieve a more satisfactory scale and form of development, appropriate to its location within the conservation area.

6.2.3 Namely, the height of the parapet to the single storey element adjacent to the boundary with the adjoining neighbour has been reduced from 3.4m to 3.2m, the first floor element has been reduced in width so as not to extend beyond the side of the existing dwelling, and the rear dormer has been significantly reduced in size and the juliet balcony omitted; as such the plans now propose a fairly typical extension to a semi-detached property of this nature.

6.2.4 All of the materials used in the exterior of the development will closely match those used in the existing dwelling, with roughcast render and facing brick to the elevations and plain tiles to the roof. The dormer cheeks will also be tile hung to match the existing roof. In addition, all new windows and doors will be painted timber.

6.2.5 In its revised form, officers consider that the form, mass and general design of the extension is acceptable. The extension is subservient in nature and consistent in character to the original building and would sit comfortably in its context without causing harm to the character and appearance of the wider conservation area, nor the setting of the adjacent listed buildings.

6.2.6 The proposal is therefore considered to accord with the requirements of policy CP7.



6.3 Impact on neighbouring amenity

6.3.1 Local plan policy CP4 (safe and sustainable living) advises that development will only be permitted where it would not cause unacceptable harm to the amenity of adjoining land users or the locality.

6.3.2 The concerns raised by the neighbours have been duly noted. Whilst officers did not consider that the extension as originally proposed would have resulted in a significant or unacceptable impact on neighbouring amenity, the revisions that have been made to address design concerns in fact go some way to addressing the concerns of the neighbours.

6.3.3 The extension comfortably passes the Council's adopted 45° daylight test carried out to assess the impact on the adjoining property, no. 9 Keynsham Road.

6.3.4 Furthermore, the extension would not result in any significant impact on outlook from the neighbour at Elm Villa, London Road. The windows in the rear elevation of this neighbouring dwelling which would directly look out onto the extension are some 21 metres away; well in excess of the established minimum distance of 12 metres from window to flank wall. The fact that the extension would be visible from the neighbouring property, and result in a loss of a distant view, are not material reasons to withhold planning permission.

6.3.5 In addition, there are no windows proposed to the side elevation of the extension at first floor and therefore no additional overlooking of this adjacent property would occur as a result of the extension.

6.3.6 The proposal therefore accords with policy CP4.

6.4 Recommendation

6.4.1 With all of the above in mind, the recommendation is to permit the application in its revised form.

**7. CONDITIONS**

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.  
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The development hereby permitted shall be carried out in accordance with Drawing Nos. CHU14.01/03A, CHU14.01/05A and CHU14.01/06A received by the Local Planning Authority on 2nd February 2015.  
Reason: To ensure the development is carried out in strict accordance with the revised drawings, where they differ from those originally submitted.
- 3 The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.  
Reason: To ensure a satisfactory form of development in accordance with Local Plan Policy CP7 relating to design.

**INFORMATIVE**

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

of the NPPF, the Local Planning Authority adopts a positive and proactive approach to dealing with planning applications and where possible, will seek solutions to any problems that arise when dealing with a planning application with the aim of fostering the delivery of sustainable development.

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

In this instance, the authority sought revisions to ensure a satisfactory scale and form of development, appropriate to its location within the conservation area.

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> 14/02174/FUL		<b>OFFICER:</b> Miss Michelle Payne
<b>DATE REGISTERED:</b> 16th December 2014		<b>DATE OF EXPIRY :</b> 10th February 2015
<b>WARD:</b> Charlton Park		<b>PARISH:</b> NONE
<b>APPLICANT:</b>	Mr & Mrs Church	
<b>LOCATION:</b>	7 Keynsham Road, Cheltenham	
<b>PROPOSAL:</b>	Erection of part single storey/part two storey side/rear extension, and rear dormer in connection with loft conversion, following demolition of existing garage	

## REPRESENTATIONS

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

9 Keynsham Road  
Cheltenham  
Gloucestershire  
GL53 7PU

### Comments: 31st December 2014

This application (first notice of which was received on 23/12/14) represents a significant development of No.7. It would seem to increase the living space by 50% and is out of character with similar properties on this side of the road.

Although the part which immediately abuts our property (No.9) is one storey, it is long and, when taken together with the two storey element, would create a darkened and oppressive effect upon our main living area - which is at the rear of our property.

Further, the full length balcony window in the loft conversion overlooks our garden and patio. The protruding roof extension would also blot out light from the dormer window to our loft bedroom (our principal bedroom).

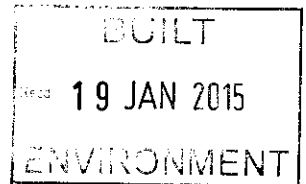
The scale of the development at the rear of the property would significantly affect the nature and outlook of our own property and detract from our quiet enjoyment of this property.

Elm Villa  
London Road  
Cheltenham  
Glos

### Comments: 21st January 2015

Letter attached.

Elm Villa,  
London Road  
Cheltenham



16<sup>th</sup> January 2015

Cheltenham Borough Council

Planning Department.

Dear Sir/Madam,

I refer to the proposed extension to 7 Kenysham Road, Cheltenham and write to object to the current plans.

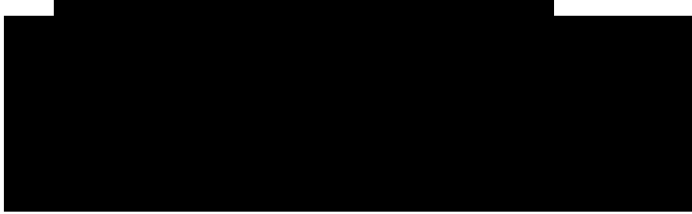
I have lived in my property since 1969 and it is a Listed Building.

The current plans, if allowed to proceed, will mean that the extension measuring approximately half the width of the current property will extend well into the rear garden of No. 7 and will overlook my property, with the effect that when I look out of my lounge and dining room windows and indeed from the windows of the first floor I will see a two storey building.

In addition, it will be built very close to the boundary between the two properties, and therefore will effectively be very close in proximity and become invasive leading to a loss of privacy, loss of light, and further will diminish my current view and will include a view I do not want.

Notwithstanding all this, I am also concerned about the fate of a fig tree which has been in my garden for decades and will be, I believe adversely affected by the proposed plans.

Yours sincerely





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