



## Notice of a meeting of Planning Committee

**Thursday, 23 April 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 - 30)
6. **PLANNING/LISTED BUILDING/CONSERVATION AREA  
CONSENT/ADVERTISEMENT APPLICATIONS,  
APPLICATIONS FOR LAWFUL DEVELOPMENT  
CERTIFICATE AND TREE RELATED APPLICATIONS**
  - a) **14/02003/FUL Unit 3, Naunton Park Industrial  
Estate** (Pages 31 - 86)
  - b) **14/01125/FUL Tim Fry Land Rovers, King Alfred  
Way - DEFERRED**
  - c) **14/01823/FUL Land at Manor Farm, Manor Road,  
Swindon Village** (Pages 87 - 158)
  - d) **14/02152/FUL 113 Church Road, Leckhampton** (Pages 159 - 166)

e) 15/00366/FUL 7 Keynsham Road

(Pages 167 - 174)

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

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







This page is intentionally left blank

---

**Planning Committee****19<sup>th</sup> March 2015****Present:****Members (15)**

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

**Substitutes:** Councillor John Walklett (JW)  
Councillor Simon Wheeler (SW)

**Present as observers:** Councillor John Payne; Councillor Chris Coleman

**Officers**

Tracey Crews, Head of Planning (TC)  
Martin Chandler, Team Leader, Development Management (MJC)  
Craig Hemphill, Principal Planning Officer (CH)  
Michelle Payne, Senior Planning Officer (MP)  
Ben Hawkes, Planning Officer (BH)  
Cheryl Lester, Legal Officer (CL)

**1. Apologies**

Councillors McKinlay and McCloskey.

**2. Declarations of interest****14/01423/FUL 391 High Street**

- i. Councillor Fletcher – personal and prejudicial – knows the applicant. Will leave the Chamber for this debate.
- ii. Councillor Walklett – predetermination – is speaking in objection to the application on behalf of his ward. Will leave the Chamber for the debate.

**3. Declarations of independent site visits**

Councillor Lillywhite– has visited the CBH sites in the Lakeside area (agenda items 6c, 6d and 6e).

Councillors Sudbury and Walklett – have visited all the CBC garage sites (agenda items 6b, 6c, 6d and 6e).

Councillor Fisher – has visited all the CBC garage sites and the bingo hall site (agenda items 6a, 6b, 6c, 6d and 6e).

**4. Public Questions**

There were none.

---

## 5. Minutes of last meeting

Resolved, that the minutes of the meeting held on 19<sup>th</sup> February 2015 be approved and signed as a correct record *without* corrections

## 6. Planning applications

Application Number:	<b>14/01423/FUL</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</b>
View:	<b>Yes</b>
Officer Recommendation:	<b>Permit</b>
Committee Decision:	<b>Permit (with amended condition 1)</b>
Letters of Rep:	<b>11</b>
Update Report:	<b>None</b>

*Councillor Fletcher left the Chamber before the beginning of this item*

**CH** introduced the application for redevelopment of a site within the Central Conservation Area. The building was formerly occupied by Ace Bingo, and there are extant planning permissions for the adjacent site (formerly Widdows Motors and land between the former Widdows Motors and the application site). This application is for 11 x one/two-bedroomed render and red brick apartments fronting the High Street, with the top floor set back, and 3 x two-storey town houses to the back of the site, using similar materials. Car parking for 14 vehicles is provided on site, together with bin and cycle storage. Access is via Milsom Street, Nailsworth Terrace and Hereford Place, with pedestrian access to the rear. The recommendation is to permit.

### Public Speaking

#### **Mr David Keyte, agent on behalf of application, in support**

Won't repeat information in the detailed officer report but will concentrate on matters of vehicular access and parking. The application is for residential use, accessed off a residential street in a sustainable location, with 14 on-site parking spaces proposed. This is one per dwelling, policy compliant, and the same ratio as required on the Widdows Motors site and almost twice that approved on the adjoining site. There have been many pre-app discussions with the Highway Authority, which has carried out a detailed analysis of highways matters and requested two car parking surveys of available spaces in surrounding streets. These both confirm that there are spaces available, and this is referred to in the HA's response – following its robust scrutiny of highway and transportation matters, it has raised no objections to the proposal. As a comparison, the 11,500 square feet of floor space of the existing building could be used as a gym or other D2 use without the need for planning permission, despite such a use requiring up to 52 car parking spaces to be in accordance with the Local Plan. It is clear in this context that there is considerable parking potential in the surrounding streets. Inconsiderate parking provision can cause problems, but this development is policy compliant, in a very sustainable location, better provided than adjacent schemes, and supported by the Highways Authority.

#### **Councillor Walklett, on behalf of local residents, in objection**

Leaving aside the Civic Society's and County Archaeology's reservations on the uninspiring building and archaeologically sensitive site, is here to protest on behalf of local residents, concerned with the negative impact of the increased traffic on Hereford Place and Nailsworth Terrace. Does not agree with



GCC Highways comments that there is sufficient on-street parking to accommodate overflow parking from the new residents and their visitors. Estimates the Bingo Hall resulted in fewer than six traffic movements a day along Hereford Place, while the potential minimum from the proposed development is thirty. Anyone who has attempted to negotiate these narrow streets, or who lives in this pleasant part of St Paul's, will be appalled by the 5-8-fold increase in traffic. As an aside, if the housing units had been affordable, a reduction in car ownership at the site would have been possible.

UBICO already has difficulty providing collection services, and a local supermarket has reservations regarding home delivery to this neighbourhood. Even the bus driver on Planning View chose not to access the site via Hereford Place.

That said, neither he nor the local residents object to the principal of redeveloping this site to provide decent-quality local housing; parking and access are the issues of concern. Appreciates the planning officer's attempts to find a solution with the applicant and agent, as well as adjacent developers, but feels a 'communal' parking and access solution could be found with more time and consideration. Would have preferred this to have been done before the application came to Planning Committee, and would therefore ask that the application is refused on traffic and highway safety grounds, or deferred until an acceptable solution to these problems is agreed.

*Councillor Walklett then left the Chamber before the beginning of the debate of this item*

#### **Member debate:**

**PB:** is affordable housing a consideration for this type of development? There is a lot of concern about the loss of employment land in the borough – the economic report alluded to this is an employment site, though he knows it is not, which means we can't use loss of employment land as a refusal reason, even though quite a few people are employed there. In future the Local Plan should re-consider the types of use considered as employment.

**BF:** why is there no police report in view of the earlier comments from the Heritage and Conservation Officer, expressing concerns that access to the site was all from the rear?

#### **CH, in response:**

- to PB, affordable housing requirements only apply to developments of 15 dwellings or more; 14 is the maximum number that can be accommodated in keeping with the urban grain of this site;
- loss of employment land as a refusal reason would be difficult to defend – policy EM2 defines employment as B1, B2 or B8 uses and does not include D2 use. D2 use doesn't preclude other uses – such as cinema, music venue – and these have to be considered against viability;
- to BF, pedestrian access is to the front of the building for the 11 units, to the rear for the three town houses. There are two public rights of way around the building to provide additional access.

**BF:** so if residents of the flats park at the back, will they have to walk all round the building or enter the site from the back? If so, would repeat his earlier comments about lack of a police report.

#### **CH, in response:**

- residents will access the flats from the back;
- the Conservation Officer's concerns were with access from the front which was recessed with no front-facing door to the front. This is no longer an issue;
- initial thoughts from the police were not concerned with the specifics of the scheme as a whole but about the detail as it was built out.

**CHay:** there isn't enough detail about bin storage. Recycling is important; has noted as a resident of the town that where there are communal bin stores, recycling rates seem very low. Is not objecting to the scheme, but thinks we should insist on more detail about bin storage and how recycling will work. Urges negotiation on this, and for all similar applications in the future if details aren't provided.

**FC:** notes the suggested Condition 14 on Page 35 of the report – that refuse storage area should be completed before occupation and thereafter be kept free of obstruction – and also on Page 23, the lack of turning space for refuse vehicles. How can it be ensured that the bins are emptied? Also, on Page 22, regarding the proposed site access, how do officers anticipate the square will remain as a shared space given the narrowness of the access to the premises?

**CH, in response:**

- bin storage and refuse collection is a sensitive issue and has been looked at very closely, in view of residents' concerns and the uniqueness of the site. UBICO has reviewed the plans, and CH met operatives at the site to understand how they can access the back of the site. UBICO is confident there is no problem and that bin storage and recycling can be successfully achieved.

**FC:** the report states there will be a significant increase in vehicular movements at Hereford Place, and the recommendation states that the shared space will be maintained. How will that work?

**CH, in response:**

- the comments on Page 22 are direct quotations from the Highways Officer who analysed the area in question. Anything outside the red line of the application site is outside the control of the applicant. It is used for informal car parking at the moment; this may continue or may be used in a different way, but won't change in appearance.

**MS:** believes the concept of providing 14 homes on this site is good. Access arrangements are less than desirable but we cannot refuse the proposal on those grounds as both Gloucestershire Highways and UBICO have said it is OK. It's a shame we didn't have a development brief for that area, which could have meant better access via Widdows, and a better-designed scheme to accommodate a considerable number of dwellings.

**SW:** regarding the public right of way – where is it and what are the issues we need to stick to in line with CROW requirements?

**AC:** agrees with MS - it would have been better to develop the whole area, including the narrow strip of land to the side, which would have given more car parking and better access. Could the developer be prevailed upon to buy that awkward little strip of land?

**BF:** sees several problems here. Highways doesn't seem to have taken into account the residents' parking scheme coming in Nailsworth Terrace and Hereford Place. The 14 houses in Nailsworth Terrace will be entitled to two parking spaces each – from 8am to 8pm, there will be no parking option for anyone else, yet there is no mention or comment on this in the report. The report also states that UBICO will use a small recycling vehicle to service the new development but those are going to be replaced, possibly with bigger vehicles. Agrees with MS's comments, and there is no guarantee that what has been granted permission will be built. Will access to the Widdows site be from the rear or from Milsom Street – the area is a wilderness at present.

If the number of cars in Hereford Place doubles, the nature of the area will change beyond recognition, contrary to policy CP4. There will be double the number of houses, with Milsom Street treble the number, completely changing the way of life in this area, and not for the better. Milsom Street is a two-way street, but two cars can't pass without one mounting the pavement. Residents' parking and no additional street parking for this number of houses is ridiculous. Is minded to propose refusal on CP4 and HS1.

**PB:** supports the scheme – it is a good one. Knows the area well having been its councillor in the past. Any development in the town centre area will be difficult with regard to parking. Will every household apply for two parking spaces or is this scare-mongering? The bingo hall would have generated a significant amount of traffic movements when in use. This is a good scheme in a sustainable location, but why are developers allowed five years in which to start work? The site next to this one is empty; it is a prominent High Street site, and housing is needed. The condition should stipulate three years rather than five; would like to propose this amendment.

**CHay:** also supports the scheme – we need housing, and this is the right sort of housing for the town centre – though echoes comments made previously regarding the lost opportunity for a more comprehensive development brief for the whole area. Is disappointed that there is no provision for any commercial use fronting the High Street - this is a missed opportunity to improve the mix of shops in the area. Similar schemes elsewhere have included cafes or shops on the ground floor.

Regarding traffic movements, doubling the number of houses sounds horrendous but the reality is that not everyone will be driving in and out at the same time. Problems anticipated in Tom Price Close and Fairview Road have not materialised. The streets are narrow, but people get used to this and learn how to manage. Fourteen additional dwellings won't generate a huge amount of traffic movements. No scheme is perfect; this could have been better but it uses the site relatively well.

**CH, in response:**

- to SW, the two public rights of way which surround the site will not be affected by the development or changed in any way, so there is no real issue here;
- to the overall question about the two adjoining sites, officers had discussions with the developers about the possibility of linking all three development sites in the area. Two already have planning permission and could come forward at any time. The site being discussed tonight does not have planning permission and needs to be considered on its own merits, though the three developers are aware of the other sites and it's hoped they will work in a joined-up way;
- to PB regarding the five-year condition, the length of time has yo-yo'd between three and five years in line with the government's desire to bring developments forward more speedily, then to allow more time during recession periods. There is scope to give consideration to this. CBC's position is to allow five years across the board, but three years could be conditioned.

**BF:** in response to PB's point about residents' parking, people will be allowed to apply for two permits per household. A similar scheme in St Paul's has reduced the amount of parking available, and there are a lot of HMOs which may have as many as five cars per households - landlords are likely to apply for permits and add it to the rent. Most households have more than one car.

**GB:** does PB still want to propose an amendment to condition in respect of time to start?

**PB:** yes, would like to reduce it to three years - not unreasonable for an important and prominent site.

**CL, in response:**

- the proposal can be taken as an amendment to the officer recommendation to permit with five years. If the move to reduce this to three years is carried, the amended recommendation can then be voted on as a whole.

**CHay:** supports this amendment, as the High Street is in need of regeneration and needs this to be moved along; leaving sites empty will depress improvements to the High Street.

**Vote on PB's move to amend Condition 1 as follows:**

*The development hereby permitted shall be begun before the expiration of ~~five~~ **three** years from the date of this permission.*

**13 in support – unanimous**

**MOTION CARRIED; AMENDED CONDITION IS PART OF SUBSTANTIVE MOTION.**

**AC:** is not proposing deferral, but if the decision were to be deferred, would there be any chance that the three sites could be considered together? The view is that this would be a much better deal.

**CH, in response:**

- this isn't a reasonable request at this stage; the developers will want their planning permission in place before engaging in any discussions, so as to be equal partners in any discussions.

**Vote on officer recommendation to permit, with amended Condition 1 as above**

10 in support

3 in objection

**PERMIT**

Application Number: **14/01676/FUL**

Location: **Garages adjacent to 26 Redgrove Road, Cheltenham**

Proposal: **Demolition of existing garage blocks and erection of 3no. dwellings and associated hard and soft landscaping**

View: **Yes**

Officer Recommendation: **Permit**

Committee Decision: **Permit**

Letters of Rep: **0** Update Report: **Conditions**

*Councillors Fletcher and Walklett returned to the Chamber before the beginning of this item*

**MJC** introduced this application for three dwellings on a parcel of land formerly occupied by garages, but now redundant and fenced off. It is at Committee because the land is owned by CBH. The recommendation is to permit.

**Public Speaking:**

None.

**Member debate:**

**CHay:** welcomes being able to talk on CBH applications and the use of these redundant sites for housing. Has visited a couple of similar developments in his own ward – good schemes, but unfortunately without any their own telephone lines. We must try to ensure that these houses are built with all services that people expect – not necessarily superfast broadband at this stage – so as not to spoil the impact of the development again. Otherwise, these are good quality buildings, a real feather in CBH's cap, using redundant garage sites for desperately needed affordable housing.

**PB:** this is a great scheme, and would again question generally the 5 years condition, though won't ask for a reduction to 3 years here. Hopes CBH will crack on with the scheme very soon.

**Vote on officer recommendation to permit**

15 in support – unanimous

**PERMIT**

Application Number:	<b>14/01678/FUL</b>
Location:	<b>Land adjacent to 6 Coniston Road, Cheltenham</b>
Proposal:	<b>Demolition of existing garages and erection of 2no. dwellings and associated hard and soft landscaping</b>
View:	<b>Yes</b>
Officer Recommendation:	<b>Permit</b>
Committee Decision:	<b>Permit</b>
Letters of Rep:	<b>12</b>
Update Report:	<b>Conditions</b>

**MJC** gave an overview of the next three applications to redevelop CBH-owned parking courts in the Lakeside area, which are close geographically with similar themes,. The loss of parking space and implications for the surrounding streets is a major consideration; the applicant has considered mitigation and included a parking survey with the applications, which shows that there is capacity in nearby parking courts to relocate existing tenants. CBH will provide additional parking courts, and there is capacity in the area for more on-street parking. This is consistently the case across all three applications. This first application involves the demolition of six garages and loss of ten parking spaces to accommodate two new houses. The recommendation is to permit.

**Public Speaking:**

**Cllr Regan, on behalf of local residents, in objection**

Is speaking at the request of residents of Coniston and Keswick Roads, who ask that Members note the petition signed by 17 residents. One of the most serious issues is the heavy parking on Coniston Road leaves just a narrow passageway for vehicles to access St Margaret's Community Hall at the end of the cul-de-sac, which is in constant use day and evening. Two more houses with more car-parking needs will increase the problem to a dangerous level and make an intolerable situation worse. Is disappointed in the findings of the Entran car parking survey and questions its validity in view of anti-social parking by some residents which restricts and blocks the flow of traffic in and out of Keswick and Coniston Roads and along Windermere Road. These roads are also used for parking by Paragon Laundry staff. Members should refer to local plan policy TP1(b).

There is also the loss of privacy for Keswick Road residents, who would be overlooked by the new buildings which, from their elevated position, will be overbearing and cause loss of light to the rooms and

gardens of the bungalows, most of which are occupied by elderly residents at home for most of the day. This contravenes CP4(a).

People who object are aware that more affordable homes are badly needed in Cheltenham, but the considerable problems this application will bring to their welfare and well-being will cause much concern. The positioning of the new building should be the first and foremost consideration. Asks that a recommendation be made that the Coniston Road 'B' site is demolished and made a residents-only parking area.

**Member debate:**

**PB:** asked if new car parking spaces will be provided before these are lost?

**JF:** MJC indicated that other parking areas might be made available to compensate for those lost. Has CBH indicated that it would be willing to open up other sites for parking in this area? Has first-hand experience of the problem of parking in this area – it is extremely difficult at night.

**MJC, in response:**

- to PB, re phasing, this is at the discretion of CBH - CBC cannot influence the process – but would think that, as landlord, it would be appropriate for CBH to relocate its tenants as soon as possible;
- to JF, there are a number of parking courts in this area, and CBH is looking at structured demolition to provide more car parking spaces. In connection with the demolitions under consideration tonight, they are looking at another site on Ennerdale Road;
- paragraph 6.2.4 of the report sets out the strategy for garages and cars in the area: there are 48 garages but only 26 in use, hence the plan to demolish garages and relocate car parking spaces;
- the demolition of parking courts does not form part of the planning applications; it is in CBH's gift to mitigate the impact of their loss. Officers' view is that the proposal is acceptable in isolation, and even more so with the mitigation measures. How CBH proceeds is up to them.

**CHay:** hopes that the same applies to the telephone lines mentioned earlier. We have a crying need for more social housing such as this. The garage sites are under-utilised - many people with garages use them for storage – and CBH is looking to refurbish the garages it is keeping to make them more fit for purpose. We should be encouraging the use of underused garage sites for families in need. Regarding the houses to be built, if Members get the opportunity to visit these 'fit for life' houses as they are completed, they should take it. They are robust, built to last, with provision for stairlifts and lifts should tenants need them later – excellent-quality houses in the town, for people who are in desperate need of them. A few less car-parking spaces is a price worth paying.

People's fears may not be realised as was the case at Priors Road. We should be supportive of this scheme. Councillors could write to CBH to make sure that the phasing is right, as this work needs to be done with some care; it's important that Members use their voice here.

**PB:** agrees with all CHay has said. CBH is to be congratulated for looking at its assets and assessing whether they are being best used for the good of the town. Here are opportunities to turn messy areas into desperately needed houses, and it's the best thing CBH can do. Extra car parking is being provided, and any additional car movements is a small price to pay. This is a well-thought-through scheme and has his support.

**MJC, in response:**

- on the services issue, could raise CHay's concerns as an informative.

**CHay:** - okay.

**KS:** has noted one objector's concerns that Paragon Laundry staff park on the surrounding streets. Can anything to be done about this? Could a parking scheme be introduced this far out of town?

**MJC, in response:**

- it would be difficult to introduce the Paragon Laundry issue to this planning application and ask CBH to mitigate any impact. This is a well-considered proposal and the traffic survey was carried out when Paragon staff would have been at work and showed there was spare capacity.

**Vote on officer recommendation to permit**

14 in support

0 in objection

1 abstention

**PERMIT**

Application Number:	<b>14/01681/FUL</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</b>
View:	<b>Yes</b>
Officer Recommendation:	<b>Permit</b>
Committee Decision:	<b>Permit</b>
Letters of Rep:	<b>6</b>
Update Report:	<b>Conditions</b>

**MJC** introduced this application for a single dwelling on land currently used for ten car-parking spaces, the garages there having recently been demolished. Again, there is a parking strategy to mitigate the loss of the parking spaces, but again officers' view is that the application is acceptable in isolation. The recommendation is to permit.

**Public Speaking:**

**Cllr Whyborn, on behalf of local residents, in objection**

Firstly, would commend CBC and CBH for moving forward on the principle of much needed social and affordable new homes, and focussing on brownfield sites – this shows forward thinking and addresses the supply side. However, has some reservations of his own, and on behalf of residents, nearly all about parking, but also crime prevention, road safety, and neighbour access issues at Ullswater. Regarding 14/01681/FUL, Ullswater Road has a very narrow bend and cars have to pull into the site entrance when passing. Many of the bungalows around the site are occupied by the elderly and disabled, but would house more car-owners in the future. While acknowledging that the demolition of the Ullswater B garage site will help with regard to the loss of parking, Members should question officers about whether this is enough. Parking on the Lakeside estate is already problematic, exacerbated by displaced parking by Paragon Laundry employees, even though the worst issues are generally in the evenings and at weekends. Members also need to be satisfied that loss of light, overlooking and neighbour access have been adequately considered.

Regarding 14/01700/FUL, is very clear that there is not enough parking proposed here to replace the 13 or more spaces and 13 garages that will be lost. The parking survey suggests the garage occupants can be re-housed elsewhere, but also says that only 3-6 cars which currently park on the hardstanding

must be re-parked, which is manifest nonsense. Has observed nine parked vehicles on a Thursday afternoon, ten on a Sunday, with a further five vehicles parked in the turning head – pictures have been circulated. Street parking is limited in Haweswater Road, and it is unrealistic and bad practice to expect residents to park in Alma Road, or to displace parking to nearby estate roads such as Buttermere, Ennerdale and Thirlmere Roads, which are already heavily parked.

Planning officers have mentioned an offer to clear a further garage site - Ennerdale B and Thirlmere have been talked about - but this isn't included in the report. If the Committee is minded to permit the application, provision of parking through demolition of a further site should be a condition, with the choice of site a matter of consultation with local residents.

Finally, neighbours are concerned that positioning Flats 2 and 3 next to No. 5 Haweswater Road and Flats 1 and 2 next to 57 Alma Road will create blind alleyways, which aren't overlooked, contrary to the policy to 'design out crime'. Members needs to be satisfied that this issue has been adequately addressed.

#### **Member debate:**

**PT:** has reservations about this house. It is a large house, desperately needed for a larger family, but is not utilising the land well, with a lot of extraneous space around it; CBH should leave this site as a parking area and build a detached house elsewhere. Noted on planning view that there were cars parked here, making use of the space. Has some reservations that, without any restrictions, these houses may soon end up ex-CBH properties, having been sold in the open market. How can we retain them as social housing? Can't support this particular scheme as it needs re-thinking.

**KS:** also has concerns with this one. There were a lot of cars and vans parked there at 3.30, and couldn't see where else they could park. We need homes, including affordable housing for bigger families, but have to make sure we use the right sites for them. Is not sure this is right – the house looks awkward in the site, and people won't want to leave their nice cars too far from home. CBH is doing a great job, but there must be a better site for this house. It is clear that this application could cause problems for the garden of one house and a lot of inconvenience for the community.

**CHay:** the houses being built by CBH are not council houses; CBH is a social landlord, so different rules apply, and finance is raised differently. CBH manages Cheltenham's council houses but also builds its own. This house doesn't look fantastic in the plot but fits quite well considering the plot is a funny shape to begin with. The garages, which were small and not fit for purpose, have been knocked down, and free parking provided on the site. Parking provision is being made elsewhere, so all we have to consider is the importance of providing social housing by recycling a redundant garage site.

**BF:** we are losing our way here. This is an application by CBH, not Cheltenham Borough Car Parking. Of course residents want to park outside their houses, but some households have three cars – it is the same problem everywhere. We are in desperate need of affordable rented homes; big developers know they can get out of providing them, but this scheme will provide houses for local people who may never get on the housing ladder. Concern about where to park a third car is a bit off. CBH is the best social landlord for miles around, providing good quality housing for people who need them, not for profit. Cannot see why we are so worried about car parks.

#### **Vote on officer recommendation to permit**

13 in support

1 in objection



1 abstention

**PERMIT**

Application Number:	<b>14/01700/FUL</b>
Location:	<b>Garages at Haweswater Road, Cheltenham</b>
Proposal:	<b>Erection of 4no flats with associated hard and soft landscaping</b>
View:	<b>Yes</b>
Officer Recommendation:	<b>Permit</b>
Committee Decision:	<b>Permit</b>
Letters of Rep:	<b>5</b>
Update Report:	<b>Conditions and photographs</b>

**MJC** this application on a garage court at Haweswater Road is for two buildings each housing two apartments. Thirteen garages and 12 parking spaces will be lost, but a parking strategy and mitigation proposals have been submitted with the application. The recommendation is to permit.

**Public Speaking:**

None. (*Councillor Whyborn had also referred to this application when speaking on application 14/01681/FUL.*)

**Member debate:**

**CHay:** referring to RW's speech, asked about the safety issues and the blind alley – can officers raise the issue to ensure that it is resolved?

**MJC, in response:**

- officers reflected on this point when writing the report. This is currently an unwelcome environment, not overlooked and subject to some anti-social behaviour. The new scheme will place buildings at the front and back of the site, with parking space in the middle. It will mean a couple of gable ends next to each other, but with a 3-metre gap between the buildings, not a tight pinch point. Officers consider this will be a significant improvement on what is currently there.

**Vote on officer recommendation to permit**

14 in support

1 in objection

**PERMIT**

Application Number:	<b>14/01810/FUL</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</b>
View:	<b>Yes</b>
Officer Recommendation:	<b>Permit</b>
Committee Decision:	<b>Permit</b>
Letters of Rep:	<b>0</b>
Update Report:	<b>Additional officer comments</b>

**CH** told Members that Mellersh House comprises two linked blocks of flats, set back from the road behind concrete planters and green verges. An internal bin chute has been in use for the upper floors but is now considered a fire hazard. Bins are currently kept on the forecourt, but the proposal is for a bin

storage area to house two commercial-sized bins for rubbish and four standard bins for recycling. The report update seeks to clarify some points raised on Planning View. CBH sought help from UBICO when deciding on the number of bins to provide, and two commercial/four standard bins complies with their recommendation; there is a limit on how many bins UBICO will provide. Bins currently on site are always overfull, and CBC is aware of the need to engage with residents of the flats to raise awareness of appropriate waste disposal. The recommendation is to permit.

**Public Speaking:**

None.

**Member debate:**

**DS:** Members on Planning View felt that the amount of bin space to be provided is too little to serve 15 residential units. Recalculations are needed to get this right.

**SW:** has seen full bins with unclosed lids, six black bags beside, bottles and cans, with residents saying they haven't got enough bins. This will be a similar scenario on a grand scale. CBC or UBICO need to encourage residents to segregate their rubbish rather than just offer them bigger bins.

**MS:** will support this scheme. Feels a more robust storage area in keeping with the property would have been better, rather than the lightweight ones which will soon look shabby, but realises there are financial implications here.

**AC:** is basically in favour of this, but wonders how long it will take to get the larger commercial bins out to the lorries for collection.

**Vote on officer recommendation to permit**

14 in support

1 in objection

**PERMIT**

Application Number:	<b>14/02003/FUL</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)</b>
View:	<b>Yes</b>
Officer Recommendation:	<b>Permit</b>
Committee Decision:	<b>Defer</b>
Letters of Rep:	<b>15</b>
Update Report:	<b>None</b>

**MP** introduced the application, which has been reduced in scale, regarding footprint, eaves and ridge height, and number of units. It is at Committee at the request of Councillor Barnes, in view of the level of concern from residents of Asquith Road. The officer recommendation is to permit.

**Public Speaking:**

**Mr Stawinski, local resident, in objection**

Local residents have four main objections, compounded by the lack of clear information on what the units will be used for. Number 1 is increased size and height and the design, with reference to CP4 and CP7, which are not in keeping with the adjacent structures or the fact that the site is surrounded closely

on three sides by houses and gardens. The proposal is much higher and vertically imposing than the current building and will block light to properties in Asquith Road, especially outside the summer. The exact dimensions are not specified, with the risk it will be higher and larger than the ambiguous drawings suggest. Residents urge that all dimensions should be clearly and publicly specified in advance of construction, so that they can be monitored and adhered to.

Secondly, with reference to CP3, 4 and 5, what is the justification for doubling the number of units, so increasing noise, pollution and traffic, and what will they be used for? The awkward, narrow access doesn't cater for large vehicles implied by the proposed double-height doors; vehicles using the site already block access to the rear of some properties on Asquith Road, and Churchill Road is almost always double-parked with limited visibility and risk to schoolchildren – this will make it worse. These congested roads can't cope with increased traffic or overflow parking.

Third, with reference to CP4, residents urge the Committee to include the environmental health officer's suggested hours of operation, to protect the balance between residents' amenity and business operation. And finally, with reference to CP6, residents are very concerned that the mature ash tree in the south-west corner of the site is protected. Its crown was significantly damaged before the TPO was put in place, and construction work could destroy the tree beyond recovery. The sycamore tree on the Asquith Road boundary is also a cause for concern.

Residents are not absolutely against the clean-up of this dilapidated site with sympathetic like-for-like development but do not believe the current plans strikes the appropriate balance between supporting local business and the needs of the local community.

#### **Member debate:**

**SW:** with reference to the tree, there is normally protection for trees included in the conditions, to make sure that the developers don't damage them. If it is right to say not seen the actual sizes of the buildings – the heights should be made available for members of the public to address.

**BF:** is concerned about what we understand as 'light industrial' - a machine shop, a press shop, a printing shop? – all of which cause noise and pollution. Doesn't like mixing industrial units with housing. People living near the Churchill Road site put up with chaos from articulated lorries delivering materials to the small light engineering company there, while Windsor Street has improved greatly since the industrial site has gone. It's strange to use this prime location for industrial purposes.

**AC:** is concerned about the tree. The developer wants to reduce the crown - would object to this most strongly, as there is no reason why the top of this tree should be lowered.

**KS:** has a number of concerns about this application and will move to refuse. On the question of the principle an industrial estate in a residential area, the buildings are old and need to be replaced, but it will cause problems for residents close by. Houses in Asquith Road have short gardens backing on to the site; access roads are narrow and not designed for big lorries. Situating an industrial estate at the end of a narrow access road is like trying to get a camel through the eye of a needle. Welcomes the reduction in size of the units, but is concerned about the size of the roller door. The new occupants will want to utilise the whole building, which will mean a mezzanine level – with the narrow restricted access, there will be safety implications and noise issues for residents backing on. The amendments have not gone far enough, with no account given to the context of the site – an established residential area where people have the right to expect a certain quality of life. This isn't the right solution for the site; a

like-for-like replacement of a single-storey building with the same footprint but more modern would be more appropriate. Extractor fans could also be required and should be borne in mind.

Residents want to know the end user of the site. The given hours of operation are good, but as has been seen elsewhere locally, it takes nothing for the occupier to extend the hours and ruin the lives of people living nearby. Residents are not against industrial units here, but it needs care, concern, clarity and transparency to ensure a better scheme and fewer problems for businesses which take the units.

**MP, in response:**

- to SW, the drawings are to scale, and the heights of the buildings are given in the officer report;
- to BF, B1 use is set out clearly at Para. 6.4.5 of the officer report, in line with the Town and Country Planning Act;
- to AC, the tree survey proposes reduction of the crown of the tree and removal of lower branches, with a reduction from 16m to 12m. The Trees Officer acknowledges that works were carried out to the tree before the TPO was made, and that it has already lost some branches, but supports the recommendation to reduce the height to give a balanced, symmetrical tree, which will grow well. The proposed work to the tree would most likely be permitted outside this application.

**GB:** finds this a very difficult application. It was originally quite clearly overbearing and officers have worked hard to reduce its impact, but still has two main concerns. Firstly the tree: normally agrees with the Trees Officer's advice but considers that the proposed reduction will make a big difference to aspect of the area and cannot see any justification for that. Secondly, agrees with KS about the access roads. The double height doors indicate that very big vehicles are expected, and it will be increasingly difficult for these to turn in and out of the site with other traffic in the road.

**PB:** Cheltenham is crying out for purpose-built industrial units. Here an out-of-date, inadequate one is to be knocked down and it's a shame that the applicant hasn't been more sensitive in considering its replacement - the drawings show how much bigger the proposal is than what's there now. It's unfortunate that the applicant hasn't taken on board the importance and significance of the tree. Cannot support the scheme. The principle is OK but not the scale and impact.

**SW:** the top and branches of the tree are one consideration, but the roots must also be protected, to ensure that they aren't accidentally bull-dozed, which could happen during building work.

**MS:** agrees – this tree is at risk. Strongly recommends that the application is deferred to allow the officer to talk with the developer and redress concerns. Otherwise it will be refused outright.

**GB:** is MS proposing deferral, to discuss with the applicant the question of the tree and any leeway to reduce the size of the building?

**MS:** yes, and acknowledging Members' views about access and the heavy trucks going in and out.

**KS:** has moved to refuse – does this not count now?

**CL, in response:**

- the officer recommendation is the substantive motion, in this case to permit; normally this would be voted on first, and if lost, KS's move to refuse would then be voted on;
- however, the move to defer trumps the substantive motion to permit: if it is carried, the application will be deferred; if it is not carried, the substantive motion – the officer recommendation to permit – will be voted on next; if this is lost, KS's move to refuse will then be voted on.

**FC:** in a situation such as this regarding the tree, a condition can be added to the effect that if it is damaged or dies as a result of the works, the developer must replace it with another of equal maturity –probably costing in the region of £50-100k. Could this be done here?

**BF:** there are considerations other than the tree here – in particular the noise levels, and what sort of the light industrial units will be installed.

**CHay:** is not comfortable with this application but provision of more small units in the town is important and this is already an industrial site. Does not agree with other Members' concerns about the use of articulated lorries being inevitable in view of the full height roller doors. High-top vans can be used, and easily accommodated by the roads in the area. Is concerned, however, about the increase in mass and size –but is this adequate grounds to turn the application down? It would be helpful to have some idea of what sort of noise levels B1 use might mean for local residents. BF's comments about a machine shop or press shop aren't relevant as these would not fit B1 use, which has to be acceptable in a residential area, and modern buildings would be built to modern standards with good sound insulation. Businesses which set up here will need to be of the type that don't need deliveries from articulated lorries. We have to understand how things work in practice, not just consider potential disasters – you can't run a business without the materials needed. The real concern is the mass of the building and whether this is sufficient grounds on which to refuse.

**JF:** the difference between refusal and deferral is quite clear. If the application is deferred, it gives the chance for officers to liaise with the applicant about the tree, the noise and residents' worries.

**MB:** considers there are enough reasons to refuse this application and isn't sure that deferral is the best option. Is concerned that the eaves height of the building will be doubled and will dominate houses several metres away – this is the main issue.

**KS:** has sympathy with the idea of deferral but Members should bear in mind how lengthy consideration and discussions between officers and the applicant have got this application to where it is now. If it is to be deferred, all the issues must be included. Has experience of living behind similar units and is really concerned about sound-proofing, with the roller doors, machinery, radios etc which will have a considerable impact on residents. Wants to be clear on this, and also on access. The tree is important in this residential area, and the effect on parking also needs to be considered. All these issues should be included in a deferral, but doubts any further progress can be.

**PB:** if the proposal is deferred tonight, Members can always refuse it when it comes back to Committee if they aren't happy with the responses.

**MP, in response:**

- the tree survey is accepted by the Trees Officer and Condition 5 covers root protection during construction; much of the footprint of the building is already in place so not be much additional foundation work will be needed. Protective barriers to British standard are proposed in the site;
- the existing building had unrestricted B1 use, and a high level of sound insulation is proposed for the new development, included double-skin cladding and insulated roller doors;
- as KS has said, this application has been around for a long time. There have already been significant amendments, and consideration of the tree, and there are no objections from Gloucestershire Highways;
- does not therefore see what deferral will achieve – the applicant has already made as many concessions as he is willing to make.

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

9 in support

6 in objection

**MOTION CARRIED – DEFER**

Application Number:	<b>15/00058/FUL</b>			
Location:	<b>9 Copt Elm Road, Charlton Kings, Cheltenham</b>			
Proposal:	<b>Erection of single storey dwelling</b>			
View:	<b>Yes</b>			
Officer Recommendation:	<b>Permit</b>			
Committee Decision:	<b>Refuse</b>			
Letters of Rep:	<b>29</b>	Update Report:	<b>Officer comments, conditions and additional representations</b>	

**MJC** introduced the application as above, which was submitted after a previous scheme was withdrawn in 2014 due to concerns about height, scale, and highway safety issues. The current application seeks to address those concerns; the visibility issues have now been resolved to the satisfaction of the County. The application is at Committee due to Parish Council concerns that it does not enhance St Mary's Conservation Area. Officer recommendation is to permit.

**Public Speaking:****Mr Harris, local resident, in objection**

Firstly, the newly-published highways report contains inaccurate and inadequate information, referring to 'good visibility splays' at the junction of Church Walk and Copt Elm Road. Members will be aware from Planning View, there are no visibility splays at this junction, with parked vehicles reducing visibility virtually to nil – a car was written off here during previous building works. In addition, the principal finding of the report – in the applicant's favour – is questionable as he carried it out himself. Officers claim the application is 'sustainable development' and 'environmentally bearable'. The Conservation Officer states that it represents over-development and land-grabbing with no demonstrable public benefit. Being on the edge of the conservation area makes it more important, as if permission is granted, there will be nothing to stop the gradual erosion of the conservation area or developers from moving in with further garden-grabbing applications between Church Walk and Copt Elm Road – with access available, the precedent will have been set.

Planning officers say the historic garden plots are less important than their host houses, but this ignores the fact that the integrity of the conservation area depends on the sum of its distinctive features, and is on par with the Civic Society's one-line comment which does not reference the conservation area at all. On highway issues, the report on an earlier application here holds good, in that it fails to provide suitable access and parking and should be refused. Lowering the boundary enclosure could easily be reversed by a future resident.

This is calculated garden-grabbing in a conservation area, and the only financial interest served is the applicant's own self-interest – and he is moving away from the area next week.

**Simon Firkins, agent on behalf of the applicant, in support**

The architect, applicants and agent have spent a lot of time, effort and care in creating a high-quality, well-designed home, sensitive to its context and not in conflict with policy, guidance or any material

considerations. Amendments have been made to address officer concerns, and the report deals with the salient points clearly and in detail. The conservation area has many dwellings in similar locations, so this will not be out of character, simply continuing the line of dwellings and achieving an appropriate degree of subservience to the frontage house. The report identifies the key characteristic of this part of the conservation area as the main road frontages, which this scheme will not impact at all. It also explains how the scheme doesn't result in harm to neighbouring amenity, with no overlooking, overbearing or loss of light. There are a number of objections to the proposal, but many of these are from homes a long way from the site. Local objection amounts to a small number of households, and some local residents are unhappy with the number of letter drops and posters against the scheme. Understands that attempts of a minority to derail this thoughtful proposal were demonstrated on planning view, but these views are not shared by a majority of local people.

Vehicle numbers and speeds on the access are low; highways officers have no objection to the scheme, subject to conditions. The applicant owns the lane at the point of access, and the few cars associated with the proposal will not be harmful. There will, of course, be some change as a result of the scheme, but change does not make something unacceptable. The development is carefully designed to respect its context, neighbours' amenity and other material considerations, and will not set an unwelcome precedent. It is a sustainable form of development, for which there is a presumption in favour

**Councillor Reid, on behalf of local residents, in objection**

Objections to this application have come from parishioners across Charlton Kings, not just St Mary's Conservation Area, because this peaceful place is highly valued by people who enjoy its special character. As Chair of the local Rights of Way Committee, can attest to the importance of this historic footpath, which has a high footfall serving a desire line for a range of users – children and mothers on route to school, people accessing the shops, dog walkers, and others enjoying the green corridor which is a wildlife haven. It is an important alternative for people to escape the noise and traffic of Copt Elm Road between London Road and the village.

In view of this, it is disappointing that no consideration has been given to the street scene at the rear of the properties, with their distinctive long narrow gardens, characterised by verdant growth and soft boundaries. A proposal to develop land behind Victorian houses in Cirencester Road was rejected because it would have ruined the character of the area, even though it wasn't in the conservation area.

Despite amendments this application does little to redress the original refusal reasons and the corrosive effect it will have on local people's amenity and enjoyment. The design is utilitarian at best and conflicts with existing buildings. And last-minute highways comments that the lowering of the fence addresses the visibility issue doesn't consider that any new occupant will install screening plants which will return the problem. Mums with toddlers and buggies and youngsters on bikes have only one refuge area along this stretch of shared roadway, and additional traffic will be inconvenient and could cause an accident.

Several policies can be used to refuse this harmful development from NPPF paragraphs 126-132, 134 and 53, and local plan policy GE2. The Parish Council has objected strongly, taking on board local residents' real concerns, and citing the SPD on St Mary's Conservation Area which was created to protect the area's historic context and distinctive site features, urban grain and landscape issues. This application does nothing to preserve or enhance the conservation area. The NPPF talks about sustainability and environment, and refusing this application is an important opportunity to sustain and environmentally important area for future generations.

**Member debate:**

**MS:** supports the views expressed by Mr Harris and Councillor Reid. The lane is at maximum capacity, though this is not a refusal reason in itself. The Conservation Officer's report is very good and lists reasons why the proposal should be refused as totally inappropriate in this location. Is amazed therefore at the planning officer's recommendation to permit. Moves to refuse on NPPF paragraphs 58, 64 and 126, page 36 of the Garden Land SPD and Local Plan Policy GE2.

**PB:** this is one of the worst examples of backland development he has seen – it is obscene. This barren plot must have been a wonderful garden in the past. There is no doubt the proposal will have a severe impact on the area - to describe it as a sensitive scheme is a joke. MS and Councillor Reid have listed many reasons to refuse, to which he would add NPPF paragraph 132 and 134.

**FC:** can't understand how this application is at Committee with a recommendation to permit in view of the points made by the Conservation Officer. Will support the move to refuse.

**SW:** notes a reference to a public right of way. Is this Church Walk? Is it a public right of way on the definitive maps or the Map of Streets?

**MB:** echoes what has already been said. The term garden-grabbing is over-used, but that is precisely what this is. The lane is already busy, but the real issue is that the site is in the St Mary's conservation area and the design out of keeping. As an aside, asks why the running order of Planning Committee meetings isn't rearranged to reflect the public interest in particular applications.

**MJC, in response:**

- some of the comments so far refer to the officer report. The Heritage and Conservation Officer's commentary is a good analysis of the proposal but doesn't consider the wider context. It is her role to look at it in a purist way but the planning officer's role is different, and takes into account the wider context. The SPD comes in handy here, and the site plan shows quite nicely that beyond Copt Elm Road and down Church Walk there is a much looser form and grain of property, and is not in the conservation area. The Conservation Officer's comments have not been dismissed but officers consider the wider area trumps the impact on the conservation area;
- this is reinforced in the recommendation, which concludes that the proposal is not an anomaly given the built form and urban grain of the area, and respects the linear frontage development;
- regarding the suggested refusal reasons, it's very important that the application is refused for the right reasons. Policy GE2 is used a lot as a refusal reason but has little success at appeals. It is concerned with space which makes a significant contribution to an area, which this does not. Considers CP7 more appropriate if Members are concerned about the conservation area;
- is also doubtful about the use of Page 36 of the SPD on backland development, as this relates specifically to the introduction of a new access. There is already access here serving eight dwellings. Maybe the SPD can help in the refusal, but not Page 36;
- CP7 and NPPF paragraph 134 can be part of a reasonable argument against the scheme, but MS's other suggestions are inappropriate.

**MS:** all that MJC has said is fine, but believes his other suggested refusal reasons should be left in. The Inspector will ignore anything he doesn't agree with. Considers them all to be valid, drawing the Inspector's attention to the Committee's thinking, but will add CP7 to the list.

**PT:** is worried that MJC's comments imply that as long as something looks OK from the front, it doesn't matter what goes on at the back – which is awful. This is shameful garden grabbing and quite appalling,



encroaching on the public right of way, used by schoolchildren, and a very bad example, wrong in so many ways. We should use as many refusal reasons as possible to turn it down.

**KS:** this appears to be an odd-shaped plot. What is the land outside the red line used for?

**GB:** it is currently owned by someone else, and used as an allotment.

**AL:** if this application is refused, what will happen with the plot? It appears to be derelict, has been carefully sectioned off with the thick hedge ruining the view. Is there anything which can be done to bring it back into use – it is presently quite an eyesore?

**MJC, in response:**

- the public right of way is adjacent to the site, not part of it. There is therefore no need to divert the public right of way.

**SW:** is it a public right of way on the Map of Streets or the definitive map?

**MJC, in response:**

- this is not relevant here.

**SW:** if Church Walk is a public footpath or bridleway, it cannot be used for cars.

**MJC, in response:**

- it is already being used by eight dwellings and the owner of the property to park at the back;
- to AL, the council has no power to encourage the owners of this land to put it back into a garden or anything else. There is no public nuisance, so a 215 notice wouldn't be appropriate here;
- we need to craft a refusal reason which officers can defend. So far, we have CP7 and GE2, Page 36 of the SPD, and NPPF paragraphs 58, 64 and 126.. Suggests adding NPPF para 134 as well;
- to PT's concerns that officers are only concerned with how the proposal looks from the front, this is not what he was implying. It is a sensitive area and certainly not a case of anything goes, but officers need to assess sites in a wider context.

-

**PT:** Members may not look at the site in its wider context in the same way as officers. Can see and feel what this 'blob' in the middle of the drawing does to the wider context – it is totally out of place.

**Vote on officer recommendation to permit**

0 in support

11 in objection

4 abstentions

**NOT CARRIED**

**Vote on MS's move to refuse on CP7 and GE2, Page 36 of the SPD, and paragraphs 58, 64, 126 and 134 of the NPPF**

12 in support

3 abstentions

**MOTION CARRIED - REFUSE**

Application Number: **15/00104/FUL**  
 Location: **30 Ravensgate Road, Charlton Kings, Cheltenham**  
 Proposal: **Erection of 2 x 1.83 metre wide x 1.87 metre high wooden gates**  
 View: **Yes**  
 Officer Recommendation: **Refuse**  
 Committee Decision: **Permit**  
 Letters of Rep: **0** Update Report: **None**

**BH** introduced this proposal at a semi-detached bungalow on the corner of Ravensgate Road and Wistley Road. The proposed gates will face Wisley Road. The application is at Committee at the request of Councillor McCloskey, who feels a debate on the wider scene would be useful.

**Public Speaking:**

None.

**Member debate:**

**AC:** understands from Planning View that if the application was for lower gates, it would not need planning permission. It is only the *height* of the gates that is being considered here.

**BF:** can't understand the officer recommendation to refuse. Highways Officers have no problem. Realises that anything over 1m high fronting the public highway needs permission, but this gate is not out of place. There are hedges and fences which are higher in the area. The owner requires these gates for privacy and security. Can see nothing wrong with them.

**MS:** understands the applicant wants to keep a caravan in a secure place. Does not consider the gates would be a visual distraction, with the hedge either side. Will move to permit.

**SW:** understands the property has no back garden, hence the need for a secure front garden. Has no issue with these wooden gates. Cannot support the officer recommendation.

**PB:** understands the officer recommendation – these are big gates in a road where there are currently no big gates – but there is no objection from neighbours or from the Parish Council.

**BH, in response:**

- regarding the height of the gates, these could be up to 1m under permitted development. The recommendation to refuse is not based on highways issues but due to the visual impact – the Beeches area is characterised by low boundaries and frontages.

**GB:** high gates in the middle of a big hedge will look out of place here - supports the officer recommendation.

**Vote on officer recommendation to refuse**

4 in support

10 in objection

1 abstention

**NOT CARRIED**

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

10 in support  
4 in objection  
1 abstention

**MOTION CARRIED - PERMIT**

Application Number:	<b>15/00185/FUL</b>
Location:	<b>2 Highland Road, Cheltenham</b>
Proposal:	<b>Erection of dwelling and single garage</b>
View:	<b>Yes</b>
Officer Recommendation:	<b>Permit</b>
Committee Decision:	<b>Refuse</b>
Letters of Rep:	<b>4</b>
Update Report:	<b>None</b>

**CH** introduced the proposal for a single two-storey dwelling with front-facing gable in the side and rear garden of 2 Highland Road, a large two-storey detached house with two accesses, one shared with No. 62 Sandy Lane which will form the access to the new dwelling. The existing garage will be demolished to make room for the proposal, and a new one erected. The recommendation is to permit.

**Public Speaking:**

**Wendy Hopkins, planning agent on behalf of neighbour, in objection**

Neighbours and the Architects Panel are concerned that this application is of poor quality in both architectural and urban design terms. The cramped form of development would compromise the residential amenities enjoyed at 62 Sandy Lane. The immediate locality is characterised by properties with a large footprint set in large plots, individual properties predominantly 20<sup>th</sup> century and brick-built. This site is visually prominent, on the junction of Sandy Lane and Highland Road, and therefore important in the context of the wider area. Members work hard when considering planning guidance documents such as the local plan, the emerging local plan, and the supplementary planning guidance on garden land and infill, to promote a high standard of architectural and urban design. This means proposals should respond to their context and reinforce the sense of place, not filling every gap between every building. It is difficult to find any architectural merit in the proposed dwelling being considered today, being more akin to a light industrial building at a domestic scale, shoe-horned into a gap existing dwellings, gable end onto road, with plastic brown weatherboard and grey uPVC windows – which do not, by any stretch of the imagination, reflect the locality. The NPPF requires high-quality design, and the need for this is a key aspect of sustainable development, indivisible from good planning. Members should consider it would be difficult to support approval of this scheme on policy grounds. The government has announced this week that architecture is to move from the department of culture to the department of communities, to sit alongside planning and housing – a clear indication that high quality design is fundamental to planning.

**Russell Ranford, agent on behalf of applicant, in support**

The design of this proposal is the result of a detailed assessment of the site, and in accordance with the SPD. Members will have seen on their site visit that a 1.5-storey dwelling on this site is a sensible approach, and far from being shoe-horned into the site as has been suggested, it only takes up 10% of the site, unlike other dwellings in the area which take up more than 20% and are therefore more 'shoe-horned'. The plot size is comparable to No. 6 Highland Road, and the plot area and width ratios are 10.2% and 55.4% respectively, lower than others in Highland Road, which have a width ratio of almost 80%. It is disappointing that the Design and Access Statement has not been acknowledged -

subjective opinions on the proposed dwelling do not link to the facts and information provided. There have been objections to the gable end design features, but this is comparable to the design and appearance of No. 6 Highland Road. Other elements of the design can be found in the immediate locality, and the new dwelling can be said to respects the local built character. The scheme is in keeping with the local plan and national planning policy. It is a sustainable development, creating a new dwelling without any harm to neighbouring properties.

**Member debate:**

**PB:** realises that design is subjective, but in this case agrees with the Architects' Panel that this is poor. To say that this proposal 'creates no harm' is not a reason to permit it; it should enhance the area. Therefore proposes refusal on Policy CP7 and NPPF paragraphs 56, 64 and 117.

**JW:** is not sure how to interpret the final sentence of paragraph 6.11 in the report – '... loss of sunlight would not be minimal'.

**CH, in response:**

- this is a typo – it should read 'loss of sunlight would be minimal'.

**BF:** supports PB's comments. Does not consider this a decent design.

**KS:** this isn't the right development in this location, and will disrupt the rhythm of the street scene. It will harm the leafy, suburban feel of the area, and result in three very different properties squashed together on a busy junction. This is not good enough. Will support the move to refuse.

**AC:** there is space for another dwelling here but this design is not right – it is awful, appalling. The applicant should go back and think again.

**SW:** on the drawings, it seems to work, but looking at the area on Google is left thinking how it will fit in. If the applicant was planning to demolish No. 2 Highland Road and divide the plot between two properties, this could work, but the current proposal looks like an industrial building, shoe-horned into a small space, and just doesn't work or fit in.

**CH, in response:**

- PB's comments regarding the subjectivity are noted, but if refused, the refusal reasons must be right. PB suggests CP7 but needs to be more specific as to what harm the proposal will cause.

**GB:** before considering refusal reasons, will take vote on officer recommendation to permit.

**Vote on officer recommendation to permit**

0 in support

13 in objection

2 abstentions

**NOT CARRIED**

**MJC, in response:**

- PB has suggested CP7 as a refusal reason, and Members have said they don't like the design, but they haven't said why. Officers need their objective analysis about what is wrong with the proposal, when it is clear that there is a variety of architecture in the area.

**PB:** at the end of the day, it is a subjective view. Personally does not like the proposal because it is inadequate, will disrupt the street scene and is a poor quality design. We should look for better.

**CHay:** there are some positive things about the design, but is concerned about the use of materials. The proposal doesn't appear to fit in with other buildings in the area. Sometimes a modern building amid older ones will work, but in other cases it can spoil the character of the road. This area needs something with more character about it; the proposal is quite simplistic with a strange choice of materials. It could work elsewhere but not among the mature buildings on this road.

**GB:** this is still a subjective view. Officers need real issues to help them in an appeal situation.

**BF:** CP7(c) requires development to complement and respect neighbouring development and the character of the locality – this does not, and an Inspector would agree. It may be better if it was ultra-modern, but in its current form doesn't complement or respect the neighbouring locality.

**GB:** officers need clear grounds about precisely why the proposal is to be refused.

**KS:** the key issue is the cramped form of development compared with the houses on either side. No. 6 is a bungalow, not too dissimilar, but should the new house improve the area or simply replicate what is there just because it is there? Has also looked at Google, and notes the view to the AONB from this site. There is a gap between the two properties, and is not sure what kind of development here would be in keeping. Does not think the right sort of development can be achieved on this site - it is just too small. An ancillary building – e.g. a granny annexe - might work, but the current proposal interferes with the street scene at a prominent location which needs extra special care.

**MJC, in response:**

- is hearing two separate analyses from CHay and KS, concerning different issues;
- CHay is talking about proposed materials, which is helpful but narrow – questions if this would be successful at an appeal;
- KS's comments are different, concerned with whether there should be a dwelling on this site at all. Officers feel the site can take the proposal. It is not particularly inspiring but there is variety in the area. Is worried about the chances of defending this at appeal;
- officers need to hear more about how to move forward with the refusal reasons.

**KS:** agrees that the materials are an issue, but this could be sorted out by condition if necessary. MJC says officers feel the plot is big enough, but suggests that the mass and scale of the proposed dwelling are inappropriate on this site. There is also the concerns of the residents on Sandy Lane to consider, who will be affected by this.

**PB:** it is clear that no Members like this design. Suggests that NPPF paragraphs 56 and 64 and policy CP7(c) are clear refusal reasons.

**MJC, in response:**

- these are all relevant quotes and can supplement the refusal reason, but Members need to specify why they consider the design to be poor. CHay has said the materials are inappropriate, which could be the nub of the refusal reason;
- had thought the debate would go the way it has, but considers the refusal reasons to be weak.

**BF:** reasons for this refusal are similar to those of the last application considered tonight, where MS suggested leaving in as many as possible – if the Inspector doesn't like them, he will throw them out. The Committee's decision is to refuse, and officers should respect this.

**GB:** officers do respect Members' decision, but want to get as good a refusal reason as possible.

**PT:** suggests a line be drawn under the refusal reasons as they are. If officers can come up with anything that strengthens the case, they can discuss it with the Chair and Vice-Chair.

**GB:** questions whether officers should be concocting refusal reasons outside the meeting.

**FC:** Members have provided a number of refusal reasons which can be put to use. Another not previously mentioned is the sustainability of the cladding. Has significant sympathy with BF's last comment. The Committee view is clearly that this proposal should not go ahead; officers should put their minds to how best to represent this.

**GB:** the Committee is required to give adequate reasons to refuse; officers are not employed to make up reasons. Proper refusal reasons are required from Members.

**FC:** officers should be able to fashion reasons and provide a relevant response for a planning appeal from what has been said.

**GB:** officers will support the reasons Members have given but don't feel they are strong enough for what they need. The message from Committee is that it doesn't want to support the proposal on design grounds and materials.

**KS:** the comments of the Architects' Panel are very clear, stating that the context and design will alienate the proposed dwelling from its neighbours, and not supporting it in its current form. Any dwelling here would have to respect the space better. Suggests spells out reason for refusal.

**PB:** is OK for this view to be incorporated in the refusal reason.

**Vote on PB's move to refuse on CP7(c) (with reference to the comments from the Architects' Panel) , NPPF paragraphs 56 and 64**

12 in support

0 in objection

3 abstentions

**MOTION CARRIED – REFUSE**

*The meeting ended at 9.35pm.*

<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>	Mr Clive Petch
<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)

## Update to Officer Report

### 1. OFFICER COMMENTS

- 1.1. Members will recall that this application was deferred at the March committee meeting to enable further discussion and negotiation to take place with the applicant/agent in respect of the size of the building and the works to an adjacent TPO'd tree – this update should therefore be read in conjunction with the main officer report published last month.
- 1.2. The building considered by Members at the March committee meeting was 19.5m wide by 11.8 metres deep, with an eaves height of 4.3m and a ridge height of 5m.
- 1.3. Since then the scheme has been further reduced in scale and the building now proposed has an eaves height of 4m and a ridge height of 5m; the ridge height now being comparable to that of the demolished building.
- 1.4. It should be noted that under permitted development, a new industrial building could be erected on this site, with a gross floor space of up to 200sqm, to an overall height of 5 metres if between 5-10 metres of the boundary; with no restriction on the eaves height. The proposed building achieves 9.7m at its closest point to the boundary with the properties in Asquith Road which back onto the site.
- 1.5. In addition to the revisions to the building, a revised Arboricultural Method Statement has been submitted which now only proposes to lift the crown of the TPO'd tree to 4.5m on the side facing towards the proposed building; it is no longer proposed to reduce the height of the tree. The Tree Officer has reviewed the revised information and commented as follows:

*The Tree Section does not object to this application.*

*Provided all steps recommended within the revised Tree King Arboricultural Method Statement are undertaken, and the proposed foundation is constructed using a pile foundation as described in para B4, there should be minimal/negligible damage to the rooting area and roots of this tree.*

*A crown lift of up to 4.5 metres on the building side of this tree will have no visual impact on the tree (and is likely only secateurs/handsaw work. It could be argued that due to previous pruning when the tree was not protected and its current unbalanced nature, remedial work would provide a scaffold framework for this comparatively young tree to grow and improve the visual amenity in the longer term.*

- 1.6. Additional comments from local residents in response to the revisions have been circulated to Members separately.
- 1.7. The recommendation remains to grant planning permission subject to the following conditions, which have been updated to reflect the revisions:

## 2. 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 21410/06A received by the Local Planning Authority on 5th February 2015 and 2nd April 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 revised Arboricultural Method Statement TKC Ref: 33.12, dated April 2015.  
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.

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

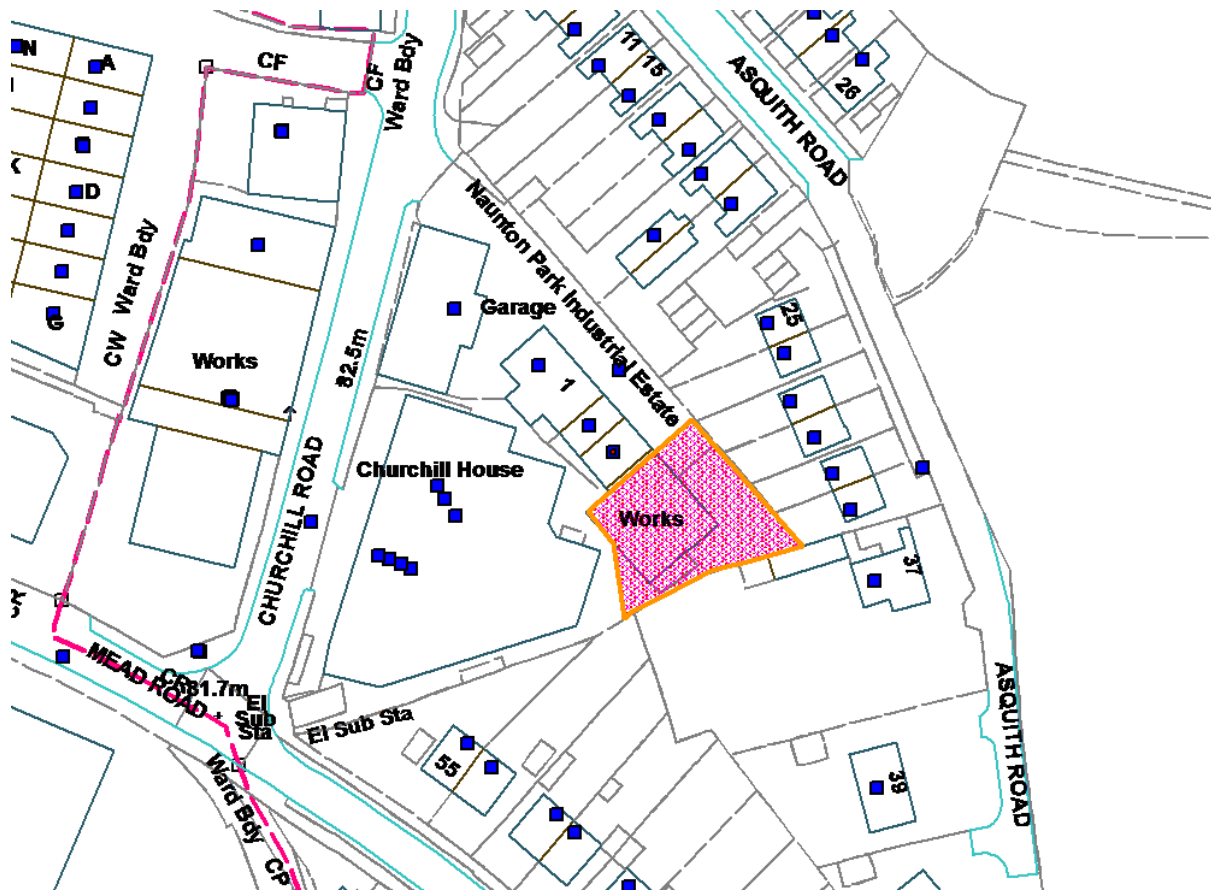
In this instance, the authority sought revisions to reduce the scale of the building in order to mitigate any impact on neighbouring amenity.

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

This page is intentionally left blank

<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



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 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:**

**14/00566/FUL WITHDRAWN**

**4th November 2014**

Construction of 3no. B1 light industrial units following demolition of existing light industrial building

**14/01291/DEMCON NO PRIOR APPROVAL NEEDED**

**26th August 2014**

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.

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.

This page is intentionally left blank

<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>

**Please note**, the following comment has been received since this application was considered at March Planning Committee. All comments received before then are attached.

20 Asquith Road  
Cheltenham  
Gloucestershire  
GL53 7EL

**Comments:** 11th April 2015

Please see my previous comments on why we object. As far as we can see, little has changed, we will still be affected in the same ways as previously.

<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:

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.

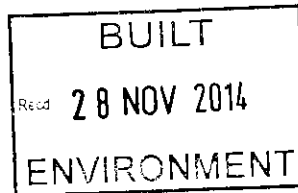
None of the issues raised above have been addressed in the latest revised plans.

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 30 years.

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 introod on our privacy.

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

The council's records will show over the past 30 years 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. On 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.

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

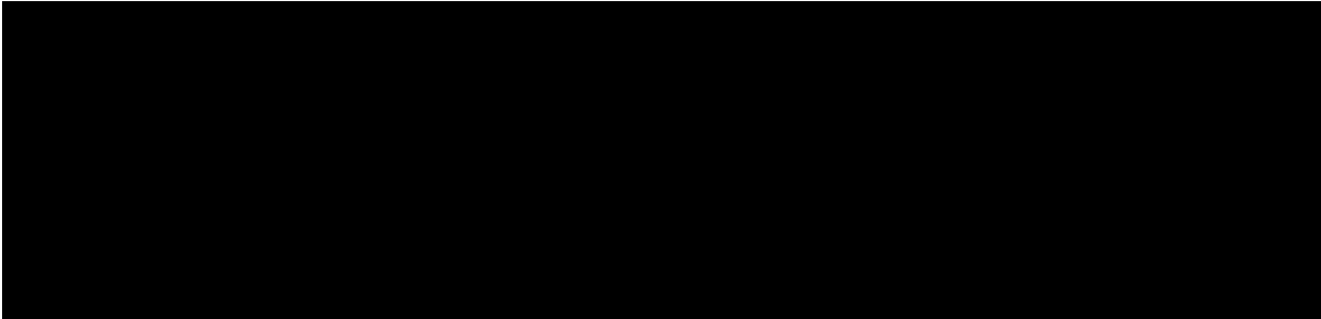
I note that an arboricultural report has been attached to this application I assume paid for by the applicant. We have no expertise in this field but I would ask that no action is permitted to cause harm to the tree or the wild life it supports. No mention is made of the local bat population that is 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 out line  
Showing the floor  
area and the gable  
end of the proposed  
building.

It shows the increased  
in height and overall  
Volume





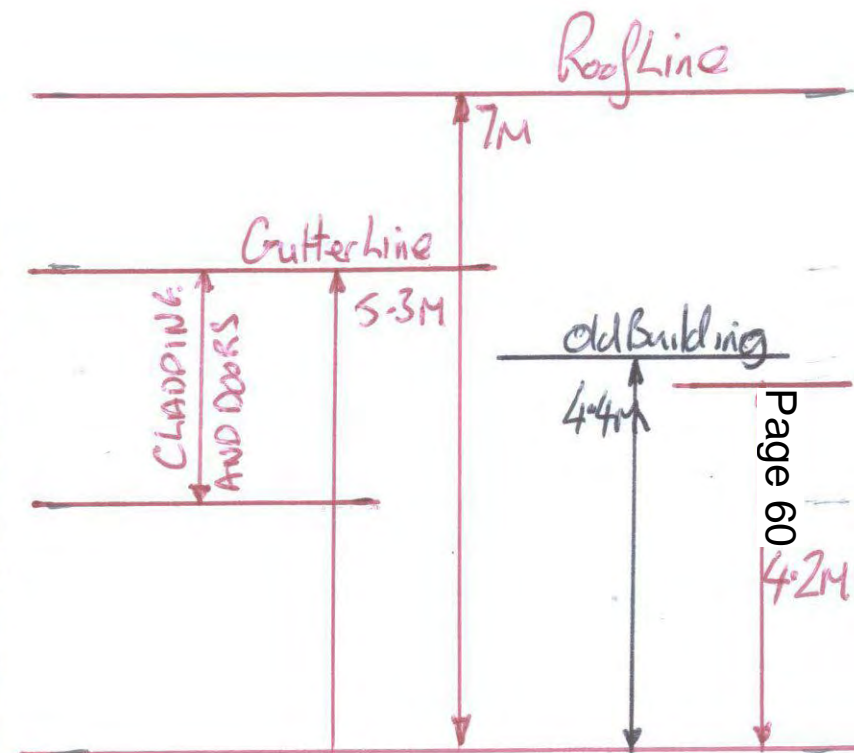
The superimposed  
Sketch has been scaled  
using the end of the  
white build and the  
Measurement from the  
application drawings.  
As viewed from our  
bedroom window



NO 3

THE SUN SETS DIRECTLY  
BEHIND THIS PROPOSED BUILDING

MATURE ASH TREE



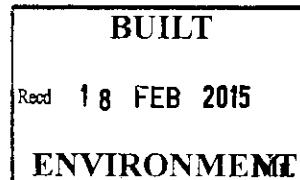
As viewed from our  
back door, photograph taken  
at eye level  
The black section is the old  
Building



No. 4



TAKEN BEFORE THE OLD  
BUILDING WAS DEMOLISHED



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.

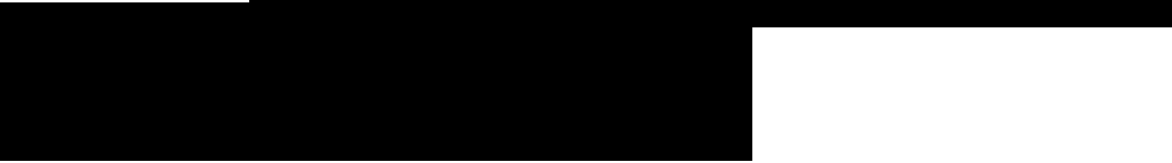
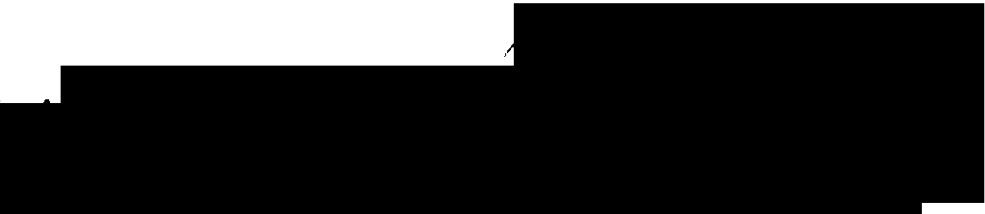
In conclusion we are pleased that an unsightly and dilapidated site is being looked at to be improved, but as you will appreciate that we have genuine concerns relating to this proposal as being far from satisfactory. This will have a major impact on us and our neighbors, blighting our enjoyment of our 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

4.2

Page 65









(3)

5.8m

4m  
4-2m

Page 67



25<sup>th</sup> November 2014

35, Asquith Road,  
Cheltenham.  
G10 5  
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 unacceptable.

Yours Sincerely,

35, Asquith Road,  
Cheltenham  
Glos  
GL53 7EJ

17<sup>th</sup> February 2015

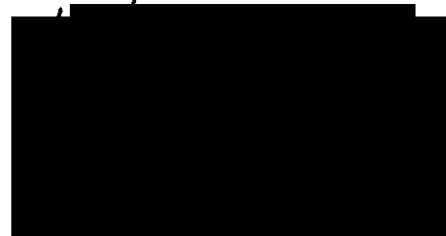
Ref 14/02003/FUL

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

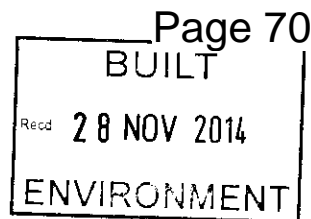
Dear Miss Payne,

After reading the 3<sup>rd</sup> proposal to the redevelopment of the unit in Asquith Road, Naunton Park and estate, we still have a few concerns with the proposal. We do feel it is a little better than the first two proposals, but it will still be taller than the existing building which was there. We feel we are still going to be without a lot 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.

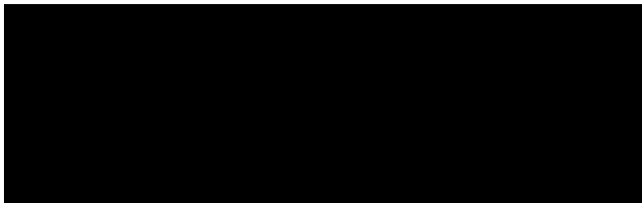
We will experience a significant increase in the level of noise and traffic in the area behind the fence at the back of our property. The old units were not used at weekends and noise during the week was low due to the nature of the businesses using the buildings. It is unclear what businesses are intended 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.

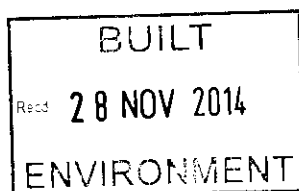
There is a mature tree located at the bottom of our garden in the industrial estate. No one has paid any interest in the maintenance of the tree so this has been taken on by my husband and I. It provides additional screening from the industrial estate and shade to our garden. This is not on the plans 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





  
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.

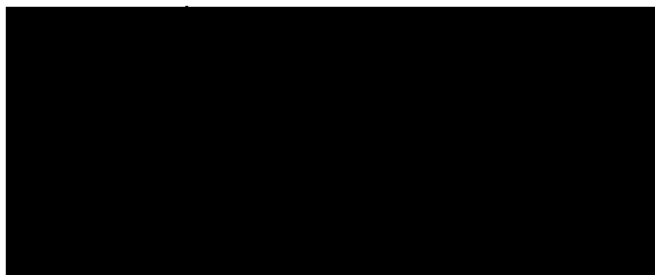
I have no problem at all with proposals to build a new much improved building, but am very concerned about the above. Also, the parking is already a great concern in Asquith Road with the School Traffic and people from the Industrial Estate parking in the car park every day. And now we will have more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



BUILT
Recd 18 FEB 2015
ENVIRONMENT

[REDACTED]  
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.

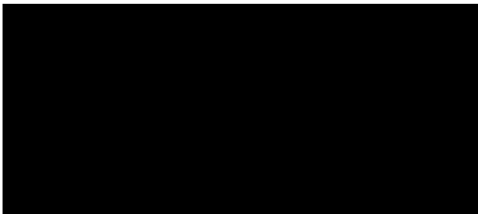
Hopefully the nearby tree will remain safe, although from the diagram, the tree seems even closer to the proposed building than it was before.

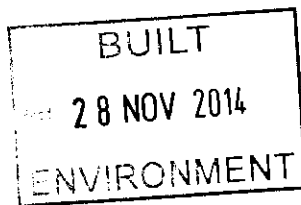
I have no problem at all with proposals to build a new much improved building, but am very concerned about the above. Also, the parking is already a great concern in Asquith Road with the School Traffic and people from the Industrial Estate parking in the car park every day. And now we will have more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

A large black rectangular box redacting the signature of the sender.



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: 1 photo

Tracy Crews, Head of Planning, CBC, PO Box 12, Municipal Offices, Cheltenham

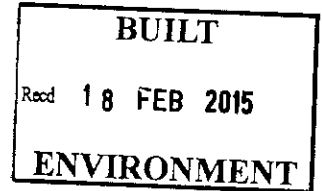


To cut knee  
clear  
destroy  
green  
cut line



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



[REDACTED]

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 lessen 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.

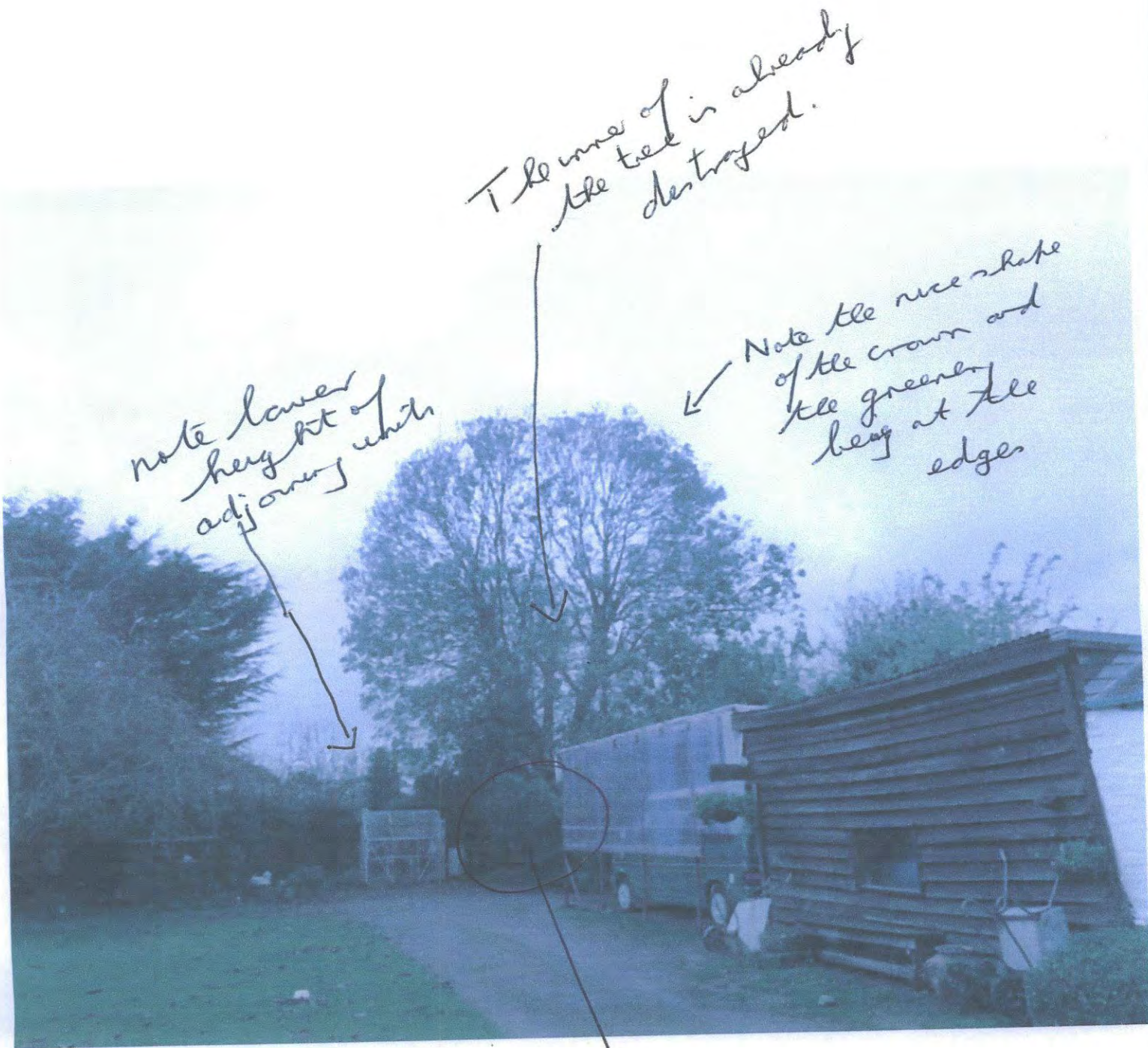
In view of the damage already done to the tree and our hedge (see photograph) we would like an assurance from you that if developments are allowed, any trees or hedges on our or our neighbours' boundaries are not disturbed without consultation with us. We regret to have to say this but in the absence of any meeting with the applicants and in view of actions taken to date we feel we have to ask for this.

[REDACTED]

*enc. one picture.*

Tracy Crews, Head of Planning, CBC, PO Box 12, Municipal Offices, Cheltenham





The inner of is already  
the tree destroyed.

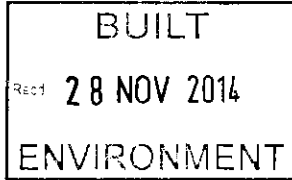
Note the nice shape  
of the crown and  
the greenery  
being at the  
edges

note lower  
height of  
adjoining units

Note the damage  
done already by  
pushing an  
hedge over an  
drive (and  
access to  
garage)

14 / 02003 / FUL  
14 / 00720 / TREE PD

16th 2015




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 hazyardous 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.





<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>	Mr Clive Petch	
<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)	

## Update to Officer Report

Please note there was an error in the previous update report.

Paragraph 1.2 on Page 31 should read:

*The building considered by Members at the March committee meeting was 19.5m wide by 11.8 metres deep, with an eaves height of 4.3m and a ridge height of 5.8m, not 5m.*

This page is intentionally left blank

<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)		

## ADDITIONAL REPRESENTATIONS

31 Asquith Road  
Cheltenham  
Gloucestershire  
GL53 7EJ

### Comments: 14th April 2015

We are pleased to see the fresh revision to the plans on the basis of the Planning Committee's deferral. We appreciate and strongly support both the additional protection for the mature ash tree in the 2nd April Arboricultural Survey, and the adoption of condition 7 proposed in the Planning Officer's report of 11th March, relating to restricted hours of operation.

However we still do not believe that all of our longstanding concerns have been addressed.

The Planning Committee requested that the developer reconsider the proposal for the scale of the building. We believe that this should encompass bulk, proportions and the number of units, and their related impacts.

The building which formerly occupied the site comprised a single unit which measured 16.8m wide by 14.3 metres deep, and had an eaves height of 2.3m and a ridge height of 4.8m. The scheme now proposes two units within a building 19.5m wide by 11.8 metres deep, and the Planning Officer has informed us that it will have an eaves height of 4m and a ridge height of 5m. The overall proposed height is still higher than the original building, therefore still reducing the amount of light into our house and garden especially in winter months. The eaves height will increase by 1.7m to 4m which is not in keeping with the design of the existing adjacent building, or what was there before, making for a more vertically imposing building very close to residential neighbours.

The plans show the vehicle access doors stretching to the new increased eaves height. This creates an expectation and facility for larger vehicles to enter the site. Parking for 6 vehicles is proposed directly along the neighbouring garden fences. These factors will combine to increase noise and pollution for neighbouring residents.

The developer still proposes to double the number of units from 1 to 2. This increase in scale will have a commensurate impact on noise and pollution. It will also increase the number of vehicles arriving at what is a cramped site with narrow access and have a negative impact on Churchill Road.

Whatever the final outcome on scale, we request that the specific dimensions are confirmed by the Planning Officer, and are made public and easily available so that local residents and neighbours understand what permission has been granted.

20 Asquith Road  
Cheltenham  
Gloucestershire  
GL53 7EL

**Comments:** 11th April 2015

Please see my previous comments on why we object. As far as we can see, little has changed, we will still be affected in the same ways as previously.

29 Asquith Road  
Cheltenham  
Gloucestershire  
GL53 7EJ

**Comments:** 14th April 2015

We are in receipt of your letter dated 7 April 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 further addressed in a small way, however, the revised plans still fail to address the main issues and concerns for us and our neighbours. We still have no firm answer on the fate of the tree adjacent to the back of our property which affords us shade in the summer and which we have been tending for the last 12 years. We are now further concerned about the positioning of car parking spaces adjacent to the fences to our properties.

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.

21<sup>st</sup> April 2015

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.

Yet again, none of the issues raised above have been addressed in the latest revised plans.

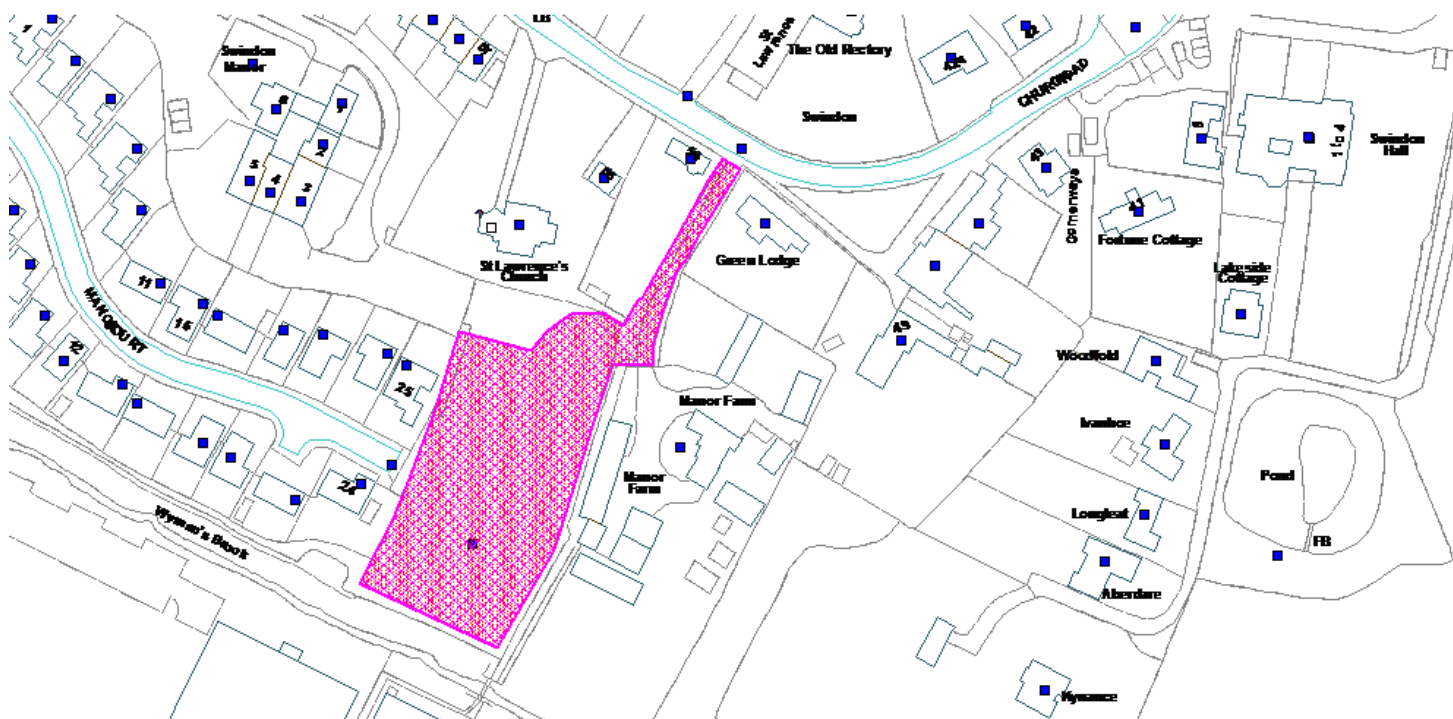
In summary, the proposed application will increase noise and disturbance particularly from increased traffic and much closer proximity of the buildings. It will have a very significant and detrimental visual impact to the enjoyment of our home and will have commercial implications in devaluing our property. 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.

This page is intentionally left blank

<b>APPLICATION NO: 14/01823/FUL</b>		<b>OFFICER: Miss Chloe Smart</b>
<b>DATE REGISTERED:</b> 7th October 2014		<b>DATE OF EXPIRY:</b> 2nd December 2014
<b>WARD:</b> Swindon Village		<b>PARISH:</b> Swindon
<b>APPLICANT:</b>	Mrs Susan Rowe	
<b>AGENT:</b>	Bloombridge	
<b>LOCATION:</b>	Land At Manor Farm, Manor Road, Swindon Village	
<b>PROPOSAL:</b>	Erection of 2no. bungalows and 6no. houses	

**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 The application site comprises of a parcel of land forming part of Manor Farm, which is located within the Swindon Village Conservation Area.
- 1.2 The site itself is generally hidden from public view from the main village street, known as Church Lane, albeit the site is visible from the churchyard and the adjacent footpath alongside the western boundary of the site.
- 1.3 The applicant seeks planning permission for the erection of two houses and six bungalows. The site will be accessed using the existing access road which adjoins Church Lane.
- 1.4 The application is before Planning Committee at the request of Councillor Fisher and also due to an objection from Swindon Village Parish Council and Architect's Panel.

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

### **Constraints:**

Conservation Area  
Flood Zone 2

### **Relevant Planning History:**

**14/00569/PREAPP 28th April 2014 CLO**

Residential development on unused area of Manor Farm, 2 no. three bedroom bungalows and 5 no. three bedroom detached houses

**81/00961/PF 24th April 1981 PER**

Continued use of land for the storage of caravans

**83/00947/PF 22nd December 1983 PER**

Use of land for storage of caravans. (Renewal)

**86/01628/PF 28th October 1986 PER**

Use of land for storage of touring caravans. (Renewal)

**90/01510/PF 11th October 1990 PER**

Use of land for the storage of touring caravans

## 3. POLICIES AND GUIDANCE

### Adopted Local Plan Policies

CP 4 Safe and sustainable living

CP 7 Design

BE 1 Open space in conservation areas

GE 2 Private green space

GE 6 Trees and development

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)

Swindon Village Conservation Area Character Appraisal & Management Plan (February 2007)

### National Guidance

National Planning Policy Framework

## 4. CONSULTATIONS

### **Architects Panel**

*7th November 2014*

The presentation was very thorough, although smaller scale site sections showing complete elevations would be beneficial in understanding the scheme.

In terms of layout, the density seems quite low and more detail is needed with regard to the space between the buildings - this space is critical as it holds the scheme together and careful consideration needs to be given to the materials and relationship of the internal spaces to the street.

The terrace at the end acts as a stop to this access but is elevationally quite weak - a central gable may work better in this respect. We also wonder whether the end units create an overlooking issue with neighbouring properties.

The plan form for the bungalow gives an odd shape to the living space and we question whether the stair from the living room would be acceptable in terms of means of escape. The positioning of the stair requires a dormer on the roof which is extremely awkward. A re-arrangement of the plan may resolve these issues.

The two -storey house seems to be caught between a traditional and modern aesthetic with the ground floor corner window creating an unresolved elevation. Given the above we would not support this application.

### **Building Control**

*9th October 2014*

No comment.

### **Cheltenham Tree Group**

*18th December 2014*

We are pleased to see that an arboriculturalist's report has now been provided & if permission is granted we would want to see full compliance with its recommendations.

### **County Archaeology**

*9th October 2014*

### Archaeological implications

Thank you for consulting me concerning the above planning application. I wish to make the following observations regarding the archaeological implications of this scheme.

I advise that the application site is archaeologically sensitive since it is located in close proximity to Swindon's medieval church, and it is therefore in an area where medieval settlement is likely to have been present. I am therefore concerned that archaeological remains relating to medieval settlement may be present at this location, and that any such remains would be adversely affected by construction ground works required for this scheme.

I note that this planning application is supported by a statement on Archaeology and Heritage, which incorporates reports on a Heritage Desk-Based Assessment (June 2014) and an Archaeological Evaluation (September 2014), both compiled by Cotswold Archaeology.

The application site was investigated by excavating four trial-trenches, Trenches 1 and 2 being placed to the north, Trenches 3 and 4 being placed to the south. Unfortunately, the presence of badger setts meant that the majority of the application site was not available for investigation.

No archaeological remains were observed in any of the four trenches, although since those to the south contained alluvial silts indicative of periodic flooding, it can perhaps be assumed that the southern part of the application site is unlikely to have been used for settlement. To the north, no evidence for alluviation was found.

In view of the limited extent of the archaeological trial-trenching it is my view that there is yet potential for archaeological remains to be present within the untested areas of the application site. I therefore recommend that, should planning permission be granted for this scheme, further archaeological investigation and any necessary mitigation recording should be undertaken.

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 work, 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

### **County Archaeology Revised Comments**

*15th December 2014*

I advise that the revised plans do not alter the position regarding archaeology. Therefore, for the reasons outlined in my letter of 8.10.2014 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 work, 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

### **County Ecologist**

*9th February 2015*

This application comes accompanied with an Ecology Report that includes an extended Phase 1 Habitat Survey and an additional Reptile Mitigation and Compensation Report both from 2014 (Sedgehill Ecology Services). A search with GCER (Gloucestershire Centre for Environmental Records) in relation to this planning application is also available. Relevant to ecology matters there is a Site Layout Plan dated September 2014, an undated Landscape Plan drawing and an Arboricultural Report dated November 2014. These documents together with spatial information I can access through the County Council's systems have been used to inform my observations below. I have not visited the site.

Looking at the ecological reports I can see that the survey effort for this small site has been extensive and appears to be focused on the appropriate species groups that could be expected to occur. An extended habitat survey also covering evidence of notable and protected species has been carried out together with more detailed effort focused on reptiles and badgers. The existing biodiversity value is summarised in paragraphs 4.1 to 4.10 of the main report. Generally I can accept the assessments, recommendations and conclusions of the main report (sections 5 & 6) and also the attached reptile report (sections 8, 9 and 10). I do however have one reservation (see below) concerning the proposed wildlife corridor. Overall it is my view that the outcome for biodiversity should at least be neutral.

Badgers are active in the area and if this development proposal is consented then a special licence from Natural England would be required as part of implementing the submitted 'Badger Mitigation Plan' at Appendix VII. Looking at the badger survey effort, results, assessment and mitigation being put forward I believe this is in accordance with Natural England's guidance at <https://www.gov.uk/badgers-protectionsurveys-and-licences> and that a development licence could be obtained if consent is granted for the development. The Badger Mitigation Plan could not be completed until summer 2015 at the earliest. Taking a case by case approach under the Environmental Information Regulations it is my view that full details of badger sett location should not be made generally available on-line due to the potential for persecution of this particular protected species.

As indicated above I do have one reservation and that is that the wildlife corridor (badger run) shown on the Site Layout and Landscape Plan drawings may not be adequate. Use of native species for hedging is welcomed but reassurance that there will be sufficient room for a badger to move freely up and down the proposed run line is required. Although badgers can push through and under vegetation the narrow run may not be accessible enough once the proposed native hedgerow planting has matured and the proposed fencing erected (mentioned at part 10 of the application form). It is therefore recommended that before this application is determined further details are obtained from the applicant. These could take the form of the submission of two indicative cross sections of the badger runs (wildlife corridors) based on the Landscape Plan or Site Layout Plan. The cross sections should clearly show the full width of the run and predicted shape and height of proposed hedging at semi or full maturity and how this is arranged in relation to the proposed fencing. It should also be indicated how the required hedge profile can be achieved through aftercare management.

If the development is allowed then it should come with a condition for a more complete Landscape and Aftercare Scheme to be submitted. This should include details of native hedge species to be used, the establishment and management of the badger runs (wildlife

corridors) and the management of land adjoining the application site to the east for the benefit of badgers. Such a scheme can also be usefully used as part of the badger development licence that would be needed from Natural England.

Reptiles, despite extensive survey work, were not recorded but nevertheless a few slow worms or grass snakes may occur in the general area. A precautionary approach to developing the land is therefore necessary. The Reptile Report at section 9 provides appropriate measures for the conservation of reptiles that may be present in low numbers. If implemented well reptile populations may be encouraged by the proposals but this is dependence on aftercare of the land and its surrounds.

Nesting Birds might be affected temporarily during clearance works but overall once the development was in place no significant effect on local bird populations long-term is likely. A precautionary safeguard is set out at 6.1 of the Ecology Report. No significant impact on bats is likely from the development proposals. The recommended boxes for nesting birds and roosting bats at Appendix V should be conditioned for implementation (a minimum one of each type on or immediately adjacent to the site is required). As a general safeguard an advice note on protected species to compliment recommended conditions should be attached to any consent granted for the development.

A Tree Protection Plan and Arboricultural Method Statement based on the Arboricultural Report should be submitted for approval and implementation. This will help to conserve tree amenity and the continuing local value of some of the retained trees for biodiversity.

### Records

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

### Recommendations

The following items should be addressed to be able to consent this development.

### Pre-determination:

It is recommended that before this application is determined further details are obtained from the applicant on the design of the badger runs (wildlife corridors) The details should take the form of the submission of two indicative cross sections of the badger runs (wildlife corridors) based on part 10 of the application form, the Landscape Plan or Site Layout Plan. The cross section should clearly show the full width of the run including the hedging and proposed fencing. The predicted shape and height of hedging at semi or full maturity should be indicated. The cross sections should also be annotated to describe how the required hedge profile can be achieved/ensured through aftercare management.

Subject to the above details being satisfactory then determination may be possible with the Badger Mitigation Plan, Landscape Plan and cross sections being conditioned for implementation.

### Determination:

As part of a consent that may be granted items such as the following below should be attached:

#### 1. Condition

Prior to the commencement of the development a Landscape and Aftercare Scheme based on the Site Layout Plan dated September 2014, the undated Landscape Plan, Badger Run Cross Sections dated XXXX and also the Badger Mitigation Plan at Appendix VII of DAS/03 Ecology, Trees and Reptiles report shall be submitted to and approved by the Local Planning Authority. The scheme shall be carried out as approved by the Local Planning Authority. Reason: To ensure that biodiversity and amenity is

conserved and in accordance with ODPM Circular 06/2005 plus National Planning Policy Framework paragraphs 17, 109 and 118.

2. Condition

The avoidance, mitigation and enhancement measures DAS/03 Ecology, Trees and Reptiles report are approved. The Badger Mitigation Plan at Appendix VII, Reptile Mitigation and Enhancement at Section 9 of the Reptile Report, Safeguards for Nesting Birds at section 6.1 and Bird and Bat Boxes at Appendix V shall be implemented and be in accordance with the required Landscape and Aftercare Scheme at Condition X. Reason: To ensure that biodiversity is conserved and in accordance with ODPM Circular 06/2005 plus National Planning Policy Framework paragraphs 109 and 118

3. Condition

Prior to the commencement of development an Arboricultural Method Statement (incorporating a Tree Protection Plan) based on Part C of the Arboricultural Survey, impact Assessment and Method Statement dated November 2014 shall be submitted and approved in writing by the Local Planning Authority. The Statement (and Plan) shall be implemented in accordance with the approved details and all protective structures installed maintained until construction work has been completed. No materials, soils, or equipment shall be stored under the canopy of any retained tree within the application site. Reason: To prevent loss of amenity and damage to trees and shrubs to be retained in accordance with ODPM Circular 06/2005 plus National Planning Policy Framework paragraphs 17, 109 and 118.

4. Advice Note

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

5. Advice Note

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

It is my view that the above advice is in accordance with the National Planning Policy Framework, ODPM Circular 06/2005, Natural England's Standing Advice on protected species (as published on their website), and with Section 40 of the Natural Environment and Rural Communities Act 2006 which confers a general biodiversity duty upon Local Authorities whilst exercising their functions.

### **County Ecologist Revised Comments**

26th February 2015

Previously in my memo dated 9th February 2015 I said:

It is recommended that before this application is determined further details are obtained from the applicant on the design of the badger runs (wildlife corridors) The details should

take the form of the submission of two indicative cross sections of the badger runs (wildlife corridors) based on part 10 of the application form, the Landscape Plan or Site Layout Plan.

The cross section should clearly show the full width of the run including the hedging and proposed fencing. The predicted shape and height of hedging at semi or full maturity should be indicated. The cross sections should also be annotated to describe how the required hedge profile can be achieved/ensured through aftercare management.

In connection with this recommendation a 'Wildlife Corridor Schematic' drawing number PL43 dated February 2015 has been submitted. We are advised to note this drawing in conjunction with the Landscape Plan and conditions being proposed should this development be granted consent. Although not just two cross sections the schematic provided is certainly sufficient in clarifying the details of the boundary treatment and its management. It is sufficient to demonstrate that it could serve the purpose of a wildlife corridor particularly for badgers. This together with the range of slightly updated recommended conditions below should ensure local biodiversity is conserved.

### Determination (Updated):

As part of a consent that may be granted items such as the following below should be attached:

#### 1. Condition

Prior to the commencement of the development a Landscape and Aftercare Scheme based on the Site Layout Plan dated September 2014, the undated Landscape Plan, Wildlife Corridor Schematic drawing number PL43 dated February 2015, and also the Badger Mitigation Plan at Appendix VII of DAS/03 Ecology, Trees and Reptiles report shall be submitted to and approved by the Local Planning Authority. The scheme shall be carried out as approved by the Local Planning Authority.

Reason: To ensure that biodiversity and amenity is conserved and in accordance with ODPM Circular 06/2005 plus National Planning Policy Framework paragraphs 17, 109 and 118.

#### 2. Condition

The avoidance, mitigation and enhancement measures DAS/03 Ecology, Trees and Reptiles report are approved. The Badger Mitigation Plan at Appendix VII, Reptile Mitigation and Memo [www.gloucestershire.gov.uk](http://www.gloucestershire.gov.uk)

Enhancement at Section 9 of the Reptile Report, Safeguards for Nesting Birds at section 6.1 and Bird and Bat Boxes at Appendix V shall be implemented and be in accordance with the required Landscape and Aftercare Scheme at Condition X.

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

#### 3. Condition

Prior to the commencement of development an Arboricultural Method Statement (incorporating a Tree Protection Plan) based on Part C of the Arboricultural Survey, impact Assessment and Method Statement dated November 2014 shall be submitted and approved in writing by the Local Planning Authority. The Statement (and Plan) shall be implemented in accordance with the approved details and all protective structures installed maintained until construction work has been completed. No materials, soils, or equipment shall be stored under the canopy of any retained tree within the application site. Reason: To prevent loss of amenity and damage to trees and shrubs to be retained in accordance with ODPM Circular 06/2005 plus National Planning Policy Framework paragraphs 17, 109 and 118.

#### 4. Advice Note

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

#### 5. Advice Note

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

It is my view that the above advice is in accordance with the National Planning Policy Framework, ODPM Circular 06/2005, Natural England's Standing Advice on protected species (as published on their website), and with Section 40 of the Natural Environment and Rural Communities Act 2006 which confers a general biodiversity duty upon Local Authorities whilst exercising their functions.

### **English Heritage**

*30th October 2014*

Thank you for your letter of 9 October 2014 notifying English Heritage of the above application. We now write to provide a consultation response on the proposals.

#### Summary

The proposed development would comprise of two new bungalows and six houses. The basis on which we have been consulted is that the development exceeds 1000square metres and is within the Swindon Conservation Area and secondly that it is within a short distance of the grade II\* listed Church of St Lawrence.

#### English Heritage Advice

The character of the Swindon Conservation Area is defined within the appraisal and management plan that dates from 2007. A map illustrating the area is within the document. The Conservation Area encloses all listed buildings, non listed buildings, the immediate open land around these assets and a large section of open landscape setting to the east. To the south the area is defined by Wymans Brook which is connected to Church Road by a driveway that runs beside Manor Farm. Modern housing within the village is substantially excluded from the designated area.

The grade II\* listed Church of St Lawrence is an Anglican parish church. It dates from the 12th century but was largely rebuilt in neo-Norman style in circa 1845 by T. Fulljames. The main elevations are of Ashlar beneath a stone slate roof. In plan form it comprises of a nave with north and south aisles, chancel with vestry on the north. It has a hexagonal west tower.

Fundamental to our advice to local authorities is the requirement of the Planning (Listed Buildings and Conservation Areas) Act 1990 in Section 66(1) for the local authority to have special regard to the desirability of preserving the building or its setting or any features of architectural or historic interest which it possesses. Section 72 explains that local planning

authorities shall pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas. When considering the current proposals, in line with Para 129 of the NPPF, the significance of the asset's setting requires consideration. Para 132 states that in considering the impact of proposed development on significance great weight should be given to the asset's conservation and that the more important the asset the greater the weight should be. It goes on to say that clear and convincing justification is needed if there is loss or harm. When considering development that has the potential to affect setting English Heritage's guidance the Setting of Heritage Assets should be referred to. The key principles for understanding setting are set out at page 5 of the guidance.

The proposed development would fully enclose the church from the south connecting the built form of Manor Court with Manor Farm. The development would result in the loss of the undeveloped land and the immediate open character at the rear of the church. The development of the land will also increase traffic flow along the drive which is likely to change the relationship between the church and farm group - an historic relationship of significance. From Church Road the backdrop to the church is at present substantially undeveloped. The introduction of new development will we believe inevitably compromise this. Whilst there is at present a substantial industrial development to the south this is surprisingly hidden. As whole the changes describes above would compromise the setting of the grade II\* church. The impact on the setting of the locally designated Manor Farm, by the new development, also requires review.

Within the application it is noted that there is no review of the listed and unlisted heritage assets nor is there a review of their setting. The NPPF explains that applications need to describe significance and the impact caused by new development.

### Recommendation

The NPPF explains that applications should describe the significance of any heritage assets affected, including any contribution made by their setting. Whilst the application does discuss archaeology and the conservation area it does not focus on the grade II\* listed church. At present therefore we do not feel that it is possible for the local planning authority to be able to positively determine the application.

Having reviewed the proposals we are of the view that harm would be caused to the setting of the grade II\* listed church. As explained within the NPPF any harm or loss should require clear and convincing justification - this has not been provided.

Please contact me if we can be of further assistance. We would be grateful to receive a copy of the decision notice in due course. This will help us to monitor actions related to changes to historic places.

### **English Heritage Revised Comments**

*16th January*

Previously we raised concerns that the proposed development would compromise the setting of the grade II\* church. In addition we suggested that the setting of the locally designated Manor Farm also required review. Finally we commented that there was no analysis of the listed and unlisted heritage assets or review of their setting.

Since the previous letter imagery has been provided to illustrate the impact on views from Church Lane - these images would seem to indicate that the impact of the proposed development from this vantage point will be minimal. Beyond this we do acknowledge that the passing of the parcel of land to the south of the church will provide a long terms visual buffer for the setting of the church. We would suggest that given that this transfer of land is critical to the careful balance that is being struck its transfer should be legally tied to the



granting of planning permission. To further screen the church planting is proposed, large native species hedges - implementation of this scheme of planting should be controlled by condition. Relative to the access drive we strongly recommend that the materials be conditioned to ensure that a standard engineering solution is avoided - the relationship between Manor Farm and the church whilst eroded is still, we would suggest, an important one.

Whilst the additional textural information, previously requested, has still not been provided we now wish to withdraw our previous objection.

### Recommendation

We would urge you to address the above issues, and recommend that the application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice. It is not necessary for us to be consulted again. However, if you would like further advice, please contact us to explain your request.

### Heritage And Conservation

*16th February 2015*

#### Analysis of Site

The site is wholly within the conservation area. However the site is not particularly prominent within the village settlement and is only visually apparent, from the adjacent narrow track/public foot path which runs north to south and from the south part of the adjacent church yard.

#### Comments:

1. Although this site has never historically been developed, it sits comfortably within the settlement pattern of the existing village and also within the historic field boundaries of the immediate area. The principle of development of this site is acceptable subject to its impact on the setting of the church, and the detailed design of the proposed buildings, site density and site layout.
2. The proposals show an area of the site to the north being set aside for a graveyard extension; with a new band of trees being planted to provide a visual separation between the proposed development site and the setting of the church. These two suggestions of extra land to form additional graveyard land plus the new trees, will combine to reduce the impact on the setting of the listed church to an acceptable level.
3. The proposed site layout is good and the detailed design of the new dwelling including the car parking arrangements are also acceptable.
4. However the site layout, the proposed materials of the access road, the landscape design and the site boundary treatments and individual plot boundaries are all very important to this scheme being a success. Therefore I have suggested appropriate conditions.

#### CONSERVATION AND HERITAGE SUMMARY:

No objection to the proposals.

#### SUGGESTED CONDITIONS RELATING TO CONSERVATION AND HERITAGE MATTERS:

##### i. MAT07B Submission of external materials

Prior to the commencement of development, an annotated elevation with a detailed specification of all external materials and finishes (including all windows and external doors) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented strictly in accordance with the details so approved and maintained as such thereafter.

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

ii. MAT08B New windows to be of traditional design

All new window frames shall be constructed in timber and comprise sliding sashes in reveals of 100mm from the face of the building unless otherwise agreed in writing by the Local Planning Authority.

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

iii. MAT09B Submission of window details

Prior to the commencement of development, full details to include the design, materials, colour and finish of the proposed external windows (including cills) and doors shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented strictly in accordance with the details so approved and maintained as such thereafter.

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

iv. MAT10B Submission of hard surfacing materials

Prior to the commencement of development, plans detailing the specification and location of all hard surfacing materials shall be submitted to and approved in writing by the Local Planning Authority. All new hard surfacing areas shall be formed from permeable materials or provision shall be made to direct run-off from the hard surface to a permeable or porous area (soakaway) within the site.

Reason: To maximise the absorption of rainfall on site in accordance with Local Plan Policy CP1 relating to sustainable development.

v. PD01B Removal of PD

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.

vi. PD03B Removal of PD for fences, gates or walls

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 without planning permission.

Reason: Any further boundary enclosures 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.

vii. LAN01B Landscaping scheme

Prior to the commencement of development, a landscaping and planting scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include a survey of all existing trees on the land showing the size and species and identifying those trees, if any, it is proposed to remove. In addition it shall show in detail all proposed tree and shrub planting, hard surfacing (which should be permeable or drain to a permeable area) and areas to be grassed.

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

viii. LAN03B Landscaping - first planting season

The landscaping proposals hereby approved shall be carried out no later than the first planting season following the date when the development is ready for occupation or in accordance with a programme agreed in writing with the Local Planning Authority. All planted materials shall be maintained for 5 years after planting and any trees or plants removed, dying, being severely damaged or becoming seriously diseased within this period shall be replaced with others of similar size and species to those originally required to be planted.

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

ix. LAN04B Submission of boundary fences or wall de

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.

**GCC Highways Planning Liaison Officer**

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

Layout

The information that has been submitted is still insufficient to demonstrate that there is a safe and suitable layout by virtue of the submitted swept path analysis, and restricted road geometry.

Swept Path Analysis

The swept path manoeuvres for the anticipated refuse vehicles and associated vehicles as shown are extremely tight in places and the refuse vehicle appears to be unable to manoeuvre clear without conflict with some of the vertical boundaries, landscape features and be able to pass a large car without conflict. It is important that large refuse vehicles are able to undertake manoeuvres without reversing, overrunning the carriageway and conflicting with vehicles, vertical boundaries, landscape feature, kerbs and fencing etc. We are also unable to determine if the area adjacent to the carriageway where it is noted as 5.21m and 5.66m is a separate footway, verge or hard standing, therefore we cannot determine if this forms part of the actual shared surface street width in this location.

Therefore I recommend that this application be refused on highway grounds for the following reason:-

The proposed road is substandard, in width and geometry and does not provide a safe and suitable layout; therefore the proposal is likely to result in highway dangers contrary to paragraph 32 and 35 of the National Planning Policy Framework, and Policy T2 of the Cheltenham Borough Council Local Plan

**GCC Highways Planning Liaison Officer Revised Comments**

*9th April 2015*

Proposal

It is noted that submitted documentation (DAS/01-Highways) states that the proposal is to access a small residential development of up to 12 dwellings. The Highway authority

consideration however is for 8 dwellings only as per the application and drawings as submitted.

### Planning History

The proposed access to the site has extant use providing access to Manor Farm and a Caravan Club certified campsite, which is registered to provide pitches/plots for 5 caravans at any one time. Touring caravans were towed using the existing access Carriageway when they enter and leave the site.

### Accessibility

I consider that the proposed site to be within an edge of urban environment well serviced by local amenities. Within walking distance there is the local village hall (0.2miles) and primary school, and within a 0.9 to 1.5 miles radius, shops, public house, community centre and a number of employment sites.

There are good highway links together with regular local bus (H) service enabling access to Cheltenham Spa Railway Station and Cheltenham Town Centre within in 2.7 miles. There is a good standard of pedestrian footways and with provision for good cycling accessibility. I consider that the opportunities for sustainable transport modes have been taken up given the nature and location of the site in accordance with Paragraph 32 of the NPPF.

### Existing Access

The existing access is an unclassified road which functions as a shared surface (no segregated footways) and joins Church Road, a Class 3 road subject to a speed limit of 30mph. The existing access is approximately 3.5m in width with grass verges on both side and also connects to a public right of way (CH S14). The carriageway currently provides access for two existing dwellings and has in the past been the access for a Caravan Club certified campsite.

### Proposed Access from Church Road

It is proposed to widen the existing road to 4.8m from Church road to the access with the internal layout. Whereupon the internal site layout is serviced by a shared surface street 6.8m in width with localised narrowing's of 5.1m at the turning area out to 7m width.

The proposed widening of the existing road will allow for a medium sized car and refuse vehicle to pass in opposite direction. I have considered the shared surface street is a short distance and how it currently operates today as a lightly trafficked street with low vehicle speeds and a mix of vehicle & pedestrian use. Furthermore with the volume of traffic proposed from the site and visibility available, I consider the proposed carriageway width of 4.8m to be acceptable in relation to the proposed development.

### Internal Shared Space Street

The internal layout shared surface street as shown on drawing no W131150/SK/01 H, is 6.8m in width with localised narrowing's of 5.1m at the turning area widening out to 7m. I consider the proposed carriageway width(s) to be acceptable in relation to the proposed development.

### Traffic Collisions

A review of the highways records shows no traffic collisions in the direct vicinity of the proposed accesses. A local resident has provided details of a police Incident No 49217/05/14/. Enquires to the Road Safety Partnership & Police have revealed that there were no reported injuries for this incident and as such no details have been recorded.

### Visibility - Church Road

It is noted that in order to quantify existing vehicle speeds on Church Road, a vehicle speed survey was undertaken using an Automated Traffic Counter (ATC) located on the approach to the proposed site access in accordance with DMRB TA22/81. The surveys recorded vehicle classifications and speeds between the 15th and 21st January 2014. The submitted

speed survey results over a seven day period, shows the 85th percentile speeds as 28.9 mph Eastbound and 28.6 mph Westbound. Correspondence has been received by the Highways Authority from a local resident questioning the submitted speed survey details questioning its validity claiming it had omitted a number of bus/coach movements. I do not consider this is relevant to speed survey measurements.

Having noted the above, the achievable visibility splay from the access onto Church Road is shown as westbound is 2.4m x 100m and eastbound is 2.4 x 57m, this has also been confirmed from a site visit.

The visibility splay demonstrated is sufficient for the speed recorded and the speed limit of 30mph.

### Trip Generation

Using the Trip Rate Information Computer System (TRICS) for 8 dwellings gives a daily trip rate of 5.119 trips per dwelling. The morning peak hour is expected to be 0800-0900 and during that hour the development may generate a total 2.9 trips ( $0.372 \times 8$ ) for 8 dwellings and the evening peak hour is assumed to be between 1600-1700 and the development is expected to produce 3 trips ( $0.382 \times 8$ ) for 8 dwellings during that hour. Therefore it is considered that the additional trips being generated from the site will not have a severe impact of safety on the local highway network.

### Refuse Collection & Swept Path Analysis

The access swept path analysis submitted on drawings no W131150/AT/B06 B, W131150/AT/B08 B and W131150/AT/B10 B demonstrates that a medium sized car and large refuse vehicle (11.510m) can pass in opposite directions along the existing access road and internal layout shared surface street.

### Parking

Parking is provided for at least 2 parking spaces per dwelling, visitor parking can be accommodated on the shared surface street. The supplementary information submitted on 21st November 2014 states cycling parking /storage will be provided within each dwelling boundary.

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:

- i. No works shall commence on site until details of the improvements to the existing access road from Church Road to the development have been submitted in writing to the LPA. The improvements shall be completed in all respects with the approved details, prior to the commencement on the development.

Reason: To reduce potential highway impact by ensuring a safe and suitable access, in accordance with paragraphs 32 and 35 of the NPPF, and CBC LP Policy TP1.

- ii. No works shall commence on development until the road layout has been laid out in accordance with the submitted drawings, with first 20m of the proposed layout with the junction with the existing highway has been completed to at least binder course level and the works shall be maintained as such thereafter unless and until adopted as highway maintainable at public expense.

Reason: - To minimise hazards and inconvenience for users of the development by ensuring that there is a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians in accordance with the paragraph 35 of the NPPF and CBC LP Policy TP1.

- iii. None of the dwellings hereby permitted shall be occupied until the vehicular parking facilities have been provided in accordance with the submitted Drawing W131150/SK/01 H and shall be maintained available for that purpose thereafter.

Reason: To reduce potential highway impact in accordance with paragraph 39 of the NPPF and CBC LP Policy CP5.

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

Reason: To ensure that safe, suitable and secure access is achieved and maintained for all people that minimises the conflict between traffic and cyclists and pedestrians in accordance with paragraph 32 and 35 of The Framework, and to establish and maintain a strong sense of place to create attractive and comfortable places to live, work and visit as required by paragraph 58 of the NPPF and CBC LP Policy TP1 and TP2.

- v. 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 32 of the NPPF and CBC LP Policy TP1

- vi. No development shall commence on site until a scheme has been submitted to, and agreed in writing by the Council, for the provision of fire hydrants (served by mains water supply) and no dwelling shall be occupied until the hydrant serving that property has been provided to the satisfaction of the Council.

Reason: To ensure adequate water infrastructure provision is made on site for the local fire service to tackle any property fire.

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

- a. specify the type and number of vehicles;
- b. provide for the parking of vehicles of site operatives and visitors;
- c. provide for the loading and unloading of plant and materials;
- d. provide for the storage of plant and materials used in constructing the development;
- e. provide for wheel washing facilities;
- f. specify the intended hours of construction operations;
- g. measures to control the emission of dust and dirt during construction;
- h. specify the access points to be used and maintained during the construction phase(s);

Reason: To reduce the potential impact on the public highway and in accordance with paragraph 35 of the National Planning Policy Framework (NPPF) and CBC LP Policy TP1.

## Informatives

The proposed development will require works to be carried out on the public highway together with the amending the existing vehicle crossing and the Applicant/Developer is required to enter into a legally binding Highway Works Agreement (including appropriate bonds) with the Local Highway Authority,(Gloucestershire County Council), before commencing works on the development. Further details can be viewed at <http://www.gloucestershire.gov.uk/mfgs>

The developer will be expected to meet the full costs of supplying and installing the fire hydrants and associated infrastructure.

The Developer is requested to erect a sign at the boundary of the new estate street with the nearest public highway providing the Developer's contact details and informing the public that the County Council is not responsible for the maintenance of the street.

The applicant is advised that to discharge condition 4 that the local planning authority requires a copy of a completed dedication agreement between the applicant and the local highway authority or the constitution and details of a Private Management and Maintenance Company confirming funding, management and maintenance regime

## **Gloucestershire Centre For Environmental Records**

*17th October 2014*

Report available to view on line.

## **Landscape Architect**

*31st December 2014*

## General Comments

### 1. Drawings

Prior to determination of this application the following information is required:

A full survey drawing of the existing site should be submitted, including the access road and junction with Church Road. The drawing should indicate if any of the outbuildings belonging to Manor Farm are to be removed as part of this planning application.

The Block Plan should be amended to show:

- The junction between the access road and Church Road
- 'Homestead', a dwelling adjacent to the access road.

Both the junction and 'Homestead' are omitted from the current Block Plan.

The Site Layout plan should be similarly amended to show the junction and 'Homestead'. It should be submitted at a scale appropriate to show greater detail of gardens, boundaries, parking arrangements, access road, road junction and planting scheme.

### 2. Waste and Recycling

Developments such as the one proposed, with long access drives, can give rise to problems with waste and recycling arrangements. The recommended maximum distance that householders can be expected to drag their wheelie bins to a bin collection point is 30 metres. For refuse collectors the maximum distance for dragging wheelie bins is 25 metres. Building Control and Ubico should be consulted regarding refuse/recycling storage and collection arrangements as this could have an impact on the proposed site layout and access.



It is proposed to widen the access lane to 4.8 metres to allow refuse vehicles to drive into the site. Drawings W131150\_AT\_BO2 and W131150\_AT\_BO4 show the swept path analysis. Increasing the lane to this width will require the removal of the existing grass verges which currently soften the effect of the tarmac surface. Widening the lane will also leave no room for landscaping along the sides. It is also possible that the trees at the entrance to lane will need to be removed in order to facilitate widening - CBC's Tree Officer should be consulted about this.

### 3. Public Footpath

The access lane is also a public footpath. The lack of greenery and the increase in hard surfacing associated with widening the lane for the proposed development may give the appearance of a private drive, discouraging its use by the public. Aesthetically it would be preferable if the lane could remain at its current width, with improved landscaping along its sides.

### 4. Alternative Entrance

An alternative arrangement would be to access the proposed development from Manor Court. There is an existing adopted road of sufficient width to accommodate refuse vehicles. Manor Court is currently a cul-de-sac, with the boundary between it and the proposed development site formed by an unprepossessing wooden fence. This view could be improved by opening up an access road and creating a suitable focal point to the 'extended cul-de-sac' which would include the proposed development. The focal point could be, for example, a signature tree and landscaping. There is also scope to improve the boundaries to provide a 'gateway' into the new development.

It is important that there be no vehicular route from Manor Court, through the proposed development, to Church Road in order to avoid the possibility of 'rat-running'. A pedestrian path, however, could improve access around the neighbourhood and increase security through informal surveillance.

If the proposed development were to be accessed from Manor Court, there would be no need to widen the public footpath. Access from the public footpath to the proposed dwellings would be pedestrian only, allowing more space at the north-east corner for landscaping.

### 5. Badgers

The County Ecologist should be consulted regarding proposals for an artificial badger sett.

### Landscape Plan

Prior to determination of this application further information is required concerning the proposed landscape scheme:

The Landscape Plan submitted should be extended to include the access road, the junction with Church Road and the location of 'Homestead'. The proposed landscaping scheme for the access road should be shown on the Landscape Plan.

### Proposed drainage scheme for the site.

Cheltenham Borough Council encourages the implementation of sustainable urban drainage (SuDS) in new developments. It is therefore encouraging to see the proposal for rain gardens in the landscape scheme. However, a more comprehensive drainage scheme is required, including construction details and sections of rain gardens, soakaways, French drains and the storm storage facility. Where is the storm storage facility to be located?

The direction of flow of surface water should be indicated. Calculations of attenuation capacity may also be requested. CBC's land drainage engineer should be consulted regarding the technical details required.

Existing trees to be retained should be labelled.

The species, size, number, root type and tree pit details for proposed trees should be provided.

Shrub and herbaceous planting - species, density, planting size and layout should be shown on a planting plan. This should include the hedging mix for the 'wildlife runs'.

Existing and proposed boundaries, including those along the access road, should be labelled. Private gardens and public or communal space should be clearly delineated.

Hard surfacing (which should be permeable). Proposed type, colour and supplier of materials should be specified.

Maintenance: details of the arrangements for long-term maintenance of the landscape scheme, together with a maintenance schedule. Of particular concern is the proposed pleached hornbeam hedge which will require regular, skilled maintenance if it is not to become overgrown.

### **Parish Council**

*27th October 2014*

Comments available to view on line. Brief summary of comments:

- Object to the application due to location within the Conservation Area.
- Works have already taken place to the access of the site.
- Inappropriate development
- Inappropriate access
- Lack of width of access road
- Inadequate provision for the safety of pedestrians
- Highway safety – visibility and size of vehicles.
- Potential damage to gable end of Homestead and the brick wall end of the rectory.
- Massing
- Height – more dominant than the existing farm buildings.
- Too many buildings
- Lack of affordable housing
- Proximity to Manor Court
- Proposed drawings based on OS enlargements and not a full accurate Topographical Survey.

### **Parish Council Revised Comments**

*8th January 2015*

Comments available to view on line. Brief summary of comments:

- Still oppose the scheme following revised drawings and re-consultation.
- Historical centre of Conservation Area (close proximity to church, Manor and Homestead) – should not be permitted.
- Visual impact on conservation area
- References within Swindon Village Character Area Appraisal
- Importance of maintaining and enhancing the rural setting
- Lack of Topographical Survey
- Scale, appearance and massing of the proposed development
- Impact of change of use from a caravan park to residential
- Highway and pedestrian safety

- Badger Sett
- Works carried out already

## **Tree Officer**

*27th October 2014*

The Tree Section does not object in principle to this application. However clarification is required as to exactly what trees are to be felled. This would normally be undertaken as a part of a BS 5837 (2012) trees survey, Tree Protection Plan and Method Statement as appropriate.

As such please could this be undertaken for all trees both on and within the sphere of influence of the site. It is noted that there are 2 large chestnut trees at the southern end of the site which are on Swindon Village Parish Council land and whose rooting area within the site needs protection. Similarly a mature cherry in the footpath (ie outside the site boundary) appears to be earmarked for removal as mentioned on form DAS/03 Ecology, Trees and Reptiles submission. No trees outside the site should be removed.

Similarly a full landscaping scheme is required to be submitted and approved prior to determination. Such a scheme should include all proposed species, size, root type, tree pit details etc. It is noted that a cypress tree from within the line of trees within the middle of the site appears to have been removed without due notification. It is important that no other trees are removed without due submission of a Section 211 Notice unless otherwise approved as a part of the Planning Permission.

## **Tree Officer Revised Comments**

*22nd December 2014*

The Tree Section does not object to this application.

The Tree Section would like to know what are the arrangements with the management of the pleached Hornbeam? For the pleached Hornbeam to be a success they will need a minimum of annual pruning, as leaving them unmanaged will result in the pleached Hornbeam growing out of hand.

Should the application be granted please use the following conditions:

- TRE02B Protective Fencing
- Ground protection mats to be used within RPA's of T2 Horse Chestnut and T7 English Oak where the RPA's are outside the protective fencing.

## **5. PUBLICITY AND REPRESENTATIONS**

Number of letters sent	<b>14</b>
Total comments received	<b>19</b>
Number of objections	<b>16</b>
Number of supporting	<b>0</b>
General comment	<b>3</b>

- 5.1** Fourteen properties have been notified in relation to the proposal and nineteen comments have been received, sixteen of which raise an objection to the proposal. A site notice has also been displayed within close proximity of the site.

**5.2 Summary of Comments Received;**

- Number of dwellings proposed

- Parking and highway safety concerns: Increase in parking, vehicular trips, inadequate access, public footpath safety, visibility for vehicles and the alternative safer access at the site.
- Impact on the conservation area – designated open space, not in keeping and English Heritage raised initial concerns.
- Setting and views
- Impact on neighbouring amenity – Overbearing, overshadowing (height and proximity to Manor Court), noise disturbance, loss of privacy and Human Rights.
- Impact on wildlife – in particular Badgers.

### **6. OFFICER COMMENTS**

**6.1** Officer comments to follow by way of an update.

This page is intentionally left blank

<b>APPLICATION NO:</b> 14/01823/FUL		<b>OFFICER:</b> Miss Chloe Smart
<b>DATE REGISTERED:</b> 7th October 2014		<b>DATE OF EXPIRY :</b> 2nd December 2014
<b>WARD:</b> Swindon Village		<b>PARISH:</b> SWIND
<b>APPLICANT:</b>	Mrs Susan Rowe	
<b>LOCATION:</b>	Land at Manor Farm, Manor Road, Swindon Village	
<b>PROPOSAL:</b>	Erection of 2no. bungalows and 6no. houses	

## REPRESENTATIONS

Number of contributors	<b>19</b>
Number of objections	<b>16</b>
Number of representations	<b>3</b>
Number of supporting	<b>0</b>

5 Manor Court  
Swindon Village  
Cheltenham  
Gloucestershire  
GL51 9SD

**Comments:** 21st October 2014  
Letter attached.

5 Manor Court  
Swindon Village  
Cheltenham  
Gloucestershire  
GL51 9SD

**Comments:** 21st October 2014  
Letter attached.

7 Manor Court  
Swindon Village  
Cheltenham  
Gloucestershire  
GL51 9SD

**Comments:** 21st October 2014  
Letter attached.

Church Cottage  
Church Road  
Swindon Village  
Cheltenham  
Glos

**Comments:** 21st October 2014  
Letter attached.

69 Church Road  
Swindon Village  
Cheltenham  
Gloucestershire  
GL51 9RE

**Comments:** 19th October 2014

I would like to express concern over the number of dwellings in this planning application. There are too many properties for the available space and not enough provision made for the likely 16 cars and their visitors to park within this area. This will force the overflow cars to park out onto Church Road which is already under pressure from church visitors, the small cottage adjacent to the church does not have parking and others locals understandably want to park outside their house. The number of cars attending the local school is already creating congestion on a daily basis and the lack of parking for these properties will only add to this problem. This will have a huge impact on residents in the Church Road vicinity and will cause problems on a already overused rat run, given the congestion in the Kingsditch area as a whole.

The Old Rectory  
Church Road  
Swindon Village  
Cheltenham  
Gloucestershire  
GL51 9QS

**Comments:** 29th October 2014

I object to the access to the development on safety grounds. This is a single farm track with a public footpath. The path is in daily use by villagers, workers from Kingsditch Estate and parents walking their children to the primary school through the well maintained amenity area. There is not enough room for both entering and exiting cars and pedestrians.

The access leads onto a difficult bend on a narrow section of Church Rd which is busy at peak times. When there are church events, parked cars block the road further.

My children have attended the school and we have often walked along this stretch of road and witnessed wing mirrors being clipped and vehicles mounting the pavement due to the bend and it's width. There was a serious accident close to the track this summer.

If the development goes ahead it is likely that an application to develop the land behind Manor Farm on the other side of the footpath will be made. This could mean 30 or more cars using this access which is unfeasible.

We are not against developing this disused land as long as the character and density of the housing fits the surroundings and adheres to Conservation area rules including allowing for areas for wildlife and consideration for all neighbours affected.



Green Lodge  
Church Road  
Swindon Village  
Cheltenham  
Gloucestershire  
GL51 9QX

**Comments:** 22nd October 2014

I would like to register my objections against planning application 14/01823/FUL land at Manor Farm, Church Road, Swindon Village, Cheltenham.

My reasons for objection are many, primarily the inadequate access proposed in the planning application. Not only is the proposed access lane too narrow for two-way car traffic, it would be impossible for emergency services, refuse lorries and delivery trucks to have adequate and safe passage at all times whilst traversing this route.

The junction of the access lane is at the end of a tight bend from the direction of Wymans Lane and despite what is stated in the traffic survey that was submitted with the planning application this is a fast road with traffic frequently exceeding the 30 mph speed limit from both directions.

There is limited visibility to the right hand side when approaching Church Road from the lane, although when traffic from the right is observing the speed limit it is reasonably safe to turn into Church Road. On the other hand when the traffic is exceeding the speed limit it becomes very dangerous, as I have found out on numerous occasions.

The same problem occurs turning right off Church Road into the lane coming from the direction of the Church, again I have nearly been hit by traffic exceeding the speed limit coming around the bend. Lots of squealing tyres and obscene gestures from the speeding motorist aimed in my direction, from what the traffic survey would have you believe is a safe junction.

I can only presume the traffic survey was carried out at some obscure date and times in order to massage the results in favour of the planning applicant.

There is also a history of vehicular accidents within 50 meters of this junction, the occupant of Church Cottage can confirm that his vehicle has been hit at least once in the past two years by speeding traffic driving round the bend. In the past twelve years since I have lived here the volume of traffic along Church Road has increased considerably, noticeably since the expansion of the village school there are more vehicles being used on the school run.

There are already problems with large goods vehicles and articulated lorries driving along Church Road and only a few weeks ago I was forced to drive up the pavement to avoid being hit by a lorry traversing the bend in question. Church Road is also being used increasingly as a short cut to avoid the congestion at the two mini-roundabouts adjacent to Topps Tiles on Wymans Lane.

The proposed access route is part of a public footpath running between Church Road and The Runnings industrial estate. You will note that there has been no mention of the pedestrian traffic that already uses the lane. There has been no survey showing the number of mothers and children, dog walkers, commuters or local workers taking a recreational walk during their lunch break. There is plainly just not enough width to safely accommodate both pedestrian and vehicular traffic.

There is also the issue of noise and disturbance that will inevitably be caused to the existing residents by the increased traffic from any new properties that could be built.

The site is part of a conservation area, there is a large badger set visible on the site not to mention the pollution from the construction site that would be almost certain to contaminate the river Swilgate that borders the lower edge of the proposed development.

There is another much safer point of access to the proposed development through Manor Close, but again why should the residents of Manor Close be subjected to the additional noise, disturbance and additional vehicular traffic that this development will cause.

Could access be made via the construction of a bridge over the river Swilgate from the Runnings industrial estate?

It is worth pointing out that for the moment only part of the land at Manor Farm is the subject of a planning application. What is to stop further applications and development of the remaining land in the future thereby increasing the traffic, noise and disturbance even further?

I would like to remind the council and its employees that they have a duty of care to us the residents of this Parish for our safety and I would strongly urge that this application be brought to planning view and then further to the planning committee for their consideration.

53 Church Road  
Swindon Village  
Cheltenham  
Gloucestershire  
GL51 9RE

**Comments:** 27th October 2014  
Letter attached.

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

**Comments:** 6th November 2014  
Letter attached.

St Lawrence  
Church Road  
Swindon Village  
Cheltenham  
Gloucestershire  
GL51 9RE

**Comments:** 22nd October 2014  
Letter attached.

24 Manor Court  
Swindon Village  
Cheltenham  
Gloucestershire  
GL51 9SD

**Comments:** 13th October 2014

I am writing to state my objections to the proposed planning application for land at Manor Farm, Swindon Village Cheltenham.

When Swindon Village became a conservation area in 1986 the field at Manor Farm was designated open space because it is next to the church (a listed building). Surely building 8 residential properties doesn't comply with designated open space.

## Page 113

The Design and Access Statement refers to the field being used for caravan storage for over 35 years. This is incorrect caravans haven't been stored on this site for at least 15 years. This is also a complete contradiction to the Ecology, Trees and Reptiles Design & Access Statement which states this is 'disused pasture land'. As the land has been 'disused' over recent years it has become home to various wildlife including badger sets, squirrels and birds. Where will all the wildlife go?

Based on the plans and architectural pictures the houses will not blend in with the bungalows in Manor Court and will adversely affect or result in the loss of important views, open spaces, tree cover and boundary features within the conservation area (as per the Local Development Framework February 2007). Due to the height of the two story houses compared to the bungalows we will be constantly overlooked therefore removing the privacy in the garden we have today. The house 'A' clearly shows three first floor windows overlooking my property.

On the plans distances have been falsely represented by showing measurements from the new properties to various points on the adjoining bungalows in Manor Court rather than to the boundary lines. For example the plans show a distance of 15.5 metres between my bungalow and the first terraced house 'A', however the line drawn shows this distance has been taken from the side of the bungalow and completely ignored the fact that I have a garage between that distance so in fact it is not 15.5 metres between me and the new property.

While certain buildings in the village have been taken into consideration with plans showing key buildings and their distance from the development Manor Court has not received the same courtesy despite the fact this is where the biggest impact is going to be when you consider loss of privacy, loss of light, additional noise and disturbance.

If development must happen on this site please consider that bungalows (i.e. true single story buildings!) would be more acceptable and in keeping with the neighbouring residential area. This would reduce the impact of the loss of privacy and light.

I should be grateful if you could take my concerns and opinions into consideration before passing this planning application.

**Comments:** 29th December 2014

With regard to the revised plans. The proposed houses are still not in keeping with the neighbouring bungalows of Manor Court. My objections remain the same, as of 13/10/2014. This is conservation land which should not be built on.

The Coach House  
48 Church Road  
Swindon Village  
Cheltenham  
Gloucestershire  
GL51 9RD

**Comments:** 27th October 2014

Letter attached.

3 Swindon Hall  
Church Road  
Swindon Village  
Cheltenham  
Gloucestershire  
GL51 9QR

**Comments:** 27th October 2014

Letter attached.

**Comments:** 9th January 2015

Letter attached.

25 Manor Court  
Swindon Village  
Cheltenham  
Gloucestershire  
GL52 9SD

**Comments:** 12th October 2014

I write in connection with the above planning application. I have examined the plans and I know the site well. I wish to object strongly to the development of these houses in this conservation location.

Allowing this development will have a detrimental effect on our quality of life as the proposed buildings are adjacent to our property and will result in:

Overbearing: The scale of the building works means that the properties will have an oppressive impact on our bungalow. On the plan the proposed houses D and E are being built on small plots, with upstairs bedrooms. Where are the bungalows on the proposed site?

Loss of Light/Overshadowing: The height and proximity of the development would be such that unreasonable over shadowing would occur.

Overlooking/Loss of Privacy: The proposed site of development is at such an angle that the primary amenity area of our garden, a raised terrace with seating, would be severely overlooked from the top rooms of the new development, resulting in a serious invasion of our privacy.

Disturbance: There would be unacceptable intrusion in the form of noise nuisance, general disturbance, odour etc.

Out of Character: The proposed development is surrounded by a Norman Church and out buildings of Historical background of the village and its rural setting.

On the block plan( 1:500) the measurements from the Proposed property D is 14m, this measurement is taken from our dining room window inside our courtyard, the measurement should be taken from our bathroom or garage wall.

Badgers: There is 3 Badger setts at various locations across the conservation area, it has been proposed to move the badgers to another site over the far field, Badgers are protected and its very unfair that they also should disturb in their habitat for new houses on a conservation site.

Human Rights Act

I would also like to cite this point of objection the responsibilities of the council under the Human Rights Act, in particular Protocol 1 Article 1. This states that a person has the right to peaceful enjoyment of all their possessions, which includes the home and other land.

We believe that the proposed development is a direct contravention of Policy 6.8 of the District Wide Local Plan. The design of the proposed development does not afford adequate privacy for the occupants of the building or of adjacent residential properties, particularly with regard to their right to the quiet enjoyment of garden amenities. We would urge you to consider the responsibilities of the council under the Human Rights Act in particular Protocol 1, Article 1 which states that a person has the right to peaceful enjoyment of all their possessions which includes

the home and other land. We believe that the proposed development would have a dominating impact on us and our right to the quiet enjoyment of our property. Article 8 of the Human Rights Act states that a person has the substantive right to respect for their private and family life.

I refer to Local Development Framework (Swindon Village Conservation Area Character Appraisal and Management Plan 2007)

### Setting and views

The setting of the conservation area is very important. Any proposals for development will be required to demonstrate how the setting and long distance views, into and from the conservation area have been taken into account. The important views are identified on the Townscape Analysis map.

The Cheltenham Plan: Vision And Objectives December 2013.e Council Control of Development  
It is essential that any development should preserve or enhance the setting of any adjacent historic buildings and existing landscape features and trees, and the overall special qualities of the conservation area. Therefore, careful consideration must be given to the size, scale, urban grain, layout, design, massing, height, plot width, frontage activity, landscape and materials in any such development. This does not dictate architectural style but does attempt to ensure that proposals respond positively to their context.

Management plans are in place to protect conservation areas, please refer to the above extracts from various policies which has been published by Cheltenham Borough Council.

In conclusion we would also like to request that, should the application be approved, the council consider using its powers to enforce controlled hours of operation and other restrictions that might make the duration of the works more bearable. The proposed site of development is very small and contained, with no road frontage, so we would ask that consideration be made about how and where construction vehicles and staff would gain access to the site for unloading and parking without causing a highway hazard or inconveniencing neighbours.

We would be grateful if the council would take our objections into consideration when deciding this application. We would welcome the opportunity to meet with a representative of the planning department at our home to illustrate our objections at first hand.

### **Comments:** 29th December 2014

Our objections still stands with the revised plans. Please be reminded that the proposed plans is to build on conservation land. The proposed bungalows are over 6 m high and the neighbouring bungalows are just over 3m high.

### **Comments:** 6th February 2015

I would raise the question to English Heritage who described in detail how detrimental the development would be to the Church and surrounding Architecture farm buildings. They now believe that the screening of trees will alleviate all their concerns.

2 Swindon Manor  
Manor Road  
Swindon Village Cheltenham  
Gloucestershire  
GL51 9TP

### **Comments:** 22nd October 2014

I am not clear from the documents attached to the planning application on the following points and would like them to be considered :

1. Who will own the hedge on the southern boundary of the graveyard extension which is proposed to be a continuation of Swindon Manor's existing cupressus hedge on its southern boundary.

If the Church, will the grant of planning permission stipulate that maintenance is to be in tandem with Swindon Manor so that the visual appearance is consistent from all geographical aspects and be complementary to the Conservation Area Designation

2. What is the reason for not linking the development onto the main sewerage system?

Where will the septic tank be located, is one adequate for a development of 8 homes, is there a health and safety issue for residents and/or neighbours & the nearby watercourse.

What are the requirements for periodic emptying, if the tank is under the development, is the courtyard large enough to accommodate "emptying" vehicle(s)

3. Is it sensible to recreate a badger sett on the southernmost boundary of the development following closure of existing sett(s)? Would consideration be given to relocation to a truly rural habitat.... residential & commercial development permitted in and around Swindon Village means that realistically the village no longer falls into this category

The Granary  
Wormington Farm Barns  
Wormington  
Nr Broadway  
Worcs  
WR12 7NL

**Comments:** 13th November 2014

Letter attached.

45 Church Road  
Swindon Village  
Cheltenham  
Gloucestershire  
GL51 9QS

**Comments:** 18th October 2014

The access road is not wide enough to allow cars to pass each other, and may not be wide enough for fire access.

8 houses generate 16 cars. When a car is trying to leave the development as another arrives, one will have to reverse.

The reversing car will have to reverse into church road. At rush hour this would not be a safe manoeuvre.

For this development to be safe the access road would need to be wide enough for 2 cars to pass, and wide enough for fire access.

20 Manor Court  
Swindon Village  
Cheltenham  
Gloucestershire  
GL51 9SD

**Comments:** 31st October 2014

On viewing the varying submissions, we are neither for nor against the plans at Manor Farm, but we are in favour of the truth. The accident highlighted in Church Road had nothing to do with the farm access. There were no cars entering or exiting the farm access at the time, the accident took place solely on Church Road. Incidentally the future traffic if approved would be far less than all the farm machinery, cattle lorries, animals and caravans that we have seen over the past 30 years going in and out of manor farm.

So the accident and subsequent alternative access option should be discounted from any objection on the grounds of deception.

49 Church Road  
Swindon Village  
Cheltenham  
GL51 9QZ

**Comments:** 27th October 2014

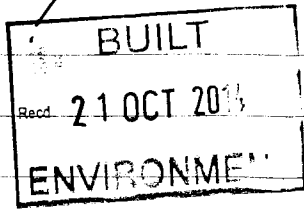
I object to the planning application for 8 houses and up to 12 residential units on Manor Farm.

Manor Farm is within Swindon Village Conservation Area. Surely "Conservation Area" means that it is the councils duty to preserve this area against change and innovation. The existing residents close to Manor Farm are well aware that they have to gain permission from the council to make any changes to their properties. The application for this development is a contradiction on the title of Conservation Area

The proposed access is positioned on a blind bend. This will add to the already dangerous part of Church Road, with road parking, school bus route, and a cut through for lorries. The single track lane is a designated public right of way. Local residents use this lane on a daily basis. The traffic of up to 12 residential units would make the lane unsafe for pedestrians. The council has a duty for the care and safety of the local residents.



ref 14/01823/Ful.



5, Manor Court,  
Surrenden Village  
Cheltenham

Glos  
GL51 9SD  
15/9/14

Dear Sir/Madam.

I am writing to object to the planning that is proposed to take place on Manor Farm.

This is a conservation area. We are a village with a church and a farm. The land should be kept as a conservation area.

The additional noise from the building of these houses will add to the noise we already suffer from Spinax Sarco. Also more traffic will become obvious from the addition of cars that

will follow when people move into these houses.

I also object to the disturbance of the wildlife that has been present on the proposed land.

There will also be loss of light and view from the bungalows at the end of the cul-de-sac as the so called bungalows that are proposed are two storey.

Yours Sincerely

5, Manor court,  
Swindon Village  
Cheltenham  
Glos  
GL51 9SD  
15.10.14

ref 14/01823/Ful

Dear Sir / madam.

I am writing to make  
an objection to the proposed planning  
at Manor farm.

I object to the additional noise,  
extra vehicles that will be produced  
by these new buildings.

The disturbance of the wildlife  
as this is a conservation area. The  
effect on the whole out look of what  
should be maintained as a village  
with a church and a farm.

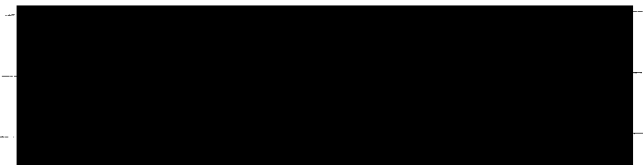
The loss of light and view to  
the bungalows at the far end of  
manor court and the potential risk  
of more problems with air  
drains and flooding.

Surely we have enough  
traffic problems with the people  
that use the village as a rat  
run because the rest of Princess  
Elizabeth way is blocked up  
with traffic.

From looking at the plans  
it does not look like bungalows  
are being built as they are two  
story.

I fiercely object to these  
plans.

Yours Sincerely



Re: - New Development Manor Farm

Ref: 14/01823/FUL

Page 120

7, Manor Court,  
Suxindon Village,  
Cheltenham,

BUILT
Recd 20 OCT 2014
ENVIRONMENT

Glos.

GL 51 9 SD

18.10.14

Dear Mrs. Pickernell,

I would like to add my comments

to the Proposal above.

1. The very short time the public were 'alerted' to this, and to make their views heard (Just over a week, excluding weekends.)

2. Building of houses will invade the privacy of a nearby road of bungalows - those near the end, especially.

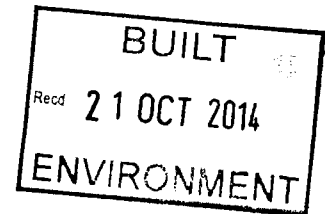
3. In this Conservation Area where we have to get permission for cutting/pruning trees, and plans for residents not to 'pave' their front gardens because of water run-off, just what the concreting of a new development achieve? As a dog walker, that Public Footpath past the site is downhill, and in winter a little stream goes down to the Brook, making it very muddy. This in turn goes into the Brook and floods on to Manor Rd, by the bridge - causing traffic to divert.

4. Increase in traffic would need to better the visibility in Church Rd, where there are two bends, before reaching the local school, as well as a foot-path (continuous) on both sides of the road.

Yours sincerely,

[Redacted Signature]

Hi my name is [REDACTED] from church cottage church rd Swindon village gl519ra. I strongly object to the propose development at manor farm ref no 14/01823 ful on grounds the entrance to the farm is very narrow and it comes out on to a bend. This road as be come a rat run to avoid the roundabouts and my own car was damaged in church rd police inscident no 492 17/5/14 . [REDACTED]



Recd 24 OCT 2014

ENVIRONMENT

Homestead, 53 Church Road, Swindon Village,  
Cheltenham, Gloucestershire GL51 9RA

Ref : 14/01823/FUL

24<sup>th</sup> October 2014

We object to the proposed development at Manor Farm on many grounds but our main objections are:

1. SAFETY- The small single track lane (providing access to the proposed site) leading to Church Road opens up onto a blind bend. The traffic speed survey included in the planning application was performed in January when there are only 8 hours of daylight. The bend is most dangerous during daylight hours as cars seem to travel faster in daylight. As we have no streetlights, cars tend to travel slower in the dark hours and also have warning of approaching cars, as they see their headlights and slow down accordingly. All the accidents and near misses that we know of have happened in the daylight. A single track lane (even if slightly widened) is not a suitable access to put up to 80 extra vehicles along every day. Also more vehicles would mean on occasion vehicles would have to reverse onto Church Road to let other vehicles out.
2. SAFETY OF PEDESTRIANS AND FOOTPATH USERS – The single track lane/footpath is used by many pedestrians, school children walking to school, exercisers and dog walkers on a daily basis. At the moment there is a grass verge to one side, where pedestrians can stand or walk and as the lane is single track, vehicles tend to drive more slowly. Making this small lane a 2 way road would remove somewhere vehicle free, for standing or walking and making the road 2 way would cause drivers to drive faster. The council has a duty of care to protect those on foot as well as those in their cars. Manual for Gloucestershire Streets (3<sup>rd</sup> Edition 12<sup>th</sup> June 2013) points out that new developments need to ‘design principles that will lead to a network that people feel safe when using, whatever their mode of travel.....encouraging people to walk or cycle’
3. CONSERVATION AREA- Section 69 of the Civic Amenities Act 1967 states that conservation areas are - ‘ Areas of special architectural or historic interest to preserve or enhance’ How can the option of pushing up to 80 extra cars a day further into the conservation area preserve or enhance this pretty single track lane in the Conservation area? How can ripping up grass verges and making the road 2 way be perceived as preserving or enhancing the area. This is even more puzzling as there is a readymade entrance to this proposed development that is on the perimeter of the of the conservation area, in Manor Court that would divert all the traffic out of the Conservation area completely.

4. ACCIDENTS – The traffic survey included in this application states that there have been no accidents in the area in recent years. This is simply not true. There was a very serious accident this year on 17<sup>th</sup> May 2014 incident number 492 17/05/14 OIC PC548 which involved the passenger being treated by the roadside then being taken to hospital in an ambulance with suspected back injuries. This accident was caused by the driver driving round the blind bend too fast and losing control, eventually mounting the pavement and spinning out of control. Also Manor Farm's own dog was run over and killed by a vehicle actually in the single track lane and this was not reported either? Again this year, on 29<sup>th</sup> August a motorbike took the corner too fast and hit the boot of a stationary car outside Homestead. There are frequent near misses caused by drivers taking the blind bend too fast. Adding a main entrance to a new development next to this blind bend will only make this bend more of a hazard.

We have requested by informing Councillor Fisher and Councillor Clucas by email, that given the safety and conservation area issues that we would like this application to go to the planning committee.



### **Manor Farm Application**

**Accidents and near misses around entrance to single track lane and along single track lane (the planning application traffic report said there have been no accidents in this area in the last few years). Blind bend is very close to lane entrance.**



Serious accident police incident number [492 17/05/14](#) OIC PC 548 McMaster. Car took blind bend too fast swerved to avoid car parked outside Homestead, went onto grass verge almost hitting wall on opposite side of the road, then mounted pavement outside the church and spun round causing



significant damage to hedge and Victorian railings within hedge. Woman passenger was taken to hospital with suspected back injury (photos above).

29<sup>th</sup> August 12 midday motorbike came round corner too fast and hit back of a car. Minimal damage so not reported.

2010 Car parked outside the church hit in the back leaving denting and damage.

2011 Cindy the dog belonging to Manor Farm was hit and killed in the lane.

There are frequent near miss situations on the blind bend as vehicles take the corner too fast. Frequent slamming on of brakes can be seen and heard and tooting of horns is a common occurrence. Often when cars pull out of house driveways close to the bend and when cars pull out of the small lane, cars come round the bend too fast and have to do an emergency stop (and run the risk of mounting the pavement and hitting one of the many pedestrians walking through the village.



The traffic survey performed for the planning application took place in January at a time when there is only 8 hours of daylight and rush hour would have been in the dark in the morning and evening.

Vehicles take the corning slower at night as they can see approaching headlights (also it is particularly dark as we have no street lighting) all the accidents and near misses tend to be during daylight hours.



**Single track lane off Church Road (within the conservation area) is the proposed access for Manor Farm Development.**

**Please consider the following points:**

Lane has a narrow opening, is a single track road and frequently used footpath. Lane opens out onto Church Road with a blind bend to the right and Rectory Lane opening onto Church Road to the left behind a high brick wall.

Cars speeding round the blind bend have caused accidents, frequent near misses and already makes reversing into our driveway and pulling into and out of the single track lane very difficult. Traffic Survey on application was performed in January with only 8 hours of daylight. As there are no streetlights drivers drive more slowly at night and have warning from headlights of oncoming traffic.

If this access was granted causing a busier lane vehicles approaching from Church Road would on occasion have to reverse onto Church Road next to the blind bend making that area extremely hazardous.

Why would you divert up to 80 vehicle journeys a day further into the conservation area along such a small lane? Surely the council has a duty of care to the many pedestrians walking along the little lane and along Church Road, to maintain safety and somewhere for them to safely walk as they have always done in this Conservation area.



Picturesque entrance onto Church Road very close to blind bend, this area and the surrounding nearby houses in the heart of the village ' has remained relatively unchanged despite the developments of the mid 20<sup>th</sup> Century..quiet and tranquil village atmosphere.'

Swindon Village Conservation Area Character Appraisal and



**Single track lane off Church Road (within the heart of the conservation area) cont.**



Proposed application suggests ripping up the grass verges/footpath (that have been sown and tended regularly by the neighbouring properties for many years) and making this tiny lane 2 way (even so this would barely be wide enough for 2 compact cars to pass). Surely getting rid of grass verges and creating a much busier road would not be right in a conservation area? This is a popular footpath for children and parents walking to school, exercisers and dogwalkers where would they walk or stand if this is made a 2 way road?



Narrow opening is often obscured by parked cars and always during special church services



3.15 Historical development of Swindon Village conservation area

Historical development of Swindon Village Conservation Area



Figure 5 Historical development of Swindon Village conservation area

**Manor Court borders the outside of the conservation area and leads directly onto proposed building site for 8 dwellings. Why is this safer access outside the conservation area not the access of choice?**

Manor Court has a wide opening of over 50 ft.

Good visibility in both directions when pulling out of Manor Court.

Wide road for whole length of road where cars can easily pass each other leading to entrance to proposed site (Manor Court also has a turning area)

5 photos of Manor Court below plus Conservation area map.



1. Wide entrance to Manor Court



2. Good visibility to the right





3. Good visibility to the left of Manor court T junction



4. 'Ready to go entrance onto proposed building site.



5. Wide two way road for the whole of Manor Court.

3.15 Historical development of Swindon Village conservation area

Historical development of Swindon Village Conservation Area



Figure 5 Historical development of Swindon Village conservation area



I have just remembered something that we did not include in our first letter.

In the beginning of March 2014 a tree was chopped down in the proposed Manor Farm development site. We were very concerned as the row of trees create a sound barrier for us, we were worried that all of the trees were going to disappear without any warning (although so far only one has been felled).

We were a bit puzzled as we did not receive a letter of notification from you that a tree was going to be removed and there was no warning and no planning notice as is required within our conservation area (even if a tree has in extreme cases died)

There was just a lot of sawing and commotion and when I walked passed on the 14<sup>th</sup> March 2014 and took the attached photographs one tree had been felled (conveniently making the access to the bottom field much bigger.)

I thought I should mention this as we really don't want the screen of trees to be removed. Please would it be possible to ask your council tree specialist to look into why we were not notified and to contact me by email or post.

Please can this be added to the comments along with the photographs attached. (See Below)





Dear Emma and Owen

I am very concerned about the accuracy of the travel survey that was completed between 15th and 21st January which has been submitted as an integral part of the application attempting to prove that this single track lane opening onto Church Road next to a blind bend is a suitable access to the proposed building plot at Manor Farm.

I have included bus timetables for both of the school buses that pass through the village morning and evening and have realised that 9 school bus journeys are missing in the survey over the 5 school days that the survey took place.

Timetable (Photo 1) - Marchants Bus to Bishops Cleeve School does a loop round the village to turn round. This bus drive along Church Road then down Rivelands Road at 8.15am The bus returns to Swindon Village after school at 3.37pm.

Timetable (Photo 2) - Bennetts Bus to Denmark Road/STRS drives west along Church Road in the morning at 7.45am and then onto Manor Road. In the evening bus drives east along Manor Road and on to racecourse. The bus returns to Swindon Village after school at 4.14pm (My son took this bus between 15th - 21st January)

This means that there should be 2 school buses recorded by the travel survey on schooldays travelling round the blind bend in Church Road at 0700 and 0800 time slots and 2 journeys of buses travelling round the blind bend at 1500 and 1600 time slots.

The travel survey appears to be missing 9 bus journeys.

15th Eastbound and Westbound am	1	2
15th Eastbound and Westbound pm	1	2
16th Eastbound and Westbound am	2	2
16th Eastbound and Westbound pm	0	2
17th Eastbound and Westbound am	1	2
17th Eastbound and Westbound pm	2	2
20th Eastbound and Westbound am	1	2
20th Eastbound and Westbound pm	1	2
21st Eastbound and Westbound am	0	2
21st Eastbound and Westbound pm	2	2

The above data means that 9 school bus journeys were not recorded that took place on schooldays between 15th January and 21st January (out of a total of 20 bus journeys we know for certain took place that week). Both of these buses travelled past the camera set up to do an accurate speed and traffic specification survey but the camera did not see or record 9 school buses that went past it in a week!

I feel that this information puts into question the whole traffic survey and ask that some very serious questions are asked of the company that did the survey. I would also ask that an independent company is instructed by the council to repeat the whole survey (vehicle specification and speed) and that the cost is covered by the planning applicant.

With thanks for looking into this situation.

Best regards

  
Homestead, Church Road.

●●●●○ Vodafone UK 19:59

marchants-coaches.com

	A.M.	P.M.	Route No.8	A.M.	P.M.
	0800	1535	Pates School Bus Stop PE Way	0800	1550
ackle	0803	1538	St. Thomas Moores Church	0802	1548
			Yellow Warehouse PE Way	0805	1545
	0807	1540	Wymans Lane, White Gates	0810	1540
	0830	1525	Opp. Swindon Village School	0812	1535
			Church Rd/Rivelands Rd	0815	1537
			Bishops Cleeve School	0830	1525

< > ⬆ ⬇ ⬅



**BENNETTS COACHES LTD**  
**DENMARK ROAD AND**  
**SIR THOMAS RICH'S BUS STOPS 2014/15**

STOP NUMBER	PICK UP/DROP OFF POINT EXACT ROUTE TO BE CONFIRMED*	APPROX TIME TO BE CONFIRMED*	
	<b>TEDDINGTON/GOTHERINGTON AREA STOPS</b>		
1	A435 Teddington Hands	7.30	16.29
	<b>BISHOPS CLEEVE AREA STOPS</b>		
2	Finlay Way/The Cloisters	7.35	16.24
3	Finlay Way/Bramble Close	7.36	16.23
4	Bishops Cleeve/Evesham Road (Bus Stop)	7.38	16.21
5	Cheltenham Road Esso Garage (Bus Stop)	7.41	16.18
	<b>CHELTENHAM/RACECOURSE AREA STOPS</b>		
6	Racecourse Car Park near Vet Surgery	7.40	16.20
7	Swindon Lane	7.42	16.19
8	Swindon Village (Church)	7.46	16.14
9	Grevil Road	7.48	16.12
10	Princess Elizabeth Way/St Thomas Moore	7.46	16.13
11	Coronation Square	7.47	16.12
	<b>TEWKESBURY AREA STOPS</b>		
12	A438 Ashchurch Road, Elmbury Road	7.40	16.21
13	The Crescent, Tewkesbury	7.45	16.16
	Bus Stop near Council Offices	N/A	PM Only
14	Walton Cardiff Roundabout	7.46	16.15
15	Highfield Trading Estate	7.48	16.13
16	A38 Coombe Hill Lights	7.52	16.09
17	1 <sup>st</sup> Leigh Turn, travelling from Tewkesbury	7.54	16.07
18	Priors Norton	7.55	16.06
19	Opposite Denwell Garage, Norton	7.59	16.03
20	Bus Stop near Hatherley Lane	8.00	16.02
21	A38 Twigworth Caravan Site	8.01	16.01
	<b>CHARLTON KINGS AREA STOPS</b>		
22	London Road, Sixways	7.35	16.25
23	Copt Elm Road/Lyefield Road	7.37	16.23
24	Moorend Road/Withyholt Court	7.40	16.20
25	Greenhills Road	7.41	16.19
26	Greenhills Road/Greenhills Close	7.42	16.18

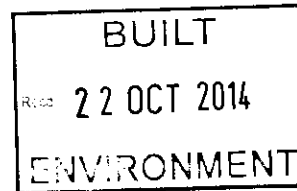
St. Lawrence House · Rectory Lane · Swindon Village · Gloucestershire · GL51 9RD

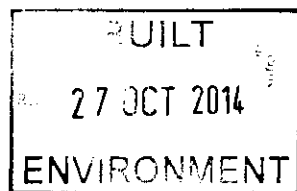
21/10/14

I wish to register my dissatisfaction with the  
planning application ref : 14/01823/FUL.

The proposal to allow access directly on to  
Church Road raises serious questions of  
safety, and I am not happy that it  
should be allowed to proceed on this  
basis.

Yours faithfully





THE COACH HOUSE  
RECTORY LANE  
SWINDON VILLAGE  
CHELTENHAM  
GL51 9RD

REF: 14/01823/FUL

Dear Sirs,

No No No, it would be a disaster to add to the problems this Village already has with flooding. This Village has a very high water table due to the make up of the underlying land.

The houses opposite i.e. the Old Rectory and ST LAWRENCE have basements which regularly flood - they have to pump the water out - the rest of the high water would gradually soak through the ground to the brook.

Building on Manor Farm would prevent this. The back up of holding water could cause subsidence to the surrounding houses including mine - next door to the Old Rectory and ST Lawrence.

The Church has run out of burial ground, surely that area would be a perfect solution and would last them for many years, and being a conservation area would not cause any problems.

The drainage system in the Village is already overloaded and is totally inadequate for the size of the population, another 8 dwellings would only add to the problem, plus additional traffic.

Yours very against the proposal.  
[Redacted Signature]

Your ref:  
14/01823/FUL

Mrs Emma Pickernell  
Built Environment  
PO Box 12  
Municipal Offices  
Promenade  
CHELTENHAM  
GL50 1PP



3 Swindon Hall  
Swindon Village  
CHELTENHAM  
GL51 9QR

24th October 2014

Dear Mrs Pickernell

**Proposed Erection of 8 New Dwelling at Manor Farm, Church Road, Swindon Village**

I am writing about the above proposal on behalf of the Swindon Village Society. The Swindon Village Society acts as civic society for Swindon Village. We were in large measure responsible for establishing the Conservation Area and have assisted in all reviews of that area. We are also concerned with local history and conservation.

The society is not against development at this site which is, in essence, brown field. However we do not feel that the proposed development is suitable for the location for two main reasons – the height of the building in relation to the church and the proposed access to the site.

The core of the conservation area is the church of St Lawrence which is grade two star listed. The two story buildings proposed for the site at a height of 8.6metres would present an inappropriate backdrop for such a building. We are not convinced that the North elevation of the site is a true picture. The bungalows, however, would not create such a problem. About ten years ago there was a proposal to build a dwelling immediately behind the church in the grounds of the Manor House and this was refused for just such a reason.

On a rather more practical note, the proposed access to the site would be on to Church Road. The access point would be at the only yards from a difficult double bend. Church Road often has considerable traffic, particularly at the times of school opening and closing and a further narrow junction onto the road here can only exacerbate the problem.



For these reasons the Society feels that the proposed development is not appropriate for this site.

Yours sincerely

/

A large black rectangular box redacting the signature of the sender.

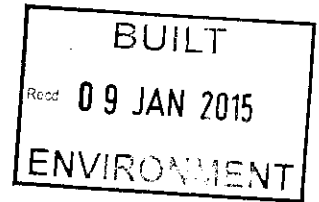
Your ref:  
14/01823/FUL

Miss Chloe Smart  
Built Environment  
PO Box 12  
Municipal Offices  
Promenade  
CHELTENHAM  
GL50 1PP

[REDACTED]

3 Swindon Hall  
Swindon Village  
CHELTENHAM  
GL51 9QR

[REDACTED]



8<sup>th</sup> January 2015

Dear Miss Smart

**Proposed Erection of 8 New Dwelling at Manor Farm, Church Road, Swindon Village  
Planning Application 14/01823/FUL**

I am writing about the above proposal on behalf of the Swindon Village Society. The Swindon Village Society acts as civic society for Swindon Village. We were in large measure responsible for establishing the Conservation Area and have assisted in all reviews of that area. We are also concerned with local history and conservation.

I have been trying to access the CBC computer system to determine what changes have been made to the above application. Unfortunately the system has not recognised my previous registration, neither has it allowed me to re-register. Therefore I have not been able to look at the detail of the changes. Therefore my only option is to entirely concur with the comprehensive objections to the revised proposals which have been registered by the Swindon Village Parish Council. In addition I wish to reiterate our statements regarding the original proposal.

The society is not against development at this site per se. However we do not feel that the proposed development is suitable for the location for two main reasons – the height of the building in relation to the church and the proposed access to the site.

The core of the conservation area is the church of St Lawrence which is grade two star listed. The three story buildings proposed for the site at a height of 8.6metres would present an inappropriate backdrop for such a building. We are not convinced that the North elevation of the site is a true picture. The bungalows, however, would create less of a problem. About ten years ago there was a proposal to build a dwelling immediately behind the church in the grounds of the Manor House and this was refused for just such a reason.

On a rather more practical note, the proposed access to the site would be on to Church Road. The access point would be at the only yards from a difficult double bend. Church Road often has considerable traffic, particularly at the times of school opening and closing and a further narrow junction onto the road here can only exacerbate the problem.

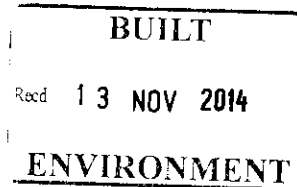
In addition we are most concerned that no firm proposals have been made regarding the right of way leading from Church Road between Manor Farm and the development site. This right of way not only connects to the Amenity Area, it also provides a short cut through the industrial area directly to Gallagher Retail Park. Any development must safeguard this right of way.

For these reasons the Society feels that the proposed development is not appropriate for this site.

Yours sincerely



Built Environment  
Cheltenham Borough Council  
P.O.Box 12  
Municipal Offices  
Promenade  
Cheltenham  
Glos GL50 1PP



11th November 2014

For the attention of Emma Pickernell

Dear Mrs Pickernell,

**RE: PROPOSED RESIDENTIAL DEVELOPMENT AT MANOR FARM,**  
**CHURCH ROAD, SWINDON VILLAGE**  
**YOUR REF.14/01823/FUL**

I refer to the above-mentioned planning application and to our recent meeting in your office. Please note that I represent the owners of Green Lodge and The Homestead which are the two properties on either side of the farm access drive at its junction with Church Road. As such, these are the dwellings which will suffer the most severe adverse impact if the development proceeds as currently proposed. The reasons for their entirely justified objections are as follows:-

1. The existing track was designed and always intended to serve a single planning unit i.e. Manor Farm and whilst there has previously been an ancillary use for up to 5 touring caravans, this was low-key and seasonal only.

The Granary Wormington Farm Barns Wormington Nr Broadway Worcs WR12 7NL

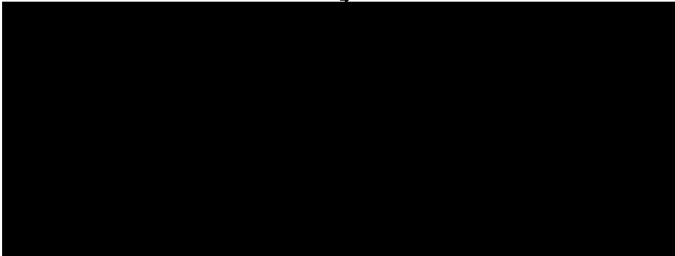
2. The proposed up-grading and resultant urbanisation of the track to serve 8 dwellings (initially) will generate an addition of approximately 56 traffic movements per day (8x7) all of which will exit onto Church Road at a point where visibility is extremely restricted. The resultant noise, fumes and general disturbance caused to my clients will be unacceptable and lead to a major diminution of the amenities that they presently enjoy.
3. Whilst the current proposal specifies 8 dwellings, there is reference within the Applicant's application to "12 dwellings". The Applicant's total land holding - including the blue line - would appear to be capable of containing a much greater number still and the Planning and Highway Authorities must give this issue full attention now. My clients' view is that the track is totally unsuitable to serve the 8 dwellings proposed, let alone a potential doubling of that number. It would be much better for all parties if the Applicant pursued - at this time - the alternative access referred to later in paragraph 5.
4. You will have noted from your site visit that my clients have several mature, attractive trees on their boundary with the track. These comprise a Hornbeam and two Lime trees and the proposal to tarmac over the grass verges along the track is likely to cause terminal damage to these trees which materially contribute to the Swindon Village Conservation Area.
5. In light of the above, it is clear that the farm track is wholly unsuitable to serve the proposed development for a variety of reasons. There is, however, a far better and more appropriate

vehicular access to serve the site and this is via the modern cul-de-sac of Manor Court. From the o.s.plan it is clear that when Manor Court was developed the road layout provided for extension at a future date to serve the land subject of the current application. Manor Court has a wide roadway with footpaths on either side and its junction with Manor Road has excellent visibility in both directions. It has been suggested that there is a "ransom strip" at the end of Manor Road, but this is not a matter which should influence Planning or Highway Authorities in their duty to ensure safe and appropriate access for a new development.

6. A further consequence of not utilising the obvious vehicular access via Manor Court where all the services are available, is that the application proposes to deal with foul sewage from the dwellings by individual septic tanks! Within a relatively high density residential development in an urban area this is ridiculous in the year 2014. Once again, this will adversely impact upon my clients with the need for tankers accessing the track to remove sludge from each tank.

I trust that your council will give full consideration to all aspects of the submitted proposal and refuse this application which would result in a sub-standard development served by a wholly unacceptable access.

Yours sincerely



<b>APPLICATION NO:</b> 14/01823/FUL		<b>OFFICER:</b> Miss Chloe Smart
<b>DATE REGISTERED:</b> 7th October 2014		<b>DATE OF EXPIRY:</b> 2nd December 2014
<b>WARD:</b> Swindon Village		<b>PARISH:</b> Swindon
<b>APPLICANT:</b>	Mrs Susan Rowe	
<b>AGENT:</b>	Mr Andrew Bower	
<b>LOCATION:</b>	Land at Manor Farm, Manor Road, Swindon Village	
<b>PROPOSAL:</b>	Erection of 2no. bungalows and 6no. houses	

## Update to Officer Report

### 1. OFFICER COMMENTS

#### 1.1. Determining Issues

1.1.1. The key issues in determining an application of this nature are (i) the principle of development, (ii) the design and layout, impact on setting of adjacent listed structures and conservation area, (iii) impact on neighbouring properties, (iv) access and highways issues, (v) trees, (vi) biodiversity and (vii) flooding.

#### 1.2. Principle

1.2.1. 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. When making decisions, this means approving development proposals that accord with the development plan without delay (unless material considerations indicate otherwise). The second point of this paragraph then goes on to say 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 doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole, or specific NPPF policies should be restricted.

1.2.2. The site lies within the Principal Urban Area and in a sustainable location and therefore the principle of considering the site for residential development is acceptable. Notwithstanding this, regard must be given to the location of the site within a conservation area and the specific guidance within the NPPF and also policies within the Local Plan, which have been considered below.

#### 1.3. Impact on conservation area

1.3.1. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that, *'special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the area'*.

1.3.2. The Swindon Village Conservation Area Character Appraisal provides guidance on how the preservation or enhancement of the conservation area can be achieved.

1.3.3. Concerns have been raised within letters of representation and comments from the Parish Council in relation to the development of the site given its location within a conservation area. When commenting on the overall principle of the development of this site, the Conservation Officer states that although the site has never historically

been developed, it sits comfortably within the settlement pattern of the existing village and also within the historic field boundaries of the area. In light of these comments, it is considered that the development of the site in itself would not have a harmful impact on the conservation area, subject to further considerations in relation to the setting of the church and the detailed design and layout of the buildings.

#### 1.4. Design and layout

- 1.4.1. Local Plan Policy CP7 requires development to be of a high standard of architectural design and to complement and respect neighbouring development.
- 1.4.2. The proposed scheme has been amended significantly since its initial submission, with alterations to the design of the dwellings and the overall layout. These alterations have been heavily influenced by feedback from Architects' Panel, the Conservation Officer and case officer.
- 1.4.3. The site is located within close proximity of a grade II\* listed church and therefore both English Heritage (EH) and the Conservation Officer have considered the impact of the design and layout on the setting of the listed building. Initially, EH raised concerns that the development would impact on the setting of this building. Having been provided with further information for consideration, they now consider this would be a minimal impact.
- 1.4.4. Members will note that the application drawings, as well as comments from English Heritage and the Conservation Officer refer to the transfer of a parcel of land to the church. This land lies to the north of the site, directly adjacent to the churchyard and is within the applicant's ownership. English Heritage considers it critical to legally tie up this transfer of land to provide a long term visual buffer to the setting of the church.
- 1.4.5. Whilst officers have noted these comments, the land falls outside of the application site and therefore is not being considered at this time. Officers consider the purpose for which EH would seek a legal agreement is achieved within this scheme, given the proposed layout is acceptable in the context of the church. As such, it is not considered that this aspect is critical to make this scheme acceptable.
- 1.4.6. Should any future application be forthcoming on this land, this would need to be assessed on its own merits. For the purpose of this application, officers are satisfied the current scheme provides an adequate visual separation and ensures a minimal visual impact on the views from the church.
- 1.4.7. The overall scheme comprises a total of eight dwellings which surround a central 't-shaped' access road. Having assessed the proposal in the context of the surrounding urban grain, the layout is considered in keeping with the established character and therefore, not at odds with its surroundings. Immediately to the west of the site lies the Manor Court development, whereby properties are positioned within relatively consistent and comfortable plot sizes. In the case of the proposed development the layout is consistent with this pattern.
- 1.4.8. In terms of the overall design approach, the scheme comprises of three variations in property types. A terrace of four properties is proposed to the southern end of the site where the land levels fall away. Whilst this is a considerable expanse of two storey built form within the development, officers consider the centrally placed gable is successful in breaking up the mass of the building, providing interest to the terrace and also a focal point when entering the scheme. This response was also as a result of feedback received from the Architects' Panel, as the terrace as originally



submitted was considered '*elevationally quite weak*' with a central gable considered a more appropriate approach.

- 1.4.9. Chalet style bungalows are proposed alongside the western section of the site which immediately adjoins the Manor Court development. Officers consider the single storey scale of these two properties respond appropriately to the scale of the bungalows within Manor Court and provide a suitable transition between the two storey scale proposed on the eastern side and the bungalows within Manor Court. Despite concerns raised in relation to the scale and mass of the properties, officers consider the scale of the properties is entirely appropriate and in keeping with the local context which consists of a variation of single storey and two storey dwellings.
- 1.4.10. The palette of materials within the development is varied and includes render, brickwork and dark slate roofs. Officers consider the use of these materials within the development to be appropriate and the range of materials respond to the distinctive varied character of the locality and in particular on Church Road. To ensure the materials are in keeping with the character of the conservation area, a condition requires the submission of all external materials for approval.
- 1.4.11. Overall, the Conservation Officer considers the layout and detailed design to be acceptable, but has suggested a series of conditions relating to surface materials landscape design and boundary treatment. Such conditions have been attached within this recommendation.
- 1.4.12. In light of all of the above, officers consider the proposal would complement and respect what is a relatively mixed character within the area. The development site is not particularly visually prominent within the village itself, and the design of the dwellings is such that it would have a neutral impact on the character and appearance of the conservation area, thus ensuring it is preserved. The scheme is therefore considered in accordance with Local Plan Policy CP7 and also would preserve the character of the conservation area.

## 1.5. Impact on neighbouring property

- 1.5.1. Local Plan Policy CP4 requires development to protect the amenity of neighbouring land users and the locality.
- 1.5.2. A number of concerns have been raised from neighbouring residents and in particular, those residing in Manor Court. The concerns relating to amenity include overbearing and overshadowing as a result of the development, loss of privacy and increased noise disturbance resulting from the development.
- 1.5.3. Officers have considered the above concerns in detail and the proposal would not unacceptably compromise neighbouring amenity. The Manor Court development is located to the west of the site. The properties proposed to back onto this development are both 'chalet style' bungalows. Whilst there is accommodation within the roof of these properties, the proposed windows face into the development itself and not to the rear of the property. As such, there will be no unacceptable increase in overlooking or loss of privacy.
- 1.5.4. In terms of resulting in any loss of light or overbearing impact, officers consider the height, massing and scale of the two bungalows, together with the distance between the proposed dwellings and the Manor Court properties to the west is sufficient to ensure there will be no unacceptable loss of light or overbearing impact.
- 1.5.5. Finally, concerns have been raised relating to noise and disturbance resulting from the proposed development. The proposed development is for eight additional

dwelling within a residential area. As such, it is not considered that such a limited scale of development would generate an unacceptable increase in noise or disturbance.

- 1.5.6. With the above in mind, the scheme is considered fully in accordance with Local Plan Policy CP4 in terms of ensuring there is no unacceptable impact on neighbouring land users.

## **1.6. Access and highway issues**

- 1.6.1. Gloucestershire County Council Highways have considered all matters relating to highway safety. Further information has been submitted by the applicant throughout the application to demonstrate the access and highway arrangements within the development are acceptable. This included a vehicle speed survey and swept path analysis.
- 1.6.2. In terms of the existing access to the site, this is an unclassified road which functions as a shared surface and joins onto Church Road. This carriageway currently provides access to two dwellings and has previously served as the access for a Caravan Club certified campsite.
- 1.6.3. As part of the development, the applicant proposes to widen the existing road to Church Road. This allows a medium sized car and a large refuse vehicle to pass in opposite directions. In light of the current access arrangements, volume of traffic proposed and the visibility available, the proposed carriageway width is considered acceptable.
- 1.6.4. A number of concerns have been raised in relation to the visibility of the access onto Church Road. A review of highway records indicates that there have been no collisions in the direct vicinity of the proposed accesses. A police incident number has been quoted within a letter of representation, which has been followed up with the Road Safety Partnership and Police. This revealed there were no reported injuries for this incident and as such, no details have been recorded.
- 1.6.5. In relation to the visibility of the access onto Church Road itself, a vehicle speed survey has been undertaken. The results of the speed survey and the visibility splay in either direction are considered sufficient for the speed recorded in the survey and the 30mph speed limit.
- 1.6.6. GCC Highways has considered the additional trips generated as a result of the proposed development and this will not have any severe impact on the local highway network. Furthermore, the development provides for at least two parking spaces per dwelling, with further availability for visitor parking within the shared surface area.
- 1.6.7. Finally, the applicant has demonstrated that a large refuse vehicle can manoeuvre within the development and enter using the access to the site, alongside a medium sized car travelling in the opposite direction.
- 1.6.8. Overall, whilst the comments received by local residents and the Parish Council have been considered in relation to highway matters, GCC Highways raise no objection to the scheme, subject to the inclusion of a number of conditions. These have been incorporated within the recommendation.

## **1.7. Ecology**

- 1.7.1. The application has been accompanied by an Ecological Report that includes an extended Phase 1 Habitat Survey and an additional Reptile Mitigation and Compensation Report.
- 1.7.2. In order to fully consider the impact of the scheme on wildlife and biodiversity, the County Council's Ecologist has been consulted. Generally, the information initially submitted in relation to ecological matters was accepted; however, the proposed wildlife corridor was considered an area of concern. It was recommended that the applicant submit further details to address concerns raised. Following receipt of these comments, the applicant submitted a 'Wildlife Corridor Schematic'.
- 1.7.3. The County's Ecologist has been re-consulted on the additional information and considers the information is sufficient in demonstrating the wildlife corridor proposed would be fit for purpose, in particular, in relation to Badgers.
- 1.7.4. In order to ensure the wildlife corridor is implemented in accordance with the submitted details a suitably worded condition has been attached. The proposed corridor is located within land in the applicant's ownership, albeit outside of the red line. Given the applicant has agreed and this is considered necessary to ensure the development mitigates for any impact on ecology; this is considered reasonable and has been incorporated with the applicant's agreement.
- 1.7.5. In light of the comments dated 26<sup>th</sup> February, the County's Ecologist considers the proposed development is considered in accordance with the National Planning Policy Framework, ODPM Circular 06/2005, Natural England's Standing Advice on protected species (as published on their website), and with Section 40 of the Natural Environment and Rural Communities Act 2006 which confers a general biodiversity duty upon Local Authorities whilst exercising their functions.

## 1.8. Archaeology

- 1.8.1. The application site is archaeologically sensitive as it is located within close proximity of the medieval church. The application is accompanied by a statement on Archaeology and Heritage. The Gloucestershire County Council Archaeologist has reviewed the submitted information and recommends that should planning permission be granted, further investigative work should be undertaken. A condition has been attached as per the recommendation of the County Archaeologist.

## 1.9. Trees

- 1.9.1. Due to the presence of significant trees on the site, the Council's Tree Officer has been consulted and raises no objection to the proposal subject to inclusion of the necessary conditions. A query has been raised in relation to the management of the pleached Hornbeam. Whilst this comment has been noted, this will form part of a wider maintenance strategy which would be required by way of condition.

## 1.10. Land

- 1.10.1. Full comments have been provided by the Council's Landscape Architect and conditions have been attached to ensure suitable landscaping within the development.

## 1.11. Flooding

- 1.11.1. A small linear section of the southern part of the site lies within Flood Zone 2. For that reason, a Flood Risk Assessment has been sought. This will be

submitted in advance of Planning Committee and officers anticipate there will be no issue in relation to flooding matters. An update will be provided on this matter.

## **2. CONCLUSION AND RECOMMENDATION**

- 2.1. For the reasons discussed above it is considered that the proposed scheme is acceptable in principle and would sit comfortably within the existing settlement.
- 2.2. The proposal would complement and respect the character of the area, with the design of the dwellings considered neutral to have a neutral impact, thus ensuring the character is preserved. The scheme therefore complies with Local Plan Policy CP7.
- 2.3. Despite initial concerns, all matters in relation to highway safety have been addressed and no highway objection is raised.
- 2.4. Furthermore, there will be no unacceptable impact in the amenity of adjoining occupiers, significant trees within the site and suitable landscaping can be secured by way of condition.
- 2.5. The recommendation is therefore to approve, subject to conditions.

## **3. CONDITIONS / INFORMATIVES**

To follow by way of an update.

<b>APPLICATION NO:</b> 14/01823/FUL		<b>OFFICER:</b> Miss Chloe Smart	
<b>DATE REGISTERED:</b> 7th October 2014		<b>DATE OF EXPIRY:</b> 2nd December 2014	
<b>WARD:</b> Swindon Village		<b>PARISH:</b> Swindon	
<b>APPLICANT:</b>	Mrs Susan Rowe		
<b>AGENT:</b>	Mr Andrew Bower		
<b>LOCATION:</b>	Land at Manor Farm, Manor Road, Swindon Village		
<b>PROPOSAL:</b>	Erection of 2no. bungalows and 6no. houses		

## Update to Officer Report

### 1. OFFICER COMMENTS

- 1.1. Further to the previous update the applicant has submitted a Flood Risk and Drainage Assessment due to small section of the site falling within Flood Zone 2.
- 1.2. Prior to the submission of this information, the Environment Agency were notified in relation to the application and provided the following comment:

*'Given that the Flood Zones clearly do not encroach on the built development then we do not consider we need to review any subsequent FRA the applicant may submit as essentially the production of an FRA in this instance is likely to be more of a procedural matter to ensure consistency with policy rather than a material impact on the development'.*

- 1.3. The report submitted summarises that the proposed development and drainage scheme will not increase the potential of any flooding occurring within the area and surface water discharge quality is likely to improve due to the use of Sustainable Urban Drainage Systems (SUDS) drainage techniques and the use of permeable surfaces. A condition has been attached to ensure the development accords with the principles of SUDS.
- 1.4. In light of the above, the development is not considered to result in any increased flood risk within the area.

### 2. CONCLUSION AND RECOMMENDATION

The recommendation remains to approve this application subject to the conditions set out below.

### 3. 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 PL01(B), PL02(C), PL12(C), PL17(B), PL19(B), PL20(B), PL21(B), PL24(B), PL25(B), PL30(B), PL38(B), PL39(B), PL40(B), PL419B), PL43, W131150/AT/B01 (H), W131150/AT/B02 (H), W131150/AT/B03 (H), W131150/AT/B04 (H), W131150/AT/B05

(H), W131150/AT/B06 (H), W131150/AT/B08 (H), W131150/AT/B10 (B), W131150/SK/01 (H), W131150/SK/02 (H), 33.63.02 (Tree Protection Plan) and 3363A received 27th November 2014, 26th February 2015, 26th March 2015 and 17th March 2015.

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

- 3 Prior to the commencement of development, an annotated elevation with a detailed specification of all external materials and finishes (including all windows and external doors) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented strictly in accordance with the details so approved and maintained as such thereafter.  
Reason: To ensure a satisfactory form of development in accordance with Local Plan Policy CP7 relating to design.
- 4 Prior to the commencement of development, full details to include the design, materials, colour and finish of the proposed external windows (including cills) and doors shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented strictly in accordance with the details so approved and maintained as such thereafter.  
Reason: To ensure a satisfactory form of development in accordance with Local Plan Policy CP7 relating to design.
- 5 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.
- 6 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 without planning permission.  
Reason: Any further boundary enclosures 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.
- 7 Prior to the commencement of development, a landscaping and planting scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include a survey of all existing trees on the land showing the size and species and identifying those trees, if any, it is proposed to remove. In addition it shall show in detail all proposed tree and shrub planting, hard surfacing (which should be permeable or drain to a permeable area) and areas to be grassed.  
Reason: To ensure that the development is completed in a manner that is sympathetic to the site and its surroundings in accordance with Local Plan Policies CP1 and CP7 relating to sustainable development and design.
- 8 The landscaping proposals hereby approved shall be carried out no later than the first planting season following the date when the development is ready for occupation or in accordance with a programme agreed in writing with the Local Planning Authority. All planted materials shall be maintained for 5 years after planting and any trees or plants removed, dying, being severely damaged or becoming seriously diseased within this period shall be replaced with others of similar size and species to those originally required to be planted.

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

- 9 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.
- 10 No works shall commence on site until details of the improvements to the existing access road from Church Road to the development have been submitted in writing to the LPA. The improvements shall be completed in all respects with the approved details, prior to the commencement on the development.  
Reason: To reduce potential highway impact by ensuring a safe and suitable access, in accordance with paragraphs 32 and 35 of the NPPF, and CBC LP Policy TP1.
- 11 No works shall commence on development until the road layout has been laid out in accordance with the submitted drawings, with first 20m of the proposed layout with the junction with the existing highway has been completed to at least binder course level and the works shall be maintained as such thereafter unless and until adopted as highway maintainable at public expense.  
Reason: - To minimise hazards and inconvenience for users of the development by ensuring that there is a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians in accordance with the paragraph 35 of the NPPF and CBC LP Policy TP1.
- 12 None of the dwellings hereby permitted shall be occupied until the vehicular parking facilities have been provided in accordance with the submitted Drawing W131150/SK/01 H and shall be maintained available for that purpose thereafter.  
Reason: To reduce potential highway impact in accordance with paragraph 39 of the NPPF and CBC LP Policy CP5.
- 13 No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved in writing by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as either a dedication agreement has been entered into or a private management and maintenance company has been established.  
Reason: To ensure that safe, suitable and secure access is achieved and maintained for all people that minimises the conflict between traffic and cyclists and pedestrians in accordance with paragraph 32 and 35 of The Framework, and to establish and maintain a strong sense of place to create attractive and comfortable places to live, work and visit as required by paragraph 58 of the NPPF and CBC LP Policy TP1 and TP2.
- 14 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 32 of the NPPF and CBC LP Policy TP1



- 15 No development shall commence on site until a scheme has been submitted to, and agreed in writing by the Council, for the provision of fire hydrants (served by mains water supply) and no dwelling shall be occupied until the hydrant serving that property has been provided to the satisfaction of the Council.  
Reason: To ensure adequate water infrastructure provision is made on site for the local fire service to tackle any property fire.
- 16 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall:
- i. specify the type and number of vehicles;
  - ii. provide for the parking of vehicles of site operatives and visitors;
  - iii. provide for the loading and unloading of plant and materials;
  - iv. provide for the storage of plant and materials used in constructing the development;
  - v. provide for wheel washing facilities;
  - vi. specify the intended hours of construction operations;
  - vii. measures to control the emission of dust and dirt during construction;
  - viii. specify the access points to be used and maintained during the construction phase(s)
- Reason: To reduce the potential impact on the public highway and in accordance with paragraph 35 of the National Planning Policy Framework (NPPF) and CBC LP Policy TP1.
- 17 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 work, 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.
- 18 Prior to the commencement of development a Landscape and Aftercare Scheme based on drawing no. PL12(C) Site Layout, the Wildlife Corridor Schematic drawing no. PL43 dated February 2015 and the Badger Mitigation Plan of DAS/03 Ecology, Trees and Reptiles shall be submitted to and approved in writing by the Local Planning Authority. The details approved as part of this condition shall then be implemented prior to the occupation of the dwellings hereby approved.  
Reason: To ensure that biodiversity is conserved and in accordance with ODPM Circular 06/2005 and paragraphs 109 and 118 of the National Planning Policy Framework.
- 19 All ecology work shall be implemented in accordance with the conclusions provided within the submitted DAS/03 Ecology Report dated September 2014.  
Reason: To ensure that biodiversity is conserved and in accordance with ODPM Circular 06/2005 and paragraphs 109 and 118 of the National Planning Policy Framework.
- 20 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.

- 21 Ground protection mats shall be used within the Root Protection Areas of the Horse Chestnut (labelled T2) and the English Oak (labelled T7) as the root protection areas are outside the protective fencing.

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.

- 22 Prior to the commencement of development, the surface water drainage system shall be designed in accordance with the principles of Sustainable Drainage Systems (SUDS). This shall include a maintenance strategy and full details (including calculations) shall be submitted to and approved by the Local Planning Authority. Prior to the first occupation of any part of the development, the surface water drainage system shall be completed in all respects in accordance with the details approved and shall be retained as such thereafter.

Reason: To ensure the surface water drainage system does not contribute to flooding or pollution of the watercourse in accordance with Local Plan Policy UI3 relating to sustainable drainage systems.

## INFORMATIVES

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

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

In this instance, the authority requested a number of revisions to the application.

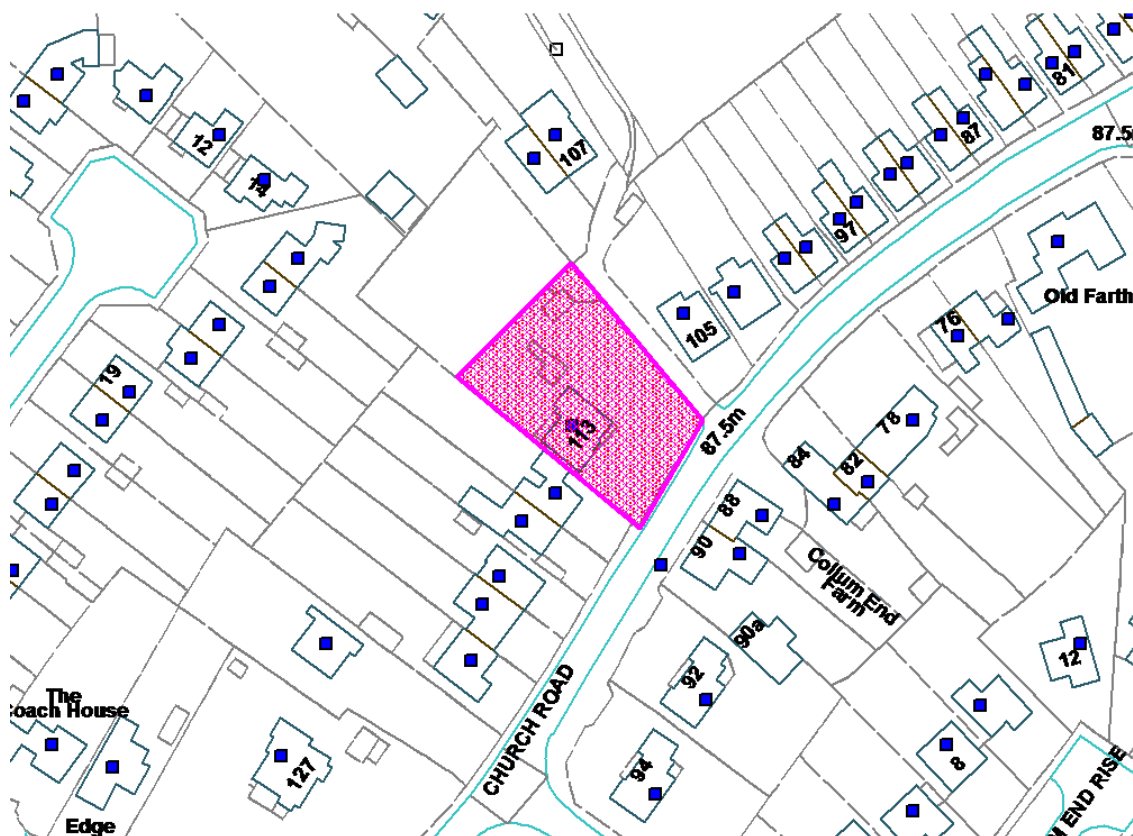
Following these negotiations, the application now constitutes sustainable development and has therefore been approved in a timely manner.

- 2 To assist in the conservation of countywide biodiversity, all species and habitat records from the ecological work commissioned by the applicant should be copied [preferably in electronic format] to the Gloucestershire Centre for Environmental Records (GCER).
- 3 If a protected species (such as any bat, badger, water vole, otter, white-clawed crayfish, reptile or any nesting bird) is discovered using a feature on site that would be affected by the development or construction work all activity which might affect the species at the locality should cease. If the discovery can be dealt with satisfactorily by the implementation of biodiversity mitigation measures already approved by the Local Planning Authority then these should be implemented. Otherwise a suitably qualified ecological consultant or Natural England should be contacted and the situation assessed before operations can proceed. This action is necessary to avoid possible prosecution and ensure compliance with the Wildlife & Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 (as amended) and the Protection of Badgers Act 1992. This advice note should be passed on to any persons/contractors carrying out the development/works.

This page is intentionally left blank

<b>APPLICATION NO:</b> 14/02152/FUL		<b>OFFICER:</b> Miss Chloe Smart
<b>DATE REGISTERED:</b> 12th December 2014		<b>DATE OF EXPIRY:</b> 6th February 2015
<b>WARD:</b> Leckhampton		<b>PARISH:</b> Leckhampton With Warden Hill
<b>APPLICANT:</b>	Mr Mark Sheldon	
<b>AGENT:</b>	Russell Overs Architects	
<b>LOCATION:</b>	113 Church Road, Leckhampton, Cheltenham	
<b>PROPOSAL:</b>	Proposed construction of new integral garage with bedroom above and single storey link (Following demolition of existing conservatory and detached single garage)	

**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 The application site comprises a detached dwelling which fronts on to Church Road. The dwelling itself has been placed on the Council's Index of Buildings of Local Interest and has been given the following description:

*Cottage ornee, c 1930. Two bay with a central front door and an attic dormer directly above. To the left, a gabled projecting wing with rectangular bay window under a single pitch roof; to the right a simple oriel window. Steep slate roof. Exposed rafter ends to the main eaves and the bay window. Attractive veranda formed by the overhanging eaves supported on cast iron supports of geometric openwork design. Domestic; early 20C. An unusual building type in Cheltenham.*

- 1.2 This application seeks planning permission for the erection of a new integral garage to the side of the original property, with a single storey link attaching the proposal to the main dwelling. Members will be aware that an application was approved for a single dwelling to the rear of the property in 2013 (planning ref: 11/00735/FUL).
- 1.3 The proposed extension would have a total width of 7.1 metres from the side wall of the property. The single storey link would measure 2.8 metres in width, with a proposed width of 4.3 metres for the garage. This overall depth of the garage would be 7.65 metres.
- 1.4 The application is before the committee as the applicant is a Director of the Council and the Parish Council raises an objection to the proposal.

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

### Constraints:

Local Listing

### Relevant Planning History:

**01/00897/FUL 30th July 2001 PER**

Extension to dining room and kitchen on ground floor, the addition of a first floor bedroom with en-suite plus family bathroom and the creation of a dormer window to the rear in existing bedroom

**99/50410/OUT 27th January 2000 REF**

Outline planning permission for a single dwelling

**09/01517/FUL 4th December 2009 PER**

New vehicular access, boundary wall and entrance gate

**11/00735/FUL 22nd July 2013 PER**

Erection of a storey dwelling to the rear (Revised drawings to those previously consulted upon)

**12/01803/TIME 9th January 2013 PER**

Application to extend the time limit for implementation of planning permission 09/01517/FUL for new vehicular access, boundary wall and entrance gate

**12/01963/AMEND 20th February 2013 PAMEND**

Non-material amendment to planning approval 12/01803/TIME - Revision to location of dropped kerb and part retention of existing hedging.

### 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

**Tree Officer**

*24th March 2015*

The Tree Section has no objection to this application.

Should this application be granted please use the following condition:

TRE03B Protective Fencing

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.

TRE04B No fires within RPA

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.

**Parish Council**

*8th January 2015*

The Parish Council OBJECTS to this application on the following grounds:

- Over development of site: Planning permission has previously been granted for the building of one dwelling to the rear (garden) of this property and both will be using the same vehicular access.
- Highway safety: The vehicular access is directly where there is a pinch point and the increased vehicular turning movements likely to be created at this location by the development proposed would be likely to increase highway dangers, to the detriment of highway safety.
- Homelands is a 'Locally Important Building'. Leckhampton is an area of diverse and attractive buildings, including thatched properties settled amongst newer designs.

The addition of another front door, lobby and attached garage will detract from the elegant building and look very 'blue' amongst its surroundings. This is an issue that should be treated with much more care than it has been given in the current plans.

- Parking on Church Road: Church Road is at its narrowest outside Homelands and cars back up at this point to and beyond the Kidnappers Lane junction. There are often one or more vehicles parked outside Homelands and adjoining properties that contribute to this congestion and also block the pavement for pedestrians, notably children walking to Leckhampton Primary School. Neighbours also complain that cars parked outside Homelands impair car access to and from their driveways. The proposed application reduces further the onsite car parking at Homelands making this problem worse. The access drive to the side of the proposed development also serves as a public footpath to Burrows field and adjoining allotments and is heavily used.
- The addition of a kitchen assumes this property is for use as independent living quarters which will no doubt require a parking facility which has not been provided.

### **Gloucestershire Centre For Environmental Records**

*22nd December 2014*

Report available to view on line.

## **5. PUBLICITY AND REPRESENTATIONS**

Number of letters sent	<b>6</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** Six letters have been sent to neighbouring properties and no responses have been received in relation to the proposal.

## **6. OFFICER COMMENTS**

### **6.1 Determining Issues**

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

### **6.3 Design**

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

- 6.5** The Supplementary Planning Document: Residential Alterations and Extensions emphasises the importance of subservient extensions to existing dwellings. The proposed extension incorporates a single storey link which would provide a separation between the proposed garage and the original property. Initially, the applicant submitted a scheme which incorporated a single storey link with a width of 4.1 metres, a garage width of 4.7 metres and an eaves height of 3.8 metres.



- 6.6** Officers considered that the initial proposal did not achieve the necessary subservience to the original dwelling. The reason for this was that the height of the eaves which measured one metre above the eaves of the existing dwelling, together with the wider extension and link dominated the original dwelling. In addition to this, the overall width of the extension, which at that point totalled 8.9 metres, eroded too much of the space to the side of the property, which officers considered to be an important gap between this unique property (for Cheltenham) and the adjacent dwelling.
- 6.7** Following this feedback, the applicant has amended the scheme. The alterations include reducing the width of the single storey link and also the width of the garage extension. The eaves height of the proposed gable extension has also been reduced to 3.35 metres.
- 6.8** The overall changes made to the scheme are considered to be a significant improvement. The reduction in both the width of the single storey link and the garage extension has reduced the overall width of the proposal, ensuring a sense of space is retained to the side of this property. In addition, the reduction in the eaves height of the garage extension ensures the gable does not overly dominate the original property. The gable is also set back 3.1 metres from the front elevation which ensures the extension will sit back comfortably from the original dwelling. As such, it is not considered that the extension will result in any overdevelopment of the site as suggested by the Parish Council. Whilst a dwelling has been approved to the rear, the property still benefits from a generous sized plot and the proportions of the extensions in relation to the original dwelling are now acceptable.
- 6.9** In terms of the materials proposed, the applicant proposes materials similar to the original property. The Parish Council raised a concern that the property could look 'too blue' in relation to its surroundings. Officers consider the choice of blue render is entirely appropriate given the original property incorporates a blue finish. In terms of the comments that the additions will detract from the elegant building, these comments were made prior to the amended design. A re-consultation exercise has taken place, however no further comments have been received. Officers consider the amendments to the scheme ensure the proposal will read as a subservient addition to the original dwelling, which will not dominate or detract from the locally indexed building.
- 6.10** For the reasons identified above, the proposal is now considered an appropriate addition to the original dwelling that responds to the character of the original house. As such, the extensions accord with Local Plan Policy CP7 and the Supplementary Planning Document: Residential Alterations and Extensions.
- 6.11 Impact on neighbouring property**
- 6.12** Local Plan Policy CP4 requires development to protect the existing amenity of neighbouring land users and the locality.
- 6.13** There will be no impact on neighbouring amenity as a result of the proposed extensions. There will be no loss of light, increase in overlooking or loss of privacy to neighbouring properties.
- 6.14** Overall, the proposal therefore meets the criteria set out in Local Plan Policy CP4 in terms of protecting the amenity of adjoining land users.
- 6.15 Trees**
- 6.16** The trees section has been consulted in relation to the impact of the proposal on surrounding trees. No objection has been raised, however a series of conditions to ensure adequate protection. These have been attached to the recommendation.
- 6.17 Ecology**

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

**6.19 Other considerations**

**6.20** Within the comments from the Parish Council, further concerns are raised in relation to parking on Church Road and increased vehicular movements resulting from the proposal as a result of the independent use.

**6.21** The application seeks permission for the extension of an existing dwelling and will therefore not extend the parking demands over and above the current situation. The application site benefits from adequate 'off road' parking to meet the needs of the dwelling.

**6.22** In terms of the independent use of extension and any increased demand as a result of this, the applicant has applied for permission for an extension to an existing dwelling and not for any independent unit of accommodation.

## **7. CONCLUSION AND RECOMMENDATION**

**7.1** For the reasons discussed above, the proposal is in accordance with policy CP7 in terms of achieving a high standard of design and will complement the character of the locally indexed building.

**7.2** Furthermore, the extensions would not have any unacceptable impact on neighbouring amenity and trees within the site.

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

## **8. CONDITIONS / INFORMATIVES**

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.  
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The development hereby permitted shall be carried out in accordance with drawing numbers 12140-20, 12140-52 and 12140-51 received 5th March 2015.  
Reason: To ensure the development is carried out in strict accordance with the approved drawings.
- 3 The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.  
Reason: To ensure a satisfactory form of development in accordance with Local Plan Policy CP7 relating to design.
- 4 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.

### INFORMATIVES

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

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

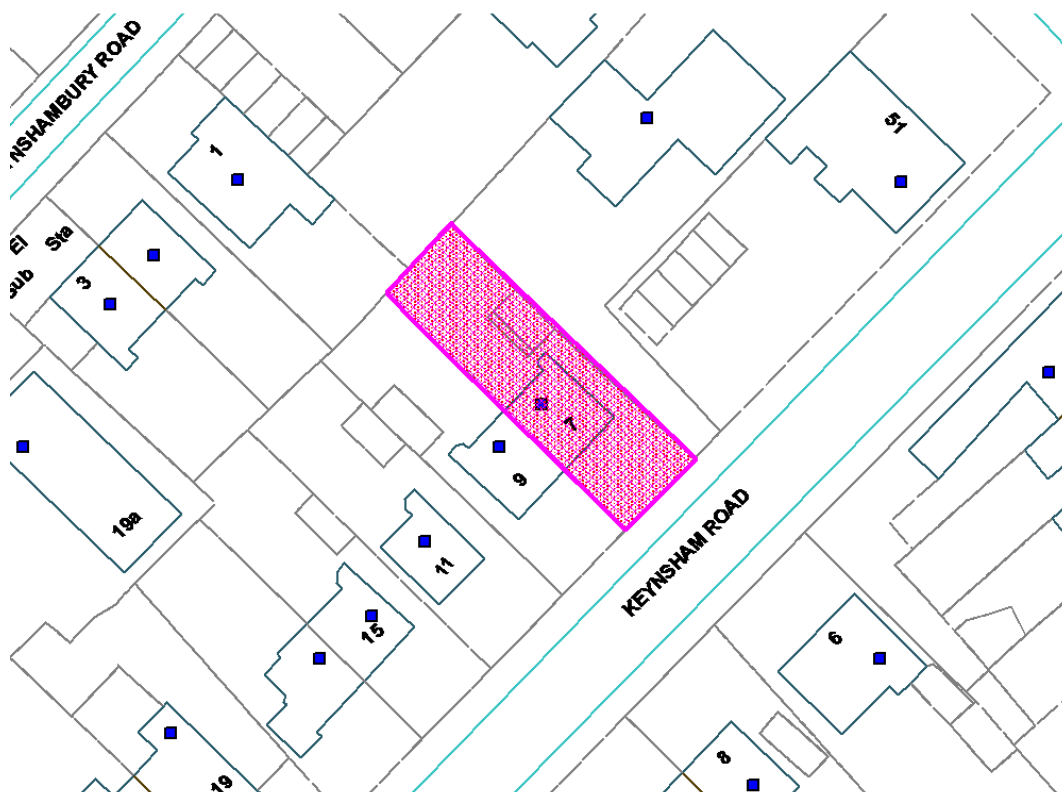
In this instance, the authority requested amendments to the design of the scheme.

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

This page is intentionally left blank

<b>APPLICATION NO:</b> 15/00366/FUL		<b>OFFICER:</b> Miss Michelle Payne
<b>DATE REGISTERED:</b> 3rd March 2015		<b>DATE OF EXPIRY:</b> 28th April 2015
<b>WARD:</b> Charlton Park		<b>PARISH:</b> None
<b>APPLICANT:</b>	Mr & Mrs Church	
<b>AGENT:</b>	Urban Aspects Ltd	
<b>LOCATION:</b>	7 Keynsham Road, Cheltenham	
<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 (revised scheme)	

**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 is a householder application for the erection of a part single storey/part two storey side/rear extension and a rear dormer in connection with a loft conversion, following the demolition of an existing detached garage.
- 1.2 The property is a semi-detached dwelling on the north-west side of Keynsham Road close to the junction with London Road. The site is located just within the boundary to the St. Luke's Character Area, one of 19 character areas that together form Cheltenham's Central Conservation Area and the building is positively identified on the Townscape Analysis Map. The adjacent buildings on the London Road are grade II listed.
- 1.3 The existing building has a painted roughcast render finish with a red brick plinth and white uPVC windows and doors beneath a pitched tiled roof.
- 1.4 Members will recall that planning permission was recently granted at the February committee meeting for a similar proposal, albeit the previous scheme was amended during the course of the application to achieve a more satisfactory scale and form of development, appropriate to its location within the conservation area.
- 1.5 The previous application had been called to planning committee at the request of Cllr Sudbury on behalf of the neighbour at Elm Villa, London Road *"so that the committee can consider the impact on the listed building she lives in as well as the impact on her amenity"*.
- 1.6 This current application has therefore been referred to the planning committee for transparency and openness.

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

### Constraints:

Conservation Area  
Smoke Control Order

### Relevant Planning History:

**14/02174/FUL**

**PERMIT**

**23rd February 2015**

Erection of part single storey/part two storey side/rear extension, and rear dormer in connection with loft conversion, following demolition of existing garage

## 3. POLICIES AND GUIDANCE

### Adopted Local Plan Policies

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

### Supplementary Planning Guidance/Documents

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

### National Guidance

National Planning Policy Framework

#### 4. CONSULTATION RESPONSES

None

#### 5. PUBLICITY AND REPRESENTATIONS

5.1 Letters of notification were sent out to 17 neighbouring properties. In addition, a site notice was posted and an advert published in the Gloucestershire Echo. In response to the publicity, an objection has again been received from the neighbour at 49 London Road; the letter has been copied to Members in full but briefly the main concerns relate to:

- Loss of privacy
- Loss of light
- Impact on outlook
- Impact on adjacent listed building

#### 6. OFFICER COMMENTS

##### 6.1 Determining issues

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

##### 6.2 Design / impact on the conservation area

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

6.2.2 As set out at paragraph 1.4 above, during the course of the previous application, revisions were sought to achieve a more satisfactory scale and form of development, appropriate to its location within the conservation area.

6.2.3 Namely, the height of the parapet to the single storey element adjacent to the boundary with the adjoining neighbour was reduced from 3.4m to 3.2m, the first floor element was reduced in width so as not to extend beyond the side of the existing dwelling, and the rear dormer was significantly reduced in size and the juliet balcony omitted.

6.2.4 In this current application, the height of the single storey element, and the size of the rear dormer, is as previously approved however the extension at first floor projects beyond the side elevation over the utility at ground floor. Whilst this is regrettable, the extension will still achieve subservience to the original building given the set back from the principal elevation; and through the use of materials to match those used in the existing dwelling will be consistent in character.

6.2.5 On balance therefore the extension is considered to be an acceptable addition which will sit comfortably in its context without causing significant harm to the character and appearance of the wider conservation area, nor the setting of the adjacent listed buildings.

6.2.5 As such, the proposal is considered to accord with the requirements of policy CP7.

##### 6.3 Impact on neighbouring amenity

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



6.3.2 The concerns raised by the neighbour have again been duly noted. However, whilst the revisions made previously went some way to addressing the concerns of the neighbours, the revisions were not sought on amenity grounds.

6.3.3 The extension will not result in any significant impact on outlook from the neighbour at Elm Villa, London Road. The windows in the rear elevation of this neighbouring dwelling which would directly look out onto the extension are some 20 metres away; well in excess of the established minimum distance of 12 metres from window to flank wall. The fact that the extension would be visible from the neighbouring property, and result in a loss of a distant view, are not material reasons to withhold planning permission.

6.3.4 The only first floor window in the side elevation of the extension will serve an ensuite and can therefore be reasonably expected to be obscurely glazed however for the avoidance of doubt a condition is suggested to ensure obscure glazing is inserted. As such, no additional overlooking of this adjacent property will occur as a result of the extension.

6.3.5 The proposal therefore accords with policy CP4.

### 6.4 Recommendation

6.4.1 With all of the above in mind, the recommendation is to permit the application subject to conditions.

## **7. CONDITIONS / INFORMATIVES**

To follow

<b>APPLICATION NO:</b> 15/00366/FUL		<b>OFFICER:</b> Miss Michelle Payne
<b>DATE REGISTERED:</b> 3rd March 2015		<b>DATE OF EXPIRY :</b> 28th April 2015
<b>WARD:</b> Charlton Park		<b>PARISH:</b>
<b>APPLICANT:</b>	Mr And Mrs Church	
<b>LOCATION:</b>	7 Keynsham Road, Cheltenham	
<b>PROPOSAL:</b>	Erection of part single storey/part two storey side/rear extension, and rear dormer in connection with loft conversion, following demolition of existing garage (revised scheme)	

### REPRESENTATIONS

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

49 London Road  
Cheltenham  
Gloucestershire  
GL52 6HE

**Comments:** 16th March 2015  
Letter attached.

Planning Dept.,

Cheltenham Borough Council

16th March 2015

BUILT

16 MAR 2015

ENVIRONMENT

49 London Rd.,  
Cheltenham,  
Glouce.

Dear Sirs,

Re:- 7, Keynsham Rd., Cheltenham.

I totally object to any type of building being erected next to my property which is a Grade II listed Building for the following reasons:- Invasion of privacy and as I've pointed out in my previous letter when I look out of my windows to the rear of my property I will see a two storey building.

I'd also like to mention that this would be setting a precedent for other properties to be changed therefore losing the 1930s heritage of Keynsham Road.

Yours sincerely

<b>APPLICATION NO: 15/00366/FUL</b>		<b>OFFICER: Miss Michelle Payne</b>
<b>DATE REGISTERED:</b> 3rd March 2015		<b>DATE OF EXPIRY:</b> 28th April 2015
<b>WARD:</b> Charlton Park		<b>PARISH:</b>
<b>APPLICANT:</b>	Mr & Mrs Church	
<b>AGENT:</b>	Mr Russell Ranford	
<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 (revised scheme)	

## Update to Officer Report

### 7. SUGGESTED CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.  
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The development hereby permitted shall be carried out in accordance with Drawing Nos. CHU14.01/03, CHU14.01/05A and CHU14.01/06A received by the Local Planning Authority on 2nd March and 15th April 2015.  
Reason: To ensure the development is carried out in strict accordance with the revised drawings, where they differ from those originally submitted.
- 3 The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.  
Reason: To ensure a satisfactory form of development in accordance with Local Plan Policy CP7 relating to design.
- 4 The first floor window to the side (north-east) elevation of the extension shall be glazed with obscure glass and shall be non-opening unless the parts of the window which can be opened are more than 1.7 metres above floor level. The window shall be maintained as such thereafter.  
Reason: To safeguard the amenities of the adjoining properties in accordance with Local Plan Policy CP4 relating to safe and sustainable living.

### 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.