



# CHEL TENHAM

## BOROUGH COUNCIL

### Notice of a meeting of Planning Committee

**Thursday, 19 March 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 7 - 18)
6. **PLANNING/LISTED BUILDING/CONSERVATION AREA  
CONSENT/ADVERTISEMENT APPLICATIONS,  
APPLICATIONS FOR LAWFUL DEVELOPMENT  
CERTIFICATE AND TREE RELATED APPLICATIONS**
  - a) **14/01423/FUL 391 High Street** (Pages 19 - 52)
  - b) **14/01676/FUL Garages adjacent to 26 Redgrove  
Road** (Pages 53 - 60)
  - c) **14/01678/FUL Land adjacent to 6 Coniston Road** (Pages 61 - 100)
  - d) **14/01681/FUL Land between 24 & 25 Ullswater  
Road** (Pages 101 - 114)
  - e) **14/01700/FUL Garages at Haweswater Road** (Pages 115 - 134)

- f) **14/01810/FUL Mellersh House, Painswick Road** (Pages 135 - 142)
- g) **14/02003/FUL Unit 3, Naunton Park Industrial Estate, Churchill Road** (Pages 143 - 188)
- h) **15/00058/FUL 9 Copt Elm Road** (Pages 189 - 272)
- i) **15/00104/FUL 30 Ravensgate Road** (Pages 273 - 278)
- j) **15/00185/FUL 2 Highland Road** (Pages 279 - 296)

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

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









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## Planning Committee

19<sup>th</sup> February 2015

**Present:**

**Members (13)**

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

**Substitute:** Councillor Chris Mason (CM)

**Present as observers:** Councillors Payne, Wheeler and Coleman.

**Officers**

Martin Chandler, Team Leader, Development Management (MJC)  
Craig Hemphill, Principal Planner (CHemphill)  
Michelle Payne, Senior Planning Officer (MP)  
Karen Radford, Heritage and Conservation Manager (KR)  
Daniel Lewis, Enforcement Officer (DL)  
Cheryl Lester, Legal Officer (CL)

**1. Apologies**

Councillors Clucas, Lillywhite and Babbage.

**2. Declarations of interest**

**14/02039/COU Land Adjacent To 6 Saville Close**

Councillor Fisher – sits on Asset Management Committee, and was involved in negotiating for the lease on this land. Will leave the Chamber for the debate.

Councillor Mason and Councillor Stennett – also sit on Asset Management Committee but as it was not involved in any negotiations on the planning application, will take part in the debate.

**3. Declarations of independent site visits**

Councillor Mason – visited all sites independently.

Councillor Baker – visited Fairview Road and Keynsham Road.

**4. Public Questions**

There were none.

**5. Minutes of last meeting**

Resolved, that the minutes of the meeting held on 22<sup>nd</sup> January 2015 be approved and signed as a correct record ~~with~~ *without corrections*

## 6. Planning applications

Application Number:	<b>14/01304/FUL</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</b>		
View:	<b>Yes</b>		
Officer Recommendation:	<b>Permit</b>		
Committee Decision:	<b>Refuse</b>		
Letters of Rep:	<b>6</b>	Update Report:	<b>None</b>

**MP** introduced the application as above, at Committee at the request of Councillor Regan on behalf of local residents. Permission was granted to develop eight dwellings on a large portion of the site, shop and lock-up garages in 2007, and extended in 2012 – this is therefore extant, and the principle of building on this site is established. The main consideration of the current application relates to the loss of employment land, as set out in Local Plan policy EM2, brought about by the addition of three further terraced houses on the Alma Road Garage site. The developers have stated that eight units on the site is unviable, due to remediation costs. They have provided a viability report, verified by the DVS, to demonstrate this. The extant permission will not proceed for this reason, so Members have to consider what is more valuable – employment land or dwellings. There is an argument for departure from the development plan, which would unlock the consented unviable scheme. On balance, therefore, the recommendation is to permit.

### **Public Speaking:**

#### **Mrs Godwin, neighbour, in objection**

Has lived directly behind the development site for 36 years, and is most concerned with two important issues arising from this proposal. Firstly, the intrusion of privacy: three two-storey houses will be positioned adjacent to her back garden with a direct view into her home and garden, thus totally compromising her privacy, unlike other neighbouring properties which only have bungalows behind them. Privacy and security are particularly important to her and her family, having suffered from harassment and racial abuse for many years. The second concern is for the health and safety of her family and neighbours: the garages have asbestos roofing and the land is contaminated by heavy metals, inorganics, petroleum hydrocarbons and other carcinogenic substances identified by a ground investigation in 2014. Would like to request that exhaustive testing be carried out to confirm that contamination is not presently affecting water supply and soil in her back garden, and 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 them.

#### **Mr Kendrick, agent, in support**

This land has long been earmarked for redevelopment, with planning permission for the majority of the site already in place. This cannot proceed, however, without the removal of the garage. Realises that this is a valued facility for some residents, although others do not enjoy the noise and parking issues. By its nature, customers have to drive to a garage, so its location is not as critical as, say, a medical centre. The existing landowner has been very reasonable, making the garage owner aware of his intentions over a year ago and allowing him the opportunity to relocate. This has not happened, and it is unfair to penalise the landowner who has acted reasonably. Regarding overlooking of the property behind, permission is already approved to build on the site. Regarding criminal activity, houses on the site will increase the natural surveillance. Regarding contaminated land, development of the site will clean up the land. To sum up, without the development, anti-social behaviour will continue, the

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contaminated land issue will not be remedied, and much-needed housing will not be delivered in a sustainable location. Asks Members to endorse the officer recommendation.

### **Councillor Regan, in objection**

The historic beginnings of this application date back to March 2005; objected to the first proposal, which was followed by a second in 2007, meeting with great opposition from local residents – a petition of 428 signatures of people objecting to the loss of the shop and the garage was produced, but permission was granted for eight dwellings. There are now strong objections to the loss of Alma Road Garage, based primarily on the loss of employment. The garage provides for the needs to local people, who have used it for 20 years, and is strongly supported by both parish councils. It is used by large numbers of people, especially the elderly, and provides exceptional benefit in this locality. The Cheltenham Local Plan states that existing employment sites should be safeguarded for local companies; there are eight members of staff at the garage, and this should be acknowledged in the debate. The Local Plan also acknowledges the limited opportunities for development of any new employment sites – we cannot afford to lose sites such as this to alternative uses. In addition, notes that three pieces of evidence are required to demonstrate that an existing site is unsuitable for its current use, and is not aware that this has been provided. The extant planning permissions exist for the majority of the site, for eight dwellings, without the need to lose this important community facility. The question must be whether the loss of the garage and its eight employees is worth three additional houses?

There are concerns about contaminated land which have not been fully quantified – no risk assessment is provided. Full removal of all underground storage tanks is not always necessary, but this casts doubt on safety aspects.

The above points in the Local Plan should be carefully considered, together with the comments of Warden Hill and Leckhampton Parish Council, to allow the garage business to proceed with the good work it does on the south of the town.

### **Member debate:**

**JF:** finds conflicting comments in the report which could tip the balance either way. Taking policy EM2 into consideration, the garage employs eight people and provides good MOT service – there are no suitable alternative sites for this type of work on the south side of the town. It is not worth losing this valuable site for the sake of three houses. The NPPF Paragraph 70 stresses the importance of building healthy communities; this application is the wrong way forward. The garage is an established business, providing a valuable service to the community, and people object to its loss in every way. Agrees with the parish councils. We have to go on providing for this type of facility. There is not enough employment land in the town; we need every square inch, and should refuse this application on the above grounds.

**AC:** when the existing planning permission was granted, was the site considered viable for eight dwellings?

**CM:** the agent talking about the landowner being generous with the tenant is a red herring; the tenant should be protected under the Landlord and Tenant Act 1954. If he is, did the original lease have security? If the tenant is holding a lease which could be taken away, is this a planning issue; if it is permanent, it will be protected by the Act.

### **MP, in response:**

- to AC, the original planning application was not assessed on viability grounds, as there was no requirement to do so at the time.

**AC:** presumably the developer thought it was viable at the time?

**MP, in response:**

- to CM, the lease is not a planning issue.

**PB:** the local resident spoke about the impact the development will have on her property and garden. Would like to see on a map how this works and hear the officer comment on this issue of loss of privacy and over-looking.

**MP, in response:**

- the extant scheme includes a terrace of four houses in a very similar position to the current scheme. The first floor windows achieve an excess of the 10.5m distance we look for, and the proposed houses also achieve that distance.

**PT:** to digress slightly, agrees with JF, but also notes that there is nothing in the report from the police about the horrendous anti-social behaviour incidents that have been happening in this area. Wonders how long it has been going on. Is also puzzled as the footpath is a right of way, and understands that these cannot be built on. This path has been used for many years on a regular basis, and even if it isn't a right of way, don't long-term custom and practice make it one? Asks for CL's guidance on this. Noted on Planning View that the path is currently shut off.

**MP, in response:**

- the path is not a designated right of way through the site – it is used for access and not protected. There have been no objections to its loss from any local residents or the parish council;
- regarding anti-social behaviour, received a response from the constabulary, which mostly viewed the proposal as an improvement, removing the access where anti-social behaviour takes place and offering additional protection to gardens.

**BF:** has no real issue with this scheme, but notes that the rear boundary with the bungalow in Dinas Road appears to be a stone boundary. Is there any way, if permitted, that this can be protected and remain as brick and render, in view of the improvements made by the residents of Dinas Road to reflect light back into their garden? Is surprised at the concern about the loss of the employment land – this is happening every month, with offices being turned into flats and the GCHQ Oakley site being used for housing. If the site has been advertised as employment land for a certain amount of time and has not been taken up, it can be used for housing. In addition, this site isn't particularly good employment land. There are a lot of garages in Cheltenham, and even if the proposal is turned down, there is no guarantee that this one will still be there in 12 months – it depends on the lease, and as the officer has said, this is not a planning issue.

**CH:** the loss of employment land is the issue for him, not just because it is employment land but because of what precisely it is. Regularly uses a garage near his home in Fairview, and the argument that this is a garage and it doesn't matter where in the town it is situated misses the point. The garage is well liked; people find it useful, use it because it is local. It would be a shame to lose this kind of local facility, particularly as it is in walking distance for a lot of people. It has been said that a garage is noisy and causes disturbance, but hasn't found this the case in his experience, and considers it would be a real shame if the town is denuded of this type of community business and shops. It would spoil the mix and leave an area solely residential, which is a big danger in this part of town. In the town centre, we are trying to introduce residential property so that it isn't all employment-based. We need to be mindful not to lose small businesses in local areas. People like them; there have been no other objections. There is already planning permission for the adjacent land, and this additional bit of land won't make a lot of difference.

**AC:** hears what BF has said, but the point is that this is a viable existing business – it isn't an empty site or lacking a tenant. As CH has said, it works well, and is a popular local facility.

**MP, in response:**

- reminds Members that it is the land which is protected, not the existing garage facility. They need to weigh the loss of the garage against the unlocking of the site for development of 11 houses.

**KS:** this is a really difficult application. What is proposed looks good and will improve the area, but the employment use in the area is crucial – there isn't all that much employment in this part of town; it is a massive area of housing with very few opportunities for people to work locally. Her head tells her that housing here will be good, but heart regrets the advent of communities with nothing in them but houses.

**GB:** with no more hands on show, will move to the vote.

**Vote on officer recommendation to permit**

5 in support

8 in objection

**NOT CARRIED**

**JF:** moves to refuse on grounds of policy EM2 and NPPF paragraph 70

**Vote on JF's move to refuse on EM2 and NPPF paragraph 70**

8 in support

5 in objection

**REFUSE**

Application Number:	<b>14/01586/LBC</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)</b>
View:	<b>Yes</b>
Officer Recommendation:	<b>Grant</b>
Committee Decision:	<b>Grant</b>
Letters of Rep:	<b>28</b>
Update Report:	<b>Officer update and letter from property owner's solicitor</b>

**MC** described the proposal as above, a retrospective application for listed building consent for the Banksy mural and communication dish on the gable end of this property. The application seeks to authorise the works and no more. Officers have asked the applicant to consider how the artwork can be retained in view of the poor condition of the render – this is set out in the officer report. Officers are confident that repairs can take place without compromising the mural, and the recommendation is therefore to permit. As stated in the conclusion of the report, authorisation does not and cannot automatically mean retention. The applicant does not own the building. If authorised, there may be further applications concerning the mural – the current application is just to authorise the work.

**Public Speaking:**

**Mr Possee, owner of 159 Fairview Road, in objection**

The Banksy mural was created without the permission of the property owner, and on a listed building is not only unauthorised but also a criminal offence. The building is currently empty and uninhabitable, in need of damp-proofing repairs, with the render in a state of disrepair which makes it dangerous to the public. The applicant has only given vague reassurance to officers on how he intends to fix it.

This architectural style of building was not intended to have any kind of art of its wall; the building may be in a poor state, but it is valuable due to its age and architectural design, and the mural does nothing to protect the character of the building. By adding it to the building's listed status, there are many unanswered questions: how it will be retained in the long term; how can the unstable render be repaired while keeping the mural in place; how can the house continue to be used as a residence. The applicant has failed to answer these questions, and the repair of the defective render is not being considered. The retention of the mural is impeding the repairs, and until this can be done, the listed building must remain unoccupied.

### **Mr Kaveh, applicant, in support**

Thanked officers for their clear and well-balanced report. A number of people have given up a lot of time to secure this artwork for Cheltenham, including Martin Horwood MP and the business community. There has been national and international press interest in the case, and the local economy has benefited from the tourism that it has brought and continues to bring to the town. It only makes sense for this artwork to stay in Cheltenham. If listed building consent for it is granted today, this won't be the end of his investment of time and financial input – it will only be the beginning. The Banksy has been vandalised but has now been treated with anti-graffiti paint, which will continue at all times until the graffiti has been removed and the Banksy restored. Is prepared to fund any work and work with officers to ensure the long-term protection of the Banksy. If permission is granted today, will move to the next stage of the restoration. Has faith in himself, the business community, and the residents of Cheltenham to ensure support for the its retention. Is also willing to pay for any render work necessary, and more than happy to ensure that everything is safe at the property.

### **Member debate:**

**JF:** will permission be granted for six months, as suggested by the conservation officer?

### **MJC, in response:**

- the recommendation is to grant permanent consent. The original recommendation from the conservation officer was not a valid way to proceed, and her advice was subsequently revised, once they felt comfortable with the proposal.

**CM:** asked for clarification that the telephone box isn't actually part of the mural and isn't included in the application – the artwork loses its significance without it.

### **MJC, in response:**

- confirmed that this is the case – the telephone box does not form part of the application..

**BF:** this is the oddest application he has every heard. If the artwork was of no value, it would be long gone. The property was tenanted when the Banksy first appeared, and there have been various claims of ownership. The telephone box has to be retained for it to have any significance. Why is the satellite dish included in the application but not the telephone box, which together make this a humorous piece of art. Banksy is admired all over the world. Feels sure the artwork can be saved, and that it should be saved where it is. Regarding the render, believes this can be repaired to alleviate the damp. We have to approve this application and protect the artwork, in view of its significance to this town only.

**MS:** agrees with BF. It is unfortunate in many ways for the owner of the property to have this valuable artwork donated to the side of his house, but we are very lucky to have an applicant prepared to take on responsibility for protecting it for future generations. This artwork is unique and a real tourist attraction - there is nothing like it anywhere else, and its value can be enhanced once it's fully protected. We need to talk to BT or someone about the telephone box and how this can be retained.



The Banksy should be supported, and Cheltenham is very lucky to have someone prepared to fund the work.

**AM:** feels much the same as MS. When the Banksy was first revealed, it was wonderful – appropriate, witty, Cheltenham-esque – but after the euphoria died down, the problems began to emerge. This is street art, on an unstable wall. Considers the proposed way forward to be sensible, offering the opportunity to protect the mural and keep it in the public domain. The telephone box is not significant; if BT remove it, it would not be beyond wit to put another one there. We have to take this forward; we have spent too long waiting to work out what to do. This is a viable solution and we should progress with it.

**PT:** regarding the telephone box, we have listed telephone boxes on the Promenade, and could presumably list this one too in due course, as it is so much part of the mural and Cheltenham scene. Is sorry that the owner of the building doesn't see this the same way as Members do. Is ashamed of the people who defaced the artwork – this is appalling behaviour, not seen anywhere else. It is a shame the owner can't see the value of what he has on the end of his building. Doesn't consider it devalues the house – it could be repaired, let, lived in, sold. The Banksy should be retained and we should do the best we can to protect it over the years to come.

**GB:** is fairly sure the owner of the building does realise the value of what he has, but is concerned about other issues.

**CH:** is very supportive of retaining the Banksy. Lives locally and it is amazing to see how many people came to visit it as soon as it was done. Weeks later, just before the hoardings went up, people were still visiting, taking photos. It is a real asset to the town, and local shops and businesses are really pleased to have it as it has made such a difference to the community, so much so that the business community is prepared to do all sorts of things and offer monetary backing to keep this important feature in Cheltenham. It is sad that the artwork has been blocked off for so long, but as an aside, the comments and additional graffiti that appeared on the hoarding were all interesting too. The telephone box is not an insurmountable issue. In a very short space of time, the Banksy has become an integral part of that area of town, and it's very important that it stays in Cheltenham. This application has his whole-hearted support.

**DS:** understands that this is only Stage One of a lengthy process. Where do we stand legally regarding who owns and/or maintains the artwork at present, and what happens when the work is paid for by someone who doesn't own the building. It is a legal minefield.

**KS:** the practical question is what will happen if we approve this application. The render should have been repaired a long time ago. There is clearly no love lost between the owner and the applicant, so what will be done? Will the building be left to rot? Will it be in CBC's hands, and be subject to enforcement action? What if the mural falls off the wall, or if the wall falls off the mural? This ordinary phone box is now a local landmark; it's really important that the artwork is retained and better if it is retained where it is. Is disappointed that work has already been done inside the building without permission. Would the Banksy be better protected at The Wilson? Is worried that it will be subject to attack by passers-by for ever. This is quite a saga: it shows Cheltenham in a good light, that we can laugh at ourselves, but also in a poor light that this work of art has been defaced and attempts made to take the side of the wall off to make money. We have to find a way to move forward. The render on the side of the house needs to be sorted out.

**PB:** the phrase 'looking a gift horse in the mouth' comes to mind here. Cheltenham is very lucky to have this fantastic piece of art donated to it, as a centre for tourism, arts, culture, festivals and so on. It is a shame common sense can't prevail here; people love the Banksy and want to retain it. The

applicant wants to help, as does the business community. The applicant, owner and council officers need to sit round a table a sort it out.

### **CL, in response:**

- the question of who owns the Banksy is an interesting one. It is understood that the owner of the building owns the wall, although there had been some suggestions that it was owned by the County; what is clear is that the applicant doesn't own it;
- regarding future maintenance, this application is purely retrospective, concerning the artwork already painted on the wall. It is an unauthorised alteration to the listed building, and it was a criminal offence to put it there in the first place. If it wasn't already done, would we be happy to give permission for it? The issue today is, going forward, whether to authorise it or not.

### **MJC, in response:**

- Members have answered their own questions about the phone box. There are limitations to what this particular application can achieve, but the phone box can be retained in some way;
- to KS, officers have reflected long and hard in considering this application, who will maintain the artwork in the future, and how CBC can influence that. By granting listed building consent, we will give the applicant a greater level of confidence to proceed with conversations with the owner;
- however, CBC has had no influence over those discussions or conclusions. The render is in a poor state and we can influence its improvement – the council has been aware of this since January 2014, before the Banksy was added, and can issue an S215 notice to ensure the work is done, as it is in the public interest to improve the quality of the land. This, however, is a last resort, and it's hoped that the work can be done through discussions between the owner and the applicant, with the council in the background;
- the NPPF is relevant in this case, with its advice to look for solutions rather than problems. The solution here is to retain this important piece of art, but we cannot give a definitive answer to this yet – each application will have to be considered at the right time, on its own merits;
- the first stage is to grant listed building consent and see what the owner and the applicant can come up with.

**KS:** if we authorise the listing and someone attacks the artwork, they will be committing a criminal offence. How can we ensure it is protected? What security measures can be used?

**CM:** has listened to the debate and understands that the applicant is in negotiations and is prepared to pay for the repairs to the wall, but what will happen if the negotiations break down and the owner is left with the burden of the repair and maintenance?

**DS:** if listed building consent is granted, will we not be encouraging people to go round painting on other people's houses?

### **MJC, in response:**

- the burden of repair of the render was with the property owner long before the Banksy appeared in April 2014, so there is no shifting of responsibility here. What we now have is an applicant willing to take it on and facilitate the repairs; if the discussions fail, the situation will be no different from what it was before the Banksy, although this is an added complication;
- at the nub of the issue, however, is the written assurance from a surveyor that the remediation work can take place without compromising the Banksy itself;
- the ongoing protection of the Banksy is one of the unknowns. The applicant doesn't own the building so is not responsible for protecting it, but it is hoped that by authorising the Banksy, discussions with the property owner can be advanced;
- if the application is refused, there will be no encouragement for these discussions to take place. This is why officers feel it is right to take a positive approach in facilitating the retention of the Banksy, and consider any further applications on their own merits in time;

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- everyone acknowledges that the work is important and brings many benefits to the town, which is why the Committee would be right to support its retention.

**CM:** this must be considered a win-win situation, if the applicant is prepared to pay for the work.

**BF:** to DS's comment that granting permission could encourage anyone to paint on any building, it is only being retained because it is a Banksy.

**JF:** most graffiti has no artist merit, and any other graffiti art in the area would be removed.

**KS:** on the issue of money and how much is the Banksy worth to the person who owns the house if he was to remove and sell it, its retention on the building is in the interest of the building itself. It is not just the render that would have to be removed; the property is built with very old bricks, and it would be difficult to remove these without removing the render and damaging the Banksy. To preserve the artwork in situ is the only option, and hopes that this moves forward soon before it is further defaced.

**AM:** Members are making very heavy weather of this. At the moment, the Banksy has no legal rights – it is a piece of vandalism on the side of a listed building. All Members are being asked to do tonight is to give it the right to exist – that is the sum total – to be followed by further discussions between the owner and the applicant.

**GB:** that is right. The issue has been debated well.

### **Vote on officer recommendation to grant**

12 in support

1 in objection

**GRANT**

Application Number:	<b>14/02039/COU</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</b>
View:	<b>Yes</b>
Officer Recommendation:	<b>Permit</b>
Committee Decision:	<b>Permit</b>
Letters of Rep:	<b>1</b>
Update Report:	<b>None</b>

**BF left the Chamber before the beginning of this debate.**

**MJC** introduced this material change of use application, on land adjacent to Saville Close and Albemarle Gate, on the edge of the conservation area. It is at Committee because the land is council-owned.

### **Public Speaking:**

There was none.

### **Member debate:**

**PT:** asked for clarification – is it two *beeches* or two *benches* indicated on the drawing?

**PB:** this is a lovely application to consider, and a considerable enhancement of this part of town.

**MP, in response:**

- to PT, the drawing shows two benches, but is only an indicative lay-out. The actual use of the land is being looked at.

**CM:** hopes that Members will agree to this land being put to community use, and that all the fruit produced can be used and sold locally.

**Vote on officer recommendation to permit**

12 in support – unanimous

**PERMIT**

Application Number:	<b>14/02174/FUL</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</b>		
View:	<b>Yes</b>		
Officer Recommendation:	<b>Permit</b>		
Committee Decision:	<b>Permit</b>		
Letters of Rep:	<b>2</b>	Update Report:	<b>None</b>

**BF returned to the Chamber before the beginning of this debate.**

**MP** described this householder application as above. This is a semi-detached property in the conservation area, and revised drawings have been submitted to address officers' initial concerns about the design. It is at Planning Committee at the request of Councillor Sudbury, following objections from two neighbours.

**Public Speaking:**

None.

**Member debate:**

**KS:** this is one of those difficult applications for ward councillors to deal with - an extension which the neighbours object to – and trying to take a balanced view isn't easy. The occupant of a house nearby is extremely distressed about the proposal, which is why **KS** asked for a Committee decision, as it is more transparent and should offer peace of mind. Revisions have been made to reduce the impact on neighbours, although **KS** remains concerned about the neighbour who is still not happy. It is for Members to decide if this is a reasonable extension, on planning grounds.

**MS:** as these schemes go, this one looks quite good. If it difficult to find any planning reason to refuse it.

**Vote on officer recommendation to permit**

12 in support

1 abstention

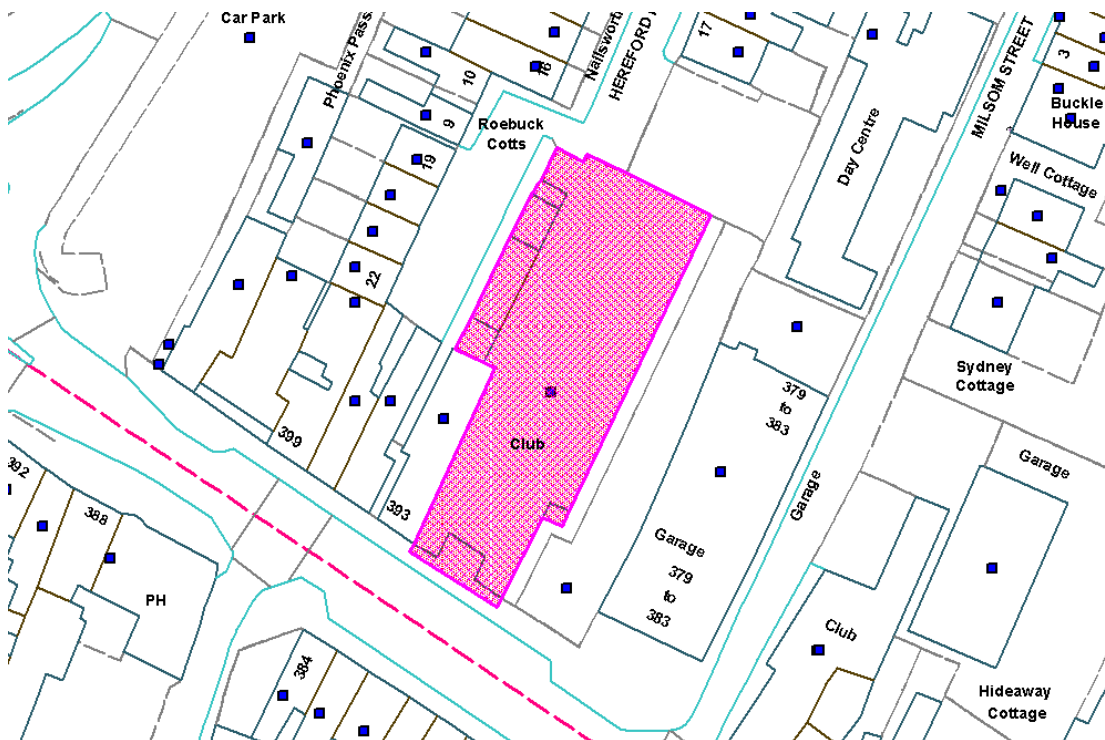
**PERMIT**

*The meeting ended at 7.30pm.*

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<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:** Permit



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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, providing 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 Members will visit the site on planning view.
- 1.5 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 Widdows 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 Milson 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 be operated 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 narrowing's 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 is 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, a1348-12Application, 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.**

**GCC Highways Planning Liaison Officer**

*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 St, 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.

### **Heritage and Conservation**

*7th January 2015*

Analysis of Site: comprises of two quite different parts 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 cul-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 levels 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

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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. 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.
- iii. The proportions of the north-west and south-east elevations are poor.
- iv. The south-east elevation as shown does not agree with the first floor plan
- v. 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.

### **Comments received on revised plans and additional information**

#### **Architects Panel**

*3rd February 2015*

The panel was referred to its previous comments. Following these, 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**

*10<sup>th</sup> March 2015*

My previous concerns have all been addressed by the revised drawings. However this is an area of the town where archaeology remains do exist and therefore I suggest a standard archaeology condition.

No objection to the proposals subject to conditions.

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

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

The applicant had previously submitted a parking survey carried out during the non-term break for local schools and the university in close proximity to the site. The applicant was asked to carry out a new parking survey during current term time to establish if the level of parking availability shown in the previous survey is consistent with that of term time.

The parking survey undertaken by the applicant during term time demonstrates that the level of on-street parking available does not greatly differ from that of non-term time.

With 14 off-street car parking spaces being provided for the site and the availability of on-street parking in the area, it is considered that the parking provision for the site is acceptable.

## **7. PUBLICITY AND REPRESENTATIONS**

- 7.1 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.



**7.2** 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, 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 conducted outside 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.

**7.3** Within the letters of objection comments have been made in support of general principal of redevelopment of the site.

## **8. OFFICER COMMENTS**

### **8.1 Determining Issues**

**8.1.1** The key issues in determining this application are considered to be principle, design and layout along with its impact on conservation area, neighbour amenity, and highway safety.

### **8.2 The site and its context**

**8.2.1** The site is located within the Lower High Street Character Area of the Central Conservation Area and is identified within the Character Appraisal as a 'significant neutral' building (neither enhances nor detracts from the character or appearance of the character area).

**8.2.2** Officers consider that the current building does not make a positive contribution to the conservation area and its demolition is considered to be acceptable subject to replacement buildings being acceptable.

### **8.3 Principle**

**8.3.1** The NPPF sets the weight to be attached to existing Local Plan Policies. Annex 1 'Implementation' of the NPPF sets out at paragraphs 214 and 215 that for Local Plans which have not been adopted in accordance with the Planning and Compulsory Act 2004, due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The Cheltenham Local Plan was adopted in accordance pre-2004 legislation and therefore only policies which comply with the NPPF carry weight, and where the Local Plan is not in accordance or is silent then the NPPF is the lead document in making planning decisions.

**8.3.2** Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development and that

relevant policies for the supply of housing should not be considered up-to date if the local authority cannot demonstrate a 5 year supply of deliverable housing sites. To note, the Council cannot demonstrate a 5 year-supply.

- 8.3.3** Paragraph 14 of the NPPF states that a presumption in favour of sustainable development is a golden thread running through both plan making and decision taking. For decision making this means (unless material considerations indicate otherwise) approving development proposals that accord with the development plan without delay. The second bullet point says that where the development plan is absent, silent or relevant policies are out of date then the presumption in favour of sustainable development means that permission should be granted unless any adverse impacts of so doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF policies as a whole or specific NPPF policies indicate development should be restricted.
- 8.3.4** The site is located within the built up area of Cheltenham in a sustainable location. The principle of considering a residential use in this location is therefore acceptable and NPPF compliant subject to other considerations as set out below.
- 8.3.5** Reference has been made to the loss of bingo activity. The use of the site is not B1, B2 or B8 and therefore Policy EM2 which seeks to retain employment provision is not relevant. Policy RC1 does seek to retain premises that meet the needs of the community but sets out that there is no longer a need for some uses. The application sets out that there has been a steady decline in the bingo industry which is linked to online gaming. Between 2006 and 2008 there has been a reduction of 30% admission rates to this bingo hall with a further drop of 20% up to 2013. There is evidence to demonstrate that the demand for the bingo use is significantly in decline and in combination with the thrust the NPPF as set out above there is no policy presumption to require the retention of this building for bingo use.
- 8.3.6** Given the above, the principle of considering a residential redevelopment of this site is compliant with the presumption in favour of sustainable development established by the NPPF.

### **8.4 Design and layout**

- 8.4.1** Local Plan policy CP7 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. The NPPF at paragraph 56 sets out that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
- 8.4.2** Following comments provided by the Conservation Officer, Architect Panel and the Civic Society extensive discussions have taken place with the applicant. In response, the applicant has submitted revised plans. A contemporary design approach is retained from the original submission however the detailed design has been amended. The Architects Panel and the Conservation Officer in considering these revised plans are now supporting the application. (Civic Society has not reviewed the revised plans.)
- 8.4.3** The application as revised proposes a contemporary design approach. To the front is a four storey block which will provide 11 apartments facing towards the High Street, with 3no. two storey town houses proposed to the rear of the site. The courtyard created between the buildings will provide 14 car parking spaces with bin storage located adjacent to the proposed entrance to the site.

- 8.4.4** The proposed four storey element on the High Street will be set back from the road following the building line of the existing building. It takes its lead from the buildings to the west of the site and acts as a transition in terms of the proportions between the existing buildings to the west towards the gap and buildings to the east. The use of materials reflects the existing context of the site, render and brick, whilst the introduction a new modern use of metal cladding on the recessed fourth floor helps to reduce the overall mass and scale of the building. The proposed town houses to the rear are two storey which responds to the residential scale at this part of the site. The design approach taken is also contemporary however uses materials again to reflect the existing context i.e. brick and render.
- 8.4.5** Overall it is considered that the proposal would visually improve the appearance of the site. The application in its revised format provides for a development of a scale, height, massing and footprint which would sit comfortably within its context and street scene of this part of the High Street and Hereford Place. The revised proposal is therefore considered to be in accordance with Policy CP7 of the Local Plan and the NPPF.
- 8.4.6** As set out in the introduction there are two extant planning permissions to develop the wasteland immediately adjacent to this site and the former Widdows Motor site. These permissions are for four storey developments both taking a contemporary design approach. The plans submitted and to be displayed at the Committee meeting show the current proposal in the context of these permissions and without them. It is also considered that the design approach in the current application responds responds well with these schemes.

### **8.5 Impact on neighbouring property**

- 8.5.1** Policy CP4 of the Local Plan advises that development should avoid causing unacceptable harm to the amenity of adjoining land users and the locality.
- 8.5.2** Concerns have been raised by some local residents on potential overlooking created from the balconies proposed. As revised, the application proposes a front facing balcony on the High Street elevation at 4<sup>th</sup> floor level, two rear facing balconies to the rear elevation at 2<sup>nd</sup> and 4<sup>th</sup> floor level with balconies proposed to the rear elevation of the town houses facing back toward the High Street block.
- 8.5.3** The balcony proposed on the High Street elevation is facing the public realm therefore there is no overlooking concerns from this balcony. The balconies proposed to the rear of this building at 2<sup>nd</sup> floor and to the rear of the town houses will only overlook the proposed car parking area; this will help to provide natural surveillance over the car park and will not provide for any overlooking outside the application site. The balcony which is providing the greatest concern is the 4<sup>th</sup> floor rear balcony. Perceived overlooking concerns from this balcony are understood, however this balcony will be located some 45m away from the nearest rear garden. The combination of this distance and the location of the proposed two storey town houses between the balcony and the nearest rear gardens will not result in overlooking, the balcony will in fact be not be visible from the from the vantage point of the rear garden in question.
- 8.5.4** Officers are satisfied that the proposed development complies with the aims and objectives of policy CP4 and would not cause undue harm to the amenity of neighbouring properties.

## 8.6 Access and highway issues

- 8.6.1** To the rear of the site 14 car parking spaces are proposed, one space per unit. A car parking survey was also submitted with the application to review the capacity of on street parking in the vicinity of the site. Following concerns raised by local residents and the Highway Officer that the car parking survey had been carried out in the summer (therefore did not include the student population) the applicant has submitted a revised car parking survey. The streets surveyed were Nailsworth Terrace, High Street between Burton Street and Milsom Street and parking bays adjacent to Poole Way.
- 8.6.2** The surveys took place though November on Fridays between 1600 and 1840 hours and 1100 and 1440 hours on a Saturday at 10 minute intervals. The survey concluded that at all times there are up to 5 car parking spaces available in these peak demand times. In response to the additional survey, the Highway Officer has reiterated that there is no highway objection to the application, concluding that *with 14 off-street car parking spaces being provided for the site and the availability of on-street parking in the area, it is considered that the parking provision for the site is acceptable.*
- 8.6.3** The site is located in a highly sustainable location with a number of bus routes available in close proximity to the site. The submitted scheme also provides secure cycle storage. Furthermore in addition to the car parking survey there is also the pay and display car park available (West End) which is located in close proximity to the site. In considering car parking matters, Officers consider that evidence has been presented to demonstrate that, in addition to the one car parking space per unit being provided on site, there are alternative modes of transport available and sufficient alternative parking options available near the site.
- 8.6.4** The Highway Officer in his response has referred to a resident parking scheme consultation for Milson Street and Nailsworth Terrace/Hereford Place which took place last year. The residents parking scheme is to be implemented in June of this year, which will further restrict parking on the roads with parking permits made available to exiting residents.
- 8.6.5** Access to the site is also a concern with local residents, these concerns also refer to additional traffic, narrow roads and access for refuse vehicles and emergency services. It is apparent that the access to the site is constrained with the roads being narrow, particularly at the entrance to Hereford Place. In considering these points the Highways Officer has provided a detailed analysis of the site and has confirmed that there have been no recorded accidents on these streets. The Highways Officer has no objection to the application, subject to conditions being attached.
- 8.6.6** Ubico has produced some standard advice for new developments which is normally sufficient to guide planning applications. In this case, due to the narrow roads, Officers have had discussions direct with Ubico to seek clarification on the existing and proposed refuse situation. Ubico have confirmed that smaller vehicles are used for the collection of waste on these streets and that they have no objection to the scale of development proposed or the location of the bin store.
- 8.6.7** While the comments of the local residents are understood, given the comments provided above the application is considered to comply with policy TP1 of the Local Plan.
- 8.6.8** There is an area of land located between the application site and the adopted highway on which ownership questions have been raised by local residents and the Highway Officer. This is a civil matter which the applicant will need to resolve

separately. Should members be minded to granting permission this does not give the applicant to legal right to progress with the development or access the site via land not in their ownership.

### **8.7 Other considerations**

- 8.7.1** The application site is archaeologically sensitive as it is located within Cheltenham's medieval settlement area. The County Archaeological Officer has recommend that a programme of archaeological monitoring of construction ground works should be undertaken which can be dealt with by a condition.
- 8.7.2** The proposal would result in the net gain of residential units. This triggers the requirement for an off-site contribution, in accordance with policy RC6. A condition has been attached to ensure this payment is secured.
- 8.7.3** A report has been generated by the Gloucestershire Centre for Environmental Records. This report states that the closest siting of an importance species or habitats was 230m away from the application site. Given this distance there are not considered to be any ecological implications.

## **9. CONCLUSION AND RECOMMENDATION**

- 9.1** The loss of the bingo hall is considered to be acceptable in principle subject to the satisfactory scheme for redevelopment.
- 9.2** The site is located in a highly sustainable location and therefore the principle of a residential redevelopment on the site is considered to be acceptable.
- 9.3** As revised, the proposed development is considered to be of a suitable scale, height, massing and footprint for the site and sits comfortably within the context of the locality and the Conservation Area.
- 9.4** The scheme has been considered to ensure that the proposed dwellings could be comfortably accommodated within the site without causing unacceptable harm to the neighbouring amenity in respect of privacy, daylight or outlook.
- 9.5** The proposal would not have a severe impact on highway safety, and no Highway objection has been made.
- 9.6** The recommendation is to grant planning permission subject to conditions.

## **10. CONDITIONS**

- 1** The development hereby permitted shall be begun before the expiration of five years from the date of this permission.  
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2** The development hereby permitted shall be carried out in accordance with drawing numbers A1348: 11 Rev D; 12 Rev D; 14 Rev C and 15 Rev C received 5th March 2015.

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

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

- 5 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 thereafter be adhered to throughout the construction period. The statement shall provide for:

- the parking of vehicles of site operatives and visitors;
- the loading and unloading of plant and materials;
- the storage of plant and materials used in constructing the development; and
- wheel washing facilities.
- specify the access points to be used and maintained during construction phases (s)

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

- 6 Prior to the commencement of development, a scheme for the control of noise and dust from the site during the demolition and construction phase of the development shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the proposed hours of work, equipment and procedures to control dust emissions, and any other steps to be taken to control similar nuisances. The works shall thereafter be implemented strictly in accordance with the agreed details.

Reason: To safeguard the amenity of adjoining properties and to protect the locality in accordance with Local Plan Policy CP4 relating to safe and sustainable living.

- 7 Prior to the commencement of development, a scheme for the provision or improvement of recreational facilities to serve the proposed dwelling(s) shall be submitted to and approved in writing by the Local Planning Authority. The dwelling(s) shall not be occupied until the approved scheme has been implemented.

Reason: To avoid any increase in the Borough's imbalance between population and the provision of outdoor play space and related facilities in accordance with Local Plan Policy RC6 relating to play space in residential development.

- 8 Prior to any construction work above ground level, samples of the proposed facing materials and roofing materials shall be submitted to and approved in writing by the

Local Planning Authority, and the materials used in the development shall be in accordance with the samples so approved.

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

- 9 Prior to any construction work above ground level, the detailed design including materials and finishes of the following items shall be submitted to and approved in writing by the Local Planning Authority:
- i. All roof parapet/eaves details and handrail/balustrading detail to balconies including roof terraces and Juliette balconies;
  - ii. Render lines/patterns
  - iii. Window details including cills, heads and reveals.
  - iv. Blank window details including heads and reveals.
  - v. Position on building of all rainwater downpipes and hopper heads

The design and details shall be accompanied by elevations and section drawings, and the works shall thereafter be implemented strictly in accordance with the agreed details.

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

- 10 Prior to its implementation, 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.

- 11 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and/or re-enacting that order with or without modification), no extensions, garages, walls, fences or other structures of any kind (other than those forming part of the development hereby permitted) shall be erected without planning permission.
- Reason: Any further extension or alteration requires detailed consideration to safeguard the amenities of the locality in accordance with Local Plan Policies CP4 and CP7 relating to safe and sustainable living and design.

- 12 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and/or re-enacting that order with or without modification), no additional openings shall be formed in the development without planning permission.
- Reason: Any further openings require detailed consideration to safeguard the amenities of the locality in accordance with Local Plan Policies CP4 and CP7 relating to safe and sustainable living and design.

- 13 The cycle parking provision shown on the approved plans shall be completed prior to the first occupation of the development 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.

- 14 Prior to first occupation of the development, the refuse storage area as shown in approved plans shall be completed in all respects and thereafter kept free of obstruction and maintained as such.

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Reason: To ensure adequate provision and availability of refuse storage in accordance with Gloucestershire Waste Local Plan Policy W36 relating to waste minimisation.

- 15 Prior to occupation of the proposed development details of the vehicular access to be formed by a dropped curb 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 policy TP1 of the Local Plan and paragraph 35 of the NPPF.

- 16 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.

- 17 The building(s) hereby permitted shall not be occupied until the vehicular parking and turning facilities have been provided in accordance with the submitted amended Drawing N0 A1348-11 Rev D and those facilities shall be maintained available for those purposes thereafter.

Reason:- To reduce potential highway impact by ensuring that adequate parking and manoeuvring facilities are available within the site and in accordance with policy TP1 of the Local Plan and paragraph 39 of the NPPF.

- 18 The vehicular access hereby permitted shall not be brought into use until the existing roadside frontage boundaries have been set back to provide visibility splays extending from a point 2.4m back along the centre of the access (measured from the public road carriageway edge) to a point on the nearer carriageway edge of the public road that enables both vehicular and pedestrian visibility from both the right and left when exiting the access onto Hereford Place and the area between those splays and the carriageway shall be reduced in level and thereafter maintained so as to provide clear visibility between those points at a height of between 1 metre and 2.1m above the adjacent carriageway level.

Reason:- To reduce potential highway impact by ensuring that adequate visibility is provided and maintained, and in accordance with policy TP1 of the Local Plan and paragraph(s) 32 and 35 of the NPPF.

- 19 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.

- 20 No demolition works shall commence until a contract has been signed to carry out works in accordance with a redevelopment scheme for which planning permission has been granted.

Reason: To ensure that premature demolition does not result in unsightly gap in the street scene in accordance with Local Plan Policy BE4 relating to the timing of demolition in conservation areas, and national guidance set out within the National Planning Policy Framework and the Historic Environment Planning Practice Guide.



- 21 No demolition works shall commence until a contract has been signed to carry out works in accordance with a redevelopment scheme for which planning permission has been granted.  
Reason: To ensure that premature demolition does not result in unsightly gap in the street scene in accordance with Local Plan Policy BE4 relating to the timing of demolition in conservation areas, and national guidance set out within the National Planning Policy Framework and the Historic Environment Planning Practice Guide.
- 22 Prior to the commencement of development, a detailed scheme for boundary walls, fences or other means of enclosure shall be submitted to and approved in writing by the Local Planning Authority and the boundary walls, fences or other means of enclosure shall be erected before the development hereby permitted is first occupied.  
Reason: To ensure that the development is completed in a manner that is sympathetic to the site and its surroundings in accordance with Local Plan Policy CP7 relating to design.

### INFORMATIVES:-

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

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

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

- 2 The applicant's/developer's attention is drawn to the Council's 'Code of Good Practice - Building and Demolition Site Operators' leaflet which sets out reasonable working hours for noisy activities which would be audible beyond the site boundary. The hours are 7:30am - 6:00pm Monday to Friday, and 8:00am - 1:00pm on Saturdays.
- 3 The site is traversed by a public right of way and this permission does not authorise additional use by motor vehicles, or obstruction, or diversion.
- 4 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.

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<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.

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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.

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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.

1. 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.
2. 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.
3. 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.
4. 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.
5. 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 and photos 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.



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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

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26/11/14 Additional Info Car Parking Survey Nov 2014

26/11/14 Additional Info Nov 2014 Parking Beat

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

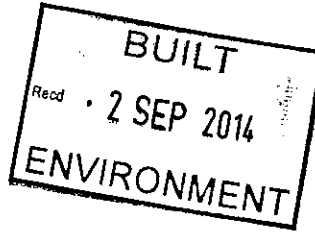
I would like to lodge my objection to this proposal on the following grounds:

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.

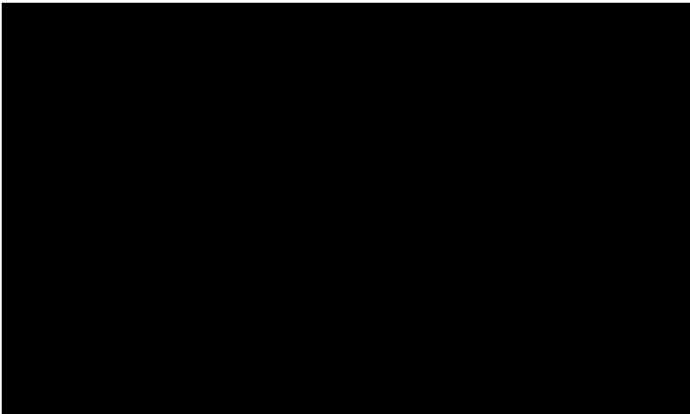
The constricted access point is also not adequate for refuse and emergency vehicles and the Turning Head requirement for such vehicles in front of the site gate has not been shown on the plans.

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)





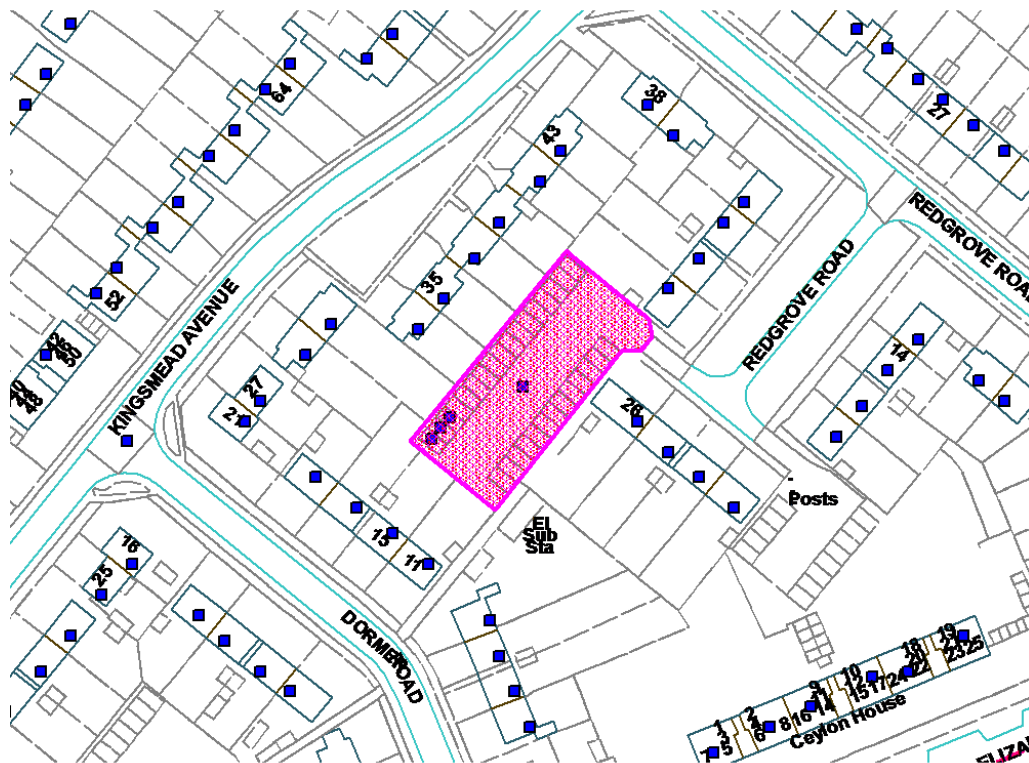


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<b>APPLICATION NO:</b> 14/01676/FUL	<b>OFFICER:</b> Mr Martin Chandler
<b>DATE REGISTERED:</b> 19th September 2014	<b>DATE OF EXPIRY:</b> 14th November 2014
<b>WARD:</b> Springbank	<b>PARISH:</b>
<b>APPLICANT:</b> Mr Gordon Malcolm	
<b>AGENT:</b> Quattro Design Architects Ltd	
<b>LOCATION:</b> Garages adjacent to 26 Redgrove Road, Cheltenham	
<b>PROPOSAL:</b> Demolition of existing garage blocks and erection of 3no. dwellings and associated hard and soft landscaping	

**RECOMMENDATION:** Permit



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## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 This application proposes the erection of a terrace of three new dwellings on a parcel of land previously occupied by 30 garages which have since been demolished.
- 1.2 The application site is accessed via a short cul-de-sac which runs south from the main Redgrove Road.
- 1.3 The application is before planning committee due to the applicant being Cheltenham Borough Homes. Members will visit the site on planning view.

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

**Constraints:**

Smoke Control Order

**Relevant Planning History:**

None

## 3. POLICIES AND GUIDANCE

Adopted Local Plan Policies

CP 4 Safe and sustainable living

CP 7 Design

HS 1 Housing development

HS 4 Affordable Housing

TP 1 Development and highway safety

TP 6 Parking provision in development

Supplementary Planning Guidance/Documents

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

Planning obligations (2003)

Play space in residential development (2003)

National Guidance

National Planning Policy Framework

## 4. CONSULTATIONS

**Tree Officer**

*13th October 2014*

The Tree Section does not object to this application.

Please use conditions:

- TRE02B-Tree protection Plan
- TRE03B-Protective fencing and a Method Statement demonstrating how the current hard surface within the Root Protection Area is to be removed.

There are few/no landscaping soft details. There is potential to plant trees in the parking area to the north as well as within the rear gardens. Please could this be conditioned as a part of any planning permission.

**GCC Highways Planning Liaison Officer**

*25th September 2014*

With regards to the above site; under our Highway's Standing advice criteria we do not need to be consulted on this application and this can be dealt with by yourselves with the aid of our guidance

**Building Control**

*2nd October 2014*

No comment.

**Contaminated Land Officer**

*29th September 2014*

Small development planning condition for potentially contaminated land

No development shall take place until a site investigation of the nature and extent of contamination has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development begins. If any significant contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures before development begins.

If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.

**5. PUBLICITY AND REPRESENTATIONS**

Number of letters sent	<b>19</b>
Total comments received	<b>0</b>
Number of objections	<b>0</b>
Number of supporting	<b>0</b>
General comment	<b>0</b>

**5.1** Letters were sent to 19 neighbouring properties and no representations have been received in response.

## **6. OFFICER COMMENTS**

### **6.1 Determining Issues**

- 6.1.1** The key considerations in relation to this proposal are the principle of development of this site, the design and layout of the proposal, potential impact on neighbouring amenity and highway safety considerations.

### **6.2 Principle of development**

- 6.2.1** The application site constitutes a parcel of previously developed land that is currently redundant in use. The garages have been demolished and the site is now somewhat neglected and not heavily used. The principle of redeveloping the site for residential purposes is therefore considered to be entirely appropriate. The proposal will make more efficient use of land but of course has to be acceptable in terms of all other material considerations. The report will now move on to assess these matters.

### **6.3 Design and layout**

- 6.3.1** Local Plan Policy CP7 requires development to be of a high standard of architectural design and to complement and respect neighbouring development. In response to this, the application seeks to introduce a terrace of three dwellings in a south-east/north-west axis across the site, essentially continuing the building line of the existing houses within Redgrove Road.
- 6.3.2** The dwellings are two storeys in height and are to be finished in a mixture of facing brick and render. Architecturally, they take a traditional form but are given a contemporary 'flavour' by the proposed fenestration and wrap around porch canopy detail.
- 6.3.3** It is considered that the design and layout of the proposed development is entirely appropriate and responds well to neighbouring development. Generous gardens are provided to the rear of the houses and two car parking spaces are also provided for each dwelling.
- 6.3.4** Officers consider the proposal is fully compliant with the requirements of local plan policy CP7 and when assessed against the provisions the SPD in relation to infill development, it is a successfully scheme.

### **6.4 Impact on neighbouring property**

- 6.4.1** The nature of the site is such that is bounded by residential development on each of its boundaries. For the development to be successful it has to be respectful to these neighbouring properties.
- 6.4.2** Local Plan Policy CP4 requires development to protect the existing amenity of neighbouring land users and the locality and it is considered that the proposal is successful in this regard. First floor windows are located in appropriate positions to ensure overlooking is minimised and the proposal will not result in a loss of light to neighbouring properties.
- 6.4.3** Officers are satisfied that the scheme complies with the objectives of local plan policy CP4.

## **6.5 Access and highway issues**

- 6.5.1** The application site was previously occupied by 30 garages which would have resulted in car movements throughout the day. The access to the site was designed to cater for this and the proposal does not seek to amend these arrangements. The existing access will happily cater for the movements generated by three new dwellings and the County Council are content for the Local Planning Authority to make the judgement in this instance, in accordance with their standing advice.

## **7. CONCLUSION AND RECOMMENDATION**

- 7.1** The proposal represents a good use of this brownfield site. It is respectful to neighbouring development in terms of design and layout and will not compromise neighbouring amenity.
- 7.2** It is recommended that planning permission be granted subject to the suggested conditions below.

## **8. CONDITIONS / INFORMATIVES**

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.  
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The development hereby permitted shall be carried out in accordance with drawing numbers 4063/10, 20, 21, 70, 75 received 15/9/14.  
Reason: To ensure the development is carried out in strict accordance with the approved drawings.
- 3 Prior to the commencement of development, samples of the proposed facing materials and roofing materials shall be submitted to and approved in writing by the Local Planning Authority, and the materials used in the development shall be in accordance with the samples so approved.  
Reason: To ensure a satisfactory form of development in accordance with Local Plan Policy CP7 relating to design.

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<b>APPLICATION NO: 14/01676/FUL</b>		<b>OFFICER: Martin Chandler</b>	
<b>DATE REGISTERED:</b> 19th September 2014		<b>DATE OF EXPIRY:</b> 14th November 2014	
<b>WARD:</b> Springbank		<b>PARISH:</b>	
<b>APPLICANT:</b>	Mr Gordon Malcolm		
<b>AGENT:</b>	Mr Tom Bell		
<b>LOCATION:</b>	Garages adjacent 26 Redgrove Road, Cheltenham		
<b>PROPOSAL:</b>	Demolition of existing garage blocks and erection of 3no. dwellings and associated hard and soft landscaping		

## Update to Officer Report

### 1. CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.  
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The development hereby permitted shall be carried out in accordance with drawing numbers 4063/10, 20, 21, 70, 75 received 15/9/14.  
Reason: To ensure the development is carried out in strict accordance with the approved drawings.
- 3 Prior to the commencement of development, samples of the proposed facing materials and roofing materials shall be submitted to and approved in writing by the Local Planning Authority, and the materials used in the development shall be in accordance with the samples so approved.  
Reason: To ensure a satisfactory form of development in accordance with Local Plan Policy CP7 relating to design.

### 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.

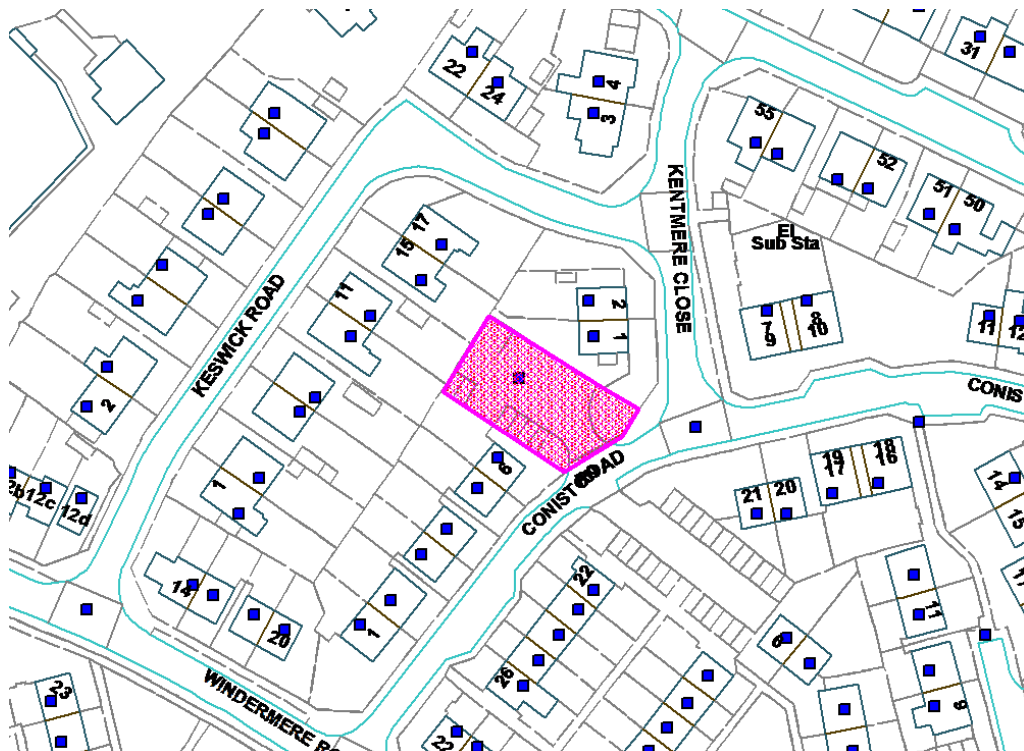
In this instance, having had regard to all material considerations, the application constitutes sustainable development and has therefore been approved in a timely manner.

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<b>APPLICATION NO:</b> 14/01678/FUL	<b>OFFICER:</b> Mr Martin Chandler
<b>DATE REGISTERED:</b> 19th September 2014	<b>DATE OF EXPIRY:</b> 14th November 2014
<b>WARD:</b> Warden Hill	<b>PARISH:</b> None
<b>APPLICANT:</b>	Mr Gordon Malcolm
<b>AGENT:</b>	Quattro Design Architects Ltd
<b>LOCATION:</b>	Land adjacent to Number 6 Coniston Road, Cheltenham
<b>PROPOSAL:</b>	Demolition of existing garages and erection of 2no. dwellings and associated hard and soft landscaping

**RECOMMENDATION:** Permit



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## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application proposes the erection of two new dwellings on land currently in use as a garage and parking court.
- 1.2 The site contains a total of 16 spaces; 6 lock-up garages and 10 spaces. Five of the garages are currently leased.
- 1.3 This proposal is one of three applications before members at this meeting which relate to parking courts within Hatherley.
- 1.4 The application site is before Planning Committee due to the applicant being Cheltenham Borough Homes. Members will visit the site on planning view.

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

**Constraints:**

None

**Relevant Planning History:**

None

## 3. POLICIES AND GUIDANCE

Adopted Local Plan Policies

CP 4 Safe and sustainable living  
CP 7 Design  
HS 1 Housing development  
RC 6 Play space in residential development  
UI 3 Sustainable Drainage Systems  
TP 1 Development and highway safety  
TP 6 Parking provision in development

Supplementary Planning Guidance/Documents

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

National Guidance

National Planning Policy Framework

## 4. CONSULTATIONS

**Ward Councillors**

*4th February 2015*

As ward Councillor, I have concerns about this application (also applicable to its sister applications in Haweswater Road and Coniston Road). Before committee considers passing this application it is important that residents' concerns, especially over parking, are not only taken into account but are met, given the already acute parking shortages in roads in the 'Lakeside' area. Any loss of parking capacity will create serious difficulties for residents.

## Page 63

At minimum committee should condition adequate parking capacity if it is minded to pass the application(s), as well as ensuring that other neighbour issues (e.g. crime risks in alleyways etc, and loss of light) are fully addressed.

Proposals at the time of writing (03/02/15) propose additional parking through demolitions of garage blocks i.e. additional to the actual building site, and displacement of garage users to underused capacity in adjacent blocks. This approach is good as far as it goes, but DOES NOT go far enough to make good the shortfall. Further measures are needed - by taking this process further and/or residents have suggested other measures such as extending laybys further into grass verge areas, and generally utilising other available spaces.

I await the officer report with interest, having already registered request to speak at committee.

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

*23rd September 2014*

With regards to the above site; under our Highway's Standing advice criteria we do not need to be consulted on this application and this can be dealt with by yourselves with the aid of our guidance.

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

*10th February 2015*

The proposal indicates an indication to provide a total of 4 in-curtilage spaces that are felt to be sufficient for a development of this size. As such, a proposal of this size falls under our Highway's standing advice criteria we do not need to be consulted on this application and this can be dealt with by yourselves with the aid of our guidance.

However; I note that the above location is currently used to provide off-street parking for a potential 18 vehicles by way of 12 spaces and 6 garages. Coniston Road provides on-street parking for local residents and acts as the primary vehicular access for St.Margarets Hall, a busy social venue owned by Cheltenham Borough Council and operated by St.Margarets Hall Users Group. The hall provides a large car park, but any overspill parking is accommodated along Coniston Road.

Additional off-road parking provision is available 22 m from the development site at Rydal Walk, 100 m away at Coniston Road 'B' and 170 m away at Grasmere Road. These areas are identified as Group ONE in 'Garage and Parking Strategy - Hatherley'. In addition to the above proposal, there is an indication to clear the garages from Grasmere Road to create additional, clear parking spaces. Overall this will result in a net gain of 3 spaces over the current provision.

A Parking Statement has been submitted in support of this application that considers the implications of the above proposal. It indicates that the off-street parking provided by the development location is lightly used and that there is adequate on-street parking available to accommodate any displaced parking without detriment to other highway users. Therefore; the impact of the development cannot be considered to be 'severe' in accordance with paragraph 32 of the NPPF.

The proposed new dwellings will be provided with 2 off-street parking spaces each conforming with the Cheltenham Borough Local Plan.

I refer to the above planning application received on 19th September 2014 with Plan Nos: 4061/P/10, /20, application form and supporting documentation. I recommend that no highway objection be raised subject to the following condition being attached to any permission granted:-

The dwellings hereby permitted shall not be occupied until the car parking associated with that dwelling has been provided in accordance with drawing 4061/P/10, and shall be maintained available for that purpose for the duration of the development.

Reason: To provide adequate parking provision in accordance with paragraph 32 of the National Planning Policy Framework.

**Contaminated Land Officer**

*29th September 2014*

Small development planning condition for potentially contaminated land

No development shall take place until a site investigation of the nature and extent of contamination has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development begins. If any significant contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures before development begins.

If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.

**5. PUBLICITY AND REPRESENTATIONS**

Number of letters sent	<b>12</b>
Total comments received	<b>12</b>
Number of objections	<b>11</b>
Number of supporting	<b>0</b>
General comment	<b>1</b>

**5.1** To publicise the application, letters were sent to 12 neighbouring properties. In response, 11 objections have been received to the application and one more general observation. The concerns raised by residents primarily relate to the current levels of on-street car parking in the immediate vicinity and the fact that Coniston Road leads to St. Margaret's Hall which generates vehicle movements throughout the day. Loss of privacy is also raised as a concern.

**5.2** These matters will be discussed fully in the following section.

## **6. OFFICER COMMENTS**

### **6.1 Determining Issues**

- 6.1.1** The key considerations in relation to this application are the principle of the development and the potential implications it may have for parking provision in the locality, the design and layout of the proposal and potential impact on neighbouring amenity.

### **6.2 The principle of redevelopment**

- 6.2.1** As advised above, the application site currently provides for 16 parking spaces, all of which would be lost as part of this proposal.
- 6.2.2** To support their proposal, the applicant has given consideration to a parking strategy across a wider geographical area. Members may be aware that this part of the borough has a number of parking courts each used in differing amounts. With regard to this proposal, four parking courts have been assessed; Coniston Road 'A' (the application site), Coniston Road 'B', Rydal Walk and Grasmere Road.
- 6.2.3** Coniston Road 'B' provides for 6 garages and five parking spaces. Rydal Walk provides for 24 garages and Grasmere Road provides for 12 garages. The application site provides 6 garages and a further 10 parking spaces.
- 6.2.4** Of the 48 garages provided in this 'zone', only 26 are in use. Cheltenham Borough Homes therefore propose to relocate the 5 garage users of the application site to the 17 available garages in Coniston Road 'B' and Rydal Walk. Their proposed strategy also includes the demolition of the 12 garages in Grasmere Road (of which 8 are in use) and their replacement with 12 car parking spaces.
- 6.2.5** It is apparent from this strategy that the applicant is taking the matter seriously and that capacity does exist to relocate existing garage users without compromising highway safety.
- 6.2.6** Members may recall similar proposals for the garage courts in Imjin Road and Burma Avenue which involved a very similar exercise. Officers understand that these developments have now been implemented with little impact.
- 6.2.7** Given the capacity that has been identified locally, officers consider that the proposal to redevelop the application site to provide two new dwellings represents a good use of brownfield land. The report will now consider the merits of the specific scheme that is proposed.

### **6.3 Design and layout**

- 6.3.1** Local Plan Policy CP7 requires development to be of a high standard of architectural design and to complement and respect neighbouring development. This proposal, as a pair of semi-detached houses, is respectful to the prevailing grain of the area and is considered to comply with the objectives of local plan policy.
- 6.3.2** The two dwellings will sit comfortably within the street scene and when assessed against the provisions of the SPD in relation to infill development, it is considered that the proposal fully understands its context and responds to it well. The houses are brick built with a tiled pitched roof and introduce subtle architectural detailing such as the wrap around canopy porch to add interest.

- 6.3.3 The proposal provides two off road parking spaces for each dwelling, private amenity space, areas for bin storage as well as other external storage and is considered to make a good use of the site.
- 6.3.4 In relation to the design and layout of the proposal, the scheme is fully compliant with the objectives of local plan policy CP7 and the guidance contained within the SPD relating to infill development.

### **6.4 Impact on neighbouring property**

- 6.4.1 Local Plan Policy CP4 requires development to protect the existing amenity of neighbouring land users and the locality.
- 6.4.2 Members will note from the representations received in response to this application that some concern has been raised in relation to loss of privacy. Officers have fully assessed the application in response to this matter and advise that the proposal is compliant with the objectives of local plan policy. Local plan policy expects that first floor windows achieve a minimum distance of 10.5 metres to the rear boundary to ensure that privacy is not unduly compromised. In this instance, the proposal achieves nearly 14 metres. It is accepted that the proposal will change the level of privacy currently experienced by neighbouring residents but the assessment is whether or not this change would be to an unacceptable level. Given the distances set out above, the impact is not considered to be unacceptable.
- 6.4.3 In relation to loss of daylight, the proposal comfortably passes the relevant tests that are consistently applied by officers.
- 6.4.4 The proposal complies with the requirements of local plan policy CP4.

### **6.5 Access and highway issues**

- 6.5.1 In response to the concerns raised by residents, the County Council were asked to expand upon their original response to the application. These comments are set out in full at section 4 above. Members will note that the County are satisfied with the parking strategy identified by the applicant and that whilst on street parking does take place, there is also capacity for additional cars without compromising highway safety.
- 6.5.2 The applicant has also submitted a parking survey relating to the use of the application site itself. This demonstrates that at the times when the surveys took place (Friday 12 December 1000-1100, Saturday 13 December 1400-1500 and Tuesday 16 December 2000-2100) the forecourt is lightly used, with the maximum number of cars observed being 3.
- 6.5.3 To summarise the highway implications, officers accept that this proposal will displace car parking into the local vicinity. To mitigate this, the applicant has identified space capacity in other parking courts in close proximity to the application site. Furthermore, it has been identified that some capacity does exist on street should the need arise.
- 6.5.4 Given this evidence, officers and the County Council are satisfied that the proposal will not compromise highway safety.

## **7. CONCLUSION AND RECOMMENDATION**

- 7.1 To conclude, it is considered that this proposal represents a well-considered redevelopment of the site. The applicant has not looked at the site in isolation and has identified a parking strategy to mitigate the displacement of cars from the application site.
- 7.2 The scheme itself is appropriate in form and footprint and will sit comfortably within the street scene. The proposal will not compromise neighbouring amenity unduly.
- 7.3 It is recommended that planning permission be granted.

## **8. CONDITIONS / INFORMATIVES**

These will follow as an update.

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<b>APPLICATION NO: 14/01678/FUL</b>		<b>OFFICER: Mrs Emma Pickernell</b>	
<b>DATE REGISTERED: 19th September 2014</b>		<b>DATE OF EXPIRY : 14th November 2014</b>	
<b>WARD: Warden Hill</b>		<b>PARISH: NONE</b>	
<b>APPLICANT:</b>	Mr Gordon Malcolm		
<b>LOCATION:</b>	Land Adjacent To Number 6 Coniston Road, Cheltenham		
<b>PROPOSAL:</b>	Demolition of existing garages and erection of 2no. dwellings and associated hard and soft landscaping		

### REPRESENTATIONS

Number of contributors	<b>12</b>
Number of objections	<b>11</b>
Number of representations	<b>1</b>
Number of supporting	<b>0</b>

22 Keswick Road  
Cheltenham  
Gloucestershire  
GL51 3PB

**Comments:** 10th October 2014  
Letter attached.

16 Keswick Road  
Cheltenham  
Gloucestershire  
GL51 3PB

**Comments:** 10th October 2014  
Letter attached.

38A Canterbury Walk  
Cheltenham  
Gloucestershire  
GL51 3HG

**Comments:** 9th October 2014  
Letter attached.

3 Keswick Road  
Cheltenham  
Gloucestershire  
GL51 3PB

**Comments:** 9th October 2014  
Letter attached.

2 Keswick Road  
Cheltenham  
Gloucestershire  
GL51 3PB

**Comments:** 9th October 2014  
Letter attached.

4 Keswick Road  
Cheltenham  
Gloucestershire  
GL51 3PB

**Comments:** 9th October 2014  
Letter attached.

17 Keswick Road  
Cheltenham  
Gloucestershire  
GL51 3PB

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

**Comments:** 9th October 2014  
Letter attached.

15 Keswick Road  
Cheltenham  
Gloucestershire  
GL51 3PB

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

**Comments:** 9th October 2014  
Letter attached.

11 Keswick Road  
Cheltenham  
Gloucestershire  
GL51 3PB

**Comments:** 10th October 2014  
Letter attached.

## Page 71

9 Keswick Road  
Cheltenham  
Gloucestershire  
GL51 3PB

**Comments:** 7th November 2014

Firstly, thank you for taking the time to answer questions and concerns about the above application when my son and I came into the Municipal Offices on Wednesday 8th October at 11am.

During our conversation, (with Councillor Mrs Anne Regan present) we discussed the deadline of 10th October for submitting comments regarding the above planning application. Thank you for your assurance that my comments would be considered if submitted after this date.

I HAVE VERY STRONG OBJECTIONS AGAINST THIS PROPOSAL, it will add to what already is a major parking problem for the whole surrounding community, forcing even more cars to park on the roads and grass verges!

With this considered it is difficult to understand the logic of Cheltenham Borough Homes (CBH) to further amplify an already intolerable situation.

Currently vehicle owners are antisocially parking in Kentmere Close, Keswick Road, Coniston Road and across junctions exiting to Windermere Road. This restricts and blocks the flow of traffic in and out of both Keswick Road and Coniston Road and along Windermere Road.

This very often reduces these roads to one lane only traffic. This is already causing friction within the community and several residents' vehicles have been blocked on their own driveway because of antisocial parking.

Emergency services, buses and lorries all need unrestricted access through the before mentioned roads and to reiterate they are now very often single lane and on several occasions completely blocked.

This is extremely dangerous and a potential accident area for pedestrians and vehicles. CURRENTLY CHILDREN PLAY IN THIS AREA AND MANY RESIDENTS HAVE CONCERNS THAT THERE WILL BE A FATALITY.

The residents of Keswick Road (we all own our homes) ALL HAVE OFF ROAD PARKING AND USE IT, some of us have extended our driveways, and at no cost to Cheltenham Borough Council (CBC) to ensure that the roads were clear.

In terms of justifying the building proposal, CBH will undoubtedly argue that the new build properties will have adequate parking so therefore will not add to the problem. This of course is not accurate and does not consider any additional visitors to the properties; it also does not take into account the relocation of the vehicles that currently park in the garages and outside on their hard standing. (I note that the photographs supplied by Quattro Design Architects are strategic and do not show a true representation of the parking difficulties which local residents constantly endure).

I am really struggling to understand the common sense behind this proposal. This could be an opportunity for CBC to add value to the area by providing off road parking for residence to ease the current problem. This proposal could be altered to build a well lit hard standing which provides safe parking for local residents. This would display a common sense approach and help to provide a solution to the parking problems in the area, rather than compounding it.

## Page 72

To build and provide houses for 2 families, CBH will be creating a greater problem because of parking for between 80 to 100 families in the surrounding streets. Can you please explain to me the rationale behind this ridiculous proposal?

Whilst it can be recognised that there is a requirement for additional homes in Cheltenham, there are over 311 properties planned for the Oakley site. While Oakley will benefit from an improved infrastructure to accommodate the extra traffic, Hatherley unfortunately does not share this luxury.

Many of the people like me are retired and have lived in this area for many years and the traffic problem is a constant source of worry and anguish for us.

My objections on a personal level to this development are as follows:-

The houses will block the morning sunlight from my lounge and kitchen/diner. Thus lowering the room temperatures considerably and will increase my heating bill, which as a pensioner is of concern for me. The morning sunshine fills my living areas during the cold winter months, and creates a great sense of well being!!

With this proposed construction, and because of a large garage built on my neighbour's property to the right of my bungalow, I will have very limited sunshine on my garden. This is exaggerated during the winter months when the sun is lower in the sky. Gardening is a hobby of mine and helps to keep me active; however with minimal sunshine on my garden, it is likely to restrict my gardening because of the cold.

My property will be totally overlooked and have no privacy whatsoever! With the existing garages demolished and the boundary foliage removed my neighbours and I will be left with only 6ft fencing, and we will be totally exposed.

Keswick Road properties and gardens adjacent to the rear of this proposed development are considerably lower than Coniston Road properties. Therefore if this proposal was to go ahead the drainage will need to be carefully considered or we will be flooded as was the case when CBC built 6 Coniston Road and neighbouring houses. There is a soak away ditch that follows the boundary between Keswick Road and Coniston Road, which is now not maintainable because of previous CBC build. Because of this I have had to make a substantial financial outlay to build drainage to the rear of my property to help to stop my garden and driveway from flooding.

I really hope you take the time to consider mine and other residents' thoughts, concerns and wellbeing to do the right thing by the community. With this thought I would like to conclude by reinforcing the following,

(To build and provide 2 houses for 2 families CBH will be creating a far greater problem for between 80 to 100 families in the surrounding streets).

I am sure you can appreciate that this seems somewhat unfair and immoral and we as homeowners and residents deserve due consideration. Whilst CBH will have their own agenda regarding property, CBC has an obligation to address the bigger picture and knock on effect for the wider community.

I would really appreciate that you keep me informed and I will await your correspondence.

5 Coniston Road  
Cheltenham  
Gloucestershire  
GL51 3NX

**Comments:** 23rd January 2015

Both myself and partner strongly object toward this action being carried out.

The parking situation in the community and our street in particular is a disgrace. I pay a substantial amount of rent to live in this area and feel that I should be able to at least park near my own home. I rarely get to park outside my own house due to the overload of residents and vehicles parking directly opposite my door on the kerb. I most often have to park many yards down the road or in the garages area.

This is an insulting proposal toward all the hardworking families in the area, trying to make a decent way of life.

The noise of the demolition will be a disturbance to our young child and surrounding homes with youths.

It will be dangerous to children and general public having a building site in such a remote and enclosed area.

Any buildings will be directly overseeing my garden rather aggressively and direct. I have a young child. I am not comfortable with this. It would be an intrusion of privacy.

If anything needs to be built in this area, it is a layout for more car parking to look after the current residents here. Rather than focusing on further build and increasing residency for financial profit. I would suggest a strategy of considering the needs of those already living here , rather than seeking to acquire more.

6 Coniston Road  
Cheltenham  
Gloucestershire  
GL51 3NX

**Comments:** 22nd September 2014

The whole one side of our garden is secured by the garage walls as a fence and have concerns that when the garages are removed that the garden will no longer be secure and as we have an Autistic daughter the garden needs to be secure at all times.

We have also spoke to the social worker and they currently looking into possibly applying for a single story extension to the side of this property would this be an issue if the new houses go ahead.

We have concern than our daughter can be loud at times due to her disability and having the end property has worked well having no neighbours to upset, she also strips off in the garden and have concerns with overlooking neighbour as she is only 6 years old.

Parking in the road is already an issue and adding 2 new propertyies to the road losing parking spaces and adding more vehicles to the road is going to cause more issues, yes we have a disabled space for one of our vehicles but have concerns that the loss of parking spaces could cause others to park in this space causing disruption to our daughter. Driveways for properties would be a good idea to eliminate these problems.

BUILT  
Recd 10 OCT 2014  
ENVIRONMENT

22 Keswick Road  
Up Hatherley  
Cheltenham  
GLOS GL51 3PB

Ms Pickernell  
Planning Officer  
Cheltenham Borough Council  
Promenade  
Cheltenham  
GLOS

10th October 2014

Re: Planning Application 14/01678/FUL

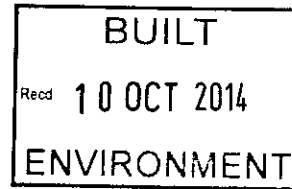
Dear Ms Pickernell

With reference to the above matter.

We reside at 22 Keswick Road, Up Hatherley, Cheltenham and although the building of properties on the Garage Plot in Conistan Road will not necessarily affect our privacy it will cause problems with parking, and we support our neighbours in Keswick Road that would be overlooked by the proposed houses and without doubt be a loss of privacy to them.

Yours faithfully

[Redacted signature block]



Ms Pickernell

8 Oct 2014

Planing Officer

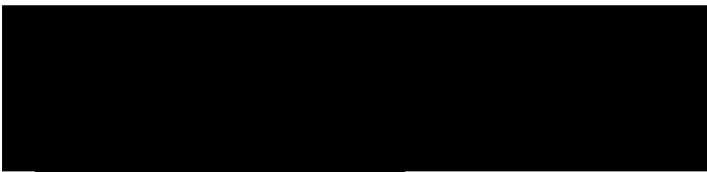
Cheltenham Borough Council

Ref Planning Application 14/01678/Ful

Dear Ms Pickernell:

As residents of Keswick Road we would like to object to above application due to the fact that the parking on our road and Coniston Road primarily by Paragon Laundry staff has effectively made the area a one lane road. If the proposed application is approved, then the Coniston Road people will have park on the road as well, as most do not have drive ways.

Yours sincerely

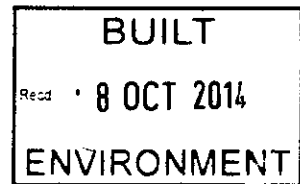


16 Keswick road Cheltenham,  
Glos. GL51 3 PB



**CHELTENHAM**  
BOROUGH COUNCIL

**COUNCILLOR MRS ANNE REGAN**



Ms Pickernell

Planning Officer

Cheltenham Borough Council

Promenade

Cheltenham

7<sup>th</sup> October 2014

Dear Ms Pickernell.

Ref Planning Application 14/01678/FUL

I have been approached by residents in the Keswick Road area within my Ward of Warden Hill, asking for my support in raising an objection to the above application and delivering to me a petition with 14 signatures.

I therefore request that this application goes to the full Planning Committee for a decision and a site view for members is arranged.

The area in Coniston Road where the development is proposed is an extremely narrow and congested Cul-de-sac which ends with the local Community centre St Margaret's Hall. This amenity is used continually throughout the day and the traffic stream is already heavy for this narrow road.

The residents of Keswick road are in the main elderly and need to have access to their homes at all times. With the parking problems there at present (exacerbated by the parking of the Paragon Laundry staff) it is a certainty that the proposed development will increase their concerns.

The loss of privacy to the bungalows in Keswick Road being overlooked by the proposed houses is most concerning and a loss of privacy is envisaged.

The policy numbers for objection in the Local plan are as follows;-

TP1. (a) Page 135

CP4. (a) Page 18

CP7. (c) Page 20.





On behalf of the residents objecting I would ask that all aspects of the Local plan quoted are seriously determined.

Councillor Anne Regan

Warden Hill Ward

[REDACTED]

17 Keswick Road

Cheltenham

GL51 3PB

[REDACTED]

Councillor Mrs A Regan

38A Canterbury Walk

Cheltenham

2<sup>nd</sup> October 2014

Dear Mrs Regan,

Please find enclosed a copy of a letter sent to [REDACTED]  
[REDACTED] and a list of residents signatures .

We the residents of Keswick Road totally endorse what is written there and I have also been instructed to point out that Paragon cars are parking opposite the exit of our road into Windermere Road causing a very dangerous exit from our road and resulting in some very near misses. We also have cars outside our drive which are obstructing our exit and a disabled person's ramp put there to exit the pavement.

All this has been stirred up by the proposal to construct 2 houses in the car park in front of our bungalows. We would be constantly overlooked by the windows of the new houses and feel we are much too close and it would completely take away our privacy. Also in this garage space several cars park at night. Although not renting the garages they do use the space and the loss of this will result in several more cars parking on our roads

We have lived here 50 years and are in our seventies. Please, please rethink this totally mad idea.

Yours sincerely

[REDACTED]

We the undersigned fully endorse the attached letter from [REDACTED]

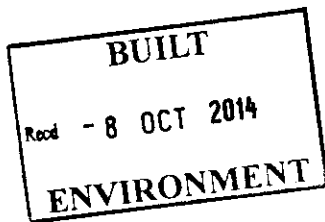
- 17 Keswick Road
- 22 Keswick Road
- " " "
- 24 Keswick Road
- 4 Keswick Road
- 2 KESWICK ROAD
- 2 KESWICK ROAD

( WE ALWAYS  
 PARK IN OUR  
 DRIVE, BUT  
 HAVE NO ROOM  
 TO SWING IN TO IT )

- 14 Keswick Rd
- 16 KESWICK RD

- 6 Keswick Rd.
- 8 Keswick Rd
- 7 KESWICK RD
- 7 KESWICK RD.
- 1 KOSWICK RD

9 Keswick Rd.



08-10-2014

3 Keswick Road  
CHELTENHAM, Glos. GL51 3PB

Dear Mrs Pickernell.

re. planning application 14/01678/FUL

Although I will not be inconvenienced by the building of the houses in Coniston Road, I shall certainly feel the difference in the amount of traffic coming along this road.

Coniston Road is narrower than Keswick Road and it difficult to negotiate. Once the garages have been pulled down, there will be less room for parked cars and this will cause big problems for house owners.

I ask you to think hard before allowing this application to go through

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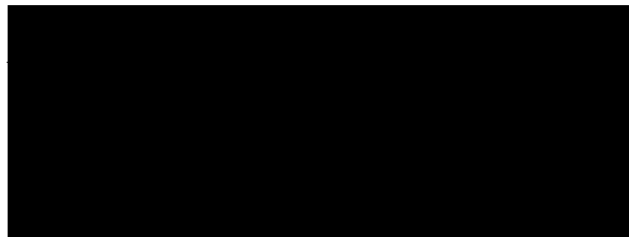
for 2. reasons.

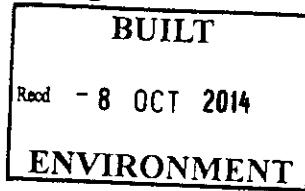
a. the bungalow <sup>Page 81n Keswick Rd.</sup>  
who will be overlooked - meaning  
the occupants will not have  
any privacy.

b. where do all the parked cars go?  
and the amount of traffic which  
will go along Keswick Road,  
because it cannot get through  
Conilton Road.

I hope you will look  
favourably at this objection  
to the planning application.

Yours sincerely,





  
2 Keswick Road

Cheltenham

Glos

7<sup>th</sup> October 2014

Ms Pickernell

Planning Officer

Cheltenham Borough Council

Promenade

Cheltenham

Dear Ms Pickernell,

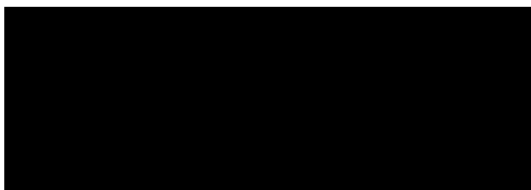
Re Planning Application 14/01678/FUL

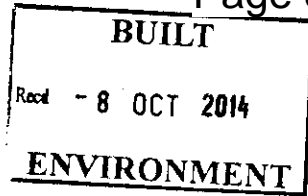
*I would like to strongly object to the above Planning Application. In Keswick Road and at the exit of Keswick Road into Windermere Road it is seriously congested with parked cars from houses with no parking spaces, making our road an obstacle course and the exit into Windermere Road extremely dangerous. This will get worse if we have extra cars from the garages and spaces being removed. We need more parking spaces not less.*

*We also need less congestion to allow the emergency services to get down our road if needed.*

*Please bear this in mind before it's too late and an accident occurs.*

*Yours sincerely,*





4 Keswick Road  
Hatherley  
Cheltenham  
GL51 3PB

Wednesday 8<sup>th</sup> October 2014

To Ms Pickernell

I am writing to voice my concerns regarding parking down Keswick Road.

For the last 12 months Keswick Road has been used as a free for all parking by laundry staff and other residence from Keswick Road and surrounding area. This causes many problems for other vehicles to pass through and for my own family to park outside my bungalow when visiting. I have cars constantly parked outside my window which is not a pleasant view. We also get lorries and vans parked up for days at a time which obstructs bin lorries frequently.

I have considered moving many times because of this problem but why should I when I've lived here for 49 years and have many happy memories of my late husband here

I hope you can help with this issue going forward

Many Thanks.



17 Keswick Road

Cheltenham

GL51 3PB



BUILT  
Recd · 3 OCT 2014  
ENVIRONMENT

Mr M Redman, Director Built Environment

Cheltenham Borough Council

PO Box 12, Municipal Offices

Promenade, Cheltenham

Glos. GL50 1PP

2<sup>nd</sup> October 2014

Dear Mr Redman,

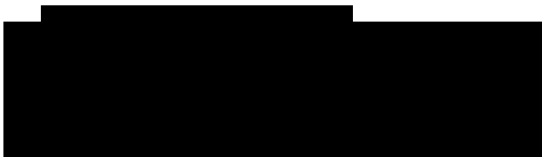
Please find enclosed a copy of a letter sent to Mr Tony Oliver and Mr Alex Chalk from Richard and Pauline Cass and a list of residents signatures .

We the residents of Keswick Road totally endorse what is written there and I have also been instructed to point out that Paragon cars are parking opposite the exit of our road into Windermere Road causing a very dangerous exit from our road and resulting in some very near misses. We also have cars outside our drive which are obstructing our exit and a disabled person's ramp put there to exit the pavement.

All this has been stirred up by the proposal to construct 2 houses in the car park in front of our bungalows. We would be constantly overlooked by the windows of the new houses and feel we are much too close and it would completely take away our privacy. Also in this garage space several cars park at night. Although not renting the garages they do use the space and the loss of this will result in several more cars parking on our roads

We have lived here 50 years and are in our seventies. Please, please rethink this totally mad idea.

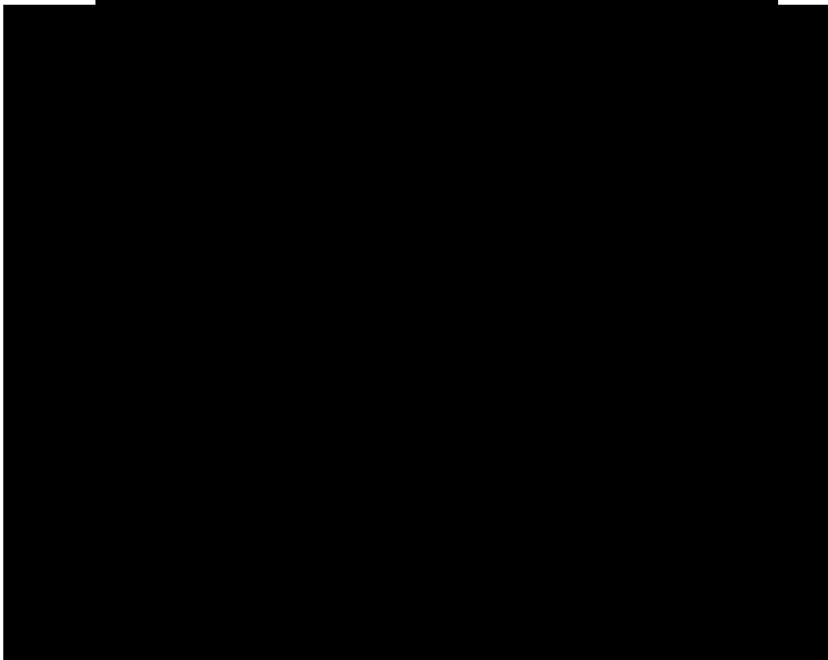
Yours faithfully



Copy Mrs A Regan



We the undersigned fully endorse the attached letter from [REDACTED]



- 17 Keswick Road
- 22 Keswick Road
- " " "
- 24 Keswick Road
- 4 Keswick Road
- 2 KESWICK ROAD
- 2 KESWICK ROAD



- ( WE ALWAYS  
 PARK IN OUR  
 DRIVE, BUT  
 HAVE NO ROOM  
 TO SWING IN TO IT )
- 14 Keswick Rd
  - 16 KESWICK RD
  - 6 Keswick Rd.
  - 8 Keswick Rd
  - 7 KESWICK RD
  - 7 KESWICK RD.
  - 1 KESWICK RD

L ascending cars  
top of road

[REDACTED]  
11 Keswick Road  
Up Hatherley,  
Cheltenham  
GL51 3PB  
[REDACTED]

Mr. Alex Chalk  
275A Gloucester Road  
Cheltenham  
GL51 7AA

8/09/2014

Dear Mr. Oliver,

I enclose a copy of a letter pushed through my letter box from Cheltenham Borough Homes. I think the idea of building on car parks is madness. Cars are already parked nose to tail along the streets and it is almost single lane traffic. If the car parks are built on, the cars that use them will have to park in road and the cars generated by the new houses will also park in the road. We elderly people in the bungalows here need the buses to be able to get through. Driving now is like an obstacle race, weaving in and out of the parked cars.

You say in your news letter that there should be tougher laws against people who park on pavements. I agree, but at the same time where else should they go? I think there should be more car parks for residents rather than fewer. Those people without driveways should be made to use them even though it might mean they have to walk a few yards.

We moved here in June last year and I park my car in the drive, but my daughter and carers have to park in the road outside our house. We have already had four complaints of her parking there. The man next door said it was difficult for him to get his 4 x 4 out of his drive with her there; my daughter had to park further along the road and a woman rushed out of her house and said she couldn't park there because she was fed up with people parking outside her house. Another was a workman parked across the road who was very abusive threatening her that if she didn't move her car he would smash into it; another man said she would have to move because he couldn't back out of his drive from across the road.

Even the irresponsible people who are proposing building houses on every spare square of concrete or grass have recognised the problem: see their letter.

A similar letter will be sent to Mr. Tony Oliver.

Yours sincerely,



**CHELTENHAM**  
BOROUGH COUNCIL

The Owner/Occupier  
17 Keswick Road  
Cheltenham  
Gloucestershire  
GL51 3PB

Planning Officer: Mrs Emma Pickernell  
ddi Number: 01242 775852  
e-mail: [dccomments@cheltenham.gov.uk](mailto:dccomments@cheltenham.gov.uk)  
our ref: **14/01678/FUL**

Date: 19th September 2014

Dear Resident

**Proposal: Demolition of existing garages and erection of 2no. dwellings and associated hard and soft landscaping at Land Adjacent To Number 6 Coniston Road Cheltenham**

This application has been registered with the Council. Before a decision is made, I invite you to view the submitted proposal and submit any comments no later than **10th October 2014**.

You can view the application and drawings, and make your comments on our website [www.cheltenham.gov.uk/publicaccess](http://www.cheltenham.gov.uk/publicaccess) quoting the reference number **14/01678/FUL** or write to the address below. Please choose only one of these options to avoid duplication. All representations will appear on our website and will be publicly available.

The application is also available for inspection at the Municipal Offices during normal office hours.

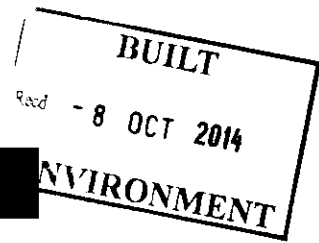
Please confine your comments to planning matters (as set out overleaf) because all views submitted will contribute to the consideration of this application.

Please note that the heading to this letter may be abbreviated and should not be regarded as a complete description of the application.

Yours sincerely

Tracey Crews: Head of Planning

**Please read the notes overleaf.**



**17 Keswick Road**

**Cheltenham**

**GL51 3PB**

**7th October 2014**

**Ms Pickernell**

**Planning Officer**

**Cheltenham Borough Council**

**Promenade**

**Cheltenham**

**Dear Ms Pickernell,**

**Re Planning Application 14/01678/FUL**

***I would like to strongly object to the above Planning Application. We will have our privacy taken away with the new houses overlooking our lounge and kitchen windows.***

***A most important issue is we have cars parked nose to tail around our bungalow when an event is held in St Margaret's hall. The rest of the time we have cars parked each side of our drive blocking our exit and also blocking a mobility scooter ramp you had put in.***

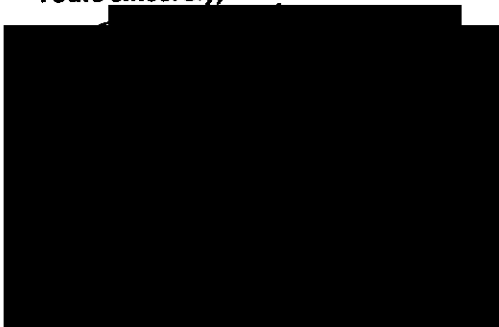
***At the exit from Keswick Road into Windermere Road, it is seriously congested with parked cars from houses with no parking spaces; making our road an obstacle course and the exit into Windermere Road extremely dangerous.***

***This will get worse if you remove the garages and parking spaces. Although the garages are not always let, the car parking spaces are used by cars and business vehicles, especially at night. Where will these extra vehicles park? We need more parking spaces not less.***

***We also need less congestion to allow the bus to get safely down Windermere Road and the emergency services to get down Keswick Road; we are mostly retired, elderly people.***

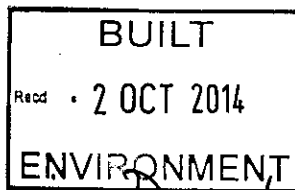
***We will leave this in you and your committee's capable hands.***

***Yours sincerely,***



DELIVERED BY HAND

15 Keswick Road  
Cheltenham  
GL51 3PB  
03110114



Planning Department  
Cheltenham Borough Council

Dear Sir  
Garage Site Coniston Road - proposed  
development

Please note my objection to the  
above proposed development to build  
two 3 bedroom semi detached  
houses on the garage site in  
Coniston Road.

Coniston Road is a main thoroughfare  
to St Margarets Hall (this hall has  
a full diary of events, both in the  
evening and during the day) and  
any further development along this  
road would impede the traffic flow  
due to parking issues. This road is  
already heavily congested with cars

Parked on either side of the road even when cars are utilising the garage site. Take away the garage site and adding two further properties could potentially mean more cars and this is totally unacceptable and dangerous.

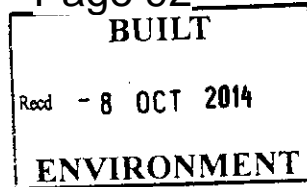
Keswick Road (next to Coniston Road) also already has parking problems due to Stubb working at the Ravan Laundry using the road to park and I can foresee the parking issues growing with further development and the loss of the Coniston Road garage site.

My bungalow is situated at the back of the garage site and I feel my privacy will be invaded by the windows that will overlook my property, as well as blocking my light.

I hope you will note my objections  
and refuse permission for any  
development on this garage site.

Yours faithfully

A large black rectangular redaction box covers the signature area, obscuring the name and any handwritten notes or dates that might have been present.



15 Keswick Road

Hatherley

Cheltenham

Glos

7<sup>th</sup> October 2014

Ms Pickernell

Planning Officer

Cheltenham Borough Council

Promenade

Cheltenham

Dear Ms Pickernell,

Re Planning Application 14/01678/FUL

I would like to strongly object to the above Planning Application. My privacy will be gone, with windows of the houses looking straight into my kitchen and lounge.

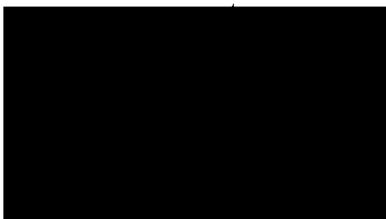
My other concern is in Keswick Road and at the exit of Keswick Road into Windermere Road we already have cars parked from people using St Margaret's Hall and the many houses with no parking bays, making our road an obstacle course and the exit into Windermere Road extremely dangerous.

The bus has great difficulty getting down Windermere Road.

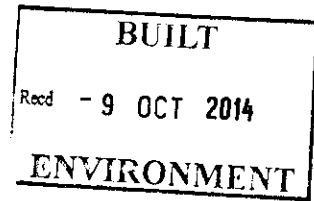
We need more parking spaces not less.

We hope we can rely on you for a sensible decision.

Yours sincerely,







[REDACTED]  
11 Keswick Road  
Hatherley  
Cheltenham  
GL51 3PB  
[REDACTED]

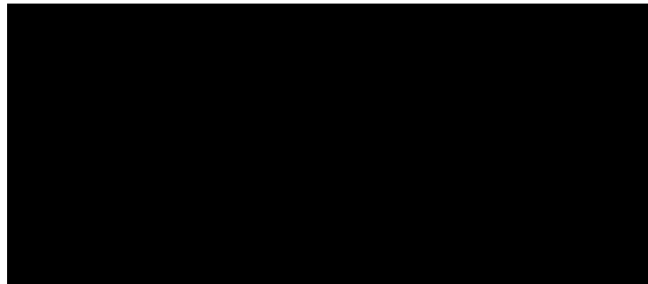
Ms. Pickernell  
Planning Officer, Cheltenham Borough Council  
Promenade  
Cheltenham

Dear Ms. Pickernell

Ref: Planning Application 14/01678/FUL

I enclose copies of letters sent to Alex Chalk, Tony Oliver and Ms. Chris Ryder.  
I would like to add to my objection to the building of houses on the car park.  
On Monday morning I saw from my kitchen window that the refuse lorry uses the car park to turn round. It is a very narrow street and if the car park was no longer there, it could cause problems, not only for the refuse lorry but other large lorries that I have seen pass the house going in the same direction. It might be worth looking into.

Yours sincerely



[REDACTED]  
11 Keswick Road  
Up Hatherley,  
Cheltenham  
GL51 3PB

BUILT  
Recd - 9 OCT 2014  
ENVIRONMENT

[REDACTED]

Councillor Mrs. Chris Ryder  
1 Hawkswood Road  
Cheltenham  
GL51 3DT

02/10/2014

Dear Mrs. Ryder,

I object to the construction of No2 3bed5 person houses for two reasons:-

**Traffic:**

Please see my enclosed letter to [REDACTED] (neither of whom has sent an acknowledgement or reply). Your plan shows 2 parking places allowed for each house. This will inevitably lead to 4, possibly 5 cars having to park on the street. E.g. my daughter has one parking place her husband and son park theirs in the street, her next two sons, who will want a car soon will park theirs on the street.

Keswick Road is not a big or wide road and already there are problems with parking. When I have friends visiting, I park my car in the street overnight to save a place for them. My daughter, who is our carer parks outside our house. Another carer comes three times a week to shower my husband and the district nurse comes weekly. Other people in the street have friends and relatives visiting and cars from the Laundry are blocking our exit from Keswick Road Most days one of the houses in our road have workmen, Electrician, plumbers, scaffolding, new windows, gardeners etc. All with vans and sometimes lorries.

The refuse lorry has to come through, one neighbour has the community bus, there are delivery vans, I have had the ambulance three times and some neighbours have caravans and so on. The pavements where lorries have mounted are in a terrible state. What we need is more residential parking

**Privacy:**

My husband and I moved here in June last year (2013). We searched for a long time for a bungalow that was not overlooked. We had patio doors put in and had the garden done so that we could sit and enjoy our garden and the view. The two rooms facing the garden are the Lounge/dining room and the kitchen. Other than that, we have one bedroom each at the front with the blinds permanently closed. The proposed massive houses at the bottom of our garden will look straight into our home and we will have to have the blinds permanently closed at the back too.

Unfortunately I have been ill and was unable to attend the meeting in Windermere Road and have just finished with hospital treatment. I now find from your letter than I have only eight days left to object to your plans.

Everyone recognises that it is a forgone conclusion and that building will take place. The plans were first made in December last year and we have only just been told about it. The people who will mostly be affected are the last to know.

I would just ask one favour of you, I am 81 and my Husband is 85 and disabled, neither of us enjoy good health and we would be grateful if you would delay the building of these monsters until after we are dead.

Yours sincerely,

[REDACTED]

11 Keswick Road  
Up Hatherley,  
Cheltenham  
GL51 3PB

BUILT  
Recd - 9 OCT 2014  
ENVIRONMENT

[REDACTED]

Mr. Alex Chalk  
275A Gloucester Road  
Cheltenham  
GL51 7AA

8/09/2014

Dear [REDACTED]

I enclose a copy of a letter pushed through my letter box from Cheltenham Borough Homes. I think the idea of building on car parks is madness. Cars are already parked nose to tail along the streets and it is almost single lane traffic. If the car parks are built on, the cars that use them will have to park in road and the cars generated by the new houses will also park in the road. We elderly people in the bungalows here need the buses to be able to get through. Driving now is like an obstacle race, weaving in and out of the parked cars.

You say in your news letter that there should be tougher laws against people who park on pavements. I agree, but at the same time where else should they go? I think there should be more car parks for residents rather than fewer. Those people without driveways should be made to use them even though it might mean they have to walk a few yards.

We moved here in June last year and I park my car in the drive, but my daughter and carers have to park in the road outside our house. We have already had four complaints of her parking there. The man next door said it was difficult for him to get his 4 x 4 out of his drive with her there; my daughter had to park further along the road and a woman rushed out of her house and said she couldn't park there because she was fed up with people parking outside her house. Another was a workman parked across the road who was very abusive threatening her that if she didn't move her car he would smash into it; another man said she would have to move because he couldn't back out of his drive from across the road.

Even the irresponsible people who are proposing building houses on every spare square of concrete or grass have recognised the problem: see their letter.

A similar letter will be sent to [REDACTED]

Yours sincerely,



29<sup>th</sup> August 2014

Dear Resident,

**Proposals for new homes at Coniston Road, Haweswater Road and Ullswater Road**

Cheltenham Borough Homes, on behalf of Cheltenham Borough Council, are exploring options to redevelop the existing garage sites at Coniston Road, Haweswater Road and Ullswater Road Street to provide new homes.

These proposals are in the very early stages and we are keen to share the first stage of the development plans with local residents.

If you are interested in learning more, a drop-in session has been arranged for you to view the plans and to discuss any queries or comments you may have:

**Monday 8<sup>th</sup> September, 5pm – 630pm, Wallace House Windermere Road, Hatherley, Cheltenham, GL51 3PF**

There is only on street parking available at this venue so we advise travel on foot or by public transport where possible.

If you have any questions regarding consultation sessions, please contact me on 01242 264359 or via email at [laura.neale@cheltborohomes.org](mailto:laura.neale@cheltborohomes.org). If you are unable to attend the session but would like to view the plans please let me know.

Yours faithfully,

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<b>APPLICATION NO: 14/01678/FUL</b>		<b>OFFICER: Mrs Emma Pickernell</b>	
<b>DATE REGISTERED: 19th September 2014</b>		<b>DATE OF EXPIRY: 14th November 2014</b>	
<b>WARD: Warden Hill</b>		<b>PARISH: None</b>	
<b>APPLICANT:</b>	Mr Gordon Malcolm		
<b>AGENT:</b>	Mrs Samantha Harrison		
<b>LOCATION:</b>	Land adjacent to Number 6 Coniston Road, Cheltenham		
<b>PROPOSAL:</b>	Demolition of existing garages and erection of 2no. dwellings and associated hard and soft landscaping		

## Update to Officer Report

### 1. CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.  
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The development hereby permitted shall be carried out in accordance with drawing numbers 4061/P/01, 4061/P/10, 4061/P/20, 4061/P/21, 4061/P/70 Rev B and 4061/P/71 Rev B received on 3 February 2015.  
Reason: To ensure the development is carried out in strict accordance with the approved drawings.
- 3 Prior to the commencement of development, samples of the proposed facing materials and roofing materials shall be submitted to and approved in writing by the Local Planning Authority, and the materials used in the development shall be in accordance with the samples so approved.  
Reason: To ensure a satisfactory form of development in accordance with Local Plan Policy CP7 relating to design.
- 4 No development shall take place until a site investigation of the nature and extent of contamination has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development begins. If any significant contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures before development begins.

If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.

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.

## INFORMATIVES :-

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

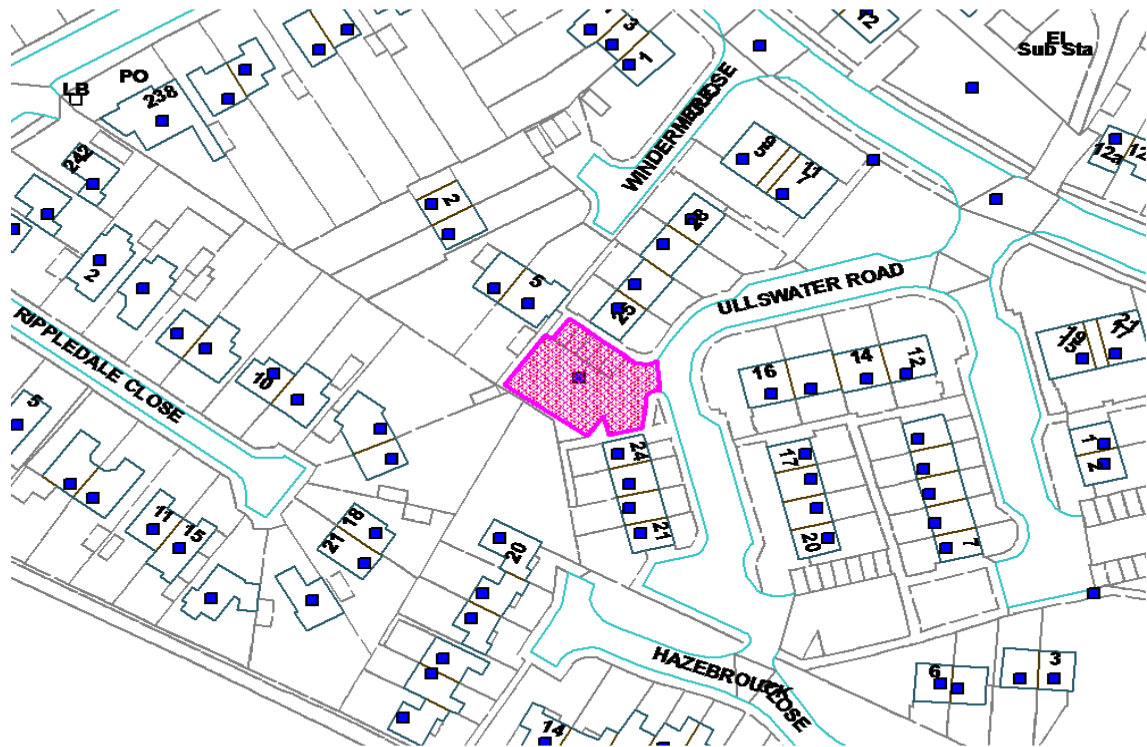
At the heart of this positive and proactive approach is the authority's pre-application advice service for all types of development. Further to this however, the authority publishes guidance on the Council's website on how to submit planning applications and provides full and up-to-date information in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

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



<b>APPLICATION NO:</b> 14/01681/FUL	<b>OFFICER:</b> Mr Martin Chandler
<b>DATE REGISTERED:</b> 19th September 2014	<b>DATE OF EXPIRY:</b> 14th November 2014
<b>WARD:</b> Up Hatherley	<b>PARISH:</b> Up Hatherley
<b>APPLICANT:</b> Mr Gordon Malcolm	
<b>AGENT:</b> Quattro Design Architects Ltd	
<b>LOCATION:</b> Land between 24 and 25 Ullswater Road Hatherley	
<b>PROPOSAL:</b> Erection of one detached dwelling with associated hard and soft landscaping	

**RECOMMENDATION:** Permit



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

## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 This application proposes the erection of a single dwelling on a parcel of land currently occupied by 10 parking spaces. The site previously housed five garages but these have been demolished and the area used for parking.
- 1.2 This proposal is one of three applications before members at this meeting which relate to parking courts within Hatherley.
- 1.3 The application site is before Planning Committee due to the applicant being Cheltenham Borough Homes. Members will visit the site on planning view.

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

**Constraints:**

None

**Relevant Planning History:**

None

## 3. POLICIES AND GUIDANCE

Adopted Local Plan Policies

CP 4 Safe and sustainable living

CP 7 Design

HS 1 Housing development

UI 3 Sustainable Drainage Systems

TP 1 Development and highway safety

Supplementary Planning Guidance/Documents

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

National Guidance

National Planning Policy Framework

## 4. CONSULTATIONS

**Parish Council**

*22nd September 2014*

We see no reason to object to this planning application although would like to know of any objection from neighbours.

*14th October 2014* ADDITIONAL COMMENTS:

I am sure there must be a way of adding a rider to our comments on your planning website but I can't discover how to do it. Please therefore accept the following comments instead.

1. Following a number of representations and site visits, we feel compelled to overturn our original "No objection" to each of the two CBC planning applications above.

2. We now respectfully request that further study be given to the parking situation at each location as we are not convinced that the figures provided are either accurate or meaningful for the immediate future.

*21st January 2015:* Still no objection.

### **Ward Councillors**

*4th February 2015*

As ward Councillor, I have concerns about this application (also applicable to its sister applications in Haweswater Road and Coniston road). Before committee considers passing this application it is important that residents' concerns, especially over parking, are not only taken into account but are met, given the already acute parking shortages in roads in the 'Lakeside' area. Any loss of parking capacity will create serious difficulties for residents.

At minimum committee should condition adequate parking capacity if it is minded to pass the application(s), as well as ensuring that other neighbour issues (e.g. crime risks in alleyways etc, and loss of light) are fully addressed.

Proposals at the time of writing (03/02/15) propose additional parking through demolitions of garage blocks i.e. additional to the actual building site, and displacement of garage users to underused capacity in adjacent blocks. This approach is good as far as it goes, but DOES NOT go far enough to make good the shortfall. Further measures are needed - by taking this process further and/or residents have suggested other measures such as extending laybys further into grass verge areas, and generally utilising other available spaces.

I await the officer report with interest, having already registered request to speak at committee.

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

*23rd September 2014*

With regards to the above site; under our Highway's Standing advice criteria we do not need to be consulted on this application and this can be dealt with by yourselves with the aid of our guidance.

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

*3rd February 2015*

The proposal indicates an intention to provide 2 in-curtilage spaces that are felt to be sufficient for a development of this size. As such a development on the scale of the above proposal falls under our Highways Standing Advice.

However; I note that the above location is currently used to provide off-street parking and will result in the displacement of 13 vehicles. Additional parking provision is available 50 m (Ullswater Road 'B') and 100 m (Ullswater Road 'C') distance in Ullswater Road. I understand that there is a proposal, identified as Group TWO on the submitted Garage and Parking Strategy - Hatherley, to clear garages from Ullswater Road 'B' to create an additional parking capacity of 7 spaces with a further 6 garage spaces available at Ullswater Road 'C'.

A Parking Statement has been submitted in support of this application that considers the implications of the above proposal. It indicates that the off-street parking provided by the development location is lightly used and that there is adequate on-street parking available to accommodate any displaced parking without detriment to other highway users.

I refer to the above planning application received on 19th September 2014 with Plan Nos: 4066/P/01, 02, 10, 20, 70, 71, application form and supporting documentation. I recommend that no highway objection be raised subject to the following condition being attached to any permission granted:-

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 4066/P/10, and shall be maintained available for that purpose for the duration of the development.

Reason: - To reduce potential highway impact by ensuring that vehicles do not have to park on the highway resulting in a severe impact contrary to paragraph 32 of the National Planning Policy Framework.

**Contaminated Land Officer**

*29th September 2014*

Small development planning condition for potentially contaminated land

No development shall take place until a site investigation of the nature and extent of contamination has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development begins. If any significant contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures before development begins.

If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.

**5. PUBLICITY AND REPRESENTATIONS**

Number of letters sent	8
Total comments received	6
Number of objections	4
Number of supporting	0
General comment	2

5.1 The application was publicised with letters being sent to eight neighbouring properties. In response, four letters of objection have been received with two representations also making general observations on the proposal. The concerns can be summarised with the following bullet points and will be considered in the main body of the report.

- Loss of car parking and the resultant impact on the locality;
- Loss of space detrimental to the area;

- Poor proportions of fenestration;
- Impact on right of access considerations to a property in Rippledale Close;
- Uncertainty in relation to boundary enclosures;
- Loss of daylight and sunlight to adjacent properties.

## **6. OFFICER COMMENTS**

### **6.1 Determining Issues**

**6.1.1** The key considerations in relation to this application are the principle of the development and the potential implications it may have for parking provision in the locality, the design and layout of the proposal and potential impact on neighbouring amenity.

### **6.2 The principle of redevelopment**

**6.2.1** As advised above, the application site currently provides for 10 parking spaces, all of which would be lost as a result of this proposal.

**6.2.2** To support their proposal, the applicant has given consideration to a parking strategy across a wider geographical area. Members may be aware that this part of the borough has a number of parking courts each used in differing amounts. With regard to this proposal, five parking and garage courts have been assessed; Ullswater Road 'A' (the application site), Ullswater Road 'B', Ullswater Road 'C', Ennerdale Road 'A' and Ennerdale Road 'B'.

**6.2.3** Together, these sites provide for 28 garages of which only 17 are in use. To mitigate the impact of this proposed development, Cheltenham Borough Homes proposes to demolish the 7 garages at Ullswater Road 'B' (of which 4 are in use) to generate 7 unallocated additional car parking spaces and relocating the four garage users to the alternative sites identified above that have space capacity.

**6.2.4** It is apparent from this strategy that the applicant is taking the matter seriously and that capacity does exist to relocate existing garage users without compromising highway safety.

**6.2.5** Members may recall similar proposals for the garage courts in Imjin Road and Burma Avenue which involved a very similar exercise. Officers understand that these developments have now been implemented with little impact.

**6.2.6** Given the capacity that has been identified locally, officers consider that the proposal to redevelop the application site to provide a new dwelling represents a good use of brownfield land. The report will now consider the merits of the specific scheme that is proposed.

### **6.3 Design and layout**

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

**6.3.2** The proposal seeks to introduce a two storey detached dwelling between a terrace of four two storey houses and a pair of semi-detached bungalows. In this context, there is an argument to suggest that the development will be a slight anomaly within the street. Notwithstanding this, as a building mass, the proposal is considered to be entirely acceptable and the irregular shape of the site does stifle alternative proposals somewhat.

The architecture is appropriate for its context and officers are satisfied that this scheme represents an appropriate design solution for the site.

- 6.3.3** There is a comment from a neighbouring property in relation to the proportions of the fenestration but having reflected on this matter, it is not a concern shared by officers. The proposal does include three different window forms on the front elevation but this is not considered to be particularly detrimental to its appearance.
- 6.3.4** The proposal is compliant with policy CP7 and the SPD in relation to infill development.

### **6.4 Impact on neighbouring property**

- 6.4.1** Local Plan Policy CP4 requires development to protect the existing amenity of neighbouring land users and the locality.
- 6.4.2** The proposal has been fully assessed in terms of potential impact on loss of privacy and loss of light and is acceptable. It will undoubtedly impact upon the amenity of neighbouring properties, introducing any building on a vacant site will do this, but the proposal has been well considered so as to not impact unacceptably. First floor windows are located in appropriate locations and the proposal passes the relevant loss of daylight tests referred to within the local plan.
- 6.4.3** Members will note that a neighbouring property has raised a concern in relation to an established right off access to Rippledale Close. This is not a planning consideration and will have to be resolved outside of this planning application.
- 6.4.4** The representation relating to the boundary enclosure can be clarified by confirming that the boundaries which define the private amenity space of the proposed dwelling are to be 1.8 metre high fencing.
- 6.4.5** The proposal is compliant with policy CP4 of the local plan.

### **6.5 Access and highway issues**

- 6.5.1** In response to the concerns raised by residents, the County Council were asked to expand upon their original response to the application. These comments are set out in full at section 4 above. Members will note that the County are satisfied with the parking strategy identified by the applicant and that whilst on street parking does take place, there is also capacity for additional cars without compromising highway safety.
- 6.5.2** The applicant has also submitted a parking survey relating to the use of the application site itself. This demonstrates that at the times when the surveys took place (Friday 12 December 2000-2100, Saturday 13 December 1400-1500 and Tuesday 16 December 2000-2100) the forecourt is lightly used, with the maximum number of cars observed being 3.
- 6.5.3** To summarise the highway implications, officers accept that this proposal will displace car parking into the local vicinity. To mitigate this, the applicant has identified space capacity in other parking courts in close proximity to the application site. Furthermore, it has been identified that some capacity does exist on street should the need arise.
- 6.5.4** Given this evidence, officers and the County Council are satisfied that the proposal will not compromise highway safety.

## **7. CONCLUSION AND RECOMMENDATION**

- 7.1 To conclude, it is considered that this proposal represents a well-considered redevelopment of the site. The applicant has not looked at the site in isolation and has identified a parking strategy to mitigate the displacement of cars from the application site.
- 7.2 The scheme itself is appropriate in form and footprint and will sit comfortably within the street scene. The proposal will not compromise neighbouring amenity unduly.
- 7.3 It is recommended that planning permission be granted.

## **8. CONDITIONS / INFORMATIVES**

To follow as an update.

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<b>APPLICATION NO:</b> 14/01681/FUL		<b>OFFICER:</b> Mr Martin Chandler	
<b>DATE REGISTERED:</b> 19th September 2014		<b>DATE OF EXPIRY :</b> 14th November 2014	
<b>WARD:</b> Up Hatherley		<b>PARISH:</b> UPHATH	
<b>APPLICANT:</b>	Mr Gordon Malcolm		
<b>LOCATION:</b>	Land between 24 and 25 Ullswater Road, Hatherley		
<b>PROPOSAL:</b>	Erection of one detached dwelling with associated hard and soft landscaping		

### REPRESENTATIONS

Number of contributors	<b>6</b>
Number of objections	<b>4</b>
Number of representations	<b>2</b>
Number of supporting	<b>0</b>

4 Hazebrouck Close  
Cheltenham  
Gloucestershire  
GL51 3QA

**Comments:** 12th October 2014

I wish the planning committee to note that this new property is proposed to be built on a very narrow road. At the point the road bends (approximately where the proposed driveway will be) it is very difficult for 2 cars to access at the same time. Frequently the exiting vehicle uses the current access to the garages/hard standing to pull in to let the other vehicle round the corner. It appears from the plans that the driveway will be built right up to the edge of the roadway. This will severely restrict access on this corner. If the driveway/site boundary were set back a little so that an area (large enough as a passing place) can be retained this will be to the benefit of all.

As an aside, please can the tarmac leading into Hazebrouck Close be replaced as part of this building works.

27 Ullswater Road  
Hatherley  
Cheltenham  
Gloucestershire  
GL51 3PR

**Comments:** 13th October 2014

I object to the proposal on the grounds of parking, design, light, overlooking and character of the area.

**Character**

The open parking and garage areas are characteristic of the area. To infill this location would diminish the sense of space and be harmful to the residential character.

**Overlooking**

The new house will overlook the house to the rear in Windermere Close and adversely affect their amenity space.

### Light

The proposal will diminish daylight to the side window of no.24 and will permanently reduce sunlight to the amenity area of no. 25.

### Design

The design is lacking in detail and the main windows are poorly proportioned.

### Parking

The proposal 14/01681/FUL does not include any net replacement of the 13 parking spaces to be taken away.

The area is already deficient in parking, with the problem added to by staff parking from the nearby Paragon laundry. There is a comment on providing garages, which are not parking spaces. The existing garages are too small for parking and are mostly used as lock-ups or vehicle storage.

Many of the properties adjacent to the site are occupied by people with disabilities so require nearby spaces for themselves and the visitors they rely on.

Removing the existing spaces will add to the problematic on-road parking and stress to the local residents. Ullswater Road leads to the Hazebrouck development so traffic is not as quiet as one may think.

In conclusion, the proposal will significantly reduce parking and adversely affect the built environment in a road where many are elderly or disabled and rely on their immediate surroundings.

### **Comments:** 18th November 2014

I have looked at the new parking strategy and have the following comments.

The amount of existing parking spaces described for the site between 24 and 25 Ullswater Road has been revised from 13 to 10. There are clearly at least 13 spaces there, so I query the veracity of their information.

The proposed replacement spaces are a significant distance from the bungalows at 12-15 and 25-28 Ullswater Road, which are usually occupied by the elderly and those with disabilities. There are 3 disabled spaces adjacent, but they also serve the flats at 5-11 Windermere Road. The most notable traffic for these properties is for carers and family, who are often transporting their relative in and out.

In all Ullswater A and B will be losing at least 4 public car parking spaces and 7 garages. I trust you find this as unacceptable as the local residents, but should you approve I hope the demolition of the garages and making good at Ullswater B is conditioned as a pre-start requirement.

### **Comments:** 23rd January 2015

RE: Entran Parking Report

This is based on a small sample of current levels of parking and I agree that the current level is often not at maximum.

There is an unusual situation in that all four properties, nos 25-28 directly adjacent, do not currently have cars and the occupants opposite are registered disabled and park in the disabled spaces by 25-28.

## Page 111

The proposed new house is not temporary, so one must look at the long term likelihood. It would be sensible to assume, at the minimum, that properties 25-28, 15 & 16 own one car per house and they are not registered disabled, so would not decently park in the disabled places.

In any estimations for suburban highways/parking requirements I would expect a specialist such as Entran to assume at least one car per household.

I have lived in my home for nine years and certainly for the first five I often had to park in other roads with no room left in the proposed site area. The area can still become full on occasion with parking from the Paragon and visitors.

The applicant seems to be spending money on consultants but not offering solutions. There is room within the proposed site to fit parking spaces for public usage, also the parking spaces in front of 25-28 could be extended towards Windermere road.

16 Rippledale Close  
Cheltenham  
Gloucestershire  
GL51 6HD

**Comments:** 22nd September 2014

We have had access to the rear of our property for over 30 years via double gates that open out onto the proposed property. Given the 20 year right of access rule, I presume we will still retain vehicular access to the rear of our property.

5 Windermere Close  
Cheltenham  
Gloucestershire  
GL51 3PP

**Comments:** 10th October 2014

The plans indicate that my property is bordered by a wooden fence on the side of the development, however, this is not actually the case. It is only bordered by a chain link fence, which I do not own or have any responsibility to maintain.

I am concerned that if this development doesn't replace the chain link fence with a more suitable alternative then the security and privacy of my property will be impacted as I will be continually overlooked.

24 Ullswater Road  
Hatherley  
Cheltenham  
Gloucestershire  
GL51 3PR

**Comments:** 15th October 2014

To start with I am very disappointed by the lack of consultation & notification given to residents in regard to this proposal.

As the owner of one of the houses next to the proposed site, I have serious concerns about the effect this will have on my property, i.e. access to the rear of my property, the impact on light, & of course parking (all important factors when I chose to purchase this house).

## Page 112

The garages were removed some time ago & the car park is used by several cars on a daily basis. Where will residents, & visitors park if you build on this site, particularly when parking is already an issue?

In addition to this, several bungalows where the elderly & disabled live are next to the proposed site, has consideration been made to the impact this will have on them? Where will their carers park? Is it really appropriate to build a large family home next to the elderly?

42 Fernleigh Crescent  
Up Hatherley  
Cheltenham  
Gloucestershire  
GL51 3QL

**Comments:** 3rd February 2015

As ward Councillor, I have concerns about this application (also applicable to its sister applications in Haweswater Road and Coniston road).

Before committee considers passing this application it is important that residents' concerns, especially over parking, are not only taken into account but are met, given the already acute parking shortages in roads in the 'Lakeside' area. Any loss of parking capacity will create serious difficulties for residents. At minimum committee should condition adequate parking capacity if it is minded to pass the application(s), as well as ensuring that other neighbour issues (e.g. crime risks in alleyways etc, and loss of light) are fully addressed.

Proposals at the time of writing (03/02/15) propose additional parking through demolitions of garage blocks i.e. additional to the actual building site, and displacement of garage users to underused capacity in adjacent blocks. This approach is good as far as it goes, but DOES NOT go far enough to make good the shortfall. Further measures are needed - by taking this process further and/or residents have suggested other measures such as extending laybys further into grass verge areas, and generally utilising other available spaces.

I await the officer report with interest, having already registered request to speak at committee.

<b>APPLICATION NO:</b> 14/01681/FUL		<b>OFFICER:</b> Mr Martin Chandler	
<b>DATE REGISTERED:</b> 19th September 2014		<b>DATE OF EXPIRY:</b> 14th November 2014	
<b>WARD:</b> Up Hatherley		<b>PARISH:</b> Up Hatherley	
<b>APPLICANT:</b>	Mr Gordon Malcolm		
<b>AGENT:</b>	Mrs Samantha Harrison		
<b>LOCATION:</b>	Land between 24 and 25 Ullswater Road, Hatherley		
<b>PROPOSAL:</b>	Erection of one detached dwelling with associated hard and soft landscaping		

## Update to Officer Report

### 1. CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.  
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The development hereby permitted shall be carried out in accordance with drawing numbers 4066/P/01, 4066/P/10 Rev A, 4066/P/20, 4066/P/70 Rev A and 4066/P/71 received on 18 September 2014.  
Reason: To ensure the development is carried out in strict accordance with the approved drawings.
- 3 Prior to the commencement of development, samples of the proposed facing materials and roofing materials shall be submitted to and approved in writing by the Local Planning Authority, and the materials used in the development shall be in accordance with the samples so approved.  
Reason: To ensure a satisfactory form of development in accordance with Local Plan Policy CP7 relating to design.
- 4 No development shall take place until a site investigation of the nature and extent of contamination has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development begins. If any significant contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures before development begins.

If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.

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.

## INFORMATIVES :-

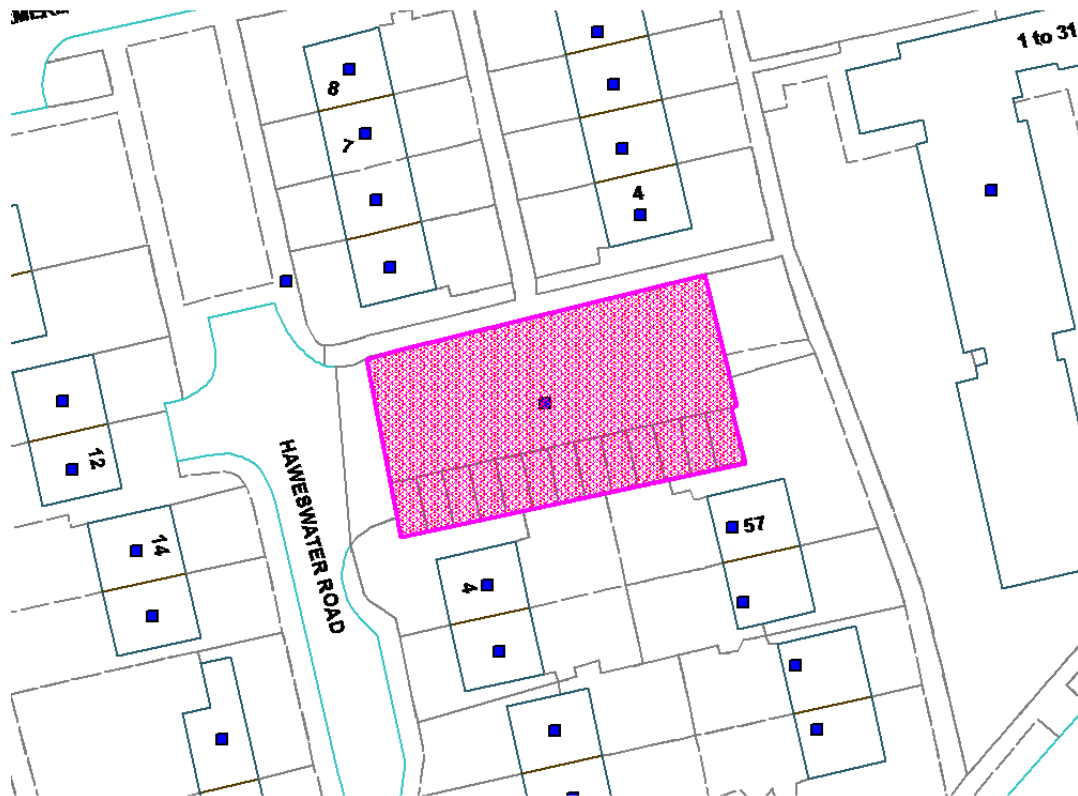
- 1 In accordance with the requirements of The Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 and the provisions of the NPPF, the Local Planning Authority adopts a positive and proactive approach to dealing with planning applications and where possible,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

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

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

<b>APPLICATION NO:</b> 14/01700/FUL	<b>OFFICER:</b> Mr Martin Chandler
<b>DATE REGISTERED:</b> 23rd September 2014	<b>DATE OF EXPIRY:</b> 18th November 2014
<b>WARD:</b> Up Hatherley	<b>PARISH:</b> Up Hatherley
<b>APPLICANT:</b>	Mr Gordon Malcolm
<b>AGENT:</b>	Quattro Design Architects Ltd
<b>LOCATION:</b>	Garages at Haweswater Road, Cheltenham
<b>PROPOSAL:</b>	Erection of 4no flats with associated hard and soft landscaping

**RECOMMENDATION:** Permit



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## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application proposes the erection of two buildings each containing two apartments on a parcel of land currently occupied by thirteen garages and twelve parking spaces.
- 1.2 This proposal is one of three applications before members at this meeting which relate to parking courts within Hatherley.
- 1.3 The application site is before Planning Committee due to the applicant being Cheltenham Borough Homes. Members will visit the site on planning view.

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

**Constraints:**

None

**Relevant Planning History:**

None

## 3. POLICIES AND GUIDANCE

Adopted Local Plan Policie

CP 4 Safe and sustainable living

CP 7 Design

HS 1 Housing development

RC 6 Play space in residential development

UI 3 Sustainable Drainage Systems

TP 1 Development and highway safety

Supplementary Planning Guidance/Documents

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

National Guidance

National Planning Policy Framework

## 4. CONSULTATIONS

**Ward Councillor**

*4th February 2015*

As ward Councillor, I have concerns about this application (also applicable to its sister applications in Haweswater Road and Coniston road). Before committee considers passing this application it is important that residents' concerns, especially over parking, are not only taken into account but are met, given the already acute parking shortages in roads in the 'Lakeside' area. Any loss of parking capacity will create serious difficulties for residents.



At minimum committee should condition adequate parking capacity if it is minded to pass the application(s), as well as ensuring that other neighbour issues (e.g. crime risks in alleyways etc, and loss of light) are fully addressed.

Proposals at the time of writing (03/02/15) propose additional parking through demolitions of garage blocks i.e. additional to the actual building site, and displacement of garage users to underused capacity in adjacent blocks. This approach is good as far as it goes, but DOES NOT go far enough to make good the shortfall. Further measures are needed - by taking this process further and/or residents have suggested other measures such as extending laybys further into grass verge areas, and generally utilising other available spaces.

I await the officer report with interest, having already registered request to speak at committee.

### **Parish Council**

*30th September 2014*

This is obviously a major development but we see no reason to object. However, should any of the neighbours object then we would be grateful if you could let us know their reasons so we can reconsider our own position.

*14th October 2014 - ADDITIONAL COMMENTS:*

I am sure there must be a way of adding a rider to our comments on your planning website but I can't discover how to do it. Please therefore accept the following comments instead.

1. Following a number of representations and site visits, we feel compelled to overturn our original "No objection" to each of the two CBC planning applications above.
2. We now respectfully request that further study be given to the parking situation at each location as we are not convinced that the figures provided are either accurate or meaningful for the immediate future.

*2nd December 2014*

This is a hard one to call and I fear we must defer to the experts. However, should there be an uprising from local residents then we would respectfully ask to be kept informed. In the meantime, kindly note the correct spellings of "Grasmere" and "Thirlmere".

### **Contaminated Land Officer**

*2nd December 2014*

Due to the potential for the presence of asbestos containing materials and other contaminants from the use of the site for garages, the inclusion of the small development contaminated land planning condition is recommended for this site.

Small development planning condition for potentially contaminated land:

No development shall take place until a site investigation of the nature and extent of contamination has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the

site investigation shall be made available to the local planning authority before any development begins. If any significant contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures before development begins.

If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.

### **Tree Officer**

*16th December 2014*

The Tree Section has no objection to this application.

Should this application be granted please use the following condition:

1. TRE02B- Tree protection plan
2. TRE03B- Tree protective fencing
3. TRE09B-leaf guards so as to minimise the nuisance caused by the inevitable annual leaf, seed and twig drop

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

*17 November 2014*

The above proposal will result in a development of four flat. A development of this scale falls under our Highways Standing advice and as such we do not need to be consulted.

However, I note that the location of the proposed development is currently used to provide off-road parking by way of 13 garages and 12 open spaces for a total of 25 vehicles. Additional off-road parking is proposed at sites in Buttermere Close, Thirlmere Road and two sites in Ennerdale Road that offer sufficient spaces to accommodate any displaced parking as part of the Parking Strategy. These sites are identified as Group 3 in the submitted parking strategy and are located 60m, 120m, 157m and 200m from the existing parking provision.

The development is to include off-street parking for 6 vehicles which is felt to be sufficient for anticipated parking demand.

I refer to the above planning application received on the 24 September 2014 with Plan Nos: 4062/P/01, /02, /10, /20, /21, /70 and /71. I recommend that no highway objection be raised subject to the following condition being attached to any permission granted:

The development hereby permitted shall not be occupied until the car parking associated with that development has been provided in accordance with drawing number 4062/P/10 and shall be maintained available for that purpose for the duration of the development.

## 5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	<b>78</b>
Total comments received	<b>5</b>
Number of objections	<b>5</b>
Number of supporting	<b>0</b>
General comment	<b>0</b>

- 5.1** To publicise the application, letters were sent to 78 neighbouring properties. In response, five objections have been received to the proposal, all of which raise loss of car parking as their chief concern. Concern is also raised about the lack of parking proposed for the four apartments and the impact the proposed layout could have on anti-social behaviour. These matters will be considered below.

## 6. OFFICER COMMENTS

### 6.1 Determining Issues

- 6.1.1** The key considerations in relation to this application are the principle of the development and the potential implications it may have for parking provision in the locality, the design and layout of the proposal and potential impact on neighbouring amenity.

### 6.2 The principle of redevelopment

- 6.2.1** As advised above, the application site provides for 13 garages and 12 parking spaces, all of which would be lost as a result of this proposal.
- 6.2.2** To support their proposal, the applicant has given consideration to a parking strategy across a wider geographical area. Members may be aware that this part of the borough has a number of parking courts each used in differing amounts. With regard to this proposal, three parking and garage courts have been assessed; Haweswater Road (the application site), Thirlmere Road and Buttermere Close.
- 6.2.3** Together, these sites provide for 49 garages of which only 26 are in use. To mitigate the impact of the proposed development, the applicant is proposing to relocate the garage users (6 at the application site) to the Buttermere Close site. In addition to this, the application is supplemented with a parking statement which has given consideration to how much the application site is used for parking and the availability of on street parking.
- 6.2.4** The application site was assessed on four separate occasions: Saturday 18 October 1000-1100 and 1400-1500, Thursday 23 October 2000-2100 and Friday 24 October 2100-2200. During these occasions, the number of cars parked on the application site (excluding the garages of which only 6 are in use) ranged between 3 and 6. In addition to this, it was also observed that the number of on-street parking spaces available in close proximity to the application site ranged between 10 and 12.
- 6.2.5** It is apparent from the work that has accompanied the application that the applicant is giving due consideration to the implications of the proposed development and that capacity does exist to relocate the garage users and lost parking spaces without compromising highway safety. With this in mind, officers are satisfied that the proposal to redevelop the application site to provide four new apartments represents a good use of brownfield land. This report will now consider the merits of the specific scheme that is proposed.

## **6.3 Design and layout**

- 6.3.1** Local Plan Policy CP7 requires development to be of a high standard of architectural design and to complement and respect neighbouring development.
- 6.3.2** When originally submitted, the applicant proposed the erection of a single apartment block containing four units located to the east of the application site, fronting onto Wallace House but officers had reservations with that proposal. Whilst it was successful in presenting an active frontage to the adjacent footpath, when stood within Haweswater Road, it would have resulted in a parking court and boundary fence enclosing the private amenity space. This would have been a disappointing addition to the street scene given that the proposed redevelopment offers a real opportunity to enhance the locality.
- 6.3.3** In response to these concerns, the applicant has split the apartment block into two separate buildings, one fronting Haweswater Road and one fronting the adjacent footpath. The parking spaces are now central to the application site with amenity space suitably located. It is considered that this approach is a much more successful approach to develop this dual fronted site. It helps to mend the street scene to both the east and west of the site and helps to ensure that the parking court central to the site is well overlooked.
- 6.3.4** Members will note that one concern from a neighbouring property relates to the encouragement of anti-social behaviour that the revised layout may cause. It is suggested that the relationship between apartments 3 and 4 and the dwelling immediately to the north will create an alleyway that will encourage such behaviour. In response to this, officers consider that whilst a short (8 metres), almost three metre wide gap will be created between buildings in which members of the public could walk down, the redevelopment of the site offers so many more benefits in terms of designing out anti-social behaviour. Members will note on planning view that the application site is not a welcoming environment and introducing four apartments with their associated natural surveillance (including windows on gable ends) will change the nature of the site in a significant and positive manner. Officers are satisfied that the proposal will not encourage anti-social behaviour and instead result in an enhancement to the locality.
- 6.3.5** Architecturally, the buildings are considered to be entirely appropriate for their context. They are of an acceptable mass, bulk and scale and their external appearance will sit comfortably within the street scenes.
- 6.3.6** In its revised form, officers consider that the proposal complies with the objectives of local plan policy CP7 and the advice set out within the Council's adopted SPD in relation to infill development.

## **6.4 Impact on neighbouring property**

- 6.4.1** Local Plan Policy CP4 requires development to protect the existing amenity of neighbouring land users and the locality.
- 6.4.2** When assessed the provisions of this policy, the scheme is acceptable. It will not compromise light levels received by neighbouring properties and will not give rise to an unacceptable loss of privacy.
- 6.4.3** The proposal is compliant with local plan policy CP4.

**6.5 Access and highway issues**

- 6.5.1** Matters relating to highway considerations are fully discussed in section 6.2 of this report. The application has been supplemented with sufficient information to assure officers that developing the application site will not result in a highway safety impact and that displaced cars can be satisfactorily absorbed on the surrounding highway network.
- 6.5.2** The County Council have raised no objection to the proposal.

**7. CONCLUSION AND RECOMMENDATION**

- 7.1** To conclude, it is considered that this proposal represents a well-considered redevelopment of the site. The applicant has not looked at the site in isolation and has identified a parking strategy to mitigate the displacement of cars from the application site.
- 7.2** The scheme itself is appropriate in form and footprint and will sit comfortably within the street scene. The proposal will not compromise neighbouring amenity unduly.
- 7.3** It is recommended that planning permission be granted.

**8. CONDITIONS / INFORMATIVES**

To follow as an update.

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<b>APPLICATION NO:</b> 14/01700/FUL		<b>OFFICER:</b> Mr Martin Chandler	
<b>DATE REGISTERED:</b> 23rd September 2014		<b>DATE OF EXPIRY :</b> 18th November 2014	
<b>WARD:</b> Up Hatherley		<b>PARISH:</b> UPHATH	
<b>APPLICANT:</b>	Mr Gordon Malcolm		
<b>LOCATION:</b>	Garages at Haweswater Road, Cheltenham		
<b>PROPOSAL:</b>	Erection of 4no flats with associated hard and soft landscaping		

### REPRESENTATIONS

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

4 Buttermere Close  
 Hatherley  
 Cheltenham  
 Gloucestershire  
 GL51 3NZ

**Comments:** 14th October 2014

We object very strongly to the proposed development 14/01700/FUL, as there has been no proper consideration to the effects of the loss of twenty six parking spaces. The figures given in the Garage and Parking Strategy document are incorrect and are therefore misleading.

The twenty six parking spaces/garages have been used mainly by residents in Buttermere Close/Haweswater Road since the properties were built in the late sixties. There are now far more cars around so the spaces are more in demand.

The Garage and Parking Strategy states that there is little daytime parking on the Haweswater site, this being due to people working or going about their daily activities. If Quattro Design Architects had visited the site (or any of the other sites listed) in the evening or at the weekend they would find that most or all of the spaces are being used.

I know that the eight houses adjacent to and surrounding the car park require at minimum fourteen spaces, not including any visitors.

There are nine garages currently in use in the Haweswater Site. The only viable alternative to these, near to the residents houses, are the ones in Buttermere Close. These have low availability, so it is likely that most of the nine garage occupiers would park on the road, making a total increase in on-road parking in Haweswater Road and Alma Road of twenty two vehicles, not including friends and family, this is not practical.

This will clearly have a serious impact on access and traffic flow in both roads, particularly for larger vehicles such as refuse, emergency vehicles and for buses on Alma Road, this will lead to more damaged parked vehicles. This will also have a direct impact on road safety, especially around the shop on Alma Road, causing the roads to become much more dangerous for the many children; and pensioners from Wallace House, who cross the roads on a daily basis, on their way to school and to use the local shop.

We also question why there has been no Highways Consultation in view of the potential impact on traffic flow in Haweswater Road and Alma Road with the loss of twenty six parking spaces plus their visitors.

We believe consideration should be given to other sites which would be more suitable for development, which would have less impact on the amount of available parking and would not impact so heavily on traffic flow and danger to pedestrians. The site in Grasmere Road would result in a loss of fourteen spaces not twenty six. Ennerdale Road 'B' would result in a loss of only six spaces in comparison.

The Council could consider developing two smaller areas, each with two flats and limited loss of parking, instead of the larger area at Haweswater Road with a loss of twenty six potential spaces. The garages at Haweswater Road are in poor condition, I personally have rented one for six years now, and I would still prefer my car in a garage than on the street. This could discourage people from renting them. If they were improved there is likely to be full uptake of the all the garages.

I have lived adjacent to the car park for Fourteen years and have enjoyed the easy and safe access that the garages and hard standing provide, I couldn't imagine carrying my Granddaughter or a week's worth of shopping from Alma Road, some 70m away from my door, in the pouring rain or snow and ice.

The largest grievance I have is that six parking spaces have been allocated to people who don't even exist yet, whilst long standing residents have just literally had the ground ripped from under their feet. Not to mention the £10K-£15K loss on the value of each of our properties.

I understand that extra housing needs to be built in Cheltenham but there must be somewhere more suitable than the Haweswater site.

I have looked at the plans and before a decision is reached I personally think more consultation is required with the residents most affected by this proposal, if the existing plans go ahead, I will be leaving my back garden only to be confronted with a 7ft fence, not something I am looking forward to after renting a garage and using the parking over the last fourteen years.

5 Haweswater Road  
Cheltenham  
Gloucestershire  
GL51 3NF

**Comments:** 9th October 2014

We object very strongly to the proposed development as there has been no proper consideration of the effects of the loss of 13 parking spaces. The figures given in the Garage and Parking Strategy are incorrect and therefore misleading.

In Section 10 of the Application Form it states that there are currently 13 car parking spaces, which will be replaced by 6 parking spaces, making a net loss of 7 parking spaces. This is inaccurate. There are currently 13 parking spaces and 13 garages - a total of 26 spaces. The new spaces would not be available to the residents currently parking on the site, so the total loss of parking spaces is 26.

The 13 parking spaces have been used by residents since the properties were built in the late 60s. There are now more cars around so the spaces are more in demand. The Garage and Parking Strategy states that there is little daytime parking in the Haweswater Road parking spaces. If Quattro Design Architects had visited the site (or any of the other sites listed) in the evening or at the weekend they would find that most or all of the spaces are being used.



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There are 9 garages currently in use in Haweswater Road. The only viable alternative to these garages, being near to the residents houses, are the ones in Buttermere Close. These have low availability, so it is likely that most of the 9 garage occupiers would park on the road, making a total increase in on-road parking in Haweswater Road and Alma Road of 22 vehicles. This will clearly have a serious impact on access and traffic flow in both roads, particularly for larger vehicles such as Refuse and emergency vehicles, and buses on Alma Road. It will also make the roads much more dangerous for the many children who cross the roads on their way to school.

We also question why there has been no Highways Consultation in view of the potential impact on traffic flow in Haweswater Road and Alma Road with the loss of 13 parking spaces.

The figures in the Garage and Parking Strategy are incorrect and misleading as they do not include the number of parking spaces, only the garages. The number of parking spaces is not clear in the document but is at least 62.

The correct figures are as follows:

Total number of garages and parking spaces  $129 + 62 = 191$

Total loss of garages and parking spaces  $19 + 28 = 47$

Net available garages and parking spaces  $191 - 47 = 144$

Current demand for garages and parking  $84 + 62 = 146$

This shows that the 3 proposed developments would result in an overall shortfall of 2 in required parking.

We believe consideration should be given to other sites which would be more suitable for development, which would have less impact on the amount of available parking and would not impact so heavily on traffic flow and danger to pedestrians. The site in Grasmere Road (note correct spelling) would result in a loss of 14 spaces not 26. Ennerdale Road 'B' would result in a loss of 6 spaces.

The Council could consider developing 2 smaller areas, each with 2 flats and limited loss of parking, instead of the larger area at Haweswater Road with a loss of 26 potential spaces. The garages at Haweswater Road are in very poor condition, which discourages people (including ourselves) from renting them. If they were improved there is likely to be full uptake of the garages.

### **Comments:** 7th December 2014

We note the revised Design and Access Statement and Proposed Plans relating to this application, and repeat our objection to the scheme.

The Design and Access Statement contains a number of inaccuracies and errors and still does not address where current residents would be able to park instead of the current hardstanding, turning space and garages.

In the introduction it states that the site is 'underutilised in the current form'. This is not true. At evenings and weekends all 13 parking spaces (and another 5 in the turning space) are used. Until recently 10 or 11 of the 13 garages were being used. The garages would be more popular if they were in an acceptable and secure condition.

At 1.2 one of the Principle (should be Principal) Objectives is to 'Maximise the potential for the site'. The plans clearly fail in this objective. Losing 24 parking spaces (see below) for just 4 units is disproportionate. Other sites would better meet this objective.

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At 2.3 the layout now includes the turning area, where 5 vehicles currently park on a regular basis. The total number of garages and parking spaces in this increased area is  $13 + 13 + 5 = 31$ . The current use of the turning space as parking is not acknowledged in the Design and Access Statement. At 4.3 it states that the 'existing turning head area can then be marked into formal parking bays to allow unallocated parking spaces for displacement parking for use by the existing residents.' This is not correct. It will allow 4 spaces where there are currently 5, so will reduce the parking spaces available by 1.

The statement that 'The windows of the flats have been carefully considered' is incorrect. Moving flats 3 and 4 next to our property at 5 Haweswater Road creates a blind alleyway which is not overlooked. This is contrary to policy to 'design out crime'. In view of the recent robberies and burglaries in the area, where alleyways are used as discreet exit routes for the criminals, this is clearly unacceptable.

We repeat the points made in our previous objection with some additions:

The figures are now that there are currently 31 potential parking places (including garages). The new plans provide 7 parking places for existing residents, making an overall loss of 24. There is no suggestion of where displaced residents would be able to park instead.

These properties could be built on one or two of the alternative sites, where there would be a much lower loss of parking spaces. A good example is the Grasmere Road site (note again the correct spelling).

The garages on the Haweswater Road site could be demolished and turned into unallocated parking spaces, meaning that there would be 26 much needed parking spaces for residents in Haweswater Road, Buttermere Close and Alma Road. This would reduce on road parking and related traffic congestion on the roads, particularly Alma Road, where there are frequently issues with buses being unable to get through and traffic backing up to the Caernarvon Road roundabout.

We still question why there has been no Highways Consultation in view of the potential impact on traffic flow in Haweswater Road and Alma Road.

### **Comments:** 10th February 2015

I note the revised plans and question why residents of Haweswater road have not been made aware of them. We have previously received a letter notifying us of the revisions to the plans and confirming the date by which we are to raise any objections. We have received no such letter in relation to these latest revisions and came across them by chance.

I repeat my previous concerns below.

The figures are now that there are currently 31 potential parking places (including garages). The new plans provide 7 parking places for existing residents, making an overall loss of 24. There is no suggestion of where displaced residents would be able to park instead.

This matter has still not been addressed and we still question why there has been no Highways Consultation in view of the potential impact on traffic flow in Haweswater Road and Alma Road.

The statement that 'The windows of the flats have been carefully considered' is incorrect. Moving flats 3 and 4 next to our property at 5 Haweswater Road creates a blind alleyway which is not overlooked. This is contrary to policy to 'design out crime'. In view of the recent robberies and burglaries in the area, where alleyways are used as discreet exit routes for the criminals, this is clearly unacceptable.

Are the Gloucestershire constabulary to be consulted on this matter?

6 Haweswater Road  
Cheltenham  
Gloucestershire  
GL51 3NF

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

14 Haweswater Road  
Cheltenham  
Gloucestershire  
GL51 3NF

**Comments:** 26th September 2014

I am concerned about the proposals mainly on the basis of parking issues that I feel will arise from building the 2 sets of flats. Whilst these flats will have their own designated parking spaces, these may not be sufficient for the residents. Most families now have more than one car, therefore will 4 allocated parking spaces be sufficient for the new residents? At the same time, current residents in the houses in Haweswater Road and adjoining houses mainly park on the road and the spaces opposite the existing garages. Most people naturally prefer to park their cars close to their houses. It is likely that taking away an area that holds an estimated 13 cars/vans each evening will cause major disruption to the area. It is unlikely that those owners will want to park in a garage, particularly if (as likely) there will be a charge for doing so. I am fortunate as I have been granted off road parking on my own driveway. What are the proposals for the other residents of Haweswater Road (and adjoining roads) who are less fortunate? Whilst the area does not have a parking issue in the day, it certainly will at night. What about the poor road surface in Haweswater Road, which has been neglected for many years?

**Comments:** 9th December 2014

I have seen the up-dated proposals and clearly the Planners have no thought for the residents in the area. There is a strong feeling amongst residents, not only of Haweswater Road, but also the surrounding area, all of whom would be directly affected by any building.

If it is of interest (and it should be), I took a photograph of typical parking on the hardstanding area and turning of Haweswater Road on Sunday 23rd November at 12.39pm. There were a total of 15 cars and vans. Clearly this does not include what vehicles were also being stored in the garages and the other vehicles parked along the road outside the houses. As residents have stated, cars are also being parked in the extremely busy Alma Road (there is a motor repair shop opposite the entrance to Haweswater Road and of course the local shop, both of which draw in a large amount of business). Alma Road is already becoming very congested, with cars parking on the road and pavement.

I have noticed one person taking photographs of the hardstanding area on a weekday when there is hardly anyone parked. As I type this objection (12.10pm Tuesday 9 December) there are a total of 5 cars on the road (not counting residents who are lucky to be able to park on their own grounds). However, come the evening it is likely that the hardstanding and turning areas will be full. Weekends likewise.

These proposals are the first interest taken in Haweswater Road for years. The road surface has been ignored, along with maintenance of the garages. It is a disgrace!

As stated by another resident, your Planners should turn their attention to either demolishing the garages and building ones fit for purpose, or instead demolish them and provide additional parking; then turning their attention to building flats in a more suitable location.

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If you do not hear from residents then it is likely that they don't at this stage realise the impact of congestion and road safety. They soon would if your proposals are passed. The plans are wholly unacceptable.

57 Alma Road  
Cheltenham  
Gloucestershire  
GL51 3ND

**Comments:** 14th October 2014

With regards to the proposals for the flats to be built in Haweswater car park, which is actually going to be next to my house.

I feel I need to write on behalf of the people living in this area as regards the parking situation. As you are probably aware that a lot of people park in this car park at night and weekends.[ when not at work etc]

There are already problems in the Buttermere road with people trying to find a space to park their car, as these people live in Buttermere, Thirlemere and Haweswater.

So the people living in Alma road [houses off Alma road] and also some people in Haweswater and Buttermere will have nowhere to park, including visitors.

I am to believe that the Wallace house car park has only 4 residence who have vehicles, but no one is allowed to park there as they will be clamped.

Another issue is that some of the people in the area including visitors have parked on the Alma road and the buses pass regularly, which sometimes cause obstruction with the traffic, it has also been known in the pass that these vehicles have been knocked [wing mirrors etc] Not a good place to park.

I am to understand that there are 40 empty garages available, but I am sure people will not want to pay for garages or even so walk far for a garage, then this

**Comments:** 17th October 2014

I write further to my mother's recent e-mail, at her request, in order to add some policy relevance to her objection and indeed to those of her neighbours.

You will guess that matter in question is one of displaced parking, which is of great concern to many residents.

Firstly with regard to process, my first concern is that not everyone affected by the application has been consulted. This is because of the significant difference between the number of people adversely affected by the proposal and the low number that have registered objections. The web page does not give any list of consultees, so I am left wondering whether many have been missed out or whether widespread apathy has set in. The latter is of course a possibility however given that the former would represent poor process and is also a possibility, some transparency would be beneficial.

With regard to policy, I have identified several policies that the proposal appears to breach, and can highlight these as follows:-

Clause 3.16 of the SPD on infill sites states that proposals must take into account the amenities of existing residents. The current proposal does not comply with this.

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Clause 3.17 of the SPD also states that Clause 3.16 is even more important where intensification is proposed, which of course it is, adding further gravity to the non-compliance above.

Policy TP1 states that proposals should be refused if they generate an increase in on-street parking. Approval of the current scheme would therefore be contrary to this policy.

Paragraph 14.49 of TP1 states that parking is crucial. The overlooking of parking is therefore non-compliant with this policy.

Table 16 of TP1 lists the off-street parking allocation for out-of-town areas as 1.5 spaces per dwelling. This requirement is not met by displacing existing parking onto the street.

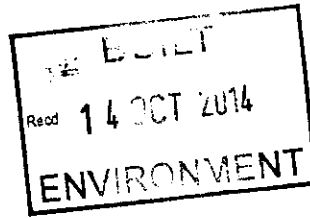
Table 16 of TP1 also says that parking spaces should be easily surveilled, which will not be possible for residents if they have to park further away from their homes.

I also note that the street onto which most parking will be displaced, Alma Road, is indicated on Plan 10 of TP1 as a 'Local Distributor' road, vouching for its busy nature. The road already experiences a bottle-neck outside the shop & garage, where existing residents' overspill parking and a high turnover of shop customers conspire to cause occasional problems, especially given the frequent use by buses. I strongly suspect that these occasional problems will become a much more frequent and serious if the proposal is allowed to go ahead, but did not see any comment from highways officers.

Finally on the topic of parking, I agree with the other consultees over a particular aspect of the proposal which appears conspicuous. It does indeed seem bizarre that the newly proposed dwellings benefit from dedicated property-specific parking spaces, whilst existing residents are having their parking taken away. I am aware that none of them actually own the spaces, but given the established use over many years the sudden withdrawal raises a legal question. Whether or not this particular matter is a material consideration for a planning officer is questionable at first, but might be relevant in terms of the site ownership declaration which I am guessing declares full and unhindered ownership.

In conclusion, I have offered six elements of policy which the proposal breaches, plus two matters of process which require address, so I do hope that some attention is paid.

One last point of housekeeping concerns the red outlines on the application drawings. The location plan shows the Eastern application site boundary sitting along a different line to that indicated on the site plan, which has caused some confusion. Not a reason for refusal by any means, but perhaps this could be rectified for clarity.



6 Haweswater Road  
Hatherley  
Cheltenham  
GL51 3NF

12th October 2014

Reference: 14/01700/FUL

Dear Sirs,

We strongly object to the proposed development of Erection of 4no flats / Garages at Haweswater Road.

No proper consideration has been given to the effects of the loss of 13 parking spaces. The Garage and Parking Strategy document shows figures which are incorrect and therefore misleading.

Section 10 of the Application Form states that there are currently 13 car parking spaces, which will be replaced by 6 parking spaces, making a loss of 7 parking spaces. This is inaccurate. There are currently 13 parking spaces and 13 garages – a total of 26 spaces. The new spaces would not be available to the residents currently parking on the site, so the total loss of parking spaces is 26.

The 13 parking spaces have been used by residents since the properties were built in the late 60s. There are now more cars around so the spaces are more in demand. The Garage and Parking Strategy states that there is little daytime parking in the Haweswater Road parking spaces. If Quattro Design Architects had visited the site (or any of the other sites listed) in the evening or at the weekend they would find that most or all of the spaces are being used.

There are 9 garages currently in use in Haweswater Road. The only viable alternative to these garages, being near to the residents houses, are the ones in Buttermere Close. These have low availability, so it is likely that most of the 9 garage occupiers would park on the road, making a total increase in on-road parking in Haweswater Road and Alma Road of 22 vehicles. This will clearly have a serious impact on access and traffic flow in both roads, particularly for larger vehicles such as Refuse and emergency vehicles, and buses on Alma Road. It will also make the roads much more dangerous for the many children who cross the roads on their way to school.

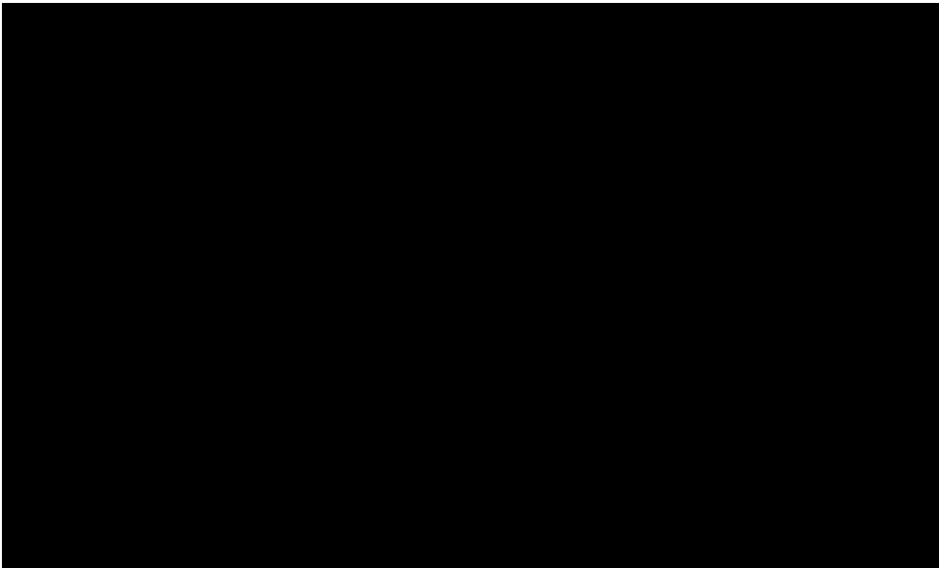
We question why there has been no Highways Consultation in view of the potential impact on traffic flow in Haweswater Road and Alma Road with the loss of 13 parking spaces.

The figures in the Garage and Parking Strategy are incorrect and misleading as they do not include the number of parking spaces, only the garages. The number of parking spaces is not clear in the document but is at least 62.

We believe consideration should be given to other sites which would be more suitable for development, which would have less impact on the amount of available parking and would not impact so heavily on traffic flow and danger to pedestrians. The site in Grasmere Road (note correct spelling) would result in a loss of 14 spaces not 26. Ennerdale Road 'B' would result in a loss of 6 spaces.

The Council could consider developing 2 smaller areas, each with 2 flats and limited loss of parking, instead of the larger area at Haweswater Road with a loss of 26 potential spaces. The garages at Haweswater Road are in very poor condition, which discourages people (including ourselves) from renting them. If they were improved there is likely to be full uptake of the garages.

Yours faithfully



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<b>APPLICATION NO:</b> 14/01700/FUL		<b>OFFICER:</b> Mr Martin Chandler	
<b>DATE REGISTERED:</b> 23rd September 2014		<b>DATE OF EXPIRY:</b> 18th November 2014	
<b>WARD:</b> Up Hatherley		<b>PARISH:</b> Up Hatherley	
<b>APPLICANT:</b>	Mr Gordon Malcolm		
<b>AGENT:</b>	Mrs Samantha Harrison		
<b>LOCATION:</b>	Garages At Haweswater, Road Cheltenham		
<b>PROPOSAL:</b>	Erection of 4no flats with associated hard and soft landscaping		

## Update to Officer Report

### 1. CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.  
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The development hereby permitted shall be carried out in accordance with drawing numbers 4062/P/10 Rev C, 4062/P/20 Rev A, 4062/P/21 Rev A, 4062/P/70 Rev B and 4062/P/71 Rev A received on 3 February 2015.  
Reason: To ensure the development is carried out in strict accordance with the approved drawings.
- 3 Prior to the commencement of development, samples of the proposed facing materials and roofing materials shall be submitted to and approved in writing by the Local Planning Authority, and the materials used in the development shall be in accordance with the samples so approved.  
Reason: To ensure a satisfactory form of development in accordance with Local Plan Policy CP7 relating to design.
- 4 No development shall take place until a site investigation of the nature and extent of contamination has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development begins. If any significant contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures before development begins.

If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.

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.

INFORMATIVES :-

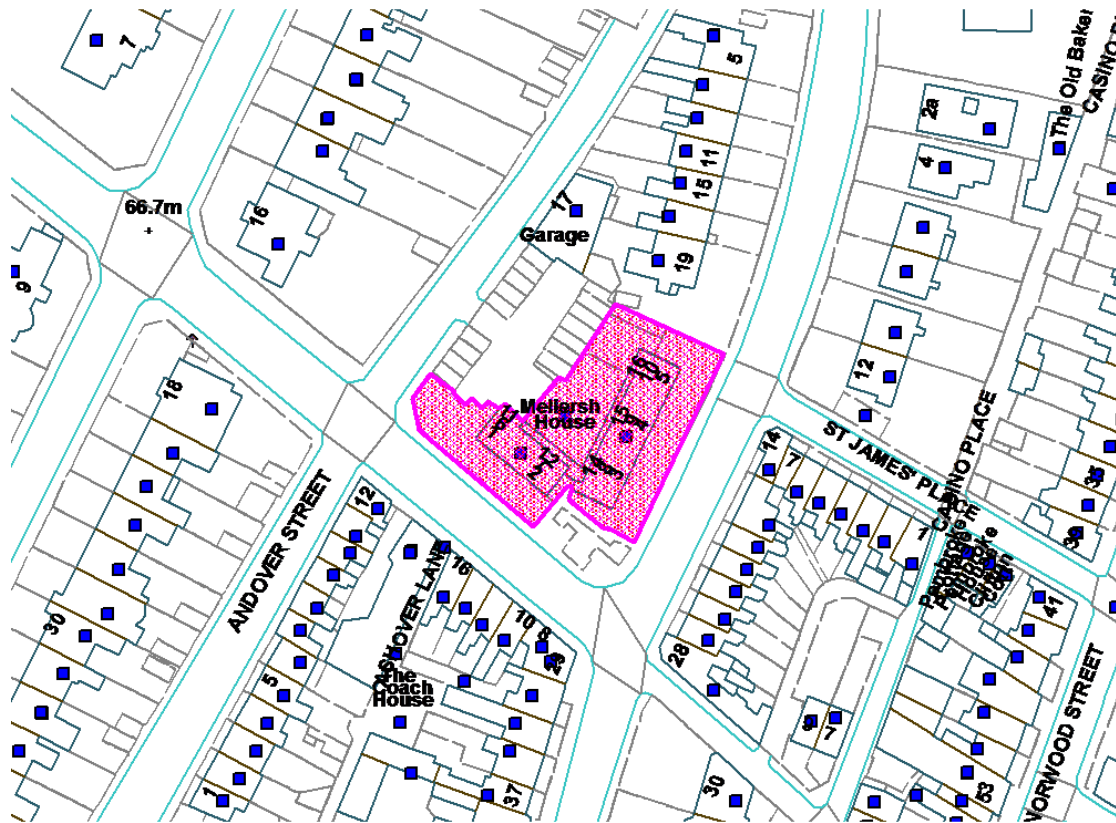
- 1 In accordance with the requirements of The Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 and the provisions of the NPPF, the Local Planning Authority adopts a positive and proactive approach to dealing with planning applications and where possible,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

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

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

<b>APPLICATION NO:</b> 14/01810/FUL	<b>OFFICER:</b> Mr Craig Hemphill
<b>DATE REGISTERED:</b> 13th October 2014	<b>DATE OF EXPIRY:</b> 8th December 2014
<b>WARD:</b> Park	<b>PARISH:</b>
<b>APPLICANT:</b>	Cheltenham Borough Council
<b>AGENT:</b>	Cheltenham Borough Homes
<b>LOCATION:</b>	Mellersh House, Painswick Road, Cheltenham
<b>PROPOSAL:</b>	New bin store area located by the communal front entrance in Andover Road and drop kerb on Andover Road

**RECOMMENDATION:** Permit



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## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 Mellersh House consists of two linked three storey blocks of flats on the corner of Painswick Road and Andover Road. The blocks are set back from the road behind concrete planters and green verges.
- 1.2 The application proposes new enclosed bin storage units to the front of the block facing Andover Road, adjacent to the pedestrian entrance to the buildings. The storage unit will measure 7m by 1.55m with a curved roof ranging from 1.4m to 1.8m high and will be finished in timber cladding. The units are designed to be secure, holding two commercial sized bins for general waste and 4 standard size bins for recycling. The bin stores will be locked with refuse collectors having keys to remove the bins for waste collection. There is an opening at the top of the bin store to allow the residents to drop general waste and recycling into the relevant bins. An existing low wall will be demolished to allow the store to be installed.
- 1.3 Currently there is no allocated bin storage area serving the block of flats. There is an internal bin chute for the upper floors of the flats, however due to fire risk the use of this chute and the collection point will have to stop. There are currently additional bins and bin bags being placed around the entrance of the flats for collection.
- 1.4 The application also proposes to drop a section of the kerb to allow refuse collection vehicles access to the bin store.
- 1.5 The application is before committee as the Local Authority owns the site.

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

### Constraints:

Conservation Area

### Relevant Planning History:

04/00649/FUL 5th August 2011 DISPOS

1 x sky receiver dish to outside wall

## 3. POLICIES AND GUIDANCE

### Adopted Local Plan Policies

CP 4 Safe and sustainable living

CP 7 Design

BE 1 Open space in conservation areas

### Supplementary Planning Guidance/Documents

Central conservation area: The Park Character Area and Management Plan (July 2008)

### National Guidance

National Planning Policy Framework

## 4. CONSULTATIONS

### Heritage and Conservation

1. The key issue is the impact of the proposal on the conservation area, in principle the provision of a bin storage area is acceptable.

2. The corner intersection between the two blocks is the current location for large communal wheeled waste and recycling bins: this is an informal arrangement and subject to overspill and a bit of an eyesore.
3. The proposed siting for the bin store is very prominent but close proximity to the two buildings is the most appropriate location on the site allowing easy access and usage for residents and to the street for disposal.
4. The removal of single refuse bins from the front of the building will benefit the wider conservation area.
5. A low brick wall will be removed to accommodate the bin store area: although part of the original scheme the wall in itself is of no merit.
6. The storage units will be secured within the areas and this will prevent them from shifting around the site which is welcomed.
7. The design of the bin stores has been carefully considered and the timber cladding will hopefully prove to be a durable material that will weather well.

SUMMARY: the provision of a purpose built bin store will enhance the conservation area despite its prominent location on the site. The design and materials are appropriate for the function and location and this application is recommended for approval.

## 5. PUBLICITY AND REPRESENTATIONS

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

- 5.1 Letters have been sent to neighbouring properties along with a site notice being displayed at the site and an advert placed in the Echo in accordance with normal Conservation Area practice.
- 5.2 No comments have been received.

## 6. OFFICER COMMENTS

### 6.1 Determining Issues

- 6.2 The main considerations for the application are the design and appearance of the proposed bin store and its impact on the character and appearance of the Conservation Area and impact on amenity generally.

### 6.3 Design and Layout

- 6.4 The existing ad-hoc bin arrangement which operates at the site results in bins and bin bags being left around the forecourt at the entrance to the flats on a prominent corner location in the Conservation Area. This arrangement can be unsightly and have a harmful impact on the visual amenity of the area.

- 6.5** The proposed bin store will be clearly visible, but it will provide a formal solution for the storage of bins at the site. This will help to improve the appearance and visual amenity of this part of Conservation Area.
- 6.6** In considering the application the Conservation Officer has concluded that *'the provision of a purpose built bin store will enhance the conservation area despite its prominent location on the site. The design and materials are appropriate for the function and location'*.
- 6.7 Impact on neighbouring amenity**
- 6.8** Although the bin store will be visible it is not considered that it will result in any additional impact on neighbouring amenity that already exists, indeed the tidying up of the area should outweigh any possible visual impact issues.
- 6.9 Other Matters**
- 6.10** The application includes the dropping of a section of the kerb to allow refuse vehicles access to the bin store. It is not considered that this would result in any additional impact to highways safety.

## **7. CONCLUSION AND RECOMMENDATION**

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

## **8. CONDITIONS / INFORMATIVES**

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.  
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The development hereby permitted shall be carried out in accordance with drawing numbers 1810.02 PBM33 A and PBL4-360-D received 3rd October 2014.  
Reason: To ensure the development is carried out in strict accordance with the approved drawings.

## **INFORMATIVES**

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

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

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

- 2 The applicant is reminded of the need to also obtain approval for the vehicle crossing from Amey Gloucestershire before any works commence; you can contact them on 08000 514 514 or alternatively email: [GCCHighways@Amey.co.uk](mailto:GCCHighways@Amey.co.uk).

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<b>APPLICATION NO: 14/01810/FUL</b>		<b>OFFICER: Mr Craig Hemphill</b>	
<b>DATE REGISTERED: 13th October 2014</b>		<b>DATE OF EXPIRY: 8th December 2014</b>	
<b>WARD: Park</b>		<b>PARISH:</b>	
<b>APPLICANT:</b>	Cheltenham Borough Council		
<b>AGENT:</b>	Mr Stephen Rosagro		
<b>LOCATION:</b>	Mellersh House, Painswick Road, Cheltenham		
<b>PROPOSAL:</b>	New bin store area located by the communal front entrance in Andover Road and drop kerb on Andover Road		

## Update to Officer Report

### 1. OFFICER COMMENTS

- 1.1. Mellersh House is made up of a total of 15 residential flats.
- 1.2. Ubico have upper limits for individual residential bin provision within the Borough. Prior to submitting the application, Cheltenham Borough Homes consulted with Ubico to establish the bin provision that a site of this size would require. The bin provision proposed, two large 1100 bins for general waste with 4 180lts recycling bins, complies with the Ubico advice. All residents throughout Cheltenham have to comply with these upper limits unless very special circumstances can be provided. The existing bin provision at the site therefore exceeds normal standards.
- 1.3. To confirm all of the bins present at the site are to be removed and replaced as per above.
- 1.4. On Planning View, Members observed a large number of bins present, some of which had been overfilled, with a number of refuse bags also being located on the ground. It was also apparent on Planning View that the bins had been filled by both non-recycling and recycling material. Although this cross contamination is taking place it has been confirmed that the bins are always emptied, with stickers placed on the bins bringing this to the attention of the residents.
- 1.5. It is understood that the bin collection day for this site is on a Wednesday and therefore a visit on a Tuesday afternoon will reveal bin capacity to be at the higher level.
- 1.6. Cheltenham Borough Homes accept that there is an over provision of bins at the site, and the subsequent approach taken by the residents on waste needs to be addressed. CBC has confirmed they will be engaging with the residents to improve knowledge and practice on waste.

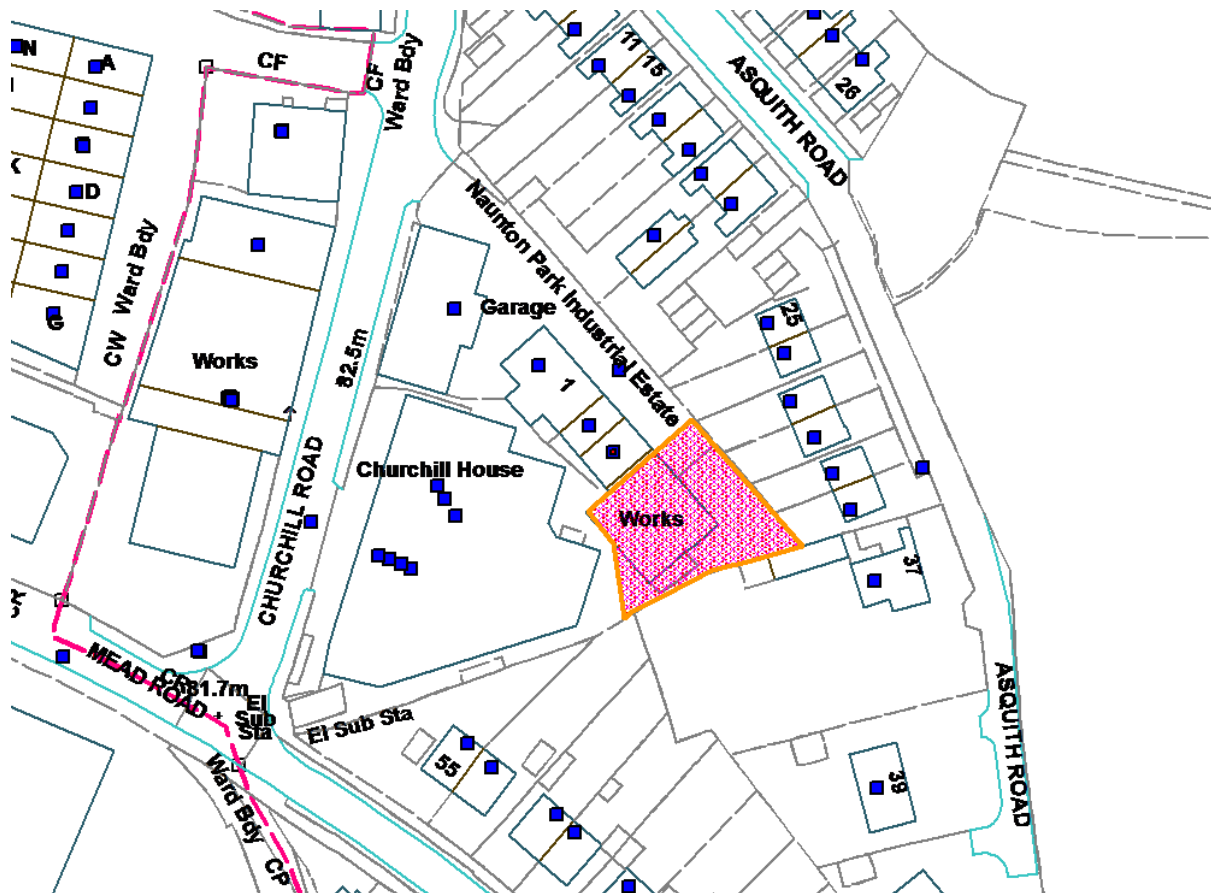
#### ADDITIONAL INFORMATIVE:

- 2 It is evident that a large amount of recyclable material is being disposed of in the standard refuse bins. Cheltenham Borough Homes is encouraged to engage with the residents of Mellersh House to inform residents and encourage recycling.

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<b>APPLICATION NO:</b> 14/02003/FUL	<b>OFFICER:</b> Miss Michelle Payne
<b>DATE REGISTERED:</b> 7th November 2014	<b>DATE OF EXPIRY:</b> 2nd January 2015
<b>WARD:</b> College	<b>PARISH:</b> None
<b>APPLICANT:</b>	Bushurst Properties
<b>AGENT:</b>	Clive Petch Architects
<b>LOCATION:</b>	Unit 3 Naunton Park Industrial Estate, Churchill Road
<b>PROPOSAL:</b>	Construction of 2no. B1 light industrial units following demolition of existing light industrial building (revised proposal following withdrawal of planning application ref. 14/00566/FUL)

**RECOMMENDATION:** Permit



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## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 This is a full application for the erection of 2no. B1 light industrial units at Unit 3 Naunton Park Industrial Park on Churchill Road to replace a former light industrial building which has recently been demolished; it is a revised application following the withdrawal of planning application ref. 14/00566/FUL in November 2014.
- 1.2 Naunton Park Industrial Estate is located on the eastern side of Churchill Road and is bounded by a number of residential properties; however the surrounding area has long since been in an established mix of residential and industrial uses. Indeed, the site was used for industrial purposes long before the construction of nos. 25 to 35 (odd) Asquith Road in the late 60's / early 70's.
- 1.3 As originally submitted, this application proposed the erection of 3no. B1 light industrial units within a large building, approximately 20.5m wide by 12.5 deep, with an eaves height of 5.2m and a ridge height of 6.9m.
- 1.4 The scheme has subsequently been reduced in scale during the course of the application and now proposes 2no. units within a building, 19.5m wide by 11.8 metres deep, with an eaves height of 4.3m and a ridge height of 5.8m.
- 1.5 The building which formerly occupied the site measured 16.8m wide by 14.3 metres deep, and had an eaves height of 2.3m and a ridge height of 4.8m.
- 1.6 The application is before planning committee at the request of Cllr Barnes due to the level of concern from local residents; Members will visit the site on planning view.

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

### **Constraints:**

250 Metre Land Fill Boundary  
Residents Association

### **Relevant Planning History:**

<b>14/00566/FUL</b>	<b>WITHDRAWN</b>	<b>4th November 2014</b>
Construction of 3no. B1 light industrial units following demolition of existing light industrial building		

<b>14/01291/DEMCON</b>	<b>NO PRIOR APPROVAL NEEDED</b>	<b>26th August 2014</b>
Application for prior notification of proposed demolition of single storey light industrial/workshop building		

## 3. POLICIES AND GUIDANCE

### Adopted Local Plan Policies

CP 1 Sustainable development  
CP 3 Sustainable environment  
CP 4 Safe and sustainable living  
CP 7 Design  
GE 5 Protection and replacement of trees  
GE 6 Trees and development  
NE 4 Contaminated land  
EM 1 Employment uses  
EM 2 Safeguarding of employment land

TP 1 Development and highway safety

National Guidance

National Planning Policy Framework

#### 4. CONSULTATION RESPONSES

**Contaminated Land Officer**

*13th November 2014*

Please can you add the small development contaminated land planning condition to this application please; text as follows:

No development shall take place until a site investigation of the nature and extent of contamination has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development begins. If any significant contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures before development begins.

If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.

**Gloucestershire Centre for Environmental Records**

*25th November 2014*

Report available to view on line.

**Environmental Health**

*1st December 2014*

In relation to application 14/02003/FUL for Unit 3, Naunton Park Industrial Estate, Churchill Road, Cheltenham, Gloucestershire GL53 7EG please can I add the following conditions and advisory comment:

Condition:

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 have compiled 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.

Reason: To protect local residents.

Condition:

The premises planned for this site may only accept deliveries to the sites and be operational from 08:00 - 18:00 from Monday - Friday and 08:00 - 13:00 on a Saturday with no working or deliveries on a Sunday or Bank Holiday.

Reason: To protect the amenity of the residents in nearby residential properties.

Condition:

Should any of the final occupants for the units require an extraction system and a flue as part of their business, a scheme for the control of noise (and odour if necessary) for the system shall be submitted to the environmental health department of the Local Planning Authority and approved in writing before the commencement of the development. The approved scheme shall be implemented on site prior to the extraction system being brought into use and shall thereafter be maintained and operated in accordance with the approved scheme.

Reason: To prevent neighbouring properties from loss of amenity through noise or odour.

Advisory note:

Once the owner of the units has the tenants in mind with further detail on the type of industry (e.g. type of machinery to be used), we would ask that they advise this authority so that this team may review the times of operation and delivery to ensure they are still appropriate for the use.

### **GCC Highways Planning Liaison**

*3rd December 2014*

I refer to the above application for construction of 3no. B1 industrial units following demolition of existing light industrial unit (revised proposal following withdrawal of planning application ref. 14/00566/FUL) together with the application and Drawing No. 03 (Proposed Site Plan & Block Plan).

The site is located off Churchill Road in Cheltenham which is a Class 4 road and subject to a 30mph speed restriction. The access to the site is a shared access that is used for the former Unit 3 and other industrial units located on the site. There are no reported road traffic collisions in the locality of the existing access.

I have considered the size of the proposed units and note the development proposes an increase in vehicle parking spaces from 4 to 6 which supports a commitment to sustainable travel. Having consulted with the county's parking team I am advised that no significant on-street parking issues are reported in the surrounding area and therefore it is considered that the increase in vehicle trips from one unit to three will not have a significant impact on the local highway network.

Having considered the application and supporting documents submitted, I recommend that no highway objection be raised subject to the following condition(s) being attached to any permission granted:

#### Parking

None of the industrial units hereby permitted shall be occupied until the car parking associated with the industrial units has been provided in accordance with the submitted Drawing No. 03 (Proposed Site Plan & Block Plan) 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.

## **Tree Officer**

27th January 2015

The Tree Section has no objections to this application providing all work is as per the Arboricultural Method Statement TKC Ref: 33.12, as submitted.

Prior to the determination of this application please could a method statement of the construction of the foundations within the root protection area of the tree to be retained, shall be submitted to and approved in writing by the Local Planning Authority.

If the permission is to be granted please use condition:

No roots over 25mm to be severed

Any works taking place within the root protection area of trees or adjacent to the site, shall be carried out by hand and no roots over 25mm to be severed without the advice of a qualified arboriculturalist or without written permission from the Local Planning Authority's Tree Officer.

Reason: To safeguard the retained/protected tree(s) in accordance with Local Plan Policies GE5 and GE6 relating to the retention, protection and replacement of trees.

## **5. PUBLICITY AND REPRESENTATIONS**

5.1 On receipt of the application, letters of notification were sent out to 19 neighbouring properties, and in response to the publicity, 12 objections were received. Following the submission of the revised proposals, a further 24 letters of notification were sent out and in response, 11 additional objections have been received.

5.2 All of the comments have been circulated to Members in full but, in brief, the main objections relate to:

- Noise and disturbance / hours of operation
- Height and scale of the building / design
- Impact on light and privacy
- Increase in traffic / parking concerns
- Works to a tree adjacent to the site
- Future users unknown

## **6. OFFICER COMMENTS**

### 6.1 Determining Issues

6.1.1 The main considerations when determining this application relate to the principle of development, design, impact on neighbouring amenity, and parking and highway safety.

### 6.2 Principle of development

6.2.1 Local plan policy EM1 (employment uses) states that the development of land for employment use will be permitted where the land involved is already in employment use.

6.2.2 In addition, the preamble to the policy advises that "opportunities may exist for additional B1 (business) uses, which by definition can co-exist with residential and other uses".

6.2.3 Officers are therefore satisfied that, in principle, the proposal can be supported.

## 6.3 Design and layout

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

6.3.2 In its revised form, the proposed building would adopt a very similar footprint to that of the former structure but would be set a further 1.5 metres from the boundary with nos. 25 to 35 (odd) Asquith Road. Additionally, whilst the ridge of the building would be 1m higher than the ridge of the former building it would be some 1.5 metres further away from these properties.

6.3.3 As can reasonably be expected, the building is utilitarian in appearance however the amended scheme has incorporated revisions to the external elevations and now proposes a combination of grey horizontal profiled cladding and facing brickwork to the elevations, together with grey profiled metal roofing, grey powder coated aluminium windows and doors, and industrial 'slideover' doors. Such facing materials are common to a number of existing industrial buildings in the vicinity and, as such, the appearance of the building is considered to be entirely appropriate in this location and would not be at odds with its surroundings.

6.3.4 The proposal would therefore accord with the requirements of policy CP7.

## 6.4 Impact on neighbouring amenity

6.4.1 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.

6.4.2 Whilst, as previously mentioned, the ridge of the building would be 1m higher than the ridge of the former building, it would be some 1.5 metres further away from the properties in Asquith Road which look directly on to the site; a distance of 10 metres overall. As a result, whilst the proposed building would undoubtedly have a greater impact on these properties it is not considered that any such impact would be so significant as to warrant a refusal of planning permission.

6.4.3 Furthermore, whilst the building would extend 2.5 metres closer to the side boundary with no. 37 Asquith Road, this property benefits from a good sized plot and the part of the site immediately adjacent to the application site is used as hard standing for vehicular turning.

6.4.4 Matters relating to overlooking and privacy have also been raised by local residents however in its revised form, the only openings above ground level would be roof lights and therefore existing levels of privacy would not be compromised.

6.4.5 In terms of use, it is important to remember that the established use of the site, and that now applied for, falls within a B1 use. The Town and Country Planning (Use Classes) Order 1987 sets out that in order to fall within a B1 Class, any such use must be capable of being "carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit". As such, undue noise and disturbance to nearby residential properties should not occur as a result of an increase in B1 floor space, and it is not considered necessary to know who the end users will be, or attach the informative suggested by Environmental Health.

6.4.6 Notwithstanding the above, the applicant has not applied for any specific hours of use and officers therefore consider it entirely appropriate to condition the hours of operation in line with the hours suggested by the Senior Environmental Health Officer, i.e. 08:00 - 18:00 Monday – Friday, and 08:00 - 13:00 on Saturdays, with no working or deliveries on Sundays or Bank Holidays.



6.4.7 The proposal is therefore in accordance with the aims and objectives of policy CP4.

### 6.5 Parking and highway safety

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

6.5.2 Six car parking spaces are proposed within the site. Whilst the Highways Officer has not commented on the revised scheme, given that no Highway objection was raised in response to 3no. units, it can be reasonably assumed that no objection would be raised in respect of the 2no. units now proposed.

6.5.3 As recommended by the Highways Officer, a condition is suggested to ensure that the parking spaces identified on the proposed site plan are marked out prior to the first occupation of the building and to ensure that the car parking spaces are kept available for such use in order to ensure that car parking continues to be available within the curtilage of the site.

6.5.4 The replacement of an existing B1 use in an established industrial estate should not result in an intensification of vehicles using the local highway network, and the proposal therefore accords with policy TP1.

### 6.6 Other matters

6.6.1 The concerns raised in respect of the large Ash tree at the south-western corner of the site have been noted however the Tree Officer has reviewed the application and raises no objection subject to the works to be carried out in accordance with the submitted Arboricultural Method Statement, and no roots over 25mm being severed; these matters can be adequately dealt with by way of conditions.

### 6.7 Recommendation

6.7.1 With all of the above in mind, the officer 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.
- 2 The development hereby permitted shall be carried out in accordance with Drawing Nos. 21410/05 and 21410/06 received by the Local Planning Authority on 5th February 2015.  
Reason: To ensure the development is carried out in accordance with the revised drawings, where they differ from those originally submitted.
- 3 Prior to the commencement of development, a site investigation of the nature and extent of contamination shall be carried out in accordance with a methodology which has previously been submitted to and approved in writing by the Local Planning Authority (LPA). The results of the site investigation shall be submitted to and approved in writing by the LPA before any development begins. If any significant contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the LPA. The site shall be remediated in accordance with the approved measures before development begins.

If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the LPA. The remediation of the site shall incorporate the approved additional measures.

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.

- 4 The development hereby permitted shall be implemented strictly in accordance with the details set out within the submitted Arboricultural Method Statement TKC Ref: 33.12, dated November 2014.

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

- 5 Any works taking place within the root protection area of T1 (Common Ash) as shown on Drawing No. 33.12.01 (Tree Constraints Plan) shall be carried out by hand and no roots over 25mm shall be severed without the prior advice of a qualified arboriculturalist or without the prior written permission of the Local Planning Authority's Tree Officer.

Reason: To safeguard the retained/protected tree(s) in accordance with Local Plan Policies GE5 and GE6 relating to the retention, protection and replacement of trees.

- 6 Prior to the first occupation of the development hereby permitted, the car parking spaces shown on Drawing No. 21410/05 shall be completed and marked out in accordance with the approved plan and shall thereafter be retained and kept available for use as car parking.

Reason: To reduce potential highway impact by ensuring adequate car parking is available within the curtilage of the site in accordance with Local Plan Policy TP1 relating to development and highway safety.

- 7 The B1 industrial units hereby permitted shall only accept deliveries to the site and be operational from 08:00 - 18:00 Monday - Friday and 08:00 - 13:00 on Saturdays with no working or deliveries on Sundays or Bank Holidays.

Reason: To safeguard the amenities of adjoining properties and the locality in accordance with Local Plan Policy CP4 relating to safe and sustainable living.

- 8 Prior to the installation of any extraction systems and/or flues, a scheme for the control of noise (and odour if necessary) for the system shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented on site prior to the extraction system being brought into use and shall thereafter be maintained and operated in accordance with the approved scheme.

Reason: To prevent neighbouring properties from loss of amenity through noise or odour in accordance with Local Plan Policy CP4 relating to safe and sustainable living.

### **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.

## Page 151

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

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

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<b>APPLICATION NO:</b> 14/02003/FUL	<b>OFFICER:</b> Miss Michelle Payne
<b>DATE REGISTERED:</b> 7th November 2014	<b>DATE OF EXPIRY :</b> 2nd January 2015
<b>WARD:</b> College	<b>PARISH:</b> NONE
<b>APPLICANT:</b>	Bushurst Properties
<b>LOCATION:</b>	Unit 3, Naunton Park Industrial Estate, Churchill Road
<b>PROPOSAL:</b>	Construction of 2no. B1 light industrial units following demolition of existing light industrial building (revised proposal following withdrawal of planning application ref. 14/00566/FUL)

### REPRESENTATIONS

Number of contributors	<b>15</b>
Number of objections	<b>15</b>
Number of representations	<b>0</b>
Number of supporting	<b>0</b>

33 Asquith Road  
Cheltenham  
Gloucestershire  
GL53 7EJ

**Comments:** 28th November 2014  
Letter attached.

**Comments:** 23rd February 2015  
Letter attached.

35 Asquith Road  
Cheltenham  
Gloucestershire  
GL53 7EJ

**Comments:** 28th November 2014  
Letter attached.

**Comments:** 23rd February 2015  
Letter attached.

29 Asquith Road  
Cheltenham  
Gloucestershire  
GL53 7EJ

**Comments:** 28th November 2014  
Letter attached.

31 Asquith Road  
Cheltenham  
Gloucestershire  
GL53 7EJ

**Comments:** 28th November 2014

We appreciate that changes have been made to the original plans submitted earlier this year, but we would like to express our ongoing concerns about the proposed development, as local residents and close neighbours to the location.

### Height and Size

- The proposed height represents a significant increase on the height of the previous building, and will result in a commensurate loss of natural light to our back garden, particularly in winter months when the sun is lower in the sky; the proposed building lies directly to the west of our house.
- The planning application indicates that the floorspace will increase from 225 to 240 sq.m suggesting only the ground floor will be in use, the footprint being slightly increased. However, the proposed building is clearly a 2-storey structure, replacing a single-storey one. Second-floor windows are an integral part of the design, and will overlook gardens on Mead Road. We are highly sceptical about how much floorspace will actually be used and the implied increase in activity at the site, exacerbating the issues described in this letter.

### Traffic

- The planning application increases the number of units from 1 to 3, and parking from 4 to 6 spaces in what is already a highly congested space with limited access from the extremely busy Churchill Road.
- The additional parking will be directly behind our garden fence leading to an increase in exhaust fumes and noise at close quarters.
- The proposed double-height slide over industrial doors imply larger vehicles coming and going, which would exacerbate the issues outlined above, and we would anticipate their use to result in an increase in noise disruption to the neighbouring quiet residential area.

### Use

- In the planning application Employment (section 20) and Hours of Opening (section 21) are stated as 'not yet known'. We find this to be an unacceptable lack of information given the concerns we share with other local residents about the potential increases in noise and traffic volumes, which are reflected above.
- We are aware of limitations on hours of use elsewhere in the Mead Road Light Industrial area, to Monday-Friday normal office working hours and Saturday mornings, and request that similar restrictions be put in place for this site.
- Section 23 referring to 'material recovery/recycling facilities' and 'storage of waste' are blank. Previous tenants consistently left overflowing skips out for long periods of time which were unsightly and contributed to local problems with rats.

### Mature ash tree

- We are aware that the site owner attempted to have the ash tree removed without appropriate consultation earlier this year. We believe it is highly doubtful that the provisions outlined in the planning proposals give adequate protection to the tree and associated wildlife through the construction period and into the long-term future.
- The tree is highly-valued among local residents for its aesthetic value in softening the light industrial estate and also in providing a habitat for local wildlife.

We are pleased that the applicant wants to improve the condition of the site, and would support a sympathetic development in keeping with the B1 category of Light Industrial Appropriate in a Residential Area.

**Comments:** 19th February 2015

Whilst we appreciate the changes to previous applications for this development, as close neighbours whose house backs directly on to the development, we have the following ongoing concerns:

**Traffic**

- 6 spaces for the 2 proposed units represents an anticipated increase on the previous amount of parking;
- Parking allocations at this location are meaningless; for example on Weds 18 Feb 10am there were more than 20 vehicles parked at the site with only two units in current use;
- The simple fact of increasing from 1 to 2 units will inevitably lead to an increase in traffic on the already-congested site leading to commensurate noise and pollution. Access to the site and spill-over on-street parking will become worse, with a negative effect on Churchill Road which is already double-parked with large vehicles.

**Height and size**

- If the proposed building is single-storey, as the previous building was, what is the justification for the increase in height over the previous one and the adjacent single-storey building?
- The larger construction will not be in-keeping with the specific location, which is closely surrounded on three sides by quiet private gardens, rather than directly facing onto a road;
- If it is to accommodate larger vehicles or operations, it will exacerbate the traffic-related concerns outlined above;
- Any increase in height over the previous building will reduce the amount of light to our house and garden, especially in the winter months.
- The planning documents do not indicate exact dimensions so it is not clear how much larger it will be, only that it will be larger. We have serious concerns that without published specifications there is no way of ensuring the construction matches the planning application. We are aware that elsewhere on the Churchill Road Industrial Estate a similar proposal was eventually built higher than the plans suggested and we want to avoid the same outcome here.

27 Asquith Road  
Cheltenham  
Gloucestershire  
GL53 7EJ

**Comments:** 28th November 2014

Letter attached.

**Comments:** 23rd February 2015

Letter attached.

37 Asquith Road  
Cheltenham  
Gloucestershire  
GL53 7EJ

**Comments:** 28th November 2014

Letter attached.

**Comments:** 23rd February 2015

Letter attached.

20 Asquith Road  
Cheltenham  
Gloucestershire  
GL53 7EL

**Comments:** 23rd November 2014

Increased noise, smells and general disturbance. Also the danger from increased traffic to the site, the general poor design and look of the proposed building and also the impact on the mature ash tree that stands next to the proposed development.

**Comments:** 19th February 2015

As a resident of Asquith Rd we object to the revised application as apart from there being now only 2 units proposed instead of 3, the surface area will not be greatly reduced and the height reduction overall will only be slight also in the end. Additionally, the overall height will actually be much taller than the unit they propose to remove.

As stated previously, our objections lie as thus:

- there will be a considerable loss of light and over shading due to the increased height to 5.8m;
- there will be an increase in noise, smells and general disturbance;
- there will be a danger from increased traffic to the site additional to the increased traffic due to being near the school already;
- the general poor design and look of the proposed building;
- the impact on the tree (14/00720/TREEPO).

We moved here from London with our young daughter because it is a peaceful, beautiful residential area, NOT an industrial site!

23 Asquith Road  
Cheltenham  
Gloucestershire  
GL53 7EJ

**Comments:** 29th November 2014

I would like to object to this application on the grounds of:-

Light - The proposed plan allows for higher buildings which will block sunlight to the properties backing onto it.

Increased noise and pollution - At present the industrial estate is reasonably quiet but there are occasions when there is an unreasonable amount of noise and disruption. Increasing the number of rental units is very likely add to the noise and disruption with increased deliveries as well as vehicular noise caused by customers and staff.

Being overlooked - the proposed upper floor has windows overlooking the houses and gardens of Asquith Road which will invade the privacy of the properties on Asquith Road

Increased traffic - the area is incredibly busy at times with trade vans, school run and park related traffic such as football matches - I believe that adding yet more traffic to the immediate area is not to be encouraged.

I see no problem replacing the demolished units on a like for like basis but adding an additional floor is not an appealing option in view of the above points



9 Asquith Road  
Cheltenham  
Gloucestershire  
GL53 7EJ

**Comments:** 1st December 2014

I am a resident of Asquith Road and have vehicular access from the rear of my property onto Churchill Road - this access is less than 5 yards from the entrance to Naunton Park Industrial Estate.

I would like to object to this planning application for the following reasons:

**Insufficient parking provision**

The application allows for 6 parking spaces to be shared between 3 units - given that the units are increasing in size and are also two storeys it is highly likely that there will be more than 6 people working in the units, and so when visitors and deliveries are also taken into consideration, this will inevitably result in further parking concentration on the surrounding roads; these are roads which are already heavily congested in business hours.

I own a garage which opens directly onto Churchill Road and it is blocked by users of Naunton Park Industrial Estate on a daily basis already.

**Increased traffic**

Creating 3 units from 1 unit will most likely lead to increased traffic on narrow streets, many of which have cars parked on both sides of the road. These streets are already close to saturation point within business hours - Churchill Road is especially busy at these times with associated trade and school traffic.

**Light**

The proposed application is for significantly higher units which would directly reduce natural light coming onto the gardens of the adjacent houses in Asquith Road, particularly in winter months.

**Use**

In the planning application Employment (section 20) and Hours of Opening (section 21) are stated as 'not yet known'. I find this to be an unacceptable lack of information given the concerns I share with other local residents about the potential increases in noise and traffic volumes, which are reflected above.

This summer we endured over four consecutive weekends of continuous noise from one of the units whilst it was being repainted from a motorised cherry-picker.

14 Asquith Road  
Cheltenham  
Gloucestershire  
GL53 7EL

**Comments:** 2nd December 2014

Letter available to view in documents tab

21 Asquith Road  
Cheltenham  
Gloucestershire  
GL53 7EJ

**Comments:** 24th November 2014

I am a resident of Asquith Road and have vehicular and pedestrian access from my garden to the Naunton Park Industrial Estate.

I would like to object to this planning application for the following reasons.

The entrance to this small 'industrial estate' is in Churchill Road and very close to the junction with Asquith Road and near Naunton Park Primary School.

Traffic congestion in this area is already a serious problem. The residential streets in this area are narrow and have cars parked on both sides of the road. The popularity of the school has attracted many young families to the area. In addition, access to Naunton Park generates additional traffic. This includes allotment 'owners', dog walkers and adults, as well as many children, using the playing fields. Congestion is particularly severe at peak school drop-off and pick-up times but is not confined to this period. Cars and vans often have to reverse some distance. There is limited visibility and a risk of children running into the street between parked cars.

The residential area is close to industrial development in Churchill Road and Mead Road. Access to these units brings all the traffic they generate through the residential area. The problem is made worse by the nature of a number of these units. Many of them are closely related to the building trade. As well as Trafford Perkins a major builders' supplies trader there is a tiling, glass, bathroom and kitchen supplier, carpet sales unit etc. There is also a small café which attracts additional traffic. The vehicles visiting these units tend to be either large lorries bringing in supplies or typically 'white vans' purchasing supplies. In addition there are two garages in this small estate also generating visiting traffic.

Traffic visiting this 'industrial estate' not only has to negotiate the narrow residential streets but also enters and exits the area at junctions which are not designed to take this type of traffic. Large vehicles are directed to the estate via the junction of Naunton Lane and Leckhampton Road. This is an extremely narrow road with a brick wall along one side and limited viability.

There is no information on the planning application as to the nature of future tenants. There is therefore a risk of increased visitor or customer traffic to the unit.

I wish to argue that the access to this area is already saturated. Any additional development would add to the problems of both residents and visitors to the local amenities. The pleasant nature of this pocket of small streets with well kept red brick houses risks being ruined by a constant stream of commercial vehicles trying to negotiate the narrow streets. The risk of a serious accident particularly to pedestrians, cyclists the elderly and specifically to young children is high.

This would appear to be an important opportunity to reduce industrial development in this area and I would strongly urge that permission be withheld.

15 Asquith Road  
Cheltenham  
Gloucestershire  
GL53 7EJ

**Comments:** 25th November 2014

Regarding the proposed units:

These units will create extra traffic and noise at the rear of properties in Asquith Road. One existing unit operates out of normal hours at the moment. I have problems at gaining access to my garage at the Moment.

**Comments:** 16th February 2015

Regarding the new proposed units:

## Page 159

Our main concern in living in what was a quiet residential area has become a noisy industrial estate in creating more units you need to create parking spaces for the workers and visitors Where are the extra cars going to park there is no room to accommodate them. It would be better to keep the units to a single storey as they would not overlook nearby houses. The extra traffic will increase significantly. I have access to the rear lane at the back of houses and it is always blocked with traffic

11 Asquith Road  
Cheltenham  
Gloucestershire  
GL53 7EJ

**Comments:** 18th February 2015

We object for the following reasons. - increase in traffic, the area is already very busy and 2 units will mean more deliveries and visitors. The access to this site is narrow and opens out onto a busy road. - size of building - it is too tall in relation to the area and will block light. - we realise we live in a mixed use area and we do support local small business but we are living with much more noise, disruption and light pollution than at any time in the last 30 years.

**Comments:** 18th February 2015

My previous objection was registered as supporting the application by mistake. As the comments stated we object to this application as per the last submission

7 Asquith Road  
Cheltenham  
Gloucestershire  
GL53 7EJ

**Comments:** 15th February 2015

I object to this planning application for the following reasons:

Insufficient parking provision - our garage opens directly onto Churchill Road, which is regularly blocked by users of Naunton Park Industrial Estate already.

Increased traffic - the roads around the industrial estate are already close to saturation. Churchill Road is especially busy with associated trade and school traffic. Please carry out a proper risk assessment to ensure pedestrians walking between Mead Road and Naunton Park Primary School are safe.

Use - surely the Hours of Opening must be determined before permission is granted? I share concerns with other local residents about the potential increases in noise. Last summer we endured over four consecutive weekends (Saturdays and Sundays) of continuous noise from one of the units whilst it was being repainted from a motorised cherry-picker - whilst I'm sure maintaining these units at weekends minimises disruption to the businesses concerned, it also ruined the early part of my summer. Please do not permit anything that means we could have to put up with this sort of thing on a permanent basis.

29 Asquith Road  
Cheltenham  
Gloucestershire  
GL53 7EJ

**Comments:** 18th February 2015

We are in receipt of your letter dated 6 February 2015 in which you provide details of the further revised plans for the application for planning permission as described above. We are pleased to see that some of the concerns raised with respect to the height of the construction have been addressed in a small way, however, the revised plans still fail to address the main issues and concerns for us and our neighbours.

In our responses to the each set of plans for this construction we explained that the land on which the units which are the subject of the application are proposed to be built backs onto the back garden of our property ' 29 Asquith Road. The construction that has recently been demolished to make way for the new building was single storey so our property was not overlooked. The proposed new unit has a two storey elevation which is still significantly higher than the old construction. This will result in a significant and seriously detrimental impact on the current peace and quiet that we currently enjoy in the use of our private garden. We consider this to be intrusive and totally contrary to our right of free and undisturbed use of our garden.

The latest design is still not in keeping with the previous brick built buildings. The design is more in keeping with an industrial estate with metal cladding and multiple roller doors which extend to almost the entire height of the building. The height of the proposed construction will block out the current unhindered view we have of the trees and to the hill in the background. The view will be obliterated and replaced by an industrial unit. This will detract from the value of our property not only from an aesthetic perspective but also from its commercial value. At present we have nothing blocking the view, we are not overlooked and we do not have cars driving back and forth adjacent to the boundary to our property.

We will experience a significant increase in the level of noise and traffic in the area behind the fence at the back of our property. The old units were not used at weekends and noise during the week was low due to the nature of the businesses using the buildings. It is still unclear what businesses are intended to be located in the proposed construction nor what the intended hours of usage will be. There will be an increase in noise and air pollution due to the proposed design of the buildings and the additional traffic that will drive past the end of our garden.

There is a mature tree located at the bottom of our garden in the industrial estate. No one has paid any interest in the maintenance of the tree so this has been taken on by my husband and I. It provides additional screening from the industrial estate and shade to our garden. This is not on the plans so we assume it is intended for this to be removed. We must register our strong objection to this tree being cut down for no good reason. Once again, this will have an adverse effect on our privacy.

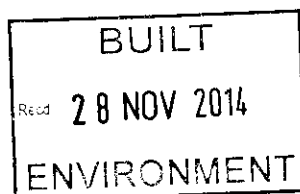
None of the issues raised above have been addressed in the latest revised plans.

In summary, the proposed application will increase noise and disturbance particularly from increased traffic and much closer proximity of the buildings. It will have a very significant and detrimental visual impact to the enjoyment of our home and will have commercial implications in devaluing our property. Our privacy will be totally compromised which is unacceptable. We are not overlooked at the moment and this helps with peace of mind from a security point of view.

We must object in the strongest form possible to this proposed planning permission for all of the reasons given above. We do not believe we are being unreasonable and the fact remains if the construction were to be single storey at the same height and location as the previous construction and of a more aesthetically acceptable design, we may be inclined to be more amenable to this

application. Once again, we ask you to review and revise the plans accordingly to take account of the issues raised.

20<sup>th</sup> November 2014



33 Asquith Road  
Cheltenham  
GL53 7EJ

Miss Michelle Payne Planning Officer  
Cheltenham Borough Council  
PO Box 12  
Municipal Offices  
Cheltenham

Revised Planning application Ref. 14/02003/FUL

Proposal: Construction of Three B1 Light Industrial units following demolition of existing light industrial building at 3 Naunton Park Estate Churchill Road

Dear Miss Payne

As you are aware the previous application relating to this site was withdrawn following numerous objections and a tree preservation order being put on a mature ash tree (14/00720/TREEPO)

We wish to make you aware of a number of strong objections we have regarding this latest proposed development. Ref 14/02003/FUL

As an immediate neighbour to the site, we are of the view that the proposed development will have serious impact on our standard of living, the peaceful enjoyment of our property and a considerable loss of light and over shading. Our specific objections are as follows:

1 Detrimental impact upon Residential Amenities

The proposed development by reason of its greatly increased height, (from 4.4m to 7m) along with the design practically the metal cladding would have an unacceptable adverse impact on the amenities of the properties immediately adjacent to the site and the surrounding area by reason of visually overbearing, intrusive impact resulting in loss of privacy and light. From our back garden we will look out on a wide expanse of gray metal cladding and a large gray metal roof.

The increased height of 2.6 meters (8'6") show this is clearly not a like for like redevelopment

The unit that in this proposal and has already been demolished it stood 8.7m from our boundary at the closest point. The maximum height was 4.4m with the front elevation gutter 2.3m.

We have included 4 photographs with this objection, the proposed unit has been superimposed using the excising building and the planning drawings as a scale reference, and this is an accurate representation as the perspective of the photograph permits.

Photograph 1 this is viewed from our bedroom window. The white end of the excising building is only 200/300 mm lower than the demolished unit. The red outline shows the floor plan and the gable end. It clearly shows the increase in height and the overall volume

Photograph 2 The superimposed sketch shows the front elevation and roof along with three full height roller doors

Photograph 3 As viewed from our back door taken at eye level .It shows the height lines of the proposed building compared to the original, it is not possible to show the full impact but the fact is that the outlook from our garden will be on to a wall of gray cladding along with 3 full height roller doors, and with a sloping roof of the same unsightly material, the lower brickwork would not be visible being below the top of the fence. The increase in the overall height will, as can clearly be seen will reduce the light we now enjoy and later in the day put what is a now a pleasant sunny garden in full shade.

Photograph 4 Taken at the similar distance from the fence as no. 3 it shows the old building before demolition the overall height was 4.4meters. This despite being old and dilapidated had little visual impact when viewed from ground level.

The internal details that give details on the plans show no mezzanine floor on what is clearly a two storey building

## 2 Over shadowing and loss of light

We have a small private garden it is a sun trap facing southwest, it has full sun light from mid day until sunset which we have enjoyed for over 30years.

This proposal will due to the increased height and positioning result in a large reduction to the light we enjoy in our garden and the back of our house. This will result in what is now a pleasant sunny garden being in full shade later in the day and most of the day in the winter months.

## 3 Loss of privacy and noise

The close proximity of this proposed building and the increase from 1 unit to 3 will inevitable cause more traffic and general increased noise to the site and intrude on our privacy.

## 4 Noise and smells/ B1 usage suitable to a residential area

The council's records will show over the past 30years there has been a number of problems with tenants of the existing units on the site, they have caused a noise nuisance practically working hours being a major problem this includes late evening and weekend working. One tenant caused a problem with fumes from a spraying operation (this was dealt with by environment health department) There has been a number of occasions when complaints have been made concerning none removal of rubbish and fully loaded skips remaining on the site for weeks at a time, resulting in a rat problem.

I understand it is possible to add restriction to the types businesses permitted to operate and restriction to working times, this would be commiserate with B1 usage in a residential area and that this can be attached to any granting of consent.

A local precedent for this exist, the units on the Maida Vale site in Mead Road have working time restriction in place 8am/6pm Monday/Friday and 8am/1pm on Saturdays no Sundays or Bank holidays.

I understand that the council refused an alteration to this recently in respect to work hours and a laundry

5 parking and access

Increasing from existing 1 unit to 3 will add to the traffic to and from the site not only workers but with increased deliveries and general operating movements. Churchill Road is very congested with parked vehicles on both sides of the road all day; this is particular concern with Naunton park Primary School only 100yard away.

I note from the questionnaire/form with the application that provision is for further parking spaces for cars; with no provision for commercial we have notice recently a large vehicle being parked or stored for long periods. I understand further permission may be required for this.

6 Contaminated lands

I am aware that there have been some contamination concerns with the site dating back to 1940'S. I assume that the appropriate check will be carried out. Please note that the building that was demolished in this proposal is partly constructed from asbestos.

7 Wild life and trees

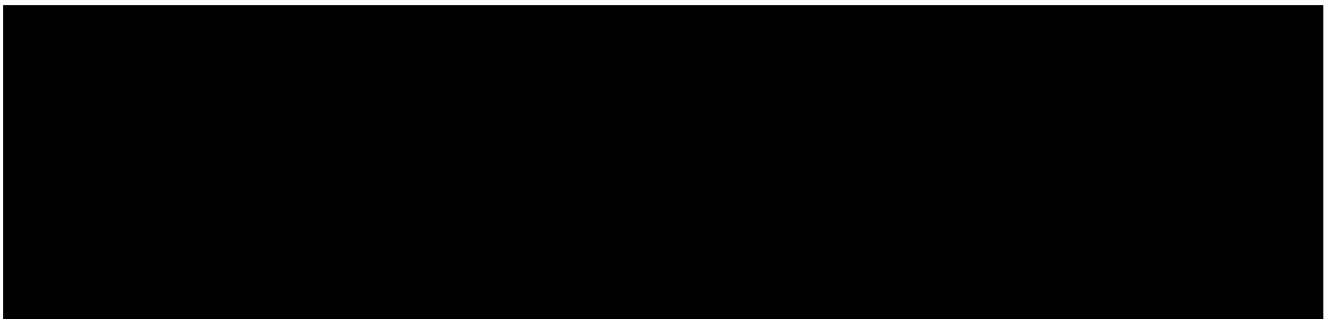
I note that an arboricultural report has been attached to this application I assume paid for by the applicant. We have no expertise in this field but I would ask that no action is permitted to cause harm to the tree or the wild life it supports. No mention is made of the local bat population that is resident in or close to the tree. In the past we have also had slow worms and lizards onsite to the side and back of the buildings.

In conclusion we are pleased that an unsightly and dilapidated site is being looked at to be improved, but as you will appreciate that we have genuine concerns relating to this proposal as being far from satisfactory. This will have a major impact on us and our neighbors, blighting our enjoyment of our properties. We are not against a sympathetic development, but this proposal is unacceptable and will have an overwhelming effect not only on us but our neighbor's and surrounding area.

A site visit from you, and if required the planning committee to inspect the proposed site and impact viewed from our home and gardens would be welcomed at any time. This would give a clear insight into our objection and concerns.

As anticipated you office has confirmed that the application is put before the planning committee for consideration, we would like to attend. I understand that someone can speak to the committee, we would like that opportunity for either me or one of our neighbour's to articulate our concerns and objections.

Yours sincerely





No 1



The red outline  
Showing the floor  
area and the gable  
end of the proposed  
building.

It shows the increase  
in height and overall  
Volume



no. 2



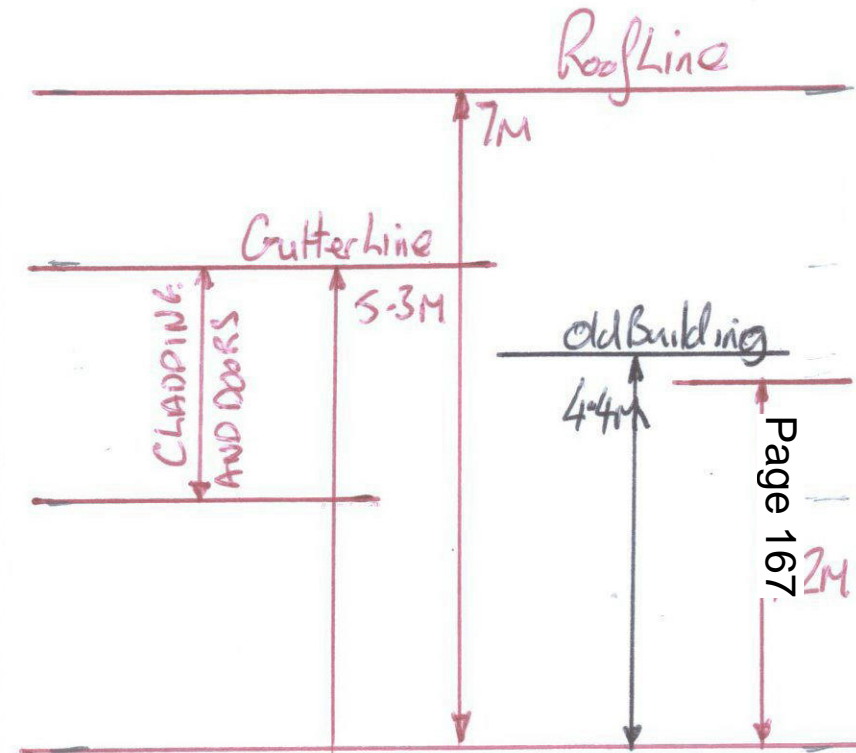
The superimposed  
Sketch has been scaled  
using the end of the  
white build and the  
Measurement from the  
application drawings.  
As viewed from our  
bedroom window



NO 3

THE SUN SETS DIRECTLY  
BEHIND THIS PROPOSED BUILDING

MATURE ASH TREE



As viewed from our  
back door, photograph taken  
at eye level  
The black section is the old  
Building



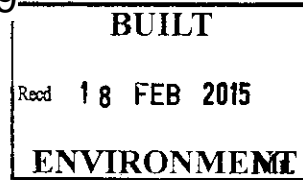
No. 4



TAKEN BEFORE THE OLD  
BUILDING WAS DEMOLISHED

Page 168



15<sup>th</sup> February 2015

33 Asquith Road  
Cheltenham  
GL53 7EJ

Miss Michelle Payne Planning Officer  
Cheltenham Borough Council  
PO Box 12  
Municipal Offices  
Cheltenham

2<sup>nd</sup> Revised Planning application Ref. 14/02003/FUL

Proposal: Construction of Two B1 Light Industrial units following demolition of existing light industrial building at 3 Naunton Park Estate Churchill Road

Dear Miss Payne

As you are aware that two previous application relating to this site have been withdrawn following numerous objections and a tree preservation order being put on a mature ash tree (14/00720/TREEPO)

We wish to make you aware of a number of strong objections we have regarding this latest proposed development. Ref 14/02003/FUL

As an immediate neighbor to the site, we are of the view that the proposed development will have serious impact on our standard of living, the peaceful enjoyment of our property and a considerable loss of light and over shading. Our specific objections are as follows:

1 Detrimental impact upon Residential Amenities

The proposed development by reason of its increased height, (from 4.4m to 5.8m) along with the design practically the metal cladding would have an unacceptable adverse impact on the amenities of the properties immediately adjacent to the site and the surrounding area by reason of visually overbearing, intrusive impact resulting in loss of privacy and light. From our back garden we will look out on a wide expanse of gray metal cladding and a large gray metal roof.

The unit that in this proposal and has already been demolished it stood 8.7m from our boundary at the closest point. The maximum height was 4.4m with the front elevation gutter 2.3m.

*We have included 3 photographs with this objection, the proposed unit has been superimposed using the excising building and the planning drawings as a scale reference, and this is an accurate representation as the perspective of the photograph permits.*

*Photograph 1 this is viewed from our bedroom window. The white end of the excising building is only 200/300 mm lower than the demolished unit. The red outline shows the floor plan and the gable end. It clearly shows the increase in height and the overall volume*

*Photograph 2 show the old building (now demolished)*

*Photograph 3 Is a view taken at eye level from our back door/patio the two lines represent the gutter line and the ridge line using the remaining building for scale the appearance will be of a solid block of gray corrugated metal cladding, the sun set directly behind this roof.*

2 Over shadowing and loss of light

We have a small private garden it is a sun trap facing southwest, it is has full sun light from mid day until sunset which we have enjoyed for over 30years.

This proposal will due to the increased height and positioning result in a large reduction to the light we enjoy in our garden and the back of our house. This will result in what is now a pleasant sunny garden being in full shade later in the day and most of the day in the winter months.

3 Loss of privacy and noise

The close proximity of this proposed building and the increase from 1 unit to 2 will inevitable cause more traffic and general increased noise to the site and intrude on our privacy.

4 Noise and smells/ B1 usage suitable to a residential area

The council's records will show over the past 30years there has been a number of problems with tenants of the existing units on the site, they have caused a noise nuisance practically working hours being a major problem this includes late evening and weekend working. One tenant caused a problem with fumes from a spraying operation (this was dealt with by environment health department) There has been a number of occasion when complaints have been made concerning none removal of rubbish and fully loaded skips remaining on the site for weeks at a time, resulting in a rat problem.

I understand it is possible to add restriction to the types businesses permitted to operate and restriction to working times, this would be commiserate with B1 usage in a residential area and that this can attached to any granting of consent.

**This has been reinforced by an email in the planning folder with this application from Environment Health department. It states that the premises planned for this site may only accept deliveries and be operational from 08.00/18.00 Monday/Friday and 08.00/13.00on Saturdays no Sundays or Bank holidays.**

**Further to this any extraction or noisy equipment would need further approval before use.**

**Reasons: To protect amenity of the local resident and to protect from loss of amenity through noise or odour**

A local precedent for this exist, the units on the Maida Vale site in Mead Road have working time restriction in place 8am/6pm Monday/Friday and 8am/1pm on Saturdays no Sundays or Bank holidays.

I understand that the council refused an alteration to this recently in respect to work hours and a laundry.

5 parking and access

Increasing from existing 1 unit to 2 will add to the traffic to and from the site not only workers but with increased deliveries and general operating movements. Churchill Road is very congested with parked vehicles on both sides of the road all day; this is particular concern with Naunton park Primary School only 100yard away.

I note from the questionnaire/form with the application that provision is for further parking spaces for cars; with no provision for commercial vehicles, we have notice recently a large vehicles being parked or stored for long periods. I understand further permission may be required for this.

6 Contaminated lands

I am aware that there have been some contamination concerns with the site dating back to 1940'S. I assume that the appropriate check will be carried out. Please note that the building that was demolished in this proposal is partly constructed from asbestos.

7 Wild life and trees

I note that an arboricultural report has been attached to this application I assume paid for by the applicant. We have no expertise in this field but I would ask that no action is permitted to cause harm to the tree or the wild life it supports. No mention is made of the local bat population that is resident in or close to the tree. In the past we have also had slow worms and lizards onsite to the side and back of the buildings.


In conclusion we are pleased that an unsightly and dilapidated site is being looked at to be improved, but as you will appreciate that we have genuine concerns relating to this proposal as being far from satisfactory. This will have a major impact on us and our neighbors, blighting our enjoyment of our properties. We are not against a sympathetic development, but this proposal is still unacceptable and will have an overwhelming effect not only on us but our neighbor's and surrounding area.

We would welcome site visit from you, and if required the planning committee to inspect the proposed site and impact viewed from our home and gardens. This would give a clear insight into our objection and concerns.

I would ask that if any permission is granted that it is clearly stated what the maximum permitted overall size of any building to be constructed is, this will clear up any inaccuracies in the drawings and give all concerned the full information to closely monitor progress. We have been informed of two local developments have been constructed in excess of the height permitted and then retrospectively allowed.

As anticipated you office has confirmed that the application is to go before the planning committee for consideration, we would like to attend. I understand that we have booked place to be permitted to speak to the committee to articulate our concerns and objections.

Yours sincerely







①

5-8 M.

4.7 M

Page 172









③

5.8M

4M

4-2M

Page 174



25<sup>th</sup> November 2014

35, Asquith Road,  
Cheltenham.  
G105  
GL53 7ES.

Miss Michelle Payne Planning officer  
Cheltenham Borough Council  
PO Box 12  
Municipal offices  
Cheltenham.

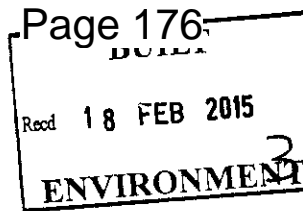
Ref - 14/02003/FUL

Dear Miss Payne,

After receiving the new proposal to the redevelopment of the units in Asquith Rd, we would like to view our opinions to this matter. Firstly the height of the building will tower above our fence, leaving our garden without sun or light for long periods of the day. We would also be looking out onto metal cladding which would be unsightly. We are also concerned with the volume of traffic which would be entering the units. At present there is one unit and this will be increased to three. It is a very busy site as it is. As yet we do not know what businesses will be entering the units. The noise level and hours of business are also a concern.

We are pleased that something is being done to make the premises more appealing to the eye, but we feel the plans which have been put forward are unexceptionable.

Yours Sincerely,



35, Asquith Road,  
Cheltenham  
Glos  
GL53 7EJ

17<sup>th</sup> February 2015

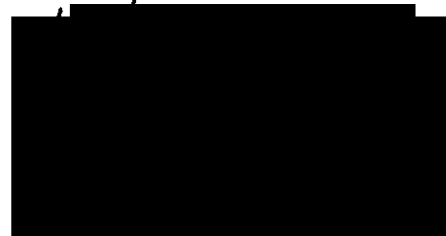
Ref 14/02003/FUL

Miss Michelle Payne planning officer  
Cheltenham Borough Council  
PO Box 12  
Municipal offices,  
Cheltenham.

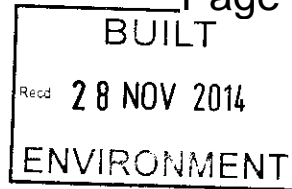
Dear Miss Payne,

After reading the 3<sup>rd</sup> proposal to the redevelopment of the unit in Asquith Road, Navuton Park ind estate, we still have a few concerns with the proposal. We do feel it is a little better than the first two proposals, by it will still be taller than the existing building which was there. We feel we are still going to be without alot of valuable light in our garden. The appearance is not very appealing to the eye, we will be looking out on grey cladding and brick work. The final concern is that we don't know what business will be using the premises, and whether the working hours will be acceptable.

Yours Sincerely



26 November 2014



29 Asquith Road  
Leckhampton  
Cheltenham  
GL53 7EJ

Cheltenham Borough Council  
PO Box 12  
Municipal Offices  
Promenade  
Cheltenham  
Glos  
GL50 1PP

For the attention of: Ms Tracey Crews – Head of Planning

Reference : 14/02003/FUL : Proposal : Construction of 3no. B1 light industrial units following demolition of existing light industrial building at Unit 3 Naunton Park Industrial Estate Churchill Road

Dear Ms Crews

We are in receipt of your recent letter in which you provide details of the revised plans for the application for planning permission as described above. In our response to the first set of plans for this construction dated 11 April 2014 we explained that the land on which the units which are the subject of the application are proposed to be built backs onto the back garden of our property – 29 Asquith Road. The construction that has recently been demolished to make way for the new building was single storey so our property was not overlooked. The proposed new unit has a two storey elevation which is 3 metres higher than the old construction. This will result in a significant and seriously detrimental impact on the current peace and quiet that we currently enjoy in the use of our private garden. We consider this to be intrusive and totally contrary to our right of free and undisturbed use of our garden.

The latest design is not in keeping with the previous brick built buildings. The design is more in keeping with an industrial estate with metal cladding and multiple roller doors which extend to almost the entire height of the building. The height of the proposed construction will block out the current unhindered view we have of the trees and to the hill in the background. The view will be obliterated and replaced by an industrial unit. This will detract from the value of our property not only from an aesthetic perspective but also from its commercial value. At present we have nothing blocking the view, we are not overlooked and we do not have cars driving back and forth adjacent to the boundary to our property.

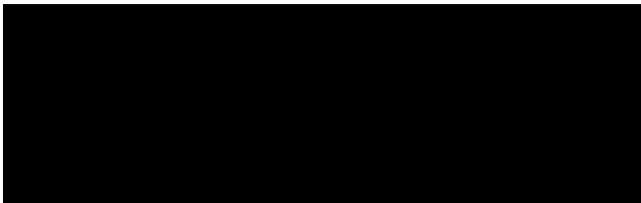
We will experience a significant increase in the level of noise and traffic in the area behind the fence at the back of our property. The old units were not used at weekends and noise during the week was low due to the nature of the businesses using the buildings. It is unclear what businesses are intended to be located in the proposed construction nor what the intended hours of usage will be. There will be an increase in noise and air pollution due to the proposed design of the buildings and the additional traffic that will drive past the end of our garden.

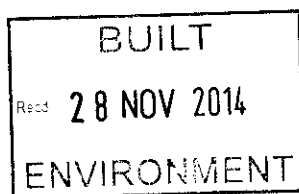
There is a mature tree located at the bottom of our garden in the industrial estate. No one has paid any interest in the maintenance of the tree so this has been taken on by my husband and I. It provides additional screening from the industrial estate and shade to our garden. This is not on the plans so we assume it is intended for this to be removed. Once again, this will have an adverse effect on our privacy.

In summary, the proposed application will increase noise and disturbance particularly from increased traffic and much closer proximity of the buildings. It will have a very significant and detrimental visual impact to the enjoyment of our home and will have commercial implications in devaluing our property. Our privacy will be totally compromised which is unacceptable. We are not overlooked at the moment and this helps with peace of mind from a security point of view.

We must object in the strongest form possible to this proposed planning permission for all of the reasons given above. If the construction were to be single storey at the same height and location as the previous construction and of a more aesthetically acceptable design, we may be inclined to be more amenable to this application. We ask you to review and revise the plans accordingly.

Yours sincerely





[Redacted]  
27 Asquith Road  
Cheltenham  
Glos  
GL53 7EJ

Miss Michelle Payne – Planning Officer  
Cheltenham Borough Council  
P O Box 12  
Municipal Offices  
Cheltenham  
GL50 1PP

25<sup>th</sup> November 2014

**Reference: 14/02003/FUL : Proposal: Construction of 3 no B1 Light Industrial Units  
– Churchill Road**

Dear Miss Payne

With regard to the above proposed plans I feel the need to object to this new proposal ref 14/02003/FUL.

As mentioned in my previous letter dated 22<sup>nd</sup> April, I have lived in my house for 33 years we have had many instances of noise, smells fm paint spraying, no privacy, horrendous blocking of light by large vehicles, endless working at weekends with one particular unit especially, which still continues, some of the problems have been resolved, others still continue.

My worries are the fact that there will be 3 Units creating a lot more traffic and parking.

The height of the new building, unsightly to look at and much too high, it should stay at the original height of the previous one.

The fact that we have no idea what type of businesses will use these units and the times they will be permitted to operate, will there be restrictions to normal working hours with no weekends or Sundays?

Obviously a lot more noise with deliveries etc..

Also, assuming all of this does not affect the tree on the site.

I have no problem at all with proposals to build a new much improved building, but am very concerned about the above. Also, the parking is already a great concern in Asquith Road with the School Traffic and people from the Industrial Estate parking in the car park every day. And now we will have more traffic at the back of our houses.

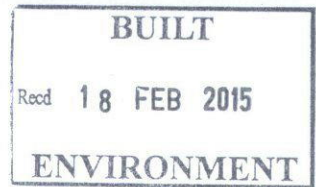
I feel that someone should actually come and visit the site and see for themselves the problems that could and probably will arise if the plans go ahead.

In conclusion, I have kept my points of view brief because I am sure my neighbours will have more to say.

Yours sincerely







  
27 Asquith Road  
Cheltenham  
Glos  
GL53 7EJ

Ms Tracey Crews – Head of Planning  
Cheltenham Borough Council  
P O Box 12  
Municipal Offices  
Cheltenham  
GL50 1PP

15<sup>th</sup> February 2015

**Reference: 14/02003/FUL : Proposal: Construction of 3 no B1 Light Industrial Units  
– Churchill Road**

Dear Ms Crews

With regard to the above proposed plans I feel the need to object to this new proposal ref 14/02003/FUL.

As previously mentioned, I have lived in my house for 33 years. We have had many instances of noise, smells of paint spraying, no privacy, horrendous blocking of light by large vehicles, endless working at weekends with one particular unit especially, which still continues. Some of the problems have been resolved, others still continue.

My objections are summarised below:-

The height of the new building, although slightly lower, will still be unsightly to look at and still much too high. It should stay at the original height of the previous one. Also, the diagram did not appear to be entirely to scale and so the actual building height is maybe inaccurate? From the diagram, skylights are incorporated into the roof area. This may suggest future use of the loft area for office or storage, which would mean that we could be further overlooked.

We have no idea what type of businesses will use these units and the times they will be permitted to operate, although presumably the working hours suggested by Environmental Health will be adopted.

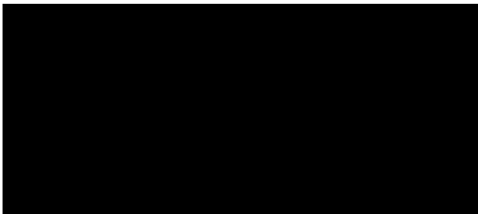
Hopefully the nearby tree will remain safe, although from the diagram, the tree seems even closer to the proposed building than it was before.

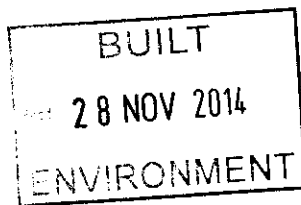
I have no problem at all with proposals to build a new much improved building, but am very concerned about the above. Also, the parking is already a great concern in Asquith Road with the School Traffic and people from the Industrial Estate parking in the car park every day. And now we will have more traffic at the back of our houses.

I feel that someone should actually come and visit the site and see for themselves the problems that could and probably will arise if the plans go ahead.

In conclusion, I have kept my points reasonably brief as I am sure my neighbours will have more to say.

Yours sincerely





Naunton Bank  
37, Asquith Road  
Cheltenham  
GL537EJ  
29<sup>th</sup> November 2014

[REDACTED]  
Dear Tracy Crews,  
Your ref. 14/02003/FUL dated 10<sup>th</sup> Nov. 2014

**Proposal: Construction of 3no. B1 light industrial units following demolition of existing light industrial building (revised proposal following withdrawal of planning application ref. 14 / 00566/Ful) at Unit 3 Naunton Park Industrial Estate Churchill Road**

We write as the owner occupiers of Naunton Bank, 37, Asquith Road, Cheltenham, having sought the helpful advice and extra details from Dave Anderson of your reception team. We make three main points:

1) **The proposed building remains too high.** The existing measurements (prior to demolition) were a maximum of 4.4 metres with the south end of 3.2 metres. The proposal, according to your colleague remains high at 6.9 metres, being only a very small change from the first proposal of 7 metres and considerably higher than the present building. This change will continue to result in **much of our late evening sun being lost** and the building will continue to tower above our garden. More importantly this height will continue to cut **light** to other buildings in Asquith Road and the building now comes to within 0.9 of a metre of our property (according to Dave Anderson). The **visual impact** will be much improved if the building is faced in brick and is less high. At present the plans make **no mention of hours of opening of the building nor of activities and processes** (other than light industrial). The plans do not clarify whether the building has two floors. Why is the extra height necessary other than in the future to put in at some time extra flooring? Either way the proposal at present is likely to result in more **noise and disturbance** which Asquith road with its other CBC (eg Naunton Park and a busy car park) activities just does not need! The extra height also will impinge on the **privacy** of Asquith Road.

**In summary** the building remains too close to our property, coming to within 90 cms on the southwest side and remains too high.

2) **The proposal to modify the height and shape of the Ash tree has already been discussed and on 16<sup>th</sup> May a TPO was made.** We are therefore unclear as to the validity of the proposal especially as there appears to be **no justification** in the proposals to **cut the tree in height and shape**. By the admittance of the tree expert some damage may be done to the roots. **I attach a photograph** of the tree taken this month. This clearly shows that to cut the height will result in the illegal damage done previously to it being revealed, as most of the thick leaf growth is at its extremities. We remind you of the **petition** signed by approx. 30 people in support of the TPO, a copy of which you have. These signatories did not expect the tree to be further changed. We repeat that our family has looked after the tree for over 30 years and that it is much admired by neighbours. Finally, also as we mentioned in our previous letter, our boundary hedge, which gets no mention in the proposal and which we own, we assume need not be touched as it acts as a screen to the present building. We note in this respect that, following disturbance of the tree, parts of the hedge have been pushed into our garden, making access to our garage increasingly difficult. This we find very annoying: hence our concern. The damaged sloping hedge is visible in the enclosed photograph and is located at the bottom of the tree. It was not like this before.

3) **Overall the new proposal is an improvement** but not yet sufficiently changed.

We welcome a visit from any of your officers if they wish to pursue any of the above points and look forward to hearing from you.

[REDACTED]  
enc: 1photo

Tracy Crews, Head of Planning, CBC, PO Box 12, Municipal Offices, Cheltenham



To cut tree  
clear  
debris  
grass  
cut line



hedge pushed over into  
our garden to  
make it look  
the tree is owned by next  
door.

Naunton Bank  
37, Asquith Road  
Cheltenham  
GL537EJ  
16<sup>th</sup> Feb., 2015

BUILT  
Recd 18 FEB 2015  
ENVIRONMENT



Dear Tracy Crews,  
Your ref. 14/02003/FUL and 14/00720/TREEPO  
**Planning Application (Number 3) Construction of 2 units Naunton Park Ind. Est.**

There are **two principles** we would like to additionally share with you re the above ongoing discussions:

**1) That any new buildings fit in with the environment which the present application does not.**

Why? a) On three sides the current height of warehouses and outbuildings is considerably lower than that of the proposal. This discrepancy makes it unsightly.

b) The higher and larger building will inevitably result in greater noise, smells, light pollution and general disturbance, all of which will not fit with the close surrounding residences.

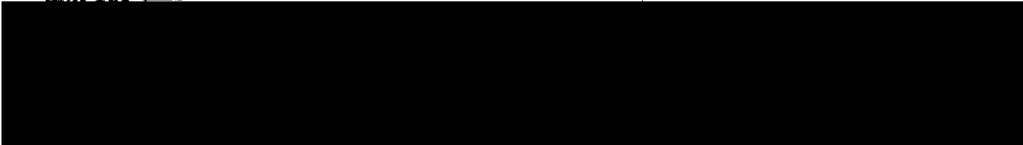
c) The proposed building is of relatively cheap design, being wrapped in gray metal cladding, unlike other buildings on the Industrial Estate which have an attractive brick facing.

d) The present much closer proximity to our property will result in an unsightly view for us from our garden and the increased access to the rear of the building will lesson privacy and increase disturbance. Presumably access to the rear of the building will have to be via the narrow one meter passageway next to us. Our neighbours will suffer even more than us *points a-c*

**2) The second principle** (referred to us by your colleague Dave Anderson) is that of **justification**. At least fifty neighbours, probably more, will be directly affected by the proposals and much unnecessary worry and stress will be generated. The general consent is that we will all be happy if the building is rebuilt on the original base and at the same height. The bare proposals as put forward have no mention of usage etc. The proposals sadly lack justification for the need for this expansion in length and height.

Concerning changes to the **tree**, the most recent proposals appear to us to **negate the need to have the crown reshaped or the height reduced**. Beyond some minor trimmings over the south-west area of the roof of the new building and some protection of the roots as outlined in the second proposal we see no further action needed, especially as some thirty people signed a petition supporting its continued existence as it was and the TPO being successful. You will recall that on the original submission no mention of the tree's existence was mentioned, the tree was illegally partially cut down and only saved by the prompt action of our neighbours (we were on holiday) and with the help of our councillors. We believe, as we hope you do, that further large scale "pruning" has no justification. We repeat an enclosure of a photograph of the Ash Tree with a few explanatory notes attached.

In view of the damage already done to the tree and our hedge (see photograph) we would like an assurance from you that if developments are allowed, any trees or hedges on our or our neighbours' boundaries are not disturbed without consultation with us. We regret to have to say this but in the absence of any meeting with the applicants and in view of actions taken to date we feel we have to ask for this.



*enc. one picture.*

Tracy Crews, Head of Planning, CBC, PO Box 12, Municipal Offices, Cheltenham



The inner of the tree is already destroyed.

note lower height of adjoining units

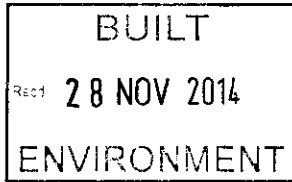
Note the nice shape of the crown and the greenery being at the edges



Note the damage done already by pushing an hedge over an drive (and access to garage)

[Redacted] 82015  
16th

14 / 02003 / FUL  
14 / 00720 / TREE PD




14 ASQUITH ROAD

CHELTENHAM GL53 7EL.

Ref: 14/02003/FVL

I have lived in Asquith Road for 30 years. Over that time parking in the road for residents has become troublesome, due to more parents driving their children to school. It is quite haygardens at times - It is essential that adequate parking facilities are allowed for all the employees of the new development.

This is a large residential area, albeit not far from Mead Road Industrial Estate. There is little if any noise from the industrial estate, and the residents would need absolute assurance that the new development would not create more noise/nuisance than presently experienced. Restrictions on the new development should be similar to those already in existence on the Mairia Vale site.

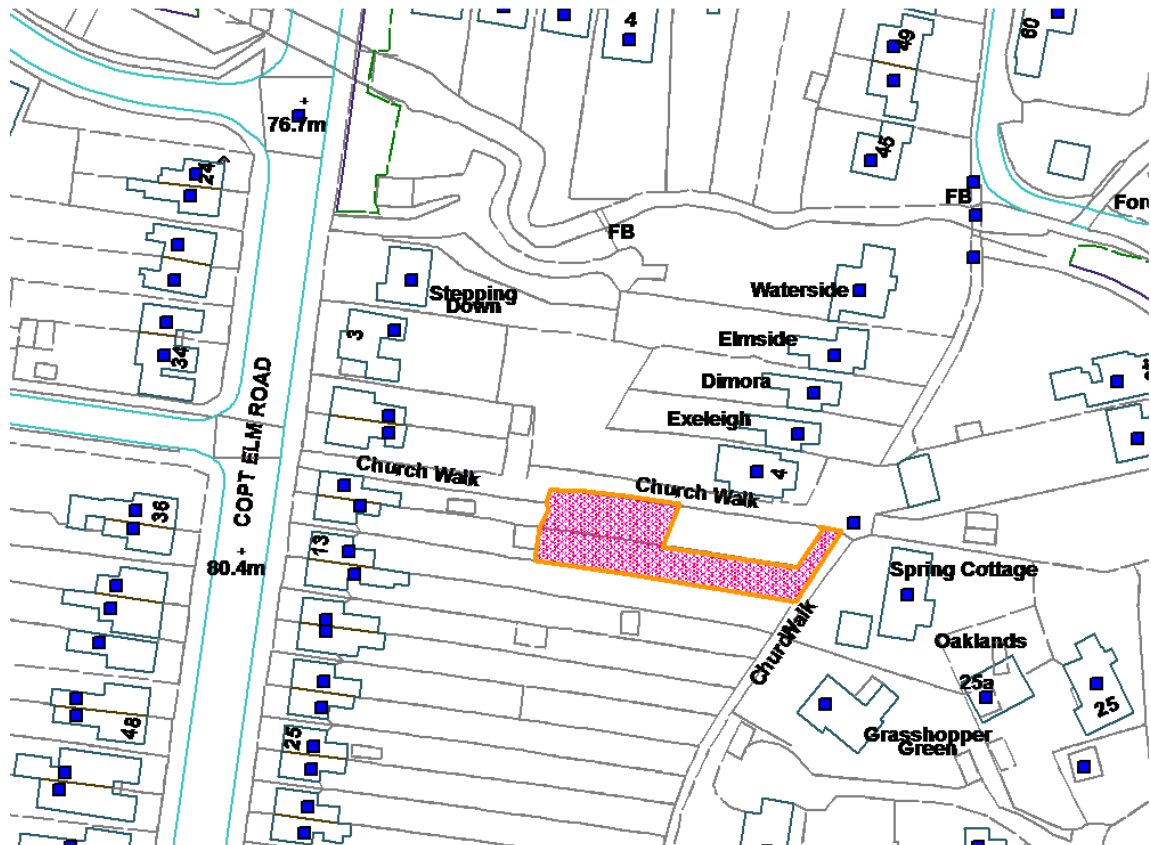


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<b>APPLICATION NO:</b> 15/00058/FUL	<b>OFFICER:</b> Miss Chloe Smart
<b>DATE REGISTERED:</b> 21st January 2015	<b>DATE OF EXPIRY:</b> 18th March 2015
<b>WARD:</b> Charlton Kings	<b>PARISH:</b> Charlton Kings
<b>APPLICANT:</b> Mr & Mrs Thornton	
<b>AGENT:</b> SF Planning Limited	
<b>LOCATION:</b> 9 Copt Elm Road, Charlton Kings, Cheltenham	
<b>PROPOSAL:</b> Erection of single storey dwelling	

**RECOMMENDATION:** Permit



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## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application relates to a parcel of land which is directly to the rear of no.9 Copt Elm Road and currently used an ancillary garden land to this property. The site lies just within the St Mary's Conservation Area.
- 1.2 The applicant seeks planning permission for the erection of a single storey dwelling within this site which would be accessed via Church Walk. An application was submitted in 2014 (planning ref: 14/00878/FUL) for the erection of a dwelling on the site. This was withdrawn prior to any determination on the application as officers raised concerns with certain aspects of the scheme including the scale and design and highway safety.
- 1.3 The application is before Planning Committee due to an objection from the Parish Council, who considers the proposal does not preserve, enhance or make a positive contribution to the St Mary's Conservation Area.

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

### Constraints:

Conservation Area  
Smoke Control Order

### Relevant Planning History:

**13/00391/FUL 4th June 2013 PER**

Demolition of existing single storey extension and replace with a new single/two storey extension to the rear

**13/01709/FUL 8th November 2013 PER**

Amendment to previously approved planning permission 13/00391/FUL showing height of single storey extension increased from 2.63 metres (as approved) to 2.85 metres. Also an amendment to the style of rooflights in the proposed single storey flat roof extension and addition of conservation style rooflight in rear roof slope of original house. (Part retrospective)

**14/00878/FUL 16th July 2014 WDN**

Erection of 1no. dwelling

## 3. POLICIES AND GUIDANCE

### Adopted Local Plan Policies

CP 1 Sustainable development  
CP 4 Safe and sustainable living  
CP 7 Design  
HS 1 Housing development  
RC 6 Play space in residential development  
TP 1 Development and highway safety

### Supplementary Planning Guidance/Documents

Development of garden land and infill sites in Cheltenham (2009)  
St. Mary's conservation area character appraisal and management plan (June 2009)

### National Guidance

National Planning Policy Framework

#### 4. CONSULTATIONS

**Cheltenham Civic Society**

*6th February 2015*

We commend this proposal, which is discreet and appropriate for its location.

**Parish Council**

*12th February 2015*

Objection

We have reviewed the latest plans and continue to object to this proposed development in the St Mary's Conservation Area. We strongly call for this application to go before the Borough Council's Planning Committee for a decision.

Our policy states that we aim to support the unique character and feel of Charlton Kings and avoid inappropriate design and this is particularly important in one of our conservation areas. The latest design remains out of keeping and does not preserve this part of the conservation area, which is characterised by a preponderance of turn of the 19th/20th century red-brick houses. Its contemporary design does not sit well with neighbouring properties and would jar in its own setting.

Another aspect of our policy states that we resist cases of 'back garden development' where these impact adversely on neighbours' quality of life or the overall environment of Charlton Kings; this is a prime example and would harm neighbours' and the community's amenity. There is a 'green space' feel to this part of Charlton Kings where the Church Walk footpath links Copt Elm Road to Lyefield Road East.

We are told that the houses on Copt Elm Road were deliberately built with long gardens to encourage gardening and self-sufficiency; this development goes against this, which in present-day language makes it unsustainable development in that context. As before and on a highways/traffic issue, we remain concerned with the potential increase in conflict between pedestrians and vehicles in what is essentially a very popular and narrow footpath, heavily used by parents and children going to local primary schools. Additional traffic would be a disbenefit to the wider community.

In the Borough Council's own Supplementary Planning Document of 2009, in the section entitled "The St. Mary's Conservation Area Character Appraisal & Management Plan" it's stated that "careful consideration must be given to the site including historic context and distinctive site features; as well as the size, scale, urban grain, layout, design, massing, height, plot width, frontage activity, landscape and materials relating to such development".

Also, at macro level, the National Planning Policy Framework, paras 126 to 132, sets out guiding principles for the protection of conservation areas.

We note and support the views of the Heritage and Conservation Group.

We are not sure if the site has been visited by the planning department but we recommend that visit takes place, so that officials can see the application in its setting within the conservation area.

This application does not preserve, enhance or make a positive contribution to the St Mary's Conservation Area and therefore permission should be refused.

## Heritage and Conservation

5th February 2015

Analysis of Site: rear garden of No.9 Copt Elm Road with additional land "borrowed" from adjacent garden plots creating an irregular shaped, elongated plot.

### Comments:

1. The site is accessed from a narrow single width lane known as Church Walk, an un-adopted road, which extends along the east boundary of the site and leads to another footpath which links to School Road, formerly Mill Lane. Church Walk is in frequent use by pedestrians and cars accessing the houses at the rear of the Copt Elm houses.
2. The position of the proposed entrance is identifiable by a small pedestrian 'refuge' in the close boarded fencing and is visible from the public highway.
3. The site spans two garden widths and occupies approximately half the existing length of the garden.
4. This section of Copt Elm Road is laid out in narrow width plots with pairs of semi-detached late Victorian vernacular cottage type buildings.
5. At the rear of the site there are several 20thC detached dwellings set in generous sized plots. The whole area is characterised by verdant growth, soft boundaries (other than to the lane) and small scale, discrete development both historic and more recent.
6. There are a number of conservation issues and concerns regarding this development that were highlighted in an application that was withdrawn in 2014: 14/00878/FUL.
7. The main issue is the impact on the conservation area of this development.
8. The principle of building a dwelling on this land is unacceptable for the following reasons:
  - a. The area has a distinctive identity and uniformity, as noted in the conservation area appraisal, characterised by a structured and formal plot layout with strong building lines adjacent to the road and rear gardens that are uniformly linear.
  - b. The layout of the gardens is an important and significant element of the conservation area and their contribution is both historic and environmental. Building on a large part of the gardens will distort an understanding of the historic development of the area. The retention of gardens and the discouragement of 'garden grabbing' is a local and national policy objective that recognises the contribution that green spaces make to the special character and enjoyment of an area.
  - c. The scale of the proposed building, in terms of its' large footprint, unlike any other building in the vicinity does not complement or respect existing development in the area and is regarded as over-development that should be resisted.

- d. The proposal would destroy the established urban grain by positioning a building in an incongruous location in relation to the existing development pattern.
- e. Contrary to the assertion in the accompanying Design & Access Statement the development will be very visible from the public realm as due to the precarious nature of the vehicle entrance opening onto Church Walk, the boundary enclosure has been lowered in an attempt to improve the visibility of other users of the lane to drivers accessing the proposed building. A large part of the West elevation will now be visible from Copt Elm Road.
- f. The design and material specification for the building is utilitarian at best and lacks a residential character and therefore conflicts with local policy that requires a high standard of architectural design that reflects principles of urban design that complements and respects neighbouring development and the character of the locality.
- g. The proposal fails to preserve or enhance the St. Mary's Conservation Area and is therefore contrary to primary legislation, local plan policy and the NPPF which requires local planning authorities to sustain and enhance heritage assets such as conservation areas (par.126) and encourages the view that great weight should be given to an asset's conservation (par.132) and that new development should make a positive contribution to local character and distinctiveness (par.126).

SUMMARY: the principle of the proposed building in this location is of serious conservation concern and this application represents over-development and land- grabbing with no demonstrable public benefit and should be resisted.

CONCLUSION:  
Refuse.

**Tree Officer**  
*12th February 2015*

The Tree Section has no objections to this application providing the following conditions can be used. These conditions are to ensure the safe retention of the trees within the adjacent property 11 Copt Elm Rd and as well as retained trees within the site;

- TRE03B Protective fencing
- TRE04B No fires within RPA
- TRE05B No service runs within RPA
- TRE06B No-dig construction methods within RPA

## 5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	35
Total comments received	24
Number of objections	24
Number of supporting	0
General comment	0

5.1.1 Thirty five letters have been sent to neighbouring properties and twenty four responses have been received raising an objection to the proposal.

**5.1.2 Summary of comments received;**

- Principle of development unacceptable
- Impact on the St Mary's Conservation Area
- Traffic and highway safety concerns
- Local amenity
- Design/Materials not in keeping
- Previously refused applications on the site.
- Visual impact of the proposal

**6. OFFICER COMMENTS**

**6.1 Determining Issues**

**6.1.1** The key issues in determining this application are considered to be (i) principle of development on this land, (ii) design and impact on the conservation area (iii) impact on neighbours, (iv) highways and access issues.

**6.2 The site and its context**

**6.2.1** The site comprises of an area of land to the rear of no.9 Copt Elm Road and adjacent to Church Walk, which serves as an access point for a number of properties. The site is currently fenced off by a close boarded timber fence and used as ancillary land in association with no. 9 Copt Elm Road.

**6.2.2** The properties surrounding the site are primarily two storeys. Those fronting onto Copt Elm Road are mainly semi-detached Victorian properties. The properties located on Church Walk vary in architectural style and form.

**6.3 Principle of development**

**6.3.1** The site is located within the Principal Urban Area, where residential development is normally acceptable in principle subject to all other relevant considerations.

**6.3.2** In order to consider the principle of development, it is necessary to assess the existing character and context of the area surrounding the application site. Paragraph 53 of the National Planning Policy Framework advises local planning authorities to consider the case for setting out polices to resist inappropriate development of residential gardens and in adopting our SPD in relation to infill development, this is exactly what the Council has done.

**6.3.3** The Supplementary Planning Document: Development on Garden Land and Infill Sites in Cheltenham (Adopted June 2009) provides advice in understanding and responding to local character and aims to ensure only developments which respond successfully to the character and quality of the area are permitted. This document was adopted pre-NPPF but provides a means of assessing the specific characteristics of an area.

**6.3.4** The property is located within a conservation area and the Council's Conservation Officer has provided a comment on this application.

**6.3.5** The Conservation Officer considers the principle of the development to be unacceptable for a number of reasons. Concerns include the distinctive structure and formal plot layout, the understanding of the historical development of the area brought about by the layout of the

gardens and the urban grain of the area. These concerns have also been echoed by local residents in submitted letters of representations.

- 6.3.6** Officers have considered the concerns raised in detail and in the context of the aforementioned SPD. In assessing the character of the area, there is a clear established linear and uniform pattern of development along Copt Elm Road, whereby semi-detached villas are positioned with narrow spaces between. Notwithstanding this pattern, officers do not share the view that it is the rear gardens that contribute significantly to the character of the area. The reasons for this will be discussed in detail below.
- 6.3.7** Firstly, there is a significant variation in plot size and layout when considering the area to the east of the linear development along Copt Elm Road. For that reason, officers consider that when paying special attention to the desirability of preserving or enhancing the character of the area, it is the frontage development along Copt Elm Road that is particularly important. Due to the variation in urban grain, officers consider it cannot be argued that the proposal would unacceptably disrupt the overall character and appearance of the area.
- 6.3.8** Secondly, whilst the Conservation Officer specifically highlights the layout of the rear gardens as contributing significantly to the character of the area, officers do not share this view. Whilst it is accepted a number of properties on the south side of Church Walk benefit from exceptionally long narrow rear gardens, those to the north of the site do not, albeit these lie just outside of the conservation area. Notwithstanding this, the pattern of development to the north of the site is still relevant as it is within the immediate vicinity of the site and is read in the context of the site. To add to this, the long and narrow nature of the gardens is only visible when looking at the site purely in plan form. Due to the subdivision of the site by way of a close boarded fence in existence and the variation in the area, this characteristic is not legible and therefore officers consider it cannot be argued that this would disrupt the character and appearance of the area.
- 6.3.9** In light of the above, whilst officers are in agreement that there is an established linear pattern fronting onto Copt Elm Road, it is not considered that the introduction of a dwelling of an appropriate height and scale in this site would be harmful to the character and appearance of the conservation area. The pattern of development in the area is already disrupted as a result of a varied development pattern immediately surrounding the application site and whilst the properties to the north of the site lie just outside of the conservation area, the area is read as a whole when within the site and therefore is relevant when assessing the overall context.
- 6.3.10** It is for the above reasons that officers consider the principle of development is acceptable. The proposal would respect the established linear pattern of development fronting onto Copt Elm Road and would sit as an appropriately positioned secondary addition to the rear of this building line, where there is a more mixed urban grain. As such, the proposal fully accords with the adopted Supplementary Planning Document and the NPPF. As a result, officers consider the principle of development also accords with section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires development to preserve or enhance the character and appearance of the area.

## **6.4 Design and layout**

- 6.4.1** Local Plan Policy CP7 requires development to be of a high standard of architectural design and to complement and respect neighbouring development.
- 6.4.2** The overall design approach is contemporary with a flat roof, cladding panels, through colour render and powder coated aluminium for windows and doors. Whilst the conservation officer has commented that the design lacks residential character and conflicts with the

above policy, officers consider it is an honest, contemporary design which would not be at odds with the character of the locality.

- 6.4.3** The dwelling is single storey, which is successful in ensuring the property plays a secondary role and does not dominate the frontage development. Being single storey, the property does have a larger footprint than the frontage development and this has been raised as a concern within comments received. Whilst the footprint is larger, officers consider this would not in itself be a reason to refuse planning permission. The variation in the height of the proposed dwelling and the use of materials successfully provides relief to the building. This ensures the footprint is not read as one single mass and provides variation to the form of the dwelling.
- 6.4.4** In response to a concern that the dwelling would be visible from Copt Elm Road, particularly due to the lower boundary wall, officers have noted this and do not consider the fact that the dwelling will be visible to be unacceptable. The proposal is clearly subservient to any frontage development and will therefore not dominate or detract from it. Furthermore, the proposal is an appropriately designed building, which would successfully respond to the site and the surrounding area. As a result, the dwelling is entirely appropriate and officers echo the comments of Cheltenham Civic Society, in that the proposal is discreet and appropriate for its location.
- 6.4.5** Overall, despite the concerns raised by the Conservation Officer, Parish Council and local residents, the proposal represents a dwelling of quality design, which responds successfully to the characteristics of the area and the requirements of Local Plan Policy CP7 and the guidance within the NPPF.

### **6.5 Impact on neighbouring property**

- 6.5.1** Local Plan Policy CP4 requires development to protect the existing amenity of neighbouring land users and the locality.
- 6.5.2** The proposal is not considered to have any unacceptable impact on neighbouring land users. The nearest property to the proposed dwelling is no. 11 Copt Elm Road. The single storey dwelling would not have any adverse impact on this property in terms of a loss of light or privacy.
- 6.5.3** The rear garden of no. 13 Copt Elm Road directly adjoins the application site with a flank elevation proposed alongside the boundary. Whilst this is a long wall immediately on the boundary, it is so far removed from the house itself, it is not considered this would be overbearing or harmful. There are no side elevation windows facing towards the garden of no. 13. The applicant proposes a high level window on the south elevation, however the purpose of this is to provide natural light and there would be no view out of this window.
- 6.5.4** Officers have also considered the impact of the proposal on the parcel of land to the north of the site, which is in separate ownership to the application site and used for horticultural purposes. The footprint and mass of the development has been contained towards the west of the application site to ensure there is no unacceptable loss of light or overbearing impact on this area of land.
- 6.5.5** Overall, the dwelling is not considered to have any unacceptable adverse impact on neighbouring land users and is in accordance with the requirements of Local Plan Policy CP4.



## **6.6 Access and highway issues**

- 6.6.1** At the time of writing this report, formal comments have not been received from Gloucestershire County Highways in relation to the impact of the proposal on highway safety. Officers have been in dialogue with GCC Highways and anticipate that no highway objection will be raised to the application. Full comments in relation to highway safety issues will be provided by way of an update.

## **6.7 Trees**

- 6.7.1** The Council's Tree Section has been consulted to assess the impact of the proposal on any surrounding trees. No objection has been raised to the development but conditions have been suggested to ensure the safe retention of trees within the adjacent property and the site. These conditions have been included as part of this recommendation.

## **6.8 Other considerations**

- 6.8.1** Representations have made reference to previously refused applications for the erection of a dwelling to the rear of this property in 1980 and 1984. Whilst these comments have been noted, the planning policy context has changed significantly since these applications were determined. A full assessment has been carried out on the basis of the current policy context and the application is considered acceptable.

## **7. CONCLUSION AND RECOMMENDATION**

- 7.1.1** Overall, officers consider the proposal represents a sustainable form of development. The principle of the proposed dwelling is acceptable, as it would respect the linear frontage development and has been positioned within an area with a mixed urban grain. The proposal fully accords with the adopted Supplementary Planning Document, the NPPF and the primary legislation relating to conservation areas.
- 7.1.2** The design approach is considered of a high quality and successfully responds to the characteristics of the area, the requirements of Local Plan Policy CP7 and the guidance within the NPPF.
- 7.1.3** Finally, there would be no unacceptable impact on neighbouring amenity and trees within and adjacent to the application site.
- 7.1.4** In light of all of the above, the recommendation is to grant planning permission subject to the conditions below.

## **8. CONDITIONS / INFORMATIVES**

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

- 2 The development hereby permitted shall be carried out in accordance with drawing numbers PL001 A, PL002 C, PL003 C, PL005 B and PL006 A received 14th and 20th January 2015.  
Reason: To ensure the development is carried out in strict accordance with the approved drawings.
- 3 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.
- 4 Tree protective fencing shall be installed in accordance with the specifications set out within BS 5837:2012. The fencing shall be erected, inspected and approved in writing by the Local Planning Authority prior to the commencement of any works on site (including demolition and site clearance) and shall remain in place until the completion of the construction process.  
Reason: In the interests of local amenity, in accordance with Local Plan Policies GE5 and GE6 relating to the retention, protection and replacement of trees.
- 5 No fires shall be lit within 5m of the Root Protection Area(s) and materials that will contaminate the soil such as cement or diesel must not be discharged within 10m of the tree stem. Existing ground levels shall remain the same within the Root Protection Area(s) and no building materials or surplus soil shall be stored therein. No trenches for services or drains shall be sited within the crown spread of any trees to be retained.  
Reason: In the interests of local amenity in accordance with Local Plan Policies GE5 and GE6 relating to the retention, protection and replacement of trees.
- 6 All service runs shall fall outside the Root Protection Area(s) unless otherwise agreed in writing by the Local Planning Authority. Any such works shall be in accordance The National Joint Utilities Group; Volume 4 (2007).  
Reason: In the interests of local amenity in accordance with Local Plan Policies GE5 and GE6 relating to the retention, protection and replacement of trees.
- 7 All paths, parking areas and other forms of hard landscaping that fall within the Root Protection Area(s) shall be constructed using a no-dig method. Prior to the commencement of development, full details of the proposed no-dig method shall be submitted to and approved in writing by the Local Planning Authority and the development shall be implemented strictly in accordance with the details so approved.  
Reason: In the interests of local amenity in accordance with Local Plan Policies GE5 and GE6 relating to the retention, protection and replacement of trees.

### **INFORMATIVES**

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

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

and provides full and up-to-date information in relation to planning applications to enable the applicant, and other interested parties, to track progress.

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

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<b>APPLICATION NO: 15/00058/FUL</b>		<b>OFFICER: Miss Chloe Smart</b>	
<b>DATE REGISTERED:</b> 21st January 2015		<b>DATE OF EXPIRY :</b> 18th March 2015	
<b>WARD:</b> Charlton Kings		<b>PARISH:</b> CHARLK	
<b>APPLICANT:</b>	Mr & Mrs Thornton		
<b>LOCATION:</b>	9 Copt Elm Road, Charlton Kings, Cheltenham		
<b>PROPOSAL:</b>	Erection of single storey dwelling		

### REPRESENTATIONS

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

28 Douglas Road  
 Surbiton  
 KT6 7SA

**Comments:** 12th February 2015

I am writing to object to the new plans to build a dwelling in the garden of 9 Copt Elm Road for three reasons:

1. The new design remains completely unsuited to the plot and will severely detract from the beauty of the area;
2. The key concerns on Safety and Conservation do not appear to have been addressed by the applicant at all in these revised plans;
3. And the Conservation & Highways Officers both recommended planning permission was refused on the previous proposal.

For these reasons I urge the planning committee to reject this new proposal as well.

43 School Road  
 Charlton Kings  
 Cheltenham  
 Gloucestershire  
 GL53 8BQ

**Comments:** 11th February 2015

- 1) the visual impact would be a detrimental one to the surrounding area, the modern box structure does not seem suitable for this location.
- 2) an additional traffic entry to the lane adjoining the property would not desirable. The lane, as well as serving as vehicular access for Church Walk residents, is well used as a local footpath.

32 Copt Elm Road  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL53 8AH

**Comments:** 2nd February 2015

I would like to object to this application on these grounds.

1. This is supposed to be a conservation area with certain rules to maintain this status. What is the point of a conservation area if this application is allowed.
2. The proposed design of the build is totally out of character within this conservation area.
3. This is another example of garden grabbing for profit. What if the people requesting this application decide to move away after having this property built? The residents of this area will be left with a property they did not want built.
4. The access to the property is down a narrow lane. This is frequently used by pedestrians for leisure and parents walking their children to school. It has got a number of cars that use this lane already and we don't need to add to that traffic. There has already been two car accidents at this location to my knowledge. One involving a car that uses this lane.
5. The last time a house was granted permission to be built at the end of this lane, Copt Elm Road was used as builders supply depot for the build. The lane was too narrow to offload supplies at the build site. So a lot more people were inconvenienced by this activity.

54 King William Drive  
Cheltenham  
Gloucestershire  
GL53 7RP

**Comments:** 12th February 2015

I object to this application.

Having only recently moved out of Charlton Kings Parish after 37 years, I am still concerned about inappropriate development being aimed at the heart of my old community.

Other objectors have quoted planning matters chapter and verse but in lay terms the reasons for refusing the application I think are as follows.

As far as I can see, the whole application tramples on everything which makes this area of Charlton Kings special. You can hardly believe the insensitivity -

- no respect for St Mary's Conservation Area
- no respect for the architectural form, style and materials of the neighbouring dwellings
- no respect for the very special series of long gardens
- no respect for the Borough's SPD on 'garden grabbing'
- no respect for the safety of the users of the lane.

I hope that the recommendation will be to refuse and that the Borough will agree.

Exeleigh  
Church Walk  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL53 8BJ

**Comments:** 10th February 2015  
Letter attached.

5 Copt Elm Road  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL53 8AG

**Comments:** 12th February 2015  
This is to place on record our objection to planning application 15/000058/FUL.

We would hope that the level of opposition to the original proposal will have already demonstrated to the Planning Committee the deep concern felt locally at what appears to be an opportunistic application.

There is nothing in the revised proposal to alter what we have already said regarding this application. The construction design remains incongruous to the surroundings; concerns about the increased impact on an already hazardous traffic/parking situation has not been reduced in the slightest; and there is no altering the fact that planning agreement to this application will inevitably be seen as a green light to further development of the area. If this construction is allowed on land supposedly protected within a long-established Conservation Area, then what is to stop garden-grabbing anywhere?

That these gardens do come under the protection of the St.Mary's Conservation Area is obviously hugely inconvenient to this application and is skimmed over very lightly in the documentation.

We would also point out that the statement explaining the current condition of the garden at no.9 as being 'somewhat unkempt due to the difficulties in managing the whole gardens as a result of its size', simply does not hold water.

The size of the garden has been purposely enlarged and the reason it is unkempt is because it has been full of building rubble, window-frames, etc since the extension was carried out at the end of 2013.

This is already a fairly congested part of Charlton Kings, but the gardens provide the breathing space that still makes this such an enjoyable area in which to live. Long may it remain so. We very much hope that the Planning Committee will support the Conservation Area and the wishes of the local community by rejecting this application firmly and finally.

13 Copt Elm Road  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL53 8AG

**Comments:** 10th February 2015  
Letter attached.

15 Copt Elm Road  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL53 8AG

**Comments:** 11th February 2015

Once more I wish to strongly object to the proposed building at the rear of no. 9 Copt Elm Road. It is not in keeping with the area in any way. Modern designs have a place in things, but not in Charlton Kings. This is a lovely old part of the area and would be spoilt by the addition of this building. Also the traffic is already at a dangerous level, 10/12 cars and delivery vehicles, another 4 cars will add to the dangers. At times it is impossible to see when coming out of Church Walk into Copt Elm Road, and the volume and speed of the traffic make it really dangerous.

4 Church Walk  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL53 8BJ

**Comments:** 11th February 2015

I wish to reiterate my objections to the proposed development at 9 Copt Elm Road. The proposed modifications to the design of the building go very little way to making the planned building acceptable. The new design is still quite out of character with other buildings in the area. To approve it would nullify the purpose of the conservation area and it would exacerbate the traffic problems in the narrow lane leading to the proposed dwelling.

I must confess my surprise that this new proposal has been submitted at all, such was the volume of objections to the previous one. Furthermore the revised proposal largely ignores the principal criticisms of the project. These fall under three main heads.

First nearly every objector mentions the style of the building being quite incongruous and incompatible with the conservation area. Removing the first floor, as envisaged in the first application, does not alter this judgment. The new design is still boxy and industrial looking.

The second major objection, raised by about two thirds of the objectors, concerns the narrowness of the lane which makes motor traffic a danger and inconvenience to the many pedestrians who use it. Extra building will spoil it for the many families, dog walkers and elderly people who like a quiet rural walk to the shops or schools.

The third common objection concerns the blind exit from the lane onto Copt Elm Road. The lane emerges onto the road at the point where the cars travel at their fastest, many breaking the speed limit. It is difficult to exit at the lane at the best of times, but if, as is often the case, large cars or vans are parked on the road near the exit, one takes one's life in one's hands,

For these reasons, I and many other residents hold that the proposed dwelling at 9 Copt Elm Road would do nothing to enhance the site or the conservation area, but would rather degrade it.



7 Copt Elm Road  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL53 8AG

**Comments:** 10th February 2015  
Letter attached.

7 Sandford Mill Road  
Cheltenham  
Gloucestershire  
GL53 7QH

**Comments:** 12th February 2015  
Letter attached.

30 London Road  
Cheltenham  
Gloucestershire  
GL52 6DX

**Comments:** 11th February 2015

As a regular visitor to this part of Cheltenham, I reiterate the comments I made on the previous application to build on this site (in June 2014). I still see no point in building it up even further and ruining what is already a precariously balanced area. This building will place added pressure on an already cramped residential zone, both in terms of extra traffic through what is not a designated highway, and also extra demand on other essential services. I daresay the proposer owns the land and thus, should planning permission be granted, will be able to make off with a hefty profit to find more amenable, and spacious, pastures new. However, this does nothing to improve the lot of local residents committed to the area and who wish to stay. Why should their environment be worsened for the sake of the short term gain for those who have no long term loyalty?

29 Copt Elm Road  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL53 8AG

**Comments:** 11th February 2015

I still strongly object to the idea of building on this part of the conservation area. I wish to strongly object to this application and my comments remain the same.

This is quite simply the wrong area to build within Charlton Kings. (Regardless of design and access issues which the most determined and convincing consultants might overcome eventually).

This specific area is a one off and contributes hugely to the unique, tranquil and historic value of the St Marys Conservation Area.

It is a favoured route for so many people within the area including a large number of school children and families.

It makes a key contribution to the conservation area that any building would impact irreversibly.

Previous refusals to build were fair and correct in this specific area and would have been known to the new occupants proposing this build prior to purchase.

Should permission be granted it begs the question what part of the conservation area is protected?

I watch with concern for this beautiful area and hope it will keep its character and feel for many generations to come. Any building is irreversible, inappropriate and damaging to St Marys Conservation Area, whether single storey, double storey, red brick or modern.

6 Lyefield Road East  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL53 8AY

**Comments:** 12th February 2015

Letter attached.

38 Copt Elm Road  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL53 8AL

**Comments:** 26th January 2015

The submission of revised plans for a single as opposed to a double storey dwelling does not deal with a number of issues:- Firstly, the land in question was a private garden and this was purchased by the current occupants of 9 Copt Elm Road since their moving into the property. It was a maintained private garden, they have let it turn into a dumping ground, with the sole aim of generating funds for themselves by proposing to build a dwelling on this land!

Secondly, the report by Heritage and Conservation sums up a number of valid points:-

Comment Date: 9th July. 2014

1. *The key conservation issue with this proposal is the impact on the St. Mary's Conservation Area.*
2. *The principle of developing on this site is of considerable concern: the long narrow gardens are a distinctive characteristic of the area and this development would sub-divide the gardens laterally creating a double width plot alien to its immediate surroundings.*
3. *The pairs of semi-detached cottages were constructed between 1884 and 1902, as seen on the historic OS maps, and are similar to development on Lyefield Road East and Lyefield Road West, identified in the conservation area character appraisal as being a "visually distinctive group", in terms of form and plot widths.*
4. *The long gardens of this section of Copt Elm Road appear to be a fortuitous anomaly as a number of these similar developments have shorter gardens: these plots were sub-divided at an early stage of development and are not necessarily the result of later land grabbing.*
5. *Furthermore the contemporary architectural predominantly single storey lateral form of the proposal is foreign to this part of the conservation area that unlike the mix of architectural styles and materials found in other parts of the conservation area has a distinctive identity.*
6. *This sensitive historic area is overwhelmingly residential, brick built and modest in scale while the proposed building is unsympathetic to the existing buildings and infrastructure; not*

*domestic in appearance and occupies a vast footprint that sprawls across the width of two plots.*

7. *The dominant form is two storey with a pitched slate roof and end gables and this proposal is for a predominantly box-like construction with a flat roof.*
8. *Certain design decisions related to its height and mass have been made to lessen the impact of the development on the amenities of neighbouring properties, however, this has resulted in a large footprint; limited garden space and an incongruous non-domestic form.*
9. *A building in this location would inevitably appear hemmed in, which is inappropriate for the architectural style, best appreciated in an open site not surrounded on all sides by dense gardens and established buildings.*
10. *The recent extension to No.9 occupies a substantial footprint and the single storey detached building in the garden (garage?) in combination contributes to the impression that this area is already over developed.*

*Summary: development in this location will degrade the conservation area by irretrievably altering the established historic layout and introducing an incongruous built form that does not respect the established character of the area and fundamentally will neither preserve nor enhance the conservation area.*

**CONCLUSION:**  
*Refuse."*

Lastly the road that will service this dwelling was deemed to be already overstretched by the existing houses using it. The contemporary dwelling should not be built on this site in a Conservation Zone.

I object, yet again to this proposal.

2 Carisbrooke Drive  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL52 6YA

**Comments:** 24th February 2015

I am most concerned about a proposed dwelling at the rear of 9 Copt Elm Road, Charlton Kings with access from Church Walk. I use Church Walk frequently and it is a beautiful, tranquil walk within St Mary's conservation area, and a new dwelling has no place in such a conservation area. It is totally out of keeping with the style of the area and will set a precedent for other similar projects in neighbouring gardens. The houses on Copt Elm Road at that point are Edwardian or Victorian with 250 ft gardens, and a modern dwelling has no place here. It will still be obtrusive even as a single-storey building. It would ruin the conservation area.

Also, I have many concerns about the safety of the access from Copt Elm Road, as this narrow access way is already difficult to negotiate, having in recent times actually got narrower where the fence appears to have been moved. Increased traffic will put further pressure on parking at the end where the side access meets Church Walk, if not by the residents of the proposed dwelling then by others visiting them. Turning at the end of this access way is already tight and the narrowness of the side access makes reversing down very difficult especially where it has become narrower. I know this from experience as my daughter has a friend living on Church Walk.

I have further concerns about safety in Church Walk if there is increased traffic; this only remaining part of a Medieval footpath is used by children walking to school, in particular to Charlton Kings Infants School; I myself used to use this daily to walk with my daughter to the Infants School.

Langton Grove  
Langton Grove Road  
Cheltenham  
Gloucestershire  
GL52 6JA

**Comments:** 17th February 2015

The current objections are well reasoned in relation to the preservation of the conservation area.

I wish to endorse and support all these comments of objection.

The proposed development is unsuitable and unnecessary and if permitted would result in a jarring blot on the landscape and may set an unfortunate precedent.

The potential damage to the conservation area, particularly to the fruitful, accessible and interconnected rear gardens, which are singularly characteristic of this area, is significant.

This application fails to preserve or enhance the conservation area.

29 Lyefield Road East  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL53 8BA

**Comments:** 10th February 2015

Regrettably, all our comments on the previous application still stand so, once again, we request this planning application be refused.

All our points below were picked up in the reports from the council's own professionals on the applicant's previous application to build on this site. In fact, the council's own professionals all recommended that the previous application be refused. In this revised application the applicant has in no way addressed the issues addressed by the Conservation report, or more seriously in terms of safety, the Highways report - in fact it seems they are blatantly disregarded, so therefore we cannot see how these revised plans could be considered an acceptable proposition. It would seriously harm the area and contravene public safety.

The application contravenes current council policy, whilst at the same time showing no regard for the historic area in which it is proposed the St Mary's Conservation area. The design proposed does not reflect the character of the area or the row in which it is set. The council has set out to preserve these houses and their gardens by the very establishment of a conservation area.

This proposal plans to build on a long narrow garden; Cheltenham's Supplementary Planning Document Policy (2009) states that The development of private green areas, open spaces and gardens, which make a significant townscape and environmental contribution to the town will not be permitted. This garden is in a conservation area specifically designated for distinctive character and historic plot boundaries and these should be preserved. In fact the conservation statement says preserved and enhanced'. The National Planning Policy Framework (NPPF), section 12 'Conserving and enhancing the historic environment' says (para 134) Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. This building is utterly out of keeping with the area, it reflects nothing of the local style or design and it would have a detrimental impact on the surrounding houses, particularly in the row in which it will sit. It will serve only to begin to destroy this characterful and historic area. There is no public benefit in this proposal whatsoever. The council

has already set out measures to preserve the environment from inappropriate development. We request that you uphold your policy in this instance and allow this modernist design to be built for the applicant outside of a conservation area.

Please also consider the road on which the proposed house is sited. It is an extremely narrow road and far too narrow for a car and a person to pass at the same time. It is a well-used footpath by all members of the community much of the time. Adding another house on this road would increase the number of cars and pose further risk to members of the public.

The area has a distinctive village feel and country aspect to it. A proposal like this would permanently damage the St Mary's Conservation Area, breaking up the existing heritage with a one-off inappropriate addition that serves only to detract in style and character from the buildings within the boundary. We ask that you adhere to the policies already in place in order to protect this heritage asset.

2 Church Walk  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL53 8BJ

**Comments:** 11th February 2015

I object to the proposal on the following grounds;

- 1) the design of the building is inappropriate for the area as it is completely out of keeping with the mostly Victorian housing stock.
- 2) the location of the building has a significantly negative visual impact on the neighbourig properties due to the change from a garden use to a large footprint dwelling.
- 3) the Church Walk lane/footpath is extensively used by families and dog walkers, the extra vehicle exit onto the middle of the lane brings potential safety issues as it also removes the ' pedestrian refuge' which exists at present at the 'dog leg' in the lane.
- 4) It is not desirable to have more vehicles using the Church Walk lane/footpath arising from extra housing development.

71 Ravensgate Road  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL53 8NS

**Comments:** 16th February 2015

I write in opposition to the proposed development which in my view do not sit well within the St. Mary's development area.

The design is out of place with the Victorian red brick style which defines this stretch of Copt Elm Road and this position is amplified by the comments from the Heritage and Conservation Group which outlines the situation very clearly.

The Borough Council's supplementary planning document carefully explains how any development must give due consideration to the special character of the area and sets a bench mark which this proposal does not pass.

## Page 210

The long gardens give a very rural feel to the area for those using the popular church walk footpath which runs along the back of the properties. Wildlife thrives in the unspoilt vegetation and use the finger of green as a pathway to access the stream at the Ford without undue disturbance. This development would diminish the enjoyment parishioners derive from this hidden treasure and have an adverse impact on wildlife.

The concerns I have regarding the additional traffic which would be generated along the narrow lane are unchanged despite a tweaking in these new plans. The lane shares its role as an access road and a Right of Way, which already carries a substantial footfall, especially used by children walking to and from school. Exit from the parking area would be potentially hazardous as visibility from the right would be very restricted. I understand that previous recommendations stated that no more than 5 properties should be served by this narrow unadopted road.

I would wish this application to be referred to planning committee.

37 Leighton Road  
Cheltenham  
Gloucestershire  
GL52 6BD

**Comments:** 12th February 2015  
Letter attached.

**Comments:** 25th February 2015  
Letter attached.

114 Hewlett Road  
Cheltenham  
Gloucestershire  
GL52 6AT

**Comments:** 16th February 2015  
Letter attached.

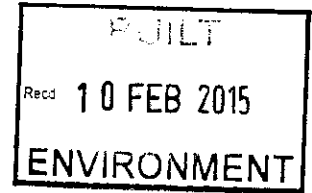
62 Laker Court  
Studley Road  
Stockwell  
London  
SW4 6RY

**Comments:** 12th February 2015  
Letter attached.

Fritwell  
Copt Elm Road  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL53 8AG

**Comments:** 12th February 2015  
Letter attached.

Exeleigh, 3 Church Walk  
Charlton Kings, Cheltenham  
Gloucestershire  
GL53 8BJ



Mike Redman  
Director – Built Environment  
Cheltenham Borough Council  
PO Box 12  
Municipal Offices  
Promenade Cheltenham  
GL50 1PP

8th February 2015

Dear Mr Redman,

**Planning ref: 15/00058/FUL | Erection of single storey dwelling | 9 Copt Elm Road Charlton Kings Cheltenham GL53 8AG**

We would like again to most strongly object to the revised proposal to build a dwelling in the garden of 9 Copt Elm Road. We have many concerns which have not been addressed by the new plans and we reiterate our opinion that regardless of design, no building is suitable for this narrow strip of historic land within St Mary's Conservation Area. Building on conservation areas, green belt land and AONB should be resisted at all costs. We have a responsibility to future generations to preserve and enhance our town, not to destroy it with ill-thought out developments in back gardens which cannot be reversed and will lead to further erosion of green spaces. This may be a small plot but it is a significant one and plays an important part in the village scene.

We live in Church Walk and are near neighbours of the garden and proposed development. As the new planning proposal refers to the original plans/planning statement, our comments take those plans into account along with the revisions. The objections we have are as follows:

**1. The proposed development is still in the St Mary's Conservation Area.**

**This inappropriate development would cause harm to the St Mary's Conservation Area and have a negative impact on landscape setting and biodiversity. The development would not 'preserve or enhance the character of the Conservation Area' (St Mary's Conservation Area Character Appraisal and Management para 1.1), and we do not believe the site is suitable in principle for any development. In fact it would do harm to the immediate vicinity and will impact not only on our neighbours' and our amenity but on other users' enjoyment of the area.**

We disagree with the applicant's statement that 'the area is not identified by a distinctive or clear block layout.' According to 4.9 of St Mary's Conservation Area Appraisal and Management Plan

(2009) the plots along Copt Elm Road provide **'a steady, planned rhythm in the pattern of the plots, which tend to be long and narrow in form. This character area was developed in the late Victorian period and represents mass formally planned development.'** These long plots make a significant contribution to the character and appearance of this historic area. The proposal would be totally out of keeping with the nature of the area.

There are no dwellings in the gardens of other houses along this stretch of Copt Elm Road or Church Walk. The proposal would not 'follow the lead provided by existing forms of development' in the street, as stated by the applicant, as there are no buildings like the one proposed.

The National Planning Policy Framework says in paragraph 53. **'Local planning authorities should consider the case for setting out policies to 'resist inappropriate development of residential gardens, for example where development would cause harm to the local area.'** Cheltenham Borough Council already has set out such a policy which is consistent with the NPPF. Policy GE2 Private Green Space Objectives O12 and O18 (referred to in the Supplementary Planning Document: Development on Garden Land and Infill Sites), states: **'The development of private green areas, open spaces and gardens which make a significant townscape and environmental contribution to the town will not be permitted.'** This unfortunate garden-grabbing proposal will harm the local area and pave the way for further development within other back gardens in this conservation area. This should be of great concern to all.

The applicant refers to paragraph 14 of the NPPF: **'Where the development plan is considered to be out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits . . .'** Many adverse impacts are in evidence with this scheme, with the only benefit being to the applicant. The Parish Council was very clear on its view of the original scheme:

**'The proposed design is out of keeping and does not preserve the Conservation Area; its contemporary, box-like design is unsuitable in our view. We also resist and object to cases of 'garden grabbing' where these impact adversely on neighbours' quality of life or the overall environment. This application is in our view undesirable over-development, impacting negatively on several neighbours, in a traditional, old part of Charlton Kings.'**

**The points made above are still valid when examining this new proposal.**

## **2. Negative visual impact, poor design and over-development of the garden.**

**We disagree with the recent comment by Cheltenham Civic Society that the development is 'discreet and appropriate for its location.'** We can only assume that the CCS has no knowledge of this particular location to make such a statement. The proposed development is not in keeping with the majority of the properties in the neighbourhood which are of a Victorian/Edwardian era.

The new plans retain the brown and white block form of the existing plans and although the proposal is now lower than the previous, the boxy construction will look out of place in this area. **'This element was to be finished in timber cladding to reflect what would otherwise be a standard boundary fence.'** (Addendum to Planning Statement January 2015) Timber cladding to the walls in order to imitate brown fencing, in our view, is unacceptably poor design. SPD Development on Garden Land and Infill Sites, page 43 states that **'the style [of rear garden development] should not seek to compete with the predominant character of the area.'** There are no other buildings of this nature in the vicinity.



The site directly borders Church Walk, which not only provides access to the properties at the end of the lane and but is a public footpath used by local residents and the wider community. The proposed development remains of a scale that it will be seen from this lane. Because of the lowered boundary wall to the north and west the dwelling will be as prominent, from the Copt Elm Road entrance to Church Walk, as in the previous proposal. It will also be publicly viewed from the public footpath leading from Spring Bottom back up Church Walk towards Lyefield Road.



Photo B is taken from near the Copt Elm Road entrance to Church Walk. The proposed drive gateway can be seen on the right by the car. The dwelling would clearly be seen by the public from the Copt Elm Road entrance to Church Walk.

The development, which will be visible from our upstairs windows and our garden, will not enhance the views and vistas of those residents to the north of the development (Church Walk residents and Copt Elm Road, in particular). The building will have a negative visual impact for users of Church Walk (both residents and those who use the footpath).

**The Architects Panel stated in their objections to the previous application that 'It is unfortunate that the building cannot be pushed further to the south-east in order to create a relationship with the existing terrace.'** In fact as it is not possible to situate the dwelling to the south-east, and because of the narrowness of the plot, **the new design has been squashed into a smaller area to the west. This does not provide a satisfactory design solution as no relationship can be created with the existing terrace. The dwelling will, to use a popular idiom 'stick out like a sore thumb.'**

**'The plot effectively runs East West in direction and can't be seen from Copt Elm Road.'** (Site Analysis form Design and Access Statement) **This statement is wrong. The garden can be seen from Copt Elm Road and with the lowering of the boundary fencing/wall to the north/west of the proposed dwelling it will be very conspicuous and will dominate this view.**

**Although the footprint of the dwelling is more compact than the previous proposal, this creates an additional problem. The distance between the new build and the recently-constructed long, high extension at the rear of 9 Copt Elm Road has been reduced, leading to an even greater impression of over-development of the plot, in addition to increasing the hemmed-in impression that the Heritage and Conservation Officer objected to in the original planning application:**



'A building in this location would inevitably appear hemmed in, which is inappropriate for the architectural style, best appreciated in an open site not surrounded on all sides by dense gardens and established buildings.'

And:

'The recent extension to No.9 occupies a substantial footprint and the single storey detached building in the garden (garage?) in combination contributes to the impression that this area is already over developed.'

'The proposed dwelling should be orientated to make the most of the views that are available from the site without the need to reduce the number of trees that currently form the site boundaries.' (Design objective from Design and Access Statement December 2014).

From the plans it appears that the south-facing wall of the property will go right up to the boundary edge and there will be no south-facing windows. Windows facing north and east will be hampered by the close proximity of the boundary fencing. The planners have attempted to compensate for the paucity of light by providing roof windows and windows looking onto an inner courtyard, but in our opinion this lack of openness will lead to a claustrophobic feel inside the property, and the views the applicant mentions will be severely limited.

### 3. Traffic/Access and Highway safety

We remain concerned about the effect of additional traffic movement on a very narrow lane. As we stated in our previous letter children use it to walk to and from school and many visitors/locals enjoy its calm environment, away from the hubbub and noise of the main road, using it to walk to the ford and Spring Bottom. It cannot be forgotten that this lane is a well-used public footpath.



Photo A shows the entrance/exit to the driveway of the proposed dwelling. Hedging and a large tree are opposite the gateway. It demonstrates the narrowness of the lane and the difficulties posed by the lack of space.

Even with the reduction in the height of the boundary wall adjacent to Church Walk the entrance to the driveway is at such an angle and still high enough that visibility will be insufficient with regard to children, cyclists and vehicles coming from the right. A driver will need to pull out from the driveway to get a clear view. The Highways Liaison Planning Officer recommended refusal on the grounds that **'the development fails to provide safe and suitable access in accordance with NPPF specifically Section 4 (Promoting sustainable transport) and Section 7 (Requiring good design),**

**due to the failure to provide satisfactory intervisibility between Highway users.'** This remains the case with the new proposals.

It is unclear from the plans what the proposals are for parking for 9 Copt Elm Road. Again this was stated as a reason for refusal by the Highways Liaison Planning Officer: **'The development fails to provide suitable access and parking for both no 9 Copt Elm Road and the proposed new dwelling under Gloucestershire County Council Highways Development Co-ordination Standing Advice Proposed or Existing residential Development comprising 5 dwellings or less and in accordance with the Development Plan policies and other material consideration, including the National Planning Policy Framework related to car parking.'** Two parking spaces are proposed but there is no mention of whether 9 Copt Elm Road will share the same parking area as the new dwelling.

Our concerns remain with regard to the narrow, gated access at the bottom of the garden of the proposed development. It is unclear from the plans what would happen to this section of the garden which is adjacent to and on the corner of the public footpath part of Church Walk. We seek assurances that it would not be used as entry/egress/parking to the proposed development. This area is totally unsuitable for vehicle access to the dwelling (either instead of or indeed in addition to the parking at the front of the proposed property) as visibility is poor on that corner and public safety is a real issue.

**Two previous applications for a dwelling to be built in the back garden of 9 Copt Elm Road were both refused, on the following grounds:**

- 1. 80/00280/PO**
  - a. 'conditions detrimental to the amenities of surrounding properties'**
  - b. 'existing access inadequate to satisfactorily cater for further development'**
  - c. 'increased traffic would not be in the interests of highway safety'**
  
- 2. 84/00479/PO**
  - a. 'undesirable form of backland development served by inadequate access ... insufficient to satisfactorily cater for further development'**
  - b. 'increased traffic would not be in the interests of highway safety'**
  - c. 'inconvenience and disturbance to occupiers of nearby dwellings'**

In 2004, with reference to policies TP127 (now TP1 'Development and Highway Safety' in the Cheltenham Borough Local Plan 2<sup>nd</sup> Review 2006) and TP129 (now TP2 'Highway Standards'), the GCC Highways Planning Liaison Officer recommended that a similar proposal (for a dwelling in the back gardens of 11-17 Copt Elm Road) be refused on the grounds that the maximum number of houses that should have access to an unadopted private drive had already been reached. The same safety issues still exist and are valid in this case.

#### **4. Loss of Amenity and privacy**

The proposed property will totally change the character of the neighbourhood. The layout means that the property will be seen from neighbouring properties and gardens. Access onto the grass roof will compromise the privacy of neighbours. We seek clarification with regard to this roof garden.

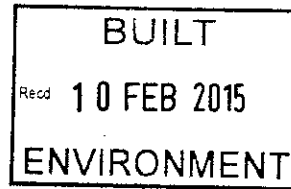
In addition to the above points, we are concerned about the effect of the actual building work on access and parking for residents. Deliveries and removal of materials and building machinery will create additional hazards and safety issues on such a narrow lane. During recent extension work on 9 Copt Elm Road the lane was closed off to residents at certain times and difficult-to-remove rubble and general building waste remain in the garden, as can be seen in the photos of the site in the planning statement. We are worried that more significant disruption would occur with such a large project. Vehicle access is required at all times by residents, some of whom are disabled or elderly. Furthermore, damage will be caused to the surface of the lane by the building work (the cost of recent resurfacing was shared between residents).

It is hard to see what benefit there is for local residents and the community in this proposal and we feel that **'any adverse impacts of building in the garden would significantly and demonstrably outweigh the benefits.'**

We ask that the council considers our objections most carefully when deliberating on this application.

Yours sincerely,





Mike Redman, Director, Built Environment,  
Cheltenham Borough Council,  
PO Box 12 Municipal Offices,  
Promenade,  
Cheltenham GL50 1PP

Date: 9<sup>th</sup> February 2015

Dear Sir,

**RE: Planning Application 15/00058/FUL – Erection of one dwelling at 9 Copt Elm Rd, Charlton Kings.**

I wish to object on the following bases:

**1. Traffic and Pedestrian Safety**

**The previous application (Number 14/00878/FUL) was commented upon and refusal was recommended by the Highways Consultant in the report dated 26.06.2014. The issues he raised have not been addressed in the current plan and the following issues must be considered.**

**1. A** Church Walk is a narrow lane without any footpaths, curbs, or passing places. It is bounded to the North by a high hedge and to the South by a high, approximately 6 foot, close boarded fence. It is also not a straight “roadway” as it is doglegged at the point where the present owner has created a pair of double gates. These features mean that safe travel within the lane is potentially hazardous for the many walkers, bike riders and dog walkers ( see photographs 1-4 inclusive). Vehicles exiting the proposed site have virtually no visibility along Church Walk to the right, i.e from the East ( see photograph 5).

I have observed many Mothers with toddlers and prams walking on Church Walk. Some small children are on bikes and scooters. I have seen them in groups of five children with two adult Mothers. They use the lane as a way to and from the local school and local amenities.

The speed of vehicles in Church Walk (especially tradesmen’s transport) can be excessive. There are already 9 houses with numerous vehicles using Church Walk to access and exit to Copt Elm Road.

**1. B.** Under TP127 and TP129 reference is made to the maximum number of houses recommended to have access to the lane is said to be five, but at present nine houses are serviced by the lane running West –East from Copt Elm Rd.

**1. C** The exit to Copt Elm Road is hazardous. Drivers are unable to see traffic coming from the North downhill and are they are frequently speeding. The view of the emerging driver is frequently obscured by parked cars and bigger vehicles, ( see photographs 6-7).

The turning into Church Walk is also hazardous and there has been one recent serious collision in the public highway when the driver was turning into the Walk from the direction of Lyefield Rd. I witnessed this myself, ( photograph 8 is illustrative of the problem).

Drivers emerge from Church Walk unsighted until the last minute from seeing pedestrians, particularly small children travelling on foot/bikes/scooters past the exit. There is no curb and many adults, and children especially, using the Copt Elm Rd footpath seem to be unaware that a vehicle may emerge. Small children on scooters are particularly vulnerable because of the momentum they have built up coming down the hill from the local infants/ primary school in Lyefield Road. This is only a few hundred meters away, ( see photographs 9-13

**1 D** Several previous applications to develop this plot have been refused because of adverse traffic issues.

As far as I am aware the planning law and guidance considerations have not altered since the last application was made in 2014.

It is clear that the applicants have not addressed the issues raised previously by the Highways Consultant and no mention of any further proposals are made in the addendum to the original planning statement.

## **2. Environment**

**I refer to the report of the Heritage and Conservation Consultant dated 05-02-15 which recommends refusal.**

**Further:**

**2. A.** I refer to the Council's own Local Development Framework (Supplementary Planning Documents) ( June 2009) on garden and infill and development at page 15 (3.3) refers to" the character of the area and locally distinctive patterns of development, landscape and use, a combination of all aspects of the place together make it distinct from anywhere else". The distinct historic Victorian gardens in such a large block are most locally distinctive.

Further at page 15 of the same Supplementary Plan (3.5) it says, under elements of character, that "change that results in harm to the character or amenity will normally be unacceptable".

In my opinion harm will result both to the character of the gardens/the village atmosphere and the local amenity. The latter applies both in terms of pedestrians using Church Walk, and the ability of residents to grow their own food.

**2. B** Under The National Planning Policy Framework (2012) and in particular clauses 127 to 133, in my opinion, the Council has a duty to consider the historic interest of the special example of Victorian Gardens, and other matters mentioned therein. These have not been given sufficient consideration or weight by the proposed developers' plans.

**2 C** In clause 130 of the above mentioned plan the following words are used, "where there is evidence of deliberate neglect or damage to a heritage asset, the deteriorated state of the heritage asset should not be taken into into account in any decision"

I have lived at No 13 Copt Elm Road for almost 30 years and until very recent years the garden at the rear of numbers 9 and 11 were tended as productive and attractive gardens and used for food production. Since the 2011 planning application was made and refused, the land at the back of number 11 has been allowed to deteriorate to a sad state This is because the proposed developer has used it as a dumping ground for the waste created by the recent building of the extension to his own present property at number 9.

**3.** **The gardens are of special historic interest as fine examples of Victorian cottage gardens.** They are full of wildlife. I have foxes and frogs in my garden and badgers are seen regularly in Church Walk. There is a large, almost land locked green space, traffic free, on three sides, comprising the block of the gardens behind the Villas, and well tended long gardens with trees/hedges and shrubs. There are nesting sites very nearby.

**4. Scale/Prominence/Appearance of the proposed development**

**4.1** The scale of the building and ground footprint of the proposed building is very large. It is contemporary in design and does not sit well among the predominantly Victorian red brick or rendered villas, all with pitched roofs. The property, if built, will be still be high in part ( over 3 meters at the atrium point) and will be visible from a number of existing properties in Church Walk and several in Copt Elm Road, including numbers 13/11/9/7. It will also be visible from the lane running West/East along the northern boundary of the site. Although there is a fence of approximately six feet the building will be higher.

**4.2** The general nature/size and design of the building is out if keeping in a Conservation Area and degrades it.

I refer specifically to the Planning Statement dated May 2014 produced on behalf of the developers:

**Page 12. Question C1.** Inaccurate.

The building will be visible from the public realm (Church Walk and the lane)  
**See above 4.1**

**Page 12. Question C2.** Misleading. The proposed development will impact on biodiversity and on the important amenity and character of the special historic back garden lay out at the rear of the Copt Elm Villa Development.

**Page 13. Question 6.** Incorrect. This proposed development does not respect existing development patterns in the block or respect the nature and size of the same.

**Page 13. Question 7.** Incorrect. There will be substantial undue impact in that the development will be seen clearly from Church Walk and a number of neighbouring properties.

**Page 14. Question 8.** Incorrect. See above under Traffic and Safety on page one of this letter. It is ridiculous to say that there will be no net impact of traffic in the lane. This will be multiplied many fold during construction and if built there may well be two vehicles owned by the occupants of this home. The lane already is congested at times.



be multiplied many fold during construction and if built there may well be two vehicles owned by the occupants of this home. The lane already is congested at times.

**Page 14. Questions 9 and 10** See above under Scale/Prominence of Building etc. I believe that the statements made are inaccurate and misleading. The building is out of keeping, and totally unsympathetic to the surrounding area and architecture (see below).

**Page 14. Question 13. Age and Architectural style.** The answer given is misleading. There is not a great variety of "styles of buildings locally". They are mainly Victorian Villas and a few later buildings. These by and large are one story bungalows. They all have pitched tiled roofs and are mainly built of the same materials, namely brick and/or render.

I enclose some photographs showing the potential for accidents as mentioned above. These were all taken last summer in connection with the previous planning application. Since then the traffic and parking problems have worsened mainly because of the parking of larger vehicles close to the junction of the lane and Copt Elm Road making visibility in that area even more hazardous.

#### **Addendum to Planning Statement dated May 2014**

My comments are as follows:

The size and height of the proposed building have been reduced and the building moved nearer to the existing dwellings in Copt Elm Road. However, there are still serious concerns, in my view, as to the access/traffic/parking issues raised in 2014 under application 14/00878/FUL

It is not therefore correct to say that "there should be no reason for the proposal not to continue to be supported by the council" as stated in 3.8, page 3, of the document dated January 2015. To my knowledge the proposal under consideration has never yet been determined or supported by the Council. All previous applications were refused or withdrawn before being decided by the Borough's full planning group.

In 4.2 of the January 2015 document it is stated that "the amendments made have fully resolved the concerns of the case officer". I point out that the major concerns and issues of the Highways/Heritage/Conservation consultants have not been addressed in the current application.

For the many reasons stated in this letter I urge the planning department and Borough Council to reject the proposed plans and to refuse permission for this development.

Yours faithfully,

  
 13 Copt Elm Rd GL53 8AG

14

FIVE  
BAR  
VEHICULAR  
GATE  
+  
MATURE  
HAZEL  
TREE



15

VIEW  
OF  
MATURE  
HAZEL  
TREE



IMAGES TAKEN  
SUMMER 2014.



①  
PARK  
CHURCH  
WALK  
FROM  
COPT  
ELM  
ROAD



②



③

ENTRANCE  
TO  
CHURCH  
WALK  
FROM  
COPT  
ELM  
ROAD





④

PART  
CHURCH  
WALK  
FROM  
EAST  
END



⑤

DOUBLE GATES IN CHURCH WALK  
SHOWING PROPOSED ENTRANCE / EXIT TO / FROM  
SITE





6



VIEW FROM EAST FOOTPATH SHOWING EXIT FROM / ENTRANCE TO CHURCH WALK

7



8



VEHICLE TURNING INTO CHURCH WALK FROM THE DIRECTION OF LYEFIELD ROAD



9

VIEW  
TOWARDS  
LYEFIELD  
ROAD  
FROM  
DRIVER  
POSITION  
EMERGING  
FROM  
CHURCH  
WALK



10

DRIVER  
POSITION  
EMERGING  
FROM  
CHURCH  
WALK  
LOOKING  
TOWARDS  
A 40



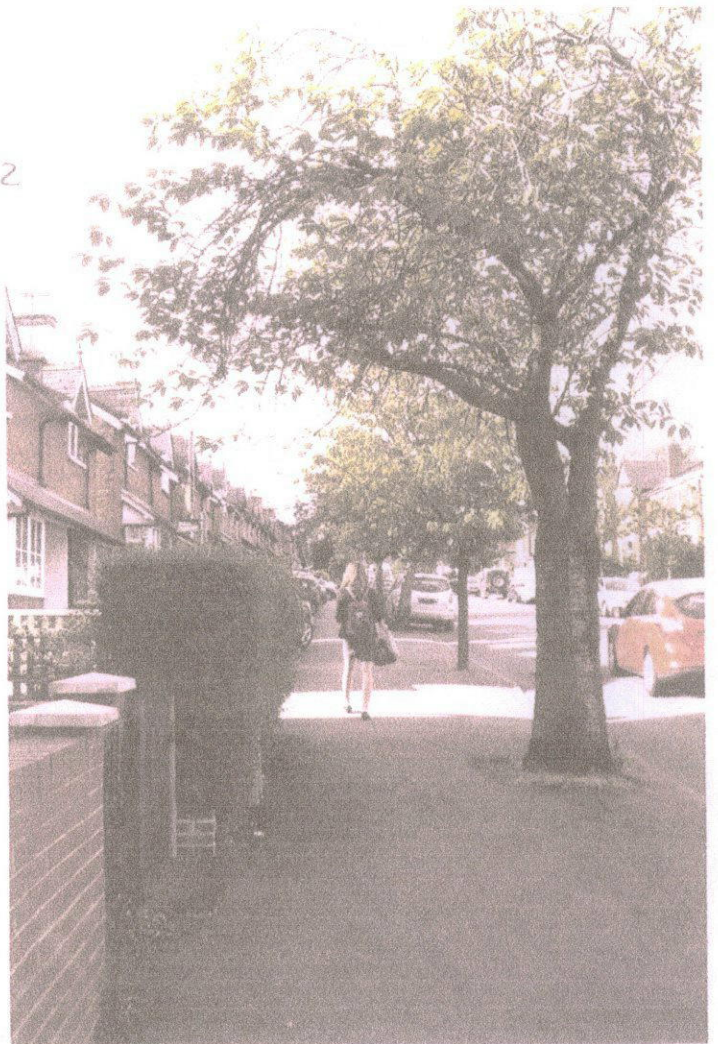




11 & 12

PEDESTRIANS / BIKE RIDER  
AT THE ENTRANCE /  
EXIT FROM CHURCH WALK  
INTO COPT ELM ROAD

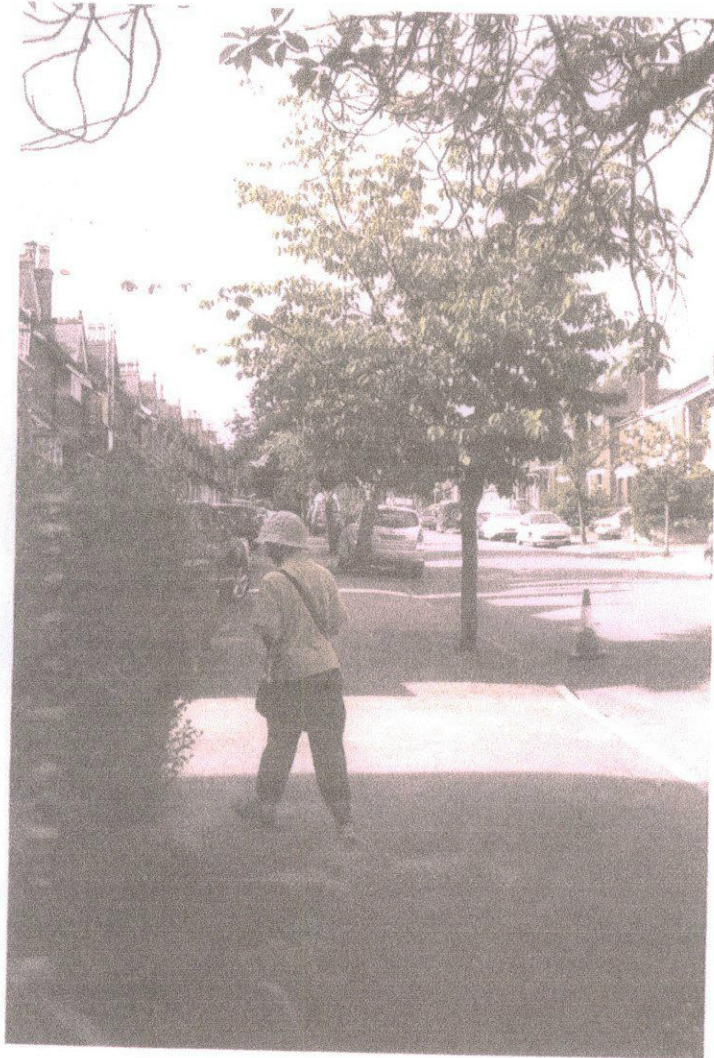
12





PEDESTRIAN CHILD NEAR  
EXIT FROM CHURCH WALK

13



7 Copt Elm Road  
Charlton Kings  
Cheltenham  
GL53 8AG

Chloe Smart  
Planning Officer  
Cheltenham Borough Council  
PO Box 12  
Cheltenham  
GL50 1PP

9 February 2015

Dear Miss Smart

*Planning application ref. 15/00058/FUL*

Further to your letter of 22 January, we are writing to object to the latest planning proposal at Wells Villa, 9 Copt Elm Road, Charlton Kings. In terms of impact, location and design, this revised proposal remains totally unsuitable for the area and should be refused.

Although the application, as a revision of the withdrawn application ref. 14/00878/FUL, goes some way to addressing the objections of the Architects Panel by containing the proposed footprint and removing the first floor, it makes no acknowledgement whatsoever of the fundamental objections of both Heritage and Conservation and the GCC Highways Planning Liaison Officer, nor does it even attempt to follow the recommendations of the latter in order to gain more favourable consideration.

Our six-page analysis of specific weaknesses in the application's Design and Access Statement, the Addendum to the Planning Statement, and the original Planning Statement is attached to the end of this letter, but here we reiterate the two key areas: **highway safety** and **local amenity**.

A. Highway safety

In advising refusal of application ref. 14/00878/FUL, the GCC Highways Planning Liaison Officer wrote the following, all of which still applies to this revised application:

**I recommend that this application be refused on highway grounds for the following reason(s):-.**

**Access**

That the development fails to provide safe and suitable access in accordance with NPPF specifically Section 4 (Promoting sustainable transport) and Section 7 (Requiring good design), due to the failure to provide satisfactory intervisibility between Highway users.

**Access and Car Parking**

In light of the proposed development being to the rear of no 9 Copt Elm Road and within the garden to the original property from the rear of the property to the rear boundary, the opportunity for off-street car parking provision to no 9 Copt Elm Road will be removed.



The development fails to provide suitable access and parking for both no 9 Copt Elm Road and the proposed new dwelling under Gloucestershire County Council Highways Development Co-ordination Standing Advice Proposed or Existing residential Development comprising 5 dwellings or less and in accordance with the Development Plan policies and other material consideration, including the National Planning Policy Framework related to car parking.

Even though the Planning Statement still fails to mention them in its planning history, you will be aware that the two previous applications for a dwelling to be built in the back garden of 9 Copt Elm Road were refused on the following grounds:

1. 80/00280/PO
  - a. 'conditions detrimental to the amenities of surrounding properties'
  - b. 'existing access inadequate to satisfactorily cater for further development'
  - c. 'increased traffic would not be in the interests of highway safety'
  
2. 84/00479/PO
  - a. 'undesirable form of backland development served by inadequate access ... insufficient to satisfactorily cater for further development'
  - b. 'increased traffic would not be in the interests of highway safety'
  - c. 'inconvenience and disturbance to occupiers of nearby dwellings'

Then, in 2004, with reference to policies TP127 (now TP1 'Development and Highway Safety' in the Cheltenham Borough Local Plan 2<sup>nd</sup> Review 2006) and TP129 (now TP2 'Highway Standards'), the GCC Highways Planning Liaison Officer recommended that a similar proposal (for a dwelling stretching across the back gardens of 11-17 Copt Elm Road) be refused on the grounds that the maximum number of houses that should have access to an unadopted private drive had already been reached. Following on from this, and the objections of local residents, planning proposal 04/01529/FUL was withdrawn.

Exactly the same situation pertains to this revised application as it did to its four failed predecessors. Access is from the same unadopted road. Indeed, the access – already deemed inadequate 'by virtue of its length, width and awkward alignment' – is now even narrower, because the applicant has extended his garden's width by repositioning a section of the boundary fence further to the north.

The unadopted road which provides access to the planned dwelling is also a public footpath in regular use by all sections of the community, including a local resident who is wheelchair-bound and groups of school- and preschool-age children. An increase in traffic will only increase the risk to local people using this footpath/road. Due consideration must be given to this. Speed on Copt Elm Road has long been a concern to local residents, particularly because of the junctions with the side roads that feed onto it. Hence the siting of two new-style 30-mph speed limit signs on either side of Copt Elm Road in close proximity to the junctions with the access road, Brookway Drive, Grovelands Close and Copt Elm Close. However, the junction with the private access road (directly opposite Brookway Drive) is the most dangerous and a serious two-vehicle collision occurred in late 2013 while a car was attempting to turn right from Copt Elm Road into the access road. Visibility is limited for cars turning out and crossing the Copt Elm Road footpath, which is a safe route to the local infant school. In fact, it would be very much in the interest of road safety if double yellow lines were added to the section of Copt Elm Road immediately fronted by nos 7 and 9 Copt Elm Road (i.e. the first two houses on either side of the western end of Church Walk).

Finally, the plans for the proposed development to the site at the east end of Church Walk are not clear. (This part of the private road is not owned by the applicant.) If the unstated intention is to use this for vehicular access to serve a proposed development, then this will only increase the hazards in an already congested area of the road, which is used by even more pedestrians, walking north-south between Spring Bottom and Lyefield Road East.

B. Local amenity

**The advice to refuse from Heritage and Conservation** was, if anything, even more emphatic; and the revised proposal does not address its fundamental objections, because by its very location it cannot. The objection is renewed even more forcefully by the Heritage and Conservation report dated 5 February 2015:

'Analysis of Site: rear garden of No.9 Copt Elm Road with additional land "borrowed" from adjacent garden plots creating an irregular shaped, elongated plot.

'Comments:

1. The site is accessed from a narrow single width lane known as Church Walk, an un-adopted road, which extends along the east boundary of the site and leads to another footpath which links to School Road, formerly Mill Lane. Church Walk is in frequent use by pedestrians and cars accessing the houses at the rear of the Copt Elm houses.
2. The position of the proposed entrance is identifiable by a small pedestrian 'refuge' in the close boarded fencing and is visible from the public highway.
3. The site spans two garden widths and occupies approximately half the existing length of the garden.
4. This section of Copt Elm Road is laid out in narrow width plots with pairs of semi-detached late Victorian vernacular cottage type buildings.
5. At the rear of the site there are several 20thC detached dwellings set in generous sized plots. The whole area is characterised by verdant growth, soft boundaries (other than to the lane) and small scale, discrete development both historic and more recent.
6. There are a number of conservation issues and concerns regarding this development that were highlighted in an application that was withdrawn in 2014: 14/00878/FUL.
7. The main issue is the impact on the conservation area of this development.
8. **The principle of building a dwelling on this land is unacceptable** for the following reasons:
  - a. The area has a distinctive identity and uniformity, as noted in the conservation area appraisal, characterised by a structured and formal plot layout with strong building lines adjacent to the road and rear gardens that are uniformly linear.
  - b. The layout of the gardens is an important and significant element of the conservation area and their contribution is both historic and environmental. Building on a large part of the gardens will distort an understanding of the historic development of the area. The retention of gardens and the discouragement of 'garden grabbing' is a local and national policy objective that recognises the contribution that green spaces make to the special character and enjoyment of an area.
  - c. The scale of the proposed building, in terms of its' large footprint, unlike any other building in the vicinity does not complement or respect existing development in the area and is regarded as over-development that should be resisted.
  - d. The proposal would destroy the established urban grain by positioning a building in an incongruous location in relation to the existing development pattern.
  - e. Contrary to the assertion in the accompanying Design & Access Statement the development will be very visible from the public realm as due to the precarious nature of the



vehicle entrance opening onto Church Walk, the boundary enclosure has been lowered in an attempt to improve the visibility of other users of the lane to drivers accessing the proposed building. A large part of the West elevation will now be visible from Copt Elm Road.

f. The design and material specification for the building is utilitarian at best and lacks a residential character and therefore conflicts with local policy that requires a high standard of architectural design that reflects principles of urban design that complements and respects neighbouring development and the character of the locality.

g. The proposal fails to preserve or enhance the St. Mary's Conservation Area and is therefore contrary to primary legislation, local plan policy and the NPPF which requires local planning authorities to sustain and enhance heritage assets such as conservation areas (par.126) and encourages the view that great weight should be given to an asset's conservation (par.132) and that new development should make a positive contribution to local character and distinctiveness (par.126).

**'SUMMARY: the principle of the proposed building in this location is of serious conservation concern and this application represents over-development and land-grabbing with no demonstrable public benefit and should be resisted.**

**'CONCLUSION:  
Refuse.'**

Backing up these conclusions, English Heritage guidance on Conservation Areas states:

'Local planning authorities are obliged to designate as conservation areas any parts of their own area that are of special architectural or historic interest, the character and appearance of which it is desirable to preserve or enhance.'

It is still the case that neither the Design and Access Statement nor the Planning Statement nor its Addendum addresses the key issue regarding the site in relation to the Conservation Area Appraisal and Management Plan. As Cheltenham Borough Council's own conservation officers point out, the back gardens of the cottage-style properties fronting the east side of Copt Elm Road and running south from no. 9 are specifically included in the conservation area because they are important examples of 'historic plot boundaries', and the council has decided these should be conserved. This proposal would destroy what is thus meant to be preserved, and encourage other developers to do the same in this locality and elsewhere. By not harmonising with the area's special architectural and visual qualities, this proposal neither preserves nor enhances the character or appearance of the St Mary's Conservation Area, which is a designated heritage asset; in fact, the proposal is positively harmful.

Action SM1 of the Conservation Area Appraisal and Management Plan 'requires that new development shall preserve or enhance the character of the Conservation Area.' This part of the conservation area is defined by its turn of the 19<sup>th</sup>/20<sup>th</sup> century housing and their historic plot boundaries. The conspicuous contemporary design of the proposed dwelling, covering a huge proportion of the plot, is at odds with the homogenous and well-preserved historic character of the area, which the Conservation Area Appraisal describes as a 'visually distinctive group'. The flat, square design of the proposal will contrast negatively with pitched roofs of the conservation area, as will their different materials. Page 30 of the Appraisal already regrets 'poor quality modern developments'. The new building would be highly visible not only from several neighbouring houses but also from the much used public footpath which runs in front of, and alongside, the property.

In addition:



'In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary.'

(National Planning Policy Framework paragraph 128)

Even if the proposal might not 'lead to substantial harm to or total loss of significance of a designated heritage asset', as outlined in paragraph 133 of the NPPF, paragraph 134 applies:

'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.'

There are no public benefits to building on a garden in this much cherished and much frequented part of the conservation area.

Furthermore, Cheltenham's SPD policy on garden development still stands. Policy GE2 'Private Green Space' (objectives O12 and O18) states: **'The development of private green areas, open spaces and gardens which make a significant townscape and environmental contribution to the town will not be permitted.'** This is further supported by the NPPF: **'Local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.'**

The photograph on page 6 of the proposal's Planning Statement is still misleading. It implied that development of the site would be an improvement on its current state. Until recently this site was part grassed garden, part cultivated vegetable plot. Paragraph 130 of the NPPF would seem to apply here: **'Where there is evidence of deliberate neglect or damage to a heritage asset the deteriorated state of the heritage asset should not be taken into account in any decision.'** Its current state is due to neglect, and the applicant's use of it as a dumping ground for rubbish and as a site to burn waste (illustrated in the photograph below, 10<sup>th</sup> December 2014) following the recent extension (planning reference 13/00391/FUL, also mentioned on page 6).





You will also remember, though again the applicant does not mention it in the planning history, that application reference 12/01718/FUL at 9 Copt Elm Road was withdrawn because planning officers judged the design and size unacceptable.

The objection of the Parish Council to the original application sums up the attitude of many local residents and remains pertinent to this revised application:

**'Our policy states that we seek to maintain the unique character of Charlton Kings and avoid inappropriate design. This is especially important in the St Mary's Conservation Area which includes 9 Copt Elm Road. The proposed design is out of keeping and does not preserve the Conservation Area; its contemporary, box-like design is unsuitable in our view.**

**We also resist and object to cases of 'garden grabbing' where these impact adversely on neighbours' quality of life or the overall environment. This application is in our view undesirable over-development, impacting negatively on several neighbours, in a traditional, old part of Charlton Kings.**

**Of some concern also is the potential increase in conflict between pedestrians and vehicles in what is essentially a very popular footpath, heavily used by parents and children going to local primary schools. Additional traffic would be a disbenefit to the wider community.'**

For these many reasons we trust that the planning department will refuse this development.

Yours sincerely



## Response to the Design and Access Statement (reference 15/00058/FUL)

### 3.0 Site analysis

#### Local Building Types

The surrounding buildings are a mix of ages and styles... – irrelevant statement: the site is within a conservation area of visually distinctive and unified character

#### Site Access

There will be sufficient space for a vehicle to turn around on the site thus ensuring that vehicles will leave the site and access the public highway in a forward gear. – misleading statement: the developer fails to acknowledge that there are already two off-road parking spaces that back directly onto the site's proposed entrance, and sight of vehicles coming from the east will be minimal. The same comment applies to **9.0 Highways**

#### Surrounding Trees

The boundary to the South of the site is heavily tree lined with conifers. In preparing this application we have ensured that the proposed scheme doesn't require the removal of any of the existing trees that form the site boundary. – misleading statement: the laying of foundations so close to the south of the site will cause severe damage to the root system of the dense conifer hedge belonging to 15 Copt Elm Road

#### Photographs

The three photographs top right and bottom left and right represent a cynical attempt by the developer to show that any building on the site would be an improvement. Since 9 Copt Elm Road is soon to be rented out on a long-term let, the majority of the building waste was removed some time ago – either burnt up in situ or cleared away by skip.

### 5.0 Proposed scheme

#### Form

Central within the plan form there is an atrium space which has an increased ceiling height to allow high level windows to allow more daylight and natural ventilation to enter the dwelling. – misleading statement: the high level windows will cause light pollution to the detriment of the immediate neighbours' amenity.

### 12.0 Conclusions

The proposal represents an appropriate form of development for the site providing a high quality dwelling appropriate to the site context and local area and landscape. – incorrect statement: sitting within the St Mary's (Charlton Kings) Conservation Area, the proposal represents an entirely inappropriate form of development at odds with the character and appearance of the local area.

This statement has demonstrated that the proposal is consistent with relevant policies of the local plan, and all other material considerations. – incorrect statement: the proposal runs directly counter to policy CP7 and GE2 of the Adopted Cheltenham Borough Local plan.

The scheme has been developed to accord to our design principles that were set out at the start of this document. Our overriding objective with regards the development of a scheme for this site has been to ensure that the proposed dwelling works with the site to create a home that is of an exceptional quality and minimal impact on the site. – misleading claim: the impact on the distinctive character and appearance of the conservation area will be far-reaching and irreversible.



Response to the Addendum to the Planning Statement (reference 15/00058/FUL)

3.3 'Finally, the access to the site was adjusted to improve visibility and to satisfy highways comments received during the previous application process.' – misleading claim: the following highways comments on visibility are not satisfied by the proposed access to the site:

'Visibility

When turning left or right onto Church Walk, for a speed limit of 20mph the visibility standard requiring is 22m or for less than 12mph the visibility standard requiring is 12m.

'The site presents satisfactory visibility standards when turning left onto Church Walk, **however visibility standards to the right are substandard and are not satisfied when turning right onto Church Walk.**

'**The site will need to meet the satisfactory visibility standards when turning right onto Church Walk as stated above.**

'The above visibility standards will also be required to be met for turning right and or left onto Church Walk from the property known as No 9 Copt Elm Road.'

What is more, the following written highways recommendations are nowhere adequately dealt with:

'Access

**The vehicular access will need to be constructed in accordance with Gloucestershire County Council; Highways Development Co-ordination Standing Advice Part 3.**

**The proposed development will require the provision of a footway/verge crossing and the Applicant/Developer is required to obtain the permission of the County Council before commencing any works on the highway.**

**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 with the County Council before commencing those works.**

The pavement reinstatement will need to be of a bound material similar to that already existing.

It is noted from the submitted drawing that the drive will be paved in gravel; therefore an appropriate method of material separation between the drive and the pavement will be required to prevent any drive material egress from the drive onto the pavement and or highway.

**The above will also be required to be met for access to the property known as No 9 Copt Elm Road.**

'Parking Arrangements

**Details showing adequate onsite parking provision; for the proposed development, being to the rear of No 9 Copt Elm Road and within the garden to the original property and adequate onsite parking provision for no 9 Copt Elm Road negating the need to park**



**vehicles on the highway** and provision of a suitable vehicle turning area to be provided to ensure vehicles will not require reversing into and out of the site onto Church Walk.'

## Response to the Planning Statement (reference 14/00878/FUL)

2.4 'at the eastern end, greater variety exists in the form, size and style of dwellings' – irrelevant statement: the area referred to, and all the buildings cited, fall outside the St Mary's (Charlton Kings) Conservation Area (as the map under 2.2 clearly shows).

2.4 'The proposal would therefore not be out of place in terms of the established, and varied urban grain of the locality.' – misleading claim: this conclusion is invalid (see above).

2.4 image 'showing how it would benefit from development it [sic] terms of its general character and appearance' – misleading statement: the site was until very recently a combination of grassed lawn and cultivated vegetable/fruit garden; the site was in that state out of neglect on the part of the applicant who used much of it as a dumping ground for rubble, etc. and as a site for burning waste after the extension work on 9 Copt Elm Road in the second half of 2013. Paragraph 130 of the National Planning Policy Framework applies: **'Where there is evidence of deliberate neglect or damage to a heritage asset the deteriorated state of the heritage asset should not be taken into account in any decision.'**

2.5 'Views of the site are not readily available from Copt Elm, [sic] Road' – inaccurate statement: a building on the site will be visible from sections of both Copt Elm Road *and* Brookway Drive.

2.5 'the site is currently screened to the proposed access drive and Church Walk by well-established trees and vegetation and a solid boundary fence' – inaccurate statement: a building on the site will stand proud of the boundary fence which fronts a public footpath, and any trees and vegetation will not provide screening year-round

3.0 **Planning History** – incomplete record:

1. 80/00280/PO: permission for a dwelling in the rear garden of 9 Copt Elm Road refused
2. 84/00479/PO: permission for a dwelling in the rear gardens of 9 & 11 Copt Elm Road refused

3.1 'Planning permission was granted in May 2013 under planning reference 13/00391/FUL' – incomplete record: no mention is made of planning reference 12/01718/FUL which was withdrawn because both design and size were judged unacceptable by planning officers.

4.1 'it will make a most positive contribution to the character of the area' – inaccurate claim: this proposed new development shall neither preserve nor enhance the historic and visually distinctive character of this part of the Conservation Area.

4.1 'through a high quality and innovative design approach' – irrelevant statement: the design does not harmonise with the homogenous character of the buildings in the area, which the Conservation Area Appraisal describes as a 'visually distinctive group'.



4.7 'permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits (when judged against the NPPF as a whole), or if specific policies in the NPPF indicate development should be restricted (paragraph 14 of the NPPF)' – incomplete appraisal: in relation to designated heritage assets (such as this Conservation Area) NPPF paragraph 128 reads: 'In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary.' Even if it is questioned whether the planned development would 'lead to substantial harm to or total loss of significance of a designated heritage asset' as outlined in paragraph 133 of the NPPF, paragraph 134 still applies: '**Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.**' There are no public benefits to this proposal; it is simply a case of a developer trying to maximise private profit regardless of the wider impact on the community.

4.8 (see also 4.16) 'housing applications should be considered in the context of the presumption in favour of sustainable development' – irrelevant statement.

4.10-4.15 *The Local Plan* – misleading appraisal: Local Plan Policy TP1 (Development and Highway Safety) states:

**Development will not be permitted where it would endanger highway safety, directly or indirectly, by:**

- (a) creating a new access, altering an access or increasing the use of an existing access on to the main highway network, or at other points where it would be hazardous to highway users, unless a satisfactory improvement has been carried out; or**
- (b) generating high turnover on-street parking.**

Under TP1(a), this application should not be permitted. Indeed, was the applicant given approval for the new access when it was created onto what is an (unadopted) public highway in 2010?

4.17 'The proposal will provide for a very well designed dwelling' – irrelevant statement.

4.18 'As a 'residential garden site' it is acknowledged that this should be weighed up alongside the advice at paragraph 53 of the NPPF' – incomplete appraisal: Local Plan Policy GE2 (Private Green Space) states:

**The development of private green areas, open spaces and gardens which make a significant townscape and environmental contribution to the town will not be permitted.**

Note 1

See also policy CP 3 (sustainable environment).

Note 2

**The fact that a site is the most cost-effective development option for the applicant is not justification for an exception to policy GE 2, nor is the present lack of an alternative site.**

Note 3

**In determining whether a green space has a significant townscape and environmental value, the Council will have regard, among other factors, to its contribution to the following:**

- (a) the spacious character of the town;**
- (b) the quality of the local townscape;**
- (c) the established character of the locality;**
- (d) the setting of an important building or group of buildings;**
- (e) important landmarks, views and vistas within and out of Cheltenham;**

**This list of considerations is not intended to be exclusive.**



Under GE2, this application should not be permitted. See, in particular, Note 2 and 3(c)-(e).

#### 4.20-22 *The Councils [sic] SPD*

*Question C1* – ‘The application site is essentially hidden from public [sic] view’ – inaccurate claim: the building will be clearly visible from the access drive which is a public footpath and, though part-owned by the applicant, is an (unadopted) public highway. It will also be viewed from houses fronting Copt Elm Road and those along Church Walk.

*Question C2* – ‘there is no undue negative on any feature which might contribute to the character of the locality’ – inaccurate claim: the development will have a negative impact on existing biodiversity and will destroy historic plot boundaries.

*Question C3* – ‘the scheme responds excellently to the site and its context’ – inaccurate statement: the scheme does not harmonise with the visually distinct housing in the Conservation Area and destroys the historic plot boundaries.

*Question C4* – ‘not in any way at odds with the character of the area’ – inaccurate statement (see above).

*Question C6* – ‘The proposal does respect existing development patterns in the block’ – inaccurate statement (see above).

*Question C7* – ‘The proposed dwelling has been positioned in such a way as to not have any undue impact on the surrounding neighbouring properties’ – **misleading statement: the development will in no way harmonise with the visually distinct group of housing in the Conservation Area.**

*Question C8* – ‘One additional dwelling will have no material impact’ – **incorrect statement. How can the addition of a material property have no material impact?**

*Question C9* – ‘As already set out, the properties within the immediate area are mainly semi-detached and detached dwellings. Whilst this part of Copt Elm road is fairly uniform in character, it does not extend to the whole of the road, with a variety of housing styles found at either end, and greater variety located within the immediate surroundings of the proposal within Church Walk.’ – **irrelevant statement: the proposed dwelling must be compared to what is within the Conservation Area.**

*Question C10* – ‘The dwelling will sit relatively low within the site and has a height and mass that will be unobtrusive, with a high quality contemporary design that will complement and respect existing development in the area.’ – **inaccurate statement: the proposed dwelling would be highly visible and completely at odds with the Conservation Area it would stand within.**

*Question C13* – ‘There is large variation to the architectural style locally. Great variety exists, with buildings of different heights, ages and styles.’ – **incorrect statement: the part of the Conservation Area within which the proposed dwelling would be sited is of a visually distinct and historic character.**



*Question A1* – ‘The height of the dwelling together with the carefully placed window openings ensure there is no overlooking to neighbouring properties.’ – incorrect statement: the building would directly overlook 4 Church Walk – its bedrooms, conservatory and garden – as well as other neighbouring properties.

*Question AP3* – ‘Proposed parking and turning areas are also arranged in a way that will not be harmful to neighbours’ amenity’ – **incorrect statement: the access from the property is at a very awkward alignment with limited visibility to users coming from the east, and opens directly onto two other established parking areas across the private road.**

*Question AP4* – ‘It is safe and convenient for all road users.’ – **incorrect statement: see above.**

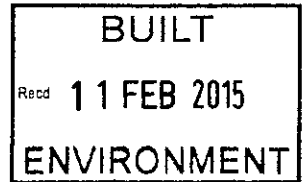
### *Conclusion*

5.1 ‘The scheme respects neighbouring development and the character of the locality. The proposal also acknowledges its position by being subservient to many of the surrounding buildings, and does not compromise the amenity of neighbouring residents. In these respects the proposed development is entirely acceptable.’ – incorrect claim: the scheme shows no respect for the character of the locality, would be an incongruous addition impacting negatively on the neighbourhood, and compromising the amenity of neighbours. In all these respects it is entirely unsuitable.

5.2 As has been demonstrated by this response to the particulars of this Planning Statement, the application is a) wholly contrary to the relevant policies of the Council’s SPD and the NPPF, and b) shows no respect whatever for the priorities of the St Mary’s (Charlton Kings) Conservation Area Appraisal and Management Plan.

5.3 Far from offering their support, planning officers should therefore refuse the application forthwith.

**7 SANDFORD MILL ROAD  
CHELTENHAM  
GLOUCESTERSHIRE  
GL53 7QH**



8<sup>th</sup> February 2015

Miss C Smart  
Built Environment  
Cheltenham Borough Council  
PO Box 12  
Municipal Offices  
Promenade  
Cheltenham  
GL50 1PP

Dear Miss Smart

**PLANNING APPLICATION – ERECTION OF A SINGLE STOREY DWELLING AT 9  
COPT ELM ROAD, CHARLTON KINGS. REFERENCE NUMBER: 15/00058/FUL**

I lived at 9 Copt Elm Road with my son from May 2002 until May 2010. I would like to, again, object to the above planning application. My objections remain the same, but I would like to reiterate the points that I feel so strongly about.

- **Environment and conservation** : I understand the proposed site it still part of the St Mary's Conservation Area, so quite why this proposal is being considered is beyond me. Until the time when I sold the property to the present owners, the garden owned by me and the then owner of the plots/s at 11 Copt Elm Road, was under cultivation and was a haven for wildlife. There were frogs, toads , foxes and numerous winged insects, birds and I regularly heard an owl. I do not feel that the new development will enhance the wildlife habitat. It will, I feel, harm it beyond repair and take out of production valuable land capable of being used for food production.
- **Traffic** : As I lived at number 9, I was able to be aware of the amount of footfall and vehicular traffic moving up and down Church Walk as my kitchen window faced onto it. Many children, both on foot and on bicycles and scooters, as well as Mothers' with small children on foot and in prams, used Church Walk as a route to the local village school. Also, the path was used by many dog walkers (myself included) and adult cyclists. I am concerned traffic in such a narrow space, which was at times, congested due to lack of any space to pass.

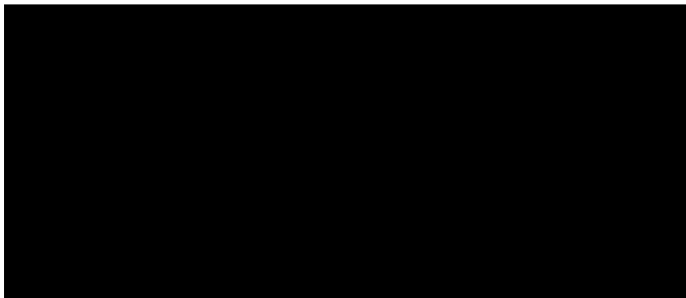
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- There are no public raised footpaths in Church Walk, or curbs at the end of it where it meets the busy footpath on the public highway at Copt Elm Road.
- Pedestrians walking and cyclists riding North/South up and down past the front of the Villas at the junction of Church Walk and Copt Elm Road are not always aware of vehicles emerging from Church Walk. This applied particularly to children travelling downhill on scooters and bicycles from the direction of Lyefield Road to the South.
- Due to the lack of general off road parking in the area, many mothers with school age small children park in Copt Elm Road, both in the morning and evening, when taking them to school only a few hundred yards away. This adds to the congestion around the junction and causes problems with vehicular sightlines onto the public highway.
- **Visual Impact** : The proposed new building is not at all in keeping with others in the **Conservation Area** which are mainly Victorian/Edwardian. Its modern design will, in my opinion, detract and degrade the present and very important rural village feel of this part of Charlton Kings.

I appreciate you taking the time to read my objection.

Yours sincerely



6 Lyefield Rd East  
Charlton Kings,  
GL53 8AY  
9 Feb 2015

Miss Chloe Smart,  
Planning Officer,  
Cheltenham Borough Council,  
PO Box 12  
Cheltenham GL50 1PP

Dear Miss Smart,

Planning Appcn. ref 15/00058/FUL

Further to your letter of  
22nd Jan. we are writing to object to the  
latest planning proposal at 9 Gopr Elm Road,  
Charlton Kings.

These revised plans, do not address  
the issues on which we previously

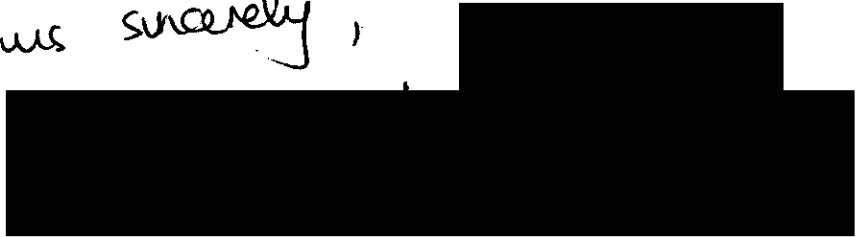
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objected to this Page 2471g application.  
These issues were on two grounds:

1. Highway safety - The existing access is inadequate to satisfactorily cater for further development. Increased traffic will only further exacerbate what is already an unsafe highway.
2. Conservation area - We know this area very well as we live locally, and regularly walk with our family around it, enjoying the special character of our village environment. We consider the location and style of the planned dwelling does not fit in with this historic conservation area.

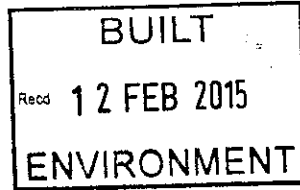
These concerns were upheld by the reports filed from the Highways Officer and the Conservation Officer. The Highways Report has not been addressed, and the Conservation report has also not been addressed. The conservation report furthermore records that the site is already over-developed.

Yours sincerely,

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

M. Redman Esq.,  
Director of the Built Environment,  
Cheltenham Borough Council,  
Municipal Offices,  
Promenade,  
Cheltenham,  
Glos. GL50 1PP

37 Leighton Road,  
Cheltenham,  
Glos. GL52 6BD



10<sup>th</sup>. February 2015

Dear Sir,

**Erection of 1No.dwelling at Wells Villa, 9 Copt Elm Road, Charlton Kings,  
Cheltenham, Gloucestershire. GL53 8AG - ref No. 15/00058/FUL**

Thank you for your letter dated 22<sup>nd</sup>. January informing me of the above application. I wish to record my objection to the above proposal.

I should state that I regularly walk along Church Walk from Copt Elm Road now with my 5 year-old and 3 year-old sons. We enjoy the quiet rural nature of the area and playing around the forded river.

This application, although slightly smaller in area than that of the previous application in June 2014, contravenes in every way the principal reasons for my previous objection. My specific grounds for objection are:-

**1. Environmental Impact.**

The long rear gardens of the properties along Copt Elm Road and extending to Church Walk form an extensive area of well-tended flower and vegetable gardens and with margins of less-well- tended land all of which are a haven for a wide variety of wildlife including frogs, butterflies and various bird species. Importantly, I have been informed that badgers have been observed in the garden of 27 Copt Elm Road which, if confirmed, would add significantly to the importance of this area and would militate against any development of the area.

My main reason for objection is that this entire area is designated a Conservation Area because of the special horticultural use and its wildlife, and any new house in this conservation area is totally unacceptable

The proposed development would greatly and adversely impact on this valuable Conservation Area and would be against the main principles upon which the Conservation Area status was created.

The site of the proposed development has already been allowed to become a tip for building materials and rubble following the building of the existing house extension when once it had been a well-tended garden.

Apart from my principle objection to any development on this site, the proposed design is, in my view, totally out of character with the surrounding dwellings.

## **2. Pedestrian and Road Safety**

On our visits to Church Walk and the "splash" ( I believe the local name for the river ford), we encounter many pedestrians particularly families with young children using the Public Footpath.

With 40 years experience as a highway engineer, I consider Church Walk, alongside the proposed development and to its junction with Copt Elm Road, to be totally unsuitable on safety grounds for the existing vehicular traffic let alone any additional vehicular movements generated by the proposed development.

Church Walk is narrow without any segregation of pedestrian and vehicular traffic. There are no verges for pedestrians to use in an emergency. There are no passing places for contra-flowing traffic. Therefore any increased pedestrian/vehicular conflict would create significant further dangers particularly to children.

This revised application appears to have ignored completely the comments of the Highway Authority on the previous application. No change has been made to the access position or geometry particularly in relation to visibility to the right when exiting the site.

At the proposed vehicular access to the site, there is no visibility along Church Walk to the right for vehicles exiting the site. Only when the vehicle is fully onto the Public footpath is visibility achieved. The appropriate visibility standard must be provided to right and left when exiting the site regardless of which way a vehicle may be turning.

At Church Walk junction with Copt Elm Road, visibility for vehicles exiting Church Walk in both directions is virtually nil because unrestricted parking in Copt Elm Road on each side of Church Walk necessitates exiting vehicles to move out unsighted onto Copt Elm Road before any visibility is achieved. Excessive traffic speeds on Copt Elm Road are of great concern to both residents and police who have implemented several speed-check exercises in the recent past.

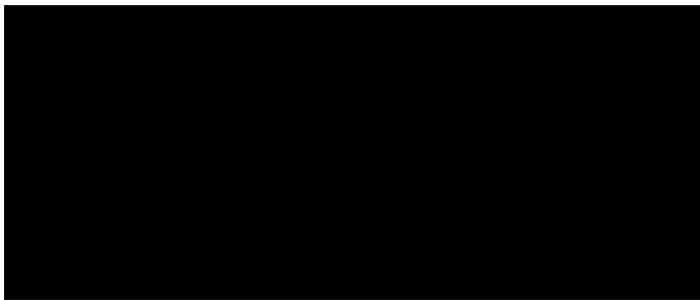
Furthermore exiting vehicles have severely restricted visibility of pedestrians using the Copt Elm Road footpath.

This is not a safe junction under present conditions either for pedestrians or vehicles. Any additional development will cause further risk to road safety.

In conclusion, I must say that I am troubled by the numerous references in the Application's Statements to the non-compliance with the Council's requirements. Obviously it seems that there has been very close involvement by the Council's case officer but such involvement cannot address the critical issue of development within the Conservation Area nor the Highway safety aspect. The Application Statements seem to suggest that approval will be forthcoming and it is a "done deal"

I earnestly request, therefore, that this application be taken to the Planning Committee for a decision and not left to officers' delegated powers.

Yours faithfully,





Recd 24 FEB 2015

ENVIRONMENT

M. Redman Esq.,  
Director of the Built Environment,  
Cheltenham Borough Council,  
Municipal Offices,  
Promenade,  
Cheltenham,  
Glos. GL50 1PP

[REDACTED]  
37 Leighton Road,  
Cheltenham,  
Glos. GL52 6BD

24<sup>th</sup>. February 2015

Dear Sir,

**Erection of 1No.dwelling at Wells Villa, 9 Copt Elm Road, Charlton Kings,  
Cheltenham, Gloucestershire. GL53 8AG - ref No. 15/00058/FUL**

Further to my letter of objection to the above proposed development and dated 10<sup>th</sup>. February, I have, today, spoken to your Ms. Smart regarding the absence of any Highways Authority comment on- line.

She informed me that the Highways Authority is presently in consultation with the applicant asking for information about highway visibility along Church Walk public footpath when vehicles exit the proposed site.

I understand from Ms. Smart that the applicant is considering the lowering of the existing 6 foot boundary fence alongside the development site in order to achieve the necessary visibility along Church Walk.

I would be very concerned about such a measure should the Highways Authority accept it as a solution to the serious road safety issue presented by the existing proposal.

My concern is that there would be nothing to prevent the present or future owners of such a dwelling from planting a hedge or line of trees or erecting anything which might reduce the visibility back to its present state of ZERO. Covenants or written conditions in any planning consent are, as we well know, are difficult and costly to enforce.

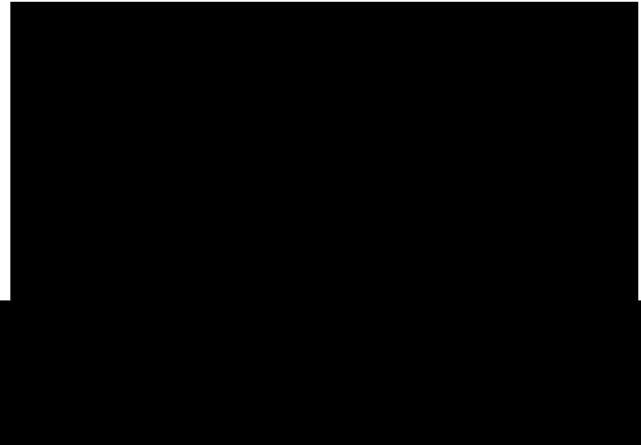
The only way to ensure maintenance of visibility lines would be for the applicant to set back the boundary fence to the correct splay line and to Dedicate legally the ownership of the land within the splay to the Highway Authority. Only then could control be achieved to protect this critically important highway safety feature. You will know that this is a well-established procedure in planning considerations.

Having expressed my feelings on the above, I must say that the matter of site access

safety is only part of my objection to the proposed development for the matter of vehicular visibility at the junction of Church Walk with Copt Elm Road is, in my view, of greater importance since it would involve far greater numbers of vehicle movements when considering the high volumes of fast traffic on Copt Elm Road. Here, I do not see how the Applicant could have any power to improve this road safety hazard.

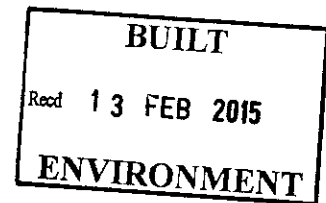
In conclusion, I am aware that your time limit for submissions on this proposal has passed but as this information has only just come to my attention, I would ask that this further submission be considered as an addendum to my formal response dated 10<sup>th</sup>. February.

Yours faithfully,



Cheltenham Borough Council Management / Admin			
PASSED TO			
REC'D	25 FEB 2015		
Date of Response		Type of Response	
Initials of Responder		File Ref.	

114 Hewlett Road  
Cheltenham  
GL52 6AT



Mike Redman  
Director, Built Environment  
Cheltenham Borough Council  
PO Box 12  
Cheltenham  
GL50 1PP

12<sup>th</sup> February 2015

Dear Mr Redman

**Planning application ref. 15/00058/FUL**

Further to your notice displayed on site and in addition to my objection to the previous application ref. 14/00878/FUL, I would like to register my objection to this revised application.

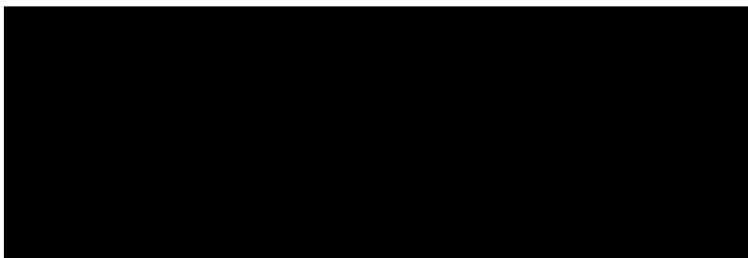
It may be for a single- rather than a two-storey dwelling, but it is still located in a back garden and still represents a piece of self-serving land-grabbing with no public benefit whatsoever. I notice that this is also still the opinion of your colleagues in Heritage and Conservation.

I know this area well because my children used to attend school in Charlton Kings, and we enjoyed the tranquil nature of the village environment and its special character.

If this application goes ahead, I am very worried about the increase in risk to the safety of the pedestrians who use the footpath we know as Church Walk. The access is already very narrow and awkward.

In addition, the location of the planned dwelling will ruin this part of the St Mary's Conservation Area, which I believe is a designated heritage asset because of its visually distinctive housing and historic plot boundaries.

Yours sincerely





62 Laker Court  
Studley Road  
Stockwell  
London SW4 6RY

Mr Mike Redman,  
Director, Built Environment,  
Cheltenham Borough Council,  
PO Box 12,  
Municipal Offices,  
Promenade,  
Cheltenham, Glos GL 50 1PP

6th February 2015

Dear Sir,

**Re: Proposed Erection of one dwelling at Wells Villa at 9 Copt Elm Road – 15/00058/FUL**

I live in London, but for the last 30 years, have been a regular visitor to Charlton Kings, staying in Copt Elm Road.

I have seen a planning application at the above address and wish to give my views on this proposal.

I registered my views on the original application for this address and am forwarding these comments on the new application. I cannot see that there has been any real substantive change in the application, but have added further observations, (I have italicised my original comments).

#### **Building and Environment**

*Having looked at the proposed elevation and section document, the proposed building does not appear to be in keeping with the other homes in the area and the local environment.*

- Although the height of the proposed new building has been lowered, it is still high enough to be visible seen from both Church walk and the public (unadopted) path/lane running from Copt Elm Road to the junction of Church Walk behind the site and will be seen by members of the public.
- The new build will clearly be seen from the back of the houses at the bottom of the lane on the North and East sides. Considerable light pollution will be caused to neighbours at night by the atrium lights which are situated at a height of 3 meters.
- The materials to be used (as in the previous application) are totally out of keeping with the largely red brick residences, mostly built in the Victoria/Edwardian style. The whole design is unsympathetic to the area, which is part of the St. Mary's Conservation Area.

*The design is completely out of keeping with the area, resembling the new, 'acrylic cube' constructions frequently seen on industrial estates in and around London.*

#### **Public Access and Traffic**

- *The public footpath which runs alongside the property, 9 Copt Elm Road, is narrow and has a dog-leg bend at its halfway point. It is in constant use by residence for access to their homes and by children and parents for access to the school. Children with bicycles, mothers with pushchairs, frequently use it and occasionally people in wheelchairs. Walkers, like myself use it to access Church Walk at the back of the houses in Copt Elm Road.*
- *There are no pedestrian pavements and no room for pedestrians and vehicles to pass safely. Should a vehicle attempt to pass a pedestrian, then the pedestrian will be forced into a hedge or a fence. Access for construction vehicles and materials is seriously restricted.*
- In addition:  
the present proposal removes the parking spaces for the existing No 9 Copt Elm Road property. This will cause further parking problems in the area of Copt Elm Road near to its junction with the lane leading to the development.
- Already, there are considerable traffic hazards created by parking of large vehicles in the area which has prevented a sight line for drivers emerging from the lane into Copt Elm Road, which is a busy road and, very importantly, a public transport route, with buses every half hour during most of the day.
- Also, it is inevitable that the construction traffic will create a greater volume of traffic parked on the Copt Elm Road at the end of Church Walk, thereby restricting views of oncoming traffic (private cars and buses) for anyone wanting to cross Copt Elm Road from the footpath.

**In the 2014 application (14/00878/FUL), comments were made by the Highways expert who recommended a refusal of the plans. None of the issues he raised seem to have been addressed in the current 2015 application.**

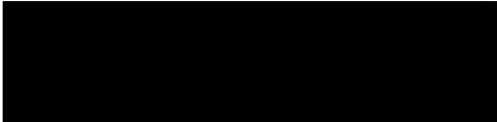
#### **Conservation**

*Being a member of an historical group in London, I take a great interest in the fact that Charlton Kings (St Mary's) is a conservation area and that the gardens in the area of Copt Elm Road are in fact, 'listed' as gardens of "special historic interest as examples of Victorian cottage gardens".*

*The collection of gardens bounded by Copt Elm Road, Lyefield Road and Church Walk, are long established and originally developed for food production. Any disturbance to this exceptional and very old example of rural, Victorian cottages gardens, would naturally have a detrimental impact on the flora and fauna in this Conservation area.*

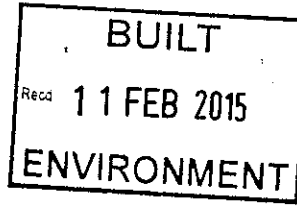
A recent report by the Conservation expert filed in connection with this current application has concluded that the impact of this development would be of serious conservation concern and should be resisted.

Yours faithfully,



Fritwell, Copt Elm Road, Charlton Kings, Cheltenham. GL53 8AG

Miss Chloe Smart  
Cheltenham Borough Council  
PO Box 12  
Cheltenham  
GL50 1PP



9<sup>th</sup> February 2015

Dear Miss Smart

*Erection of single storey dwelling at 9 Copt Elm Road, ref. 15/00058/FUL*

I am writing to object to the above revised planning application on the grounds of Conservation and Safety.

The project is not an appropriate development in the St Mary's Conservation Area. The management plan of the Conservation area sets out that any development must preserve or enhance the area. May I reiterate this proposal does neither of these. Once again, the design is in contemporary style and is utterly out of keeping with the area -- particularly the row of Edwardian Cottages behind which it would sit. These constitute a row of historic cottages and gardens which accounts for their inclusion in the conservation area. Building on this site would break the historic plot boundaries and which the inclusion in the Conservation area has sought to preserve. To say that the dwelling would not be visible from Copt Elm Road is incorrect, it would. It would also be viewed from Church Walk - a public footpath which runs in two directions and from the surrounding houses -- indeed it seems this proposal would be even more exposed than the previous design and so it would be highly visible and incongruous in the setting. In addition, to say that the height of the building is 2.4m is misleading as it is clear the proposed Atrium will be exceed this height and with planned glazing will cause light pollution. The erection of ANY dwelling on this sight would break up, in one swift move, a historic corner of Charlton Kings which has been designated as worth preserving.

One side of the public footpath is also an access road used to reach houses beyond the proposed development. Adding another property would increase traffic to the lane and therefore increase the risk to members of the public of which I am one. In addition to this the access road also crosses the Copt Elm Road footpath where there is limited visibility for cars joining either Copt Elm Road or turning into Church Walk. This is used as a safe route to school for the local nurseries and infant school - increasing the traffic over this footpath increases the risk of a serious accident. It should be noted that the Highways officer in his previous report on this application deemed this access road unsuitable in its current condition, indeed stated the visibility levels when turning into Church Walk were sub-standard, indeed, his recommendation was that a development should be refused. I do not believe that the visibility levels have changed.

Above all this proposal does not represent Cheltenham's Supplementary Planning Document Policy (2009) which states that 'The development of private green areas, open spaces and GARDENS, which make a significant townscape and environmental contribution to the town will be resisted'. This is a garden that used to be well-tended; it is now neglected while attempts to develop it have been made. There is absolutely no public benefit to this proposal. It is an inappropriate and opportunist development of a garden, within a row of cottages which form a distinctive heritage asset, it is in our much-loved conservation area and it should be resisted in order to maintain the unique character of the area. Development must be refused.

Yours faithfully

  
cc Charlton Kings Parish Council





## Development Management

Shire Hall  
Gloucester  
GL1 2THChloe Smart  
Cheltenham Borough Council  
P.O. Box 12  
Municipal Offices  
Promenade  
Cheltenham Glos  
GL50 1PP

email: christopher.baynham@gloucestershire.gov.uk

Please ask for: Chris Baynham

Phone: 01452 425530

Our Ref: B/2015/033308

Your Ref: 15/00058/FUL

Date: 10 March 2015

Dear Chloe,

**TOWN AND COUNTRY PLANNING ACT 1990  
HIGHWAY RECOMMENDATION****LOCATION: 9 Copt Elm Road Charlton Kings Cheltenham GL53 8AG****PROPOSED: Erection of single storey dwelling**

The above proposal has been the subject of previous applications that have received recommendations for refusal on highway grounds due to the lack of adequate visibility. The reasons for the objections raised to the previous applications are felt to have been addressed within this application.

The above location is situated on the Eastern side of Copt Elm Road to the rear of no 9 Copt Elm Road and is within the St Mary's Conservation Area.

The development site is accessed from Church Walk; a category 7 highway to the north side of the property which is of single vehicle width for its entire length and provides vehicular and pedestrian access to a number of dwellings located behind Copt Elm Road along Church Walk. To the west of the development site, Church Walk forms a priority junction with Copt Elm Road with good visibility splays. There is no evidence of any recorded personal injury collisions at this location or along Church Walk. Church Walk is a registered Public Right of Way (ZCK/31/A/1) and joins a registered Public Right of Way (ZCK/31/2) and (ZCK/31/1) servicing a number of dwellings in Church Walk.

The ownership and access rights on and or across Church Walk has not been determined. This would need further investigation by the Local Planning Authority to determine any relevance regarding ownership and access rights.

No reference is made within the application to any off-street parking provision for No 9 Copt Elm Road.

The proposal is for the erection of a single dwelling to rear of 9 Copt Elm Road with vehicular and pedestrian access taken through an existing gated access from Church Walk. To the east of the point of access, Church Walk is subject to a slight deviation to the north that creates a restriction to visibility to the right on exit. The speed of the limited number of vehicles recorded as using Church Walk has been calculated at an average of 6.9 MPH. This speed requires the provision of vision splays of at least 2.0 x 12 m in both directions. The lower X distance of 2.0 m has been applied in this instance because of the low level of traffic using Church Walk. The boundary to the east of the point of access is to be reduced in height to improve the level of available visibility in this direction. There is no impediment to visibility towards Copt Elm Road as there is no deviation in this direction. Evidence has been submitted indicating that a vehicle can enter the new property, turn and exit in forward gear.

Given the low numbers of vehicles using Church Walk, it is not felt that this development will present a significant impact to highway safety.

I refer to the above planning application received on 22nd January 2015 with Plan Nos: PL002A, 003C, 004A, 005, Application Form and supporting documentation. I recommend that no highway objection be raised subject to the following condition) being attached to any permission granted:-.

The vehicular access hereby permitted shall not be brought into use until the existing roadside frontage boundaries have been set back to provide visibility splays extending from a point 2.0 m back along the centre of the access measured from the public road carriageway edge (the X point) to a point on the nearer carriageway edge of the public road at least 12 m distant in both directions (the Y points). The area between those splays and the carriageway shall be reduced in level and thereafter maintained so as to provide clear visibility between 1.05 m and 2.0 m at the X point and between 0.26m and 2.0m at the Y point above the adjacent carriageway level.

Reason:- To reduce potential highway impact by ensuring that adequate visibility is provided and maintained and to ensure that a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians is provided in accordance with the National Planning Policy Framework.

Prior to the occupation of the development hereby permitted, the vehicular access shall be laid out and constructed in accordance with the submitted plan PL003C with any gates situated at least 1.0 m back from the carriageway edge of the public road and hung so as not to open outwards towards the public highway and with the area of driveway within at least 5.0 m of the carriageway edge of the public road surfaced in bound material], and shall be maintained thereafter.

Reason: - To reduce potential highway impact by ensuring that a safe and secure access is laid out and constructed that minimises the conflict between traffic and cyclists and pedestrians in accordance with paragraph 35 of the National Planning Policy Framework.

#### NOTE:

The site fronts Church Walk which is Public Right of Way ZKX/31A/1 classed as a foot way and a class 7 road with the speed limit not being stated. The applicant will need to refer the proposed access arrangements to the Public Rights of Way Team for the attention of Mr John Lane. This is to determine the access arrangements, any necessary works that may need to be

undertaken and any ongoing access and maintenance arrangements related to the existing Public Right of Way's No's ZKX/31A/1, ZCK/31/2 and ZCK/321/1.

Yours sincerely,

*Chris Baynham*

Technician

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<b>APPLICATION NO:</b> 15/00058/FUL	<b>OFFICER:</b> Miss Chloe Smart
<b>DATE REGISTERED:</b> 21st January 2015	<b>DATE OF EXPIRY:</b> 18th March 2015
<b>WARD:</b> Charlton Kings	<b>PARISH:</b> Charlton Kings
<b>APPLICANT:</b>	Mr & Mrs Thornton
<b>AGENT:</b>	Mr Simon Firkins
<b>LOCATION:</b>	9 Copt Elm Road Charlton Kings Cheltenham
<b>PROPOSAL:</b>	Erection of single storey dwelling

## Update to Officer Report

### 1. OFFICER COMMENTS

- 1.1. Since the publication of the officer report, formal comments have been received from Gloucestershire County Council Highways and also additional representations from neighbouring properties. Additional representations are attached to this update.
- 1.2. The majority of the issues raised within the representations have been covered within the original officer report; however there are a few matters for Officers to provide comment on.
- 1.3. Firstly, a concern has been raised in relation to the Highway comments as the junction of Church Walk and Copt Elm Road has been described as having good visibility splays, despite cars parking within close proximity of this junction.
- 1.4. GCC Highways have clarified the reasoning behind this junction being acceptable from a visibility splay perspective. The access benefits from good visibility splays when cars are not parked within close proximity of the junction. Notwithstanding this, the presence of parked cars near the Copt Elm Road and Church Walk junction does not make the visibility for vehicles unacceptable. The Manual for Streets, produced in 2007 by the Department for Transport and DCLG, states at paragraph 7.8.4 that "*parking in visibility splays in built up areas is quite common, yet it does not appear to create significant problems in practice*". GCC Highways have previously tried to argue this to the contrary at appeal and have been unsuccessful, due to the national guidance on this matter.
- 1.5. A further comment has sought clarification as to why no reference has been made to the parking situation for number 9 Copt Elm Road which was raised in the original Highway Officers report (14/00878/FUL withdrawn application). This is because the current parking arrangements will remain unchanged for this property. There is currently no formal off road parking arrangement for no.9 and the proposal does not propose to amend this.
- 1.6. All other comments raised within the further representations received are addressed within the original officer report.

### 2. CONCLUSION AND RECOMMENDATION

- 2.1. The recommendation remains to approve this application subject to the conditions set out below. The additional suggested conditions from GCC Highways are included below.

### 3. CONDITIONS

#### 4. Comments: 18th March 2015

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

## Page 264

Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out in accordance with drawing numbers PL001 B, PL002 D, PL003 D, PL005 C and PL006 B received 14th and 20th January 2015 and 18th March 2015.

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

- 3 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.

- 4 Tree protective fencing shall be installed in accordance with the specifications set out within BS 5837:2012. The fencing shall be erected, inspected and approved in writing by the Local Planning Authority prior to the commencement of any works on site (including demolition and site clearance) and shall remain in place until the completion of the construction process.

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

- 5 No fires shall be lit within 5m of the Root Protection Area(s) and materials that will contaminate the soil such as cement or diesel must not be discharged within 10m of the tree stem. Existing ground levels shall remain the same within the Root Protection Area(s) and no building materials or surplus soil shall be stored therein. No trenches for services or drains shall be sited within the crown spread of any trees to be retained.

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

- 6 All service runs shall fall outside the Root Protection Area(s) unless otherwise agreed in writing by the Local Planning Authority. Any such works shall be in accordance The National Joint Utilities Group; Volume 4 (2007).

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

- 7 All paths, parking areas and other forms of hard landscaping that fall within the Root Protection Area(s) shall be constructed using a no-dig method. Prior to the commencement of development, full details of the proposed no-dig method shall be submitted to and approved in writing by the Local Planning Authority and the development shall be implemented strictly in accordance with the details so approved.

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

- 8 Notwithstanding the submitted drawings, the proposed boundary wall (and any associated planting) to the east of the proposed vehicular access shall be no higher than 900mm for the first 5m, when measured from the vehicular access in an eastwards direction, such provision shall be similarly maintained thereafter.

Reason: To ensure a safe and suitable access is provided and maintained, in accordance with paragraph 32 of The Framework

- 9 Prior to the occupation of the development hereby permitted, the vehicular access shall be laid out and constructed in accordance with the submitted plan PL003D with any

gates situated at least 1.0 m back from the carriageway edge of the public road and hung so as not to open outwards towards the public highway and with the area of driveway within at least 5.0 m of the carriageway edge of the public road surfaced in bound material], and shall be maintained thereafter.

Reason: - To reduce potential highway impact by ensuring that a safe and secure access is laid out and constructed that minimises the conflict between traffic and cyclists and pedestrians in accordance with paragraph 35 of the National Planning Policy Framework.

### INFORMATIVES :-

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

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

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

- 2 The site fronts Church Walk which is Public Right of Way ZKX/31A/1 classed as a foot way and a class 7 road with the speed limit not being stated. The applicant will need to refer the proposed access arrangements to the Public Rights of Way Team for the attention of Mr John Lane. This is to determine the access arrangements, any necessary works that may need to be undertaken and any ongoing access and maintenance arrangements related to the existing Public Right of Way's No's ZKX/31A/1, ZCK/31/2 and ZCK/321/1.



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<b>APPLICATION NO:</b> 15/00058/FUL	<b>OFFICER:</b> Miss Chloe Smart
<b>DATE REGISTERED:</b> 21st January 2015	<b>DATE OF EXPIRY :</b> 18th March 2015
<b>WARD:</b> Charlton Kings	<b>PARISH:</b> CHARLK
<b>APPLICANT:</b>	Mr & Mrs Thornton
<b>LOCATION:</b>	9 Copt Elm Road, Charlton Kings, Cheltenham
<b>PROPOSAL:</b>	Erection of single storey dwelling

### ADDITIONAL REPRESENTATIONS

13 Copt Elm Road  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL53 8AG

**Comments:** 19th March 2015

I understand that the meeting before the Town Council will not be put back in time despite the last minute production of the Highways Consultants report. That being the case I wish to put on record my strong objection to any note whatsoever being taken of the traffic/speed report ( in letter form) being admitted in evidence before the Council Planning Committee. The document contents were compiled by the applicant and therefore cannot be relied upon as being impartial. The objectors have no way of checking or verifying the data produced.

It is my experience from living a few yards away from the lane ( Church Walk) that vehicles travel at unreasonable speeds and at certain times of the day the traffic flow is greater in terms of numbers of vehicles.

Furthermore as stated in my main letter of objection the lane is frequently used by walkers including many schoolchildren who use it as a shortcut to both the local primary school and the two local secondary schools.

I am also unimpressed by the applicant's offer to lower his six foot fence to provide better visibility. What will stop him or other subsequent owners from raising the fence in future or planting to obscure the visibility to both vehicles and pedestrians?

Please confirm that this letter will be made available to the members of the Planning Committee before the meeting on Thursday evening.

7 Copt Elm Road  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL53 8AG

**Comments:** 19th March 2015

Subsequent to the site visit on 17th March and in advance of the committee meeting on 19th March, a reply to the planning officer's report on 9 Copt Elm Road (ref. 15/00058/FUL).

The reasons why this garden-grabbing application should be refused:

- contrary to primary legislation set out in section 72 of the Planning (Listed Buildings & Conservation Areas) Act 1990
- contrary to national policy set out in paragraphs 123 & 126 of the NPPF, and PPS5 (Planning for the Historic Environment)
- contrary to policy CP7 and GE2 of the Adopted Cheltenham Borough Local Plan

Responses to specific aspects of the planning officer's report:

The site and its context

6.2.1 The site is currently fenced off by a close boarded timber fence and used as ancillary land in association with no. 9 Copt Elm Road. Until very recently this area was open, part laid to lawn and part cultivated vegetable plot; the applicant has made every effort to give it the misleading appearance of a development site.

Principle of development

6.3.6 Officers do not share the view that it is the rear gardens that contribute significantly to the character of the area. To claim that the houses fronting the site are more important than the gardens within which the site actually sits is a purely subjective opinion inappropriate to planning decisions that will have an irreversible impact on a locality given special designation because of its visually distinctive character as a whole.

6.3.8 Whilst the properties to the north of the site lie just outside of the conservation area, the area is read as a whole when within the site and therefore is relevant when assessing the overall context. This is special pleading: the officers refuse to read the conservation area as a whole (see 6.3.6 above). There is no reason the site should be considered differently because it is on the edge of the conservation area; it still needs to be judged within the context of the conservation area.

Design and layout

6.4.2 Officers consider it is an honest, contemporary design which would not be at odds with the character of the locality. As Karen Radford states: The design and material specification for the building is utilitarian at best and lacks a residential character and therefore conflicts with local policy that requires a high standard of architectural design that reflects principles of urban design that complements and respects neighbouring development and the character of the locality.

6.4.4 Officers echo the comments of Cheltenham Civic Society, in that the proposal is discreet and appropriate for its location. The CCS Planning Forum took no account whatsoever of the fact that the application sits within the St Mary's (Charlton Kings) Conservation Area. If they did not know of its context, their comments are simply misguided; if they did know of its context, their comments appear wilfully negligent.

Impact on neighbouring property

6.5.3 The applicant proposes a high level window on the south elevation, however the purpose of this is to provide natural light and there would be no view out of this window. However, there would be light pollution on all sides from the atrium-style window proposed.

Access and highway issues

6.6.1 Access and highway issues The new highways report only reached the council on Monday 16th March and at time of writing is still not available for public scrutiny online.

Responses to specific aspects of the new highway officer's report:

No evidence of any recorded personal injury collisions at this location. While trying to turn right into Church Walk from Copt Elm Road, a car was written off in a collision opposite no. 9 Copt Elm Road during the construction of its extension in 2013. Any avoidance of personal injury has been a matter of good fortune.

No reference is made within the application to any off-street parking provision for No 9 Copt Elm Road. This was a reason for refusal in the 24th June 2014 traffic officer's report: The development fails to provide suitable parking for both No 9 Copt Elm Road and the proposed new dwelling under Gloucestershire County Council Highways Development Co-ordination Standing Advice Proposed or Existing residential Development comprising 5 dwellings or less and in accordance with the Development Plan policies and other material consideration, including the National Planning Policy Framework related to car parking.

The speed of the limited number of vehicles recorded as using Church Walk has been calculated at an average of 6.9 MPH. This figure should be inadmissible as evidence; it was provided by the applicant himself across land that does not belong to him, and not as part of a professionally conducted and independently verified survey. As the 24th June 2014 traffic officer's report stated: the development fails to provide safe and suitable access in accordance with NPPF specifically Section 4 (Promoting sustainable transport) and Section 7 (Requiring good design).

The boundary to the east of the point of access is to be reduced in height to improve the level of available visibility in this direction. This is not enforceable. It will be an easy matter for future occupants to reverse by planting a hedge or a line of trees.

#### Conclusion and recommendation

7.1.1 Officers consider the proposal represents a sustainable form of development. This specious argument is not supported by other borough and county council officers. The application is not environmentally bearable according to the Conservation Manager, nor if we consider the green light that developers will expect to future planning applications in this part of the conservation area. Socially equitable is not how anyone would honestly want to describe garden-grabbing. And economically viable? The only financial interest served by this proposal is the applicant's own self-interest, underlined by the fact that he and his family are moving away from the area next week on a long-term basis.

#### Additional notes subsequent to your site visit on Tuesday 17th March:

##### The single- and two-storey extension to the rear of 9 Copt Elm Road

This was approved by committee in May 2013. It later had to be referred not once, but twice, to planning enforcement officers for breaches of planning consent. The more serious of the two was investigated by Martin Chalmers himself: despite the applicant's categorical assertion before committee that it would not exceed 2.4m, the height of the single-storey extension was initially built to over 3.2m. In addition, the gates included in the plans at the insistence of Mr Chalmers for the sake of road safety have never been installed.

##### The gated access onto Church Walk in the north-east corner of the applicant's land

Fenced off by the applicant last month, this gateway, despite appearances to the contrary, will act, as it has in the past, as the proposed access for future applications. Developers move in to acquire further garden plots between Church Walk and this section of Copt Elm Road running up to Lyefield Road East; only this time, refusal will be impossible. The planning officer's report completely fails to appreciate the destructive long-term impact this development will have on the whole of the conservation area if permitted.

37 Leighton Road  
Cheltenham  
Gloucestershire  
GL52 6BD

**Comments:** 18th March 2015

Further to our telephone conversation today, I confirm my contention that information contained within the Highways Authority's report is untrue and could seriously mislead your Committee on the matter of road safety due to the proposed development.

The particular statement in the third paragraph is that "Church Walk forms a priority junction with Copt Elm Road with good visibility splays".

There are NO visibility splays at this junction and that visibility is NOT GOOD.

You will see from the photographs annexed to the letter from \_\_\_\_ dated 9th. February 2015 that the actual visibility from Church Walk onto Copt Elm Road is virtually nil due to the un-restricted vehicle parking along Copt Elm Road and the adjacent front boundary wall and hedge on either side of the junction.

A very brief look at this junction on site will confirm this.

Visibility at this junction is not adequate for the existing volumes of traffic and indeed, there was a serious collision in late 2013 when a vehicle was written-off. Any further vehicle movements resulting from this development would only increase accident risk.

I appreciate that the statement of the Highways Authority is its responsibility but as I said to you, if you feel there is any doubt as to the veracity of information being given to your Council members I feel it is your duty either to clarify this with the Highways Authority or to inform your members of my contention.

Time is now very short, which is why I asked for an deferment of this item, therefore I would ask you to take the appropriate action as suggested and in any case forward my comments to the committee.

**Comments:** 19th March 2015

Following our telephone conversation yesterday it has come to my attention that the existing speed measurements as contained in the Highways report was conducted by the Applicant.

The applicant was observed by a witness who has written that vehicle drivers were persuaded to slow down when confronted by the applicant holding some device in his hand and pointing towards them.

Along with the factual inaccuracy about the "good visibility splays" this further biased speed information must render the Highways report even more invalid and misleading to your committee, and I request once again that this application item be withdrawn from tonight's committee meeting.

**Would you please make the committee aware of this further e-mail and its contents at a time in advance of the meeting which will fairly enable the members to read and digest.**

I regret that I am forced to send so many last-minute messages but this is made necessary by the Highways report being published only 3 days before the committee meeting thus denying us time to consider fully the report and to reply in good time.

3 Church Walk  
Charlton Kings  
Cheltenham  
GL53 8BJ

**Comments:** 19th March 2015

I am writing to complain about the fact that a speed/vehicle survey carried out by the applicant of the above planning application has been used to part form the basis of the decision made by the Highways Officer in this case. This survey was carried out by the applicant himself down Church Walk and to my knowledge was not independently checked or verified. As such it is not right that it should be used to help form part of the decision-making process on this application as there is a clear conflict of interest. I would also like to object to the fact that the information provided in the Highway Officer's report was not made public until today (Tuesday 17/03/15). This has left little time to consider this important new piece of information.

I would like to know what action the planning department will take to rectify these matters.

**In addition to the above complaints, I would like to add further comments to my original objection (dated 8th February 2015) against the proposed development. I wish these to be considered, if possible, by the planning committee in conjunction with the other documentation, as they take into account important points raised in the report by the planning department.**

My concerns and questions are as follows:-

1. The planning officer's comment that the garden is 'used as ancillary land' is misleading. This is historically a narrow garden plot and allotment, regardless of its current state. In addition, the fact that the garden has 'a close boarded fence' should have no bearing on whether it is used for building or not.
2. The planning department compares the proposed development plot to gardens and buildings to the east and north of the site, which are not in St Mary's Conservation Area ('just outside' is not inside) This comparison is wrong. It is immaterial if the land/buildings outside the conservation area are different to those which lie within it. Land use/urban grain/plot size **outside** is obviously going to be more varied because it has not been subjected to the same building constraints, regulations and planning processes as land **within** the conservation area. That, surely, is the point of a conservation area - to conserve.
3. The planning officer states 'officers do not share the view that it is the rear gardens that contribute significantly to the character of the area.' and 'it is the frontage development along Copt Elm Road that is particularly important.' This is directly at odds to the St Mary's Conservation Area Character Appraisal and Management Plan adopted by the council in 2009 which references the fact that in terms of the urban grain it is the **total** plot which is of special interest: 'There is a steady, planned rhythm in the pattern of the plots, which tend to be long and narrow in form.' Also 'Gardens form an important part of the Conservation Area, contributing to a sense of space and a verdant character.' The council decided on the boundaries for the conservation area and produced the relevant SPD. Are they now saying that the boundaries no longer apply and that parts of the conservation area are not significant to the character of the area? Clearly the gardens were thought of as significant when the boundaries were decided upon and the SPD was adopted. What

public/community consultation (continuous community involvement - SPD St Mary's Conservation Area Appraisal) has been undertaken to reach this new standpoint?

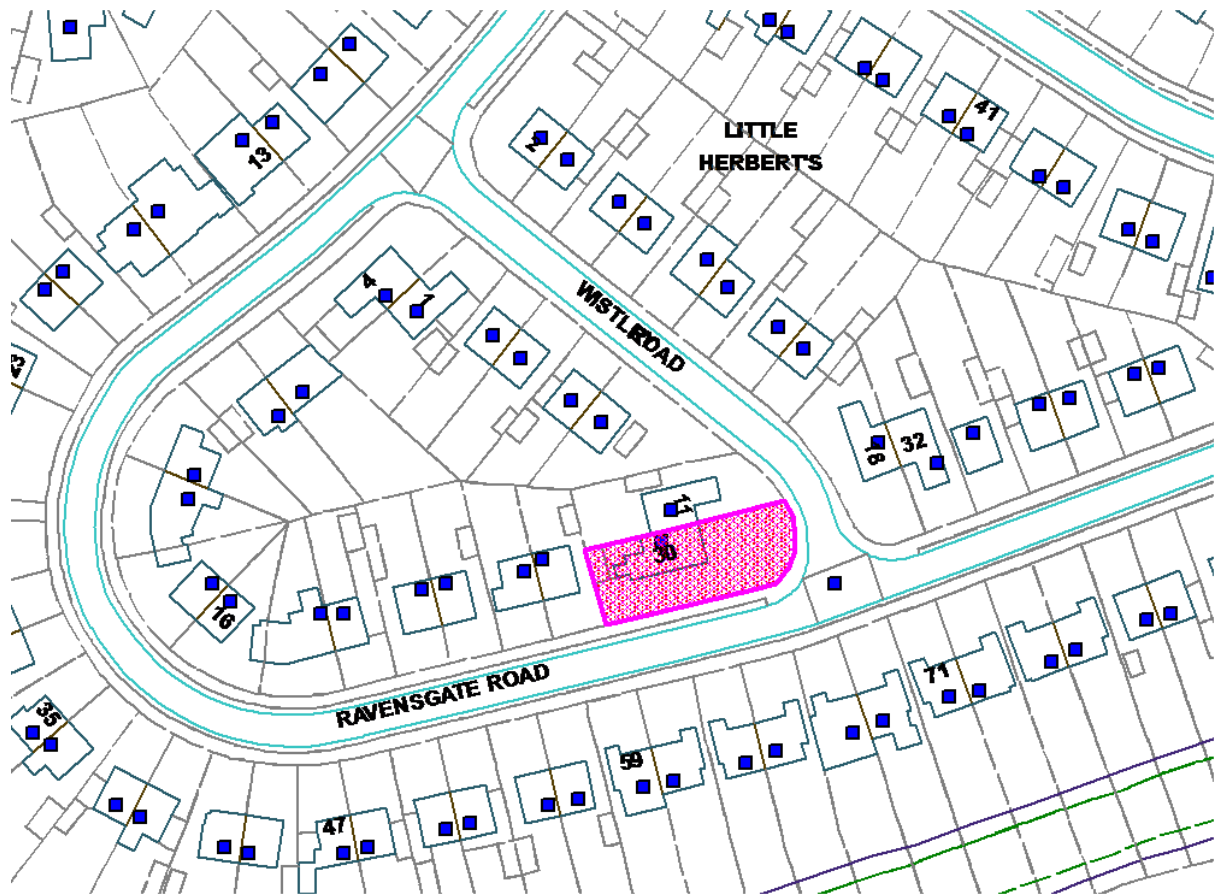
4. The planning department states that 'the long and narrow nature of the gardens is only visible when looking at the site purely in plan form' making this 'characteristic not legible'. This is the case for much of the conservation area. Does this mean that all areas out of sight are not significant enough or worthy of conservation, preservation and improvement? Ironically, the planning department approves a scheme which take this 'not legible', invisible garden plot and makes it visible by the erection of a dwelling.
5. The planning department states that 'The proposal is clearly subservient to any frontage development and will therefore not dominate or detract from it.' But the proposed dwelling is within a garden and when looking at the development within the context of its garden setting, it will dominate. Even if one could argue that it should be compared to the existing terrace, its open, exposed design (due to low boundary wall) **does** mark it out as different, and by its nature as an 'honest, contemporary' design amongst Victorian and for the most part, red-bricked dwellings, it **will** dominate and detract from the frontage.
6. The nearest building to the proposed design is not number 11, as stated by the planning department, but Number 4 Church Walk and Number 9 itself. Please could this be corrected.
7. Issues relating to the design when regarded from the viewpoint of potential occupants (which we raised in our original letter of objection) have not been addressed by the planning department. Only aspects of the exterior design and relations to its environs have been commented upon. What consideration has been given to the the issues of light, amenity, privacy of occupants of the new dwelling?
8. No reference has been made to the parking situation for Number 9 Copt Elm Road which was raised in the original Highways Officer's report. Has this issue been rectified and if so, how?

I'd appreciate it if my concerns can be addressed and given to members of the planning committee.



<b>APPLICATION NO:</b> 15/00104/FUL		<b>OFFICER:</b> Mr Ben Hawkes
<b>DATE REGISTERED:</b> 28th January 2015		<b>DATE OF EXPIRY:</b> 25th March 2015
<b>WARD:</b> Charlton Kings		<b>PARISH:</b> Charlton Kings
<b>APPLICANT:</b>	Mr A White	
<b>AGENT:</b>	n/a	
<b>LOCATION:</b>	30 Ravensgate Road, Charlton Kings, Cheltenham	
<b>PROPOSAL:</b>	Erection of 2 x 1.83 metre wide x 1.87 metre high wooden gates	

**RECOMMENDATION:** Refuse



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## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site is a semi-detached bungalow located within a residential area on the corner of Ravensgate Road and Wistley Road.
- 1.2 The applicant is seeking planning permission for the erection of two gates, each 1.83 metre wide and 1.87 metre high.
- 1.3 The application is for consideration by planning committee at the requested of Councillor McCloskey who feels a debate on the visual aspect on the wider street scene would be useful. Members will visit the site on planning view.

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

### Constraints:

Landfill Sites boundary  
Smoke Control Order

### Relevant Planning History:

**01/01432/FUL 14th December 2001 PER**

Roof extension (hip to gable end) coupled with dormer roof facilitating conversion of roof space to provide bedroom and en- suite bathroom. Single storey rear extension

**14/01718/CLPUD 6th October 2014 CERTPU**

Proposed dropped kerb and permeable hardstanding

## 3. POLICIES AND GUIDANCE

### Adopted Local Plan Policies

CP 4 Safe and sustainable living  
CP 7 Design

### Supplementary Planning Guidance/Documents

Residential Alterations and Extensions (2008)

### National Guidance

National Planning Policy Framework

## 4. CONSULTATIONS

### **Parish Council**

12th February 2015

No Objection.

We note that CBC Planning Officers have already stated that:

*'The height of the proposed gates are not considered to be acceptable, the proposal would create an 'alien' and dominant feature of the street scene especially given the relatively prominent corner plot location, gates of this size and in this location are not a characteristic of the area.*

*Highways have also raised concerns as to the potential visibility issues relating to vehicles exiting the site which would cause conflict with pedestrians or other road users.'*

We understand from the applicant that he has both a Lawful Development Certificate from Cheltenham Borough and consent from Gloucestershire Highways for the proposed dropped crossing that these gates are to serve.

The time to address any visibility concerns was at the application for the dropped crossing. In granting consent for the dropped crossing visibility must have been deemed sufficient, if not ideal, and clearly not of sufficient concern to refuse the application.

The applicant's planning fall-back position is to erect 1m high gates. Given that the restriction to visibility will be caused by the existing hedge, a change from the fallback position of 1m high gates to 1.83m high gates will make no difference to visibility and therefore consent cannot be refused on such grounds.

With respect to the comment regarding the 'alien and dominant nature' of the gates we cannot reconcile this with the fact that there are other similar height hedges, fences/gates in 'The Beeches' area.

The applicant wishes to create this entrance to remove his motorhome from the public road, improving the appearance of the area and aiding traffic flow and other residents' on-street parking.

1m high gates would compromise the security of the applicant's garden which the applicant is, for obvious reasons, reluctant to do.

Given the above, and that we have received no objections from neighbours, we can see no reason for refusal.

**Tree Officer**

*13th February 2015*

The Tree Section does not object to this application.

**GCC Highways Planning Liaison Officer**

*3rd February 2015*

This application seeks consent for the above proposal that will allow the use of a second vehicular access into the property from Wistley Road. At the above location Wistley Road and Ravensgate Road are category 4 highways subject to a speed limit of 30 MPH; under our Highway's Standing advice criteria we do not need to be consulted on this application and this can be dealt with by yourselves with the aid of our guidance.

However it is noted that the new point of access is situated on the western radii of the junction of Ravensgate Road with Wistley Road. The position of the point of access on the inside radii and the height of adjacent boundaries prevents the provision of adequate visibility splays in both directions. The lack of adequate visibility is felt likely to create conflict between vehicles exiting the proposed development and pedestrians or other highway users.

With regards to the above site, under our Highway's Standing advice criteria, we do not need to be consulted on this application and this can be dealt with by yourselves with the aid of our guidance.

Revised Comments

5 March 2015

It is understood that a certificate of lawfulness has already been granted for a dropped kerb at this location by CBC. On this basis an access could already be in place with restricted visibility due to the existing vegetation. The addition of the gates would on their own, in the absence of the vegetation, impinge visibility, however it is also noted that a 2m high gate could be erected under permitted development rights if they were set back 1m from the footway. Therefore, the restriction to visibility would still occur. Overall and when considered against the already lawful dropped kerb, the addition of these gates will have a neutral impact on visibility, as an access could already be in place although this application does not afford the opportunity to remove the vegetation which could provide a betterment. No highway objection is raised to this application. **[Officer note: The reference to permitted development is incorrect. Gates would need to be set at least two metres back from the footway to not require planning permission.]**

**5. PUBLICITY AND REPRESENTATIONS**

Number of letters sent	11
Total comments received	0
Number of objections	0
Number of supporting	0
General comment	0

5.1 11 Letters were sent to neighbouring properties with no letters of objection received.

**6. OFFICER COMMENTS**

**6.1 Determining Issues**

6.1.1 The main consideration in relation to this application is the suitability of the proposed gates with reference to their design and location.

**6.2 The site and its context**

6.2.1 The application site is a corner plot location that is prominently located within the street scene. Properties in 'The Beeches' area characteristically have open frontages with simple boundary treatments to give definition to the front gardens. Typically, these enclosures are low fences, walls and railings. Taller enclosures exist in the form of established hedges as is the case for the application site. The estate was designed in this way to create an openness to the area.

6.2.2 The reason for the application is to provide secure off road parking for the applicants motorhome.

**6.3 The principle of the development**

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

- 6.3.2** Although an existing boundary treatment exists in the form of a hedge, the existing hedge is a soft feature that blends with its local surroundings and is of course entirely appropriate in its context. The concern of officers is that the addition of gates of the scale proposed would create a dominant feature within the street that would be at odds with other neighbouring frontages.
- 6.3.3** The supplementary planning document for residential alterations and extensions states '*In a street of consistent style houses, it is advisable to maintain the original or similar design of boundary. This will preserve the character of the area and the value of the house*'. Furthermore, it states that '*Front boundaries are often quite characteristic of the area in which they are located*'; as advised above, the prevailing character of boundary enclosures within the locality are suburban in nature – of limited height or consisting of hedging.
- 6.3.4** The proposed gates measure a total width of 3.66 metres and have a height of 1.87 metres. Officers consider the proposed size of the gates is unacceptable. Gates of this design and scale would appear as an incongruous and obtrusive feature that would dominate the street scene and have a significant negative impact on the character of the area.
- 6.3.5** The proposal fails to comply with the objectives of policy CP7 and the advice contained within the adopted SPD titled 'Residential alterations and extensions'.

### **6.4 Other considerations**

- 6.4.1** During discussions with the applicant, reference has been made to gates that have recently been erected at 11 Cherry Avenue. These gates replaced a close boarded timber fence of the same height and therefore did not require the benefit of planning permission. The fence itself did not have consent but had been in situ for over four years, thereby authorising it as a lawful addition to the property.
- 6.4.2** Whilst officers understand why attention is being drawn to these gates (and members will have the opportunity to consider them on planning view), they are not considered directly comparable. Members will be aware that every site is different and that every proposal brings with it different considerations; in this instance whilst the gates are prominent they do not form part of the front boundary and instead form the part of the side boundary. This is considered to be a material difference between the two sites. As advised above, boundary enclosures to the front of properties are typically low key but side and rear boundaries often have a greater height to them so give privacy. Notwithstanding these differences, officers are of the view that the gates are not particularly complimentary to the wider street scene.
- 6.4.3** Further to the above, Highways were consulted as part of this application and initially had concerns regarding the proposed gates in respect of potential issues around visibility and the safety aspect of cars entering and exiting the site, particularly due to the close proximity of the junction. A certificate of lawful development was previously issued for the dropping of the kerb under application number 14/01718/CLPUD and in light of this highways have revised their comments and now raise no objection to the proposal.
- 6.4.4** It is noted however that the introduction of 1.83 metre high gates that open into the site will undoubtedly impact on visibility of vehicle users entering and exiting the site.
- 6.4.5** Concerns are also raised as to the potential highway safety of cars being stationary in the road whilst the proposed gates are opened and unopened for access to and from the site. There is insufficient space for vehicles to be safely parked off the highway whilst the gates are opened.
- 6.4.6** Revisions to the scheme were requested to address the height and scale of the proposed gates however revisions were not received.

## 7. CONCLUSION AND RECOMMENDATION

- 7.1 Whilst officers are sympathetic to the aspirations of the applicant and are also aware that 1 metre high gates can be erected under permitted development, for reasons identified above, the proposed gates are contrary to policy CP7 in terms of achieving an acceptable standard of design and having an unacceptable impact on the local area.
- 7.2 The recommendation is to refuse this application.

## 8. INFORMATIVES / REFUSAL REASON

- 1 The proposed gates by reason of their size, location and design, are considered to be a poor form of development which would result in a harmful impact upon the visual amenities of the locality, would detract from the character of the area and dominate the street scene. As such the proposal is contrary to Policy CP7 of the Adopted Local Plan advice contained in the Residential Alterations and Extensions (2008) Supplementary Planning Document and advice contained in National Planning Policy Framework.

### INFORMATIVES

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

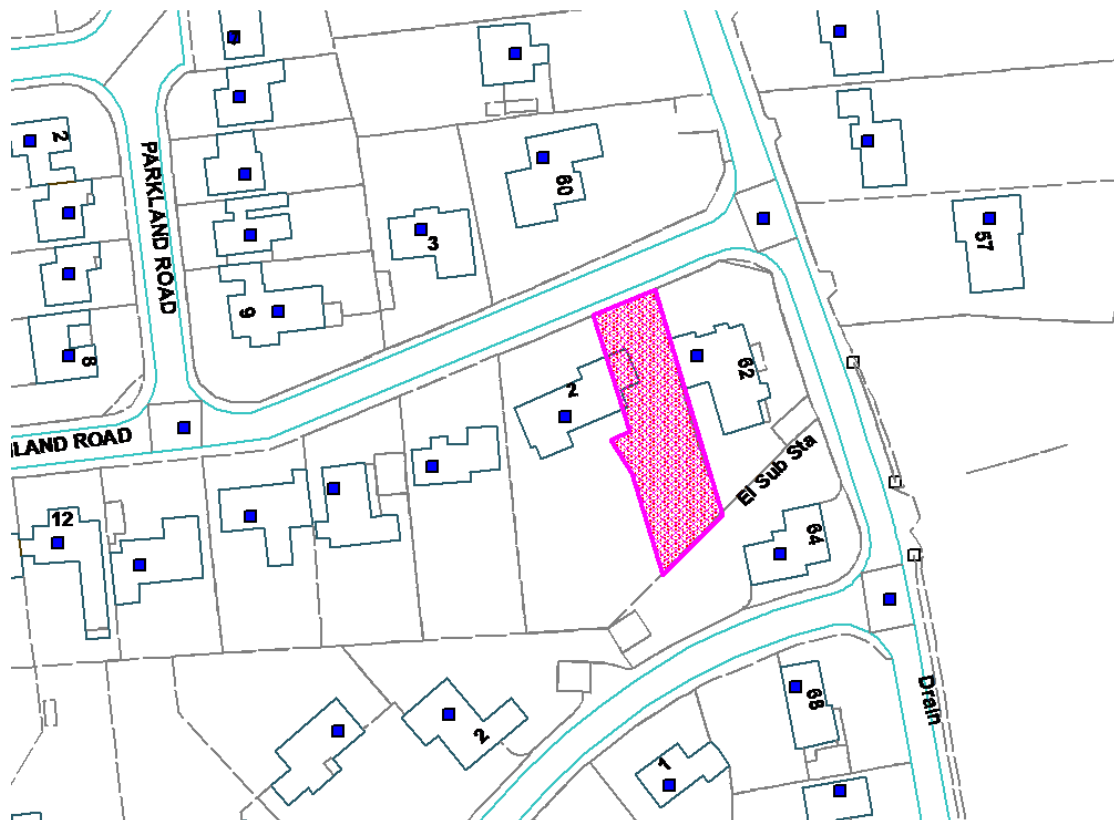
At the heart of this positive and proactive approach is the authority's pre-application advice service for all types of development. Further to this however, the authority publishes guidance on the Council's website on how to submit planning applications and provides full and up-to-date information in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

In this instance, having had regard to all material considerations, the authority cannot provide a solution that will overcome the negative impact on the character of the local area.

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

<b>APPLICATION NO:</b> 15/00185/FUL	<b>OFFICER:</b> Mr Ed Baker
<b>DATE REGISTERED:</b> 3rd February 2015	<b>DATE OF EXPIRY:</b> 31st March 2015
<b>WARD:</b> Charlton Park	<b>PARISH:</b> None
<b>APPLICANT:</b>	Mrs Mary Bridgewater
<b>AGENT:</b>	Urban Aspects Ltd
<b>LOCATION:</b>	2 Highland Road, Cheltenham
<b>PROPOSAL:</b>	Erection of dwelling and single garage

**RECOMMENDATION:** Permit





## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site forms part of the side and rear garden of No. 2 Highland Road. No. 2 Highland Road is a large two storey detached dwelling and is located close to the entrance of a large housing estate of late 20<sup>th</sup> Century origin.
- 1.2 The site has a frontage with Highland Road on its north side. There are neighbouring houses to either side including No. 4 Highland Road to the west and No. 62 Sandy Lane to the east. No. 60 Sandy Lane is located to the other side of Highland Road to the north as is No. 3 Highland Road. At the rear (south) the site backs onto Hartley Close.
- 1.3 The application seeks full planning permission for the erection of a detached two storey dwelling between No. 2 Highland Road and No. 62 Sandy Lane. No. 2 Highland Road currently benefits from two vehicular accesses and the most eastern one, which is shared with No. 62 Sandy Lane, will form the access to the new dwelling. The proposal involves demolition of the existing double garage and single storey extension on the eastern side of No. 2 Highland Road to make room for the new house. The proposal also involves the erection of a single detached garage for the existing house, No. 2 Highland Road.
- 1.4 The proposed dwelling would have a front facing gable onto the road. It would have a pitched roof finished in red/brown tiles. The upper half of the dwelling would be clad in artificial weatherboarding (Dark Oak) and the lower half in smooth render. The windows would be grey PVCu. The rear garden would be subdivided to provide garden for the new dwelling. The boundary treatment at the rear would be a new 1.8 metre fence between the new dwelling and No. 2 Highland Road. The existing red brick boundary wall to No. 62 Sandy Lane would be retained.
- 1.5 The application is before committee at the request of Cllr Baker to allow members to consider the impact on the adjacent bungalow. Members will visit the site on planning view.

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

### Constraints:

Landfill Sites boundary  
Smoke Control Order

### Relevant Planning History:

**72/00139/PO 4th May 1972 REF**

2 D Adjoining 2 Highland Road Cheltenham Gloucestershire - Erection Of One Detached Dwelling And Construction Of Vehicular Access

**81/00172/PO 21st May 1981 PER**

2 D Adjoining 2 Highland Road Cheltenham Gloucestershire - Erection Of 1 No Dwelling

**82/00055/PF 7th April 1982 PER**

2 Storey Extension To Form Enlarged Living Room And Bedrooms And New Porch

**82/00324/PF 5th October 1982 PER**

Adjoining 2 Highland Road - Erection of 1 No Dwelling

**82/00470/PF 28th January 1983 PER**

Erection of Bungalow

09/00019/FUL 2nd March 2009 PER  
Proposed front porch

### 3. POLICIES AND GUIDANCE

Adopted Local Plan Policies

CP 1 Sustainable development  
CP 3 Sustainable environment  
CP 4 Safe and sustainable living  
CP 7 Design  
HS 1 Housing development  
RC 6 Play space in residential development  
TP 1 Development and highway safety

Supplementary Planning Guidance/Documents

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

National Guidance

National Planning Policy Framework

### 4. CONSULTATIONS

**Gloucestershire Centre for Environmental Records**

*23rd February 2015*

Biodiversity Report available to view on line.

**GCC Highways Planning Liaison Officer**

*24th February 2015*

With regards to the above site; under our Highway's Standing advice criteria we do not need to be consulted on this application and this can be dealt with by yourselves with the aid of our guidance. If you have any queries please do not hesitate to contact me.

**Cheltenham Civic Society**

*2nd March 2015*

No Comment.

**Architect's Panel**

The proposed dwelling seems too small for its context which is characterised by larger properties in bigger plots. The direction of the pitch and the slope of the roof further alienate it from its neighbours and we believe the height could be increased to improve usability at first floor level. Whilst it may be possible to adjust the design to create a more harmonious proposal, we wonder if it would be better to demolish the existing property and re-develop both sites together to give a better-sized plot. We would therefore not support the proposal in its current form.

**5. PUBLICITY AND REPRESENTATIONS**

Number of letters sent	<b>9</b>
Total comments received	<b>4</b>
Number of objections	<b>3</b>
Number of supporting	<b>0</b>
General comment	<b>1</b>

- 5.1 The comments received are reproduced as appendices to this report. For ease of reference, the comments are summarised below:
- 5.2 Concerns about highway safety – No.2 Highland Road has a shared drive and the access is close to the busy junction. The proposal will lead to move traffic, especially at peak times, and it is already difficult getting out of the junction. Vehicles already cut the junction.
- 5.3 Design impact – the development will appear cramped. It is contrary to the plan of the estate and would be out of character. Other properties enjoy spacious plots. The new dwelling is not of a good design. The design of the garage is out of keeping with others on the estate. The need for housing in sustainable locations does not outweigh the harm.
- 5.4 Impact on the amenity of No. 62 Sandy Lane – the site is elevated from the neighbour and will result in harmful overlooking and loss of privacy. Loss of light to that property. Loss of rural amenity. Proximity of the parking area would cause disturbance and loss of privacy.
- 5.5 Devaluation of local property.

**6. OFFICER COMMENTS**

**6.1 Determining Issues**

6.2 It is considered that the main issues are as set out below.

**6.3 Sustainability**

6.4 The site is located in a sustainable location with reasonable access to jobs, services, public transport and shops. This is an established and built up residential area and the proposal is considered to raise no strategic issues of concern. The acceptability of the proposal should therefore rest on consideration of the following development management considerations.

**6.5 Design and layout**

6.6 The proposed dwelling is of a straightforward design, which is considered neither exceptional nor poor. It is considered a reasonable response to the variety of designed properties in the area and on the same residential estate. Added interest to the design would be provided by timber affect panelling on the upper part of the elevations and grey window frames (rather than white windows typically found the locality).

6.7 The new dwelling would have a front facing gable which is not unusual with some other properties in the near vicinity also gable onto the road. The use of panelling is also found

elsewhere on the estate as is the use of render. The roof materials have been adjusted from artificial grey slate to red/brown tiles, which is the predominant material in the area.

- 6.8** There has been criticism of the design locally as well as from the Architects Panel, however, it is not considered to be inherently poor as has been suggested. Indeed, it responds and reflects many of the design features found in other properties on the same estate, as has been demonstrated by the agent in the supporting Design & Access Statement. Nor is it felt that the development would appear cramped; the new dwelling would have a not dissimilar relationship with adjacent properties as other houses on the estate. The new single garage would be set back from the road and is relatively small, and would have minimal impact on the character and appearance of the area.
- 6.9** On balance, the proposal is considered to comply with the requirements of local plan policy CP7 and the guidance set out within the Council's SPD relating to infill development. It is therefore considered that it would be difficult to sustain refusal of the application on design grounds.

### **6.10 Impact on neighbouring property**

- 6.11** The neighbours likely to be most affected by the new dwelling are No. 62 Sandy Lane to the immediate east and the applicant's property, No. 2 Highland Road. The new dwelling follows the existing building line and would be located in between, and parallel with, the adjacent properties on either side. It would be positioned forward and to the north of the rear of No. 62 Sandy Lane, which because of the orientation of the sun, means that loss of sunlight would not be minimal.
- 6.12** The site is elevated from No. 62 Sandy Lane and the new dwelling would result in some loss of outlook to the neighbour, but it is considered that this would not be significant. There would similarly be a degree of overlooking but again it would not be significant, or dissimilar to the relationship found elsewhere between houses on this estate and others. Furthermore, the new dwelling would not result in significant impacts on No. 2 Highland Road. In summary, it is considered that the proposal would not result in significant harm to neighbour amenity.

### **6.13 Access and highway issues**

- 6.14** The new dwelling would essentially use the existing shared access between No. 2 Highland Road and No. 62 Sandy Lane. No. 2 Highland Road would revert to using its existing alternative access. The net transport impact of the new dwelling is likely to be minimal. In response to concerns about the proximity of the access to the junction with Sandy Lane, there is already an access in situ in this same location, which is shared with No. 62 Sandy Lane.
- 6.15** The proposal includes adequate space for off-street parking and turning for two vehicles, which is considered acceptable.

## **7. CONCLUSION AND RECOMMENDATION**

- 7.1** Having regard to the aforementioned analysis, the proposal is considered acceptable. Planning permission should therefore be granted subject to the conditions set out below.

## 8. CONDITIONS / INFORMATIVES

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.  
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The development hereby permitted shall be carried out in accordance with drawing numbers 01, 02, 03, 05 and 06 received on 02 February 2015; and drawing number 04A received on 17 February 2015.  
Reason: To ensure the development is carried out in strict accordance with the approved drawings.
- 3 The dwelling shall not be occupied until the parking and turning areas have been laid out in accordance with drawing number 03 received on 02 February 2015. The said areas shall be retained at all times free of obstruction for the parking and turning of vehicles.  
Reason: To ensure that adequate parking and turning space is provided within the curtilage of the site to enable vehicles to enter and leave the site in forward gear.
- 4 There shall be no obstruction to visibility exceeding 900mm in height above adjoining carriageway level within the area measured 2 metres back from the carriageway edge and extending across the entire frontage of the site with Highland Road.  
Reason: In accordance with Local Plan Policy TP1 relating to development and highway safety.
- 5 The bottom sill of the rooflights on either side elevation shall be no lower than 1.7 metres above the floor level of the floor to which they serve.  
Reason: In the interests of protecting the neighbours from overlooking and loss of privacy.
- 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 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and/or re-enacting that order with or without modification), no fences, gates, or walls shall be erected forward of the front (north) elevation of the dwelling without express planning permission.  
Reason: Any further boundary enclosures requires detailed consideration to safeguard the open plan character of the estate in accordance with Local Plan Policies CP4 and CP7 relating to safe and sustainable living and design.

## INFORMATIVES

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

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

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

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<b>APPLICATION NO:</b> 15/00185/FUL		<b>OFFICER:</b> Mr Ed Baker	
<b>DATE REGISTERED:</b> 3rd February 2015		<b>DATE OF EXPIRY :</b> 31st March 2015	
<b>WARD:</b> Charlton Park		<b>PARISH:</b> NONE	
<b>APPLICANT:</b>	Mrs Mary Bridgewater		
<b>LOCATION:</b>	2 Highland Road, Cheltenham		
<b>PROPOSAL:</b>	Erection of dwelling and single garage		

### REPRESENTATIONS

Number of contributors	<b>4</b>
Number of objections	<b>3</b>
Number of representations	<b>1</b>
Number of supporting	<b>0</b>

BrodieManning  
on behalf of 60 Sandy Lane  
Charlton Kings  
Cheltenham  
GL53 9DQ

**Comments:** 2nd March 2015  
Letter attached.

3 Highland Road  
Cheltenham  
Gloucestershire  
GL53 9LU

**Comments:** 25th February 2015  
Letter attached.

55 Sandy Lane  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL53 9DG

**Comments:** 23rd February 2015  
Letter attached.

Fairways  
62 Sandy Lane  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL53 9DQ

**Comments:** 3rd March 2015  
Letter attached.

**Our Ref: BM079**

Mr Ed Baker  
Development Management  
Cheltenham Borough Council  
Municipal Offices  
Promenade  
Cheltenham  
GL50 9SA

2<sup>nd</sup> March 2015

**Planning Reference 15/00185/FUL for the Erection of a dwelling and single garage at 2 Highland Road, Cheltenham, Gloucestershire**

Dear Ed Baker

I write in respect of the above planning application on behalf of [REDACTED] of 60 Sandy Lane, Cheltenham. No. 60 Sandy Lane lies directly opposite the application site area.

[REDACTED] object to the development proposed for the following reasons:

- 1) The proposal involves the erection of a new dwelling that would be 'shoe-horned' between existing residential properties known as 62 Sandy Lane and 2 Highland Road. This results in a cramped form of development that would not reflect layout and development patterns or the spacious gaps between buildings evident in the immediate locality. The prominent location of the application site near the junction of Sandy Lane and Highland Road acts only to increase the importance of context.
- 2) The architectural design of the new dwelling is bland, uninteresting and holds very little architectural merit at best. This architectural approach would not respect or compliment the appearance of the locality and as such the proposal does not represent good quality design.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 requires planning proposals to be determined in accordance with Development Plan policies unless material considerations indicate otherwise. It is the considered view of this representation that the above proposal does not accord with relevant Development Plan Policy CP7; Supplementary Planning Document: Development on Garden Land and Infill Site in Cheltenham; nor paragraphs 17 and 56 of the National Planning Policy Framework (NPPF) and



therefore should not be supported. The current proposal should be considered in light of paragraph 64 of the NPPF that states “permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions”.

It should be noted that both the Cheltenham Borough Local Plan and Supplementary Planning Document (SPD): Development on Garden Land and Infill Site in Cheltenham are considered dated in terms of decision-making and both documents refer to cancelled national planning policy that has since been replaced by the NPPF. Notwithstanding this, both documents are consistent with the aims of the NPPF on matters relating to architectural and urban design and on this basis can be accorded weight in the decision-making process.

#### Cheltenham Borough Local Plan Policy CP7

Cheltenham Borough Local Plan Policy (LLP) CP7 states, inter alia, that *Development will only be permitted where it:*

- (a) Is of a high standard of architectural design; and*
- (b) Adequately reflects principles of urban design; and*
- (c) Complements and respects neighbouring development and the character of the locality and/or landscape.*

Both LPP CP7 and its supporting text refer to *Table 3: Principles of Urban Design* and *Table 4: Principles of Architectural Design* in securing the aims of LPP CP7 that supports development which reflects a high standard of architectural design and urban design principles.

#### Supplementary Planning Document

Detailed information relating to character and amenity is set out in the Cheltenham Borough’s Garden Land and Infill SPD along with how these types of development proposals will be assessed.

Of particular relevance to this proposal is the ‘Layout and development patterns’ section in Appendix 1. This section emphasises the need for new proposal to compliment and respect street layout “*through building lines, plot widths and the amount of built frontage (the ratio of built form to gap along the frontage)*” (page 33). Page 33 goes on to state that where a street layout (width and spacing of dwellings) is not respected “proposals which vary from this will not normally be acceptable”.

#### National Planning Policy Framework

Paragraphs 17 and 56 of the NPPF require “good design” to underpin both plan-making and decision-taking. Paragraph 56 states that “*Good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people*”.

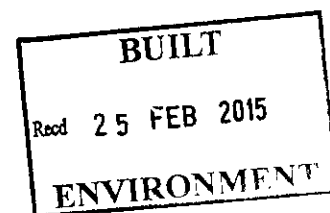
For the above reasons, Officers and Members are requested to refuse this current proposal as it does not concur with relevant Development Plan policy or material considerations set out in the NPPF. Whilst the need for new homes in sustainable locations is acknowledged, this need would not out-weigh the harm, in terms of architectural and urban design, this proposal represents. Furthermore, this development cannot be made acceptable through the use of conditions.

Yours sincerely,



Wendy Hopkins MRTPI

cc. Mr & Mrs McKinlay, Councillor Paul Baker & Councillor Duncan Smith



3 Highland Rd

Charlton Kings

Cheltenham

Glos GL53 9LU

Dear Mr Ed Baker, Planning Officer,

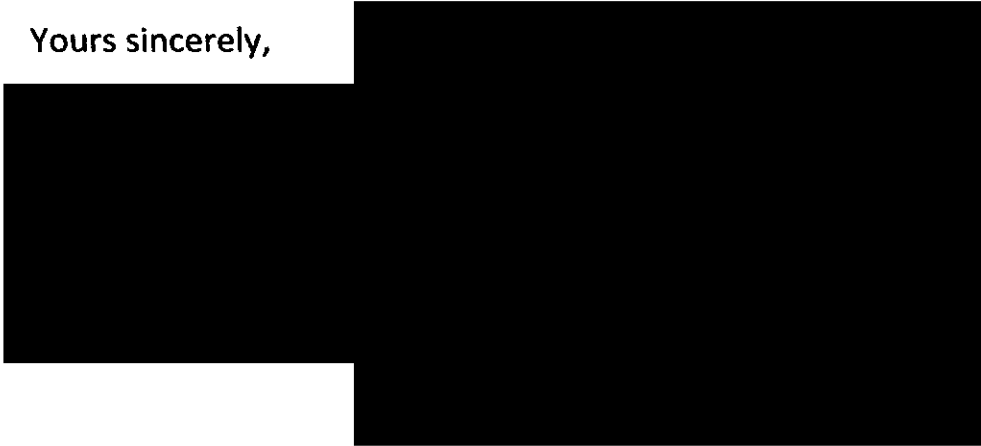
Ref - Proposal to build a dwelling and single garage at 2 Highland Rd  
Cheltenham Application Reference 15/00185/FUL

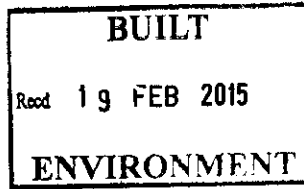
I object to the above proposal for the following reasons:

- 1) An extra driveway constructed so close to the corner with Sandy Lane is a potential traffic hazard as the corner and road is used ~~to~~ cut through the estate to and from Leckhampton area
- 2) Two houses squeezed into an existing plot will look cramped and is contrary to plan of the estate, being out of keeping with the other properties in Highland Rd and Sandy Lane that enjoy spacious plots with the privacy that this affords.
- 3) The land of this proposed extra house and garage is at a much higher level than the adjacent property that borders Sandy Lane. This and the plan to build the house sideways on to the road with bedrooms overlooking the adjacent property is likely to result in gross invasion of privacy, as it will be overlooked, from a much higher ground level.
- 4) The proposed dwelling is likely to reduce the light to the adjacent property, on the corner of sandy lane, cited in 3 above. There would be a considerable loss of rural amenity.
- 5) The proposed application has not taken into consideration the impact on the surrounding properties, and the reduction in monetary value likely to occur. If there was an application from each dwelling to

double the house numbers on each plot, the nature of the road would change entirely. Charlton Kings is designated a village, this ~~fact~~ should be remembered.

Yours sincerely,





55 Sandy Lane  
Charlton Kings  
Cheltenham  
Gloucestershire.  
GL53 9DG

17<sup>th</sup> February 2015

Cheltenham Borough Council  
PO Box 12  
Municipal Offices  
Promenade  
Cheltenham  
GL50 1PP

For the attention of Tracey Crews, Head of Planning

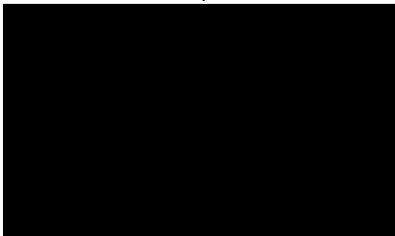
Dear Sirs,

**Proposal: Erection of dwelling and single garage at 2 Highland Road, Cheltenham**

With reference to the above application, I would like to draw your attention to the fact that 2 Highland Road already has a shared drive and is quite near to the busy junction, where cars turn into Highland Road from Sandy Lane far too quickly. It often proves difficult getting out and if this application is successful it will mean even more vehicles.

I would therefore ask you to look at this application very closely.

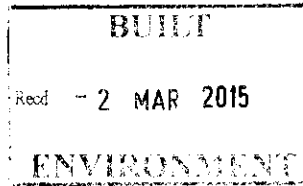
Yours faithfully,







Fairways  
62 Sandy Lane  
Cheltenham  
GL53 9DQ



1 March 2015

Head of Planning  
Cheltenham Borough Council  
PO Box 12, Municipal Offices  
Promenade  
Cheltenham GL50 1PP

Dear Sir/Madam

**Ref 15/00185/FUL (2 Highland Road)  
Proposed New Dwelling and Single Garage**

We do have concerns and objections to the proposals.

1. Our bungalow was built in No 2's original garden some 33 years ago and is a corner plot. Its position was taken in planning approval for very good reasons. Its design maximised on daylight and sunlight.
2. The proposed dwelling being 2-storey is to replace the existing kitchen and double garage. This would dominate and take away the sunlight and daylight which we have enjoyed for nearly 19 years.
3. Due to the narrowness of the two plots, the design does not give opportunity for gaps between the buildings which is characteristic to the immediate locality. The proposed new dwelling will not have a garage as there is no space for it. It is out of context with the spacious surroundings of other properties in the area.
4. Our bungalow and patio sit lower than the garden at No 2 and the proposed 2-storey building would not only encroach and overshadow our garden but impact on the enjoyment of our garden due to its scale. (Photo attached)
5. National Policy requires development to be of good quality and appearance. This dwelling certainly does not meet that requirement.
6. Due to its close proximity, the parking area indicated on the plans would cause disturbance to privacy to the property especially due to the difference in land levels. Source of the noise would be elevated in relation to our amenity space which sits approximately 1metre+ below the property adjacent to the development.
7. None of the properties in Highland Road have garages in their rear garden, they are all to the side or front of their properties. They have flat roofs and the height is low therefore the proposed design does not complement and respect the character of the locality.

8. Increase in vehicular activity which results from the introduction of a new dwelling will impact on this busy corner junction, especially at peak times. Vehicles tend to cut the corner whilst travelling at speed.

If there are any queries, please do not hesitate to contact us.

Yours faithfully,

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

Enc Photo

cc Councillor P Baker  
Councillor D Smith

