



# CHEL TENHAM

## BOROUGH COUNCIL

### Notice of a meeting of Planning Committee

Thursday, 21 May 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 - 20)
6. **PLANNING/LISTED BUILDING/CONSERVATION AREA CONSENT/ADVERTISEMENT APPLICATIONS, APPLICATIONS FOR LAWFUL DEVELOPMENT CERTIFICATE AND TREE RELATED APPLICATIONS – SEE MAIN SCHEDULE**
  - a) **15/00326/CONDIT Barrington Lodge Nursing Home, 138 Cirencester Road** (Pages 21 - 46)
  - b) **15/00483/FUL 11 Oldfield Crescent** (Pages 47 - 60)
  - c) **15/00525/FUL 2 Cowper Road** (Pages 61 - 64)
  - d) **15/00636/FUL 106 Devon Avenue** (Pages 65 - 68)
7. **ANY OTHER ITEMS THE CHAIRMAN DETERMINES URGENT AND REQUIRES A DECISION**

**8. LOCAL GOVERNMENT ACT 1972 - EXEMPT BUSINESS**

Committee is recommended to approve the following resolution:-

“That in accordance with Section 100A(4) Local Government Act 1972 the public be excluded from the meeting for the following agenda item as it is likely that, in view of the nature of the business to be transacted or the nature of the proceedings, if members of the public are present there will be disclosed to them exempt information as defined in paragraphs 3 and 5 , Part (1) Schedule (12A) Local Government Act 1972, namely:

Paragraph 3: Information relating to the financial or business affairs of any particular person (including the authority holding that information).

Paragraph 5: Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

**9. CONSIDERATION OF COUNCIL'S CASE - APPEAL BY BOVIS HOMES LIMITED & MILLER HOMES LIMITED REGARDING LAND AT LECKHAMPTON, SHURDINGTON ROAD, CHELTENHAM (APPLICATION REF 13/01605/OUT)**

(Pages 69 - 78)

To consider options for the Council's approach to the appeal.

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







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## Planning Committee

23<sup>rd</sup> April 2015

**Present:**

**Members**

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

**Officers**

Tracey Crews, Head of Planning (TC)  
Martin Chandler, Team Leader, Development Management (MJC)  
Michelle Payne, Planning Officer (MP)  
Chloe Smart, Planning Officer (CS)  
Karen Radford, Heritage and Conservation Manager (KR)  
Cheryl Lester, Legal Officer (CL)

**1. Apologies**

Councillors Baker and McKinlay.

**2. Declarations of interest**

There were none.

**3. Declarations of independent site visits**

Councillor Colin Hay: 14/01823/FUL Land at Manor Farm  
Councillor Fisher: 14/02003/FUL Unit 3 Naunton Park Industrial Estate,  
14/01823/FUL Land at Manor Farm  
Councillor Clucas: 14/01823/FUL Land at Manor Farm

**Members on Planning View:** Councillors Babbage, Barnes, Chard, Lillywhite, McCloskey, Seacome, Stennett and Thornton.

**4. Public Questions**

There were none.

**5. Minutes of last meeting**

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

## 6. Planning applications

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 with additional conditions in respect of mezzanine floors and the keeping of roller doors shut when not in use</b>
Committee Decision:	<b>Permit with additional conditions in respect of mezzanine floors and the keeping of roller doors shut when not in use</b>
Letters of Rep:	<b>18</b>
Update Report:	<b>None</b>

### Officer introduction:

**MP** described the application as above, which was deferred last month for further discussion with the agent regarding a reduction in size of the proposal and work on the tree. As a result, the ridge height has been reduced from 5.8m to 5m, and the eaves height from 4.3m to 4m. A revised tree method statement has been submitted, which proposes no reduction in the height of the tree but the crown adjacent to the new building to be lifted. Officer recommendation is to permit.

### Public Speaking:

Asked that Members take into consideration all previous neighbours' objections and comments on this application, which has been going on for over a year. Neighbours welcome the small reduction in overall height to 5m and gutter height to 4m, but the proposal will still be larger in volume than the previous building; its impact will be intrusive and neighbours will look out on a wall of metal cladding. If brick construction to the front could be conditioned, this would improve the appearance and sound insulation. Neighbours are concerned that the two 4m access doors increase the possibility that large vehicles could be driven into the building and operate from a site that is clearly not suitable; if these doors are left open during the working day, the noise could be intolerable. Neighbours welcome the restrictions on working hours as proposed, having suffered from noise disturbance in the past due to late working hours and weekend working. Hopes that similar restrictions will apply to any further development on the site, which is quite likely to take place. Noted at the previous meeting that Members were concerned about the ash tree, and suggested it should be replaced with a mature tree of equal stature should it be damaged during the construction process. Neighbours welcome this approach.

### Member debate:

**PT:** following on from the speaker's comments, do the hours of operation as set in Condition 7 still stand i.e. 0800–1800 Monday to Friday, 0800-1300 Saturday, and not at all on Sunday and Bank Holidays?

**KS:** have Highways officers made any further representations? There were concerns at the last committee meeting regarding the height of the roller doors, clearly designed to accommodate larger vehicles on the site. Will these be soundproofed? Even with the doors closed, noise from the building will travel.

**DS:** following on from what the speaker has said, do we know if an extractor system will be in operation when the weather is hot so the doors don't have to be left open?



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**JF:** regarding roller doors, when we've had this situation before on industrial units, we have added a condition to say they must be shut when not in use, even in summer, so no noise is emitted. Can we add that condition, to ensure the doors are shut at all times except for deliveries?

**HM:** soundproofing of doors was discussed in relation to 86 Cirencester Road for the same reason. Is it included in Condition 8?

**CH:** foresees a lot of problems with having to close doors unless they are being used. The business could be the kind which has multiple deliveries, and frequent openings and closings could be more intrusive. We don't know who will be using these units, and the suggested condition could cause more problems than it solves. Are there any other ways round it?

Regarding restricted hours on deliveries, large vehicles won't be able to get up and down the road so there is no need to be concerned about them. However, B1 use could mean a business dealing with food, and if the delivery van arrives before 8.00am, it might park outside with its engine running to keep its refrigeration unit going. How can this be addressed? B1 use could be anything, and some uses will be more problematic than others. Is comfortable with issue of insulation, though metal clad there will be insulation on the inside, as must be built to modern standards for heat and sound. We need to be wary about some of the suggested conditions.

**MS:** supports the concerns about potential noise – noted that back door of the building was open on Planning View, with music blaring out. We should take this issue extremely seriously, and if there are any conditions we can add to minimise the impact, we should be doing so. Suggests that the front elevation would look a lot better if it was brick-clad all along the side to fit in better with the surrounding houses. Is there any condition for that?

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

- to PT, confirms that the hours of operation are as set out in Condition 7;
- to KS, there have been no further comments from Highways; they made their previous comments in the knowledge that the roller shutter doors were there and were happy with this;
- the agent has confirmed that cavity masonry will be used for added insulation, plus double-skin cladding for better sound insulation. The loading doors are also double-skin. Further details of insulation can be added by condition if Members think it necessary;
- to DS, there are no extractors at the moment, but this could be requested in future to limit the impact on amenity;
- to JF, what she suggests has been considered in the past but could have a knock-on effect later on as CH has pointed out;
- to CH's comments on conditions relating to deliveries and other activities, if the set hours don't work for the end users, they would apply for a variation of condition to allow earlier deliveries before commencement of work;
- to MS, re external appearance, the proposed building will look similar to the building at the entrance of the industrial estate. It is utilitarian, a standard design for an industrial unit.

**PT:** wants to reassure people: she lives close to local supermarkets and gets up early; today there was a huge wagon outside with its refrigeration unit going but she could barely hear it. Modern equipment is a lot better than it used to be.

**CH:** some vehicles need to keep their engines running to power the refrigeration units, especially smaller vehicles. Drivers would not technically be breaking a condition if they parked outside on the road and waited until 8.00 to make a delivery. Has seen this elsewhere and it can be a problem. Can it be conditioned against?

**HM:** returning to JF's comments, agrees with a condition to ensure that the doors are kept shut unless there is a delivery, even though we don't know who the occupiers of the units will be. If this condition is included but unworkable for future occupiers, they can always apply to have it removed.

**KS:** agrees with HM – this is a sensible way forward. Concerning the potential for adding a mezzanine floor, questions whether the overall height of the building is enough to accommodate this? If it is, can we add a condition that the users would have to apply for permission for this –or would it come under permitted development rights?

**MP, in response:**

- the condition relating to hours of delivery doesn't restrict vehicles from parking and leaving their engines running, and is not sure how we can do this. However, if this was to happen regularly, it would be in breach of the condition, as it is part of a delivery and outside the hours set;
- to HM, yes, future occupiers can apply to vary any condition at a later date;
- to KS regarding a possible mezzanine floor, permitted development rights for this could be removed to ensure an application is made.

**JF:** can we also add a condition that the roller doors are shut at all times except when deliveries are expected?

**KS:** would be happier if MP's suggestion for removal of PD rights was added – a mezzanine floor could double the floorspace, and thus the activity and the noise.

Would like to draw Members' attention to the minutes of the last meeting. There have been no substantial changes to the application since then, and is therefore shocked at the comments and questions tonight. Regarding the impact of the building, the height has been reduced by a fraction which is welcome but not enough. The proposal is directly next to people's houses and could be very intrusive, much more so than what has been on the site previously. Is disappointed that only minor changes have been made yet Members seem OK with the proposal now. This development in this location, close to people's homes, will cause noise, disruption and associated problems. It is a much bigger prospect than what was on site previously – two units in place of one, and this could be doubled in future.

There are conditions, but in order for these to be enforced, residents will have to go through hell and high water, and then probably fail to have them enforced. Has no confidence in this proposal, and is disappointed by questions asked so far tonight.

**CH:** has checked what was said last time. Was personally uncomfortable with the mass of the building, but notes that the height has now been reduced quite considerably, and the ridge height now proposed is a fraction lower. We don't have sufficient modern units across the town, and as this was an industrial unit before, feels quite comfortable with this proposal going ahead. The applicant has made changes to allay Members' fears and responded to their concerns, and preserving industrial estates is important for our town and economy.

**GB:** as ward councillor for the area, has sympathy with residents of any properties close to industrial units, and getting the two communities to work together can require the wisdom of Solomon. The residents were originally open to the idea of a new development, in context. The first proposal was much bigger than anticipated, and has been reduced in size during consultation. Understands the residents' views and concerns, but finds himself in a difficult position. The applicant has tried to provide a better building, and the residents are happy with some form of industrial unit on the site – it is just a question of what.

**AC:** had concerns about the tree last month, and is particularly pleased that these have now been covered. On Planning View, questioned how much of the lower part of the tree will need to be removed, and was reassured that this will be minor, thus removing his principle objection to the scheme. The height of the building has also been reduced and it is set back from the houses. Shares GB's sympathy with the residents, but we shouldn't forget that this has been an industrial site for a long time. Is not sure why KS is so opposed to a mezzanine floor – if full-size lorries are going to need access, there will be no room for a mezzanine floor, other than round the edge of the unit for storage. Does not consider CH's concerns about engines running for refrigerated vans will necessarily be a problem, particularly as it isn't know who will be using the units yet. Is satisfied by what has been done since the last meeting. Wants to know if the additional conditions referred to will be included or need to be voted upon.

**CL, in response:**

- confirmed that officers have confirmed to her that they are happy to amend their recommendation and that it now includes the additional conditions in respect of both the keeping of the roller doors shut when not in use and the removal of permitted development rights in respect of mezzanine floors.

**KS:** asked for the condition to remove PD rights as expanding the property to two times its volume will significantly intensify industrial activity. Can speak from experience, knowing that a mezzanine floor can result in additional noise from extractor fans, and that an increase in space and hours of operation, maybe not now but quite possibly later, may well be wanted, depending on who the end user is. It is therefore sensible to include that condition.

**Vote on officer recommendation to permit with additional conditions to remove permitted development rights in respect of mezzanine floors and the keeping of the roller doors shut when not in use**

9 in support  
3 in objection  
1 abstention  
**PERMIT**

Application Number:	<b>14/01823/FUL</b>
Location:	<b>Land at Manor Farm, Manor Road, Swindon Village</b>
Proposal:	<b>Erection of 2no. bungalows and 6no. houses</b>
View:	<b>Yes</b>
Officer Recommendation:	<b>Permit</b>
Committee Decision:	<b>Delegated Permit subject to a legal agreement</b>
Letters of Rep:	<b>19</b>
Update Report:	<b>Additional officer comments</b>

**Officer Introduction:**

CS described the application for eight dwellings, as above, in the Swindon Village Conservation Area and adjacent to a GII\* listed church. Members will note from the report and the lay-out that there have been suggestions that the adjoining parcel of land should be transferred to the Church, but this is outside the application site. Officers feel such a legal agreement is not needed at this stage. The existing access to the site is via Church Road, an unclassified road. Officers have worked closely with Highways officers, whose original objections to the scheme have now been dealt with through amendments and now support the proposal. The scale, layout and design all fit comfortably within the conservation area. The application is at Committee at the request of Councillor Fisher, and due to a lengthy objection from the Parish Council concerning the impact on the conservation area, highway matters, and the listed church.

### **Public Speaking:**

#### **Mr Hunter, local resident, in objection**

Is opposed to the application for many reasons, but primarily because the proposed site access is problematical, through a narrow lane and destructive to the conservation area. The proper access to this site is through Manor Court, already designed in and shown on the drawings – this access was referred to in the original Manor Court development, for exactly this eventuality. The access point at Manor Court is already prepared and would negate the need to use a narrow lane inside the conservation area – it is large, wide and outside the conservation area. If the application is rejected, the applicant can re-draw the access by way Manor Court and reapply. This will avoid encroachment in the conservation area; be vastly safer for vehicles and pedestrians who would not have to share this narrow road with cars and trucks; allow the existing lane to remain an attractive example of what the conservation area is there to protect; remove the need for the verges to be ripped up – they have been there for generations and cared for by neighbours; remove the need to obstruct the public footpath; remove all the issues that are shown in the traffic sweeps in and out of the narrow lane, which appear to be a desperate attempt to make it fit no matter what. To summarise, this application should be refused because the applicant has refused to use the correct access which is readily available at Manor Court. If this change was made, all reasons for objection would be removed and the conservation area would remain untouched.

#### **Mr Bower, agent for applicant, in support**

From the 1950s until two years ago, the site formed part of a small farm which sold eggs to local people, and was also used for caravan storage. Lorries made regular deliveries, and this was a busy farmyard and access road. These uses are no longer compatible with the village location, and the brownfield land not suitable to be returned to agricultural use. If left, it will become a wasteland of brambles and litter, not the rural idyll some objectors have suggested. Over the last 5-10 years, the family has had many approaches from developers looking to build far more houses than what is proposed in this application, and have therefore funded this application themselves to ensure that it is sensibly sized, and makes efficient use of the site to balance density and design and leave a pleasant area for families to live, with a feeling of space for a small community. Fewer houses would have left the developer open to challenge as being below government guidelines for density and efficient use of land. There is a comprehensive landscaping scheme – shrubs and trees for screening and boundaries, which will also provide wildlife corridors around the site. The conservation officer has supported the scheme from the start, and English Heritage withdrew its objection after reviewing the scheme in detail. The developers have had protracted liaison with the highways department, and they are satisfied that access arrangements meets their requirements, and that refuse and emergency vehicles have relevant space within the site. This is an appropriately-sized scheme for the land and will form a small but pleasant addition to the village on a brownfield pocket of land

#### **Member debate:**

**PT:** a lot of objections are based on highways issues and access to the site. Can Officers show the Manor Court entrance on the screen and offer any information as to whether or not this is usable? Is concerned as Highways Officers have withdrawn their objection but neighbours are not happy.

#### **CS, in response:**

- the access road via Manor Court isn't in the applicant's ownership and therefore beyond his control – it is a 'ransom strip' – but the proposed access via Church Road is acceptable to Highways Officers who consider it suitable.

**BF:** if the proposal is permitted, can we add a condition about badgers – there is a large and very active colony on the site, which probably took up residence there when the church wall was underpinned. If they move into people's gardens, it will cost the residents a lot of money to move them on again – they are wild, obstinate and go where they like, wreaking havoc in gardens. It cost the Diocese a lot to repair the damage they had done.

**FC:** notes the comments on Page 162 of the report from English Heritage – who are used to considering applications in conservation areas and for listed buildings – acknowledging that the passing of the parcel of land to the south of the church will provide a long term visual buffer for the setting of the church, and that this is *critical* that its transfer should be legally tied to the granting of planning permission. The officer goes on to say at Paragraph 1.4.4 that although this land is in the applicant's ownership, it is outside the application site and is therefore not being considered at this time. Finds this odd. Officers say that any future application on this site would need to be considered on its own merits. How can they dismiss what English Heritage has described as 'critical' to the granting of planning permission by saying it isn't part of this application so we can forget it?

**CS, in response:**

- to BF's question, the applicant has submitted an ecological survey, approved by the County ecologist, and officers are satisfied with the mitigation measures proposed and incorporated in the conditions. The displacement of the badgers will be to land within the applicant's ownership, and Members can be confident that the badgers will be accommodated;
- to FC, officers noted the comments from English Heritage, but this application leaves that land undeveloped as a visual buffer between the development site and the church, and any proposal in the future would need to be assessed on its own merits. Officers consider leaving the land undeveloped through this application to be acceptable.

**FC:** Officers seem to be saying that the applicant has said this piece of land is not going to be developed, so English Heritage remarks can be ignored. If that is the case, would like to add a condition that that the land adjacent to the church will be protected against any forthcoming application. Wants to ensure that English Heritage suggestions can be done and considered.

**HM:** agrees with FC. It is all very well to say the land is not part of the application site, but if another application comes through, we would need material planning reasons to refuse it, and is not sure what those could be.

**AL:** notes the access via Manor Court Road – is there any possibility of gaining access that way? There would be a lot of benefits in this, it would offer more separation from the parcel of land between the church and the development site, and cars wouldn't have to come through the village. The development looks good – it is not over-development – and this alternative access would greatly enhance it.

**HM:** has sympathy with this view but the only way to make Manor Court Road the only access is to stop up the existing track to Swindon Village – if it is left, the new residents will have a choice and will use the track.

**AC:** agrees – was about to say the same.

**CS, in response:**

- to FC, regarding the land adjacent to the church, officers haven't ignored English Heritage comments – the land is intended to be kept as a buffer. A legal agreement to make sure it remains available only to the church can't be done, but an agreement to ensure it remains undeveloped is a possibility;
- regarding access, as mentioned previously, the Manor Court access road is a ransom strip and not deliverable. Highways officers don't object to the proposed access through the adopted public road; it is not ideal but is adequate.

**MJC, in response:**

- regarding the suggested legal agreement, would like to reiterate that Officers have not dismissed English Heritage's comments. The separation between the church and the development site is important, but at this stage no legal agreement is needed to deliver that buffer of land – the development does this anyway. Legal agreements are used to make unacceptable developments acceptable, and this one is already acceptable, without any legal agreement. Members will remember a similar situation at Balcarras Road, where the legal agreement was subsequently lifted;
- can see why FC wants an agreement of that nature but this is a false way of considering it. Should put faith in the planning system to control future use of the land. Any future application would have to take account of English Heritage's opinion that development here would compromise the setting of the listed church; a legal agreement is not necessary.

**CH:** we are part way through the local plan. Can it be referenced there? Can the Committee make a recommendation that it be included? Then any future planning application would be referred to the local plan, and the buffer could be enforced.

**FC:** there are three points to look at. (1) the suggestion of a legal agreement by English Heritage would make an otherwise unacceptable planning application acceptable; without it, this is not an acceptable planning application; (2) Officers are saying they will take English Heritage advice in the future, so why not now?; (3) Officers are arguing that a legal agreement isn't needed, but they cannot anticipate how things will go in the future – this is the conservation area, an important 12<sup>th</sup>-century church, a tourist attraction, people live around; the Cheltenham Plan is in draft form – can anything go into that to protect it? It is all about weighing doubt against certainty – doubt that any proposed development on the land might not get planning permission against the certainty that the land cannot be built on. Continues to recommend a legal agreement should go ahead.

**GB:** is this a formal move to make the application subject to a legal agreement?

**FC:** yes.

**CH:** the proposal should still be refused whether a legal agreement is added or not, legal agreements can be varied, but a local plan policy would give further protection and provide clear evidence of planning policy that can be referred to.

**BF:** supports FC – this application should be supported by a legal agreement, which will make the situation clear in the future. Members have talked many times about legal agreements – some are in perpetuity, but this depends on how they are drawn up and how they are agreed. If we're serious, it should be a legal agreement to protect the church. This land is in the middle of Swindon Village Conservation Area, and is not a brownfield site – it has not been built on in living memory – and very close to the church, which is one of the oldest buildings in the borough. This piece of land must be protected very strongly.

**PT:** what is so difficult about a legal agreement? Is it particularly onerous? Why is this not fine with Officers?

**HM:** the Heritage and Conservation Officer's opinion would be welcome here – she has commented in the report that the land has been set aside for a graveyard extension and new trees will provide visual separation between the church and the new development.

**CS, in response:**

- to FC and BF, officers agree with English Heritage's comments on the value of the land, but don't feel a legal agreement is needed. However, if Members feel they would like a legal agreement included as part of the resolution, this can be done.

**KR, in response:**

- the parcel of land is essential for the setting of the church – cannot stress this enough – and should be left as an open space for landscaping. Is otherwise comfortable with the scheme, which is in keeping with the settlement pattern of the village – not too dense, over-developed or inappropriate, so will not cause any disturbance. Agrees that the setting of the church and this piece of land are critical.

**GB:** suggests members vote on FC's amendment to add a legal agreement to the recommendation.

**AC:** asks if the vote will be on the application as a whole

**CL, in response:**

- to clarify, the motion to be voted on would be effectively to amend the substantive motion to a delegated permit subject to the completion of a s106 agreement and it is the amendment motion which is going to be voted on first.

**BF:** the legal agreement needs to be added to the recommendation, otherwise the outcome will not be what Members are seeking.

**MJC, in response:**

- understands what Members want to do; officers will have to go back to the applicant to decide on the wording for the legal agreement. It could state that there can be no development on the site, or that there can be limited development which only the church can deliver. To say no development at all is easier, but there is the issue of its proximity to the church and being used as a potential graveyard extension.

**FC:** we need a legal agreement with this application. It should state that there can be no further applications on this site. This should be a condition of planning consent – no planning consent should be sought for any further development of this site.

**MJC, in response:**

- to clarify, the legal agreement will relate to the land shaded purple only;
- the agreement should state 'no development' not 'no applications'.

**FC:** this is acceptable, but if the land is disposed of in the future, it should still be protected.

**MS:** the legal agreement should state that 'before building work starts, the freehold of the land will be transferred to the church'.

**MJC, in response:**

- the church might not want the land;
- if Members delegate the decision back to Officers, they can create a form of words for the legal agreement, to be agreed with the Chair and Vice-Chair, to ensure the parcel of land won't be developed in perpetuity, and this will be carried over if ownership of the land is transferred.

**FC:** confirms agreement with this approach

**AL:** if no development is allowed on the parcel of land, what will happen to it? It would be preferable if it was transferred to the church for use as a graveyard extension.

**MB:** if the land shaded purple on the drawings was in third party ownership, we would not be having this discussion. Would have to vote against the scheme if the parcel of land was not kept separate.

**GB:** there are two separate issues being discussed here: the vote on FC's motion to add a legal agreement, and the vote on the application itself.

**AC:** when Members asked, if they vote on FC's motion, whether they would be approving or discussing the application in full, the legal officer said they will be.

**CL, in response:**

- the motion by FC is to amend the substantive motion from permit to a delegated permit subject to a legal agreement;
- that motion may or may not be carried;
- either way the substantive motion itself will still then need to be voted upon.

**KS:** how much weight can be placed on a legal agreement? Should this not be done through the planning process – as part of the Cheltenham Plan? A legal agreement might not be worth the paper it's written on. Have always been told that covenants are not planning matters.

**CL, in response:**

- land covenants are generally private matters and not part of the planning process, but an S106 agreement is a planning matter, provided for under planning legislation. They are typically made to be binding on successors in title. The legislation provides that obligations in an s106 agreement should only be taken into account where they are necessary to make the development acceptable.

**AC:** if the land is transferred to the church, would the church need planning permission to turn it into a graveyard? Would a legal agreement scupper that?

**MJC, in response:**

- it would be harder to deliver, there would need to be a variation to the legal agreement and planning permission for change of use. This was alluded to earlier – the condition could state 'no development unless for a graveyard extension'. This was the ultimate officer advice and if included, the reason why officers do not consider a legal agreement to be necessary – any proposal would be considered through the planning process.

**Vote on FC's amendment to make the substantive motion a delegated permit subject to a legal agreement providing that the "purple land" will not be built on, with the exact wording within the agreement to be formed in consultation with the Chair and Vice-Chair.**

8 in support

2 in objection

3 abstentions

**Amendment Motion carried**

**BF:** the original report stated that the proposal fits in well with the settlement pattern of the existing village, would not have a harmful impact on the conservation area or setting of the church. Would not disagree with any of this – has no objection to the development on these grounds, but objects to the officer comment that the proposal is in accordance with Policy CP7. Members spent a lot of time last month discussing whether a development was a high enough standard of architectural design and complementary and respectful to neighbouring development. The dwellings proposed here are not bungalows – they are chalet houses, 1m higher than the bungalows in Manor Court. The houses are town houses – and this is a village. The design has no architectural value. The addition of Velux windows is contrary to Policy CP4. CP7 requires a high standard of design – this is not. This site can



be developed with quality building, but should be of a better design. The monopitch roofs of the bungalow would lead to problems of overlooking. Transport problems have been raised, including vehicles turning on the shared surface, and access for refuse vehicles. The shared space is already tight, and refuse vehicles are likely to get bigger. According the Highways officers, there will be room for a car and a refuse vehicle to pass on the road, but it will be very tight. There are anomalies in the highways report, including an accident that was never logged, a traffic census which omitted buses, and flawed data. To conclude, this proposal is not in keeping with CP7 – not of high architectural value, doesn't complement the village or conservation area, and lowers the standard of the area. Wants to see the land developed but not like this.

**AC:** agrees with BF, but of the view the application can't be turned down because the architecture is mundane. This was an opportunity for a fantastic design but what has been presented are boring boxes. Is also concerned about the lane, and with Ubico vans and mothers with prams, it could be dangerous.

**Vote on amended substantive motion**

8 in support  
3 in objection  
2 abstentions

**DELEGATED PERMIT SUBJECT TO A LEGAL AGREEMENT**

Application Number:	<b>14/02152/FUL</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)</b>		
View:	<b>Yes</b>		
Officer Recommendation:	<b>Permit</b>		
Committee Decision:	<b>Permit</b>		
Letters of Rep:	<b>0</b>	Update Report:	<b>None</b>

**Officer Introduction:**

CS told Members that this property is a locally-indexed building, and described the proposal as above. It is at Committee because the applicant is a Director of the Council, and due to objections from the Parish Council. The recommendation is to approve, subject to conditions.

**Public Speaking:**

None.

**Member debate:**

**KS:** has looked at the planning history of this site, and notes a previous application to demolish the house and build three detached dwellings in its place. Is concerned that the authority has said no in the past to this level of development, and yet here is creating a self-contained unit ancillary to the house.

**CS, in response:**

- the applications for three separate dwellings were quite different; this is for an extension to an existing dwelling, subservient and in keeping with the character of the house. Officers consider it to be a straightforward householder application for an extension, and are happy with it.

**Vote on officer recommendation to permit**

12 in support

1 in objection  
0 abstentions  
**PERMIT**

Application Number:	<b>15/00366/FUL</b>
Location:	<b>7 Keynsham Road Cheltenham Gloucestershire</b>
Proposal:	<b>Erection of part single storey/part two storey side/rear extension, and rear dormer in connection with loft conversion, following demolition of existing garage (revised scheme)</b>
View:	<b>Yes</b>
Officer Recommendation:	<b>Permit</b>
Committee Decision:	<b>Permit</b>
Letters of Rep:	<b>1</b>
Update Report:	<b>None</b>

**Officer Introduction:**

**MP** introduced this householder application, which is very similar to one at the same property which the Committee considered in February. The scheme has been revised on design grounds, and the applicant has come back with the original design, with dormer windows. Officers consider it regrettable that their previous recommendations have not been taken in, but feel that the proposal is acceptable, on balance.

**Public Speaking:**

None.

**Member debate:**

**KS:** if officers felt there were previous problems on design grounds, why do they now consider them OK?

**MP, in response:**

- officers always seek provisions to improve a scheme, but if the applicant chooses not to make revisions officers then still have to consider the scheme, on balance, consider the scheme to be acceptable.

**PT:** the extension looks higher than what was there before.

**KS:** when this application was at Committee in February, said that these types of application are always very difficult. There will be impact on the neighbouring property; beauty is in the eye of the beholder, but it will mean a significant change for the neighbours, who will find looking at a two-storey brick wall at the bottom of their garden difficult. Understands why the applicant wants to make improvements, but this has to be weighed against the impact on the conservation area. Officers say they have made an on-balance recommendation, but the design which is already approved is better – the extra storey will be difficult. Cannot support the proposal – it isn't right in this location.

**Vote on officer recommendation to permit**

11 in support  
2 in objection  
0 abstentions  
**PERMIT**

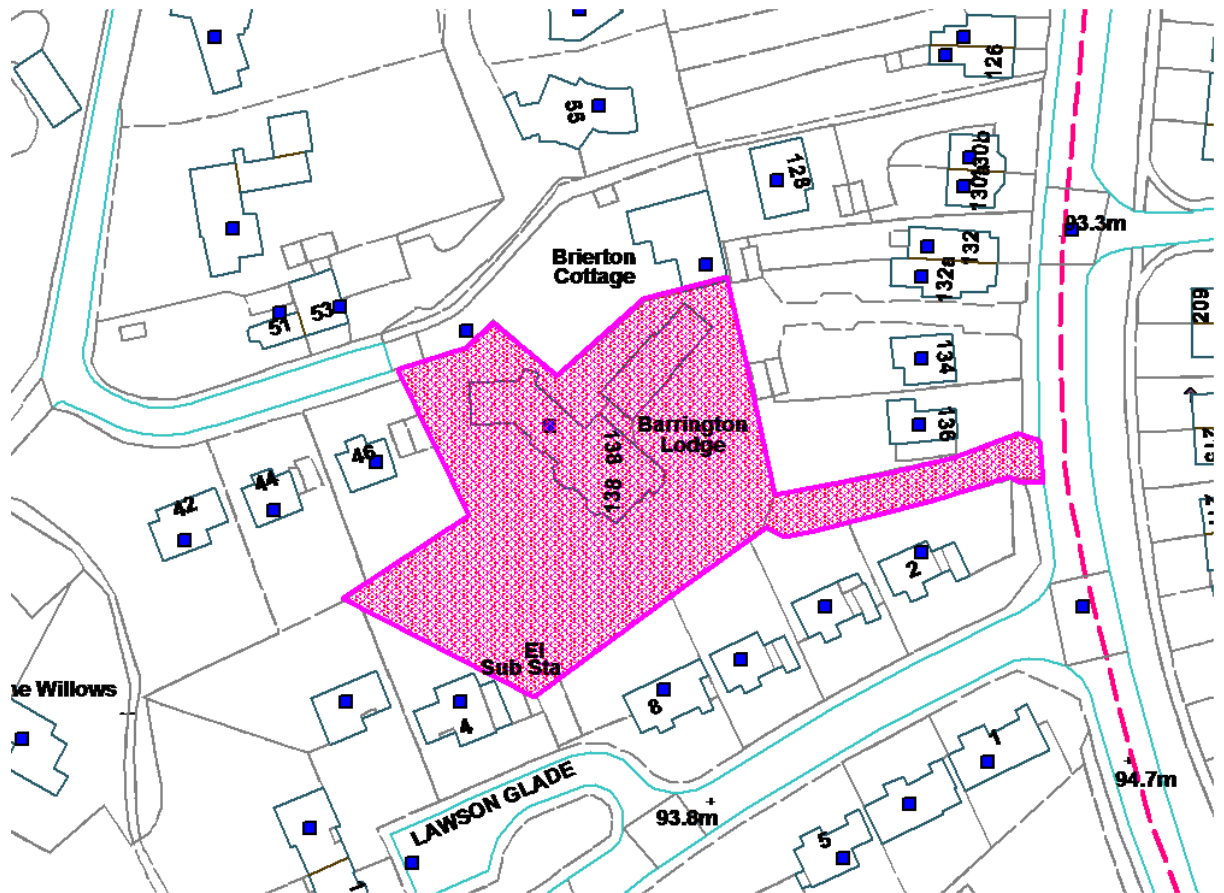
*The meeting ended at 7.40pm.*



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<b>APPLICATION NO:</b> 15/00326/CONDIT	<b>OFFICER:</b> Mr Martin Chandler
<b>DATE REGISTERED:</b> 10th March 2015	<b>DATE OF EXPIRY:</b> 5th May 2015
<b>WARD:</b> Charlton Park	<b>PARISH:</b> Charlton Kings
<b>APPLICANT:</b>	Rob Deacon Construction Ltd
<b>AGENT:</b>	Smith Hotchen Partnership
<b>LOCATION:</b>	Barrington Lodge Nursing Home, 138 Cirencester Road, Charlton Kings
<b>PROPOSAL:</b>	Variation of condition 2 on planning permission 14/02133/FUL alteration to design

**RECOMMENDATION:** Recommendation at Committee



## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application proposes amendments to a recently granted planning permission for the erection four detached dwellings on the site previously occupied by Barrington Lodge Nursing Home. The nursing home has now been demolished and development has commenced for the redevelopment.
- 1.2 The proposed amendments relate to additional accommodation at basement level and first floor level. Architecturally, the approach remains the same; two storey, flat roof dwellings faced with render and cladding, with projecting window 'boxes' to add interest.
- 1.3 The application is before committee at the request of Cllr Baker to enable members to consider the impact on neighbouring amenity.
- 1.4 During the consideration of the application, revised drawings were requested to reduce the first floor bulk of the buildings and these formed the basis of an additional consultation exercise. The application is to be considered on the basis of the revised drawings.

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

### Constraints:

Landfill Sites boundary  
Smoke Control Order

### Relevant Planning History:

**14/00884/PREAPP 3rd June 2014 CLO**

Proposed demolition of existing building and construction of 6 dwellings

**14/01395/FUL 6th August 2014 WDN**

5No. New Dwellings on former Barrington Lodge

**14/01451/FUL 19th November 2014 REF**

Erection of 5No detached dwellings on site of former nursing home

**14/01452/DEMCON 9th September 2014 NPRIOR**

Prior notification for demolition of former care home

**14/02133/FUL 26th January 2015 PER**

Erection four dwellings on site of former nursing home

**14/02150/FUL 13th January 2015 WDN**

Erection of 5 detached dwellings on site of former nursing home

**15/00191/DISCON PCO**

Discharge of conditions (3) (annotated elevations), (4) (detailed landscaping scheme), (5) (water drainage system), (6) (site investigation), (7) (scheme for recreational facilities) on planning permission 14/02133/FUL

### 3. POLICIES AND GUIDANCE

Adopted Local Plan Policies

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

Supplementary Planning Guidance/Documents

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

National Guidance

Planning Policy Framework

### 4. CONSULTATIONS

**Contaminated Land Officer**

*7th April 2015*

The decision notice relating to the previous application 14/02133/FUL required that: -

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

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

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

A 'public comment' relating to this current application seems to suggest that the proposal is part retrospective, with the construction of a basement section.

I don't seem to find any details submitted on the CBC Planning pages which would suggest compliance with the above condition. Without searching our own records could you please advise whether the above Condition 6 of the previous consent has been complied with?

Notwithstanding your response to the above, I have no further comments with regard to 15/00326/CONDIT, save that the previous contaminated land condition remains in effect/is applied.

**Tree Officer**  
30th March 2015

The Tree Section has no objection to this application

**Parish Council**  
15th April 2015

Comment: We share the concerns raised by the owner of 46 Bafford Lane who has highlighted a possible change to the roof line of Plot 2 and also suggested that the dwelling will now be nearer the boundary than in the original plans. We are unable to validate these claims ourselves as access to the site is not possible. We therefore propose that the planning officer investigate these two issues. If this check/site visit confirms these changes our position will be Objection.

## 5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	<b>20</b>
Total comments received	<b>4</b>
Number of objections	<b>3</b>
Number of supporting	<b>0</b>
General comment	<b>1</b>

- 5.1 Letters were sent to 20 neighbouring properties to publicise the application and in response, three objections have been received. The one 'general comment' referred to in the table above was received before the application had been submitted and makes reference to the commencement of development.
- 5.2 The objections raised relate to the following considerations: concern over the levels of the buildings, the development having an overbearing impact, loss of privacy, and the future implications for the important trees on the site.
- 5.3 Members will also note reference to the applicant's company details. This has been queried with the applicant and officers and the different company name was a mistake, the applicant is Robert Deacon Builders Ltd, not Robert Deacon Construction Ltd.

## 6. OFFICER COMMENTS

### 6.1 Determining Issues

- 6.1.1 The key consideration relating to this application is the acceptability of the proposed alterations which impact upon the design of the houses proposed and neighbouring amenity. The principle of development has been established through the consented scheme.

### 6.2 Design and layout

- 6.2.1 Members will note from the site history set out above that this site has been subject to a number of applications recently for redevelopment. This includes a refused scheme for five dwellings, as well as a withdrawn scheme for the same number of units. These proposals were found to be unacceptable; given the size and scale of the units proposed, the schemes represented an overdevelopment of the site. Planning permission was subsequently granted for four, large, detached dwellings; the consented scheme represented an appropriate level of development for the site with the large buildings set in



the necessary space so as to not feel cramped and to not compromise neighbouring amenity.

- 6.2.2** This application seeks to enlarge the properties by providing accommodation at basement level but also by increasing floor space at first floor level. When originally submitted, officers had concerns relating to this approach; as advised above, proposals for this site had previously been assessed as constituting an overdevelopment of the site and the proposed revisions were leading officers to a similar conclusion. Following discussions with the applicant, the bulk of the buildings have been reduced; they remain larger than the consented scheme but represent an appropriate compromise. This report will now look at the specifics of the changes, plot by plot, other than plot 1 which is not affected by this application. (For convenience, both sets of drawings will be displayed for members at the committee meeting).
- 6.2.3** Members will note that much of the objection to the application relates to the changes proposed to plot 2. For clarity, the following is proposed: enlarged basement with three additional light wells, increased bedroom size closest to the south west boundary, and internal rationalisation to prevent the need for a split landing with a resultant increase in height to the central section of the building (increased to height of the rest of the building).
- 6.2.4** There has been some confusion to proposed site levels due to a drawing error which has now been corrected. The site levels are an important consideration because, as members will note when they visit the site, there is a noticeable drop in levels between plot 2 and 46 Bafford Lane. It is a consideration which relates primarily to neighbouring amenity though and will therefore be considered in the next section of this report.
- 6.2.5** The changes to plot 2, from a design perspective are considered to be entirely acceptable. It was important that first floor bulk of the building was reduced adjacent to the south west boundary as this retained important articulation within the building, ensuring the building is not an overly large, poorly considered mass. The submission of revised plans has resulted in an appropriate dwelling for this sensitive corner of the site.
- 6.2.6** In relation to plot 3, it is again proposed to install a basement and increase the first floor bulk of the building. Following discussions with the applicant, revised drawings have been submitted that reduce this bulk. The key driver for the requested change was to ensure that appropriate levels of space were maintained around these large buildings. Gaps at first floor level are important as they can prevent developments feeling oppressive and overbearing so officers are pleased with this amendment; it also helps with the modelling of the building, reducing its bulk and mass.
- 6.2.7** Finally, in relation to plot 4, a basement is proposed and an increased level of floor space at first floor level (an enlarged bedroom and bathroom). At the request of officers, again the first floor bulk has been reduced from that originally submitted for the same reasons as set out above.
- 6.2.8** To summarise, whilst there are a series alterations being proposed to the consented scheme, the revisions are acceptable. The development will be of a suitably high standard and is fully compliant with the aims and aspirations of local plan policy CP7.

### **6.3 Impact on neighbouring property**

- 6.3.1** In relation to neighbouring amenity, it is the alterations to plots 2 and 4 that need consideration. As previously advised, plot 1 is not being affected by the application and the increased mass of plot 3 will not materially affect the amenity currently enjoyed by the property known as Brierton Cottage given the relationship between the two buildings.
- 6.3.2** In relation to plot 2, the reduction to the bulk of the building is considered to create a building that has an appropriate relationship with its neighbour. Officers consider that in its

revised form, plot 2 will not constitute an overbearing form of development and reducing the first floor bulk returns the proposal to a similar level to the consented scheme.

- 6.3.3** Members will note that a letter of representation queries the levels that the development has been set at, suggesting a difference in levels between the consented scheme and this proposal of 375mm. Having discussed this matter with the applicant, they are content that the proposal is set at the correct level. Members will also note that the author of the letter states that to mitigate the impact of this perceived discrepancy, the roof height should be reduced so that the overall height remains as consented. Notwithstanding the applicant's position in relation to the levels, the applicant is giving consideration to reducing the height of the buildings across the site by two blocks (due to generous floor to ceiling heights) – some 450mm. Officers consider this to be commendable, but ultimately unnecessary. Having assessed this scheme on its merits, the proposal has not been found to be unacceptably overbearing and has an acceptable relationship with its immediate neighbour. Had the original application proposed this relationship, it would have been supported by officers.
- 6.3.4** Moving to plot 4, the consideration is one of loss of privacy and the revised location of a first floor bedroom window. As originally submitted, this application shifted this window too close to the southern boundary of the site but it has since been moved a further 2 metres into the site, in line with the consented scheme.
- 6.3.5** Having been fully assessed, and following the submission of necessary revised drawings, the proposal complies with the requirements of local plan policy CP4 and will not compromise neighbouring amenity to an unacceptable degree.

### **6.4 Other considerations**

- 6.4.1** Members will note that the Environmental Health team have suggested that the development is in breach of a condition relating to contaminated land. The condition requires a site investigation, the findings of which should be submitted to and approved in writing by the Local Planning Authority. The site investigation work has been carried out and the full details were submitted with the original planning application; this condition was therefore attached erroneously. At the time of writing this report, discussions were ongoing with the Environmental Health team to ensure that their concerns were no longer founded. Members will be updated on this point.

## **7. CONCLUSION AND RECOMMENDATION**

- 7.1** Officers accept that it is always a difficult exercise to consider amendments to an already consented scheme, particularly one that has commenced. It is all too easy to compare the proposals with the approval, and even in this report, this has not been avoided. Nevertheless, the ultimate test is whether or not this proposal is acceptable on its own merits and having been fully assessed against local plan policy, the development is considered to be entirely appropriate for the site.
- 7.2** Clearly the principle of development of this nature has been established through the approved scheme and the design of the buildings (in their revised form) will ensure a quality development that will result in an interesting enclave of houses. The proposal will not compromise neighbouring amenity.
- 7.3** Members will be updated in relation to the contaminated land considerations, but subject to this, it is recommended that planning permission is granted. A list of suggested conditions will follow as an update.

## **8. CONDITIONS / INFORMATIVES – to follow.**

<b>APPLICATION NO:</b> 15/00326/CONDIT	<b>OFFICER:</b> Mr Martin Chandler
<b>DATE REGISTERED:</b> 10th March 2015	<b>DATE OF EXPIRY :</b> 5th May 2015
<b>WARD:</b> Charlton Park	<b>PARISH:</b> CHARLK
<b>APPLICANT:</b>	Rob Deacon Construction Ltd
<b>LOCATION:</b>	Barrington Lodge Nursing Home, 138 Cirencester Road, Charlton Kings
<b>PROPOSAL:</b>	Variation of condition 2 on planning permission 14/02133/FUL alteration to design

### REPRESENTATIONS

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

Rose Farm  
 Stockwell Lane  
 Woodmancote  
 Cheltenham  
 GL52 9QE

**Comments:** 2nd April 2015  
 Letter attached.

**Comments:** 14th April 2015  
 Letter attached.

**Comments:** 12th May 2015  
 Letter attached.

Brierton Cottage  
 Bafford Lane  
 Cheltenham  
 Gloucestershire  
 GL53 8DR

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

**Comments:** 28th April 2015  
 Letter attached.

4 Bafford Approach  
Cheltenham  
Gloucestershire  
GL53 9HJ

**Comments:** 6th May 2015

I have had the opportunity to consider the revised plans. I note, in relation to Plot 4, the first floor window pointing directly into the rear of my home remains in situ.

The window will adversely affect private amenities which I currently enjoy. This is because the prospective occupiers will be able to overlook, and monitor, all private activities taking place within the ground floor lounge and kitchen, and my rear garden. This will inevitably be intrusive and overbearing, and is unreasonable.

May I respectfully suggest that the Plot 4 first floor window is either re-positioned to the north-east side of the proposed dwelling, or the glass is frosted.

I wish to emphasise that, were the window to be re-positioned as I suggest, it would have no material effect on any other adjacent properties on Cirencester Road or, indeed, Brierton Cottage.

BUILT

Recd · 2 APR 2015

ENVIRONMENT

Our Ref: RB/cmf

1 April 2015

For the attention of: Mr M Chandler

The Built Environment  
Cheltenham Borough Council  
PO Box 12  
Municipal Offices  
Promenade  
Cheltenham  
Gloucestershire  
GL50 1PP

**E-Mail and Post**

Dear Mr Chandler

**15 / 00326 / CONDIT – Variation of Condition 2 on Planning Permission 14 / 02133 / FUL –  
Alteration to design at Barrington Lodge Nursing Home, 138 Cirencester Road, Charlton Kings**

We are very disappointed to note that the Applicant has made a partly retrospective application to alter the design of the approved development for this site. This is retrospective, insofar as a basement shown on the altered design has already been completed. This is also an application to significantly change the size of the development and, therefore, we fail to see how this is merely a Variation of Condition, and should be treated as if it is a complete new application.

Notwithstanding our comments above, our comments on the proposed changes to Plot 2 are as follows:

1. The insertion of a large basement in the centre of the unit has the effect of raising the ground floor and, therefore, first floor, and roof level above, by .85 metres. This in turn increases the massing and bulk of the unit, and removes the stepped roof line. This is detrimental to the appearance of the unit and increases the impact on 46 Bafford Lane.
2. Furthermore, aligning the bedroom walls with the ground-floor walls to the north and west elevations, brings the development, at first-floor level, some 1.2 metres closer to our Client's property, No. 46 Bafford Lane. This is particularly pertinent, as we have already noted that the approved plan, and in fact what is being constructed on site, is already .8 metres closer to No. 46 Bafford Lane, than the submitted plan, Reference: 2104 / 34 / 102. Not only did Drawing No. 2104 / 34 / 012D (the Approved Plan) have additional levels, but it also relocated Plot 2 closer to our Client's property and further to the south increasing its impact on 46 Bafford Lane. To permit this alteration would allow complete domination of the east side of the property with a wall higher than the ridge of 46 Bafford Lane, some 7m long and within 2m of the boundary. The whole point of the step backs proposed at first floor and roof level was to reduce the impact on 46 Bafford Lane and reduce the bulk of this large flat sided house.

3. Great emphasis was placed in the Applicant's own Design & Access Statement, and the planning report recommending Approval, of the levels, massing, and impact on neighbouring properties, including similar comments from the Architect's panel. It would appear that all of those observations and comments could now be completely ignored.
4. Although omitted from the letter from the Smith Hotchen & Partnership to the Planning Department, dated 20 February 2015, a window has been inserted in the Plot 2 principal bedroom, facing in a southerly direction, whereas there was no window in this position on the Approved Scheme. , This will give oblique views over our Client's property, as well as views into Plot 1, and there is no necessity for this.
5. We indicated our support for the scheme as proposed in Planning Application 14 / 02133 / FUL, because what was suggested appeared reasonable and tolerable. The proposed amendments are unreasonable.

To summarise, we consider this a significant variation to the scheme, well outside the original design and planning considerations and with such a detrimental impact on 46 Bafford Lane that it should be refused.

Yours sincerely



cc Mr T & Mrs M Barter  
Ms L Barter  
Cllr P Baker  
Mr M Levick

Our Ref: RB/cmf

9 April 2015

Mr. M Redman Director – Built Environment  
Cheltenham Borough Council  
PO Box 12  
Municipal Offices  
Promenade  
Cheltenham  
Gloucestershire  
GL50 1PP

BUILT  
Recd 10 APR 2015  
ENVIRO

Post and E-mail

Dear Mr Redman

**15 / 00326 / CONDIT – Variation of Condition 2 on Planning Permission 14 / 02133 / FUL –  
Alteration to design at Barrington Lodge Nursing Home, 138 Cirencester Road, Charlton Kings**

Our client and ourselves have concluded we have no option but to write to you with regard to the manner in which the development Plot 2 Barrington Lodge site, which adjoins our client’s property 46 Bafford Lane is being carried out. We enclose a copy of our letter to Mr. Chandler of 1 April.

We first noted the construction of the basement beneath the family room of Plot 2 on 4 March, by which time the basement walls were almost complete and light wells dug at each end. We sent a letter by e-mail and post, addressed to Mr. Chandler on 5 March. On 9 March Dan Lewis acknowledged our letter and confirmed “the site would be visited to asses against approved plans”. Please advise us when the site has been visited and the conclusions drawn from the inspection. Of particular concern to us when assessing this development’s impact on 46 Bafford Lane were the proximity of the development to 46 Bafford Lane and the levels of floors and roofs since the development is located on substantially higher ground. This was specifically referred to in Mr. Chandler’s Planning Report which makes specific reference to levels.

On 10 March, we received a telephone message from Mr. Levick, who advised us that a Variation to a Planning Application had been received on 23 February, but had not yet been validated. Mr Levick confirmed that this was to be validated so that we could see it and make comments. Mr Levick confirmed this in an e-mail.

We checked the Cheltenham Borough Council Planning website every other day for the application, but none appeared. On 18 March we sent a further e-mail to Mr. Levick regarding progress on site and the fact that no details of the construction of a basement or other alterations to the scheme had appeared on the website. We received no response. Mr. Basnett telephoned Mr. Levick on 24 March to enquire as to the position, and was advised that he was away until 25 March, and left a message for Mr. Levick to call. Mr. Levick left a message on 25 March to say that the application should be on the website, although he had not checked, and that Martin Chandler as “Development Team leader has self-assigned the case to him”.



Please tell us the reasons why the application lodged on 23 February was not validated until 26 March thus denying us and other interested parties the opportunity to consider the revised plans and to comment on them.

It seems clear to us that if it was not for our indication that works on site were deviating from the planning consent granted, we would not have been advised of these variations. In view of the sensitivity of the site and the impact on 46 Bafford Lane this is not acceptable.

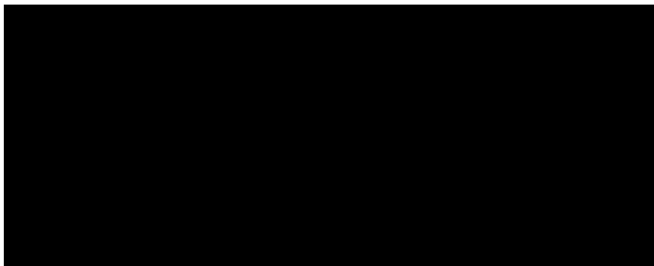
We believe the ground works to construct the basement and light wells commenced at least two weeks before the application for variation was lodged on February 23 which would be within 10 days of permission being granted on 26 January.

Clearly, works are progressing rapidly on site in contravention of the planning consent granted and these variations are not minor, but significant in relation to the concerns expressed initially about this development.

We are also concerned to note the Approved Proposed Ground Floor Block Plan 2104/34/102D stated as having additional levels is not the same as the drawing (2104/34/102) we were asked to comment on in the planning consultation process when we expressed our support for the scheme. The Approved Plan shows Plot 2 nearly 1m closer to our client's property and re-located to have greater impact on the rear garden. Would you please advise how this came about? Clearly this affects our comments on the amended plan since the adjustment compounds our initial concerns.

Mr. Basnett would be pleased to meet you and Mr. Levick on site with a view to resolving our concerns.

Yours sincerely



cc Mr T & Mrs M Barter  
Ms L Barter  
Cllr P Baker  
Mr M Levick  
Mr. M Chandler

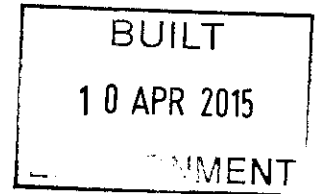


Our Ref: RB/cmf

1 April 2015

For the attention of: Mr M Chandler

The Built Environment  
Cheltenham Borough Council  
PO Box 12  
Municipal Offices  
Promenade  
Cheltenham  
Gloucestershire  
GL50 1PP



**E-Mail and Post**

Dear Mr Chandler

**15 / 00326 / CONDIT – Variation of Condition 2 on Planning Permission 14 / 02133 / FUL – Alteration to design at Barrington Lodge Nursing Home, 138 Cirencester Road, Charlton Kings**

We are very disappointed to note that the Applicant has made a partly retrospective application to alter the design of the approved development for this site. This is retrospective, insofar as a basement shown on the altered design has already been completed. This is also an application to significantly change the size of the development and, therefore, we fail to see how this is merely a Variation of Condition, and should be treated as if it is a complete new application.

Notwithstanding our comments above, our comments on the proposed changes to Plot 2 are as follows:

1. The insertion of a large basement in the centre of the unit has the effect of raising the ground floor and, therefore, first floor, and roof level above, by .85 metres. This in turn increases the massing and bulk of the unit, and removes the stepped roof line. This is detrimental to the appearance of the unit and increases the impact on 46 Bafford Lane.
2. Furthermore, aligning the bedroom walls with the ground-floor walls to the north and west elevations, brings the development, at first-floor level, some 1.2 metres closer to our Client's property, No. 46 Bafford Lane. This is particularly pertinent, as we have already noted that the approved plan, and in fact what is being constructed on site, is already .8 metres closer to No. 46 Bafford Lane, than the submitted plan, Reference: 2104 / 34 / 102. Not only did Drawing No. 2104 / 34 / 012D (the Approved Plan) have additional levels, but it also relocated Plot 2 closer to our Client's property and further to the south increasing its impact on 46 Bafford Lane. To permit this alteration would allow complete domination of the east side of the property with a wall higher than the ridge of 46 Bafford Lane, some 7m long and within 2m of the boundary. The whole point of the step backs proposed at first floor and roof level was to reduce the impact on 46 Bafford Lane and reduce the bulk of this large flat sided house.

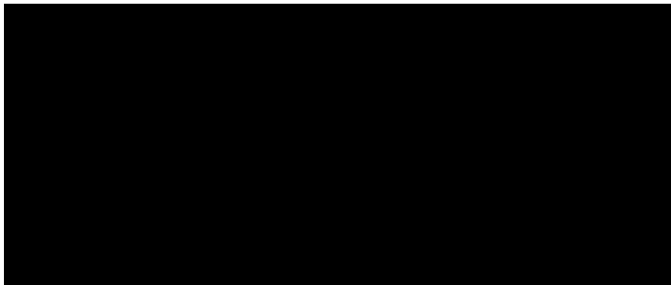


Rose Farm, Stockwell Lane, Woodmancote, Cheltenham, Gloucestershire GL52 9QE

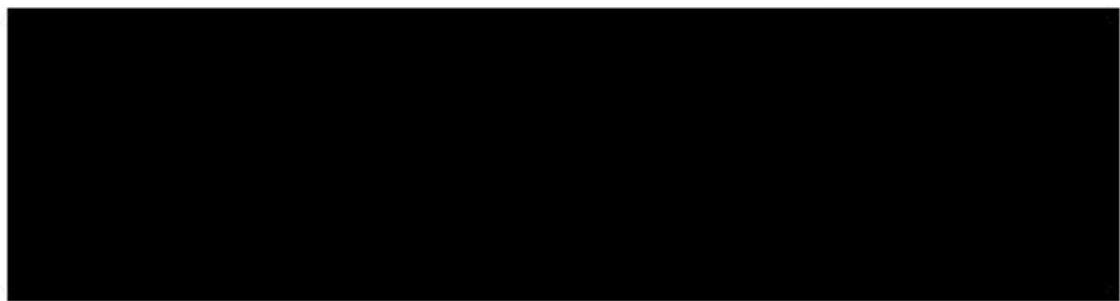
3. Great emphasis was placed in the Applicant's own Design & Access Statement, and the planning report recommending Approval, of the levels, massing, and impact on neighbouring properties, including similar comments from the Architect's panel. It would appear that all of those observations and comments could now be completely ignored.
4. Although omitted from the letter from the Smith Hotchen & Partnership to the Planning Department, dated 20 February 2015, a window has been inserted in the Plot 2 principal bedroom, facing in a southerly direction, whereas there was no window in this position on the Approved Scheme. , This will give oblique views over our Client's property, as well as views into Plot 1, and there is no necessity for this.
5. We indicated our support for the scheme as proposed in Planning Application 14 / 02133 / FUL, because what was suggested appeared reasonable and tolerable. The proposed amendments are unreasonable.

To summarise, we consider this a significant variation to the scheme, well outside the original design and planning considerations and with such a detrimental impact on 46 Bafford Lane that it should be refused.

Yours sincerely



cc Mr T & Mrs M Barter  
Ms L Barter  
Cllr P Baker  
Mr M Levick



Our Ref: RB/cmf

30 April 2015

For the attention of: Mr M Chandler

The Built Environment  
Cheltenham Borough Council  
PO Box 12  
Municipal Offices  
Promenade  
Cheltenham  
Gloucestershire  
GL50 1PP

Dear Mr Chandler

**15 / 00326 / CONDIT – Variation of Condition 2 on Planning Permission 14 / 02133 / FUL – Alteration to Design at Barrington Lodge Nursing Home, 138 Cirencester Road, Charlton Kings**

Further to the discussion with Richard Basnett on Friday, 24 April, we note that further amended drawings have now been deposited in respect of the above. In particular we refer to Drawing No. 2015 / 15 / 105C – Proposed Plot 2, dated March 2015.

We note that the basement constructed under the centre of the plot is shown as retained. We have no objection to this in principle, but would make the comment that this does affect the massing of the building and the heights of part of the roof. We note that the first-floor east bedroom whilst greater in size than that approved on Drawing No. 2014 / 34 / 105, is now smaller than that originally submitted in respect of this variation. This has been achieved by decreasing the setback from the north elevation and decreasing the setback from the west elevation. However, we note that the setback from the west elevation is still less than approved, and this clearly affects adversely 46 Bafford Lane. We note that the window inserted in the south elevation has now become an en-suite shower room window, and is to be obscure glazed.

In terms of the plan shape of the first floor, as far as 46 Bafford Lane is concerned this is an improvement over the initial amended scheme. However, this has to be read in conjunction with levels. The levels on the drawings, and in particular Section 3-3, are very misleading. The same level has been indicated on the external ground level as finished floor level, although they are clearly different. In addition the ground floor outline is misstated on the first floor plan and a roof light has been inserted which does not feature on the elevations but adds further to the increased height of the centre section which has been raised to accommodate the basement.

On the approved drawing, Drawing No. 2014 / 34 / 102D – Proposed Block Plan, Ground Floor, the difference in level between finished floor level of Plot 2, and finished floor level of 46 Bafford Lane, is clearly indicated at 1.1 metres, and this is referred to in the report recommending approval of the scheme. In fact, at present, the difference in the slab level (not finished floor level) between 46 Bafford Lane and Plot 2, is 1.325 metres. It would appear that this would increase to 1.475 metres



once the slab at Plot 2 is finished, and this will in turn have an impact upon roof level and the massing and dominance of Plot 2 over 46 Bafford Lane.

If this amendment is to be permitted, therefore, we would suggest to mitigate the adverse effect on 46 Bafford Lane, that the roof height is reduced to that already permitted and this could be achieved, by reducing ceiling heights to the living room and certainly to the bedroom. This was something alluded to in our conversation last week but has not been shown on the drawings. There is plenty of scope for this as ceiling heights are very high with a ground floor level to first floor level indicated as 3.025m and a first floor to roof level indicated at 3.075m. This would also have the beneficial effect of breaking up what is a massive rectangular block.

We are concerned, and you confirmed this last Friday, that there is no effective monitoring in place with regard to this development, in terms of setting out and levels. In view of the sensitivity of surrounding properties, it is imperative that this is put in place.

We have incurred considerable costs in bringing these matters to the local authority's attention. In view of what is happening on Plot 2, we are very concerned of a similar situation developing in relation to Plot 1, and we would ask that this development is carefully monitored and that the development is carried out in accordance with the approval, which we were supportive of.

Again we would offer to meet on site to discuss these matters.

Yours sincerely

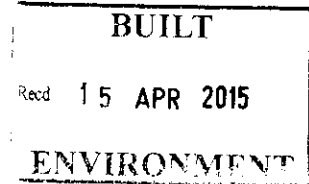
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Cllr P Baker

Date 14th April 2015

[REDACTED]  
Brierton Cottage  
Bafford Lane  
Charlton Kings  
Cheltenham  
Glos  
GL53 8DR

Planning Department  
Cheltenham Borough Council  
Municipal Offices  
Promenade  
Cheltenham  
Glos  
GL50 1PP



Dear Sirs

**Re: Variation of condition 2 of Approved Planning Application 14/02133/FUL by Proposed Planning Application 15/00326/CONDIT, further to receiving notification of Planning Application 15/00326/CONDIT, by letter from the Planning Department, dated the 25<sup>th</sup> March 2015, although the Application was made by letter, to the Planning Department, by the Applicant's Architect's on the 20<sup>th</sup> February 2015.**

We would be grateful if the Planning Department would take into consideration, the point's we raised in our letter's to the Planning Department of the 29<sup>th</sup> December 2014, the 14 and 19<sup>th</sup> January 2015 together with our letter's of the 4<sup>th</sup> February and 17<sup>th</sup> February 2015, concerning Approved Planning Application 14/02133/FUL, in view of the proposed variation of Condition 2, of Approved Planning Application 14/02133/FUL under Proposed Planning Application 15/00326/CONDIT.

We would also be grateful if the Planning Department would take into consideration the following point's concerning Planning Application 15/00326/CONDIT.

1. In reference to Plot 3, there has been a basement added, which was not shown on the Approved Drawings of Plot 3 to Planning Application 14/02133/FUL, ( which has now been completed at the end of March 2015 ) and shown on Drawing 2015/02/106B of Proposed Planning Application 15/00326/CONDIT, as a variation of Plot 3.

There has also been added to drawing 2015/02/106B to Plot 3 of Proposed Planning Application 15/00326/CONDIT, two protruding basement shafts, to be built out from the existing foundation walls to the basement of Plot 3, to let light into the basement area, on the elevation facing the Tall Trees within the boundary of Brierton Cottage.

Therefore in reference to Drawing 2015/02/106B and 2015/02/102C of Planning Application 15/00326/CONDIT, we have already stated in our previous letter's to the Planning Department concerning Approved Planning  
Continued Page 2

Page 2  
Date. 14<sup>th</sup> April 2015

[REDACTED]  
Brierton Cottage  
Bafford Lane  
Charlton Kings  
Cheltenham  
Glos  
GL53 8DR

Planning Department  
Cheltenham Borough Council  
Municipal Offices  
Promenade  
Cheltenham  
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Application 14/02133/FUL, that the Applicant must have been aware that he has positioned Plot 3, close to the Tall Trees within the Boundary of Brierton Cottage and we will not be responsible in the future for any loss of light to this property and now that the Applicant has added a further basement to Plot 3, under Planning Application 15/00326/CONDIT, we again state that we will not be responsible for any loss of light to the basement windows to the proposed basement of Plot 3., due to the Applicant positioning the basement windows of Plot 3 close to the existing Tall Trees within the boundary of Brierton Cottage, which were there before this application was submitted and we will therefore not be forced by the Applicant or any future owner of Plot 3 or Plot 2 to remove the Tall Trees within the boundary of Brierton Cottage, due to any loss of light to the window's of Plot 3 of the proposed basement windows of Plot 3, or the windows of Plot 2, in reference to the Variation of Condition 2 of Approved Application 14/02133/FUL by Planning Application 15/00326/CONDIT

We would also make the Applicant Robert Deacon and his company Robert Deacon Builders Limited and the future owners of Plot 2 and Plot 3 aware, that we will not be responsible for any future Insurance Liability for damage or injury caused to any third party , including employees or subcontractors of Robert Deacon Builders Limited during construction of Plot 2 and Plot 3 or the future owners who buy Plot 2 and Plot 3, when bought from Robert Deacon Builders Limited , which may be caused by the Tall Trees because of any subsidence or land slip of the boundary of Brierton Cottage, on to the land of Plots 2 and 3, in reference to proposed the Variation of Condition 2 of Approved Planning Application 14/021/33/FUL by Proposed Planning Application 15/00326/CONDIT, due to Applicant Robert Deacon and his company Robert Deacon Builders Limited excavating deep excavations close to the boundary of Brierton Cottage and undermining the roots of the Tall Trees, within the boundary of Brierton Cottage, including undermining of the fence and boundary wall adjacent to Plot 2 and the fence adjacent to Plot 3, which are owned by Brierton Cottage and due to Robert Deacon Builders Limited not building a retaining wall, which is needed due the difference in levels that now exist due to the construction of the basement and foundations to Plots 2 and 3 between the boundary of Brierton Cottage and the retaining wall should have been built before the foundations and basement's to Plots 2 and 3 were constructed, but due to the foundations of Plots 2 and 3 being positioned so close to the boundary of Brierton Cottage.

Continued Page 3

Page 3  
Date 14<sup>th</sup> April 2015

[REDACTED]  
Brierton Cottage  
Bafford Lane  
Charlton Kings  
Cheltenham  
Glos  
GL53 8DR

Planning Department  
Cheltenham Borough Council  
Municipal Offices  
Promenade  
Cheltenham  
Glos  
GL50 1PP

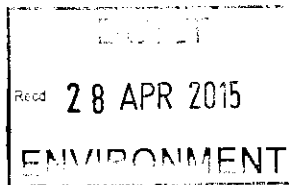
This in turn has left no room between the boundary of Brierton Cottage and the foundations and basement's to Plots 2 and 3, for a retaining wall to be built to support the boundary of Brierton Cottage and this undermining without proper future support to the boundary of Brierton Cottage, may cause future land slip or subsidence of the land, including the fences, boundary wall and the Tall Trees of Brierton Cottage on to the land of Plot 2 and Plot 3, and the Applicant Robert Deacon and his company Robert Deacon Builders Limited should have been aware of that proper support to the boundary of Brierton Cottage when constructing the foundations of Plots 2 and 3 in reference to the Variation of Condition 2 of Approved Planning Application 14/02133/FUL, by Planning Application 15/00326/CONDIT, further to Applicant Robert Deacon and his company Robert Deacon Builders Limited completing the foundations to Plot 2 and Plot 3, between the period from the 26<sup>th</sup> January 2015, when planning approval was given to Planning Application 14/02133/FUL and the end of March 2015.

2. It must be noted that the Applicant has already completed work, which has not been Approved under existing Condition 2 of Approved Planning Application 14/02133/FUL, in reference to Plot 2, adjacent to 46 Bafford Lane and Plot 3 adjacent to Brierton Cottage and we would be grateful, as we are sure other surrounding property owner's to this development would be, that if there are any other future variations of Condition 2 or any other condition's relating to the original Approved Planning Application 14/02133/FUL, dated the 26<sup>th</sup> January 2015, that the surrounding property owner's are notified in writing sooner of a new planning application, which has not happened in this case of planning application 15/00326/CONDIT, as a lot of the work described within Planning Application 15/00326/CONDIT, has already been completed, which therefore mean's making a written representation concerning the Proposed Planning Application 15/00326/CONDIT almost irrelevant., within the planning process.

Yours sincerely

[REDACTED]

Date. 25<sup>th</sup> April 2015



Brierton Cottage  
Bafford Lane  
Charlton Kings  
Cheltenham  
Glos  
GL53 8DR

Planning Department  
Cheltenham Borough Council  
Municipal Offices  
Promenade  
Cheltenham  
Glos  
GL50 1PP

Dear Sirs

**Re: Variation of Condition 2 of Approved Planning Application 14/02133/FUL by Proposed Planning Application 15/00326/CONDIT, further to receiving notification of Planning Application 15/00326/CONDIT by letter from the Planning Department, dated 25<sup>th</sup> March 2015, although the Application was made to the Planning Department, by the Applicant's Architect's on the 20<sup>th</sup> February 2015.**

We write further to our letter to the Planning Department of the 14<sup>th</sup> April 2015 and we would be grateful if the Planning Department would take into consideration the following point's concerning Planning Application 15/00325/CONDIT.

1 Application Form's completed by the Architect on behalf of the Applicant .in relation to Approved Planning Application 14/02133/FUL and Proposed Planning Application 15/00326/CONDIT..

We have noted that in Box 1 of completed Application Form for Approved Planning Application 14/02133/FUL, that it states the company of the Applicant is Robert Deacon Builders Ltd, which we have checked is registered at Companies House, although in Box 1 of completed Application Form for Proposed Planning Application 15/00326/CONDIT it states that the company of the Applicant is Rob Deacon Construction Ltd, which is not registered at Companies House, which is therefore misleading the Planning Department and those who have made written representations concerning Proposed Planning Application 15/00326/CONDIT.

The Planning Department can verify that Rob Deacon Construction Ltd does not exist at Companies House, by either telephoning them, which we have done, to verify that this company does not exist, or by using the Companies House Website.

Therefore, in view of our letter to the Planning Department on the 14<sup>th</sup> April 2015, concerning the variation of Condition 2 of Approved Planning Application 14/02133/FUL, by Proposed Planning Application 15/00326/CONDIT, we assume unless otherwise stated in writing to the Estate of Mrs M S Gallagher, that the content's of our letter of the 14<sup>th</sup> April 2015 is both is relevant to Mr R Deacon of Robert Deacon Builders Ltd, which is a registered company, concerning Approved Planning Application 14/02133/FUL and Mr Rob Deacon of Rob Deacon Construction Ltd, which is not registered at Companies House, concerning Proposed Planning Application. 15/00326/CONDIT  
Continued Page 2



Page 2  
Date 25<sup>th</sup> April 2015

[REDACTED]  
Brierton Cottage  
Bafford Lane  
Charlton Kings  
Cheltenham  
Glos  
GL53 8DR

Planning Department  
Cheltenham Borough Council  
Municipal Offices  
Promenade  
Cheltenham  
Glos  
GL50 1PP

In view of what we have said in this letter, we do think because of the legal implications, relating to the written representations that we have made together with other interested parties, that the Planning Department should ask the Applicant to re-submit his Proposed Planning Application of 15/00326/CONDIT of the 20<sup>th</sup> February 2015, stating the correct registered company of Robert Deacon Builders Ltd, that he used when the Applicant made his original Approved Planning Application of 14/02133/FUL of the 27<sup>th</sup> November 2014.

We enclose for your reference, a copy of the first and last page of the completed Application Form by the Applicant in relation to Approved Planning Application 14/02133/FUL, showing on the first page the name of the registered company at Companies House of the Applicant, as being Robert Deacon Builders Ltd in Box 1 and on the last page in box 25, stating the completion of Ownership and the date of the Application as being 27<sup>th</sup> November 2014

We also enclose your reference, a copy of the first and last page of completed Application Form by the Applicant in relation to Proposed Planning Application 15/00326/CONDIT, showing on the first page the name of the company of the Applicant as being Rob Deacon Construction Ltd , which does not exist at Companies House and in Box 1 and on the last page in Box 9 , it does not ask for confirmation of ownership in this Box, because Planning Application 15/00326/CONDIT is a Variation of a Condition following a grant of permission ( therefore Approved Planning Application 14/02133/FUL ) and it states that only a Declaration is to be made by the Applicant, that any facts stated are true and accurate and any opinions given are the opinions of the person(s) giving them, and this Declaration is dated the 20<sup>th</sup> February 2015.

Yours sincerely

[REDACTED]



**CHELTENHAM**  
BOROUGH COUNCIL

**Environment Cheltenham Borough Council**  
Municipal offices, Promenade, Cheltenham, GL50 9SA

builtenvironment@cheltenham.gov.uk  
phone: 01242 264328  
fax: 01242 227323

**Application for Planning Permission.  
Town and Country Planning Act 1990**

Publication of applications on planning authority websites.

Please note that the information provided on this application form and in supporting documents may be published on the Authority's website.

If you require any further clarification, please contact the Authority's planning department.

**1. Applicant Name, Address and Contact Details**

Title:  First name:  Surname:

Company name:

Street address:

Town/City:

County:

Country:

Postcode:

Telephone number:  Country Code:  National Number:  Extension Number:

Mobile number:

Fax number:

Email address:

Are you an agent acting on behalf of the applicant?  Yes  No

**2. Agent Name, Address and Contact Details**

Title:  First Name:  Surname:

Company name:

Street address:

Town/City:

County:

Country:

Postcode:

Telephone number:  Country Code:  National Number:  Extension Number:

Mobile number:

Fax number:

Email address:

**3. Description of the Proposal**

Please describe the proposed development including any change of use:

Has the building, work or change of use already started?  Yes  No

**21. Site Area**

What is the site area?

00.30

hectares

**22. Industrial or Commercial Processes and Machinery**

Please describe the activities and processes which would be carried out on the site and the end products including plant, ventilation or air conditioning. Please include the type of machinery which may be installed on site:

N/A

Is the proposal for a waste management development?

 Yes  No**23. Hazardous Substances**

Is any hazardous waste involved in the proposal?

 Yes  No**24. Site Visit**

Can the site be seen from a public road, public footpath, bridleway or other public land?

 Yes  No

If the planning authority needs to make an appointment to carry out a site visit, whom should they contact? (Please select only one)

 The agent  The applicant  Other person**25. Certificates (Certificate A)****Certificate of Ownership - Certificate A****Town and Country Planning (Development Management Procedure) (England) Order 2010 Certificate under Article 12**I certify/The applicant certifies that on the day 21 days before the date of this application nobody except myself/the applicant was the owner (*owner is a person with a freehold interest or leasehold interest with at least 7 years left to run*) of any part of the land to which the application relates, and that none of the land to which the application relates is, or is part of, an agricultural holding (*"agricultural holding" has the meaning given by reference to the definition of "agricultural tenant" in section 65(8) of the Act*).

Title:

Mr

First name:

Andrew

Surname:

Smith

Person role:

Agent

Declaration date:

27/11/2014



Declaration made

**26. Declaration**

I/we hereby apply for planning permission/consent as described in this form and the accompanying plans/drawings and additional information. I/we confirm that, to the best of my/our knowledge, any facts stated are true and accurate and any opinions given are the genuine opinions of the person(s) giving them.



Date

27/11/2014



**CHEL TENHAM**  
BOROUGH COUNCIL

builtenvironment@cheltenham.gov.uk

phone: 01242 264328

fax: 01242 227323

**Application for removal or variation of a condition following grant of  
planning permission. Town and Country Planning Act 1990.  
Planning (Listed Buildings and Conservation Areas) Act 1990**

Publication of applications on planning authority websites.

Please note that the information provided on this application form and in supporting documents may be published on the Authority's website.

If you require any further clarification, please contact the Authority's planning department.

**1. Applicant Name, Address and Contact Details**

Title:  First name:  Surname:

Company name:

Street address:

Town/City:

County:

Country:

Postcode:

Telephone number:   
Country Code:  National Number:  Extension Number:

Mobile number:

Fax number:

Email address:

Are you an agent acting on behalf of the applicant?  Yes  No

**2. Agent Name, Address and Contact Details**

Title:  First Name:  Surname:

Company name:

Street address:

Town/City:

County:

Country:

Postcode:

Telephone number:   
Country Code:  National Number:  Extension Number:

Mobile number:

Fax number:

Email address:

### 3. Site Address Details

Page 45

Full postal address of the site (including full postcode where available)

House:	138	Suffix:	
House name:	Barrington Lodge Nursing Home		
Street address:	Cirencester Road		
	Charlton Kings		
Town/City:	Cheltenham		
County:			
Postcode:	GL53 8DS		
Description of location or a grid reference (must be completed if postcode is not known):			
Easting:	396250		
Northing:	220007		

--

### 4. Pre-application Advice

Has assistance or prior advice been sought from the local authority about this application?

Yes  No

### 5. Description of Proposal

Please provide a description of the approved development as shown on the decision letter:

Erection four dwellings on site of former nursing home  
AT: Barrington Lodge Nursing Home 138 Cirencester Road Charlton Kings

Application reference number: 14/02133/FUL

Date of decision: 26/01/2015

Please state the condition number(s) to which this application relates:

Condition number(s):

2

Has the development already started?  Yes  No If Yes, please state when the development was started:

02/02/2015

Has the development been completed?  Yes  No

### 6. Condition(s) - Removal

Please state why you wish the condition(s) to be removed or changed:

We wish to make alterations to the design

If you wish the existing condition to be changed, please state how you wish the condition to be varied:

We wish to substitute alternate drawings

### 7. Site Visit

Can the site be seen from a public road, public footpath, bridleway or other public land?

Yes  No

If the planning authority needs to make an appointment to carry out a site visit, whom should they contact? (Please select only one)

The agent  The applicant  Other person

### 8. Certificates (Certificate A)

#### Certificate of Ownership - Certificate A

Town and Country Planning (Development Management Procedure) (England) Order 2010 Certificate under Article 12

I certify/The applicant certifies that on the day 21 days before the date of this application nobody except myself/the applicant was the owner (owner is a person with a freehold interest or leasehold interest with at least 7 years left to run) of any part of the land to which the application relates, and that none of the land to which the application relates is, or is part of, an agricultural holding ("agricultural holding" has the meaning given by reference to the definition of "agricultural tenant" in section 65(8) of the Act).

Title: Mr First name: Andrew Surname: Smith

Person role: Agent

Declaration date: 20/02/2015

Declaration made

### 9. Declaration

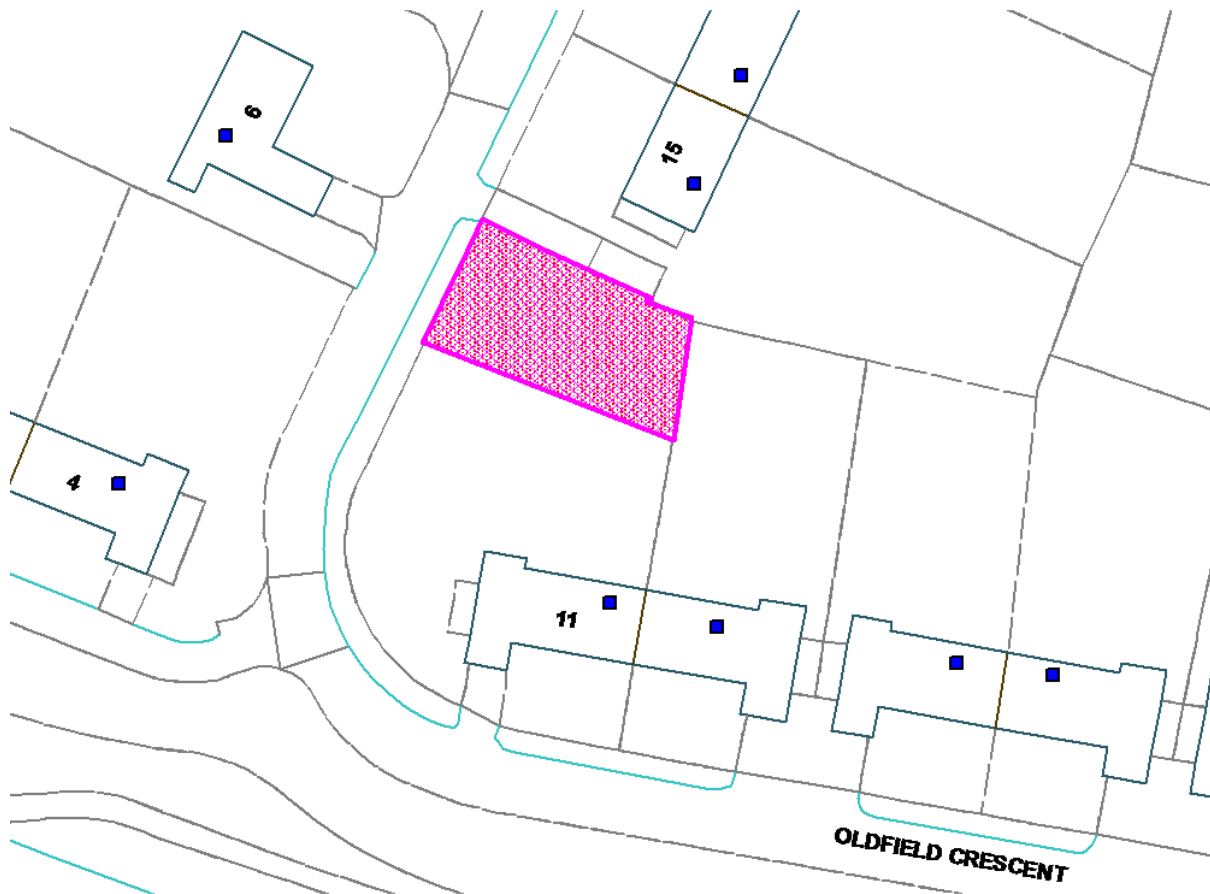
I/we hereby apply for planning permission/consent as described in this form and the accompanying plans/drawings and additional information. I/we confirm that, to the best of my/our knowledge, any facts stated are true and accurate and any opinions given are the genuine opinions of the person(s) giving them.

Date 20/02/2015

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<b>APPLICATION NO:</b> 15/00483/FUL	<b>OFFICER:</b> Miss Chloe Smart
<b>DATE REGISTERED:</b> 20th March 2015	<b>DATE OF EXPIRY:</b> 15th May 2015
<b>WARD:</b> St Marks	<b>PARISH:</b>
<b>APPLICANT:</b> Mrs G Martin	
<b>AGENT:</b> Urban Aspects Ltd	
<b>LOCATION:</b> 11 Oldfield Crescent, Cheltenham	
<b>PROPOSAL:</b> Proposed bungalow, associated parking and landscaping	

**RECOMMENDATION:** Permit



## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 This application relates to a parcel of land to the rear of no. 11 Oldfield Crescent, which is within a residential area in the ward of St Marks.
- 1.2 No. 11 is on a corner plot, with the dwelling proposed to be sited to the rear of this property. The applicant seeks planning permission for the erection of a single bungalow, with associated access and landscaping.
- 1.3 A similar application for the erection of a bungalow to the rear of this property was refused in 2014. The proposed layout, position and footprint of the dwelling remains unaltered from the previously refused scheme, with the only amendments relating to a slight reduction in plot size, a reduction in the ridge height of the roof from 5.9 metres to 3.9 metres and a hipped roof now proposed as opposed to a gable.
- 1.4 The application is before planning committee following requests from Councillor Coleman and Councillor Holliday, relating to design and access issues and also to allow members the opportunity to consider this application.

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

### Constraints:

### Relevant Planning History:

**86/00755/PO 28th August 1986 REF**  
Outline Application For Erection Of 3 Houses

**86/01179/PF 18th December 1986 REF**  
Erection Of One House

**87/00043/PF 19th February 1987 REF**  
Erection Of House And Garage

**88/01215/PF 20th October 1988 WDN**  
Erection Of 1no. Dwelling

**89/00633/PF 29th June 1989 REF**  
Demolition Of Existing Garage And Outbuildings And Erection Of One (Number) Detached Dwelling House

**94/00750/PF 15th September 1994 PER**  
Proposed Single Storey Side Extension

**14/01277/FUL 8th September 2014 REF**  
Proposed bungalow, associated parking and landscaping

## 3. POLICIES AND GUIDANCE

### Adopted Local Plan Policies

CP 4 Safe and sustainable living

CP 7 Design

GE 5 Protection and replacement of trees

GE 6 Trees and development

HS 1 Housing development

TP 1 Development and highway safety



Supplementary Planning Guidance/Documents

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

National Guidance

National Planning Policy Framework

#### 4. CONSULTATIONS

**Gloucestershire Centre For Environmental Records**

*9th April 2015*

Report available to view on line.

**Wales And West Utilities**

*2nd April 2015*

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

**Tree Officer**

*13th April 2015*

The Tree Section does not object to this application. Should this application be granted please use the following condition:

Detailed Landscaping

The landscaping proposal 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. The current Landscape Planning Proposals must be modified to also specify species, planting size, root type (it is anticipated that container grown trees will be planted) and protection so as to ensure quick successful establishment. The size of the trees shall be at least a Selected Standard as per BS 3936-1:1992. The trees shall be maintained for 5 years after planting and should they be removed, die, be severely damaged or become seriously diseased within this period they shall be replaced with another tree as originally required to be planted.

Reason: To preserve the visual amenities of the locality in accordance with Local Plan Policies GE5 and GE6 relating to the retention, protection and replacement of trees.

**GCC Highways Planning Liaison Officer**

*26th March 2015*

I refer to the above planning application received on Received

This development is accessed from Oldfield Crescent, a category 4 highway subject to a speed limit of 30 MPH; under our Highway's Standing advice criteria we do not need to be consulted on this application and this can be dealt with by yourselves with the aid of our guidance.

## 5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	4
Total comments received	2
Number of objections	1
Number of supporting	0
General comment	1

5.1 Four letters have been sent to neighbouring properties and two letters of representation have been received.

### 5.2 Comments Received

One letter of objection has been received based on the concerns below;

- Highway safety and refuse and recycling
- Proximity of proposal to neighbouring property and impact on privacy.

**Comments:** 14th April 2015

Full letter attached.

A letter from Martin Horwood has been submitted as an accompanying document to the application. To summarise, the letter is in support of the proposal and questions the reasoning behind the previous refusal.

## 6. OFFICER COMMENTS

### 6.1 Determining Issues

6.1.1 The main considerations in relation to this application are the principle of residential development, design and layout, impact on neighbouring amenity, highway safety and the impact of works on trees within the site.

### 6.2 Principle of development

6.2.1 The site is located within the Principal Urban Area, where residential development is normally acceptable in principle subject to all other relevant considerations.

6.2.2 In order to consider the principle of development, it is necessary to assess the existing character and context of the area surrounding the application site. Paragraph 53 of the National Planning Policy Framework advises local planning authorities to consider the case for setting out policies to resist inappropriate development of residential gardens and in adopting our SPD in relation to infill development, this is exactly what the Council has done.

6.2.3 The Supplementary Planning Document: Development on Garden Land and Infill Sites in Cheltenham (Adopted June 2009) provides advice in understanding and responding to local character and aims to ensure only developments which respond successfully to the character and quality of the area are permitted. This document was adopted pre-NPPF but provides a means of assessing the specific characteristics of an area.

### 6.3 Design and layout

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

6.3.2 When considering the character within Oldfield Crescent, there is a clear pattern of development within the area. The properties are large, two storey, semi-detached properties

with a sense of space about them, with large rear gardens and generous space in between dwellings.

- 6.3.3** The introduction of a proposed dwelling to the rear of no. 11 Oldfield Crescent would diminish the existing sense of spaciousness and disrupt the established pattern of residential development within the area. As a result, the proposal would fail to respect the existing layout of surrounding properties.
- 6.3.4** In addition to being at odds with the pattern of development, the proposed bungalow would conflict with the established scale, height and massing of properties. All adjacent properties on this side of Oldfield Crescent are two storey and of a consistent design. For those reasons, the proposal would represent an incongruous addition to the street scene.
- 6.3.5** In addition, there would be a lack of amenity space to the rear of the proposed dwelling, which given the particularly spacious character of the area would result in a cramped and contrived form of development.
- 6.3.6** As stated within the introduction, the applicant has reduced the ridge height of the proposed dwelling and now proposes a hipped roof as opposed to a gable. Officers have considered these amendments, however the reduction in overall height has not addressed concerns in relation to the harmful impact the introduction of a dwelling would have on the overall character of the locality.
- 6.3.7** For the reasons identified above, the principle of a dwelling in this location is considered harmful to the residential character of the area and therefore contrary to Local Plan Policy CP7 and the Supplementary Planning Document: Development on garden land and infill sites in Cheltenham (June 2009).

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

- 6.4.1** Local Plan Policy CP4 requires development to protect the existing amenity of neighbouring land users and the locality.
- 6.4.2** One letter of objection has been received from the occupiers of no. 15 Oldfield Crescent, directly to the north of the site. The primary concerns relate to the proximity of the proposed dwelling and a potential impact on privacy.
- 6.4.3** Officers do not consider that this proposal would result in any unacceptable impact on neighbouring amenity. The proposal would not result in a loss of light or have an overbearing impact on neighbouring properties.
- 6.4.4** Whilst the proposed dwelling would be likely to cause an increase in activity in an area that is currently a rear garden for no. 11, this is not considered to be an unacceptable increase over and above the current situation.
- 6.4.5** As such, the proposal meets the requirements set out in Local Plan Policy CP4 and would protect the existing amenity of neighbouring land users.

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

- 6.5.1** The application involves the construction of a new access and area of hardstanding for two cars. The Highways Authority has been consulted on the application, but has referred the Local Planning Authority to the Gloucestershire County Council Highway Standing Advice.
- 6.5.2** The occupier of no. 15 Oldfield Crescent has raised a concern regarding the impact of the proposal on the highway network which currently experiences traffic issues. Whilst these comments have been taken into consideration, the dwelling is considered to have a minimal

impact on the highway network. The proposal would provide adequate off road parking and the access would achieve a sufficient visibility splay in line with the standing advice.

**6.5.3** Overall, the dwelling would have limited impact on the highway and is therefore in line with Local Plan Policy TP1, the GCC Highway Standing Advice and the National Planning Policy Framework.

### **6.5.4 Ecology**

**6.16** 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.

### **6.6 Trees**

**6.6.1** The Council's Tree Officer commented on the application and has raised no objection, subject to the submission of a suitable landscaping scheme.

### **6.7 Other considerations**

**6.7.1** Within the submitted documents the applicant's agent refers to the structure as being within the allowances of permitted development as an outbuilding.

**6.7.2** Whilst this is the case in terms of the built form of the structure, this would be as an ancillary building to no. 11 Oldfield Crescent not an independent unit of accommodation. Officers consider the permanent sub-division of the site to be harmful and out of character with the surrounding area.

**6.7.3** As such, this matter does not weigh in favour of the proposal and does not overcome the harm caused to the character of the area. This is also a stance that was supported at a appeal decisions in Kingsley Garden and Hillview Road.

## **7. CONCLUSION AND RECOMMENDATION**

**7.1** In considering all of the above, officers consider the subdivision of the site and erection of a single dwelling would be harmful to the character of the area. The proposed dwelling would result in a cramped and contrived form of development, which would be harmful to the established spacious character of the area.

**7.2** Whilst the proposal would not have an unacceptable impact on highway safety or neighbouring amenity, it is considered contrary to Local Plan Policy CP7 and the relevant Supplementary Planning Document: Development on garden land and infill sites in Cheltenham.

**7.3** The recommendation is therefore to refuse planning permission for the reason below.

## **8. REFUSAL REASONS / INFORMATIVES**

- 1 The proposed development would diminish the existing sense of spaciousness between properties and in doing so fails to respect the established character of the area. The proposed bungalow would also be at odds with the scale of the immediately surrounding buildings and would therefore read as an incongruous addition to the street scene. For those reasons, the proposal conflicts with the Council's Supplementary

Planning Document: Development on Garden Land and Infill Sites in Cheltenham, in terms of the layout and access arrangements. As such, the proposal is contrary to both the Supplementary Planning Document and Local Plan Policy CP7.

### **INFORMATIVES**

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

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

In this instance, having had regard to all material considerations, the authority cannot provide a solution that will overcome the harm caused as a result of the subdivision of the site and the introduction of a new dwelling.

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

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<b>APPLICATION NO:</b> 15/00483/FUL		<b>OFFICER:</b> Miss Chloe Smart	
<b>DATE REGISTERED:</b> 20th March 2015		<b>DATE OF EXPIRY :</b> 15th May 2015	
<b>WARD:</b> St Marks		<b>PARISH:</b>	
<b>APPLICANT:</b>	Mrs G Martin		
<b>LOCATION:</b>	11 Oldfield Crescent, Cheltenham		
<b>PROPOSAL:</b>	Proposed bungalow, associated parking and landscaping		

### REPRESENTATIONS

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

16 Hewlett Road  
Cheltenham  
Glos

**Comments:** 14th April 2015  
Letter attached.

15 Oldfield Crescent  
Cheltenham  
Gloucestershire  
GL51 7BB

**Comments:** 26th March 2015  
I have already submitted an objection to this application for 2 specific reasons

1. The crescent is an already busy road from the current home owners/tenants and with the access to the bungalow next to my driveway this will increase parking outside the front of my property which already causes problems for deliveries, refuse collection and should there be a need for emergency vehicles. In particular when cars part opposite the cul-de-sac. The road is used by the local children to play as well with more parked vehicles it can become dangerous.
2. The rear of the property is very close to my perimeter fence and should we wish to build over the garage at a later date this opportunity will be removed due to the single story bungalow. The back doors open right next to the fence as the plans have them without a decent gap, assuming this will also be the patio area - impacting on privacy.



Mike Redman  
 Director of Built Environment  
 Cheltenham Borough Council  
 Municipal Offices  
 Promenade  
 CHELTENHAM  
 GL50 9SA

050315/Martin/BC  
 5 March 2015

*Dear Mike*

**Geraldine Martin, 11 Oldfield Crescent, Cheltenham**  
**Application number: 14/01277/FUL**

My constituent Ms Martin contacted me to discuss the issue of a planning application she had submitted for a bungalow in the back garden of 11 Oldfield Crescent. The garden is large and Ms Martin considered her proposal to be in keeping with the area, as there are bungalows only six doors away from her house. She also considered that, as the house opposite was in the process of building a five bedroom house with a two storey extension, her bungalow would certainly not concern her neighbours in comparison. Ms Martin understood that planning regulations are regularly updated and changed, but was aware that a historic manor house had been demolished in the crescent some years previously, and town houses built in its place. Even if the regulations had been significantly tightened since that redevelopment, Ms Martin was confident her plans would not be controversial.

Ms Martin wished to build the bungalow for her elderly mother to live in, providing her with a safe, single level property. Ms Martin unfortunately suffers from a degenerative bone disorder, and will need to live in a single level property herself eventually. This was therefore not a 'garden grabbing' exercise for a profit, but a sensible use of the land available, while still leaving a garden the same size, if not bigger than most new-build houses enjoy.

\*FOR CHELTENHAM  
 Martin Horwood  
 is your Liberal Democrat  
 Member of Parliament working  
 for a fairer, safer,  
 greener Cheltenham

16 Hewlett Road  
 Cheltenham  
 GL52 6AA  
 T. 01242 224889

[martin@martinhorwood.net](mailto:martin@martinhorwood.net)  
[www.martinhorwood.net](http://www.martinhorwood.net)





Ms Martin contacted the planning department at the start of the application process and was told that a two storey building would not be accepted for her garden. If she had been told that in fact a single storey building would not be accepted either, Ms Martin could have saved herself a great deal of money in architects fees.

The application was rejected on 5 September. Ms Martin and her architect Russell Ranford are at a loss to understand the reasoning behind the decision. Having seen the plans and a map of the crescent, I confess the same bewilderment. I would very much welcome a conversation with you to discuss the details that led to this decision.

Yours sincerely,

A handwritten signature in dark ink, appearing to read 'Martin'.

Martin Horwood MP  
Member of Parliament for Cheltenham

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<b>APPLICATION NO: 15/00483/FUL</b>		<b>OFFICER: Miss Chloe Smart</b>	
<b>DATE REGISTERED: 20th March 2015</b>		<b>DATE OF EXPIRY: 15th May 2015</b>	
<b>WARD: St Marks</b>		<b>PARISH:</b>	
<b>APPLICANT:</b>	Mrs G Martin		
<b>AGENT:</b>	Mr Russell Ranford		
<b>LOCATION:</b>	11 Oldfield Crescent, Cheltenham		
<b>PROPOSAL:</b>	Proposed bungalow, associated parking and landscaping		

## Update to Officer Report

### 1. OFFICER COMMENTS

- 1.1. The officer report for the above application states a recommendation of approval (Page 47 of committee papers). This is **incorrect** and the recommendation for the application is for **refusal**, as per the officer report and recommended refusal reason.

### 2. CONCLUSION AND RECOMMENDATION

The recommendation is to **refuse** this application, subject to the refusal reason below.

### 3. CONDITIONS/REFUSAL REASONS

- 1 The proposed development would diminish the existing sense of spaciousness between properties and in doing so fails to respect the established character of the area. The proposed bungalow would also be at odds with the scale of the immediately surrounding buildings and would therefore read as an incongruous addition to the street scene. For those reasons, the proposal conflicts with the Council's Supplementary Planning Document: Development on Garden Land and Infill Sites in Cheltenham, in terms of the layout and access arrangements. As such, the proposal is contrary to both the Supplementary Planning Document and Local Plan Policy CP7.

#### INFORMATIVES :-

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

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

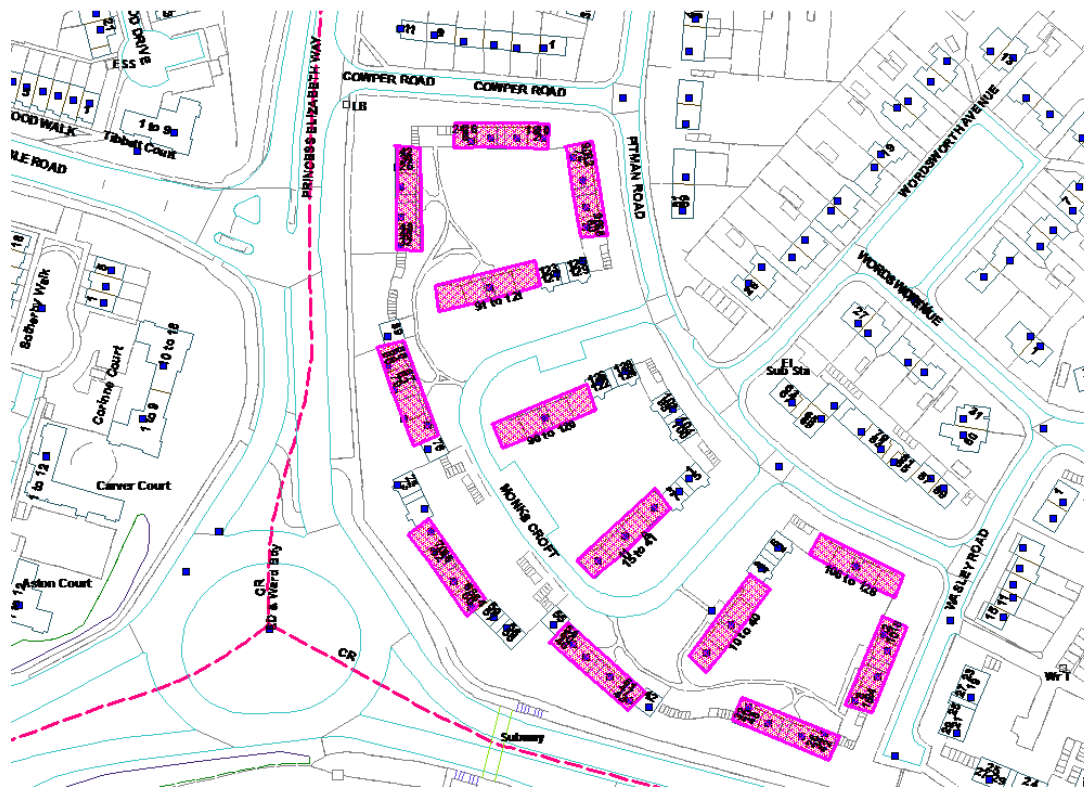
planning applications and provides full and up-to-date information in relation to planning applications to enable the applicant, and other interested parties, to track progress.

In this instance, having had regard to all material considerations, the authority cannot provide a solution that will overcome the harm caused as a result of the subdivision of the site and the introduction of a new dwelling.

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

<b>APPLICATION NO:</b> 15/00525/FUL	<b>OFFICER:</b> Miss Michelle Payne
<b>DATE REGISTERED:</b> 11th April 2015	<b>DATE OF EXPIRY:</b>
<b>WARD:</b> St Marks	<b>PARISH:</b> None
<b>APPLICANT:</b>	Cheltenham Borough Council
<b>AGENT:</b>	Cheltenham Borough Homes
<b>LOCATION:</b>	2 Cowper Road, Cheltenham
<b>PROPOSAL:</b>	New external soil stacks for nos. 2-24 (even) and 26-48 (even) Cowper Road, nos.74-96 (even) and 106-128 (even) Pitman Road, nos.2-24 (even) and 26-48 (even) Wasley Road, and nos.9, 11, 15-41 (incl), 43-54 (incl), 60-71 (incl), 77-88 (incl) and 90-121 (incl) Monkscroft

**RECOMMENDATION:** Permit



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## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 This application proposes the provision of external soil pipes to several blocks of flats that are managed and maintained by Cheltenham Borough Homes. The properties affected are nos.2-24 (even) and 26-48 (even) Cowper Road, nos.74-96 (even) and 106-128 (even) Pitman Road, nos.2-24 (even) and 26-48 (even) Wasley Road, and nos.9, 11, 15-41 (incl), 43-54 (incl), 60-71 (incl), 77-88 (incl) and 90-121 (incl) Monkscroft. The flats are arranged in a series of three and four storey buildings.
- 1.2 The application is before the planning committee as the applicant is Cheltenham Borough Council.

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

**Constraints:**

None

**Relevant Planning History:**

None

## 3. POLICIES AND GUIDANCE

**Adopted Local Plan Policies**

CP 4 Safe and sustainable living

CP 7 Design

**National Guidance**

National Planning Policy Framework

## 4. CONSULTATION RESPONSES

None

## 5. PUBLICITY AND REPRESENTATIONS

- 5.1 Given the nature of the proposal, individual letters of notification were not sent out on this occasion however 7 site notices were posted. No representations have been received in response to the publicity.

## 6. OFFICER COMMENTS

- 6.1 Each block of flats is currently served by narrow cast iron, or in some cases copper, waste pipes which run through the building internally. Over the years, the existing waste pipes have become heavily scaled and corroded internally, and tend to become blocked and leak at the joints within the flats.
- 6.2 Cheltenham Borough Homes who manage the properties has suggested that it would not be feasible to replace the stacks internally as this would require the residents to be temporarily re-housed during the works, and would also necessitate the removal and refitting of fitted kitchens and bathrooms, and the taking up of existing floor coverings. The new soil and vent pipes are therefore proposed to be installed on the exterior of the building; pipes run externally will be more easily accessible for future maintenance and replacement.
- 6.3 The new soil pipes will be 100mm in diameter in black PVC to match the existing rainwater goods.

6.4 Whilst it is regrettable that the new soil pipes will be located externally it is considered that, on balance, the cost benefits and lack of disruption to residents will far outweigh any resulting visual harm, which will be negligible. The overall character of the buildings will not be unduly affected.

6.5 The recommendation therefore 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. 00525.1A, 00525.15, 00525.16, 005125.17, 00525.18 and 00525.19 received 24th March 2015 and 10th April 2015.

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

## **INFORMATIVE**

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

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

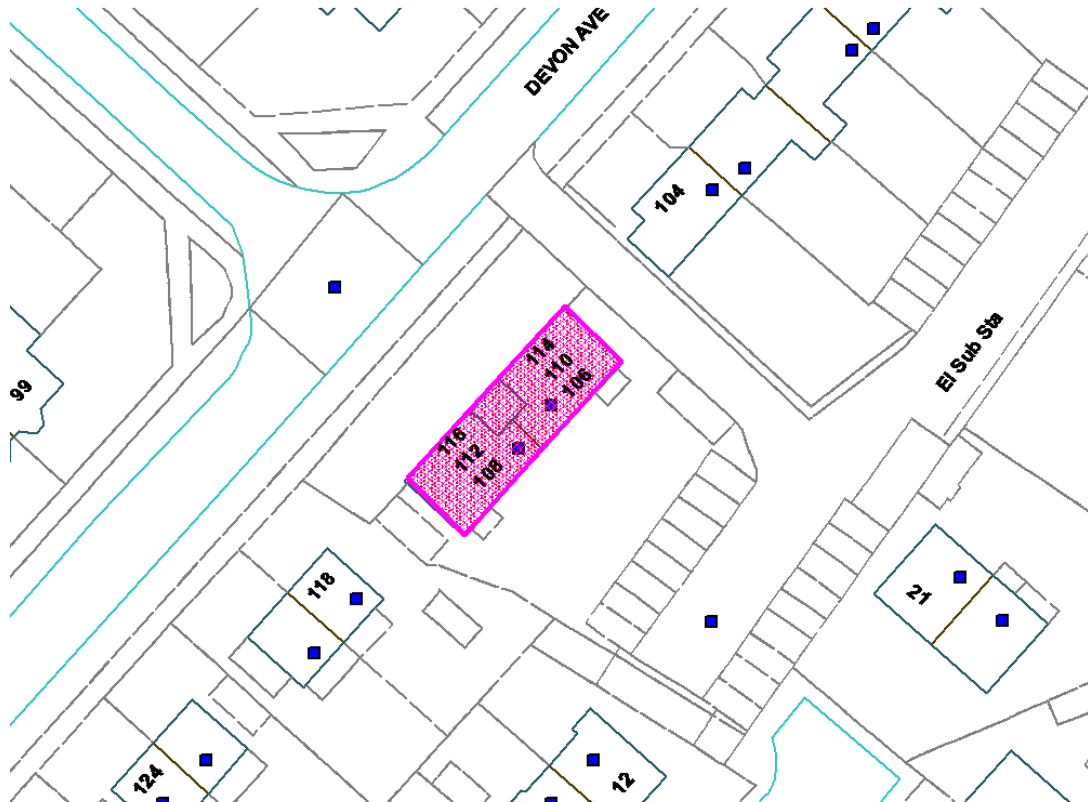
In this instance, having had regard to all material considerations, the application constitutes sustainable development and has therefore been approved in a timely manner.

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<b>APPLICATION NO:</b> 15/00636/FUL	<b>OFFICER:</b> Miss Michelle Payne
<b>DATE REGISTERED:</b> 11th April 2015	<b>DATE OF EXPIRY:</b>
<b>WARD:</b> St Marks	<b>PARISH:</b> None
<b>APPLICANT:</b>	Cheltenham Borough Council
<b>AGENT:</b>	Cheltenham Borough Homes
<b>LOCATION:</b>	106 Devon Avenue, Cheltenham
<b>PROPOSAL:</b>	New external soil pipes at 106-116 (even) Devon Avenue

**RECOMMENDATION:** Permit



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## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 This application proposes the provision of external soil pipes to a block of flats which is managed and maintained by Cheltenham Borough Homes. The building is located on the south-east side of Devon Avenue.
- 1.2 The application is before the planning committee as the applicant is Cheltenham Borough Council.

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

**Constraints:**

None

**Relevant Planning History:**

None

## 3. POLICIES AND GUIDANCE

**Adopted Local Plan Policies**

CP 4 Safe and sustainable living

CP 7 Design

**National Guidance**

National Planning Policy Framework

## 4. CONSULTATION RESPONSES

None

## 5. PUBLICITY AND REPRESENTATIONS

- 5.1 Given the nature of the proposal, individual letters of notification were not sent out on this occasion however a site notice was posted. No representations have been received in response to the publicity.

## 6. OFFICER COMMENTS

- 6.1 The existing building is currently served by narrow cast iron or copper waste pipes which run through the building internally in brick built ducting and cupboards. Over the years, the existing waste pipes have become heavily scaled and corroded internally, and tend to become blocked and leak at the joints where the waste pipes enter the soil stacks.
- 6.2 Cheltenham Borough Homes who manage the building have made several temporary repairs when leaks have occurred but are unable to make permanent repairs to the pipes. It is not feasible to replace the stacks internally as this would cause disruption to residents during the works, and would also necessitate the removal and refitting of fitted kitchens and bathrooms. The new soil and vent pipes are therefore proposed to be installed on the exterior of the building; pipes run externally will be more easily accessible for future maintenance and replacement.
- 6.3 The new soil pipes will be 100mm in diameter in black PVC to match the existing rainwater goods.
- 6.4 Whilst it is regrettable that the new soil pipes will be located externally it is considered that, on balance, the cost benefits and lack of disruption to residents will far outweigh any

resulting visual harm, which will be negligible. The overall character of the building will not be unduly affected.

6.5 The recommendation therefore 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. 00636.1 and 00636.2 received 10th April 2015.  
Reason: To ensure the development is carried out in strict accordance with the approved drawings.

### **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.

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

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