



CHEL TENHAM

BOROUGH COUNCIL

Notice of a meeting of Planning Committee

**Thursday, 17 September 2015
6.00 pm**

Membership	
Councillors:	Garth Barnes (Chair), Jacky Fletcher (Vice-Chair), Paul Baker, Andrew Chard, Diggory Seacome, Bernard Fisher, Colin Hay, Adam Lillywhite, Helena McCloskey, Andrew McKinlay, Klara Sudbury, Pat Thornton, Louis Savage, Malcolm Stennett and Simon Wheeler

The Council has a substitution process and any substitutions will be announced at the meeting

Agenda

1. **APOLOGIES**
2. **DECLARATIONS OF INTEREST**
3. **DECLARATIONS OF INDEPENDENT SITE VISITS**
4. **PUBLIC QUESTIONS**
5. **MINUTES OF LAST MEETING** (Pages 7 - 18)
6. **PLANNING/LISTED BUILDING/CONSERVATION AREA
CONSENT/ADVERTISEMENT APPLICATIONS,
APPLICATIONS FOR LAWFUL DEVELOPMENT
CERTIFICATE AND TREE RELATED APPLICATIONS**
 - a) **15/00591/FUL Former Garage Site to the rear of 10-
26 Hesters Way Road** (Pages 19 - 40)
 - b) **15/00947/FUL St Margaret's Hall, Coniston Road** (Pages 41 - 50)
 - c) **15/00954/FUL 79 St George's Place** (Pages 51 - 68)
 - d) **15/01281/CONDIT 86 Cirencester Road** (Pages 69 - 90)
 - e) **15/01339/FUL Unwin Road Garages, Unwin Road** (Pages 91 - 94)

f) 15/01405/FUL 2 Highland Road

(Pages 95 - 112)

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

Contact Officer: Judith Baker, Planning Committee Co-ordinator,
Email: judith.baker@cheltenham.gov.uk

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Planning Committee

20th August 2015

Present:

Members (14)

Councillors Barnes, Chair (GB); Fletcher, Vice-Chair (JF); Baker (PB); Chard (AC); Fisher (BF); Colin Hay (CH); McCloskey (HM); Savage (LS); Stennett (MS); Sudbury (KS); Thornton (PT); Wheeler (SW).

Substitutes: Councillor Rowena Hay (RH)
Councillor Chris Nelson (CN)

Present as observers: Councillors Babbage and Payne.

Officers

Martin Chandler, Team Leader, Development Management (MC)
Craig Hemphill, Senior Planner (CH)
Chloe Smart, Planning Officer (CS)
Victoria Harris, Planning Officer (VH)
Cheryl Lester, Legal Officer (CL)

1. Apologies

Councillors McKinlay, Seacome and Lillywhite.

2. Declarations of interest

15/01065/FUL 16 Hewlett Road

Councillors Barnes, Thornton, Sudbury, Fisher, Rowena Hay, McCloskey –16 Hewlett Road is Cheltenham Liberal Democrat office, and all are members of the Liberal Democrat party.

Councillor Colin Hay –as above, and also once occupied the workshop.

Councillor Baker –is the applicant. Will leave the Chamber.

Councillor Savage –lives in Hewlett Road.

15/ 00928/ADV & LBC Everyman Theatre

Councillor Barnes – personal – is an observer on the Everyman Board, but has no voting rights.

15/ 00899/FUL Sandford Park

Councillor Sudbury –has publicly supported the scheme and part-funded it from her Gloucestershire County Council 'Active Together' fund. Will leave the Chamber.

3. Declarations of independent site visits

15/00699/FUL 15 Brookway Drive
Councillor Fletcher.

Councillor McCloskey – is familiar with all sites *other* than **15/01126/FUL 2 Peter Pennell Close** and **15/00646/FUL Belmont, Hyde Lane, Swindon Village**.

14/01125/FUL Tim Fry Land Rovers, King Alfred Way and **15/00899/FUL Sandford Park**
Councillor Baker.

4. Public Questions

There were none.

5. Minutes of last meeting

Resolved, that the minutes of the meeting held on 16th July 2015 be approved and signed as a correct record *without* corrections.

6. Planning applications

Application Number:	14/01125/FUL
Location:	Tim Fry Land Rovers, King Alfred Way
Proposal:	Redevelopment of land at King Alfred Way involving the demolition of the existing buildings and the erection of 86 dwellings, access, landscaping and other associated works
View:	Yes
Officer Recommendation:	Refuse
Committee Decision:	Refuse
Letters of Rep:	49
Update Report:	Further officer comments and amendments to refusal reasons; additional representations

CH introduced the application as above. The site is situated in the Battledown Industrial Estate, which is surrounded by residential properties, and forms part of the wider industrial estate. The proposal relates to areas to the north and south of King Alfred Way, with access via Hales Road to the west, and Athelney Way to the north.. The original application proposed demolition of the industrial buildings on the site, and replacement with 106 residential units, with 15% affordable housing. The revised scheme proposes 86 units, with 40% affordable provision. The application sets out that the site is outdated, poorly located and unsuitable as a modern work environment ; Tim Fry Land Rovers and some of the other businesses have identified three alternative sites, two in Kingsditch Lane and one in Swindon Road, which would allow the company to grow. The company states that to allow this to happen, residential development of the existing site is essential.

The application was originally due to come to Committee in April, with a recommendation to refuse, but was deferred to allow further information to be considered. The applicant has since provided a unilateral undertaking, which is set out in an earlier report update. The unilateral undertaking sets out that if permission for residential development at King Alfred Way is permitted, this will not be implemented until a suitable new employment site is secured. However, no evidence has been provided to justify the loss of the existing employment land, and the recommendation therefore remains to refuse, on the grounds of the NPPF, Local Plan policy EM2, and Policy SD2 of the

emerging JCS. In addition, Members will note from the blue update that no viability assessment has been submitted to demonstrate that 40% affordable housing can be provided.

Public Speaking:

Mr Guy Wakefield, of Hunter Page Planning, in support

Realises that this is a difficult application due to the loss of employment land, but the process started 5-6 years ago, as a result of the landowner's need to relocate to better, more modern business premises, with the understanding that other businesses on the site would follow. The site has been assessed by commercial surveyors who identified various problems with it, and it has been marketed without success. A similar application for residential development on employment land was permitted at the bottom of Leckhampton Road, and in this case, the applicant needs to sell the land for residential development in order to proceed, having talked to banks to realise that other funding is not possible. The three alternative sites suggested are genuine, and the applicant has proposed that any approval will be subject to a legal agreement stating that this would not be implemented until suitable alternative employment sites have been found. An appeal decision at Stroud Rugby Club supports this approach, and the loss of recreational land would not be considered less significant than the loss of employment land. Officers have said that there is no certainty of an alternative site being found, but the appeal inspector in the Stroud case only found that an alternative recreation site *might* exist; in fact, none was found, and the permission lapsed. It is reasonable to think that an inspector would come to the same conclusion regarding King Alfred Way and alternative employment land. Overall, the proposal would represent a net enhancement of the borough, as the land has been marketed for employment without success, and there are sufficient material considerations for it to be permitted. There is considerable local support, with ten benefits identified.

Councillor Babbage, ward councillor

This isn't a straightforward application. Cheltenham needs housing, especially affordable housing, but there is also a shortage of employment land and small business units. This site hasn't been used to its full potential, doesn't support many jobs, and is not particularly attractive to businesses. In general, people are supportive of brownfield site development over greenfield, but there are concerns with this plan. Parking in the area is a major issue, both on King Alfred Way and neighbouring streets, as is the volume of traffic and road safety concerns arising from speeding cars. Although the applicant has reduced the number of proposed units from the original submission, this is still a high-density proposal and causes several issues of concern, including the taller buildings towards Hales Road. The officer recommendation is to refuse due to loss of employment land, but if Members are minded to permit, would suggest that some of the S106 contribution is used to address traffic issues. These might include the introduction of traffic-calming measures at the King Alfred Way junction, to counter limited visibility and excessive speed, and pedestrian crossings at the junction of London Road with Hales Road, and Cirencester Road with Haywards Road.

Member debate:

JF: knows the area well, having lived much of her life there. Supports the officers regarding the loss of employment land. This is in short supply in the town – Cheltenham is not as short of housing as it is of employment land. The appeal decision at Alma Road supports this view; officers recommended it for approval, JF proposed refusal, and this was upheld by the Inspector, due to the loss of employment land – even though it only involved a small number of jobs. We need to hang on to every little bit we've got. Concurs with officer advice; this application should be refused on policy EM2 and the NPPF.

PB: we have to show consistency here, and are fortunate to have the recent Alma Road decision to guide us. That scheme would only have resulted in the loss of a few jobs; this application would mean hundreds of jobs would be lost. Cannot help wondering whether lack of investment in the buildings was a deliberate move, making them no longer fit for purpose and residential development the only alternative. The lack of investment is disappointing; this is a good location, fit for purpose, and ideal for start-up businesses. It could be very successful. As JF has said, we need to protect employment

land at all costs. It's true that the borough needs to build more houses, but if there are no jobs for the people who live in them, it will be a waste of time. Strongly supports the officer recommendation, and would make the additional comment that the applicant's assurance of 40% affordable housing on the site should be taken with a very big pinch of salt. It is a desperate attempt to buy votes and won't happen. When 106 houses were originally proposed, the developer suggested 20% affordable would be viable; when this number was reduced to 86 dwellings, 40% affordable was proposed. This doesn't add up and needs to be looked at very carefully.

CHay: supports the officer recommendation. The applicant has suggested a condition that no development of the site should commence until another employment site has been secured, but would this be a net gain? If the businesses relocate to other sites already identified as employment land, this would in fact be a net loss of employment land. Cannot accept this as a reasonable solution. Notes that the application was advertised and sent to all the usual statutory consultees, but would make a plea that when applications involving employment land are submitted in future, officers should write to the Local Enterprise Partnership and Cheltenham Chamber of Commerce to ask for their opinion. Notes that the applicant has offered to provide 40% affordable housing in order to win approval and that the development would be Secured by Design, but that this would be setting out in little enclaves within the site. Has objected to this situation for many years; if the people in the enclave are nice, it will be great; if they have any anti-social behaviour tendencies, and particularly if the enclave is situated close to the entrance to the development, this could cause all sorts of problems. Secured by Design schemes are written by middle-class people for middle-class people, and it doesn't always work that way. CBH is good at looking after its tenants, but not all landlords are the same. Is worried about the design, which could result in people being trapped in their own homes. We need to be very mindful of this.

AC: this application is one of the most difficult that Members have considered for a long time, and if just reading the officer report, would agree 100% with the recommendation. However, having visited the site on Planning View, realises that the site is a scrapyard, a complete mess offering no employment potential. It has been compared tonight with Alma Road, but that was a local facility, a working garage, proving MOT and other services for local people, which is one of the reasons why the Inspector refused the appeal. King Alfred Way is not a local facility. There has also been suggestion that the site hasn't been properly marketed – maybe six months' intensive marketing could be conditioned? Supports the application - the proposal would represent an improvement of the site - but agrees with CHay that the offer of 40% affordable housing is pie in the sky. All in all, is edging towards the view that what is proposed is better than what is there now.

BF: a lot of what AC has said is right. To the rear of Tim Fry Land Rovers, adjacent to Athelney Way, there are a number of large units which have been empty for two years, demonstrating that there are clearly problems with letting there. The applicants and CBC need to do more more work on this application; it is not ready for a decision to be made. If there's an offer of 40% affordable housing, we should be ready to accept it. There are developments on employment land with no affordable housing at all – at Kier Moss, Leckhampton Hill, Bouncers Lane. It has been said that there would be no employment gain if the businesses relocates, but permission was granted for BMW showroom on the greenbelt in Hatherley which provided no extra jobs at all. Regarding available sites, there are a lot of possibilities around the town, and Tim Fry Land Rovers needs a more attractive site for people to take their vehicles to – it is what Land Rover-owners will expect. The buildings at King Alfred Way are in very poor order and the best option is to knock them down and start again; to say the site could be redeveloped for employment is a bit of a red herring.

Regarding traffic, highways officers say there will be less traffic in and out of the site if it is used for housing.

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The scheme shouldn't be dismissed out of hand. Can't ask for another deferral, but it should have been run past the District Valuation Service – 40% affordable housing is always the aspiration, but the school site at Arle Road didn't achieve this, and that could have been classed as an employment site.

Doesn't know which way to go with this application. If not permitted, the site could end up derelict like Bonella Switches, which has now been levelled, while the development of the builders' yard on Gloucester Road will provide very little affordable housing. The argument for consistency goes both ways, and is not convinced by it.

HM: supports the officer recommendation. This is a dilapidated site, but should be kept as employment land - it needs redevelopment to provide start-ups with supporting services, as there is very little of this available in Cheltenham and this site is ideal. In addition, the urban design team have concerns about this site as a suitable place to live, which we should take into account. Regarding traffic, the junction of Haywards, Cirencester and London Roads backs up at any time of day. The Haywards Road junction has minimal access at the lights, which makes drivers more likely to use Ewens Road, turning it into a rat run; residential development of the site will make this situation even worse.

CN: has listened with interest to comments from fellow Members and agrees with a lot of what has been said. Was conflicted when first looking at this application. Cheltenham is a town with a lot of planning activity currently taking place – the JCS proposing 9,100 new homes for Cheltenham, pressure to provide strategic sites, Local Green Space applications, and the draft Cheltenham Plan. It is hard to find sufficient land for all 9,100 homes, and it appears that this site could help deliver that number, but the Examination in Public has also highlighted a shortage of employment land in Cheltenham, which is a problem. Preparation for the Cheltenham Plan is also showing that there isn't enough employment land in the town. Agrees with Members who have said that now is not the time for an application like this. The Cheltenham Plan will determine policy for the next 15 years, and to remove employment land today would be premature and wrong; the Cheltenham Plan may well safeguard this area and improve it as an employment site.

It's true there are empty units on the site, and much of it is dilapidated and looks like a scrapyard, so Members need to send a strong message to the planners working on the Cheltenham Plan. If the area can be safeguarded, traffic issues will need to be addressed and business rates reviewed, making the area more attractive. These are concrete ways to help the owners maximise employment opportunities in the town. The Cheltenham Plan needs teeth to develop what we want; the Committee's job will be a lot more difficult if it doesn't have any. Agrees with CHay that applications on employment sites should be shared with the LEP and Cheltenham Chamber of Commerce to ensure we have a thorough understanding of employment land in the town.

Agrees with the officer recommendation and most Members' views expressed tonight, and urges all Members to vote against this application. This will give a strong message to the owner that we want to keep employment land, and a strong message to planners to look at the issue in the Cheltenham Plan.

LS: has listened to officers' and Members' well-founded concerns about the loss of employment land, and understands that Cheltenham has a shortage of land both for housing and employment. With the greenbelt in Leckhampton and AONB in Glenfall Way threatened with housing development, we have to think whether we are using available land efficiently and effectively. This brownfield site is clearly an eyesore, and not providing much in the way of employment and economic activity; 86 new homes, including 40% affordable, is a significant number in view of the chronic shortage of housing, both locally and nationally. This is not an easy decision to make, and agrees with many of the points made, but we have to consider the merits of this number of houses for the town. Traffic concerns can be mitigated. Will support the proposal.

CH, in response:

- it has been an interesting debate, with many issues covered;
- to CN's comments about the site itself, today's updates included comments from planning policy officers, based on the economic strategy produced in support of the Local Plan. This looked at King Alfred Way, identified a shortfall of employment land, and concluded that this land is needed to support employment provision in the town going forward;
- the appeal decision at Alma Road is very timely, stating at Paragraph 14 that although there is some debate as to whether or not Cheltenham can demonstrate a five-year housing supply in advance of adoption of the JCS, there is no dispute about the shortage of employment land in the borough and any reduction in that would not weigh in favour of granting planning permission;
- in making a decision, we have to be mindful of the employment potential at King Alfred Way; the planning policy team has been involved with consideration of this application and given guidance;
- regarding highways issues, there are concerns about current access to the site and the impact on surrounding roads, . Highways officers have not raised any objections to the application.

CL, in response:

- the applicant has submitted a draft 106 agreement, which states as follows: prior to commencement of development to use reasonable endeavours to find alternative accommodation within Cheltenham Borough to re-locate the owner's existing business (currently located at the owner's property), subject always to suitable property being available of similar quality, suitable to the owner's business and available to rent or purchase at reasonable affordable commercial rates;
- therefore, it does not actually prevent the planning permission from being implemented if no suitable alternative employment site can be found.

PT: is bothered about the promise of 40% affordable housing. Members shouldn't forget the cases when builders start work and then say that this figure is not viable. On Planning View, Officers promised to provide information on the number of people who would lose their jobs if the site is used for housing.

BF: to CN, would say there is a danger in being blinkered by strategy and not taking note of real problems – the JCS is set to run to 2031 and a lot can change during that time. If Tim Fry Land Rovers can't stay viable at this site, it could go out of business, losing all the current jobs. The government has stated that we need to build houses. Is not 100% in support of this application, but it needs to be looked at again.

MS: has listened intently to the debate and heard a lot of interesting comments. CBC has spent a lot of money on its economic strategy, and the officer recommendation is in front of us. If we start losing employment land, the town will be in trouble, and there will be no point in building houses – it would become a dormitory town. Is 100% behind the officer recommendation. There is a lot of rubbish on the site, but this isn't a consideration for Members. This land is extremely valuable, and could be put to good employment use, maybe by an electronics company or something similar. Is only concerned that, in six months' time, the applicants could come back saying they have tried to market it and there is no interest. We must be aware of how the marketing is taking place, as it would be easy to make it unmarketable.

KS: came to the meeting with an open mind about this application, as there are arguments on both sides, but feels she must support the officers – where the use of an area needs to be considered, this should be done through the planning process rather than on an ad hoc basis to help one business cushion the costs of its own development. Is not altogether averse to housing on the site - although traffic-wise, it isn't the easiest to access - and there would be space at Pittville School for incoming children. Planners need to look at this site and others nearby, as there is potential for conflict between

residential and business uses. If, through the planning process, another site is available which could replace this, it could be redeveloped, but in isolation, it is not the right thing to do.

RH: regarding traffic, and references to the traffic generated by the industrial site, was the knock-on from GCHQ and Starvehall Farm taken into account, and the considerable increase in traffic that these developments will cause?

CH, in response:

- these developments would have been factored into the traffic modelling;
- regarding the number of jobs currently on site, the best figure officers can provide is 34 jobs within the red line – so not the most efficient use of the land.

Vote on officer recommendation to refuse

11 in support

3 in objection

REFUSE

Application Number:	15/00646/FUL		
Location:	Belmont, Hyde Lane, Swindon Village		
Proposal:	Erection of dwelling (revised scheme following approval of planning permission ref. 13/00854/FUL)		
View:	Yes		
Officer Recommendation:	Permit		
Committee Decision:	Permit		
Letters of Rep:	0	Update Report:	None

MJC introduced this application for a revised detached dwelling. Work has commenced on the permitted scheme, which has resulted in the applicant's request for a further 450mm on the first floor height, a further 5.1m in first floor width, and an extension to the first floor landing. The site is in the green belt. The application is at Committee at the request of Councillor Fisher. The officer recommendation is to permit.

Public Speaking:

None.

Member debate:

BF: the key concern here is that this site is in the green belt. The original dwelling was a very small bungalow with a cast-iron roof and one bedroom. This grew a lot with the first application and just keeps growing, with a further 5m now requested, apparently for no good reason. It is now like a film-star's house, with a massive pool. With the first design, the only thing showing was a small area at the top; was staggered on Planning View to see how big it has become. The outbuildings were breeze block dog kennels and a chicken run, not part of the residential dwelling, and this proposal and hedge will make a difference to the green belt – it will stick out like a sore thumb. The developer proceeded at his own risk; he could have built lower, but this would have cost him more. The original application was only permitted by a narrow majority, due to the greenbelt location, and now the applicant is asking for an even more massive pad, on a site surrounded by cornfields. If we could overlay the size of the original proposal with what is now proposed, Members would see that it is a very large increase indeed.

SW: recalls a similar application to this, at which he voted with other Members but for a very different reason. There is already planning permission on this land, and if it is to be considered as building land, wants to see it built on properly, with more than one dwelling. If it isn't, and is still classed as green belt, does not want to see any further development on it. Will vote in objection.

CHay: considers the design to be fine; the principle is accepted, and this proposal is just a bit bigger. Is there any height restriction on the green roof? If the plants are maintained at 0.5m high, it will make no difference. Recalls a similar application for a house on Cleeve Hill which was very controversial but went on to win a civic award, as an example of an attractive, modern, good-quality building which enhances the site. This is just one house in the greenbelt, not rows and rows of housing; it looks good and is acceptable.

MS: agrees with CHay. The design is alright, and the original application has approval; to say an extra couple of feet will make any difference is wrong – it will go unnoticed. We would stand no chance of winning an appeal. The scheme is panning out well, and is likely to bring money to the area. Will go with the officer recommendation.

BF: Members shouldn't forget that this was done at the applicant's own risk. Previously, the only visible part was a small part of the top of the building; this is now extended by 5m. What's the square meterage of the proposed dwelling now? What if the applicant wants to extend it further, or sink the pool deeper? There is also the question of the removal and replacement of the soil; the house seems to be a lot more visible when it was originally approved.

AC: Members sometimes have to consider very boring architecture, but this is absolutely brilliant. It isn't materially different to what was originally approved, there's just a bit more of it. It is an excellent scheme. Will vote in support.

MJC, in response:

- to BF, the applicant isn't building at his own risk; he is building in accordance with the planning permission, and hasn't yet started on the first floor, with which the current application is concerned;
- the details of the square meterage are set out in the officer report; the original first floor was 88.5 square metres, the revised first floor is 120 square metres;
- the pool is part of the original approval;
- regarding levels, the drawings show them as they will be reinstated. This is also approved. The solid green line on the ground floor level indicates the level to which the land will be reinstated. A lot of earth moved during the construction period will be reinstated – this is conditioned;
- regarding the height increase, this is purely to do with the structure needed to retain the sedum roof. Soil and sedum are heavy, and the roof has to be stronger.

Vote on officer recommendation to permit

12 in support

2 in objection

PERMIT

Application Number:	15/00699/FUL
Location:	15 Brookway Drive, Charlton Kings, Cheltenham
Proposal:	Single and two storey extensions to side and rear of existing dwelling
View:	Yes
Officer Recommendation:	Permit
Committee Decision:	Permit
Letters of Rep:	7
Update Report:	None

VH introduced the application as above, which is at Committee at the request of Councillor Reid who considers it would dominate the adjacent property as it is over development and not subservient.

Public Speaking:

None.

Member debate:

RH: notes at paragraph 6.18 that the officer does not consider the neighbouring property would lose daylight to an unacceptable degree, but what is an unacceptable degree and how close to being unacceptable is this proposal?

VH, in response:

- it is a simple pass or fail of the 45° light test; this application passes the test.

JF: is worried about the scheme. There will undoubtedly be loss of daylight for the neighbours; it is overbearing. Cannot go along with the officer recommendation.

RH: doesn't understand the light test and how it relates to what is in the report. Will the neighbour lose 40% daylight, 44% or what?

MJC, in response:

- to clarify the light test, as VH has said, schemes essentially pass or fail it. It is carried out by projecting 45° from different parts of the extension; if the centre point of the windows is on the extension side, there will be loss of light. It is a crude system, but national best practice and routinely carried out;
- planning guidance talks about loss of more than 20% of daylight being noticeable and therefore any loss below 20% is taken as acceptable;
- this is quite technical and difficult to explain without pencil and paper, but it is basically about projecting various lines from the highest and deepest points. Can demonstrate if Members would like.

AC: it's interesting that there is a very similar extension next door, and the proposal is no better or worse than that. The objector on the other side cannot build a similar extension, as the driveway of that property has been sold off. If he owned this house and had a family, would want to do exactly what the applicant wants to do. Considers it perfectly okay.

MS: to anyone worried about loss of light, it will be noticeable to the neighbours but their sunlight is already compromised by the house next door but one. Cannot see any problem with this application.

PT: was going to say something similar. The large extension on the house beyond definitely affects the light to the house of the neighbour who has objected, and there's nothing to be done about that. This proposal won't make any fundamental difference. Many of the houses in this area have extensions, not all as big but all on the same track of increasing the size of living accommodation. Has no problem with this at all.

HM: is concerned about on-street parking. The house will be substantial, and may add as many as four cars. On-street parking is already difficult, and at the bottom of the close, where the application site is situated, there is a turning circle which needs to be clear at all times. This proposal will mean loss of amenity to neighbours in Brookway Drive, making it more difficult to park and turn round.

VH, in response:

- there is one off-street parking space at the moment, and no additional spaces are proposed. There was felt to be sufficient on- and off-street parking available in the area to ensure that highway safety will not be endangered.

Vote on officer recommendation to permit

10 in support

2 in objection

2 abstentions

PERMIT

Application Number:	15/00899/FUL
Location:	Sandford Park, College Road, Cheltenham
Proposal:	Construction of three self-binding gravel petanque courts, new tarmac path, picnic table areas, planting and the removal of an existing tarmac path
View:	Yes
Officer Recommendation:	Permit
Committee Decision:	Permit
Letters of Rep:	0
Update Report:	None

Councillor Sudbury left the Chamber for the duration of this item.

VC introduced the application as above, which is at Committee because the Park is owned by Cheltenham Borough Council, and comes with a recommendation to permit

Public Speaking:

None.

Member debate:

PB: is fortunate to represent this area and live close to the Park. The Friends of Sandford Park have been engaged in this scheme, and Councillor Sudbury has put forward an application for funding to the County Council, to encourage the community to engage more fully. It is a superb scheme, will provide fantastic local amenity and enhance the area.

CHay: this is a great scheme, and the timing is particularly brilliant with the 60th anniversary of Cheltenham's twinning with Annecy coming up. Hopefully the two towns can challenge each other to a game on the new pitches

BF: this is an excellent scheme, and as the Plough at Prestbury also has petanque courts, could see the start of a petanque league!

Vote on officer recommendation to permit

13 in support - unanimous

PERMIT

Application Number:	15/00928/ADV & 15/00928/LBC
Location:	Everyman Theatre, 7 - 10 Regent Street, Cheltenham
Proposal:	Erection of two internally illuminated matrix display signs – two 'messagemaker' display units to ends of canopy at front of theatre

View:	Yes		
Officer Recommendation:	Grant		
Committee Decision:	Grant		
Letters of Rep:	0	Update Report:	None

CS introduced this application, at the Grade II-listed Everyman Theatre. Listed building consent and advertising consent are sought for illuminated message units which will display information relating to the theatre only. The Conservation Officer and Highways Officers do not have any objection to the scheme. It is at Committee because Cheltenham Borough Council owns the site and the officer recommendation is to permit.

Public Speaking:

Mr Geoffrey Rowe, Chief Executive of the Everyman Theatre, in support

There are two reasons for this application: the first is commercial, like any exterior signs, to sell seats and advertise the catering facilities at the theatre. The second is to counter the appearance that the theatre isn't open - it is a Victorian building, and can often appear closed. The Everyman relies on ticket sales and catering, with 90% of its income coming from sales, and during the day in particular, it tends to look dark and closed, situated as it is among lit-up shops and restaurants. The display signs will show that the theatre is open for business and encourage sales. When it was built in 1891, the Victorians preferred to keep their pleasures private, so the windows are small and the audience not visible from outside. Modern theatres, on the other hand, like to show their wares. The elitist image still lingers, but illuminated signs will counter the impression that the theatre is only for those in the know. The signs won't affect the listed exterior of the building as they will be fastened to the canopy and can easily be removed. They will soon be accepted as part of the exterior and something people expect from a place of entertainment.

Member debate:

AC: this is a no-brainer – a wonderful proposal. Is a big supporter of the Everyman, and this will achieve exactly what it wants to achieve. It's true that it can look closed during the day. Fully supports the proposal.

LS: this is an excellent proposal, very eloquently described by Mr Rowe.

Vote on officer recommendation to permit/grant

14 in support – unanimous

PERMIT/GRANT

Application Number:	15/01065/FUL		
Location:	16 Hewlett Road, Cheltenham		
Proposal:	Refurbishment and Alteration to workshop at the rear of 16 Hewlett Road		
View:	Yes		
Officer Recommendation:	Permit		
Committee Decision:	Permit		
Letters of Rep:	0	Update Report:	None

Councillor Baker left the Chamber for the duration of this item.

CS explained that this application seeks to make amendments to the existing single storey extension to the rear of this property, inserting a window to the side and replacing the existing garage door with a

window. There is no change of use, and all alterations are external. It is at Planning Committee because the property is owned by Councillor Baker.

Public Speaking:

None.

Member debate:

None.

Vote on officer recommendation to permit

13in support – unanimous

PERMIT

Application Number:	15/01126/FUL		
Location:	2 Peter Pennell Close, Cheltenham		
Proposal:	Single storey front/side extension		
View:	Yes		
Officer Recommendation:	Permit		
Committee Decision:	Permit		
Letters of Rep:	0	Update Report:	None

MJC introduced the application as above, which is at Planning Committee because the site is owned by Cheltenham Borough Homes.

Public Speaking:

None.

Member debate:

HM: fully supports this application, which is much needed. The new extension will be a bedroom. The existing second bedroom is small and will be converted to an en suite bathroom with disabled access to Bedroom 1. With the ageing population, there are likely to be more and more applications of this type. It is an excellent proposal and should be supported.

Vote on officer recommendation to permit

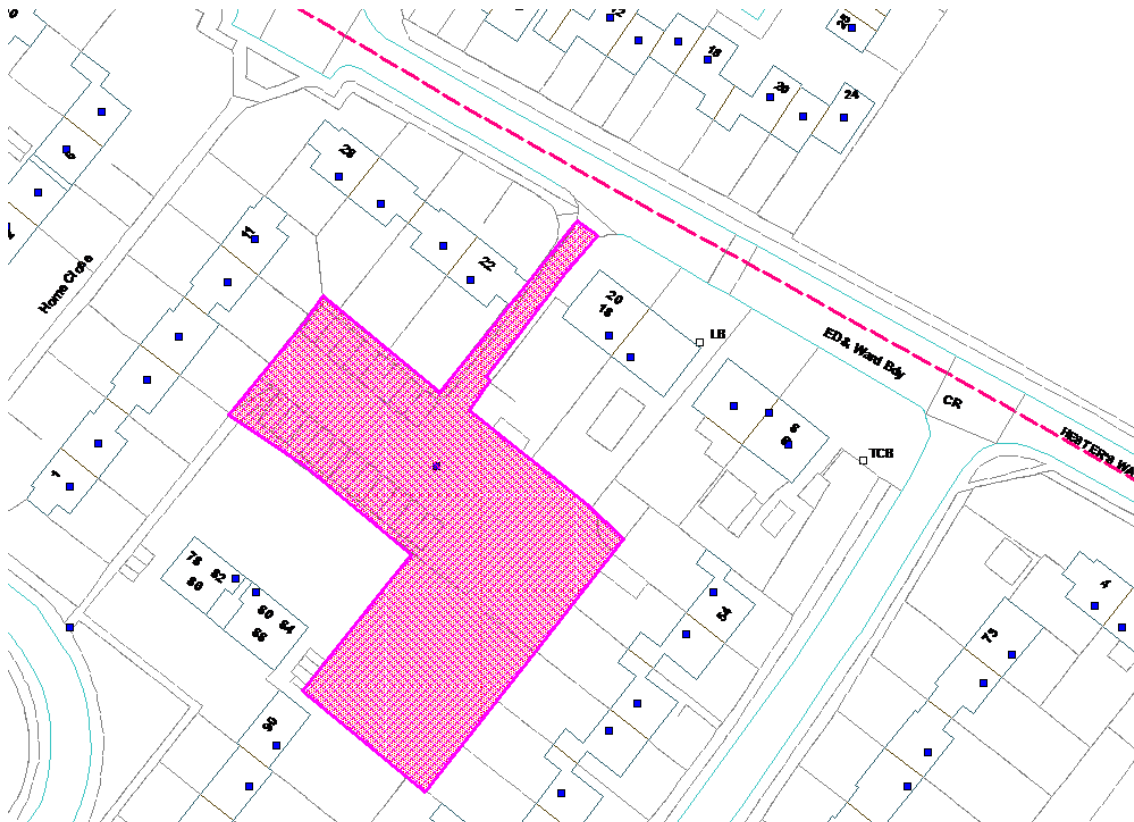
14 in support – unanimous

PERMIT

The meeting ended at 7.40pm.

APPLICATION NO: 15/00591/FUL	OFFICER: Mr Ed Baker
DATE REGISTERED: 10th April 2015	DATE OF EXPIRY: 5th June 2015
WARD: Hesters Way	PARISH:
APPLICANT: Mr Gordon Malcolm	
AGENT: Quattro Design Architects Ltd	
LOCATION: Former Garage Site Rear Of 10-26 Hesters Way Road Cheltenham	
PROPOSAL: Erection of four dwellings and associated hard and soft landscaping	

RECOMMENDATION: Permit



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

1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site is land to the rear of Nos. 10 to 26 Hesters Way Road. The site previously comprised a series of garage lock ups serving the local area, however, these have since been demolished and the site cleared.
- 1.2 The site is located to the south side of Hesters Way Road in a predominantly residential area. It is situated behind Nos. 10 to 26 Hesters Way Road which have a frontage to the highway. These are mostly residential properties although there is a Co-operative store and shops at ground level between Nos. 6 and 20 Hesters Way Road.
- 1.3 Vehicular access to the site is from Hesters Way Road to the north via a narrow drive between Nos. 18/20 Hesters Way Road.
- 1.4 There is also a footpath link from Ashlands Road linking the north-west corner of the site to Hesters Way Road. It is understood that this link is not a public right of way or adopted highway. It was originally proposed that this link would be stopped up. However, the amended layout retains the link.
- 1.5 The site comprises approximately 0.2 hectares. The main part of the site is broadly "L" shaped with the additional narrow entrance drive from the highway. The site is relatively flat with the south part of the site stepped up around 0.5 metres higher than the north.
- 1.6 The application seeks full planning permission for the erection of four semi-detached dwelling houses (two pairs). The dwellings would have two storeys. Plots 1 to 3 would have 3 bedrooms and Plot 4 would have 2 bedrooms.
- 1.7 Plots 1 and 2 would be located at the southern end of the site and would face towards the back of the properties on Hesters Way Road. Plots 3 and 4 would be situated to the north part of the site, facing south, and backing onto the houses on Home Close to the north.
- 1.8 Each dwelling would have two parking spaces. There would also be an additional visitor's parking space. Parking for Plots 1 and 2 would be in front of those properties. Parking for Plots 3 and 4 would be away from those dwellings next to the east site boundary.
- 1.9 The layout incorporates private access to the rear of three properties on Barbridge Road to the south and Home Close to the north west. It is understood that those properties have a private right of way over the site, which the scheme has had to accommodate.
- 1.10 The dwellings would have a modern design. They would be faced in off-white render with a brick plinth. The pitched rooves would be finished in brown tiles.
- 1.11 The scheme has been the subject of a number of amendments. The proposal has been reduced from five dwellings to four dwellings; private rear access has been provided for the neighbour on Home Close; changes to the plot types; and adjustments to the layout and landscaping scheme. These amendments have been subject to consultation.
- 1.12 The application is referred to the planning committee because the applicant is Cheltenham Borough Homes. Moreover, the site is currently owned by the Council.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Landfill Sites boundary
Smoke Control Order

Relevant Planning History:

None

3. POLICIES AND GUIDANCE

Adopted Local Plan Policies

CP 1 Sustainable development

CP 4 Safe and sustainable living

CP 7 Design

GE 5 Protection and replacement of trees

GE 6 Trees and development

NE 3 Biodiversity and geodiversity of local importance

NE 4 Contaminated land

HS 1 Housing development

HS 2 Housing Density

RC 7 Amenity space in housing developments

UI 3 Sustainable Drainage Systems

TP 1 Development and highway safety

TP 2 Highway Standards

TP 6 Parking provision in development

Supplementary Planning Guidance/Documents

Affordable housing (2004)

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

National Guidance

National Planning Policy Framework

National Planning Policy Guidance

4. CONSULTATIONS

Cheltenham Civic Society

5th May 2015

This is a sensible scheme to provide additional houses.

Social Housing

17th April 2015

The proposals are for 3 x 2 Bed Houses and 2 x 3 Bed Houses for affordable rent. There are currently 2,713 households registered on Gloucestershire Homeseeker for social housing in Cheltenham. For the Hesters Way area there are 475 households registered for 1 bed accommodation, 268 households for 2 bedroom accommodation, 139 households registered for 3 bed accommodation and 40 households registered for 4 bedroom accommodation.

The proposed 2 and 3 bed houses will help meet an identified affordable housing need in this area. The proposals meet Lifetime Homes Standard, Building for Life Bronze as minimum and Code for sustainable homes level 3.

We fully support these proposals

Tree Officer

29th April 2015

Page 22

The Tree Section does not object in principle to this application on the basis that the following information is submitted and agreed prior to determination of this application:
Tree Protection Plan to BS 5837:2012

14th August 2015

Not enough tree information has been submitted to make an informed decision. The Tree Section has a concern with the proposed development on the neighbouring north west boundary trees, as it is within very close proximity to their canopies, if the proposed development is approved a significant part of the tree canopies could be lost. The Tree Section would welcome if the proposed plots P3 and P4 could be moved away from the boundary trees.

The Tree Section would like the following information is submitted and agreed prior to determination of this application:

Arboricultural Impact Assessment to BS 5837:2012

Tree Protection Plan to BS 5837:2012

8th September 2015

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

Tree Protection

Tree protection shall be in accordance with the specifications set out within the Arboricultural Report reference Trees at Hester's Way Road and the Tree Protection Plan Drawing Number GL510DA/CBH/TPP dated September 2015.
Reason: In the interests of local amenity, in accordance with Local Plan Policies GE5 and GE6 relating to the retention, protection and replacement of trees.

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.

It is strongly recommended that suitable leaf guards to cover guttering and down pipes are installed onto external rain drainage pipework so as to reduce the incidence of such blocked pipework as a result of tree related litter-fallen leaves, twigs, fruit etc

Contaminated Land Officer

29th April 2015

With regard to this application I have the following comment to make

Noise - From Demolition and Construction

Demolition or construction works on the development shall not take place other than during the following times:

1. Monday to Friday 0800 to 1800 hours
2. Saturday 0800 to 1300 hours

Nor at any time on Sundays, Bank or Public holidays, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to protect existing residents who are in close proximity to this site.

GCC Highways Planning Liaison Officer

8th September 2015

I have reviewed that amended application and recommend no highway objection subject to the following conditions

1. No works shall commence on the development until details of the proposed access including surfacing have been submitted in writing to the Local Planning Authority. No beneficial occupation shall occur until the access has been completed in accordance with the approved details and maintain as such thereafter.

Reason: To provide a safe and suitable access in accordance with CBC Local Plan policy TP1, and NPPF paragraph 32

2. No beneficial occupation shall occur until the internal layout including car parking and turning areas, has been laid out and completed in accordance with the approved drawing 4067/P/10/F, and maintained as such thereafter

Reason: To provide a safe and suitable access in accordance with CBC Local Plan policy TP1, and NPPF paragraphs 32 and 35

3. No work shall commence on the site until details of the provision of fire hydrants served by mains water supply including a location plan and timetable for their provision, have been submitted to and approved in writing by the Local Planning Authority. The fire hydrants shall be provided in accordance with the approved details.

Reason: To reduce the potential impact on the public highway in accordance with NPPF paragraph 32

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

5. REASON: In the interest of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the approved development; and to safeguard the visual amenities of the locality and users of the highway.

Note: The applicant is advised that to discharge condition 5. that the local planning authority requires a copy of a completed

dedication agreement between the applicant and the local highway authority or the constitution and details of a Private Management and Maintenance Company confirming funding, management and maintenance regimes

6. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall include;
- i. specify the type and number of vehicles;
 - ii. provide details of the haulage routes to sites
 - iii provide for the parking and turning of vehicles of site operatives and visitors;
 - iv. provide for the loading and unloading and turning of plant and materials;
 - v. provide for the storage of plant and materials used in constructing the development;
 - vi provide for wheel washing facilities;
 - vii specify the intended hours of construction operations;
 - viii. measures to control the emission of dust and dirt during construction

Reason: To reduce the potential impact on the public highway in accordance with NPPF paragraph 32.

B Notes

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

Severn Trent Water Ltd

15th May 2015

With reference to the above planning application the company's observations regarding sewerage are as follows.

I confirm that Severn Trent Water Limited has NO OBJECTION to the proposal subject to the inclusion of the following conditions.

Condition 1

The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

Reason

To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

Suggested Informative

Severn Trent Water advises that there are public sewers located within the application site. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent. You are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the

public sewer and the building. Please note, when submitting a Building Regulations application, the building control officer is required to check the sewer maps supplied by Severn Trent and advise them of any proposals located over or within 3 meters of a public sewer. In many cases under the provisions of Building Regulations 2000 Part H4, Severn Trent can direct the building control officer to refuse building regulations approval.

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	40
Total comments received	2
Number of objections	2
Number of supporting	0
General comment	0

5.1 Comments Received

See attached.

6. OFFICER COMMENTS

6.1 Determining Issues

6.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning decisions are made in accordance with the Development Plan, unless materials considerations indicate otherwise.

6.3 The Development Plan for the area is the Cheltenham Borough Local Plan (adopted 2006).

6.4 The National Planning Policy Framework ("NPPF") is Government's latest guidance. The NPPF sets the weight to be attached to existing Local Plan policies. Paragraphs 214 and 215 state that for a Local Plan which has not been adopted in accordance with the Planning and Compulsory Act 2004, due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The Cheltenham Borough Local Plan was adopted in accordance with pre-2004 legislation and therefore only policies which comply with the NPPF carry weight, and where the Local Plan is not in accordance or is silent then the NPPF is the lead document in making planning decisions.

6.5 The main issues relevant to the assessment of the planning application are:

- (i) Planning history
- (ii) Sustainability
- (iii) Affordable housing
- (iv) Impact on the character and appearance of the area
- (v) Impact on neighbouring property
- (vi) Access and highway issues
- (vii) Ecology
- (viii) Other matters

6.6 Sustainability

6.7 The site is considered to be a sustainable location for additional housing. It is within an established residential area of the town. The site has reasonable access to shops, services, jobs and public transport. There is a neighbourhood store immediately in front of the site on Hesters Way Road providing convenience goods.

- 6.8** The proposal would make effective use of previously developed land in accordance with the planning system's aim of prioritising development of brownfield sites.
- 6.9** The proposal would also add to the available stock of housing and would meet an identified housing need.
- 6.10** In terms of principle, the proposal displays a range of positive sustainability credentials. The proposal accords with strategic policy and is considered acceptable in principle.
- 6.11 Affordable housing**
- 6.12** The Council's Housing Enabling Officer notes that there is a particular need for two and three-bedroom accommodation in the Hesters Way Road area. As of April this year, 30 people identified the area as their first preference for three-bedroom accommodation; and 50 people identified the area as first preference for two-bedroom accommodation.
- 6.13** The proposal would provide 2 x three-bedroom dwellings; and 1 x two-bed dwellings, which would help towards meeting this need.
- 6.14** The provision of affordable housing is one of the key aims of local and national planning policy. That the proposal will provide affordable housing to help meet the identified local need is an important material consideration.
- 6.15 Impact on the character and appearance of the area**
- 6.16** The site is not generally visible from the public realm, situated behind the properties on Hesters Way Road, Home Close, Ashlands Road and Barbridge Road. There would be narrow glimpses of the site through the access drive off Hesters Way Road.
- 6.17** The development will mostly be seen from private property from the houses and flats that surround the site. Nevertheless, it remains important that the development is of appropriate quality and satisfactorily relates to its context.
- 6.18** The layout of the development is fairly logical and makes reasonably good use of the space given the constraints of the size and shape of the site, as well as the need to safeguard the amenity of neighbouring residents, and incorporate private access for three of the surrounding properties.
- 6.19** The housing in the area is of circa mid-20th Century and fairly ordinary in terms of appearance. The surrounding houses are two storeys with a mixture of render, brick and pebble dash facing materials. The roofs of the houses are either hipped or vertical gables with red palette roof tiles. The flats on Ashlands Road to the south are three storey and finished in brick. The roof of the flats is tiled and hipped.
- 6.20** The proposed dwellings are modest in design and appearance. Their two storey proportions and external materials reflect the existing houses in the area. There are subtle modern design cues, particularly in the fenestration and porch canopies, and the overall effect of the dwellings would be pleasant and reasonable quality. It is considered that the design of the proposed dwellings is appropriate to their context.
- 6.21** The internal layout of the development is dominated to an extent by hard surfacing, particularly in the central area by the service road and parking areas. The applicant has sought to visually break up the hard surfaces by introducing buff gravel for the private access tracks and block paving for the parking area. The amendments also increase the amount of planting to soften the overall layout.
- 6.22** The existing boundary treatment to the site will largely be retained. Gap fencing will be provided alongside the access entrance. It would have been preferable to have provided a

wall or hedge in this location, but the applicant has verbally cited concerns about cost as well as insufficient room to physically provide a wall or hedge.

- 6.23** There are a number of trees around the site which will be retained. These trees are outside the site but on the site boundary. Twenty-one trees have been recorded in total and the arboricultural report that supports the application confirms that the majority are in poor or fair condition. Only three trees (T7, T8 and T12) are categorised as being in good condition, but these trees are either compromised by their position or cited as having little public amenity value.
- 6.24** The trees most affected by the proposal are T1 to T5, which are located at the bottom of the rear garden of No. 22 Hesters Way Road. These are Ash trees which, according to the arboricultural report, are of limited quality and have limited life-expectancy. Nevertheless, the trees help to frame this part of the site. Plot 4 would be located next to this group at a distance of 1.5 metres. The report confirms that with crown raising, the trees can be suitably retained. The Tree Officer advises no objection to the application, subject to the conditions. These are recommended.
- 6.25 Impact on neighbouring property**
- 6.26** The site is surrounded by housing on all sides. The position of the dwellings generally minimises the impact on neighbours.
- 6.27** Plots 1 and 2 face towards the rear of Nos. 10 to 20 Hesters Way Road. The elevation to elevation distance is 36 metres and elevation to boundary distance is 17 metres. In addition, there are trees currently on this boundary providing screening. At the rear, the elevation to boundary distance is 19 metres. These distances are far more than adequate to ensure no overlooking or negative impacts on adjacent neighbours.
- 6.28** Plots 3 and 4 have a closer relationship with surrounding properties. There are no issues at the front with an elevation to boundary distance of more than 34 metres. At the rear, the relationship is much closer. Plot 3 has an elevation to elevation distance to No. 7 Home Close of 22.5 metres and elevation to boundary distance of 13.5 metres. These are acceptable distances.
- 6.29** Plot 4 is closer again with elevation to elevation distances to No. 9 Home Close of 20.5 metres and elevation to boundary distance of 11.5 metres. These distances are a little under the recommended distances set by Supplementary Planning Document, although not by a significant amount. There are two first windows at the rear of Plot 4. One serves Bedroom 2 and the other serves a landing space. Only the bedroom window has any real potential to result in overlooking. However, whilst a little under the usual locally recommended standard, the relationship is such that it is unlikely that there would be significant or harmful overlooking of the rear of No. 9 Home Close.
- 6.30** Plot 4 would abut the end of the rear garden of No. 22 Hesters Way Road. Plot 4 has a hipped roof so as to help reduce the massing. There is an existing group of Ash trees at the end of No. 22's garden (as described previously) and this will provide screening of Plot 4 if retained. Even if these trees were removed, Plot 4 is likely to have less effect on shading and outlook at the rear of No. 22 than the existing group of trees.
- 6.31** The applicant has been asked if they would remove one of either Plots 3 or 4 so as to move development away from the rear garden of No. 22. However, the applicant states that the scheme would no longer be viable. In any event, having regard to the position and design of Plot 4, together with the effect of the existing Ash trees, it is felt that the proposal would not have a harmful impact on the amenity of No. 22.
- 6.32** It is noteworthy that there have been no objections from any of those immediate neighbours most affected by the proposals.

6.33 There is some concern that the rear gardens of Plots 3 and 4 are quite small, particularly in the case of Plot 3, and that they might not provide adequate amenity space. The rear garden of Plot 3 is compromised by the provision of access with turning head for the property on Home Close. The applicant states that this is the minimum specification for the access and they are therefore unable to make the rear garden of Plot 3 any larger. In any event, the applicant states that the garden meets their own standards. Furthermore, the applicant says that they have a variety of tenants, some of whom may appreciate a smaller garden.

6.34 Access and highway issues

6.35 The development has the potential to generate up to circa 40 vehicle movements per day. The existing access to the site is narrow and restricted. Visibility at the site entrance is compromised to a degree by vehicles parking at the front of the shops in an easterly direction and by the traffic calming pinch-point to the west.

6.36 Notwithstanding, the previous use of the site as garage lock-ups would have the potential to generate the same if not significantly more traffic than would be associated with the proposed development. The Highway Authority has reviewed the application in discussion with the applicant and offers no objection to the proposal.

6.37 Having regard to the advice from Gloucestershire County Council, it is considered that the proposed access arrangements and layout are acceptable.

6.38 The scheme would provide two parking spaces for each dwelling plus one additional visitor's space. This is considered satisfactory.

6.39 The conditions suggested by the Highway Authority are recommended as appropriate.

6.40 Ecology

6.41 The site has been cleared and its surface is mostly hard standing. The site is considered to have quite limited ecological potential.

6.42 Other matters

6.43 Construction hours – for a relatively small development such as this it would be more appropriate to regulate construction hours under Environmental Protection legislation.

6.44 Footpath link – the pedestrian link through the site between Ashlands Road and Hesters Way Road is now to be retained. The occupier of No. 3 Home Close, who has made representations on the application, has been notified of this in writing.

7. CONCLUSION AND RECOMMENDATION

7.1 The proposal is sustainable development that satisfactorily relates to its context and would provide valuable additional affordable housing. It is recommended that planning permission is granted.

8. CONDITIONS / INFORMATIVES

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out in accordance with drawing numbers 4067/P/01, 4067/P/02 A received on 09 April 2015; drawing numbers 4067/P/20 B, 4067/P/21 B and 4067/P/70 C received on 04 August 2015; drawing numbers 4067/P/10 F, 4067/P/11, 4067/P/22 B, 4067/P/23 B, 4067/P/71 C and ST6110-02; and External Materials Schedule received on 03 September 2015.

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

- 3 No external facing or roofing materials shall be applied unless in accordance with physical sample/s of the materials, details of which shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the character and appearance of the area, having regard to Policy CP7 of the Cheltenham Borough Local Plan (adopted 2006).

- 4 All hard landscaping works shall be carried out in accordance with drawing number 4067/P/10 F and External Materials Schedule received on 03 September 2015. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed in writing with the Planning Authority.

Reason: In the interests of the character and appearance of the area, having regard to Policies CP1 and CP7 of the Cheltenham Borough Local Plan (adopted 2006). Approval is required upfront because the landscaping is an integral part of the development and its acceptability.

- 5 Notwithstanding the submitted details, no development (other than site clearance, site preparation and the formation of foundations and trenches) shall be carried out unless a modified version of the submitted soft landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The modifications shall specify species, planting size, root type (it is anticipated that container grown trees will be planted), protection so as to ensure quick successful establishment and a programme of implementation.

All soft landscaping works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed in writing with the Planning Authority. Any trees or plants indicated on the approved scheme which, within a period of five years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season with other trees or plants of a species and size to be first approved in writing by the Local Planning Authority.

Reason: In the interests of the character and appearance of the area, having regard to Policies CP1 and CP7 of the Cheltenham Borough Local Plan (adopted 2006). Approval is required upfront because the landscaping is an integral part of the development and its acceptability.

- 6 The development shall not be carried out unless in accordance with the tree protection measures set out in the Arboricultural Report reference Trees at Hester's Way Road and the Tree Protection Plan Drawing Number GL510DA/CBH/TPP dated September 2015.

Reason: To protect trees adjacent the site in the interests of visual amenity, having regard to Policies GE5 and GE6 of the Cheltenham Borough Local Plan (2006).

- 7 No development shall be carried out unless details of surface water and foul drainage have been submitted to and approved in writing by the Local Planning Authority. The details shall include a programme for implementation of the drainage works. The development shall not be carried out unless in accordance with the approved details.

Reason: To ensure satisfactory drainage of the site, having regard to Policy CP8 of the Cheltenham Borough Local Plan (2006).

- 8 No development (other than site clearance, site preparation and the formation of foundations and trenches) shall be carried out unless details of the provision of fire hydrants served by mains water supply including a location plan and timetable for their provision, have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out unless in accordance with the details so approved.

Reason: To ensure appropriate provision for the emergency services in accordance with paragraph 32 of the National Planning Policy Framework.

- 9 The development hereby approved shall not be occupied or operated until the parking and turning areas have been provided in accordance with the approved plans. Such areas shall not be used for any purpose other than the parking and turning of vehicles associated with the development and shall remain free of obstruction for such use at all times.

Reason: To ensure adequate car parking within the site, having regard to Policies TP1 and TP6 of the Cheltenham Borough Local Plan (adopted 2006).

- 10 The development shall not be occupied until the refuse storage area has been provided in accordance with the approved plans and shall be retained as such at all times.

Reason: To ensure adequate provision of refuse storage, having regard to Policy W36 of the Gloucestershire Waste Local Plan.

INFORMATIVES

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

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

In this instance, 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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APPLICATION NO: 15/00591/FUL		OFFICER: Mr Ed Baker	
DATE REGISTERED: 10th April 2015		DATE OF EXPIRY : 5th June 2015	
WARD: Hesters Way		PARISH:	
APPLICANT:	Mr Gordon Malcolm		
LOCATION:	Former Garage Site, Rear Of 10-26 Hesters Way Road, Cheltenham		
PROPOSAL:	Erection of 5no. dwellings and associated hard and soft landscaping		

REPRESENTATIONS

Number of contributors	2
Number of objections	2
Number of representations	0
Number of supporting	0

3 Home Close
Cheltenham
Gloucestershire
GL51 0DB

Comments: 23rd April 2015

I would like to know what will happen to the alleyway behind my house 3 Home Close as I need access to it for my garden this will affect 3 or 4 houses along this alleyway.

I feel this will attract more drug dealing which does go on. can you let me know what will happen at the other end of the alleyway obviously no one has looked into this yet in particular at the planning side of it we raised this issue at the church in Ashlands Road when we saw the plans and it appears nothing has been done about it from your side of things so I would like a reply on this issue ASAP. if there is to be gated access from the other end of the alleyway or not

3 Home Close
Cheltenham
Gloucestershire
GL51 0DB

Comments: 14th August 2015

I have seen the plans again and it states the path behind home close will end at the proposed site this i object too due to previous statement from myself regarding drug dealing which will go on as there is no chance of being disturb, no one has contacted me or visited me regarding this important issue. i suggested blocking the path off completely at the Ashlands Road end with gated access for residents like myself to look after hedges and fences, this appears to have been ignored without any discussion with myself or other residents. please can you contact me regarding this.

Comments: 19th August 2015

I'm writing to you again with regards to the above planning reference number no one has still got back to me to discuss my concerns which i feel is very disappointing i put another comment on the public access site last week. at the end of the day i don't want drug dealing going on down the back of my house when the issue can be resolved with a gate at the Ashlands Road end of the alleyway. I'm deciding if i should forward my concerns on to the local police as you seem to

be not concerned with public issues just more concerned about making money through more council tax from each new build you do. please could you get back to me regarding this

APPLICATION NO: 15/00591/FUL	OFFICER: Mr Ed Baker
DATE REGISTERED: 10th April 2015	DATE OF EXPIRY: 5th June 2015
WARD: Hesters Way	PARISH:
APPLICANT:	Mr Gordon Malcolm
AGENT:	Mrs Samantha Harrison
LOCATION:	Former Garage Site Rear Of 10-26 Hesters Way Road Cheltenham
PROPOSAL:	Erection of four dwellings and associated hard and soft landscaping

Update to Officer Report

1. The applicant has provided the following additional information:
 - (i) Number of garage lockups previously at the site – the applicant confirms that according to their records there were 19 garages on the site.
 - (ii) Status of third party rights of way – *'We have been working with David Roberts, CBC Head of Property, in relation to the rights of access across the site. 52 Barbridge Road and 90 Ashlands Road have acquired a prescriptive right and a formal legal agreement is being drafted at present to legalise this right of access. The final right of access is presumed as there is historic evidence of continuous and unfettered access and therefore this has also been accommodated.'*
2. The Highway Authority has provided an updated response on the application, which supersedes the earlier version reported to members. A copy of the response is appended to this update if members wish to view it.

In summary, the updated response provides an explanation for the Highway Authority's non objection to the proposal. It also suggests additional conditions in the event that planning is granted. Having regard to this advice, five additional conditions are recommended as follows:

- (i) None of the dwellings hereby permitted shall be occupied until the visibility splays onto Hesters Way Road have been laid out. The visibility splays shall extend from a point 2.4 m back along the centre of the access measured from the public road carriageway edge (the X point) to a point on the nearer carriageway edge of the public road at least 2.4m (X-distance) x 54m (Y-distance) in a north westerly direction. The area between those splays and the carriageway shall be reduced in level and thereafter maintained so as to provide clear visibility between 1.05 m and 2.0 m at the X point and between 0.26 m and 2.0 m at the Y point above the adjacent carriageway level. The visibility splay shall thereafter be maintained at all times.

Reason: In the interests of highway safety, having regard to Policy TP1 of the Cheltenham Borough Local Plan (adopted 2006).

- (ii) The development shall not be occupied until dropped kerbs and tactile paving to link the existing footway(s) across the proposed access of the site have been constructed in accordance with details which shall have been submitted to and agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety, having regard to Policy TP1 of the Cheltenham Borough Local Plan (adopted 2006).

- (iii) The development shall not be occupied until line markings at the junction with Hesters Way Road and across the proposed access of the site have been laid down and provided in accordance with details which shall have been submitted to and agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety, having regard to Policy TP1 of the Cheltenham Borough Local Plan (adopted 2006).

- (iv) No development shall be undertaken until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The Statement shall:
- i. specify the type of vehicles;
 - ii. provide for the parking of vehicles of site operatives and visitors;
 - iii. provide for the loading and unloading of plant and materials;
 - iv. provide for the storage of plant and materials used in constructing the development;
 - v. provide for wheel washing facilities;
 - vi. specify the access points to be used and maintained during the construction phase(s).

The development shall not be carried out unless in accordance with the details so approved.

Reason: In the interests of the safety of pedestrians who use the footpath across the site, having regard to Policy TP1 of the Cheltenham Borough Local Plan (adopted 2006). This information is provided up front because pedestrian safety could otherwise be compromised at the beginning of construction.

- (v) The development shall not be occupied unless details of the arrangements for future management and maintenance of the proposed roads/streets within the development have been submitted to and approved in writing by the Local Planning Authority. The roads/streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as either a dedication agreement has been entered into or a private management and maintenance company has been established.

Reason: In the interests of highway safety, having regard to Policy TP1 of the Cheltenham Borough Local Plan (adopted 2006).



Highways Development Management

Shire Hall
Gloucester
GL1 2TH

Ed Baker
Cheltenham Borough Council
P.O. Box 12
Municipal Offices
Promenade
Cheltenham Glos
GL50 1PP

email: owen.parry@gloucestershire.gov.uk

Please ask for: Owen Parry

Phone: 01452 426951

Our Ref: B/2015/034091

Your Ref: 15/00591/FUL

Date: 16 September 2015

Dear Ed Baker,

TOWN AND COUNTRY PLANNING ACT 1990 HIGHWAY RECOMMENDATION

Location: 26 Hesters Way Road Cheltenham Gloucestershire GL51 0DA

Proposed: Erection of 4no. dwellings and associated hard and soft landscaping

Proposal

The proposal is to erect five dwellings on a vacant site which previously housed garages servicing local tenants of Cheltenham Borough Homes, I am informed that these garages were surplus to requirements and the parking survey undertaken by the applicant demonstrates that the displaced parking in and around the garages has not have a significant impact on the local highway network.

Access

The proposed access is to use the existing garage(s) access from Hesters Way Road which is subject to a 30mph speed limit. Drawing no 4067/P/10 F sets out that road line markings are proposed to discourage parking on the access road close to the junction as set out in Road Safety Audit, point 3.0. This will also have the benefit of improving the visibility and discourage parking so as to enable pedestrians to have an un-obstructed movement when using the non-controlled pedestrian crossing.

Visibility

The deemed to satisfy visibility requirements for a road subject to a 30mph speed limit is 2.4m x 54m in both directions; The applicant has been able to demonstrate with the submitted drawing no ST 16110-02 that a visibility of 2.4m x 54m can be achieved in both directions.

Pedestrian Crossing

Drawing no 4067/P/10 F sets out that the existing non- controlled pedestrian crossing which links the existing footway fronting Hesters Way Road is proposed to have new dropped kerbs and tactile paving in line with the recommendation of the Non Motorised User Audit point 4.2.

Footway

The Pedestrian footway that links Hestersway Road and Ashlands Road will be retained as set out on drawing no 4067/P/10 F. The internal footway provision will be accommodated via the shared surface road.

Refuse Collection

The applicant has submitted detail in the form of email exchanges with Ubico, Cheltenham Borough Councils refuse collection provider who has confirmed in an email dated 24th July 2015 that the site will be serviced by a smaller refuse vehicle being 22 tonne- (narrow track Dennis) which is approximately 9 metres length. Drawing no 4067/P/10 F sets out vehicle tracking which demonstrates the refuse vehicle to be used by Ubico and will be able to enter the site and have sufficient turning area in which to enable the refuse vehicle to manoeuvre and that the vehicle can enter and exit the site in forward gear. The refuse bins will be stored in a shared facility for collection.

Layout- & Parking

Drawing no 4067/P/10 F demonstrate that the internal road layout is of sufficient width so as to enable two vehicles to pass whilst travelling in opposite direction. Provision has been made for a least two vehicle parking spaces for each dwelling and one visitor parking; the level of parking proposed is in accordance with the predicted car ownership levels. I consider that there is sufficient area for turning manoeuvrability so as to allow vehicles to enter and exit the site in forward gear.

Access arrangements has also been made for rear vehicle access to three separate properties, of which one fronts Barbridge Road and two via Ashlands Road, these properties retain access rights from the proposed development access road.

I recommend that no highway objection be raised subject to the following condition(s);

(1) None of the dwellings hereby permitted shall be occupied until, the vehicular accesses from Hestersway Road street has been laid out and completed with the visibility splays extending from a point 2.4 m back along the centre of the access measured from the public road carriageway edge (the X point) to a point on the nearer carriageway edge of the public road at least 2.4m (X-distance) x 54m (Y-distance) in both directions. The area between those splays and the carriageway shall be reduced in level and thereafter maintained so as to provide clear visibility between 1.05 m and 2.0 m at the X point and between 0.26 m and 2.0 m at the Y point above the adjacent carriageway level and shall be maintained thereafter.

Reason: - To minimise hazards and inconvenience for users of the development by ensuring that there is a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians in accordance with paragraph(s) 32 and 35 of the NPPF and CBC LP Policy TP1.

(2) - The dwellings hereby permitted shall not be occupied until the vehicular parking facilities have been provided in accordance with the submitted drawing no 4067/P/10 F and shall be maintained available for that purpose thereafter.

Page 39

Reason: To reduce potential highway impact in accordance with paragraph 39 of the NPPF and CBC LP Policy CP5 & TP6.

(3) - No development shall commence until details of dropped kerbs and tactile paving to link the existing footway(s) across the proposed access of the site have been submitted to and agreed in writing by the Local Planning Authority, the approved works shall then be completed in all respects prior to first occupation of any of the proposed dwellings and shall be retained as such thereafter unless and until adopted as highway maintainable at public expense.

Reason: To ensure there is safe and suitable pedestrian routes from the site to facilities, in accordance with paragraph 32 and 35 of The NPPF and CBC LP Policy TP 1.

(4) - No development shall commence until details of road line markings at the junction with Hestersway Road and across the proposed access of the site have been submitted to and agreed in writing by the Local Planning Authority, the approved works shall then be completed in all respects prior to first occupation of any of the proposed dwellings and shall be retained as such thereafter unless and until adopted as highway maintainable at public expense.

Reason: To ensure there is safe and suitable pedestrian routes from the site to facilities, in accordance with paragraph 32 and 35 of The NPPF and CBC LP Policy TP 1.

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

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

Reason: To reduce the potential impact on the public highway and in accordance with paragraph 35 of the NPPF and TBC LP Policy TPT1.

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

Reason: In the interest of highway safety; to ensure safe and suitable access has been provided for all people; and to safeguard the visual amenities of the locality and in accordance with paragraph(s) 32 & 35 of the NPPF.

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

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

(8) No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to

and approved in writing by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as either a dedication agreement has been entered into or a private management and maintenance company has been established.

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

Informatives

Vehicle Crossing

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

Hydrants

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

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

Management of Streets

The applicant is advised that to discharge condition 6 that the local planning authority requires a copy of a completed dedication agreement between the applicant and the local highway authority or the constitution and details of a Private Management and Maintenance Company confirming funding, management and maintenance regimes.

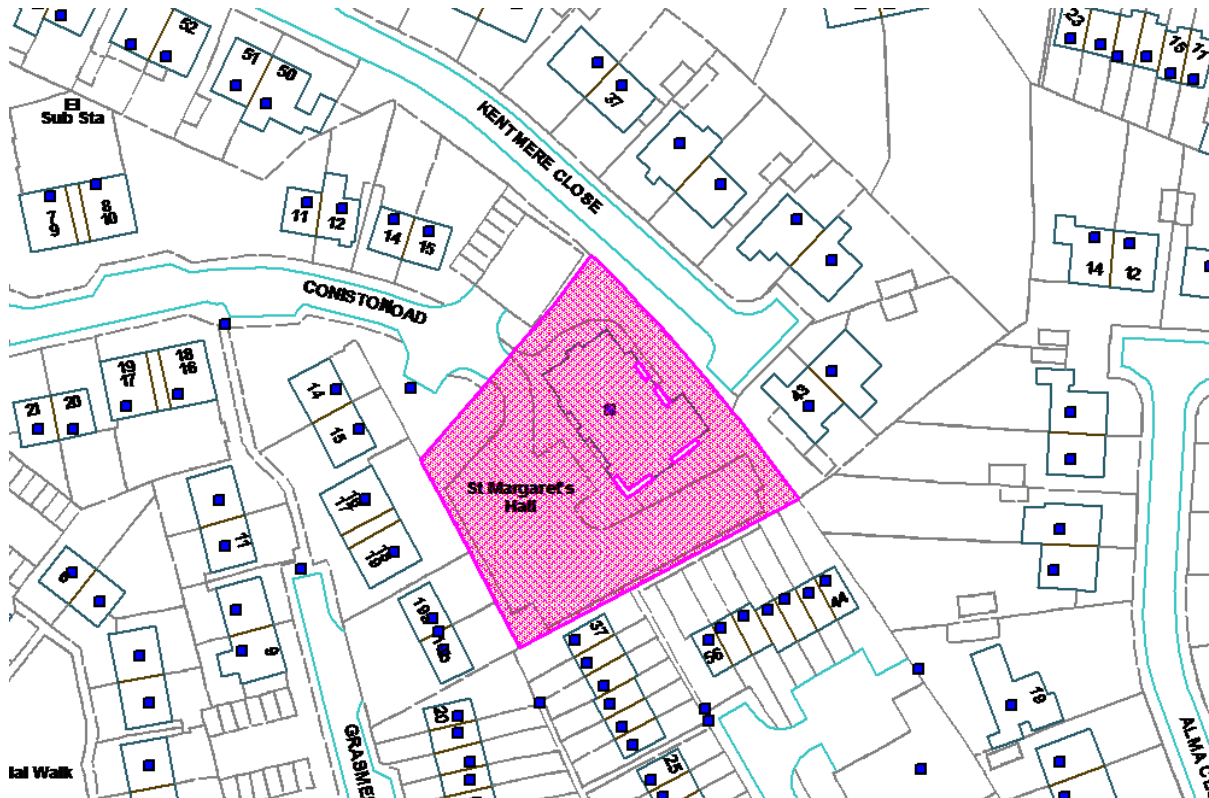
Yours sincerely,

Owen Parry

Development Management

APPLICATION NO: 15/00947/FUL	OFFICER: Miss Chloe Smart
DATE REGISTERED: 30th May 2015	DATE OF EXPIRY: 25th July 2015
WARD: Warden Hill	PARISH:
APPLICANT:	St Margaret's Hall Users Group
AGENT:	G N Hallett Architectural Services
LOCATION:	St Margaret's Hall, Coniston Road, Cheltenham
PROPOSAL:	Construction of a single storey 'annex' extension

RECOMMENDATION: Permit



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application relates to St Margaret's Hall which is located on Coniston Drive in the ward of Up Hatherley and is currently a multi-functional D2 (Assembly and Leisure) hall facility.
- 1.2 The applicant seeks planning permission for an 'annex' extension to the building which would be capable of being used as a separate facility from the main hall and allow the expansion of activities. An application was approved for an extension to the existing building in 2003 (planning ref: 03/00824/FUL) but this was not implemented.
- 1.3 The proposed extension would be located to the south east elevation of the existing hall with a width of 5.35 metres, a depth of 16.1 metres and a height of 3.25 metres. The materials proposed would be facing brick to match the original building.
- 1.4 The application is before planning committee as the application has been made by The St Margaret's Users Group, of which Councillor Whyborn is the Chairman.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Flood Zone 2

Relevant Planning History:

75/00101/PO 20th March 1975 PER

Church Hall Site Alma Road Cheltenham Gloucestershire - Erection Of Dual Purpose Church/Church Hall For Social Activities And Religious Church Services

77/00076/PF 22nd April 1977 PER

Church Hall Site Alma Road Cheltenham Gloucestershire - Erection Of Church With Use As Church Hall For Community Purposes And Car Parking For 31 Cars

77/00449/PF 15th February 1978 PER

Church Hall Site Alma Road Cheltenham Gloucestershire - Erection Of Single Storey Store For Church Hall/Community Centre

95/00413/PF 22nd June 1995 DEF

Proposed Erection Of 10 Dwellings (Revised Scheme)

95/00504/PF 21st September 1995 REF

Demolition Of St Margaret's Hall And Erection Of 10 Houses (6 Open Market And 4 Affordable Dwellings)

03/00824/FUL 27th June 2003 PER

Single storey annexe to existing hall and re-arrangement of parking spaces

06/00920/FUL 17th July 2006 PER

Location of a metal shed for storage purposes, 8ft x 6ft with sliding doors and lockable

14/00258/FUL 4th April 2014 PER

Proposed installation of evaporative cooling and ventilation units on roof of building.

3. POLICIES AND GUIDANCE

Adopted Local Plan Policies

CP 4 Safe and sustainable living

CP 7 Design

National Guidance

National Planning Policy Framework

4. CONSULTATIONS

Environmental Health

25th June 2015

I note some concerns from neighbours due to various noise issues from activities on site in the past. The proposal is in some places even closer to residential property. For that reason I would recommend that prior to first use of the proposal a Noise Assessment is carried out to assess the predicted noise levels affecting the nearest residential dwellings. The noise assessment should highlight any necessary measures to reduce any noise to acceptable levels.

If that report highlighted any noise reduction measures, those measures to be completed prior to commencement of the proposal.

Such condition may take the form as follows: -

"No development shall be carried out until a full Noise Assessment is completed and such details have been submitted to and approved by the Local Planning Authority. The details submitted shall include measures to control noise affecting nearest habitable dwellings. All necessary measures highlighted in the report shall be completed to the satisfaction of the Local Planning Authority prior to first use of the proposal".

Reason: To ensure that the amenities of occupiers of other premises in the vicinity of the site are protected

Further, I would recommend the following noise conditions: -

"No activities shall be carried out which create noise audible at the boundary of any residential accommodation outside of the hours of 08.00 - 23.30 hours on any day"

"Windows, and doors (except for access and egress), at the proposal shall remain closed whilst noisy activities are taking place (for example the playing of amplified music, sports and fitness classes, etc).

Reason: To ensure that the amenities of occupiers of other premises in the vicinity of the site are protected.

Environmental Health

2nd September 2015

I am happy with the most recent submission as detailed below.

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	26
Total comments received	1
Number of objections	1
Number of supporting	0
General comment	0

5.1 Twenty six letters have been sent to neighbouring properties and one response has been received raising an objection to the proposal. A summary of the concerns raised has been provided below;

- Parking problems in the area
- Noise disturbance currently created

6. OFFICER COMMENTS

6.1 Determining Issues

6.2 The main considerations in relation to this application are the design and the impact of the proposal on neighbouring amenity.

6.3 Design

6.4 Local Plan Policy CP7 requires development to be of a high standard of design and to respect the character of the surrounding area.

6.5 The proposed extension would be sited to the south eastern side of the building and would be set back 3.1 metres from the front of the building. Whilst the addition is large, it is clearly subordinate in scale to the original building. The flat roof design respects the character of the original building and matching materials ensures a complementary addition.

6.6 Overall, the proposed extension is considered an acceptable addition to the original property and the design is in keeping with both the property and the surrounding area. As such, the proposal is in accordance with Local Plan Policy CP7.

6.7 Impact on neighbouring property

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

6.9 Due to the nature of the application, the Council's Environmental Health Officer (EHO) has been consulted and initially raised a concern as the proposal brings the existing use closer towards residential properties. An objection has also been received by a neighbouring resident, with a concern regarding existing noise disturbance experienced as a result of the current multi-purpose use.

6.10 The EHO originally suggested a condition requiring the submission of a noise assessment to consider the impact of the proposal on neighbouring dwellings. Officers reviewed this response and considered it would be unreasonable to request this information at condition stage as it should be submitted prior to the determination of the application, in order to assess the potential impact. The applicant has confirmed this will not be possible as the application is made on behalf of a small charity with a limited resource.

- 6.11** In light of this, discussions have been ongoing with the applicant. Further information has been provided which sets out the nature of the use of the additional 'annex' facility and mitigation measures which are to be incorporated within the proposed development to reduce any increase in noise disturbance. These include windows which are fixed shut, the inclusion of extraction equipment within the new extension and not externally, also the restriction of the use of the annex to lower noise activities. The EHO has been re-consulted on these additional measures and now raises no objection to the application. Following a request from officers, the applicant has annotated the submitted plans to incorporate these details, with a suitably worded condition attached requiring the implementation of these measures.
- 6.12** Overall, whilst the proposal results in the existing building moving closer towards residential properties, both the Council's EHO and officers are satisfied that based on the revised information that any increase in noise levels resulting from this proposal will not be unacceptable.
- 6.13** The application is therefore considered to meet the requirements of Local Plan Policy CP4.
- 6.14 Access and highway issues**
- 6.15** Whilst a concern has been raised in relation to parking, there will be no loss of parking spaces as a result of this proposal. The car park is considered to provide sufficient parking to accommodate the existing building and the proposed extension.

7. CONCLUSION AND RECOMMENDATION

- 7.1** Overall, the proposal is considered an acceptable addition to the property and is in accordance with CP7 (design) and CP4 (amenity).
- 7.2** The recommendation is therefore to permit this application, subject to the conditions below.

8. CONDITIONS / INFORMATIVES

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The development hereby permitted shall be carried out in accordance with drawing numbers 2015/1058/101B, 2015/1058/102B and 2015/1058/103A received 29th May 2015 and 3rd September 2015.
Reason: To ensure the development is carried out in strict accordance with the approved drawings.
- 3 Prior to first use of the extension hereby approved, the noise mitigation measures referred to in drawing no. 2015/1058/101B received 3rd September 2015 shall be fully implemented.
Reason: To safeguard the amenities of the adjoining properties in accordance with Local Plan Policy CP4 relating to safe and sustainable living.

- 4 No activities shall be carried out which create noise audible at the boundary of any residential accommodation outside of the hours of 08.00 - 23.30 hours on any day.
Reason: To safeguard the amenities of the adjoining properties in accordance with Local Plan Policy CP4 relating to safe and sustainable living.
- 5 All windows, and doors (except for access and egress) of the extension hereby approved are to remain closed while noise generating activities are taking place (for example activities which involve the playing of amplified music).
Reason: To safeguard the amenities of the adjoining properties in accordance with Local Plan Policy CP4 relating to safe and sustainable living.

INFORMATIVES

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

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

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

APPLICATION NO: 15/00947/FUL		OFFICER: Miss Chloe Smart	
DATE REGISTERED: 30th May 2015		DATE OF EXPIRY : 25th July 2015	
WARD: Warden Hill		PARISH:	
APPLICANT:	St Margaret's Hall Users Group		
LOCATION:	St Margarets Hall, Coniston Road, Cheltenham		
PROPOSAL:	Construction of a single storey 'annex' extension		

REPRESENTATIONS

Number of contributors	1
Number of objections	1
Number of representations	0
Number of supporting	0

19 Grasmere Road
Cheltenham
Gloucestershire
GL51 3PQ

Comments: 14th June 2015

As a resident that overlooks St Margaret's Hall (the flats backing onto the site) I do not relish the proposed idea of a new Annexe for the facilities as I feel this would increase the risk of residents not being able to park when returning home as currently I already experience problems on occasions were people attending the hall park on the street instead of using the car park when there are ample spaces available in the hall grounds but are choosing to park outside the facilities. I feel that there is already inadequate parking for residents in Coniston Road and Grasmere Road without adding to the problem and I do not see where the extra spaces will come from that have been mentioned.

I also object to hearing the music in my flat during the summer months when classes are taking place and the doors are opened for air; no consideration is taken to the residents to turn the music down when this happens; this also applies to parties of an evening that go on past Midnight (which they do) where people talking outside whilst drinking and having a smoke keeping residents awake and you hear car doors slamming when everyone eventually leaves. There is never a car left in the car park over night after parties which I find strange as people are clearly drinking so therefore shouldn't be driving home.) I am aware that new cooling systems have been installed within the property but this is not stopping groups from holding their sessions outside; I have on two recent occasions observed the yoga group holding their sessions out in the car park area so I am therefore strongly objecting to this proposal as a resident.

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APPLICATION NO: 15/00947/FUL		OFFICER: Miss Chloe Smart	
DATE REGISTERED: 30th May 2015		DATE OF EXPIRY: 25th July 2015	
WARD: Warden Hill		PARISH:	
APPLICANT:	St Margaret's Hall Users Group		
AGENT:	Mr Graham Hallett		
LOCATION:	St Margaret's Hall, Coniston Road Cheltenham		
PROPOSAL:	Construction of a single storey 'annex' extension		

Update to Officer Report

1. OFFICER COMMENTS

- 1.1. Since the publication of the main report, officers have reviewed the suggested conditions and have made some amendments. The wording of condition 3 and 4 has been altered to ensure the conditions are more precise and enforceable. In addition, condition 5 which required windows and doors to be kept shut has been removed. This has been secured through condition 3 and therefore it is considered unnecessary to have an additional condition requiring doors and windows to be kept shut.

2. CONDITIONS

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

- 2 The development hereby permitted shall be carried out in accordance with drawing numbers 2015/1058/101B, 2015/1058/102B and 2015/1058/103A received 29th May 2015 and 3rd September 2015.
Reason: To ensure the development is carried out in strict accordance with the approved drawings.

- 3 Prior to first use of the extension hereby approved, the noise mitigation measures referred to in drawing no. 2015/1058/101B (points 1-7 titled EHO requirements) received 3rd September 2015 shall be fully implemented and maintained in accordance thereafter.
Reason: To safeguard the amenities of the adjoining properties in accordance with Local Plan Policy CP4 relating to safe and sustainable living.

- 4 No amplified music shall be played outside the hours of 08.00 – 23:00 hours on any day.
Reason: To safeguard the amenities of the adjoining properties in accordance with Local Plan Policy CP4 relating to safe and sustainable living.

INFORMATIVES :-

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

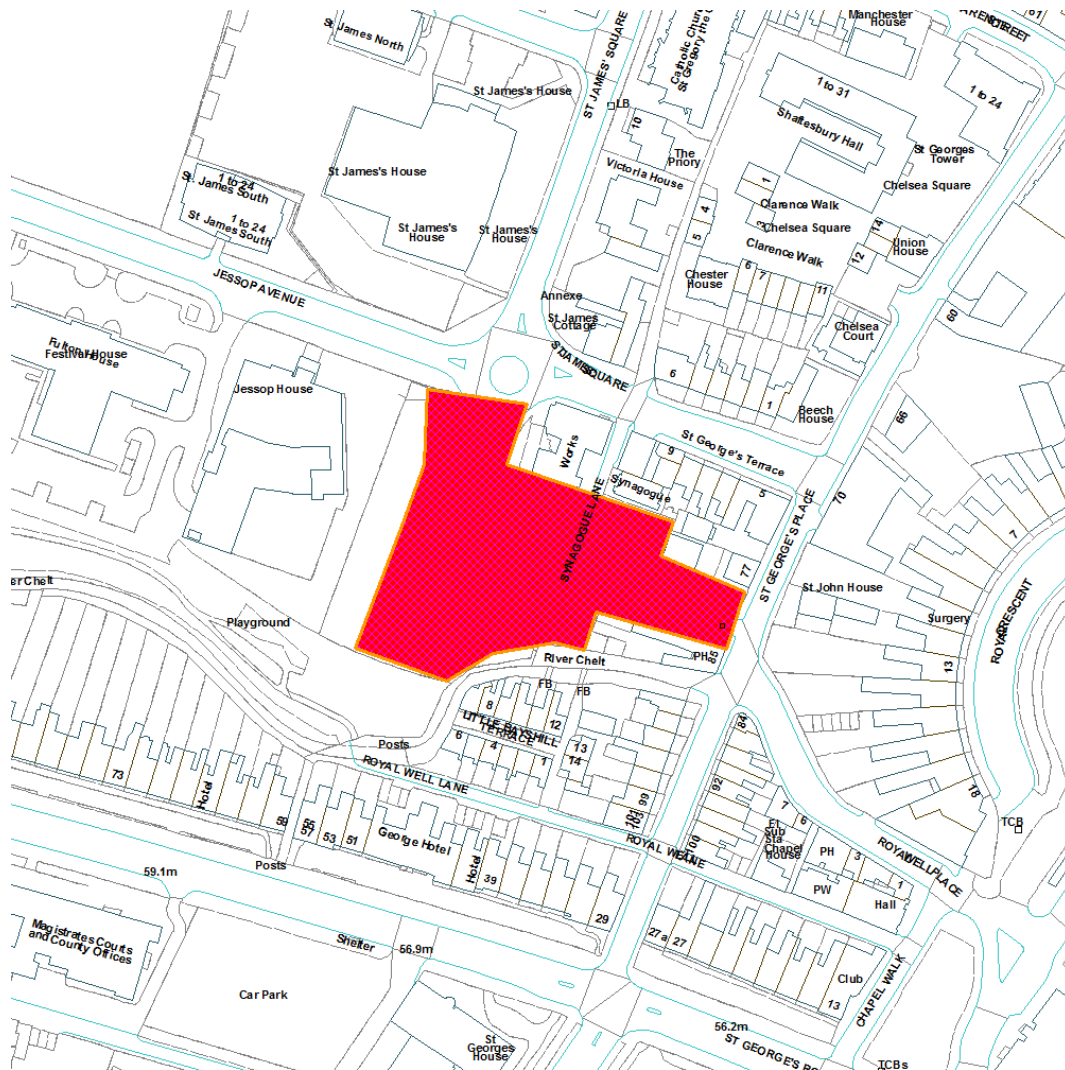
of the NPPF, the Local Planning Authority adopts a positive and proactive approach to dealing with planning applications and where possible, will seek solutions to any problems that arise when dealing with a planning application with the aim of fostering the delivery of sustainable development.

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

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

APPLICATION NO: 15/00954/FUL	OFFICER: Mrs Lucy White
DATE REGISTERED: 29th July 2015	DATE OF EXPIRY: 23rd September 2015
WARD: Lansdown	PARISH: n/a
APPLICANT:	Cheltenham Borough Council
AGENT:	Sweett Group
LOCATION:	79 St Georges Place, Cheltenham
PROPOSAL:	Provision of a temporary public, pay and display car park (forming an extension to an existing car park) for a period of 5 years following demolition of existing buildings on the site and with associated lighting, part re-surfacing and remedial repairs to existing boundary walls.

RECOMMENDATION: Recommendation at Committee



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 This is a full application for the provision of a temporary pay and display (public) car park for a period of 5 years. The proposed car park would form an extension to an existing car park and would require the demolition of two existing derelict buildings on the site. The application also proposes associated lighting, part re-surfacing works and remedial repairs to existing boundary walls.
- 1.2 The application site is irregular shape with a site area of approximately 0.4 hectares and is located within the Old Town Character Area, one of 19 character areas that together form Cheltenham's Central Conservation Area. The site is also located within the Core Commercial Area and Flood Zones 1 & 2, and extends from St Georges Place to the east through to Chelt Walk car park to the west.
- 1.3 The majority of the site is already used for car parking but the eastern part of the site is occupied by vacant and dilapidated buildings which formed part of the Cheltenham Shopfitting site.
- 1.4 The site is bounded by a number of key-unlisted and Grade II listed buildings, and the Grade II* listed Synagogue building to the north; a public house and public footpath adjacent to the River Chelt to the south; and the Chelt Walk car park to the west.
- 1.5 The application is before planning committee as the applicant is Cheltenham Borough Council.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

250 Metre Land Fill Boundary
Conservation Area
Core Commercial Area
Flood Zone 2
Flood Zone 3
Smoke Control Order

Relevant Planning History:

None of any particular relevance to this application

3. POLICIES AND GUIDANCE

Adopted Local Plan Policies

CP 1 Sustainable development
CP 3 Sustainable environment
CP 4 Safe and sustainable living
PR 2 Land allocated for mixed use development
BE 3 Demolition in conservation areas
BE 4 Timing of demolition in conservation areas
BE 5 Boundary enclosures in conservation areas
BE 10 Boundary enclosures to listed buildings
BE 20 Archaeological remains of local importance
EM 2 Safeguarding of employment land
TP 1 Development and highway safety
TP 4 Long-stay car parking

Supplementary Planning Guidance/Documents

Central Conservation Area: Old Town Character Area Appraisal and Management Plan (2007)

National Guidance

National Planning Policy Framework

4. CONSULTATION RESPONSES

Environmental Health

8th September 2015

In relation to application 15/00954/FUL for 79 St Georges Place, Cheltenham, Gloucestershire, GL50 3PP, please can I add the following conditions and advisory comments:

Condition:

For the external lighting in the car park to be operational only between 08:00 – 20:00 each day. Additionally for the applicant to forward on to the Local Authority information on the levels of lighting the columns will produce.

Reason: To assess the levels proposed for the area and to then assess if this may negatively impact on nearby residents using their homes.

Informative:

This proposal includes an amount of demolition of existing buildings, this will inevitably lead to some emissions of noise and dust which have a potential to affect nearby properties, including residential property. The developer should have a documented plan for the control of noise and dust from works of construction and demolition at the site. The plan should also include controls on these nuisances from vehicles operating at and accessing the site from the highway. Such a plan is to be available for inspection by the Local Planning Authority if requested.

Informative:

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

Informative:

A survey has already been completed and has indicated the presence of asbestos containing materials in the buildings due to be demolished. The demolition phase will need to be undertaken in accordance with the legislation surrounding asbestos removal and all waste disposed of in a legally compliant manner.

Heritage and Conservation

28th August 2015

1. The majority of this site is already a surface car park and the most significant proposed change is the demolition of the three existing buildings.
2. The existing larger two storey building dates from the mid-20th century and its loss is of no concern. The two existing single storey buildings appear to be the remains of 19th century buildings which may have been part of the historic St George's Mews range of buildings. Unfortunately they both appear to have been significantly altered and are in a very poor condition. Their loss is also acceptable.
3. The proposed access into and from the site is acceptable and the retention of a number of historic walls is welcomed.
4. However I have two minor concerns which are as follows-

- a. The area of land set aside for landscaping at the rear of 77 St George's Place is welcomed, but an access gate should be provided in the new timber fence to allow maintenance of the landscaped area.
- b. The proposed new wall along the St George's Place boundary appears to be 1.5m in height from the pavement side (although due to the ground levels it is higher on the car park side). This height of wall when viewed from the pavement is too low and I suggest a minimum height of 1.8m from the pavement. At this increased height the view of the car park will be screened from the wider conservation area.

CONSERVATION AND HERITAGE SUMMARY: I object to the proposals because of the minor concerns raised above, but provided these concerns are addressed then I am able to support this application.

Wales and West Utilities

12th August 2015

Wales & West Utilities acknowledge receipt of your notice received on 31.07.2015 advising us of the planning application and proposals at: 79, Georges Place, Cheltenham, Gloucestershire, GL50 3PP

We enclose an extract from our mains records of the area covered by your proposals together with a comprehensive list of General Conditions for your guidance. This plan shows only those pipes owned by Wales & West Utilities in its role as a Licensed Gas Transporter (GT). Gas pipes owned by other GT's and also privately owned pipes may be present in this area. Information with regard to such pipes should be obtained from the owners. The information shown on this plan is given without obligation, or warranty and the accuracy thereof cannot be guaranteed. Service pipes, valves, syphons, stub connections, etc., are not shown but their presence should be anticipated. No liability of any kind whatsoever is accepted by Wales & West Utilities, its agents or servants for any error or omission.

Wales & West Utilities has pipes in the area. Our apparatus may be affected and at risk during construction works. Should the planning application be approved then we require the promoter of these works to contact us directly to discuss our requirements in detail before any works commence on site. Should diversion works be required these will be fully chargeable. You must not build over any of our plant or enclose our apparatus.

Please note that the plans are only valid for 28 days from the date of issue and updated plans must be requested before any work commences on site if this period has expired.

Cheltenham Civic Society

14th August 2015

We think it a pity to rule out redevelopment of this site for as long as 5 years. Well redeveloped, it could be an area of great character, quite distinct from other areas of the town centre.

Contaminated Land Officer

19th August 2015

In relation to application 15/00954/FUL for 79 St Georges Place, Cheltenham, Gloucestershire, GL50 3PP from a contaminated land perspective there has already been a geo-environmental assessment completed. This has indicated that the historical use of this site has been as a shop fitters unit. It has also indicated other sites of possible contamination.

Due to the proposed end use of this site as a covered car park (and being mindful of the source - pathway - receptor model for contamination), there is no objection to make. However, it would be useful for this condition to be added should permission be granted:

"Should ground contamination be found during the works to complete this project, the developer will inform the Local Authority. After assessment/testing it may then be that an agreed depth of soil is to be removed from the site and clean soil brought in to replace this material."

County Archaeology

29th July 2015

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

I advise that I have checked the proposed development area against the County Historic Environment Record: the locality is known to contain archaeological remains relating to prehistoric settlement and activity, and there may be some potential for such remains to be present within the application site.

However, an archaeological evaluation undertaken within the application site in 2006 found no evidence for significant archaeological remains, and the results indicated that substantial areas will have been disturbed by cellars and walls associated with buildings of modern date which were formerly present on this site.

Against that background, and in view of the largely superficial ground intrusions required to create the new car park surfaces, it is my view that the proposed development has low potential to have an adverse impact on any significant archaeological remains.

Therefore, I recommend that no archaeological investigation or recording should be required in connection with this development proposal.

I have no further observations.

Environment Agency

17th August 2015

Thank you for referring the above consultation, which we received on 29 July 2015. We do not object to the proposed development and would offer the following comments to assist your consideration at this time:

Flood Risk:

Based on our 'indicative' Flood Map for Planning (Rivers and Sea), the proposed development site (as outlined in red on the Site Location Plan, dated 28 July 2015) is located entirely within Flood Zone 3 of the River Chelt which is classified as a 'Main River'. In accordance with Table 1 'Flood Zones' within the National Planning Practice Guidance (NPPG), Flood Zone 3 is considered 'high probability' of fluvial flooding and comprises of land assessed as having a 1 in 100 year or greater annual probability of river flooding.

The site and the surrounding area is afforded a level of protection from the River Chelt by our Flood Alleviation Scheme (FAS). It should be noted that our Flood Map does not include the presence of any flood defences. The FAS in this location would not afford the site protection during a 1 in 100 year flood event plus climate change. Therefore the most significant risk of flooding to the site is either in an exceedence event of the FAS (i.e. greater than a 1 in 100 year event) or a blockage scenario.

Appendix B of the Flood Risk Assessment (FRA) dated May 2015 (ref: ICBR0035) shows existing ground levels on site in comparison to our modelled River Chelt flood levels (the 100 year plus climate change river flood level is 56.66m AOD). Based on the findings of the topographical survey, it appears that the majority of the site is located within the 100 year flood extent plus climate change. Appendix D of the FRA shows that flood depths on site within this return period will vary between 0 and 600mm.

Sequential Test:

Paragraph 101 of the National Planning Policy Framework (NPPF) requires decision-makers to steer new development to areas at the lowest probability of flooding by applying a 'Sequential Test' (ST). It states that 'Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding'.

Further detail is provided in the NPPG; 'Only where there are no reasonably available sites in Flood Zones 1 or 2 should the suitability of sites in Flood Zone 3 be considered, taking into account the flood risk vulnerability of land uses and applying the Exception Test (ET) if required (see Paragraph 102 of the NPPF).

Based on the scale and nature of the proposal, we would not make any bespoke comments on the ST, in this instance. The fact that we are not providing comments does not mean that there are no ST issues, but we leave this for your Council to consider. Providing you are satisfied that the ST has been passed, then we can provide the following comments on the FRA.

Flood Risk Assessment:

Based on the information submitted, the proposed development is unlikely to affect flood flows and/or flood storage on site and we would recommend the following planning condition:

CONDITION:

There shall be no new structures (including gates, walls and fences) or raising of ground levels on land below 56.66m AOD, within the 100 year plus climate change floodplain, or within 8metres of the top of bank of the River Chelt, inside or along the boundary of the site, unless otherwise agreed in writing by the Local Planning Authority.

REASON: To prevent any impact on flood flows and flood risk elsewhere.

Informative - notes to the above: To ensure that there will be no increased risk of flooding to third parties due to impedance of flood flows and/or reduction of flood storage capacity, there should be no storage of any materials, including soil, on ground located below the 100 year flood level plus climate change (56.66m AOD) during the construction phase.

Informative - advice to the applicant: Any works in, under, over or within 8 metres of the River Chelt will require our prior Flood Defence Consent in addition to any planning permission. This will ensure that the proposals are also in accordance with the terms of the Water Resources Act (1991) and Midlands Land Drainage Byelaws.

Bearing in mind the likely depths of flooding on site, previous guidance has recommended that car parks should ideally not be subject to flood depths in excess of 300mm depth since vehicles can be moved by water of this depth. We would recommend that you consult with your Emergency Planner on the appropriateness of the proposed car parking area, including evacuation during an exceedence event of the FAS (i.e. greater than a 1 in 100 year event) or a blockage scenario.

Note - Our role during a flood event is limited to providing a flood warning where a service is available. For information, we have a flood warning service available for the River Chelt, which could be used to inform evacuation procedures.

The following wording of a condition for a Flood Evacuation Management Plan is provided to assist, should you decide in consultation with your Emergency Planner to secure this detail through a condition at this stage (we would not wish to be party to the discharge of details submitted for this condition). You may also wish to consider flood warning signage within the car park area liable to significant flood risk.

CONDITION:

Prior to occupation of the development, a Flood Evacuation Management Plan shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Local Authority Emergency Planning Officer and Emergency Services. The Plan shall include full details of proposed awareness training and procedure for evacuation of persons and property (including vehicles); and method and procedures for timed evacuation. It shall also include a commitment to retain and update the Plan and include a timescale for revision of the Plan.

REASON: To minimise the flood related danger to people in the flood risk area.

Surface Water Drainage:

We recommend you consult with the Gloucestershire Flood Risk Management team (Lead Local Flood Authority) on any surface water drainage matters. We would also refer you to our West Area 'Planning - FRA Guidance Note 3' for further information.

Pollution Prevention:

Developers should incorporate pollution prevention measures to protect ground and surface water. We have produced a range of guidance notes giving advice on statutory responsibilities and good environmental practice which includes Pollution Prevention Guidance Notes (PPG's) targeted at specific activities. Pollution prevention guidance can be viewed at:

<https://www.gov.uk/government/collections/pollution-preventionguidance-ppg>

The construction phase in particular has the potential to cause pollution. Site operators should ensure that measures are in place so that there is no possibility of contaminated water entering and polluting surface or ground waters. No building material or rubbish must find its way into the watercourse. No rainwater contaminated with silt/soil from disturbed ground during construction should drain to the surface water sewer or watercourse without sufficient settlement. Any fuels and/or chemicals used on site should be stored on hardstanding in bunded tanks.

Land Drainage Officer

19th August 2015

No objection; nothing further to add to Environment Agency comments.

Strategic Land Use Team

17th August 2015

As the proposed car park is for temporary use and wouldn't permanently sterilise the site's future redevelopment the local plan team consider the application in accordance with the Development Plan, subject to comments from the Heritage and Conservation team.

5. PUBLICITY AND REPRESENTATIONS

- 5.1 Letters of notification were sent out to 42 neighbouring premises. In addition, a site notice was posted and an advert published in the Gloucestershire Echo. In response to the publicity, one representation has been received from the owner of no.77 St Georges Place

raising no objection but posing a number of questions; the letter has been circulated to members.

6. OFFICER COMMENTS

6.1 Determining issues

6.1.1 The main considerations when determining this application relate to the principle, layout, impact on the conservation area, impact on neighbouring amenity, and access and highway safety issues.

6.2 Principle

6.2.1 The majority of the site is already used for car parking but the eastern part of the site is occupied by two vacant and dilapidated buildings which formed part of the Cheltenham Shopfitting site; as such this part of the site falls within a B2 employment use. However, the site has been vacant for a number of years despite seeking its redevelopment, without success, since at least 2006.

6.2.2 Given the temporary nature of the car park, which would not permanently sterilise the site's future redevelopment, the Policy Team therefore considers the application to be in accordance with the Development Plan.

6.3 Layout

6.3.1 The application proposes an additional 42no. car parking spaces which would result in a total of 102no. car parking spaces; and 2no. solo motorcycle spaces would also be provided.

6.3.2 An existing area of tarmac to the north of the north of the site is to be retained. Elsewhere within the site an impermeable trafficked surface is proposed, with permeable surfacing proposed to the parking bays.

6.3.3 The existing vehicular access on St Georges Place would be closed and bollards installed; pedestrian access in this location would therefore be retained. The primary vehicular access and solitary exit point would be provided from the St James Square roundabout.

6.4 Impact on the conservation area

6.4.1 The Conservation and Heritage Manager has considered this application in detail and is generally supportive of the proposals.

6.4.2 The loss of the larger two storey building, which dates from the mid-20th century, is of no concern. In addition, the two single storey buildings, whilst they appear to be the remains of 19th century buildings, have been significantly altered and are in very poor condition; as such, their demolition is also acceptable. The retention of a number of historic walls is welcomed.

6.4.3 Two minor areas of concern have been raised and is anticipated that revised drawings will be submitted to show an increase in the height of the new boundary wall fronting St Georges Place (to 1.8 metres) and the insertion of a gate in the timber fence to the rear of no.77 St Georges Place to allow access to the landscaped area for maintenance.

6.5 Impact on neighbouring amenity

6.5.1 It is proposed that the car park would be operational between the hours of 8am to 8pm daily. The Environmental Health team have raised no objection to the hours of operation.

6.5.2 Lighting within the car park would be provided by lighting columns and the Environmental Health team are currently reviewing the information submitted in respect of the proposed levels of lighting.

6.6 Access and highway safety

6.6.1 A Highways response is still awaited.

6.7 Conclusion

6.7.1 Following receipt of the comments from Environmental Health and Highways, an update will be circulated to include the officer recommendation.

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APPLICATION NO: 15/00954/FUL		OFFICER: Mrs Lucy White	
DATE REGISTERED: 29th July 2015		DATE OF EXPIRY : 23rd September 2015	
WARD: Lansdown		PARISH:	
APPLICANT:	Mr Chris Finch		
LOCATION:	79 St Georges Place, Cheltenham		
PROPOSAL:	Provision of a temporary public, pay and display car park (forming an extension to an existing car park) for a period of 5 years following demolition of existing buildings on the site and with associated lighting, part re-surfacing and remedial repairs to existing boundary walls.		

REPRESENTATIONS

Number of contributors	1
Number of objections	1
Number of representations	0
Number of supporting	0

77 St Georges Place
 Cheltenham
 Gloucestershire
 GL50 3PP

Comments: 18th August 2015
 Letter attached.

JILT
Recd 14 AUG 2015

ENVIRONMENT

77 St Georges Place
Cheltenham
GL50 3PP**Subject: Shop fitters site - 78-80 St Georges Place**

Dear Sir/Madam

I own the property next to the site of the existing derelict shop fitters that you plan to demolish and replace with a temporary car park. As you can imagine I do have a few questions regarding this proposal, that I have outlined below:

- In the report is talks about asbestos roofing, my understanding is that whilst undisturbed this does not pose an issue, but we are talking about demolition. What safeguards in place to ensure my family will be not be effected both in the short term as well as long term?
- The survey report mentions that the expected traffic increase will be around 44 vehicles extra between the hours of 7am to 9am. I genuinely believe that this number will be considerably greater. Once it is known that a car park is at the site (and this will not take long what with it being visible from St Georges Place) more and more people will drive to the location even if they cant get a space.

Apart from the bottle neck of traffic every morning, my concern is that the road surface along this part of St Georges Place is already so poor, it cannot deal with the traffic as it is let alone adding to this. The present condition is so bad that heavy goods vehicles and the high number of buses already set off both car alarms as well as premises alarms. The road has sunk in a number of places and pot holes are constant issue, any extra traffic will become intolerable.

A better surface along this small stretch of road would solve this issue

- The demolition will obviously create a lot of mess to the area and my house is right on the boundary of the main building coming down. What is in place to ensure the integrity of my property from a repair (if needed) and cleanliness perspective is maintained. Can we assume our property will be looked after especially as it is a grade 2 listed building.
- On the plans it shows the new walls will run a few feet from the other side of my boundary along the side of my property and along the back the existing wall will remain but at a reduced height.
 - What is the minimum hight that the wall running parallel with the rear of my house can be. I would like it to be a hight that can not be casually looked over, as this side of the house looks into bath rooms as well as both my young daughters bedrooms
 - It says that the space between will be landscaped, what with?

- Page 63
- Who does the current fence belong to? And it was never possible before as there were no plans for the site, but now access is not required is there an opportunity for the fence to be removed, and whilst I have no rights to the ownership of the land, would I be able to look after and maintain this area thus enabling me to use? I did speak to Chris Finch who thought there would not be an issue.

I look forward to your correspondence

Sincerely



* WHAT IS THE ESTIMATED START / FINISH DATES.

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APPLICATION NO: 15/00954/FUL		OFFICER: Mrs Lucy White	
DATE REGISTERED: 29th July 2015		DATE OF EXPIRY: 23rd September 2015	
WARD: Lansdown		PARISH:	
APPLICANT:	Mr Chris Finch		
AGENT:	Graeme Ritchie		
LOCATION:	79 St Georges Place, Cheltenham		
PROPOSAL:	Provision of a temporary public, pay and display car park (forming an extension to an existing car park) for a period of 5 years following demolition of existing buildings on the site and with associated lighting, part re-surfacing and remedial repairs to existing boundary walls.		

Update to Officer Report

1. OFFICER COMMENTS

1.1. Flood risk

1.1.1. Members will be aware that the application site is located adjacent to the River Chelt which is classified as a main river. Notwithstanding the advice within the initial officer report, the site is also located within Flood Zone 3, bringing with it a 'high probability' of fluvial flooding (river water as opposed to surface water) and comprising land assessed as having a 1 in 100 year or greater annual probability of river flooding.

1.1.2. In light of this, it is important to assess the associated flood risk of a development of this nature. Members will note from the officer report that the Environment Agency have raised no objection to the scheme but do advise that the Local Planning Authority is satisfied that the proposal passes the sequential test in relation to flood risk. The sequential test essentially seeks to direct all development to areas of least flood risk, but inherently accepts that this is not always possible. Officers have considered the implications of the sequential test and have concluded that given the existing land use of the surrounding land, sequentially there is not a better site that is available for a development of this nature. Members should also be aware that a development of this nature is deemed to be a 'less vulnerable' land use.

1.2. Highway considerations

1.2.1. At the time of writing the initial officer report, the comments from the Highways Authority had not been received. These have now been submitted and GCC raise no objection to the application.

1.2.2. The response is appended to this update but the salient points are that the scheme will improve highway safety given the reduced use of Synagogue Lane, that the additional parking spaces are beneficial to the town centre, and that a stopping up order will be required to restrict the use of Synagogue Lane. A condition is also recommended in relation to the use of proposed bollards.

1.3. Impact on conservation area

1.3.1. Members will note from the initial officer report that the conservation team had some minor reservations over the means of enclosure, requesting that they be increased in height and that a gate be inserted to allow access to the area of land to the rear of 77 St. Georges Place that is to be landscaped. Revised drawings have now been received that increase the height but do not include the gate. Officers are satisfied with the height increase and suggest that if members are minded to grant consent, that a condition be added to secure the gate.

2. CONCLUSION AND RECOMMENDATION

- 2.1. This application represents a valuable opportunity for the town to increase its parking facilities in a location currently under provided. The proposal is considered to make a good use of the site, will not impact on neighbouring amenity and will not compromise the character and appearance of the wider conservation area. Furthermore, from a highways perspective, the application brings with it a positive impact on the surrounding network and in relation to flood risk, the environment agency raise no objection.
- 2.2. It is recommended that planning permission be granted subject to the conditions suggested below.

3. CONDITIONS

- 1 The use hereby permitted shall be discontinued and the land restored to its former condition on or before 17 September 2020.
Reason: In the interests of good planning. The application seeks permission on these terms and given the wider development aspirations for the site, it is considered appropriate to limit any additional restrictions to bringing forward such redevelopment.
- 2 The development hereby permitted shall be carried out in accordance with drawing numbers 2400 P01 Rev D (received 28 July 2015), CA1061-SK-002 Rev G, CA1061-SK-003 Rev B, CA1061-SK-004 Rev B and CA1061-SK-005 Rev A received on 15 September 2015.
Reason: To ensure the development is carried out in strict accordance with the approved drawings.
- 3 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.
Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Local Plan Policy NE4 relating to development on contaminated land.
- 4 There shall be no new structures (including gates, walls and fences) or raising of ground levels on land below 56.66m AOD, within the 100 year plus climate change floodplain, or within 8metres of the top of bank of the River Chelt, inside or along the boundary of the site, unless otherwise agreed in writing by the Local Planning Authority.
Reason: To prevent any impact on flood flows and flood risk elsewhere.
- 5 Prior to occupation of the development, a Flood Evacuation Management Plan shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Local Authority Emergency Planning Officer and Emergency Services. The Plan shall include full details of proposed awareness training and procedure for evacuation of persons and property (including vehicles); and method and procedures for timed evacuation. It shall also include a commitment to retain and update the Plan and include a timescale for revision of the Plan.
Reason: To minimise the flood related danger to people in the flood risk area.

- 6 Prior to the amendments to the car park being implemented and open to the public, details of the measures to prevent vehicle access to Synagogue Lane and St George's Place and details of pedestrian crossing improvements at the proposed pedestrian access to St George's Place shall be submitted to and approved in writing by the Local Planning Authority, the approved works shall then be completed prior to the car park being open to the public and shall be retained as such thereafter.
Reason: To provide safe and suitable disabled and pedestrian access, in accordance with paragraph 32 and 35 of The Framework
- 7 Prior to the implementation of the development hereby permitted, full details of the proposed lighting columns, including lux levels, shall be submitted to and approved in writing by the Local Planning Authority. The lighting shall be implemented strictly in accordance with the details so approved and shall only be operational between the hours of 0800 - 2000 each day.
Reason: To safeguard the amenity of neighbouring land uses in accordance with the provisions of Local Plan Policy CP4.
- 8 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.
Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Local Plan Policy NE4 relating to development on contaminated land.

INFORMATIVES

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

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

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

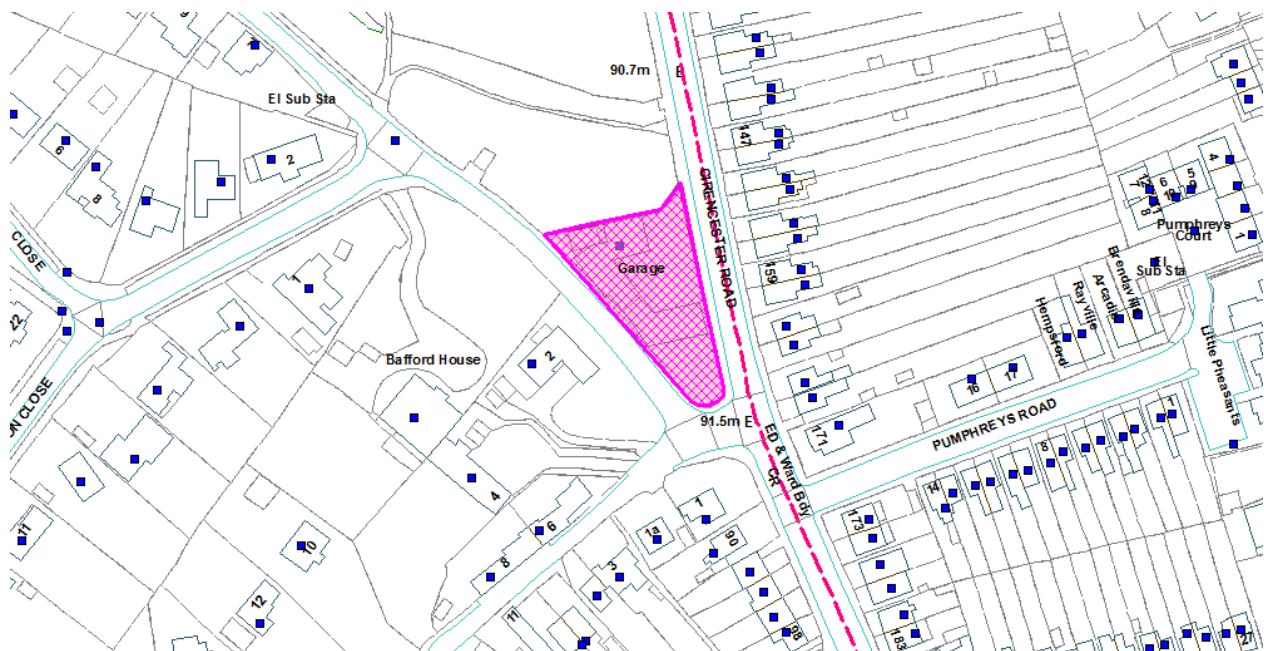
- 2 To ensure that there will be no increased risk of flooding to third parties due to impedance of flood flows and/or reduction of flood storage capacity, there should be no storage of any materials, including soil, on ground located below the 100 year flood level plus climate change (56.66m AOD) during the construction phase.

- 3 Any works in, under, over or within 8 metres of the River Chelt will require our prior Flood Defence Consent in addition to any planning permission. This will ensure that the proposals are also in accordance with the terms of the Water Resources Act (1991) and Midlands Land Drainage Byelaws.

- 4 The implementation of this permission will require the stopping up of established highway rights by separate Order before works can commence and the Applicant/Developer is advised to instigate that process as soon as possible.

APPLICATION NO: 15/01281/CONDIT	OFFICER: Mrs Lucy White
DATE REGISTERED: 5th August 2015	DATE OF EXPIRY: 30th September 2015
WARD: Charlton Park	PARISH: Charlton Kings
APPLICANT:	Mr Thomas Waldron
AGENT:	Daniel Hurd Associates
LOCATION:	86 Cirencester Road, Charlton Kings, Cheltenham
PROPOSAL:	Variation of Conditions 2 (approved drawings/documents), 3 (delivery management plan), 4 (site contamination), 5 (vehicular access), 7 (phasing), 8 (construction method statement), 10 (design details) 11 (boundary treatment), 12 (materials samples), 13 (hard surfacing), 15 (noise and dust method statement), 17 (waste management plan), 20 (plant ventilation/extraction), 21 (noise emission), 22 (surface water drainage) on 14/01436/FUL - Erection of new convenience store (A1) with associated parking following demolition of all existing buildings on site (revised scheme following 13/02174/FUL). Application sought in response to proposed minor amendments - enlargement of external plant area at the rear, 75mm and 150mm extensions to flat roof area of west and north elevations respectively (to accommodate inboard gutter), alterations to car park spaces and internal layout of the building and relocation of fire escape and delivery door to front elevation. (Part Retrospective)

RECOMMENDATION: Permit



1. DESCRIPTION OF SITE AND PROPOSAL

1.1 This application seeks planning permission for amendments to the recently consented scheme ref: 14/01436/FUL. In isolation, the alterations are minor in nature but cumulatively, it was felt appropriate that a revised planning application be made. The alterations to the scheme are:

- Extension of the rear plant area to accommodate operator-specific plant equipment
- The removal of one disabled parking space and an alteration to the dimensions of the remaining spaces from 2.6m in width to 2.4m
- Internal re-planning to move the back of house area to within the curved element of the retail unit
- Replacement of a glazed module within the shopfront to provide for fire escape and delivery access
- Alterations to the west and north elevations to allow for better drainage

1.2 Given the nature of the changes, the application also seeks alterations to a series of conditions on the originally consented scheme. Where necessary, these conditions have already been discharged to enable work to commence on site but where conditions refer to a specific drawing number or documents, it is necessary to amend the decision notice in a wholesale manner.

1.3 The application is before committee at the request of Cllr Baker given the local interest and the involved history of the site.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Smoke Control Order

Relevant Planning History:

13/02174/FUL 25th July 2014 REF

Erection of a new convenience store (A1) with associated parking (following demolition of existing buildings on the site)

14/01436/FUL 24th November 2014 PER

Erection of a new convenience store (A1) with associated parking following demolition of all existing buildings on the site (revised scheme following 13/02174/FUL)

15/00111/DISCON 4th March 2015 DISCHA

Discharge of conditions (4) (contamination & remediation), (7) (phasing programme), (8) (construction method statement) & (15) (noise, dust & vibration) on planning permission 14/01436/FUL

15/00450/DISCON 15th May 2015 DISCHA

Discharge of conditions (5) (vehicular access), (11) (boundary details), (12) (materials samples), (13) (hard surfacing), (22) (surface water drainage) of planning permission 14/01436/FUL

15/00486/DISCON PCO

Discharge of condition (10) (design details) of planning permission 14/01436/FUL

15/01496/ADV PCO

Erection of 2 no. internally illuminated fascia signs, 2 no. non-illuminated wall mounted lozenge signs and 1 no. internally illuminated forecourt post sign

3. POLICIES AND GUIDANCE

Adopted Local Plan Policies

CP 4 Safe and sustainable living
CP 7 Design
NE 4 Contaminated land
RT 1 Location of retail development
RT 7 Retail development in out of centre locations
UI 3 Sustainable Drainage Systems
TP 1 Development and highway safety
TP 6 Parking provision in development

Supplementary Planning Guidance/Documents

Flooding and sustainable drainage systems (2003)

National Guidance

National Planning Policy Framework

4. CONSULTATIONS

Environmental Health

25th August 2015

In relation to application 15/01281/CONDIT for 86 Cirencester Road, Cheltenham, Gloucestershire, GL53 8DA, a review has taken place of the conditions that have been requested to be varied and from an EP perspective I am commenting on conditions 3, 4, 8, 15, 17, 20 and 21 only. All of the supporting information relating to these conditions has been reviewed and comments from the EP team are as follows:

Condition 3: delivery management plan

In the revised DMP plan it states that the opening times of the premises are to be:

Mon ' Sat: 07.00 ' 23.00
Sun and Bank Holidays: 07.30 ' 22.30

However, condition 19 for this development states opening hours of:

Mon ' Sat: 07.00 ' 22.00
Sun and Bank Holidays: 07.30 ' 21.30

This is a point which would need to be rectified prior to approval for the variation of this condition to include the new DMP.

There is also reference to a newspaper delivery to the site which may be made from 06.00. In condition 18 of the planning permission there is reference to the fact that the newspaper delivery vehicle must deliver from the customer car park and not from the delivery bay at the front of the store. This could be stated in the DMP to cement this practice so that it is followed by all delivery vehicles and operatives.

At the current time, the above points would need to be addressed before we can agree for the condition to be varied.

Condition 4: contaminated land investigations

The majority of this condition was discharged under 15/00111/DISCON, but the authority was awaiting the tank removal validation report which has now been submitted. This has been reviewed and the condition can be varied to now have been completed.

Condition 8: Construction method statement

The majority of this condition was discharged under 15/00111/DISCON and as a result of this most recent application the method statement has been submitted as revision B. At the current time all of the demolition work has been completed so only work to now construct the building is being done. All points made in revision B of the method statement are reasonable and this can be followed in conjunction with condition 16 which states the times of work for the site. This condition can now be varied to include the revised plan.

Condition 15: Construction method statement ' control of noise, dust and vibration

Same response as for condition 8 above.

Condition 17: Waste management plan

In this revised waste management plan on page 3 there is a reference that waste will be collected during day time hours. In condition 18 of the planning application there is specific times stated for deliveries which includes waste collection times of:

Mon ' Fri: 07.00 ' 19.00

Sat: 08.00 ' 18.00

Sun and Bank Holidays: 10.00 ' 14.00

These times could be stated in the waste management plan to confirm these times so that they are adhered to by any waste contractors coming to the site.

Condition 20 and 21: 20 ' information on plant and equipment for the end user of the premises and 21 ' total noise generated by the plant and equipment for the store

The document labelled QUO253 (6th August 2015) 'Revised plant planning' provides the following decibel readings:

Condensor: 52dBA @ 1m

Condensor: 59dBA @ 1m

Condensor: 46dBA @ 1m

As well as a set of air conditioning units in the same area, but at the current time as far as accessible there are no noise levels provided for these?

However, in the Hann Tucker Associates environmental noise survey the plant noise emission criteria to be achieved at 1m rom the proposed plant area is:

Daytime: 45dBA

Nighttime: 44dBA

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These are both less than the 1m figures provided in the revised plant planning document, therefore, further information will be required on the confirmed plant that will be placed in this area and how the end user will adhere to condition 21 part of which states:

'The total noise generated from all units and all items of plant and equipment associated with this application shall be controlled to the extent that the rating level (in accordance with BS 4142: 1997) as measured or calculated at 1m from the façade of the nearest noise sensitive premises shall not exceed a level of 5dB below the existing LA90 background level with no tonal element to the plant.'

The other documents provided for this condition are labelled A3G800-AO84-01 'Axialventilator' with the day and night noise data, however, these also provide noise data for 1m from the fan axis and not at 1m from the façade of the nearest noise sensitive premises as stated in condition 21 of the permission. The levels on the Axialventilator are also different from the levels as quoted on the 'Revised plant planning' document (QUO253).

It would be useful for the applicant to provide the noise data for the plant chosen by the end user, but also for them to keep in mind the full wording of condition 21 which is about the cumulative impact of noise from all plant (including any air conditioning units etc.) and to extrapolate this data to show what the levels will be 1m from the façade of the nearest noise sensitive premises.

External lighting for the car park:

I have now reviewed the external lighting document as submitted by the applicant (produced by Thorn), the light levels proposed are in line with the ILP guidance notes for the reduction of obtrusive light for the type of area this development is situated within. The query from this department would be the times the applicant would propose the lights would be operational?

Parish Council

28th August 2015

The revised Delivery Management Plan states the hours of operation for the development to be between 07:00 ' 23:00 Monday to Saturday and 07:30 ' 22:30 on Sundays & Bank Holidays. The hours of Operation that Planning Consent has been granted for are 07:00 ' 22:00 Monday to Saturday and 07:30 ' 21:30

From the approved scheme the following two drawings both detail a total of 16no. parking spaces, including 2no. disabled bays (Potterton Associates drg. 483 05C & Daniel Hurd Associates drg. 655 24 Rev.B).

From the current application, Daniel Hurd Associates drg. 655 40 Rev.Q 'Site Plan', details 16no. spaces including 1no. disabled bay. However, Davidson Walsh drg. 13100 01 Rev.D, 'Proposed Site Plan & External Works' details 15no. spaces, including 1no. disabled bay.

The Applicant's representative, Mr T Waldron, attended the meeting as a member of the public and assured the Committee that they had seen the discrepancy in operating hours raised in the public comments on CBC's Planning Portal's, and had emailed CBC Officers earlier in the day to explain that this was an administrative error and not an attempt to alter the hours of operation from those permitted.

The Applicant stated at the meeting (and has subsequently confirmed by email) that this application does not propose to reduce the number of parking bays from 16no. but that one disabled bay becomes a regular bay and that the bay widths do reduce to the British Standard minimum of 2.4m.

At the meeting, the Applicant made an offer, subject to approval from the end user and CBC, to change the area of block paving between the lorry delivery bay to a macadam surface to reduce the rattling of delivery cages.

The Committee:

- welcome the applicant's offer to replace block pavers with asphalt on the area between the delivery bay and the service entrance
- note and regret the removal of one disability bay space in a community with a substantially older (and thus inevitably less 'abled') demographic than other areas of Cheltenham
- note and regret the reduction in standard parking bay width space from 2.6m to 2.4m in order to retain the same total (disabled and standard) number of bays
- do not express a preference between retaining a standard 2.6m width (and losing a bay) and keeping the same number of bays.
- welcome the attendance and positive engagement of the applicant at the meeting to clarify and help address some of the Committee's concerns

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	205
Total comments received	6
Number of objections	6
Number of supporting	0
General comment	0

5.1 In response to the wide publicity given to this application, six letters of objection have been received. The key areas of concern are summarised below and will be duly considered in the main body of this report:

- Noise and disturbance both during construction and expected post occupation
- Lack of car parking
- Unacceptable increase in traffic movements to the site
- An error in the submitted Delivery Management Plan in relation to opening hours [Note: This has subsequently been corrected]

6. OFFICER COMMENTS

6.1 Determining Issues

6.1.1 This site already benefits from planning permission for a retail unit; indeed the development is advancing on site. Whilst the scheme has attracted a lot of interest in recent months, the nature of this application is really quite simple and seeks a series of minor changes to the consented scheme, stemming principally from the end-user, Sainsburys. This is not uncommon for a development of this nature.

6.1.2 In relation to the proposed changes the following observations are made:

- The environmental health team are entirely satisfied with the amendments to the plant equipment. The revisions comply with the requirements of the original condition in relation to noise limits and in terms of their location and design, remain acceptable.

- The proposed alterations to the delivery area and layout to the front of the site represent an improvement to the consented scheme. It reduces the distance between lorry and delivery area and the introduction of a tarmac surface as opposed to block paving is also welcomed.
- The minor alterations to the north and west elevations to allow for drainage are wholly acceptable (in the context of the wider scheme, this alteration would be deemed as *de minimis*).

6.1.3 Comments are awaited from the County Council in relation to the changes to the parking layout but officers do not anticipate any objections. The total number of spaces remains at 16; the change relates to a reduction in the width of the bays from 2.6m to 2.4m and the removal of one disabled parking space, to be replaced with a standard space. The resultant width of 2.4m is that which would ordinarily be expected for a development of this nature; the consented scheme offered over-sized bays at the discretion of the applicant. It is unfortunate that the number of disabled spaces is reducing by one but this remains compliant with local plan requirements.

6.2 Other considerations

6.2.1 Members will note from the representations that the Delivery Management Plan has attracted some concern on two key points: the hours of operation and reference to a different store operator (Tesco) and any copyright matters that this may bring with it.

6.2.2 The hours of operation reference with the management plan has now been amended and was an oversight on behalf of the applicant. It is now consistent with the approved scheme.

6.2.3 In relation to copyright, the reference to Tesco is not of any concern to the planning authority and there has been no breach of copyright. Members are also advised that the reference to Tesco forms part of an appendix to the management plan and represents an example of a delivery risk assessment. A site specific risk assessment will be submitted to the LPA prior to the development being occupied.

6.2.4 The final point to make is that members will see a full list of conditions attached to the bottom of this report. The nature of this application is such that the LPA is granting a new planning permission and it is therefore imperative that all previous restrictions and requirements are again provided for.

7. CONCLUSION AND RECOMMENDATION

7.1 Officers fully understand the concern locally in relation to this application but in the context of the planning permission, this application is minor in nature. Other than the parking layout for which comments are still awaiting from the County Council, the alterations have been scrutinised and have been found to be acceptable.

7.2 Members will be updated upon receipt of the County response but no objection is anticipated.

7.3 Subject to the County response, it is recommended that planning permission be granted for this application.

8. CONDITIONS / INFORMATIVES

- 1 The development hereby permitted shall be carried out in accordance with drawing numbers 11 Rev D, 40 Rev R, 41 Rev Q, 62 Rev G, 17 Rev E, 55, 51 Rev F, 50 Rev H, 46 Rev D, 45 Rev J, 60 Rev J, QUO253 PP 15 B, 13100 08 Rev D, 13100 01 Rev D, Technical Note 13-00234 - TN01 received 23rd July 2015, 4th August 2015 and 27th August 2015.

Reason: To ensure the development is carried out in strict accordance with the approved drawings.
- 2 All deliveries and servicing associated with the development hereby permitted shall be carried out in strict accordance with the 'Delivery Management Plan 13-00234/DMP/01/Rev I July 2015' received by the Council on 4th August 2015, unless otherwise agreed in writing by the Local Planning Authority. Should any variation of the Delivery Management Plan (DMP) be deemed necessary, then the applicant or current occupier of the development hereby approved shall submit a revised DMP to be approved in writing by the Local Planning Authority. The development hereby permitted and all deliveries and servicing of the development hereby permitted shall thereafter be carried out in strict accordance with the approved DMP.

Reason: To ensure the development and all deliveries and servicing of the site are carried out in strict accordance with the approved Delivery Management Plan in the interests of highway safety and to protect local amenity, in accordance with Policies TP1 and CP4 of the Local Plan.
- 3 Unless otherwise agreed in writing by the Local Planning Authority (LPA), the development hereby approved shall be completed in strict accordance with the findings and recommendations of the submitted site investigation and risk assessment (GIP Phase 1 and Phase 2 Ground Investigation and Test Report dated 17th December 2013) and GIP Tank Removal Validation Report dated 19th March received by the Council on 23rd July 2015. In the event that contamination is found at any time when carrying out the approved development, that was not previously identified, it must be reported immediately in writing to the Local Planning Authority. An investigation and a further risk assessment must be undertaken and a remediation scheme submitted to the Local Planning Authority for written approval. Following completion of measures identified in any subsequent approved remediation scheme, a verification report must also be produced and submitted to the LPA for written approval.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Local Plan Policy NE4 relating to development on contaminated land.
- 4 Prior to the first occupation of the development hereby approved for retail purposes, the vehicular accesses and layout of the proposed delivery bay shall be completed in strict accordance with the details shown on Drawing Nos 40 Rev R and 13100 01 Rev D received on 23rd July 2015 and 27th August 2015. shall be completed in all respects in accordance with details approved under this condition and shall be retained as such thereafter.

Reason: To minimize hazards and ensure a safe and suitable means of access for all users of the development hereby approved in accordance with Local Plan Policy TP1 relating to development and highway safety.
- 5 Prior to the first occupation of the development for retail purposes, the car parking area shall be completed and marked out in accordance with the details shown on Drawing No 40 Rev R received on 27th August 2015. The car parking area shall thereafter be retained in accordance with the approved plans and kept available for use as car parking.

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

- 6 Unless otherwise agreed in writing by the Local Planning Authority, the development hereby approved shall be completed in accordance with the submitted Anticipated Phasing programme Rev A- February 2015 received on 23rd July 2015.

Reason: To minimize hazards and ensure a safe and suitable means of access for all users of the development hereby approved in accordance with Local Plan Policy TP1 relating to development and highway safety.

- 7 Unless otherwise agreed in writing by the Local Planning Authority, the provisions of the submitted Construction Method Statement 655-c1501211 Rev B, received on 23rd July 2015, shall be adhered to throughout the construction phase of the development hereby approved.

Reason: To provide safe access to site during the construction period in accordance with Policy TP1 of the Local Plan.

- 8 The cycle parking provision shown on the approved plans shall be completed prior to the first occupation of the development for retail purposes and thereafter kept free of obstruction and available for the parking of cycles only.

Reason: To ensure adequate provision and availability of cycle parking in accordance with Local Plan Policy TP6 relating to parking provision in development.

- 9 Unless otherwise agreed in writing by the Local Planning Authority, prior to first occupation of the development hereby approved for retail purposes, the following shall be erected or installed in strict accordance with the submitted details:

1. the main shop entrance, canopy and supporting post(s), fascia detail and glazing
2. eaves and soffit detail
3. windows and shopfront glazing panels (including reveals, cills and detail of obscure glass)
4. stone panelling to glazing surrounds, stone banding and cast stone coping detail
5. rainwater goods
6. vents, flues and any other pipework
7. bollards and any other street furniture
8. security lighting and all external light fittings installed within the curtilage of the application site
9. cycle stands (staff and customer)
10. timber gate and fencing panels

Reason: To ensure a satisfactory form of development in accordance with Local Plan Policies CP3, CP4 and CP7 relating to sustainable environment, safe and sustainable living and design, and national guidance set out within the National Planning Policy Framework. These are important details which need to be constructed in the traditional local manner to ensure that the development is compatible with its surroundings.

- 10 Unless otherwise agreed in writing by the Local Planning Authority, prior to first occupation of the development hereby approved for retail purposes the boundary walls, fences or other means of enclosure shall be erected in strict accordance with the details shown on Drawing Nos 131 08 Rev D, 40 Rev R and 62 Rev G received on 23rd July 2015 and 27th August 2015.

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

- 11 Unless otherwise agreed in writing by the Local Planning Authority, the external facing and roofing materials to be used in the development hereby approved shall be in

accordance with the submitted details and samples provided (facing brick - Wienerberger Sunset Red Multi, plinth brick - Wienerberger Staffordshire Smooth Red, textured brickwork panel erected on site 13th April 2015, stone - Broadway Quarry Stone, saw cut natural stone for headers and window surrounds and vertical column details, roof - Euroclad Vieo steel standing seam roofing, basalt grey RAL 7012, render - sand-cement render Cornforth White, window frames - powder coated aluminium dark silver RAL 9007).

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

- 12 Unless otherwise agreed in writing by the Local Planning Authority, the hard surfacing materials to be used in the construction of the development shall be in accordance with the details shown on Drawing Nos 40 Rev R and 13100 -01 Rev D submitted on 23rd July 2015 and 27th August 2015 (Tobermore - Toberloc Natural and Brindle and tarmacadam - black). Provision shall be made to direct run-off from the hard surface to a permeable or porous area (soakaway) within the site.

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

- 13 The landscaping proposals hereby approved shall be carried out no later than the first planting season following the date when the development is ready for occupation unless otherwise agreed in writing by the Local Planning Authority. All planting and subsequent management of the approved landscaping shall be carried out in accordance with the 'Ongoing Landscape Management' plan received on 11th September 2014. After planting, should any trees or plants be removed, die, or become severely damaged or seriously diseased they shall be replaced with others of similar size and species to those originally required to be planted.

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

- 14 Unless otherwise agreed in writing by the Local Planning Authority, the provisions of the submitted Construction Method Statement 655-c1501211 Rev B received on 23rd July 2015 that detail the control of noise, dust, vibration and any other nuisances arising from works of construction (including noise from construction and delivery vehicles and the methods for the storage, removal and/or recycling of waste/slavaged materials) shall be adhered to throughout the construction phase of the development hereby approved.

Reason: Reason: To protect the amenity of the residents in nearby residential properties in accordance with Policy CP4 of the Local Plan.

- 15 All works relating to the development hereby approved shall only take place between the hours of 08:00 and 18:00 Monday to Friday, 08:00 and 13:00 on Saturdays and at no time on Sundays or Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the amenity of the residents in nearby residential properties in accordance with Policy CP4 of the Local Plan.

- 16 Unless otherwise agreed in writing by the Local Planning Authority, the provisions of the submitted Site Waste Management Plan August 2015 received 1st September 2015 shall be fully implemented upon the proposed retail unit being first open to customers and thereafter strictly adhered to for the duration of the use hereby permitted.

Reason: To protect the amenity of the residents in nearby residential properties in accordance with Policy CP4 of the Local Plan.

- 17 All deliveries to the site (including the collection of waste) shall only take place between the hours of 07:00 and 19:00 Monday to Friday, 08:00 and 18:00 Saturdays, 10:00 and

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14:00 Sundays and Bank Holidays. Newspaper deliveries can be made to the site between 06:00 and 19:00 hours only. When newspaper deliveries are made before 07:00 hours all newspaper delivery vehicles shall park and unload in the customer car park and not in the delivery bay at the front of the store.

Reason: To protect the amenity of the residents in nearby residential properties in accordance with Policy CP4 of the Local Plan.

- 18 The use hereby permitted shall only be open to customers between the hours of 07:00 to 22:00 Monday to Saturday, 07:30 to 21:30 on Sundays and Bank Holidays.

Reason: To protect the amenity of the residents in nearby residential properties in accordance with Policy CP4 of the Local Plan.

- 19 Unless otherwise agreed in writing by the Local Planning Authority, all details of the means of ventilation and extraction from air conditioning plant, chiller and refrigeration systems and measures for the dispersal of cooking smells/fumes, as submitted and shown on Drawing Nos 40 Rev R, 45 Rev J and QUO253 PP 15 B received 4th August 2015 and 27th August 2015, shall be fully installed before the use hereby permitted commences and the store is open to customers. All the approved equipment and measures shall be maintained in strict accordance with the manufacturer's and installer's instructions thereafter.

Reason: These details need careful consideration and formal approval to safeguard the amenity of adjoining properties and to protect the general environment in accordance with Local Plan Policy CP4 relating to safe and sustainable living.

- 20 The total noise generated from all items of plant and extraction and ventilation equipment associated with the use hereby permitted shall be controlled to the extent that the rating level (in accordance with BS 4142: 1997) as measured or calculated at 1m from the façade of the nearest noise sensitive premises shall not exceed a level of 5dB below the existing LA90 background level with no tonal element to the plant.

This control shall be demonstrated by a noise assessment which shall be submitted to and approved in writing by the Local Planning Authority prior to the installation of any plant or extraction/ventilation equipment. Should any changes be made to the building or the plant and equipment serving it, the detail of these alterations shall be submitted to and approved in writing by the Local Planning Authority prior to their installation. The plant and extraction/ventilation equipment shall be installed and thereafter operated strictly in accordance with the approved details.

Reason: These details need careful consideration and formal approval to safeguard the amenity of adjoining properties and to protect the general environment in accordance with Local Plan Policy CP4 relating to safe and sustainable living.

- 21 Prior to the first occupation of the development hereby approved for retail purposes, the surface water drainage system shall be fully installed in accordance with the submitted details and as shown on Drawing No 13100-01 Rev D received 23rd July 2015. The surface water drainage system shall be retained as such thereafter.

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

- 22 Any works taking place in the root protection area shall be carried out by hand and no roots over 25mm shall be severed without the advice of a qualified arboriculturalist or without the written consent of the Local Planning Authority.

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

- 23 Tree protective fencing shall be installed in accordance with the specifications set out within the Arboricultural Report dated December 2013 and Drawing Number CC TP1. The fencing shall remain in place until the completion of the construction process.
Reason: In the interests of local amenity, in accordance with Local Plan Policies GE5 and GE6 relating to the retention, protection and replacement of trees.
- 24 All sequencing and detail of works taking place on site shall take place in accordance with the Method Statement within the Arboricultural Report dated December 2013.
Reason: In the interests of local amenity, in accordance with Local Plan Policies GE5 and GE6 relating to the retention, protection and replacement of trees.

APPLICATION NO: 15/01281/CONDIT		OFFICER: Mrs Lucy White
DATE REGISTERED: 5th August 2015		DATE OF EXPIRY : 30th September 2015
WARD: Charlton Park		PARISH: CHARLK
APPLICANT:	Mr Thomas Waldron	
LOCATION:	86 Cirencester Road, Charlton Kings, Cheltenham	
PROPOSAL:	Variation of Conditions 2 (approved drawings/documents), 3 (delivery management plan), 4 (site contamination), 5 (vehicular access), 7 (phasing), 8 (construction method statement), 10 (design details) 11 (boundary treatment), 12 (materials samples), 13 (hard surfacing), 15 (noise and dust method statement), 17 (waste management plan), 20 (plant ventilation/extraction), 21 (noise emission), 22 (surface water drainage) on 14/01436/FUL - Erection of new convenience store (A1) with associated parking following demolition of all existing buildings on site (revised scheme following 13/02174/FUL). Application sought in response to proposed minor amendments - enlargement of external plant area at the rear, 75mm and 150mm extensions to flat roof area of west and north elevations respectively (to accommodate inboard gutter), alterations to car park spaces and internal layout of the building and relocation of fire escape and delivery door to front elevation. (Part Retrospective)	

REPRESENTATIONS

Number of contributors	6
Number of objections	6
Number of representations	0
Number of supporting	0

21 Charlton Close
Cheltenham
Gloucestershire
GL53 8DH

Comments: 24th August 2015

Concerning the above proposal I would like to comment, strongly with reference to "traffic" and "noise or disturbance from the development" - in future and what plans might be incorporated to alleviate this?

Cars are already parked in the road opposite this site in Cirencester Road. Times of delivery to the store etc will be very difficult and dangerous for any other traffic in the immediate vicinity.

Two construction vans have been permanently parked in the Newcourt Road layby during the construction period and no doubt this parking area will be used by customers to the detriment of those who currently use the green space.

Residents of Newcourt Road, Charlton Close and Regis Close already experience extra parking by employees of Bafford Nursing Home and dog walkers who drive here to exercise their dogs or use the green.

The junction of Newcourt Road with Cirencester Road coupled with the current on road parking will make this a potential accident black spot not only for cars but pedestrians - Consideration should be given to making Newcourt Road One Way.

Has any thought been given to parking for staff or management?

Avening
8 Charlton Close
Cheltenham
Gloucestershire
GL53 8DJ

Comments: 12th August 2015
Letter attached.

165 Cirencester Road
Charlton Kings
Cheltenham
Gloucestershire
GL53 8DB

Comments: 14th August 2015

It would seem the developer has made an 'error' in the Delivery Management Plan. They now state that the opening hours will be 7.00-23.00 Mon-Sat and 7.30-22.30 Sundays and Bank Hols. However as I am sure you realise the permission granted was as follows:

"The use hereby permitted shall only be open to customers between the hours of 07:00 to 22:00 Monday to Saturday, 07:30 to 21:30 on Sundays and Bank Holidays. Reason: To protect the amenity of the residents in nearby residential properties in accordance with Policy CP4 of the Local Plan."

I would also like to point out that whilst the developer says they aim to "manage deliveries to avoid conflict and potential nuisance/disturbance to local residents" it would seem obvious that the use of block paving in the delivery area will increase the noise of the delivery cages.

ps. How are you going with that housing shortage?

155 Cirencester Road
Charlton Kings
Cheltenham
Gloucestershire
GL53 8DB

Comments: 1st September 2015

As a family of four, with two daughters studying A Levels at Balcarras, we Strongly object to any tinkering of the Planning Conditions that were imposed by the Planning Committee after nearly 150 local residents and a petition 1000 had voiced our concerns.

I have made comments on this set of condition tinkering and copied Mrs White at CBC so I am disappointed, but not surprised, to not see them listed in this feedback comments section.

Herewith a summary.

DMP. We know the end user is now Sainsburys so why are we still seeing this much vaunted, but deeply flawed and unenforceable, DMP using the Tesco Tuffley DMP that we know from residents in Tuffley is not only NOT adhered to by the Tesco delivery staff and NOT enforced by Glos City Council enforcement team. The DMP remains a point of contention, and concern.

Now that we know it is Sainsburys as the end user it is totally incongruous that the DMP provided by the developer and their agents Corun, remains the flawed and unenforceable Tesco Tuffley DMP previously used by this same discredited developer. The Tesco DMP that once again has

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been used without the sanction nor consent of Tesco (I've spoken with them and informed CBC of this previously) and has been reproduced by CBC and the developer contrary to both the Copyright and Patents Acts, can a Councillor please ask OneLegal for a view.

It is equally incongruous that Sainsburys would sign up to the promised DMP of an entirely different company and competitor so can a Councillor please ask for a DMP from Sainsburys because I seriously doubt they would feel obliged to comply with something devised by another company. Given that the DMP was heavily endorsed by CBC Officers this point is critical.

Re the "mistake" with the store opening in the DMP, this smacks of poor attention to detail on a sensitive site. Please note, Balcarras ends its school day at 1535, St Edwards on the Cirencester Road is later. Can a Councillor please make sure that times of school hours are researched properly and applied because far too many times local residents are contradicting or updating information provided by the applicant and officers at CBC and GCC because no checks have been made and which could have been avoided if the equally much vaunted CBC pro active consultation on planning matters, actually the pre consultation is only with the developer isn't it, not the people or community most concerned as stated in the NPPF AND the Localism Act, had actually consulted with home owners a lot earlier than they actually did. Would save time, energy and avoid suspicion all round wouldn't it.

CBC Officers were clever to word the refusal notice on the first application for this site in order to make it really hard for Councillors to not pass (eg the ATM was cited as the only noise issue, so put it inside, the perceived only noise source goes away, dear Councillors you cannot refuse now as the reason for refusal has been mitigated against. But what about the other noises dear Cou chillies, car engines, radios blaring, contents of shop cages rattling and making noise, which incidentally is more likely to occur now given the proposed new car park surface, could Councillors please exercise due diligence and ask some serious questions yourselves.

We would also like to know from Sainsburys will you actually be taking waste away from the site with the same delivery vehicles that brings the food stuffs?

32 Charlton Close
Cheltenham
Gloucestershire
GL53 8DJ

Comments: 27th August 2015

The timing of this variation does seem rather convenient falling as it does during the school holidays but leaving that aside my objections are as follows.

Parking. Already an issue on Newcourt Rd and Cirencester Rd. With the proposed reduction in the size of the car park spaces on the revised plan this will lead to more store customers parking on the local roads. Consideration also needs to be given to staff car parking.

Opening hours. I trust that the application to revise the opening hours to 07.00-23.00 Mon-Sat and 07.30-22.30 Sunday will be resisted and the original hours reinstated.

Deliveries. I note that deliveries can last for up to 60 minutes each and that they are proposing between 07.00-19.00 Mon-Sat, 08.00-18.00 Sat and 10.00-14.00 Sun. This could result in significant noise and disruption at inconvenient times. I note that in the DMP they have attached a Tesco store delivery risk assessment which states "No delivery to store between 15.00 and 09.30. Self imposed restriction due to residential and traffic issues. Keep noise to an absolute minimum at all times" Well done Tesco...this would seem like a sensible solution for 86 Cirencester Rd as well.

School hours. The DMP says they will avoid deliveries between 08.15-09.15 and 15.00-15.45 during term time. These periods need to be extended as not all children and their school hours fit into these rather narrow time windows.

Highways and pedestrian safety. My biggest concern is the increase in traffic and parked cars which will make an already congested road even more treacherous to cross, especially for the many school children who have to cross Cirencester Road daily. Highways should be giving more consideration as to how to improve sightlines for both pedestrians and road users by restricting parking and providing pedestrian crossing points etc.

Goodwood
Newcourt Road
Cheltenham
Gloucestershire
GL53 9AZ

Comments: 27th August 2015

The hours of opening of this proposed supermarket were changed to be shorter because of the opposition from local residents. Now the developer chooses to state that it was a "mistake". This change to reduced opening hours because of concerns over noise was a very important factor in the granting of the appeal at planning. Applying for a change to this in the middle of the summer holidays looks like classic developer tactics to revert to the original by "slipping it under the fence" at a time when many people are away. I oppose strongly and hope that the planning committee will not give in to the developer's tactics to get their way, either this time or in the future.

BUILT
11 AUG 2015
ENVIRONMENT

Page 85
O CHARLTON CLOSE
CHARLTON KINGS

Ref.
86 Cirencester Rd

Cheltenham.
GL53 8DJ.

Ms write.

Received your letter. Your Ref
15/01/2015/

[REDACTED]

So here is my comment
on. Proposal of condition.

There really is only one.

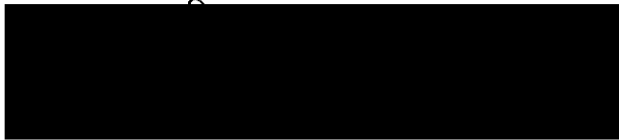
Parking for staff.

At the moment we have difficulty
getting out of Charlton Close as
No 1 Charlton Close has stopped
parking at Rafford the Nursing
Home for their staff. Why?
So of course they park in Charlton
Close right on a bad corner.

No 1 Chalkin C Page 86, I've been told,
own Bafford the Nursing home.
So I dread to think if stay
from the super market park
down the back of the shop
in Newcourt Road.

Please give this your attention
& stop it with a clause before
it really does start. & causes
accidents:

Thanking you.



APPLICATION NO: 15/01281/CONDIT	OFFICER: Mrs Lucy White
DATE REGISTERED: 5th August 2015	DATE OF EXPIRY: 30th September 2015
WARD: Charlton Park	PARISH: Charlton Kings
APPLICANT:	Mr Thomas Waldron
AGENT:	Mr Ian Allerston
LOCATION:	86 Cirencester Road, Charlton Kings, Cheltenham
PROPOSAL:	Variation of Conditions 2 (approved drawings/documents), 3 (delivery management plan), 4 (site contamination), 5 (vehicular access), 7 (phasing), 8 (construction method statement), 10 (design details) 11 (boundary treatment), 12 (materials samples), 13 (hard surfacing), 15 (noise and dust method statement), 17 (waste management plan), 20 (plant ventilation/extraction), 21 (noise emission), 22 (surface water drainage) on 14/01436/FUL - Erection of new convenience store (A1) with associated parking following demolition of all existing buildings on site (revised scheme following 13/02174/FUL). Application sought in response to proposed minor amendments - enlargement of external plant area at the rear, 75mm and 150mm extensions to flat roof area of west and north elevations respectively (to accommodate inboard gutter), alterations to car park spaces and internal layout of the building and relocation of fire escape and delivery door to front elevation. (Part Retrospective)

Update to Officer Report

1. OFFICER COMMENTS

- 1.1. The response from the County Council has now been received and is set out below:
- 1.2. *I have reviewed the additional information. The reduction of size of car parking spaces to 4.8 m x 2.4 and loss of a single disabled space is not considered significant or severe. The previous parking accumulation assessment demonstrated that spare capacity was available on the previous layout, and this capacity remains with the amended layout. The NPPF has been amended recently and added the following text: "Local planning authorities should only impose local parking standards for residential and non-residential development where there is clear and compelling justification that it is necessary to manage their local road network."*
- 1.3. The County are therefore satisfied with the proposal in its revised format.

2. CONCLUSION AND RECOMMENDATION

- 2.1. The recommendation remains to grant planning permission.

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APPLICATION NO: 15/01281/CONDIT	OFFICER: Mrs Lucy White
DATE REGISTERED: 5th August 2015	DATE OF EXPIRY : 30th September 2015
WARD: Charlton Park	PARISH: CHARLK
APPLICANT:	Mr Thomas Waldron
LOCATION:	86 Cirencester Road, Charlton Kings, Cheltenham
PROPOSAL:	Variation of Conditions 2 (approved drawings/documents), 3 (delivery management plan), 4 (site contamination), 5 (vehicular access), 7 (phasing), 8 (construction method statement), 10 (design details) 11 (boundary treatment), 12 (materials samples), 13 (hard surfacing), 15 (noise and dust method statement), 17 (waste management plan), 20 (plant ventilation/extraction), 21 (noise emission), 22 (surface water drainage) on 14/01436/FUL - Erection of new convenience store (A1) with associated parking following demolition of all existing buildings on site (revised scheme following 13/02174/FUL). Application sought in response to proposed minor amendments - enlargement of external plant area at the rear, 75mm and 150mm extensions to flat roof area of west and north elevations respectively (to accommodate inboard gutter), alterations to car park spaces and internal layout of the building and relocation of fire escape and delivery door to front elevation. (Part Retrospective)

ADDITIONAL REPRESENTATION

155 Cirencester Road
 Charlton Kings
 Cheltenham
 Gloucestershire
 GL53 8DB

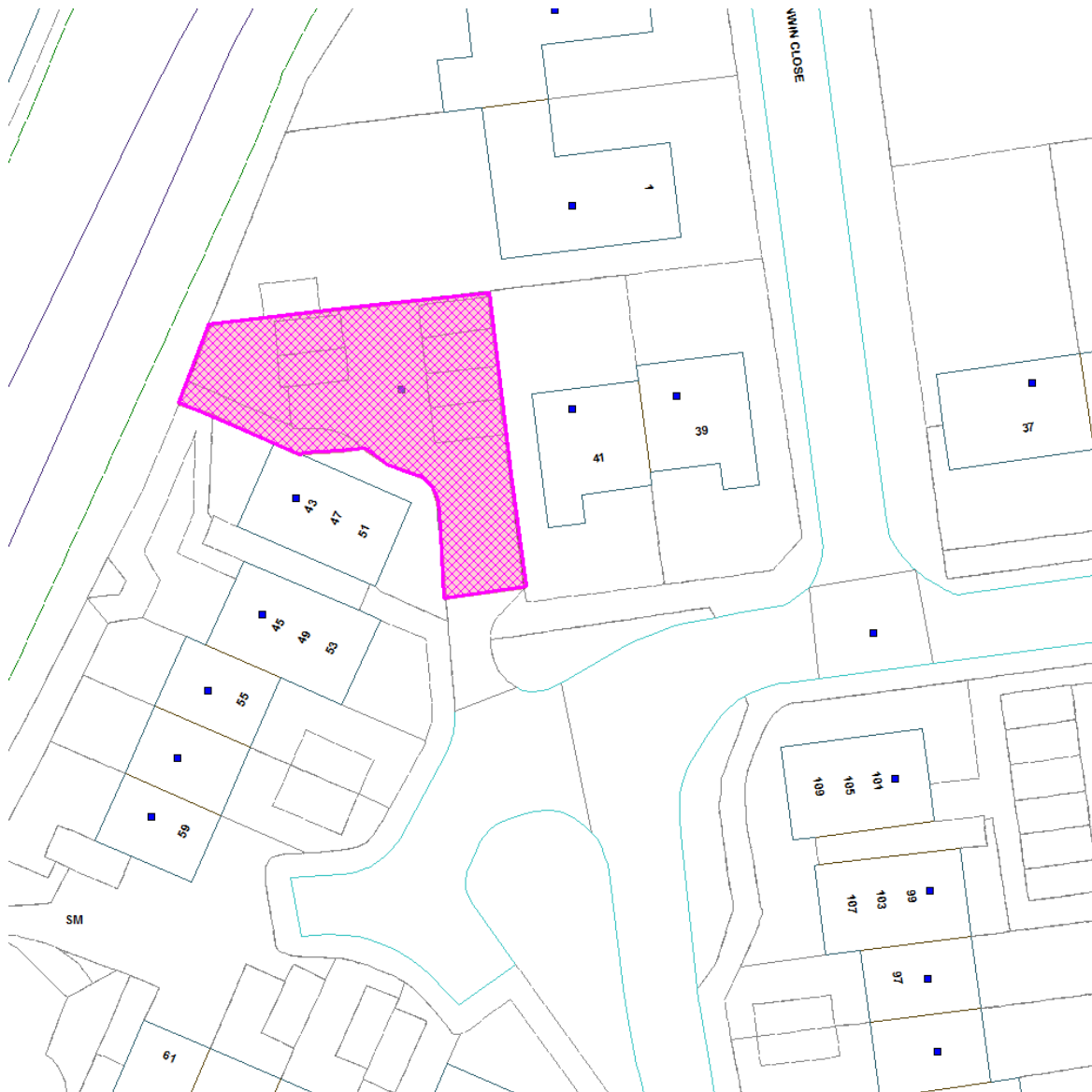
Comments: 9th September 2015

I am pleased to see that this application now at least accepts that the work on the fire escape but I continue to be dismayed that the application was submitted as 'conditional discharge' for all of the portions despite the already COMPLETED work on the fire escape. Officers should have know this.

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APPLICATION NO: 15/01339/FUL	OFFICER: Miss Chloe Smart
DATE REGISTERED: 28th July 2015	DATE OF EXPIRY: 22nd September 2015
WARD: Benhall/The Reddings	PARISH:
APPLICANT:	Cheltenham Borough Council
AGENT:	Cheltenham Borough Homes Ltd
LOCATION:	Unwin Road Garages, Unwin Road, Cheltenham
PROPOSAL:	Resurfacing of access road, marking of six car parking spaces and erection of fixed posts per car parking bay (following demolition of existing garages).

RECOMMENDATION: Permit



1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 This application relates to an area to the rear of nos. 41 to 51 Unwin Road (odd numbers only) which currently comprises of six garages and is accessed off Unwin Road.
- 1.2 Planning permission is sought for the re-surfacing of the site and the marking of six car parking spaces (following the demolition of the existing garages).
- 1.3 The proposal is before Planning Committee as the Council is the applicant.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

N/A

Relevant Planning History:

N/A

3. POLICIES AND GUIDANCE

Adopted Local Plan Policies

CP 4 Safe and sustainable living

CP 7 Design

TP 1 Development and highway safety

National Guidance

National Planning Policy Framework

4. CONSULTATIONS

GCC Highways Planning Liaison Officer

25th August 2015

The proposal seeks permission to resurface the access road and mark out 6 parking bays. The works appear to be to replace the dilapidated garages with open parking spaces to provide beneficial parking spaces to the adjoining properties.

I refer to the above planning application received on 6th August 2015, with unnumbered Plan to which no Highway objection is raised.

5. PUBLICITY AND REPRESENTATIONS

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

- 5.1 Eight letters have been sent to neighbouring properties and no responses have been received.

6. OFFICER COMMENTS

6.1 Determining Issues

- 6.1.1** The main considerations in relation to this application are the design, the impact on highway safety and neighbouring amenity.

6.2 Design

- 6.2.1** Local Plan Policy CP7 requires development to be of a high standard of architectural design and to complement and respect neighbouring development.
- 6.2.2** The applicant proposes the removal of the existing garages to provide six marked car parking spaces. The tarmac surface proposed is considered entirely appropriate and in keeping with the character of the area. The introduction of marked car parking spaces is considered also considered acceptable.
- 6.2.3** The proposal will therefore respect the character of the area in accordance with Local Plan Policy CP7.

6.3 Access and highway issues

- 6.3.1** Due to the nature of the application, Gloucestershire County Council Highways has been consulted on the application.
- 6.3.2** No objection has been raised to this proposal, with the works considered to provide beneficial parking spaces to the adjoining properties. The proposal is therefore considered in accordance with Local Plan Policy TP1.

6.4 Impact on neighbouring property

- 6.4.1** Local Plan Policy CP4 requires development to protect the amenities of neighbouring land users.
- 6.4.2** The proposed parking spaces are to be positioned directly adjacent to the boundary with no.41 Unwin Road and no.1 Unwin Close. Whilst there is likely to be some increase in noise disturbance, officers consider this would be minimal and would not provide for an unacceptable increase above the levels of noise generated by the existing garaging and car parking arrangements.
- 6.4.3** The proposal is therefore in accordance with Local Plan Policy CP4.

7. CONCLUSION AND RECOMMENDATION

- 7.1** Overall, the proposal is considered acceptable in terms of its impact on the character of the surrounding area, highway safety and the amenity of neighbouring land users.
- 7.2** The recommendation is therefore to permit this application subject to the conditions below.

8. CONDITIONS / INFORMATIVES

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The development hereby permitted shall be carried out in accordance with drawing numbers 01339:1 and 01339:3 received 27th July 2015.
Reason: To ensure the development is carried out in strict accordance with the approved drawings.

INFORMATIVES

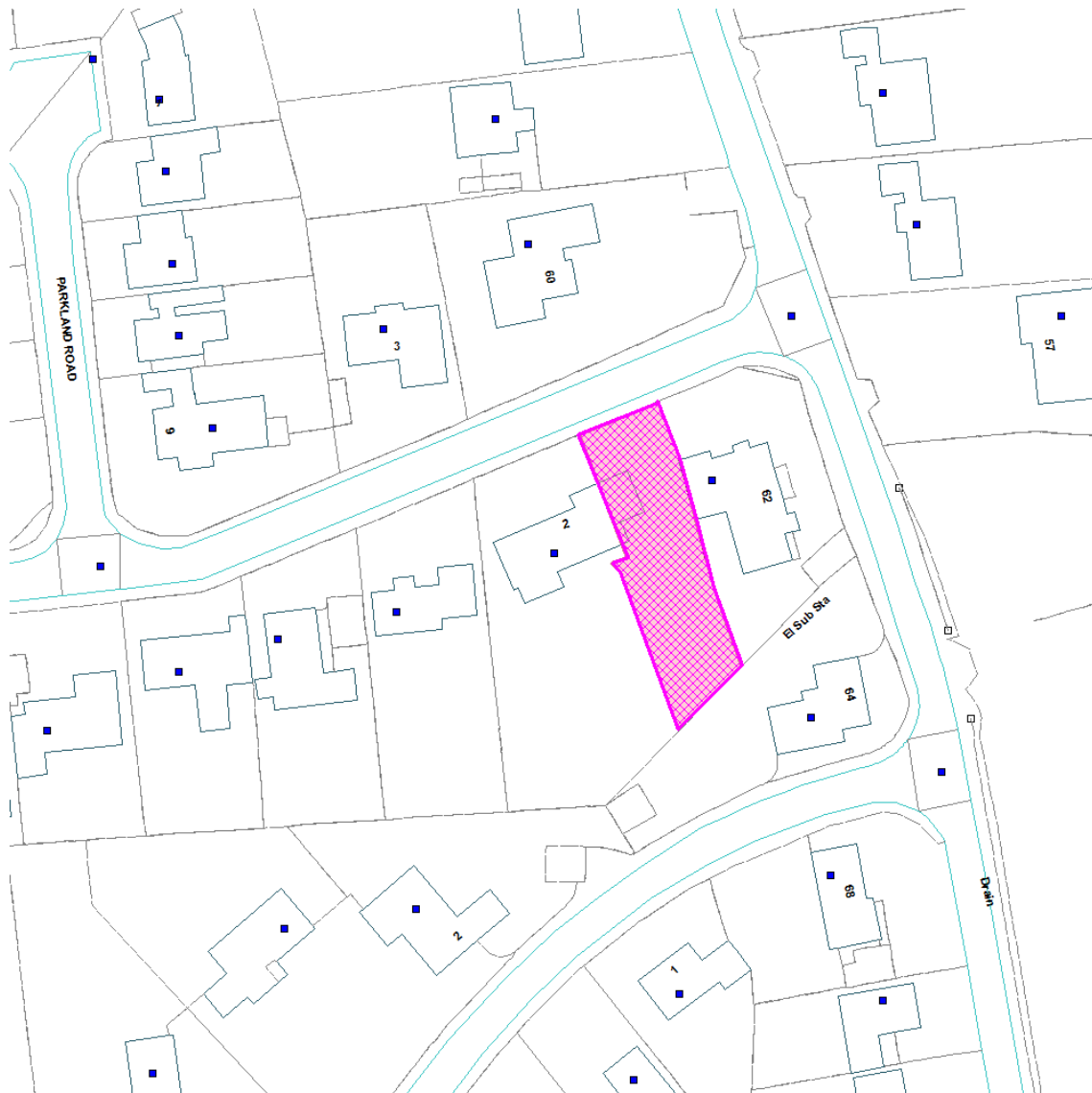
- 1 In accordance with the requirements of The Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 and the provisions of the NPPF, the Local Planning Authority adopts a positive and proactive approach to dealing with planning applications and where possible,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

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

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

APPLICATION NO: 15/01405/FUL		OFFICER: Mr Ed Baker	
DATE REGISTERED: 11th August 2015		DATE OF EXPIRY: 6th October 2015	
WARD: Charlton Park		PARISH:	
APPLICANT:	Mrs Mary Bridgewater		
AGENT:	Urban Aspects Ltd		
LOCATION:	2 Highland Road, Cheltenham		
PROPOSAL:	Proposed dwelling and garage		

RECOMMENDATION: Permit



1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site forms part of the side and rear garden of No. 2 Highland Road. No. 2 Highland Road is a large two storey detached dwelling and is located close to the entrance of a large housing estate of late 20th Century origin.
- 1.2 The site has a frontage with Highland Road on its north side. There are neighbouring houses to either side including No. 2 Highland Road to the west and No. 62 Sandy Lane to the east. No. 60 Sandy Lane is located to the other side of Highland Road to the north, as is No. 3 Highland Road. At the rear (south) the site backs onto Hartley Close.
- 1.3 The application seeks full planning permission for the erection of a detached two storey dwelling with single storey integral garage. The dwelling would have 3 bedrooms. No. 2 currently benefits from two vehicular accesses and the most eastern one will form the access to the new dwelling. The proposal involves demolition of the existing link extension /double garage on the eastern side of No. 2 to make room for the new house. The proposal also involves the erection of a single detached garage for No. 2.
- 1.4 The application is referred to the Planning Committee at the request of Councillor Sudbury and because the Planning Committee considered an application for a dwelling house on the same site previously (15/00185/FUL).

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Landfill Sites boundary
Smoke Control Order

Relevant Planning History:

15/00185/FUL 25th March 2015 REF
Erection of dwelling and single garage

82/00470/PF 28th January 1983 PER
Erection Of Bungalow

82/00324/PF 5th October 1982 PER
Adjoining 2 Highland Road - Erection Of 1 No Dwelling

82/00055/PF 7th April 1982 PER
2 Storey Extension To Form Enlarged Living Room And Bedrooms And New Porch

81/00172/PO 21st May 1981 PER
2 D Adjoining 2 Highland Road Cheltenham Gloucestershire - Erection Of 1 No Dwelling

72/00139/PO 4th May 1972 REF
2 D Adjoining 2 Highland Road Cheltenham Gloucestershire - Erection Of One Detached Dwelling And Construction Of Vehicular Access

82/00470/PF 28th January 1983 PER
Erection Of Bungalow

3. POLICIES AND GUIDANCE

Adopted Local Plan Policies

CP 1 Sustainable development
CP 4 Safe and sustainable living
CP 7 Design
HS 1 Housing development
HS 2 Housing density
RC 6 Play space in residential development
RC 7 Amenity space in housing developments
TP 1 Development and highway safety
TP 2 Highway standards
TP 6 Parking provision in development

Supplementary Planning Guidance/Documents

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

National Guidance

National Planning Policy Framework
National Planning Policy Guidance

4. CONSULTATIONS

GCC Highways Planning Liaison Officer

13th August 2015

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

Building Control

4th August 2015

No comment

Gloucestershire Centre for Environmental Records

25th August 2015

In summary, during the past 12 years, there has been evidence of common frogs, slow-worms and grass snakes within 160 metres of the site; pipistrelle bats within 105 metres; and moths within 60 metres.

Environmental Health Officer

7th September 2015

MANAGEMENT OF ASBESTOS (The Control of Asbestos Regulations 2006 Regulation 5)

WHEN REFURBISHMENT OR OTHER WORK WHICH DISTURBS THE FABRIC OF THE BUILDING ARE PLANNED THEN IT WILL BE NECESSARY TO COMPLETE A REFURBISHMENT AND DEMOLITION SURVEY, IN AREAS WHERE THE MANAGEMENT SURVEY HAS NOT BEEN INTRUSIVE, BEFORE THE WORK IS CARRIED OUT.

This type of survey is used to locate and describe, as far as reasonably practicable, all asbestos contain materials in the area where the refurbishment work will take place or in the whole building if demolition is planned. The survey will be fully intrusive and involve

destructive inspection, as necessary, to gain access to all areas, including those that may be difficult to reach.

A refurbishment and demolition survey may also be required in other circumstances, e.g. when more intrusive maintenance and repair work will be carried out.

The full guidance document (HSG 264) is available on line

Architects Panel

1st September 2015

The Architects Panel has met and their comments will be relayed to the Planning Committee via updating.

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	10
Total comments received	4
Number of objections	4
Number of supporting	0
General comment	0

5.1 Comments Received

Please see attached.

6. OFFICER COMMENTS

6.1 Determining Issues

6.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning decisions are made in accordance with the Development Plan, unless materials considerations indicate otherwise.

6.3 The Development Plan for the area is the Cheltenham Borough Local Plan (adopted 2006).

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

6.5 The main issues relevant to the consideration of the planning application are:

- (i) Planning history
- (ii) Sustainability
- (iii) Impact on the character and appearance of the area
- (iv) Impact on neighbour amenity
- (v) Access and parking
- (vi) Other matters

6.6 Planning history

- 6.7** The Planning Committee refused a previous application for a dwelling on the site in March of this year (15/00185/FUL). The reason for refusal was as follows:

'The proposed dwelling, by reason of a combination of its front facing gable onto the road, bland and simplistic façade, and heavy use of timber effect cladding and grey powder coated window frames would appear strident in the street scene and would fail to complement and respect the character and appearance of the area. The proposed dwelling would not be of a sufficiently high standard of architectural design, which would otherwise be required in this prominent site at the entrance to the residential estate. The proposal fails to take the opportunity for a high quality design solution for the site with a substandard design. It therefore fails to accord with Saved Policy CP7 of the Cheltenham Borough Local Plan (2006) and paragraphs 56 and 64 of the National Planning Policy Framework (2012), which promote high standards of design, and is unacceptable.'

- 6.8** It should be noted that the previous application was found to be acceptable with regard to sustainability, impact on neighbours and the suitability of the access/transportation issues.
- 6.9** The previous refusal decision is an important material consideration when the current planning application is considered.
- 6.10** There has been no material change to planning policy or physically on the ground since the previous refusal. Therefore, the principal consideration for the current application is whether the revised design of the dwelling overcomes the previous grounds for refusal

6.11 Sustainability

- 6.12** The site is located within an established residential area and urban area of the town. The site is located in a sustainable location with reasonable access to jobs, services, public transport and shops. The proposal would make effective use of land. It would add to the housing stock and supply in the area.
- 6.13** The location of the site remains sustainable and the proposal raises no strategic concerns. It should be noted that this was not a refusal reason in the previous application.

6.14 Impact on the character and appearance of the area

- 6.15** It is considered that this is the main issue for the assessment of the application. The previous application was refused on grounds that the design of the dwelling was inappropriate for the site and not of sufficient quality.
- 6.16** The new application proposes a substantially different design. The previous design was gable end onto the road with its top half clad in timber effect materials. The new design is more orthodox and suburban with a front gable and cat-slide roof. It would have an integral garage. Facing materials would be brick and render. The roof would be finished in red/brown tiles. The proposed design is more reflective of the style of No. 60 Sandy Lane opposite (which is a dormer bungalow) and not dissimilar to No. 62 Sandy Lane next door.
- 6.17** The proposed dwelling is larger than before both in terms of width (including a single storey integral garage) and height. It occupies more of the space between the adjacent properties, No. 2 and No. 60. In this regard, it is felt that the previous scheme is more successful as there was more "breathing space" between the dwellings. The proposed dwelling would appear more cramped than the previous scheme. The integral garage has a hipped roof to reduce the massing of the roof and increase the sense of space between the proposed dwelling and No. 60.

6.18 The architectural style of the property better relates to Nos. 60 and 62 than the previous scheme did. However, it is quite distinct from the circa 1970s/1980s design of No. 2. In regard to the architectural relationship with No. 2, the current proposal is considered less successful. But its relationship with Nos. 60 and 62 is improved.

6.19 Notwithstanding, the design and massing of the proposed dwelling is considered to be, on balance, acceptable. The proposal is not a poor design and would relate satisfactorily to its context. The gap between No. 2 and No. 60 should not be overplayed in terms of importance because the existing link extension/garage which occupies this space is quite unattractive. When weighing up the sustainable benefits of the proposal against the slight design concerns as outlined above, the proposal is considered acceptable.

6.20 Impact on neighbour amenity

6.21 The neighbours most affected by the proposed dwelling are the applicant's property, No. 2, and the next door property, No. 62.

6.22 The relationship of the new dwelling with No. 2 is similar to before and remains acceptable.

6.23 The proposed dwelling does not have a significantly different relationship with No. 62 than before. Although the dwelling is higher (7 metres compared with 6.3 metres) and has a larger roof, it is considered that the overall impact of this would not be great. The main two storey element of the dwelling would be situated a reasonable distance from the boundary with No. 62 at 4 metres. The single storey garage is closer to No. 62 but should lead to no significant impact because of its size. Even taking in account that No. 62 is on lower ground than the site, the proposed dwelling would unlikely lead to significant overbearing or loss of light compared with the previous scheme, which was found to be acceptable.

6.24 In terms of overlooking, the rear facing first floor bedroom windows are at the same height and in a similar position as before. There would be no harmful overlooking of No. 62.

6.25 It is considered that the impact of the proposal on neighbour amenity would be acceptable.

6.26 Access and parking

6.27 The proposed access arrangements are essentially the same as the previous application. The new dwelling would use one of the two existing access points to No. 2 Highland Road. No. 2 would revert to using one access only, which would serve a new single detached garage to the side.

6.28 Whilst the concerns of local residents about access issues are understood, there is already an access in situ in this same location.

6.29 The turning space within the site has been improved with a larger turning head provided. The proposal includes adequate space for off-street parking and turning for two vehicles, which is considered acceptable.

6.30 The net transport impact of the new dwelling is likely to be minimal. No severe highway impacts are identified. It should be noted that this was not a refusal reason for the previous application.

6.31 Other matters

6.32 Ecology – there is no evidence that the proposal would harm ecological interests. The previous application was not refused on ecological grounds and it would be unreasonable for the Local Planning Authority to introduce this as a concern now.

- 6.33** Play space – in accordance with Policy RC 6 of the Local Plan, the applicant/developer should make a contribution to enhance local play space. This can be secured by means of a planning condition.

7. CONCLUSION AND RECOMMENDATION

- 7.1** It is considered that the design of the proposed dwelling relates satisfactorily to its context. The proposed dwelling displays a number of positive sustainability attributes and it is recommended that planning permission is granted.

8. CONDITIONS / INFORMATIVES

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The development hereby permitted shall be carried out in accordance with drawing numbers BRW14.01 101, BRW14.01 102, BRW14.01 103, BRW14.01 106, BRW14.01 107 and BRW14.01 108 received on 10 August 2015; and drawing numbers BRW14.01 104 A and BRW14.01 105 A received on 19 August 2015.
Reason: To ensure the development is carried out in strict accordance with the approved drawings.
- 3 No external facing or roofing materials shall be applied unless in accordance with a) a written specification of the materials; and b) physical sample/s of the materials, details of which shall have been submitted to and approved in writing by the Local Planning Authority.
Reason: In the interests of the character and appearance of the area, having regard to Policy CP7 of the Cheltenham Borough Local Plan (adopted 2006).
- 4 Prior to the commencement of development, a scheme for the provision or improvement of recreational facilities to serve the proposed dwelling shall be submitted to and approved in writing by the Local Planning Authority. The dwelling shall not be occupied until the approved scheme has been implemented.
Reason: To avoid any increase in the Borough's imbalance between population and the provision of outdoor play space and related facilities in accordance with Local Plan Policy RC6 relating to play space in residential development.
- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and/or re-enacting that order) the first floor window in the west elevation (shown as serving an en-suite bathroom on the approved drawings); shall be glazed with obscure glass and shall be non-opening unless the parts of the window which can be opened are more than 1.7 metres above floor level. The window shall be maintained as such thereafter.
Reason: To safeguard the amenities of the adjoining properties in accordance with Local Plan Policy CP4 relating to safe and sustainable living.
- 6 The dwelling shall not be occupied until the parking and turning areas have been laid out in accordance with drawing number BRW14.01 103 received on 10 August 2015. The said areas shall be retained at all times free of obstruction for the parking and turning of vehicles.

Reason: To ensure that adequate parking and turning space is provided within the curtilage of the site to enable vehicles to enter and leave the site in forward gear.

- 7 There shall be no obstruction to visibility exceeding 900mm in height above adjoining carriageway level within the area measured 2 metres back from the carriageway edge and extending across the entire frontage of the site with Highland Road.

Reason: In accordance with Local Plan Policy TP1 relating to development and highway safety.

- 8 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and/or re-enacting that order with or without modification), no fences, gates, or walls shall be erected forward of the front (north) elevation of the dwelling without express planning permission.

Reason: Any further boundary enclosures requires detailed consideration to safeguard the open plan character of the estate in accordance with Local Plan Policies CP4 and CP7 relating to safe and sustainable living and design.

INFORMATIVES

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

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

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

APPLICATION NO: 15/01405/FUL		OFFICER: Mr Ed Baker	
DATE REGISTERED: 11th August 2015		DATE OF EXPIRY : 6th October 2015	
WARD: Charlton Park		PARISH:	
APPLICANT:	Mrs Mary Bridgewater		
LOCATION:	2 Highland Road, Cheltenham		
PROPOSAL:	Proposed dwelling and garage		

REPRESENTATIONS

Number of contributors	4
Number of objections	4
Number of representations	0
Number of supporting	0

The Studio
 25 Delebere Road
 Bishops Cleeve
 Cheltenham
 Gloucestershire
 GL52 8AN

Comments: 2nd September 2015
 Letter attached.

3 Highland Road
 Cheltenham
 Gloucestershire
 GL53 9LU

Comments: 31st August 2015

We object to the proposal 15/01405/FUL - proposed new dwelling at 2 Highland Road for the following reasons:

Many houses in this area have large plots as confirmed by the plot analysis on the application, our concern is that if this proposal is approved a precedent would be set which could result in a flurry of similar applications to divide plots for new property development. If this happens the current area would change dramatically and not for the better with increases in traffic and parking issues (as found on Everest road) as well as changing the feel and peaceful nature of the area, factors which attracted us to purchase a property in the area less than 1 month ago.

The application states that the property currently has 5 parking spaces and will retain 5 parking spaces for current and new property parking. We are unsure how this would fit and are concerned that if additional cars began parking on the road it could cause an accident. On street parking next to a busy junction will not be safe. There are small children in the area and a concern is cars travelling at speed crossing over the wrong side of the road to avoid any cars parked on the street in front of the proposed property (again as seen in Everest road).

Two properties in place of one large home will look cramped and is not inline with the surrounding properties, there are several new sustainable developments within the area that are providing

new homes to meet demand for the popular areas such as Charlton Kings and Leckhampton. We don't consider sustainable development on a site where development isn't required to be a valid reason for why this proposal should be approved.

55 Sandy Lane
Charlton Kings
Cheltenham
Gloucestershire
GL53 9DG

Comments: 1st September 2015

I would like to reiterate the comments made for the previous application (letter dated 17th February 2015).

2 Highland Road already has a shared drive. It is very close to a busy junction. Cars turn into Highland Road from both directions of Sandy Lane, often too fast and cutting the corners. The residents have difficulty now in exiting the drive, and with extra cars I feel that this should not be allowed.

Fairways
62 Sandy Lane
Charlton Kings
Cheltenham
Gloucestershire
GL53 9DQ

Comments: 1st September 2015

Letter attached.

Our Ref: BM119

Mr Ed Baker
Development Management
Cheltenham Borough Council
Municipal Offices
Promenade
Cheltenham
GL50 9SA

1st September 2015

Planning Reference 15/01425/FUL for the Erection of a dwelling and attached garage at 2 Highland Road, Cheltenham, Gloucestershire

Dear Ed Baker

I write in respect of the above planning application on behalf of [REDACTED] Lane, Cheltenham. No. 60 Sandy Lane lies directly opposite the application site area.

A similar application (planning reference 15/00185/FUL) was considered and refused at the March 2015 Planning Committee meeting (19/03/2015) for the following reason:

The proposed dwelling, by reason of a combination of its front facing gable onto the road, bland and simplistic façade, and heavy use of timber affect cladding and grey powder coated window frames would appear strident in the street scene and would fail to complement and respect the character and appearance of the area. The proposed dwelling would not be of a sufficiently high standard of architectural design, which would otherwise be required in this prominent site at the entrance to the residential estate. The proposal fails to take the opportunity for a high quality design solution for the site with a substandard design. It therefore fails to accord with Saved Policy CP7 of the Cheltenham Borough Local Plan (2006) and paragraphs 56 and 64 of the National Planning Policy Framework (2012), which promote high standards of design, and is unacceptable.

It should be noted that the published minutes of the March 2015 Planning Committee meeting; which recorded Members debate in respect of this former application; make reference to the harmful impact of the development upon the character and appearance of the locality. These concerns have not been reflected by officers in the reason for refusal, shown above. For completeness, I have enclosed the published minutes with this representation.

Following the submission of the current application, Mr & Mrs McKinlay wish to object to the proposed development for the following reasons:

- 1) The proposal involves the erection of a new dwelling within the existing side garden area currently associated with No. 2 Highland Road. The proposed new dwelling would be 'shoe-horned' between the existing residential properties known as 62 Sandy Lane and 2 Highland Road. This would result in a cramped form of development that closes the existing open gap between the adjacent dwellings. The application site area is located in a prominent location at the junction of sandy Lane and Highland Road which is characterised by large dwellings set within spacious plots. This existing pattern of development results in spaces or gaps between buildings that creates a sense of spaciousness and contributes to the character of the immediate area. The prominent location of the application site only acts to increase the importance of its context.

With the above in mind, the proposal would not reflect the layout, development patterns or spacious gaps between buildings which are clearly evident in the immediate locality and would be contrary to Cheltenham Borough Local Plan Policy CP7, Cheltenham Borough Council: Garden Land and Infill Supplementary Planning Document and the NPPF.

- 2) The architectural design of this subsequent proposal is by comparison far more visually pleasing however the proposal has increased in size and scale. This enlargement compounds the resultant harm created by the over-development of an existing side garden area which is currently associated with 2 Highland Road. The proposed would therefore not respond, respect or compliment the character and appearance of the immediate area and as such would not represent good quality design contrary to the requirements of Cheltenham Borough Local Plan Policy CP7 and the NPPF.
- 3) By virtue of the significant land level difference and single storey nature of the adjoining property known as 62 Sandy Lane the proposed would have an overbearing impact and therefore does not accord with Cheltenham Borough Local Plan Policy CP4 and the NPPF.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 requires planning proposals to be determined in accordance with Development Plan policies unless material considerations indicate otherwise. It is the considered view of this representation that the above proposal does not accord with relevant Development Plan Policy CP7; Supplementary Planning Document: Development on Garden Land and Infill Site in Cheltenham; nor paragraphs 17 and 56 of the National Planning Policy Framework (NPPF) and therefore should not be supported. The current proposal should be considered in light of paragraph 64 of the NPPF that states "permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions".

It should be noted that both the Cheltenham Borough Local Plan and Supplementary Planning Document (SPD): Development on Garden Land and Infill Site in Cheltenham are considered dated in

terms of decision-making and both documents refer to cancelled national planning policy that has since been replaced by the NPPF. Notwithstanding this, both documents are consistent with the aims of the NPPF on matters relating to architectural and urban design and on this basis can be accorded weight in the decision-making process.

Cheltenham Borough Local Plan

Policy CP7 - Design

Cheltenham Borough Local Plan Policy (LLP) CP7 states, inter alia, that *Development will only be permitted where it:*

- (a) Is of a high standard of architectural design; and*
- (b) Adequately reflects principles of urban design; and*
- (c) Complements and respects neighbouring development and the character of the locality and/or landscape.*

Both LPP CP7 and its supporting text refer to *Table 3: Principles of Urban Design* and *Table 4: Principles of Architectural Design* in securing the aims of LPP CP7 that supports development which reflects a high standard of architectural design and urban design principles.

Policy CP4 – Safe and Sustainable Living

Cheltenham Borough Local Plan Policy (LLP) CP4 states, inter alia, that Development will only be permitted where it would:

- (a) Not cause unacceptable harm to the amenity of adjoining land users and the locality.*

Supplementary Planning Document

Detailed information relating to character and amenity is set out in the Cheltenham Borough's Garden Land and Infill SPD along with how these types of development proposals will be assessed.

Of particular relevance to this proposal is the 'Layout and development patterns' section in Appendix 1. This section emphasises the need for new proposal to compliment and respect street layout "*through building lines, plot widths and the amount of built frontage (the ratio of built form to gap along the frontage)*" (page 33). Page 33 goes on to state that where a street layout (width and spacing of dwellings) is not respected "proposals which vary from this will not normally be acceptable".

National Planning Policy Framework

Paragraphs 17 and 56 of the NPPF require "good design" to underpin both plan-making and decision-taking. Paragraph 17 requires that planning should "*always seek to ensure high quality design and a good standard of amenity for all existing and future occupants of land and buildings*". Paragraph 56

states that *“Good design is a key aspect of sustainable development is indivisible from good planning and should contribute positively to making places better for people”*.

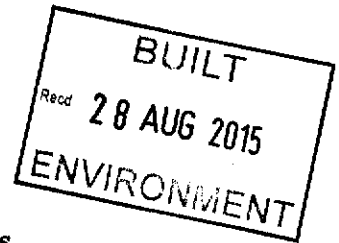
For the above reasons, Officers and Members are requested to refuse this current proposal as it does not concur with relevant Development Plan policy or material considerations set out in the NPPF. Whilst the need for new homes in sustainable locations is acknowledged, this need would not out-weigh the harm, in terms of urban design and amenity, this proposal represents. Furthermore, this development cannot be made acceptable through the use of conditions.

Yours sincerely,



Wendy Hopkins MRTPI





Fairways
62 Sandy Lane
Cheltenham
GL53 9DQ

26 August 2015

Mr Ed Baker
Planning Officer
Cheltenham Borough Council
PO Box 12, Municipal Offices
Promenade
Cheltenham GL50 1PP

Dear Mr Baker

15/001405/FUL 2 Highland Road

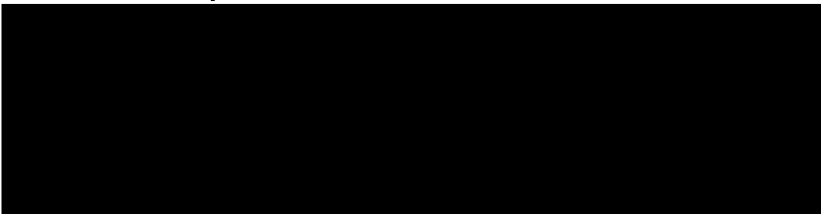
We do have some concerns and objections to this new application.

The proposed design does not complement and respect the neighbouring properties and character of the area. It is an open, prominent corner and properties are spaced out with detached dwellings on large plots. The proposed dwelling will be "shoehorned" in and will create enclosure and alter the character of the immediate locality. It will be out of keeping with the area.

Our bungalow and patio sit lower than the adjoining garden (No 2). The proposed dwelling will not only sit closer to our property than the previous application, but it will be of a taller structure and be set back further into the garden. This will therefore impact on our privacy, daylight and sunlight and overshadow our garden because of the different land levels.

Consideration should also be given to the close proximity of the road junction of Highland Road and Sandy Lane. Vehicles tend to cut the corner whilst travelling at speed from both directions of Sandy Lane.

Yours faithfully



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APPLICATION NO: 15/01405/FUL		OFFICER: Mr Ed Baker
DATE REGISTERED: 11th August 2015		DATE OF EXPIRY: 6th October 2015
WARD: Charlton Park		PARISH:
APPLICANT:	Mrs Mary Bridgewater	
AGENT:	Mr Russell Ranford	
LOCATION:	2 Highland Road Cheltenham Gloucestershire	
PROPOSAL:	Proposed dwelling and garage	

Update to Officer Report

1. CONSULTEE COMMENTS

- 1.1. The following comments on the application have been received from the Architects Panel:

'The panel had reviewed this previously and felt the current scheme was an improvement. The hip on the garage seemed un-necessary (a straight gable being preferable) but the panel would support this proposal.'

- 1.2. The hip roof on the garage was incorporated at the suggestion of officers in order to increase the sense of space between the dwelling and No. 62 Sandy Lane next door.
- 1.3. The Environmental Health Officer has no adverse comments on the application.

2. OTHER MATTERS

- 2.1. The agent confirms the comparative floor space of the previously-refused dwelling and currently proposed dwelling as follows:

Previous refusal: 107 square metres

Current proposal: 125 square metres

3. CONCLUSION & RECOMMENDATION

The recommendation remains to permit.

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